For Stephanie, Gibran, Jordan, and Justice,
and for my parents, Ozier and Kimberly
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In the late fall of 2007, around the same time I was putting the final touches on the first edition of this book, I was administering the final exam in my urban history course. One of my students handed in his blue book with an unusually cheerful smile. He was excited to share the news that he would soon be heading to campaign in Iowa for Senator Barack Obama. The moment has stayed with me because until then I had given little thought to Obama’s candidacy. Voting in the Democratic primaries had yet to begin. And if I’m honest, at that point, I didn’t think he had much of a chance against Hillary Clinton.

A couple of weeks later Obama won the 2008 Iowa Caucus, and in November he was elected the nation’s first black president. This incredible historical moment found me both awestruck and, I have to admit, panicked. My book was headed to press with a “divisive” race title that I feared no one would pay any attention to. Yes, I could still count on other historians and some research librarians to notice the book. They would appreciate my findings that northern white liberals and progressives were a big part of the history of racism in America’s criminal justice system, a major correction to most histories that focused exclusively on southern racists with their lynch mobs and chain gangs. I trusted that academic readers would see my novel claim that today’s crisis of mass incarceration had its roots not only in the Jim Crow South but also in northern cities.

But I was convinced, like most authors, that everyone should read my book. Not just because I had poured nearly a decade into writing it, but because I thought it could genuinely transform how we thought about race, crime, and punishment. By population, by per capita incarceration rates, and by expenditures, the United States exceeds all other nations in how many of its citizens, asylum seekers, and undocumented immigrants
are under some form of criminal justice supervision. The number of African American and Latinx people in American jails and prisons today exceeds the entire populations of some African, Eastern European, and Caribbean countries. The United States didn’t get to mass incarceration without mass participation in the criminalization of black and brown people by liberals and conservatives, northerners and southerners, Republicans and Democrats, whites and blacks. By a long shot, the United States is the world’s leading jailer. And no aspect of national life—from the economy to education to electoral politics—has been untouched by the scale and scope of racialized policing and punishment. With a more honest and complete record of the nation’s punitive past, I hoped more people would learn from this history and choose to create a more compassionate, fairer, and racially just criminal legal system.

Yet in the hype of what many claimed was a new post-racial America, I fretted that my book would be drowned out by the euphoria of all that “hopey-changey stuff.” So, I got the bright idea to change the title to The Condemnation of Blackness: Before the Election of Barack Obama. In addition to making my message less gloomy, I thought I might even be able to sell more copies by attaching my work to the wildly popular new president. Needless to say, I didn’t change the title. The first black president has come and gone, but the history told here remains the same. If anything, the lessons are even more urgent.

When I first conceived this book, I wanted to answer a pretty straightforward question. I had learned about the slavery loophole in the Thirteenth Amendment, which abolished slavery “except as punishment for crime.” I had read extensively about the use of the law after slavery and Reconstruction to criminalize black people, strip them of their newly earned civil and voting rights, and then force them back onto plantations as sharecroppers under the threat of punishment or death. Knowing all this, I was curious about what happened in Chicago for people like my great-grandparents, who left the South during the early decades of the Great Migration.

I was particularly keen to examine the criminal justice system outside of the South because I came of age when the first viral video of police brutality sparked protests. In 1991, nearly a dozen California highway patrolmen severely beat an intoxicated black motorist named Rodney King on the side of the road for speeding. King was the Emmett Till of my generation, just as the slain seventeen-year-old Trayvon Martin and twenty-
two-year-old Rekia Boyd are to my children’s generation. None of the
history I had learned helped explain the antiblack violence, the miscar-
riages of justice, and the callous disregard and cheapness of black life in a
supposedly post–civil rights America.

When the first edition of this book was published in 2010, I had no
idea that a new racial justice movement to end racial profiling, police bru-
tality, and mass incarceration was on the horizon. No one knew that so-
cial media would set off protests across the nation, or that smartphone
video would capture scenes of police in riot gear confronting activists
harkening back to the late 1960s. What I saw through the lens of my
work was not tragedy in the killings of unarmed people but the long arc
of history. These were predictable outcomes based on the logic of weap-
onized fear in a legal system designed to associate blackness with danger-
ousness.

We hear a lot about implicit bias research these days and how our
brains—especially white people’s brains—see young black people as
older than they are, more threatening, and less human. This research has
led to implicit bias training in some police departments and prosecutors’
offices. But implicit bias is not the whole problem, nor does it alone
change the rules governing use of force or prosecutorial discretion. For a
century and a half, many of the best and brightest minds in America have
produced volumes and volumes of research proving that, on average,
white people should be suspicious (and downright fearful) of black peo-
ple. Our brains did not end up with blind spots on their own. We have all
been taught early in life with whom to play, where to go to school, what
neighborhood to live in, where to work, even where to shop based on the
risk of criminal victimization by a black person. Racial bias, like segrega-
tion, is not accidental; it is deliberate.

The Condemnation of Blackness is not an easy book. Nor should it be. It
explores a past that like our present is complicated. Simple history les-
sons are often simple lies. I’ve noticed over the years that some readers
like to describe the book in the narrowest of terms: that it exposes the
“myth of black criminality.” I’ve heard others define the book as yet an-
other study of racism. And while both statements are true, the point is to
know precisely how racist myths were built in the first place—as well as
understanding why they endure. In this, we might choose to discard them
and to dismantle the policies they uphold.

If the myth that black people belong to a criminal race had died a
shameful death in the South during the civil rights movement, there might be no new edition, or even a first edition, of this book. It is precisely because the idea persists and has metastasized into other forms of racial criminalization that we must continue to pay scrupulous attention to this past. Obama’s successor in the White House, Donald Trump, has claimed repeatedly that Mexican rapists and criminals are flooding the country’s borders. Such myths have been extremely harmful to their intended victims. These myths are also pillars of the economic, political, and cultural infrastructure of America.

Ideas about black criminality are part of slavery’s legacy of justifying why black bodies have been used for white wealth creation, electoral politics, and popular culture. The end of the Civil War did not bring an end to plunder, political race-baiting, and blackface. White supremacy did not die with slavery. It evolved during Reconstruction. And modern ideas emerged, at the time, to rationalize removing black bodies out of government offices and back into cotton fields.

This book shows how crime statistics became an innovative and scientific way of communicating the inferiority and pathologies of black people after slavery. These statistics became what anthropologist Michael Ralph calls a new “technology of social difference.” Despite the oppression of those early years of freedom, arrest rates and prison data were considered objective, nonpartisan, race-neutral, and even post-racial. As new citizens in a society many whites claimed was now free of racism, African Americans had no excuse for their alleged crimes. It is hard to truly appreciate how soon after slavery many northern white elites, and some black ones, used crime statistics to emphasize that personal responsibility—bad behavior and broken homes—and not systemic discrimination in the age of “separate but equal” accounted for racial disparities. Crime statistics fueled gendered notions of black male pathology, and when linked to illegitimacy rates, doubly burdened black women by defining them as sexually deviant and undeserving of the protections of womanhood.

The turn to racial crime statistics was a cutting-edge idea. Made for modern times. Built to last, like the electrical circuitry invented in Thomas Edison’s New Jersey lab in the 1880s. That old technology is still hardwired behind the walls of our homes and workplaces even as it powers our smartphones and latest digital devices. The old and the new often go hand in hand. If we refuse to see continuity and insist only on change, then we will miss what’s behind the walls of our society. Miss how it all
works. We will not understand how it is possible that America built the greatest punishment system the world has ever known.

The hunt for crime data to prove black inferiority started in the 1890s, when the New Jersey–based demographer Frederick L. Hoffman began looking. Black people had only recently become citizens and therefore subject to criminal prosecution in courts of law. Hoffman mined census reports and the local arrest statistics of a half dozen cities from Chicago to Charleston. He showed that “the criminality of the negro exceeds that of any other race of any numerical importance in this country,” and insisted that the causes had nothing to do with structural inequality. The real problem was a lack of personal responsibility. Until “the negro learns to respect life, property, and chastity,” he warned, “until he learns to believe in the value of a personal morality operating in his daily life,” crime will increase.\(^1\)

Over a century later, the Department of Justice investigated the Ferguson Police Department in the wake of the killing of eighteen-year-old Michael Brown. Federal agents found systemic racism among police officers and unconstitutional law enforcement practices. And yet, in their report, federal investigators wrote that Ferguson officials claimed that the “harsh and disparate results” were not “problems with police or court practices, but instead reflect a pervasive lack of ‘personal responsibility’ among ‘certain segments’ of the community.”\(^2\)

Three threads weave Hoffman and Ferguson officials’ ideas together. First, racial disparities in crime rates are interpreted as black traits and reflect group behavior. Second, neither criminal justice bias nor structural racism explain high crime rates among individual black people. Third, the language of personal responsibility implies a justification for anti-black discrimination. Despite the separation of more than a century, both moments occurred in post-civil rights eras when police agencies were on the front lines of regulating black citizenship.

Indeed, there has never been a moment in history when law enforcement wasn’t playing this role. “Too often the policeman’s club is the only instrument of the law with which the Negro comes into contact,” wrote Kelly Miller, a black sociologist at Howard University and antiracist reformer, in 1935. “This engenders in him a distrust and resentful attitude toward all public authorities and law officers. None can doubt that such a kindly attitude would go far to convince the Negro of the value to himself and advantage of law obedience and good citizenship.”\(^3\) Miller’s observations were part of a broader effort of by black reformers to fix policing a
century ago. National Urban League researchers Anna J. Thompson and Ira De A. Reid conducted several studies of policing in the 1920s and 1930s and found widespread evidence of discrimination and abuse. More than thirty years later, after the 1960s uprisings, the Kerner Commission came to a similar conclusion and made several recommendations. The commissioners believed nothing would change without first acknowledging the structural racism built into policing. They called for the better treatment of black citizens, more effective police protection, the establishment of independent citizen review boards, and an end to “aggressive patrol.”

When the esteemed social psychologist Kenneth Clark, whose research informed the Brown v. Board of Education decision, testified before the Kerner Commission, he saw history repeating itself. “I read the report of the 1919 riot in Chicago, and it is as if I were reading the report of the investigating committee of the Harlem riot of 1935, the report of the investigating committee of the Harlem riot of 1943, the report of the McCone Commission on the Watts riot [1965],” he wrote, doubting that yet another report would make any difference. “I must again in candor say to you members of the Commission—it is a kind of Alice in Wonderland with the same moving picture reshowed over and over again, the same analysis, the same recommendations, and the same inaction.”


A hundred years of police brutality reports reminds me of a lynching roll published in a 2014 report by the Equal Justice Initiative in Montgomery, Alabama. Four years later, Bryan Stevenson, the founding director of the initiative, opened the National Memorial for Peace and Justice.
to honor the lives of over four thousand victims of racial terror lynchings. The roll illustrates a state-by-state tally of every documented lynching from 1877 to 1950. The lynching roll and the memorial itself are devastating proof of systemic racism in America. No matter the guilt or innocence of the victims, the state was complicit in the killings, given that there are no known prosecutions for these murders.

There is an arc of history that connects lynching’s past to policing’s present. But some Americans reject this view. They exclaim Blue Lives Matter in utter defiance of Black Lives Matter activism. And they falsely equate doing a job, even if at times a dangerous one, with living in one’s own skin. But there are no blue lives. Blue is not a shade of humanity. Blue is not protected by civil rights laws.

The year 2019 marks the hundredth anniversary of the Chicago Race Riot, which led to the first blue-ribbon commission on racialized policing in America. In the summer of 1919, white beachgoers stoned a black child swimming in Lake Michigan to death because he had crossed an aqueous color line. While blacks protested and pursued justice, white mobs attacked black pedestrians and homeowners. Blacks fought back. Thirty-eight people died. Hundreds more were injured. The Chicago Commission on Race Relations found evidence of systemic profiling, abuse, and corruption. Officials testified that officers routinely arrested blacks on suspicion and brought them “into court without a bit of evidence of any offense.” A former chief of police admitted that black migrants “naturally” attracted “greater suspicion than would attach to the white man.” Such startling testimony proved that police bias and discrimination were baked into the arrest statistics, leading the commissioners to abandon racial crime statistics altogether.

From the beginning, the collection and dissemination of racial crime data was a eugenics project, reflecting the supremacist beliefs of those who created them. It was an intentional way of sorting humanity not by an objective standard but by a convenient tool that simplified reality, justified racism, and redistributed political and economic power from black to white. The influential Harvard scientist Nathaniel Shaler wrote in the *Atlantic Monthly* in 1890 that statistics can lead the way to a new understanding of black people’s “true racial capacity.”

The statistics Shaler called for were not facts. They were artifacts or traces of intense social conflict and ideology. They also underwrote discrimination in all areas of public life. With vicious circular reasoning, a
new data revolution became the basis for labeling an entire group of people “criminal” and then stripping them of their human and civil rights. Felony disenfranchisement spread state by state and is still with us. Law enforcement’s dogged faith in the numbers to this day is, as the late federal Judge A. Leon Higginbotham once wrote, “the same old poison of racial prejudices poured into new bottles.”

Once we committed to measuring black lives and their worthiness as citizens and human beings by crime statistics, we never stopped. One of the most perverse uses of racial crime statistics by liberals and conservatives was to measure educational effectiveness by crime rates. Researchers published reports of how many black vocational schools and colleges had alumni with criminal records. Politicians pounced. Southern leaders claimed education actually turned blacks into criminals, citing census data that showed black people were better educated in northern states but still had disproportionately higher crime rates. President Theodore Roosevelt used crime data in a commencement address at Hampton Institute in 1906, where he told the graduates they should be proud that only two students out of six thousand had marred the reputation of their school. He then warned that no challenge in Jim Crow America was a “greater danger” to them than fighting the “criminality in your own race.” Imagine the cognitive dissonance and psychological toll on those graduates that year when sixty-two black people were lynched, and no one punished.

We are still asking some of the same questions. “What have the thousands of [black] churches and schools and colleges, maintained at the cost of more than a hundred and fifty million dollars, produced?” inquired Thomas Nelson Page, a prominent white southern intellectual, in 1904. “We may inquire first: Has the percentage of crime decreased in the race generally?” Since the end of slavery, access to public education for black people has been optional, or at least contingent, based on crime rates in ways that have not been true for the majority of white Americans. A Harvard economist published a study in 2012, “Does School Choice Reduce Crime?” He found that it did in fact “greatly reduce criminal activity.” Should we be relieved?

I often say to my students that any serious analysis of Harvard alumni’s criminal activity over the span of the school’s 383-year history would likely register huge economic costs to millions of people with severe collateral consequences. No one is counting. I’m happy to be proven wrong, but whether I’m right or not misses a larger point. No one is asking the
question because no matter how big the financial crimes are or how repugnant the corruption and illegal behavior of white elites is, there are no racial stakes.

Underlying every education and crime study rests a preposterous racial assumption from the past: are black people criminals and uneducable? Maybe schools don’t matter? Maybe schools cost too much? Maybe schools are incapable of fixing these people? The early innovator Hoffman designed the education and crime blueprint: “In the statistics of crime and the data of illegitimacy the proof is furnished that neither religion nor education has influenced to an appreciable degree the moral progress of the race. Whatever benefit the individual colored man may have gained from the extension of religious worship and educational processes, the race as a whole has gone backwards rather than forwards.”

One generation after slavery, Hoffman’s use of crime and illegitimacy rates established the view that black education was a waste of time and money. To him and many others, the statistics proved resources were better spent educating whites. Even today’s studies that pursue such research in the name of educational equity affirm the legitimacy of the enduring assumption.

We’re still counting and correlating and making “tough on crime” or “smart on crime” decisions about what black people do or don’t deserve in America. By always centering the conversation about how many black people are currently under some form of criminal justice supervision, the collective guilt of black people remains the core logic that continues to drive policy debates. In education, school effectiveness is not only judged on the basis of crime statistics. School itself, in too many instances, has become a correctional institution.

In his Pulitzer Prize–winning book *Locking Up Our Own*, James Forman describes a series of “terrifying and humiliating” police raids at the Maya Angelou Public Charter School in Washington, D.C., during the spring of 2000. School officials organized a town hall meeting with police officers. The students told the officers what it felt like to be treated like criminals. The black cops responded that the school was in a “high-crime neighborhood” and suggested that maybe they should “wear large student IDs.” Many of the students had learned about the history of ante-bellum slave laws requiring manumission papers and South African apartheid-era passbooks. “Even those students who had studied none of this history could intuit the problem with IDs,” Forman writes. “As free citizens, they deserved the presumption of innocence.” This realization
was a crushing blow to student morale. “We can be perfect, perfect, doing everything right, and they still treat us like dogs,” said one student to Forman. This is what collective guilt looks like.

It does not have to be this way. One of the most rewarding aspects of sharing my work with others is making the case that although the past is still with us, it does not have to be the future. I’ve served on a New York City Council Anti-Gun Violence taskforce, contributed to a National Academy of Sciences report on the causes and consequences of mass incarceration, testified before congressional staffers for Senator Mike Lee and others on criminal justice reform, and participated in MacArthur Foundation–funded projects, such as a 2015 international trip to study German prisons. In the winter of 2018, I presented my research at a Vera Institute of Justice national convening of a dozen police chiefs, including retired chief Charles Ramsey, who cochaired President Obama’s 21st Century Task Force on Policing. My presence at these tables, often alongside another historian, Heather Ann Thompson, the Pulitzer Prize–winning author of Blood in the Water: The Attica Prison Rising and Its Legacy, is a good sign.

Still, in conversations with empirical researchers, policymakers, and criminal justice practitioners over the years, I have seen up close how unevenly historical scholarship informs their work. They tend to prefer quantitative data and are often a little suspicious of academic history. One of my economist colleagues admitted to me that she didn’t really understand history. Another colleague told a fellow historian at my university that she didn’t get race. A senior criminal justice policy official in the Obama administration told me that he didn’t have time to read much history. It is clear to me that they are influenced by history in the way James Baldwin described in a 1965 essay “The White Man’s Guilt”: “The great force of history comes from the fact that we carry it within us, are unconsciously controlled by it in many ways, and history is literally present in all that we do.” Their own personal sense of the past most certainly shapes what they want to study, the theories they apply, how they design their research, what data they create or collect, and how they interpret their findings. And yet, some quantitative researchers are either oblivious or duplicitous about how race and racism shape their work.

When I asked the leading crime economist at the University of Chicago, who works closely with the Chicago Police Department on various gun violence research initiatives and policy interventions, how he accounted for the department’s enduring problem of racism and police vio-
lence, he was speechless. He indicated that race was not central to his work. That surprised me. We spoke in late fall 2017, not long after revelations about the killing of seventeen-year-old Laquan McDonald, shot sixteen times by the recently convicted Chicago police officer Jason Van Dyke. When the cover-up of McDonald’s murder was made public, protesters took to the streets. Black activists helped bring down police chief Gary McCarthy, Cook County state attorney Anita Alvarez, and some believe, Mayor Rahm Emanuel, who chose not to seek a third term in the 2019 election.

Moreover, our conversation happened just months after justice department officials released a damning report on “racially discriminatory conduct” among Chicago police, and after the first police brutality reparations payout in American history, $5.5 million to fifty-seven victims of police torture. Going back to the 1970s and lasting into the 1990s, Jon Burge, a Chicago police commander and a former military investigator in Vietnam, oversaw a “Midnight Crew” of officers who extracted false confessions from black citizens with cattle prods, plastic over their heads, and guns in their mouths. More than a hundred individuals were tortured, resulting in $83 million in abuse and wrongful conviction settlements.

I don’t know exactly what to make of the disconnect with some social scientists, especially a prominent one in Chicago. The University of Chicago has a particularly well-documented history, as shown in this book, of pioneering studies on racial criminalization and discriminatory policing. One of its black sociologists, Charles S. Johnson, wrote the Chicago riot report (1922). Another graduate, E. Franklin Frazier, wrote the 1935 Harlem Riot investigation report, which was cited by Clark in his statement to the Kerner Commission. Frazier was the second most influential black sociologist of his generation after W. E. B. Du Bois. Other university researchers contributed to a 1929 Illinois Crime Survey. They found that African Americans made up 30 percent of the recorded police killings but only 5 percent of the population. In one case, a manhunt for a sixteen-year-old Chicago youth accused of breaking a restaurant window ended with police entering his home without a warrant, guns blazing; Alfred Lingle died in a hail of thirty-five bullets.

Despite resistance by some scholars, others are embracing history. Phillip Atiba Goff is a social psychologist and a leading expert on implicit bias in policing. He cofounded and directs the Center for Policing Equity. He told me that “the most important scholarship on race in policing to
date is the work of historians who are able to shed light on how our traditions of discrimination live on.” He cited a 2018 National Academies of Sciences, Engineering, and Medicine report, Proactive Policing: Effects on Crime and Communities, as evidence of how historical research led to the “most concrete conclusions” on which “a diverse group of quantitative scholars could agree” that discrimination mattered. “As with so many questions of race, the scientists lag distressingly behind the historians,” Goff told me.

Goff’s research examines how exposure to police contact itself may contribute to young people breaking the law, independent of other social influences. In other words, he asks: Is policing criminogenic? Back in the 1930s, remember, the sociologist Kelly Miller certainly thought so, linking the “kindly attitude” of police with “law obedience and good citizenship.” Goff’s work intrigues because it reflects similar questions raised not only by Miller, but also by white liberal researchers and reformers concerned about European immigrant criminality during the Progressive era.

For all that The Condemnation of Blackness has to say about the history of weaponized black crime statistics, racial profiling, and police brutality in northern cities, it also makes the case that crime did not (and does not) have to lead to more policing and more punishment. In showing how white liberals used high crime rates among whites in just the opposite way—to decriminalize the native poor and immigrant—it is possible to see what change looks like using the past. When I’ve engaged community members, social workers, congressional staffers, and even cops, this is the part of the story that really gets people’s attention. It is the least well-known and most surprising.

Neither white crime nor violence justified harsh punishment and discrimination in the Progressive era. To the contrary, liberal researchers at the time called for less policing and more pro-social interventions. They avoided the language of personal responsibility. They rejected a focus on chastity and morality. They described struggling whites and immigrants as a “great army of unfortunates” driven “to madness, crime or suicide” by an unfair economic system. “It is the struggle of the masses and against the classes,” Hoffman insisted, betraying his own racial double standards as the foremost proponent of using crime statistics to justify antiblack discrimination.9 These compassionate white researchers and reformers redefined white crime and violence as symptoms of class oppression. And they built on-ramps to higher-paying jobs and exit ramps
out of poverty. Like the brand-new interstate highways leading to the all-white suburbs of the 1950s, progressives paved the way for statistical white flight a generation before.

Gang-affiliated and criminally involved whites in America’s fast-growing inner-city slums most certainly heightened public safety concerns. In 1903, a Boston researcher found that the Irish had the highest rates of petty crime and the Italians topped the list for major felonies. Chicago’s Jane Addams, the most influential social worker and community activist of the early twentieth century, witnessed white-on-white violence daily for decades. After describing the grisly details of a gang-related shooting where a Polish youth shot the brains out of an Irish boy, Addams wrote, “this tale could be duplicated almost every morning; what might be merely a boyish scrap is turned into a tragedy because some boy has a revolver.” Another white teenager from a “little farm in Ohio,” she added, “had shot and killed a policeman while resisting arrest and was now awaiting the death penalty.”

A prisoner reentry organization in Chicago focused on the families of the incarcerated by calling attention to the struggles of white mothers who were left to rear their kids alone. In their 1907 annual report is an illustration of a single mother with five small children, standing on the porch of her dilapidated home. She holds an infant in her arms. One child stands behind her, another is at her side, and two are fighting in the street. She lives in a bad neighborhood with broken windows. There is a saloon behind her home and at the corner is a cop arresting a white male suspect. This is what urban disorder looked like before it was shaded black and brown.

Progressives did not fight crime with an early version of broken windows or stop and frisk policing. They focused on root causes. Below the illustration of the broken white family is a caption that speaks for itself: “HOW CRIMINALS ARE MADE: So long as there are bad tenements; sweat shops; brutal policemen; bad jails; child labor; dishonest and grinding employers; saloons and gambling dens; so long as boys are taught to fight and allowed to carry firearms; so long as fathers are indifferent deserters and mothers must maintain the family by the washboard—so long crime will continue. What will you do to help this Association to prevent it?”

In the face of an epidemic of scenes like this one, liberals helped immigrants and poor whites by building a new and improved social and economic infrastructure to support them—new housing, new labor laws, new jobs, and new criminal justice policies. In 1904, fifteen thousand
youth, ninety percent white, came before Chicago’s new juvenile court—the first alternative to incarceration. According to Addams, none of the young people or their parents were to blame for their crimes: “We certainly cannot expect the fathers and mothers who have come to the city from farms or who have emigrated from other lands to appreciate or rectify these dangers.” Personal responsibility was off the table. And abusive police were part of the problem.

What happened, then, to the great-grandchildren of those troubled white teens who had come “from other lands”? To judge by the standards of how black descendants of the Great Migration are still assessed today, we might ask: How many Italian Americans committed armed robbery last quarter? How about Irish American burglars? Or Polish American drug dealers?

The fact is no one knows. No such data exists any more. The numbers stopped being relevant when immigrants became white. They still committed crimes, as individuals in all groups do. But when the leading criminologist Edwin Sutherland announced in 1934 that “the second generation appears to approach the native-born of native parentage in regard to the kinds of crimes committed,” he provided the scientific rationale for statistical white flight. From that moment until now, it was no longer possible to use crime statistics to single out the Irish. They were decriminalized as a racial group. They became part of the statistical baseline of a universal white norm. It is that baseline upon which black and brown deviance is measured today.

By the late 1930s, local police agencies and the federal government followed Sutherland’s lead and stopped tracking arrest data by European nationality. It was a remarkable achievement given the long, sordid history of antiwhite immigrant criminalization, xenophobic violence, and eugenic sterilization campaigns. Liberal researchers had convinced progressive political allies that such data was not only racist but harmful to America’s future. By discarding European immigrant crime data altogether, researchers ceased dehumanizing immigrants and stopped promoting damage imagery. Instead, they and their political allies started lifting them up. Progressive researchers and reformers extolled immigrants’ virtues in spite of their vices because immigrants were, as Harvard economist William Ripley explained, “fellow passengers on our ship of state.” They rejected the nativist politics that had already led to closing the borders to Asian immigrants in 1882, and would do the same to additional waves of immigrants in 1924.
White liberals created a hierarchy that privileged white over black criminals. White people’s crimes were a primary reason to help them. It was just the opposite for black people. Their crimes were used as evidence to contain and control them. Black people were redlined out of the de-criminalizing, rehabilitative policies of the Progressive era, as well as the New Deal and the postwar suburbs. They were locked into a statistical ghetto that helped justify the physical one they would fight so hard to escape.

History shows that crime data was never objective in any meaningful political sense. Crime statistics have never been just about behavior no matter how obvious it may seem that numbers speak for themselves. They are proxies for beliefs, a way of defining reality and seeing things. Whatever truth they represent in counting actual arrests or real prisoners is itself a reflection of intense social and political struggles.

The choice to single out this group or that one in crime data has always been a reflection of ideological and political power, and still is. In the midst of the Trump administration’s efforts to enact a Muslim travel ban, officials wanted to create new crime data. Section 10 of Executive Order 13769 called for enhanced statistical surveillance of the crimes of certain foreign nationals. No matter how many more white Americans commit acts of domestic terrorism than others, section 10 was aimed at stigmatizing and banning Muslim immigrants. The same held true in the administration’s call for a national emergency at the border. No matter how law-abiding immigrants are compared to their native counterparts, Trump officials insisted—based on their own creative math—that Central Americans are a criminal menace.

Crime data never speaks for itself, nor does it lead inevitably to punishment. White House officials have labeled the opioid crisis of white drug addiction and premature death a “public health emergency”—echoing the call of Progressive era reformers to save the “great army of unfortunates” in white America. “For those already addicted, we are delivering lifesaving help” and spending $1 billion “to address prevention, treatment, and recovery,” Trump announced in a White House speech in 2018. “Tremendous amounts of money and care have been given to specialty facilities” for heroin users. “People are hiring these inmates,” Trump noted. “They’re getting a second and sometimes a third chance.”

By contrast, candidate Trump evoked the language of the War on Drugs on the campaign trail in 2016. “We have to bring back law and order, in a place like Chicago,” he said, citing crime rates as evidence of
African Americans and Hispanics “living in hell, because it’s so dangerous.” He frequently described urban violence as American “carnage.” In his successful bid for the White House, he garnered universal support from police unions.

Nearly fifty years ago, at the dawn of the post–civil rights era, the black novelist and literary critic Albert Murray warned about the dangers and threats of social science data to underwrite “the contemporary folklore of racism in the United States” based on “white norms and black deviations.” He cautioned black people to see the “social science statistical survey as the most elaborate fraud in modern times.” African Americans “should never forget that the group in power is always likely to use every means at its disposal to create the impression that it deserves to be where it is,” he insisted. “And it is not above suggesting that those who have been excluded have only themselves to blame.”16

Looking back through the lens of The Condemnation of Blackness, it is hard to disagree with Murray. But many do. Law enforcement, especially, has doubled down on crime statistics in what is now the era of big data, artificial intelligence, and predictive analytics. Old ideas, yet again, have been programmed into the latest technology.

At the 2015 New York Times Cities for Tomorrow conference on the newest advances in technology and data analytics for everything from urban-based environmental sustainability to crime control, then Police Commissioner William J. Bratton spoke about the New York Police Department’s latest crime-fighting tool. I sat in the audience anxious to hear him speak. With a broad smile and supreme confidence, he praised the newest release of the pioneering crime mapping software known as CompStat, which had been at the heart of stop and frisk policing when it began a generation ago. He likened the latest version to the 2002 film Minority Report, starring Tom Cruise as head of a special precrime unit. Set in Washington, D.C., in the year 2054, officers gathered intelligence from a trio of precogs, humanlike beings who can predict murders and identify killers before they act. Bratton was almost giddy about the comparison; the unintended pun on the film’s title seemed to escape him.

Two years later at a 2017 Heritage Foundation summit on “Policing in America: Lessons from the Past, Opportunities for the Future,” Bratton gave more details about the architecture of CompStat 2.0. The software is based on algorithms and “advanced data mining techniques, we call ‘predictive policing,’” he said. “Effectively, it’s the CompStat of the ‘90s
on steroids in the 21st century.” And just like all new technology promises, it was guaranteed to be better than before. “It is discriminating, not discriminatory,” he bragged. “It is precise, not prejudiced.”

Until he retired, Bratton was known as America’s Top Cop. Starting his career as a military police officer in Vietnam and then onto Boston in the 1970s, he spent the next five decades running the biggest and most racially troubled police agencies in the country. Bratton served in six departments coast to coast, from New York to Los Angeles and back to the Big Apple. Several of these departments were subject to federal investigations for police brutality either before or after he left. Over the years, he developed a strong personal sense of history, covering the entire span of the post–civil rights era in policing.

But unlike the many critics of aggressive policing tactics, Bratton has rarely, if ever, publicly questioned the value of social science data, except when the research critiqued police racism. In his Heritage speech, he celebrated the theoretical founders of broken windows policing, the criminologist George Kelling and the political scientist James Q. Wilson, “two personal heroes of mine.” He also repudiated the Kerner Commission findings, which he said he had read in 1974 to pass the sergeant’s exam for the Boston Police Department: “They believed at the time that the causes of crime were racism, were poverty, were police practices in many instances, unemployment, demographics. They thought those were the causes. They were not. They are not. And they never have been.” Bratton’s emphatic dismissal of the Kerner report, and all the published evidence of police bias since, demonstrates just how enduring Hoffman’s original innovation with racial crime data has been.

At the summit, Bratton said that by the 1990s, the policing profession had finally figured out how to get past the flawed Kerner legacy. Police leaders started coming together at a series of executive sessions led by faculty at the Harvard Kennedy School. There, “we began to get it right,” he noted. “The cause of crime is people.” Paraphrasing Al Gore, he said “there is an inconvenient truth” that cops go where the criminals are. “Data-driven or evidence-based policing is not bias policing.” He continued: “The disparities are not a policing issue. It is about behavior. ... You have the crime numbers and they are self-evident.”

Future historians will have to place Bratton’s legacy in its fullest context. For now, what’s clear is that he has had an oversized influence on how racial crime data continues to shape the lives of African Americans and Latinx people in the post–civil rights era. But of course, he was not
alone. Near the end of New York City Mayor Michael Bloomberg’s third term, when activists were demanding an end to stop and frisk and the New York Civil Liberties Union and Center for Constitutional Rights were suing the city, Bloomberg refused to change the policy. He consistently dug in, insisting that racial disparities in stops were not evidence of bias, but of criminality. And, at times, he ridiculed critics for not understanding how crime data works. “In that case, incidentally, I think, we disproportionately stop whites too much and minorities too little,” he said in late June 2013 on his weekly radio show. “It’s exactly the reverse of what they’re saying. I don’t know where they went to school, but they certainly didn’t take a math course, or a logic course.”

Less than two months later, the day after a federal judge ruled that stop and frisk was racially discriminatory and unconstitutional in the case of Floyd, et al. v. New York, Police Commissioner Ray Kelly went on national television to defend racial profiling. He suggested that black and brown people, subjected to stop and frisk policing, could not be innocent no matter that they had not broken the law. David Gregory, host of NBC’s Meet the Press, asked him about the 4.4 million stops of New Yorkers, over 80 percent of whom were black or Latino, and 88 percent of whom were not even subject to a summons or arrest, between 2004 and 2012. Gregory said, let’s start with the nearly nine out of ten people “not doing anything wrong.” Kelly responded, “It doesn’t mean that people are not doing anything wrong. If you look at the statute, it says reasonable suspicion that individuals may be about, are committing, or have committed a crime.” Like precogs, the police were acting on data-driven predictions based on Compstat. “There’s a preventive aspect to this. People say innocent,” he said, stammering his way to an explanation. “That’s not the appropriate word.” Their crimes: living while black and brown. “This, by the way, is the standard law enforcement practice throughout America.”

Bratton, Bloomberg, Kelly, and so many other police and elected officials continue to defend their vision of policing today based on what they claim the data says and tells them to do. Former New York Mayor Rudolph Giuliani put it this way: “When I assigned police officers with Commissioner Bratton and Commissioner Safir, we did it based on statistics. We didn’t do it based on race. If there were a lot of murders in a community, we put a lot of police officers there.” In the name of saving black people from themselves, they’ve turned policing into the most important legacy of the civil rights movement. “In our country, the first ob-
ligation of government is public safety,” Bratton told the Heritage audience. But policing has always been at the heart of civil rights activism and the fight for equal citizenship. That is the civil rights movement’s most enduring legacy and unfinished business. Even to take them at their word, by their own empirical standards, there is no research consensus on whether or how much violence dropped in cities due to policing.

The history in the following pages is as relevant now as ever and makes clear that racial crime statistics did not have to lead to racialized policing or lay the foundation for mass incarceration. When white communities, past and present, faced individual acts of crime and violence in a structurally unjust society, liberals chose to rebuild the economic and political infrastructure of white communities. They chose redistribution over retribution, and compassion over condemnation.

Notes


3. “Kelly Miller’s Column: How To Restrain the Negro Criminal,” February 9, 1935, Folder 80, Box 71–73, Kelly Miller Papers, Moorland-Spingarn Research Center, Howard University, Washington, D.C.


THE CONDEMNATION OF BLACKNESS
In 1884 Nathaniel Southgate Shaler, a Harvard scientist and a prolific writer on late-nineteenth-century race relations, wrote his first article on what he and many others called the “Negro Problem.” Like many contemporaries in the years following Reconstruction, Shaler believed that no other nation of the “civilized” world had a difficulty as great as America’s Negro Problem. All evils old and new—militarism, monarchism, and the racial threat to Anglo-Saxon purity posed by the new global mobility of the Irish, Italians, and other so-called inferior races of Europe in the industrial age—paled in comparison, he warned, to the problem of the presence of black people in America. “There can be no sort of doubt that, judged by the light of all experience, these people are a danger to America greater and more insuperable than any of those that menace the other great civilized states of the world.” Shaler believed that white men of the late nineteenth century—white men of science, white men of the industrial age, white men of the modern world—had inherited this predicament from their seventeenth- and eighteenth-century fathers, who had been “too stupid to see or too careless to consider anything but immediate gains” when they enslaved Africans in America. “It was their presence here that was the evil, and for this none of the men of our century are responsible,” he wrote, assuaging the guilt of his Atlantic Monthly readers, who would now have to continue the heavy lifting of rebuilding and reconciling a war-torn nation racked by uncertainty and anxiety about its future.1

Shaler’s articles emerged at a crucial moment in post Civil War debates about the future of black freedom in America. His studies and many others’ illuminate regional instabilities—between the North and South—within scientific and popular discourses on the nature and meaning of blackness. Their ideas reveal the stakes for late nineteenth-century
race-relations writers in search of an objective and unifying basis by which to measure and judge black fitness and behavior for survival, labor, and citizenship in a newly-modernizing nation. For these influential writers, postbellum census reports ushered in a racial data revolution that became the linchpin of an emerging white supremacist discourse on saving the nation through knowledge and acceptance of black death and self destruction.

This latest crisis had begun in the 1860s. In a moment equivalent to a historical blink of the eye, four million people were transformed from property to human beings to would-be citizens of the nation. Only a decade before, few white Americans other than abolitionists had anticipated that black people would become the legal equivalents of white people. In those outrageously heady days of the 1850s when slavery debates still raged, colonization schemes were still being hatched, and white optimism still percolated for black extinction if emancipation had to come, the possibility of living among and abiding black judges, politicians, and schoolteachers was, for many, unimaginable.2

By decade’s end the unimaginable had become reality, and the prospect of settlement and incorporation of African Americans added urgency and confusion to what many whites already saw as a desperate situation. “Now, far more than at any time hitherto, the white people of the United States . . . seem to be particularly interested to know precisely what manner of man the negro [sic] is,” proclaimed one writer in his 1868 introduction to The Negroes in Negroland; The Negroes in America; and Negroes Generally, a timely collection of previously published statements by some of the most respected European travelers to Africa and American men of renown. “Of these American writers, those from the North are here more particularly referred to; and it is trusted that the reader will ponder well the words of such truly able and representative men as John Adams, Daniel Webster, Horace Mann, Theodore Parker, Samuel George Morton, William Henry Seward, and others of scarcely less distinction.” In a nutshell, “disinterested” and authoritative white men the world over, from European colonists and anthropologists to American presidents and statesmen, had the same warning to dispatch, according to Hinton Rowan Helper: “Negroes” with their “crime-stained blackness” could not rise to a plane any higher than that of “base and beastlike savagery.” Helper presented his collection of expert opinions as an archaeologist uses fossils to reconstruct some prehistoric creature for the world to behold with gratitude that it no longer walks the earth. In
Helper’s case, the caption for posterity read: terrible things await a nation bent on handing ballots to beasts. “Seeing, then, that the negro does, indeed, belong to a lower and inferior order of beings, why in the name of Heaven, why,” he pleaded with his readers, “should we forever degrade and disgrace both ourselves and our posterity by entering, of our own volition, into more intimate relations with him? May God, in his restraining mercy, forbid that we should ever do this most foul and wicked thing!”3

Helper’s warning failed. Reconstruction proceeded, but not before the seeds of dread, planted by Helper and many other post-emancipation writers, spread across the nation like crabgrass in June. When Shaler began writing about the Negro Problem after federal troops had withdrawn from the South, after ex-Confederates had returned to power, and after the nation had set itself on a path of reconciliation, those seeds continued to produce apprehension about a future fraught with peril. “The forecast of the unprejudiced observer was exceedingly unfavorable. Every experiment of freeing blacks on this continent,” Shaler wrote with seeming exasperation, “has in the end resulted in even worse conditions than slavery brought to them.” Haiti and Jamaica were perfect demonstrations of how blacks’ “defects” could wreak havoc on civilization. Haitians had once belonged to a colonial society of great “fertile lands” and “great industries of sugar and coffee culture” built on “mild slavery.” But with a corrupt government and a failed economy, “the black race [had] fallen through its freedom to a state that is but savagery with a little veneer of European customs.” These were “a people without a single trace of promise except that of extinction through the diseases of sloth and vice.” Jamaica was just as bad. It had once been a “garden land of the tropics,” the “British of the South,” but had now become a land of “barbarism.”4

America must take heed, Shaler continued. Friends of the race who had not simply fought for blacks’ freedom but also demanded their “complete enfranchisement as American citizens,” who by blind faith and by declaration tried to “fit them for a place in the structure of a self-controlling society,” did not realize that “resolutions cannot help this rooted nature of man.” “The real dangers that this African blood brings to our state,” Shaler cautioned, lay in “the peculiarities of nature which belong to the negroes as a race.” Unlike in “our own race inheritance,” black brains stopped developing sooner, leaving “the negroes” with an animal nature unaltered by the “fruits of civilization.” The results were devastating; blacks
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