

# **“No one Can Say I’m Soft on Crime”**

*A Study of Political Developments and Mass Incarceration in the  
Deep South from the Civil Rights Movement to the 2000s*

Vilde Norland Vistnes



A Thesis Submitted to  
the Department of Literature, Area Studies and European Languages at the  
Faculty of Humanities

ENG4790 (30 ECST)

University of Oslo

Spring 2021



**“No one Can Say I’m Soft on Crime”**

*A Study of Political Developments and Mass Incarceration in the  
Deep South from the Civil Rights Movement to the 2000s*

Vilde Norland Vistnes

© 2021 Vilde Norland Vistnes

“No one Can Say I’m Soft on Crime:” A Study of Political Developments and Mass Incarceration in the Deep South from the Civil Rights Movement to the 2000s

Vilde Norland Vistnes

<http://www.duo.uio.no/>

Print: Reprosentralen, University of Oslo

## **Abstract**

The Deep South in the United States consists of the five states Louisiana, Georgia, Mississippi, Alabama, and South Carolina. The region has the most infamous history of race relations in the United States. This involves slavery, segregation, violence, and white supremacy. Before the 1950s, the political landscape in the Deep South was Democratic, and black and white Southerners were segregated through Jim Crow laws. Once the civil rights movement developed through the 1950s and 1960s, the political landscape in the South started to shift, and the Republican Party emerged in the South. This thesis is a study of the history of political developments and mass incarceration in the Deep South from the civil rights movement until the 2000s. Mass incarceration is the phenomenon of exceptionally high imprisonment rates that normally targets one group in the society. In the case of the United States, this group is African American men. The Deep South serves as an important region of investigation because of its high imprisonment rates and its conservative political forces that have supported and adapted some of the harshest penalties in the nation. Research has shown how much the South has contributed to several polarizing political issues in the U.S. today. The history of the Republican Party's emergence in the South and on the national stage in the 1970s and 1980s influenced the Democratic Party's rebranding in the 1990s regarding criminal justice and the passing of the 1994 Crime Bill. Punitive measures in criminal justice have historically been a popular political issue among American voters in the U.S.

This thesis argues that the 1994 Crime Bill contributed and influenced Southern politicians to expand correctional facilities and enforce longer sentences for repeat offenders, which boosted mass incarceration of African Americans in the Deep South. The Republican Party had by the 1990s formed a solid political coalition in the Deep South, and together with conservative Democratic Governors, they supported punitive criminal justice measures. Following passage of the 1994 Crime Bill, Southern politicians increased funding and implemented harsher federal sentences in a region with the most racial disparity in the nation. In 2010, 60 percent of incarcerated in the Deep South were African American men. In general, the thesis will contribute to the conversation of mass incarceration, the southernization of American politics that occurred after the 1960s, and how race has influenced American politics and laws.

## Acknowledgements

First and foremost, a huge thank you to my supervisor Randall James Stephens who helped me shape and develop this thesis into something useable. His academic knowledge and insight on the subject of the thesis has been invaluable. The thesis would never have become what it is without his many edits, comments, and contributions. A second thanks is due to Guro and Martine, who made the last year a lot more social and less lonely than first predicted. I will miss our powerking/redbull breaks and conversations at Niels Treschows.

Thank you to my friends and family who have supported and rooted for me through my five years at the University. A special thanks to Espen who has been my cheerleader this last year. I would never have finished this thesis without your help and support.

My five years at the University of Oslo have been a memorable experience that I will remember and cherish forever. It would never have been the same without the invaluable friendships I have built over these five years, and I am forever grateful to have met some of my best friends at the University. Thank you to Nicole for making the first few years at countless seminars and new courses fun and social. Thank you to Eilen, Kristin, Mina, and Susann for all the memories and trips over the last five years. Can't wait for many more.

Vilde Norland Vistnes.

# Table of Contents

- 1 INTRODUCTION ..... 1**
- 2 CIVIL RIGHTS AND THE SOUTHERN STRATEGY..... 7**
  - 2.1 THE EMERGENCE OF THE REPUBLICAN PARTY ..... 11**
  - 2.2 WAR ON DRUGS..... 15**
- 3 THE DEMOCRATIC TAKEOVER.....21**
  - 3.1 TURNING THE TABLES..... 21**
  - 3.2 VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT..... 26**
  - 3.3 THE MEDIA’S INFLUENCE ON THE PUBLIC’S PERCEPTION OF CRIME..... 29**
  - 3.4 THE SITUATION OF CRIME IN THE 1990S ..... 33**
- 4 THE INFLUENCE OF THE CRIME BILL.....36**
  - 4.1 REPUBLICANS NEW BASE..... 36**
  - 4.2 TRUTH IN SENTENCING ..... 39**
  - 4.3 THREE STRIKES AND YOU’RE OUT ..... 42**
  - 4.4 MASS INCARCERATION IN THE DEEP SOUTH ..... 46**
- 5 CONCLUSION .....51**
- BIBLIOGRAPHY.....53**

# 1 Introduction

On July 15, 2015, Bill Clinton gave a speech about his 1994 Crime Bill at the N.A.A.C.P. convention in Philadelphia. Clinton admitted that it had contributed to mass incarceration in the United States and told the audience apologetically, “I signed a bill that made the problem worse. And I want to admit it.”<sup>1</sup> Clinton acknowledged the consequences of longer sentences implemented by the Crime Bill and noted, “most of these people are in prison under state law, but the federal law set a trend. And that was overdone. We were wrong about that.”<sup>2</sup> Indeed, the 1994 Crime Bill increased federal funding to criminal justice systems in the states. It also implemented a federal “three-strikes-and-you’re-out” law and expanded the death penalty to include more than 60 capital offenses. Clinton’s Crime Bill is one among many federal and state laws that have led to the phenomenon of mass incarceration in the U.S.

The first to coin the term “mass incarceration” or “mass imprisonment” was the legal scholar and sociologist David Garland. Garland asserts that “imprisonment becomes mass imprisonment when it ceases to be the incarceration of individual offenders and becomes the systemic imprisonment of whole groups of the population.”<sup>3</sup> He notes how in the United States, this group consists of African American men. Several scholars have also shed light on the background and consequences of mass incarceration. The striking number of having 25 percent of the worlds’ incarcerated behind bars in the United States makes mass incarceration a topic of research and conversation. When over half of those incarcerated are African American and other minority groups, the racial disparities in the criminal justice system become evident. This thesis will focus on one of the central reasons of mass incarceration in the U.S., Bill Clintons’ 1994 Crime Bill. The objective of the thesis is to research what factors contributed to the passing of the bill and how the bill contributed to mass incarceration of African Americans in the Deep South.

The Deep South consists of Alabama, Georgia, Louisiana, Mississippi, and South Carolina. Merle Black and Earl Black describe how the Deep South is significant because it “represents a heightened version of the main characteristics of the entire South.”<sup>4</sup> The high

---

<sup>1</sup> Bill Clinton quoted in Peter Baker, “Bill Clinton Concedes His Crime Law Jailed Too Many for Too Long,” *The New York Times*, July 16, 2015, <https://www.nytimes.com/2015/07/16/us/politics/bill-clinton-concedes-his-crime-law-jailed-too-many-for-too-long.html>.

<sup>2</sup> Baker, “Bill Clinton Concedes His Crime Law Jailed Too Many for Too Long.”

<sup>3</sup> David Garland, *Mass Imprisonment: Social Causes and Consequences* (London: SAGE, 2001), 2.

<sup>4</sup> Merle Black and Earl Black, “Deep South Politics: The Enduring Racial Division in National Elections,” *Oxford Handbook of Southern Politics*, eds. Charles S. Bullock III and Mark J. Rozell (New York: Oxford University Press, 2012), 403.



proportion of conservatives and African Americans in the electorate in the Deep South is unique compared to other parts of the nation. Black and Black note how these two groups accounted for 61% of the Deep South electorate in 2004, and 27% of the voters were African Americans. This percent was much smaller in other parts of the nation.<sup>5</sup> The large population of African Americans in the Deep South have contributed to racist attitudes and white supremacist political preferences among many white Southerners, which has formed a large conservative voting base. The conservative voting base turned to the Republican Party after the backlash against the civil rights movement, and African Americans became loyal supporters of the Democratic Party.<sup>6</sup> The polarization in voting in the Deep South have proved significant for the political development in the region, but also political development at the federal level. This thesis will study these developments and the reasons behind them more closely.

The Deep South is not only significant because of its high proportion of African Americans and white conservatives, but also because of its high incarceration rates. In 1979, there were 314,083 inmates in either state or federal correctional facilities, whereas 36,235 were in the Deep South.<sup>7</sup> By 2019, the number of incarcerated in federal or state prisons had reached 1,430,805 inmates. Of those incarcerated, 151,193 were from the Deep South.<sup>8</sup> That equals an increase of 355% of the total prison population and 317% in the Deep South. The region is also historically known for its punitive approach to penal practices. There are numerous stories of violence and torture, forced labor, and white supremacy in criminal justice facilities in the South. The historian Heather Ann Thompson challenges the narrative that the South has been exceptionally harsh when it comes to penal practices and sheds light on infamous penal practices from the South, such as convict leasing and chain gangs that originally came from the North. Thompson writes, “prisoners did not necessarily fare better when confined inside northern institutions rather than being chained together in the South. This was particularly true of black inmates.”<sup>9</sup> Nevertheless, the region remains among the highest in incarcerated per 100,000 people. In 2019, Louisiana had the highest imprisonment rate in the nation, with 680 people per 100,000 people. Mississippi had 636 per 100,000

---

<sup>5</sup> Black and Black, “Deep South Politics,” 403.

<sup>6</sup> Black and Black, “Deep South Politics,” 403.

<sup>7</sup> U.S. Department of Justice, “Prisoners 1979,” *Bureau of Justice Statistics*, January 1980, <https://www.bjs.gov/content/pub/pdf/psfi79.pdf>.

<sup>8</sup> E. Ann Carson, “Prisoners in 2019,” *Bureau of Justice Statistics*, October 2020, <https://www.bjs.gov/content/pub/pdf/p19.pdf>.

<sup>9</sup> Heather Ann Thompson, “Blinded by a ‘Barbaric’ South,” in Matthew D. Lassiter and Joseph Crespino, *The Myth of Southern Exceptionalism* (New York: Oxford University Press, 2010), 80.

people, and Georgia, Alabama, and South Carolina followed with a rate of 507, 419, and 353 incarcerated people per 100,000. Only South Carolina was below the nationwide average of 419 per 100,000 U.S. residents of all ages based on all the states. Compared to Maine, which had 146 incarcerated per 100,000 people, the incarceration rate in the Deep South was extremely high.<sup>10</sup>

Scholars have offered explanations on why the U.S. is the world's prison nation. Legal scholar Michelle Alexander points to the war on drugs as one of the main contributing factors. She asserts that Nixon initially declared the war in the 1970s, but Reagan further expanded it in the 1980s. This has led to the incarceration of many Americans on mandatory minimums for non-violent drug offenses. Reagan's 1980s drug laws implemented several harsh mandatory minimums for drug offenses, which have contributed to the long sentences drug offenders received and still receive today. Alexander argues that a new racial caste has taken form as a result. Jim Crow laws and legal segregation have led to mass imprisonment and a criminal justice system that is racially biased in arrests, sentencing, and legislation.<sup>11</sup>

African Americans have suffered under an oppressive and biased system. Criminologist Michael Tonry points to how discrimination of African Americans and other minorities can be traced far back in history. Through slavery, violence, Jim Crow, and segregation, American race relations developed and took on new forms.<sup>12</sup> White supremacy has been a constant factor through these new forms of discrimination. Through these new forms of discrimination has the general perception of punishment changed as well. Sociologist David Garland points to the decline of the rehabilitative approach in the criminal justice system. He notes how the criminal justice system has turned to punitive measures influenced by the public's perceptions of crime since the first half of the twentieth century. General ideas about crime have affected politics and attitudes regarding criminals. The success of "tough on crime" politicians has resulted in harsher criminal justice laws that received the support of the public. Many of those who engaged in criminal activity might have had a background of poverty, violence, neglect, or sexual abuse. Instead of trying to understand and rehabilitate, the general approach has turned to punishment. This general shift

---

<sup>10</sup> Carson, "Prisoners in 2019," 11.

<sup>11</sup> Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: New Press, 2010).

<sup>12</sup> Michael H. Tonry, *Punishing Race A Continuing American Dilemma* (New York: Oxford University Press, 2011), 99.

in attitudes regarding the criminal justice system has contributed to mass incarceration in the United States today.<sup>13</sup>

The criminologist Michael Tonry offers three reasons why political leaders and policymakers have implemented and supported punitive measures that have caused racial disparities in the criminal justice system. The first, according to Tonry, is “a psychology of American race relations characterized by stereotypes of black criminals, unconscious preferences for whiteness over blackness, and lack of empathy among whites for black offenders and their families.”<sup>14</sup> This is connected to the second reason. That is the history of white dominance over blacks regarding social, economic, and political relations. The third is the Republican southern strategy, which was enacted in the 1960s and 1970s to build on racial attitudes of white Southerners for political gain.<sup>15</sup>

Criminologist Todd R. Clear adds to this picture, noting how the prison population in the United States has been growing in waves. The first wave came in the 1970s in the Nixon era with its “tough on crime” politics. In this era several states passed laws that abolished parole. The effects on incarceration rates were moderate. However, it was the beginning of an expansion of prisons and longer sentences. The second wave happened in the 1980s in the Reagan era of conservative politics and the war on drugs. Media coverage of crime and a rhetoric of fear contributed to the public’s fear of drugs and Reagan passed several harsh mandatory minimums for first-time drug offenses. During the 1990s and the Clinton presidency, the third wave came when the federal government expanded funding for state prisons and implemented third strike charges for violent offenders.<sup>16</sup> This thesis will research how the first and second waves led to the third wave in the 1990s. Then it will show the impact of that third wave.

Several layers of federal and state politics have led to mass incarceration in the Deep South. This thesis will investigate how federal politics influenced state politics and politicians regarding criminal justice and how it led to mass incarceration of African Americans in the South. The Deep South serves as an important region of investigation because of its high imprisonment rates and its conservative political forces that have supported and adapted some of the harshest penalties in the nation. Right wing state governors and politicians in the South

---

<sup>13</sup> David Garland, *The Culture of Control: Crime and Social Order in Contemporary Society* (Chicago: The University Of Chicago Press, 2001), 8-11.

<sup>14</sup> Tonry, *Punishing Race*, 79.

<sup>15</sup> Tonry, *Punishing Race*, 79.

<sup>16</sup> Todd R. Clear, *Imprisoning Communities: How Mass Incarceration Makes Disadvantaged Neighborhoods Worse* (New York: Oxford University Press, 2010), 53.

were a key force in mass incarceration. The background leading up to the 1990s provides essential context to understand why the Democratic Party and Bill Clinton with Republican support took such a punitive stand on crime and expanded the criminal justice system in the 1990s. Research has shown how much the South has contributed to several polarizing political issues in the U.S. today. One of them is race. Racism influenced the turn to the right in American politics during the civil rights movement of the 1950s and 1960s in the South. Political strategies based on racism and white supremacy also nurtured a new Republican base in the South.<sup>17</sup> The turn to the right is also important because it is arguably one of the main contributors to the targeting of African Americans in the criminal justice system. This turn to the right also influenced the Democratic Party's rebranding in the 1990s regarding criminal justice.<sup>18</sup> Twelve consecutive years of Republican presidencies had left a mark on conservative politics in the U.S., and to compete, the Democratic Party had to appeal to voters they had previously lost to the Republican Party. Punitive measures in criminal justice have historically been a popular political issue among American voters in the U.S. The 1994 Crime Bill was also the outcome of the media's contribution to the public's perception of crime, which increased public support for tougher laws.

This thesis argues that the 1994 Crime Bill contributed and influenced Southern politicians to expand correctional facilities and enforce longer sentences for repeat offenders, which boosted mass incarceration of African Americans in the Deep South. The Republican Party had by the 1990s formed a solid political coalition in the Deep South, and together with conservative Democratic Governors, they supported punitive criminal justice measures. Following passage of the bill, Southern politicians increased funding and implemented harsher federal sentences in a region with the most racial disparity in the nation. In 2010, 60 percent of incarcerated in the Deep South were African American men. Though the criminal justice system also has targeted African American women, juveniles, and other minorities such as Hispanics, this thesis will contribute to the conversation of mass incarceration of African American men. In general, the thesis will contribute to the conversation of mass incarceration, the southernization of American politics that occurred after the 1960s, and how race has influenced American politics and laws. Thus, the thesis is also a contribution to the conversation of mass incarceration in the Deep South.

---

<sup>17</sup> Dan T. Carter, *The Politics of Rage: George Wallace, the Origins of the New Conservatism, and the Transformation of American Politics*, 2nd ed. (Baton Rouge: Louisiana State University Press, 2000), <https://hdl-handle-net.ezproxy.uio.no/2027/heb.02235>. EPUB.

<sup>18</sup> Naomi Murakawa, *The First Civil Right: How Liberals Built Prison America* (Oxford: Oxford University Press, 2014).

## Outline and Methodology

Using a historiographic research method with a qualitative approach, this thesis aims to understand how the Crime Bill of 1994 answered the current climate of criminal justice. With a specific focus on the history of crime and mass incarceration in the Deep South, this thesis studies how the law affected mass incarceration in this region. The thesis also makes use of primary sources from various public records. The graphs in the thesis draw on statistics attained from the Bureau of Justice Statistics, the Georgia Department of Corrections, South Carolina State Library Digital Collections, Alabama Department of Corrections, Mississippi Department of Corrections, and Louisiana Public Documents Digital Archive. In the graphs, the black and white rates account for the number of male inmates in correctional facilities and does not include other races or genders. The “total” rate accounts for all incarcerated and includes other races and genders. Statistical reports on prisons or correctional facilities come from the U.S. Department of Justice. This thesis also uses primary sources from the Clinton Digital Library and *the New York Times*, and *Time Magazine*. The secondary sources in the thesis provide essential context and academic research.

The thesis is split into three chapters. The first chapter will review the South’s history regarding race and law. This serves as a starting point for understanding how penal policies in the U.S. have developed and the South’s part in that development. The chapter investigates how political strategies such as the southern strategy and conservative and segregationist politicians used racist rhetoric to win over southern white voters. It will also study how the war on drugs contributed to the rapid increase in the incarceration of African Americans. Chapter two will examine the reasons for implementing the 1994 Crime Bill and the state of crime in the 1990s. The chapter will focus on the political gains the Crime Bill presented for the Democratic Party, and the media’s contribution to the rising fear of crime and the framing of African Americans as criminals. The third chapter will focus on the Deep South and will examine how the southern strategy had by the 1990s led to a stronghold of Republican politicians in the region. The chapter will also investigate the implementation of “truth-in-sentencing” and three-strikes laws in the states, and ultimately see how this contributed to mass incarceration in the Deep South.

## 2 Civil Rights and the Southern Strategy

In 1994, President Bill Clinton signed, in his words, the “toughest, largest, smartest federal attack on crime in history.”<sup>19</sup> Clinton was not the first president to put crime on the political agenda. Nevertheless, he was, arguably, the only Democratic president since the 1960s to take such a punitive stand on crime. To understand why Clinton made that move the political developments leading up to Bill Clinton’s Crime Bill need to be examined. A strong argument for the implementation of the Crime Bill had to do with the political gains it achieved. The Democratic Party lost many white voters to the Republican Party over Democratic support of civil rights, and through the Republican Party’s southern strategy. Moreover, this led to the Democratic Party’s need to compete with the Republican Party over white voters. This chapter looks at the longer background and content of political and social issues leading up to the Crime Bill. The starting point of the conversation is the period of the civil rights movement. The polarizing conflict about race that took form during this era has influenced the politics of both the Republican and Democratic Party leading up to the 1994 Crime Bill.

Before the 1940s, the political scientist Joseph Aistrup writes that the Democratic Party was the dominant party in the South. When the Democratic President Harry Truman desegregated the military in 1948, the Democratic landscape started to shift. Once the party started to lean towards a more liberal agenda on civil rights, an increasing number of white Southerners left the Democratic Party.<sup>20</sup> Once the civil rights movement took form and evolved through the 1950s, the Republican and Democratic Party started getting polarized on the issue regarding race. African Americans protested and demonstrated for their rights, and a victory in the fight for racial justice was the desegregation of schools in *Brown v. Topeka Board of Education* in 1954. However, in the era of civil rights and *Brown*, racist attitudes among politicians and white Southerners became visible in the public sphere and there was immense backlash against the civil rights movement.

In his book on civil rights, Harvard University Professor Michael Klarman discusses the importance of *Brown v. Topeka Board of Education* in 1954 and writes how it “dramatically increased the importance of race in Southern politics.”<sup>21</sup> Klarman sheds light on white supremacy in the Deep South, which became evident after *Brown*. Northern politicians

---

<sup>19</sup> Domestic Policy Council, Bruce Reed, and Crime Series, “POTUS Speeches,” *Clinton Digital Library*, accessed April 30, 2021, <https://clinton.presidentiallibraries.us/items/show/22601>, 1.

<sup>20</sup> Joseph A. Aistrup, *The Southern Strategy Revisited: Republican Top-down Advancement in the South* (Lexington, Ky: University Press of Kentucky, 1996), 6.

<sup>21</sup> Michael J. Klarman, *From Jim Crow to Civil Rights: The Supreme Court and the Struggle for Racial Equality* (Oxford: Oxford University Press, 2004), 365.

were more liberal in desegregating schools, whereas Southern politicians opposed the idea and more generally tried to avoid the topic. When *Brown* passed and ended the “separate but equal” doctrine, political leaders in the Deep South resisted and condemned the law as unconstitutional. Democrat Storm Thurmond of South Carolina became a leading voice in the resistance against *Brown*, and together with congress men in the Deep South, signed the Southern Manifesto. The Southern Manifesto declared that it was not the government’s place to initiate the desegregations of schools in the South and pledged resistance. Polls conducted during the 1950s showed declining support for *Brown*. In fact, *Brown* arguably strengthened racist attitudes in the white South.<sup>22</sup> Black and Black point to a poll conducted in 1961, which showed that 86% of the 154 white Southerners polled in the Deep South supported segregation.<sup>23</sup> The civil rights movement led to polarizing conflicts on race in the South for many years after *Brown*. The cartoon below by Paul Szep in the Boston Globe in 1969, represented states’ rights attitudes and white supremacy in the South in the 1960s. The cartoon shows Storm Thurmond and John Stennis, Democratic Senator from Mississippi, with the Southern Confederate flag in the background. On the right is a disturbing drawing referring to the racist history in the South. A black boy representing school desegregation, who is about to be strangled by white Southern politicians.



“BUT FIRST . . . OUR NATIONAL ANTHEM”

24

<sup>22</sup> Klarman, *From Jim Crow to Civil Rights*, 365-368.

<sup>23</sup> Black and Black, “Deep South Politics,” 405-406

<sup>24</sup> Paul Szep, “But first. . . our national anthem,” *Boston Globe*, September 19, 1969.

Civil rights struggles and protests highlighted African American's struggle in the South. Michael Tonry writes that in 1960 African Americans made up 36 percent of the prison population, and the black imprisonment rate was 661 per 100,000. At the same time, African Americans made up only about 10% of the total population.<sup>25</sup> According to Tonry, racial disparities in prison "resulted from racial bias, stereotypes, insensitivity, and African Americans' involvement in crimes that resulted in prison sentences, such as violent."<sup>26</sup> According to Gallup polls, whites thought that civil rights protests hurt the integration of African Americans. The question Gallup asked was, "Do you think mass demonstrations by Negroes are more likely to HELP or more likely to HURT the Negro's cause for racial equality?" In June 1963, 60 % of Americans said it would hurt, and in May 1964, 74 % answered that it would hurt their cause.<sup>27</sup> Half of Americans agreed that the protests did nothing for African Americans.

The Republican Party used the backlash against the civil rights movement to gain ground in the South. The party's new strategy relied on framing civil rights protesters as criminals and building on racial attitudes of white Southerners. This southern strategy would gain political support for conservative Republican candidates by using racist rhetoric directed at disaffected whites.<sup>28</sup> The Republican Party had developed this strategy in the years after *Brown* when Southern segregationist politicians fought to keep the South segregated. George Wallace, a segregationist and one-time Democrat from Alabama, declared in his inaugural speech after being elected governor in 1963; "I draw the line in the dust of the greatest people that have ever trod this earth, I draw the line in the dust and toss the gauntlet before the feet of tyranny. And I say segregation now, segregation tomorrow, segregation forever."<sup>29</sup> Wallace became a national symbol of white resistance, white supremacy, and southern exceptionalism. He showed up at the University of Alabama to protest the enrollment of two black students in 1963, even though a *Time* reporter called it an "empty gesture of defiance."<sup>30</sup> Despite the relatively harmless protest, it did not reflect the popularity Wallace had among the white population in the Deep South. The historian Dan Carter notes that Wallace was able to "built

---

<sup>25</sup> U.S. Census Bureau, "1960 Census: Race of the Population of the U.S. By States," *Census.gov*, February 4, 2018, <https://www.census.gov/library/publications/1961/dec/pc-s1-10.html>.

<sup>26</sup> Michael Tonry, "Race, Ethnicity, and Punishment," in *The Oxford Handbook of Sentencing and Corrections*, ed. Joan Petersilia and Kevin R. Reitz (Oxford: Oxford University Press, 2012), 57.

<sup>27</sup> RJ Reinhart, "Protests Seen as Harming Civil Rights Movement in the '60s," *Gallup*, January 21, 2019. <https://news.gallup.com/vault/246167/protests-seen-harming-civil-rights-movement-60s.aspx>

<sup>28</sup> Joshua F.J. Inwood, "Neoliberal racism: the 'Southern Strategy' and the expanding geographies of white supremacy," *Social & Cultural Geography* 16, no.4 (2015): 408.

<sup>29</sup> Alabama Department of Archives and History, "Inaugural address of Governor George Wallace," January 14, 1963. <https://digital.archives.alabama.gov/digital/collection/voices/id/2952>.

<sup>30</sup> "The Nation," *Time*, June 21, 1963. <https://time.com/vault/issue/1963-06-21/spread/28/> 13.



his career in Alabama on the bedrock of white supremacy, and every survey of his followers showed that one of the major sources of his national appeal lay in the perception that he was antiblack.”<sup>31</sup> Wallace became a source of inspiration for Republican politicians, who saw the popularity he gained by supporting segregation and advocating for states’ rights.

After 1958 and 1960, when the Republican Party lost seats in Congress and lost the Presidency, Barry Goldwater and other conservative Republicans outperformed more moderate Republicans like Nelson Rockefeller. These right-wing politicians strengthened the argument that the party needed to focus on gaining voters in the South. Goldwater believed that by turning its efforts and resources to the Southern states, the Republican Party could win the presidency.<sup>32</sup> Black and Black note, “the election between Democrat John Kennedy and Republican Richard Nixon was the last presidential election in the Deep South in which more whites voted Democratic than Republican.”<sup>33</sup> By 1963, the Republicans had moved away from their longstanding support of civil rights, and the Democratic Party moved towards supporting civil rights. In the 1964 presidential election, defined in the South as segregation versus desegregation, Goldwater had gained support in the Deep South with his advocacy for states’ rights and continued segregation, even though he lost the presidency.<sup>34</sup> Goldwater carried all the Deep South states and his home state Arizona in the election.<sup>35</sup> Heather Cox Richardson notes that Goldwater was too radical for most Americans in 1964 but that his presidential election marked the beginning of a new political movement of conservative Republicans. Richardson also argues that “Goldwater’s candidacy cut the Deep South away from the Democratic Party.”<sup>36</sup> Goldwater’s states’ rights campaign, condemning *Brown* as unconstitutional, and critiquing the government’s desegregation policies in the South hit home with white Southerners. Many whites voted for Goldwater and left the Democratic Party, though they were still voting for conservative Democrats for Congress.<sup>37</sup> As Black and Black point out, many black Southerners were discriminated in voting in 1964. It was not until the Voting Rights Act of 1965 that African Americans gained full voting rights. As Goldwater carried the Deep South, President Johnson could not form a coalition of biracial politicians in the region where the majority of voters had been white.<sup>38</sup> Goldwater was immensely popular

---

<sup>31</sup> Carter, *The Politics of Rage*, 344.

<sup>32</sup> Aistrup, *The Southern Strategy Revisited*, 25-29

<sup>33</sup> Black and Black, “Deep South Politics,” 409.

<sup>34</sup> Aistrup, *The Southern Strategy Revisited*, 25-29.

<sup>35</sup> Black and Black, “Deep South Politics,” 409.

<sup>36</sup> Heather Cox Richardson, *To Make Men Free: A History of the Republican Party* (New York: Basic Books, 2014), 521.

<sup>37</sup> Richardson, *To Make Men Free*, 521-522.

<sup>38</sup> Black and Black, “Deep South Politics,” 409-410.

among whites in the Deep South, and when George Wallace ran for President under the Independent Party four years later in 1968, he had the support of 58% of white Deep South voters.<sup>39</sup> The popularity of Goldwater and Wallace among white Southerners in the Deep South proved how angry they were at the gains and achievements of African Americans. Black and Black state that: “so angry were most Deep South whites about federal intervention in 1968 that Nixon was too mild a conservative to represent their views.”<sup>40</sup> Moreover, the popularity Goldwater and Wallace had among white voters in the Deep South proved that the first attempt at the southern strategy was successful. The strategy became even more adapted in the party’s political strategy in the years to come.

## 2.1 The emergence of the Republican Party

The political climate of the late sixties and early seventies was unstable years in American history. Christian Parenti argues that the roots of the crisis had to do with race and the Vietnam War. The civil rights movement had become more militant and anti-capitalist. With the bombings of the Pentagon, Congress, IBM, and police stations, the leftist Weather Underground reflected a country that had lost its faith in both its authority and society. The flower power of the sixties and seventies served as a contrast to the country’s political and economic despair. This period set the ground for the explosion in America’s prison population and the targeting of African Americans in criminal justice.<sup>41</sup>

In the presidential election of 1968, the southern strategy proved helpful for the Republican Party. Civil rights protests and demonstrations had resulted in violent clashes between black and white Southerners, which helped white officials frame black Southerners as criminals. According to Carter, “racial fears were linked to concerns over social disorder in American streets. The growth of random, brutal violence – an escalation of black-on-white violence attracted the most attention – made law and order an inevitable issue in the 1960s.”<sup>42</sup> The Republican nominee Richard Nixon used these racial fears to his advantage. Carter writes that the California native Nixon became a master of supporting *Brown* and the Civil Rights Act, but at the same time linking desegregation and protests to violence and riots and calling for tougher action on crime.<sup>43</sup>

---

<sup>39</sup> Black and Black, “Deep South Politics,” 410.

<sup>40</sup> Black and Black, “Deep South Politics,” 410.

<sup>41</sup> Christian Parenti, *Lockdown America: Police and Prisons in the Age of Crisis* (New York: Verso, 2000), 3-4.

<sup>42</sup> Carter, *The Politics of Rage*, 348.

<sup>43</sup> Carter, *The Politics of Rage*, 327.

Crime was not a new political issue during the 1968 campaign, and though both Nixon and Wallace criticized Johnson for not being tougher on crime, Johnson did pass the Law Enforcement Assistance Act of 1965. The LEAA was the first federal program initiated to help states strengthen their law enforcement capabilities, and it served as a model for several pieces of legislation to come. Johnson's LEAA marked the beginning of expanded federal government intervention in criminal justice and law enforcement, which would become more comprehensive over the years.<sup>44</sup>

Despite Johnson's attempts at handling crime, both through legislation and social reforms, Richard Nixon's heated rhetoric of law and order helped put the Democrats out of office. After the assassination of civil rights activist Martin Luther King Jr. in 1968, the situation intensified. There were racial confrontations in 142 cities across the United States in the aftermath, resulting in 43 deaths and 27,000 arrests.<sup>45</sup> Nixon criticized Johnson's social reform programs, arguing that it was time to get tough on crime. In one of his televised campaigns, a narrator said, "let us recognize that the first right of every American is to be free from domestic violence. So I pledge to you, we shall have order in the United States."<sup>46</sup>

After the election, Nixon and his administration shifted focus on civil rights. In 1970 a reporter in *Time* argued, "Richard Nixon has so far shown himself hostile to any sweeping efforts to help blacks catch up with whites. Nixon's call for a pause, a time-out seems to have the approval of many, if not most, white Americans, who are weary of high taxes for social improvements, fearful of black competition for jobs and housing and terrified in many cities by the specter of black crime."<sup>47</sup> African Americans felt the loss of interest in their cause as well. Polls conducted during the Nixon administration showed that African Americans did not hope for much help from their federal government. According to *Time*, "Sixty-three percent say they looked to the Federal Government for a great deal of leadership in racial affairs under J.F.K. and L.B.J.; only 3% say the same about the present Administration."<sup>48</sup> What the article goes on to argue is, "it is not always easy for whites to understand that black crime hurts mostly other blacks and that it is often the result of desperate poverty and urban chaos, for which the blacks are not to blame."<sup>49</sup> Nixon generally avoided this narrative.

---

<sup>44</sup> Vesla M. Weaver, "Frontlash: Race and the Development of Punitive Crime Policy," *Studies in American Political Development* 21, no. 2 (2007): 230-65, 243-244; Alexander, *The New Jim Crow*, 45.

<sup>45</sup> Weaver, "Frontlash," 259.

<sup>46</sup> Weaver, "Frontlash," 259.

<sup>47</sup> "Black America 1970," *Time*, April 6, 1970. <https://time.com/vault/issue/1970-04-06/page/30/> 13.

<sup>48</sup> Donavan, "Black America 1970," 28.

<sup>49</sup> Donavan, "Black America 1970," 13.

Though ignoring some of the reasons why crime was spiking, Nixon was right that crime was an issue during the 1960s. Crime became a central issue in the 1960s because, as Vesla M. Weaver notes, “crime got much worse.”<sup>50</sup> Naomi Murakawa writes that “the total crime rate jumped 135 percent between 1964 and 1968. In 1968, both violent and property crime rates were at the highest level ever recorded by the FBI.”<sup>51</sup> Two of the reasons for this, according to Murakawa, were the baby-boomer generation becoming teenagers and improvements in reporting and collecting crime data.<sup>52</sup> Technological advancements made statistics easier to track and monitor and gave politicians real numbers to discuss and use. When a high percentage of those involved in the criminal acts were black teenagers, it was easy to pin them, and other African Americans, as criminal and unlawful. Instead of focusing on the reasons why black teenagers and African Americans were out in the streets demonstrating and protesting, attacking the problem at its core, Nixon’s “law and order” rhetoric fueled the right turn the Republican Party took in the 1970s and 1980s.

After the Republicans came to office in 1969, the situation for African Americans gradually changed. Political developments in the nation as a whole shifted as well. As these affected African Americans’ situation and led to Clinton’s election in 1992, the political movement’s impact provides essential context. After the inauguration of Nixon in 1968, a new direction of conservative politics emerged in the South. In 1969, the young political strategist Kevin Philips published *The Emerging Republican Majority*, which emphasized the importance of the conservative white population in the South. By gaining the support of those white Southerners who voted for Wallace in 1968, the Republican Party could take the South in the future. Race played a significant role in Philips’ strategy. As Carter contends, “Philips bluntly recognized the critical role fear in general, and white fear of blacks in particular, would play in guaranteeing the emerging Republican majority.”<sup>53</sup> Warren Weaver Jr. in *the New York Times* commented on Philips’ racial strategy in 1969, “Full racial polarization is an essential ingredient of Philip’s political pragmatism. He wants to seek a black Democratic party, particularity in the South, because this will drive into the Republican party precisely the kind of anti-Negro whites who will help constitute the emerging majority.”<sup>54</sup> Despite the previous decade of racial violence and resistance in the South and in the nation to better

---

<sup>50</sup> Weaver, “Frontlash,” 233.

<sup>51</sup> Murakawa, *The First Civil Right*, 158.

<sup>52</sup> Murakawa, *The First Civil Right*, 158.

<sup>53</sup> Carter, *The Politics of Rage*, 379.

<sup>54</sup> Warren Weaver Jr., “The Emerging Republican Majority,” *The New York Times*, September 21, 1969. <https://www.nytimes.com/packages/html/books/phillips-emerging.pdf>

conditions for African Americans, Nixon continued to build his coalition on white supremacy. This increased the party's popularity with white Southern voters and distanced them further from black Southerners.

By the end of the 1970s, a new movement of conservative politics had grown in the Republican Party. The move to the right was boosted by white resentment towards minority gains and the interference by the government in state politics, and the Republican Party's voter base became more conservative and religious. Heather Cox Richardson, Sean Wilentz, and James Patterson are among the historians who shed light on the conservative wave in American politics beginning in the 1970s. Richardson argues that starting with Goldwater, a new movement of conservative politics emerged, which focused on Christian values, individualism, traditional family values, and framing the ideal American as white.<sup>55</sup> This led to the election of Ronald Reagan. Reagan developed his platform as California governor and as president from 1981 to 1989. Wilentz writes that "without Reagan, the conservative movement would never have been as successful as it was."<sup>56</sup> Reagan used rhetoric established through the Southern Strategy to gain support among white Southerners. He advocated states' rights while holding a speech in 1980 in Philadelphia, Mississippi, the place of the murder of three black civil rights activists in 1964. He also referred to unemployed black women as "welfare queens" who took advantage of white hardworking American's tax money.<sup>57</sup> Reagan was often criticized for his lack of interest in civil rights and African Americans. Howell Raines in *the New York Times* commented on a speech Reagan delivered in 1982. He stated, "by denouncing Great Society programs of the Johnson Administration in a speech to a black audience, President Reagan provided fresh ammunition for critics who say he is trying to reverse the racial progress of the last 20 years."<sup>58</sup> Raines also shed light on Reagan's alleged strategy by speaking to a black audience. He noted, "Mr. Reagan's main reason for appearing before black audiences is not to gain back supporters but to reassure moderate whites who might reject his leadership if he appeared to be prejudiced against blacks."<sup>59</sup>

Reagan's conservative politics appealed well to white Americans not just in the South but all across the nation. In an interview with *Time* in 1981, Reagan acknowledged the

---

<sup>55</sup> Richardson, *To Make Men Free*, 545.

<sup>56</sup> Sean Wilentz, *The Age of Reagan: A History, 1974-2008* (New York: Harper Perennial, Cop, 2009), 1.

<sup>57</sup> Wilentz, *The Age of Reagan*, 181.

<sup>58</sup> Howell Raines, "Reagan and Blacks; News Analysis," *The New York Times*, September 17, 1982.

<https://www.nytimes.com/1982/09/17/us/reagan-and-blacks-news-analysis.html>

<sup>59</sup> Raines, "Reagan and Blacks; News Analysis."

importance of “traditional values” and how that should be the standard for the government.<sup>60</sup> He also criticized the outlawing of prayer in public schools, saying it violated the Constitution as “this is a nation under God.”<sup>61</sup> Many Americans agreed with him, and as Patterson notes, a conservative coalition of white Southerners and white-working class Northerners endorsed Reagan. A new group of conservative Democrats called “Reagan Democrats” also supported Reagan. Patterson asserts, “this conservative coalition, adeptly exploited by Reagan, dramatically altered the landscape of politics in the United States.”<sup>62</sup> As Philips argued in the *Emerging Republican Majority*, race became an important political factor in the rightward turn in the 1970s and 1980s. Godfrey Hodgson calls the rightward turn a “southernization of American politics.”<sup>63</sup> A southernization of American politics implies a conservative attitude, and in Godfrey’s words, “to the role of government, to the federal government in particular, to state’s rights, to affirmative action, to welfare, to crime and punishment – that were ultimately racial, if not racist, in origin.”<sup>64</sup> The right turn continued to shape racial attitudes in the United States and the South, and over time white supremacist politics became even more potent. Put simply, the politics established during the 1970s and 1980s set the ground for the disproportionate mass incarceration of African Americans.

## 2.2 War on Drugs

According to the legal scholar Michelle Alexander, one of the main contributors to mass incarceration of Americans has been the war on drugs. The war on drugs has been a contributor to the targeting of African Americans in criminal justice, and therefore provides essential context for the increase in incarceration rates that started in the 1980s. Alexander sheds light on the political strategy that intended to be in the interest of all Americans, but ultimately ended up targeting African Americans. Nixon initially declared a war on drugs in 1971, but it was not until Reagan took office and announced a renewed war on drugs in 1982 that the political strategy reflected a tougher stand on drugs. Reagan created a federal drug task force to help nurture a culture that demonized drug use and drug users and decreased welfare and social security funding. Reagan had throughout his presidential election pledged

---

<sup>60</sup> Laurence I. Barrett, “An Interview with Ronald Reagan,” *Time*, January 5, 1981. <http://content.time.com/time/subscriber/article/0,33009,922304-5,00.html>

<sup>61</sup> Barrett, “An Interview with Ronald Reagan.”

<sup>62</sup> James T. Patterson, *Restless Giant: The United States from Watergate to Bush v. Gore* (New York: Oxford University Press, 2005), 131.

<sup>63</sup> Godfrey Hodgson, *More Equal than Others: America from Nixon to the New Century* (Princeton, NJ: Princeton University Press, 2004), 173.

<sup>64</sup> Hodgson, *More Equal than Others*, 202.

to decrease welfare spending and cut taxes for the rich. His opinion was that it was not the government's place to care for those who needed assistance by the means of welfare or other social security programs.<sup>65</sup> Funding for federal law agencies increased dramatically at the same time as funding for prevention and treatment decreased, even though the public did not view drugs as a pressing issue.

While funding towards federal law agencies increased, a new form of cocaine found its place in both the streets and the media. The new form of cocaine called "crack," which served as a cheaper version of cocaine, dominated headlines in 1984 and 1985. After reports circulated on the overdose of University of Maryland basketball star Len Bias in June 1986, the hysteria around crack reached new heights. The media wrongly claimed his death was caused by crack, strengthening politicians' claim that crack was an epidemic and extraordinarily dangerous.<sup>66</sup> In a *New York Times* article published in 1988, a reporter compared crack cocaine to alcohol, writing, "it may take up to 10 to 12 years for an alcoholic to become totally dysfunctional, or unable to work. But we are seeing people who have been using crack-cocaine for short periods of only six to eight weeks who are unable to get up and work."<sup>67</sup> The framing of crack cocaine as a dangerous drug contributed to the public's view of drugs, and the Reagan administration got full support to toughen legislation.

Tonry argues, "it is clear beyond peradventure of doubt that the War on Drugs produced massive racial disparities in arrest, conviction, and imprisonment."<sup>68</sup> There are several reasons for this, according to Tonry. First, it is not because African Americans use or distribute drugs more often than whites, but simply that the tactics of the drug wars targeted African Americans. Instead of selecting programs that promote treatment, rehabilitation, and prevention to people with drug addiction, the methods of the drug wars have been primarily punitive. The morality of drugs has also played an essential role, as the negative framing of drugs rarely focused on the social causes of drug use. In many disadvantaged and poor neighborhoods, distribution or trafficking of drugs was the only way to make money. The characterization of drugs as wrong led to the perception that the treatment should be punishment, and the harsher, the better. Methods of the war also applied an approach that affected inner-city communities of color, which involved law enforcement seeking out dealers

---

<sup>65</sup> Patterson, *Restless Giant*, 159-160.

<sup>66</sup> Marc Mauer, *Race to Incarcerate* (New York: New Press, 2006), 61-62; Alexander, *The New Jim Crow*, 48-52.

<sup>67</sup> Milt Freudenheim, "Workers' Substance Abuse Is Increasing, Survey Says," *The New York Times*, December 12, 1988. <https://www.nytimes.com/1988/12/12/business/workers-substance-abuse-is-increasing-survey-says.html>.

<sup>68</sup> Tonry, *Punishing Race*, 54.

on the streets. As African American dealers tended to be more visible than middle-class white Americans who deal drugs behind closed doors, they became an easy target for drug arrests. Harsher sentences that resulted in longer sentences locked up drug dealers for longer periods.<sup>69</sup>

Starting in 1986, the Reagan administration and Congress expanded the tough approach on crime with the passing of the Anti-Drug Abuse Act. In a speech on the signing of the law in October 1986, Reagan claimed: “United, together, we can see to it that there’s no sanctuary for the drug criminals who are pilfering human dignity and pandering despair.”<sup>70</sup> Joel Brinkley in the *New York Times* called the law “the most far-reaching drug law ever passed by Congress.”<sup>71</sup> Brinkley commented on Reagan’s notion that education was the most significant drug prevention but that the final bill did not include many educational programs. Among the harsh penalties in the law were mandatory minimums, which introduced the controversial 100-to-1 ratio and five years in prison for 5 grams of crack cocaine. It was described in the law as,

In the case of a violation of subsection (a) of this section involving: 100 grams or more of a mixture or substance containing a detectable amount of heroin; 500 grams or more of a mixture or substance containing a detectable amount of cocaine; 5 grams or more of a mixture or substance described in clause (ii) which contains cocaine base. Such person shall be sentenced to a term of imprisonment which may not be less than 5 years.<sup>72</sup>

Parenti comments that, “because African Americans were and are more frequently arrested for crack than powder cocaine this law translated into apartheid sentencing.”<sup>73</sup> If the federal drug crime involved a violent criminal charge, the mandatory minimum increased to twenty years in prison.<sup>74</sup> The revisited version of the law in 1988 was even more punitive and expanded the use of the death penalty in drug-related cases. Reagan commented, “this bill helps us close rank on those who continue to provide drugs. Arrests, convictions, and prison

---

<sup>69</sup> Tonry, *Punishing Race*, 54-55.

<sup>70</sup> Ronald Reagan, “Remarks on Signing the Anti-Drug Abuse Act of 1986,” *Ronald Reagan Presidential Library & Museum*, October 27, 1986, <https://www.reaganlibrary.gov/archives/speech/remarks-signing-anti-drug-abuse-act-1986>.

<sup>71</sup> Joel Brinkley, “Anti-Drug Law: Words, Deeds, Political Expectancy,” *The New York Times*, October 27, 1986, <https://www.nytimes.com/1986/10/27/us/anti-drug-law-words-deeds-political-expediency.html?searchResultPosition=4>.

<sup>72</sup> Anti-Drug Abuse Act of 1986, Pub. L. No. 99-570, 100 STAT. 3207, (1986) 4.

<sup>73</sup> Parenti, *Lockdown America*, 57.

<sup>74</sup> Parenti, *Lockdown America*, 57.



sentences of sellers and abusers are rising to record levels.”<sup>75</sup> To make law enforcement in the states prioritize the war on drugs, the Reagan administration provided funding for those states who redirected their attention to fighting drugs. This increased the significance of law enforcement in the war on drugs.<sup>76</sup>

According to Alexander, the police have played a significant role in the war on drugs. The blame is not entirely on the practices by the police but on the Supreme Court who gave law enforcement the right to violate constitutional rights. As Alexander observes, “virtually all constitutionally protected liberties have been undermined by the drug war.”<sup>77</sup> Legal approval for the police to stop and search someone, also referred to as the stop-and-frisk rule, has proved critical. As long as the police officer suspected someone of being involved in criminal activity and was of danger to the public, the officer had the authority to stop and search the person of suspicion. The stop-and-frisk rule became one of the most common practices in the drug war.<sup>78</sup> Police officers also knew how to take advantage of their authority and exploit the fear of their suspects to get consent to search them for drugs. Many African Americans are terrified of the police, given the history of police brutality in the United States and the new evidence of that brutality. Instead of protesting they allow the police to search them, even though the authorities do not have grounds. Many law enforcements also do not receive training in how to spot criminals. Still, according to Alexander, “the Drug Enforcement Agency (DEA) trains police to conduct utterly unreasonable and discriminatory stops and searches throughout the United States.”<sup>79</sup> As a result, from 1985 to 1989, adult arrests for drug violations increased by 73.6%. Arrests for sale of manufacture increased by 137.4%, and arrests for possession increased by 53.8%. At roughly the same time, the number of inmates in state and federal prison facilities increased 133.8% between 1980 and 1990.<sup>80</sup>

A report from the U.S. Department of Justice on imprisonment in the U.S. Population between 1974-2001, comments: “the prevalence of imprisonment increased by nearly 3.8 million. This included a 1.1 million increase in the number of adults in prison (up from 216,000) and a nearly 2.7 million increase in the number of living former prisoners (up from

---

<sup>75</sup> Ronald Reagan, “Remarks on Signing the Anti-Drug Abuse Act of 1988,” *Ronald Reagan Presidential Library & Museum*, November 18, 1988, <https://www.reaganlibrary.gov/archives/speech/remarks-signing-anti-drug-abuse-act-1988>.

<sup>76</sup> Alexander, *The New Jim Crow*, 73.

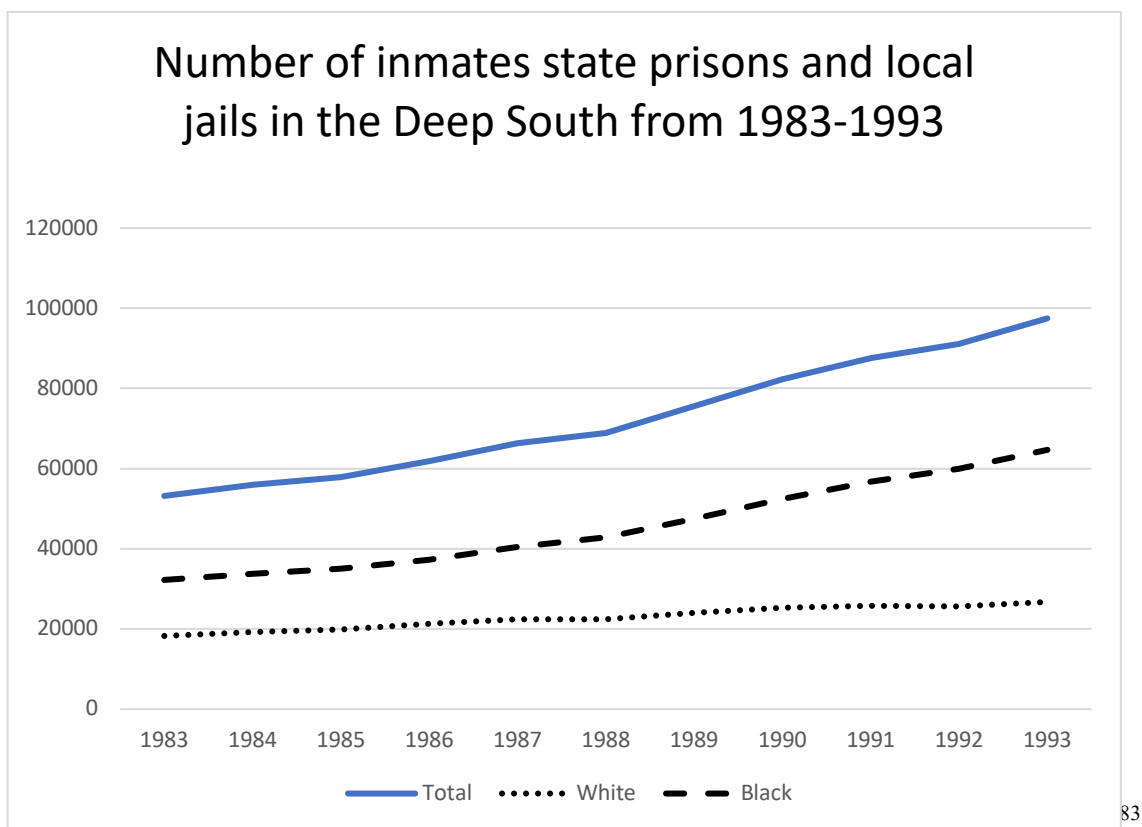
<sup>77</sup> Alexander, *The New Jim Crow*, 62.

<sup>78</sup> Alexander, *The New Jim Crow*, 63-64.

<sup>79</sup> Alexander, *The New Jim Crow*, 70.

<sup>80</sup> Robyn Cohen, “Prisoners in 1990,” *Bureau of Justice Statistics*, May 1, 1991, <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=4042>.

1,603,000).”<sup>81</sup> African Americans made up a significant portion of that population, and by 2001 a striking 16.6% of adult African American males had served time or were serving time in federal or state prison. The percentage for Hispanic males was 7.7%. Rates for African Americans and Hispanics were significantly higher than white males, where 2.6% had served time or were serving time.<sup>82</sup> As graph 83 shows, was incarceration rates in the South, as well as the nation as a whole, boosted by the war on drugs. By the time Clinton came to office, the number of inmates in the Deep South in correctional facilities had gone from 53,188 in 1983 to 97,486 in 1993. That equals an increase of 83% in only ten years. The incarceration rate of black Southerners was significantly higher than that of white Southerners. Incarceration of African American males increased 100% between 1983 and 1993, compared to 46% for white males. This shows a high degree of racial disparity in incarceration in the Deep South.



<sup>81</sup> Thomas P. Bonczar, “Prevalence of Imprisonment in the U.S. Population, 1974-2001,” *Bureau of Justice Statistics*, August 17, 2003, <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=836>, 1.

<sup>82</sup> Bonczar, “Prevalence of Imprisonment in the U.S. Population,” 5.

<sup>83</sup> Graph based on numbers from the *Bureau of Justice Statistics*, 1983-1993.

Bruce Western asserts that “at the height of the drug war in 1989, arrest rates for blacks had climbed to 1,460 per hundred thousand compared to 365 for whites.”<sup>84</sup> This demonstrates how significant the disparity was in arrests between black and white Americans. It also demonstrates how the war on drugs was targeting African Americans, especially because there is a lack of evidence that blacks were more involved with drugs than whites. There are also no accurate crime statistics on drug use. As Western notes, it is therefore difficult to compare statistics on drug offenses with arrests and imprisonment rates and find out exactly how many blacks and whites were involved with drugs. However, the drug wars targeted African Americans directly. As Tony argues, the police stopped and searched blacks more frequently as the police focused on impoverished areas in large cities. Once arrested, they have received long sentences that keep them in prison for a long time.<sup>85</sup>

The war on drugs were one of the main contributors in the targeting of African Americans in the criminal justice system. This has become evident through statistical evidence and the high number of incarcerated African Americans. The criminalization of African Americans had started well before the civil rights movement through lynching’s and persecutions. However, since the civil rights movement, the criminalization of African Americans transformed alongside the right turn American politics took during 1960s and 1970s. They were now targeted in the criminal justice system. From the 1960s to the 1990s, American politics had transformed and become even more polarized. Though Reagan increased the punitive measures and incarceration rates soared during the 1980s, the next decade would prove who was the toughest on crime.

---

<sup>84</sup> Bruce Western, *Punishment and inequality in America* (New York: Russell Sage, 2006) 46.

<sup>85</sup> Tonry, *Punishing Race*, 58.

## 3 The Democratic Takeover

Bill Clinton was elected president in 1992, after a long period of Republican rule. The nation had changed since the Civil Rights Act of 1964 in terms of politics and race relations, and the Republican Party had marked much of the politics Clinton inherited. Therefore, this chapter aims to understand the passage of the 1994 Crime Bill, and how the political turn to the right made the law possible. The war on drugs was also further expanded, and incarceration rates soared during the 1990s. This chapter will discuss the reasons for taking such a tough stand on crime and the rhetoric by the media that contributed to public support.

### 3.1 Turning the Tables

Bill Clinton's election in 1992 somewhat reflected the situation of the United States in the 1990s. Haynes Johnson describes how the nation had many polarizing issues when Clinton took over. Problems ranged from poor public education, an increasing wealth gap between the richest and the poorest, racial tensions, crime, and violence.<sup>86</sup> Lance Morrow in *Time* addressed the election of Clinton as a "leap of faith in a sour and unpredictable year."<sup>87</sup> The leap of faith was, according to Morrow, due to Clinton's inexperience in the high office. He noted, "At the end of the cold war, in a world growing more dangerous by the hour, Americans gave the future of the U.S., the world's one remaining superpower, into the hands of the young (46), relatively unknown Governor of a small Southern state, a man with no experience in foreign policy and none in Washington either."<sup>88</sup> Clinton received only 43 % of the votes in the election. James Patterson points to many political issues that awaited Clinton in the 1990s. The Republican Party's conservative policies on welfare, the economy, taxes, and racial justice had marked the politics Clinton now inherited.<sup>89</sup> However, Morrow stated that "Clinton emerges from the sunnier, gregarious side of American political character, home of F.D.R., Hubert Humphrey, Harry Truman – as opposed to the sterner more punitive traditions distilled and preserved in the purest form in the mind of Richard Nixon."<sup>90</sup> Clinton, however, went further on punitive measures than Nixon ever did.

To attract voters from the Republican Party, the Democratic Party had to shift tactics to compete. Criminal justice once again served as a tactical way to appeal to white voters.

---

<sup>86</sup> Haynes Johnson, *The Best of Times: America in the Clinton Years* (New York: Harcourt, 2001), 5.

<sup>87</sup> Lance Morrow, "Man of the Year: The Torch is Passed" *Time*, January 4, 1993.  
<https://time.com/vault/issue/1993-01-04/page/23/> 22.

<sup>88</sup> Morrow, "Man of the Year: The Torch is Passed," 22.

<sup>89</sup> Patterson, *Restless Giant*, 322.

<sup>90</sup> Morrow, "Man of the Year: The Torch is Passed," 24.

William Berman asserts that after the reelection of Reagan in 1984, many moderate Democrats, such as Senator Al Gore, saw the success of the Republican Party as longstanding unless the Democratic Party shifted course. Moderates believed that by shifting focus on welfare and criminal justice, historically Republican causes, the Democratic Party could prove itself competitive on social issues. This led to the founding of the Democratic Leadership Council (DLC) in 1985, a group that hoped to attract white voters lost to the Republican Party over Civil Rights and New Deal liberalism. By positioning themselves more to the center, the DLC wanted to strengthen their position among white voters and Reagan Democrats. Clinton would later announce his run for the presidency with the endorsement of the DLC, with which he shared the same centrist political approach.<sup>91</sup>

Clinton, who had served as governor in Arkansas, proved to be a good national candidate for the Democratic Party. As a governor, Berman points out that Clinton “campaigning as a moderate progressive, seeking modest changes in the tax structure, among other items on his agenda.”<sup>92</sup> Clinton pushed through a tax increase on motor vehicles that lost him the reelection in 1980, as this did not serve well with the conservative base in Arkansas. After his reelection in 1982, his political approach became more centrist in order to avoid conflicts with the conservative base over issues such as taxes. Clinton experienced firsthand the conservative force in the South and the power they contained in politics. As a Governor, the majority of Clinton’s voter base consisted of the business and corporate sector, but he also appealed to the poorest residents in the state. As a campaigner for the presidential election, Clinton appealed to African Americans as he was considered a friend, as well as he widened the appeal to white voters with his centrist approach.<sup>93</sup> Choosing U.S. Senator Al Gore from Tennessee as his Vice President increased the chances of attracting southern voters. In a poll conducted by *Time* in 1992, 48% of Southerners agreed that having two Southerners on the Democratic ticket was a good idea.<sup>94</sup> Michael Kramer in *Time* claimed that, “Gore will appeal in the South and to environmentalists, say the talking points Clinton’s aides distributed to the faithful last Friday. Gore’s support for the Persian Gulf war will reassure Reagan Democrats.”<sup>95</sup> Reporter Peter Applebome with the *New York Times* also commented on the Democratic Party’s new southern strategy. He pointed out that,

---

<sup>91</sup> William C. Berman, *From the Center to the Edge: The Politics and Policies of the Clinton Presidency* (Lanham: Rowman & Littlefield Publishers, 2001), 7-12.

<sup>92</sup> Berman, *From the Center to the Edge*, 6.

<sup>93</sup> Berman, *From the Center to the Edge*, 6-9.

<sup>94</sup> Michael Kramer, “Clinton’s second chance,” *Time*, July 20, 1992, <https://time.com/vault/issue/1993-01-04/page/26/>, 24

<sup>95</sup> Kramer, “Clinton’s Second Chance,” 22.

By naming Senator Al Gore of Tennessee as his running mate on Thursday, Gov. Bill Clinton of Arkansas has raised the stakes throughout the region where the Democrats have been trounced every year since 1968, except when Jimmy Carter won the presidency in 1976. Whatever the outcome, the choice of Mr. Gore and the battle plan it defines speaks volumes about the importance of the South in Presidential politics.<sup>96</sup>

With the backing of the DLC, Clinton had a good campaign where the new Democratic southern strategy worked. Clinton also demonstrated his stand on criminal justice when he flew to Arkansas to oversee the execution of Ricky Ray Rector. He was a black middle-aged man convicted of murder with an IQ of 64, and Clinton proudly declared afterward, “I can be nicked on a lot, but no one can say I’m soft on crime.”<sup>97</sup> Once again, tough on crime rhetoric proved itself useful, and in the election, both Louisiana and Georgia were among the Southern states that flipped to the Democratic Party. He also won the electoral votes in Arkansas, Tennessee, and Kentucky.<sup>98</sup>

After the election, Clinton pushed for a new crime bill. Like many other politicians before him, he was a skilled speaker and used his skills to appeal to the people with his emotional and familiar words. Clinton frequently used examples of murder and violent incidents resulting in lives lost and used horrific examples of children and young adults to appeal to parents and adults. These helped personalize the issues. In a speech at the Oval Office on December 11, 1993, he called the tragedies a “part of the epidemic of violence that has left Americans insecure on our streets, in our schools, even in our homes. If our nation is to find meaning in these tragedies, we must join together to end this epidemic of violent crime and restore the fabric of civilized life in every community.”<sup>99</sup> The message of such speeches sometimes contained racial undertones when he spoke to African Americans. In one speech in Tennessee on November 13, 1993, Clinton highlighted Martin Luther King Jr. to indicate how off-track and criminal African Americans had become. He emphasized the fights Martin Luther King Jr. had fought for civil rights and how disappointed he would have been in African Americans. Clinton asked the audience, “How would we explain to him all these kids getting killed and killing each other? How would we explain that we gave people the freedom to succeed, and we created conditions in which millions have used that freedom to destroy the

---

<sup>96</sup> Peter Applebome, “The 1992 Campaign: The South; New Southern Strategy: Democrats Want It Back,” *The New York Times*, July 11, 1992. <https://www.nytimes.com/1992/07/11/us/the-1992-campaign-the-south-new-southern-strategy-democrats-want-it-back.html>.

<sup>97</sup> Bill Clinton quoted in Michael Kramer, “The Political interest Frying Them Isn’t the Answer,” *Time*, March 14, 1994. <http://content.time.com/time/subscriber/article/0,33009,980318,00.html>

<sup>98</sup> Berman, *From the Center to the Edge*, 16.

<sup>99</sup> Domestic Policy Council, Bruce Reed, and Crime Series, “POTUS Speeches,” 14.

things that make life worth living and lift itself?”<sup>100</sup> Messages like this seemed to imply that African Americans were themselves to blame for their position in society. In the *New York Times*, a reporter commented on Clinton’s invoking of Martin Luther as “a hope to distance himself from those who deliver racially loaded bootstrap lectures to impoverished inner-city minorities.”<sup>101</sup> What the article also sheds light on is the motivation behind Clinton’s tough stance on crime. The reporter noted that,

It will be a tactical coup if Mr. Clinton can pull it off and a heavily blow to Republican hopes in next year’s Congressional elections and in 1996. The danger for the White House is that it may get so caught up in political gaming that it loses touch with Mr. Clinton’s impulse to attack the underlying causes of the national murder epidemic: poverty, ignorance, addiction and unrestricted availability of firearms.<sup>102</sup>

The article points to the political achievement that is behind “tough on crime” politics, which in Clinton’s case was to prove to the Republican Party that the Democratic Party were not soft on crime. Scholars have argued over why Clinton took such a tough stand on crime in the 1990s, and a strong argument is the party’s wish to gain popularity. Naomi Murakawa argues that Bill Clinton’s Crime Bill resulted from the Democratic Party’s urge to position itself as tougher on crime than the Republican Party was. After twelve years of Republican presidencies – where the Republican Party set the agenda for welfare, drugs, criminal justice, and tax reform – the Democratic Party wanted to appeal to the white voters lost in the 1960s and 1970s.<sup>103</sup> Michael Tonry also makes an argument about the self-interest of political leaders when it came to criminal justice. He observes that, “by the late 1980s, Bill Clinton and the Democratic Leadership Council that he shaped decided never to be less tough than their Republican opponents, no matter how unjust, wasteful, or ineffective the policies under consideration.”<sup>104</sup> Clinton, however, announced in a speech in 1994 that his Crime Bill was not based on politics. He argued that “crime prevention works best when all of us realize we are on the same side” and referred to Republican and Democratic Mayors and politicians in the audience.<sup>105</sup> Clinton also stated that “the American people don’t care two bits about left or right. They want what works.”<sup>106</sup>

---

<sup>100</sup> Domestic Policy Council, Bruce Reed, and Crime Series, “POTUS Speeches,” 35.

<sup>101</sup> Opinion, “Mr. Clinton on Crime,” *The New York Times*, November 28, 1993, <https://www.nytimes.com/1993/11/28/opinion/mr-clinton-on-crime.html>.

<sup>102</sup> Opinion, “Mr. Clinton on Crime.”

<sup>103</sup> Murakawa, *The First Civil Right*, 268.

<sup>104</sup> Michael H. Tonry, *Thinking about Crime: Sense and Sensibility in American Penal Culture* (New York: Oxford University Press, 2004), 197.

<sup>105</sup> Office of Speechwriting and General Files, “Crime Bill, Cops, and Mayors at White House,” *Clinton Digital Library*, accessed May 20, 2021, <https://clinton.presidentiallibraries.us/items/show/86994>. 25.

<sup>106</sup> Office of Speechwriting and General Files, “Crime Bill, Cops, and Mayors at White House,” 26.

Clinton and other politicians across the nation were aware of the underlying causes of violent crime when the Crime Bill was in Congress, but they chose to proceed with the punitive approach. Bruce Reed, one of the main contributors of the Crime Bill together with Senator Joe Biden, received a fax on April 7, 1994. The fax was a research article from the *Times Mirror Center for The People & The Press* by Andrew Kohut and others. The pages did not mention how many people contributed to the research. Moreover, a note on the front page of the fax said, “some of this may be of interest, including 56 percent of those polled thinking that a ‘jobs program for the inner city’ would ‘reduce the amount of violence a lot’.”<sup>107</sup> The polls conducted in the article showed that only 47 percent trusted Clinton in fighting crime and that only 45 percent approved of him as president. In polls that asked what initiatives would reduce crime, women approved in a higher percentage than men of more police, job programs, and gun control. Men approved in a higher percentage of more prisons and longer jail time. The article also noted that property crimes were the concern and not violent crimes. Moreover, Andrew Kohut and others observed that: “When asked what issue President Clinton should give highest priority to, almost as many said crime (23%) as said jobs (26%).”<sup>108</sup> Over half of the respondents said that they had experienced losing their job or getting a pay cut last year, highlighting their concern about jobs and unemployment. Though Clinton was aware of the economic difficulties many Americans had due to unemployment, which in many cases led to property crimes such as theft and burglary, his administration chose to take punitive measures on crime.

U.S. mayors also sent their opinions on how to address crime. In December 1993, the United States Conference of Mayors sent a document to President Clinton. Based on experiences and arguments from mayors and police officers in over thirty cities, including mayors of many Southern cities such as Birmingham and New Orleans, the document addressed recommendations on how to reduce crime rates. They acknowledged that to reduce crime, “lasting solutions lie in Washington’s willingness to view affordable housing as a weapon to fight crime, to view child care, job training, recreation programs, community development and transportation to jobs as weapons to fight crime.”<sup>109</sup> However, they also wanted more cops on the streets and harsher penalties for drug trafficking. They called violent

---

<sup>107</sup> Domestic Policy Council, Bruce Reed, and Crime Series, “Polls,” *Clinton Digital Library*, accessed April 26, 2021, <https://clinton.presidentiallibraries.us/items/show/22600>. 9.

<sup>108</sup> Domestic Policy Council, Bruce Reed, and Crime Series, “Polls,” 6.

<sup>109</sup> Domestic Policy Council, Bruce Reed, and Crime Series, “Mayors,” *Clinton Digital Library*, accessed April 27, 2021, <https://clinton.presidentiallibraries.us/items/show/22590>. 5.



crime a “short term problem” that needed to be acted upon now.<sup>110</sup> They called for funding to hire more police officers as long as funding for community programs such as housing assistance did not get cut to prioritize police funding. They also emphasized the need for tougher sentencing laws for juveniles and an expansion of the criminal justice system regarding correctional facilities, prosecutors, personnel, parole, and probation officers. Moreover, the report emphasized the need to fight crime by building strong neighborhoods, fighting unemployment, preventing children from dropping out of school, and supporting healthy family relations.<sup>111</sup> Mayors and police chiefs wanted to help combat crime in their local police offices and wanted an expansion of the criminal justice system. However, at the same time, they acknowledged that crime was rooted in poverty, unemployment, and social issues.

Clearly, the Democratic Party wanted to position itself as tough on crime by the passing of the 1994 Crime Bill. Ever since Goldwater and Nixon in the 1960s emphasized law and order and harsh justice, crime had served as a political strategy to attract voters. As the beginning of the 1990s was characterized by high unemployment rates, a poor economy, an increasing wealth gap, and a general belief that crime was spiking, Clinton and the Democratic Party’s political strategy to be tough on crime ensured the party’s approval. After Clinton signed the Crime Bill in 1994, ensuring \$30 billion in funding for criminal justice, incarceration rates reached historic new heights.

### **3.2 Violent Crime Control and Law Enforcement Act**

On November 19, 1993, the 103<sup>rd</sup> Congress voted in favor of the Violent Crime Control and Law Enforcement Act of 1994. The bill set out to “amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.”<sup>112</sup> President Clinton signed the 365-page law on September 13, 1994.<sup>113</sup> The \$30 billion Crime Bill not only increased funding for federal and state law enforcement but included some of the

---

<sup>110</sup> Domestic Policy Council, Bruce Reed, and Crime Series, “Mayors,” 6.

<sup>111</sup> Domestic Policy Council, Bruce Reed, and Crime Series, “Mayors.”

<sup>112</sup> “Roll Call Vote 103rd Congress - 1st Session,” U.S. Senate: U.S. Senate Roll Call Votes 103rd Congress - 1st Session, January 16, 2020, [https://www.senate.gov/legislative/LIS/roll\\_call\\_lists/roll\\_call\\_vote\\_cfm.cfm?congress=103&session=1&vote=00384](https://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=103&session=1&vote=00384)

<sup>113</sup> Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 108 STAT. 1796 (1994).

harshest and longest penalties at the federal level. One section of the bill that dealt with mass incarceration in the states promoted “truth in sentencing” laws, also referred to as VOI/TIS laws. To receive funding for violent offender incarceration and truth in sentencing, the state had to implement laws that “require that persons convicted of violent crimes serve not less than 85 percent of the sentence imposed.”<sup>114</sup> States would also receive funding if they increased the number of convicted violent offenders sentenced to prison or increased the average prison time.<sup>115</sup> This created an incentive for harsh punishment. A consequence of “truth in sentencing” laws was the increased number of convicts locked up for longer sentences. This also created a need for more prisons. The bill then also included funding for states to expand, construct, modify and develop correctional facilities. This also included boot camp facilities and was intended to free up more space for convicts. The bill described it as “conventional prison space for the confinement of violent offenders and to implement truth in sentencing laws for sentencing violent offenders.”<sup>116</sup> Parenti notes that to motivate states to invest in their law enforcement and prison facilities, the Crime Bill provided funding in the form of federal matching grants. Federal funding would match the states’ funding for hiring more police officers and constructing prisons, but the funding would stop after six years. This left the states to finance law enforcement and correctional facilities themselves, which was a substantial financial obligation.<sup>117</sup>

Some of the more controversial sections of the Bill were the federal three-strikes law and the prosecution of juveniles as adults in some violent offenses that included murder or armed robbery. Life imprisonment would be mandated if “the person had been convicted (and those convictions have become final) on separate prior occasions in a court of the United States or of a State of 2 or more serious violent felonies, or one or more serious violent felonies and more or more serious drug offenses.”<sup>118</sup> The law also expanded the death penalty with 60 new capital crimes in the Federal Death Penalty Act of 1994. Since the reinstatement of capital punishment in 1976, the number of executions increased throughout the 1980s and continued in the 1990s.<sup>119</sup> Reagan’s 1986 drug bill introduced the drug penalty for some drug-related crimes, but the 1994 Crime Bill increased the number by far.

---

<sup>114</sup> Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 108 STAT. 1796 (1994), 21.

<sup>115</sup> Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 108 STAT. 1796 (1994), 21

<sup>116</sup> Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 108 STAT. 1796 (1994), 20

<sup>117</sup> Parenti, *Lockdown America*, 65.

<sup>118</sup> Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 108 STAT. 1796 (1994), 187.

<sup>119</sup> Marie Gottschalk, *The Prison and the Gallows: The Politics of Mass Incarceration in America* (Cambridge, UK: Cambridge University Press, 2006), 230.

Moreover, most Americans sentenced under the death penalty were African Americans. In 1987, in *McCleskey v. Kemp*, Warren McCleskey challenged the court that his death sentence in Georgia was based on racial bias, because he as an African American, murdered a white male. This made him more likely to receive the death sentence. Though McCleskey provided evidence that black men were more likely to receive the death penalty, the Supreme Court ruled that his sentence was not a violation of the Constitution. Alexander explains that “The Supreme Court ruled that racial bias in sentencing, even shown through credible statistical evidence, could not be challenged under the Fourteenth Amendment in the absence of clear evidence of conscious, discriminatory intent.”<sup>120</sup> To avoid racial bias in the death penalty, the Racial Justice Act was introduced to accompany the Federal Death Penalty Act. The Congressional Black Caucus first proposed the RJA in 1988 as a way for incarcerated people to challenge racial bias in their sentences based on statistics of sentence disparities.<sup>121</sup> In the 1994 Crime Bill, the RJA became a heated topic of debate in Congress. Liberal Democrat Don Edwards perceived the law as necessary to fight racial bias in sentencing, whereas Republican Strom Thurmond argued it would eliminate the death penalty.<sup>122</sup>

Clinton remained silent on the RJA and avoided questions about the bill. On questions on the RJA in July 1994, Clinton answered, “what I’m for is a crime bill on my desk as soon as possible.”<sup>123</sup> Reverend and civil rights activist Jesse L. Jackson sent Clinton several letters asking for the implementation of the RJA to prevent racial bias in the criminal justice system. On April 15, 1994, Jackson wrote to Clinton, “You have told the American people that you support the current crime bill because of its balance. A bill without protection against racial discrimination in the administration of the death penalty is not balanced.”<sup>124</sup> Jackson also noted that the RJA “would not end capital punishment. The Racial Justice Act will be a large step toward ending the taint of racism that pervades capital punishment.”<sup>125</sup> Nevertheless, Congress rejected the RJA. Murakawa notes that the “defeat of the Racial Justice Act reveals the Democratic retreat from even modest procedures for racially fair punishment.”<sup>126</sup>

---

<sup>120</sup> Alexander, *The New Jim Crow*, 109.

<sup>121</sup> Murakawa, *The First Civil Right*, 308.

<sup>122</sup> Murakawa, *The First Civil Right*, 310.

<sup>123</sup> Domestic Policy Council and Jose Cerda, “Racial Justice,” *Clinton Digital Library*, accessed May 28, 2021, <https://clinton.presidentiallibraries.us/items/show/86808>. 25.

<sup>124</sup> Domestic Policy Council and Jose Cerda, “Racial Justice,” 21.

<sup>125</sup> Domestic Policy Council and Jose Cerda, “Racial Justice,” 21.

<sup>126</sup> Murakawa, *The First Civil Right*, 308.

Ultimately, no legislation in the 1994 Crime Bill protected African Americans against racial bias in sentencing.

Reporters from the *New York Times* also questioned the bill and its effectiveness the day after Clinton signed it into law. They doubted its effectiveness on violent crime and stated that the law represented a “fundamental change in the role that the Federal Government plays in crime-fighting that could begin to restore public confidence in the ability of Government to take the offensive against crime.”<sup>127</sup> Many Americans did not have faith in the government's ability to fight crime, as crime was a widely broadcasted topic in the 1990s. The increasing coverage by the news media throughout the 1990s influenced the public's perception of crime, despite that crime rates were dropping.

### **3.3 The media's influence on the public's perception of crime**

Clearly the Crime Bill's passage allowed the Democratic Party to position itself more to the center and the right. Another critical element that made the Crime Bill possible was the influence the media had on the public's perception of crime. One of the main arguments for passing the \$30 billion Crime Bill had to do with widespread perceptions of lawlessness. As a result, polls showed that a substantially high number of Americans viewed crime as a pressing issue. In the research article from the *Times Mirror Center for The People & The Press* by Andrew Kohut and others, the authors highlight the power of the media in framing crime.

They noted:

Not surprisingly in view of the incidence of crime, 63% of respondents said the media gives an accurate picture of the amount of crime in the country today, with 29% saying it exaggerated. This contrasts somewhat with the findings that in 1993, crime news on television more than doubled from 1992 although government crime reports and surveys of victims showed no appreciable increase in either overall crime or violent crime rates.<sup>128</sup>

The articles also addressed how even though there had not been an increase in crime rates, over half of the respondents said their family or neighbors had been victims of crime. The responses were then not only a reflection of the media's coverage of crime.<sup>129</sup> This included coverage of crime of both newspapers and news on TV. Law Professor Sara Sun Beale notes that in 1990 and 1991, the three networks CBS, NBC, and ABC, “aired an average of 557

---

<sup>127</sup> David Johnston and Steven A. Holmes, “Experts Doubt Effectiveness Of Crime Bill,” *New York Times*, September 14, 1994. <https://www.nytimes.com/1994/09/14/us/experts-doubt-effectiveness-of-crime-bill.html>

<sup>128</sup> Domestic Policy Council, Bruce Reed, and Crime Series, “Polls,” 6.

<sup>129</sup> Domestic Policy Council, Bruce Reed, and Crime Series, “Polls,” 7.

crime stories per year in their evening newscasts.”<sup>130</sup> Beale also asserts that “for the remainder of the decade, they aired an average of 1,613 stories per year. In 1995, the peak year, the networks presented 2,574 crime stories in their dinner-hour broadcasts. Indeed, crime was the leading topic the networks covered in their evening news shows in the 1990s.”<sup>131</sup> Clinton would also draw on the attention given by the media on crime, and he would frequently discuss the epidemic of crime in the United States and argue that it was a pressing issue. At the Crime Bill Forum at the Department of Justice in 1994, he proclaimed, “I’m here today because improving law enforcement and preserving the fabric of our society is probably more important to the American people, and to our future, than it has ever been in the history of America.”<sup>132</sup> Many in the United States agreed with him. A Gallup poll with the question “Is there more crime in the U.S. than there was a year ago, or less?” asked in 1992 shows that 89% thought more, and only 3% less. In 1993, 87% thought more.<sup>133</sup> Another poll posed the question: “In general, do you think the criminal justice system in this country is too tough, not tough enough or about just right in its handling of crime?” 83% said “not tough enough” in 1992.<sup>134</sup> Judging from such evidence, Clinton had political support to pass the bill.

David Garland sheds light on the mass media’s role in people’s perception of crime. Garland asserts that how the media chooses to portray crime affects the public’s perception of crime. When the media focuses on homicides committed by African American men or gang violence in impoverished black neighborhoods, it helps frame the public’s perception of who and where crime is happening. When and where the media also focuses more energy on the victim’s family instead of politics or the criminal justice system, people tend to see criminal justice as a personal issue. As Garland notes, “it has surrounded us with images of crime, pursuit, and punishment, and it has provided us with regular, everyday occasions in which to play out the emotions of fear, anger, resentment, and fascination that our experience of crime provokes.”<sup>135</sup>

Media Professor Mary Beth Oliver points to the criminalization of African Americans by not only the news media, but also the entertainment sector. Oliver notes that African Americans are more likely to be featured in news coverage about violent crimes. One study

---

<sup>130</sup> Sara Sun Beale, *The News Media's Influence on Criminal Justice Policy: How Market-Driven News Promotes Punitiveness*, 48 *Wm. & Mary L. Rev.* 397 (2006), <https://scholarship.law.wm.edu/wmlr/vol48/iss2/2422-423>.

<sup>131</sup> Beale, “The News Media's Influence on Criminal Justice Policy.” 423.

<sup>132</sup> Domestic Policy Council, Bruce Reed, and Crime Series, “POTUS Speeches,” 79.

<sup>133</sup> Gallup, “Crime,” *Gallup*, July 8, 2019, <https://news.gallup.com/poll/1603/crime.aspx>.

<sup>134</sup> Gallup, “Crime.”

<sup>135</sup> Garland, *The Culture of Control*, 158.

on news coverage featured over a six-month period on crime in the 1990s, discovered that 84% of crime stories about African Americans was about violent crime, compared to 71% of crime stories about white Americans.<sup>136</sup> Oliver also discussed the importance of the entertainment media's stereotyping of African Americans as criminals. She discovered that in five reality-based shows on crime, such as *Cops* and *America's Most Wanted*, 61.1% of the white characters were portrayed as police officers. However, 77% and 85.9% of African American and Latino characters were portrayed as suspects.<sup>137</sup> The association of African Americans with crime was a product of not only the news media, but also the entertainment media. There was also an immense media coverage of several trials in the 1990s. One example is the O.J. Simpson trial. Ned Martel in the *New York Times* confronted some of the framing of Simpson by the media during the trial. Martel points to Jeffrey Toobin who covered the trial for the *New Yorker*, who pledged that Simpson was guilty, and described him as "monstrous" and that he used the "race card."<sup>138</sup> Martel asserted that, "such language is typical of the white-dominated news media."<sup>139</sup>

The fear of crime was constant throughout the 1990s, as several stories of homicide and also children conducted and murdered by early released felons shocked the nation. One story which received much attention all over the nation was the story of Polly Klaas. A press release by the Safe Streets Alliance on December 6, 1993, noted, "Polly was a happy, well-adjusted twelve-year old having a sleepover with two friends when it appears Richard Allen Davis broke into her home, bound and gagged her two friends, and took her, whimpering, into the night."<sup>140</sup> Newspapers and political groups used the example of Polly Klaas to undermine the crucial need for the Crime Bill. Her murderer, Davis, had been released after eight years of a sixteen-year sentence, and the argument was that if he had served the whole sentence, Polly would still be alive.

Another narrative of crime that received a lot of attention in the 1990s was the situation of juveniles, which had also been a significant issue during the 1950s. The 1994 Crime Bill also included harsher punishment for juveniles committed of violent crimes. On September 19, 1994, *Time* published an issue dedicated to juvenile crime. The cover was all

---

<sup>136</sup> Mary Beth Oliver, "African American men as 'criminal and dangerous': Implications of media portrayals of crime on the 'criminalization' of African American men." *Journal of African American Studies* 7, 3–18 (2003). <https://doi.org/10.1007/s12111-003-1006-5>

<sup>137</sup> Oliver, "African American men as 'criminal and dangerous,'" 7.

<sup>138</sup> Ned Martel, "The Media and Race in O. J. Trial," *The New York Times*, October 4, 2005, sec. Arts, <https://www.nytimes.com/2005/10/04/arts/television/the-media-and-race-in-o-j-trial.html>.

<sup>139</sup> Martel, "The Media and Race in O. J. Trial."

<sup>140</sup> Domestic Policy Council, Bruce Reed, and Crime Series, "Truth in Sentencing," *Clinton Digital Library*, accessed June 2, 2021, <https://clinton.presidentiallibraries.us/items/show/22634>, 2.

black with a small photo of a young black boy with the headline “So Young to Kill, so Young to Die.”<sup>141</sup> African Americans were yet again the face of crime. Using the picture of a young African American, the message translated into the fear of a new generation of African American children who would become criminals. The article discussed the increase of rape, murder, and violent offenses among juveniles and highlighted the tragic fate of a young black boy who grew up in Chicago. “Yummy” came of age with an addicted mother and a father in jail. His childhood included violence, neglect, and several encounters with law enforcement. At 11 years old, he was killed by his gang after he killed a young girl. In the article about Yummy, the journalist wrote, “Before they grow up, these children can become walking weapons.”<sup>142</sup> Rhetoric like this increased the ongoing fear of crime and African Americans in particular.

As the general perception among people was that crime was out of control, many Americans perceived the Crime Bill as necessary. This included both black and white Americans. According to the *New York Times*, on the passing of the Crime Bill in 1994, 58% of nonwhites supported it compared with only 49% of whites.<sup>143</sup> However, the numbers of the black approval rate are somewhat misleading. Historians Elizabeth Hinton, Julilly Kohler-Hausmann, and political scientist Vesla M. Weaver question the narrative that black Americans favored the 1994 Crime Bill. As both Bill and Hillary Clinton have since the 1990s defended the Crime Bill with the perception that many African Americans wanted it, Hinton and others assert that many African Americans wanted a reaction to increasing crime rates, but they asked for something less punitive. They note, “Calls for tough sentencing and police protection were paired with calls for full employment, quality education and drug treatment, and criticism of police brutality.”<sup>144</sup> A poll conducted by Gallup throughout the 1990s asked what would lower the crime rate in the United States. Over half of the respondents favored addressing social problems instead of more law enforcement. In 1992, 67% of the respondents said that taking on social problems, compared to 25% who answered more law enforcement. By 2000, 68% favored a focus on social problems.<sup>145</sup> Though Gallup

---

<sup>141</sup> Jason McManus, ed., “The Short, Violent Life of Robert ‘Yummy’ Sandifier,” *Time*, September 19, 1994, <https://time.com/vault/issue/1994-09-19/page/1/>.

<sup>142</sup> Nancy R. Gibbs, “Murder in Miniature,” *Time*, September 19, 1994, <https://time.com/vault/issue/1994-09-19/page/1/>, 56.

<sup>143</sup> Farah Stockman, “On Crime Bill and the Clintons, Young Blacks Clash With Parents,” *The New York Times*, April 18, 2016. <https://www.nytimes.com/2016/04/18/us/politics/hillary-bill-clinton-crime-bill.html>

<sup>144</sup> Elizabeth Hinton, Julilly Kohler-Hausmann, and Vesla M. Weaver, “Opinion: Did Blacks Really Endorse the 1994 Crime Bill?,” *The New York Times*, April 13, 2016, <https://www.nytimes.com/2016/04/13/opinion/did-blacks-really-endorse-the-1994-crime-bill.html>.

<sup>145</sup> Gallup, “Crime.”

does not say how many African Americans or whites answered the poll, answers reveal that most Americans did not believe in the punitive strategy. Hinton and others claim that politicians developed “selective hearing” on these issues. They write, “when blacks ask for *better* policing, legislators tend to hear *more* instead.”<sup>146</sup>

### 3.4 The situation of crime in the 1990s

Despite the high coverage of crime in the 1990s, were crime rates declining. Godfrey Hodgson addresses the issue of tougher crime control and fear in the 1990s, despite decreasing crime rates all over the United States.<sup>147</sup> Though it was not known at the passing of the Crime Bill, there would be a significant decline during the 1990s. Criminologists Franklin Zimring and Steven D. Levitt shed light on how surprising this decline was. Zimring points out that politicians and professors had predicted that unruly juveniles would create a wave of lawlessness. Zimring also writes that “the middle 1990s were one of the angriest and most fearful periods in the modern politics of criminal justice.”<sup>148</sup> According to Zimring, it is customary to think about crime rates and criminal attitudes based on the past, which affects future calculations. In post-World War II history, there had only been a decline in crime rates after 1980 that lasted for only four years. So, in 1990 it seemed reasonable to think it might be a repetition of earlier experience. It was also difficult to predict the decline in crime because of the lack of necessary tools to see it coming.<sup>149</sup> Levitt writes that predictions expected a rise in homicide rates among youths by fifteen percent in the coming decade. A more pessimistic prediction expected the doubling of homicide rates among youths. But what actually happened was a decline of more than fifty percent in homicide rates among youths.<sup>150</sup>

Levitt offers four factors that contributed to the decline in crime rates. According to Levitt, the decline in crime was due to “increases in the number of police, the rising prison population, the waning crack epidemic and the legalization of abortion.”<sup>151</sup> Levitt argues that the strong economy, the changing demographics, and gun control laws had minimal impact on reducing crime. In comparison, he argues that incarceration accounted for a 12 percent drop in

---

<sup>146</sup> Hinton, Kohler-Hausmann, and Weaver, “Opinion: Did Blacks Really Endorse the 1994 Crime Bill?”

<sup>147</sup> Hodgson, *More Equal than Others*, 191.

<sup>148</sup> Franklin E. Zimring, *The Great American Crime Decline* (New York: Oxford: Oxford University Press, 2006), 22.

<sup>149</sup> Zimring, *The Great American Crime Decline*, 23.

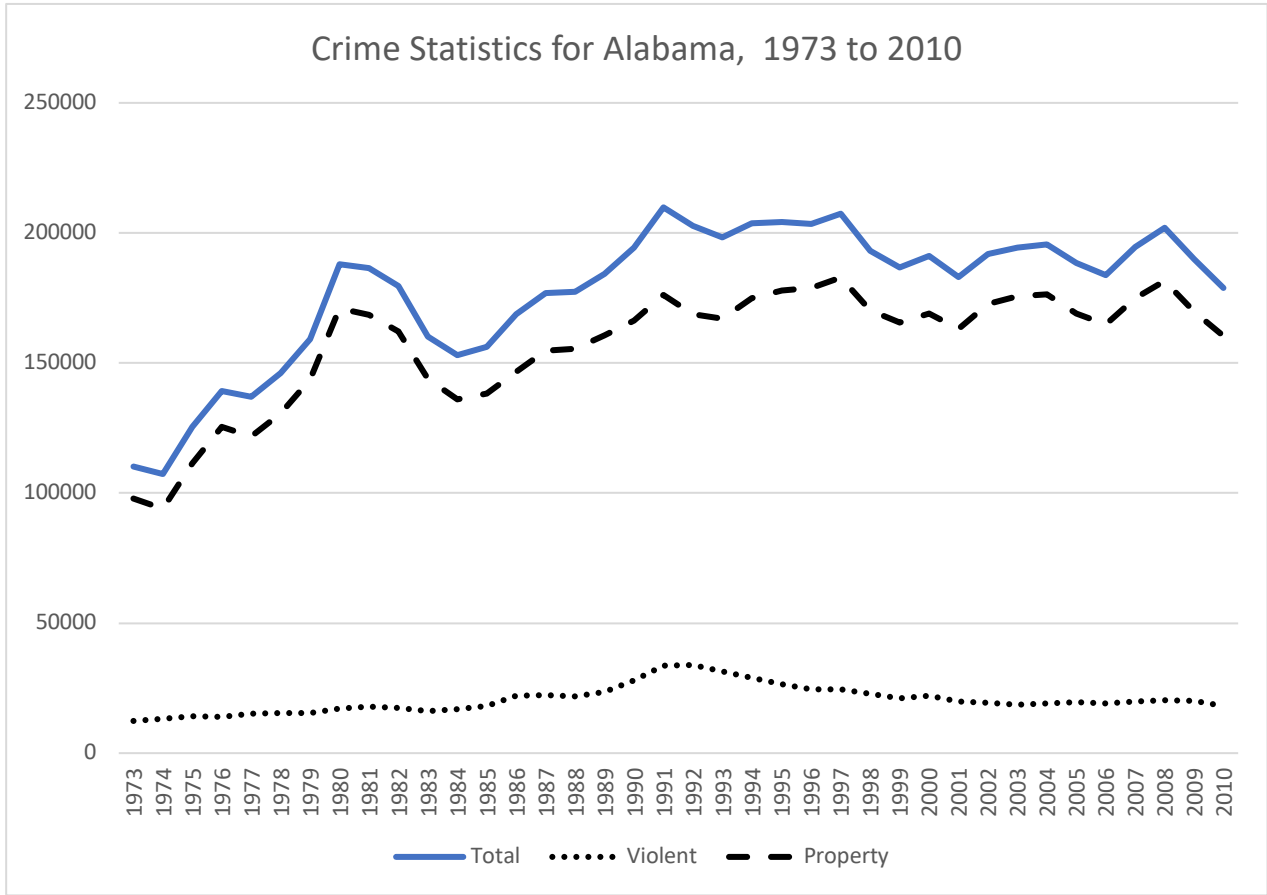
<sup>150</sup> Steven D Levitt, “Understanding Why Crime Fell in the 1990s: Four Factors That Explain the Decline and Six That Do Not,” *Journal of Economic Perspectives* 18, no. 1 (2004): 163–90, <https://doi.org/10.1257/089533004773563485>, 169.

<sup>151</sup> Levitt, “Understanding Why Crime Fell in the 1990s,” 164.



homicide and violent crimes and 8 percent for property crimes.<sup>152</sup> Zimring offers a different view on the decline in the crime rate and concludes that incarceration, demographic effects, and economic developments contributed to the change. Still, he is reluctant to conclude that these were the main factors.<sup>153</sup>

Alabama and Georgia in the Deep South reveal something important about crime rates. Graphs 154 and 155 demonstrate that the rate of violent crime stayed at a relatively stable level throughout the 1970s until the 1990s. What is more interesting is the pattern in property crimes. Both states had a very similar property crime pattern, though the number of reported property crimes in Georgia was double of those reported in Alabama. The number of property crimes in both states was also disturbingly high compared to violent crimes. The graphs demonstrate that even though many believed that violent crime the most pressing issue in the nation, it was a minimal issue compared to property crimes.

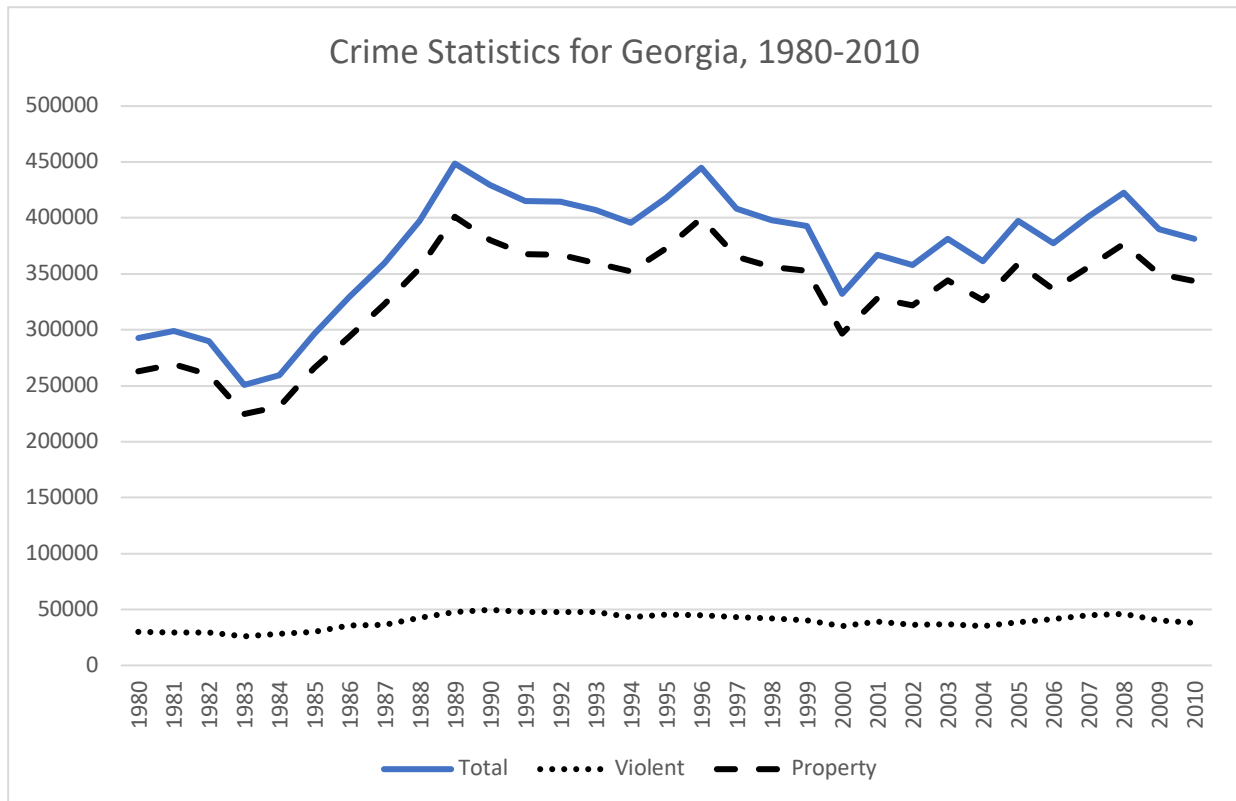


154

<sup>152</sup> Levitt, "Understanding Why Crime Fell in the 1990s," 179.

<sup>153</sup> Zimring, *The Great American Crime Decline*, 71.

<sup>154</sup> Graph based on numbers from *Alabama Crime Statistics, 1973-2010*.



155

According to Uniform Crime Reporting, a program by the Federal Bureau of Investigations that collects crime statistics from law enforcement across the nation, the rate of property crimes in the United States was 5,140 per 100,000 people at its highest in 1991. Violent crimes, however, were 758 per 100,000 people at its highest in 1991.<sup>156</sup> Since the 1994 Crime Bill was called the “Violent Crime Control and Law Enforcement Act,” it relied heavily on the perception that violent crime was unmanageable unless the government and law enforcement turned to punitive measures to control crime. Considering how the media contributed to the public’s perception of crime and the fact that violent crime was increasing in the 1980s, it is not entirely surprising that many Americans supported the Crime Bill. As a result, politicians in the Deep South implemented harsher penalties, and mass incarceration in the Deep South soared.

<sup>155</sup> Graph based on numbers from “Statewide Report Profile Of Reported Index Crimes 1980-2010.”

<sup>156</sup> Crime Data Explorer, “Trend of Violent and Property Crime,” *Federal Bureau of Investigations*, 2021, <https://crime-data-explorer.app.cloud.gov/#>.

## 4 The Influence of the Crime Bill

When Bill Clinton came to office in 1992, the Republican Party's had strong roots in the Deep South. Though its political power was more robust in some states than in others, Republicans were gaining ground in each state. The southern strategy established in the 1960s had been successful, and most of the white population now regarded themselves as Republican, whereas blacks remained overwhelmingly Democratic. The political climate in the 1990s in the Deep South was important for mass incarceration in the five states. This chapter investigates how the 1994 Crime Bill influenced criminal justice in the Deep South and contributed to mass incarceration. The chapter will investigate two laws from the bill, which are truth in sentencing and the three-strikes law. The 1994 Crime Bill was a federal law, so the three-strikes law only applied to federal offenses. However, many states adopted the three-strikes law after the Crime Bill. These, together with the funding for truth-in-sentencing laws, were two of the key contributing factors to mass incarceration by the Crime Bill.

### 4.1 Republicans new base

By the time the 1994 Crime Bill was going through Congress, the message of tougher criminal justice had spread all over the nation. Richard L. Berke published in the *New York Times* an article with the headline, "Governors' '94 Message: Crime, Crime and Crime."<sup>157</sup> Berke noted in the article, "The issue of crime is sweeping the nation's statehouses, with Governors sounding like tough-talking sheriffs as they declare that fighting violence is at the top of their legislative agendas."<sup>158</sup> Berke commented on how the governors were more focused on incarceration than rehabilitation and used the example of Governor Kirk Fordice of Mississippi. Fordice declared that he would take a shovel himself to build more prisons before he agreed to shorten sentences, noting, "it will be over my dead body before that ever happens."<sup>159</sup> The Deep South had in presidential elections been mainly Republican since the 1960s. Black and Black note that 81% of white voters in the Deep South voted for Reagan in 1984, and 70% of whites in voted for George H. W. Bush in 1988.<sup>160</sup> In the 1990s, many

---

<sup>157</sup> Richard L. Berke, "Governors' '94 Message: Crime, Crime and Crime," *The New York Times*, January 24, 1994, <https://www.nytimes.com/1994/01/24/us/governors-94-message-crime-crime-and-crime.html>.

<sup>158</sup> Berke, "Governors' '94 Message: Crime, Crime and Crime,"

<sup>159</sup> Berke, "Governors' '94 Message: Crime, Crime and Crime,"

<sup>160</sup> Black and Black, "Deep South Politics," 411.

Republicans gained ground at the state level as well. Fordice was one example, and the political issues in the Deep South still consisted of race, crime, and welfare.

In South Carolina, the election of Republican David M. Beasley in 1994 made the state a Republican stronghold. Years earlier Strom Thurmond, the segregationist and U.S. Senator, had switched to the Republican Party in support of Goldwater and Wallace in the 1960s.<sup>161</sup> Beasley's electoral campaign consisted of political issues such as tax cuts, a tough criminal justice agenda, and cutting back on welfare. The strong roots of white supremacy in the state became evident when Beasley proposed to remove the Confederate battle flag from the Statehouse building. Many white South Carolinians reacted with anger and were deeply offended by the proposition to remove the flag, though the flag symbolizes segregation and white supremacy.<sup>162</sup> Eric Harrison from the *Los Angeles Times* pointed out the reason for Beasley's proposition to remove the flag as to "help unite the races," though Beasley had shown support for the flag earlier.<sup>163</sup> Harrison also noted, "the signs of growing racial animosity were apparent. Last month, heavily armed members of the Ku Klux Klan were arrested and charged with firing into a crowd of teenage African Americans in Pelion, S.C., wounding three of them."<sup>164</sup>

Alabama, the home state of George Wallace, also had a strong white supremacist base after two decades of Wallace as governor. In 1986 the first Republican Governor H. Guy Hunt was elected in Alabama, which showed the Republican Party's competitiveness in the state.<sup>165</sup> Crime was again a popular issue, and Hunt and his Republican successor Fob James stressed the need for tougher criminal justice. White Alabamians reflected the general belief that the Republican Party was more suitable in fighting crime and that the Democratic Party was more interested in pleasing minorities and the poor. Most of those who identified as Republicans were white, and the majority of those who identified as Democrats were black. The sorting of the electorate by race resulted in the parties using less effort to attract voters from the other group, which further strengthened the racial polarization in the state.<sup>166</sup>

The political climate in Louisiana in the 1990s was characterized by a strong Catholic faith among white voters, and the issue of race. The Republican Party gained more voters

---

<sup>161</sup> Glen T. Broach and Lee Brandy, "South Carolina: a decade of rapid republican ascent," in Alexander P. Lamis, *Southern Politics in the 1990s* (Baton Rouge: Louisiana State University Press, 1999), 50.

<sup>162</sup> Broach and Brandy, *South Carolina: a decade of rapid republican ascent*, 65-77.

<sup>163</sup> Eric Harrison, "S. C. Governor Wants to Lower Rebel Flag," *Los Angeles Times*, November 27, 1996, <https://www.latimes.com/archives/la-xpm-1996-11-27-mn-3449-story.html>.

<sup>164</sup> Harrison, "S. C. Governor Wants to Lower Rebel Flag"

<sup>165</sup> Patrick R. Cotter and Tom Gordon, "Alabama: the GOP rises in the heart of Dixie," in Alexander P. Lamis, *Southern Politics in the 1990s* (Baton Rouge: Louisiana State University Press, 1999), 223-225.

<sup>166</sup> Cotter and Gordon, "Alabama: the GOP rises in the heart of Dixie," 244-245.

from the white base over Catholic issues such as abortion, and the party's success on the national level was reflected in Louisiana. The turning point was when the former Ku Klux Klan leader David Duke decided to run for governor under the Republican Party in the 1990s. Duke had formerly run as a Democrat for the presidential election in 1988, and later as the presidential nominee for the Populist Party in 1988.<sup>167</sup> Duke spoke of the government's particular interest in minorities and poor people and how the middle class was left to pay their bills. His reputation as a Klan leader and white supremacist did not serve him well with the Republican Party, who feared the bad publicity from having Duke run under their party. Roberto Suro in the *New York Times* wrote, "Mr. Duke, who was openly associated with neo-Nazi groups in the 1970's and was a grand wizard of the Ku Klux Klan from 1975 to 1980, has proven to be a major embarrassment to the President and the national leadership of the Republican Party."<sup>168</sup> President Bush had to publicly denounce Duke to try to distance the Republican Party from his candidacy. In the election, Duke ended up losing with a total of 44.5% of the votes. However, his voters reflected the strong roots of white supremacy in Louisiana, as 55% of Louisiana's white votes voted for Duke. Edward F. Renwick and others write that in pre-election polls, "three-fifths of his backers said the civil rights laws had gone too far. Forty-six of his voters would not give any governmental help to minority groups."<sup>169</sup>

The political landscape also changed in Georgia during the 1990s. The Democratic Party had always had strong roots in Georgia, with easy wins for the Democrats until the Republican Party started to gain more ground during the 1990s. Michael Binford and others write, "Republican Isakson presented the most significant republican challenge since 1966."<sup>170</sup> The governor's election in 1990 was between the conservative Democrat Zell Miller and minority house leader Johnny Isakson for the Republican Party. Miller won the election with 52.9% to Isakson's 44.5% of the votes, which revealed the power of the Republican Party in the state.<sup>171</sup> Georgia underwent some demographic changes during the 1980s and 1990s. The population in the state increased by almost two million from 1980 to 1996. Michael Binford and others write, "many of the new suburban voters were new to Georgia,

---

<sup>167</sup> Edward F. Renwick, T. Wayne Parent and Jack Wardlaw, "Louisiana: Still Sui Generis like Huey," in Alexander P. Lamis, *Southern Politics in the 1990s* (Baton Rouge: Louisiana State University Press, 1999), 287-288.

<sup>168</sup> Roberto Suro, "The 1991 Election: Louisiana; Bush Denounces Duke as Racist and Charlatan," *The New York Times*, November 7, 1991, <https://www.nytimes.com/1991/11/07/us/the-1991-election-louisiana-bush-denounces-duke-as-racist-and-charlatan.html>.

<sup>169</sup> Renwick, Parent and Wardlaw, Louisiana: Still Sui Generis like Huey, 289.

<sup>170</sup> Michael Binford, Tom Braxter and David E. Sturrock, "Georgia: Democratic Bastion no longer" in Alexander P. Lamis (*Southern Politics in the 1990s*, Baton Rouge: Louisiana State University Press, 1999), 109

<sup>171</sup> Binford, Braxter and Sturrock, *Georgia: Democratic Bastion no longer*, 112

and many brought Republican affiliations with them.”<sup>172</sup> Several skilled democratic politicians, such as Attorney General Bowers and Congressman Deal, also flipped to the Republican Party.<sup>173</sup> This increased the political strength of the party.

As most black Southerners voted for the Democratic Party, and most white Southerners for the Republican Party, the southern strategy enacted in the 1960s had gained massive grounds for the Republican Party. What later happened in the 1990s, and what added to this picture, was the implementation of tougher criminal justice legislation.

## 4.2 Truth in Sentencing

The truth in sentencing law enacted by the 1994 Crime Bill influenced mass incarceration in the Deep South. Funds would be allocated to the states who made their inmates serve 85 percent of their sentence to reduce the use of early release or parole. A report on truth in sentencing written by the U.S. Department of Justice claimed:

In the early 1970’s States followed an indeterminate sentencing model in which a parole board decided when an offender would be released from prison. Pressure for longer sentences and uniform punishment led to mandatory minimums and sentencing guidelines in the 1980’s. However, prison crowding, good-time sentence reductions for satisfactory prison behavior, and earned-time resulted in the early release of prisoners.<sup>174</sup>

Truth in sentencing’s goal was to stop early releases from prison. A reporter in the *Washington Times* observed that, “the inability to keep convicted criminals behind bars is one of the most confounding problems of the criminal justice system.”<sup>175</sup> The story of Polly Klaas was used by both the media and Congress to enforce truth in sentencing laws. Polly Klass served as the worst-case scenario, as victims of crime should never be innocent children. The public also became terrified that this would happen to their own children. In a document from January 27, 1994, Jim Chapman and Don Young asked Congress for their support to the “H.R. 2584, the Chapman-Young Truth in Sentencing Act.”<sup>176</sup> They claimed, “passage of the H.R. 3584 will dramatically reduce violent crime and prevent many unnecessary tragedies like the murder of Polly Klaas by an early parole, which the President specifically

---

<sup>172</sup> Binford, Braxter and Sturrock, *Georgia: Democratic Bastion no longer*, 127

<sup>173</sup> Binford, Braxter and Sturrock, *Georgia: Democratic Bastion no longer*, 129

<sup>174</sup> Paula M. Ditton and Doris James Wilson, “Truth in Sentencing in State Prisons,” *U.S. Department of Justice*, January 1999, <https://www.bjs.gov/content/pub/pdf/tssp.pdf>.

<sup>175</sup> Domestic Policy Council, Bruce Reed, and Crime Series, “Truth in Sentencing,” 5.

<sup>176</sup> Domestic Policy Council, Bruce Reed, and Crime Series, “Truth in Sentencing,” 60.

mentioned.”<sup>177</sup> Though mandatory minimum sentences for various crimes and especially drug crimes were in effect, truth in sentencing legislation would assure that convicts stayed in prison for at least half of their convicted time.

Bruce Western points out the problem with mandatory minimums. Politicians initially introduced mandatory minimums to show how tough on crime they could be. Such policies were popular during the Nixon era in the 1970s. Nelson Rockefeller, Republican Governor of New York in the 1970s, serves as an example of how politicians implemented mandatory minimums for political gain. In 1973, Rockefeller passed a drug law giving mandatory life in prison for distribution or possession of heroin and other hard drugs. Though the mandatory minimums also reflected a fear of growing drug use and crime, they were adapted for several years after the 1970s and 1980s. By the 1990s, thirty-five other states enforced mandatory minimums for drug trafficking or possession.<sup>178</sup> However, mandatory minimum sentences did not always work. As Western states, “Mandatory minimums reduced an ostensibly dishonest feature of indeterminate sentencing: potentially severe sentences were allowed by law but seldom imposed by judges.”<sup>179</sup>

After the passing of the Crime Bill, the funding began to flow to the states. State funding varied in terms of size and population, but the Clinton administration quickly announced estimated funding. His administration estimated a total of \$366 million in funding for the Deep South, which would be doubled if states implemented truth in sentencing laws. Funding to Louisiana from 1995 to 2000 was an estimated \$85 million for prison grants and an additional \$85 million if the state met the truth in sentencing requirements.<sup>180</sup> Mississippi would receive \$29 million for prison grants and \$29 million more if the state met the truth in sentencing target.<sup>181</sup> Georgia was set to receive the largest amount of funding, with \$102 million for prison grants and an additional \$102 million for truth in sentencing grants.<sup>182</sup> Alabama would receive \$75 million for prison grants, and if they met the requirements for truth in sentencing, an additional \$75.<sup>183</sup> South Carolina would receive an estimated \$75

---

<sup>177</sup> Domestic Policy Council, Bruce Reed, and Crime Series, “Truth in Sentencing,” 60.

<sup>178</sup> Western, *Punishment and Inequality in America*, 64-65.

<sup>179</sup> Western, *Punishment and Inequality in America*, 65.

<sup>180</sup> Office of Cabinet Affairs, Stephen Silverman, and Phillip "Phil" Caplan, “Folder 6 - [1994 Crime Bill - State Information] [1],” *Clinton Digital Library*, accessed May 5, 2021, <https://clinton.presidentiallibraries.us/items/show/86496>. 55.

<sup>181</sup> Office of Cabinet Affairs, Stephen Silverman, and Phillip "Phil" Caplan, “Folder 6 - [1994 Crime Bill - State Information] [2],” *Clinton Digital Library*, accessed May 12, 2021, <https://clinton.presidentiallibraries.us/items/show/86497>. 9.

<sup>182</sup> Office of Cabinet Affairs, Stephen Silverman, and Phillip "Phil" Caplan, “Folder 6 - [1],” 31.

<sup>183</sup> Office of Cabinet Affairs, Stephen Silverman, and Phillip "Phil" Caplan, “Folder 6 - [1],” 9.

million for prison grants and an additional \$75 million if the state met the truth in sentencing requirements.<sup>184</sup>

What became evident is that the funding was not as significant as the Senate first estimated. In a report from the U.S. Department of Justice to Congress in February 2005, the total funds for VOI/TIS programs between 1996-2001 was a reported \$2.7 billion.<sup>185</sup> The report showed how much funding each state received and how they allocated that funding. Alabama received a total of \$22 million and reported that 400 new prison beds had been added since the first funding in 1996. The state also reported that six separate construction projects were in the making. Georgia received \$82 million in funding, and the state directed the funding towards various projects. The state reported construction of nine new prison facilities, an expansion of prison beds in six different facilities, and the planning of one new facility. Louisiana received \$70 million in funding and reported construction and expansion of nine prison facilities. Funding to Mississippi was \$29 million, and the state reported the funding went to “make improvements to the Mississippi State Penitentiary, particularly to enlarge capacity and improve security.”<sup>186</sup> South Carolina received \$64 million in funding. In the report, the state noted that “VOI/TIS funding have made it possible for South Carolina to house more than 23,000 inmates. Since its first award in 1996, the state has created more than 2,000 beds. Funds also have been used to update two facilities.”<sup>187</sup>

In the Deep South, all states except Alabama met the federal requirements to receive truth in sentencing grants. Marc Mauer points out that the financial obligation behind truth in sentencing laws was one reason for not passing the laws. Since the states were required to match federal funding grants to receive funding, many states such as Alabama might have considered it as too expensive to take on. At the same time, the funds provided by the federal government were also a reason why states implemented truth in sentencing.<sup>188</sup>

A critical narrative of the expansion of correctional facilities was the expansion of private prisons. Political scientist Marie Gottschalk sheds light on the issue of economic interests behind correctional facilities. She notes how correctional facilities had become a profitable industry by the 1990s and discusses the economic interests behind mass

---

<sup>184</sup> Office of Cabinet Affairs, Stephen Silverman, and Phillip "Phil" Caplan, “Folder 6 - [1994 Crime Bill - State Information] [3],” *Clinton Digital Library*, accessed May 12, 2021, <https://clinton.presidentiallibraries.us/items/show/86498>. 11.

<sup>185</sup> U.S. Department of Justice, “REPORT to CONGRESS Violent Offender Incarceration and Truth-In-Sentencing Incentive Formula Grant Program” February 2005, <https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/voitisreport.pdf>. 1.

<sup>186</sup> U.S. Department of Justice, “Report to Congress,” 18.

<sup>187</sup> U.S. Department of Justice, “Report to Congress,” 26.

<sup>188</sup> Mauer, *Race to Incarcerate*, 81.



incarceration. Gottschalk points out that corporations and individuals could invest in private prisons and that corporations could use prisons as a manufacture or to sell their services to correctional facilities. Gottschalk notes that “telecommunications companies have their eyes on the estimated \$1 billion in telephone calls that people in prison make each year.”<sup>189</sup> The *Baltimore Sun* published an article on August 29, 1994 on the impact the 1994 Crime Bill would have on private prisons. A reporter in the article wrote:

The Nashville, Tenn.-based Corrections Corp. of America is building four new prisons to add to the 17 prisons it operates or manages in the United States today. With crime the public’s No.1 concern, and with politicians calling for putting more thugs behind bars, Corrections Corp.’s spokesman Ms. Lawrence said, ‘We have great growth prospects.’<sup>190</sup>

The economic interest behind private prisons was evident. Jeff Gerth and Stephen Labaton in the *New York Times* commented that Clinton planned to have corporations run the new Federal prisons. Gerth and Labaton noted that “the proposal is meant to fulfill President Clinton’s campaign pledge to slash the growth of employees on the Federal payroll.”<sup>191</sup>

Gottschalk addresses another critical issue behind private prisons. She points to the pressure it contains to run a prison like a business, noting how it “have fueled corruption and distorted public priorities.”<sup>192</sup> It is also devastating that inmates are exploited and working for large corporations and producing sales goods for far less than minimum wage per hour.

### 4.3 Three Strikes and You’re Out

The federal “three-strikes-and-you’re-out” law implemented by Clinton in the 1994 Crime Bill also boosted mass incarceration of African Americans in the 1990s. Like the truth in sentencing law, the federal three-strikes law intended to keep former convicts locked up for as long as possible. Clinton described the reason for the federal three-strikes law:

We must find a way to protect ourselves from repeat offenders, the relatively small number of criminals with no conscience who prey on us again and again. If they keep doing these things they’ve got to know what’s in store for them is certain and severe punishment, and not another parole. Ever. For us, baseball season just began. But for them it’s going to be ‘three strikes and you’re out at the old ball game.’<sup>193</sup>

---

<sup>189</sup> Gottschalk, *The Prison and the Gallows*, 30.

<sup>190</sup> Bloomberg Business News, “Crime Bill Boosts Already Healthy Private Prisons,” *The Baltimore Sun*, August 29, 1994, <https://www.baltimoresun.com/news/bs-xpm-1994-08-29-1994241013-story.html>.

<sup>191</sup> Jeff Gerth and Stephen Labaton, “PRISONS for PROFIT: A Special Report; Jail Business Shows Its Weaknesses,” *The New York Times*, November 24, 1995, <https://www.nytimes.com/1995/11/24/us/prisons-for-profit-a-special-report-jail-business-shows-its-weaknesses.html>.

<sup>192</sup> Gottschalk, *The Prison and the Gallows*, 30.

<sup>193</sup> Domestic Policy Council, Bruce Reed, and Crime Series, “POTUS Speeches,” 80.

Clinton description of repeat offenders as someone who “prey on us again and again” implies that these offenders should be locked away in cages animals. People who would serve better behind bars for the rest of their lives. A research brief issued by the U.S. Department of Justice in September 1997 described the purpose of the law as, “offenders convicted repeatedly of serious offenses should be removed from society for long periods of time, in many cases for life.”<sup>194</sup> Though the law was at the federal level, many states followed and implemented three-strikes laws at the state level. Todd R. Clear describes the three-strikes law as being part of a moral dilemma. He points out, “we have trouble with the persistent criminal who seems never to learn a lesson. Repeat victimizing is all the more opprobrious when we have previously been lenient with the first-timer, who turns around and does it again.”<sup>195</sup> The law was popular among Americans, who wanted dangerous murderers and violent offenders off the streets. According to the *New York Times*, polls showed an 80 percent approval of the three-strikes law among Americans. Reporter Timothy Egan wrote, “supporters of three-strikes point to Federal figures showing that 6 percent of criminals commit about 70 percent of all crimes; thus, they say, the law will remove from society a core group of violent felons who are incorrigible.”<sup>196</sup> The widely reported example of Polly Klaas was also used to endorse the three-strikes law, and together with truth in sentencing, the goal was to keep violent offenders incarcerated for longer periods.

Many states in the Deep South implemented a “strikes law” before and after the passing of the 1994 Crime Bill. For example, Mississippi and Alabama implemented a three-strikes law before the passing of the Crime Bill, though under the name of a “habitual offender law.” In Georgia, Governor Zell Miller proposed one of the nation’s toughest crime bills in 1994, right before the passing of the federal Crime Bill. Miller issued a remark in January 1994 on the state’s crime proposal and declared, “We are going to end parole for violent criminals and make them serve the full sentences they receive. And, we’re going to have a criminal justice system that’s as tough on criminals as they are tough on us.”<sup>197</sup> Miller’s variation of tough was a “two strikes and you are out” law, instead of three-strikes. He described it as, “The toughest crime package in the nation says to repeat violent offenders: Two Strikes and You Are Gone Forever. If you commit a second violent offence, Georgia

---

<sup>194</sup> John Clark, James Austin, and D. Alan Henry, “‘Three Strikes and You’re Out’: A Review of State Legislation,” *National Institute of Justice*, September 1997, <https://www.ojp.gov/pdffiles/165369.pdf> 1.

<sup>195</sup> Clear, *Imprisoning Communities*, 56.

<sup>196</sup> Timothy Egan, “A 3-Strike Law Shows It’s Not as Simple as It Seems,” *The New York Times*, February 15, 1994, <https://www.nytimes.com/1994/02/15/us/a-3-strike-law-shows-it-s-not-as-simple-as-it-seems.html>.

<sup>197</sup> Office of Counsel to the President and Clarissa Cerda, “State Crime Bill Legislation [1],” *Clinton Digital Library*, accessed May 16, 2021, <https://clinton.presidentiallibraries.us/items/show/86638>. 6.

will put you away... forever. No exceptions. Just like it ought to be.”<sup>198</sup> The law only accounted for violent crimes and offenses such as murder, armed robbery, kidnapping, aggravated child molestation, rape, aggravated sodomy, and aggravated sexual battery. Conviction of one of these crimes would first give a mandatory ten years in prison without the possibility of parole, and for a second offense the sentence would be life in prison.<sup>199</sup>

Governor David Beasley in South Carolina also took a tough position on crime, and in his 1996 State of the State Address claimed, “two strikes and you’re out for violent offenders. Three-strikes and you’re out for nonviolent criminals.”<sup>200</sup> Beasley tried to scare off future criminals with his tough approach to crime and declared, “our message to would-be criminals – young and old alike – is that prison life is tough, and you don’t want to be here.”<sup>201</sup> South Carolina had mandated life imprisonment for a third conviction of a violent felony since 1976. In 1995, the state mandated life imprisonment without the possibility of parole for two serious violent convictions.<sup>202</sup> In the 1998 State of the State address, Beasley addressed the two-strikes and three-strikes law as a victory. Beasley declared, “Ladies and gentlemen, we’ve put the hammer down, and finally the law has meaning again.”<sup>203</sup> Beasley also emphasized the punitive approach to criminal justice and did not mention any rehabilitation programs or courses inmates could take to get ready for the world again. Moreover, the focus was on hard work and harsh sentences. Beasley argued, “in the prison system, it used to be that inmates lived better than some of us on the outside. But inmates don’t run the show anymore. We do.”<sup>204</sup>

Louisiana had a preexisting three-strikes law by 1994 but added a new four-strikes law in 1994. The existing three-strikes law demanded life imprisonment without parole for a third conviction of a serious violent offense or drug offense. According to the U.S. Department of Justice, this included three convictions of “murder, attempt murder, manslaughter, rape, armed robbery, kidnapping, any drug offense punishable by more than five years, any felony

---

<sup>198</sup> Office of Counsel to the President and Clarissa Cerda, “State Crime Bill Legislation [1],” 16.

<sup>199</sup> Office of Counsel to the President and Clarissa Cerda, “State Crime Bill Legislation [1],” 17.

<sup>200</sup> David Beasley, “1996 State of the State Address,” *South Carolina State Library*, April 2, 1997, [https://dc.statelibrary.sc.gov/bitstream/handle/10827/625/State\\_of\\_the\\_State\\_Address\\_1996-1-24.pdf?sequence=1&isAllowed=y](https://dc.statelibrary.sc.gov/bitstream/handle/10827/625/State_of_the_State_Address_1996-1-24.pdf?sequence=1&isAllowed=y), 4

<sup>201</sup> Beasley, “1996 State of the State Address,” 4.

<sup>202</sup> Clark, Austin, and Henry, “Three Strikes and You’re Out,” 10.

<sup>203</sup> David Beasley, “1998 State of the State Address,” *South Carolina State Library*, January 21, 1998, [https://dc.statelibrary.sc.gov/bitstream/handle/10827/627/State\\_of\\_the\\_State\\_Address\\_1998-1-21.pdf?sequence=1&isAllowed=y](https://dc.statelibrary.sc.gov/bitstream/handle/10827/627/State_of_the_State_Address_1998-1-21.pdf?sequence=1&isAllowed=y) 6.

<sup>204</sup> Beasley, “1998 State of the State Address,” 6.

punishable by more than 12 years.”<sup>205</sup> The new four-strikes law demanded life in prison if convicted of four felonies where one was a serious violent or drug offense.<sup>206</sup>

Three strikes laws and life sentences have disproportionately hurt African Americans. On October 27, 2014, the American Civil Liberties Union (ACLU) submitted a report on racial disparities in sentencing to the Inter-American Commission on Human Rights. The report documents the large disparity is in life sentences between black and white Americans, and especially in the Deep South. Jennifer Turner and Jamil Dakwar state that:

As of 2012, the ACLU’s research shows that 65.4 percent of prisoners serving LWOP for nonviolent offenses are Black. The racial disparities are even worse in some states. In 13 states and the federal system, the percentage of Blacks serving life sentences is over 60 percent. In Georgia and Louisiana, the proportion of Blacks serving LWOP sentences is as high as 73.9 and 73.3 percent, respectively.<sup>207</sup>

The report also points to Governor Millers’ two-strikes law in Georgia, which has revealed significant racial bias in sentencing by the prosecutors. Turner and Dakwar note that Georgia prosecutors “invoked the law against only 1 percent of white defendants facing a second drug conviction, compared to 16 percent of Black defendants. As a result, 98.4 percent of prisoners serving life sentences under the law were Black.”<sup>208</sup> African Americans are also overrepresented on life without parole for nonviolent offenders. In Louisiana, 91.4% of those on life without parole for nonviolent offenders were black. In Mississippi and South Carolina, the share were 78.5% and 68.2% African Americans on life without parole for nonviolent offenders.<sup>209</sup>

Though many Americans and politicians approved of the three-strikes law, many questioned its effects and outcomes. Journalist Timothy Egan in *the New York Times* pointed out that, “nationwide, critics of the three-strikes law say it will create a population of geriatric prisoners by locking up people who are well past their peak crime years and then keeping them in prison – at a current cost of \$25,000 a year for every inmate – until they die.”<sup>210</sup> The implementation of three-strikes laws and truth in sentencing has contributed to large financial obligations. John Cloud in *Time* wrote in 2003 a piece titled, “A Get-Tough Policy That

---

<sup>205</sup> Clark, Austin, and Henry, “Three Strikes and You’re Out,” 7.

<sup>206</sup> Clark, Austin, and Henry, “Three Strikes and You’re Out,” 8.

<sup>207</sup> Jennifer Turner and Jamil Dakwar, “Written Submission of the American Civil Liberties Union on Racial Disparities in Sentencing Hearing on Reports of Racism in the Justice System of the United States,” *American Civil Liberties Union*, October 27, 2014, [https://www.aclu.org/sites/default/files/assets/141027\\_iachr\\_racial\\_disparities\\_aclu\\_submission\\_0.pdf](https://www.aclu.org/sites/default/files/assets/141027_iachr_racial_disparities_aclu_submission_0.pdf). 2.

<sup>208</sup> Turner and Dakwar, “Written Submission of the American Civil Liberties Union on Racial Disparities,” 2.

<sup>209</sup> Turner and Dakwar, “Written Submission of the American Civil Liberties Union on Racial Disparities,” 3.

<sup>210</sup> Egan, “A 3-Strike Law Shows It’s Not as Simple as It Seems.”

Failed.” Cloud noted, “the studies are finding that the laws cost enormous amount of money, largely to lock up such nonviolent folks as teenage drug couriers, dope-starved addicts and unfortunate offenders like the Iowa man who got 10 years for stealing \$30 worth of steaks from a grocery store and then struggling with a store clerk who tackled him.”<sup>211</sup> By the 2000s, both truth in sentencing and the three-strikes law had contributed to a record number of incarcerated Americans.

#### **4.4 Mass Incarceration in the Deep South**

By 2000, the Crime Bill had greatly influenced incarceration rates and the construction of new correctional facilities. A report from the U.S. Department of Justice on state and federal correctional facilities stated that correctional facilities had increased by 14 % from 1995 to 2000. This included private, federal, and state correctional facilities. Both federal and state correctional facilities operated above rated capacity in 2000. However, state facilities only operated at a 101% capacity, compared to federal facilities that operated at a 134% capacity.<sup>212</sup> The report also sheds light on the exceptionally high number of inmates and correctional facilities in the South. In the South, correctional facilities had expanded from 636 in 1995 to 743 in 2000. On that point, the report commented, “Almost half of all State prisoners and over two-fifths of State inmates were in the South. Its 743 State correctional facilities were more than twice as numerous as those of other regions. With nearly 519,000 prisoners, its population was more than double that in both the Northeast and the Midwest, nearly the double that in the West.”<sup>213</sup> According to the U.S. Department of Justice, the total number of sentenced inmates in federal or state facilities was 773,905 in 1990. By 2000, the number had reached 1,381,892. An additional 621,149 inmates were held in local jails.<sup>214</sup> During his presidency, Bill Clinton and his administration witnessed 78% national increase in incarceration rates.

The Deep South especially contributed to these high incarceration rates. As graph 215 demonstrates, incarceration rates in the Deep South soared from the era of Reagan in 1983 to the Obama presidency in 2010. The total rate increased by 227%, which counts for inmates in

---

<sup>211</sup> John Cloud, “A Get-Tough Policy That Failed,” *Time*, March 19, 2003.

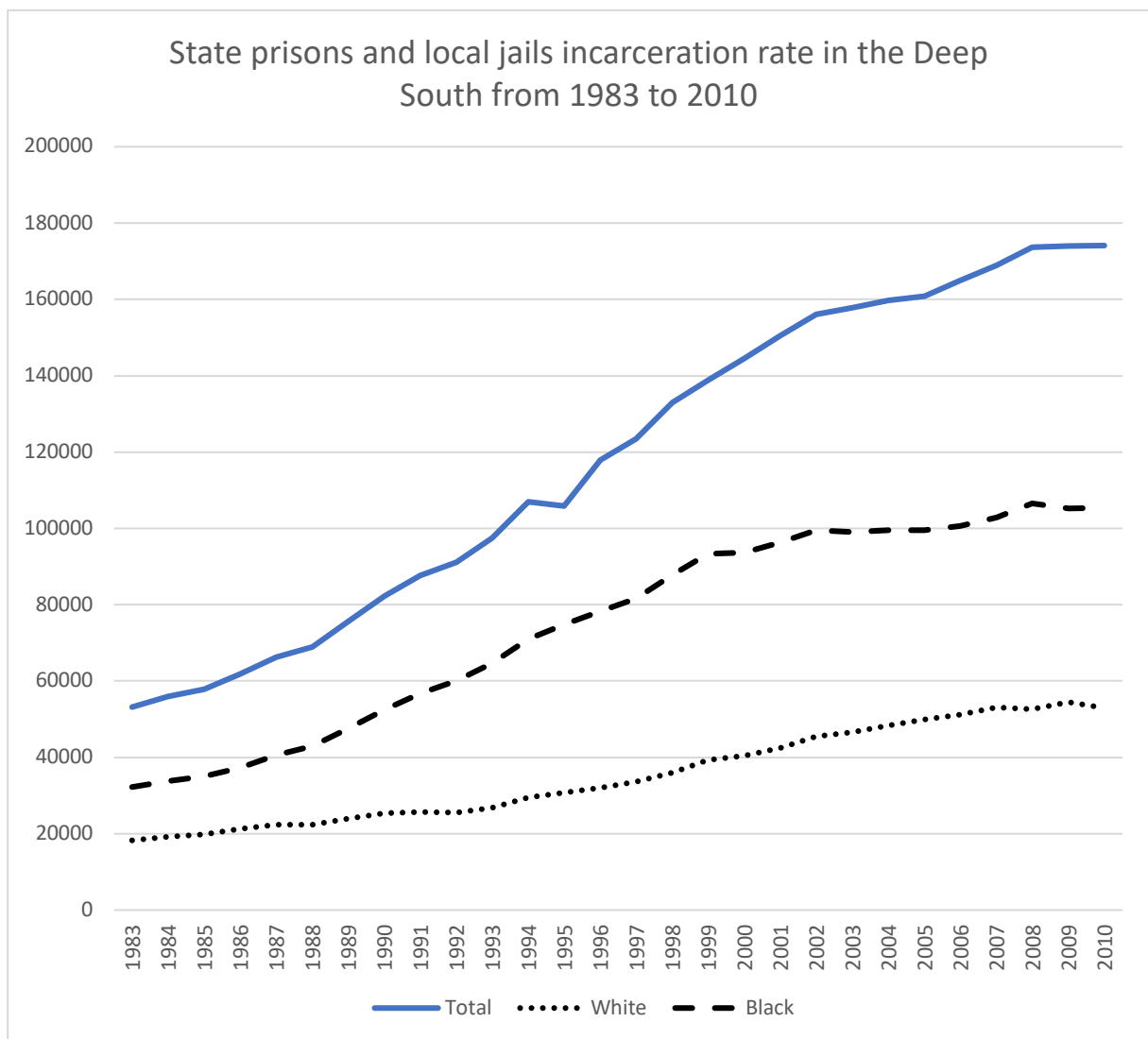
<http://content.time.com/time/magazine/article/0,9171,19229-1,00.html>

<sup>212</sup> James J. Stephen and Jennifer C. Karberg, “Census of State and Federal Correctional Facilities, 2000,” Bureau of Justice Statistics, August 2003, <https://www.bjs.gov/content/pub/pdf/csfcf00.pdf> 2-4.

<sup>213</sup> Stephen and Karberg, “Census of State and Federal Correctional Facilities, 2000,” 2.

<sup>214</sup> Allen Beck and Paige M. Harrison, “Prisoners in 2000,” *Bureau of Justice Statistics*, August 2001, <https://www.bjs.gov/content/pub/pdf/p00.pdf> 1-2.

local jails and state prisons. The increasing incarceration rate was not lost on the white population. Despite the incarceration rate for African American males being double that of white males, the statistics show that incarceration for white males increased by 189% from 1983 to 2010. However, the number of incarcerated African American males increased by 226% from 1983 to 2010. Between 1990 and 2000, the total incarceration rate increased by 75% percent. It increased by 78% for African American males and 59% for white males. This reveals that the 1994 Crime Bill further increased mass incarceration in the Deep South.



215

<sup>215</sup> Graph based on statistics collected from various primary sources. This includes the *Bureau of Justice statistics*, *Correctional Populations in the United States 1983-1998*; *Georgia Department of Corrections*, annual report 1999-2010; *South Carolina State Library Digital Collections*; *Alabama Department of Corrections*, Statistical Reports 2000-2010; *Mississippi Department of Corrections*, monthly fact sheets 2001-2010; *Louisiana Public Documents Digital Archive*, Adult Correctional systems 1999-2010.

Graph 213 does not include those on parole or probation. According to the Sentencing Project, by 2016, 31,672 inmates in the Deep South were serving life with parole, life without parole, or a virtual life sentence. In Louisiana, a striking 30.8% of the prison population served a life sentence in 2016, and 24.4% in Alabama. Well over half of those serving a life sentence were African American, and the number of inmates serving a life sentence has continued to grow despite declining crime rates.<sup>216</sup> The increase in the prison population has brought with it several obvious negative effects. First, Alabama prisons have struggled with overcrowding, homicides, and violence. In 2010, their correctional facilities were operating at a 189.5% capacity.<sup>217</sup> In 2020, the U.S. Justice Department sued Alabama for unconstitutional conditions in men’s correctional facilities. The press release by the Justice Department stated,

The complaint alleges that the conditions at Alabama’s prisons for men violate the Constitution because Alabama fails to provide adequate protection from prisoner-on-prisoner violence and prisoner-on-prisoner sexual abuse, fails to provide safe and sanitary conditions, and subjects prisoners to excessive force at the hands of prison staff.<sup>218</sup>

Katie Benner and Shaila Dewan wrote in *the New York Times*, “one prisoner had been dead for so long that when he was discovered lying face down, his face was flattened. Another was tied up and tortured for two days while no one noticed.”<sup>219</sup> The U.S. Justice Department also opened an investigation on prison facilities in Mississippi in 2020. A reporter in the *Guardian* commented, “the lawsuit, filed in January on behalf of prisoners, says the prisons are ‘plagued by violence’ and prisoners are forced to live in decrepit and dangerous conditions.”<sup>220</sup> These conditions were repeated all over the Deep South. Stories of violence, overcrowding, understaffing, homicides, and suicide were common in state prison facilities. Many inmates also had mental health illnesses and have not received treatment or help. The case of Jamal

---

<sup>216</sup> Ashely Nellis, Morgan McLeod, and Casey Adams, “Still Life: America’s Increasing use of Life and Long-Term Sentences,” *The Sentencing Project*, May 2017, <https://www.sentencingproject.org/wp-content/uploads/2017/05/Still-Life.pdf> 10-15.

<sup>217</sup> Bob Riley and Richard Allen, “Annual Report for the Fiscal Year 2010,” *Alabama Department of Corrections*, <http://www.doc.state.al.us/docs/AnnualRpts/2010AnnualReport.pdf> 44.

<sup>218</sup> Office of Public Affairs, “Justice Department Files Lawsuit Against the State of Alabama for Unconstitutional Conditions in State’s Prisons for Men,” *Department of Justice*, December 9, 2020 <https://www.justice.gov/opa/pr/justice-department-files-lawsuit-against-state-alabama-unconstitutional-conditions-states>

<sup>219</sup> Katie Benner and Shaila Dewan, “Alabama’s Gruesome Prisons: Report Finds Rape and Murder at All Hours,” *The New York Times*, April 3, 2019, <https://www.nytimes.com/2019/04/03/us/alabama-prisons-doj-investigation.html?action=click&module=RelatedLinks&pgtype=Article>.

<sup>220</sup> Associated Press, “Justice Department Opens Inquiry into Mississippi Prisons after String of Deaths,” *the Guardian*, February 6, 2020, <https://www.theguardian.com/us-news/2020/feb/05/justice-department-inquiry-mississippi-prisons-deaths>.

Sutherland, an African American male suffering from schizophrenia and bipolar disorder, in the Charleston County jail in South Carolina is one of many stories of inmates with a mental illness who have died after confrontations with detention officers. Sutherland died after being jolted by a stun gun several times, and reporters in the *Post and Courier* commented, “the state’s prisons became virtual warehouses for people with mental illnesses after steep cutbacks in funding for care. By 2014, the Department of Mental Health had seen its budget shrink by 40 percent over a decade.”<sup>221</sup>

Not only are conditions inside state correctional facilities unconstitutional and inhumane, once the inmates are labeled a felon their lives change forever. Once labeled a felon, the discrimination begins. According to the Sentencing Project, the likelihood of imprisonment for white men were 1 in 17, compared to 1 in 3 for black men.<sup>222</sup> Therefore, post-conviction discrimination affects black males disproportionately more than white males. Alexander points to how discrimination occurs in social life and society, and in federal or state-run programs that many former convicts need to get back on their feet. Social services such as food stamps, public housing, and funding for education, are no longer available to those who are labeled a felon. Many with a criminal record also have difficulties attaining a job because of their former conviction.<sup>223</sup> Alexander points out that “these sanctions can be the most damaging and painful aspect of a criminal conviction.”<sup>224</sup>

Another negative effect of being labeled a felon is losing the right to vote, which has been significant for political developments in the South. Jeff Manza and Christopher Uggen describe how the South had become mainly Republican by the 2000s and detail the region’s importance in elections. The Deep South implemented disenfranchisement laws for felons during the 1800s.<sup>225</sup> By then, the right to vote was mainly reserved for white men, and African Americans were discriminated against until the Voting Rights Act of 1965. However, the right to vote for felons is still in effect. By 2020, according to the Sentencing Project, 5.2

---

<sup>221</sup> Glenn Smith, Jennifer Berry Hawes, and Mary Katherine Wildeman, “Jamal Sutherland’s Death in Charleston Jail Latest Tragedy in ‘America’s New Asylums,’” *Post and Courier*, May 14, 2021, [https://www.postandcourier.com/news/jamal-sutherlands-death-in-charleston-jail-latest-tragedy-in-americas-new-asylums/article\\_1189a36e-b4e8-11eb-a60d-33d9c7435ab1.html](https://www.postandcourier.com/news/jamal-sutherlands-death-in-charleston-jail-latest-tragedy-in-americas-new-asylums/article_1189a36e-b4e8-11eb-a60d-33d9c7435ab1.html).

<sup>222</sup> The Sentencing Project, “Criminal Justice Facts: the Sentencing Project,” *The Sentencing Project*, Accessed July 02, 2021, <https://www.sentencingproject.org/criminal-justice-facts/>.

<sup>223</sup> Alexander, *The New Jim Crow*, 142-143.

<sup>224</sup> Alexander, *The New Jim Crow*, 143.

<sup>225</sup> Jeff Manza and Christopher Uggen, *Locked out: Felon Disenfranchisement and American Democracy* (New York: Oxford University Press, 2008) 51.



million Americans had lost their right to vote.<sup>226</sup> Manza and Uggen commented on the 2002 U.S. Senate vote on the amendment to restore voting rights in federal elections to ex-felons. They noted, “Senators from the 11 former confederate states voted 18 to 4 against enfranchisement, and the most passionate speeches against it were made by Southerners.”<sup>227</sup>

Manza and Uggen argue, that “when African Americans make up a larger proportion of a state’s prison population, that state is significantly more likely to adopt or extend felon disenfranchisement.”<sup>228</sup> Again, race continues to play a significant role in politics in the South. Many African Americans have previously been involved with the criminal justice system, and many have not regained their voting rights. The effect of disenfranchising millions of people has had significant outcomes. Alexander points to the 2000 election between George Bush and Al Gore. She notes, that “following the election, it was widely reported that, had the 600,000 former felons who had completed their sentence in Florida been allowed to vote, Al Gore would have been elected president of the United States rather than George W. Bush.”<sup>229</sup>

Todd Clear highlights the impact mass incarceration has had on communities and especially disadvantaged neighborhoods. As mass incarceration generally affects African American males, several families experience having their father, partner, son, or family member behind bars. An annual report by Georgia on the prison population from 2001 showed that “half of Georgia’s inmates have a 10<sup>th</sup> grade or lower education, were raised with no father at home, have a high incidence of alcohol and drug abuse, and were previously incarcerated.”<sup>230</sup> The report did not state how many inmates were in each category. Yet being raised with no father at home posed a threat and was linked to criminal activity. According to Clear, the disrupted structure of the family becomes a source of problems, especially for children of families where one of the adults is incarcerated. Clear comments, “these include school related performance problems, depression and anxiety, low self-esteem and aggressiveness.”<sup>231</sup> These are all factors that can contribute to children and juveniles getting involved in crime.

---

<sup>226</sup> Christopher Uggen et.al., “Locked Out 2020: Estimates of People Denied Voting Rights due to a Felony Conviction,” *The Sentencing Project*, October 2020, <https://www.sentencingproject.org/wp-content/uploads/2020/10/Locked-Out-2020.pdf#page=16> 4.

<sup>227</sup> Manza and Uggen, *Locked out*, 49.

<sup>228</sup> Manza and Uggen, *Locked out*, 67.

<sup>229</sup> Alexander, *The New Jim Crow*, 160.

<sup>230</sup> Roy Barnes and Jim Wetherington, “Annual Report 2001,” *Georgia Department of Corrections*, [http://www.dcor.state.ga.us/sites/all/files/pdf/Research/Annual/GDC\\_annual\\_report\\_FY2001.pdf](http://www.dcor.state.ga.us/sites/all/files/pdf/Research/Annual/GDC_annual_report_FY2001.pdf) 10.

<sup>231</sup> Clear, *Imprisoning Communities*, 97.

## 5 Conclusion

Mass incarceration and its effects on communities have contributed to the Deep South's reputation as the nation's prison region. The willingness of Southern governors to enforce harsher penalties and to expand correctional facilities in the 1990s shows how the punitive approach had played a central role in Southern politics. This thesis examined the factors that contributed to the passing of the 1994 Crime Bill and the outcome it had on mass incarceration in the Deep South. The South has had a large impact on American politics and especially politics related to the criminal justice system. In the modern era, since the civil rights movement took form in the South in the 1950s and 1960s, race has played a crucial role in politics. The racial disparities in the South during the period of the civil rights movement laid the groundwork for the polarization of American politics. White Southern politicians and segregationists fought to keep the South segregated for many years after the Civil Rights Act. This coalition of both Republicans and Democrats attracted a new voter base of white Southerners. By the end of the 1960s, the Republican Party decided to adopt this political agenda that had originated in the South.

The conservative politics of the 1960s South continued into the twenty-first century. The states' rights coalition of Wallace, Thurmond, and Stennis was replaced by similar elements thirty years later. Fordice, Beasley, and Miller continued the Republican strategy in the 1990s. That is, they appealed to the white majority and promoted tough-on-crime agenda that targeted blacks. Bruce Western points out that states with Republican Governors have experienced a more rapid increase in incarceration rates. He states, "accounting for state effect shows that imprisonment rates are about 14 percent higher under Republicans than under Democrats."<sup>232</sup> The polarization in voting between white and black Southerners also revealed how divided the region was in political preferences.

Mass incarceration in the Deep South is the outcome of several laws and policies. The graphs included in this thesis on crime rates in Alabama and Georgia show that violent or property crimes have not increased significantly in recent years. Conclusively, high crime rates are not the reason why there are so many incarcerated in the Deep South. As well as harsh and harsh and long criminal justice sentences, is mass incarceration of African Americans in the Deep South the outcome of the racial bias in legislation, sentencing, and arrests. Moreover, the rapid increase in incarceration rates in the 1990s reveals that the 1994

---

<sup>232</sup> Western, *Punishment and Inequality in America*, 71.

Crime Bill contributed to this increase. Republican and conservative Democratic governors have historically not been reluctant to hold back on criminal justice in the South. The Crime Bill contributed to this expansion by increasing federal funding and influencing longer penalties for repeat offenders.

There is also strong evidence that the 1994 Crime Bill was, in large, part of a new political strategy for the Democratic Party. As the Crime Bill did not include any measures that would provide security for African Americans concerning racial bias in sentencing, the Crime Bill reveals that the Democratic Party's political gains were more important than those the bill might harm. There is also evidence that the media contributed to the Crime Bill's public approval. The violent crime rate decreased significantly in the 1990s, but the public still perceived violent crime as the most pressing issue in the nation. This reveals that the attention on crime by both the news media and the Clinton administration affected the public's perception of crime. Moreover, the framing of African Americans as criminals also contributed to racist stereotypes regarding criminals.

More research on the mass incarceration problem needs to be undertaken to address and rehabilitate the criminal justice system in the United States. This thesis has only looked at how the 1994 Crime Bill contributed to mass incarceration in the Deep South in the form of federal funding and influence on longer sentences. More work needs to be conducted on how the Death Penalty Act or the funding of 100,000 new police officers influenced the criminal justice system in the states. Recent events show that police brutality in the United States does not remain in the past, as the murder of George Floyd by a police officer in 2020 indicates. Recent events also show that Nixon's "law and order" rhetoric is not in the past. President Donald Trump repeatedly called for law and order throughout his presidency. This racially loaded phrase delivers the same message in the twenty-first century as it did in the 1960s. Analyzing the development of the conservative policies into the twenty-first century might reveal how robust white supremacy still is in the United States.

# Bibliography

## Primary Sources

### Government Records and Publications

Alabama Department of Corrections. *Annual Report*. Research and Planning Division  
Alabama Department of Corrections, RSA Criminal Justice Center. Montgomery:  
Alabama, 2000-2010. <http://www.doc.state.al.us/StatReports>

Alabama Law Enforcement Agency. *Crime in Alabama*. Alabama Criminal Justice  
Information Center. Montgomery: Alabama, 1973-2010.  
<https://www.alea.gov/sbi/criminal-justice-services/alabama-crime-statistics>

Anti-Drug Abuse Act of 1986, Pub. L. No. 99-570, 100 STAT. 3207 (1986)

Barnes, Roy and Jim Wetherington. "Annual Report 2001," *Georgia Department of  
Corrections*, Accessed May 29, 2021.  
[http://www.dcor.state.ga.us/sites/all/files/pdf/Research/Annual/GDC\\_annual\\_report\\_FY2001.pdf](http://www.dcor.state.ga.us/sites/all/files/pdf/Research/Annual/GDC_annual_report_FY2001.pdf)

Beasley, David. "1996 State of the State Address," *South Carolina State Library*, April 2,  
1997,  
[https://dc.statelibrary.sc.gov/bitstream/handle/10827/625/State\\_of\\_the\\_State\\_Address\\_1996-1-24.pdf?sequence=1&isAllowed=y](https://dc.statelibrary.sc.gov/bitstream/handle/10827/625/State_of_the_State_Address_1996-1-24.pdf?sequence=1&isAllowed=y).

Beasley, David. "1998 State of the State Address," *South Carolina State Library*, January 21,  
1998,  
[https://dc.statelibrary.sc.gov/bitstream/handle/10827/627/State\\_of\\_the\\_State\\_Address\\_1998-1-21.pdf?sequence=1&isAllowed=y](https://dc.statelibrary.sc.gov/bitstream/handle/10827/627/State_of_the_State_Address_1998-1-21.pdf?sequence=1&isAllowed=y)

Beck, Allen, and Paige M. Harrison. "Prisoners in 2000." *Bureau of Justice Statistics*, August  
2001. <https://bjs.ojp.gov/content/pub/pdf/p00.pdf>.

Bonczar, Thomas P. "Prevalence of Imprisonment in the U.S. Population, 1974-2001." *Bureau of Justice Statistics*, August 17, 2003.  
<https://www.bjs.gov/index.cfm?ty=pbdetail&iid=836>.

Bureau of Justice Statistics. "Correctional Populations in the United States 1985-1998," U.S.  
Department of Justice, Accessed March 20, 2021.

Bureau of Justice Statistics. "Prisoners in State and Federal Institutions 1983-1984," U.S.  
Department of Justice, Accessed March 20, 2021.

- Carson, E. Ann. "Prisoners in 2019." *Bureau of Justice Statistics*, October 2020.  
<https://www.bjs.gov/content/pub/pdf/p19.pdf>.
- Clark, John, James Austin, and D. Alan Henry. "'Three Strikes and You're Out': A Review of State Legislation." *U.S. Department of Justice*, September 1997.  
<https://www.ojp.gov/pdffiles/165369.pdf>
- Cohen, Robyn. "Prisoners in 1990." *Bureau of Justice Statistics*. , May 1, 1991.  
<https://www.bjs.gov/index.cfm?ty=pbdetail&iid=4042>.
- Ditton, Paula M., and Doris James Wilson. "Truth in Sentencing in State Prisons," *U.S. Department of Justice*, January 1999. <https://www.bjs.gov/content/pub/pdf/tssp.pdf>.
- Domestic Policy Council, Bruce Reed, and Crime Series, "Mayors," *Clinton Digital Library*, accessed April 27, 2021, <https://clinton.presidentiallibraries.us/items/show/22590>
- Domestic Policy Council, Bruce Reed, and Crime Series, "Polls," *Clinton Digital Library*, accessed April 26, 2021, <https://clinton.presidentiallibraries.us/items/show/22600>.
- Domestic Policy Council, Bruce Reed, and Crime Series. "POTUS Speeches," *Clinton Digital Library*, accessed April 30, 2021.  
<https://clinton.presidentiallibraries.us/items/show/22601>.
- Domestic Policy Council, Bruce Reed, and Crime Series, "Truth in Sentencing," *Clinton Digital Library*, accessed June 2, 2021, <https://clinton.presidentiallibraries.us/items/show/22634>
- Domestic Policy Council and Jose Cerda, "Racial Justice," *Clinton Digital Library*, accessed May 28, 2021, <https://clinton.presidentiallibraries.us/items/show/86808>
- Georgia Department of Corrections. *Annual Report*. Public Affairs Office of the Georgia Department of Corrections, 1999-2010.  
[http://www.dcor.state.ga.us/Research/Annual\\_FY\\_GDC\\_annual\\_reports](http://www.dcor.state.ga.us/Research/Annual_FY_GDC_annual_reports)
- Georgia Uniform Crime Reporting Program. *Statewide Report Of Reported Index Crimes 1980-2016*. Georgia.gov. Accessed March 20, 2021.  
[https://georgia.gov/search?search=Statewide%20Report%20Profile%20Of%20Reported%20Index%20Crimes%20&sm\\_site\\_name\[\]=gbi](https://georgia.gov/search?search=Statewide%20Report%20Profile%20Of%20Reported%20Index%20Crimes%20&sm_site_name[]=gbi)
- Hodges, Jim and Catoe, William D. *1999-2000 Annual Report*. South Carolina Department of Corrections. Accessed March 20, 2021.  
[https://dc.statelibrary.sc.gov/bitstream/handle/10827/17104/DC\\_Annual\\_Report\\_1999-2000.pdf?sequence=1&isAllowed=y](https://dc.statelibrary.sc.gov/bitstream/handle/10827/17104/DC_Annual_Report_1999-2000.pdf?sequence=1&isAllowed=y)

“Inaugural Address of Governor George Wallace.” *Alabama Department of Archives & History*. Accessed March 10, 2021.  
<https://digital.archives.alabama.gov/digital/collection/voices/id/2952>.

Mississippi Department of Corrections. *Monthly Fact Sheet: As of December 1*. Policy, Planning, Research and Evaluation Division. Jackson: Mississippi, 2001-2010.  
<https://www.mdoc.ms.gov/Admin-Finance/Pages/Monthly-Facts.aspx>

Office of Cabinet Affairs, Stephen Silverman, and Phillip "Phil" Caplan, “Folder 6 - [1994 Crime Bill - State Information] [1],” *Clinton Digital Library*, accessed May 5, 2021, <https://clinton.presidentiallibraries.us/items/show/86496>

Office of Cabinet Affairs, Stephen Silverman, and Phillip "Phil" Caplan, “Folder 6 - [1994 Crime Bill - State Information] [2],” *Clinton Digital Library*, accessed May 12, 2021, <https://clinton.presidentiallibraries.us/items/show/86497>

Office of Cabinet Affairs, Stephen Silverman, and Phillip "Phil" Caplan, “Folder 6 - [1994 Crime Bill - State Information] [3],” *Clinton Digital Library*, accessed May 12, 2021, <https://clinton.presidentiallibraries.us/items/show/86498>.

Office of Counsel to the President and Clarissa Cerda, “State Crime Bill Legislation [1],” *Clinton Digital Library*, accessed May 16, 2021, <https://clinton.presidentiallibraries.us/items/show/86638>.

Office of Public Affairs, “Justice Department Files Lawsuit Against the State of Alabama for Unconstitutional Conditions in State’s Prisons for Men,” *Department of Justice*, December 9, 2020.  
<https://www.justice.gov/opa/pr/justice-department-files-lawsuit-against-state-alabama-unconstitutional-conditions-states>

Office of Speechwriting and General Files, “Crime Bill, Cops, and Mayors at White House,” *Clinton Digital Library*, accessed May 20, 2021, <https://clinton.presidentiallibraries.us/items/show/86994>

“Remarks on Signing the Anti-Drug Abuse Act of 1986.” *Ronald Reagan Presidential Library & Museum*, October 27, 1986.  
<https://www.reaganlibrary.gov/archives/speech/remarks-signing-anti-drug-abuse-act-1986>.

“Remarks on Signing the Anti-Drug Abuse Act of 1988.” *Ronald Reagan Presidential Library & Museum*, November 18, 1988.  
<https://www.reaganlibrary.gov/archives/speech/remarks-signing-anti-drug-abuse-act-1988>

Riley, Bob. and Richard Allen, “Annual Report for the Fiscal Year 2010,” *Alabama Department of Corrections*,  
<http://www.doc.state.al.us/docs/AnnualRpts/2010AnnualReport.pdf>

“Roll Call Vote 103rd Congress - 1st Session,” *U.S. Senate*: U.S. Senate Roll Call Votes 103rd Congress - 1st Session, January 16, 2020,  
[https://www.senate.gov/legislative/LIS/roll\\_call\\_lists/roll\\_call\\_vote\\_cfm.cfm?congress=103&session=1&vote=00384](https://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=103&session=1&vote=00384)

Stephen, James J., and Jennifer C. Karberg. “Census of State and Federal Correctional Facilities, 2000.” *Bureau of Justice Statistics*, August 2003.  
<https://bjs.ojp.gov/content/pub/pdf/csfcf00.pdf>.

Southern Legislative Conference. *Adult Correctional Systems: A Report Submitted to the Fiscal Affairs and Government Operations Committee*. Louisiana Legislative Fiscal Office, Baton Rouge: Louisiana, 1999-2010.  
<http://digital.state.lib.la.us/digital/collection/p267101coll4/search/searchterm/Corrections>

U.S. Department of Justice. “Prisoners 1979.” *Bureau of Justice Statistics*, January 1980.  
<https://www.bjs.gov/content/pub/pdf/psfi79.pdf>.

U.S. Department of Justice. “Report to Congress: Violent Offender Incarceration and Truth-In-Sentencing Incentive Formula Grant Program.” *Bureau of Justice Assistance*, February 2005.  
<https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/voitisreport.pdf>.

US Census Bureau. “1960 Census: Race of the Population of the U.S. By States.” *Census.gov*, February 4, 2018. <https://www.census.gov/library/publications/1961/dec/pc-s1-10.html>.

Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 108 STAT. 1796 (1994).

## **Newspapers and Periodicals**

Applebome, Peter. “The 1992 Campaign: The South; New Southern Strategy: Democrats Want It Back.” *New York Times*, July 11, 1992.  
<https://www.nytimes.com/1992/07/11/us/the-1992-campaign-the-south-new-southern-strategy-democrats-want-it-back.html>.

Associated Press. "Justice Department Opens Inquiry into Mississippi Prisons after String of Deaths." *the Guardian*, February 6, 2020. <https://www.theguardian.com/us-news/2020/feb/05/justice-department-inquiry-mississippi-prisons-deaths>.

Baker, Peter. "Bill Clinton Concedes His Crime Law Jailed Too Many for Too Long." *The New York Times*, July 16, 2015, <https://www.nytimes.com/2015/07/16/us/politics/bill-clinton-concedes-his-crime-law-jailed-too-many-for-too-long.html>.

Barrett, Laurence I. "An Interview with Ronald Reagan," *Time*, January 5, 1981. <http://content.time.com/time/subscriber/article/0,33009,922304-5,00.html>

Benner, Katie, and Shaila Dewan. "Alabama's Gruesome Prisons: Report Finds Rape and Murder at All Hours (Published 2019)." *The New York Times*, April 3, 2019, <https://www.nytimes.com/2019/04/03/us/alabama-prisons-doj-investigation.html?action=click&module=RelatedLinks&pgtype=Article>.

Berke, Richard L. "Governors' '94 Message: Crime, Crime and Crime." *The New York Times*, January 24, 1994, <https://www.nytimes.com/1994/01/24/us/governors-94-message-crime-crime-and-crime.html>.

Bloomberg Business News, "Crime Bill Boosts Already Healthy Private Prisons," *The Baltimore Sun*, August 29, 1994, <https://www.baltimoresun.com/news/bs-xpm-1994-08-29-1994241013-story.html>

Brinkley, Joel. "Anti-Drug Law: Words, Deeds, Political Expediency." *The New York Times*, October 27, 1986, <https://www.nytimes.com/1986/10/27/us/anti-drug-law-words-deeds-political-expediency.html?searchResultPosition=4>.

Cloud, John. "A Get-Tough Policy That Failed," *Time*, March 19, 2003. <http://content.time.com/time/magazine/article/0,9171,19229-1,00.html>

Egan, Timothy. "A 3-Strike Law Shows It's Not as Simple as It Seems." *The New York Times*, February 15, 1994, <https://www.nytimes.com/1994/02/15/us/a-3-strike-law-shows-it-s-not-as-simple-as-it-seems.html>.

Freudenheim, Milt. "Workers' Substance Abuse Is Increasing, Survey Says." *The New York Times*, December 12, 1988, <https://www.nytimes.com/1988/12/12/business/workers-substance-abuse-is-increasing-survey-says.html>.

Gallup, Inc. "Crime." *Gallup*, July 8, 2019. <https://news.gallup.com/poll/1603/crime.aspx>.



- Gerth, Jeff, and Stephen Labaton, "PRISONS for PROFIT: A Special Report; Jail Business Shows Its Weaknesses," *The New York Times*, November 24, 1995, <https://www.nytimes.com/1995/11/24/us/prisons-for-profit-a-special-report-jail-business-shows-its-weaknesses.html>
- Gibbs, Nancy R. "Murder in Miniature." *Time*, September 19, 1994. <https://time.com/vault/issue/1994-09-19/page/1/>.
- Harrison, Eric. "S. C. Governor Wants to Lower Rebel Flag." *Los Angeles Times*, November 27, 1996. <https://www.latimes.com/archives/la-xpm-1996-11-27-mn-3449-story.html>.
- Hinton, Elizabeth, Julilly Kohler-Hausmann, and Vesla M. Weaver. "Opinion: Did Blacks Really Endorse the 1994 Crime Bill?" *The New York Times*, April 13, 2016, <https://www.nytimes.com/2016/04/13/opinion/did-blacks-really-endorse-the-1994-crime-bill.html>.
- Johnston Holmes, David, and Steven A. Holmes. "Experts Doubt Effectiveness of Crime Bill." *The New York Times*, September 14, 1994, <https://www.nytimes.com/1994/09/14/us/experts-doubt-effectiveness-of-crime-bill.html>.
- Kramer, Michael. "Clinton's Second Chance." *Time*, July 20, 1992. <https://time.com/vault/issue/1993-01-04/page/26/>.
- Michael Kramer, "The Political interest Frying Them Isn't the Answer," *Time*, March 14, 1994. <http://content.time.com/time/subscriber/article/0,33009,980318,00.html>
- Martel, Ned. "The Media and Race in O.J. Trial." *The New York Times*, October 4, 2005. <https://www.nytimes.com/2005/10/04/arts/television/the-media-and-race-in-o-j-trial.html>
- McManus, Jason, ed. "The Short, Violent Life of Robert 'Yummy' Sandifier." *Time*, September 19, 1994. <https://time.com/vault/issue/1994-09-19/page/1/>.
- Morrow, Lance. "Man of the Year: The Torch Is Passed." *Time*, January 4, 1993. <https://time.com/vault/issue/1993-01-04/page/26/>.
- "Opinion: Mr. Clinton on Crime." *The New York Times*, November 28, 1993, <https://www.nytimes.com/1993/11/28/opinion/mr-clinton-on-crime.html>.
- Raines, Howell. "REAGAN and BLACKS; News Analysis." *The New York Times*, September 17, 1982, <https://www.nytimes.com/1982/09/17/us/reagan-and-blacks-news-analysis.html>.

Reinhart, R.J. "Protests Seen as Harming Civil Rights Movement in the '60s," *Gallup*, January 21, 2019.

Smith, Glenn, Jennifer Berry Hawes, and Mary Katherine Wildeman. "Jamal Sutherland's Death in Charleston Jail Latest Tragedy in 'America's New Asylums.'" *Post and Courier*, May 14, 2021. [https://www.postandcourier.com/news/jamal-sutherlands-death-in-charleston-jail-latest-tragedy-in-americas-new-asylums/article\\_1189a36e-b4e8-11eb-a60d-33d9c7435ab1.html](https://www.postandcourier.com/news/jamal-sutherlands-death-in-charleston-jail-latest-tragedy-in-americas-new-asylums/article_1189a36e-b4e8-11eb-a60d-33d9c7435ab1.html).

Szep, Paul. "But first. . . our national anthem," *Boston Globe*, September 19, 1969.

Stockman, Farah. "On Crime Bill and the Clintons, Young Blacks Clash with Parents." *The New York Times*, April 18, 2016, sec. U.S. <https://www.nytimes.com/2016/04/18/us/politics/hillary-bill-clinton-crime-bill.html>.

Suro, Roberto. "THE 1991 ELECTION: Louisiana; Bush Denounces Duke as Racist and Charlatan." *The New York Times*, November 7, 1991. <https://www.nytimes.com/1991/11/07/us/the-1991-election-louisiana-bush-denounces-duke-as-racist-and-charlatan.html>.

*Time*. "Black America 1970." April 6, 1970. <https://time.com/vault/issue/1970-04-06/page/30/>.

*Time*. "The Nation." June 21, 1963. <https://time.com/vault/issue/1963-06-21/spread/28/>.

Weaver, Warren. "The Emerging Republican Majority." *The New York Times*, September 21, 1969. <https://www.nytimes.com/packages/html/books/phillips-emerging.pdf>.

## Secondary Sources

### Books

Aistrup, Joseph A. *The Southern Strategy Revisited: Republican Top-down Advancement in the South*. Lexington, Ky: University Press Of Kentucky, 1996.

Alexander, Michelle. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. New York: New Press, 2010.

Berman, William C. *From the Center to the Edge: The Politics and Policies of the Clinton Presidency*. Lanham: Rowman & Littlefield Publishers, 2001.

Carter, Dan T. *The Politics of Rage: George Wallace, the Origins of the New Conservatism, and the Transformation of American Politics*. 2nd ed. Baton Rouge: Louisiana State University Press, 2000. <https://hdl-handle-net.ezproxy.uio.no/2027/heb.02235>. EPUB

- Clear, Todd R. *Imprisoning Communities: How Mass Incarceration Makes Disadvantaged Neighborhoods Worse*. Oxford; New York: Oxford University Press, 2010.
- Garland, David. *Mass Imprisonment: Social Causes and Consequences*. London: SAGE, 2001.
- Garland, David. *The Culture of Control: Crime and Social Order in Contemporary Society*. Chicago: The University Of Chicago Press, 2001.
- Gottschalk, Marie. *The Prison and the Gallows: The Politics of Mass Incarceration in America*. Cambridge, UK: Cambridge University Press, 2006.
- Heather Cox Richardson. *To Make Men Free: A History of the Republican Party*. New York: Basic Books, 2014.
- Hodgson, Godfrey. *More Equal than Others: America from Nixon to the New Century*. Oxford: Princeton University Press, 2004.
- Johnson, Haynes. *The Best of Times: America in the Clinton Years*. New York: Harcourt, 2001.
- Klarman, Michael J. *From Jim Crow to Civil Rights: The Supreme Court and the Struggle for Racial Equality*. Oxford: Oxford University Press, 2004.
- Manza, Jeff, and Christopher Uggen. *Locked out: Felon Disenfranchisement and American Democracy*. New York: Oxford University Press, 2008.
- Mauer, Marc. *Race to Incarcerate*. New York: New Press, 2006.
- Murakawa, Naomi. *The First Civil Right: How Liberals Built Prison America*. Oxford: Oxford University Press, 2014.
- Parenti, Christian. *Lockdown America: Police and Prisons in the Age of Crisis*. New York: Verso, 2000.
- Patterson, James T. *Restless Giant: The United States from Watergate to Bush v. Gore*. New York: Oxford University Press, 2005.
- Tonry, Michael H. *Punishing Race: A Continuing American Dilemma*. New York: Oxford University Press, 2011.
- Tonry, Michael H. *Thinking about Crime: Sense and Sensibility in American Penal Culture*. New York: Oxford University Press, 2004.

Western, Bruce. *Punishment and Inequality in America*. New York: Russell Sage, 2006.

Wilentz, Sean. *The Age of Reagan: A History, 1974-2008*. New York, Ny: Harper Perennial, Cop, 2009.

Zimring, Franklin E. *The Great American Crime Decline*. New York: Oxford University Press, 2006.

### **Articles and Chapters in Edited Books**

Beale, Sara Sun, “The News Media's Influence on Criminal Justice Policy: How Market Driven News Promotes Punitiveness,” 48 *Wm. & Mary L. Rev.* 397 (2006), <https://scholarship.law.wm.edu/wmlr/vol48/iss2/2>

Binford, Michael, Tom Braxter and David E. Sturrock, “Georgia: Democratic Bastion no longer” in Alexander P. Lamis, *Southern Politics in the 1990s*. Baton Rouge: Louisiana State University Press, 1999.

Black, Merle, and Earl Black, “Deep South Politics: The Enduring Racial Division in National Elections,” *Oxford Handbook of Southern Politics*, eds. Charles S. Bullock III and Mark J. Rozell. New York: Oxford University Press, 2012.

Broach, Glen T. and Lee Brandy, “South Carolina: a decade of rapid republican ascent,” in Alexander P. Lamis, *Southern Politics in the 1990s*. Baton Rouge: Louisiana State University Press, 1999.

Cotter, Patrick R. and Tom Gordon, “Alabama: the GOP rises in the heart of Dixie,” in Alexander P. Lamis, *Southern Politics in the 1990s*. Baton Rouge: Louisiana State University Press, 1999.

Inwood, Joshua F.J. “Neoliberal racism: the ‘Southern Strategy’ and the expanding geographies of white supremacy,” *Social & Cultural Geography* 16, no.4 (2015).

Levitt, Steven D. “Understanding Why Crime Fell in the 1990s: Four Factors That Explain the Decline and Six That Do Not.” *Journal of Economic Perspectives* 18, no. 1 (2004): 163–90. <https://doi.org/10.1257/089533004773563485>.

Oliver, Mary Beth. “African American men as ‘criminal and dangerous’: Implications of media portrayals of crime on the ‘criminalization’ of African American men.” *Journal of African American Studies* 7, 3–18 (2003). <https://doi.org/10.1007/s12111-003-1006-5>

Renwick, Edward F., T. Wayne Parent and Jack Wardlaw, "Louisiana: Still Sui Generis like Huey," in Alexander P. Lamis, *Southern Politics in the 1990s*. Baton Rouge: Louisiana State University Press, 1999.

Thompson, Heather Ann. "Blinded by a 'Barbaric' South," in Matthew D. Lassiter and Joseph Crespino, *The Myth of Southern Exceptionalism*. New York: Oxford University Press, 2010.

Michael Tonry, "Race, Ethnicity, and Punishment," in Joan Petersilia and Kevin R. Reitz, *The Oxford Handbook of Sentencing and Corrections*. Oxford: Oxford University Press, 2012.

Weaver, Vesla M. "Frontlash: Race and the Development of Punitive Crime Policy," *Studies in American Political Development* 21, no. 2 (2007): 230-65, 243-244

### **Online Sources**

Crime Data Explorer. "Trend of Violent and Property Crime." Federal Bureau of Investigations, Accessed May 1, 2021. <https://crime-data-explorer.app.cloud.gov/#>.

Nellis, Ashley, Morgan McLeod, and Casey Adams. "Still Life: America' S Increasing Use of Life and Long-Term Sentences." The Sentencing Project, May 2017. <https://www.sentencingproject.org/wp-content/uploads/2017/05/Still-Life.pdf>.

The Sentencing Project, "Criminal Justice Facts: the Sentencing Project," The Sentencing Project, Accessed July 02, 2021, <https://www.sentencingproject.org/criminal-justice-facts/>.

Turner, Jennifer and Jamil Dakwar, "Written Submission of the American Civil Liberties Union on Racial Disparities in Sentencing Hearing on Reports of Racism in the Justice System of the United States," *American Civil Liberties Union*, October 27, 2014, [https://www.aclu.org/sites/default/files/assets/141027\\_iachr\\_racial\\_disparities\\_aclu\\_submission\\_0.pdf](https://www.aclu.org/sites/default/files/assets/141027_iachr_racial_disparities_aclu_submission_0.pdf)

Uggen, Christopher, Ryan Larson, Sarah Shannon, and Arleth Pulido-Nava. "Locked Out 2020: Estimates of People Denied Voting Rights due to a Felony Conviction," *The Sentencing Project*, October 2020, <https://www.sentencingproject.org/wp-content/uploads/2020/10/Locked-Out-2020.pdf#page=16>