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# **American Society and Coded Racism: From Nixon to Clinton**

**Rachel Morgan**

M.A. (Wales 1998)

**2004**

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## Summary

The issue of race and racism in contemporary America is a widely debated subject. Many scholars argue that race remains a significant barrier to socio-economic equality between African Americans and whites. Yet, many other scholars disagree. This dissertation explores the way in which racism is maintained in American society in coded form. The election of Richard Nixon in 1968 heralded the beginning of the conservative ascendancy in American politics and society and also a new political realignment in which race was a definitive factor. One of the principal ways in which this was achieved was through the use of coded racial politics. Yet, the use of coded words, symbols and phrases to refer to racial issues, helped legitimise and maintain racism in post-Civil Rights America. The dissertation, through the method of discourse analysis, provides an analytical history of the codification of racism between the Nixon and Clinton administrations. Through an analysis of presidential and public discourses surrounding eight pivotal events, the dissertation examines the reproduction of coded racism in American society.

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## Introduction

The issue of race and racism in post-Civil Rights America, particularly its significance, is a much-debated subject. Numerous scholars have argued that race remains significant in the post-Civil Rights era. Alphonso Pinkney's *The Myth of Black Progress* argues that race continues to be an ever-present aspect in American life despite the Civil Rights legislation of the 1960s.<sup>1</sup> Andrew Hacker's bestseller, *Two Nations: Black and White, Separate, Hostile and Unequal*, also argues that race remains the defining feature of America, as it has for the past 400 years.<sup>2</sup> Scholars such as Robert C. Smith in *Racism in the Post-Civil Rights Era: Now You See it, Now You Don't* have argued that racism is the fundamental cause of the plight of the black urban poor.<sup>3</sup> Furthermore, Ellis Cose's *The Rage of a Privileged Class* and Joe R. Feagin and Melvin P. Sikes' *Living With Racism: The Black Middle-Class Experience*, demonstrate how race continues to be a salient factor in the lives of the black middle-class and assert that racism continues to hinder those who have supposedly 'made it' in American society.<sup>4</sup>

Yet, since the mid-1960s some scholars have argued that racism is no longer a significant barrier to socio-economic equality between whites and African Americans. Congruent with the belief in the declining significance of race and

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<sup>1</sup> Alphonso Pinkney, *The Myth of Black Progress* (Cambridge: Cambridge University Press, 1984).

<sup>2</sup> Andrew Hacker, *Two Nations: Black and White, Separate, Hostile and Unequal* (New York: Ballantine Books, 1995).

<sup>3</sup> Robert C. Smith, *Racism in the Post-Civil Rights Era: Now You See it, Now You Don't* (New York: SUNY, 1995).

<sup>4</sup> Ellis Cose, *The Rage of a Privileged Class* (New York: Harper Collins, 1993); Joe R. Feagin and Melvin P. Sikes, *Living With Racism: The Black Middle-Class Experience* (Boston: Beacon Press, 1994).

racism in determining the life chances of African Americans has been antipathy towards race specific measures by government, from social welfare programs to policies such as affirmative action in education and employment. While a number of scholars have claimed that from the early 1970s the socio-economic gulf between African Americans and whites has narrowed considerably, for example, Ben J. Wattenberg and Richard M. Scammon, “Black Progress and Liberal Rhetoric”, Nathan Glazer *Affirmative Discrimination: Ethnic Inequality and Public Policy*, George Gilder, *Wealth and Poverty*, and Abigail Thernstrom and Stephan Thernstrom, *America in Black and White: One Nation, Indivisible*, others who share a less positive view of the progress of African Americans, particularly when considering the growth of the black ‘underclass’, nonetheless agree that the significance of race as a barrier to progress has declined.<sup>5</sup> Many scholars have advanced the notion that since the Civil Rights movement ended legally sanctioned racial discrimination the greatest barrier for African Americans, like whites, is class. Arguably the most prominent exponent of this idea was William Julius Wilson. In his seminal work, *The Declining Significance of Race: Race and Changing American Institutions*, Wilson argued that following the civil rights legislation of the 1960s, African-American life chances were no longer determined by race, but by class.<sup>6</sup>

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<sup>5</sup> George Gilder, *Wealth and Poverty* (New York: Basic Books, 1981); Nathan Glazer, *Affirmative Discrimination: Ethnic Inequality and Public Policy* (New York: Basic Books, 1975); Abigail Thernstrom and Stephan Thernstrom, *America in Black and White: One Nation, Indivisible* (New York: Simon & Schuster, 1997); Ben J. Wattenberg and Richard M. Scammon, “Black Progress and Liberal Rhetoric”, *Commentary* 55.4 (1973): 35-44.

<sup>6</sup> William Julius Wilson, *The Declining Significance of Race: Race and Changing American Institutions* (Chicago: University of Chicago Press, 1978).

While structuralists like Wilson argued against government intervention and/or social welfare programs to solve the problem of the black poor due to their ineffectiveness - the point Wilson elaborated upon in *The Truly Disadvantaged: The Inner-City, The Underclass, and Public Policy* - other scholars argued that such intervention itself was the greatest barrier to socio-economic advancement.<sup>7</sup> Charles Murray's study of national welfare policy, *Losing Ground: American Social Policy, 1950-1980*, determined that government welfare programs were not only ineffective, but actually perpetuated poverty and a culture of dependence.<sup>8</sup> This argument was also expressed by Shelby Steele in *The Content of Our Character: A New Vision of Race in America*.<sup>9</sup> Steele argued that the principal barrier to black progress was the identity of black victimisation. Similarly Dinesh D'Souza in *The End of Racism: Principles For a Multiracial Society* argued that the welfare state reinforces the deviant behaviour of ghetto culture, that is, excessive reliance on government, conspiratorial paranoia about racism, a resistance to academic achievement and a normalisation of illegitimacy and dependency.<sup>10</sup> As well as opposing government intervention on the grounds that it perpetuated and/or encouraged the violation of traditional American values of hard-work and self-

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<sup>7</sup> \_\_\_\_\_. *The Truly Disadvantaged: The Inner-City, The Underclass, and Public Policy* (Chicago: University of Chicago Press, 1987).

<sup>8</sup> Charles Murray, *Losing Ground: American Social Policy, 1950-1980* (New York: Basic Books, 1984). While Wilson believed that a culture of poverty existed, he did not believe it was caused by government programs. Murray also appeared to move away from this view when he co-wrote *The Bell Curve: Intelligence and Class Structure in American Life* (New York: Free Press, 1994) with Richard Herrnstein, in which he suggested that genetic differences between blacks and whites accounted for the socio-economic disparity.

<sup>9</sup> Shelby Steele, *The Content of Our Character: A New Vision of Race in America* (New York: St. Martin Press, 1990).

<sup>10</sup> Dinesh D'Souza, *The End of Racism: Principles For a Multiracial Society* (London: Free Press, 1995).

reliance, arguments against social welfare programs have also been made on the grounds that programs aimed at helping African Americans as a group resulted in discrimination against whites.

The scholarly debates surrounding the significance of race and the effectiveness and/or legitimacy of racial policies reflect, or indeed are reflected in, public opinion. Throughout the post-Civil Rights period popular white opinion on the subject of race has largely been characterised by a strong commitment to the principle of racial equality but resistance to the means employed to ensure equality.<sup>11</sup> Numerous explanations have been advanced which seek to uncover the causes of and reasons behind opposition to racial policies in the post-Civil Rights period. These explanations can be generally organised into three categories: social structural theories; socio-psychological/socio-cultural theories; political theories.

Social structural theories emphasise that resistance to racial policies are rooted in group self-interest.<sup>12</sup> Herbert Blumer asserted that opposition by whites to

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<sup>11</sup> Howard Schuman, Charlotte Steeh, and Lawrence Bobo, *Racial Attitudes in America* (Massachusetts: Harvard University Press, 1985).

<sup>12</sup> In addition to works cited see also Lawrence Bobo, "Whites' Opposition to Busing: Symbolic Racism or Realistic Group Conflict Theory", *Journal of Personality and Social Psychology* 45 (1983): 1195-1210; Lawrence Bobo, "Group Conflict, Prejudice, and the Paradox of Contemporary Racial Attitudes" in Phyllis A. Katz and Dalmas A. Taylor (eds.), *Eliminating Racism: Profiles in Controversy* (New York: Pullman, 1988); Lawrence Bobo, "The Color Line, the Dilemma, and the Dream: Race Relations at the Close of the Twentieth Century" in John Highman (ed.), *Civil Rights and Social Wrongs: Black-White Relations Since World War II* (University Park: Pennsylvania State University Press, 1997); Lawrence Bobo, "Race and Beliefs about Affirmative Action: Assessing the Effects of Interests, Group Threat, Ideology and Racism" in David O. Sears *et al*, *Racialized Politics: The Debate About Racism in America* (Chicago: Chicago University Press, 2000); Lawrence Bobo and James Kluegel, "Opposition to Race-Targeting: Self-Interest, Stratification Ideology, or Racial Attitudes?", *American Sociological Review* 61 (1993): 951-72; Lawrence Bobo and James R. Kluegel, "Status, Ideology, and Dimensions of Whites' Racial Beliefs and Attitudes: Progress and Stagnation" in Steven A. Tuch and Jack K. Martin (eds.), *Racial Attitudes in the 1990s: Continuity and Change* (Connecticut: Praeger, 1997); Lawrence Bobo, James R. Kluegel and Ryan A. Smith, "Laissez-Faire Racism: The Crystallization of a Kinder, Gentler, Anti-black Ideology" in Steven A. Tuch and Jack K. Martin (eds.), *Racial Attitudes in the 1990s: Continuity and Change* (Connecticut: Praeger, 1997); Donald T. Campbell, "Ethnocentric and Other Altruistic Motives" in Robert Levine (ed.), *Nebraska Symposium on Motivation* (Lincoln: University of

racial policies aimed at ensuring equality resulted from a perception of blacks as competitive threats for valued social resources, status, and privileges.<sup>13</sup> Similarly, Robert A. Levine and Donald T. Cambell contend that social attitudes reflected private interests, as such, whites oppose changes to the racial status quo which, they feel, threaten their private interests. According to Levine and Cambell, what they term Realistic Group Conflict theory explains why Northern whites began to resist the changes of the Civil Rights movement as it became less of a Southern problem and as the changes began more directly to affect the North.<sup>14</sup> Jim Sidanius *et al* locate opposition to racial change by whites within Social Dominance theory. According to Social Dominance theory, society is based upon a hierarchy of dominant and subordinate groups with one group's dominance legitimised by the dominant ideology within society. Politics involves the interaction between these groups and the competition between them for resources. Sidanius *et al* are adamant that racial animus is not at the root of opposition to racial policies. They state:

The simple fact of the matter is that the desire for group-based social hierarchy rather than mere racial animus lies at the heart of white opposition to redistributive social programs in general – and to race-targeted policies in particular.<sup>15</sup>

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Nebraska Press, 1965); V. O. Key Jr., *Southern Politics in State and Nation* (New York: Knopf, 1949); Jim Sidanius, Erik Devereux, Felicia Pratto, "A Comparison of Symbolic Racism Theory and Social Dominance Theory as Explanations for Racial Policy Attitudes", *Journal of Social Psychology* 132 (1992):377-95; Jim Sidanius and James Liu, "Racism, Support for the Persian Gulf War, and the Police Beating of Rodney King: A Social Dominance Perspective", *Journal of Social Psychology* 132 (1992): 685-700.

<sup>13</sup> Herbert Blumer, "Race Prejudice as a Sense of Group Position", *Pacific Sociological Review* 1 (1958): 3-7.

<sup>14</sup> Robert A. Levine and Donald T. Cambell, *Ethnocentrism* (New York: Wiley, 1972).

<sup>15</sup> Jim Sidanius, Pam Singh, John J. Hetts, Chris Federico, "It's Not Affirmative Action It's the Blacks?" in David O. Sears *et al*, *Racialized Politics*, 231.

Socio-psychological/socio-cultural theorists reject the claim that racial animus does not lie at the root of opposition to racial policies.<sup>16</sup> They emphasise that racism was and is a continuing force in American society. They suggest, however, that the old-fashioned racism of the pre-Civil Rights era, which was generally characterised by overt bigotry and support of segregation, has been replaced by a new, more subtle form of racism. Unlike old-fashioned racism, the new racism - dubbed Symbolic Racism - does not express itself in overt anti-egalitarian terms; the notion of formal equality has largely been accepted. Symbolic Racism suggests, however, that African Americans are demanding more than their fair share and at the same time are displaying values and behaviour, which violate traditional American values. As articulated by John B. McConahay and James C. Hough:

Attitudinally, symbolic racism is a set of 'abstract moral assertions about blacks' behaviour as a group, concerning what blacks deserve,

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<sup>16</sup> In addition to works cited see also Donald R. Kinder and David O. Sears, "Prejudice and Politics: Symbolic Racism Versus Racial Threats to the Good Life", *Journal of Personality and Social Psychology* 40.3 (1981): 414-431; Donald R. Kinder and Tali Mendelberg, "Individualism Reconsidered: Principles and Prejudice in Contemporary American Opinion" in David O. Sears *et al*, *Racialized Politics*; Donald R. Kinder and Lynn M. Sanders, *Divided By Color: Racial Politics and Democratic Ideals* (Chicago: University of Chicago Press, 1996); John B. McConahay, "Self Interest Versus Racial Attitudes as Correlates of Anti-Busing Attitudes in Louisville: Is It the Buses or the Blacks?", *The Journal of Politics* 44 (1982): 692-720; John B. McConahay, "Modern Racism, Ambivalence, and the Modern Racism Scale" in John F. Dovidio and Samuel L. Gaertner (eds.), *Prejudice, Discrimination, and Racism* (Orlando: Academic Press, 1986); David O. Sears, "Symbolic Racism" in Phyllis A. Katz and Dalmas A. Taylor (eds.), *Eliminating Racism: Profiles in Controversy* (New York: Plenum Press, 1988); David O. Sears and Donald R. Kinder, "Racial Tensions and Voting in Los Angeles" in Werner Z. Hirsch (ed.), *Los Angeles: Viability and Prospects for Metropolitan Leadership* (New York: Praeger, 1971); David O. Sears, Carl P. Hensler and Leslie K. Speer, "Whites' Opposition to 'Busing': Self-Interest or Symbolic Politics?", *American Political Science Review* 73 (1979): 369-384; David O. Sears and Carolyn L. Funk, "The Role of Self-Interest in Social and Political Attitudes", *Advances in Experimental Social Psychology* 24 (1991): 1-91; David O. Sears, Colette van Laar, Mary Carrillo and Rick Kosterman, "Is It Really Racism? The Origins of White Americans' Opposition to Race-Targeted Policies?", *Public Opinion Quarterly* 61 (1997):16-53; David O. Sears, P. J. Henry, Rick Kosterman, "Egalitarian Values and Contemporary Racial Policies" in David O. Sears *et al*, *Racialized Politics*.

how they ought to act, whether or not they are treated equitably, and so on'. . . . Behaviourally, it is a set of acts (voting against black candidates, opposing affirmative action programs, opposing desegregation in housing and education) that are justified (or rationalised) on a non-racial basis but that operate to maintain the racial status quo with its attendant discrimination against the welfare, status, and symbolic needs of blacks.<sup>17</sup>

According to proponents of the theory, Symbolic Racism originates in the pre-adult acquisition of traditional values (particularly individualism and self-reliance), and of racial fears and stereotypes. As Donald R. Kinder states:

Symbolic racism is rooted in early-learned racial stereotypes and in deep-seated feelings of social morality. It thus represents a form of resistance to change in the racial status quo based on racial prejudice and on traditional American values that are not in themselves racist.<sup>18</sup>

Political theorists, like social structuralists, reject the notion that opposition to racial policies is primarily driven by racism.<sup>19</sup> Political theorists do not deny that prejudice still exists, but they argue that it is not at the root of political conservatism in relation to racial issues.<sup>20</sup> As Paul M. Sniderman and Thomas Piazza argue in *The Scar of Race*:

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<sup>17</sup> John B. McConahay and Joseph C. Hough, "Symbolic Racism", *Journal of Social Issues* 32.2 (1976): 24.

<sup>18</sup> Donald R. Kinder, "The Continuing American Dilemma: White Resistance to Racial Change 40 Years After Myrdal", *Journal of Social Issues* 42.2 (1986): 152.

<sup>19</sup> Unlike social structuralists, political theorists do not assert that racism has never been at the root of opposition to policies designed to change the racial status quo.

<sup>20</sup> In addition to works cited see also D'Souza, *The End of Racism*; Byron M. Roth, *Prescription for Failure: Race Relations in the Age of Social Science* (New Jersey: Transaction Publishers, 1994); Paul M. Sniderman and Michael Hagen, *Race and Inequality: A Study in American Values* (New Jersey: Chatham House, 1985); Paul M. Sniderman and Philip E. Tetlock, "Symbolic Racism: Problems of Motive Attribution in Political Analysis", *Journal of Social Issues* 42.2 (1986): 129-150; Paul M. Sniderman and Edward G. Carmines, *Reaching Beyond Race* (Cambridge: Harvard University Press, 1997); Paul M. Sniderman and Philip E. Tetlock, "Reflections on American Racism", *Journal of Social Issues* 42.2 (1986): 173-87.

Prejudice has not disappeared, and in particular circumstances and segments of society it still has a major impact. But race prejudice no longer organizes and dominates the reaction of whites; it no longer leads large numbers of them to oppose public policies to assist blacks across the board.<sup>21</sup>

Political theorists argue that opposition to racial policies is based upon non-racial ideology. As Sniderman and Piazza state: “At the deepest level . . . racial politics owes its shape . . . to the broader set of convictions about fairness and fair play that make up the American creed.”<sup>22</sup> Moreover, they stress that espousal of these values is not evidence of racial prejudice. Political theorists charge that the Symbolic Racism theory ignores the complexities of racial conservatism and by suggesting that racism and racial conservatism are intertwined wrongly labels all racial conservatives as racist. As Jon Hurwitz and Mark Peffley state:

. . . taken to an extreme, the new racism thesis obscures important individual differences between racial conservatives. Even if the prejudicial underpinning of some racial conservatives is acknowledged, there are no doubt countless others whose concerns about more liberal policies stem from their philosophical beliefs about the proper role of government than from their antipathy toward African Americans.<sup>23</sup>

Yet, the complexities of racial conservatism notwithstanding, it is in the ambiguity of coded racism that its success lies. The difficulty of Symbolic Racism lies in

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<sup>21</sup> Paul M. Sniderman and Thomas Piazza, *The Scar of Race* (Cambridge: Harvard University Press, 1993), 5.

<sup>22</sup> Sniderman and Piazza, *The Scar of Race*, 176.

<sup>23</sup> Jon Hurwitz and Mark Peffley, *Perception and Politics: Race and Politics in the United States* (Massachusetts: Yale University Press, 1998) 4.

distinguishing between genuinely moral opposition to racial policies and opposition based upon underlying racial prejudice. Political theorists themselves argue that the most successful way for politicians to win support in opposing racial policies is if sound moral arguments are made. As such, the difficulty lies in distinguishing between genuine moral arguments and those designed to covertly appeal to the racial sensitivities of whites through the use of coded racial politics.

Coded racial politics have played an integral part in the political developments of the post-Civil Rights period, and congruent with this, have played a central role in the maintenance of racism in American society. Allen J. Matusow's *The Unravelling of America: A History of Liberalism in the 1960s* provided one of the definitive analyses of the way in which the social upheavals of the 1960s ultimately led to the demise of liberalism and the resurgence of the right.<sup>24</sup> Kenneth O'Reilly's *Nixon's Piano: Presidents and Racial Politics From Washington to Clinton* and Dan T. Carter's *From George Wallace to Newt Gingrich: Race in the Conservative Counterrevolution, 1963-1994*, show that the success of the new right - beginning with the election of Nixon in 1968 - was in manipulating the growing reactionary public opinion through coded racial appeals, that is, non-racial rhetoric used to disguise racial issues.<sup>25</sup> Nixon's electoral strategy - his Southern Strategy - secured white votes, particularly from the South, by identifying the Democratic

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<sup>24</sup> Allen J. Matusow, *The Unravelling of America: A History of Liberalism in the 1960s* (New York: Harper & Row, 1984).

<sup>25</sup> Dan T. Carter, *From George Wallace to Newt Gingrich: Race in the Conservative Counterrevolution, 1963-1994* (Baton Rouge: Louisiana State University Press, 1996); Kenneth O'Reilly, *Nixon's Piano: Presidents and Racial Politics From Washington to Clinton* (New York: Free Press, 1995). Carter traces the origins of the new right's use of code words to George Wallace.

Party with liberal and essentially 'black' ideals.<sup>26</sup> This had to be done in a subtle and covert way so as not to appear to challenge the egalitarian ethos established through the Civil Rights movement. Nixon's election heralded the beginning of a conservative ascendancy in American politics and society and a new political realignment in which race was a definitive factor. Increasingly throughout the post-Civil Rights era the Republican Party would be identified as the party of white Americans and the Democratic Party with African Americans.<sup>27</sup> The use of coded racial politics was one of the principal ways in which this political shift was achieved. Yet the use of coded words, phrases and symbols helped legitimise and maintain racism in the post-Civil Rights era.

Michael Omi and Howard Winant in their work *Racial Formation in the United States: From the 1960s to the 1990s*, assert that the use of coded racial politics by the new right signified part of the rearticulation of racial ideology and discourse on race. The nature of racial ideology insists that in order to survive, it must be continually remade in tune with societal changes. Following the success of the Civil Rights movement, America's racial ideology and discourse on race was reformulated so that it did not appear to challenge the egalitarian ethos that had been established. As such opposition to policies like affirmative action and social welfare programs were made on the grounds that they resulted in reverse

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<sup>26</sup> Kevin P. Philips, *The Emerging Republican Majority* (New York: Anchor Books, 1970).

<sup>27</sup> Earl Black and Merle Black, *Politics and Society in the South* (Massachusetts: Harvard University Press, 1987); Earl Black and Merle Black, *The Vital South: How Presidents are Elected* (Massachusetts: Harvard University Press, 1992); Edward Carmines and James Stimson, *Issue Evolution: Race and the Transformation of American Politics* (New Jersey: Princeton University Press, 1989); Thomas B. Edsall and Mary D. Edsall, *Chain Reaction: The Impact of Race, Rights and Taxes on the American Politics* (New York: Norton, 1991); Robert Huckfeldt and Carol Kohfeld, *Race and the Decline of Class in American Politics* (Chicago: Chicago University Press, 1989).

discrimination and/or preferential treatment and thus defied such ideals as individualism and egalitarianism.<sup>28</sup>

Omi and Winant further argue that the election of Bill Clinton witnessed the emergence of a neo-liberal philosophy that sought to further rearticulate the racial politics of the post-Civil Rights era. Aware of the impossibility of reviving the liberalism of the pre-Civil Rights era, reflecting - superficially at least - the new right's emphasis on colour-blind politics, Clinton stressed universalistic rather than group-specific reforms. The hidden agenda - as Wilson called it - behind this was that any effort to reduce overall inequality would disproportionately benefit those concentrated at the bottom of the socio-economic ladder, that is, African Americans.<sup>29</sup> An integral aspect of Clinton's neo-liberal philosophy, however, was the attempt to move away from identity politics and to alter the image of the Democratic Party as the party of black and minority interests with a more centrist position. In this endeavour Clinton, too, made use of coded racial messages.

The power of discourse, particularly elite discourse, in society is central to the operation and success of coded racial politics. Discourse assumes an almost immeasurable position within society. Myra Macdonald defines discourse as a “. . . system of communicative practices that are integrally related to wider social and cultural practices, and that help to construct specific frameworks of thinking.”<sup>30</sup>

The words, phrases and symbols used to discuss phenomena frame the terms in

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<sup>28</sup> Michael Omi and Howard Winant, *Racial Formation in the United States: From the 1960s to the 1990s* (New York: Routledge, 1994). See also Leslie G. Carr, *'Color-Blind' Racism* (London: Sage, 1997).

<sup>29</sup> Omi and Winant, *Racial Formation in the United States*, 147-149.

<sup>30</sup> Myra MacDonald, *Exploring Media Discourse* (London: Arnold, 2003), 10.

which such issues and events are thought about, which in turn can influence political attitudes. Furthermore, the meaning attributed to words, phrases or symbols both depends upon and perpetuates existing cultural assumptions.<sup>31</sup> For instance, the discussion of affirmative action programs in terms of preferential treatment taps into and perpetuates existing feelings that racial policies have gone beyond addressing racial inequality and are discriminating against whites, which can lead to white opposition to affirmative action policies.

Norman Fairclough stresses the significance of language in the production, maintenance and change of social relations of power. Furthermore, he regards the possession of the dominant language as an important aspect of political struggles. As he states: "Political differences have always been constituted as differences in language, political struggles have always been partly struggles over the dominant language, and both the theory and practice of political rhetoric go back to ancient times."<sup>32</sup> Teun A. Van Dijk also argues that discourse is central to holding power in society and in particular is central to white dominance in society. Van Dijk argues that while the majority of mainstream political elites are not racist, political elites are involved in the reproduction of a system of ethnic/racial dominance.<sup>33</sup> According to Geneva Smitherman-Donaldson and Van Dijk, racism is reproduced by the enactment or legitimisation of all majority power at the micro level of everyday interaction and communication. As they state: ". . . discourse is not just a symptom or a signal of the problem of racism. It essentially reproduces and helps

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<sup>31</sup> Myra MacDonald, *Exploring Media Discourse*, 9.

<sup>32</sup> Norman Fairclough, *New Labour, New Language?* (London: Routledge, 2000), 3. See also \_\_\_\_\_, *Language and Power* (Essex: Longman, 2001).

<sup>33</sup> Teun A. Van Dijk, *Elite Discourse and Racism* (California: Sage, 1993).

produce the racist cognitions and actions of and among the white majority.”<sup>34</sup> Van Dijk also points out, however, that the power of discourse does not operate exclusively in a top-down motion. Popular or public discourse can influence, bottom-up, the social cognitions and actions of elites.

This dissertation asserts that race is indeed significant in post-Civil Rights America and that racism persists, but in a coded form.<sup>35</sup> The election of Nixon in 1968 heralded the beginning of the conservative ascendancy in American politics and society and a new political realignment in which race was a definitive factor. Increasingly in the post-Civil Rights era the Republican Party became associated with white Americans and the Democrat Party with African Americans. One of the primary means in which this was achieved was the use of coded racial politics. The use of coded words, symbols and phrases, such as law and order and preferential treatment, to refer to racial issues, however, helped legitimise and maintain racism in contemporary America. The election of Nixon was symbolic of the transition in America’s racial ideology and discourse on race. In the post-Civil Rights era, racism exists in a far more covert way, hidden in coded language.

Although the dissertation marks 1968 as a culminative moment in American political, social and racial history, it is in no way intended to suggest that 1968 marked an historical watershed. It is important to stress that the election of Nixon, the fracturing of the New Deal consensus, the growth of conservatism, and the changes in racial attitudes were part of a multi-faceted and complex process which

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<sup>34</sup> Geneva Smitherman-Donaldson and Teun A. Van Dijk, “Words That Hurt” in Geneva Smitherman-Donaldson and Teun A. Van Dijk (eds.), *Discourse and Discrimination* (Detroit: Wayne State University Press, 1988), 17.

<sup>35</sup> It is not denied, however, that old-fashioned racism continues to exist in the post-Civil Rights era.

developed over time and which continued to evolve post-1968. Additionally, it is equally important to stress that racial conservatism was not all encompassing. Public opinion, as numerous studies have suggested, is a highly complex, fluid and at times contradictory entity and as such it is important not to over-simplify or overstate the shift to the right in the post-Civil Rights era. As Justin Lewis argues, the American right were more successful in winning support for abstract political ideas, such as opposition to 'big government', 'welfare' and the 'liberal elite' than in winning popular support for specific right-wing policies.<sup>36</sup> In this respect it is also important to remember that the House of Representatives remained in Democratic control from 1964-1994. Moreover, it is imperative to stress that not all expressions of, or support of racial conservatism were, or indeed are, evidence of coded racism. Yet, as previously suggested, the difficulty with symbolic racism is its ambiguity. Because of its very nature, consciously non-racist whites could become the unconscious or unwitting proponents of new, coded racism through their support of racial conservatism.

The dissertation, through the method of discourse analysis, will provide an analytical history of the codification of racism between the Nixon and Clinton administrations. The dissertation does not provide a comprehensive account of political history or indeed racial history throughout the post-Civil Rights era. (It

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<sup>36</sup> Justin Lewis, *Constructing Public Opinion: How Political Elites Do What They Like and Why We Seem to Go Along With It* (New York: Columbia University Press, 2001), 97. See also Thomas Ferguson and Joel Rogers, *Right Turn: The Decline of the Democrats and the Future of American Politics* (New York: Hill and Wang, 1986); William G. Mayer, *The Changing American Mind: How and Why American Public Opinion Changed Between 1960 and 1988* (Ann Arbor: University of Michigan, 1993); Benjamin I. Page and Robert Y. Shapiro, *The Rational Public: Fifty Years of Trends in American Policy Preferences* (Chicago: University of Chicago Press, 1992).

does, however, draw upon the vast number of seminal works from within these subjects.) Rather, the dissertation's aim, through the method of discourse analysis, is to analyse the use of a specific coded racial issue under each elected president. Then, through an analysis of public discourse surrounding a pivotal contemporary event, to explore the reproduction of this in American society. The dissertation will seek to reveal why the specific coded issue was used, how and why it worked, and the implications of this for race relations. The aim is to examine the role that coded racial politics, used as part of the realignment of politics in the post-Civil Rights era, has played in the maintenance of racism in a coded form in contemporary America.

Discourse analysis can be regarded as almost an umbrella term given to a variety of different and multidisciplinary approaches to the study of texts. This dissertation uses the approach of critical discourse analysis which follows a socio-political agenda, and that can be defined as: “. . . a concern to discover and bear witness to unequal relations of power which underlie ways of talking in society, and in particular to reveal the role of discourse in reproducing or challenging sociopolitical dominance.”<sup>37</sup> The application of textual theories can play an important role in the analysis and deconstruction of historical events. At the same time, however, it is important, particularly when seeking to analyse public opinion, that textual theories do not substitute or overshadow empirical research. As James

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<sup>37</sup> Peter Garrett and Allan Bell (eds.), *Approaches to Media Discourse* (Oxford: Blackwell Publishers, 1998). See also Norman Fairclough, *Discourse and Social Change* (Cambridge: Polity Press, 1992); \_\_\_\_\_, *New Labour, New Language?*; \_\_\_\_\_, *Language and Power*; Smitherman-Donaldson and Van Dijk (eds.), *Discourse and Discrimination*; Van Dijk, *Elite Discourse and Racism*.

Thomas asserts: “Theory, used pragmatically is clearly important in explaining popular reactions, but ideally it should complement rather than substitute for rigorous, reflexive, empirical research, and still less be treated as a superior explanatory tool that renders such a process redundant.”<sup>38</sup>

Discourse analysis employed in the dissertation will examine what messages are being conveyed by presidents in their text, that is, speeches, statements and remarks; what racial sensitivities are being expressed or manipulated; what social issues are being inferred or referred to and in what way; what views and beliefs are being reproduced and/or legitimised; and to reveal generic themes or patterns. Discourse analysis will also be employed to examine public discourse on events and the issues represented by them in order to explore the links between political and public discourse, that is, the reproduction of coded racial politics in society.

The dissertation will also consider the role of the media in the framing of events and issues. As Roger Fowler states: “. . . the world of the press is not the real world, but a world skewed and judged.”<sup>39</sup> There is, of course, an inherent contradiction in using the media as a source of public discourse while at the same time acknowledging - and analysing – its representation of historical events. There is no easy answer to this problem, suffice to accept the ultimate impossibility of ever knowing or obtaining a completely accurate account or measure of public

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<sup>38</sup> James Thomas, *Diana's Mourning: A People's History* (Cardiff: University of Wales Press, 2002), 28. See also Nick Couldry, *Inside Culture: Re-imagining the Method of Cultural Studies* (London: Sage, 2000).

<sup>39</sup> Roger Fowler, *Language in the News: Discourse and Ideology in the Press* (London: Routledge, 1991), 11. See also Lewis, *Constructing Public Opinion*; G. Philo (ed.), *Message Received* (London: Longman, 1999); \_\_\_\_\_ and D. Miller (eds.), *Market Killing: What the Free Market Does and What Social Scientist Can Do About It* (London: Longman, 2000).

opinion. Moreover, provided that the complexities of using media sources are fully acknowledged they remain a valuable source of public discourse and opinion, particularly when such qualitative evidence is balanced with both quantitative evidence and the wider body of documented evidence.<sup>40</sup>

Eight pivotal events were chosen for analysis in the dissertation. These are: the Attica Prison Riot, 1971; the Miami Riot, 1980; the Bernhard Goetz Subway Shootings, 1984; the death of Michael Griffith in Howard Beach, 1986; the Central Park Jogger attack, 1989; the Carol Stuart murder, 1989; the Rodney King beating and the Los Angeles Riots, 1991-1992; and the O.J. Simpson case, 1994-1995. There were, of course, numerous pivotal events during the large time period under consideration, which could have been analysed. The decision to use the eight events resulted from an analysis of available primary sources. As such they were chosen principally for practical purposes. Yet, it could be argued that the availability of the primary sources for these events lends itself well to the argument that these were indeed pivotal events. Because the events were part of the national debate during the time-period under analysis they have received considerable attention contemporaneously by journalists and scholars and in varying degrees in later academic writings. The events analysed, however, were chosen principally because they were high profile (although some, for example, the Rodney King, Los Angeles riots, and O.J. Simpson cases, received more attention than others). Moreover, because the importance of the events for the purpose of the dissertation is for what they can reveal about coded racism, contemporary work by journalists will act as

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<sup>40</sup> Thomas, *Diana's Mourning*.

source material. Furthermore, none of the events have previously been deconstructed through the method of discourse analysis with the aim of analysing the use of coded racial politics and their reproduction in American society.

The most comprehensive account of the Attica prison riot, 1971, is provided by Robert Mckay's *Attica: The Official Report of the New York State Special Commission on Attica*.<sup>41</sup> The report, published in paperback form, provides a comprehensive account of the situation at Attica prior to the riot, the riot itself, and the retaking and its aftermath. It is a largely sympathetic account of the conditions endured by prisoners at Attica, including racial tensions, and is especially critical of Governor Russell G. Oswald's role during the riot's negotiations. In *Attica: My Story*, Oswald provides an autobiographical account of the riot at Attica and a personal perspective on his role in the event.<sup>42</sup>

Roger Starr in "Prisons, Politics & the Attica Report", provides a critique of the Mckay Report.<sup>43</sup> Starr criticises both the factual findings presented in the Mckay Report and the methodology used in the structure and format of the report. Starr's article is perhaps the most critical account of the Attica riot, with the other three major works on Attica generally lending their sympathy with the rioters. Herman Badillo and Milton Haynes' *A Bill of No Rights: Attica and the American Prison System* provides an account of the Attica riot from the standpoint of one of the observers of the negotiations.<sup>44</sup> It provides a highly critical account of the

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<sup>41</sup> Robert Mckay, *Attica: The Official Report of the New York State Special Commission on Attica* (New York: Praeger Publishers, 1972).

<sup>42</sup> Russell G. Oswald, *Attica: My Story* (New York: Doubleday, 1972).

<sup>43</sup> Roger Starr, "Prisons, Politics & the Attica Report", *Commentary* 55.3 (1973): 31-37.

<sup>44</sup> Herman Badillo and Milton Haynes, *A Bill of No Rights: Attica and the American Prison System* (New York: Outerbridge & Lazard Inc, 1972).

American prison system, detailing the issues of race and racism within the prison system and in the riot itself. Tom Wicker's *A Time To Die* also provides a first-hand account of the riot from the standpoint of a reporter who was also among the observers at the negotiations.<sup>45</sup> It too is a highly critical account of the American prison system and is especially critical of the decision to retake the prison by force. Malcolm Bell's *The Turkey Shoot* offers a critique of the investigation into crimes committed at Attica during the riot and its aftermath, claiming that crimes committed by officers against inmates during and in the aftermath of the retaking were deliberately ignored.<sup>46</sup> Stephen C. Light in "The Attica Litigation" provides an account of the litigation arising out of the Attica riot.<sup>47</sup>

Louis D. Mitchell in "Attica: A Microcosm of the Ghetto", presents the Attica riot as a product of the same system of exploitation and oppression responsible for the creation of ghettos in urban America.<sup>48</sup> The Attica prison riot receives some brief attention in Robert Abrams (ed.), *Prison riots in Britain and the USA* as part of a wider analysis of prison riots within the USA and Britain.<sup>49</sup> Attention is focused primarily on placing the Attica riot within a context of prison unrest in the USA and Britain. Gerald Benjamin and Stephen P. Rappaport's "Attica and Prison Reform", provides a brief overview of the causes of the Attica riot, the riot itself and of the retaking.<sup>50</sup> It focuses on prison reform, both in the

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<sup>45</sup> Tom Wicker, *A Time To Die* (New York: Quadrangle/New York Times Books co., 1975).

<sup>46</sup> Malcolm Bell, *The Turkey Shoot: Tracking the Attica Cover-Up* (New York: Grove Press, 1985).

<sup>47</sup> Stephen C. Light, "The Attica Litigation", *Crime, Law and Social Change* 23.2 (1995): 215-234.

<sup>48</sup> Louis D. Mitchell, "Attica: A Microcosm of the Ghetto", *Crisis* (August/September 1972): 226-228.

<sup>49</sup> Robert Abrams (ed.), *Prison Riots in Britain and the USA* (London: Macmillan, 1994).

<sup>50</sup> Gerald Benjamin and Stephen P. Rappaport, "Attica and Prison Reform", *Proceedings of the Academy of Political Science* 31.3 (1974): 200-213.

months preceding the riot and afterwards. The article chronicles the impetus for reform of the prison system in the wake of Attica and the decline of support for reform as the decade advanced. *Social Justice* dedicated an edition to the Attica riot in 1991.<sup>51</sup> The edition featured articles on litigation arising from the retaking, the stereotyping of inmates at Attica and interviews with Frank Smith and Akil Al-Jundi, former inmates of Attica and central participants in the riot.

The existing historiography, collectively, provides a comprehensive narrative of the Attica riot, offers analyses of the causes of the riot and places the riot within the wider context of prison riots and prison reform. The dissertation, however, provides a far more comprehensive account of contemporary reactions to the riot. Moreover, the dissertation focuses on analysing the discourse surrounding Attica – public, political and media - in order to examine the reproduction of the coded racial political issue of law and order.

The most comprehensive account of the Miami riot, 1980, is provided by Bruce Porter and Marvin Dunn in *The Miami Riot 1980: Crossing the Bounds*.<sup>52</sup> Porter and Dunn consider the riot in the context of Miami's racial history. They explore key events leading up to the riot, the riot itself - including an analysis of rioters, the police reaction and the damage caused – and the aftermath of the riot in terms of the Federal response. Dunn in *Black Miami in the Twentieth Century* again provides a chronology of events leading up to the Miami riot and provides an account of the riot itself but also explores its aftermath in terms of the political

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<sup>51</sup> *Social Justice* 18.3 (1991).

<sup>52</sup> Bruce Porter and Marvin Dunn, *The Miami Riot of 1980: Crossing the Bounds* (Massachusetts: D.C. Heath & Co., 1984).

response to the riot.<sup>53</sup> As part of this, Dunn also details the socio-economic situation in Dade County, Miami before and after the riot. Raymond A. Mohl in “On the Edge: Blacks and Hispanics in Metropolitan Miami since 1959”, considers the effect of Cuban immigration on the socio-economic status of African Americans in Miami as a cause of unrest.<sup>54</sup>

Daryl B. Harris’s *The Logic of Black Urban Rebellions: Challenging the Dynamics of White Domination in Miami* considers the Miami riot in the context of an American tradition of racial violence.<sup>55</sup> Harris argues that the Miami riot was a rebellion against racial oppression within white-dominated capitalist America. Manning Marable in “The Fire This Time: The Miami Rebellion”, also presents the Miami riot as a black uprising against oppression from the white capitalist power structure.<sup>56</sup>

Like Attica, the existing historiography on Miami, collectively, provides a comprehensive account of the riot – its causes, the riot itself, the aftermath of the riot, and it places it within the wider context of the history of black Miami and the history of racial violence in America. It also considers the impact of Cuban immigration on Miami’s African-American population. The dissertation builds upon this historiography, but more specifically, it analyses the Miami riot in terms

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<sup>53</sup> Marvin Dunn, *Black Miami in the Twentieth Century* (Florida: University Press of Florida, 1997).

<sup>54</sup> Raymond A. Mohl, “On the Edge: Blacks and Hispanics in Metropolitan Miami since 1959”, *Florida Historical Quarterly* 63.3 (1990): 37-56.

<sup>55</sup> Daryl B. Harris, *The Logic of Black Urban Rebellions: Challenging the Dynamics of White Domination in Miami* (Connecticut: Praeger, 1999).

<sup>56</sup> Manning Marable, “The Fire This Time: The Miami Rebellion”, *Black Scholar* (July/August 1980): 2-18.

of the public and political discourse surrounding it as part of an examination of the reproduction of the coded racial political issue of preferential treatment.

Lilian B. Rubin's *Bernhard Goetz in a Time of Madness* provides a largely narrative account of the Bernhard Goetz case, 1984, which includes a biography of Goetz.<sup>57</sup> George P. Fletcher's *A Crime of Self Defense* focuses on the process of the law in relation to the case of Goetz and includes a detailed account of the trial.<sup>58</sup> Mark Lesley's *Subway Gunman: A Juror's Account of the Bernhard Goetz Trial*, as its title suggests, is a narrative account of the Goetz trial from the perspective of one of the jurors on the case.<sup>59</sup> The Goetz case, and specifically reactions to it, receives a brief overview in Alphonso Pinkney's *Lest We Forget White Hate Crimes: Howard Beach and Other Racial Atrocities*.<sup>60</sup> Pinkney presents the Goetz shooting as one of a series of white hate crimes perpetuated by the atmosphere of racial intolerance in Mayor Edward Koch's New York and President Reagan's America.

Pinkney's *Lest We Forget* also presents an overview of the Howard Beach case, 1986. Pinkney presents Howard Beach as another incident in the series of white hate crimes in New York in the early-to-mid 1980s, which arose out of an atmosphere of racial intolerance perpetuated by the conservative administration of Mayor Koch in New York and the administrations of President Reagan. Charles J.

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<sup>57</sup> Lilian B. Rubin, *Bernhard Goetz in a Time of Madness* (Boston: Faber & Faber, 1986).

<sup>58</sup> George P. Fletcher, *A Crime of Self Defense: Bernhard Goetz and the Law on Trial* (New York: Free Press, 1986).

<sup>59</sup> Mark Lesley, *Subway Gunman: A Juror's Account of the Bernhard Goetz Trial* (British American Publishers, 1988).

<sup>60</sup> Alphonso Pinkney, *Lest We Forget White Hate Crimes: Howard Beach and Other Racial Atrocities* (Chicago: Third World Press, 1994).

Hynes and Bob Drury's *Incident at Howard Beach* provides a first-hand account of the Howard Beach case by the Special Prosecutor in the case.<sup>61</sup> It provides a detailed narrative of the case, the investigation and the ensuing trials. In "Howard Beach: Black Leaders, White Liberals", Jim Sleeper considers the need for interracial partnership to tackle racism in wake of Howard Beach.<sup>62</sup> Nicolaus Mills' "Howard Beach: Anatomy of a Lynching" provides an account of the case and the specific efforts by the defence to obtain justice for African-American victims of crime in an era of racial intolerance bred by the Reagan and Koch administrations.<sup>63</sup>

While building upon the existing historiography, this dissertation provides a far more detailed account of societal reactions to the Goetz and Howard Beach cases than is currently provided. More specifically, it examines the political, public and media discourse surrounding the cases to analyse the reproduction of the coded racial political issue of fear of crime.

The two major works on the case of the Central Park jogger, 1989, are Timothy Sullivan's *Unequal Verdicts: the Central Park Jogger Trials* and Trisha Meili's *I Am The Central Park Jogger: A Story of Hope and Possibility*.<sup>64</sup> Sullivan's *Unequal Verdicts* is a comprehensive, though largely narrative account of the arrest and trial of the youths in the Central Park jogger case. Similarly,

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<sup>61</sup> Charles J. Hynes and Bob Drury, *Incident at Howard Beach: The Case For Murder* (New York: GP. Putman & Sons, 1990).

<sup>62</sup> Jim Sleeper, "Howard Beach: Black Leaders, White Liberals", *Dissent* 34.2 (1987): 479-483.

<sup>63</sup> Nicolaus Mills, "Howard Beach: Anatomy of a Lynching: New York Racism in the 1980s", *Dissent* 34.4 (1987): 470-484.

<sup>64</sup> Timothy Sullivan, *Unequal Verdicts: The Central Park Jogger Trials* (New York: Simon & Schuster, 1992); Trisha Meili, *I Am The Central Park Jogger: A Story of Hope and Possibility* (New York: Scribner, 2003)

Meili's *I Am The Central Park Jogger* presents a detailed narrative of the case, but places it within a broader autobiographical context.

The Carol Stuart case, 1989, receives brief attention in Joe R. Feagin and Hernan Vera's *White Racism: The Basics*, which argues that the case is evidence of personal and structural racism within the police and judicial system.<sup>65</sup> Feagin and Vera also provide a critique of the media's role in the case. A very brief overview of the case is provided in Terry Morris's *No Justice No Peace: From Emmett Till to Rodney King*, as part of a general documentation of race and crime in twentieth century America.<sup>66</sup>

The dissertation adds to the existing historiography of the Central Park jogger and Carol Stuart cases, and provides a more comprehensive analysis of the two events, particularly in terms of political, public and media reaction to the cases. It provides an analysis of these discourses in order to examine the reproduction of the coded racial political issue of soft on crime.

There has been a mass of literature from numerous disciplines produced on the Rodney King case, 1991-1992, and the Los Angeles riots, 1992. Jewelle Taylor Gibbs in *Race and Justice: Rodney King and O.J. Simpson in a House Divided* offers an examination of the King beating and its aftermath within the wider context of police brutality and racial inequality in urban America.<sup>67</sup> The issue of police brutality is also addressed in Charles J. Ogletree Jr. *et al*, *Beyond Rodney*

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<sup>65</sup> Joe R. Feagin and Hernan Vera, *White Racism: The Basics* (New York: Routledge, 1994).

<sup>66</sup> Terry Morris, *No Justice No Peace: From Emmett Till to Rodney King* (New York: Africentric Production, 1993).

<sup>67</sup> Jewelle Taylor Gibbs, *Race and Justice: Rodney King and O.J. Simpson in a House Divided* (San Francisco: Jossey-Bass Publishers, 1996).

*King: An Investigation Into Police Misconduct in Minority Communities*, which analyses of African-American perceptions of the police in America's urban areas.<sup>68</sup>

A massively critical account of the LAPD is given in Mike Davis' *City of Quartz: Excavating the Future in Los Angeles*.<sup>69</sup> Tom Owens and Rod Browning's *Lying Eyes: The Truth Behind the Corruption and Brutality of the LAPD and the Beating of Rodney King* gives an account of the brutality and corruption that exists within the LAPD from the perspective a former officer.<sup>70</sup>

Lou Cannon's *Official Negligence: How Rodney King and the Riots Changed Los Angeles and the LAPD* is a critical analysis of the King case and the ensuing riots.<sup>71</sup> Cannon is critical of both the police force and local government in California, charging that police are given insufficient training specifically in relation to the use of metal batons – a weapon he is highly critical of. He is also critical of the decision by TV stations to air an edited copy of the video of King's arrest and argues that King can be seen charging at officers at the beginning of the tape. In his autobiography *Presumed Guilty: The Tragedy of the Rodney King Affair*, Stacey C. Koon defends his actions in the King arrest and provides a narrative account of the aftermath of the event upon his life.<sup>72</sup> Koon and the other officers charged in relation to the King arrest receive support in Robert Deitz's

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<sup>68</sup> Charles J. Ogletree Jr. et al, *Beyond Rodney King: An Investigation into Police Misconduct in Minority Communities* (Boston: NorthEastern University Press, 1995).

<sup>69</sup> Mike Davis, *City of Quartz: Excavating the Future in Los Angeles* (New York: Vintage Books, 1992).

<sup>70</sup> Tom Owens and Rod Browning, *Lying Eyes: The Truth Behind the Corruption and Brutality of the LAPD and the Beating of Rodney King* (New York: Thunder's Mouth Press, 1994).

<sup>71</sup> Lou Cannon, *Official Negligence: How Rodney King and the Riots Changed Los Angeles and the LAPD* (New York: Random House, 1997).

<sup>72</sup> Stacey C. Koon with Robert Deitz, *Presumed Guilty: The Tragedy of the Rodney King Affair* (Washington D.C.: Regnery Gateway, 1992).

*Wilful Injustice: A post-O.J. Look at Rodney King, American Justice and Trial by Race.*<sup>73</sup> Deitz is critical of the way in which race was interjected into the King case and claims that the acquittal of O.J. Simpson is evidence of the damage done to the system of justice in America by subordinating truth to racial expediency.

A brief overview of the Los Angeles riots and the damage caused is given in Gerald Horne's *The Fire This Time: The Watts Uprising and the 1960s*.<sup>74</sup> In *Official Negligence*, Cannon also details the rioting and argues that the City of Los Angeles was grossly unprepared for the rioting. Gibbs in *Race and Justice* provides a sympathetic analysis of the riots, detailing the many instances of looters stealing food and clothing out of necessity rather than sheer recklessness. Denis E. Gale's *Understanding Urban Unrest From Reverend King to Rodney King* considers the Los Angeles riots as part of a tradition of urban rioting during the twentieth century.<sup>75</sup> It focuses on federal government response to urban rioting and argues that the policy of alleviating poverty in enclaves where rioting has erupted is not the best way of dealing with poverty or rioting. Haki R. Madhubuti's (ed.) *Why L.A. Happened: Implications of the '92 Los Angeles Rebellion* presents the Los Angeles riots as an insurrection by a multi-cultural band of oppressed people devoid of political representation or leadership.<sup>76</sup> It contains a collection of opinions and

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<sup>73</sup> Robert Deitz, *Wilful Injustice: A post-O.J. Look at Rodney King, American Justice and Trial by Race* (Washington D.C.: Regnery, 1996).

<sup>74</sup> Gerald Horne, *Fire This Time: The Watts Uprising and the 1960s* (New York: Da Capo Press, 1997).

<sup>75</sup> Denis E. Gale, *Understanding Urban Unrest From Reverend King to Rodney King* (California: Sage Publications, 1996).

<sup>76</sup> Haki R. Madhubuti (ed.), *Why L.A. Happened: Implications of the '92 Los Angeles Rebellion* (Chicago: Third World Press, 1993).

analyses of the Los Angeles riots from a selection of African-American and Asian writers.

Robert Gooding Williams' (ed.) *Reading Rodney King, Reading Urban Uprising* contains 17 essays by scholars from a variety of disciplines which collectively attest to the continuing significance of race in contemporary America.<sup>77</sup>

The essays examine the Rodney King case and the Los Angeles riots, 1991-1992, around six themes: the King beating as the product of a violent racism that is a characteristic feature of ordinary American life; the trial of the LAPD officers; the King beating within the context of the political economy of America; the social forces at work in Los Angeles both before and after the uprising; the role of racial ideology; the gulf between the promise of American democracy and the social reality.

Two works offer detailed analyses of the King case and the Los Angeles riots within the realm of media theory. Ronald N. Jacobs' *Race, Media and the Crisis of Civil Society From Watts to Rodney King* compares African-American and white media coverage of the King case.<sup>78</sup> Darnell M. Hunt, Jeffrey C. Alexander, Steve Seidman's (eds.), *Screening the Los Angeles 'Riots': Race, Seeing, and Resistance*, explores the meaning one news organisation found in the King event as well as the meaning found by 15 groups of viewers of the event's aftermath.<sup>79</sup> It

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<sup>77</sup> Robert Gooding Williams (ed.), *Reading Rodney King, Reading Urban Uprising* (London: Routledge, 1993).

<sup>78</sup> Ronald N. Jacobs, *Race, Media and the Crisis of Civil Society From Watts to Rodney King* (Cambridge: Cambridge University Press, 2000).

<sup>79</sup> Darnell M. Hunt, Jeffrey C. Alexander, Steve Seidman (eds.), *Screening the Los Angeles 'Riots': Race, Seeing, and Resistance* (Cambridge: Cambridge University Press, 1996).

explores how race shapes both the construction of TV news and viewers' understanding of it.

The O.J. Simpson case has also received a great deal of literary attention. An analytical narrative of the case is provided by Jeffrey Toobin's *The Run of His Life: The People vs. O.J. Simpson*, which gives a behind the scenes look at the crime and the proceedings of the case.<sup>80</sup> Similarly, Frank Schmallegger's *Trial of the Century: People of the State of California vs. O.J. Simpson* provides an account of the trial with details from the court transcripts.<sup>81</sup> Alan M. Dershowitz's *Reasonable Doubts: O.J. Simpson and the Criminal Justice System* offers a critique of the legal system in his discussion of the Simpson case.<sup>82</sup> V. Bugliosi's *Outrage: Five Reasons O.J. Got Away With Murder* analyses the flaws in the prosecution's strategy.<sup>83</sup> Similarly, Joseph Bosco and William Morrow in *A Problem of Evidence: How the prosecution Freed O.J. Simpson* also claim the prosecution's mistakes and failures resulted in the wrongful acquittal of Simpson.<sup>84</sup>

Prosecution lawyers Marcia Clark and Christopher Darden offer their perspectives on the case in their respective autobiographies *Without a Doubt* and *In Contempt*.<sup>85</sup> Mark Fuhrman also defends his role in the Simpson case and his role as an LAPD detective in *Murder in Brentwood*.<sup>86</sup>

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<sup>80</sup> Jeffrey Toobin, *The Run of His Life: The People vs. O.J. Simpson* (New York: Random, 1997).

<sup>81</sup> Frank Schmallegger, *Trial of the Century: People of the State of California vs. O.J. Simpson* (New Jersey: Prentice Hall, 1996).

<sup>82</sup> Alan M. Dershowitz, *Reasonable Doubts: O.J. Simpson and the Criminal Justice System* (New York: Pocket Books, 1997).

<sup>83</sup> V. Bugliosi, *Outrage: Five Reasons O.J. Got Away With Murder* (New York: Norton, 1996).

<sup>84</sup> Joseph Bosco and William Morrow, *A Problem of Evidence: How the Prosecution Freed O.J. Simpson* (New York: W. Morrow & Co., 1996).

<sup>85</sup> Marcia Clark and Teresa Carpenter, *Without a Doubt* (New York: Penguin, 1998); Christopher Darden, *In Contempt* (New York: Harper Collins, 1995).

<sup>86</sup> Mark Fuhrman, *Murder in Brentwood* (California: Regnery, 1997).

Gibbs in *Race and Justice* provides a sympathetic analysis of the Simpson case. It analyses the way in which the media transformed Simpson from an aracial hero into a black criminal. It examines African-American and white opinion on the case and considers why the notion of conspiracy is so prevalent within African-American communities. These themes are also analysed as part of a collection of 13 essays exploring the historical, cultural, psychological, racial and linguistic aspect of the Simpson case in Toni Morrison and Claudia Brodsky Lacour's (eds.) *Birth of a Nation 'hood: Gaze, Script and Spectacle in the O.J. Simpson Case*.<sup>87</sup>

The Simpson case is also considered within the realm of media theory in Janice Schuetz and Lin S. Lilley's (eds.) *The O.J. Simpson Trials: Rhetoric, Media and the Law* collection of essays providing a critical analysis of the criminal and civil trials.<sup>88</sup> It focuses on telelitigation – the media's transforming of sensational crimes with celebrity defendants and victims, into telemediated forms. Paul Thaler's *The Spectacle: Media and the Making of the O.J. Simpson Story* considers the instrumental role of the media in the Simpson case.<sup>89</sup> Darnell M. Hunt in *O.J. Simpson Facts and Fictions: New Rituals in the Construction of Reality* scrutinises the discourse of television and viewers in order to explain why people were so interested in the case.<sup>90</sup> Janet Cotterill's *Language and Power in the Court: A*

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<sup>87</sup> Toni Morrison and Claudia Brodsky Lacour (eds.), *Birth of a Nation 'hood: Gaze, Script and Spectacle in the O.J. Simpson Case* (New York: Vintage, 1997).

<sup>88</sup> Janice Schuetz and Lin S. Lilley (eds.), *The O.J. Simpson Trials: Rhetoric, Media and the Law* (Chicago: Southern Illinois University Press, 1999).

<sup>89</sup> Paul Thaler, *The Spectacle: Media and the Making of the O.J. Simpson Story* (London: Praeger, 1997).

<sup>90</sup> Darnell M. Hunt, *O.J. Simpson Facts and Fictions: New Rituals in the Construction of Reality* (Cambridge: Cambridge University Press, 1999).

*Linguistic Analysis of the O.J. Simpson Trial* also considers discourse in the case and provides an analysis of the language employed in the Simpson trial.<sup>91</sup>

The dissertation draws upon many of the arguments and analyses contained within the existing historiography on King, the Los Angeles riots and Simpson. Where it differs and where it adds to the historiography is in its focus on analysing the public discourse surrounding the events in order to examine the coded racial political issue of reverse racism.

In terms of sources, in addition to building upon existing literature in the field, the dissertation uses extensive newspaper and magazine material. In total 25 newspapers and magazines are used which consist of the most popular daily and weekly newspapers and magazines from across the United States, including the South. Local newspapers for each event are used in addition to the more popular papers from across the country, for example the *New York Times* and the *Los Angeles Times*. This enables an analysis of discourse on both a local and national level. Numerous African-American newspapers and magazines are also used.

The fewer number of African-American sources used in comparison to white sources results from the lack of African-American media sources in comparison to white sources and more specifically the lack of accessibility to the African-American material that exists.<sup>92</sup> In addition, African-American newspapers, on the whole, and certainly the ones consulted in this dissertation, are weekly, which quite often leads to less total coverage of events and hence less source

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<sup>91</sup> Janet Cotterill, *Language and Power in the Court: A Linguistic Analysis of the O.J. Simpson Trial* (Basingstoke: Palgrave Macmillan, 2003).

<sup>92</sup> Newspaper websites are increasingly adding searchable archives, however, even then the archives do not always go back that far.

material to analyse. Also, because they are more localised, African-American newspapers tend not to cover national events, the exception being the Los Angeles riots 1992 and the O.J. Simpson case 1994-1995.

Similarly, only one newspaper from the South is used in the dissertation – the *Atlanta Journal and Constitution*. Moreover, it is only used in relation to the Rodney King beating, the Los Angeles riot and the O.J. Simpson case. Obviously, the use of a greater number of southern newspapers covering the entire time period of the dissertation would have been desirable. Unfortunately, however, a lack of availability of newspaper sources from the South prevented this.<sup>93</sup>

In order to analyse political discourse, with specific regard to presidential discourse, the dissertation makes extensive use of the *Public Papers of the Presidents of the United States Series*. Generally speaking, most research involving American political history would make extensive use of the great volume of primary materials available from presidential administrations. Certainly there is a wealth of material which could be used to examine numerous areas of American political history in the post-Civil Rights era. Yet, the focus of this dissertation is the connection between political and public discourse, in particular between *public* political discourse and the discourse of the American public. As such, the *Public Papers of the Presidents of the United States Series* is an extremely valuable and legitimate resource, providing a comprehensive collection of presidential addresses, remarks and speeches.

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<sup>93</sup> The *Atlanta Journal and Constitution* is the only southern newspaper held at the British Library's Newspaper Archive.

Relatedly, there are valuable archives which could be utilised to research numerous areas of race relations in the post-Civil Rights period, such as the National Association for the Advancement of Colored People (NAACP) or the American Civil Liberties Union (ACLU). However, in the same way that the purpose of the dissertation is not to provide a new detailed account or examination of presidential politics or political developments since the Civil Rights era, neither is its purpose to provide a comprehensive examination or analysis of the broader subject of race relations during the period. Rather, the purpose of the dissertation is to provide a new analytical history of the codification of racism in the post-Civil Rights era through an analysis of presidential and public discourse. In addition to the extensive use of newspapers and magazines and the *Public Papers of the Presidents of the United States Series*, the dissertation also uses official reports, government publications, census data and opinion polls and surveys.

Many of the events covered in the dissertation did not exclusively involve African Americans and whites. Indeed the events were often multiracial, involving Hispanics, Puerto Ricans, Cubans, Asians and white-ethnic groups, namely Italian Americans. As such it is important that the events are not perceived purely in terms of blacks and whites. Indeed, much can be gleaned from these events of the wider racial situation within American society, which extends beyond black and white. Certainly in terms of the connection between race and crime – which is a central theme of the dissertation – Hispanics are implicated in this as much as African Americans. Furthermore, in terms of racial tensions between groups, this is no longer a distinctly black and white affair as both the Miami and Los Angeles riots

attest to. In Miami, the large influx of Cuban refugees had a significant impact upon African Americans and many – though not the majority – identified the competition for resources with Cubans as a contributory factor in the socio-economic malaise which underlay much of the rioting. In Los Angeles, Koreans were the targets of much of the violence of the riot. Additionally, Hispanics and Asians are no less immune to racial discrimination by whites than African Americans. At the same time, however, African Americans and whites remained the main protagonists in each event - with the exception of the Los Angeles riots – and the dissertation focuses on African-American and white reactions to the events. The overriding reason for this is that the focus of the dissertation is to examine the extent to which racial conservatism amongst whites in the post-Civil Rights era is based on racial prejudice and discrimination against African Americans. In doing this, the dissertation explores the use of coded racial politics by elected presidents as part of an electoral strategy to win white voters by covertly appealing to white racial sensitivities principally about African Americans. As Robert M. Entman and Andrew Rojecki state:

Blacks are the most consistently visible subjects of political discourse about non-Whites in the United States. Other groups are more geographically concentrated and that makes them less universally potent as political symbols. The importance of anti-*Black* sentiments to American politics throughout the country, even in places where few live, has been documented repeatedly.<sup>94</sup>

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<sup>94</sup> Robert M. Entman and Andrew Rojecki, *The Black Image in the White Mind: Media and Race in America* (Chicago: University of Chicago Press, 2000), xi.

That analysis of the events focuses on African-American and white reactions and responses does not negate the importance of the reaction and responses of other racial and/or ethnic groups involved in the events or indeed the responses of whites and African Americans to the these participants. Indeed, although not in the remit of this dissertation, this additional and/or alternative analysis would undeniably be of great value and interest to the study of race in America.

The first two chapters provide a crucial foundation for the dissertation. The first chapter will detail the paradox in contemporary American society between socio-economic data and African-American testimony, which illustrates the significance of race, and white testimony which testifies the opposite. It will then offer an explanation to this paradox: in the post-Civil Rights era racism, particularly as an ideology and as a discourse, has been transformed - it has become codified. Due to this transformation in racism a significant proportion of consciously non-racist whites unconsciously support it. The second chapter will then demonstrate the way in which this transition occurred during the late 1960s and early 1970s through an analysis of African-American urban riots. The rioting contributed to the growth of a reactionary public opinion, which Nixon was able to manipulate and capitalise upon - through coded racial appeals to white voters - to return the Republican Party to the White House. The 1968 election marked the beginning of a political realignment in post-Civil Rights America, whereby the Republican Party became associated with whites and the Democratic Party with blacks. Furthermore,

the use of coded racial politics in the post-Civil Rights era helped legitimise and maintain racism in American society.

Chapters three to seven, through the method of discourse analysis, examines the use of coded racial politics between the Nixon and Clinton administrations. Then through an analysis of public discourse surrounding a pivotal contemporary event, it examines the reproduction of the coded racial political issue in American society. The dissertation will seek to reveal why specific coded issues were used, how and why they worked, and the implication for race relations. The aim is to explore the role that coded racial politics, used as part of the realignment of politics in the post-Civil Rights era, has played in the maintenance of racism in coded form in contemporary America.

Chapter three explores law and order as a coded racial political issue. The chapter analyses Nixon's discourse in relation to law and order and illustrates that throughout his presidency law and order was presented as a serious social and political issue, and an issue which Nixon declared a commitment to tackle in the most aggressive manner. In doing this, Nixon presented the Republican Party as the party that was tough on law and order. Moreover, there was a racial message implicit within Nixon's law and order discourse and hence Nixon also presented the Republican Party as the party for white voters. In contrast to the way the Republican Party was presented, the Democratic Party was presented as the perpetrator of permissiveness and lawlessness, and by association as the party for African Americans. An analysis of public discourse surrounding the Attica prison riot, 1971, illustrates how the coded racial political issue of law and order is

reproduced in American society. Public discourse in relation to law and order surrounding the Attica riot demonstrates the importance of the law and order issue for a significant proportion of Americans, and the feelings, beliefs and attitudes that Nixon's law and order discourse tapped into. Furthermore, while the majority of Americans interpreted law and order aracially, with only a significant few perceiving law and order in overt racial terms, Attica served not only to reaffirm the connection between the Republican Party and law and order, but also aided both the conscious and unconscious identification of law and order in racial terms.

Chapter four explores preferential treatment as a coded racial issue. An analysis of Carter's discourse in relation to affirmative action reveals that throughout his presidency Carter continually expressed his support of the controversial policy. Carter maintained that racial inequality continued to blight the lives of African Americans, and without affirmative action programs, past and present discrimination would persist. In doing this, Carter aligned himself with African American voters, and he presented the Democratic Party as the party for African Americans. Carter's affirmative action discourse, however, was out of synch with those, that is, whites, who felt that government intervention to aid African Americans had gone too far; that the legislation of the Civil Rights era had done enough. Carter's discourse was at odds with those who felt that continued government intervention, particularly through affirmative action programs, was now discriminating against whites and in effect awarding African Americans preferential treatment. For these Americans, it was the Republican Party – the party, which Carter's discourse identified as anti-black - and Reagan's discourse which

held the appeal. An analysis of public discourse surrounding the Miami riot, 1980, demonstrates the way in which Carter's affirmative action discourse, while in touch with African Americans, was out of touch with a significant proportion of white voters. Despite socio-economic evidence and African-American testimony revealing that racial discrimination continued to blight the lives of urban African Americans, rather than endearing white sympathy, the Miami riot served to harden white opposition to affirmative action amongst a significant proportion of whites. Many whites were angered by Carter's response to Miami, claiming that he was bowing to mob rule and awarding blacks preferential treatment.

Chapter five explores crime and fear of crime as a coded racial issue. The chapter analyses Reagan's discourse in relation to crime and reveals that throughout his presidency, Reagan presented crime as an enormous issue of concern for American society. In doing this, Reagan helped both to fuel and legitimise the fear of crime in American society. Reagan championed the need for a reversal of the liberal attitudes and policies towards crime and advocated a get-tough philosophy. In doing this, Reagan built upon the achievements of Nixon and presented the Republican Party as the party of law and order, whereas the Democratic Party was presented as its undoing. More importantly, however, again building upon the work of Nixon, contained within Reagan's discourse were implicit racial elements which not only helped increase the racial interpretation of crime, but it also helped create an atmosphere where coded racial messages could be more easily heard. An analysis of public discourse surrounding the Bernhard Goetz subway shootings, 1984, demonstrates the feelings and beliefs that Reagan tapped into with his crime

discourse. Despite evidence which cast significant doubt on Goetz's claim of self-defence, the majority of Americans continued to support him. To them, Goetz was an everyman, symbolising the fears and frustrations of ordinary Americans in relation to crime. For the most part, responses to the shootings were seemingly aracial, with only a minority interpreting the incident in overtly racial terms. Yet, a counter discourse existed, especially amongst African Americans, which questioned the role of race in both the incident and in public support of Goetz. For these Americans, there was concern that fear of crime translated into a fear of blacks. An analysis of public discourse surrounding the death of Michael Griffith in Howard Beach, New York, 1986, demonstrates how the issue of crime was interpreted in overtly racial terms by some Americans, whereby fear of crime was indeed translated into fear of blacks. Moreover, the incident illustrates the way in which fear of crime was used by some to justify a racial attack. The public reaction to the ensuing trials further demonstrated the negative racial prism through which a significant proportion of whites viewed crime.

Chapter 6 explores soft on crime as a coded racial issue. Beginning with an analysis of Bush's use of the Willie Horton narrative in the 1988 presidential election, the chapter examines Bush's discourse in relation to crime and demonstrates that throughout his presidency, Bush presented the Republican Party as the party that was tough on law and order. Bush advocated the need for a continued reversal of liberal policies in relation to crime – a process first instigated by Nixon – which wrongly placed the rights and needs of criminals above the rights and needs of ordinary Americans. Through his discourse, Bush also sent the

message that one of the biggest challenges in the fight against crime was the continued soft approach towards crime by the Democratic Party. Moreover, through his crime discourse and his soft on crime charge against the Democrats, Bush was able to capitalise upon the racialisation of the crime issue in the public mind and use it as coded appeal to white voters. An analysis of public discourse surrounding two incidents of interracial crimes against women during the late 1980s demonstrates Bush's soft on crime discourse with its inherent racial message, employed during the 1988 presidential election campaign through the Willie Horton narrative, and throughout his presidency, was a successful appeal to white voters. The Central Park jogger case in 1989 and the Carol Stuart murder in 1989, demonstrate not only the level of concern regarding crime that Bush's soft on crime discourse tapped into, but also the enormous symbolic weight interracial crimes against women carried in the late 1980s and early 1990s, and hence the racial feelings Bush's discourse manipulated and capitalised upon.

Chapter 7 explores reverse racism as a coded racial issue. The chapter begins by analysing the way in which Clinton as a neo-liberal sought to broaden the appeal of the Democratic Party in order to win white – Reagan Democrat – votes. While Clinton campaigned for the black vote he also sent a series of coded racial messages to white voters, one of which was an attack on reverse racism in response to an incident involving rap artist Sister Souljah. Reverse racism is largely a reaction to pervasive racism, the existence of which African Americans and whites, generally speaking, perceive very differently. Yet, whether interpreted in this way or not, reverse racism causes resentment in many whites and helps fuel the

argument prevalent in the post-Civil Rights era that too much emphasis is unduly placed upon race. The issue of reverse racism remained an important political topic during Clinton's first administration, and Clinton spoke out ardently against it. In particular, the issue of reverse racism surrounded the affirmative action debate. Like his Democratic predecessor, Carter, Clinton had to deal with considerable opposition to affirmative action programs. The chapter then analyses Clinton's discourse in relation to affirmative action and illustrates that while he continued to support the policy of affirmative action due to the existence of pervasive racism, he also acknowledged and addressed those who were concerned by and opposed affirmative action by denouncing reverse racism. In many ways, as a new Democrat, Clinton's discourse was double edged. On the one hand, in traditional Democrat style, he stressed the continued existence of racism and the need for race-based policies such as affirmative action. On the other hand, he aligned himself with those, that is, whites, who opposed race-based policies and the perceived over-emphasis on race and spoke out against reverse racism. The divergent feelings and beliefs that Clinton tapped into with his double-edged discourse are illustrated through an analysis of public discourse surrounding the Rodney King case and the Los Angeles riots, 1991-1992, and the O.J. Simpson case, 1994-1995. Although occurring before the election of Clinton to the presidency, the King case and the Los Angeles riots, provide a central backdrop to the reaction of both African Americans and whites in the Simpson case. As well as having a direct impact on African-American opinion of the Simpson case, they also go some way to explaining the racial divergence of opinion on the verdict in the trial. African-

American approval of the Simpson verdict was largely a reaction to the perception of the existence of pervasive racism, which had been revealed in reactions to the King case and the Los Angeles riots. Whites, not sharing the same perception of pervasive racism, which had also been revealed in reactions to the King case and Los Angeles riots, regarded the verdict and African-American support of it as an expression of reverse racism. For many whites it served as further evidence that too much focus, wrongly placed upon race since the civil rights era, had resulted in black racism against whites. Thus, while Clinton was out of touch with whites with his pervasive racism discourse, his reverse racism discourse was very much in synch with many white Americans.

# CHAPTER 1

## **The Significance of Race: The Socio-economic Status of African Americans 1968-1997**

A great paradox exists in contemporary America. Although African Americans have made significant gains since the Civil Rights movement, socio-economic data for the period 1968-1997 shows a continuing disparity between African Americans and whites in matters of employment, income, educational attainment, homeownership and other measures of social and economic well being. African Americans also frequently testify that race remains a salient factor in their life experiences. Yet a majority of whites do not regard race as a significant factor in contemporary American life, particularly as a cause of racial inequality. This chapter will detail the socio-economic divergence between African Americans and whites between 1968 and 1997 and consider African-American testimony on the significance of race in comparison to popular white opinion.

A crucial factor in determining socio-economic status is employment. Yet since the Civil Rights era a gulf continues to exist between African-American and white experiences in the job market. The most blatant contrast is in the level of unemployment suffered by African Americans compared to whites. Throughout the post-Civil Rights era the African-American unemployment rate has been on

average more than twice that of whites. In 1968 the unemployment rate for whites aged 16 years and over stood at 3.2%, but for African Americans it was 6.7%.<sup>1</sup> By 1997 the unemployment rate for whites aged 16 years and over was 0.7% less than the national average at 4.2% whilst for African Americans it stood at 10%.<sup>2</sup>

Fig. 1 Percentage of Black/White Unemployment, 1968-1997

	1968	1970	1980	1990	1997
BLACK	6.7	8.3	14.3	11.4	10
WHITE	3.2	4.5	6.3	4.8	4.2

Source: *Statistical Abstract of the United States*.<sup>3</sup>

<sup>1</sup> U.S. Bureau of the Census, Table No.310 “Unemployed, Part-Time Employed, and Unemployment Insurance Summary: 1955-1969”, *Statistical Abstract of the United States: 1969*. Figures for blacks before 1972 included other non-whites.

<sup>2</sup> U.S. Bureau of the Census, Table No.646 “Employment Status of the Civilian Population: 1970-1997”, *Statistical Abstract of the United States: 1998*. The contrast between African-American and white unemployment levels in the post-Civil Rights era has been explained in a number of ways. For an analysis of the hypothesis that the suburbanisation of white-collar jobs and low skilled jobs has resulted in a spatial mismatch between job opportunities and African Americans see William Julius Wilson, *The Declining Significance of Race: Blacks and Changing American Institutions* (Chicago: University of Chicago Press, 1978); \_\_\_\_\_, *The Truly Disadvantaged: The Inner City, The Underclass, and Public Policy* (Chicago: University of Chicago Press, 1987); Keith R. Ihlanfeldt and David L. Sjouquist, “Job Accessibility and Racial Differences in Youth Employment Rates”, *American Economic Review* 80 (1990): 268-276. For the effects of social network segregation see also James Henry Braddock II and James M. McPortland, “How Minorities Continue to be Excluded From Equal Employment Opportunities: Research on Labor Market and Institutional Barriers”, *Journal of Social Issues* 43.1 (1987): 5-39. For the classic account of the hypothesis that social welfare programs created a culture of dependency and perpetuated unemployment see Charles Murray, *Losing Ground: American Social Policy, 1950-1980* (New York: Basic Books, 1984). For an analysis of the over-riding role of discrimination in causing the unemployment gap see Alphonso Pinkney, *The Myth of Black Progress* (Cambridge: Cambridge University Press, 1984); Andrew Hacker, *Two Nations: Black and White, Separate, Hostile and Unequal* (New York: Ballantine Books, 1995); Robert C. Smith, *Racism in the Post-Civil Rights Era: Now You See It, Now You Don't* (New York: SUNY Press, 1995).

<sup>3</sup> Compiled from data from the 1969, 1998 and 2000 editions of the *Statistical Abstract of the United States*.

Throughout the post-Civil Rights era the areas of employment occupied by African Americans and whites has also differed to a significant degree. In 1968, 49.5% of employed whites held white-collar positions compared with only 24.2% of African Americans. A further 35.5% of whites held blue-collar positions compared with 42.4% of African Americans. Service industry positions were held by only 10.4% of whites but by 28.3% of African Americans.<sup>4</sup> By the 1990s the number of African Americans in white-collar occupations had increased considerably. In 1997, 48% of African Americans were employed in white-collar positions. African Americans, however, still trailed behind whites, 61% of whom held white-collar positions in 1997. White employees were also more likely than African Americans to work in professional and managerial occupations: nearly 30% of whites compared to less than 20% of African Americans. The number of African Americans employed in blue-collar occupations declined during the post-Civil Rights period, largely due to the decline in the blue-collar industry. African Americans, however, remained more likely than whites to work in blue-collar positions: 30% compared to 24%. Moreover, African Americans were particularly more likely to work in the lower-skilled, lower-paid occupations of operators, fabricators and labourers - approximately 20% of African Americans and 13% of whites held these positions. African Americans in 1997 also continued to be

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<sup>4</sup> U.S. Bureau of the Census, Table No.323 "Employed Persons, By Occupation and Color: 1957-1968", *Statistical Abstract of the United States: 1969*. Figures for blacks before 1972 included other non-whites.

employed in the service industry at a higher rate than whites: 22% compared to 15%.<sup>5</sup>

The level of unemployment and the differences in occupational status has naturally affected the incomes of African Americans and whites. While the distribution of income among African Americans changed significantly during the post-Civil Rights era as the black middle-class increased - between 1970 and 1997 the proportion of black households with incomes over \$50,000 virtually doubled - a gulf persisted between the median incomes of African-American and white individuals and families.<sup>6</sup> In 1968 the median income of African-American individuals was \$1,999 - two-thirds of the median income of whites, which was \$2,952. For African-American families, the median income was \$5,590 - 62% of the median income of white families, which was \$8,936.<sup>7</sup> In the same year, the proportion of white families living below the poverty line stood at one-in-ten compared to over one-in-three of African-American families.<sup>8</sup> In 1997, while

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<sup>5</sup> Council of Economic Advisers, "Occupations of Employed Persons 1997", *Changing America: Indicators of Social and Economic Well-Being by Race and Hispanic Origin* (Washington D.C.: Government Printing Office, 1998), 32. For a discussion of the changes in the occupational status of African Americans see Hacker, *Two Nations*, Chapter 7. For an analysis of the barriers facing the black middle-class in the workforce see Joe R. Feagin and Melvin P. Sikes, *Living With Racism: The Black Middle-Class Experience* (Boston: Beacon Press, 1994) and for an analysis of the dual barrier of race and gender see Yanick St. Jean and Joe R. Feagin, *Double Burden: Black Women and Everyday Racism* (New York: M.E. Sharpe, 1998).

<sup>6</sup> U.S. Bureau of the Census, Table No.661 "Money Income of Households - Percent Distribution By Income Level, Race and Hispanic Origin in Constant (1999) dollars: 1970-1999", *Statistical Abstract of the United States: 2001*. For an analysis of the black middle-class see Bart Landry, *The New Black Middle Class* (Berkeley: University of California Press, 1987); Feagin and Sikes *Living With Racism*; Pinkney, *The Myth of Black Progress*. For a discussion of the role of the War on Poverty in the increase in the black middle-class see Edward D. Berkowitz, *America's Welfare State: From Roosevelt to Reagan* (Baltimore: Johns Hopkins University Press, 1991); Michel B. Katz, *In The Shadow of The Poorhouse* (New York: Basic Books, 1986).

<sup>7</sup> U.S. Bureau of the Census, Table No.487 "Money Income - Percent Distribution of Families and Unrelated Individuals, By Income Level and Race, in Constant (1968) Dollars: 1950-1968", *Statistical Abstract of the United States: 1970*.

<sup>8</sup> U.S. Bureau of the Census, Table No.499 "Poor Persons - Number and Percent Below Poverty Level, By Family Status and Race: 1959-1968", *Statistical Abstract of the United States: 1970*.

improvements had been made, the gulf in income persisted. The median income of African-American individuals was \$15,572 - 78% the median income of white individuals, which was \$19,954.<sup>9</sup> The median income of African-American families was \$28,602 - 61.2% the median income of white families, which was \$46,754.<sup>10</sup> In that year also, the percentage of African-American families who lived below the poverty level stood at 23.6% whilst the proportion for whites was 8.4%.<sup>11</sup>

The relative low income of African-American families was exacerbated by the high number of female-headed families within the African-American population. In 1968 the percentage of white families that was female headed was 8.9%. The figure for African-American families was 26.4%.<sup>12</sup> In 1997 the percentage of white female-headed families stood at 14%, whilst for African Americans it had risen to 47%.<sup>13</sup> While, quite obviously, the income of families headed by an individual is more often than not considerably lower than that headed by a couple, African-American female-headed households have a significantly lower income than their white counterparts. In 1997 the median income for African-American female-headed households was \$17,962 whilst for white female-headed

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<sup>9</sup> U.S. Bureau of the Census, Table No. 756 "Money Income of Persons - Selected Characteristics By Income Level: 1997", *Statistical Abstract of the United States: 1999*.

<sup>10</sup> U.S. Bureau of the Census, Table No. 744 "Money Income of Families - Median Income By Race and Hispanic Origin In Current and Constant (1998) Dollars: 1970-1998", *Statistical Abstract of the United States: 1998*.

<sup>11</sup> U.S. Bureau of the Census, Table No. 760 "Families Below Poverty Level and Below 125% of Poverty Level: 1970-1998", *Statistical Abstract of the United States: 2000*. Poverty rates for African Americans, like whites, fell over the 1960s and early 1970s but improved little until the early 1990s. The differences in income levels and occupation can be partially, though not fully, attributed to the differences in the educational attainment of African Americans and whites. This will be discussed later.

<sup>12</sup> U.S. Bureau of the Census, Table No.43 "Households and Families, By Type of Head: 1960-1968", *Statistical Abstract of the United States: 1969*.

<sup>13</sup> U.S. Bureau of the Census, Table No.77 "Family and Non-family Households, By Race and Hispanic Origin and Type: 1980-1997", *Statistical Abstract of the United States: 1998*.

households it was \$25,670.<sup>14</sup> Even if African Americans were to emulate the two-parent family structure it would only close about half the income gap between white and African-American families since white families headed by a married couple have a substantially higher median income than their African-American counterparts.<sup>15</sup> In 1997 the median income for family households headed by a married couple was \$52,199 for whites and \$45,372 for African Americans.<sup>16</sup>

Education is an important means of socio-economic success and during the post-Civil Rights era African Americans have been gaining parity with whites in terms of the levels of education received. In 1970 the median years of school completed for whites aged 25 years and over was 12.2 years, compared with 9.9 years for African Americans.<sup>17</sup> In 1980 African Americans were only slightly below the national average of school years completed, 12 years compared with the national figure of 12½ years.<sup>18</sup> By the 1990s, the median school years completed by African Americans was, again, only slightly below the national average of 12 years seven months at 12 years three months.<sup>19</sup> African Americans also closed the gap with whites with regards to high school completion rates. In 1970 31.4% of African Americans had completed four or more years of high school compared to 54.5% of

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<sup>14</sup> U.S. Bureau of the Census, Table No.747 "Money Income of Households - Median Income and Income Level, By Household Type: 1997", *Statistical Abstract of the United States: 1999*.

<sup>15</sup> Hacker, *Two Nations*, 101.

<sup>16</sup> U.S. Bureau of the Census, Table No.747 "Money Income of Households - Median Income and Income Level, By Household Type: 1997", *Statistical Abstract of the United States: 1999*.

<sup>17</sup> U.S. Bureau of the Census, Table No.168 "Years of School Completed By Race and Sex: 1960 & 1970", *Statistical Abstract of the United States: 1972*.

<sup>18</sup> U.S. Bureau of the Census, Table No.229 "Years of School Completed By Age and Race: 1940-1980", *Statistical Abstract of the United States: 1981*.

<sup>19</sup> U.S. Bureau of the Census, Table No.219 "Years of School Completed By Age and Race: 1950-1991", *Statistical Abstract of the United States: 1992*.

whites. By 1997 the number of African Americans who had completed four or more years of high school had increased to 74.9% compared with 83% of whites.<sup>20</sup>

The advances made by African Americans at the school level can be regarded as a reflection of the success of the *Brown v. Board of Education* (1954) Supreme Court decision. *Brown* ended segregation in public schools due to its failure to provide African Americans with an equal education. Despite *Brown*, however, *de facto* segregation has remained a significant feature of the public school system. While the proportion of African Americans who attend integrated schools doubled between 1968 and 1992, studies by the National School Boards Association found that 63.2% of African Americans attended segregated schools.<sup>21</sup> Moreover, despite the increase in the number of African Americans attending integrated schools, the use of ‘tracking’ (streaming in Britain) has effectively ensured that African-American pupils remain considerably segregated. For example, the integration of Central High School in Little Rock, Arkansas in 1957 was a pivotal moment in history of civil rights and in one way the school stands as a model of desegregation’s success. In 1997 the school’s once all-white student body was just over 50% black.<sup>22</sup> Central High also produces many of the state’s brightest students, both black and white, who go on to attend some of the nation’s best universities. However, whilst Central High School is integrated on the outside, it is deeply segregated within. In a pattern repeated throughout America, white students

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<sup>20</sup> U.S. Bureau of the Census, Table No.269 “Educational Attainment By Race and Hispanic Origin: 1960-1997”, *Statistical Abstract of the United States: 1998*.

<sup>21</sup> Hacker, *Two Nations*, 167. To a large degree this is caused by the residential demographics of communities from which schools draw their students.

<sup>22</sup> Julian E. Barnes, “Segregation Now”, *U.S. News & World Report*, September 22, 1997, 23.

dominate its Honour classes, while African Americans are concentrated in mainstream classes. Although the benefits of tracking have been documented, that it has resulted in segregation to such a significant degree undermines many of the objectives and principles behind school integration.<sup>23</sup>

Higher levels of education also, generally, did not bring the same socio-economic rewards for African Americans that it did whites. On average the income of white high school graduates has remained considerably higher than the income of African-American high school graduates. In 1997 the average income of an African-American high school graduate was \$18,722 - 82.2% of the average income of a white high-school graduate, which was \$22,782. The income gap was especially true for men. In 1997 the average income of African-American male high school graduates was \$22,267 - 77.9% of the average income of white male high school graduates, which was \$28,591.<sup>24</sup> Furthermore, African Americans with four years of high school have been consistently more likely to be unemployed than whites with the same level of education. In 1970 the unemployment rate for African Americans with four years of high school was 5.2%, whilst for whites it was 2.7%.

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<sup>23</sup> The racial make-up of classes reinforces self-segregation in other parts of school life. Also, according to some civil rights activists, tracking perpetuates negative stereotypes amongst whites about the intellectual ability of African Americans. Furthermore, a number of African Americans charge that the system is often discriminatory against them, claiming that African-American children are steered away from Honor classes. Barnes, "Segregation, Now", 22-28; Feagin and Sikes, *Living With Racism*, 84-96. Much has been made of the use of standardised tests, such as IQ tests, - with their cultural bias towards white middle-class students - to stream children. In particular, the use of IQ tests has been blamed for the unnecessary assignment of a large number of African-American children to special education. An analysis of Department of Education data by the *U.S. News & World Report* found that socio-economic factors could not fully account for the disproportionately high numbers of African-Americans in special education. Joseph P. Shapiro *et al*, "Separate and Unequal", *U.S. News & World Report*, December 13, 1993, 46-60. For a discussion of the use of standardised tests and the racial gap in results see Christopher Jencks and Meredith Phillips (eds.), *The Black-White Test Score Gap* (Washington D.C.: Brookings Institution Press, 1998).

<sup>24</sup> U.S. Bureau of the Census, Table No. 263 "Earnings, By Highest Degree Earned: 1997", *Statistical Abstract of the United States: 1998*.

In 1980 the unemployment rate for African Americans with four years of high school was 9.5% compared with a rate of 4.6% for whites.<sup>25</sup> In 1997 8.2% of African Americans with four years of high school education were unemployed compared with 4.6% of whites.<sup>26</sup>

While African Americans have closed the gap with whites in terms of the number of school years completed and high-school graduation rates, a gulf has persisted within higher education. Despite an increase in the number of African Americans attending college, whites are still twice as likely as African Americans to attend and complete college.<sup>27</sup> In 1970 11.3% of whites had completed four or more years of college compared with 4.4% of African Americans. In 1980 17.1% of whites had completed four or more years of college, compared with 8.4% of African Americans. By 1997 while 13.3% of African Americans had completed four or more years of college, 24.6% of whites had done so.<sup>28</sup> Also, just as at the school level, a college education, generally, does not bring the same socio-

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<sup>25</sup> U.S. Bureau of the Census, Table No.662 "Unemployment Rates, By Educational Attainment, Sex and Race: 1970-1991", *Statistical Abstract of the United States: 1995*.

<sup>26</sup> U.S. Bureau of the Census, Table No.681 "Unemployment and Unemployment Rates, By Educational Attainment, Sex, Race and Hispanic Origin: 1992-1997", *Statistical Abstract of the United States: 1998*.

<sup>27</sup> Standardised tests for college admittance, that is, SAT's, have been criticised for discriminating against African Americans. The disparity of results between African Americans and whites on these tests also help to explain why African Americans on the whole tend to attend less prestigious colleges. For a discussion of racial differences in SAT results see Hacker, *Two Nations*, Chapter 8; Jencks and Phillips (eds.), *The Black-White Test Score Gap*; News and Views, "Why Has There Been No Progress in Closing the Black-White SAT Gap?", *Journal of Blacks in Higher Education* 22 (1998-9): 6-10. For a discussion of racial discrimination in Higher Education see Joe R. Feagin, Hernan Vera, Nikitah Imani, *The Agony of Education: Black Students in White Colleges and Universities* (New York: Routledge, 1996).

<sup>28</sup> U.S. Bureau of the Census, Table No.260 "Educational Attainment By Race and Hispanic Origin: 1960-1997", *Statistical Abstract of the United States: 1998*. The decisions by the University of California and the University of Texas in 1996 to suspend affirmative action policies had an immediate negative impact on African-American enrolments, which would be repeated elsewhere if other institutions chose to follow suit. In June 1997 the University of California's Boat Hall School of Law announced that only one African American planned to enroll in the incoming class of 270 students.

economic rewards for African Americans that it does for whites. In the post-Civil Rights era African-American graduates have been up to twice as likely to be unemployed than white graduates. In 1970, the unemployment rate for African Americans with four years or more of college was lower than the white rate of 1.3% at 0.9%. By 1975, however, the African-American rate of 3.9% had surpassed the white rate of 2.4%.<sup>29</sup> In 1997 the unemployment rate for white college graduates was 1.8%, while for African Americans it was 4.4%.<sup>30</sup> Also, those who are employed, on average, have lower salaries than white graduates. In 1997, the average income of whites holding a Bachelors degree was \$38,936. For African Americans with Bachelor degrees it was \$31,955.<sup>31</sup> The racial gulf in graduate incomes was particularly true for men. In 1997, white males holding Bachelors degrees earned on average \$48,014, whilst African-American males holding Bachelors degrees earned \$35,558.<sup>32</sup>

A close connection exists between social and spatial mobility. Yet, to a significant degree, residential segregation persists in America, which has excluded many African Americans from the benefits and resources that are distributed through housing markets.<sup>33</sup> The segregation of African Americans from other

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<sup>29</sup> U.S. Bureau of the Census, Table No.648 "Unemployment Rates, By Educational Attainment, Sex and Race: 1970-1991", *Statistical Abstract of the United States: 1996*.

<sup>30</sup> U.S. Bureau of the Census, Table No.681 "Unemployed and Unemployment Rates, By Educational Attainment, Sex, Race and Hispanic Origin: 1992-1997", *Statistical Abstract of the United States: 1998*.

<sup>31</sup> U.S. Bureau of the Census, Table No. 263 "Earnings, By Highest Degree Earned: 1997", *Statistical Abstract of the United States: 1998*.

<sup>32</sup> U.S. Bureau of the Census, Table No. 263 "Earnings, By Highest Degree Earned: 1997", *Statistical Abstract of the United States: 1998*. Hacker argues that the greater equity among women results from the fact that like African-American men, women of both races are given fewer opportunities to rise to better-paid positions than their white male counterparts. Hacker, *Two Nations*, 102-3.

<sup>33</sup> Neighborhood quality and the quality of associated services vary considerably depending on the racial and ethnic composition of the population.

groups did decline between 1970 and 1990. By the 1990s, however, members of each racial and ethnic group in the United States continued to live disproportionately with members of the same group.<sup>34</sup>

The majority of the urban black poor are segregated in low-income neighbourhoods in inner cities. And according to some theorists, most notably Douglas Massey and Nancy Denton, the principle cause of the socio-economic plight of the black urban poor is the extreme residential segregation of African Americans in the nation's ghettos.<sup>35</sup> Residential segregation also impacts upon the lives of African Americans with the means and desire to live in more affluent residential areas. African Americans frequently state that they would like to live in racially integrated areas. According to *The Gallup Poll Social Audit on Black/White Relations in the United States 1997*, 83% of African Americans would rather live in a mixed neighbourhood.<sup>36</sup> However, the majority of middle-class African Americans live in substantially black or resegregating residential areas.<sup>37</sup> Some

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<sup>34</sup> Council of Economic Advisers, *Changing America*, 67; Reynolds Farley and Walter R. Allen, *The Color Line and the Quality of Life in America* (New York: Sage, 1987); Gerald Jaynes and Robin Williams (eds.), *A Common Destiny: Blacks and American Society* (Washington D.C.: National Academy Press, 1989); Douglas S. Massey and Nancy A. Denton, *An American Apartheid: Segregation and the Making of the Underclass* (Massachusetts: Harvard University Press, 1993). For a discussion of how the geographical nature of segregation changed during the twentieth century see also Douglas S. Massey and Zolton L. Hajnal, "The Changing Geographic Structure of Black-White Segregation in the U.S.", *Social Science Quarterly* 76.3 (1995): 527-42.

<sup>35</sup> Massey and Denton, *An American Apartheid*. For a discussion of the negative effect of residential racial isolation on racial attitudes and beliefs see Donald R. Kinder and Tali Mendelberg, "Cracks in American Apartheid", *Journal of Politics* 57 (1995): 402-424.

<sup>36</sup> Gallup Organization, *The Gallup Poll Social Audit on Black/White Relations 1997* (Princeton: The Gallup Organization, 1997), 68; Hacker, *Two Nations*, 40.

<sup>37</sup> Once-integrated neighborhoods become resegregated as the number of African Americans moving into the area increase and the number of white residents move out. Studies have demonstrated that, in general, whites are willing to accept a black population of approximately 8%. Once this proportion has been breached, whites begin to leave. Hacker, *Two Nations*, 41; Jaynes and Williams (eds.), *A Common Destiny*, 141. For most whites the reasons are socio-economic, for example, they fear a fall in property value. The process of resegregating is quite often the result of blockbusting by estate agents: the practice of actively working to shift an area from white to black for economic gain. Feagin and Sikes, *Living With Racism*, 243-244. Despite this documented trend, however, according

African Americans choose black communities out of a concern for preserving black institutions, others out of fear of their reception by a white community. Segregation is forced upon a great many, however, through the racial discrimination of white landlords, homeowners and real estate agents.<sup>38</sup>

Residential location has a considerable effect upon the quality of life of all Americans. Another factor affecting the general quality of neighbourhoods is the level of homeownership. Homeownership is also a valuable indicator of socio-economic well-being. Although the homeownership rate for African Americans has gradually increased throughout the post-Civil Rights period, a wide gulf has existed with the homeownership rates of whites. In 1970, just 42.1% of African Americans owned their own homes, compared to 65.4% of whites. By 1980 the figure for African Americans had increased to 44.2% and for whites to 67.8%.<sup>39</sup> In 1997 the homeownership rate for all Americans was at its highest, yet while over 70% of whites were homeowners, less than 50% of African Americans were.<sup>40</sup>

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to opinion polls, the number of whites who stated they would move if blacks moved into their neighborhood in large numbers has systematically decreased from 70% in 1968 to 18% in 1997. Gallup, *Black/White Relations*, 71.

<sup>38</sup> African Americans frequently encounter obstacles when attempting to secure housing in white areas. According to the 1981 Boston Audits, white house-seekers were invited to inspect 57% more housing units than African Americans. John Yinger, "Measuring Racial Discrimination With Fair Housing Audits", *American Economic Review* 76 (1986): 885. A similar study in housing discrimination in 1990 found that the incidence of unfavourable treatment in the housing market was 23% - 30% higher for African Americans than their white counterparts. Margery Austin Turner, Raymond J. Struyk and John Yinger *Housing Discrimination Study: Synthesis* (Washington D.C.: US Department of Housing and Urban Renewal, 1991), 134. Yinger concluded in "Measuring Racial Discrimination With Fair Housing Audits", that discrimination by estate agents was primarily caused by the economic interests of agents: agents discriminate primarily to retain the business of actual or potential white customers. While this may apparently shift the blame onto white customers, it by no means vindicates real estate agents, at least to the extent that non-racists, if such they are, collaborate with racism.

<sup>39</sup> U.S. Bureau of the Census, Table No. 1190 "Occupied Housing Units - Tenure, By Race of Householders: 1920 to 1993", *Statistical Abstract of the United States: 1996*.

<sup>40</sup> Council of Economic Advisers, "Black and Hispanic Female Earnings as a Percentage of White Female Earnings", *Changing America*, 62. Along with facing discrimination in attempting to secure housing in white areas, African Americans also face discrimination in the pursuit of home-

It can be seen then that while, in many respects, great advances have been made by African Americans in the post-Civil Rights era, a gulf continues to exist between the socio-economic status of African Americans and whites.<sup>41</sup> Despite this evidence, however, many white Americans do not perceive race or more specifically racism, to be a significant problem in contemporary America, particularly as a cause of inequality.<sup>42</sup> This general belief is in direct contrast to the testimony of a large number of African Americans.

The post-Civil Rights era has witnessed a continuation of the general progressive trend in white racial attitudes, which began in the 1940s.<sup>43</sup> A report on

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ownership by financial institutions. A study by the *Atlanta Journal and Constitution* of loan rejection rates between 1983-1986 found that black applications for mortgage loans were rejected nationwide twice as often as whites. Smith, *Racism in the post-Civil Rights Era*, 65-6. A similar study on the loan approval rates in New Jersey in 1990 also found that African-American loan applications were more than twice as likely to be denied as white applications. The study concluded that 70% of the racial gap in loan denial rates in New Jersey could be accounted for by racially discriminatory lending practices with differences in bad credit risk accounting for only about 8% of the racial gap in lending. Samuel L. Myers and Tsze Chan, "Racial Discrimination in Housing Markets: Accounting For Credit Risk", *Social Science Quarterly* 76.3 (1995): 543-59.

<sup>41</sup> As well as those works already cited, for an analysis of the socio-economic status of African Americans since the 1960s see also Reynolds Farley, *Black and Whites: Narrowing the Gap?* (Massachusetts: Harvard University Press, 1984); Bob Blauner, *Black Lives, White Lives: Three Decades of Race Relations in America* (Berkeley: University of California Press, 1989).

<sup>42</sup> Since 1977, data from the General Social Survey conducted by the National Opinion Resource Center, has demonstrated that the majority of whites disagree that differences in housing, income and jobs between African Americans and whites is due to discrimination. Floris W. Wood (ed.), *An American Profile - Opinions and Behaviour, 1972-1989* (Gale Research Inc., 1990), 469. See also Gallup, *Black/White Relations*; Jeannye Thornton et al, "Whites' Myths About Blacks", *U.S. News & World Report*, November 9, 1992, 41-44.

<sup>43</sup> Paul B. Sheatsley, "White Attitudes Toward the Negro", *Daedalus* 95 (1966): 217-238; Howard Schuman, Charlotte Steeh, Lawrence Bobo, *Racial attitudes in America: Trends and Interpretations* (Massachusetts: Harvard University Press, 1985); Garth D. Taylor, Paul B. Sheatsley and Andrew M. Greenley, "Attitudes Towards Racial Integration", *Scientific American* 238 (1978): 42-51; David T. Wellman, *Portraits of White Racism* (Cambridge: Cambridge University Press, 1993). Other analysts argue that despite the appearance of a progressive trend in white racial attitudes, underlying racism persists but that it is expressed differently to old-fashioned racism. New racism is expressed through support of American values such as individualism and egalitarianism. Donald R. Kinder and David O. Sears, "Prejudice and Politics: Symbolic Racism Versus Racial Threats to the Good Life", *Journal of Personality and Social Psychology* 40 (1981): 414-31; Donald R. Kinder, "The Continuing American Dilemma: White Resistance to Racial Change 40 Years After Myrdal", *Journal of Social Issues* 42.2 (1986): 152, Donald R. Kinder and Tali Mendelberg, "Individualism Reconsidered: Principles and Prejudice in Contemporary American Opinion" in David O. Sears et al, *Racialized Politics: The Debate About Racism in America* (Chicago: Chicago University Press, 2000); Donald R. Kinder and Lynn M. Sanders, *Divided By Color: Racial Politics and Democratic*

race relations conducted for the National Conference of Christians and Jews in

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*Ideals* (Chicago: University of Chicago Press, 1996); John B. McConahay, "Self Interest Versus Racial Attitudes as Correlates of Anti-Busing Attitudes in Louisville: Is It the Buses or the Blacks?", *The Journal of Politics* 44 (1982): 692-720; John B. McConahay, "Modern Racism, Ambivalence, and the Modern Racism Scale" in John F. Dovidio and Samuel L. Gaertner (eds.), *Prejudice, Discrimination, and Racism* (Orlando: Academic Press, 1986); John B. McConahay and Joseph C. Hough, "Symbolic Racism", *Journal of Social Issues* 32.2 (1976): 23-45; David O. Sears, "Symbolic Racism" in Phyllis A. Katz and Dalmas A. Taylor (eds.), *Eliminating Racism: Profiles in Controversy* (New York: Plenum Press, 1988); David O. Sears and Donald R. Kinder, "Racial Tensions and Voting in Los Angeles" in Werner Z. Hirsch (ed.), *Los Angeles: Viability and Prospects for Metropolitan Leadership* (New York: Praeger, 1971); David O. Sears, Carl P. Hensler and Leslie K. Speer, "Whites' Opposition to 'Busing': Self-Interest or Symbolic Politics?", *American Political Science Review* 73 (1979): 369-384; David O. Sears and Carolyn L. Funk, "The Role of Self-Interest in Social and Political Attitudes", *Advances in Experimental Social Psychology* 24 (1991): 1-91; David O. Sears, Colette van Laar, Mary Carrillo and Rick Kosterman, "Is It Really Racism? The Origins of White Americans' Opposition to Race-Targeted Policies?", *Public Opinion Quarterly* 61 (1997):16-53; David O. Sears, P. J. Henry, Rick Kosterman, "Egalitarian Values and Contemporary Racial Policies" in David O. Sears et al, *Racialized Politics*. Others disagree with this view of symbolic racism. For social-structural theories see Herbert Blumer, "Race Prejudice as a Sense of Group Position", *Pacific Sociological Review* 1 (1958): 3-7; Lawrence Bobo, "Whites' Opposition to Busing: Symbolic Racism or Realistic Group Conflict Theory", *Journal of Personality and Social Psychology* 45 (1983): 1195-1210; Lawrence Bobo, "Group Conflict, Prejudice, and the Paradox of Contemporary Racial Attitudes" in Phyllis A. Katz and Dalmas A. Taylor (eds.), *Eliminating Racism: Profiles in Controversy* (New York: Pullman, 1988); Lawrence Bobo, "The Color Line, the Dilemma, and the Dream: Race Relations at the Close of the Twentieth Century" in John Highman (ed.), *Civil Rights and Social Wrongs: Black-White Relations Since World War II* (University Park: Pennsylvania State University Press, 1997); Lawrence Bobo, "Race and Beliefs about Affirmative Action: Assessing the Effects of Interests, Group Threat, Ideology and Racism" in David O. Sears et al, *Racialized Politics*; Lawrence Bobo and James Kluegel, "Opposition to Race-Targeting: Self-Interest, Stratification Ideology, or Racial Attitudes?", *American Sociological Review* 61 (1993): 951-72; Lawrence Bobo and James R. Kluegel, "Status, Ideology, and Dimensions of Whites' Racial Beliefs and Attitudes: Progress and Stagnation" in Steven A. Tuch and Jack K. Martin (eds.), *Racial Attitudes in the 1990s: Continuity and Change* (Connecticut: Praeger, 1997); Lawrence Bobo, James R. Kluegel and Ryan A. Smith, "Laissez-Faire Racism: The Crystallization of a Kinder, Gentler, Anti-black Ideology" in Tuch and Martin (eds.), *Racial Attitudes in the 1990s*; Donald T. Campbell, "Ethnocentric and Other Altruistic Motives" in Robert Levine (ed.), *Nebraska Symposium on Motivation* (Lincoln: University of Nebraska Press, 1965); V. O. Key Jr., *Southern Politics in State and Nation* (New York: Knopf, 1949); Robert A. Levine and Donald T. Campbell, *Ethnocentrism* (New York: Wiley, 1972); Jim Sidanius, Erik Devereux, Felicia Pratto, "A Comparison of Symbolic Racism Theory and Social Dominance Theory as Explanations for Racial Policy Attitudes", *Journal of Social Psychology* 132 (1992):377-95; Jim Sidanius and James Liu, "Racism, Support for the Persian Gulf War, and the Police Beating of Rodney King: A Social Dominance Perspective", *Journal of Social Psychology* 132 (1992): 685-700; Jim Sidanius, Pam Singh, John J. Hetts, Chris Federico, "It's Not Affirmative Action It's the Blacks?" in David O. Sears et al, *Racialized Politics*. For policial theories see D'Souza, *The End of Racism*; Jon Hurwitz and Mark Peffley, *Perception and Politics: Race and Politics in the United States* (Massachusetts: Yale University Press, 1998); Byron M. Roth, *Prescription for Failure: Race Relations in the Age of Social Science* (New Jersey: Transaction Publishers, 1994); Paul M. Sniderman and Michael Hagen, *Race and Inequality: A Study in American Values* (New Jersey: Chatham House, 1985); Paul M. Sniderman and Philip E. Tetlock, "Symbolic Racism: Problems of Motive Attribution in Political Analysis", *Journal of Social Issues* 42.2 (1986): 129-150; Paul M. Sniderman and Edward G. Carmines, *Reaching Beyond Race* (Cambridge: Harvard University Press, 1997); Paul M. Sniderman and Thomas Piazza, *The Scar of Race* (Cambridge: Harvard University Press, 1993); Paul M. Sniderman and Philip E. Tetlock, "Reflections on American Racism", *Journal of Social Issues* 42.2 (1986):173-87.

1979 found that whites expressed increasing tolerance towards and acceptance of integration and a decrease in negative racial attitudes. The report stated:

White attitudes towards blacks and toward real progress for blacks in this country are not more hardened than ever before. Indeed, the conditions appear to be ripe for blacks to sound the trumpets that have been muted since the days of Martin Luther King Jr. and to strike out for an acceleration of progress on many fronts.<sup>44</sup>

According to the survey, 35% of whites supported full integration including interracial marriage and dating, and 42% favoured integration in some areas. Only 14% of whites stated they would be upset if a lot of blacks moved into their neighbourhood, compared to 33% in 1963, with 54% stating they would not mind. In the work place, 50% of whites came into regular contact with African-American co-workers and 25% had African-American employees or supervisors. The survey also found that a number of whites with a black personal friend had doubled since 1970 to 40%. Overall, according to the survey over 90% of whites were happy with the increased contact with African Americans.<sup>45</sup> Sixty-percent of respondents stated that they would be concerned if a close friend or relative married an African American, which is still an alarming majority but nevertheless 24 points lower than in 1963.<sup>46</sup> Only 20% would be concerned if a child brought home an African-

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<sup>44</sup> "A New Racial Poll", *Newsweek*, February 26, 1979, 37.

<sup>45</sup> "A New Racial Poll", 37.

<sup>46</sup> 'Concerned' could be taken to indicate that the respondents themselves hold no objections, but are aware of the difficulties inter-racial marriages can face. As such, whilst it might appear to absolve the respondents of any personal prejudices, it nonetheless reflects the reality that such prejudices are held by others.

American friend for dinner, down 22 points since 1963.<sup>47</sup> With regards to racial stereotyping by whites, the report also demonstrated a progressive trend.<sup>48</sup>

Fig. 2 Percentage of Whites Holding Racial Stereotypes, 1963-1978

Percentage of whites who agreed..	1963	1966	1967	1971	1976	1978
Blacks tend to be less ambitious	66	65	70	52	50	49
Blacks want to live off handouts	41	43	52	39	37	36
Blacks are more violent	-	-	42	36	35	34
Blacks breed crime	35	33	32	27	31	29
Blacks have less native intelligence	39	36	46	37	28	25
Blacks care less for the family	31	33	34	26	22	18
Blacks are inferior	31	26	29	22	15	15

Source: *Newsweek*, February 26, 1979.<sup>49</sup>

The positive trend in white racial attitudes and beliefs continued throughout the post-Civil Rights period. The *Gallup Poll Social Audit* found that whites in 1997 were increasingly likely than in previous decades to support integration in numerous areas. For example, only 24% of whites would prefer to live in an all-white neighbourhood, with 61% preferring a mixed neighbourhood.<sup>50</sup> Only 18% of

<sup>47</sup> "A New Racial Poll", 37.

<sup>48</sup> For a discussion of the extent to which consistent, negative stereotypes of African Americans persist see P. G. Devine and A. J. Elliot, "Are Racial Stereotypes Fading?", *Personality and Social Psychology Bulletin* 21 (1995): 1139-1150.

<sup>49</sup> It is worth noting that indicators rose in 1967 following what is regarded as the worst period of inner-city riots.

<sup>50</sup> Gallup, *Black/White Relations*, 68.

whites stated that they would move if blacks moved into their neighbourhood in great numbers.<sup>51</sup> In the workplace, 82% of whites expressed a preference for a mixed-race work setting as opposed to an all-white setting.<sup>52</sup> In terms of schooling, just 3% of whites would object to their child going to school with a few blacks and 12% to a school with a half-black student body. A larger proportion, however, - 41% - would object to their child attending a school with more than a half-black student population.<sup>53</sup> The *Gallup Poll Social Audit* also documented an increase in progressive white racial attitudes. Sixty-two percent of whites rated their personal prejudice at 2 or lower on a ten-point prejudice scale, with only 15% rating themselves at 5 or higher.<sup>54</sup>

Combined with the increasingly progressive racial attitudes and beliefs among the majority of whites throughout the post-Civil Rights period, was a generally positive perception of the status of African Americans. The *Gallup Poll Social Audit* reported that 73% of whites in 1968 believed that African Americans were treated the same as whites in their community. This figure decreased slightly to 71% in 1978 and to 64% in 1987 before increasing to 76% in 1997.<sup>55</sup> By 1997 most whites expressed the belief that African Americans had equal opportunities for

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<sup>51</sup> Gallup, *Black/White Relations*, 71.

<sup>52</sup> Gallup, *Black/White Relations*, 72.

<sup>53</sup> Gallup, *Black/White Relations*, 74. Urban whites are more likely to object and it is usually out of concern for standards in predominantly black schools.

<sup>54</sup> Gallup, *Black/White Relations*, 76-77. Of course, how honest the responses were is debatable given the reluctance of most people to label themselves as prejudiced. Whites are more likely to label other whites as prejudiced. According to the poll the average rating given by whites to other whites' prejudice is 4.2. See Shirley Hatchett and Howard Schuman, "White Respondents and Race of Interviewer Effects", *Public Opinion Quarterly* 39 (1975): 523-528; Maria Kryson, "Privacy and the Expression of White Racial Attitudes: A Comparison Across Three Contexts", *Public Opinion Quarterly* 62 (1998): 506-544; John B. McConahay, Betty D. Hardie and Valarie Batts, "Has Racism Declined in America? It Depends Who is Asking and What is Asked", *Journal of Conflict Resolution* 25.4 (1981): 563-579.

<sup>55</sup> Gallup, *Black/White Relations*, 35.

jobs, education and housing. According to the *Gallup Poll Social Audit*, 79% of whites thought that African Americans had as good a chance as whites to get a job in their community, 79% to get an education, and 86% to get housing.<sup>56</sup> The majority of whites also disagreed that African Americans faced discrimination in a variety of everyday interactions and settings. According to the poll, only 14% of whites believed that African Americans faced discrimination at work, 12% on public transport, 18% in neighbourhood shops, 19% at the shopping mall and 16% at restaurants.<sup>57</sup>

However, despite the expression of positive racial attitudes and beliefs among whites a great many African Americans testify that racial discrimination persists in the post-Civil Rights era. The report accompanying the survey for the National Conference of Christians and Jews acknowledged that for the most part African Americans felt that they faced as much discrimination as they did a decade previously. The *Gallup Poll Social Audit* also demonstrated that African Americans held a far more negative portrait of race relations in the post-Civil Rights era. According to the poll, between 1968 and 1978 only 26% of African Americans felt that they were treated the same as whites in their community. Despite an increase to 44% in 1987 and to 49% in 1997 the gap with white perceptions was just under 30%.<sup>58</sup> In 1997, despite an increasing trend, African Americans were less likely than whites to believe they had equal access to employment, education and housing in their community. According to the poll, 46% of African Americans felt they had

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<sup>56</sup> Gallup, *Black/White Relations*, 37-41.

<sup>57</sup> Gallup, *Black/White Relations*, 42-46.

<sup>58</sup> Gallup, *Black/White Relations*, 35.

as good a chance as whites to get a job, 63% to get an education, and 58% to get housing.<sup>59</sup> Many African Americans also testified that they faced discrimination in a variety of everyday interactions and settings. Forty-five percent of African Americans stated that they were treated less fairly than whites at work, 25% on public transport 42% in neighbourhood shops, 46% in shopping malls, and 42% in restaurants.<sup>60</sup>

It can be seen then that there has been progress in white racial attitudes in the post-Civil Rights era and during the period of study of this dissertation: 1968-1997. The vast majority of white Americans emphatically endorse racial equality. Yet, despite what whites believe and report, discrimination persists - African Americans frequently report this and it is upheld with socio-economic data and testimony. An explanation for the continuing divergence between African Americans and whites in socio-economic terms and for the disparity between the evidence and white perceptions can be found by analysing the way racial issues changed at the end of the Civil Rights era, during the late 1960s and early 1970s. During this time when America seemed to be fulfilling its democratic and egalitarian ideals, racism as an ideology and as a discourse was transformed: it became codified. In this way, many white Americans have become the unwitting supporters of racism in post-Civil Rights America.

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<sup>59</sup> Gallup, *Black/White Relations*, 36-41.

<sup>60</sup> Gallup, *Black/White Relations*, 42-46.

## CHAPTER 2

### **African-American Urban Riots: The Transition of Racism in the Late 1960s and Early 1970s**

During the late 1960s and early 1970s a transition occurred in America's racial ideology and discourse on race, which gave rise to a new and far more covert form of racism. The African-American urban riots of the 1960s played an important role in this transition. The riots were a reaction to the racism in America that alienated urban African Americans in deplorable conditions in the nation's ghettos.<sup>1</sup> However, while the majority of white Americans by the 1960s were in agreement that the time to alleviate racial inequality had arrived few regarded rioting as a justified reaction. As rioting continued and white racial attitudes hardened, many white Americans called on government to take a firmer approach with regard to the urban situation.<sup>2</sup> In the 1968 presidential election Richard Nixon manipulated the

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<sup>1</sup> Joe R. Feagin and Harlan Hahn, *Ghetto Revolts: The Politics of Violence in American Cities* (New York: Macmillan, 1973); Robert M. Fogelson, *Violence as Protest: A Study of Ghettos and Riots* (Connecticut: Greenwood Press, 1971); *Report of the National Advisory Commission on Civil Disorders* (New York: Bantam Books, 1968).

<sup>2</sup> Although the riots were integral in permitting the transition in American racial ideology and discourse on race, they were only one aspect contributing to the broader shift to the right in American politics and society at the end of the 1960s. They do, however, serve as a worthy case study to illustrate the transformation in the way racism operates. For a comprehensive analysis of the social and political changes of the 1960s see M. J. Heale, *The Sixties in America: History, Politics and Protest* (Edinburgh: Edinburgh University Press, 2001); Allen J. Matusow, *The Unraveling of*

growing reactionary public opinion through the use of coded racial messages to return the Republican Party to the White House. Although part of a long and complex process of transition, the 1968 election marked the beginning of the conservative ascendancy in America and also a new political realignment in which race was a definitive factor.<sup>3</sup> Moreover, the election of Nixon was a crucial component in the transformation of racism in post-Civil Rights America into coded form.<sup>4</sup>

The chapter will begin by looking at the causes and meanings of the riots in urban America and then at how the riots affected the way in which the general public regarded the African-American urban dilemma, illustrating the move to the right by a significant proportion of whites. The chapter will then demonstrate the way in which Nixon covertly manipulated the racial fears of a reactionary American public for political gain, and in doing so, helped legitimise and transform racism in post-Civil Rights America into coded form.

## 2.1 African Americans and Urban Riots

The eruption of Harlem, an African-American ghetto of New York City, on the 18th of July 1964 following a rally protesting police brutality after a white

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*America: A History of Liberalism in the 1960s* (New York: Harper & Row, 1986); Douglas Miller, *On Our Own: America in the 1960s* (Massachusetts: D.C. Heath & Co., 1996).

<sup>3</sup> Dan T. Carter, *From George Wallace to Newt Gingrich: Race in the Conservative Counterrevolution, 1963-1994* (Baton Rouge: Louisiana University Press, 1996); Kenneth O'Reilly, *Nixon's Piano: Presidents and Racial Politics From Washington to Clinton* (New York: Free Press, 1995).

<sup>4</sup> Michael Omi and Howard Winant, *Racial Formation in the United States: From the 1960s to the 1990s* (New York: Routledge, 1994).

policeman shot and killed an African-American youth, marked the advent of African-American urban rioting which was to plague the American nation every summer until the end of the decade.<sup>5</sup> By the end of the 1960s hundreds of cities had witnessed the phenomenon of urban rioting.<sup>6</sup> African-American urban rioting was caused by myriad social, economic and political factors but had at its root racism. The riots were a reaction to the racism within America, which alienated African Americans in a state of socio-economic deprivation and political powerlessness in the ghetto. The ghetto symbolised to African Americans that they were inferior, unacceptable and therefore kept apart. As the novelist and polemicist James Baldwin wrote:

You were born where you were born and faced the future that you faced because you were black and for no other reason. You were born into a society which spelled out with brutal clarity, and in as many ways as possible that you were a worthless human being.<sup>7</sup>

For all their destruction and violence the riots symbolised the African-American quest for entry into American life on an equal basis with whites. As Robert M. Fogelson stated: “For the great majority of blacks, the American dream, tarnished though it has been for centuries, is still the ultimate aspiration.”<sup>8</sup> Yet, ultimately and

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<sup>5</sup> Rioting has a long tradition in American history and there had been race riots during and following both the First and Second World Wars. However, the urban riots of the 1960s marked a distinct new pattern in rioting. See Fogelson, *Violence as Protest*; Morris Janowitz, “Collective Racial Violence: A Contemporary History” in Hugh Davis Graham and Ted Robert Gurr (eds.), *Violence in America: Historical and Comparative Perspectives* (California: Sage, 1989); M. Wallace, “The Uses of Violence in American History” in Roger Lane and John J. Turner Jr. (eds.), *Riot, Rout and Tumult: Readings in American Social and Political Violence* (Connecticut: Greenwood, 1978).

<sup>6</sup> For a discussion of the number of riots see Feagin and Hahn, *Ghetto Revolts*, Chapter 3.

<sup>7</sup> James Baldwin, *The Fire Next Time* (London: Penguin, 1963), 16.

<sup>8</sup> Fogelson, *Violence as Protest*, 13.

inadvertently they would play a crucial role in the transition of racial ideology and discourse on race that would ensure the maintenance of racism in America.

On the surface, the conditions for African Americans in the early to mid-1960s looked hopeful. By the middle of the decade two monumental acts of law had been passed: the Civil Rights Act (1964) and the Voting Rights Act (1965), which, theoretically at least, granted the entry of African Americans into the American mainstream on an equal basis with whites. African Americans in general appeared optimistic about the changes being made to ensure their entry into mainstream American life. A Louis Harris poll in 1964 illustrated the optimism among African Americans. The accompanying report stated: ". . . negroes do feel more certain than ever that they will indeed overcome - and that the 'someday' of the song is tangibly nearer at hand."<sup>9</sup> African-American optimism was, however, coupled with a deep sense of vigilance. While the majority of African Americans were inclined to believe that white America would honour its Civil Rights pledges, they were nonetheless relentless in their pursuit of racial equality. As *Newsweek* stated: ". . . black America has no illusion that the millennium has arrived - and no intention of relaxing its fight for full equality."<sup>10</sup> African Americans, particularly those of the urban North and West, were fully aware that the struggle was not at an end.<sup>11</sup>

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<sup>9</sup> "The Negro in America -1965", *Newsweek*, February 15, 1965, 18. The report refers to the song 'We Shall Overcome', which became synonymous with the Civil Rights movement, especially the 1963 March on Washington.

<sup>10</sup> "The Negro in America", 18.

<sup>11</sup> For a discussion of the Civil Rights movement including its limited effect upon the issues facing African Americans in the urban North and West see Rhoda Lois Blumberg, *Civil Rights: The 1960s Freedom Struggle* (Massachusetts: Twayne Publishers, 1984); Clayborn Carson *et al*, *The Eyes on the Prize: Civil Rights Reader* (New York: Penguin, 1991); Sean Dennis Cashman, *African Americans and the Quest For Civil Rights 1900-1990* (New York: New York University Press, 1991); Robert Cook, *Sweet Land of Liberty? The African American Struggle For Civil Rights in the Twentieth Century* (London: Longman, 1998); Peter B. Levy, *The Civil Rights Movement*

Despite the great advances that had been made in Civil Rights, a gulf continued to exist between African Americans and whites. In a number of ways the 1960s witnessed an unprecedented improvement in the socio-economic status of many African Americans as employment levels and incomes increased and poverty levels declined. African-American unemployment levels declined from a post-war high of 12.6% in 1959 to 8.2% in 1967.<sup>12</sup> Between 1964 and 1969 the average African-American family income increased from \$5,921 to \$8,074, increasing the ratio between the average black and white family incomes from 54% to 61%.<sup>13</sup> The proportion of African-American families living below the poverty level also declined from 48.1% in 1959 to 27.9% in 1969.<sup>14</sup> Yet, despite these improvements, African Americans still trailed significantly behind whites.

Critical to the economic status of African Americans was employment. It determined not only purchasing power but also social status and was the ultimate test of participation in American society. As Senator Daniel Patrick Moynihan stated: ". . . in America what you do is what you are: to do nothing is to be nothing; to do little is to be little."<sup>15</sup> In 1960s America the unemployment rate of African Americans was double that of whites. For those between 16 and 21 years it was

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(Connecticut: Greenwood Press, 1998); Harvard Sitkoff, *The Struggle For Black Equality 1954-1992* (New York: Hill and Wang, 1993).

<sup>12</sup> *National Advisory Commission on Civil Disorders*, 253.

<sup>13</sup> Manning Marable, *Race, Reform and Rebellion: The Second Reconstruction in Black America, 1945-1990* (Mississippi: University Press of Mississippi, 1991), 93.

<sup>14</sup> Marable, *Race, Reform and Rebellion*, 93. The decline in poverty was a result of the War on Poverty. For a discussion see Edward D. Berkowitz, *America's Welfare State: From Roosevelt to Reagan* (Baltimore: Johns Hopkins University Press, 1991); David M. Chalmers, *And The Crooked Places Made Straight: The Struggle for Social Change in the 1960s* (Baltimore: Johns Hopkins University Press, 1991); Michael B. Katz, *In the Shadow of the Poorhouse: A Social History of Welfare in America* (New York: Basic Books, 1986); Matusow, *The Unraveling of America*.

<sup>15</sup> Quoted in *National Advisory Commission*, 252.

triple.<sup>16</sup> Furthermore, African-American employment was heavily concentrated in low status and low paying occupations. In 1966, just 18% of African Americans compared with 33% of whites, were employed in white-collar occupations. Of these, only 9% of African Americans compared with 27% of whites were employed in professional, technical or managerial roles. African Americans were employed in blue-collar occupations at almost the same rate as whites - 39% and 40%. African Americans, however, were more likely to be employed in lower-level sectors, 27% compared with 20%. Furthermore, African Americans were three times more likely than whites to work in the service industry.<sup>17</sup>

The disparity in the employment experiences of African Americans and whites contributed to the persistent racial gap in income and poverty levels. While the incomes of African Americans had been rising, they did not reach parity with whites. Similarly, although poverty levels had declined, the African-American poverty rate remained high and was significantly higher than it was for whites. In 1966 40% of African Americans lived below the poverty level compared with 11.9% of whites. Greater levels of education did not secure a more salient economic status for African Americans either. In 1966, among those who had completed high school, the average income of African Americans was only 73% that of whites.<sup>18</sup> The average income for African-American college graduates was \$5,928 compared to the white college graduates' median income of \$9,023. Education for African Americans was not the stepping-stone to social and economic advancement to the

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<sup>16</sup> *National Advisory Commission*, 253.

<sup>17</sup> *National Advisory Commission*, 254.

<sup>18</sup> *National Advisory Commission*, 256.

same degree that it was for many whites. As *Newsweek* stated of the educated African American: "His reward is the final mockery."<sup>19</sup>

The continuing gap between African Americans and whites was particularly pronounced in the cities of the North and West. Two-thirds of African Americans below the poverty line made no specific economic gains during the 1960s and half of these lived in the central cities of the North and West.<sup>20</sup> For southern African Americans, the urban North and West was considered to be the 'Promised Land'. Since the early part of the century they had migrated in their hundreds of thousands to the North and West in search of a share in the promise of America. Yet, their destiny, as native urbanites were painfully aware, was a life alienated in socio-economic deprivation in the ghetto.<sup>21</sup> As *Newsweek* stated: "The rainbow ends in the ghetto hopelessly mired in the culture of poverty."<sup>22</sup> In the North and West, African Americans did not suffer the oppression of the South, but they were repressed nonetheless. In the cities of the North and West, African Americans faced discrimination in housing so that segregated neighbourhoods were formed. Based on this geographical segregation African Americans suffered neglect and discrimination in the areas of public education, police protection, parks and public recreational facilities, water and sewage disposal, garbage collection, public health, and public transportation.<sup>23</sup> The conditions of life in Northern and Western cities

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<sup>19</sup> "What Must be Done: The Cold Fact is That the Negro in America is Not Really in America", *Newsweek*, November 20, 1967", 28.

<sup>20</sup> *National Advisory Commission*, 252.

<sup>21</sup> See Nicholas Lemann, *The Promised Land: The Great Black Migration and How it Changed America* (London: Pan Books, 1995).

<sup>22</sup> "What Must be Done", 24.

<sup>23</sup> For a discussion of the effects of residential segregation on the socio-economic well-being of African Americans see Douglas S. Massey and Nancy A. Denton, *An American Apartheid: Segregation and the Making of the Underclass* (Massachusetts: Harvard University Press, 1993).

for African Americans were heinous. In city centers over 30% of non-white families of two or more people lived in poverty. Over 40% of African Americans were officially classed as poor, yet only one-third received minimal aid. In the cities 29% of African Americans had substandard housing, 15% had no hot water, 15% had to share bathrooms, and 21% had no access to a bathroom or shower.<sup>24</sup>

The deplorable socio-economic conditions of urban life, which left the African-American inhabitants alienated in a state of poverty, decay and desolation were a major cause of African-American urban rioting in the 1960s.<sup>25</sup> While African Americans had long since suffered from discrimination the Civil Rights movement affected the way in which many responded to this. The Civil Rights movement instigated a revolutionary change in the psychology of African Americans. Both its successes and shortcomings inspired urban African Americans into defying the status and conditions of life imposed upon them. The revolutionary change in the psychology of African Americans, fuelled by the frustration and anger toward their situation, manifested itself in rioting.<sup>26</sup> As one African American

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<sup>24</sup> "What Must be Done", 27.

<sup>25</sup> There is some debate concerning the exact role of socio-economic deprivation in rioting. Some analysts have argued that black deprivation relative to whites was a major cause of rioting especially after a reversal or slow-down in gains. See James C. Davies, "The J-Curve and Rising and Declining Satisfaction as a Cause of Some Great Revolutions and a Contained Rebellion" in Graham and Gurr (eds.), *Violence in America*. Others have emphasized the failure of socio-economic gains to accumulate as rapidly as rising expectations. See Thomas F. Pettigrew, *Racially Separate of Together?* (New York: McGraw-Hill, 1971). Gurr argued that the disparity between rising expectations and the perceived capabilities of African Americans was a major cause of rioting. Tedd Gurr, "Urban Disorder: Perspectives From the Comparative Study of Civil Strife" in Louis H. Masotti and Don R. Bowen (eds.), *Riots and Rebellion* (California: Sage, 1968). Other analysts disagreed with these relative deprivation theories. See Seymour Spilerman, "The Causes of Racial Disturbances: A Comparison of Alternative Explanations", *American Sociological Review* 35 (1970): 627-649; \_\_\_\_\_, "The Causes of Racial Disturbances: Test of an Explanation", *American Sociological Review* 36 (1971): 427-442.

<sup>26</sup> T. M. Tomilson, "The Development of a Riot Ideology Among Urban Negroes", *American Behavioral Scientist* 11.4 (1968): 27-31; Nathan Caplan, "The New Ghetto Man: A Review of Recent Empirical Studies", *Journal of Social Issues* 26.1 (1970): 59-73; David O. Sears and John B.

stated: "Done lost - been lost. Gonna be lost some more. I'm sayin' to the man: 'You includin' me in this game or not?' And I know his answer, so I'm gettin' ready to get basic."<sup>27</sup>

In addition to socio-economic conditions a major source of grievance among African Americans in the ghetto and a significant factor in causing a riot was the police force.<sup>28</sup> Police-community relations were notoriously poor in the ghetto. To many African Americans the police force represented extensions of a state designed to oppress them, and incidents of police brutality were a major cause of hostility.<sup>29</sup> The report of the National Commission on the Causes and Prevention of Violence stated that ". . . for the black citizens, the policeman has long since ceased to be - if indeed he ever was - a neutral symbol of law and order. . . . Studies show that blacks perceive the police as hostile, prejudiced, and corrupt."<sup>30</sup> In the majority of cases, the precipitating incident to a riot was an incident involving the police. An arrest deemed unlawful or the unnecessary use of force during an arrest were common incidents which served as a trigger to ignite the highly flammable

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McConahay, "Racial Socialization, Comparison Levels, and the Watts Riot", *Journal of Social Issues* 26.1 (1970): 121-140.

<sup>27</sup> Quoted in "What Must be Done", 27.

<sup>28</sup> *National Advisory Commission*; Feagin and Hahn, *Ghetto Revolts*; Fogelson, *Violence as Protest*; Jerome H. Skolnick, *The Politics of Protest: Task Force on Violent Aspects of Protest and Confrontation of the National Commission on the Causes and Prevention of Violence* (New York: Simon and Schuster, 1969). In contrast, Donald L. Horowitz argues that police precipitants do not provide the best clue to the aetiology of riots. Donald L. Horowitz, "Racial Violence in the United States" in Nathan Glazer and Ken Youngs (eds.), *Ethnic Pluralism and Public Policy: Achieving Equality in the United States and Britain* (Aldershot: Gower, 1986).

<sup>29</sup> The Black Panther Party was originally formed as a patrol group in response to police brutality in Oakland, California in 1966. See Philip S. Foner (ed.), *The Black Panthers Speak* (New York: Da Capo Press, 1995).

<sup>30</sup> Skolnick, *The Politics of Protest*, 152.

conditions of the ghetto.<sup>31</sup> To African Americans, such incidents with the police were symbolic of their oppression in America. The riot in Harlem was triggered by such an event. An African-American youth was shot dead because, in the words of one Harlem resident: ". . . he was black".<sup>32</sup> For many African Americans the shooting reiterated how wretched their status was in American society.

Harlem contained all of the qualities of a ghetto waiting to revolt. One-quarter of African-American males were unemployed. The average family income was \$3,480 per annum compared with a city average of \$5,103.<sup>33</sup> An essay in *Newsweek* illustrated the deplorable conditions of life for Harlem residents:

His house is old, and crumbling, rat-ridden, so desperately overcrowded that - at the density rate of parts of Harlem - the entire U.S. population could be squeezed into three of New York City's five boroughs. Garbage festers uncollected on the sidewalks; building codes go unenforced; the streets are not paved in parts of Harlem's black quarter.<sup>34</sup>

For inhabitants of Harlem, it was brutally plain how little the African American was valued in American society. African Americans were painfully aware of the disparity between African-American and white life experiences. The limited contact with mainstream America reiterated to African Americans how inferior their condition was in American life and served to fuel the sense of frustration and anger. As *Newsweek* stated: "Harlem's people grow full of anger at the only white men

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<sup>31</sup> The integral role of immediate precipitants to riots was first comprehensively examined in Stanley Lieberson and Arnold R. Silverman, "The Precipitants and Underlying Conditions of Race Riots", *American Sociological Review* 30 (1965): 887-898.

<sup>32</sup> Quoted in "What Must be Done", 28.

<sup>33</sup> "Harlem: Hatred in the Street", *Newsweek*, August 3, 1964, 12.

<sup>34</sup> "What Must be Done", 25.

they see: the shopkeepers, the rent collectors, the salesmen, the racketeers, and most of all, the cops - who seem, to Harlem, less a protective force than an occupying army."<sup>35</sup> It was to white life experiences that African Americans compared their own. As Sondra Silverman articulated:

It is no excuse to argue that, relative to the conditions of the poor in other countries, the American poor (Negroes as well as whites) are well off. American Negroes orient themselves to white groups who they regard as affluent, not to the poverty stricken groups in Nigeria, India or Costa Rica.<sup>36</sup>

The Harlem riot left one dead, 141 seriously injured and property losses went into hundreds of thousands of dollars.<sup>37</sup>

If there was any doubt that Harlem marked the beginning of a nationwide phenomenon, the riot in the African-American district of Watts, Los Angeles in 1965 removed it. On appearances Watts, with its lawns, trees and single-family houses, seemed a world apart from the deteriorating, overcrowded tenements of Harlem. Yet, the same underlying conditions of poverty, decay and alienation were present. As *Newsweek* reported: "The neighbourhood's roomy look conceals all the festering discontents of the classic black casbah."<sup>38</sup> One-quarter of homes in Watts were officially dilapidated, unemployment stood at 34% and those who were employed were in menial and low-paid work, and nearly one-quarter lived below the poverty line. As in other ghettos, the youth were hardest hit. Watts, like any

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<sup>35</sup> "Harlem: Hatred in the Street", 15.

<sup>36</sup> Sondra Silverman, "The Point of America's Riots", *New Society*, July 20, 1967, 92.

<sup>37</sup> Denis E. Gale, *Understanding Urban Unrest: From Reverend King to Rodney King* (California: Sage, 1996), 17.

<sup>38</sup> "Los Angeles: The Fire This Time", *Newsweek*, August 23, 1965, 15.

other ghetto, was a world of seemingly doomed youth. One-third came from broken homes, half did not have a completed high school education and unemployment was high.<sup>39</sup> As in Harlem, the Watts riot was precipitated by an incident involving the police. The arrest of an African-American youth and two members of his family triggered the worst riot the nation had witnessed in decades. The riot left 34 dead and over 1,000 injured.<sup>40</sup>

The phenomenon of urban rioting continued year after year and culminated in what was regarded as the worst summer of violent protest in 1967.<sup>41</sup> Of all the riots that year, and indeed previous years, that of Detroit was the most destructive. Detroit in fact was probably the bloodiest uprising in half a century. The riot left 43 dead and over 1,000 injured.<sup>42</sup> It was also the most costly of riots in U.S. history. Five thousand were left homeless, 2,700 businesses were sacked and damage estimates reached \$500 million. *Time* also pointed out that Detroit surpassed other riots in a more fundamental way: ". . . for here was the most sensational expression of an ugly mood of nihilism and anarchy that has ever gripped a small but significant segment of America's Negro minority."<sup>43</sup> Throughout the 1960s African Americans had grown increasingly frustrated and impatient with the pace of change

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<sup>39</sup> "After the Blood Bath", *Newsweek*, August 30, 1965, 14-15.

<sup>40</sup> *Violence in the City - An End or a Beginning? A Report By The Governor's Commission on the Los Angeles Riots* (Los Angeles: Jeffries Banknote Co., 1965), 1. Hereafter cited as *McCone Report*. Comprehensive accounts of the Watts riot are provided by Jerry Cohen and William S. Murphy, *Burn, Baby, Burn!: The Los Angeles Race Riot August 1965* (New York: Dutton, 1966); Robert Conot, *Rivers of Blood, Years of Darkness* (New York: William Morrow and Co., 1968); Gerald Horne, *Fire This Time: The Watts Uprising and the 1960s* (New York: Da Capo Press, 1997).

<sup>41</sup> The rioting of 1967 prompted President Lyndon Johnson in July of that year to appoint the National Advisory Commission on Civil Disorders, headed by Illinois Governor, Otto Kerner.

<sup>42</sup> Fogelson, *Violence as Protest*, 4. For a discussion of the Detroit riot see Sidney Fine, *Violence in the Model City: The Cavanagh Administration, Race Relations, and the Detroit Riot of 1967* (Ann Arbor: University of Michigan Press, 1989).

<sup>43</sup> "Cities: The Fire This Time", *Time*, August 5, 1967, 13.

in America. They were increasingly pessimistic about white Americans' capacity to change and solve the racial dilemma. *Time* stated of Detroit: ". . . it is fed by a deep sense of nihilism that many Negroes have begun to tap. They have despaired finally . . . of hope in white America."<sup>44</sup>

While most African Americans remained generally optimistic, as the decade advanced, high expectations were increasingly unrealised and African Americans became increasingly impatient with the pace of change. By 1969, 59% of African Americans thought the pace of progress was too slow, compared with 43% in 1966.<sup>45</sup> The realities of the continuing gulf between whites and African Americans took its toll in other ways also. A Gallup poll in 1969 disclosed small but real increases in nearly every index of bitterness and despair. According to the poll, one-fifth of African Americans regarded the situation of race relations and the disparity between whites and African Americans so beyond hope that they favoured the establishment of a separate African-American nation within America. Sixty-nine percent of African Americans, up 15% since 1966, regarded whites in general to be either hostile or indifferent to the racial situation. Only 25% of African Americans believed that federal government was helpful to Civil Rights, compared to 74% in 1966.<sup>46</sup>

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<sup>44</sup> "Cities: The Fire This Time", 18.

<sup>45</sup> "Report From Black America", *Newsweek*, June 30, 1969, 13.

<sup>46</sup> "Report From Black America", 13, 16. The dramatic decline in belief in the federal government was probably a reflection of African-American opinion of Nixon. The increasing pessimism amongst African Americans and the continuing urban violence paralleled the growing militancy within the Civil Rights movement and the increased rejection of the strategy of non-violence and the increased appeal of Black Power. See Thomas L. Blair, *Retreat to the Ghetto: The End of a Dream* (London: Wildwood House, 1977); Stokely Carmichael and Charles V. Hamilton, *Black Power: The Politics of Liberation in Urban America* (London: Cape, 1968); George M. Fredrickson, *Black Liberation: A Comparative History of Black Ideologies in the United States and South Africa* (Oxford: Oxford University Press, 1995); Vincent Harding, "Black Radicalism: The Road From

As the years passed, a significant proportion of African Americans increasingly regarded rioting as the best means of achieving complete racial equality in America. A survey of residents of Bedford-Stuyvesant, where rioting had spread from Harlem in 1964, found that 27% of African Americans believed that the rioting had been good for Civil Rights.<sup>47</sup> A similar study of residents in Watts in 1965 found that 38% of African Americans believed that the violence there had advanced the cause of Civil Rights.<sup>48</sup> According to a national survey of attitudes towards rioting in 1966, 34% of African Americans believed that rioting had helped Civil Rights.<sup>49</sup> A survey of national opinion in 1969 found the proportion had increased to 40%.<sup>50</sup>

Despite the perception held by many whites, and that portrayed by much of the media, the riots were not mindless acts of destruction and violence, instigated by frustrated and unemployed youths, criminals, or outside agitators.<sup>51</sup> As Fogelson stated in his study of the 1960s riots:

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Montgomery” in Alfred F. Young (ed.), *Dissent: Explorations in the History of American Radicalism* (DeKalb: Northern Illinois University Press, 1968); Julius Lester, *Look Out Whitey! Black Power Gon' Get Your Mama!* (New York: Allison and Busby, 1968); Nathan Wright Jr., *Black Power and Urban Unrest: Creative Possibilities* (New York: Hawthorne Books, 1967).

<sup>47</sup> Joe R. Feagin and Paul B. Sheatsley, “Ghetto Resident Appraisals of a Riot”, *Public Opinion Quarterly* 38 (1968): 358. Sixty-one percent said the rioting had been harmful to Civil Rights.

<sup>48</sup> David O. Sears and T. M. Tomilson, “Riot Ideology in Los Angeles: A Study of Negro Attitudes”, *Social Science Quarterly* 49.3 (1968): 490. Twenty percent said the violence had been harmful and 30% said it made no difference either way.

<sup>49</sup> William Brink and Louis Harris, *Black and White: A Study of U.S. Racial Attitudes Today* (New York: Simon and Schuster, 1967), 264-5. Twenty-percent thought that rioting had not been helpful to the cause and 46% were undecided or did not know.

<sup>50</sup> “Report From Black America”, 17. Twenty-nine percent thought the rioting had been harmful.

<sup>51</sup> Numerous public officials, including the Mayor of New York following the Harlem riot, 1964, and many members of the public attributed the rioting to outside agitators such as Communists or other radicals. The ‘riffraff’ and ‘wild youngster’ theories were first given prominence by an FBI report to Johnson in 1964, which gained national newspaper attention. Feagin and Hahn, *Ghetto Violence*, Chapter 1; “Harlem: Hatred in the Street”, 15. The *McCone Report* also claimed that the riot in Watts was a meaningless outburst by marginal people. The report was widely criticized. See Robert M. Fogelson (ed.), *Mass Violence in America: The Los Angeles Riots* (New York: Arno Press and the New York Times, 1969). E.C. Banfield in *The Unheavenly City Revisited* (Boston: Little,

The black rioters were not primarily the unemployed, ill-educated, uprooted, and criminal. They were rather a substantial and representative minority of the young adults which was widely supported in the ghettos. . . . The riots were articulate protests against genuine grievances in the black ghettos. The riots were protests because they were attempts to call the attention of white society to the blacks' widespread dissatisfaction with racial subordination and segregation. The riots were also articulate because they were restrained, selective, and no less important, directed at the sources of blacks' most immediate and profound grievances.<sup>52</sup>

The Civil Rights movement had a considerably limited effect on the lives of African Americans of the ghetto. It had, however, instilled a sense of pride and determination to break those limits. The African-American urban riots were manifestations of an empowered people unwilling to accept their inferior lot in life and who increasingly regarded direct and violent action as the only means of protest available.

The African-American urban riots of the 1960s were a product of specific causal factors which had racism at their roots. Riots were caused by myriad social, political and economic shortcomings suffered in the African-American ghettos of the nation's cities. These shortcomings were no longer passively accepted by an African-American population who had and were undergoing revolutionary changes in their self-perception and their comprehension of the American order and their

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Brown, 1974) concluded that the rioters in Harlem, Watts and Detroit were primarily propelled by excitement and pillage.

<sup>52</sup> Fogelson, *Violence as Protest*, 16, 24. The *Kerner Report* also documented that a typical rioter in 1967 was born in the state and was a life-long resident of the city in which the riot took place. Economically his position was about the same as non-rioters although he was slightly better educated and substantially better informed about politics. See also Caplan, "The New Ghetto Man"; Nathan S. Caplan and Jeffrey M. Paige, "A Study of Ghetto Rioters", *Scientific American* 219 (1968): 15-21; David O. Sears and John. B. McConahay, *The Politics of Violence: The New Urban Blacks and the Watts Riot* (Boston: Houghton Mifflin, 1973). The *Kerner Report* also documented that the rioting was almost routinely and systematically directed against local symbols of white American society, authority and prosperity in black neighborhoods.

place within it. However, the position of the African-American urban riots of the 1960s in the causal network of changing race relations during the late 1960s and early 1970s is not as straightforward as to warrant a belief in a simple cause and effect relationship between the deplorable African-American situation and rioting.

As Donald L. Horowitz stated:

Things happen as a result of riots, as a result of efforts to make them subside, and as a result of efforts to prevent their occurrence. The consequences of the riots have further implications for the future of ethnic and racial relations and for the social and political systems in which these relations were embedded.<sup>53</sup>

Although riots were a product of the inequalities in American life, riots were also a vital component in the transition of America's racial ideology and discourse on race during the late 1960s and early 1970s which saw the emergence of a new covert racism. Urban rioting forced America to acknowledge the African-American urban situation. As one observer of Harlem stated: "Course now, I ain't sayin' I like what these kids are doin', but I don't dislike it either. They gettin' more action than the politician, the speechmaker on the corners, the social workers, and all the rest of them put together."<sup>54</sup> Yet the attention received, ultimately, in one sense at least, did little to help the problem of racial inequality and division for African Americans.

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<sup>53</sup> Horowitz, "Racial Violence in the United States", 88.

<sup>54</sup> Quoted in "Harlem: Hatred in the Street", 16.

## 2.2 White America: The Politics of Reaction

White American racial attitudes underwent a revolutionary change between the 1940s and 1960s. By the 1960s the situation of race relations in America seemed overwhelmingly optimistic.<sup>55</sup> However, by the middle of the decade the persistence of mass rioting helped produce an important change in white racial attitudes. The rioting contributed to the growth of a reactionary public opinion. While progressives kept the faith in Civil Rights despite the riots, the larger section of white opinion, which had broadly supported Civil Rights, reacted against the riots. Nixon was able to manipulate and capitalise upon the conservative shift in public opinion, through the use of coded racial appeals to white voters, to return the Republican Party to the White House in 1968.

By the 1960s race relations had improved dramatically, with an upward trend recorded in white racial attitudes since the 1940s by the major research organisations. The National Opinion Research Center (NORC), for example, reported a steady decline in the verbal expression of anti-black prejudice, and a reduction in support of racial discrimination and segregation, the chief tools in the pre-Civil Rights period for the repression of African Americans. According to NORC data, in 1942 just 30% of whites polled believed that white and African-American students should attend the same schools. This figure had increased to

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<sup>55</sup> Paul Sheatsley, "White Attitudes Towards the Negro", *Daedalus* 95 (1966): 217-238. See also Howard Schuman, Charlotte Steeh, Lawrence Bobo, *Racial Attitudes in America: Trends and Interpretations* (Massachusetts: Harvard University Press, 1985); Garth D. Taylor, Paul B. Sheatsley and Andrew M. Greenley, "Attitudes Toward Racial Integration", *Scientific American* 238 (1978): 42-51; David T. Wellman, *Portraits of White Racism* (Cambridge: Cambridge University Press, 1993).

61% in 1956 and to 73% in 1963.<sup>56</sup> Similarly, in 1942 only 35% of whites stated that they would not object to having an African-American neighbor of the same class. The proportion increased to 51% in 1956 and to 61% in 1963.<sup>57</sup> By the early to mid-1960s, most whites were convinced of the injustice of African-American subordination. This attitude was expressed in public opinion polls, and in the media. A *Time* essay labeled this period as one in which the larger section of white Americans stood on the side of justice and democracy and was committed to helping the African-American cause. *Time* stated of white attitudes: "Now there is widespread evidence that the white American conscience is, more intensely than ever, asking: 'what can I do?'"<sup>58</sup>

Generally speaking, most white Americans were perplexed at the emergence of black militancy played out in violent rioting in American cities, not least President Lyndon Johnson.<sup>59</sup> They pointed to the unprecedented progress made by African Americans in the past decade. They stressed that African Americans shared in the nation's wealth and influenced its decisions more in the 1960s than ever before. As urbanologist Denis E. Gale stated: "From the perspective of many whites, there were signs that the cup was at least half full."<sup>60</sup> As has been noted, however, these advances were not absolute. Generally speaking, most of the gains achieved had been made by the black middle-class, which only constituted a small proportion of the African-American population as a whole. The larger segment of

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<sup>56</sup> Sheatsley, "White Attitudes Towards the Negro", 219.

<sup>57</sup> Sheatsley, "White Attitudes Towards the Negro", 222.

<sup>58</sup> "Time Essay: What Can I do?", *Time*, May 17, 1968, 28.

<sup>59</sup> Fogelson, *Violence as Protest*, 13.

<sup>60</sup> Gale, *Understanding Urban Unrest*, 20.

the population were left behind, a significant proportion of whom were left to live below the government poverty line, trapped in urban ghettos. Yet, whites were quick to assert that most of the government's new anti-poverty programs were directed at this particular section of the population, often at the expense of poor whites. As one white American stated: "The Negro's needs must be met. But when you put the Negro into a special and privileged position, you're not making him equal. You're giving him rights that even the whites don't have."<sup>61</sup> Many whites also pointed to the effort and changes they had made in themselves toward African Americans. At no other time was there so strong a commitment to eradicate racial subordination as there was in the 1960s.

The mass occurrence of rioting across the country and its seemingly uncontrollable escalation sent shock-waves throughout white America. Media coverage brought the phenomenon into the living rooms of white America. This would prove to have an effect on white opinions of the race issue in the same way that the violence upon women and children in the South portrayed by television had during the early Civil Rights drive.<sup>62</sup> National opinion polls demonstrated the effect continuous rioting had upon white attitudes towards the African-American situation. A Harris survey in 1963 reported that 49% of whites felt antagonism

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<sup>61</sup> Quoted in "The Changing Mood of America", *U.S. News & World Report*, July 29, 1963, 38. The War on Poverty was not aimed overtly at African Americans. That African Americans benefited more than whites was a consequence of the fact that a greater proportion of African Americans lived below the poverty line. James W. Button, *Black Violence: Political Impact of the 1960s Riots* (New Jersey: Princeton University Press, 1978); Cook, *Sweet Land of Liberty?*; Maurice Isserman and Michael Kazin, *America Divided: The Civil War of the 1960s* (New York: Oxford University Press, 2000).

<sup>62</sup> James A. Geschwender, "Civil Rights Protests and Riots: A Disappearing Distinction", *Social Science Quarterly* 49.3 (1968): 474-484.

toward Civil Rights demonstrations. By June 1966 the figure had risen to 63% and by October 1966, it had increased to 85%.<sup>63</sup> Harris also reported that the number of whites who felt that demonstrations had helped the African-American cause declined from 51% in June 1963 to 31% in June 1966 and to 15% in October of that year.<sup>64</sup> In 1967, 88% of whites polled stated that they felt that rioting had hurt the Civil Rights cause.<sup>65</sup>

A major factor in the dilution of sympathy for the African-American cause was the different perception the majority of whites held towards the riots. Only a small minority of whites fully empathised with the rioters. While the majority of both whites and African Americans disagreed with rioting, the level of white disapproval was higher than it was for African Americans.<sup>66</sup> Moreover, whites, in general, comprehended little of the significance of the rioting as understood by many African Americans. Whites were far more likely than African Americans to attribute the riots to the work of outside agitators. A Harris poll in 1967 showed that 45% of whites cited outside agitation as one of the three main causes of riots, compared to 10% of African Americans. Whites were much less likely to attribute rioting to socio-economic conditions or to prejudice. According to the Harris poll, 16% of whites cited prejudice or bad treatment as one of the three main causes of rioting, compared to 36% of African Americans, 14% cited ghetto conditions

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<sup>63</sup> Seymour M. Lipset, "The U.S. Backlash at the Polls", *New Society*, November 3, 1966, 690-691.

<sup>64</sup> Hazel Erskine, "The Polls: Demonstrations and Race Riots", *Public Opinion Quarterly* 31 (1967): 659. The further decline between June and October highlights the effects of that summer's rioting on white opinion.

<sup>65</sup> Erskine, "Demonstrations and Race Riots", 662.

<sup>66</sup> Brink and Harris, *Black and White*; Feagin and Sheatsley, "Ghetto Resident Appraisals of a Riot"; Sears and Tomilson, "Riot Ideology in Los Angeles": 485-503.

compared to 28% of African Americans and 10% cited lack of jobs or unfair employment, compared to 29% of African Americans.<sup>67</sup> Whites were also far less likely to blame police brutality for the rioting - 8% compared to 49%.<sup>68</sup>

As rioting escalated, in fact, many whites expressed increasing sympathy with the police. The number of people who believed that charges of police brutality were untrue rose from 58% in 1966 to 68% in 1967.<sup>69</sup> Many whites also expressed hardline attitudes when questioned about police response to rioters. A Harris Poll in August 1967 asked whether, in light of the number of rioters killed by police gunfire that summer, looters should be shot or not: 62% of whites stated that they should.<sup>70</sup> When a Gallup poll asked what could be done to prevent riots from developing the top two answers among whites were to institute stronger repressive measures and to find and punish outside agitators or groups responsible.<sup>71</sup> Perhaps the strongest indicator of public feeling in favour of the police came with the reaction to the Chicago riot, 1968. Even when the National Commission on the Causes and Prevention of Violence concluded that police involved in the riot acted without restraint and exerted force beyond that necessary under the circumstances, *Time* reported that public opinion had been with the police: "A majority of

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<sup>67</sup> Erskine, "Demonstrations and Race Riots", 665.

<sup>68</sup> Erskine, "Demonstrations and Race Riots", 666. The disparity between African-American and white perceptions of the causes of the riots was also reflected in the Bedford-Stuyvesant survey. Feagin and Sheatsley, "Ghetto Resident Appraisals of a Riot", 352-362. The disparity was also found in a survey of residents of post-riot Detroit. Feagin and Hahn, *Ghetto Revolts*, Chapter 6. See also Harlan Hahn and Joe R. Feagin, "Rank and File Versus Congressional Perceptions of Ghetto Riots", *Social Science Quarterly* 51.2 (1970): 361-373. Feagin and Sheatsley explain the white tendency to blame outside agitators for the riots as a result of the need of many white Americans to make sense of events they find difficult to reconcile.

<sup>69</sup> Erskine, "Demonstrations and Race Riots", 667.

<sup>70</sup> Erskine, "Demonstrations and Race Riots", 674. Twenty-seven percent of African Americans agreed.

<sup>71</sup> Erskine, "Demonstrations and Race Riots", 675.

Americans believed that, given the provocation and the tense situation they encountered, Chicago's police had struck a notable blow for law and order."<sup>72</sup>

By the end of the decade, law and order had become one of the most important factors for the mass of white Americans regarding urban violence. A Gallup survey in February 1968 reported that crime had become the nation's most pressing domestic concern for the first time in polling history.<sup>73</sup> *Time* stated: "Law and order now looms as the number one issue of 1968, even overshadowing a war that keeps more than 500,000 American servicemen in South East Asia."<sup>74</sup> The scale of rioting had taken its toll on the patience and attitudes of the mass of whites toward race relations and the progress of African Americans. White Americans increasingly expressed the opinion that the onus for progress and an alleviation of poverty was on African Americans themselves. As a *U.S. News and World Report* stated: "We should not pick out one group and say they have special rights. . . . No special privileges are due to Negroes. We've all had to work our way up. This is the American way of doing things."<sup>75</sup> A survey by Gallup in 1969 showed that 73% of whites believed that African Americans could do something about the conditions in ghettos themselves.<sup>76</sup> By the end of the decade, many white Americans increasingly expressed concern that African Americans were receiving preferential treatment at

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<sup>72</sup> "Chicago Examined: Anatomy of a Police Riot", *Time*, December 6 1968, 20; Skolnik, *The Politics of Protest*: Chapter 7; John P. Robinson, "Public Reaction to Political Protest: Chicago", *Public Opinion Quarterly* 34 (1968): 1-9. For a discussion of the Chicago riot of 1968 see David Faber, *Chicago '68* (Chicago: University of Chicago Press, 1988).

<sup>73</sup> Richard M. Scammon and Benjamin J. Wattenberg, *The Real Majority: An Extraordinary Examination of the American Electorate* (New York: Capricorn, 1971), 94.

<sup>74</sup> "The Overshadowing Issue", *Time*, August 2, 1968, 10.

<sup>75</sup> "The Changing Mood in America", *U.S. News & World Report*, May 13, 1965, 43.

<sup>76</sup> "The Troubled American: A Special Report on the White Majority", *Newsweek*, May 13, 1965, 43.

the expense of whites. As one white reported in *Newsweek*: "I see the Negro stepping on my rights. He is asking for more than is justifiably his."<sup>77</sup> According to many white Americans, in the same way that African Americans should not be subjected to privileged treatment regarding social and economic advancement, so too should they be equally accountable to the law. Violent and destructive lawlessness should not be tolerated or regarded as justified reaction to the conditions of urban life. Charles S. Hyneman, a professor at Indiana University, summed up the feelings of many whites when he stated:

We have fallen into a mood of acceptance of 'protest' as being good in itself. Because the Negro has a just cause, it is assumed disorders he creates should be excused no matter the extent of disruption to a city or even a nation. Ordinary duties of citizenship are supposed not to apply to him.<sup>78</sup>

The presidential election of 1968 symbolised the change that was occurring in white racial attitudes. The issue of law and order proved to be one of the dominant themes, and Richard Nixon proved to be the candidate whom voters saw as the strong law and order man who as president would act decisively.<sup>79</sup> Following the release of the Kerner Commission report Nixon had criticised its “. . . undue emphasis on the role of white racists” and its “. . . failure to indict the perpetrators of the riots themselves”.<sup>80</sup> Nixon had also chosen Spiro Agnew as his running mate. The Maryland governor was noted for his advice to shoot urban rioters.

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<sup>77</sup> Quoted “The Troubled American”, 28.

<sup>78</sup> Quoted in “Anarchy: Growing Threat to Big Cities”, *U.S. News & World Report*, August 7, 1967, 29.

<sup>79</sup> Scammon and Wattenberg, *The Real Majority*, 167.

<sup>80</sup> Richard Nixon quoted in Button, *Black Violence*, 47.

Furthermore, reflecting (and capitalising upon) growing dissent towards Great Society programs, in a nationwide CBS broadcast in 1968, Nixon advocated the termination of federal aid to the ghetto and charged that a return to the age-old values of individualism and private enterprise was the best means of alleviating the socio-economic deprivation of African Americans. Nixon declared: “The ghettos of our cities will be remade when the people in them have the will, the power, the resources to and the skills to remake them. They won’t be remade by Government billions. We have to get private enterprise into the ghetto.” In this manner, Nixon sought to ‘save’ black America from the “. . . dismal cycle of dependency” and “. . . to bring to the ghetto the light of hope, and pride and self-respect.”<sup>81</sup> The American public saw in Nixon the guiding force that would return American society back to one based upon equality and individualism where African Americans would not be granted 'special privileges' to defy the law and riot, or have preferential treatment that discriminated against whites.<sup>82</sup>

The election of Nixon to office by the American public in 1968 heralded the massive defection of the white electorate from the liberal politics of the Kennedy-Johnson era.<sup>83</sup> Less than 35% of whites voted for the Democratic presidential

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<sup>81</sup> Nixon quoted in “Nixon on Racial Accommodation” *Time*, May 3, 1968, 19. For a discussion of political response to the urban riots under Johnson, and how it was affected by public dissent, see Button, *Black Violence*; Feagin and Hahn, *Ghetto Revolts*; Gale, *Understanding Urban Unrest*.

<sup>82</sup> For a discussion of the issues of the 1968 presidential election see Kathleen Hall Jamieson, *Packaging the Presidency: A History and Criticism of Presidential Campaign Advertising* (Oxford: Oxford University Press, 1996); Lewis Chester, Godfrey Hodgson, Bruce Page, *An American Melodrama: The Presidential Campaign of 1968* (London: Deutsch, 1969); Joe McGinnis, *The Selling of the President* (London: Deutsch, 1969); Theodore H. White, *The Making of the President 1968* (London: Cape, 1969).

<sup>83</sup> Many issues contributed to the conservative shift amongst American voters, not least the Vietnam War. For a discussion of the social and political changes during the 1960s see William H. Chafe (ed.), *The Unfinished Journey: America Since World War II* (Oxford: Oxford University Press, 1991); Heale, *The Sixties in America*; Matusow, *The Unraveling of America*; Miller, *On Our Own*;

candidate, Hubert Humphrey.<sup>84</sup> Nixon's success was in aligning himself with the 'Forgotten Americans', winning their vote by covertly exploiting racial divisions and tensions. As Kenneth O'Reilly stated: "Echoing Barry Goldwater's failed southern strategy of 1964, Nixon redefined liberalism as an elitist ideology that called for the casting out of whites from the middle class to make room for blacks." Nixon also charged that the liberal reforms of the Democrats had created the problems of urban rioting, drugs, illegitimate births, welfare fraud, street crime - all paid for by white middle class tax dollars.<sup>85</sup> Learning from Goldwater's mistakes in 1964, however, Nixon avoided moving too far to the right of the Democrats, which would alienate moderates.<sup>86</sup> The key, therefore, lay in sympathising with and appealing to the fears of angry whites without appearing extremist.<sup>87</sup> An effective method of doing this was the use of coded language. As Nixon aide, John Ehrlichman, explained, it meant the voter could "avoid admitting to himself that he was attracted by a racist appeal."<sup>88</sup>

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Edward P. Morgan, *The 60s Experience: Hard Lessons About Modern America* (Philadelphia: Temple University Press, 1991).

<sup>84</sup> In contrast 97% of black voters supported Humphrey. Matusow, *The Unraveling of America*, 438.

<sup>85</sup> O'Reilly, *Nixon's Piano*, 280. Earl Black and Merle Black, *The Vital South: How Presidents Are Elected* (Massachusetts: Harvard University Press, 1992); Carter, *From George Wallace to Newt Gingrich*; Bruce H. Kalk, "Wormley's Hotel Revisited: Richard Nixon's Southern Strategy and the End of the Second Reconstruction", *North Carolina Historical Review* 71.1 (1994): 85-105; John R. Murphy and Harold S. Gulliver, *The Southern Strategy* (New York: Charles Scribner's Sons, 1971); Hugh Davis Graham, "Richard Nixon and Civil Rights: Explaining an Enigma", *Presidential Studies Quarterly* 26.1 (1996): 93-105; Kevin P. Phillips, *The Emerging Republican Majority* (New York: Anchor Books, 1970); Scammon and Wattenberg, *The Real Majority*.

<sup>86</sup> Nixon wanted to avoid running a divisive presidential campaign because, in 1968 at least, he had great ambitions for his presidency in domestic as well as foreign affairs and a bitter campaign might make this task more difficult. Carter, *From George Wallace to Newt Gingrich*.

<sup>87</sup> At the same time, however, Nixon had to try to offset his greatest threat in the South, George Wallace. In this endeavour, he was only partially successful. Wallace polled nearly 10 million votes and took five southern states - the best showing by a third-party candidate since Robert M. La Follette in 1924. Carter, *From George Wallace to Newt Gingrich*, 35.

<sup>88</sup> Quoted in Carter, *From George Wallace to Newt Gingrich*, 30. See also O'Reilly, *Nixon's Piano*.

While a significant few were consciously attracted to the racial messages in Nixon's rhetoric, for the majority of Nixon's followers there was no overt racist appeal. The election of Nixon, however, marked a massive backlash in the racial attitudes of many white Americans. The Nixon soundbites - like all soundbites - keyed into deeper values which at this time were inimical to black needs. The calls for 'law and order', 'equality' and 'individualism' thus became, in the words of one African American, "another way to shout Nigger."<sup>89</sup>

The report of the National Commission on the Causes and Prevention of Violence stated that, despite rioting, there had not been an overall white backlash in the sense of a total reversal of attitudes on the part of whites. Those whites who were committed to the goals of equality prior to the escalation of rioting were just as committed by the late 1960s. The report also concluded that the trend toward greater acceptance of interracial goals by whites had merely slowed by the late 1960s and that a tentative acceptance of goals coupled with a rejection of the means employed had long characterised white attitudes. Similarly, a study by Michael Ross at the University of California at Santa Barbara concluded that the case for a reversal in attitudes was based upon an increase in opposition to the pace of social change, but data demonstrated that reaction to racial issues depended on current events and current opinion toward the current administration and was independent of racial issues themselves.<sup>90</sup> The suggestion seemed to be that despite rioting, a reversal or regression in racial attitudes and behaviour did not emerge by the late

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<sup>89</sup> Quoted in "Politics: The Turning Point", *Time*, October 7, 1966, 2.

<sup>90</sup> Skolnik, *The Politics of Protest*, Chapter 5.

1960s and early 1970s.<sup>91</sup> Any expression or actions against the African-American situation was not an expression of revised racism. Or so some believed.

African-American urban rioting did have a negative effect on white racial attitudes. What characterised the backlash in white racial attitudes in the late 1960s and early 1970s was its apparent aracial nature. White attitudes toward the African-American situation appeared on the surface to remain committed to the Civil Rights objectives and values. White opposition was disguised under a moral and American tone. The backlash against African Americans deemed itself to be simply a reaction against intolerable issues in a democratic society, namely the criminality of rioting, the rewarding of rioters and the privileged elevation of African Americans at the expense of other Americans.<sup>92</sup> For the majority of whites, there

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<sup>91</sup> See also Taylor, Sheatsley and Greely, "Attitudes Toward Racial Integration", 42-51; John G. Condran, "Changes in White Attitudes Towards Blacks: 1963-1977", *Public Opinion Quarterly* 43 (1979): 463-476. Condran argues that there was no reversal in liberal attitudes before 1972.

<sup>92</sup> Donald R. Kinder and David O. Sears, "Prejudice and Politics: Symbolic Racism Versus Racial Threats to the Good Life", *Journal of Personality and Social Psychology* 40 (1981): 414-31; Donald R. Kinder, "The Continuing American Dilemma: White Resistance to Racial Change 40 Years After Myrdal", *Journal of Social Issues* 42.2 (1986): 152, Donald R. Kinder and Tali Mendelberg, "Individualism Reconsidered: Principles and Prejudice in Contemporary American Opinion" in David O. Sears *et al*, *Racialized Politics*; Donald R. Kinder and Lynn M. Sanders, *Divided By Color: Racial Politics and Democratic Ideals* (Chicago: University of Chicago Press, 1996); John B. McConahay, "Self Interest Versus Racial Attitudes as Correlates of Anti-Busing Attitudes in Louisville: Is It the Buses or the Blacks?", *The Journal of Politics* 44 (1982): 692-720; John B. McConahay, "Modern Racism, Ambivalence, and the Modern Racism Scale" in John F. Dovidio and Samuel L. Gaertner (eds.), *Prejudice, Discrimination, and Racism* (Orlando: Academic Press, 1986); John B. McConahay and Joseph C. Hough, "Symbolic Racism", *Journal of Social Issues* 32.2 (1976): 23-45; David O. Sears, "Symbolic Racism" in Phyllis A. Katz and Dalmas A. Taylor (eds.), *Eliminating Racism: Profiles in Controversy* (New York: Plenum Press, 1988); David O. Sears and Donald R. Kinder, "Racial Tensions and Voting in Los Angeles" in Werner Z. Hirsch (ed.), *Los Angeles: Viability and Prospects for Metropolitan Leadership* (New York: Praeger, 1971); David O. Sears, Carl P. Hensler and Leslie K. Speer, "Whites' Opposition to 'Busing': Self-Interest or Symbolic Politics?", *American Political Science Review* 73 (1979): 369-384; David O. Sears and Carolyn L. Funk, "The Role of Self-Interest in Social and Political Attitudes", *Advances in Experimental Social Psychology* 24 (1991): 1-91; David O. Sears, Colette van Laar, Mary Carrillo and Rick Kosterman, "Is It Really Racism? The Origins of White Americans' Opposition to Race-Targeted Policies?", *Public Opinion Quarterly* 61 (1997):16-53; David O. Sears, P. J. Henry, Rick Kosterman, "Egalitarian Values and Contemporary Racial Policies" in David O. Sears *et al*, *Racialized Politics*.

was no conscious racial animus involved in this reactionary shift in attitudes. Yet, many whites became the unwitting supporters of racism through their racial conservatism.

White racial attitudes had undergone enormous change by the 1960s, yet it is the change that occurred in attitudes in the late 1960s and early 1970s that is of greatest importance in African-American and race history. This was a period of transition of monumental importance in white racial attitudes and African-American urban rioting was a key feature. A large proportion of whites did not share the same perception as African Americans of the realities of ghetto life and the African-American urban situation, and reacted negatively to urban protest. The exploitation of this conservative shift by Nixon through the use of coded racial politics was a component in the transition of racial ideology and discourse on race which ensured the maintenance of racism in a rearticulated, coded form.<sup>93</sup>

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<sup>93</sup> Omi and Winant, *Racial Formation in the United States*.

## CHAPTER 3

### Nixon and Law and Order: The Attica Prison Riot, 1971

#### 3.1 The Nixon Presidency: 1969 - 1974

In the 1968 presidential election Richard Nixon successfully manipulated the growing reactionary opinion of a significant proportion of white Americans to gain political success. 1968 heralded the beginning of a conservative ascendancy in American politics and society along with the beginnings of a new political realignment in which race was a definitive feature. Moreover, the 1968 election was also a component and symbol of the transition of racism into coded form.<sup>1</sup> The previous chapter illustrated how Nixon used the issue of law and order, as part of

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<sup>1</sup> Earl Black and Merle Black, *Politics and Society in the South* (Massachusetts: Harvard University Press, 1987); \_\_\_\_\_, *The Vital South: How Presidents are Elected* (Massachusetts: Harvard University Press, 1992); Dan T. Carter, *From George Wallace to Newt Gingrich: Race in the Conservative Counterrevolution, 1963-1994* (Baton Rouge: Louisiana State University Press, 1996); Thomas B. Edsall and Mary D. Edsall, *Chain Reaction: The Impact of Race, Rights and Taxes on the American Politics* (New York: Norton, 1991); Hugh Davis Graham, "Richard Nixon and Civil Rights: Explaining an Enigma", *Presidential Studies Quarterly* 26.1 (1996): 93-105; Bruce H. Kalk, "Wormley's Hotel Revisited: Richard Nixon's Southern Strategy and the End of the Second Reconstruction", *North Carolina Historical Review* 71.1 (1994): 85-105; Joe McGinniss, *The Selling of the President 1968* (London: Andre Deutsch, 1970); John R. Murphy and Harold S. Gulliver, *The Southern Strategy* (New York: Charles Scribner's Sons, 1971); Kenneth O'Reilly, *Nixon's Piano: Presidents and Racial Politics From Washington to Clinton* (New York: Free Press, 1995); Kevin P. Philips, *The Emerging Republican Majority* (New York: Anchor Books, 1970); Michael Omi and Howard Winant, *Racial Formation in the United States: From the 1960s to the 1990s* (New York: Routledge, 1994); Kenneth O'Reilly, *Nixon's Piano: Presidents and Racial Politics From Washington to Clinton* (New York: Free Press, 1995); Richard M. Scammon and Ben J. Wattenberg, *The Real Majority: An Extraordinary Examination of the American Electorate* (New York: Coward, McGann and Geoghegan Inc., 1971).

his wider electoral strategy, to win white votes. This chapter, through the method of discourse analysis, will examine how Nixon used law and order as a coded racial political issue throughout his presidency. Then, through an analysis of public discourse in relation to law and order surrounding the Attica prison riot, 1971, it will examine how law and order is reproduced as a coded racial issue within American society. The chapter will illustrate the feelings and beliefs Nixon tapped into and legitimised with his law and order discourse, including the racial sentiments that his discourse manipulated and capitalised upon.<sup>2</sup>

The pre-dominant message expressed in Nixon's public discourse in relation to law and order throughout his presidency was that law and order was a grave and serious problem in American society and that tackling it was of utmost importance. Moreover, Nixon charged that only the Republican Party was truly committed to this endeavour. In fact, Nixon presented the Republican Party as the party of law and order. Most importantly, however, there were also distinctly racial elements implicit within Nixon's law and order discourse. Continuing the objective of the Southern Strategy, Nixon sought to affirm the political realignment based upon race which had been formalised in the 1968 presidential election.

Nixon presents the issue of law and order as one of serious concern in his *Remarks at the Republican Victory Dinner, May 7, 1969*.<sup>3</sup> Here law and order is

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<sup>2</sup> For a more general discussion of Nixon see also Stephen E. Ambrose, *Nixon: The Triumph of a Politician 1962-1972* (London: Simon & Schuster, 1989); John R. Greene, *The Limits of Power: The Nixon and Ford Administrations* (Bloomington: Indiana University Press, 1992); Joan Hoff, *Nixon Reconsidered* (New York: Basic Books, 1994); Herbert S. Parmet, *Richard Nixon and His America* (Boston: Little Brown & Co., 1990); Garry Wills, *Nixon Agonistes: The Crisis of the Self-Made Man* (Georgia: Cherokee Publishing Co., 1970).

<sup>3</sup> "Remarks at the Republican Victory Dinner, May 7, 1969" *The Public Papers of the Presidents of the United States: 1969*.

referred to as one of the three inherited, that is, Democrat-caused, great issues which brought the Republicans to the White House in the 1968 presidential election, and an issue against which Nixon's administration will be judged. Nixon states:

Now there are other issues, of course, local issues and some national. But these are the three great issues that seemed to be on the minds of most of the people during the campaign, and from my mail and from my discussions with Congressmen and Senators, these are the issues that the American people are going to judge the new administration by.

The greatness of the issue of law and order is also conveyed by linking the problem of law and order at home with the war in Vietnam; a recurring theme in Nixon's discourse throughout his administration. Nixon states: "The second goal [law and order] is the goal closely related to the problem of peace abroad, and that is the problem of peace at home." Continuing the war theme, Nixon portrays himself as a Churchill-type figure in pledging to tackle the problem; a war hero, championing good over evil. As he states:

If I could paraphrase Winston Churchill, I cannot tell you tonight that in finding a solution to the problem of peace abroad and peace at home, and restoring respect for law . . . that we had reached the point where we could say that it was the beginning of the end of those problems, but I can say that we have reached the point that it is the end of the beginning.

In discussing the problem of law and order in this way, Nixon's discourse is operating on numerous levels. The issue of law and order and Nixon's perceived

toughness on the issue was one of the important factors contributing to his success over Hubert Humphrey in the 1968 presidential election. Opinion polls in 1968 showed that a majority of Americans felt that a strong president could make a big difference in directly preserving law and order and that the majority of Americans regarded Nixon as a stronger character than his Democrat opponent.<sup>4</sup> As such, Nixon, in referring to public concern with law and order in his remarks, is not only legitimising its place on the political agenda, he is also confirming his position with regards to law and order and stressing his allegiance with this section of the electorate. Furthermore, law and order was not an aracial issue for the majority of Americans. A Harris poll in 1968 found that 59% of Americans believed that African Americans who started riots were one of the major causes in the breakdown of law and order.<sup>5</sup> As Richard M. Scammon and Ben J. Wattenberg stated: “There was, and is, a clear attitudinal spillover and linkage from the crime issue to the race issue.”<sup>6</sup> Moreover, Nixon was fully aware of this and used it to his political advantage. While Nixon made no overt mention of race publicly, his feelings on the matter were revealed during an unguarded moment when he was filming a TV advertisement about the decline in law and order. Reflecting on the advertisement, Nixon stated: “[it] hits the right note. . . . It’s all about law and order and the damn Negro-Puerto Rican groups out there.”<sup>7</sup> According to former White House Special Counsel, Harry C. McPherson, Lyndon Johnson certainly believed that law and

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<sup>4</sup> Scammon and Wattenberg, *The Real Majority*, 96.

<sup>5</sup> Hazel Erskine, “The Causes of Crime”, *Public Opinion Quarterly* 38 (1974): 292.

<sup>6</sup> Scammon and Wattenberg, *The Real Majority*, 97. The link between race and law and order is also made by Carter, *From George Wallace to Newt Gingrich* and O’Reilly, *Nixon’s Piano*.

<sup>7</sup> Quoted in McGinniss, *The Selling of the President*, 23.

order were “code words for racism.”<sup>8</sup> Thus, when Nixon pledges to tackle and make progress on the issue of law and order as he does in his remarks:

Now that is the end of the beginning, I think the American people will begin to see the results of that progress. I mean results not in terms of a flashy headline, not of a promise that cannot be kept, but results in the kind of progress that is solid, that is achievable, and that the American people can count on.

Nixon’s message can be perceived to be that he is pledging to answer the desires of white Americans and tackle African-American crime, which had soared under Democrat control.

The greatness of the problem of law and order is also expressed in Nixon’s *Remarks at the Graduation Exercises of the FBI National Academy, May 28, 1969*, and here too, Nixon makes a direct connection between law and order at home and the war in Vietnam.<sup>9</sup> According to Nixon, the gravity of the problem of law and order is unprecedented in American history. In fact, the situation is so serious that the task of restoring law and order domestically is described as more difficult than restoring peace abroad. Nixon asserts:

As we consider America at this time in our history, we know we have problems. We have the problem of war abroad. We also have the problem of a great crisis of respect for law at home. We never really had the latter problem, respect for law, certainly not in this magnitude in our history before. And difficult as it is to find an answer to end the war abroad, and to keep the peace abroad, difficult as that problem is, a problem which is my primary responsibility,

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<sup>8</sup> Quoted in Kenneth O’Reilly, “The FBI and the Politics of the Riots, 1964-1968” *Journal of American History* 75.1 (1988): 91.

<sup>9</sup> “Remarks at the Graduation Exercises of the FBI National Academy, May 28, 1969” *The Public Papers of the President of the United States: 1969*.

perhaps even more difficult is that of establishing and maintaining respect for law at the highest level all over the United States.

At the beginning of his remarks Nixon expresses symbolic White House support of law enforcement and also infers national support. He proclaims:

I am very privileged and honoured that this graduation ceremony is being held here in the White House, which belongs to all of the people of America; and I don't think there could be any more appropriate use of this great room, the East Room, where so many ceremonies are held, than to have law enforcement at its highest level respected in the way that we respect it today.

Nixon then proceeds to explicitly express his administration's support in terms of financial commitment to the FBI through recounting a tale of his own application to the FBI, which was rejected, apparently due to a lack of funds from Congress that year. Nixon announces: "I just want to say in Mr. Hoover's presence and in Mr. Mitchell's presence that that will never happen again." Nixon also explicitly claims to speak on behalf of the nation in respect of law enforcement and the issue of law and order. He states: ". . . I do think it is appropriate in this room for me to say very briefly what I think the nation feels about this class and what you represent." By claiming to be speaking on behalf of the American people on the issue, Nixon is not only legitimising his concern and policy position with regards to law and order, he is also aligning himself with the American people in their concern with law and order.

According to Nixon, the answer to the problem of law and order is having law that deserves respect, and police that deserve respect; another recurring theme in Nixon's discourse throughout his presidency. Nixon declares:

I do have some observations with respect to that problem [law and order] that I think are quite appropriate to this occasion. First, if we are going to have respect for law in the United States, we have to have law that deserves respect.

In doing this Nixon is making reference to the feeling of dissatisfaction with the police that was increasingly expressed during the 1960s, particularly amongst African Americans, most dramatically by urban rioting.<sup>10</sup> Despite appearing to be acknowledging these concerns, however, Nixon's discourse quite clearly reveals with whom his sympathies lay. The fact that Nixon honoured law enforcement in his opening comments was telling, and Nixon continues to express his support.

Nixon states:

And so, our problem at this time is to see to it that all over America our laws, the written laws, deserve respect of all Americans, and that those who carry out the law, who have that hard, difficult, gruelling, sometimes dangerous task of enforcing the law – that they carry out their responsibilities in a way that deserves respect.

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<sup>10</sup> *Report of the National Advisory Commission on Civil Disorders* (New York: Bantam Books, 1968); Joe R. Feagin and Harlan Hahn, *Ghetto Revolts: The Politics of Violence in American Cities* (New York: Macmillan, 1973); Robert M. Fogelson, *Violence as Protest: A Study of Ghetto Riots* (Connecticut: Greenwood, 1971); Jerome H. Skolnick, *The Politics of Protest: Task Force on Violent Aspects of Protest and Confrontation of the National Commission on the Causes and Prevention of Violence* (New York: Simon and Schuster, 1969).

Interjecting sympathetic acknowledgement of the hard task faced by police serves to negate sympathy with those critical of law enforcement. Not only does Nixon offer empathy for the nature of the work police undertake, he also expresses his support of adequate pay for police. Nixon asserts:

I would strongly urge that all of the local legislative bodies recognize that if we are going to be able to have within our law enforcement bodies the kind of men and the kind of women who can meet the high standards that we expect, the standards that you men represent, it is absolutely essential that they be adequately compensated.

Yet, ultimately, according to Nixon, what police deserve above all else is respect:

That is one part of the problem. But there is another part of the problem. And that is something that money can't buy. No matter how well we pay our law enforcement officials, it isn't going to mean much to them unless they also have some respect from the community, from the State, from the Nation for the job that they are doing.

Nixon then proceeds to make explicit references to African-American dissatisfaction and criticism of the police and condemns their arguments as a mere social trend, lacking in substance. Nixon proclaims:

It has become quite fashionable in recent years to look upon the man, the policeman, the sheriff, the representatives of various law enforcement agencies, as a second-class citizen. It has become quite fashionable to downgrade him and every time there is a conflict involving the law on the one side and those charged with breaking the law on the other side, the automatic reaction is to take the side of those who may have been charged with breaking the law.

There is partial acknowledgement that law enforcement is not above criticism, but ultimately, Nixon's message - invoking nationalist sentiment - is that despite this, law enforcement must be respected; the country's freedom depended on it. Nixon states:

Now we all know that sometimes one side may be right and sometimes the other side may be right. But unless we also know that in this country, unless we have not only respect for our laws, but for the men and women who are doing their very best to carry them out fairly and equitably, we are not going to carry on as a free country.

Thus, advocating law enforcement that deserves respect in order to gain respect serves as a tool to racialise the issue of law and order enabling Nixon to align himself with white law and order voters.

The greatness of the law and order problem is also expressed in his *Annual Message to the Congress on the State of the Union, January 22, 1970*.<sup>11</sup> Announcing his intention to cut domestic spending in all areas other than law enforcement, Nixon asserts that the Democrat spending programs of the 1960s were misdirected; the real area demanding funding was law enforcement. Nixon contends:

We have heard a great deal of overblown rhetoric during the sixties in which the word 'war' has perhaps too often been used – the war on poverty, the war on misery, the war on disease, the war on hunger. But if there is one area where the word 'war' is appropriate it is in the fight against crime. We must declare and win the war against the criminal elements which increasingly threaten our cities, our homes, and our lives.

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<sup>11</sup> "Annual Message to the Congress on the State of the Union, January 22, 1970" *The Public Papers of the President of the United States: 1970*.

War on poverty programs and social spending programs in general were increasingly regarded as racial issues during the 1960s.<sup>12</sup> As such Nixon is sending the message that he is against spending on minority programs, and is aligning both himself and the Republican Party with both white law and order voters and white voters who are opposed to group-based social policies. Nixon further racialises the law and order issue by using Washington D.C. – a majority African-American city - to illustrate the problem.<sup>13</sup> Nixon states: “We have a tragic example of this problem in the Nation’s Capital.” Nixon’s discourse throughout the speech conveys the message that the Republican Party is committed to acting on law and order. At the same time, it presents the Democrat Party as passive towards the issue. Nixon declares:

Last year this administration sent to the Congress 13 separate pieces of legislation dealing with organized crime, pornography, street crime, narcotics, crime in the District of Columbia. None of these bills has reached my desk for signature. I am confident that the Congress will act now to adopt the legislation I placed before you last year. We in the Executive have done everything we can under existing law, but new and stronger weapons are needed in that fight. While it is true that State and local law enforcement agencies are the cutting edge in the effort to eliminate street crime, burglaries, murder, my proposals to you have embodied my belief that the Federal Government should play a greater role in working in partnership with these agencies.

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<sup>12</sup> James W. Button, *Black Violence: Political Impact of the 1960s Riots* (New Jersey: Princeton University Press, 1978); Robert Cook, *Sweet Land of Liberty? The African American Struggle for Civil Rights in the Twentieth Century* (London: Longman, 1998); Maurice Isserman and Michael Kazin, *America Divided: The Civil War of the 1960s* (New York: Oxford University Press, 2000).

<sup>13</sup> O’Reilly, *Nixon’s Piano*.

In addition to a commitment to increase funding of law enforcement and enacting legislation in the war against crime, Nixon also advocated another way of addressing the problem of law and order. According to Nixon an important aspect in ensuring a return to respect for law and order is in ensuring that the law and those employed to enforce the law are worthy of the respect of all Americans. This theme was repeated in Nixon's discourse throughout his presidency. It was raised in his *Remarks at the Graduation Exercises of the FBI National Academy* and again in his *Remarks to the 50<sup>th</sup> Annual Conference of the US Jaycees in St. Louis, Missouri, June 25, 1970*.<sup>14</sup> Nixon asserts: "We want to back you up, back you up in your actions to restore a respect for law and also to have laws that deserve respect and law enforcement that deserves respect."

Yet, despite appearing to be addressing the concerns and criticisms of Americans regarding law enforcement, Nixon is fully on the side of law and order. Nixon's reference to the issue serves as a tool to racialise the debate and allows Nixon to send a message to white voters. In Nixon's *Remarks Following a Visit With Two Policemen Injured in a Bomb Explosion in Kansas City, Missouri, October 20, 1970*, repeating the theme of war, Nixon portrays the police as unsung war heroes engaged in the frontline of battle in the war against crime, leaving their wives on the home front.<sup>15</sup> Nixon states:

First they said they were happy they went into police work. That is the first question I asked. I said, 'In view of the fact that this is

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<sup>14</sup> "Remarks to the 50<sup>th</sup> Annual Conference of the US Jaycees in St. Louis, Missouri, June 25, 1970" *The Public Papers of the President of the United States: 1970*.

<sup>15</sup> "Remarks Following a Visit With Two Policemen Injured in a Bomb Explosion in Kansas City, Missouri, October 20, 1970" *The Public Papers of the President of the United States: 1970*.

dangerous, that the pay isn't too good, do you think you should have gone in?' They said, 'yes.' They were proud to be in this work. Secondly, the wife of one of the policemen – and this is very important – said that she was very proud of her husband. I said for her to tell all the wives, the next time she was at a meeting of the police wives auxiliary organization, that I think it is sometimes harder for the women at home when their husbands are out on the firing line than it is for the men themselves. The men are acting and the women have to stay home and worry.

Nixon proceeds to discuss the police officers' patrol in a model cities neighbourhood. Nixon states:

As far as the policemen were concerned, I think the most impressive thing for them were the messages received, not only from all over Kansas City but particularly from the area in which they worked. . . . They worked on the Pinpoint (patrol) program, which as you know is a Model Cities program . . . they had messages from so many people in that area.

Despite the fact that the reference is positive, that is, that the officers had received support from the African-American community denouncing violence, it still served to place the discussion within a racial context. Moreover, Nixon then proceeds with a negative racial reference when he admonishes those who are critical of the police. Nixon charges: "Here they are underpaid, a dangerous job, protecting us, and instead of calling them pigs and spitting on them, and shouting profane slogans at them as they go about their job, let's give them some respect."

The overriding message in Nixon's discourse in relation to law and order is the need for toughness on the issue, which the Republican Party represented. In Nixon's *Remarks in Orma City, Missouri, October 19, 1970*, he expresses his

support of Congressional election candidate Jack Danforth based upon his law and order credentials.<sup>16</sup> Nixon announces:

What we need in the Senate of the United States, what we need in the Congress of the United States – and listen to me very carefully – is not simply men that are against crime. Everybody is against crime. But we need men who are against it and vote against it, and will work against it, and talk against it all year round, not just at election time. Jack Danforth is that kind of man.

Nixon's message is that the Democrat-controlled Congress is lacking action on the issue of crime and that men of action are needed, that is, Republicans. Nixon makes a direct appeal to white voters to respond to the era of lawlessness by voting Republican. Nixon declares:

And, my friends, I say that the answer to those that engaged in disruption, to those that shout filthy slogans, to those that try to shout down speakers is not to answer in kind, but to go to the polls on election day and in the quiet of that ballot box stand up and be counted, the great silent majority of America.

Civil disobedience of the 1960s was an interracial phenomenon, of course. In addition to African-American protests and rioting, white students and anti-war campaigners also engaged in protests and demonstrations. Yet, this era of collective disobedience and perceived permissiveness was heavily tinged with the issue of race.

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<sup>16</sup> "Remarks in Orma City, Missouri, October 19, 1970" *The Public Papers of the President of the United States: 1970*.



In his *Remarks at the Ohio State House, Columbus, Ohio, October 19, 1970*, Nixon refers to the rising tide of lawlessness in America and repeating the war theme, makes an explicit link between domestic violence and the war abroad, which serves to emphasise its seriousness.<sup>17</sup> Nixon states: “All over this country today we see a rising tide of terrorism, of crime. . . . My friends, I want to tell you we cannot provide the leadership that will keep peace abroad unless we can keep the peace at home. And we are going to keep it at home.” Against this backdrop Nixon expresses his support of two Congressional election candidates, Bob Taft and Roger Cloud. Nixon states: “And, my friends, we need in the House and in the Senate and in the Governor’s chair, not men who become strong for law and order at election, but strong for it all year round, and that is Bob Taft and Roger Cloud. That is the kind of men that we need.” Nixon sends the message that unlike Democrats who are passive and/or obstructive on the issue of law and order, the Republican Party is a party of action. Nixon charges: “I say it is time to give us men in the House and the Senate who will vote for strong laws to deal with law and order rather than against them. That is Bob Taft and that is the Member of the House and our Candidates.”

As Nixon’s administration progresses, Nixon presents the Republican Party as not only the party of law and order, but also as the party whose toughness on the issue has brought results. In his *Statement About National Crime Prevention Week, 1971, February 6, 1971*, Nixon reports on how new legislation, increased funding and greater coordination between law enforcement agencies has brought tangible

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<sup>17</sup> “Remarks at the Ohio State House, Columbus, Ohio, October 19, 1970” *The Public Papers of the President of the United States: 1970s*.

results in the fight against crime.<sup>18</sup> Nixon declares: “This year, National Crime Prevention Week has a solid ring. Our nationwide campaign against crime is far from won, but the tide is beginning to turn.” In particular, Nixon makes direct reference to how the new crime-fighting measures have positively impacted on crime in Washington D.C. Nixon states:

In the past decade, Washington, D.C. – although the supposed model city for the nation – won shameful distinction as a leader in crime statistics. Today, new legislation and increases in manpower are fostering the reorganization of the whole structure of criminal justice in our Nation’s Capital. . . . The results of these efforts have begun to show. . . our Nation’s Capital has . . . shown a significant downward trend in crime.

In doing this, Nixon is sending the message that not only has his administration’s toughness been successful in tackling crime, but that it has been successful in tackling black crime.

In his *Remarks at the Graduation Exercises of the FBI National Academy, June 30, 1971*, Nixon again uses Washington D.C. as the example to illustrate the success so far achieved in fighting crime.<sup>19</sup> Nixon announces:

For the first quarter of this year we have seen a downturn in the rate of increase of crime. What is, however, even more significant in terms of our cities – we find that in 61 cities of over 100,000 population, crime was actually reduced in the first quarter of this year. And that includes the city of Washington, D.C.

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<sup>18</sup> “Statement About National Crime Prevention Week, 1971, February 6, 1971” *The Public Papers of the President of the United States, 1971*.

<sup>19</sup> “Remarks at the Graduation Exercises of the FBI National Academy, June 30, 1971” *The Public Papers of the President of the United States: 1971*.

Nixon declares that this success has been achieved by a proactive approach towards law and order during his administration:

That progress could not be made, of course, without the laws which Congress has enacted – enacted in cooperation with and at the urging of this administration. It could not be done without the national support that you receive from the Federal Bureau of Investigation and other law enforcement agencies and the Attorney General of the United States.

Nixon ultimately concludes that the success against crime is attributable to the work of law enforcement officials, thereby once again aligning himself with the representatives of law and order: the police. Nixon states: “But more important, this progress in the battle against crime couldn’t be made unless it was for the frontline soldiers, those who are the law enforcement officials in the cities, in the counties, all across this great country of ours.” Nixon builds upon this by proceeding to announce his intention of continuing to support law enforcement and specifically to continue to move away from the era of Democrat permissiveness. Nixon proclaims:

. . . I want to give a personal message to the 100 graduates of this class. It is one that I am really trying to give to all law enforcement officials wherever they may be, any place in the United States. When you go home, tell your colleagues that the era of permissiveness with regard to law enforcement is at an end in the United States of America.

In doing this, Nixon is presenting the Republican Party as the party which is tough on law and order as opposed to the Democrat Party which is not. Moreover, in

espousing his support of and to law enforcement, Nixon sends a message to white voters. Nixon asserts:

. . . don't get discouraged by some of the talk to the effect that the man who wears the badge or the man who is in law enforcement is one who isn't backed in his community. There are some who do not back you. It has become somewhat fashionable, or had become somewhat fashionable in recent years, to make attacks on law enforcement officials. But let me say that the great majority of the American people in this country do provide backing for the men who are willing to sacrifice their lives or to risk their lives in order to save the lives of others.

Here Nixon presents those who have been critical of the police – African Americans – as a minority group and marginalises them as non-American, as Other. Nixon asserts: “You have our backing. You have the backing of the American people. And this particular ceremony provides an opportunity for us to state it again, and to state it for all of the American people on this occasion.”

Nixon presents his administration's achievement in respect of law and order in his *Annual Message to the Congress on the State of the Union, January 20, 1972*.<sup>20</sup> Repeating the war theme that has been evident throughout his presidency, Nixon discusses the issue of crime in the country in conjunction with the war in Vietnam. Nixon states: “Our quest for peace abroad over the last 3 years has been accompanied by an intensive quest for peace at home. And our success in stabilising developments on the international scene has been matched by a growing sense of stability in America.” Again, Nixon also makes specific reference to Washington D.C. Nixon proclaims: “In one city for which the Federal Government

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<sup>20</sup> “Annual Message to the Congress on the State of the Union, January 20, 1972” *The Public Papers of the President of the United States: 1972*.

has a special responsibility – Washington D.C. – the picture is even brighter, for here serious crime actually fell by 13 percent in the last year.” Nixon attributes the success to toughness by government during his administration. “This encouraging beginning is not something that has just happened by itself – I believe it results directly from strong new crime fighting efforts by this administration, by the Congress, and by state and local governments.” Nixon also charges that the success seen in Washington D.C. can be repeated elsewhere: “. . . by continuing to give vigorous support to the principles of order and respect for law, I believe that what has been achieved in the Nation’s capital can be achieved in a growing number of other communities throughout the Nation.” By using Washington D.C. as the reference point in this way, Nixon’s message can be perceived as an appeal to white law and order voters that the Republican Party’s toughness on crime can and will tackle black crime throughout America.

Throughout his presidency, Nixon presented the Republican Party as the party that was tough on law and order and conversely the Democratic Party as the party of permissiveness. The representation of the parties in this way was an important political strategy. In his *Remarks at the Republican National Convention, September 3, 1972*, Nixon is emphatic in stressing the differences between the Republican Party and the Democratic Party, particularly on the issue of law and order.<sup>21</sup> Nixon asserts:

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<sup>21</sup> “Remarks at the Republican National Convention, September 3, 1972”, *The Public Papers of the President of the United States: 1972*.

Let me turn now to a second area where my beliefs are totally different from those of our opponents. Four years ago crime was rising all over America at an unprecedented rate. Even our Nation's Capital was called the crime capital of the world. I pledged to stop the rise in crime.

Nixon's message is clear: the Democrats allowed crime to soar and it was only through Nixon's commitment to toughness on the issue of law and order that domestic peace has begun to be restored. Nixon's message also had a distinctly racial element. In addition to the oft-used example of Washington D.C., which served to racialise the discussion, Nixon also discusses how he had fulfilled his promise to appoint judges to the courts who would put the right of Americans to be free from violence as the primary civil right. Nixon affirms: "In order to keep that pledge, I promised in the election campaign that I would appoint judges to the Federal courts, and particularly to the Supreme Court, who would recognize that the first civil right of every American is to be free from domestic violence." Again, Nixon's message is clear: he is aligning himself with white Americans who had become increasingly weary of civil rights demonstrations and urban rioting.<sup>22</sup>

Nixon's portrayal of the Democratic Party as the party of permissiveness is expressed in *The President's News Conference of March 15, 1973*.<sup>23</sup> Nixon asserts:

During the sixties, the United States went far down the road of the permissive approach to those charged with crime, and we reaped a terrible harvest, the greatest increase in crime that this country has

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<sup>22</sup> James A. Geschwender, "Civil Rights Protests and Riots: A Disappearing Distinction", *Social Science Quarterly* 49.3 (1968): 474-484; Seymour M. Lipset, "The U.S. Backlash at the Polls", *New Society*, November 3, 1966, 690-691; Hazel Erskine, "The Polls: Demonstrations and Race Riots", *Public Opinion Quarterly* 31 (1967): 659.

<sup>23</sup> "The President's News Conference of March 15, 1973" *The Public Papers of the President of the United States: 1973*.

ever had, explosive to the point that law and order, so-called, became a great issue in '68. It was still a great issue in '72.

Nixon's message was that under the Democrats' soft approach to crime and criminal behaviour, crime soared to such an extent that it became, and has remained, a huge political issue amongst the electorate.

In his *Statement About the Federal Bureau of Investigation's Uniform Crime Reports for 1972, March 28, 1973*, Nixon reports on how crime has decreased during his administration.<sup>24</sup> Nixon states: "The crime figures released today by the Department of Justice are very heartening. The FBI's Uniform Crime Reports indicate that for the first time in 17 years, America has experienced an absolute decrease in serious crime." Nixon attributes this reduction to the work of the nation's police officers, who once again, are presented as war heroes. Nixon states: "These results are a tribute to the men and women in the frontlines of the war against crime – our law enforcement officers." Nixon also attributes the reduction to the transition in public attitude concerning law and order: "Public opinion is untying their hands, and they are once again being given the public support they deserve in their efforts to insure that we match public support with all the financial, legislative, and judicial support out police need." Nixon then proceeds to declare the need to enact more legislation to answer the desires of the American public to complete the campaign against crime.

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<sup>24</sup> "Statement About the Federal Bureau of Investigation's Uniform Crime Reports for 1972, March 28, 1973" *The Public Papers of the President of the United States: 1972*.

We can turn the tide of crime in America. These statistics demonstrate that we are well on our way. Now we must have the tools we need to finish the job. I call upon Congress to act quickly on this Administration's proposals for law enforcement legislation so that we can advance the work of providing the safe and secure country our citizens want and deserve so much.

In doing this Nixon is presenting his administration as being tough and proactive on the issue of law and order and is aligned with the American public, working on their behalf to continue the battle against crime.

In his *Radio Address About a Special Message to the Congress on National Legislative Goals, September 9, 1973*, Nixon celebrates the reduction in crime which has been achieved by his administration and attributes it to new legislation enacted under him, the work done by the police and the transition in public opinion in support of law and order.<sup>25</sup> Nixon proclaims:

After nearly 20 years of continuous and sometimes shockingly dramatic increases in the rate of crime, the figures for 1972 – released just last month – show that we have finally turned the tide in our battle for a safer America. For the first time in 17 years, serious crime in 1972 was down from the year before. Much of the credit goes to the new crime legislation enacted during the past 4 years. Much of the credit goes to the local law enforcement officials, and much of the credit goes to a changed public attitude toward crime and criminals – away from the era of permissiveness and toward a renewed respect for law, order and justice.

Nixon is also highlighting the transition from a Democrat to a Republican era, from an era tinged with permissiveness and lawlessness, to one built upon toughness and a restoration of order. As well as conveying the message that Republicans have got

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<sup>25</sup> "Radio Address About a Special Message to the Congress on National Legislative Goals, September 9, 1973" *The Public Papers of the President of the United States: 1973*.

it right, that toughness is the way to tackle crime, Nixon is also aligning himself with law enforcement and the pro-law and order public: the Americans who have turned their back on Democrats, that is, whites.

An analysis of Nixon's public discourse in relation to law and order throughout his presidency reveals that law and order was presented as a serious social and political issue, and an issue which Nixon declared a commitment to tackle in the most aggressive manner. In doing this, Nixon presents the Republican Party as the party that is tough on law and order. Moreover, implicit within Nixon's law and order discourse is the racial nature of the problem of law and order and hence Nixon presents the Republican Party also as the party for white voters. In contrast to the way the Republican Party is presented, the Democratic Party is presented as the perpetrators of permissiveness and lawlessness, and by association as the party for African Americans.

It is, of course, important not to overemphasise the role of Nixon's law and order discourse in securing electoral votes. Many issues and factors individually and collectively contributed to the election of Nixon in 1968 and 1972. Furthermore, not all law and order voters were consciously attracted to the racial message inherent within Nixon's law and order discourse. An analysis of public discourse surrounding the Attica prison riot, 1971, however, illustrates how the coded racial political issue of law and order is reproduced in American society. Public discourse in relation to law and order surrounding the Attica prison riot, 1971, demonstrates the importance of the law and order issue for a significant proportion of Americans. Furthermore, while the majority of these Americans

interpreted law and order racially, with only a significant few perceiving law and order in overt racial terms, Attica served not only to reaffirm the connection between the Republican Party and law and order, but also aided both the conscious and unconscious identification of law and order in racial terms.

### **3.2 The Attica Prison Riot, 1971**

The small town of Attica in New York State was shaken on September 9, 1971 when prisoners at the town's maximum security prison took over the institution, holding 39 prison guards hostage. Another guard, officer William Quinn, received fatal injuries during the outbreak of the riot. The riot at Attica was precipitated by the removal of two prisoners to segregation cells on the evening of September 8, following a tense confrontation with officers in the exercise yard earlier that day. The following morning prisoners from Block A overpowered officers on their way back from breakfast and the riot was underway. After breaking through 'Times Square' - the area where all four blocks of the prison met - the riot spread to B, C and D blocks. Approximately 1200 prisoners retained control of Blocks B and D for four days.

There had been unrest at Attica for some time prior to the riot. In July 1971, five inmates identifying themselves as the Attica Liberation Front, sent Russell G. Oswald, Commissioner of the Department of Correctional Services, an eight-page document demanding 27 reforms at the institution. A month later a protest was held

in the mess-hall following the shooting of George Jackson by prison guards at San Quentin.<sup>26</sup> Such incidents were not confined to Attica as there had been unrest in other maximum security prisons. In 1970 there had been riots at Tombs, Auburn, Folsom and at branches of the Queen's house of detention and the Brooklyn house of detention. Part of the manifesto issued by riot leaders at Tombs was identical to the July manifesto at Attica.<sup>27</sup> The Attica riot was in fact part of a broader pattern of unrest within the American prison system, which had been escalating since 1967.<sup>28</sup>

At its opening in January 1930, Attica State prison was hailed as the 'ultimate prison'. Built in the style of nineteenth-century prisons, its emphasis was meant to be on confinement and reform.<sup>29</sup> Yet, in reality, as was the case throughout the state prison system, few prisoners who entered were rehabilitated. Seventy percent of inmates at Attica at the time of the riot had previously served time in a state, federal or local prison.<sup>30</sup> There were no meaningful rehabilitation programs at Attica, the prison served only to confine inmates, and they were confined in the most calamitous of conditions.<sup>31</sup>

The riot at Attica was not solely a protest against prison conditions, however. There was also a distinctly racial element to the riot. In addition to the general conditions within the prison, racism was a major source of grievance.

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<sup>26</sup> George Jackson, widely regarded as a political prisoner by African Americans, was shot by prison guards after allegedly attempting to escape from San Quentin.

<sup>27</sup> Robert Abrams (ed.), *Prison Riots in Britain and the USA* (London: Macmillan, 1994), Chapter 3; Herman Badillo and Milton Haynes, *A Bill of No Rights: Attica and the American Prison System* (New York: Outerbridge & Lazard Inc., 1972), Chapter 1.

<sup>28</sup> Abrams, *Prison Riots in Britain and the USA*.

<sup>29</sup> Robert McKay, *Attica: The Official Report of the New York State Special Commission on Attica* (New York: Praeger Publishers, 1972), 4. Hereafter cited as *McKay Report*.

<sup>30</sup> *McKay Report*, 29.

<sup>31</sup> *McKay Report*, xv.

Segregation was officially abandoned by the mid-1960s, but, as in the larger society beyond the prison walls, racism still pervaded all of Attica in varying degrees.<sup>32</sup> One area where racial discrimination existed was in inmate job assignments. The ‘good’ jobs at Attica were almost entirely held by white inmates, while African-American and Puerto Rican inmates were consigned to the ‘worst’ jobs. For example, in 11 job categories white inmates held more than half of the positions; of these 10 were considered highly desirable. White inmates accounted for 37% of the inmate population, yet they made up 74% of workers in the powerhouses, 67% of clerks, 70% of runners, 62% of helpers in the officers’ mess and 54% of workers in the inmates mess. African-American and Puerto Rican inmates, on the other hand, accounted for 76% of workers in the metal shop and 80% of workers in the grading companies.<sup>33</sup> There was also discouragement by guards in active and non-direct ways of black-white friendships. Several white inmates who were friendly with one or more African-American inmates were warned that they would be denied certain privileges while they persisted with such friendships. White inmates who did so, suffered job discrimination and were referred to as “nigger-lovers”.<sup>34</sup>

In testimony before the McKay Commission, which investigated events at Attica before, during and after the riot, the racial attitudes of a number of guards were clearly evident.<sup>35</sup> Ironically, it was in trying to defend themselves against charges of racism that it was displayed. In one instance a guard explained the

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<sup>32</sup> *McKay Report*, 80.

<sup>33</sup> *McKay Report*, 39.

<sup>34</sup> *McKay Report*, 81.

<sup>35</sup> Robert McKay, Dean of the New York University Law School, headed the nine-member commission. It was appointed by Chief Judge Stanley H. Fuld and the presiding justices of the Court of Appeals, acting at the request of Governor Nelson Rockefeller and the state legislative leaders.

pattern of self-segregation in the prison mess halls by stating: “How would you like to sit between two coloreds while you were eating?” Another guard in explaining the disparity between the jobs held by white and African-American inmates testified before the commission: “They [African Americans] are better suited for those jobs.”<sup>36</sup> The McKay Commission concluded that many guards at Attica held racist feelings of which they were not consciously aware. Whether conscious or not, however, institutional racism was clearly present at Attica and was a significant component in increasing tensions at the prison. The McKay Commission concluded that:

Racist attitudes in the institution were an undeniable factor among the tensions leading to the uprising. Aggressive responses to racial bias are increasingly common outside prisons, and this trend exists inside as well. Inmates today feel that they have the right, even as prisoners to rebel against being further put down on the basis of race.<sup>37</sup>

The inmate population at Attica had undergone significant changes in recent years. The majority of inmates at Attica by the time of the riot were African-American. African Americans made up 55% of prisoners, 9% were Puerto Rican and 37% were white.<sup>38</sup> In contrast, all of the guards were whites. The racial composition of inmates and guards at Attica reflected a nationwide pattern. In 1970 more than half of inmates in American prisons were African American and they made up fewer than 8% of guards.<sup>39</sup> The prison population at Attica had also

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<sup>36</sup> Quoted in *McKay Report*, 81.

<sup>37</sup> *McKay Report*, 82.

<sup>38</sup> *McKay Report*, 28.

<sup>39</sup> Badillo and Haynes, *A Bill of No Rights*, 9.

changed in other ways. By 1971 77% of inmates came from urban areas: 43% from New York City and 34% from Buffalo, Rochester and Syracuse. Also, 40% of inmates at Attica were under the age of thirty.<sup>40</sup> Moreover, a new generation of African American prisoners had entered Attica and indeed prisons nationwide since the mid-1960s. These African Americans, influenced by the societal changes that had occurred in the wake of the Civil Right movement, increasingly regarded themselves as victims of a racist society. As Wendell Wade, an inmate at California's Tehachapi prison, articulated: "The majority of black prisoners realize that they were merely trying to survive in the ways that they were able to when they were captured. They don't feel guilty; indeed, in their minds, they are not guilty."<sup>41</sup> This new generation also regarded the white prison officer "as the symbol of a racist, oppressive system which put him behind bars."<sup>42</sup>

The racial element to the Attica riot was also evident during the negotiation process. Authorities had initially been able to recapture A and C blocks, but lacked the necessary resources to attempt a complete retaking. As it was, Oswald decided that the negotiations were the best means of proceeding. The negotiations eventually centred on a set of 28 demands. They consisted of points for reform, such as better food, minimum wages, freedom to communicate at their own expense, effective rehabilitation programs, modernisation of the library, adequate legal assistance on request, reduction of cell time and improvements in recreation

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<sup>40</sup> *McKay Report*, 28.

<sup>41</sup> Wendell Wade quoted in Badillo and Haynes, *A Bill of No Rights*, 12.

<sup>42</sup> *McKay Report*, 4. Roberta Ann Johnson argues in "The Prison Birth of Black Power", *Journal of Black Studies* 5.4 (1975): 394-414 that a basic similarity exists between the ghetto and prison and that black political awareness emerges in prisons for the same reasons it emerges in the ghetto.

facilities, adequate medical treatment, establishment of an inmate grievance commission, the right to legal representation at parole-violation hearings, an end to approved lists for correspondence and visitors, removal of visitation screens and a 30-day maximum segregation period for any one offence.

Some of the 28 demands, however, illustrated the racial nature of the riot; for instance, the right to religious and political freedom, an end to censorship of all reading material except that deemed unsuitable by an ombudsman, the engagement of either a Spanish-speaking doctor or interpreters who would accompany Spanish-speaking inmates to medical interviews, and the institution of a program for the recruitment and employment of a significant number of black and Spanish-speaking officers.<sup>43</sup> Moreover, at the request of inmates, a group of outside observers oversaw the negotiations. The group, which grew in number during the course of the event, consisted of notable African Americans, leaders from the Civil Rights movement, and lawyers and journalists sympathetic to penal reform and the situation of African Americans. Examples of these were, David Anderson of the Rochester Urban League, New York Assemblyman Arthur O. Eve, Attorney William Kunstler, Bobby Seale, Chairman of the Black Panther Party, and Thomas Soto of the Prisoners Solidarity Committee.<sup>44</sup> This was further indication of the racial aspect to the riot.

The racial facet to Attica was also evident in the acts of retribution against the inmates by prison guards following the suppression of the riot on September 13.

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<sup>43</sup> For a complete list of demands see *McKay Report*, 251-257.

<sup>44</sup> For a comprehensive list of observers see Tom Wicker, *A Time to Die* (New York: Quadrangle/New York Times Book Co., 1975), 318-319.

In the aftermath of the retaking of Attica hundreds of inmates were abused by officers, troopers and sheriff's deputies.<sup>45</sup> In order to move the inmates out of D yard and back into cells, they were ordered to strip and to crawl on their stomachs back towards the prison. During this procedure they were kicked and beaten with clubs. One white inmate described the action:

A trooper said, 'start crawling, you white nigger-lover. Put your nose to the ground. If it comes up, your head comes off.' So I started crawling . . . I went a little ways, then they told us, 'stop!' All this time you could hear something hitting a body. All the time you hear men groaning low and so much noise.<sup>46</sup>

Physical assaults were almost uniformly accompanied by racial profanities. A National Guard testified that an inmate who had been shot in the groin was hit by several troopers, one of whom told him "Fuck you, nigger. You should have gotten it in the head."<sup>47</sup> Another National Guard reported that some injured inmates would be recognised by officers and would be beaten as they proclaimed, "You fucking nigger, see what black power has gotten you."<sup>48</sup> Such assaults upon inmates could be regarded as evidence that some officers perceived the riot in racial terms, if not, they stand as further testimony of the racist attitudes of some officers at Attica.

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<sup>45</sup> *McKay Report*, 338. On September 14, 1971, Rockefeller appointed a panel, headed by Judge Harry D. Goldman, to ensure that the constitutional rights of inmates were being protected. In November the panel concluded that the danger of harassment of inmates continued and the likelihood of unjust retaliatory and inflammatory acts in parole and other areas also remained. *Report of the Goldman Panel Investigation of the Aftermath of Attica* November 16, 1971. Reprinted in Russell G. Oswald, *Attica: My Story* (New York: Doubleday, 1972), 418.

<sup>46</sup> Quoted in *McKay Report*, 429.

<sup>47</sup> Quoted in *McKay Report*, 429.

<sup>48</sup> Quoted in *McKay Report*, 400.

The decision to retake the prison by force was made following a breakdown in negotiations. The state had agreed to 28 demands and despite the fact that a number were already being instigated, many of the principles embodied in the 28 points were major advances in penal reform.<sup>49</sup> However, after four days, an agreement could not be reached on the issue of amnesty.<sup>50</sup> The state was only willing to grant amnesty against administration reprisals, civil actions and criminal action regarding property-related crimes. Inmates would have to accept the risk of criminal prosecution for crimes involving physical injuries. Following the death of officer Quinn, who had been beaten unconscious during the initial outbreak, the rioters clung to the amnesty demand stronger than ever.

Early on the morning of Monday, September 13, Oswald delivered the final appeal to the rioters. Lacking a guarantee of amnesty, however, the leaders declined it and hostages were paraded blindfold on to walkways with knives held at their throats. Seeing no alternative Rockefeller ordered the retaking of Attica by force. At 9.44 am through a radio loudspeaker the attack to recapture Attica was ordered. Helicopters above the prison dropped C.S. pepper gas as troopers set off a barrage of rifle fire from atop the 30-foot prison walls. In all, over 500 officers armed with

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<sup>49</sup> The McKay Commission did point out, however, that the actual language of many of the agreed points was vague and sometimes conditional on legislative action. Thus inmates would have to trust in the good faith of Oswald and the state to implement the reforms. As Chairman of the Board of Parole, Oswald, together with Paul D. McGinnis, Commissioner of the Department of Correction, chaired a special committee to study the treatment of offenders in New York state as part of an effort in the mid-1960s to convert the New York prison system from one with a purely custodial focus to one based on rehabilitation. Oswald announced his commitment to reform in a taped message to the inmates at Attica on September 4. Despite this commitment, however, Oswald did point out that due to fiscal problems reform would be a slow process and he pleaded for patience. Badillo and Haynes, *A Bill of No Rights*, Chapter 1.

<sup>50</sup> The state was also unwilling to accept another demand: the dismissal of Superintendent Vincent Mancusi.

shotguns, rifles, pistols and clubs charged into the compound, shooting as they ran. The attack left 26 inmates and nine hostages dead.<sup>51</sup> Eighty-three prisoners needed surgery for their wounds.

Reactions amongst Americans to the riot at Attica and to the retaking were, naturally, varied. Certainly there was a great deal of sorrow and regret expressed at the grisly outcome of the riot. At the same time, however, there was a great deal of support expressed for the retaking. One letter to the *New York Daily News* read:

Congratulations to Governor Rockefeller and Attica Prison officers who refused to capitulate to the prison insurrectionists. These men were incarcerated for failure to obey the law, and it is high time that we restore law and order - even if bayonets and guns are necessary.<sup>52</sup>

For some Americans, the retaking was perceived and presented as a much-needed strike for law and order, the re-establishment of which justified a hardline approach. A number of Americans not only regarded the riot at Attica as evidence of the need to take a harder line with regard to law and order, but more specifically as further evidence of the failure of permissiveness. As a letter to the *New York Daily News* read: "The recent increase in vicious and destructive riots shows that the policy of leniency and permissiveness in the handling of hardened criminals does not work. . . . Too much emphasis has been placed on correction and not enough on

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<sup>51</sup> Forty-three people in total were killed as a result of the riot. Twenty-six inmates and nine hostages were killed during the retaking. A further three inmates and a tenth hostage later died from wounds suffered during the retaking. In addition, one officer, William Quinn, died from injuries sustained during the initial outbreak, and three inmates were killed during the period the prison was in the control of the inmates.

<sup>52</sup> "Letters", *New York Daily News*, September 16, 1971, 77.

punishment.”<sup>53</sup> Another letter to the *New York Daily News* read: “The recent prison riots, including the one at Attica, are concrete proof that our liberal, permissive society will eventually cause widespread anarchy in the United States.”<sup>54</sup> For some Americans, liberal, reformist policies were perceived as being out of touch with ordinary Americans, whose lives were blighted by crime and disorder. Another letter to the *New York Times* read:

The liberal establishment . . . from their remote ivory tower fortresses, in their anguished plea for what is referred to as ‘prison reform,’ do not speak for those of us who walk the streets, in contrast to those who ride through them in their limos escorted by publicly paid for motorcycles.<sup>55</sup>

This letter places the Attica riot and the issue of prison reform within the wider debate regarding the need to tackle crime.

Opinion polls demonstrated that the sentiments expressed in the above correspondences were reflective of feelings held nationwide. A Harris poll in 1969 reported that 64% of Americans felt that mollycoddling hardened criminals was a major cause of an increase in crime.<sup>56</sup> Similarly, a poll in 1970 found that 64% of people - up 15 points since 1967 - believed that the courts were too lenient in dealing with criminals.<sup>57</sup> The feelings expressed in the letters were also reflective of Nixon’s discourse on the issue of law and order and his stand for toughness as opposed to leniency and permissiveness.

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<sup>53</sup> “Letters”, *New York Daily News*, September 15, 1971, 57.

<sup>54</sup> “Letters”, 77.

<sup>55</sup> “Letters to the Editor”, *New York Times*, September 29, 1971, 32.

<sup>56</sup> Erskine, “Causes of Crime”, 292.

<sup>57</sup> Erskine, “Causes of Crime”, 295.

A prominent aspect in some public support of the retaking of Attica was the presentation of prison inmates as Other. The wife of one Attica prison guard told a *New York Times* reporter: “. . . the inmates aren’t normal humans like you and I – we never committed murder.”<sup>58</sup> According to this statement, the criminal status of the prison inmates set them apart from other Americans and made them abnormal. A letter to the *Los Angeles Times* read: “I regret and feel shocked over the innocent lives lost in the horrible Attica fracas. My sympathies go to share the grief of the families of the innocent hostages.”<sup>59</sup> According to this letter, the inmates killed during the retaking somehow deserved their fate, in comparison to the hostages, and by association, their families were also guilty and undeserving of sympathy.<sup>60</sup> Another letter to the *Los Angeles Times* read: “How much longer will we tolerate the mentally distorted criminals such as those at Attica? Granted our prisons need reform but this was certainly not the purpose at Attica. The attack on those criminals was the only language they understood.”<sup>61</sup> According to this letter, what occurred at Attica was not a protest over conditions, but the act of a deranged people who were incapable and undeserving of reasoned negotiation and settlement. A similar sentiment was expressed in another letter to the *New York Daily News* which read: “Those rioting cons at Attica showed their sincerity in demanding more religious freedom and an end to guard brutality by burning down the prison chapel,

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<sup>58</sup> Quoted in Francis X. Clines, “Attica Has No Fear, But Anger Aplenty”, *New York Times*, September 11, 1971, 31.

<sup>59</sup> “Letters”, *Los Angeles Times*, September 17, 1971, 2.7.

<sup>60</sup> See J. Langer, *Tabloid Television: Popular Journalism and the ‘Other’ News* (London: Routledge, 1998) for a discussion of good and bad victims in journalism.

<sup>61</sup> “Letters”, *Los Angeles Times*, September 20, 1971, 2.7.

brutalizing the guards and throwing one of them from a second story window.”<sup>62</sup> According to this letter the demands for reform of the prisoners were superficial and it was suggested that the inmates were unworthy of such reforms. The representation of the prison rioters as Other echoes Nixon’s discourse on criminals and urban rioters.

In contrast to the way prisoners were represented, prison guards were presented as courageous and engaged in a difficult, dangerous and under-appreciated job. One letter to the *New York Daily News* read: “Do-gooders and bleeding hearts should be made to serve as guards in some of our prisons. If their throats were cut, they might change their attitude toward the ‘poor unfortunates’ who are imprisoned for crimes they committed.”<sup>63</sup> This letter repeats the theme that liberals are out of touch with reality, with grossly misplaced sympathies, wrongly portraying criminals as victims. Another letter to the *Los Angeles Times* made a direct correlation between the task faced by police officers and that by prison guards: “To be a prison guard, or a policeman is such a dangerous and thankless job, it is a wonder that we have people willing to fulfill the task. Perhaps a day will come when no one will and we will be forced to draft them or else live in a jungle.”<sup>64</sup> Prison wardens are presented as unsung heroes, who undertake their job out of a sense of personal duty, for which Americans should be grateful. The views expressed in these correspondences reflect increasingly popular sentiments

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<sup>62</sup> “Letters”, 77.

<sup>63</sup> “Letters”, *New York Daily News*, September 15, 1971, 57.

<sup>64</sup> “Letters”, 2.7.

regarding the police during the 1960s, and are also reflective of Nixon's discourse in respect of the police.<sup>65</sup>

Collectively the public discourses supporting the retaking of Attica illustrate the feelings and beliefs that Nixon's discourse in relation to law and order was referring to, tapping into and legitimising. They demonstrate the level of feeling regarding law and order, towards permissiveness, and towards those who are responsible for crime and the breakdown of law and order. The public discourses also demonstrate how and why Nixon's law and order discourse successfully appealed to voters. Moreover, Republican discourse on the Attica riot itself served to reaffirm the connection between the Republican Party and the law and order issue and hence reinforce the appeal of Nixon and the Republican Party to law and order voters.

Some of the team of observers had contacted Governor Nelson Rockefeller directly to plead with him to come to the prison as a last hope for a peaceful end to the riot. They strongly believed that Rockefeller's presence would give greater credit to the 28 points. Rockefeller, however, refused. In a statement he declared:

I have carefully considered the request conveyed to me by the Committee of Citizen Observers at Attica, as well as the demands of the inmates that I meet with them in the prison yard. . . . The key issue at stake, however, is still the demand for total amnesty for any criminal act which may have occurred. I do not have the constitutional authority to grant such a demand, and I would not, even if I had the authority because to do so would undermine the very essence of our free society - the fair and impartial application of the law. In view of the fact that the key issue is total amnesty - in spite of the best efforts of the committee and in spite of

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<sup>65</sup> Erskine, "Demonstrations and Race Riots", 659.

Commissioner Oswald's major commitments to the inmates - I do not feel that my physical presence on the site can contribute to a peaceful settlement.<sup>66</sup>

Rockefeller defended his actions in relation to Attica in a number of ways. Firstly, he declared that his decision was based on carefully reasoned judgement. He then proceeded to defend his decision not to meet with the prisoners on two grounds. Firstly that that he lacked the authority to act upon the issue of amnesty against criminal acts perpetrated by the inmates. Secondly, and more importantly, because to do so would be to undermine the rule of law. In doing this, Rockefeller is sending a clear message regarding his support of the rule of law. Furthermore, Rockefeller also sends a clear message in respect of his views of the rioters at Attica. Rockefeller presents the inmates at Attica as unreasonable and overly demanding; their madate went beyond reform – a great number of which the state was willing to grant – to the sanctioning of criminal acts, including the wrongful death of a prison officer. This is a variant on the theme prevalent in both public and political discourse during the late 1960s that African Americans were moving too quickly, and demanding too much.<sup>67</sup>

On the day of the attack, Rockefeller received presidential support during a phone call with President Richard Nixon. A few days later Nixon reiterated his support of Rockefeller and of the decision to retake Attica by force at a news conference. The President stated:

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<sup>66</sup> Quoted in Badillo and Haynes, *A Bill of No Rights*, 84-85. Oswald had also requested Rockefeller's presence, believing that it would aid acceptance of the 28 points. Rockefeller's refusal was criticised by the McKay Commission.

<sup>67</sup> Howard Schuman, Charlotte Steeh, Lawrence Bobo, *Racial Attitudes in America: Trends and Interpretations* (Massachusetts: Harvard University, 1985).

With regard to Governor Rockefeller's action. . . . I can imagine that this is the most painful, excruciating experience that Governor Rockefeller, a very good man and a very progressive man, has had in his term of public service. I knew that he would never have gone this far when he called that morning, when I was in the cabinet meeting, unless he felt it was the only thing he could possibly do to try to save some of the guards that were hostages. When a man is in a hard place and makes a hard decision and steps up to it, I back him up and I don't try to second-guess him. The next day, when some of the other returns come in I still back him. I believe people in public positions, heads of government or Prime Ministers, or maybe even Presidents, cannot give in to demands for ransom, as was the demand made in this instance.<sup>68</sup>

Nixon presents and defends Rockefeller's decision to retake Attica as an act of statesmanship. His overarching message is that the forceful retaking of Attica was unavoidable in order to uphold the rule of law and to save the lives of those being held hostage. Additionally, Nixon defends the retaking by stressing Rockefeller's personal virtues, inviting the audience to sympathise with the enormity of the decision taken, whilst making only a veiled reference to the grisly outcome of the riot.

Other Republican discourse also served to affirm the connection between the Republican Party and law and order. Speaking at a Governors' convention in Puerto Rico, then California Governor Ronald Reagan, expressed his sorrow that hostages were killed in the attack but also defended the attack, stating: "I don't think that you can allow prison authorities to be intimidated just because hostages

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<sup>68</sup> President Richard Nixon, "Transcript of the President's News Conference on Foreign and Domestic Matters", *New York Times*, September 17, 1971, 27.

have been seized.”<sup>69</sup> Shortly after the retaking, Rockefeller was present at the Rockland County Republican Organisation’s 6<sup>th</sup> annual marina fundraiser. During his introduction by the Republican County Chairman, Carmine Freda declared that had Rockefeller “. . . not made the decision the rule of law would have been completely destroyed.” Freda added that Rockefeller had “. . . saved this nation for law and order.”<sup>70</sup> When Rockefeller entered the stage he received a standing ovation.

Vice President Spiro Agnew echoed Nixon’s support and defended the assault at Attica in an interview with the *New York Times*. Agnew stated:

To position the ‘demands’ of convicted felons in a place of equal dignity with legitimate aspirations of law abiding American citizens represents not simply an assault on human sensibility but an insult to reason. Worst of all it gives status and seeming respectability to the extremists in our society whose purpose it is to exacerbate rather than ameliorate the problems of race relations - the very problems to which the spokesmen, in this instance allude. . . . In taking the necessary steps to end the confrontation at Attica, Governor Rockefeller acted courageously. Those who would have had him act otherwise have yet to learn the paramount lessons of our century; that acquiescence to the demands of the criminal element of any society only begets greater violence.<sup>71</sup>

Like Nixon, Agnew defends and presents Rockefeller’s actions as the necessary upholding of law and order in the country. Agnew also marginalises the rioters and presents them as outlaws who have no right to make demands upon society. He also

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<sup>69</sup> Ronald Reagan quoted in John Darnton, “Attica Reaction Widens: Prison Reform Proposed”, *New York Times*, September 15, 1971, 33.

<sup>70</sup> Quoted in William E. Farrell, “Rockefeller’s Applauded After Allusion to Attica”, *New York Times*, September 23, 1971, 66.

<sup>71</sup> Spiro T. Agnew, “The Root Causes of Attica”, *New York Times*, September 17, 1971, 41.

questions the motives of the rioters, accusing them of seeking to increase racial hostilities. In doing this, Agnew makes a direct link between Attica and the race issue in America.

Race was an intrinsic element in Nixon's discourse in relation to law and order, and Attica and the breakdown in law and order that it symbolised was clearly perceived in racial terms by some Americans. The mother of one hostage stated of the rioting prisoners: "Kill the black bastards and be done with it."<sup>72</sup> Following the retaking, when a list of freed hostages was released at the front entrance of Attica prison one guard turned to reporters and shouted "White power!"<sup>73</sup> Some Americans also perceived an element of racial permissiveness to the riot. The wife of the Mayor of Attica blamed the rioting on authorities ". . . letting the coloreds . . ." promote trouble in the prison.<sup>74</sup> Residents in Attica town also complained to reporters that they were only interested in hearing and reporting on ". . . 'the darkies'" side of the story."<sup>75</sup> This sentiment echoed the theme of over-attention on racial issues and on the grievances and complaints of African Americans to the neglect of whites, which was increasingly prevalent during the 1960s and early 1970s.<sup>76</sup>

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<sup>72</sup> Quoted in Joel N. Sharkin, "Outside Attica Walls, a City of Hate", *Washington Post*, September 15, 1971, 6.

<sup>73</sup> Quoted in Sharkin, "Outside Attica Walls", 6.

<sup>74</sup> Quoted in Francis X. Clines, "Resentment Rife in Attica Homes", *New York Times*, September 12, 1971, 73.

<sup>75</sup> Quoted in "Fearful Attica", *Los Angeles Times*, September 17, 1971, 20.

<sup>76</sup> See Chapter 2.

In the days following the retaking rumours abounded that hordes of African Americans from the inner-city were congregating on the outskirts of the town waiting to mount a revenge attack. One villager claimed:

I know of men, more than just a couple, who have already sent their families away to stay with relatives. . . . And I can tell you this. The whole damn town is an armed camp, everybody's loaded their shotguns and rifles and them that didn't have weapons have them now.

This statement evokes the mythological image of the big, black threat from which white men must protect their women, children and homes from invasion. Another resident proclaimed: "No one is going to do any damage to me. I have no qualms at all about protecting myself. If a militant colored guy ever comes in my yard, he's dead."<sup>77</sup> This resident not only echoes the sense of outside threat and the determination to respond to such a threat, but also makes reference to the growing militancy of African Americans during the 1960s.<sup>78</sup> The theme of the black threat was also expressed in a letter to the *Washington Post*, which read:

Complaints about prison conditions really were cover up excuses. We heard the usual complaints about guard brutality, poor food, and political impoverishment. Anyone watching the weekend telecasts, however, could see that this was a revolution pure and simple, plus

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<sup>77</sup> Quoted in "Fearful Attica", 20.

<sup>78</sup> Thomas L. Blair, *Retreat to the Ghetto: The End of a Dream* (London: Wildwood House, 1977); Stokely Carmichael and Charles V. Hamilton, *Black Power: The Politics of Liberation in Urban America* (London: Cape, 1968); George M. Fredrickson, *Black Liberation: A Comparative History of Black Ideologies in the United States and South Africa* (Oxford: Oxford University Press, 1995); Vincent Harding, "Black Radicalism: The Road From Montgomery" in Alfred F. Young (ed.), *Dissent: Explorations in the History of American Radicalism* (Dekalb: Northern Illinois University Press, 1968); Julius Lester, *Look Out Whitey! Black Power Gon' Get Your Mama!* (New York: Allison and Busby, 1968); Nathan Wright Jr., *Black Power and Urban Unrest: Creative Possibilities* (New York: Hawthorne Books, 1967).

ugly racism – black racism, not white. The brutal and overdemanding convicts know that they were ultimately going to kill those hostages, no matter what. And it would be poppy cock for anyone to attempt to explain away the convicts' actions with the oft-heard cliches that, after all, they were (1) innocent 'victims of our society' (2) in prison 'only because they were black', or (3) were 'political prisoners'. Governor Rockefeller did exactly the right thing. And now let's not have the courts get lenient with these murderous convicts.<sup>79</sup>

In this letter the Attica riot is presented as a serious and unjust attack upon American society, spurred by anti-white racism. The Attica rioters are presented as brutal and over-demanding, echoing two themes. Firstly, that of the brutish black male, and secondly, that of African Americans pushing too far and too fast. The letter also denounces liberal tendencies to view African-American prisoners as victims of a racist society and urges the courts to follow Rockefeller's lead in taking a tough stand against the rioters, making reference to the widespread feeling that the courts were too lenient on criminals. In 1968 63% of Americans stated that courts in their area did not deal harshly enough with criminals. This figure increased to 75% in 1969 and stood at 74% in 1973.<sup>80</sup> A Gallup poll in 1972 reported that the majority of Americans cited lenient penalties as the main cause of the high crime rate in the country.<sup>81</sup> Similarly a poll in 1972 found that 83% of Americans believed that police and other law enforcement agencies should be tougher in dealing with crime and lawlessness.<sup>82</sup>

The majority of Americans who supported the retaking of Attica on the grounds of law and order did so for aracial reasons. Only a significant few of

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<sup>79</sup> "Letters", *Washington Post*, September 19, 1971, D7.

<sup>80</sup> Erskine, "The Causes of Crime", 294.

<sup>81</sup> Erskine, "The Causes of Crime", 293.

<sup>82</sup> Erskine, "The Causes of Crime", 296.

Americans interpreted Attica and the issue of law and order in clear, negative racial terms. Yet, their discourse reveals the racial sentiments and beliefs that Nixon was covertly tapping into and legitimising with his law and order appeals, and illustrates how the issue of law and order could be used as a coded racial appeal to some white voters.

There were, of course, many public discourses surrounding the Attica riot and the retaking. Not all Americans regarded the retaking as a victory for law and order, perceiving it instead as nothing short of a massacre. A number of Americans were also supportive of the situation of African-American inmates in American prisons and empathised with the Attica rioters. Furthermore, a number of Americans were highly suspicious and critical of the role race played in attitudes towards the riot and retaking. Yet, this oppositional, or counter discourse served to further racialise the Attica event and the law and order debate.

There was a great deal of sorrow and regret expressed over the grisly outcome of the Attica retaking. A letter to the *Los Angeles Times* described the Attica retaking as an extension of America's heavy-handed approach abroad, of military prowess gone awry: "And so the war comes home. America has its first My Lai, also known as Attica. We see the 'destroy the town in order to save it' and 'kill anything that moves' syndrome."<sup>83</sup> In making reference to the war in Vietnam in this way, this statement is a reversal of Nixon's discourse and his use of the war in Vietnam to buttress the problem of law and order at home. As well as opposing the hardline approach of the retaking, a number of Americans were also troubled by the

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<sup>83</sup> "Letters", 2.7.

racial element that seemed to be visible in the Attica event. One letter to the *Washington Post* read: "As one American I am deeply distressed and consider it my duty to remain critical of the quality of our democracy until such time as I no longer have to say to myself 'Thank God I was born white.'"<sup>84</sup> According to this letter, the paradoxical co-existence of racial inequality with the American democratic tradition had not been completely resolved.

In defending the Attica rioters, some Americans presented African-American prisoners such as those at Attica, as victims of a racist society. Professor Robert Chrisman declared: "Most black offences have their roots in the political and economic deprivation of black Americans by the Anglo-American state, and these are the primary causes and conditions of black crimes."<sup>85</sup> Clifford Rollins, former inmate at Soledad prison, regarded the prisoners at Attica as symbolic of the new generation of African Americans in America's prisons:

No longer do black prisoners play the sycophant's game of 'pleasing the powers'. . . . They are in tune with contemporary social and political scenes in the free world; they take an interest in elevating their perception, have principles and are morally and ethically aware.<sup>86</sup>

Rollins presents African-American prisoners as being engaged in a socio-political and psychological revolution. This view echoed those that appeared during the

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<sup>84</sup> "Letters", D7.

<sup>85</sup> Quoted in C. Gerald Fraser, "Black Prisoners Embrace New View of Themselves as Political Victims", *New York Times*, September 16, 1971, 49.

<sup>86</sup> Quoted in Fraser, "Black Prisoners Embrace", 49.

1960s with regards to the changing psychology of young, urban African Americans.<sup>87</sup>

In another letter to the *Los Angeles Times* a reader presented the riot at Attica as a racial protest, which was borne out of the racial oppression that African Americans suffered in American society. The letter read:

Surprisingly, little was made of the fact that this was largely a racial confrontation. It was mentioned that the leaders of the rebellious faction were black, and that all of the guards taken hostage were white; this is no coincidence. Doesn't the fact that 85% of the prison's population is made up of blacks and Puerto Ricans make it abundantly clear that the problems were much deeper than the lawlessness of a few inmates? Many of these prisoners have known nothing but poverty, oppression, and hostility all their lives, and frankly have very little to lose whatever the outcome.<sup>88</sup>

As well as interpreting the riot in racial terms, a number of Americans also regarded the retaking of Attica as an extension of racial oppression. One letter to the *Washington Post* read:

The killings at Attica come as no shock, certainly no shock to black people. It is nothing new that white men have been murdering black men since this country was founded. From slavery through civil rights marches, through riots and the framing of the black panthers, black men have been murdered by white police in the name of law and order, preservation of freedom. . . . Only the whites will be surprised, so-called liberals especially, who deny the existence of their own racism and cannot face it when it looks them in the eye. Racism takes on new levels of subtlety amongst these people; it is hidden in their wealth and education and only shows its face when

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<sup>87</sup> T. M. Tomilson, "The Development of a Riot Ideology Among Urban Negroes", *American Behavioral Scientist* 11.4 (1968): 27-31; Nathan Caplan, "The New Ghetto Man: A Review of Recent Empirical Studies", *Journal of Social Issues* 26.1 (1970): 59-73; David O. Sears and John B. McConahay, "Racial Socialization, Comparison Levels, and the Watts Riot", *Journal of Social Issues* 26.1 (1970): 121-140.

<sup>88</sup> "Letters", 2.7.

we get an Attica in one of its many forms. Suddenly the violence of white racism explodes and becomes clearly evident; but few see it as being racism. Their rationalization is: 'we've tried everything . . .', 'give them every benefit,' 'how do you deal with people who act like animals?' 'It's terrible *but what else could they do?*' And so on, until a month from now it's all forgotten, by the white liberal that is . . .<sup>89</sup>

Here the writer places Attica within the context of a broader history of violent suppression of African Americans by whites, historically justified by the issue of law and order. It is an attack on whites who deny the existence of racism, both personal and within society, and who perpetuate it through the (mis)use of moral reasoning.

Some African-American leaders also identified the retaking of Attica as an act of racism and racial oppression. Lapolis Ashford, Executive Director of Chicago's Urban League, regarded the retaking as evidence of the ". . . cancerous racism" in America's institutions.<sup>90</sup> Newark's Mayor, Kenneth Gibson, condemned the retaking of Attica as ". . . one of the most callous and blatantly repressive acts ever carried out by a supposedly civilised society."<sup>91</sup> He continued to say, "When we look at prison conditions and the brutal use of force at Attica, we see the same face of racism which caused and then put down with force civil disturbances in this country's ghettos."<sup>92</sup> According to Gibson, the Attica riot, like the urban riots of the 1960s, represented the African-American protest against American racism and it was that very racism that emerged to destroy it. The fact that African-American

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<sup>89</sup> "Letters", D7.

<sup>90</sup> Lapolis Ashford, executive director of Chicago's Urban League, quoted in "Racism ignited Attica", *Chicago Defender*, September 16, 1971, 3.

<sup>91</sup> Quoted in "War at Attica: Was There No Other Way?", *Time*, September 27, 1971, 11.

<sup>92</sup> Quoted in Darnton, "Attica Reaction Widens", 33.

leaders were making such statements, helped fuel the association between Attica and urban racial unrest, which in turn helped to fuel the perception of Attica as part of the wider problem of black lawlessness.

The media, in its capacity to not only reflect but also to construct public opinion, played an integral role in terms of affirming the connection between the Republican Party and law and order in light of Republican responses to the Attica riot, and also of aiding the racialisation of the law and order debate surrounding Attica through its dissemination of the various discourses outlined above.<sup>93</sup> The media, however, also aided the interjection of race into the law and order debate surrounding Attica in other ways.

Firstly, as has been illustrated, the Attica riot was not just a reaction or protest over prison conditions, there were undeniably racial elements to the riot. The leaders as well as the majority of rioters were African-American. They cited racial grievances and demanded racial reforms amidst more general issues, all of which were negotiated with the assistance of prominent African Americans and Civil Rights leaders. As well as reporting these racial aspects of the riot, various racial statements were made by rioters in D-yard, which were reported in the press. For example, the *New York Times* reported that during the reading aloud of rioters' demands on day one of the riot “. . . the words ‘racists’ and ‘pigs’ were shouted out.” The report also printed the statement issued aloud by one of the riot leaders. It

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<sup>93</sup> For an analysis of the media's role in constructing public opinion see Justin Lewis, *Constructing Public Opinion: How Political Elites do What They Like and Why We Seem To Go Along With It* (New York: Columbia University Press, 2001); *Message Received* (London: Longman, 1999); \_\_\_\_\_ and D. Miller (eds.), *Market Killing: What the Free Market Does and What Social Scientist Can Do About It* (London: Longman, 2000).

read: “The entire incident that has erupted here at Attica is a result . . . of the unmitigated oppression wrought by the racist administration network of this prison.”<sup>94</sup> Some press reports on the riot also overestimated the size of the black population at Attica. For example, an article in *Time* on September 20, reported that African Americans and Puerto Ricans made up 85% of prisoners. Also, another article in *Time* on September 27 stated that 75% of the prison population was African American and Puerto Rican.<sup>95</sup>

The media also reported on and participated in the debate concerning the role of race in the riot and the retaking, all of which aided the perception of Attica in racial terms by the public. One of the most prominent debates concerned the origin of the riot. A number of officials, participants and commentators identified the riot as the organised work of black militants. In a statement on the day of the retaking of the prison, Rockefeller blamed the riot on the “. . . revolutionary tactics of militants” and stated that “. . . outside forces would appear to have played a role in bringing it on.”<sup>96</sup> A report to executive deputy commissioner, Walter Dunbar, by parole officers assigned to investigate the riot cited that the riot was the result of a “. . . long thought out, well-organised plot, conceived and implemented by a group of hard core radical extremists mostly from the New York City area.”<sup>97</sup> The national press also quoted both officers and inmates stating that the riot was the

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<sup>94</sup> Fred Ferretti, “Convicts Revolt at Attica, Hold 32 Guards Hostage”, *New York Times*, September 10, 1971, 1.

<sup>95</sup> “Prisons: Uprising at Attica”, *Time*, September 20, 1971, 15; “War at Attica”, 11.

<sup>96</sup> Quoted in William E. Farrell, “Rockefeller Sees a Plot at Prison”, *New York Times* September 14, 1971, 1,30.

<sup>97</sup> Quoted in *McKay Report*, 104.

work of a minority of radicals. For example, one white inmate told the *National*

*Review*:

The rebellion was instigated and carried out by no more than 10% of the prison population. They were radical political fanatics. They belonged to the Black Panthers, People's Liberation Party, Young Lords and Sam Melville's group of commie fanatics. . . . They wanted a rebellion for political reasons.<sup>98</sup>

A prison officer in the *Los Angeles Times* blamed the riot on black militants. The officer stated: "That riot didn't happen because we beat or harmed the prisoners. That riot happened because those black militants wanted to take over the damn place and run it on their own terms."<sup>99</sup>

A central factor fuelling support for the retaking of Attica was the belief that the surviving hostages had only narrowly escaped death at the hands of the prisoners – a belief greatly buttressed by the freed hostages' stories, which were widely reported in the press. Moreover, some of these hostages' stories were distinctly racial. Hostage Ron Kozlowski told reporters: "They told us, 'as soon as the first shot is fired, you white blankety-blanks have had it.'"<sup>100</sup> Similarly, Captain Elmer Huehn stated: "They held a knife to my throat. But the Puerto Rican guy didn't have the heart to do it. Some of the others weren't so lucky."<sup>101</sup>

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<sup>98</sup> Quoted in *McKay Report*, 104.

<sup>99</sup> Quoted in "Fearful Attica", 20.

<sup>100</sup> Quoted in Joseph Lelyveld, "A Hostage Says Threats Left Him Scared Silly", *New York Times*, September 14, 1971, 1.

<sup>101</sup> Quoted in "3 Killed as Troopers Storm New York Prison", *Chicago Tribune*, September 14, 1971, 5. This is not to say that the hostages themselves sought to deliberately infer a racial element to the situation, but rather their statements, however intended, aided the perception of the event in racial terms.

The law and order debate surrounding Attica was also racialised by media opinion itself, which presented the Attica event in overt racial terms. An article in the *New York Times* read:

The uprising was viewed as the result of tension that had been building up in Attica for some time. In addition to the customary complaints about services, there were the added ingredients of a predominantly black body of prisoners being controlled by an armed white force and the increasing political and radical awareness of black prisoners that often infuriated the guards.<sup>102</sup>

In this piece the Attica riot is presented primarily as not a protest over conditions, but rather of racial tension arising out of the changing psychology of African-American prisoners. A number of media articles were also critical of the decision to retake Attica, perceiving the decision as racially motivated. As the *Amsterdam News* pondered: “And if the rebelling prisoners had been predominantly white - or all white? Would public pressure have been the same?”<sup>103</sup> Some media articles also reported on the perception of Attica’s African-American rioters as Other. An article in the *New York Times* stated: “The rebellious prisoners were black men for whom there was neither sympathy nor compassion.”<sup>104</sup> Another article in the *Los Angeles Times* stated:

. . . as far as the villagers are concerned the slain prisoners were black revolutionaries. And in a village of about 3,000 people, none of whom are black, many of who openly distrust persons who are black,

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<sup>102</sup> Fred Ferretti, “9 Hostages and 28 Prisoners Die as 1,000 Storm Prison in Attica; 28 Rescued, Scores Injured”, *New York Times*, September 14, 1971, 28.

<sup>103</sup> Floyd McKissick, “No Other Way at Attica”, *Amsterdam News*, October 2, 1971, 7.

<sup>104</sup> Editorial, “Attica Senseless Killings”, *New York Times*, September 16, 1971, 19.

the fact that 32 prisoners died was coincidental to the fact that 10 villagers died.<sup>105</sup>

This sentiment was also repeated in the *New York Times*: “Prisoners, particularly black prisoners, in all too many cases are neither considered nor treated as human beings. And since they are not, neither are their families.”<sup>106</sup>

Like public opinion, media opinion surrounding Attica was varied and not all media opinion interpreted or presented Attica in overt racial terms. An editorial in the *New York Times* on the day following the retaking was hugely critical of the deaths at Attica. The *New York Times* stated:

The deaths of these persons by knives and gunfire reflect a barbarism wholly alien to civilized society. Prisoners slashed the throats of utterly helpless, unarmed hostages whom they had held captive through the around-the-clock negotiations, in which the inmates held put for an increasingly revolutionary set of demands. Police Officers storming into the prison to rescue the hostages and restore order were stirred to savage retaliation by the horror within. . . . Certainly the progressive unreasonableness shown by some of the prisoners and the holding of knives at the throats of the hostages provided much basis for the official conclusion that neither compromise nor delay could effect any thing useful. It was the prisoners’ intransigence when confronted with a final appeal ‘to achieve a peaceful resolution of the situation’ that left the prison strewn with the dead. . . . Out of yesterday’s holocaust must come a recognition that the nation has been living on borrowed time in its failure to correct the abysmal conditions that make life intolerable in Attica and virtually every other penal institution. It is unfair to correctional officers as it is to prisoners to have such conditions continue.<sup>107</sup>

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<sup>105</sup> “Fearful Attica”, 20.

<sup>106</sup> Tom Wicker, “The Inmates at Attica”, *New York Times*, September 16, 1971, 43.

<sup>107</sup> “Massacre at Attica”, *New York Times*, September 14, 1971, 41.

While this piece denounced the deaths of both hostages and prisoners, the retaking of Attica is nonetheless presented as inevitable. Authorities are presented as having done everything possible to end the riot while the rioters not only refused to compromise but increased their demands and threats against the hostages. Furthermore, the deaths of the hostages are presented as calculated and savage acts, while the death of the inmates are presented as defensive acts in response to the actions of the rioters. The piece appears to accept the notorious conditions, which had instigated the riot and supports the move for prison reform, yet, this is out of empathy with prison officers as much as with prisoners themselves. An article in the *Washington Post* on the day after the retaking also lamented the horrific outcome of the riot but considered the retaking as inevitable. As the *Washington Post* stated:

The death of the hostages was a horrible price to pay for regaining control of the prison and nothing anyone can say will make that less horrible. But the price demanded by the prisoners for the immediate freedom of the hostages - amnesty for all, including those who had fatally injured another guard last week - was even higher. If New York officials had yielded on that demand, they would have set an example that would bring more terror to prisons throughout the country, for there would then be a terrible precedent; the word would be out that a convict has only to kill a guard or grab a hostage in order to go free.<sup>108</sup>

According to the piece, the forceful retaking of Attica was a necessary stand for law and order to safeguard prison officers throughout the nation's prison institutions.

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<sup>108</sup> "The Slaughter as Attica", *Washington Post*, September 14, 1971, 18.

Media opinion also engaged in the discourse of inmate as Other. An editorial in the *New York Daily News* offered its sympathies to the hostages killed during the retaking and to their families, and advocated the swift application of justice in respect of their deaths, whilst making no mention of the dead prisoners. The editorial read: “37 persons, including 9 hostages were killed – the hostage slayings were murders which we hope will be swiftly, lawfully, and completely avenged: and deepest sympathy to these men’s families and friends.”<sup>109</sup> Another editorial in the *New York Daily News* read:

9 hostages were killed. Those who were rescued . . . were held in terror of their lives for four days by savages and semi-savages who deserve – well, let’s just say they deserve swift and complete justice, and it is up to appropriate prosecutors and judges to see they get exactly that.<sup>110</sup>

In this piece again, the inmates of Attica are presented in overtly negative terms and it advocates the swift and tough application of justice against the rioters.

Others in the media offered support to the Attica rioters. Anthony Lewis of the *New York Times* argued that the rioters at Attica were justified in making their protest about prison conditions and compared the Attica rioters with historical freedom-fighting groups, stating:

Those of us who can take for granted the advantages of life in a political democracy should beware of smugness in denouncing the use of violence to change the system. It is too early to say that violent tactics can never be justified. Was it wrong for the American colonists to take arms against King George and his ministers? Were

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<sup>109</sup> “Editorial”, *New York Daily News*, September 14, 1971, 31.

<sup>110</sup> “Editorial”, *New York Daily News*, September 15, 1971, 57.

Jewish underground groups wrong in their activities in Mandatory Palestine, or Algerians in their guerrilla war against the French? Would it have been morally illegitimate for the inmates of a German concentration camp to use force against their oppressors if they could have done so effectively?<sup>111</sup>

An article in the *Amsterdam News* also denounced the retaking and presented the riot as a justified protest.

The events leading up to this horrible slaughterhouse orgy of murder of humans, who had been goaded beyond the endurance of human mind and body, outdoes any horror movie of prison riots, any coldblooded magazine story, or actual experience of modern times. The taking of the lives of men by authorities who are supposed to be engaged in preparing these same human beings for a new life outside prison walls was bestial. Despite the fact that they had erred, convicted and taken away from the outside world for a determined, or undetermined time to pay for their sins, these men sought only dignity.<sup>112</sup>

According to this piece, the riot is presented as a reaction to inhumane conditions and a justified protest to be treated humanely.

Some media opinion was also suspicious of the political motives underlying the decision to retake Attica. John Hamilton pondered in the *New York Times*, the effect this would have on Rockefeller's career. He stated that, "In the aftermath of Attica, the bloodiest prison uprising in all American history, Governor Rockefeller may well emerge with a new political image in much of the country."<sup>113</sup> Indeed he did, and in 1974 he received the Ford nomination for the Vice Presidency. At the time of the riot Rockefeller was a potential presidential candidate, but his liberal

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<sup>111</sup> Anthony Lewis, "The Price of Violence", *New York Times*, September 17, 1971, 29.

<sup>112</sup> Dick Edwards, "Before, After the Killings", *Amsterdam News*, September 18, 1971, 1.

<sup>113</sup> John A. Hamilton, "Rockefeller Revisited", *New York Times*, September 19, 1971, 25.

image was proving to be a hindrance.<sup>114</sup> His decision to retake Attica by force was a bow to political pressure. In sworn statements in a class-action suit on behalf of Attica prisoners in 1987, two prominent New Yorkers who had been part of the observers team gave new accounts of conversations they had with Rockefeller before the assault. Clarence Jones, publisher of the *Amsterdam News*, stated that Rockefeller:

Clearly accepted the inevitability of a massacre, and the question was not whether it would occur, but when. . . . During our phone conversation Governor Rockefeller was indifferent to our report to him that the situation was not hopeless, and that much could still be done to avoid disaster.

Representative Herman Badillo stated that:

Rockefeller responded that he had a stack of telegrams on his desk urging him to storm the prison and that there was overwhelming political pressure and sentiment to send in troops. Rockefeller indicated to me that he had no choice but to accede to that pressure regardless of the consequences to the hostages.<sup>115</sup>

Rockefeller's decision to retake Attica by force was clearly therefore a politically motivated demonstration of his acquiescence to the Nixon administration's tough stand on law and order.

Media opinion surrounding the Attica riot, as such, like public opinion, was varied. Yet, some media opinion in relation to Attica was distinctly racial and

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<sup>114</sup> Greene, *The Limits of Power*; O'Reilly, *Nixon's Piano*; Wills, *Nixon Agonistes*.

<sup>115</sup> Quoted in Elizabeth Kolbert, "Court Awards \$1.3m to Inmate Victims of Attica Attack", *New York Times*, October 26, 1989, B1-B2.

coupled with the dissemination of the racial elements to the riot, the media did play a significant role in racialising the event and law and order debate in the public mind. In discussing the role of the media in constructing public opinion with regards Attica, however, it is also important to acknowledge that the American public were susceptible to influence by law and order discourse other than that of Nixon's. Yet, as an analysis of public discourse surrounding Attica demonstrates, there was a clear link between Nixon's law and order discourse and that of the American public in general.

Public discourse surrounding the Attica prison riot illustrates how the coded racial political issue of law and order is reproduced in American society. Law and order and the need for toughness on the issue, was clearly an important issue for a significant proportion of Americans and demonstrates the feelings and beliefs that Nixon's law and order discourse was tapping into and legitimising. Furthermore, Republican Party responses to the riot served to reaffirm the appeal of the party to law and order voters. While for the majority of Americans, law and order was perceived in consciously aracial terms, with only a significant few interpreting the riot and the law and order debate in overt racial terms, the media's role in disseminating the various discourses surrounding Attica served to help racialise the Attica event and heighten both the conscious and unconscious identification of law and order in racial terms.

## CHAPTER 4

### Carter and Preferential Treatment:

#### The Miami Riot, 1980

#### 4.1 The Carter Presidency: 1977 – 1981

Gerald Ford issued a modest Southern Strategy revival in the 1976 presidential election campaign. Ford calculated that Watergate had temporarily damaged the Republican Party's reputation among white voters too much to discount the importance of the African-American vote. Aware that he was unlikely to capture many African-American votes himself, the Ford campaign strategy was to limit further alienation of African-American voters and discourage anti-Ford feelings on Election Day.<sup>1</sup> The strategy was not much of a success and the African-American vote in the North and South provided the margin of victory for Jimmy Carter in 12 states.<sup>2</sup> In total Carter received 83% of the African-American vote. Carter also succeeded in winning back a sizeable proportion of the white vote -

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<sup>1</sup> Kenneth O'Reilly, *Nixon's Piano: Presidents and Racial Politics From Washington to Clinton* (New York: The Free Press, 1995). For a discussion of the Ford presidency, in addition to works cited, see Gerald R. Ford, *A Time to Heal: The Autobiography of Gerald R. Ford* (London: WH Allen, 1979); John R. Greene, *The Limits of Power: The Nixon and Ford Administrations* (Bloomington: Indiana University Press, 1992); \_\_\_\_\_, *The Presidency of Gerald R. Ford* (Kansas: University Press of Kansas, 1995); A. James Richey, *Conservatives in an Age of Change: The Nixon and Ford Administrations* (Washington DC: Brookings Institution, 1981).

<sup>2</sup> O'Reilly, *Nixon's Piano*, 336. See also John Dumbrell, *The Carter Presidency: A Re-evaluation* (Manchester: Manchester University Press, 1995), 88; Chuck Stone, "Black Political Power in the Carter Era", *Black Scholar* (January/February 1977): 6-15.

48% compared to Ford's 52%.<sup>3</sup> He has also won all the former Confederate territories except Virginia, as well as most of the Northeast. Carter's success in 1976, however, was far removed from the achievements of the Democratic Party during the New Deal era. Moreover, during his presidency, white support of the Democratic Party eroded further.<sup>4</sup> One of the principal reasons contributing to this was the issue of affirmative action, which was most potently symbolised during the Carter administration by *Regents of the University of California V. Bakke* (1978).<sup>5</sup>

Affirmative action, initially conceived by President John F. Kennedy to seek out minorities in hiring processes, subsequently developed into a wide-ranging initiative that can be broadly defined as encompassing policies that take positive steps to promote equality for specific groups. These include programs to increase minority hiring and admissions to universities, and economic and social aid for minorities.<sup>6</sup> According to the predominant racial ideology of the post-Civil Rights era, however, in the egalitarian society that had been established through the efforts of the Civil Rights movement, affirmative action, as well as undermining the age-

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<sup>3</sup> Ian Derbyshire, *Politics in the United States: From Carter to Reagan* (London: Chambers, 1987), 79.

<sup>4</sup> For a discussion of the Carter presidency, in addition to works cited, see Peter G. Bourne, *Jimmy Carter: A Comprehensive Biography From Plains to Post Presidency* (New York: Scribner, 1997); Jimmy Carter, *Keeping Faith: Memoirs of a President* (New York: Bantam Books, 1982); Betty Glad, *Jimmy Carter: In Search of the Great White House* (New York: Norton, 1980); Charles O. Jones, *The Trusteeship Presidency: Jimmy Carter and the United States Congress* (Baton Rouge: Louisiana State University Press, 1988); Burton I. Kaufman, *The Presidency of James Earl Carter Jr.* (Kansas: University Press of Kansas, 1993).

<sup>5</sup> Allan Bakke, having twice been denied admittance to the Davis medical school at the University of California, challenged a special minority admissions program that accepted students with lower test scores and lesser qualifications than his own. Carter's response to the Bakke case, in which he affirmed his belief in affirmative action, but denounced racial quotas as unconstitutional, proved unsatisfactory to the large number of whites who opposed affirmative action.

<sup>6</sup> Although affirmative action is traditionally perceived as programs to increase minority hiring and admissions to universities, Howard Schuman made the observation that economic and social aid are legitimate affirmative action issues. Charlotte Steeh and Maria Kryson, "Affirmative Action and the Public 1970-1993", *Public Opinion Quarterly* 60 (1996): 128-158.

old American value of individualism, was unnecessary and/or unjust. Affirmative action as such became increasingly perceived as preferential treatment, which resulted in reverse discrimination against whites.<sup>7</sup>

Hostility towards perceived preferential treatment naturally intensified during periods of economic recession. The American economy had been in decline since the early 1970s, and as the decade progressed and stagflation took hold, Americans had to deal with the dilapidating effects of de-industrialisation and rising unemployment.<sup>8</sup> In such an environment, a significant proportion of white Americans grew increasingly hostile to government efforts aimed at aiding specific groups, such as African Americans.

White hostility towards affirmative action was not only a reaction to the growing economic hardship they faced, it was also predicated on the belief that African Americans had received all reasonable demands for equality. This was symbolised by the growth of the black middle-class. For many whites, the growth of the black middle-class seemed to belie the need for any further government aid to African Americans: race was no longer a barrier to social progress. Yet, while it

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<sup>7</sup> For a discussion of affirmative action see Lawrence Bobo, "Race and Beliefs about Affirmative Action" in David O. Sears, Jim Sidanius, Lawrence Bobo (eds.), *Racialized Politics: The Debate About Racism in America* (Chicago: University of Chicago Press, 2000); Steven M. Cahn, *The Affirmative Action Debate* (London: Routledge, 1995); Erwin Chemerinsky, "Making Sense of the Affirmative Action Debate" in John Highman (ed.), *Civil Rights and Social Wrongs: Black-White Relations Since World War II* (Pennsylvania: Pennsylvania State University Press, 1997); Lawrence H. Fuchs, "The Changing Meaning of Civil Rights, 1954-1994" in Highman (ed.), *Civil Rights and Social Wrongs*; Nathan Glazer, *Affirmative Discrimination: Ethnic Inequality and Public Policy* (Massachusetts: Harvard University Press, 1987); Samuel L. Myers (ed.), *Civil Rights and Race Relations in the Post Reagan-Bush Era* (London: Praeger, 1997); Steeh and Kryson, "Affirmative Action and the Public 1970-1993".

<sup>8</sup> For a discussion of the economic decline of the 1970s see Harry Magdoff and Paul M. Sweeny, *The End of Prosperity: The American Economy in the 1970s* (New York: Monthly Review Press, 1977); Howard J. Sherman, *Stagflation: A Radical Theory of Unemployment and Inflation* (London: Harper and Row, 1976).

was true that African Americans had made significant advances in terms of levels of education, occupational status and income they still lagged behind whites.<sup>9</sup> Furthermore, despite the emergence of a new black-middle class, the proportion of African Americans living in poverty had only declined one percentage point, from 34% in 1970 to 33% in 1979.<sup>10</sup> Yet, in the same way that many whites believed that the black middle-class was proof that race was no longer a barrier to socio-economic progress, many whites perceived that the problem of the black urban poor was not attributable to race either. This belief was legitimised by the new theoretical models developed by social scientists to explain the black ‘underclass’, the most notable being William Julius Wilson’s *The Declining Significance of Race*.<sup>11</sup> Other theorists, such as Charles Murray, blamed Great Society legislation itself for the persistence of poverty, insisting that it had created a culture of dependency.<sup>12</sup>

Arguments against affirmative action were for the most part race-neutral as opposed to evidence of widespread racism.<sup>13</sup> Yet, whether arguments against and

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<sup>9</sup> For a discussion of the black middle-class see Andrew Hacker, *Two Nations: Black and White, Separate, Hostile and Unequal* (New York: Ballantine Books, 1992); Bart Landry, *The New Black Middle-Class* (Los Angeles: University of California Press, 1987); Manning Marable, *Race, Reform and Rebellion: The Second Reconstruction in Black America, 1945-1990* (Mississippi: University of Mississippi Press, 1991); Alphonso Pinkney, *The Myth of Black Progress* (Cambridge: Cambridge University Press, 1994).

<sup>10</sup> Bob Blauner, *Black Lives, White Lives: Three Decades of Race Relations in America* (California: University of California Press, 1989), 168.

<sup>11</sup> William Julius Wilson in *The Declining Significance of Race: Blacks and Changing Institutions* (Chicago: Chicago University Press, 1978) argues that the problems of subordination for certain sections of the African-American population and experiences of social advancement for others are more directly associated with economic class than race.

<sup>12</sup> Charles Murray, *Losing Ground: American Social Policy 1950-1980* (New York: Basic Books, 1984).

<sup>13</sup> Along with defying the value of individualism and giving preference to one group over another, opposition to affirmative action was also made on the grounds that it resulted in feelings of victimisation and undeserved achievement.

opposition to affirmative action were race-neutral or not, the results were inimical to black needs.<sup>14</sup> Moreover, affirmative action was not an aracial issue, particularly politically. Affirmative action - especially when presented as preferential treatment - was a major tool with which to win white votes. Like law and order, preferential treatment tapped into conscious and unconscious racial feelings among a significant proportion of white voters. Along with the economy and the Iranian hostage crisis, one of the major reasons behind Carter's defeat in 1980 was Ronald Reagan's successful appeal to white voters on the issue of affirmative action.<sup>15</sup> As Kenneth O'Reilly put it: "Carter never quite understood that Allan Bakke was speaking for Nixon's silent and forgotten majority."<sup>16</sup> For a significant proportion of white voters, Reagan was the man who would restore stability and prosperity and would put an end to policies that favoured certain groups over other groups and individuals. When Reagan spoke of ' . . . getting the government off the back of Americans', for a significant number of voters, this meant an end to busing, quotas and expensive social spending.<sup>17</sup>

This chapter, through the method of discourse analysis, will examine Carter's discourse in relation to affirmative action. It will demonstrate that throughout his presidency, Carter clearly established his support of the policy.

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<sup>14</sup> Michael Omi and Howard Winant regard the assault on affirmative action - especially the stress on an egalitarian and colour-blind society - as part of the rearticulation of racism in the post-Civil Rights era. Michael Omi and Howard Winant, *Racial Formation in the United States: From the 1960s to the 1990s* (New York: Routledge, 1994).

<sup>15</sup> Dan T. Carter, *From George Wallace to Newt Gingrich: Race in the Conservative Counterrevolution. 1963-1994* (Baton Rouge: Louisiana State University Press, 1996); O'Reilly, *Nixon's Piano*; Fred Siegel, "Race: The Missing Issue of 1980", *Dissent* 29.4 (1982): 479-483.

<sup>16</sup> O'Reilly, *Nixon's Piano*, 345.

<sup>17</sup> Siegel, "The Missing Issue of 1980", 482-483. See also Carter, *From George Wallace to Newt Gingrich*; O'Reilly, *Nixon's Piano*.

Carter maintained that racial inequality remained a serious problem, despite the advances that had been made since the Civil Rights era, consequently measures such as affirmative action programs were an important aspect in his administration. In expressing his support of affirmative action, Carter aligned himself with African-American (and other minority) voters and presented the Democratic Party as the party for African Americans. This was further affirmed by the presentation of the Republican Party as anti-black. Norman Fairclough has asserted that the struggle for political power is essentially a power struggle over possession of the dominant language.<sup>18</sup> In the case of Carter, his discourse in relation to affirmative action proved to be out of touch with a significant proportion of white American voters who interpreted affirmative action as preferential treatment. This chapter will illustrate this through an analysis of public discourse surrounding the Miami riot, 1980.

Carter's support of affirmative action is expressed in his *Remarks in an Interview with the National Black Network Question and Answer Session with Representatives of the Network, July 18, 1977*.<sup>19</sup> In response to queries regarding his position on the *Bakke* case, Carter declares that affirmative action programs prevent discrimination and he confirms that his administration will continue to support the policy and resist challenges to affirmative action programs in light of the *Bakke* case. Carter states: "I have a had a discussion with both the Secretary of

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<sup>18</sup> Norman Fairclough, *New Labour, New Language* (London: Routledge, 2000); \_\_\_\_\_, *Language and Power* (Essex: Longman, 2001).

<sup>19</sup> "Remarks in an Interview with the National Black Network Question and Answer Session with Representatives of the Network, July 18, 1977" *Public Papers of the President of the United States: 1977*.

HEW, Mr. Califano, and the Attorney General about this case. And I think we will prevent a reversion to the previous discrimination that did exist.” Carter, however, is careful to express his support of affirmative action in education whilst at the same time acknowledging the importance of meritocracy. Carter stresses: “. . . at the same time, we want to respect the need for an adequate level of education for minority groups in our country.” In doing this Carter is tapping into feelings of opposition towards affirmative action by those who felt that it undermined meritocracy. This conciliatory sentiment is repeated when Carter reiterates his administration’s position regarding affirmative action. Carter’s ultimate concern, however, is that affirmative action and the discrimination it prevents is not reversed by the *Bakke* case. Carter affirms:

I think that it is accurate to say that I, the Vice President, the Secretary of HEW, and the Attorney General are all committed to making sure that these concerns that I have just outlined to you are met and that the discrimination that has been a part of our national life in the past is ended.

Carter’s message is clear: affirmative action tackles discrimination, and it is a policy to which his administration is committed.

The importance of meritocracy is repeated in *The President’s News Conference of July 28, 1977*.<sup>20</sup> While Carter expresses his aversion to the principle of quotas, once again he ultimately endorses affirmative action programs, which he asserts address both past and present discrimination. Carter declares:

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<sup>20</sup> “The President’s News Conference of July 28, 1977” *Public Papers of the President of the United States: 1977*.

I hate to endorse the proposition of quotas from minority groups, for women, or for anyone else, that contravenes the concept of merit selection. However, I think it is appropriate for both private employers, for public governments, and also institutions of education, health, and so forth, to try to compensate as well as possible for past discrimination, and also to take into consideration the fact that many tests that are used to screen applicants quite often are inadvertently biased against those whose environment and whose training might be different from white majority representatives of our society.

While Carter acknowledges the complexity of the issue, ultimately he stands firm on affirmative action, insisting that without it, discrimination will persist. Carter states:

It's not an easy question for the courts to answer, or the Congress. It's not an easy question for me as President to answer, either. I just want to be sure that if we do make a mistake in this carefully balanced approach, that the mistake might be to end discrimination and not the other way around.

Carter's belief in the necessity of affirmative action as a means to tackle discrimination and inequality is again expressed in his *Remarks in an Interview for 'Black Perspective News' April 5, 1978*.<sup>21</sup> Here Carter declares his support for the Supreme Court decision in the *Bakke* case, which upheld the policy of affirmative action, but that declared racial quotas were unconstitutional. Moreover, Carter denies that the *Bakke* decision was further evidence of African Americans receiving preferential treatment and of discrimination against whites. Carter asserts:

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<sup>21</sup> "Remarks in an Interview for 'Black Perspective News' April 5, 1978" *Public Papers of the President of the United States: 1978*.

No, I do not. I think the position that we took in the *Bakke* case, I think the position that we've taken in orienting Federal procurement contracts for public works, public service job programs, the reorganization that's coming forward in the equal employment opportunity area in Government, is going to be of great benefit to blacks and other minority groups in the future. And I don't think we've done too much at all.

Carter defends the policy by not only claiming it to be of benefit to African Americans but also by stressing the necessity of it, by emphasising the disparity that continued to exist between minority groups and whites. Carter states:

When you look at the statistics, although we have made progress, as I pointed out before, we still have a very embarrassing disparity in income, job opportunities, unemployment rates, focused with its adverse effects among minority citizens.

Here Carter is echoing the argument that racial inequality was a continuing problem in 1970s America requiring government action. Furthermore, Carter seeks to present his opinion on the issue of continued racial inequality and the benefits of affirmative action as reflective of the opinion of the majority of Americans, particularly southerners. Carter states:

Most Americans, particularly myself as a southerner, can still see the very difficult circumstances under which minority families live on average – there are obvious exceptions both ways – because of past legal discrimination, plus the illegal discrimination that still exists in some areas. That's why, under civil service reform, under equal employment opportunity program reform, we're trying to root out those last vestiges of discrimination in government and set a pattern for the private sector.

Thus, in making this statement, Carter is not only aligning himself with African-American voters, but he is also seeking to align himself with white voters.

For the most part, however, in his discourse in relation to affirmative action Carter aligns himself and the Democratic Party with African Americans. This allegiance is overtly expressed in *The President's News Conference of April 11, 1978*.<sup>22</sup> Here Carter presents himself as the protector of African Americans and the representative of the plight that they continue to face in American society. Carter proclaims:

I think it's incumbent on a President to speak for the Nation and particularly to speak for those citizens of our Nation who are deprived, who are needy, who are poor, who are non-influential, who are inarticulate, and who suffer because of the past discriminations that have fallen upon black people and other minority groups, and who still have their own families devastated by poverty and unemployment out of all proportion to their percentage of the national population.

Having declared his duty as representative and protector of minorities, Carter details his administration's achievements in relation to aiding minorities and declares his intention, in conjunction with other agents, of continuing to seek racial equality. Carter perceives the task of ensuring racial equality as a personal responsibility and one to which he is truly committed. He stresses that, despite the advances that have been made more needs to be done. Carter asserts:

My own belief is that minority groups have prospered in this country in the last 10 years, compared to their previous circumstances. But

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<sup>22</sup> "The President's News Conference of April 11, 1978" *Public Papers of the President of the United States: 1978*.

they have a long way to go, and I feel responsible to make sure that they go that long way toward equality of opportunity in our country.

In acknowledging the progress achieved thus far by African Americans, whilst at the same time emphasising the continuing disparity, Carter sets himself apart from those who argue that too much has already been done.

Carter's allegiance to African Americans and support of affirmative action is also expressed in his *Interview with the President and a Question and Answer Session with a Group of Editors and News Directors, June 30, 1978*.<sup>23</sup> Here Carter expresses his support for the *Bakke* decision, which upheld affirmative action. Once again, Carter presents affirmative action as a policy that tackles past and present discrimination. Carter is also keen to stress that the *Bakke* decision and his position in respect of it were in tune with the desires of the Black Caucus. Carter states:

I think it's accurate to say that the Supreme Court decision on the *Bakke* case was compatible with the desires of the Black Caucus members and others before the Attorney General presented the brief from the Justice Department. And I read the brief and approved it personally. It called for a continuation of the affirmative action option to alleviate racial discrimination, either presently extant or the apparent results of historical discrimination.

In stressing his consultation with the Black Caucus in respect of the *Bakke* decision Carter is aligning himself and his position in relation to affirmative action with African Americans. Carter proceeds to detail his administration's commitment to

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<sup>23</sup> "Interview with the President and a Question and Answer Session with a Group of Editors and News Directors, June 30, 1978" *Public Papers of the President of the United States: 1978*.

affirmative action and presents the *Bakke* decision as symbolic of his administration's position in respect of affirmative action. Carter affirms:

So, we have a continuing effort to make sure that the affirmative action program goes on in Government. And I would say that the *Bakke* decision confirms our stand and leaves adequate option in the future, not only in the university system but in all levels of American life, for affirmative action to be implemented and racial discrimination to be reduced.

Carter again expresses his support of affirmative action in *Memorandum from the President, July 20, 1978*.<sup>24</sup> Here Carter perceives the *Bakke* decision as legitimising his administration's policy on affirmative action. Carter states:

That historic decision indicates that properly tailored affirmative action plans, which provide minorities with increased access to federal programs and jobs and which are fair to all Americans, are consistent with the Civil Rights Act of 1964 and with the Constitution.

Carter affirms the message of the decision that affirmative action programs *per se* do not discriminate against whites (although, quotas were declared unconstitutional). Carter proceeds to emphasise his commitment to affirmative action and urges that this commitment is borne out by publicised action. Carter declares:

I want to make certain that, in the aftermath of *Bakke*, you continue to develop, implement and enforce vigorously affirmative action programs. . . . I also want to make certain that the Administration's

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<sup>24</sup> "Memorandum from the President, July 20, 1978" *Public Papers of the President of the United States: 1978*.

strong commitment to equal opportunity and affirmative action is recognized and understood by all Americans.

In his *Interview with the President – Remarks and a Question and Answer Session with Editors and News Directors, May 11, 1979*, Carter affirms his belief that the gains achieved by African Americans since the Civil Rights movement were not being reversed and that his administration is committed to ensuring the continuing progressive trend.<sup>25</sup> Carter stresses:

On the trend in black and other minority rights, I think the trends are still in the right direction. I think we are now in a posture of consolidating the gains that have been made legally in guaranteeing equality of treatment, equality of right of voting, employment, access to public funds. My own administration's been heavily committed to this proposition, to continue progress in a sustained fashion.

In making this statement, Carter is not only acknowledging the backlash against the gains achieved during and since the Civil Rights era, he is also aligning himself in opposition to those who seek to halt the gains made.

Throughout his presidency Carter's discourse clearly established his support of affirmative action and integral to this, presented the Democratic Party as the party for African Americans. In addition, Carter also presented the Republican Party as anti-black. Carter's presentation of the Democratic Party and the Republican Party as polar opposites are seen in his *Remarks at the Democratic Congressional Campaign Committee Victory Luncheon, August 14, 1980*.<sup>26</sup> The

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<sup>25</sup> "Interview with the President – Remarks and a Question and Answer Session with Editors and News Directors, May 11, 1979" *Public Papers of the President of the United States: 1979*.

<sup>26</sup> "Remarks at the Democratic Congressional Campaign Committee Victory Luncheon, August 14, 1980" *Public Papers of the President of the United States: 1980*.

Republican Party is portrayed as being out of touch with the American people. Carter states: “It’s important for everyone in this room, including myself, to make sure that the Nation knows what the Republicans stand for, or at least we’re going to make them admit that they don’t stand for much of anything that’s valuable to the American people.” In presenting the Republican Party as out of touch with Americans, Carter is implying that the Democrats are in tune with Americans’ needs and desires.

In depicting the Democratic and Republican parties as polar opposites, in his *Remarks Accepting the Presidential Nomination at the 1980 Democratic National Convention, August 14, 1980*, Carter specifically presents them as being at complete odds in respect of the racial issues.<sup>27</sup> Carter states: “In their fantasy America, inner-city people . . . do not exist.” Carter’s message is that unlike the Republican Party, the Democratic Party are aware of the problems faced by urban African Americans. Carter proceeds to declare his intention of tackling the problem of racial inequality and the continued marginalisation of African Americans. Carter proclaims: “And I want minority citizens to join the mainstream of America. I want from the bottom of my heart to remove the blight of racial discrimination from the face of our land and I’m determined to do it.” In doing this Carter is aligning himself with African-American voters, and presenting the Democratic Party as the party for African Americans.

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<sup>27</sup> “Remarks Accepting the Presidential Nomination at the 1980 Democratic National Convention, August 14, 1980” *Public Papers of the President of the United States: 1980*.

In his *Informal Exchange with Reporters Following a Meeting with Black Delegates to the Democratic National Convention, August 15, 1980*, Carter perceives the partisan differences, particularly in respect of the issue of race, as so wide that the future for African Americans is at stake in the 1980 presidential election.<sup>28</sup> Carter declares:

And regardless of whether these delegates here supported Senator Kennedy or me – and they were fairly well divided – we are absolutely united in making sure the Democratic Party wins in the fall, because I think the future of this country, particularly for minority Americans and their rights, is at stake.

Similarly, in his *Remarks at a Meeting of the Democratic National Committee, August 15, 1980*, Carter stresses the sharp distinction between himself and his Republican opponent, Reagan, and the diverse effects that would befall the country in the realm of race, depending on the outcome of the election.<sup>29</sup> Carter warns:

. . . there is a sharp, maybe an unprecedented difference between the Democratic Party of today and the Republican Party of today – and the Democratic candidate of today and the Republican candidate of today. With a possible exception of Goldwater versus Johnson, there has never been a sharper distinction about what this election can mean.

In all of this Carter is aligning himself and his party with African American voters.

Carter states:

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<sup>28</sup> “Informal Exchange with Reporters Following a Meeting with Black Delegates to the Democratic National Convention, August 15, 1980” *Public Papers of the President of the United States: 1980*.

<sup>29</sup> “Remarks at a Meeting of the Democratic National Committee, August 15, 1980” *Public Papers of the President of the United States: 1980*.

One of the most remarkable characteristics of my own campaign in 1976 and again in the primary season this year and, I think I'll predict, in the coming weeks of the general election, has been that we've had two or three secret weapons. One was the intense outpouring and commitment of the minority citizens of our country for me and for Fritz Mondale as expressed this morning by a collection of Kennedy and Carter delegates, now all Carter delegates, with whom I met to represent black America.

An analysis of Carter's discourse illustrates that throughout his presidency Carter expressed his support for affirmative action. Carter maintained that racial inequality continued to blight the lives of African Americans, and without affirmative action programs past and present discrimination would persist. In doing this, Carter aligned himself with African American voters, and he presented the Democratic Party as the party for African Americans. Carter's affirmative action discourse, however, was at odds with those who felt that government intervention to aid African Americans had gone too far; that the legislation of the Civil Rights era had done enough. It was at odds with those who felt that continued government intervention, particularly affirmative action programs, was now discriminating against whites and in effect awarding African Americans preferential treatment. For these Americans, it was the Republican Party – the party which Carter's discourse identified as anti-black - and Reagan's discourse which held the appeal. An analysis of African-American and white discourse surrounding the Miami riot, 1980, demonstrates the ways in which Carter's affirmative action discourse, while in touch with the majority of African Americans, was out of synch with a significant proportion of whites.

## 4.2 The Miami Riot, 1980

The eruption of the city of Miami in May 1980 was the first major outbreak of urban racial unrest since the late 1960s. The three days of rioting left 18 dead, hundreds injured, and property damage to business totaled approximately \$80 million.<sup>30</sup> The riot was triggered by the acquittal of four police officers in the killing of an African-American motorist. Like the riots of the 1960s, this event was merely the spark that ignited an explosive city. The riot demonstrated that African Americans in Miami were suffering from racial inequality in much the same way as urban African Americans had in the 1960s. Although the Miami riot was a clear indication that the problem of urban America had not been solved, an analysis of public discourse surrounding the riot demonstrates that Carter's discourse in relation to affirmative action was out of touch with a significant proportion of whites. While a considerable degree of sympathy was expressed by whites for Arthur McDuffie and to a certain extent towards the rioters, the general feeling of whites was one of horror. Moreover, there was a considerable degree of hostility to what was regarded as the Carter administration's bowing to unwarranted black demands in light of the riot, in effect awarding African Americans preferential treatment as a response to violence.

McDuffie, a 33-year-old insurance agent, died from head injuries sustained following a police chase on December 17, 1979.<sup>31</sup> McDuffie had been beaten by

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<sup>30</sup> Bruce Porter and Marvin Dunn, *The Miami Riot of 1980: Crossing the Bounds* (Massachusetts: D.C. Heath & Co., 1984), 130.

<sup>31</sup> According to police the chase began after Arthur McDuffie slowed down as he approached a red light on North Miami Avenue at 1.15am, but failed to stop. McDuffie allegedly pulled a 'wheelie' on his motorcycle and made an obscene gesture at sergeant Ira Diggs before speeding away. The

Dade County Public Safety Department (PSD) officers with batons and 18-inch flashlights - a beating that had been awarded a 'score' of 29 on a 30-point 'brutality scale'.<sup>32</sup> Despite an attempt to make it appear that McDuffie had sustained his injuries having lost control of his motorcycle - which included driving a patrol car over the motorcycle - following an investigation by Internal Review and the confession of one of the officers, Charles Veverka, four officers were eventually charged and prosecuted in connection with McDuffie's death.<sup>33</sup> Officer Alex Marrero was charged with second-degree murder, sergeant Ira Diggs and officer Michael Watts were charged with manslaughter and tampering with evidence, and sergeant Herbert Evans charged with tampering with evidence and leading a cover up. Veverka, Mark Mier and William Hanlon received immunity from prosecution in return for testimony.<sup>34</sup> On May 17, after less than three hours of deliberation, an all-white, Tampa jury delivered its verdict.<sup>35</sup> Marrero was found not guilty of

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chase ended when McDuffie stopped his motorcycle at the corner of North Miami Avenue and 38<sup>th</sup> Street. Paradoxically police contended that McDuffie had instigated the chase because he was concerned about being caught driving while his license had been revoked. Police files made public under a court order showed that prior to the McDuffie incident, citizens had filed 152 misconduct complaints against 10 officers implicated in McDuffie's death. Alex Marrero, Ira Diggs, Michael Watts, William Hanlon and Herbert Evans were among 200 officers whose records showed a high number of complaints, internal investigations or use of force reports.

<sup>32</sup> Claudia Wright, "Death in Miami", *New Statesman*, May 30, 1980, 808.

<sup>33</sup> Inconsistencies in the use of force reports filed on the incident (this was standard procedure) alerted suspicions in Commissioner Dale Bowlin. The County medical examiner, Dr. Ronald Wright, was also dissatisfied with the accident story and together with Bowlin's boss, Major Willie Morrison and the department's Internal Review section, began further investigations into the incident. On December 18, having spoken to City of Miami officers who had been at the scene, they became convinced that McDuffie's injuries had been caused by beatings and Internal Review notified the state attorney. Veverka's confession on December 26 provided additional evidence.

<sup>34</sup> Due to information provided by Veverka and Mier and also statements made by Hanlon, charges against Marrero were increased from manslaughter to second-degree murder. Felony charges against Hanlon - manslaughter and tampering with evidence - were dropped on March 28 by the trial judge due to a lack of evidence. Following this the prosecution agreed to drop other lesser charges in return for testimony.

<sup>35</sup> The trial was moved from Miami to Tampa following a motion filed by the defence that argued that the defendants would not get a fair trial in Miami. African Americans were angered by this move and also by the prosecution's use of peremptory challenges that kept African Americans off the jury.

second-degree murder, Watts found not guilty of manslaughter and both Evans and Diggs were found not guilty of tampering with evidence. The acquittal of the four Miami police officers served to unleash long-held and deeply felt feelings of anger and resentment amongst Miami's black population. Trouble began to erupt within hours of the verdict in Liberty City in northwest Dade County and continued virtually unabated for three days.<sup>36</sup>

Like the riots of the 1960s, the Miami riot was precipitated by an incident involving a case of police brutality. Unlike in earlier riots, however, it was the verdict in the case of alleged brutality, five months after the incident, which incited the riot in Miami.<sup>37</sup> African Americans in Miami had held a certain belief in the Criminal Justice System (CJS), even if it was simply that it could not ignore or condone such a blatant act of police brutality. This 'delayed reaction' was a reflection of the changes that had occurred in racial issues since the Civil Rights movement: acts of overt racism were no longer 'permitted'. As in the 1960s riots, however, this precipitating incident was not an abstract occurrence. For many African Americans in Miami, the beating of McDuffie and the acquittal of those responsible were symbolic of the poor relationship between themselves and the police and CJS.<sup>38</sup> Thus the rioters in Miami were reacting not only to the McDuffie

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<sup>36</sup> There were outbreaks of rioting in other parts of Miami, but the worst was in Liberty City.

<sup>37</sup> Porter and Dunn, *The Miami Riot of 1980*.

<sup>38</sup> The relationship between African Americans and police in Miami, and the problem of racism within the Miami police force was indicative of the situation across much of America. See John Hagan and Ruth D. Peterson (eds.), *Crime and Inequality* (California: Stanford University Press, 1995); Charles J. Ogletree Jr. *et al*; Criminal Justice Institute at Harvard Law School for the National Association for the Advancement of Colored People, *Beyond Rodney King: An Investigation of Police Conduct in Minority Communities* (Boston: Northeastern University Press, 1995); United States Commission on Civil Rights, *Who is Guarding the Guardians? A Report on Police Practices* (Washington D.C.: United States Commission on Civil Rights, 1981); Samuel Walker, Cassia Spohn and Miriam Delone, *Race, Ethnicity and Crime in America* (California: Wadsworth, 2000).

case, but also towards a history of racial injustice that the McDuffie case represented. As sociologists Bruce Porter and Marvin Dunn pointed out: “Deep down, the crowds do not react to what the police are doing in the current situation as much as they react to what the police have done in the past - to what they ‘always’ do in a given set of circumstances.”<sup>39</sup>

The McDuffie incident was in fact the fifth high-profile case involving African Americans and the Miami CJS in the 15 months prior to the riot. The first case involved a wrongly targeted drug raid on the house of Junior High School teacher, Nathaniel LaFleur, in February 1979. During the raid both LaFleur and his son were allegedly racially insulted and beaten by police officers and then wrongly arrested on charges of resisting arrest, obstructing police officers and battery of a police officer. In September 1979, an off-duty Hialeah police officer shot dead 22-year-old Randy Newman in the back after he had pulled his car over in a warehouse district to urinate. Officer Larry Shokley claimed that his gun went off accidentally and a grand jury cited him for negligence in mishandling his weapon but found no evidence of criminal wrongdoing. In January 1979, an 11-year-old African-American schoolgirl was abducted by Florida Highway Patrol officer, Willie Jones, and sexually assaulted. Jones resigned from his post and was arrested and charged with lewd and lascivious assault on a child. In an attempt to keep the incident quiet both by the victim’s family and Jones’ lawyer, however, an arrangement was made with the District Attorney’s office whereby Jones agreed to undergo psychological counselling and would pay for counselling for the victim. Less than four months

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<sup>39</sup> Porter and Dunn, *The Miami Riot of 1980*, 39.

after the trial, however, Jones was pronounced to be no longer in need of counselling. He also became delinquent in payments for the counselling of the victim and because of this the family went public with the case. African Americans were horrified that the state attorney's office had allowed such an arrangement. Due to the high publicity and public outrage the case was reopened and in July 1980, Jones was indicted by a federal grand jury of illegally arresting and sexually abusing the girl, thereby infringing her civil rights. However, Jones left the county before he could be arrested. The final case involved Dr. Johnny L. Jones, Dade's first black public school superintendent. To many African Americans in Miami, Jones represented the ultimate in black success stories. In February 1980 he was charged with attempting to steal nearly \$9,000 in gold plated plumbing fixtures. Jones vehemently denied the charges and many of his supporters in the black community were convinced that a special effort was being made to destroy him because of his race. On April 30, less than three weeks before the McDuffie verdict, an all-white jury convicted him of second-degree grand theft and he received a three-year sentence. All of these cases reinforced widely held beliefs that African Americans would never get a fair deal from the CJS.<sup>40</sup>

The report by the Dade County Citizens Committee, appointed by Governor Bob Graham to establish the causes of the Miami riot, found that a fundamental cause of the rioting was the perception held by African Americans that racism pervaded the CJS. According to the report, 77% of African Americans felt that the

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<sup>40</sup> For a fuller discussion of these cases see Marvin Dunn, *Black Miami in the Twentieth Century* (Florida: Florida University Press, 1997), Chapter 7. The Wille Jones, Lafleurs and Heath cases are also discussed in Daryl B. Harris, *The Logic of Black Urban Rebellions: Challenging the Dynamics of White Domination in Miami* (Connecticut: Praeger, 1999), Chapter 4.

office of States Attorney Janet Reno was biased against them. Eighty-eight percent believed that it was almost impossible for a black person to get a fair trial in Dade County, and 85% believed that a white person could do almost anything to a black person and get away with it.<sup>41</sup> While Reno was not accused of racism herself, the committee criticised her for running her office “. . . in such a way as to support the black community’s perception of the office as racist.”<sup>42</sup> While the committee reported that it was a perception of racism that was the problem - a perception presumably generated by the cases highlighted - rather than the actual existence of racism, this had little effect on the outcome. As Robert Simms, the Executive Director of the Dade County Community Relations Board stated in hearings before the United States Commission on Civil Rights (USCCR): “It is perceived that there is unequal treatment of enforcement in the black community. . . . Whether this be true or not does not necessarily matter. It is perceived to be that way. Therefore, for the perceiver, I suspect that is the truth.”<sup>43</sup>

The Citizens Committee also found that African Americans perceived the police Internal Review structure as geared toward protecting officers and also that efforts to overcome racism in the Miami Police Department (MPD) and PSD were totally inadequate. The committee reported that 77% of African Americans believed that police used unnecessary force in making arrests in black neighbourhoods. Seventy-two percent felt that police stopped and searched cars or homes in black

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<sup>41</sup> Harris, *The Logic of Black Urban Rebellions*, 73.

<sup>42</sup> Quoted in “Miami Panel Lists Perceptions of Racism Among Causes of May Riot”, *New York Times*, November 30, 1980, 43.

<sup>43</sup> United States Commission on Civil Rights, *Confronting Racial Isolation in Miami* (Washington D.C.: United States Commission on Civil Rights, 1982), 226. Hereafter cited as USCCR.

neighbourhoods for no good reason, and 78% felt that police roused, frisked or searched blacks without good reason.<sup>44</sup> A number of African-American police officers in county and city forces had filed discrimination suits in federal court and at the time of the riot the departments were engaged in an effort to increase the number of African-American officers in both city and county departments. Both had failed to achieve their aims, however. In 1973 in an out-of-court settlement PSD agreed to bring the number of black officers to within 70% of their proportionate levels in the countywide population, that is, to 10.5%. By 1980, African-American officers accounted for only 7% of officers. Also they remained significantly under-represented in upper ranks. The same was true of the MPD. By 1980, the number of African-American officers stood at 13%, yet, African Americans made up 25% of the civilian population.<sup>45</sup>

Like the urban riots of the 1960s, the precipitating incident to the Miami riot was the catalyst that set-off a host of underlying issues. Along with the existence of racism in the police and CJS, as in the riots of the 1960s, a major underlying cause of the riot in Miami was socio-economic deprivation. There was an acute racial disparity in unemployment levels in Miami. In 1960 unemployment among African Americans was 7.1% compared to 5.6% for Dade County as a whole. By 1970 there was an overall improvement in employment levels, but the African-American unemployment rate was still 25% higher than the county as a whole.<sup>46</sup> This divergence continued and even increased throughout that decade. In 1979 the

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<sup>44</sup> Harris, *The Logic of Black Urban Rebellions*, 73.

<sup>45</sup> Porter and Dunn, *The Miami Riot of 1980*, 184-5.

<sup>46</sup> USCCR, 20.

national unemployment rate was 5.8%, slightly higher than in Dade County where it stood at 5%. In community development areas, however, where 73% of Dade's African-American population lived, the unemployment rate was 15.3%.<sup>47</sup> The racial gap in unemployment levels in Miami was indicative of a nationwide pattern. Throughout the 1970s the African-American unemployment rates remained consistently higher, and on average double, that of whites.<sup>48</sup>

Also reflecting patterns across the country, a significant proportion of African Americans in Miami generally only had access to low-paying jobs with little prospect for advancement. Approximately 44% of employed African Americans worked in unskilled or service industry jobs.<sup>49</sup> One of the reasons for this was because many young African Americans lacked the basic entry-level skills required for jobs. African-American job seekers found it increasingly difficult, for instance, to compete for jobs in the retail and service markets that catered for Miami's Spanish-speaking clientele. Miami's population had undergone a massive transformation since the 1960s due to the influx of Cuban – and later Haitian – refugees, which exacerbated the socio-economic problems of African Americans.<sup>50</sup> Lack of entry-level skills was, however, sometimes a veneer under which racial discrimination could operate, or racial imbalances be perpetuated. The USCCR reported that:

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<sup>47</sup> USCCR, 21.

<sup>48</sup> Hacker, *Two Nations*, 109.

<sup>49</sup> USCCR, 129. The nationwide figure in 1980 was slightly higher at 49.4%. Pinkney, *The Myth of Black Progress*, 90-91.

<sup>50</sup> For a discussion of Hispanic immigration to Miami see Alejandro Portes and Alex Stepick, *City on the Edge: The Transformation of Miami* (Berkeley: University of California Press, 1994); Dunn, *Black Miami*, Ch9; Raymond A. Mohl, "On The Edge: Blacks and Hispanics in Metropolitan Miami Since 1959", *Florida Historical Quarterly* 69.3 (1990): 37-56.

Among the litany of complaints that unemployed blacks did not possess the skills employees required, nowhere was there a sign of interest on the part of employers in providing the basic training needed by these unskilled youth. Stereotyping that holds black youth responsible for not possessing skills that have not been accessible to them is an indication of continuing institutional discrimination.<sup>51</sup>

Young African-American job seekers also faced overt discrimination by employers who often held stereotypical perceptions of blacks. This was certainly the perception of one witness who testified before the USCCR:

I've grown up and lived down here since 1949. . . . There [are] subtle, pervasive prejudicial kinds of things going on here. I think that an employer, given the choice between a white or Latino youngster and a black youngster with equal skills may tend to opt for one of the former rather than the latter, and I think that's a reality we have to face.<sup>52</sup>

Allegations of employment discrimination compelled the City of Miami to adopt race-conscious affirmative measures including goals and timetables to dismantle the discriminatory process that had excluded African-American workers. As a result, African-American employment did increase in the public sector. But, these gains did not reach upper and managerial levels of the municipal workforce and had not occurred to any substantial level in the private sector. The report stated:

As a result of past and present discriminatory practices, Dade County Blacks have been effectively excluded from the private job market. Discrimination in the job market is so firmly entrenched that unemployment in the black community is not limited to periods of

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<sup>51</sup> USCCR, 154. The USCCR was critical of the standard of education received by many of Dade County's African-American students. See USCCR, Chapter 2.

<sup>52</sup> Quoted in USCCR, 149.

economic recession but remains unrelieved even during periods of rapid economic growth.<sup>53</sup>

Barriers to full participation in the economic life of Dade County were not restricted to employment. There were also limited opportunities for independent black business people. As the USCCR found:

No data has been compiled to document the number of loan applications by potential black entrepreneurs whom commercial financial institutions and small business administrations have turned down. No one in Miami, however, disputes the fact that black entrepreneurs find it exceedingly difficult to get loans.<sup>54</sup>

As a result, the number of African-American entrepreneurs in Dade County - reflecting a nationwide pattern - was low and the businesses owned were generally small and struggling. The number of black businesses did increase by 40% between 1972 and 1977, but they employed 25% fewer people.<sup>55</sup> Eighty-two percent of black businesses in the County, in fact, were self-run.<sup>56</sup> According to the USCCR one of the principal reasons behind the difficulty African-American entrepreneurs often faced in securing loans was the general inability of African Americans to satisfy the three major commercial loan qualifications: collateral, equity in the business and track record.<sup>57</sup> The commission also concluded, however, that the personal racial prejudice of loan officers could also be a significant factor. The

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<sup>53</sup> USCCR, 125.

<sup>54</sup> USCCR, 82.

<sup>55</sup> USCCR, 81.

<sup>56</sup> Bruce Porter and Marvin Dunn, "A Year After the Miami Riot, Embers Still Glow", *New York Times*, May 17, 1981, 4.23.

<sup>57</sup> USCCR, 82-85.

USCCR stated: “Blacks often may be denied loans because bankers, being free to exercise subjective judgement, may act on personal biases that might have racial underpinnings.”<sup>58</sup>

High-levels of unemployment and low-level employment naturally affected the income of Dade County’s African-American population. In 1970 the average African-American family income stood at \$5,983 - 64.7% of the average family income in Dade County, which was \$9,245.<sup>59</sup> Throughout the decade the average income of African-American families had increased by 7% and gained closer parity with the county as a whole. By 1979, the average African-American family income was 68% of the average income of all families in the county. This ratio was significantly higher than the nationwide rate where the average African-American family income was 59% of the average income of all families. Most of the economic advances, however, were made by an emerging small black middle-class.<sup>60</sup> Poverty levels during the decade remained virtually unchanged and were on par with national levels. In 1979, 29.6% of African Americans in Dade County lived below the poverty level.<sup>61</sup>

One of the major effects of low income and low employment was poor quality and overcrowded housing. Housing conditions, which had always been worse for African Americans than whites in Miami, had deteriorated further

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<sup>58</sup> USCCR, 85. Such incidents could be where loan applications are denied based on the location of the business in a black area and the bank’s estimation of probability of safety and success.

<sup>59</sup> USCCR, 20.

<sup>60</sup> Dunn, *Black Miami*, 342-244.

<sup>61</sup> Dunn, *Black Miami*, 353.

between 1970 and 1980.<sup>62</sup> The report by the Citizens Committee stated of the general character of housing in the black community: “In most instances, both public and private housing . . . fall below the minimum standard of decency. Disrepair is pervasive; holes in walls and ceilings, broken plumbing, and vermin infestation are the rule rather than the exception.”<sup>63</sup> The report of the USCCR stated that such housing conditions “. . . engender apathy, hopelessness, frustration and anger.”<sup>64</sup> In fact, all of the socio-economic conditions endured by Miami’s black community contributed to such feelings, and it was these feelings that fuelled much of the rioting in Miami in 1980 and also informed the African-American response to the rioting. This is demonstrated through an analysis of African-American discourse surrounding the Miami riot.<sup>65</sup>

African-American discourse surrounding the Miami riot was varied, ranging from outright condemnation of the violence and complete support for what was regarded as a justifiable reaction to genuine grievances. The discourse of most African Americans, however, whether supportive of the rioting or not, revealed that

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<sup>62</sup> Urban renewal and highway construction had a devastating impact on African-American residential areas in Miami.

<sup>63</sup> Quoted in USCCR, 58.

<sup>64</sup> USCCR, 57.

<sup>65</sup> Another contributing factor were the feelings of exclusion from the political process in Miami. Many African Americans believed that they could do little to effect change on a political level due to the political structure in Miami. The elected government of Dade County consisted of a nine member Board of Commissioners and in the City of Miami, a five member Board of Commissioners. All commissioners were elected at large, that is, by all voters in the city or county. The political power of any group depended on the number of people in the population willing to give support to that group. At the time of the riot, African Americans had only managed to elect one African American to each Commission. One of the problems was that whites were over-represented on the voter role. Also black candidates, because they were elected at large, had to appeal to both Hispanic and white voters. This meant that they would soften their advocacy of black issues to increase their broad appeal. Many African Americans, especially poorer African Americans, perceived these candidates as having sold-out and as having been politically co-opted by the white establishment. Porter and Dunn, *The Miami Riot of 1980*, 186-188; Harris, *The Logic of Black Urban Rebellions*, Chapter 4.

racial injustice and socio-economic inequality remained a burden for urban African Americans in the post-Civil Rights era, thereby confirming the need for affirmative action programs by government.

Many African Americans in Miami - 41% - denounced the rioting in Miami as unjustified and a number protected the property being seized by rioters and looters.<sup>66</sup> African Americans were horrified by the events and regarded the violence as the senseless activity of thugs. As one African-American reporter for the *Miami Herald* stated: "The tragedy of McDuffie's death now is compounded by more violence and more deaths. . . . Looting and burning is a by-product - perpetuated by hoodlums, thugs and punks looking for excuses to rip off people. It must end. There's no justification for riots."<sup>67</sup> Such feelings were echoed by a number of African Americans in Liberty City. As one resident stated:

Most of the people out there were those little hoodlums. . . . They don't work and they don't understand the people who do work trying to make an honest buck. It's just those hoodlums - the ones who'll call you soul sister and be in your house tonight or mug you on the corner tomorrow.<sup>68</sup>

For these African Americans, the rioting was in no way a justified or legitimate reaction to the problems faced by African Americans in Miami.

Just as in the riots of the 1960s, however, on the whole Miami rioters were not a marginal, criminal element of the black community.<sup>69</sup> Even African

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<sup>66</sup> "Newsweek Poll: A Plurality of Blacks Says Miami Violence was Unjustified", *Miami Herald*, May 25, 1980, 25.

<sup>67</sup> Joe Oglesby, "Blacks Can't Cure Travesty With Rioting", *Miami Herald*, May 19, 1980, 1.

<sup>68</sup> Quoted in "There's a Little Demon Inside All of Us", *Miami Herald*, May 23, 1980, 21.

<sup>69</sup> Porter and Dunn, *The Miami Riot of 1980*.

Americans who would not normally participate in any form of violence took part in the riot. A 32-year-old lawyer who attended a NAACP rally outside the government buildings in Liberty City with his wife and 10-year-old son explained his involvement:

I remember being consumed by rage . . . and feeling that somehow I had to dramatize it. . . . Even though I was a public official in a sense, I didn't identify with anyone official at that time. All I identified with were my black brothers, and all I could think about was how the Criminal Justice System I had respected put its foot on my neck and face.<sup>70</sup>

According to a study by the Behavioural Science Research Institute (BSRI) commissioned by the *Miami Herald*, 26% of the riot-area residents participated in the riot.<sup>71</sup> A study of the Dade Miami Criminal Justice cases found that only 32% of those arrested had been arrested prior to the riot and only 24% had been convicted of a crime.<sup>72</sup> Furthermore, the study found that rioters and non-rioters were notably similar in terms of background and beliefs. Principally, riot participants and non-rioters were almost indistinguishable in their attitudes towards the police, the courts and local government. The survey found that, rather than anything else, age was the most important factor in determining riot participation. The mean age of rioters was 27.8, whilst the mean age of non-rioters was 38.1.<sup>73</sup>

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<sup>70</sup> Quoted in Miller and Oglesby, "Cops Freed in McDuffie Case", 32.

<sup>71</sup> Richard Morin, "Miami Rioters Don't Feel Justice Exists For Them, Poll Finds", *Washington Post*, June 22, 1980, A7.

<sup>72</sup> Porter and Dunn, *The Miami Riot of 1980*, 113.

<sup>73</sup> "Profile of a Rioter: Under 30, Male, Frustrated", *Washington Post*, June 22, 1980, A7. Although not expressed in the survey, it is reasonable to assume that sex was also a significant factor in determining riot participation.

Ultimately in fact, whether the rioting was, at least in some part, due to the activity of a criminal element, the actions of most of the rioters were spawned by genuine grievances, particularly concerning the CJS.<sup>74</sup> As one African American stated: “What you got here, you could call this the straw that broke the camel’s back. The natives are restless. Even the kids are out. There wasn’t no justice for the black people. They shoved everything down our throats. The fires are going to start in a few minutes.”<sup>75</sup> Another stated: “It was because of McDuffie . . . people just feel there was no justice for the black man.”<sup>76</sup> Many of Miami’s rioters felt that the McDuffie verdict was further evidence of the ineffectiveness or ineptitude of the criminal justice system to protect African Americans and as such violence was the only means of obtaining justice. As one riot participant stated: “Let it be an eye for an eye and a tooth for a tooth. . . . When we try it their way, look what they do to us.”<sup>77</sup> Another claimed: “The only way to get the message across is to set this town on fire. We’ve made enough violence . . . but that is the only way to get our point across.”<sup>78</sup> There was a growing feeling amongst the rioters that African Americans were not being protected by the law and as such to work within the law was futile.

A letter to the *Los Angeles Times* expressed a similar view:

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<sup>74</sup> The majority of those arrested during the riot were treated leniently by the police and courts. Only 13.5% of the 997 cases that actually went through the system received a sentence of any kind. Usually, 32% of defendants receive a sentence. Porter and Dunn argue the actions of the courts seemed to be saying that the rioters had considerable justification for what they did and should not be too severely punished. Porter and Dunn, *The Miami Riot of 1980*, 155-6. What it also appears to illustrate, conversely, is quite a liberal attitude by the CJS.

<sup>75</sup> Quoted in William R. Amlang, “Angry Blacks, Police Clash; 4 Die in Night of Violence”, *Miami Herald*, May 18, 1980, 33.

<sup>76</sup> Quoted in Nathaniel Sheppard Jr., “Miami’s Blacks Have ‘Nothing to Lose’”, *New York Times*, May 23, 1980, B4.

<sup>77</sup> Quoted in Amlang, “Random Acts of Revenge”, 1.

<sup>78</sup> Quoted in Margot Hornblower, “Miami Violence Abates But Blacks Simmer”, *Washington Post*, May 20, 1980, A1.

Often a nightmare awakens the sleeper. One can only hope that the reality of Miami set afire will help awaken America. Either because of inability or inclination, however, white America tends to be slow in understanding the boomeranging implications of its racism. . . . For a very long time now - from the illusionary promise of 40 acres and a mule - white America has relied on black people's faith and hope in the law to curtail acts of anomie and revolt. But despite the Brown decision in 1954 and the Civil Rights acts of 1964 and 1968, even despite the 13<sup>th</sup> and 14<sup>th</sup> amendments, the law of Afro-America remains largely a matter of unrequited rights. If the law continues to fail in providing fundamental fairness and substantial justice to blacks, and continues to fail in removing the racial element from suffering, then will blacks continue to rely of the hope of the law without the help of the law? Perhaps many will, but some will not, and the "fire next time" will have come yesterday.<sup>79</sup>

According to this letter, the McDuffie verdict was part of an historical pattern of racial inequality within the justice system. Moreover, it was a pattern, which was increasingly unlikely to be tolerated by African Americans.

Feelings of despair towards the criminal justice system in the wake of the McDuffie verdict were expressed in abundance by African Americans. One African American stated: "It's like something unbelievable. . . . I don't even know how to take this. I feel like I'm nobody. I feel like my family's nobody. I feel like my people are nobody."<sup>80</sup> Another Miami resident who called the *Miami Herald* could not comprehend how the CJS could operate in such a blatantly unjust way. They questioned: "How can this happen? If McDuffie had been a white man and the police had been black, the verdict would have been different."<sup>81</sup> For other African Americans, however, the verdict had been a certainty even before the case had been

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<sup>79</sup> "Letters to the Editor", *Los Angeles Times*, June 3, 1980, 2.6.

<sup>80</sup> Quoted in Fred Grimm and Ellen Bartlett, "McDuffie Decision Brings Dismay, Disbelief, Anger", *Miami Herald*, May 18, 1980, 32.

<sup>81</sup> Quoted in Grimm and Bartlett, "McDuffie Decision Brings", 32.

tried. As assistant Dade County manager, Dewey Knight, reported: "Every black person I talked to before the verdict felt nothing would be done to the white officers that killed him but were holding out for a miracle. It didn't come."<sup>82</sup> Similarly another African American stated: "I finally figured out why I wasn't screaming mad . . . it was like the second time they dropped the atomic bomb. It wasn't quite as shocking."<sup>83</sup> For many African Americans in Miami, the acquittal of the officers was symbolic of the inferior status of African Americans in society. As Wellington Role, a community activist, expressed: "All the McDuffie thing did was to make it crystal clear to them that even a middle class nigger who supposedly has made it can be jumped on, stamped on and done in by the white power structure."<sup>84</sup>

Despite the grievances towards the criminal justice system, a number of African Americans expressed dismay at the rioting, regarding it as foolish, and hurtful only to blacks. One African American feared that the rioting would pander to and legitimise the stereotypical views of African Americans held by a number of whites:

We're turning into the savages that white America thought we were in the beginning . . . we just went back 100 years last night. . . . Yes,

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<sup>82</sup> Quoted in Sheppard Jr., "Miami's Blacks", B4.

<sup>83</sup> Quoted in Juanita Greene and Brenda Eady, "Black Community Expresses Outrage; Many Hope Death to Bring Change", *Miami Herald*, December 29, 1979, 3.

<sup>84</sup> Quoted in George Lardner Jr. and Margot Hornblower, "Miami Brutality Was Not Expected", *Washington Post*, May 25, 1980, A1. For a discussion of race and the Criminal Justice System see Katherine Beckett and Theodore Sasson, *The Politics of Injustice: Crime and Punishment in America* (California: Thousand Oaks, 2000); Hagan and Patterson (eds.), *Crime and Inequality in America*; Coramae Richey Mann, *Unequal Justice: A Question of Color* (Bloomington: Indiana University Press, 1993); Cassia C. Spohn, "Courts, Sentences, and Prisons" in Obie Clayton Jr. (ed.), *An American Dilemma Revisited: Race Relations in a Changing World* (New York: Russell Sage Foundation, 1996); Michael Tonry, *Malign Neglect – Race, Crime and Punishment in America* (Oxford: Oxford University Press); Walker, Spohn, Delone, *Race, Ethnicity and Crime in America*.

an injustice has been done in the Arthur McDuffie case, but do we rectify it with the bullet or the ballot? I say the ballot.<sup>85</sup>

Whilst the injustice of the verdict is acknowledged in this statement, rioting is not regarded as the correct means of redress. Similarly, the cook at a restaurant explained that African Americans of Dade County economically could not afford to destroy their places of work: “When this stuff goes down, all that happens is people get thrown out of work. . . . Maybe we’re the lucky ones. Rather than going ‘round bashing heads we’ll be working tomorrow.”<sup>86</sup> Here too, there is an acknowledgement of the socio-economic difficulties faced by the African-American population of Miami, but it is not regarded as a valid reason for the rioting.

Yet, a number of African Americans expressed support for the rioting despite the damage to the black community. As one resident of Liberty City stated: “I don’t care if I have to go to Washington to buy a loaf of bread. . . . There’s got to be violence when you want action.”<sup>87</sup> Furthermore, the main thrust of the violence in Miami was anti-white. Such was the despair felt by so many African Americans, the fact that their own community was destroyed in the process, in a sense, did not matter. As one young African-American woman explained:

The people around here just don’t care no more. . . . They’ve had enough for too long and can’t take it. We’re all tired. . . . The main

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<sup>85</sup> Quoted in Margot Hornblower and Mervin Sigale, “Miami Riot Continues; 18 Killed”, *Washington Post*, May 19, 1980, A10.

<sup>86</sup> Quoted in John M. Crewdson, “14 Die in Miami Riot; Arson and Looting Persist For Second Day”, *New York Times*, May 19, 1980, B10.

<sup>87</sup> Quoted in “There’s a Little Demon Inside All of Us”, 1.

reason for all this was to put the white people out of business . . . sure, it hurt our community. But it was hurt already.<sup>88</sup>

Despite the damage done to black businesses, which was another distinct difference between Miami and the riots of the 1960s, the Miami riot had a distinctly anti-white fervor - the eight whites that died at the hands of rioters were testimony to that.<sup>89</sup> As one African-American youth expressed: "It wasn't just [about] McDuffie. It was payback. Payback for all the stuff whitey has done for us."<sup>90</sup> Another stated: "The white man didn't be doing us no good. So we don't do him no good. The white man got the jobs and we don't got no jobs. The white man got everything and we got nothing. It ain't right."<sup>91</sup> One of the most brutal attacks was made upon 18-year-old Michael Kulup, his 22-year-old brother Jeffrey and 23-year-old Debra Gutman, who were driving home from the beach when their car was struck by a shower of rocks and bottles on 62<sup>nd</sup> street in Liberty City. A block of concrete smashed through the windshield striking Michael and causing the car to swerve, hitting two pedestrians. Gutman managed to flee, but the Kulups were dragged from the car and savagely beaten, shot at and runover by the mob. Miraculously Michael Kulup survived. Jeffrey Kulup, however, died from his injuries a few weeks later.

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<sup>88</sup> Quoted in Jeff Prugh and Bill Curry, "Blacks Vent Rage With Words as Miami Calms", *Los Angeles Times*, May 21, 1980, 1.

<sup>89</sup> Porter and Dunn state that although black businesses were looted along with white, they generally were not set alight. Porter and Dunn suggest that black businesses were not spared from looting because of a contentious relationship with ghetto residents who often perceived black business people as having 'sold-out.' See also Harris, *The Logic of Black Urban Rebellions*, Chapter 6.

<sup>90</sup> Quoted in Sheppard, "Miami's Blacks", B4.

<sup>91</sup> Quoted in George Lardner Jr. and Margot Hornblower, "Miami Brutality Was Not Expected", *Washington Post*, May 25, 1980, A16.

The anti-white violence in Miami was unprecedented and it marked a major change from the riots of the 1960s. The proportion of African Americans who were involved in the violence was comparatively small - as many African Americans saved whites from harm as did the harming - what was significant was the general air of approval surrounding the scenes of violence.<sup>92</sup> A number of African Americans expressed indifference to the violence, or as one African-American youth claimed: "If Whitey don't care about me, why should I care about Whitey?"<sup>93</sup> Similarly, another African-American resident stated:

I saw a couple of honkies lying on the ground on 62<sup>nd</sup> street. . . . Those honkies weren't dead, but it sure looked to me like they were dying. . . . I didn't feel nothing for those honkies because I know honkies don't feel nothing for me. I hate them, just like they hate me. I'm glad it happened . . . we showed them . . . we showed them we can hate, too.<sup>94</sup>

The anti-white violence displayed by a number of rioters and effectively condoned by a number of African Americans in Miami, as well as revealing the extent to which racism continued to impinge on the life of African Americans, also illustrated the effect of the transition of racism upon African Americans: white people, as well as white symbols, were the principal targets of violence, indicating

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<sup>92</sup> Porter and Dunn, *The Miami Riot of 1980*. Manning Marable regarded the violence against white persons as the exception rather than the rule. See Manning Marable, "The Fire This Time: The Miami Rebellion, May, 1980", *Black Scholar* (July-August 1980): 2-18.

<sup>93</sup> Sheppard, "Miami's Blacks", B4.

<sup>94</sup> Quoted in Warren Brown, "Black Miami's Voices", *Washington Post*, May 23, 1980, A1.

how African Americans viewed racism as benefiting all whites, not just overt racists.<sup>95</sup>

Another significant factor compounding the socio-economic problems of Miami's blacks was the large influx of Cuban, and later Haitian, refugees to Miami. African Americans complained about the detrimental effect on black employment as both ethnic groups competed for scarce resources. One African-American estate agent stated: "Black faces used to be all you could see in service jobs at hotels here and on Miami Beach. . . . If you go there now you can hardly find a black face. They have been replaced by Cubans."<sup>96</sup> A poll in the *Miami Herald* found that over 50% of African Americans believed that the recent influx of Cuban and Haitian refugees had negatively impacted upon their lives.<sup>97</sup> Some African Americans were resentful of the Cuban refugees and pointed to the way they were given greater priority. Community activist, Wellington Role, stated that: "We are third class citizens in our own country . . . can you believe that? At least in other cities, blacks are second class. But here, we're not even up to that."<sup>98</sup> Overall, however, while the Carter administration attributed the Cuban refugee issue as a major factor in the rioting, few African Americans - just 4% - identified Cuban refugees as a main cause of rioting. Whilst the African-American socio-economic condition was significantly affected by the competition from Cuban immigrants, the root cause of the problem remained racism. By taking the position that the riot was caused by

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<sup>95</sup> David Wellman perceives racism as a system benefiting all whites, irrespective of their intentions or awareness of it. David Wellman, *Portraits of White Racism* (Cambridge: Cambridge University Press, 1993).

<sup>96</sup> Quoted in Sheppard, "Miami's Blacks", B4.

<sup>97</sup> Brown, "Black Miami's Voices", A17.

<sup>98</sup> Quoted Brown, "Black Miami's Voices", A12.

circumstances unique to Miami, the Carter administration deflected attention from the fact that the problems faced by African Americans in Miami were common to nearly all urban African Americans. The problems evident in Miami were reflective of a nationwide situation. Yet, many whites did not perceive Carter's response as being so measured.

Like African-American discourse, white discourse surrounding Miami was also varied. Many whites expressed outrage at the verdict and sympathy for the black community. One white resident called the *Miami Herald* and expressed his disbelief at the verdict. He stated: "I can't believe a person is dead and no one is guilty." Another caller to the newspaper stated: "Would you add my name to the list of people who are sick to their stomach by the McDuffie verdict? . . . And I'm as white as white can be."<sup>99</sup> As well as phoning newspapers, many whites also wrote letters expressing their solidarity with African Americans. One letter read: "I can only hope the black community knows how many of us non-blacks are sickened by the McDuffie verdict. For once lets give the media a break. It's frightening to think how many crimes are probably swept under the rug because there was no publicity." Similarly, another white resident wrote: "I am truly embarrassed to be a member of the white majority."<sup>100</sup> White discourse was emphatic in acknowledging the racial injustice of the verdict: "I just don't believe the Tampa verdict. What if the dead motorcyclist were white and the four policemen black? What verdict then?"<sup>101</sup>

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<sup>99</sup> Quoted in Grimm and Bartlett, "McDuffie Decision Brings Dismay, Disbelief, Anger", 32.

<sup>100</sup> "Letters", *Miami Herald*, May 22, 1980, 6.

<sup>101</sup> "Letters", 6.

A number of whites also expressed sympathy with the rioters. Dr Emanuel Orfas, a white naturopathic physician who ran a family clinic in the African-American area destroyed by the rioting, said he understood the violence and despite the loss to his practice sympathised with the rioters. He stated:

They told me the innocent have to suffer to get true reform . . . I'm kind of bitter about the whole thing. . . . Though I lost everything, I still sympathise with the blacks. I can't help it. I think they're right. There has to be some reform in the police.<sup>102</sup>

Another white Miamian expressed sympathy for the rioting in a letter to the *Miami Herald*:

After hearing the verdict in the McDuffie trial, I cried. I am white. The black people in Dade County have *real* grievances and no other means to vent them except relative rage. . . . The blacks of Dade County feel cheated. Their reaction is in proportion to what they have suffered.<sup>103</sup>

Thus, for a number of whites, both the injustice of the courts and the prevailing socio-economic inequality legitimised the rioting to a significant degree.

Other whites, however, while not discounting the plight of African Americans, were unable and/or unwilling to accept the violent reaction. One white Miamian defending his business stated: "I have nothing against them, but this, is all I got."<sup>104</sup> For other whites, rioting was not the way to redress the injustices or

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<sup>102</sup> Quoted in Paul L. Montgomery, "Curfew in Miami is Ended as Size of Guard is Cut", *New York Times*, May 22, 1980, A24.

<sup>103</sup> "Letters", 6.

<sup>104</sup> Quoted in Crewdson, "14 Die in Miami Riot", B10.

inequalities. “This is not the way to bring about the necessary change in our judicial system. It is, however, the way to bring about anger, racism, and increased alienation between blacks and whites.”<sup>105</sup>

The more predominant reaction among whites was one of horror, and a number saw no justification for the riot in McDuffie’s death. In fact, they did not regard McDuffie’s death as the injustice that the majority of African Americans did. Another letter to the *Miami Herald* expressed this: “All the rioting, racial unrest, killing, and looting of the last few days would not have happened if a man, riding a motorcycle late at night, had behaved like a normal, responsible, law-abiding citizen when hailed by a policeman.”<sup>106</sup> A number of whites had expressed this feeling in the weeks after the initial incident. Some thought McDuffie believed he was above the law: “A citizen thought he was above the law and did not need to obey the officers.”<sup>107</sup> Others regarded the entire incident as a result of lack of respect for authority, both from McDuffie and the officers. As one letter read:

In this bizarre event there is a question nobody seems to ask: what could this man, running from the police, possibly have said or done to so infuriate them? . . . Whatever it may have been, perhaps he is not to be blamed because he grew up in a society bred to have little or no regard for authority . . . if we are to believe the accounts we read in *The Herald*, the police, by their actions, also demonstrated gross disregard for authority.<sup>108</sup>

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<sup>105</sup> “Letters”, 6.

<sup>106</sup> “Letters”, 6.

<sup>107</sup> “Letters”, *Miami Herald*, January 14, 1980, 6.

<sup>108</sup> “Letters”, *Miami Herald*, January 7, 1980, 6.

Such sentiments reflected the widely held perception amongst whites of the lawlessness permeating American society since the 1960s and in particular the lawlessness of African Americans.

White discourse was also critical of the official response to the Miami riot. Many believed that the authorities should have taken a harder line against the rioters to restore order in the city. One man who lost his business in the riots stated:

Whites are being pushed around by blacks. . . . The governor should have issued orders to shoot. If he had done that, we wouldn't have had all this burning. The only way to stop violence is with violence - especially when they become savages.<sup>109</sup>

This statement reflects the belief held by a number of whites in the post-Civil Rights era that whites were being victimised by African Americans, and that government was in effect condoning African-American lawlessness in its permissive approach. The use of the term 'savages' also reveals the existence of racial stereotypes underlying this perception for some whites.

Many whites were also angered by what they regarded as the government's capitulation to the 'demands' rioters. Two days after the verdict and the outbreak of the riot, Carter sent Attorney General Benjamin R. Civiletti to Miami in an effort to calm the outrage of the city's black community. He arrived with top aides including Drew S. Days, Chief of the Justice Department's Civil Rights Division and Gilbert G. Pamps, Head of the Community Relations Service. Within a day Civiletti

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<sup>109</sup> Quoted in Margot Hornblower and Donald P. Baker, "Civiletti Opens Sweeping Probe of Miami Police", *Washington Post*, May 21, 1980, A14. The observer was presumably unaware of the irony in this statement: African Americans were trying to stop violence with violence too.

announced that a team of 25 to 35 federal prosecutors and agents would look into alleged civil rights abuses by police officers. It was also announced that a grand jury would hear evidence that McDuffie's civil rights had been violated. While African Americans welcomed this, some whites regarded it as bowing to mob rule.

An editorial in the *Chicago Tribune* declared:

Attorney General Civiletti should require a thorough review of the evidence before permitting the second prosecution of the Miami policemen. If he is convinced by the facts of the case justice miscarried in Tampa, then let him give his authorization. But if the deciding factor is in reality the rage as it has manifested itself on Miami's streets, then Mr. Civiletti must refuse. To manipulate the system of justice simply to pacify unruly mobs would be to destroy the very strength of the law: it is the rule of the law, not the rule of brute force, which offers the disadvantaged their greatest protection.<sup>110</sup>

Carter's actions were widely criticised for appearing to condone the violence of the rioters. There was also widespread anger that in bending to the demands of the rioters the government was turning its back on the white victims of the violence. As a letter to the *Chicago Tribune* read:

Amidst statements coming from Attorney General Benjamin Civiletti and state officials about the Miami riots, nothing has been said about prosecuting those members of the mob who murdered several innocent victims. Nor has President Carter announced that he will send an official to Miami to see if the civil rights of the riot victims have been violated. To get justice for these dead, will their relatives and fellow ethnics have to conduct their own riot?<sup>111</sup>

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<sup>110</sup> Editorial, "Mob and Law in Miami", *Chicago Tribune*, May 20, 1980, 2.2.

<sup>111</sup> "Letters", *Chicago Tribune*, June 8, 1980, 2.4.

For a number of whites it appeared as though African Americans were being granted preferential treatment by government. Some regarded this as a politically motivated response by Carter to court the black vote. As reporter Bob Wiedrich stated in the *Chicago Tribune*:

Benjamin Civiletti forgot he is the attorney general to the United States when he hit Miami last weekend and started playing to the mob. Politically that approach may have been intended as a plus in a presidential election year for the boss who dispatched him there, Jimmy Carter.<sup>112</sup>

This statement negatively refers to the connection between the Carter and the Democratic Party with African Americans, and emphasises the gulf with white voters.

Along with disapproval of government intervention in the McDuffie case, a number of whites were critical of government efforts to rebuild the riot-torn areas, despite attempts by Carter to avoid appearing to reward rioting by cautioning that federal aid would be limited.<sup>113</sup> As one white Miamian expressed:

I don't understand the logic of burning down all those buildings and getting 97 million dollars to build them again and then complain it's not enough. . . . Do you see that empty site? It was a huge department store where you could buy almost anything you could want. The blacks burned it down . . . they burned down a tyre factory. It smouldered for three days. When they rioted in May we were told it was because they had 40% unemployment. After the riots they had 45% unemployment . . . they haven't got good schools.

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<sup>112</sup> Bob Wiedrich, "Civiletti Plays to an Angry Mob", *Chicago Tribune*, May 27, 1980, 2.4.

<sup>113</sup> Dennis E. Gale, *Understanding Urban Unrest: From Reverend King to Rodney King* (California: sage, 1996), 104.

But when they have got schools they burn them down and beat up the teachers.<sup>114</sup>

For a number of whites, the answer to African-American problems was not government handouts; especially those paid for by white tax dollars. Whites were tired of being both scapegoats for black problems and having to meet their cost. As one white American expressed: "Being white is not a sin. I do not feel guilty for being white, and there is nothing anyone can do to change that. Respect must be earned. After this last week, the only people to respect are the taxpayers who will have to pick up the tab."<sup>115</sup> Such sentiments reflected feelings nationwide. In 1980, while most whites acknowledged the need of aid for African Americans, few whites favoured an increase in spending on aid to African Americans. Polls showed that 29% of whites thought that the government was spending too much on improving conditions for African Americans. Fifty-one percent felt that spending was about right and only 20% felt that too little was being spent.<sup>116</sup>

Ultimately, concerns that Miami's blacks were to receive preferential treatment proved unnecessary. Following an indictment by the grand jury, Veverka was tried in New Orleans on charges of violating the civil rights of McDuffie but was acquitted. On the other hand, nine African Americans were tried and five were convicted of the killings of whites during the riot.<sup>117</sup> Three African Americans were

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<sup>114</sup> Quoted in Richard West, "Miami in the Melting Pot", *Spectator*, August 16, 1980, 11.

<sup>115</sup> "Letters", *Miami Herald*, May 29, 1980, 6.

<sup>116</sup> Floris W. Wood (ed.), *An American Profile: Opinions and Behavior, 1972-1989* (Gale Research Inc., 1990), 729. In comparison, 80% of African Americans thought too little was being spent, 18% thought it about right, and just 25% thought it too much.

<sup>117</sup> In October 1980 James McCullough, 18, and Frankie Lee James, 20, were tried on second-degree murder charges in the death of Jeffrey Kulup and of the attempted murder of Michael Kulup. James was acquitted of all charges, but McCullough was found guilty of manslaughter and sentenced to 15 years, which was later reduced to four years and two years community service following an

also killed in the course of the riot by white civilians. The killers cruised the black northwest area of the county in a truck or van and randomly shot at blacks. Nearly a year after the riot, one white man was arrested as a suspect, but was ultimately released due to a lack of evidence. No additional white persons were ever charged with the killings of the three African Americans.

Similarly, while the Carter administration did attempt to address the grievances of African Americans in Miami, overall, the government response failed to address the fundamental cause of the riot in Miami: the persistence of racism. In the aftermath of the riot, both the local and state governments' responses were largely limited to economic initiatives and measures, which ultimately were not wholly successful. The federal response was also mainly made up of economic aid. The federal aid package ultimately consisted largely of loans made available through the small business administration (SBA). Although roughly \$40 million was targeted for first-year use in the riot area, only around half of the money available was ever successfully applied for, and almost 90% of this was loaned to

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overruling. In February 1981, Leonard Capers, Lawrence Capers, Samuel Lightsey and Patrick Moore were tried for first-degree murder for the killings of Benny Higdon, Robert Owens and Charles Barreca. Lightsey was found guilty of second-degree murder and was sentenced to life imprisonment, Leonard and Lawrence Capers were both found guilty of three counts of third-degree murder and each sentenced to three consecutive 15-year sentences, and Moore was acquitted of all charges. In March 1981, the trial of Lonnie Bradley, 18, and Samuel Williams, 32, was due to be held in Miami. Both were charged with second-degree murder in the killings of Owens, Barreca and Higdon. The charges were dropped, however, following the inability of the state's two key witnesses to identify Williams in a line-up and when another witness recanted her earlier statement implicating the defendants. In April 1981, Nathaniel Lane, 18, described by other defendants as the chief culprit in the deaths of Owens, Barreca and Higdon was tried on charges of first-degree murder. The trial resulted in a hung jury with the jury split on racial lines. In July 1981, Lane was tried again which also ended in a hung jury split along racial lines. His final trial in December 1981 again resulted in the jury being unable to reach a verdict and Lane was released. In March 1982 after three and a half hours of deliberation a jury found Ira Lee Pickett guilty of first-degree arson and burglary with assault in a mob attack on Emilio Munoz, a Cuban refugee. He was sentenced to 15 years. See Porter and Dunn, *The Miami Riot of 1980*, Chapter 7.

white-and Hispanic-owned businesses, where fewer than half opened in riot areas.<sup>118</sup> In reflecting on the government response to Miami, Dunn concluded that: “The end result has been disappointing, since none of the post-riot measures taken has significantly impacted the lives of inner-city blacks in Miami or other black communities.”<sup>119</sup> A major problem for the federal aid package was that it was left to be implemented by Reagan - who was elected in 1980 partly on the strength of his stand against affirmative action - whose administration made much effort to curtail it.<sup>120</sup>

An analysis of public discourse surrounding the Miami riot, reveals that white discourse surrounding the Miami riot, like African-American discourse, was varied. A number of whites expressed sympathy toward McDuffie and shared African-American disbelief and condemnation of the verdict in the case. A number of whites also regarded the rioting as an understandable response to African-American grievances against the justice system and to the socio-economic conditions endured by urban African Americans. Other whites, while denouncing the rioting, also acknowledged the grievances of African Americans. Many more whites, however, denounced the rioting and saw no justifiable reasons for it. Moreover, many whites also denounced government response to the rioting, expressing anger toward what they regarded as preferential treatment. Whilst

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<sup>118</sup> For a fuller discussion of the response to the riot by government see Porter and Dunn, *The Miami Riot of 1980*, Chapter 7; Daryl B. Harris, *The Logic of Black Urban Rebellions*, Chapter 7.

<sup>119</sup> Dunn, *Black Miami*, 267. For an account of the socio-economic position of African Americans in Miami up to and after the riot, see Dunn, *Black Miami*, Chapter 10.

<sup>120</sup> One of the most serious consequences of Reagan’s election on the federal aid package in Miami were the cutbacks to the Comprehensive Employment and Training Act program (CETA) and the Economic Development Agency (EDA) the agency that was supposed to figure predominantly in redeveloping the riot area.

opposition to preferential treatment was not evidence of the existence of widespread coded racism, the discourse of some whites revealed the racial feelings underlying some responses. Irrespective of the presence of racial motivation, however, reactions to the Miami riot revealed the potency of preferential treatment as an appeal to white voters; it was one which Reagan certainly capitalised upon.<sup>121</sup> Furthermore, whether opposition to affirmative action was racially-based - consciously or unconsciously - or not, the effects were still inimical to black needs.

An analysis of African-American and white discourse surrounding the Miami riot thus revealed that the problems of urban African Americans, brutally highlighted by urban rioting in the 1960s, had not been resolved and hence the necessity of government intervention to address the situation. Despite this, however, an analysis of white discourse demonstrated a considerable degree of hostility towards affirmative action measures by government. What this illustrates, is that Carter's discourse in relation to affirmative action was out of touch with a significant proportion of white voters, for whom affirmative action amounted to preferential treatment. It was to Reagan's discourse against big government that these voters were attuned. Furthermore, whilst probably only a minority of whites were consciously attracted to the racial appeal of Reagan's preferential treatment discourse, the covert nature of the appeal meant that it could be supported by consciously non-racist whites also.<sup>122</sup>

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<sup>121</sup> Carter, *From George Wallace to Newt Gingrich*; O'Reilly, *Nixon's Piano*.

<sup>122</sup> Carter, *From George Wallace to Newt Gingrich*; O'Reilly, *Nixon's Piano*; Siegel, "The Missing Issue of 1980".

## CHAPTER 5

### Reagan and the Fear of Crime:

#### Bernhard Goetz, 1984 and Howard Beach, 1986

##### 5.1 The Reagan Presidency: 1981 – 1989

The presidency of Ronald Reagan was the pinnacle of the conservative ascendancy in America.<sup>1</sup> Reagan's election also completed the breakdown of the New Deal consensus that had begun to fracture in 1968. In the tradition of Nixon's Southern Strategy, Reagan implicitly promoted the Republican Party as the party of white Americans through a series of racially coded messages and gestures.<sup>2</sup> In the 1980

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<sup>1</sup> For a discussion of the Reagan presidency, in addition to works cited, see Norman C. Amaker, *Civil Rights and the Reagan Administration* (Washington D.C.: Urban Institute Press, 1988); Lou Cannon, *President Reagan: The Role of a Lifetime* (New York: Public Affairs, 2000); Robert Dallek, *Ronald Reagan: The Politics of Symbolism* (Massachusetts: Harvard University Press, 1999); David Mervin, *Ronald Reagan and the American Presidency* (London: Longman, 1990); Edmund Morris, *Dutch: A Memoir of Ronald Reagan* (London: Harper Collins, 2000); Robert D. Plotnick, "Changes in Poverty, Income Inequality, and the Standard of Living in the United States During the Reagan Years", *International Journal of Health Studies* 23.2 (1993): 347-358, Nancy Reagan and Michael K. Deaver, *A Different Drummer: My Thirty Years with Ronald Reagan* (New York: Harper Collins, 2004); Ronald Reagan, *An American Life* (New York: Pocket Books, 1999); Michael Schaller, *Reckoning with Reagan: America and its President in the 1980s* (Oxford: Oxford University Press, 1992); Maurice A. St.Pierre, "Reaganomics and its Implications for African-American Family Life", *Journal of Black Studies* 21.3 (1991): 325-340; Center on Budget and Policy Priorities, "Falling Behind: A Report on How Blacks Have Fared Under Reagan", *Journal of Black Studies* 17.1 (1986): 148-172.

<sup>2</sup> Dan T. Carter, *From George Wallace to Newt Gingrich: Race in the Conservative Counterrevolution, 1963-1994* (Baton Rouge: Louisiana State University Press, 1996); Michael Omi and Howard Winant, *Racial Formation in the United States: From the 1960s to the 1990s* (New York: Routledge, 1994); Kenneth O'Reilly, *Nixon's Piano: Presidents and Racial Politics From Washington to Clinton* (New York: Free Press, 1995); Monte Piliawsky, "The 1984 Election's Message to Black Americans: Challenges, Choices and Prospects", *Freedomways* 25.1 (1985): 18-27; Fred Siegel, "Race: The Missing Issue of 1980", *Dissent* 29.4 (1982): 479-483.

presidential election, Reagan won 55% of the national white vote and 52% of votes in the South.<sup>3</sup> This was increased in the 1984 election, where Reagan took 66% of the white vote, including 74% of the white male vote in the South and 68% of the white vote in the West.<sup>4</sup>

The revival of the law and order theme was one of the ways in which white identification with the Republican Party was reinforced during the Reagan era. The 'get tough' policy on crime during the Reagan era, was in many senses a legitimate response to the serious problem of violent crime in the nation's urban centres, which affected African Americans more than it did whites.<sup>5</sup> In 1980s America, evidence compiled by the Bureau of Justice Statistics showed that murder was the leading cause of death for African-American males between 20 and 29 years-old.<sup>6</sup> African-American males were also 2½ times more likely than white males to be the victims of robbery, African-American women were up to 60% more likely to be raped than white women, and African-American children were far more likely than white children to live in households that were burglarised.<sup>7</sup> Despite these facts, however, the focus on crime by

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<sup>3</sup> Ian Derbyshire, *Politics in the United States: From Carter to Reagan* (London: Chambers, 1987), 79.

<sup>4</sup> Omi and Winant, *Racial Formation in the United States*, 133.

<sup>5</sup> Susan Caringella-Macdonald argued that attention to the allegedly increasing crime problem in the 1980s was not justified or paralleled by increases in the number and rates of officially estimated index crime. Susan Caringella-Macdonald, "State Crises and the Crackdown on Crime Under Reagan", *Crime, Law and Social Change* 14.2 (1990): 91-118. See also Katherine Beckett and Theodore Sasson, *The Politics of Injustice: Crime and Punishment in America* (California: Thousand Oaks, 2000); Samuel Walker, Cassia Spohn, Miriam Delone, *Race, Ethnicity and Crime in America* (California: Wadsworth, 2000).

<sup>6</sup> Manning Marable, *Race, Reform and Rebellion: The Second Reconstruction in Black America, 1945-1990* (Jackson: University Press of Mississippi, 1991), 193.

<sup>7</sup> Marable, *Race, Reform and Rebellion*, 196. For a discussion of the racial disparity between the economic losses of black and white victims of crime see Gerald D. Jaynes and Robin M. Williams, *A*

Reagan was directed primarily at white voters. While the violent crime rate did decline nationally, from a high of 35.3 crimes per 1,000 persons in 1982 to 29.1 crimes per 1000 persons in 1989, the most dramatic effect of the crackdown on crime on the African-American population - especially the war on drugs - was the drastic increase in the number of African Americans caught up in the Criminal Justice System (CJS).<sup>8</sup> By 1989, nearly a quarter of African-American males between the ages of 20 and 29 were either in prison, on parole or on probation.<sup>9</sup>

This chapter will analyse Reagan's discourse in relation to the issue of crime and the fear of crime. It will illustrate that throughout his presidency, Reagan presented crime as an enormous problem facing American society and in doing so helped both to fuel and legitimise the fear of crime. Reagan championed the need for toughness against crime, and the reversal of liberal attitudes and policies within the CJS. Like Nixon before him, he presented the Republican Party as the saviour of law and order and conversely the Democratic Party as its undoing. Moreover, also like Nixon, there

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*Common Destiny: Blacks and American Society* (Washington D.C.: National Academy Press, 1989), Chapter 9.

<sup>8</sup> Mark Warr, "Public Opinion on Crime and Punishment", *Public Opinion Quarterly* 59 (1995): 303. For a discussion of the war on drugs see Beckett and Sasson, *The Politics of Injustice*; Michael Tonry, *Malign Neglect - Race, Crime and Punishment in America* (Oxford: Oxford University Press, 1995); Walker, Spohn, Delone, *Race, Ethnicity and Crime in America*.

<sup>9</sup> Marable, *Race, Reform and Rebellion*, 194. For a discussion of African Americans and the Criminal Justice System see Alfred Blumstein, "On the Disproportionality of U.S. Prison Populations", *Journal of Crime and Criminology* 73 (1982): 1259-1281; John Hagan and Ruth D. Patterson (eds.), *Crime and Inequality in America: Patterns and Consequences* (California: Stanford University Press, 1995); Jaynes and Williams, *A Common Destiny*, Chapter 9; Coramae Richey Mann, *Unequal Justice: A Question of Color* (Bloomington: Indiana University Press, 1993); Cassia C. Spohn, "Courts, Sentences, and Prisons" in Obie Clayton Jr. (ed.), *An American Dilemma Revisited: Race Relations in a Changing World* (New York: Russell Sage Foundation, 1996); Tonry, *Malign Neglect*; Walker, Spohn, Delone, *Race, Ethnicity and Crime in America*.

was a distinctly racial element to Reagan's representation of the Democratic Party in this way. During the 1960s when many whites, as part of the wider reactionary swing to the right, had grown increasingly resentful of perceived leniency by government and the criminal justice system towards African-American urban rioters, an inherent link was established between law and order and race.<sup>10</sup> As such, by referring to Democratic Party liberalism and leniency towards crime and presenting the Republican Party as the antithesis to this, Reagan, like Nixon before him, was sending a covert message to white voters. Moreover, there were other racial messages implicit within Reagan's discourse, which helped to further racialise the issue of crime and the fear of crime. Collectively, they helped to create an environment where coded racial messages in relation to crime could be more easily heard. This chapter will analyse public discourse surrounding the Bernhard Goetz subway shootings, 1984, and the death of Michael Griffith in Howard Beach, 1986, to illustrate the feelings and beliefs that Reagan tapped into with his crime discourse and will demonstrate how the coded racial political issue of crime and fear of crime was reproduced in American society.

Reagan's concern with crime and the issue of fear of crime within American society can be seen in his *Remarks at the Annual Meeting of the International Association of Chiefs of Police in New Orleans, Louisiana, September 28, 1981*.<sup>11</sup> Reagan declares that the problem of crime in American society has remained an

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<sup>10</sup> See Chapter 2.

<sup>11</sup> "Remarks at the Annual Meeting of the International Association of Chiefs of Police in New Orleans, Louisiana, September 28, 1981" *Public Papers of the President of the United States: 1981*.

unresolved and increasing problem, resulting in an atmosphere of fear within society.

Reagan states:

In preparing these remarks, I had an opportunity to go back and look over some of the comments I've made to law enforcement officials on other occasions. The topic of those discussions was a subject with which you have more than a passing familiarity – the steady, ominous growth of crime in our Nation. In one speech some years ago in Las Vegas, I once wondered about what was happening in America, and I noted the fear and the anger of the citizenry as they locked themselves in their homes or refused to walk the streets at night. . . . Then there was a speech in Dallas where I mentioned the effect of narcotics on the crime rate and the appalling estimates that drug addicts were responsible for the economic increase of certain crimes. I don't mention these speeches now because they show any gift of insight on my part; the truth is, what I said then was well known at the time, certainly by you. . . . The frightening reality – for all of those speeches by those of us in government, for all of the surveys, studies, and blue ribbon panels, for all of the 14-point programs and the declarations of war on crime, crime has advanced and advanced steadily in its upward climb, and our citizens have grown more and more frustrated, frightened and angry.

In his remarks, as well as expressing his concern with the level of crime and the fear of crime, Reagan also aligns himself with law enforcement, which he continues to do as he proceeds to detail the horrific reality of crime. Reagan declares:

Just during the time that you and I are together today, at least 1 person will be murdered, 9 women will be raped, 67 other Americans will be robbed, 97 will be seriously assaulted, and 389 homes will be burglarized. This will all happen in the span of the next 30 minutes, or while I'm talking. Now, if by stopping talking I could change those figures, I'd stop. But you know that they will continue at the same rate throughout every 30 minutes of the 24 hours of the day. And I don't have to tell you, the men and women of your departments will be the first to cope with the mayhem, the wreckage, the suffering caused by

those who consider themselves above the law with the right to prey on their fellow citizens.

In talking about crime in this way, Reagan is aligning himself and the Republican Party with Americans and their concern with crime and is demonstrating that he is in touch with the of fear of crime that Americans were expressing. Throughout the early-to-mid 1980s, opinion polls measured the nationwide fear of crime at between 41% and 48%.<sup>12</sup> In doing this, however, Reagan was also helping to both fuel and legitimise the fear of crime.

In his remarks, Reagan also aligns himself with those who feel that the CJS is failing them. Reagan declares his intention to: “. . . speak for a group that has been frequently overlooked in the past – the innocent victims of crime.” In stating this, Reagan is making reference to the liberal ideology of the 1960s and early 1970s, which sought to tackle crime by uncovering the socio-economic and/or psychological reasons, which supposedly underlay it. This liberal philosophy, which it was perceived wrongly treated the perpetrators of crime as victims rather than those who suffered from criminal acts, was increasingly resented as Americans grew more reactionary. Opinion polls demonstrated that that between 83% and 86% of Americans during the early-to-mid 1980s believed that the courts were too lenient in dealing with criminals.<sup>13</sup>

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<sup>12</sup> Warr, “Public Opinion on Crime and Punishment”, 297, 304, 305; Floris W. Wood, *An American Profile: Opinions and Behaviour, 1972-1989* (Gale Research Inc, 1990), 764.

<sup>13</sup> Warr, “Public Opinion on Crime and Punishment”, 307; Greg M. Shaw *et al*, “The Polls-Trends: Crime, Police and Civil Liberties”, *Public Opinion Quarterly* 82 (1998): 419.

Reagan advocated a philosophy that put law-abiding citizens at the centre of policy on crime. In his remarks, he announces his intention to bring in a host of tough new measures re-focusing law on the side of non-offenders.<sup>14</sup> Reagan announces: “. . . this administration will support a number of statutory reforms that will address the imbalance between the rights of the accused and the rights of the innocent.” Further on in his remarks Reagan explicitly contests the merits of the liberal philosophy on crime, denouncing the argument that poverty was a primary cause of crime. Reagan asserts:

At the very same time that crime rates have steadily risen, our nation has made unparalleled progress in raising the standard of living and improving the quality of life. It's obvious that prosperity doesn't decrease crime, just as it's obvious that deprivation and want don't necessarily increase crime. The truth is that today's criminals for the most part are not desperate people seeking bred for their families; crime is the way they've chosen to live.

Not only is Reagan stating that the liberal argument that poverty is a primary cause of crime is incorrect, he blames such attitudes for the rise in crime in America; liberalism and permissiveness towards crime has bred crime. Reagan charges: “The truth is that criminals in America today get away with plenty, and sometimes, quite literally, they get away with murder. Only 40 percent of the murders ever end with a suspect being imprisoned.” In aligning himself with law enforcement and Americans, and with their concern with crime and with the leniency of the Criminal Justice System, Reagan

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<sup>14</sup> Reagan sought revision of the criminal code, bail reform, reform of the exclusionary rule, mandatory prison terms for those carrying a gun whilst committing a felony, and the need to tackle drug trafficking.

presents himself and the Republican Party as the champion of the American people.

Reagan states:

It's time for honest talk, for plain talk. There has been a breakdown in the criminal justice system in America. It just plain isn't working. All too often, repeat offenders, habitual law-breakers, career criminals, call them what you will, are robbing, raping, and beating with impunity and, as I said, quite literally getting away with murder. The people are sickened and outraged. They demand that we put a stop to it.

Reagan's concern with crime is again seen in his *Radio Address to the Nation on Crime and Criminal Justice Reform, September 11, 1982*.<sup>15</sup> Here too, in expressing his concern with crime, Reagan aligns himself and the Republican Party with the American people. Reagan declares: "Today I want to talk to you about a subject that's been very much on my mind, even as we've been busy with budgets, interest rates, and legislation. It's a subject I know you've been thinking about too – crime in our society." Reagan legitimises both Americans' concern with and fear of crime. Reagan states:

Many of you have written to me how afraid you are to walk the streets alone at night. We must make America safe again, especially for the women and elderly who face moments of fear. You have every right to be concerned. We live in the midst of a crime epidemic that took the lives of more than 22,000 people last year and has touched nearly one-third of American households, costing them about \$8.8 billion per year in financial losses.

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<sup>15</sup> "Radio Address to the Nation on Crime and Criminal Justice Reform, September 11, 1982" *Public Papers of the President of the United States: 1982*.

Reagan asserts the need for toughness against crime and the perpetrators of crime, and he vows that his administration will deliver this. Reagan proclaims: "It's time to get these hardened criminals off the street and into jail. . . . I want you to know that this administration, even as it has been battling our economic problems, is taking important action on the Federal level to fight crime." In making reference to the economic situation facing America in this way, Reagan is sending a message regarding the sense of priority the Reagan administration is giving to the crime problem.

Reagan again in his remarks also taps into the sense of frustration and disillusionment with the CJS felt by many Americans, and aligns himself with these Americans. Reagan states: ". . . an important part of the problem is that Americans are losing faith in our courts and our entire legal system. . . . We can and must make improvements in the way our courts deal with crime." In doing this Reagan is again presenting himself and the Republican Party as the champions of law and order. The Democratic Party on the other hand is represented in stark contrast to the Republicans. Reagan riles that Democrat-controlled Congress is holding up his legislative reforms. Reagan states of his Comprehensive Crime bill:

These are important and imaginative steps. They strike a real blow against organized crime and professional criminals. Unfortunately, they have yet to be passed by the Congress. I urge the Congress to act promptly and favourably on these major initiatives against lawlessness in America. Every moment wasted is a moment lost in the war against crime.

Like Nixon before him, Reagan makes use of military language and imagery. This not only serves to highlight the severity of the crime problem, but it also makes the statement that in relation to crime it's a 'them and us' scenario; a situation where only one side is right. In his closing comment, Reagan makes a political appeal to Americans to join the Republican Party in its battle with crime. He states: ". . . I hope we can count on your support in our war on crime and our efforts to protect the innocent and put the professional criminals in jail where they belong. Working together we can make America safe again for all our people."

In addition to highlighting the grim reality of crime in the nation through the use of statistics and war imagery, a recurring theme from early on in Reagan's administration is the use of cautionary tales in relation to crime and the criminal justice system. It is also another way in which Reagan was able to present the Republican Party as the party of law and order and the Democratic Party as its undoing. In his *Remarks at the Annual Meeting of the International Association of Chiefs of Police in New Orleans, Louisiana, September 28, 1981*, Reagan makes reference to an incident -- the diaper case - when he was Governor of California.<sup>16</sup> Reagan states:

Two narcotics officers, with enough evidence to warrant a search, get a search warrant, entered a home where they believed heroin was being peddled. A married couple lived there. They searched. They found no evidence. As they were leaving, one of them, on a hunch, went over to the crib where the baby lay sleeping and removed its diapers, and there was the heroin. The case was thrown out of the court because the baby

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<sup>16</sup> "Remarks at the Annual Meeting of the International Association of Chiefs of Police in New Orleans, Louisiana, September 28, 1981" *Public Papers of the President of the United States: 1981*.

hadn't given its permission to be searched. [Laughter] It became known as the diaper case. I told that story once, and one of the Secret Service agents assigned to the presidential detail came up later and said, 'I was one of those narcotics officers. That's why I quit.' [Laughter].

Reagan used this diaper tale when talking about crime and the CJS – specifically when discussing the exclusionary rule - throughout his presidency.<sup>17</sup> It served to demonstrate how unbalanced the CJS had become, leaving police powerless and protecting the rights of offenders to such an extreme it came at the expense of justice. The tale demonstrated the need for a common sense approach, where ensuring law and order and protecting the lives of non-offenders was the primary aim of the CJS.

Reagan related another tale of when he was Governor of California in his *Remarks at a Question and Answer Session with Junior High School Students, November 14, 1988*.<sup>18</sup> This tale was in relation to gun control. Reagan stated:

There was talk about having a gun ban in California. It didn't go through. But I got a letter from a man in San Quentin prison, and from the prison he wrote me the letter to tell me he was in there for burglary. He was a burglar. And he said, 'I just want you to know that if that law goes through, here in San Quentin there will be celebrating throughout the day and night by all the burglars who are in prison because' he said, 'we can watch a house we plan to rob for days. We can learn the habits of the people living in that house, to know when is the best time to go in and be a burglar – rob it.' He said, 'The only question we can never answer is: Does the man in that house have a gun in the drawer by his

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<sup>17</sup> The diaper case was used for example in "Question and Answer Session with High School Students on Domestic and Foreign Issues, February 25, 1983" *Public Papers of the President of the United States: 1983*; "Remarks at the Conservative Political Action Conference Dinner, February 18, 1983" *Public Papers of the President of the United States: 1983*; and "Radio Address to the Nation on the Federal Judiciary, June 21, 1986" *Public Papers of the President of the United States: 1986*.

<sup>18</sup> "Remarks at a Question and Answer Session with Junior High School Students, November 14, 1988" *Public Papers of the President of the United States: 1988*.

bed?’ He said, ‘That’s the risk we have to run.’ He said, ‘If you tell us in advance they won’t have a gun in that drawer by their bed,’ he said, ‘the burglars in here will be celebrating for evermore.’

This tale asserts that liberal policies such as gun control play into the hands of criminals.<sup>19</sup> It suggests that liberalism breeds crime, whereas toughness, or the threat of toughness, acts as a deterrent. The use of these tales not only contributed to highlighting the problem of crime, they also illustrated what was supposedly wrong with the CJS: how the CJS had become too soft under Democrat governance and how it needed to be toughened up. They also served to send the message that it was the Republican Party that was to do this, thus again serving to present the Republican Party as the party of law and order and the Democratic Party as its undoing.

As Reagan’s presidency progressed and as he neared the end of his first term, Reagan’s discourse in relation to crime began to focus on the progress made by his administration in tackling crime and the fear of crime. In his *Radio Address to the Nation on Proposed Crime Legislation, February 18, 1984*, Reagan announces:

My fellow Americans: Shouldn’t we have the right as citizens of this great country to walk our streets without being afraid and to go to bed without worrying the next sound might be a burglar or a rapist? Of course we should. But in reality we don’t. The sad fact is too many of our friends and loved ones live in fear of crime. And there’s no mystery as to why. For too many years, the scales of criminal justice were tilted toward protecting the rights of criminals. Those in charge forgot or just plain didn’t care about protecting your rights – the rights of law-abiding citizens. We came to Washington determined to change that by restoring

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<sup>19</sup> The tale was also related in “The President’s News Conference in Toronto, Canada, June 21, 1988” *Public Papers of the President of the United States: 1988*.

the proper balance to our criminal justice system. . . . Common sense is beginning to pay off. In 1982 the crime rate dropped by 4.3 percent – the biggest decline since 1972. But we still face a tremendous challenge, and meeting the challenge is what I want to talk to you about today.<sup>20</sup>

In making this statement, Reagan not only legitimises the fear of crime felt by Americans, he asserts that such fear was the result of the negligent, permissive approach to crime by his – Democrat – predecessors in government. Reagan states that his administration's determined effort to be tough on crime and reclaim the safety of the nation for the American people has brought tangible results. Reagan is keen to point out, however, that the battle against crime is far from won, and that the drive for toughness needs to be continued. In doing this, Reagan is presenting the Republican Party as the party of law and order of the past, present and future. Moreover, Reagan presents the Democratic Party as the barrier to law and order, in the past, present and future. Reagan emphatically asserts that the greatest barrier to tackling crime, is not the perpetrators of crime themselves, but rather those in power who refuse to act decisively and with firmness, that is, Democrats. Reagan declares:

This issue should never turn into a prolonged partisan struggle, but it has. The Senate recently passed overwhelmingly our Comprehensive Crime Control Act. The House has done nothing and continues to wait. But wait for what? Bottling up long-overdue reforms that would provide you, the people, greater protection against dangerous criminals is a serious mistake you should not tolerate.

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<sup>20</sup> "Radio Address to the Nation on Proposed Crime Legislation, February 18, 1984" *Public Papers of the President of the United States: 1984*.

This attack on the Democrat-controlled House of Representatives can be seen also in his *Remarks at the Annual Conference of the National League of Cities, March 2, 1984*, where Reagan asserts:

Our families, friends must be able to live and work without always being afraid. Americans are sick and tired of law-abiding people getting mugged, robbed, and raped, while dangerous criminals get off scott-free. We have a comprehensive crime bill to correct this. It would put an end to the era of coddling criminals, and it's been passed by the Senate. But the legislation is bottled up in the House.<sup>21</sup>

Reagan charges that the Democrat-controlled House of Representatives is too concerned with protecting criminals rather than acting on the needs and desires of law-abiding Americans who are suffering from the pervasive problem of crime. Similarly in *The President's News Conference, February 22, 1984*, Reagan contends that his administration's desperately-needed measures to tackle crime are being hindered by the Democratic Party.<sup>22</sup> Reagan states:

The Senate is completing its work on the most sweeping anticrime bill in more than a decade. Our legislation provides a long overdue protection to law-abiding Americans, and it would help put an end to the era of coddling criminals. The security of our people should take precedence over partisan politics, so I ask the House to stop dragging its feet and act promptly.

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<sup>21</sup> "Remarks at the Annual Conference of the National League of Cities, March 2, 1984" *Public Papers of the President of the United States: 1984*.

<sup>22</sup> "The President's News Conference, February 22, 1984" *Public Papers of the President of the United States: 1984*.

Reagan's exaltations of the progress made by his administration in relation to crime and its commitment to continue this much-needed progress, in spite of Democratic based barriers are also seen in his *Remarks at the Annual Conference of the National League of Cities, March 5, 1984*.<sup>23</sup> In addition to presenting his administration and the Republican Party as the party of law and order, whose toughness has brought results in relation to crime, Reagan points out that lenient judges within the justice system are also a barrier to tackling crime. Reagan proclaims:

We're cracking down on habitual criminals, organized crime, and the drugpushers [sic]. Federal task forces are stepping up the pressure. And we're working hard to improve the criminal justice treatment of the innocent victims of crime. But formidable challenges remain. The scales of criminal justice are still tilted toward protecting the rights of criminals. I believe it's high time we restore a proper balance and start doing more to protect our law-abiding citizens. Lenient judges are only lenient on crooks; they're very hard on society.

In doing this, not only is Reagan tapping into the feelings of resentment held by Americans who felt that the rights and needs of the perpetrators of crime were being placed above the rights of the victims of crime, he is also tapping into the feeling held by a number of Americans that the leniency of courts are a significant factor contributing to the problem of crime and the fear of crime.<sup>24</sup>

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<sup>23</sup> "Remarks at the Annual Conference of the National League of Cities, March 5, 1984" *Public Papers of the President of the United States: 1984*.

<sup>24</sup> Timothy J. Flanagan and Dennis R. Longmire (eds.), *Americans View Crime and Injustice: A National Public Opinion Survey* (London: Sage, 1996); Warr, "Public Opinion on Crime and Punishment".

In this vein, when discussing the fall in crime during his term in office, Reagan is keen to emphasise his record on court nominations. In his *Radio Address to the Nation on Law Enforcement and Crime, July 7, 1984*, Reagan announces:

When we came to office, crime was taking the lives of over 23,000 Americans a year. It touched a third of American homes and resulted in about \$10 billion a year in financial losses. Yet, just as America has regained her economic strength and international prestige in the last few years, so, too the crime problem in America has shown improvement for the first time in many years. . . . From our first day in office, the Attorney General and I have emphasized the importance of appointing to the Federal bench, including the Supreme Court, judges determined to uphold the rights of society and the innocent victims as well as the right of the accused.<sup>25</sup>

Reagan points out that his administration has made considerable progress in tackling the extreme problem of crime encountered at the start of his presidency, and a significant factor in this was the appointment of judges who sought to move away from the liberal ideology on crime of the 1960s. According to Reagan, when he entered office there was a preoccupation by judges within the court system with protecting the rights of the accused. This liberal attitude was applied at the expense of law-abiding citizens and of American society in general, which was left plagued with high crime rates. Reagan's court nominations were made, as such, in answer to the will and need of the American people. Reagan states:

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<sup>25</sup> "Radio Address to the Nation on Law Enforcement and Crime, July 7, 1984" *Public Papers of the President of the United States: 1984*.

Believe me, we in the administration have been trying to speak up for you, the millions of Americans who are fed up with crime, fed up with fear in our streets and neighborhoods, fed up with lenient judges, fed up with a criminal justice system that too often treats criminals better than it does their victims. Too many Americans have had to suffer the effects of crime while too many of our leaders have stuck to the old, discredited, liberal illusions about crime – illusions that refuse to hold criminals responsible for their actions.

Reagan's exaltation of the need of tough judges is also seen in his *Remarks at the Annual Convention of the Texas State Bar Association in San Antonio, July 6, 1984*.<sup>26</sup>

Reagan asserts:

The American people are fed up with leniency toward career criminals, and they're fed up with those wrongdoers who are openly contemptuous of our way of justice and who do not believe they can be caught and, if they are caught, are confident that once the cases against them enter our legal system, the charges will be dropped, postponed, plea-bargained, or lost in a maze of legal technicalities that make a mockery of our society's longstanding and commendable respect for civil liberties. . . . The American people have lost patience with liberal leniency and pseudointellectual apologies for crime. They're demanding that our criminal justice system return to idealism; that our courts affirm the values that teach us right and wrong matters, and that individuals are responsible for their actions, and retribution should be swift and sure for those who prey on the innocent.

Again, Reagan is stressing that in appointing tough judges, his administration has answered the needs and desires of the American people. Moreover, crime has fallen as a result of increased toughness within the justice system. Reagan testifies:

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<sup>26</sup> "Remarks at the Annual Convention of the Texas State Bar Association in San Antonio, July 6, 1984" *Public Papers of the President of the United States: 1984*.

And the will of the people is at last being felt again. Reported crime dropped 4.3 percent in 1982, and that was the first decline since 1977. And reported crimes for last year showed an even more remarkable 7 percent decrease. This is the sharpest decrease in the history of the crime statistics and the first time the serious crime index has shown a decline for 2 years in a row.

Reagan stressed his administration's support of tough judges as part of the move away from liberalism in order to tackle the problem of crime throughout his presidency. In his *Radio Address to the Nation on the Federal Judiciary, June 21, 1986*, Reagan states:

. . .during the campaigns of 1980 and '84, I spoke often of the distressing loss of faith by the American people in their criminal justice system. It seemed to many of us that the scales of justice had become seriously unbalanced, making it difficult to arrest criminals and harder and harder to convict them. . . . So, on the crime issues, we've sought to appoint judges who look at the law as something to be honored, respected, and interpreted according to legislative intent, not whim or ideology.<sup>27</sup>

Similarly, in his *Radio Address to the Nation on the Supreme Court Nomination of Douglass H. Ginsburg and the Federal Budget, October 31, 1987*, Reagan stresses:

My concern is that in recent years too many judges have forgotten that one of the goals of our Founding Fathers was to ensure domestic tranquility. Too many judges have reinterpreted the Constitution, got away from the original intent of the Founders and, in the process, made law enforcement a game in which clever lawyers try to find ways to trip up our police. Our courts must protect the right of all Americans, and

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<sup>27</sup> "Radio Address to the Nation on the Federal Judiciary, June 21, 1986" *Public Papers of the President of the United States: 1986*.

that includes the rights of the victims of crime and of society, not just of criminals. I believe that Judge Ginsburg will do just that.<sup>28</sup>

As Reagan approached the end of his presidency his discourse focused on highlighting the achievements his administrations had made in relation to crime. In his *Remarks at a White House Briefing on Proposed Criminal Justice Reform Legislation October 16, 1987*, Reagan recollects on his time in office and emphasises the grave situation facing the nation at the outset of his presidency and how he had vowed to tackle it.<sup>29</sup> Reagan states:

And yet, for all the critical economic and international problems we faced, we should not forget that back in the early days, we faced another crisis that was just as grave, one that threatened the very stability and survival of our society. And that crisis was: the crisis of crime. Now I won't list the statistics and recite the horror stories. I think we can all remember the crime rates that steadily escalated, the fear and terror in our streets and neighborhoods, and the undermining of public faith in our legal system and democratic institution. In my first year in office, I mentioned all of this in a speech to our nation's police chiefs, and I pledged to them and to the Nation immediate action.

Once again, Reagan stresses the gravity of the problem of crime by placing it on a par with the economic and international crisis of the turn of the decade. Reagan then proceeds to set out the outcome of his pledge to respond to the critical situation:

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<sup>28</sup> "Radio Address to the Nation on the Supreme Court Nomination of Douglass H. Ginsburg and the Federal Budget, October 31, 1987" *Public Papers of the President of the United States: 1987*.

<sup>29</sup> "Remarks at a White House Briefing on Proposed Criminal Justice Reform Legislation, October 16, 1987" *Public Papers of the President of the United States: 1987*.

I want you to know we've had results. The number of convictions and average sentences have increased dramatically. In the organized crime area alone, crime convictions are more than five times what they were. I'm proud to tell you, too, that this administration's judges have shown to be statistically far sterner with criminals than their predecessors. All of this has added up. Just last week, the Department of Justice released a study showing crime was down now for the fifth year in a row and was now at its lowest point in 14 years.

Reagan demonstrates that his administration delivered on the problem of crime. By turning away from the liberal ideology of his Democrat predecessors, Reagan answered the needs and concerns of the American people, and his tough approach brought results. Moreover, Reagan stresses that that it was the lenient approach of his Democrat predecessors that had fuelled the rise in crime seen before he took office. Reagan charges:

Between 1977 and 1981 . . . serious crime went up 22 percent. . . . The rise in crime was not an unavoidable accident; it didn't just happen. It was the result of a liberal social philosophy endorsed and supported leniency in the courtroom, a social philosophy that said that society, not the criminal, was to blame for crime.

In making this statement, Reagan is also tapping into oppositional feelings towards liberal philosophies on crime which were concerned with the societal factors that contributed to criminal behaviour.<sup>30</sup>

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<sup>30</sup> Flanagan and Longmire (eds.), *Americans View Crime and Injustice*; Warr, "Public Opinion on Crime and Punishment".

These messages are also expressed in his *Annual Message to the Congress on the State of the Union, 25 January, 1988*.<sup>31</sup> Reagan proclaims:

The leading threat to domestic tranquility comes in the form of criminal offenses of citizen against citizen. When I took office crime rates were soaring. The public, with good reason, felt unsafe in our streets and often even in homes and places of work. Determined to give America back to its law-abiding citizens, our country is in the midst of the most vigorous crime-fighting effort in its history. . . . In spite of our successes, however, more needs to be done.

In addition to highlighting how his administration has acted on the will of the people in tackling the huge crime problem his administration was faced with when he entered office, Reagan emphasises that the effort is ongoing. In doing this, Reagan is making a statement about his, and the Republican Party's commitment to toughness against crime. Reagan continues to present the Republican Party as the party of law and order, and conversely the Democratic Party as its undoing. This theme remained an integral aspect in Reagan's discourse at the end of his presidency, as it did throughout.

In his *Remarks at a Camp Fundraising Luncheon for Senator Pete Wilson in Irvine, California, August 23, 1988*, Reagan expresses his support of Senatorial candidate, Pete Wilson, and in doing so, emphatically sets the Republican Party apart from the Democratic Party.<sup>32</sup> Reagan declares:

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<sup>31</sup> "Annual Message to the Congress on the State of the Union, 25 January, 1988" *Public Papers of the President of the United States: 1988*.

<sup>32</sup> "Remarks at a Camp Fundraising Luncheon for Senator Pete Wilson in Irvine, California, August 23, 1988" *Public Papers of the President of the United States: 1988*.

Crime is not a statistic: it is an outrage and a sin, and it must be fought. Pete's opponent, like so many of the liberal Democrats on the ballot this year, just can't seem to understand that the way to fight crime is to put the criminals in jail and keep them there. To protect our communities we need tough laws, strict sentencing, and no nonsense judges.

Once again, Reagan presents the Republican Party as the saviour of law and order and the Democratic Party as lenient, permissive and ultimately responsible for permitting crime. The representation of the Republican Party as the law and order party is also seen in his *Remarks at a Republican Campaign Rally in Derea, Ohio, November 2, 1988*.<sup>33</sup> Reagan states:

You know, the liberals are going around saying they're on our side. You know better than that. Lets talk about crime. Our side believes people who want to protect their home and family from an armed intruder have a constitutional right to own a gun; the liberals are against it. . . . We're also on your side because we take the threat of crime seriously. We've appointed serious-minded judges who respect the Constitution and know the meaning of the word 'punishment' . . . We learned during the 'malaise' years that when judges don't do their jobs right criminals feel like they can run rampant. Well, violent crime has fallen significantly in this country since 1981 because we put criminals on notice: Make one false move, and the next sound you hear is the clang of a cell door slamming.

Here Reagan explicitly aligns the Republican Party with law and order Americans.

Reagan also makes the point that an integral factor in his administrations' success in

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<sup>33</sup> "Remarks at a Republican Campaign Rally in Derea, Ohio, November 2, 1988" *Public Papers of the President of the United States: 1988*.

lowering the national crime rate is the increase in the number of criminals being incarcerated. The toughness displayed by the courts under Reagan in sentencing more offenders, and for longer, served to act as a warning and thus as a deterrent to would-be criminals.

The increased incarceration rate, in fact, was another aspect that Reagan was keen to highlight both during his presidency and as he reflected upon it as he neared the end of his term in office. In his *Remarks on Signing the Victims of Crime Week Proclamation April 19, 1985*, Reagan states:

During the 1960s the likelihood of being imprisoned if arrested for a serious crime fell by 75 percent. In recent years these figures have turned around. The likelihood of going to prison now is almost twice as high as it was in 1970. It's a fact that many thousands more career criminals are being imprisoned today than in 1970. That fact must be acknowledged and its meaning understood. It's happening because our criminal justice system is responding to the public outcry over crime. It's happening because we're doing more to protect the innocent and punish the guilty. And that's why, today, our homes, our families, and our societies are far safer.<sup>34</sup>

Reagan applauds the marked turnaround in the number of people who are being imprisoned for their crime, and he emphatically attributes this to the way the CJS during his administration responded to the demands of Americans to end the era of leniency seen in the 1960s and 1970s. Similarly, in his *Annual Message to the Congress on the State of the Union, January 25, 1988*, Reagan announces:

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<sup>34</sup> "Remarks on Signing the Victims of Crime Week Proclamation, April 19, 1985" *Public Papers of the President of the United States: 1985*.

One result of our increased efforts to fight crime is that the number of criminals serving time in Federal prisons has increased dramatically – nearly 80 percent since 1981. We anticipate that the Federal inmate population will continue to increase in the future, particularly in light of the enhanced criminal penalties contained in the Anti-Drug Abuse Act of 1986 and the new sentencing guidelines. One of my top priorities for the next year will be to increase substantially the construction of new prison space to accommodate the increased number of criminals being removed from our streets.

Here, Reagan presents the increase in the prison population as a positive result in the battle against crime achieved during his presidency.

While Reagan makes no overt reference to race in either of these remarks, they had significant racial implications. Perhaps the biggest effect that the crackdown on crime under Reagan had on the African-American population – especially the war on drugs - was the increase in the number of African Americans that were imprisoned during this period.<sup>35</sup> The large, and disproportionate, number of African Americans imprisoned within the nation helped to increase the identification of crime in racial terms, especially when it was combined with the propagation of the threat of the black criminal by the news media.<sup>36</sup> Some Americans as such, were able to interpret

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<sup>35</sup> Blumstein, "On the Disproportionality of U.S. Prison Populations"; Hagan and Patterson (eds.), *Crime and Inequality in America*; Jaynes and Williams, *A Common Destiny*, Chapter 9; Richey Mann, *Unequal Justice*; Spohn, "Courts, Sentences, and Prisons"; Tonry, *Malign Neglect*; Walker, Spohn, Delone, *Race, Ethnicity and Crime in America*.

<sup>36</sup> Beckett and Sasson, *The Politics of Injustice*; Christopher P. Campbell, *Race, Myth and the News* (London: Sage, 1995); R. M. Entman, "Modern Racism and the Images of Blacks in Local Television News", *Critical Studies in Mass Communications* 7 (1990): 332-346; Robert M. Entman and Andrew Rojecki, *The Black Image in the White Mind: Media and Race in America* (Chicago: University of Chicago Press, 2000); Franklin D. Gilliam Jr., and Shanto Iyengar, "Prime Suspects: The Influence of Local Television News on the Viewing Public", *American Journal of Political Science* 44.3 (2000): 560-573; Allen E. Liska, Joseph J. Lawrence, Andrew Sanchirico, "Fear of Crime as Social Fact", *Social*

Reagan's remarks in relation to prison populations in racial terms, thus allowing Reagan to use the issue as a coded appeal to white voters.

There were also other inherently racial aspects to Reagan's discourse on crime. In addition to making reference to the Democrat tradition of liberalism and leniency in relation to crime, Reagan also makes a direct link between crime and Great Society spending, which was generally perceived in racial terms.<sup>37</sup> This is seen in his *Remarks at the Annual Meeting of the International Association of Chiefs of Police in New Orleans, Louisiana September 28, 1981*.<sup>38</sup> Reagan remarks:

. . .it has occurred to me that the root causes of our other major domestic problem, the growth of government and the decay of the economy, can be traced to many of the same sources of the crime problem. This is because the same utopian presumptions about human nature that hinder the swift administration of justice have also helped fuel the expansion of government. Many of the social thinkers of the 1950s and '60s who discussed crime only in the context of disadvantaged childhoods and poverty-stricken neighborhoods were the same people who thought that massive government spending could wipe away our social ills. The underlying premise in both cases was a belief that there was nothing permanent or absolute about any man's nature, that he was a product of his material environment, and that by changing that environment – with government as the chief vehicle of change through educational, health, housing and other programs – we could permanently change man and usher in a great new era. . . . It's time . . . that we acknowledge the solution to the crime problem will not be found in the social worker's file, the psychiatrist's notes, or the bureaucrat's budgets.

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*Forces* 60 (1982): 760-770, Jon Hurwitz and Mark Peffley, "Public Perceptions of Race and Crime: The Role of Racial Stereotypes", *American Journal of Political Science* 41.2 (1997): 375-401; Walker, Spohn, Delone, *Race, Ethnicity and Crime in America*.

<sup>37</sup> James W. Button, *Black Violence: Political Impact of the 1960s Riots* (New Jersey: Princeton University Press, 1978); Robert Cook, *Sweet Land of Liberty? The African American Struggle for Civil Rights in the Twentieth Century* (London: Longman, 1998); Maurice Isserman and Michael Kazin, *America Divided: The Civil War of the 1960s* (New York: Oxford University Press, 2000).

<sup>38</sup> "Remarks at the Annual Meeting of the International Association of Chiefs of Police in New Orleans, Louisiana, September 28, 1981" *Public Papers of the President of the United States: 1981*.

Reagan sends the message that big government and the rise in social spending during the 1960s through Great Society programs, was no more an answer to the problem of crime than it was to the problems of poverty and inequality. In doing this, Reagan is conjoining the issues of race and crime. The link between big government spending and crime is also made in his *Remarks at the Conservative Political Action Conference Dinner, February 18, 1983*.<sup>39</sup> Reagan asserts:

. . . it is abundantly clear that much of our crime problem was provoked by a social philosophy that saw man as primarily a creature of his material environment. The same liberal philosophy that saw an era of prosperity and virtue ushered in by changing man's environment through massive Federal spending programs also viewed criminals as the unfortunate products of poor socioeconomic conditions or an underprivileged upbringing. Society, not the individual, they said, was at fault for criminal wrongdoing. We were to blame.

Again, Reagan's remarks send the message that the increased social spending witnessed during the 1960s does not stop crime; poverty is not the primary cause of crime. In making this statement, Reagan not only helps to racialise the crime issue through discussing crime in conjunction with social spending of the 1960s, he also taps into the growing feeling amongst whites that African Americans should take responsibility for their own lives. Since the late 1960s whites increasingly felt that the

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<sup>39</sup> "Remarks at the Conservative Political Action Conference Dinner, February 18, 1983" *Public Papers of the President of the United States: 1983*.

onus for achieving socio-economic advancement rested upon African Americans themselves.<sup>40</sup>

Reagan evokes the American values of self-reliance and responsibility in his *Remarks on Signing the Victims of Crime Week Proclamation, April 19, 1985*.<sup>41</sup>

Reagan states:

Since our first days in office the problem of crime has been a major concern of this administration, even while we had to act immediately to deal with the twin crises of a declining economy and a jeopardized national defense. Making our homes and streets safe again remained among our highest priorities. At the time we took office, government was bloated and had taken on responsibilities in areas where it was neither competent or needed. Yet, at the same time government was failing in its most legitimate and important functions, particularly preserving domestic order and protecting society from those who would prey on the innocent. In the past few years we've seen a return to the values that are the basis for a free and a just society: the belief that right and wrong matters, that individuals are responsible for their actions, and that punishment must be swift and sure for those who transgress against the rights of their fellow citizens. It was such values and beliefs that guided us when we took office.

Once again, Reagan makes the direct link between big government spending and crime.

Furthermore, Reagan emphasises the much-needed restoration of the traditional values of self-reliance and responsibility in relation to crime during his presidency.

Reagan's discourse in relation to crime and fear of crime reveals that throughout his presidency, Reagan presented crime as an enormous issue of concern

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<sup>40</sup> Isserman and Kazin, *America Divided*.

<sup>41</sup> "Remarks on Signing the Victims of Crime Week Proclamation, April 19, 1985" *Public Papers of the President of the United States: 1985*.

for American society. In doing this, Reagan helped both to fuel and legitimise the fear of crime in American society. Reagan championed the need for a reversal of the liberal attitudes and policies towards crime and advocated a get-tough philosophy. In doing this, Reagan built upon the work of Nixon and presented the Republican Party as the party of law and order, whereas the Democratic Party was presented as the antithesis to this. More importantly, however, again building upon the work of Nixon, contained within Reagan's discourse were implicit racial elements which not only helped increase the racial interpretation of crime, it also helped create an atmosphere where coded racial messages could be more easily heard.

The level of concern with crime and the fear of crime during the Reagan era is illustrated by the massive public response to the Bernhard Goetz subway shootings in 1984. An analysis of public discourse surrounding the incident demonstrates the feelings and beliefs that Reagan tapped into with his crime discourse. Despite evidence which cast significant doubt on Goetz's claim of self-defence, the majority of Americans continued to support him. To them, Goetz was an everyman, symbolising the fears and frustrations of ordinary Americans in relation to crime. For the most part, responses to the shootings were seemingly aracial, with only a minority interpreting the incident in overtly racial terms. Yet, a counter discourse existed, especially amongst African Americans, which questioned the role of race in both the incident and in public support of Goetz. For these Americans, there was concern that fear of crime translated into a fear of blacks. An analysis of public discourse surrounding the death of Michael

Griffith in Howard Beach, New York, in 1986, demonstrates how the issue of crime was interpreted in overtly racial terms by some Americans, whereby fear of crime was indeed translated into fear of blacks. Moreover, the incident illustrates the way in which fear of crime was used by some to justify a racial attack. The public reaction to the ensuing trials further demonstrated the negative racial prism through which a significant proportion of whites viewed crime.

## 5.2 The Bernhard Goetz Subway Shootings, 1984

On the afternoon of December 22, 1984, Bernhard Goetz a 37-year-old electrical technician, shot four African-American youths who had confronted him on the New York subway and demanded money from him.<sup>42</sup> The subway shootings, perpetrated by a “. . . neatly dressed gunman . . .”<sup>43</sup> against four “. . . teenagers from the Bronx. . . . Three of [whom] have arrest records and . . . were carrying long screwdrivers in their jackets”<sup>44</sup>, were regarded as a case of self-defence by the majority of New Yorkers. According to a *New York Daily News* poll, 75% of New Yorkers regarded the incident as an act of self-defence.<sup>45</sup> More than that, in fact, the actions of the ‘subway vigilante’ as he was dubbed were hailed as nothing short of heroic by

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<sup>42</sup> The four were: Barry Allen, 18, Darrell Cabey, 19, Troy Canty, 19, and James Ramseur, 18. Although none were killed, Cabey was left paralyzed and brain-damaged.

<sup>43</sup> Ruben Rosario, Bob Rappstatter, Don Singleton, “‘Victim’ on Subway Shoots 4”, *New York Daily News*, December 23, 1984, 3.

<sup>44</sup> Robert D. McFadden, “A Gunman Wounds 4 on IRT Train, Then Escapes”, *New York Times*, December 23, 1984, 1, 23.

<sup>45</sup> Stuart Marques, “Half of us Back IRT Gunman: Polls”, *New York Daily News*, January 6, 1985, 30.

much of the American public. Because Goetz had fled the scene of the shooting a police hotline was established and appeals were made for information. Rather than providing information on the shooting and information on the whereabouts of the shooter, however, the hotline was inundated with calls of support for Goetz. Most callers simply expressed their support of Goetz, whilst some offered financial help for his defence if needed and a few even suggested he should run for Mayor.<sup>46</sup> It seemed that Goetz's actions had struck a cord with New Yorkers and indeed with people all over America. In the aftermath of the shootings national opinion polls put support for Goetz at approximately 45-52%.<sup>47</sup>

Radio call-in shows and newspapers were inundated with calls and letters of support for Goetz, which help to reveal why support amongst Americans was so strong. One letter to the *New York Times* stated: "People have been running scared. Here's someone who struck back." Another letter read: "His excess, if any, must not blind us to the essential legitimacy of his response: he was right to resist. And so are we."<sup>48</sup> While the letter acknowledges the severity of the response, the author maintains that Goetz's defence of himself was legitimate. Moreover, all Americans have that right; Americans do not have to accept victimisation by criminals. According to these letters,

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<sup>46</sup> David G. Sanger, "Callers Support Subway Gunman", *New York Times*, December 25, 1985, 19.

<sup>47</sup> Marques, "Half of us Back IRT Gunman", 30; *Chicago Tribune*, February 24, 1985, 4; "Vigilante Mystique", *Washington Post*, January 17, 1985, B11.

<sup>48</sup> Syndey H. Schonberg, "The Bernhard Goetz Mailbag", *New York Times*, January 19, 1985, 21.

Americans were living in fear of crime and Goetz's tough defence of himself had given them a sense of empowerment.

Americans embraced the empowerment that the Goetz incident symbolised because of the pervasive sense of despair and frustration that many Americans felt about crime.<sup>49</sup> One caller to Bob Grant's ABC Radio talk show stated: "I feel frustrated like he did. . . . It's a frustration that's been digging deep into people for many years." On Catherine Catalone's WGN radio show, a caller in Chicago stated: "He's an example that we are still all being taken to an edge of anger, fear and frustration . . . parents and communities have been shoved up against an emotional wall without any alternatives."<sup>50</sup> Letters to newspapers echoed these feelings of despair and frustration.

One correspondence to the *New York Daily News* read:

Why is there such a huge fuss being made over the citizen who performed a civic duty in trying to blow away four would-be robbers on the subway? This man should be given a good citizen's award instead of Commissioner Ward's sending out his troops to capture him. Instead, Mayor Koch should start an investigation into the bleeding heart liberal judges and D.A.'s who are negligent in their duty by not keeping these creeps in jail where they belong. Why did every one of them have a long arrest record, yet were allowed to be out preying on the public? Long live Charles Bronson!<sup>51</sup>

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<sup>49</sup> Flanagan and Longmire (eds.), *Americans View Crime and Injustice*; Warr, "Public Opinion on Crime and Punishment".

<sup>50</sup> Quoted in Esther B. Fein, "Angry Citizens in Many Cities Supporting Goetz", *New York Times*, January 7, 1985, B1.

<sup>51</sup> "Letters", *New York Daily News*, January 9, 1985, 27.

This letter reveals the sense of frustration Americans felt towards the Criminal Justice System (CJS), which they felt was doing little to protect them from crime. It also reflects the widely held perception that the leniency of the CJS was a major cause of crime in America. Similarly another letter stated:

Hooray for that guy who shot those 4 muggers on the subway. I congratulate him on his act of self-defense. We should all follow his example. Since our judicial system stinks, and it favors the criminal over the victim, it's time for people to take matters into their own hands and give the scum what they've got coming to them. All the politicians should take this as a message that people are fed up, and if they don't take some action, other people will. And to that new urban hero? All I have to say is 'keep up the good work'.<sup>52</sup>

A great many Americans felt besieged by criminals and that the CJS was doing little to protect them. The letter also echoes the belief amongst a number of Americans that the CJS was preoccupied with protecting the rights of criminals at the expense of ordinary Americans. This was expressed in another letter to the *New York Daily News*, which read:

People are beaten and robbed daily in our city. Reports of these crimes flow freely into the NYPD, yet not much is done. Let one honest citizen defend himself against these terrorists and all of a sudden we find an additional 1,350 cops to hunt him down as if he were an animal! I wonder if he had been successfully mugged and then stabbed with one of those screwdrivers how many extra police officers would have been sent to find *his* attacker?<sup>53</sup>

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<sup>52</sup> Letters", *New York Daily News*, December 30, 1984, 31.

<sup>53</sup> Letters", *New York Daily News*, January 2, 1985, 39.

For a number of Americans, the CJS was quite simply totally ineffective in combating crime and protecting law abiding citizens. Moreover, it appeared that the CJS was grossly unbalanced, offering protection and leniency towards those who perpetrated crime, while affording little protection or support to ordinary Americans.

Americans also directed their feelings of frustration towards ineffective politicians. One letter charged:

Our problem is that subways are used only by little, unimportant, un-influential people. We really don't count much for politicians. The mayor, council president, governor all have big autos supplied at our expense. They don't have to use subways to be at work on time. Our local government is not doing the job; that's why the guy with the gun is a hero.<sup>54</sup>

Americans felt that politicians were ineffective in fighting crime and that they were out of touch with the needs and desires of the people. Another letter asserted:

Mayor Koch sure is a funny guy. He thinks by putting a few rookie cops on the subways for a week people will feel the subways are safer. Frankly, the so-called 'vigilante' did more to make the subways safe by getting the four punks off our collective backs with some sharp shooting.<sup>55</sup>

This correspondence reveals that it was the toughness against criminals displayed by Goetz that Americans wanted. Goetz was praised in another letter for single-handedly

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<sup>54</sup> Schonberg, "The Bernhard Goetz Mailbag", 21.

<sup>55</sup> Letters", *New York Daily News*, December 28, 1984, 31.

making New York City a safer place through his actions. It read: “Those four slobbs out of commission are probably responsible for a crime a week in the subway. Someone won’t be pushed off the platform or raped on a roof because they were hospitalized. I wonder how many murders they committed.”<sup>56</sup> Another letter, echoing calls to the hotline, illustrated the kind of action they wished to see from those in power. The letter stated: “Thank – God for that vigilante. Bernhard Goetz for Mayor.”<sup>57</sup>

While some Americans regarded Goetz’s actions as a good deed, for many New Yorkers, Goetz had sent a message to would-be criminals that they would no longer be tolerated. Many of Goetz’s supporters, in fact, regarded his approach as an effective form of crime prevention. As one letter stated: “It’s a risk . . . but isn’t it time we tried another approach to the crime problem. It might even get more police protection and dissuade would-be criminals and isn’t that what we all really want.” Similarly another read: “It’s not that everyone will be armed (in imitation of Goetz), but that potential muggers believe they may be. Perception is everything and so be it.”<sup>58</sup> Another exclaimed: “They used to hang people for stealing horses. It worked!”<sup>59</sup>

The letters and calls of support for Goetz revealed the level of concern with crime, the frustration of Americans living in fear of crime and the sense of despair towards an ineffective CJS that appeared to favour the rights of criminals over the rights of law abiding citizens. Americans wanted the restoration of law and order in

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<sup>56</sup> Schonberg, “The Bernhard Goetz Mailbag”, 21.

<sup>57</sup> Schonberg, “The Bernhard Goetz Mailbag”, 21.

<sup>58</sup> Schonberg, “The Bernhard Goetz Mailbag”, 21.

<sup>59</sup> Schonberg, “The Bernhard Goetz Mailbag”, 21.

society. They wanted a concerted effort to be made by those in power to tackle crime and make all of America's cities free from the fear of crime. Moreover, the statements of support for Goetz reveal the feelings and beliefs that Reagan's discourse in relation to crime and fear of crime was tapping into, reflecting, and legitimising.

Reagan further legitimised these feelings and aligned himself with Americans and their concern with crime when he spoke about the Goetz incident at news conference. When asked how he felt about citizens who used deadly force to defend themselves, Reagan replied: "In general, I think we all can understand the frustration of people who are constantly threatened by crime and feel that law and order is not particularly protecting them."<sup>60</sup> In doing this Reagan also further aligned the Republican Party with Americans and their concern with crime. The Republican Party at the state level was also aligned with law and order Americans through the comments of George Clark, chairman of the New York State Republican Committee, who offered \$5000 to Goetz. Clark asserted that he was ". . . scared of some of the creatures on the subway. . . . In a way, I think he was defending New York society."<sup>61</sup>

While most responses to the subway shootings were aracial, a number of responses revealed the racial interpretation of crime held by some. Certainly a number of responses were overtly racial. For example, one letter on the subject to the *New York Times* read: "Bernhard H. Goetz makes me proud. P.R.O.U.D. to be a white, male American! At long last we can hold up our heads again!" This letter, exalting the

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<sup>60</sup> Quoted in "Asked About Goetz, Reagan Cities the law", *New York Times*, January 10, 1985, B3.

<sup>61</sup> Quoted in "Head of State GOP Offered Aid to Goetz", *New York Times*, January 6, 1985, 22.

empowerment of white men, reveals how some Americans perceived the fear of crime in distinctly racial terms. Another reader commented:

Why do you conceal the truth and write that merely 'a lot of' the crime in the New York subways are caused by blacks and Hispanics? You know very well that they commit virtually all of the crimes (as well as in the city generally). When are you going to use your column on our behalf and call out 'Enough!' Tell them we have had enough of their cold, murderous ways.<sup>62</sup>

These statements also reveal the racial feelings and beliefs concerning crime and the fear of crime that Reagan was tapping into and legitimising with the racial messages contained within his crime discourse.

Despite the overtly racial reaction by some, support for Goetz was strong from both African Americans and whites. The threat of crime was indeed of huge concern for African Americans as well as for whites, especially as they were more likely to be the victims of crime than whites.<sup>63</sup> As such, African Americans were equally able to empathise with Goetz. As one resident from the youths' South Bronx neighbourhood stated:

The neighbourhood is bad. . . . Everybody robbing people. There's lots of drugs, cocaine, robberies. People get killed in these projects. Sometimes you get so frustrated that you can't help it. You begin to feel,

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<sup>62</sup> Schonberg, "Bernhard Goetz Mailbag", 21.

<sup>63</sup> Jaynes and Williams, *A Common Destiny*; Marable, *Race, Reform and Rebellion*; Tonry, *Malign Neglect*.

'Hey, get them before they get me.' I've been robbed. I know if I'd had a gun, I would have shot him.<sup>64</sup>

Opinion polls demonstrated that the sentiments expressed in this statement were reflective of a wider pattern of support amongst African Americans. National newspaper polls placed African-American approval of Goetz at between 45% and 49%, compared to the white approval rating of approximately 52%.<sup>65</sup>

Despite the high levels of support amongst Americans, both African-American and white, however, a counter discourse, especially amongst African Americans, did exist, which increased as time progressed and more details were released about the incident and about Goetz. The fact that two of the youths were shot in the back cast doubt in the minds of some of the claim of self-defence.<sup>66</sup> One African American stated: "I don't think, legally, any lawyer believes that what Goetz did was self-defense, not as to the two with holes in their back."<sup>67</sup> Also, there had been a lot of inaccuracy in the press about the incident. Only two of the youths had screwdrivers in their pockets and none were sharpened. Yet, these facts were misreported by some of

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<sup>64</sup> Margot Hornblower, "Wounded Youth Denies Threat to Rob New York City 'Subway Vigilante'", *Washington Post*, January 11, 1985, A3. Lillian B. Rubin in *Quiet Rage: Bernhard Goetz in a Time of Madness* (Boston: Faber & Faber, 1986) charges that the press made considerable effort to demonstrate African-American support of Goetz.

<sup>65</sup> According to a poll in the *New York Daily News* 49% of African Americans compared with 52% of whites approved of Bernhard Goetz's actions, while 36% of African Americans and 28% of whites disapproved. Marques, "Half of us Back IRT Gunman", 30. A poll in the *New York Times* showed that 45% of African Americans supported Goetz compared to 52% of New Yorkers as a whole. *Chicago Tribune*, February 24, 1985, 4. A *Washington Post* poll put African-American support at 49% and white support at 52%. "Vigilante Mystique", B11.

<sup>66</sup> Both Allen and Canty were shot in the back.

<sup>67</sup> Quoted in Joyce Purnick, "Ward Declares Goetz Didn't Shoot in Self-Defense", *New York Times*, February 22, 1985, 1.

the media. Two articles in the *New York Times* on the 29<sup>th</sup> and 30<sup>th</sup> of December respectively, and one in the *Chicago Tribune* on the 1<sup>st</sup> of January, talked about three sharpened screwdrivers as did Phil Donahue on his daytime chat show.<sup>68</sup> African Americans also questioned the role race played in Goetz's actions. As Alvin F. Poussaint, a Professor of Psychiatry at Harvard stated: ". . . would Goetz have gotten on a subway and felt that white kids would attack him?"<sup>69</sup> These worries were further fuelled following revelations in the press concerning Goetz's character. Goetz had been the victim of a previous mugging in 1981, which had led him to apply for a gun permit and neighbours of Goetz described him as being preoccupied with crime and personal safety and claimed that he made frequent racial remarks about African Americans and Hispanics, especially in relation to crime, at tenants association meetings, which had led to him being removed from the board of directors.<sup>70</sup>

Some African Americans questioned the ease with which a significant proportion of the population - both white and African-American - had unequivocally believed that Goetz had reacted in self-defence against a deadly threat perpetrated by

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<sup>68</sup> Sydney H. Schonberg, "A New Morality Play", *New York Times* December 29, 1984, 21; David E. Sanger, "The Little Known World of the Vigilante", *New York Times*, December 30, 1984, 4.6; *Chicago Tribune*, January 1, 1985, 1; Rubin, *Quiet Rage*, 8-9; George P. Fletcher, *A Crime of Self-Defense: Bernhard Goetz and the Law on Trial* (New York: The Free Press, 1988), 3.

<sup>69</sup> Quoted in "Vigilante Mystique", B11.

<sup>70</sup> Dan Gentile and Brian Kates, "'A Little Strange': Neighbours Describe Him as a Zealot", *New York Daily News*, January 1, 1985, 3; Murray Weiss, Randy Diamond and Dan Singleton, "A Quiet, Intense Man", *New York Daily News*, January 2, 1985, 2; *Chicago Tribune*, January 1, 1985; "Fans Pitch in to Bail Out Vigilante", *Chicago Tribune*, January 6, 1985, A16. Goetz's application for a gun permit was denied and so he purchased a handgun out-of-state in Florida. On February 26, U.S. Attorney Rudolph W. Giuliani, announced that there was insufficient evidence that the shootings had been racially motivated and as such Goetz would not face federal prosecution for denying the youths of their civil rights.

young black men.<sup>71</sup> One African American stated: "I'm not surprised that you can round up a lynch mob . . . we were always able to do that in this country. I think that the same kind of person that comes out and applauds the lynching is the first that comes out and applauds someone that shoots four kids."<sup>72</sup> According to this statement, the instinctive reaction of whites to support Goetz and his actions was based on deeply-held racist feelings.

By charging that public reaction in support of Goetz was fuelled by negative racial feelings, however, this counter discourse, particularly through its dissemination in the media, helped to racialise the discussions surrounding the event, which in turn helped to racialise the crime debate. The debate was also racialised by the media in its coverage of the event, and in editorials and columns. The vast majority of mainstream media opinion on the case – amongst both white and African American journalists - was supportive of Goetz.<sup>73</sup> African-American journalist, Mike Royko, wrote in the *Los Angeles Times*:

To hell with the questions. I'm glad that Goetz shot them. . . . Sure Goetz took the law into his own hands. When 4 tough-looking punks on a New York Subway demand money, what are you supposed to do - draft a motion and ask the conductor to file it with the Supreme Court?

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<sup>71</sup> For a discussion of the degree to which non-whites are associated with dangerous street crime in the popular beliefs and stereotypes of both African Americans and whites see Liska, Lawrence, Sanchirico, "Fear of Crime as Social Fact"; Hurwitz and Peffley, "Public Perceptions of Race and Crime"; Walker, Spohn, Delone, *Race, Ethnicity and Crime in America*. For a discussion of the role of the media in the racialisation of crime see also Campbell, *Race, Myth and the News*; Entman, "Modern Racism and the Images of Blacks in Local Television News"; Entman and Rojecki, *The Black Image in the White Mind*; Gilliam Jr., and Iyengar, "Prime Suspects".

<sup>72</sup> Quoted in Purnick, "Ward Declares Goetz", 1.

<sup>73</sup> For a discussion of the press and Goetz see Rubin, *Quiet Rage*; Fletcher, *A Crime of Self-Defense*.

All things considered, I'd say that Goetz was effective in making his point, which was that he has a right to sit on a public subway, minding his own business and bothering nobody, without being threatened, intimidated, frightened or harmed.<sup>74</sup>

For some, the inter-racial public-support for Goetz signified that the problem of crime had at last become an aracial issue. Midge Decter wrote in the *New York Times*:

Yet in the midst of all the nasty declarations on both sides of the issue, the real significance of the Goetz case has gone obviously unmarked. For beyond anything else, the response to this case promises to end race and racism as relevant categories in which to discuss the problem of crime. That Bernhard Goetz is white and the 4 young men he shot are black has clearly played small part in the community's feeling. . . . Now the Goetz case has made it evident beyond the power of anyone to deny that when it comes to the problem of street crime and what to do about it, there are no blacks and whites - there are only New Yorkers.<sup>75</sup>

It was not just African Americans who were troubled by the case, particularly as it progressed.<sup>76</sup> The mood of Americans in general concerning the case shifted somewhat with press revelations about Goetz's character and further details of the shootings. Public opinion critical of Goetz intensified following the grand jury verdict that indicted Goetz on a charge of illegal weapons possession only.<sup>77</sup> A month after the

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<sup>74</sup> Mike Royko, "A Victim Sees Goetz in Different Perspective", *Los Angeles Times*, January 18, 1985, 2.5.

<sup>75</sup> Midge Decter, "A Goetz Case Legacy", *New York Times*, February 22, 1985, 27.

<sup>76</sup> Lillian B. Rubin argues that oppositional discourse to the Goetz incident had existed from the very beginning but had been largely ignored by the press. Yet, editorials critical of Goetz did appear in the *New York Times*. See Rubin, *Quiet Rage*; Fletcher, *A Crime of Self-Defense*.

<sup>77</sup> The grand jury accepted Goetz's claim of self-defence. The law of self-defence in New York State states that a person can use deadly force if it is necessary to defend himself against imminent use of unlawful physical force and if he reasonably believes that he is about to become the victim of rape, sodomy, robbery, kidnapping or burglary. District Attorney Robert Morgenthau was criticised by some

verdict, details of the police report on Goetz's confession to police in New Hampshire were released, which had a big impact on public reaction.<sup>78</sup> According to the report, Goetz confessed to shooting one of the youths a second time because he did not appear to have been badly injured. Goetz described how he approached Darrell Cabey and before firing a second shot, paused and told him: "You seem to be doing all right; here's another."<sup>79</sup> With these revelations a number of Americans began to doubt the self-defence story and some questioned whether Goetz had overreacted to the incident.<sup>80</sup> Following the supply of information by a new eyewitness, a second grand jury was convened which indicted Goetz on four counts of attempted murder in the second degree, four counts of assault in the first degree, one count of criminal possession of a weapon in the second degree and one count of reckless endangerment in the first degree.<sup>81</sup> Yet, despite growing doubts as to what happened, and the new charges, the predominant discourse surrounding the case was in support of Goetz.

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for not granting the youths immunity in return for testimony. As a result, none of the youths testified before the grand jury.

<sup>78</sup> Goetz turned himself into police in Concord, New Hampshire on December 31, 1984. He was returned to New York on January 3 and arraigned on charges of attempted murder.

<sup>79</sup> Quoted in Marcia Chambers, "Goetz Spoke to One Youth, Then Shot Again, Police Say", *New York Times*, February 28, 1985, 1. In the trial, the defence challenged the credibility of this part of the confession. See Fletcher, *A Crime of Self-Defense*, Chapter 7.

<sup>80</sup> *Los Angeles Times*, March 3, 1985, 2.

<sup>81</sup> It has been charged that political reasons compelled Morgenthau to seek a second grand jury. With the shift in public opinion, Morgenthau had to be seen to take acts of vigilantism seriously. See Rubin, *Quiet Rage*.

On June 17, 1987 Goetz was acquitted of all charges, except for illegal gun possession.<sup>82</sup> The verdict was supported by the majority of New Yorkers, both African-American and white: according to a Gallup poll, 71% of people approved of the verdict.<sup>83</sup> Like the jury in the case, it appeared that the majority of Americans were able to identify with Goetz and the situation he faced.<sup>84</sup> Although the proportion was considerably higher for whites, the majority of both African Americans and whites - 54% and 77% respectively - agreed that race was not an important factor in the shootings.<sup>85</sup> It was an attitude well conveyed by one South Bronx resident:

I think that if I had a gun in that situation, I would have done the same thing . . . I'm a victim too . . . I have to ride the train late at night sometimes, and young people have approached me too. I think what Goetz did was done in self-defense. Those young guys terrorised people around here. You would not characterize them as good kids.

Similarly, another resident stated:

I don't see this as a racial thing. . . . Robbery is a big problem up here, where crack is everywhere. When I walk the streets at night, I carry a weapon. If it were me in the same situation as Goetz, I would have shot them too. This is self preservation sweetheart.<sup>86</sup>

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<sup>82</sup> For a juror's account of the verdict see Mark Lesly, *Subway Gunman: A Juror's Account of the Bernhard Goetz Trial* (British American Publishers Ltd, 1988). Goetz was subsequently sentenced to one-year imprisonment for the gun possession charge.

<sup>83</sup> Barbara Whitaker, "City Poll Finds Support For Goetz Verdict", *New York Newsday*, June 28, 1987, 6.

<sup>84</sup> Amongst the jury of 10 whites and two African Americans, six had been the victims of crime, three of whom has been the victims of subway crime.

<sup>85</sup> Whitaker, "Support For Goetz Verdict", 6.

<sup>86</sup> Quoted in David E. Pitt, "Blacks See Goetz Verdict as Blow to Race Relations", *New York Times*, June 18, 1987, 1.

African Americans of New York City, perhaps more than anybody, were able to empathise with the situation Goetz found himself in.

For the majority of African-American and white supporters, in New York and beyond, the Goetz verdict was about the triumph of the victim over the criminal. This was expressed in numerous letters to national newspapers. In a letter to the *Washington Post*, a reader wrote:

I believe we all owe a debt of gratitude to Bernhard Goetz, a potential victim, for doing exactly what we wish we had the guts to do at a critical time: stand up to a smirking bully or a menacing gang of toughs and not merely defy them but administer deserved retribution.<sup>87</sup>

Similarly, another correspondence read:

In response to Clarence Page's question, 'why did Goetz have to shoot?' I would like to answer. Had Lori Roscetti, the medical student who was raped and had her head crushed by 4 'cardfare' seekers used a handgun, she would still be a medical student!<sup>88</sup>

For the majority, crime was the central issue of the case, as was expressed by another reader:

If Goetz had not had a reason to fear for his safety, he would not have been carrying a revolver while riding the subway; and if those 'rambunctious kids' had not been so eager to add to their list of prior offences, they would all be well today - which leads me to believe that

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<sup>87</sup> "Letters", *Washington Post*, July 2, 1987, 26.

<sup>88</sup> "Letters", *Washington Post*, July 12, 1987, 4.2.

it's not Goetz's acquittal we should be arguing over, but how best to resolve the problems that led to the shootings in the first place.<sup>89</sup>

Despite the facts that had emerged around the case and around Goetz himself, most Americans still perceived the case as a symbolic triumph of the law abiding citizen over the criminal in an atmosphere of threat and fear of crime. It was to these feelings and sentiments that Reagan's fear of crime discourse tapped into and fuelled.

Not all Americans, particularly African Americans, supported the verdict, however; a counter discourse continued to exist. While a great number of African Americans supported the verdict the proportion was considerably less than it was for whites. Whites approved by a margin of 9-1, while African Americans were evenly split.<sup>90</sup> The racial aspect to the case troubled many African Americans. A number questioned whether the case would have been perceived differently had the youths been white. As Benjamin Hooks, head of the National Association for the Advancement of Colored People (NAACP), stated:

The jury verdict was inexcusable. I think it was a terrible and grave miscarriage of justice. . . . If a white youth had been shot in similar circumstances by a black man while the youth was prone and defenseless . . . what would have been the outcome then?<sup>91</sup>

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<sup>89</sup> "Letters", *Washington Post*, July 3, 1987, 18.

<sup>90</sup> Whitaker, "Support For Goetz Verdict", 6. African-American men were more likely to disapprove of the verdict than African-American women: 51% compared to 36%.

<sup>91</sup> Quoted in Pitt, "Verdict as Blow to Race Relations", 1.

For many African Americans, the Goetz verdict was evidence of a racial double standard within the CJS.<sup>92</sup> The crux of the trial had been whether or not Goetz had acted in a reasonable manner when confronted by the youths on the subway train. A number of African Americans were concerned about the extent that the race of the youths played in this. As a letter to the *Amsterdam News* read:

The racial controversy that envelopes this case speaks more to the American condition than to Goetz himself, and separates his supporters into two categories: those who know there is a racial issue and don't care, and those who genuinely feel there is no racial issue, only one of self-defense. I ask the latter to consider what media reaction would have been to a black Bernhard Goetz. Would he have been 'avenging angel' or a subway gunman? More importantly, I ask what your reaction would have been had those 4 white teenagers been shot, under identical circumstances, by a black man? How much the hero would a black Bernhard Goetz have seemed after shooting 4 white teenagers in the back? If you can honestly tell yourself that reaction would have been the same, then the issue of racism can be diminished in the case of Bernhard Goetz.<sup>93</sup>

For a number of African Americans, support for Goetz's actions by the jury and the public, whether explicitly revealed in public discourse or not, was borne out of the contemporary socio-political climate in which fear of crime was translated, to a significant degree, in racial terms. As Roscoe C. Brown Jr., President of Bronx Community College, stated: "The climate in which this decision was made, whether it

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<sup>92</sup> Blumstein, "On the Disproportionality of U.S. Prison Populations"; Hagan and Patterson (eds.), *Crime and Inequality in America*; Jaynes and Williams, *A Common Destiny*, Chapter 9; Richey Mann, *Unequal*; Spohn, "Courts, Sentences, and Prisons"; Tonry, *Malign Neglect*; Walker, Spohn, Delone, *Race, Ethnicity and Crime in America*.

<sup>93</sup> "Readers Write", *Amsterdam News*, June 20, 1987, 14.

be by white jurors or black jurors, is one of racism and fear of young black men.”<sup>94</sup> As such, a number of African Americans were concerned that the Goetz case heightened the link between race and violent crime and legitimised a fear of blacks. As reporter Donald Grant stated in the *Washington Afro-American*:

Black people should note that Tuesday, June 16, 1987 was the day in which blacks became fair game for armed white Americans. On that day, a New York judge and jury acting in complicity in the Bernhard Goetz case legitimized the right of white people to claim self-defense with legal impunity in their use of deadly force against any black male, on the mere basis of a racist belief. It is now the rule as determined by their decision, that whites may kill any black male on the grounds of an unarticulated fear, no matter how irrational that fear may be. The rule further states that the white actor need only plead as a defense that his or her justification was that, ‘I acted in fear that they would do something to me’, even though that something is not shown, subjectively or objectively. White persons are no longer required to base their acts of self-defense on ‘apparent necessity,’ or ‘reasonable force,’ so long as the feared persons are black. The rule does not operate in the reverse.<sup>95</sup>

### **5.3 Howard Beach: The Michael Griffith Killing, 1986**

Reactions to the death of Michael Griffith, a young African American in Howard Beach, New York, in 1986 reveal the way in which crime and fear of crime was interpreted racially by a significant proportion of white Americans. Griffith and his friends were attacked by a gang of whites in Howard Beach and one of the ways in which a number of residents defended the local youths’ actions was through citing a

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<sup>94</sup> Quoted in Pitt, “Verdict as Blow to Race Relations”, 1.

<sup>95</sup> Donald Grant, “Goetz Verdict Opens the Hunting Season”, *Washington Afro-American*, June 27, 1987, 5.

fear of crime. This notion was also a central feature for the defence in the ensuing trials.<sup>96</sup> The reaction of a number of whites in Howard Beach and in New York following the outcome of the case further illustrated the way in which crime was negatively perceived in racial terms.

On the evening of December 19, 1986, Michael Griffith, 23, along with his stepfather Cedric Sandiford, 36, his cousin Curtis Sylvester, 20, and his friend Timothy Grimes, 18, drove from Brooklyn to Queens to pick up pay cheques. During the trip, however, Sylvester's 1976 Buick broke down on Cross Bay Boulevard, Queens. He remained with the car while the other three went in search of a phone. They walked three miles to the New Park Pizzeria in Howard Beach. The movements of the three African Americans through Howard Beach had not gone unnoticed. Dean Lewis, a youth counsellor from Brooklyn, spotted the three from his car and out of concern, warned them that it was unsafe for them to be in the neighbourhood. Almost immediately after this act of goodwill, proof of the warning came when another driver of a car approached the three and told them to leave the area in no uncertain terms.<sup>97</sup> Another resident of Howard Beach reported the 'suspicious' presence of the youths at the pizzeria to the police.<sup>98</sup> For some residents of Howard Beach, then, the presence of three African Americans was a matter of considerable importance. It was the attention

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<sup>96</sup> Charles J. Hynes and Bob Drury, *Incident at Howard Beach: The Case For Murder* (New York: GP. Putman & Sons, 1990).

<sup>97</sup> Hynes and Drury, *Incident at Howard Beach*, Chapter 2.

<sup>98</sup> Robert D. McFadden, "Black Man Dies After Beating by Whites in Queens", *New York Times*, December 21, 1986, 44.

caught by three white youths in driving two girlfriends home from a birthday party, however, that was to have the most tragic of consequences.

Before entering the pizzeria, the three youths had encountered the car of whites, carrying Jon Lester, 17, William Bollander, 17, Salvatore Desimone, 16, Claudia Calogero, 16, and Laura Castagna, 16, and insults had been exchanged. While Griffith and the others proceeded to the pizzeria, Lester and the other two young men, returned to the party and announced that there were “. . . 3 niggers on the boulevard – let’s go kill them!”<sup>99</sup> When Griffith, Grimes and Sandiford left the pizzeria at 12.40 a.m., they were confronted by 12 youths armed with bats and sticks who taunted them with racial epithets and insults.<sup>100</sup> The three youths tried to flee, but were caught and beaten. Grimes eventually managed to escape the mob, but Griffith and Sandiford were chased and caught again. Sandiford suffered further severe beatings, which only abated when he feigned unconsciousness/death and Griffith was left with no place to run from the mob except onto the busy highway where he was fatally struck by a car.<sup>101</sup>

In wake of the incident there was condemnation from across New York. A *New York Times*/WCBS-TV poll showed that 74% of New Yorkers believed that there was “absolutely no excuse for what happened that night.”<sup>102</sup> For most New Yorkers the

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<sup>99</sup> Testimony of Robert Riley quoted in Joseph P. Fried, “Attacker Describes Death at Howard Beach”, *New York Times*, October 23, 1987, B1.

<sup>100</sup> Along with Jon Lester, William Bollander and Salvatore DeSimone were Harry Buonocore, 18, Thomas Farino, 16, Thomas Gucciardo, 17, Scott Kern, 18, Jason Ladone, 16, Michael Pirone, 17, James Povinelli, 16, Robert Riley, 17, and John Saggese, 19.

<sup>101</sup> The driver of the car was Dominik Blum. He claimed not to have realised that he hit Griffith and returned to the scene having discovered some damage to the car after arriving home.

<sup>102</sup> Richard J. Meislin, “Racial Division Seen in Poll on Howard Beach Attack”, *New York Times*, January 8, 1987, B2.

death of Griffith was nothing less than a racial lynching. He, Grimes, and Sylvester had been targeted by the youths for no other reason than the colour of their skin: African Americans were not welcome in Howard Beach and Michael Griffith paid with his life for the intrusion. At a news conference, reflecting public opinion, Mayor Edward Koch declared that:

All crimes are terrible, but crimes involving racial bigotry are the absolute worst. . . . The survivors were chased like animals through the streets, with one of them being killed on the highway. . . . This incident can only be talked about as rivaling the kind of lynching party that took place in the Deep South - this is the number one case in the city.<sup>103</sup>

A \$10,000 reward was offered for information leading to the apprehension of those responsible. Also a series of anti-racism marches involving African Americans and whites were held in both Howard Beach and New York City.<sup>104</sup> While New Yorkers rallied around to condemn the attack, a number of Howard Beach residents, objected to the way their community was being identified as a haven of racist violence and sought to justify what had occurred.

Despite the fact that the Howard Beach youths had used the word 'nigger' before the attack - an issue widely reported in the press - residents of Howard Beach denied that the attack had been racial.<sup>105</sup> One resident regarded the confrontation

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<sup>103</sup> Quoted in McFadden, "Black Man Dies After Beating", 1.

<sup>104</sup> Some of the protests in Howard Beach were met with counter-demonstrations by some residents who hurled abuse and racial epithets.

<sup>105</sup> Use of the word 'nigger' by the Howard Beach youths was reported in the *New York Times* on December 21, 23, and 30, 1986.

between the two groups of youths as nothing more than a territorial battle and that race had played no part. They stated: “When I was a kid and we used to fight, they never called it racial . . . ever since the 60s, when they came out with discrimination, everything that happens is racial.”<sup>106</sup> For this resident the racialisation of a fight between youths was further evidence of the unnecessary pre-occupation with race and discrimination since the Civil Rights era. This feeling was echoed in other responses to the incident in Howard Beach. As another resident charged: “If a black guy attacks a white guy, it’s called a crime. If a white attacks a black, it’s racial.”<sup>107</sup> Residents directed specific anger towards Mayor Koch and Police Chief Benjamin Ward for labelling the incident as racial. As one resident asserted: “Koch and Ward jump in and say ‘racism’ . . . why should they assume it’s racism just because it’s between black and white?”<sup>108</sup> Members of the congregation at Our Lady of Grace R.C. Church in Howard Beach booed and snubbed Koch during a visit there and a member of the congregation warned Koch of the dangers of a preoccupation with race, exclaiming: “You want another racial war? . . . You want another 60s on your hands with that attitude? Leave it alone! Leave it alone!”<sup>109</sup> The objection to perceived preoccupation with race amongst Howard Beach residents was reflective of a nationwide trend.

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<sup>106</sup> Quoted in Jane Gross, “As Priest Censures Racism as Sin, Howard Beach Deals with Attack”, *New York Times*, December 22, 1986, B2.

<sup>107</sup> Quoted in Michael Dobbs, “‘Nice Kids’ and ‘Outsiders’: The View From Howard Beach”, *Washington Post*, February 18, 1986, A8.

<sup>108</sup> Quoted in Gross, “As Priest Censures Racism as Sin”, B2.

<sup>109</sup> Quote in Joyce Purnick, “Koch Sees Racial Talk, Getsirate Reception at Queens Church”, *New York Times*, December 29, 1986, B3.

While some residents of Howard Beach fiercely objected to the way their neighbourhood was being portrayed as racist, claiming the incident to be nothing more than a confrontation between two gangs of youths, other residents sought to explain or defend the actions of the Howard Beach youths by claiming that they were reacting to a threat: to a fear of crime. Yet, this fear of crime translated into a fear of blacks. As one resident expressed: "It's very easy to spot a black person in this neighborhood, and whenever I see one, I know he's up to no good. . . . They come in the neighborhood and rob everyone. It's a known fact. That's why everybody has a thing about them."<sup>110</sup> Another resident stated: "People have been robbed and raped right in Howard Beach . . . you get to be afraid. So when kids see black people coming in here at night together, they feel they're up to no good. . . . People are sorry the kid got killed, but people have to protect themselves."<sup>111</sup> According to this resident, given the problem of black-perpetrated crime the Howard Beach youths reacted in a perfectly reasonable manner to a perceived threat. Similarly, a resident whose family owned a restaurant in Howard Beach, claimed: "It's a natural reaction. . . . If there were a whole lot of crimes being committed by green people, and you met a green person on the street, then you would probably associate him with criminal activity."<sup>112</sup> In this statement, the resident seeks to defend his attitude as a common sense approach, rather than as racist. Crime,

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<sup>110</sup> Quoted in Gross, "As Priest Censures Racism as Sin", B2.

<sup>111</sup> Quoted in "Blacks, Whites Join at Mass for New York Construction Worker", *Washington Post*, December 28, 1986, A21.

<sup>112</sup> Quoted in Dobbs, "The View From Howard Beach", A8.

particularly black crime, was a significant problem in Howard Beach, resulting in a fear of blacks, which explained the confrontation between the two groups of youths. Such sentiments were not restricted to Howard Beach; 1 in 10 New Yorkers believed that the incident was “bad, but it’s understandable why the white youths acted the way they did.”<sup>113</sup>

Some residents of Howard Beach also expressed anger at the lack of concern with the problem of black crime in Howard Beach. As one resident charged: “You know how many houses they’ve broken into. . . . You have no idea what goes on here. How come Koch doesn’t make that a priority?”<sup>114</sup> This statement also reflects the nationwide frustration at a perceived lack of action by government and the Criminal Justice System (CJS) to tackle crime decisively. Despite criticism of Koch, however, in a statement about the incident he legitimised the concept of fear of blacks. Koch declared:

In the aftermath of the Howard Beach incident, we must restate certain truths about the evil of racism, the need for racial tolerance and the importance of the fight against discrimination. But we will not advance racial understanding unless we also attempt to come to grips with the fear of crime in general and white fear of black crime in particular.<sup>115</sup>

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<sup>113</sup> Meislin, “Racial Division Seen in Poll”, B2.

<sup>114</sup> Quoted in Gross, “As Priest Censures Racism as Sin”, B2.

<sup>115</sup> Edward Koch, “Race, Crime, Prejudice, Fear”, *New York Times*, January 19, 1987, 17. A number of people, however, believed that Koch’s administration had done much to fuel racism in New York. See Nicolaus Mills, “Howard Beach - Anatomy of a Lynching: New York Racism in the 1980s”, *Dissent* 34. 4 (1987): 470-484; Alphonso Pinkney, *Lest We Forget: White Hate Crimes: Howard Beach and Other Racial Atrocities* (Chicago: Third World Press, 1994); Jonathan Rieder, “Inside Howard Beach: Fear and Racism in White New York”, *New Republic*, February 9, 1987, 17-19.

The responses of Howard Beach residents reveal the level of concern with crime and the fear of crime that was reflected nationwide. Furthermore, they reveal the feelings, beliefs and attitudes concerning crime that Reagan's discourse on crime and the fear of crime tapped into, fuelled and legitimised. More importantly, however, the responses of Howard Beach residents reveal the way in which concern with crime and fear of crime was interpreted racially by some, thus also revealing the racial feelings, beliefs and attitudes that Reagan's discourse on crime and the fear of crime tapped into, fuelled and legitimised.

Following a grand jury hearing which heard testimony from both Grimes and Sandiford, and Robert Riley, 12 youths were indicted, four on charges of attempted murder and/or manslaughter.<sup>116</sup> The Howard Beach defendants were tried in two stages. The first and most significant trial was that of Scott Kern, Jason Ladone, Lester and Michael Pirone. During the trial the notion that the actions of the Howard Beach youths were spurred by the threat of crime was a significant feature in the defence's strategy. Denying that it had been a racially motivated attack, the defence portrayed the incident at Howard Beach as a tragic accident driven by ". . . old macho garbage . . ."

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<sup>116</sup> Kern, Lester and Ladone were charged with attempted murder, manslaughter and other charges; Gucciardo was charged with attempted murder and assault; Pirone with manslaughter and other charges; Farino, Povinelli, and Saggese with first-degree riot; Desimone with first-degree riot and criminal facilitation; Bollander with first-degree riot and inciting to riot; and Buonocore with first-degree riot. In a deal with the prosecution, Riley agreed to plea guilty to assault and receive youthful offender treatment.

in which both groups of youths played a part.<sup>117</sup> Griffiths, Sandiford and Grimes, however, were portrayed as the aggressors of the situation. In the words of Bryon Levinson, attorney for Jon Lester, they were not “. . . three lambs walking into sodom . . . they were three antagonistic men spoiling for a fight, looking for trouble and coming across some youngsters.”<sup>118</sup> The jury, however, concluded otherwise and having chased Griffith into the path of oncoming traffic deemed the defendants were responsible for his death. Lester, Ladone and Kern were found guilty of manslaughter.<sup>119</sup>

The Howard Beach verdict was supported by the majority - 59% - of New Yorkers.<sup>120</sup> For many the verdict was perceived as a strike against racism and sent the message that criminal actions based upon racial prejudices were not going to be tolerated or sanctioned by law. In this sense for some it stood as the legal counterweight to the Goetz verdict. As Hynes stated: “The jury sent a message loud and clear that society is not going to tolerate violence based on hatred that is based on

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<sup>117</sup> Quoted in Joseph P. Fried, “Lawyer Argues Blacks Incited Attack in Queens”, *New York Times*, December 9, 1987, B3.

<sup>118</sup> Quoted in Joseph P. Fried, “Howard Beach Jurors Hear Divergent Views”, *New York Times*, October 8, 1987, B1.

<sup>119</sup> Lester, Kern and Ladone were found guilty of manslaughter and first-degree assault. The manslaughter verdict rested on the jury’s decision that they were guilty of reckless behavior with a disregard for risk of life as opposed to depraved indifference to human life, which was needed for a murder verdict. Lester and Kern were found not guilty of second-degree murder; Lester, Kern and Ladone were found not guilty of attempted murder and of riot charges; Kern was found guilty of conspiracy and Pirone was found not guilty of manslaughter, riot and assault.

<sup>120</sup> Richard J. Meissin, “New Yorkers Say Race Relations Have Worsened in the Last Year”, *New York Times*, January 19, 1988, 1.

differences.”<sup>121</sup> In sentencing the leader of the youths, Lester, to a maximum term of 10 to 30 years, Judge Thomas Demakos explicitly identified the incident as a racial attack, stating: “What happened at Howard Beach - and make no mistake about it, no ifs, ands or buts about it - it was a racial incident that triggered off this violence.”<sup>122</sup>

The proportion of New Yorkers who supported the verdict, however, was considerably lower than the number who had condemned the attack. Moreover, those who disagreed with the verdict were split along racial lines as to the reason why. Approximately one-third of African Americans disagreed with the verdict because they felt that the defendants should have been convicted of more serious charges.<sup>123</sup> As an African-American resident of Bedford-Stuyvestant, Griffith’s neighbourhood, stated: “If that had been a black, they would have sentenced him to life.”<sup>124</sup> This statement reflected the widely held perception amongst African Americans that the CJS was biased against them and that white defendants were treated more leniently. According to polls, the vast majority of African Americans in New York believed that judges and courts favoured whites over African Americans.<sup>125</sup> For a number of African Americans

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<sup>121</sup> Quoted in Sam Roberts, “Howard Beach Verdict: Mixed Message”, *New York Times*, December 23, 1987, 1.

<sup>122</sup> Quoted in Joseph P. Fried, “Howard Beach Defendant Given Maximum Term of 10-30 years”, *New York Times*, January 23, 1988, 1. Two weeks after Lester’s sentencing Kern was sentenced to 6-18 years (consisting of two consecutive 3-9 year terms). The following week Ladone received a sentence of 5-15 years.

<sup>123</sup> Meissin, “Race Relations Have Worsened in the Last Year”, 1.

<sup>124</sup> Quoted in Howard Kurtz, “New Yorkers View Howard Beach Verdict Through Racial Prism”, *Washington Post*, December 23, 1987, A3.

<sup>125</sup> Meissin, “Race Relations Have Worsened in the Last Year”, B2. See also Flanagan and Longmire (eds.), *Americans View Crime and Injustice* and Warr, “Public Opinion on Crime and Punishment”.

this belief was validated following the outcome of the cases against the other Howard Beach defendants.<sup>126</sup>

In contrast to African-American disagreement with the verdict, the quarter of white New Yorkers who opposed the verdict did so because they believed the jury should have returned a lighter verdict. Moreover, a number of Howard Beach residents regarded the verdict as another example of whites being treated more harshly by the CJS than African Americans. As one resident stated: “What if it was the other way around? Nothing would have happened.”<sup>127</sup> Residents claimed that the three would have received more lenient treatment had they been black and the victims white, and they rebuked the trend for the lack of attention paid to the white victims of black crime. These sentiments were reflective of feelings held nationwide regarding the ineffectiveness of the CJS in tackling black-perpetrated crime.<sup>128</sup> Furthermore, like the responses to the attack by a number of Howard Beach residents, these reactions to the

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<sup>126</sup> The remaining eight defendants were scheduled to be tried at the same time with two separate juries. (There was a separate jury for Gucciardo’s charges). However, Harry Buonocore and Salvatore DeSimone pleaded guilty to misdemeanour riot charges before the trial and were sentenced to five years’ probation. Riley was sentenced to six months after pleading guilty to assault charges as part of his deal. At the second Howard Beach trial Thomas Gucciardo and John Saggese were acquitted of all charges. William Bollander, Thomas Farino, and James Povinelli were convicted of misdemeanour riot charges and were sentenced to three years’ probation and 200 hours of community service. In December 1989, the New York State appeals court quashed the riot convictions of three defendants after deciding that the trial judge had erred by not giving the jury the option of finding the defendants guilty of the less serious offence of disorderly conduct.

<sup>127</sup> Quoted in Meissin, “Race Relations Have Worsened in the Last Year”, 1; Flanagan and Longmire (eds.), *Americans View Crime and Injustice*; Warr, “Public Opinion on Crime and Punishment”.

<sup>128</sup> Flanagan and Longmire (eds.), *Americans View Crime and Injustice*; Warr, “Public Opinion on Crime and Punishment”.

verdict illustrated the racial feelings concerning crime that Reagan's discourse tapped into.

Public discourse in response to the death of Michael Griffith in Howard Beach illustrates not only the concern with crime and the fear of crime held amongst Americans, but also and more importantly the way in which crime and fear of crime was interpreted in distinctly racial terms by some Americans. For these Americans, not only was crime and the fear of crime an overwhelming problem, it was a problem buttressed by leniency within the CJS towards black-perpetrated crime. Reagan's coded racial messages contained within his crime discourse were easily heard by these Americans.

## CHAPTER 6

### **Bush and Soft on Crime: The Central Park Jogger, 1989, and The Carol Stuart Murder, 1989**

#### **6.1 The Bush Presidency: 1989 - 1993**

The Republican Party's Southern Strategy continued under the leadership of George Bush, and like his predecessors, also, one of the ways in which Bush sought to appeal to white voters was through the issue of crime. Bush's presidential election campaign in 1988 graphically illustrated the way in which crime could be used as a successful coded appeal to white voters. Just as Ronald Reagan had in 1980 and 1984, in the 1988 presidential election campaign, Bush subtly identified the Democratic Party as the party for blacks and thus the Republican Party as the party for whites.<sup>1</sup> This was subtly done but the effects were immense. As Susan Estrich, Michael Dukakis's campaign manager, declared:

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<sup>1</sup> Dan T. Carter, *From George Wallace to Newt Gingrich: Race in the Conservative Counterrevolution, 1963-1994* (Baton Rouge: Louisiana State University Press, 1996); Kenneth O'Reilly, *Nixon's Piano: Presidents and Racial Politics From Washington to Clinton* (New York: The Free Press, 1995); Juan Williams, "Divided We Fell: Race and the '88 Election", *American Visions* 4.1 (1989): 31-37.

Democrats are seen as the party of blacks . . . the Republicans never attack us for that explicitly. But every time we are attacked as the party of the poor and the party that is soft on crime, there lurks, I think, that subtle hint of our 'blackness' - and with it, an appeal to those who want no part of it.<sup>2</sup>

In the 1988 presidential election, Bush received 66% of the white male vote.<sup>3</sup> One of the most effective and significant tools used by the Bush campaign in 1988 was the identification of Bush's Democratic presidential challenger, Michael Dukakis, as being soft on crime.<sup>4</sup> The exact manner in which this identification was made, however, led some to regard the 1988 Bush election campaign as ". . . so implicitly racist that it appeared suited to a prior century."<sup>5</sup>

As Governor of Massachusetts, Dukakis supported and endorsed the furlough program in state prisons. This program granted prisoners short-term leaves home as an incentive for good behaviour and to ease inmates back into society.<sup>6</sup> Despite the overall success of the furlough program in Massachusetts and other states, the absconding of one convict whilst on a furlough from the Northeast minimum-security prison in Massachusetts became the essential ingredient to the Republican attack on Dukakis.

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<sup>2</sup> Quoted in O'Reilly, *Nixon's Piano*, 387-388.

<sup>3</sup> O'Reilly, *Nixon's Piano*, 391.

<sup>4</sup> David C. Anderson, *Crime and the Politics of Hysteria: How the Willie Horton Story Changed American Justice* (New York: Random House, 1995); Carter, *From George Wallace to Newt Gingrich*; Kathleen Hall Jamieson, *Dirty Politics: Deception, Distraction, and Democracy* (New York: Oxford University Press, 1992); \_\_\_\_\_, *Packaging the Presidency: A History and Criticism of Presidential Campaign Advertising* (Oxford: Oxford University Press, 1996); O'Reilly, *Nixon's Piano*.

<sup>5</sup> O'Reilly, *Nixon's Piano*, 378.

<sup>6</sup> Massachusetts was not the only state to operate this program: since 1975, 44 states and Washington D.C. had used it. Although the Massachusetts program was one of the more liberal, statistics showed that it functioned relatively well and many regarded the program as a success. In 1991 Daniel P. LeClair and Susan Gugrino-Ghezzi concluded from their study of convicts released between 1971 and 1983 that furloughs reduced recidivism. Anderson, *Crime and the Politics of Hysteria*, 108.

William R. Horton Jr. had been convicted in 1975 of first-degree murder and sentenced to life imprisonment without parole.<sup>7</sup> Under Massachusetts law, in 1985 he became eligible for the furlough program and while a number of furloughs were completed without incident, whilst on a weekend furlough in June 1986, Horton absconded.<sup>8</sup> Ten months later, on April 3, 1987, Horton illegally entered the home of Angela Miller and Cliff Barnes in Oxon Hill, Maryland. After physically assaulting Barnes, Horton raped Miller. After fleeing the house, Horton was apprehended by police and on October 27, 1987 was sentenced to two consecutive life terms plus 85 years.<sup>9</sup>

What was most significant about the Horton case for the Bush team was not just the fact that it symbolised for them the failure of the furlough program and the liberal policies of Dukakis, but it also touched a cultural raw nerve. Angela Miller and Cliff Barnes, a young, middle-class, suburban white couple, had become the victims of a random violent crime perpetrated by a black criminal. In Horton, the Republican

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<sup>7</sup> William Horton, along with Alvin Wideman and Roosevelt Pickett, were convicted of the robbery of a service station in Lawrence, Massachusetts on October 26, 1974. Horton was convicted of the murder of Joey Fournier, 17, who was on duty that evening.

<sup>8</sup> Under Massachusetts law, after serving 10 years a prisoner with a lifetime conviction could be moved to a minimum security prison and become eligible for furloughs.

<sup>9</sup> Following the Horton case, Michael Dukakis came under pressure to abolish the furlough program for first-degree murderers. Subsequently Giardino's bill was signed into law by Dukakis on April 28, 1988. For an account of both the Fournier, and Barnes and Miller cases, as well as Horton's opinion of the Bush campaign, see: Jeffrey M. Elliot, "A Few Words From Willie Horton", *Playboy*, December (1989), 116-223; \_\_\_\_\_, "The Willie Horton Nobody Knows", *The Nation*, August 23/30 1993, 201-205.

campaign team had the perfect tool not only to manipulate fear of crime, but also subconscious racial paranoia in order to lever itself into the White House.<sup>10</sup>

Bush began using the Horton story on the stumps in the summer of 1988. He told the Illinois Republican State Convention that Dukakis let:

Murderers out on vacation to terrorize innocent people. . . . Democrats can't find it in their hearts to get tough on criminals. . . . What did the Democratic governor of Massachusetts think he was doing when he let convicted first degree murderers out on weekend passes, even after one of them criminally, brutally raped a woman and stabbed her fiancé? Why didn't he admit his mistake? Eight months later, he was still defending his program, and only when the Massachusetts legislature voted by an overwhelming majority to abolish this program did he finally give in. I think Governor Dukakis owes the American people an explanation of why he supports this outrageous program.<sup>11</sup>

There were lingering concerns within the Bush campaign that the extensive use of Horton would invite charges of racism. These fears were allayed, however, following the positive response in Market Opinion Research focus-group sessions to an article on Horton and his furlough escape in *Reader's Digest*.<sup>12</sup>

Inspired by the positive response to the *Reader's Digest* article, in early October, Bush campaign manager, Lee Atwater, and media advisor, Roger Ailes, released a hard-hitting television advertisement, under the aegis of the Bush Re-election committee. While a voice-over described the Massachusetts furlough plan as a

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<sup>10</sup> Anderson, *Crime and the Politics of Hysteria*; Carter, *From George Wallace to Newt Gingrich*; Joe R. Feagin and Hernan Vera, *White Racism: The Basics* (New York: Routledge, 1995); Jamieson, *Dirty Politics*; \_\_\_\_\_, *Packaging the Presidency*; O'Reilly, *Nixon's Piano*.

<sup>11</sup> Quoted in Anderson, *Crime and the Politics of Hysteria*, 215.

<sup>12</sup> Robert James Bidinotto, "Getting Away With Murder", *Reader's Digest*, July 1988, 27-63.

rogue operation that resulted in the escape of convicted murderers who killed and robbed, a screen graphic showed the number 268 (the number of absconding prisoners) superimposed over a line of convicts who moved in and out of a revolving prison door.<sup>13</sup> The race of the prisoners in the ad was indiscernible and there was no mention of Horton. In this sense the ad was similar to the *Reader's Digest* article: the focus was on Dukakis and the failure of the furlough program. However, by this time it was superfluous for the Bush campaign team to mention Horton.<sup>14</sup>

In the second week of September another Republican group, Americans for Bush/National Security Political Action Committee (NSPAC), blanketed Cable News Network (CNN) with an advertisement that explicitly identified Horton, a convicted murderer - released under Dukakis's furlough program - as the black rapist of a white woman. The ad, comparing Bush and Dukakis on crime, interchanged images of the candidates and Horton while a voiceover announced:

Bush and Dukakis on crime. Bush supports the death penalty for first-degree murderers. Dukakis not only opposes the death penalty, he allowed first-degree murderers to have weekend passes from prison. One was Willie Horton, who murdered a boy in a robbery, stabbing him nineteen times. Despite a life sentence, Horton received ten weekend passes from prison. Horton fled, kidnapping a young couple, stabbing the man and repeatedly raping his girlfriend.<sup>15</sup>

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<sup>13</sup> Despite what the ad inferred, of the 268 inmates who escaped whilst on furlough during Dukakis's first two terms, only four were convicted murderers. During this time over 11,000 inmates participated in the program without incident. Moreover, 269 inmates escaped whilst on furlough during the three years of Dukakis's Republican predecessor's term who had created the furlough program. Jamieson, *Dirty Politics*, 20.

<sup>14</sup> Carter, *From George Wallace to Newt Gingrich*, 77.

<sup>15</sup> Quoted in Jamieson, *Dirty Politics*, 17.

Two days after the initial airing of the NSPAC ad, the California Committee for the Presidency released a radio advertisement featuring Cliff Barnes. Americans were given a first hand account by victims of the consequences of furloughs. Listeners were told by Barnes: “Mike Dukakis and Willie Horton changed our lives forever. . . . Horton broke into our home. For twelve hours, I was beaten, slashed and terrorized. . . . My wife Angie was brutally raped.”<sup>16</sup> In the third week of October, while the official ad was still airing, Committee for the Presidency advertisements featuring the victims of Horton’s crimes were aired on television. Along with Barnes, the sister of Joey Fournier - the victim of the crime for which Horton was convicted in 1975 - appeared. Donna Fournier Cuomo expressed her opinion of Dukakis:

Governor Dukakis’s liberal experiment failed. We are all victims. First, Dukakis let killers out of prison. He also vetoed the death penalty. Willie Horton stabbed my teenage brother nineteen times. Joey died. Horton was sentenced to life without parole, but Dukakis gave him a furlough. He never returned. Horton went on to rape and torture others. I worry that people here don’t know enough about Dukakis’s record.<sup>17</sup>

Thus, when the official Bush ad aired the American public were more than able to read Horton into the furlough debate, not only through the ads which preceded and ran

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<sup>16</sup> Quoted in Carter, *From George Wallace to Newt Gingrich*, 77.

<sup>17</sup> Quoted in Jamieson, *Dirty Politics*, 21.

alongside the official ad but also through the reinforcement of the Horton-furlough narrative in the press and television reports.<sup>18</sup>

Dukakis responded to the ads firstly by defending the furlough program and then by accusing the Republicans of racism. Bush and the Bush campaign team rebuffed the charges of racism, however. Ailes was adamant that his advertisements did not mention Horton in connection with the Massachusetts furlough program, and both he and Atwater insisted that the national Republican Party had nothing to do with the 'independent' advertisements.<sup>19</sup> The Bush team, however, could not have been oblivious to the fact that the American public would read Horton into the official advertisement from the advertisements that aired alongside it and the preceding advertisements. Furthermore, the Bush team could not have been ignorant to the racial implications of the advertisements. As the *New Republic* charged:

The Bush campaign strategists take justifiable pride in their sophisticated understanding of what's going on inside people's heads. It's impossible to imagine that when they sat around months ago, and came up with the idea of making Willie Horton a centerpiece of their campaign - hardly an obvious or inevitable decision - they were unaware of the special power of the image of a black man raping a white woman. And it's impossible to imagine it didn't occur to them that this power would make their theme more effective. If it didn't occur to them that by rubbing this cultural raw nerve they also would be inflaming it, they're

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<sup>18</sup> Jamieson, *Dirty Politics*, 22, 23.

<sup>19</sup> Evidence was uncovered by Robert Beckel, a former Walter Mondale campaign manager, demonstrating that the contributors and organisers of Americans for Bush and Committee for the Presidency were all closely tied to mainline Republican politics. Carter, *From George Wallace to Newt Gingrich*, 78.

pretty dense. In exploiting racial paranoia, you inevitably promote it as well.<sup>20</sup>

In the spring of 1988, Bush had been trailing Dukakis by 15 to 20 points.<sup>21</sup> The surge of support for Bush during the late summer and early autumn, was attributable to a number of factors including the popularity of Reagan and Bush's promise of 'no new taxes'. However, as Dan T. Carter emphatically states: "... no one - *no one* - who followed that campaign believes George Bush had any more devastating an ally than the homicidal maniac Willie Horton."<sup>22</sup> Horton was the silver bullet in the Republican attack on Dukakis because despite the atypical nature of the event, the Horton narrative fed into subconsciously held assumptions about race, crime and sex in America in the late 1980s.<sup>23</sup>

The chapter will analyse Bush's discourse in relation to crime and will illustrate that throughout his presidency, Bush continued to present the Democratic Party, with its inherent racial link, as soft on crime. Throughout his presidency Bush advocated the continued retreat from the liberal Democrat ideology of the past that was presented as

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<sup>20</sup> TRB From Washington, "Pandora's Box", *The New Republic*, November 14, 1988, 45. According to Tali Mendelberg, the consequences of this mobilization were greater resistance to government efforts to address racial inequality, heightened perception of racial conflict, and greater resistance to policies perceived as illegitimately benefiting African Americans. Tali Mendelberg, "Executing Hortons: Racial Crime in the 1988 Presidential Campaign", *Public Opinion Quarterly* 61 (1997): 134-157.

<sup>21</sup> Carter, *From George Wallace to Newt Gingrich*, 68.

<sup>22</sup> Carter, *From George Wallace to Newt Gingrich*, 79.

<sup>23</sup> The majority of murders, assaults and nearly 9/10 rapes are intraracial. For a discussion of the Bush presidency, in addition to works cited, see Ryan J. Barilleaux and Mary E. Stucky (eds.), *Leadership and the Bush Presidency: Prudence or Drift in an Era of Change?* (Connecticut: Praeger, 1992); David Mervin, *George Bush and the Guardianship Presidency* (Basingstoke: Macmillan, 1996); Richard Rose, *George Bush as a Postmodern President* (Glasgow: University of Strathclyde, 1991); Kenneth W. Thompson (ed.), *The Bush Presidency: Ten Intimate Perspectives of George Bush* (Maryland: University Press of America, 1997).

pro-criminal and championed the need for a continued tough approach from government to tackle crime. In doing this, Bush sought to continue with the objective of the Southern Strategy and encourage white support of the Republican Party. The chapter will analyse public and media discourse in relation to crime surrounding two incidents of interracial assault and murder – the Central Park jogger attack, 1989, and the Carol Stuart murder, 1989, in order to demonstrate the reproduction of the coded racial political issue of soft on crime in American society.

Bush's support of toughness and the continued retreat from the liberal Democrat ideology of the past is seen in his *Remarks at a Republican Fundraising Luncheon in East Brunswick, New Jersey, September 22, 1989*.<sup>24</sup> In talking of the impending gubernatorial election in New Jersey, Bush states:

I've come to East Brunswick not just to say thank you but for an even more important reason. And this reason goes beyond party to the essence of this campaign. New Jersey's elections are among the most crucial in America. This election will decide whether New Jersey builds on what you began 8 years ago or whether it risks everything by returning to the past, and to whether New Jersey has the inspired leadership it needs to win the war on drugs and crime or whether it reverts to failed social policies that blame everyone but the criminal. . . . And that's what this election is about; that's what it's going to decide. And it's that important, and it's that clear-cut. And today I make a prediction: This November, New Jersey will make the right decision, and Jim Courter will be our next Governor. They do not want to go back to the past.

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<sup>24</sup> "Remarks at a Republican Fundraising Luncheon in East Brunswick, New Jersey, September 22, 1989" *Public Papers of the President of the United States: 1989*.

According to Bush, the voters of New Jersey could either vote Democrat and see a return of ill-fated social policies, or vote Republican and see the continuation of the successful tough approach to crime. As such, Bush essentially asserts that voters have no choice to make. Bush then continues to set the parties apart as he states: “. . .with a Republican Governor and a Republican general assembly, that future will also include not just a war against drugs but a crusade against crime: supporting tougher laws, giving our law enforcement officers more resources, declaring open warfare on the con artists and the hoods.” Here Bush clearly presents the Republican Party as the party of law and order. The statement also serves to further infer that the Democratic Party will not deliver on crime. The use of the term ‘hoods’ also served to increase the racial dimension to his message. Bush also sets the two parties apart by presenting Courter as a law and order crusader, whilst blasting the law and order credentials of his Democrat opponent. Bush states that Courter holds a:

. . .magnificent record in combating crime. . . . And he knows the terrible toll that’s caused by crime. And that’s why he wants mandatory time for firearms offenses, and I support him on that. No deals – no deals with those criminals who use a gun. . . . And unlike his opponent, he wants to amend New Jersey’s Constitution so that the death penalty on the books will be strengthened and enforced and, as he said, become a much clearer deterrent for those that go out and kill our police officers and others.

In these remarks, Bush is unabashedly sending the message that while the Republican Party is tough on law and order, the Democratic Party is soft on crime. For Bush, the

Republican Party holds the future for law and order Americans. Aligning himself and his party with law and order Americans, Bush states:

Let me ask you a question. You make the choice. Do you want a Democratic Governor and a Democratic general assembly who thinks that New Jersey's death penalty is fine? Or do you want a Republican Governor and a Republican general assembly who says that murderers and drug kingpins and cop killers should get exactly what they deserve? I believe that's what the people want – that last alternative . . . the failed policies, in sum, of the 1970s just aren't good enough – not for New Jersey, not for the United States of America.

Bush again positions himself and the Republican Party alongside law and order Americans in his *Remarks at the American Legion Annual Convention in Baltimore, Maryland, September 7, 1989*.<sup>25</sup> Bush asserts:

. . . our mission at home: to free our country from the fear of drugs and crime. When we ask what kind of society the American people deserve, our answer is and must be a nation in which law-abiding citizens are safe and feel safe. And that is why, 2 nights ago, I announced America's first comprehensive national strategy to win the war on drugs and crime which plague the United States.

In making this statement, like Reagan before him, Bush makes reference to the fear of crime in America and vows that his administration will tackle it.<sup>26</sup> Bush then proceeds to outline his approach to crime and in doing so displays his toughness. Bush declares:

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<sup>25</sup> "Remarks at the American Legion Annual Convention in Baltimore, Maryland, September 7, 1989" *Public Papers of the President of the United States: 1989*.

<sup>26</sup>Katherine Beckett and Theodore Sasson, *The Politics of Injustice: Crime and Punishment in America* (California: Thousand Oaks, 2000); Samuel Walker, Cassia Spohn, Miriam Delone, *Race, Ethnicity and*

First, our plan seeks to rid America of violent criminals with an attack on four fronts: new laws to punish them, new agents to arrest them, new prosecutors to convict them, and new prisons to hold them. Criminals in this nation must understand that if they commit a crime, they will be caught; and if caught, they will be prosecuted; and if convicted, they will do time. But, you see, by taking the hoods off the streets, we can and we will take back the streets.

Not only is Bush displaying his commitment to act in relation to crime, he is affirming the Republican Party's philosophy on crime, which is the antithesis of the lenient philosophy of liberal Democrats. Moreover, once again, by making reference to the term 'hoods', Bush succeeds in increasing the racial element to Republican crime discourse.

Bush again makes reference to the fear of crime in American society in his *Remarks at a White House Briefing for the American Legislative Exchange Council, April 27, 1990*.<sup>27</sup> Bush charges: ". . . Americans must be free from fear. When honest working people are afraid to go to the corner grocery store or to walk home from the bus at night, then fear of crime has stolen our most precious possession – our liberty." In making this statement, Bush is tapping into traditional American values of freedom and liberty. Bush continues to do this as he again demonstrates his administration's commitment to tackling the fear of crime through tough legislation. Bush announces:

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*Crime in America* (California: Wadsworth, 2000); Mark Warr, "Public Opinion on Crime and Punishment", *Public Opinion Quarterly* 59 (1995): 300-320.

<sup>27</sup> "Remarks at a White House Briefing for the American Legislative Exchange Council, April 27, 1990" *Public Papers of the President of the United States: 1990*.

. . . it is to protect this freedom and the freedom to walk the streets that we offered up a good crime package. I sent this crime package last year to the Hill. Congress has, to its credit, approved new prison space and more Federal law enforcement officers. But too much work remains unfinished on the rest of the crime package, the portion that concerns violent crime. And once again, I call on Congress to pass laws at least as tough as the criminals we convict.

In making this statement, Bush sends the message that without tough new legislation, the traditional values that Americans hold dear will continue to be undermined as American society continues to suffer from the fear of crime. In doing this, Bush is aligning himself and the Republican Party with the American nation and with ordinary Americans who are living in the shadow of crime and who want to see decisive action to combat it.

In his *Remarks at a White House Ceremony for the Observance of National Crime Victims' Rights Week, April 25, 1990*, Bush stresses his allegiance to Americans who are not only the victims of the fear of crime, but also the victims of actual crime.<sup>28</sup>

Bush states:

In the not-so-distant past, crime victims often became the forgotten people, subjected to continued victimization by the criminal justice system. . . . And the past 8 years have seen a new emphasis placed on crime issues: Landmark Federal legislation, task forces led by the President and the Attorney General, 45 States where a victims bill of rights is now in force, and a nationwide expansion of victim assistance and compensation programs. My administration has continued to build on this foundation.

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<sup>28</sup> "Remarks at a White House Ceremony for the Observance of National Crime Victims' Rights Week, April 25, 1990" *Public Papers of the President of the United States: 1990*.

In making this statement, Bush is making reference to the widely-held feeling amongst Americans during the 1980s, that since the 1960s, the Criminal Justice System (CJS) had become too preoccupied with protecting the rights of criminals and seeking to understand the reasons behind criminal behaviour, and that ordinary Americans and the needs of victims were being neglected.<sup>29</sup> Furthermore, Bush emphasises that this neglect had been addressed under the Republican governance of his predecessor – Reagan - and he asserts the Republican Party’s continued commitment to this agenda. As part of this, Bush also asserts his administration’s commitment to enacting tough new laws to deal with crime. Bush stresses: “. . .all of these efforts are important, but we also know that the best defence is a good offense. We’re determined to stop crime at its source, and that means tougher laws . . .” Furthermore, Bush claims to be responding to the will of the people in this pursuit – unlike Democrats - thereby aligning himself and the Republican Party with law and order Americans. Bush states:

The people of this country are prepared to do whatever it takes for as long as it takes to take back the streets, to take back what’s theirs. And it’s here we’d like to ask your help. I mentioned tougher laws. Congress has approved our request for more agents, more prosecutors, and more prisons to catch, convict, and contain this country’s most dangerous offenders. But Congress also must act on our full range of tough new anticrime proposals. Our package is in danger of being weakened in the Senate, and it’s been left gathering dust in the House. And it’s time to act. The American people want it done right, and they want it done responsibly, and they want it done now.

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<sup>29</sup> Timothy J. Flanagan and Dennis R. Longmire (eds.), *Americans View Crime and Injustice: A National Public Opinion Survey* (London: Sage, 1996); Warr, “Public Opinion on Crime and Punishment”.

While Bush sends the message that the Republican Party is in tune with the needs of Americans, in making reference to the inaction of Congress, he also sends the message that the Democratic Party is neglecting the will of the people.

Bush demonstrates that Republican philosophy on crime is in tune with the American people in his *Remarks at the Dedication Ceremony for the North Los Angeles County Correctional Facility in Santa Monica, California, March 1, 1990*.<sup>30</sup>

Bush states of the new prison in Santa Monica:

This facility was built to meet the needs of L.A. County. Every penny – every penny – was produced by State and local funding. And that’s a sign that your vibrant community, the Los Angeles community, the Los Angeles taxpayer, knows that in the fight against crime and drugs, tough talk is simply not enough . . . if you're going to be tough on crime you’ve got to be tough on criminals. . . . No more revolving door. No more criminals out on the street because there isn’t enough cell space to hold them.

Bush stresses that his administration’s commitment to the expansion of prisons in the country is based upon the clear understanding and appreciation of the problem of crime; an understanding that is missing amongst liberals. Bush proclaims:

Prisons are very much about the real world. There’s a tendency, particularly among people of great sensitivity, to think about justice in airy and abstract terms; the idea, for example, that in spite of crime, all people are basically good. But it is unwise to think in the abstract when it comes to crime. Most people are good. But some, let’s face it, are not.

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<sup>30</sup> “Remarks at the Dedication Ceremony for the North Los Angeles County Correctional Facility in Santa Monica, California, March 1, 1990” *Public Papers of the President of the United States: 1990*.

Bush ends his remarks by honouring prison guards. Bush states: “You are . . . society’s unsung heroes. And I thank you for your service not just to your community but to our country. . . . I salute you for your work.” In the same way that both Nixon and Reagan did with law enforcement, in aligning himself and the Republican Party with prison guards, Bush further presents the party as the party of law and order.

Continuing the Republican trend, Bush also aligns himself with law enforcement. In his *Remarks at the Dedication Ceremony for the Police Memorial in Portland, Oregon, May 20, 1990*, in talking about how best to honour fallen police officers, Bush remarks:

First, in the most elemental sense, by recalling what they stood for – and against, as well. They were men of peace, fighting crime. They stood for good, against evil. . . . Second, we can honor them by enacting laws which free our country from the fear of crime and drugs. When we ask what kind of society the American people deserve, our answer is a nation in which law-abiding citizens are safe and feel safe. We must reject those who soft-peddle the need to be hard on crime.<sup>31</sup>

In this statement, not only does Bush present police officers as heroes in the battle against crime, he also asserts that the Republican Party has a duty to the American people to further empower police, through tough legislation, in order that they be able to continue the fight against crime. Bush sends the message that it is only through this tough approach that the battle against crime can be won, and Americans can live

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<sup>31</sup> “Remarks at the Dedication Ceremony for the Police Memorial in Portland, Oregon, May 20, 1990” *Public Papers of the President of the United States: 1990*.

without fear. In this endeavour, a tough stand needs to be also taken against those who reject toughness, that is, those who are soft on crime; the Democratic Party. Bush further rejects the soft approach to crime when he asserts:

Now, I know some say there are reasons for crime, and I say there's never an excuse. And, yes, we support programs for rehabilitation and recovery – we should. We do. We support education, the goal of which is to keep people off drugs and away from crime. And we support counseling [sic] and other steps to prevent crime. But we cannot and we must not neglect law enforcement. When it comes to understanding, I say let's have a little more understanding and caring for the victims of crime and certainly for law enforcement officers.

In making this statement, Bush acknowledges the importance of rehabilitation and education in the prevention of crime. Yet, ultimately Bush advocates the need for law enforcement, which focuses more directly on addressing the needs of the victims of crime rather than those who commit crime. Bush proceeds: “Criminals must understand that if they commit crimes they will be caught; and if caught, they will be prosecuted; and if convicted, they will be punished. By taking the hoods off the streets, we can, and must, take back the streets.” Once again, Bush increases the racial element to the crime issue with use of term ‘hoods’.

In aligning himself with law enforcement and advocating a tough approach to crime, Bush also makes use of military language and imagery. Bush portrays the fight against crime as a war-like situation, demanding decisive action, particularly by Democrats in Congress. Bush states: “Remember, it does no good to send law troops

into battle wearing handcuffs. And so, I urge the Senate and, in the coming weeks, the House to act quickly and build America up by opposing those who would tear America down. Together let's pass this bill and help win our war on crime."

In addition to positioning himself and the Republican Party alongside prison guards and police officers, Bush also aligns himself with another agency of the CJS: prosecutors. In his *Remarks to Federal, State, and Local Prosecutors, September 12, 1990*, Bush announces:

. . . on behalf of all the American people, I want to thank you, all of you, for working to help us take back the streets. We know full well that the life of a prosecutor is not easy. For gifted, hard-working lawyers like yourselves, the financial sacrifice is immense. And more importantly, over the past 30 years America's criminal justice system has become bogged down with technicalities that stymie our prosecutor's simple goals – to see the truth come out, the guilty punished, the law upheld and justice done. Too many times, in too many cases, too many criminals go free because the scales of justice are unfairly loaded against dedicated law men and women like you. Since taking office, we've worked with many of you to try to steady the scales of justice, to seek a fair balance between the legitimate rights of criminals and criminal suspects, and society's right to protect itself from evil predators.<sup>32</sup>

Not only does Bush align himself with prosecutors by honouring the work that they do, he also sympathises with them in respect of the constraints placed upon them by the CJS, which has too heavily favoured protecting the rights of criminals at the expense of victims and American society. In the same way that Bush urges Congress to enact

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<sup>32</sup> "Remarks to Federal, State, and Local Prosecutors, September 12, 1990" *Public Papers of the President of the United States: 1990*.

legislation to empower police officers, he also urges Congress to enact legislation to empower prosecutors. Bush asserts:

. . . I stood before the Capital on a rainy day in May last year . . . calling on Congress to pass legislation to give our prosecutors and police the tools they need to fight back against the epidemic of violent crime still raging in America. That was over a year ago. And despite the urgency of the problem, the Congress has failed to act on key aspects of my proposal. What's worse, several measures receiving serious consideration in the House this week would actually weaken law enforcement and hamper your efforts to protect the citizens of this nation. But your presence here today sends a powerful warning to Congress, a shot across the bow of a ship that is moving in the wrong direction. We will not accept a crime bill that is tougher on law enforcement than it is on criminals.

Bush presents the Democrat-controlled Congress, through its inaction and attempts to soften the crime bill, as erring, and Bush asserts his determination to fight for a tough approach to crime by government. In making this statement, Bush presents the Republican Party as the champions of law and order and, conversely, the Democratic Party as a hindrance. Moreover, Bush presents the Democratic Party's softness on crime as out of touch with the American people. Bush charges: "The American people really are fed up. You know this perhaps better than I because you're on the front lines, but they're fed up. And I urge the Congress to heed the voices of our people, our police, and our prosecutors, and send me a crime bill that will help take back the streets." In this statement, Republicans, the American people, and Criminal Justice agencies are placed in opposition to the Democrat-controlled Congress.

The representation of the Republican Party as the party of law and order and the Democrat Party as the party that is soft on crime was made in a series of statements by Bush at fundraising and campaign events for congressional and gubernatorial election candidates. In his *Remarks at a Fundraiser for Congressional Candidate Tom Anderson in Gulfport, Mississippi, October 12, 1989*, in discussing the problem of drug trafficking, Bush states: “Part of getting tough on drugs is getting tough on crime itself. And I’ve sent a strong crime package to the Capitol Hill, and I want to see action on that crime package now. And with Tom in the House, I know he would be pushing hard to get that crime bill to the floor.”<sup>33</sup> Here Bush not only emphasises his administration’s efforts to tackle crime, by implying that it would take elected Republicans in Congress to act on his crime package, he infers a level of resistance or apathy on the part of the Democrat-controlled House of Representatives.

Similarly, in his *Remarks at a Fundraising Luncheon for Gubernatorial Candidate Clayton Williams in Dallas, Texas, October 15, 1990*, in addition to espousing the law and order virtues of the Republican candidate, Bush more directly presents Congress as resistant to his crime bill.<sup>34</sup> Bush remarks of Williams:

He’s tough on crime. He knows that the handcuffs belong on the criminals and not on the cops and the courts committed to uphold the law. This position that he has stacked out – this position meshes perfectly with the no-nonsense anticrime package that I sent up to the

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<sup>33</sup> “Remarks at a Fundraiser for Congressional Candidate Tom Anderson in Gulfport, Mississippi, October 12, 1989” *Public Papers of the President of the United States: 1989*.

<sup>34</sup> “Remarks at a Fundraising Luncheon for Gubernatorial Candidate Clayton Williams in Dallas, Texas, October 15, 1990” *Public Papers of the President of the United States: 1990*.

United States Congress almost a year and a half ago. So, let me take advantage of you all to put a little heat on the Congress to act now and make life a little bit tougher on the criminals.

This is done more explicitly in his *Remarks at a Fundraising Dinner for Gubernatorial Candidate John Rowland in Stamford, Connecticut, October 23, 1990*.<sup>35</sup> Bush states of Rowland: “One of the issues that plagues this State and all the States is the question of crime. He’s tough on crime. He’s been a strong supporter of our comprehensive crime bill, a bill that’s been stalled and sabotaged by the liberal Democrats in Congress for the past 16 months.” Here Bush explicitly accuses Democrats in Congress of hampering the crime bill.

The need for Republican governors and congressmen and women who support tough legislation on crime, which address the needs of the victims of crime, is also seen in Bush’s *Remarks at a Fundraising Breakfast for Representative Stan Parris in Alexandria, Virginia, October 31, 1990*.<sup>36</sup> Bush lambastes Congress for diluting the strength of his crime bill. Bush declares:

. . . Stan has stood for the kind of crime bill that I sent up to the Congress and that has been gutted by the liberal Democrats in the Congress. We don’t need more people that are going to continue to have a little more concern about the criminal rather than the victim. We need to do it the other way: more concern about the victims of crime and less about the criminals themselves.

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<sup>35</sup> “Remarks at a Fundraising Dinner for Gubernatorial Candidate John Rowland in Stamford, Connecticut, October 23, 1990” *Public Papers of the President of the United States: 1990*.

<sup>36</sup> “Remarks at a Fundraising Breakfast for Representative Stan Parris in Alexandria, Virginia, October 31, 1990” *Public Papers of the President of the United States: 1990*.

Here Bush positions himself alongside law and order Americans and charges that they have been cheated by Democrats in Congress. Bush charges:

. . . Congress passed a crime bill, a tough bill; and then they proceeded to weaken it, later, out of sight, in a back room someplace. And in the crush of final legislation – Congress finally getting out of town – the mutilation of this bill was itself a mugging, a legislative attack on this legislation that could only take place behind closed doors, because the American people have spoken strongly about the need for tough anticrime legislation.

In making this statement, Bush sends the message that only the Republican Party truly represent Americans on the issue of crime. Democrats, with their soft on crime attitude, are on the side of criminals – an association made greater by Bush accusing Democrats of engaging in a ‘mugging’.

This theme is repeated in his *Remarks at a Reception for Gubernatorial Candidate Pete Wilson in Thousand Oaks, California, November 3, 1990*.<sup>37</sup> Again referring to the dilution of the crime bill by Democrats in Congress, Bush states:

. . . Pete, the grandson of a police officer who gave his life in the line of duty. He knows, I know . . . America is fed up with crime. And we want people who have a little more sensitivity to the police officers, and a little less for the criminals themselves. Shortly after I took office, I stood before the Capitol and I called on the Congress to pass tough, new laws to help America take back the streets. And instead, in the final hours of the Congress . . . the Democrat liberals choked, and they completely gutted our package to fight back against violent crime.

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<sup>37</sup> “Remarks at a Reception for Gubernatorial Candidate Pete Wilson in Thousand Oaks, California, November 3, 1990” *Public Papers of the President of the United States: 1990*.

Despite the resistance encountered by Congress, however, Bush vows to continue the campaign against crime. Bush asserts:

We fought for habeas corpus reforms aimed at stopping the convicted criminals from endlessly abusing the appeals process. We fought for reforms of the exclusionary rule, a law that lets the guilty go free far too often. And we fought for a real Federal death penalty for drug kingpins and terrorists and those who gun down our police officers. And the liberals gutted those right out of our package. They blocked them, and we've got to get tough now.

Bush's message is that not only do the Republican Party, law enforcement, and Americans need to get tough on criminals, they also need to be tougher in their pursuit of their crime agenda, particularly in the face of Democratic softness in Congress.

Bush's determination to be tough on crime is seen in his *Remarks at the Attorney General's Crime Summit, March 5, 1991*.<sup>38</sup> Using military language and imagery, Bush presents the Republican Party, together with representatives from criminal justice agencies, as an alliance engaged in a war against crime. Bush states:

I want to salute the U.S. attorneys, the State Attorney Generals, the judges, the local DA's, the sheriffs, police, State and local officials – and then also, most especially, the community leaders from across America. It is an honor to welcome you to Washington. You represent one of the most powerful peacetime forces known to man. And that's why you've been invited to this unprecedented council of war – to share ideas and successes and to help frame the battle plan for the fight against violent crime and drugs for the next decade and beyond.

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<sup>38</sup> "Remarks at the Attorney General's Crime Summit, March 5, 1991" *Public Papers of the President of the United States: 1991*.

In presenting the Republican Party and the issue of crime in this way, Bush emphasises the gravity of the situation and the need for tough action. Bush further stresses the seriousness of the situation by making comparisons between the problem of crime in America to the Gulf war. Bush proclaims:

Perhaps you saw the report that during the first 3 days of the ground offensive more Americans were killed in some American cities than the entire Kuwaiti front. Think of it – one of our brave National Guardsmen may have actually been safer in the midst of one of the largest armored offensives in history than he would have been on the streets of his hometown. It's outrageous. It's wrong and it's going to change.

Not only is Bush stressing the gravity of the situation, he also stresses his commitment to tackle it. Referring to the sections of the crime bill that were not enacted by Congress, Bush states:

America needs a crime bill that's tough on criminals, not on law enforcement. Too many times, in too many cases, too many criminals go free because the scales of justice are unfairly loaded against dedicated law men and women like you. But even after a year and a half, and despite the urgency of the problem, Congress never did act on our proposals. And that's why we're here again to work with you – to develop new proposals, to try to steady the scales of justice, to seek a fair balance between the legitimate rights of the suspects and society's right to protect itself. . . . I promise you this: We're not going to give up on this crime bill. We're not going to let it get watered down.

Bush again sets the Republican and Democratic Party apart on the issue of crime in his *Remarks to the International Association of Police in Detroit, Michigan, October 25,*

1992.<sup>39</sup> Here Bush presents the Republican Party as the saviour of law and order. Bush declares:

I think when the history of this century is written, it will be clearly seen that America got too soft on crime in the sixties, and for 20 years you and your brothers and sisters in law enforcement paid for it. But we fought back, and for the first time in decades, the overall crime index is actually down. And with your help, your leadership, we've slowed the rate of violent crime the past 12 years. . . . But as you can tell by comparing our crime statistics with other nations, we still have a way to go, a long way to go. And that's what I really want to talk to you about today.

According to Bush, through a reversal of liberal policies towards crime, the Republican Party has turned the tide on crime. Bush, however, issues a warning that this effort is an on-going battle. In comparing himself with his Democratic presidential election opponent, Bill Clinton, Bush asserts:

There are so many issues in this Presidential campaign where the voters have a clear choice. And crime is one of the most important. And I do have big differences with Governor Clinton on crime and law enforcement. . . . Records reveal it. Here are some of the facts. Under Governor Clinton, Arkansas' violent crime rate went up about 60 percent in the eighties: more than twice the national average. They had the Nation's single-biggest increase in serious crime during the decade. In '83, there were about 300 violent crimes for every 100,000 people in Arkansas. Last year there were about 600 violent crimes. It has doubled on the Governor's watch. The average inmate there served less than one-fifth of his sentence last year. But the Federal inmate, as I'm sure most know here, an inmate for which I have responsibility, he served 85 percent of his time. . . . It's obvious and I firmly believe . . . that that

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<sup>39</sup> "Remarks to the International Association of Police in Detroit, Michigan, October 25, 1992" *Public Papers of the President of the United States: 1992*.

crime record, that Clinton record, is wrong for Arkansas, and it clearly would be wrong for America.

In making this statement Bush is issuing a warning that a vote for Clinton, would see a return to America's past crime agenda; a return to a period of softness on crime and subsequently a rise in crime.

An analysis of Bush's discourse in relation to crime illustrates that throughout his presidency, Bush presented the Republican Party as the party that was tough on crime; the party of law and order. Bush advocated the need for a continued reversal of liberal policies in relation to crime, a process first instigated during Nixon's presidency, which would place the rights and needs of criminals over the rights and needs of ordinary Americans. Bush also sent the message that one of the biggest challenges in the fight against crime, was the continued soft approach by the Democratic Party. Moreover, through his crime discourse and his soft on crime charge against the Democrats, Bush was able to capitalise upon the racialisation of the crime issue in the public mind, which had developed since the 1960s, and use it as a coded appeal to white voters.<sup>40</sup>

An analysis of public discourse surrounding two incidents of interracial crimes against women during the late 1980s demonstrate why the Willie Horton narrative, employed during the 1988 presidential election campaign, and the soft on crime discourse, with its inherent racial element, used throughout Bush's presidency, was a

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<sup>40</sup> Carter, *From George Wallace to Newt Gingrich*; O'Reilly, *Nixon's Piano*.

successful appeal to white voters. The Central Park jogger case, 1989, and the Carol Stuart murder, 1989, demonstrated not only the level of concern regarding crime that Bush's soft on crime discourse tapped into, but also the enormous symbolic weight interracial crimes against women carried in the late 1980s and early 1990s, and hence reveals the racial feelings that Bush's soft on crime discourse manipulated and capitalised upon.

## 6.2 The Central Park Jogger Case, 1989

On the evening of April 19, 1989, a loosely organised group of approximately 30 African-American and Hispanic youths were involved in a crime-spree in New York's Central Park.<sup>41</sup> Several people in the park that evening were harassed, attacked and robbed by the youths.<sup>42</sup> The most vicious attack, however, was that on a young, female jogger by approximately 12 of the youths. The 28-year-old woman was bound and gagged, seriously assaulted and raped. The Jogger - as she became known - was discovered lying unconscious shortly after 1am on April 20, 1989.<sup>43</sup> She had suffered

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<sup>41</sup> The number involved ranged from 30 to 33. The group was made up of two sets of youths, one from the Taft Housing project who were spontaneously joined by the other youths at Schomburg Plaza. The group was largely African-American, although there were some Hispanics.

<sup>42</sup> Of the identified victims, the first was Antonio Diaz a 52-year-old Latino man who was beaten by the youths. Prior to this they had stopped another Latino man and a couple but decided not to harm them. The second known victims were Jerry and Patricia Dean Malone, a white couple cycling on a tandem who managed to get away from the youths. The jogger was attacked after this incident and this was then followed by an attack on a number of male joggers including John Loughlin who was beaten, and David Lewis, who was also assaulted.

<sup>43</sup> In 2003, Trisha Meili published her account of the attack in *I am the Central Park Jogger: A Story of Hope and Possibility* (New York: Scribner, 2003).

severe head wounds and had lost nearly 80% of her blood. Her injuries were so severe that doctors at Metropolitan Hospital feared that she would not survive.<sup>44</sup> Six youths were indicted on six felony charges against the jogger: Steve Lopez, 15, Kharey Wise, 16, Kevin Richardson, 14, Antron McCray, 15, Yusef Salaam, 15, and Raymond Santana, 14, were charged with attempted murder, rape, sodomy, sexual abuse and two counts of assault.<sup>45</sup>

The case of the Central Park jogger sent shockwaves throughout New York. Media accounts reported on the attack in the most dramatic way. The front-page headline of the *New York Daily News* on the day the story broke read: “Central Park Horror: Wolf Pack’s Prey, Female Jogger Near Death After Savage Attack By Roving Gang”. The article described the horrific attack: “A 28-year-old investment banker who regularly jogged in Central Park was repeatedly raped, viciously beaten and left for dead by a wolf pack of more than a dozen young teenagers who attacked her at the end of an escalating crime spree.”<sup>46</sup> The *New York Daily News* front-page headline the following day read: “Park Marauders Call it ‘WILDING’ . . . and it’s Street Slang for

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<sup>44</sup> The jogger had suffered a fractured skull, swelling of the brain, her windpipe had nearly been crushed and she had sustained a blowout fracture of the left eye along with numerous lacerations to her face and limbs. She remained in a coma for over a month. Yet, she stunned doctors with her recovery and was able to return to her position at Salomon Brothers Bank. She was, however, left with no memory of the attack, a loss of sense of smell, double vision and balance problems.

<sup>45</sup> Under New York law, only Wise at 16 was an adult, the other five were juveniles. However, all six were charged with certain violent acts designated as crimes for which they could be tried in Supreme Court as adults as opposed to Family Court. Along with the charges relating to the jogger, all six were also charged with three robbery counts and two assault counts against Loughlin, one assault count relating to Lewis, and riot. Michael Briscoe, also an adult, was indicted for the assault of Lewis and riot. Jermain Robinson, 15, having struck a plea-deal, was indicted on charges of robbery and the attacks on Lewis and Loughlin.

<sup>46</sup> Dan Singleton and Dan Gentile, “‘She Put up a Terrific Fight’”, *New York Daily News*, April 21, 1989, 3.

Going Berserk”.<sup>47</sup> The *New York Times* also reported on the use of the term ‘wilding’ that day to describe the attack. The *Times* quoted Chief of Detectives, Robert Colangelo, in its front page article, who stated: “It’s not a term that we in the police had heard before . . . they just said, ‘we were going wilding’. In my mind at this point, it implies that they were going to raise hell.”<sup>48</sup>

The attack was presented and perceived as an abhorrent act of aggression for which the youths felt no guilt or remorse. Media reports of the written and video statements made by the youths described how they “. . . hunted down the woman, chased her down a path, beat her with a lead pipe, a brick and rocks, stripped her of her clothes and then held her down while at least four of them raped her.”<sup>49</sup> It was reported that one of the youths - Salaam - had described the attack as ‘fun’ and along with others had behaved in a jocular fashion at the police station following their arrests. As the *Washington Post* reported: “[Salaam] laughed, joked, and carried on in the precinct house, not showing the least bit of remorse.”<sup>50</sup> Similarly, the *New York Daily News* reported: “The gang of teenagers that raped a young investment banker in Central Park believed they had beaten her to death – and laughed about the vicious attack later in a

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<sup>47</sup> *New York Daily News*, April 22, 1989.

<sup>48</sup> Quoted in David E. Pitt, “Jogger’s Attackers Terrorized at Least 9 in 2 Hours”, *New York Times*, April 22, 1989, 1.

<sup>49</sup> James C. McKinley Jr., “Official Says Youths Admit Role in Attack”, *New York Times*, April 24, 1989, B1.

<sup>50</sup> Paula Span and Howard Kurtz, “Aftermath of Assault”, *Washington Post*, April 27, 1989, A34. A report in the *New York Daily News* on April 23, 1989 also described the jovial behavior of the youths in the police station. See also Timothy Sullivan, *Unequal Verdicts: The Central Park Jogger Trials* (New York: Simon & Schuster, 1992), 51.

police station house. . . . They were heard whistling at policewomen, comparing what they had admitted on tape and laughing about what they had done to the woman.”<sup>51</sup>

The Central Park jogger attack was discussed in numerous editorials and columns in the press, where for the most part the case was presented as a symbol of how violent crime had permeated New York City, and how tough and decisive action was needed to tackle it. Ronnie Eldridge wrote in the *New York Times*:

A 28 year-old woman was raped and left to die in Central Park. She was there because she was a citizen of New York City, brimming with joy and life, who would not even consider surrendering one step of it. She felt like using her park at 10 o'clock at night and she did. Now people are blaming her for being there at that hour. From all sides I hear that the woman attacked in Central Park was crazy to be there and that we must stay out of Central Park when the sun goes down . . . . We must not give up Central Park at night because someone tells us to be afraid. That park belongs to us and this time nobody is going to take it from us.<sup>52</sup>

According to Eldridge it was time for New Yorkers to strike back at criminals, to refuse to feel the fear of crime and reclaim the city for themselves. This sentiment was more explicitly expressed in an editorial in the *New York Daily News*, which read:

There was a full moon Wednesday night. A suitable backdrop for the howling of wolves. A vicious pack ran rampant through Central park. . . . Wolf packs have been roaming the subways in increasing numbers. Assaulting and robbing passengers. They've declared the subways their turf. Should they be free to pick and choose their domains this way? Should the entire city be turned over to them?<sup>53</sup>

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<sup>51</sup> Patrick Clark and Ruth Canda, "Rape Suspects Laugh Over Attack", *New York Daily News*, April 23, 1989, 2-3.

<sup>52</sup> Ronnie Eldridge, "Central Park Can be Ours", *New York Times*, May 4, 1989, 27.

<sup>53</sup> "Editorial", *New York Daily News*, April 22, 1989, 11.

For others, reclaiming the freedom of the city for New Yorkers was not enough, retribution was the most important thing to be achieved. Mary McGrory wrote in the *Washington Post*: “Gang mentality? Male black rage? We don’t know. In a sense, we don’t care. . . . It’s not important why they did it, only that they should be punished.”<sup>54</sup> This feeling was more comprehensively expressed in an advertisement by business tycoon, Donald Trump, carried by four New York newspapers. Entitled “Bring Back the Death Penalty, Bring Back the Police!”, it stated:

What has happened to our city over the past ten years? What has happened to law and order, to the neighbourhood cop we all trusted to safeguard our homes and families, the cop who had the power under the law to help us in times of danger, keep us safe from those who would prey on innocent lives to fulfil some distorted inner need. What has happened to the respect for authority, the fear of retribution by the courts, society and the police for those who break the law, who blatantly trespass on the rights of others? What has happened is the complete breakdown of life as we know it. Many New York families – white, black, Hispanic, and Asian – have had to give up the pleasure of a leisurely stroll in the park at dusk, the Saturday bike ride at dawn, or just sitting on their stoops – given them up as hostages to a world ruled by the law of the streets, as roving bands of wild criminals roam our neighbourhoods, dispensing their own vicious brand of twisted hatred on whomever they encounter. At what point did we cross the line from the fine and noble pursuit of genuine civil liberties to the reckless and dangerously permissive atmosphere which allows criminals of every age to beat and rape a helpless woman and then laugh at her family’s anguish? And why do they laugh? They laugh because they know that soon, very soon, they will be returned to the streets to rape and maim and kill once again – and yet face no great personal risk to themselves. Mayor Koch has stated that hate and rancour should be removed from our hearts. I do not think so. I want to hate these muggers and murderers. They should be forced to suffer, and, when they kill, they should be executed for their crimes. They must serve as examples so others will think long and hard before committing a crime or an act of violence.

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<sup>54</sup> Mary McGrory, “Horror in the Park”, *Washington Post*, April 30, 1989, C5.

Yes, Mayor Koch, I want to hate these murderers and I always will. I am not looking to punish them. If the punishment is strong, the attacks on innocent people will stop. I recently watched a news cast trying to explain the ‘anger in these young men’. I no longer want to understand their anger. I want them to understand our anger. I want them to be afraid. How can our great society tolerate the continued brutalization of its citizens by crazed misfits? Criminals must be told that their CIVIL LIBERTIES END WHEN AN ATTACK ON SAFETY BEGINS! When I was young, I sat in a diner with my father and witnessed two young bullies cursing and threatening a very frightened waitress. Two cops rushed in, lifted up the thugs and threw them out the door, warning them never to cause trouble again. I miss the feeling of security New York’s finest once gave to citizens of our city. Let our politicians give back our police department’s power to keep us safe. Unshackle them from the constant chant of ‘police brutality’ which every petty criminal hurls immediately at an officer who has just risked his or her life to save another’s. We must cease our continuous pandering to the criminal population of this city. Give New York back to its citizens who have earned the right to be New Yorkers. Send a message loud and clear to those who would murder our citizens and terrorize New York – BRING BACK THE DEATH PENALTY AND BRING BACK THE POLICE!<sup>55</sup>

Trump’s article expressed the widely-held feelings of despair and frustration held by both New Yorkers and Americans in general regarding crime. There was a widespread belief that permissive and liberal attitudes and policies were allowing criminals to act with impunity. Also, it was widely felt that the Criminal Justice System (CJS) had become so preoccupied with protecting the rights of offenders that the needs of ordinary Americans living in the shadow of crime were being neglected. Related to this, there was a feeling that the police had been disempowered by the focus on

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<sup>55</sup> “Bring Back the Death Penalty, Bring Back the Police!”, *New York Times*, May 1, 1989, A13.

offenders' rights. In all, Trump's message was that the CJS needed to get tough on criminals.<sup>56</sup>

These expressions of horror, outrage and frustration in the media were also reflected in public responses to the Central Park jogger attack. One New Yorker stated: "I don't remember people talking about anything like this since Challenger."<sup>57</sup> Barry Gray, a WMCA talk show host, claimed: "We have more calls on this than on any other situation I can recall, going back to the McCarthy period. . . . It has inflamed people, no question."<sup>58</sup> One caller remarked: "The horror was the utter randomness of it."<sup>59</sup> A caller to a Denver radio show stated: "There is certainly very little sense of sympathy and understanding for these kids . . . there is more anger, a feeling that we should not be talking about solution so much as retribution."<sup>60</sup> Letters to newspapers also illustrated the sense of shock and disbelief amongst Americans. A letter to the *New York Daily News* read:

Your use of the phrase 'wolf pack' to describe the recent Central Park predators was understandable but inappropriate. Wolves hunt for food. Dogs instinctively chase whatever runs by. Only humans willfully inflict suffering and even death because they're bored, but haven't the brains to do something constructive. Wilding indeed! Wild creatures have better sense.<sup>61</sup>

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<sup>56</sup> Flanagan and Longmire (eds.), *Americans View Crime and Injustice*; Warr, "Public Opinion on Crime and Punishment".

<sup>57</sup> Quoted in Michael T. Kaufman, "New Yorkers Wrestle With a Crime", *New York Times*, April 28, 1989, B2.

<sup>58</sup> Quoted in Celestine Bohlen, "The Park Attacks Weeks Later: An Anger That Will Not Let Go", *New York Times*, May 12, 1989, B1.

<sup>59</sup> Quoted in Bohlen, "The Park Attacks Weeks Later", B1.

<sup>60</sup> Quoted in Bohlen, "The Park Attacks Weeks Later", B1.

<sup>61</sup> "Letters", *New York Daily News*, April 30, 1989, 42.

Similarly, another letter stated: “Referring to the gang of marauders in Central Park as a ‘wolf pack’ is an insult to wolves! The wolf is shy and peaceful.”<sup>62</sup>

The response by the media and the American public illustrated thus far, reveals the feelings, attitudes and beliefs regarding crime that Bush’s soft on crime discourse tapped into, thus demonstrating how it was a powerful issue with which to win votes. Not all of the responses to the attack in Central Park, however, were as fervent. One article in the *New York Times* just over two weeks after the incident warned against the rush to judgement that was being displayed by the media. The article stated:

Please wait – just a few questions about that gang of thugs arrested for beating and raping a jogger in the park. . . . Who ruled that they were guilty? If we really believe in laws, we have to let it take its course, not short-circuit it by what we write or say. If we really want order, we must follow the understandings upon which it depends. One of them is the understanding against verbal lynching, which is what judgements before trial amounts to.<sup>63</sup>

A letter to the *New York Daily News* also revealed that the response of some Americans focused on the societal causes underlying such violent acts as the attack on the jogger.

The letter read:

Why would 8 individuals decide to hurt another human being in such a brutal and barbaric manner? Who taught them to express rage and anger in such a way? The answers are plain. Society as a whole has taught a whole generation that the way to live is to be brutal. The world that mankind has created is filled with hate and violence. The young lady

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<sup>62</sup> “Letters”, 42.

<sup>63</sup> A.M. Rosenthal, “The Guilty Verdict”, *New York Times*, May 5, 1989, 35.

who was raped and brutalized is a victim. My heart goes out to her and the countless other victims. Those young men are also victims because they see death and decay all around them. They see no love, no compassion. I am a victim because fear is instilled in my heart because I know and see that the world is decaying in front of my eyes. We are all victims.<sup>64</sup>

The most prominent counter discourse in relation to the attack, however, came from those who expressed concern regarding the racial aspect to responses by the media and public. The racial composition of the other Central Park victims seemingly undermined the notion of racial motivation in the jogger attack. Of the nine victims, six were white, two were Hispanic and one was African-American. Statements made by some of victims in the park as well as statements made by some of the youths themselves, however, indicated that race could have been a motivating factor. Due to this evidence, investigations were made to ascertain to what extent the attacks were racial. Manhattan District Attorney Robert Morgenthau concluded, however, that there was no conclusive evidence to support this.

According to a report by the *New York Times* on reactions to the attack in the first week, few New Yorkers believed that the attack was racially motivated. Barbara Campbell, an African-American writer on children's issues, disagreed that the attack was racially motivated, and regarded it as an example of the anarchic state of many teenagers in New York, both white and black. Campbell stated:

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<sup>64</sup> "Letters", 42.

Some of the people who were attacked in the rampage were, I understand, non-whites. I don't feel they were out to get some white people, but what is important, I think, is that there is in this city among teenagers, white and black, something that is anarchic. They feel that anything goes, that all the rules have broken down. Black teenagers may rob for sneakers; middle-class white teenagers may buy counterfeit credit cards.

Another, white, New Yorker also denied that the attack was racially motivated and bemoaned the tendency to perceive all interracial crime as motivated by race. She stated in the *Times* report:

I don't think it was a racial crime. . . . Everything is turned into a racial thing. It wasn't a group of blacks and Hispanics who raped this white woman, it was a group of children who raped this woman. I think they would have been as vicious with a black woman.<sup>65</sup>

In addition to not perceiving the attack as being racially motivated, a number of Americans, particularly African Americans also pleaded for the case not to be perceived in racial terms by others. As one Harlem resident expressed: "It's not racial. Don't make it racial."<sup>66</sup>

Yet, race was an integral component in responses to the incident from the very beginning. In addition to the fact that discussions on the irrelevancy of race in the attack themselves racialised the debate, some of the terminology used to describe the attack in the press was heaped with racial overtones. Not only were there references to

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<sup>65</sup> Quoted in Kaufman, "New Yorkers Wrestle With a Crime", A1.

<sup>66</sup> Quoted in "Central Park Gang Rape Stirs Racial Tension", *Chicago Tribune*, April, 26 1989, 10.

'wolfpacks', as has been illustrated, but also to 'animals', 'savages' and 'beasts'.<sup>67</sup> The reactions of some whites to the incident were also heavily laced with racial prejudices.

As *New York Daily News* columnist Mary McAlary asserted:

There is so much paranoia and poisoned passion. . . . Everywhere you go in this city today, you hear it. The phone lines to this newspaper are busy with people screaming, 'call the case for what it is; black savages rape white girl'. No one is even making an attempt to mask their racism.<sup>68</sup>

Similarly, Gray on WMCA stated: "I describe it as Mississippi Burning comes to Times Square. . . . I've heard more yells of 'nigger', 'they should be castrated', 'they should string them up' than belong in a civilised community."<sup>69</sup>

The centrality of race in responses to the case could also be seen in the calls made to the black leadership to respond to the attack. This came not only from whites but African Americans too. African-American columnist, William Raspberry, in the *Washington Post* argued that just as African Americans had demanded that white leaders speak out and condemn the attack in Howard Beach, so too should black leaders respond to the attack in Central Park. He charged:

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<sup>67</sup> "Central Park Horror: Wolfpack's Prey: Female Jogger Near Death After Savage Attack by Roving Gang", *New York Daily News*, April 21, 1989, 1. Such terminology was also present in the following articles: Singleton and Gentile, "'She Put Up a Terrific Fight'", 3; "'Wilding' Teens Held in Rape: 7 are Called Part of Wolfpack", *New York Daily News*, April 22, 1989, 3; "Editorial", *New York Daily News*; April 22, 1989, 11; Donald E. Pitt, "Gang Attack: Unusual For its Viciousness", *New York Times*, April 25, 1989, B1; Kaufman, "New Yorkers Wrestle With a Crime", B2; Elizabeth Lyttleton Sturz, "What Kids Who Aren't Wolves Say About Wilding", *New York Times*, May 1, 1989, A17; Mike Royko, "Thugs Deserve Blame, Not Society", *Chicago Tribune*, April 27, 1989, 3.

<sup>68</sup> Quoted in Lentz, "New York Fears Racial Unrest After Rape", 1.

<sup>69</sup> Quoted in Bohlen, "The Park Attacks, Weeks Later", B2.

The woman lies near death in a New York Hospital, victim not merely of her own foolish daring but also of a singularly bestial attack: vicious, brutal, unprovoked. And I keep wanting the black leadership to say something about it . . . it wasn't 'white America' that assaulted the three black men who strayed into Howard Beach, chasing one to his death in the path of a car. It was a mob of white teenagers. Still, the black leadership demanded that white leaders speak out about the incident, if only to demonstrate that they weren't all represented by that club-wielding mob. And white leaders did speak out.<sup>70</sup>

Richard Cohen, also in the *Washington Post*, argued that a failure by black leaders to respond was tantamount to condoning and fuelling racial attacks. He stated:

This country's black leadership is not only silent when it should be outspoken, but it sometimes says - or condones - rhetoric that is downright racist. We are sometimes told that blacks cannot be racists - that, powerless and inordinately impoverished they cannot implement their feelings. The argument is sophistry. Black racism is acted out every day - and blacks and whites know it. The adrenaline alert that blacks feel in certain white neighborhoods whites feel in certain black ones. Whatever the reasons for their silence (racial solidarity, for instance) black leaders ought to look at the results. That explosion of hate in Central Park might have been one.<sup>71</sup>

African Americans, like whites, were appalled by the jogger case. Community Leader, Charles Rangel, stressed: "I think it was a shocking attack on humanity . . . and every human being has to feel the pain. . . . I've never seen such an animalistic attack, even during the period of time I served in Korea."<sup>72</sup> A number of African Americans

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<sup>70</sup> William Raspberry, "Our Missing Anger", *Washington Post*, May 1, 1989, A9.

<sup>71</sup> Richard Cohen, "Lethal Silence", *Washington Post*, May 4, 1989, A23.

<sup>72</sup> Quoted in Harold L. Jamison, "Leaders Temper Anger with Caution", *Amsterdam News*, April 29, 1989, 3.

were also angered that media reports failed to reflect African-American condemnation of the attack. As community activist, Abiola Sinclair, stated in the *Amsterdam News*:

Despite the small mention in the press and on TV, the Harlem community is deeply angered and ashamed of the hideous and thoroughly despicable sin that was committed. . . . Why is the press not giving voice to our true feelings on this matter? They seem to only stick the mic into the face of the person who has an excuse, so that's all TV viewers see.<sup>73</sup>

African Americans also spoke out against those who attempted to explain the actions of the youths. Mike Royko wrote in the *Chicago Tribune*: “. . . the blame for violence rests with those who commit the violence, not with the frightened masses who look over their shoulders and hope to avoid being clobbered.”<sup>74</sup>

Despite condemnation of the attack, however, a significant proportion of African Americans were concerned by the racial element to responses to the case. Campbell was disturbed by the media portrayals of the youths. She stated:

My first reaction had been one of horror that young people had hurt someone so badly. . . . But shortly thereafter I read news reports that portrayed the children as bestial, with the implication that they were not human, and they were animals, and I became angry about that. I felt it was going to further polarize the city and make it unsafe for all teenager black boys to walk in the street. That kind of coverage played into a lot of people's prevailing racist attitudes.<sup>75</sup>

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<sup>73</sup> Abiola Sinclair, “Shocking, Shameful: ‘Wilding’ ... Indeed”, *Amsterdam News*, April 29, 1989, 30.

<sup>74</sup> Royko, “Thugs Deserve Blame, Not Society”, 3.

<sup>75</sup> Quoted in Kaufman, “New Yorkers Wrestle With a Crime”, B2.

A number of African Americans were also angered by the use of coded racial language in the case. As Randolph Scott, a Pace University law professor, charged: “These black youths are called savages. . . . No one referred to the Howard Beach youths as savages and wild dogs. It seems only these code words are used when blacks are involved, and that’s frightening.”<sup>76</sup>

The extensive coverage of the attack in comparison to the attention given to crimes against African-American women also disturbed a significant proportion of African Americans. As David Campel, Program Director of WLIB, the city’s leading black radio talk show, expressed:

The average person of African-American descent in this community feels if the victim of an incident is white it gets treated one way, and if it’s black or Latino, it gets treated another way. . . . They ask how many times have these things happened to African American or Latino women in the past months and there was not a line in the press.<sup>77</sup>

A number of residents of Shomburg plaza, where a number of the Central Park youths lived, echoed these feelings. While not condoning the attack, many were critical of the high-profile nature of the case. As one resident explained: “Some people resent that there’s been so much discussion. . . . If it had been a black woman you wouldn’t have had all this. Our children are being raped and hurt, but nobody talks about it.”<sup>78</sup>

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<sup>76</sup> Quoted in Lentz, “New York Fears Racial Unrest After Rape”, 6. This terminology was used by African-American journalists also.

<sup>77</sup> Quoted in Lentz, “New York Fears Racial Unrest After Rape”, 6.

<sup>78</sup> Quoted in Susan Chira, “Rape Suspects’ Neighbors Feel Accused”, *New York Times*, May 1, 1989, B6.

The issue of a racial double standard was discussed by some in the press. Sam Roberts of the *New York Times* for instance reported that two women were raped in New York City, on April 19 and 29 respectively, the latter receiving little attention, of which he explained: “But a world of difference distinguished the two grisly crimes. The 28-year-old victim was a white investment banker, attacked while jogging in Central Park. The 19-year-old was black, identified by police as a prostitute, and was found in Fort Tryon Park in upper Manhattan.”<sup>79</sup>

A number of African Americans were also critical of the aggressive manner in which the case was pursued by the police and CJS.<sup>80</sup> Reverend Calvin O. Butts declared: “The first thing you do in the United States of America when a white woman is raped is round up a bunch of black youths, and I think that’s what happened here.”<sup>81</sup> Elombe Brown, a community activist in Schomburg Plaza, making reference to the Tawana Brawley case of 1987 in which a 15-year-old African-American teenager claimed to have been kidnapped and raped by up to four white law enforcement officials in Wappingers Falls, New York, stated: “Tawana Brawley could talk and identified her attackers, and they arrested nobody. This woman can’t talk and they

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<sup>79</sup> Sam Roberts, “When Crimes Become Symbols”, *New York Times*, May 7, 1989, 4.1. A number of whites, however, charged that it was white victims of crime that did not receive the same level of attention as black victims. For a discussion of the media and the way it reports on crime see Beckett and Sasson, *The Politics of Injustice*; Christopher P. Campbell, *Race, Myth and the News* (London: Sage, 1995); Franklin D. Gilliam Jr., and Shanto Iyengar, “Prime Suspects: The Influence of Local Television News on the Viewing Public”, *American Journal of Political Science* 44.3 (2000): 560-573.

<sup>80</sup> Beckett and Sasson, *The Politics of Injustice*; John Hagan and Ruth D. Patterson (eds.), *Crime and Inequality in America: Patterns and Consequences* (California: Stanford University Press, 1995); Coramae Richey Mann, *Unequal Justice: A Question of Color* (Bloomington: Indiana University Press, 1993); Walker, Spohn, Delone, *Race, Ethnicity and Crime in America*.

<sup>81</sup> Quoted in William Glaberson, “In Jogger Case, Once Viewed Starkly, Some Skeptics Side With Defendants”, *New York Times*, August 8, 1990, B3.

arrest everybody.”<sup>82</sup> For a number of African Americans, the response to the Central Park jogger case was illustrative of the racial double standard inherent within the CJS, the media, and society generally.<sup>83</sup>

A number of whites, however, denounced this counter discourse. A letter to the *Chicago Tribune* read:

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<sup>82</sup> Quoted in Jamison, “Leaders Temper Anger With Caution”, 3. For details of the Brawley case see Robert McFadden, *Outrage: The Story Behind the Tawana Brawley Hoax* (New York: Bantam Books, 1990); Robert C. Smith and Richard Seltzer, *Contemporary Controversies and the American Racial Divide* (New York: Rowman and Littlefield, 2000); Mike Taibbi and Anna Sims-Philips, *Unholy Alliances: Working the Tawana Brawley Story* (New York: Harcourt Inc., 1989).

<sup>83</sup> Speculation by some in the African-American community that the youths were being scapegoated to appease white society persisted as the case went to trial. Some African Americans questioned why the suspects in the Central Park case were held without bail unlike in the Howard Beach case in 1986 and the Bensonhurst case in 1989. (The Bensonhurst case refers to the shooting of a 16-year-old African-American youth, Yusuf Hawkins, on August 23, 1989, following a confrontation by a group of white youths.) Wise, Lopez, McCray and Briscoe were initially denied bail by Judge Carol Berkman. When the youths were granted bail, African Americans also questioned the disparity in the level of bail between the Central Park case and the Bensonhurst case. Initial bail levels for the Central Park defendants were \$250,000 compared to \$75,000- \$100,000 for the Bensonhurst youths. Some African Americans were also critical of the way in which the judge was assigned to the case. Counter to New York State policy that stated judges be assigned at random, Judge Thomas D. Galligan was specifically assigned to the case by Judge Carol Berkman. (Berkman was following orders from the Office of the Court Administration.) According to Berkman this decision was made because of Galligan’s experience. A number of African Americans, however, regarded the selection as politically motivated, for Galligan was perceived as a pro-prosecution judge. The Central Park defendants were tried in two separate trials. The first was that of McCray, Salaam and Santana, which commenced on June 18, 1990, the second was that of Richardson and Wise, which began on October 11, 1990. A refusal by witnesses to testify against Lopez, along with a lack of confession resulted in a plea-deal whereby Lopez pleaded guilty only to the robbery of Loughlin. For this he was sentenced to 1½-4½ years. In both of the Central Park trials the defendants were convicted on the basis of the written and taped statements made by the youths after their arrest. The defence in each case charged that these confessions were false and had been coerced out of the youths. Santana, Salaam and McCray were convicted of rape, assault, riot, robbery and assault of Lewis and Loughlin but were acquitted of attempted murder and sodomy. The jury did not believe them to have raped the jogger but believed them to have acted in concert to her rape. They were sentenced as juveniles to the maximum of 5-10 years. Richardson was found guilty of attempted murder and rape and sentenced to the maximum of 5-10 years. Wise was found guilty of sexual abuse and assault and sentenced as an adult to 5-15 years. At an earlier trial Briscoe, having pleaded guilty, was sentenced to one year for the assault on Lewis, and Robinson, who also pleaded guilty, received a one-year sentence for the robbery and attack on Lewis and Loughlin. For an account of the trial and the investigation, see Sullivan, *Unequal Verdicts*. In September 2002, an imprisoned Hispanic murderer and serial rapist, Matias Reyes, confessed that he alone had attacked the jogger.

Expressed in calls to newspapers and radio and TV talk shows, whites are concerned. They feel unsafe. They feel the actions of those 30 odd youths were horrible. They feel grief for the woman jogger. Also expressed in those public forums are the feelings of black New Yorkers. Almost to a person they are concerned about the treatment of the youths under what they perceive as an unfair double standard. They contend that if the roles were reversed, the victim a black woman and the assailants white youths, the crime would be treated differently. They're right. If it had been a black woman jogging in that park at night and subjected to that violent spree, there would be demonstrations on the streets of New York City, complete with black leaders fanning the flames of righteous anger. Jesse Jackson quickly would denounce the youths, as would any other politician eager to get on the bandwagon of concern. The woman herself would be elevated to the status of martyr, her name on the lips of every American. The youths would be the subject of death threats and would almost welcome police protection. . . . If I were a black woman, I at least would know that society, black and white, would rally to my side if I were a victim of violence by white men. However, because I am white, I am abandoned. A white man or woman will not openly express sympathy or horror at my pain without being accused of bigotry or of not having enough concern for the plight of blacks. Black leaders will be concerned only with the 'civil rights' of my assailants.<sup>84</sup>

According to this letter, African Americans were preoccupied with claims of racial discrimination and double standards, when in fact it was not black victims but rather white victims of crime who were marginalised by a society that had become too preoccupied by race and civil rights. Similarly, another letter to the *New York Daily News* asserted:

Only one thing was more appalling than the beating, attempted murder and rape of the young woman in Central Park. That was the comment of a woman from the neighbourhood of the punks who are accused of the crime. She was quoted as saying, 'If it was a black woman in our neighbourhood, no one would care.' Where was this woman during the

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<sup>84</sup> "Letters", *Chicago Tribune*, May 1, 1989, 13.

past year? Does the name Tawana Brawley ring a bell? That woman should ask, ‘what the hell is going on in my neighbourhood when not one of these punks has said, ‘I’m sorry’’. Why would we expect that from them when the attitude of some adults in their life is, ‘what’s the big deal?’<sup>85</sup>

Again, the author of this letter denounces African-American preoccupation with the claim that black victims of crime are marginalised by white society. The author asserts not only that the charges are incorrect, but that the focus on alleged racial discrimination and double standards within the CJS is wrongly prioritised by African Americans, resulting in an indifference to law and order. The sentiments in these letters reveal the feelings concerning crime – particularly the racial feelings – that Bush’s soft on crime discourse tapped into.

The response to the Central Park jogger case illustrates why Bush’s use of the Willie Horton narrative in the 1988 presidential election, and his soft on crime discourse used throughout his presidency, was a successful coded appeal to white voters. The case demonstrated not only the level of feeling concerning crime that Bush’s discourse tapped into, but also, and more importantly, the racial feelings that his discourse manipulated and capitalised upon.

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<sup>85</sup> “Letters”, 42.

### 6.3 The Carol Stuart Murder, 1989

The murder of Carol Stuart in 1989 was Boston's equivalent to the Central Park jogger case. The shooting of a pregnant white woman by an African-American robber whilst driving home with her husband from a pre-natal class became another terrifying tale of random, urban violence in late 1980s America. Like the Central Park jogger case, the Carol Stuart case demonstrated why Willie Horton was such a powerful tool in the Bush presidential election campaign in 1988. Responses to the case revealed the feelings and beliefs regarding race and crime that both the Willie Horton narrative and Bush's soft on crime discourse, used throughout his presidency, tapped into. That the story was subsequently revealed as a hoax, said a great deal about the power that the racial imagery of black on white violent crime had within American society: white America had been all too willing to believe in the fabricated crime against Boston's "Camelot Couple".<sup>86</sup>

On October 23, 1989, at approximately 8.30 p.m., Carol and Charles Stuart were returning home from a Lamaze class at Brigham Women's Hospital when, according to Charles Stuart, as their car pulled up to a stoplight at a busy intersection in the Mission Hill section of Boston - a predominantly Hispanic and African-American area - an African-American man armed with a gun got into the back of the car and forced the couple to drive deep into Mission Hill. Apparently becoming frustrated by

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<sup>86</sup> Patricia Mangen and Andrea Estes, "A Family's Agonizing Vigil", *Boston Herald*, October 25, 1989, 1.

Charles Stuart's inability to produce his wallet and agitated upon sighting the Stuarts' car-phone - which he mistook for a police radio - the man shot Carol Stuart in the back of the head and shot Charles Stuart in the abdomen before fleeing on foot. Charles Stuart called the police on the car-phone but was unable to report his location. He therefore drove around for thirteen minutes attempting to find a recognisable landmark before falling into unconsciousness.<sup>87</sup> The police and ambulance team eventually located the Stuarts by tracing the car-phone signals. By this time, however, Carol Stuart was very near death and she died hours later. The Stuarts' baby was delivered by cesarean section, but also died 17 days later.

Media coverage of the case was immense, with both the local and national press giving the story saturation coverage. Graphic images of the murder scene were aired on CBS-News, as a broadcast team had been travelling with emergency services on the night of the shootings. Charles Stuart's call to the emergency dispatcher was also aired on television and transcripts were published in newspapers. On the day after the shooting, the *Boston Herald* published a picture of Carol Stuart's shattered head on its front page. In many press reports the Stuarts were presented as the ideal, suburban, American couple. In one article in the *Boston Globe*, for example, the couple were described as possessing: ". . . a relationship that was so loving it warmed even those at its edge." Also, friends were quoted as saying: "They were the best type of people." Another friend described Charles Stuart as ". . . an all-round terrific guy."<sup>88</sup> An article

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<sup>87</sup> Charles Stuart told police that he had a spare set of car keys which he used after the assailant had left.

<sup>88</sup> Sally Jacobs, "The Shatters of a Shining Life", *Boston Globe*, October 25, 1989, 16.

in the *Boston Herald* described the tragedy of the incident: “The dreams of a ‘Camelot’ couple, awaiting the birth of their Christmas baby, exploded in a burst of gunfire on a Boston street.”<sup>89</sup> In press reports also, the shooting was presented as symbolic of the violent crime plaguing urban America. A front-page editorial in the *Boston Herald* stated: When will we demand that the random shooting, the gratuitous violence that we too often accept as part of urban life cease?”<sup>90</sup> Taking these two discourses together, the case was presented as a symbol of urban lawlessness and black criminality versus suburban tranquillity and white victimization.

The double-murder of Carol Stuart and her unborn child caused a dramatic response amongst local and state leaders. Both Mayor Raymond Flynn and Governor Michael Dukakis were among the hundreds of mourners to attend Carol Stuart’s funeral. Flynn and Police Commissioner Francis Roache, had also met with the Stuarts’ family at the hospital on the evening of the shooting. Speaking on the night of the shooting, Flynn stated:

This is a terrible, terrible night for us [in the city]. . . . These were good decent family people having their lives snuffed out. Our hearts go out to the families. . . . I have asked Police Commissioner Roache to put every single available detective on this case to find out who is responsible for the cowardly, senseless tragedy.<sup>91</sup>

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<sup>89</sup> Mangen and Estes, “A Family’s Agonizing Vigil”, 1.

<sup>90</sup> “Editorial: The Time is Now”, *Boston Herald*, October 25, 1989, 1.

<sup>91</sup> Quoted in David Weber, “‘A Terrible Night’. Gunman Invades Car, Shoots Couple”, *Boston Herald*, October 24, 1989, 1, 4.

The response of some leaders to the incident was more furious. State Republican leaders called for the reinstatement of the death penalty, as did state legislators. City Councillor, Albert O'Neil declared: "I'll volunteer to pull the switch. . . . Here's a young couple having a baby, being sure that they get all the right prenatal care, then an animal like this comes along and ruins their lives. It makes you want to execute him on the spot."<sup>92</sup> Similarly, Suffolk District Attorney Newman Flanagan stated: "This is a killing which justifies the ultimate sentence of capital punishment for vicious criminals who think nothing of taking someone else's life."<sup>93</sup>

In the wake of such a crime, the police were under enormous pressure to apprehend the killer. The police response to the case was massive. Flynn ordered 100 extra police officers to the Mission Hill area, and a relentless stop and search tactic was implemented. Between October 24 and 28 alone, 150 stop and frisk searches were carried out on African-American men matching the description of the assailant as given by Stuart.<sup>94</sup> According to a *Boston Herald/WCVB* poll, the majority of both African-American and white residents - 66% and 77% respectively - supported the stop and frisk policy.<sup>95</sup> African Americans were as shocked and outraged over the shootings as

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<sup>92</sup> Quoted in Charles Craig, Joe Sciacca and Eric Fehrstrom, "A New Call For Death Penalty", *Boston Herald*, October 25, 1989, 9.

<sup>93</sup> Quoted in Craig, Sciacca and Fehrstrom, "A New Call For Death Penalty", 9.

<sup>94</sup> The description given by Stuart of the assailant was considerably general: 6' African-American male in his thirties and wearing a tracksuit.

<sup>95</sup> Wayne Woodlief, "Poll: Death Penalty, Searches Backed", *Boston Herald*, October 26, 1989, 1.

white Bostonians, and were also equally concerned by crime in the city and were therefore supportive of a strong police presence.<sup>96</sup>

A number of African Americans, however, were critical of the police response in the Stuart case. This counter discourse was critical of what it perceived to be a double standard by police. As has been stated, crime was of equal concern to African Americans, yet many felt that the police did not respond with as much intensity to crime when the victim was black. As one resident of Mission Hill stated: “Where all the attention is now on them, I don’t want to forget about the rest of the crime. We want to see that more police are brought on to protect everybody. We want that (more police coverage) every day because we’re tired of it too.”<sup>97</sup> Another resident described the police response to the murder of a young mother from the area: “She got shot in front of her building, shot in the head, and left 5 children. Nothing happened. This white lady gets shot, and you see police everywhere.”<sup>98</sup> Similarly, another resident stated: “My sister died the same way, a bullet in the back of her head. I’m not surprised at the police presence, because it’s a white couple, and that speaks to the importance of a black’s life and the community.”<sup>99</sup> For a number of African Americans, the dramatic

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<sup>96</sup> For a discussion of the racial disparity between the economic losses of black and white victims of crime see Gerald D. Jaynes and Robin M. Williams, *A Common Destiny: Blacks and American Society* (Washington D.C.: National Academy Press, 1989), Chapter 9.

<sup>97</sup> Quoted in Gary Witherspoon, “Mission Hill Stands Firm”, *Boston Herald*, October 26, 1989, 5.

<sup>98</sup> Quoted in Witherspoon, “Mission Hill Stands Firm”, 5.

<sup>99</sup> Quoted in Witherspoon, “Mission Hill Stands Firm”, 5.

response to the Stuart murder was further evidence of the racial double standard in society's response to crime.<sup>100</sup>

Following the intensive investigation a prime suspect eventually emerged in William Bennett, a 39-year-old African-American man from Roxbury with a criminal record.<sup>101</sup> Witnesses testified that Bennett had admitted to the shootings and he was positively identified by Charles Stuart in a police line-up. However, in a dramatic turn of events in the New Year, Charles Stuart replaced Bennett as the prime suspect in the case. On January 3, 1990, Charles Stuart's brother, Matthew Stuart, contacted Boston police and gave them a statement in which he named Charles Stuart as the murderer of Carol Stuart and their unborn child. Later that day the engagement ring that had allegedly been stolen was also turned over to the police. According to his attorney, John Pereni, Matthew Stuart had arranged to meet Charles Stuart at the Brigham Women's Hospital on October 23 to collect and dispose of a bag as part of a deal for which Charles Stuart had promised to pay him \$10,000. Along with an accomplice, John McMahon, Matthew Stuart collected the bag from Charles and disposed of a gun in the Pines River, unaware at the time that it had been used to kill Carol Stuart.<sup>102</sup> Matthew Stuart become suspicious after hearing the news of the shootings and he confided in his brother, Michael Stuart. Together they confronted the rest of the Stuart

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<sup>100</sup> Flanagan and Longmire (eds.), *Americans View Crime and Injustice*; Warr, "Public Opinion on Crime and Punishment".

<sup>101</sup> William Bennett was arrested on November 11 on unrelated charges of robbery. There were two other suspects before Bennett: Timothy Talbert, 23, and Alan Swanson, 29.

<sup>102</sup> The bag also contained the personal items that Charles Stuart had claimed had been stolen by the assailant.

family on January 1.<sup>103</sup> Aware that his family intended to inform the police, on January 4, Charles Stuart committed suicide by driving his car into Boston Harbour. A note attached to the steering wheel stated that he was unable to bear the allegations against him.<sup>104</sup>

With these startling developments the image of Carol and Charles Stuart as the symbolic all-American couple torn apart by urban, black lawlessness shattered. In the aftermath of Charles Stuart's suicide, evidence emerged that painted a very different picture of the couple than had previously been presented. The notion of the 'Camelot couple' was in actuality, quite far from the truth. The media reported that a neighbour of the Stuarts claimed that in the months before her death, Carol Stuart had been complaining about her husband going out and staying out late and it was subsequently revealed that Charles Stuart had been involved in an affair with a work colleague, Deborah Allen. During his time in hospital, Allen made repeated phone calls to Stuart using his credit card and within two weeks of his release from hospital he had bought women's jewellery.<sup>105</sup> It was also reported that Charles Stuart had also previously spoken to family and friends about killing his wife, and had sought their assistance to

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<sup>103</sup> Matthew Stuart had reportedly decided to confess to the police after it transpired that Bennett was likely to be tried for the crime.

<sup>104</sup> Based upon evidence provided by Matthew Stuart, police found additional evidence at the Stuarts' home and in the Pines River, near Revere, to tie Charles Stuart to the crime. On January 24, a pocket book belonging to Carol Stuart was found, containing her wallet, make-up and other personal items. On January 29, police divers found the murder weapon in the river. The gun matched the one missing from Edward F. Kakas and Sons fur-shop, which Stuart managed. Following these revelations and discoveries, the grand jury investigating the crime exonerated William Bennett.

<sup>105</sup> Deborah Allen's attorney, Thomas E. Dwyer, stated that Allen had broken off the affair after Stuart was released from hospital.

do this.<sup>106</sup> Furthermore, it transpired that Charles Stuart had taken out large life insurance policies on his wife in the months prior to her death and it was concluded this had been the motivation behind her murder. Shortly after the shooting Charles Stuart had received \$82,000 from a life-insurance policy.<sup>107</sup>

FBI statistics demonstrate that 42% of murdered women are killed by a member of their family, usually the husband. Yet, Charles Stuart had managed to deflect attention away from himself. Following his suicide it was revealed that detectives in the case had been suspicious of certain aspects to the incident, but could uncover no evidence to substantiate these suspicions.<sup>108</sup> One of the fundamental reasons why Charles Stuart had been able to deflect attention, however, was his use of the stereotypical black criminal as the alleged perpetrator. The idea that the white, middle-class businessman who had read an emotional eulogy at his wife's funeral and had watched as his son died, could have been responsible was simply too incredible. On the other hand, the idea that an African-American robber in a tracksuit was to blame was highly believable. By identifying his wife's killer as a black man in a tracksuit, Charles Stuart tapped into assumptions about race and crime so powerful they overwhelmed

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<sup>106</sup> David F. Maclean, a friend of Stuart's, came forward and claimed that Stuart had asked him to help kill his wife. Michael Stuart stated that he had also been approached. Other members of the family, to whom Stuart had spoken to about killing his wife, thought he was joking. Maclean also claimed that Charles Stuart had been upset by his wife's refusal to have an abortion.

<sup>107</sup> Carol Stuart had apparently commented on the strangeness of her husband taking out such a large policy on her. Rumours abounded that Charles Stuart wanted to raise money in order to open a restaurant.

<sup>108</sup> Detectives wondered why Charles Stuart had only been shot in the stomach while his wife had been shot in the head. They also wondered why Carol Stuart had been shot first as she would have posed less of a threat. They also questioned why he had taken an indirect route home from the hospital and why he was unable to identify any street names or locations during the 13 minutes he drove around talking to the emergency dispatcher.

scepticism about his story.<sup>109</sup> According to a poll in the *Boston Globe*, 77% of whites believed Charles Stuart's version of events.<sup>110</sup>

There was a great deal of anger from the African-American community of Boston following the revelation that it was Charles Stuart who was responsible for the murder of Carol Stuart. African Americans were angry that Charles Stuart's story had been so readily accepted as truth because of the racial dimensions to his alibi. As Chuck Turner, director of the Centre for Community Action in Roxbury, expressed: "Here's a man who is trying to get rid of his wife. Chuck Stuart didn't drive into a white neighbourhood to do it. He understood very clearly the mentality of the public. The emotional construct of white female endangerment by black males is such a strong emotional force."<sup>111</sup> For African Americans the unquestioned acceptance of Stuart's story was indicative of how many in the white community perceived them. State Representative Gloria Fox, stated at a news conference:

People wanted to believe we were the culprits . . . once again we have been victimized and wronged . . . people wanted to believe people in the

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<sup>109</sup> Feagin and Vera, *White Racism*, 64. For a discussion of the role of racial stereotypes and crime see Jon Hurwitz and Mark Peffley, "Public Perceptions of Race and Crime: The Role of Racial Stereotypes", *American Journal of Political Science* 41.2 (1997): 375-401; Allen E. Liska, Joseph J. Lawrence, Andrew Sanchirico, "Fear of Crime as Social Fact", *Social Forces* 60 (1982): 760-770; Esther I. Madriz, "Images of Criminals and Victims: A Study on Women's Fear and Social Control", *Gender and Society* 11.3, (1997): 342-356; Walker, Spohn, Delone, *Race, Ethnicity and Crime In America*.

<sup>110</sup> Peter J. Howe, "Poll: Case Hurt Race Relations", *Boston Globe*, January 21, 1990, 14. Only 32% of African Americans responded that they had believed Stuart's version of events. The comparatively low number could reflect a degree of reluctance amongst some African Americans to admit that they too had been manipulated by racial stereotyping.

<sup>111</sup> Quoted in "Boston: Charges of Racism Follow Probe of Killing", *Los Angeles Times*, January 10, 1990, A9.

African-American community were mad-dog killers, and it's not true and now we know.<sup>112</sup>

Residents of Mission Hill in particular expressed anger at they way race was manipulated in the case. One resident commented:

All the people of Mission Hill have been maligned by this picture of the community as a violent neighborhood. . . . I think that part of that picture was being painted by people from outside the area because it was poor and black . . . people used those elements to fan the flames of hysteria.<sup>113</sup>

Another resident stated that she had feared the racially-based response from the outset:

“When it first happened I said, ‘please don’t let a black person be responsible’ because you know how people get a real lynch-mob attitude with those things.”<sup>114</sup> For many African Americans, the Stuart case revealed the inherent link between race and crime in the minds of Americans.

In the aftermath of the revelation, a number of white Bostonians acknowledged the validity of these beliefs. One letter to the *Boston Globe* read:

We saw a victim, and we believed it. We trusted the white clean-cut and good-looking image, and quickly wanted to appease our anger at apparent random violence by ‘lynching’ the invisible black. The American quick-fix. And now? Now, we are faced with an even greater horror. Not the fear of a black man impulsively killing out of desperation, but the more heinous act of a ‘good’ white man who cold bloodedly planned and executed the murder of this pregnant wife, and

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<sup>112</sup> Quoted in Jesse H. Walker, “Blacks Angered at Biggest Case Since Boston Strangler”, *Amsterdam News*, January 13, 1990, 44.

<sup>113</sup> Quoted on Renee Graham, “Image Proved Unjust”, *Boston Globe*, January 5, 1990, 21.

<sup>114</sup> Quoted on Graham, “Image Proved Unjust”, 21.

who cunningly exploited our age-old racial bias to cover up his crime. Charlie Stuart knew us better than we know ourselves. He duped us all. Now he's forcing us to look back at our own gullibility and naivete. Our human nature still struggles to look at the evil that can and does reside in us all. Stuart, in his pernicious individual crime, has taught us all a bitter lesson and has put us all to shame.<sup>115</sup>

This Bostonian readily admitted the unconscious racial feelings held amongst a large number of white Americans, which had been easily manipulated by Charles Stuart's lie. The statement reveals the racial attitudes and feelings held by a number of whites that Bush's use of the Willie Horton narrative and his soft on crime discourse tapped into.

Many in the African-American community demanded retribution for the way in which they had been treated. Bruce C. Bolling, a city councilman representing Roxbury called for ". . . apologies across the board. . . . Black people were marginalized . . . because the alleged perpetrator was described as a black man."<sup>116</sup> Calls were made in particular for the resignation of Mayor Flynn. Louis Elisa of the Boston chapter of the NAACP declared:

I demand an apology from the Mayor of Boston, not just to Mission Hill, but to every black person in the city of Boston who was traumatized and victimized by political hysteria. . . . Every white person was looking at members of the black community as a possible killer.<sup>117</sup>

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<sup>115</sup> "Letters", *Boston Globe*, January 13, 1990, 14.

<sup>116</sup> Quoted in Constance L. Hays, "Husband of Slain Boston Woman Becomes a Suspect, Then a Suicide", *New York Times*, January 5, 1990, A21.

<sup>117</sup> Quoted in Walker, "Blacks Angered at Biggest Case Since Boston Strangler", 5.

State representative Fox, at a news conference, stated of the Mayor's response to the case: "He reacted emotionally as a white male, not as Mayor of this city."<sup>118</sup> Sadiki Konban, a community activist in Roxbury, charged Flynn with ordering a "South African-style attack on the African community by the Boston Police Department."<sup>119</sup> A resident of Mission Hill stated: "They were very intent, almost desperate to find a person who was responsible for that action."<sup>120</sup> These sentiments were reflective of the feelings of the majority of African Americans. Polls showed that 74% of African Americans believed that Flynn had overreacted during the investigation.<sup>121</sup>

There were also calls for the resignation of Police Commissioner Francis Roache over police handling of the crime. African-American religious, civic and political leaders were highly critical of the police's response to the crime. Ninety-two percent of African Americans believed that the police had overreacted to the case.<sup>122</sup> Along with the way the police had too readily accepted Stuart's story, they were also critical of the stop and frisk searches. Despite a relatively high approval rating according to some reports for the stop and frisk searches, many African-American leaders charged that such a scheme would never be utilised to apprehend a white suspect. Furthermore, it was claimed that police exerted pressure on witnesses to develop evidence against Bennett. Much of the information against Bennett - that

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<sup>118</sup> Quoted in Walker, "Blacks Angered at Biggest Case Since Boston Strangler", 44.

<sup>119</sup> Quoted in Peggy Hernandez, "Blacks Assail Handling of Case", *Boston Globe*, January 6, 1990, 1.

<sup>120</sup> Quoted in Gary Witherspoon, "Community Blasts Cops, Media", *Boston Herald*, January 5, 1990, 10.

<sup>121</sup> Howe, "Case Hurt Race Relations", 14.

<sup>122</sup> Howe, "Case Hurt Race Relations", 14. Fifty-three percent of whites agreed and 41% disagreed.

Bennett boasted about the killing - had been provided by two teenagers who later claimed to have been coerced into giving it.<sup>123</sup> In December 1990, a report released by Massachusetts Attorney General James Shannon after a near year long investigation concluded that Boston police were guilty of a pattern of civil rights infringements in the investigation of Carol Stuart's murder. According to the report's findings, police had illegally stopped and searched young black people and had coerced the two African-American teenagers into giving false testimony against William Bennett.<sup>124</sup>

The Boston media also came under fire for its coverage of the case.<sup>125</sup> As a resident of Mission Hill stated: "The media should also look at what role they played in having someone railroaded."<sup>126</sup> Another resident proclaimed: "We have been tried, convicted and sentenced. . . . I want to know now, will the media call Charles Stuart an animal?"<sup>127</sup> Condemnation of the way the media reported the case also came from white Bostonians. As one letter to the *Boston Globe* asserted:

All journalism is selective reporting, and the *Globe* either followed or led the rest of the media in the focus on the tragedy inflicted, as it was told, by an urban black man on a suburban white couple. It was a story

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<sup>123</sup> Jesse H. Walker, "Blacks Say Cops Forced Them to Tell Lies in Stuart's Scandal", *Amsterdam News*, January 27, 1990, 5.

<sup>124</sup> Police Commissioner Roache charged that the allegations were unjustified and lacking in due process. Feagin and Vera argue that the Stuart case is evidence of the personal and structural racism within police and judicial institutions, *White Racism*, 69.

<sup>125</sup> The media's role in the Stuart case is discussed in Feagin and Vera, *White Racism*, 64-65. For a discussion of the media, race and crime see Beckett and Sasson, *The Politics of Injustice*; Campbell, *Race, Myth and the News*; R.M. Entman, "Modern Racism and the Images of Blacks in Local Television News", *Critical Studies in Mass Communications* 7, (1990): 332-346; Robert M. Entman and Andrew Rojecki, *The Black Image in the White Mind: Media and Race in America* (Chicago: University of Chicago Press, 2000); Gilliam Jr., and Iyengar, "Prime Suspects".

<sup>126</sup> Quoted in Witherspoon, "Community Blasts Cops, Media", 10.

<sup>127</sup> Quoted in Hernandez, "Blacks Assail Handling of Case", 1.

to be repeated on every front page, radio and TV broadcast nationwide. It would feed the racism in our society and give further credence to the view that there is something inherently superior about a white person and her death. . . . It is time for the media to begin to cover the real tragedy of this event: the scapegoating of people of color for all the crimes of our society, when they have been victims of racism, which is so prevalent and all-consuming that we cannot imagine the scope and depth of reparations.<sup>128</sup>

A number in the media acknowledged the role race had played in reporting on the case. *Boston Globe* journalist, Mike Burnside, accepted that the reporting of the case was fuelled by the fact that it had all the essential ingredients of a sensational story, of which race was a crucial element. As he stated: “You had a network camera crew on the spot, an amazingly dramatic 911 call and the *great white victims*. Beginning, middle and end of story.”<sup>129</sup> A number in the media also accepted that Stuart’s story was only able to work because of the prejudices and racial stereotypes held, consciously or not, by much of the public, media and police. As Philip Balbani, Vice President and News Director on WCVB-TV, the ABC affiliate in Boston, admitted: “I believe that, in retrospect, it’s clear there was some unconscious or subconscious racism in the response of the public, press and police . . . but I would adamantly deny there was conscious racism involved.”<sup>130</sup> Similarly, an article in the *Washington Post* stated: “So credit Charles Stuart with something. He knew his

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<sup>128</sup> “Letters”, *Boston Globe*, January 13, 1990, 22.

<sup>129</sup> Quoted in Karen Tumulty, “Press Had Unvoiced Doubts in Boston Slaying”, *Los Angeles Times*, January 12, 1990, A24. Italics author’s own. The Managing Editor of the *Boston Herald*, Alan S. Eisner, claimed that reporters urged the Suffolk County District Attorney to investigate Charles Stuart.

<sup>130</sup> Quoted in Alex S. Jones, “Bias and Recklessness Are Charged in Boston Reporting on Stuart Slaying”, *New York Times*, January 14, 1990, 21.

country. When he wanted to frame someone for his wife's murder, he chose a whole category - young black men."<sup>131</sup> The charge was echoed in the *New York Times*: "We should recognize that Charles Stuart's tale was widely accepted because it played so shrewdly in the cherished visions - and tenaciously held illusions - of many Bostonians, many Americans."<sup>132</sup>

A number of those in the media, however, denied that race was a factor in the way the case was reported. The Editor of the *Boston Globe* defended its reporting as "responsible" journalism.<sup>133</sup> John S. Driscoll, editor of the *Boston Globe*, denied any element of racism to the coverage. Claiming the media had been duped along with the public, Driscoll declared: "I really don't see the racist aspect."<sup>134</sup> Journalists in the *Boston Herald* also defended the paper's coverage of the case. One article stated:

The racial guilt-mongers are having a field day with the latest developments in the Stuart case. . . . Sorry guys, but no apologies are due here. If the case was a focus for attention, it was due to justified outrage at the nature of the offense – a pregnant woman murdered as she was leaving a birthing class – not the race of the alleged assailant.<sup>135</sup>

According to this statement, media response to the case reflected the media-worthiness of violent crimes, irrespective of race.

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<sup>131</sup> Richard Cohen, "The Boston Distraction", *Washington Post*, January 11, 1990, A23.

<sup>132</sup> J. Anthony Lukas, "Illusion is Slain in Camelot", *New York Times*, January 16, 1990, 27.

<sup>133</sup> Editorial, "The Stuart Tragedy", *Boston Globe*, January 5, 1990, 14. It was also revealed following Charles Stuart's suicide that rumours and doubts were circulating amongst members of the media, but like the police, they had found it difficult to substantiate them.

<sup>134</sup> Quoted in Jones, "Bias and Recklessness Are Charged", 21.

<sup>135</sup> Don Feder, "No: Racial Guilt Mongers Shouldn't Get Their Way Here", *Boston Herald*, January 7, 1990, 35.

Similarly, Flynn defended his response to the case and denied that he had overreacted. Flynn stated: “I think I did what any Mayor would have done. I wanted to send a strong signal - as strong as I could - to show the city’s outrage and to show that we would not tolerate such an act anywhere. Was I wrong? I don’t think so. An unthinkable crime was committed.”<sup>136</sup> For Flynn, the reaction to the case was in proportion to the severity of the crime. Fifty percent of whites supported the Mayor’s position.<sup>137</sup> Like Flynn, they believed that violent crime demanded a decisive response – again illustrating the feelings and attitudes towards violent crime that Bush’s soft on crime discourse tapped into.

A number of white Bostonians, in fact, disagreed with accusations that responses to the case were influenced by race. One letter to the *Boston Globe* stated: “It infuriates me that the Stuart case is being used as a vehicle to cry out against the injustice of discrimination. . . . The reason this case was so highly publicized was the unbelievable horror of the attack on a seemingly innocent family.”<sup>138</sup> Another letter defended the action of the police in the case:

I think that the Stuart murder case has been blown out of proportion. Many black people assert that racism on the part of the police resulted in the arrest of William Bennett. I disagree. I believe that the police were doing their job - and that is all they were doing. They had no reason to doubt what Charles Stuart told them, and they carried out their investigation based on that info. If anyone in this case was racist, it was

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<sup>136</sup> Quoted in Steve Marantz, “Flynn Issues Plea to Bind Wounds From Stuart Case”, *Boston Globe*, January 11, 1990, 26.

<sup>137</sup> Howe, “Case Hurt Race Relations”, 14. Forty-one percent of whites believed that Flynn had overreacted.

<sup>138</sup> “Letters”, *Boston Globe*, January 11, 1990, 14.

Stuart, who planned the murder in Mission Hill. The people of Mission Hill should be given an apology, but they are carrying too far their criticism of the investigators. I feel sorry for the Mission Hill community, and especially Bennett, however, I do not want to see the police condemned for doing their job.<sup>139</sup>

While the author of the letter acknowledges the negative effect of Stuart's lie on both Bennett and the Mission Hill community, the author claims that the police acted in good faith and not out of racism. This sentiment was reflective of a large proportion of white opinion of the police response. While the vast majority of African Americans believed that the police had overreacted to the case, 41% of whites disagreed.<sup>140</sup> Again, these figures demonstrate the feeling amongst a large proportion of whites that the police should act decisively against violent crime, and hence reveal the public mood that Bush's soft on crime discourse tapped into.<sup>141</sup>

Other letters of support more clearly reveal the racial sentiments that Willie Horton and Bush's soft on crime discourse tapped into. For example, one letter to the *Boston Herald* read: "Why is it incredible that authorities initially believed Stuart's story? If a violent crime occurs in the inner-city, statistically it probably wasn't committed by a Jewish accountant or an Irish tenor." Another letter read: "Overreaction is far more evident in cases like Howard Beach and Tawana Brawley (white on black crime) than in the more common instances where the victim is white

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<sup>139</sup> "Letters", *Boston Globe*, January 28, 1990, 12.

<sup>140</sup> Howe, "Case Hurt Race Relations", 14.

<sup>141</sup> Flanagan and Longmire (eds.), *Americans View Crime and Injustice*; Warr, "Public Opinion on Crime and Punishment".

and the assailant black.”<sup>142</sup> A number of whites were quick to make comparisons between the Stuart and Brawley cases, as one letter to the *Boston Herald* read: “I have only two words for the racial guilt mongers. Tawana Brawley. . . . How easily the establishment swallowed her story, with what relish it savored this latest testament to the white man’s violence.”<sup>143</sup> Yet, while the protagonists of both the Stuart and Brawley cases sought to manipulate race in order to fabricate a lie, there had been a marked difference in responses to the cases.<sup>144</sup> From the very beginning, a great many people were sceptical of Tawana Brawley’s tale. Charles Stuart’s story, however, was almost unequivocally believed.

As in the Central Park jogger case, an analysis of the discourses surrounding the Carol Stuart murder, demonstrates the widespread concern with crime in American society, which Bush’s crime discourse tapped into. Moreover, however, it also illustrated the enormous symbolic weight violent and sexual crimes, perpetrated against *white* women by *African-American* men, carried in late 1980s. Both cases as such, provide a graphic illustration of the racial feelings held by a great number of Americans that Bush’s use of the Willie Horton narrative and his soft on crime discourse manipulated and capitalised upon.

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<sup>142</sup> Quoted in Don Feder, “No: Racial Guilt Mongers Shouldn’t Get Their Way Here”, *Boston Herald*, January 7, 1990, 35.

<sup>143</sup> Quoted in Feder, “No: Racial Guilt Mongers Shouldn’t Get Their Way Here”, 35.

<sup>144</sup> McFadden, *Outrage*; Smith and Seltzer, *Contemporary Controversies*; Taibbi and Sims-Philips, *Unholy Alliances*.

## CHAPTER 7

### Clinton and Reverse Racism: Rodney King, 1991, The Los Angeles Riots, 1992, and O.J. Simpson, 1994-1995.

#### 7.1 The Clinton Presidency: 1993 - 1997

The election of Bill Clinton to the presidency in 1992 brought an end to the Republican dominance in the Post-Civil Rights era.<sup>1</sup> To win the election, however, although the central emphasis was on the economy, Clinton also sought to broaden the appeal of the Democratic Party in order to win the support of white - Reagan Democrat - voters. Race, or rather the identification with racial issues, was the Democratic Party's Achilles' heel. Thus, in 1992, in order to appeal to white voters, Clinton avoided any overt reference to racial issues, other than to move away from them.<sup>2</sup> This

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<sup>1</sup> In addition to works cited, for a discussion of the Clinton presidency see William C. Berman, *From the Center to the Edge: The Politics and Policies of the Clinton Presidency* (Maryland: Rowan and Littlefield, 2001); Bill Clinton, *My Life* (New York: Hutchinson, 2004); David Maraniss, *First in His Class: A Biography of Bill Clinton* (New York: Simon & Schuster, 1995); Stanley A. Renshon, *High Hopes: The Clinton Presidency and the Politics of Ambition* (London: Routledge, 1998); Bob Woodward, *The Choice: How Clinton Won* (New York: Touchstone, 1996); Martin Walker, *Clinton: The President They Deserve* (London: Vintage, 1997); United States Commission on Civil Rights, *A Bridge to One America: The Civil Rights Performance of the Clinton Administration* (Washington D.C.: United States Commission on Civil Rights, 2001).

<sup>2</sup> Race was only ever overtly mentioned in relation to the Los Angeles riots in May 1992. While Clinton placed the blame on Republican policies that had ignored racial division and fostered urban decay, he also suggested that such divisions stemmed in part from a culture of poverty and dependency in the inner

was not simply an electoral strategy, however. It also reflected Clinton's political philosophy as a new Democrat. Clinton and his advisors were aware that he had to work within a popular political culture that was largely conservative and increasingly antipathetic to group-specific reforms. As such, as a new Democrat Clinton sought a more centrist position that moved away from divisive and identity politics. Clinton advanced a neo-liberal agenda that stressed universalism rather than group and/or race specific policies. Thus, during the 1992 presidential campaign, while Clinton in Democratic tradition campaigned for the black vote - perhaps most visually illustrated by his saxophone playing on the Arsenio Hall show - he also sent a series of coded racial messages in order to court the white vote.<sup>3</sup>

One of these coded racial messages was Clinton's stand against reverse racism. The Democratic Party platform in 1992 was the first for almost half a century that made no specific pledge to address racial injustice and inequalities.<sup>4</sup> Yet, while no mention was made of a commitment to tackle injustice against African Americans,

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cities. Moreover, Clinton also expressed his understanding of the fears of those who had fled the inner cities to the suburbs like Simi Valley. Dan T Carter, *From George Wallace to Newt Gingrich: Race in the Conservative Counterrevolution, 1963-1994* (Baton Rouge: Louisiana State University Press, 1996), 98; Philip A. Kilner, "Bill Clinton and the Politics of the new Liberalism" in Adolph Reed Jr. (ed.), *Without Justice For All: The New Liberalism and the Retreat From Racial Equality* (Colorado: Westview Press, 1999), 16.

<sup>3</sup> Carter, *From George Wallace to Newt Gingrich*; Jon. F. Hale, "The Making of the New Democrats", *Political Science Quarterly* 110.2 (1995): 207-232; Kilner, "Bill Clinton and the Politics of the New Liberalism"; Claire Jean Kim, "Clinton's Race Initiative: Recasting The American Dilemma", *Polity* 33.2, (2000): 175-197; Manning Marable, "U.S. Commentary: Race and Class in the US Presidential Election", *Race and Class* 34.3 (1993): 75-85; Kenneth O'Reilly, *Nixon's Piano: Presidents and Racial Politics From Washington to Clinton* (New York: The Free Press, 1995); Michael Omi and Howard Winant, *Racial Formation in the United States: From the 1960s to the 1990s* (New York: Routledge, 1994); Monte Piliawsky, "Racism or Realpolitik? The Clinton Administration and African-Americans", *Black Scholar* 24.2 (1994): 2-10; E. Frances White, "Diss(mis)ing Clinton: Reflections on African Americans and the Elections", *Radical America* 24.3 (1990): 22-27.

<sup>4</sup> Andrew Hacker, "The Blacks and Clinton", *The New York Review of Books*, August 28, 1993, 14.

Clinton spoke out against reverse racism. The target of his attack was rap performer, Sister Souljah.<sup>5</sup> Souljah had allegedly made a number of racially inflammatory remarks to a *Washington Post* reporter apparently endorsing violence against whites in Los Angeles following the Rodney King verdict. Souljah was quoted as saying: “I mean if black people kill black people every day, why not have a week and kill white people?”<sup>6</sup> Clinton denounced her remarks as: “. . . the kind of hatred we do not honor.”<sup>7</sup> “If you took the words ‘white’ and ‘black’ and reversed them, you might think David Duke was giving that speech.”<sup>8</sup>

Clinton’s underlying message was that African Americans could be as guilty of racism as whites, and that black racism needed to be confronted and challenged as vigorously as any other form.<sup>9</sup> However honourable the commitment to rid society of all forms of racial prejudice, this was not the intention behind Clinton’s remarks. Clinton’s comments against reverse racism were part of a planned and deliberate strategy to appeal to white voters, a number of whom had grown weary of what they perceived as an over-emphasis on race and race-specific policies and initiatives.<sup>10</sup> Clinton’s politiking was not lost on Americans, as an editorial in the *Atlanta Journal and Constitution* observed:

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<sup>5</sup> Clinton also sought to distance himself from Jesse Jackson in attacking Sister Souljah (real name Lisa Williams).

<sup>6</sup> Quoted in Carter, *From George Wallace to Newt Gingrich*, 99. Souljah claimed that her comments had been taken out of context. See Kilner, “Bill Clinton and the Politics of the new Liberalism”, 17.

<sup>7</sup> Quoted in Piliawsky, “Racism or Realpolitik?”, 5.

<sup>8</sup> Quoted in Carter, *From George Wallace to Newt Gingrich*, 99.

<sup>9</sup> Omi and Winant, *Racial Formation in the United States*, 151.

<sup>10</sup> Kilner, “Bill Clinton and the Politics of the new Liberalism”.

I have no problem with Clinton jumping on Sister Souljah for her racist and irresponsible rhetoric. . . . Of course, that's why Clinton jumped. He knew sane people could not disagree with his assertion that black people should not kill white people. Including sane black people, though they must be tempted at times. But, in the process, veteran vote-huckster Clinton no doubt figured he might win a few white votes from those honkies galled to their depths to see a big-mouthed young black woman with funny hair and an attitude criticizing the system. Especially a black woman who makes videos and more money than most of us will ever see. The daring denunciation must have seemed like a safe bet in the Clinton strategy session. Now here's a sound bite with bite.<sup>11</sup>

The strategy was indeed a success. Republican polls indicated that 68% of the electorate were aware of the incident. Moreover, whites approved of Clinton's statement by a three-to-one margin.<sup>12</sup>

Clinton's limited success on election day, where he won just 39% of the white vote, compared to Bush's 40% and Ross Perot's 20%, did not detract from what he achieved in his stand against reverse racism.<sup>13</sup> With his attack on Sister Souljah, Clinton had succeeded in tapping into a highly emotive issue. Reverse racism is largely a reaction to pervasive racism, the existence of which African Americans and whites, generally speaking, perceive very differently. Yet, whether interpreted in this way or not, reverse racism causes resentment in many whites and helps fuel the argument

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<sup>11</sup> "Editorial", *Atlanta Journal and Constitution*, June 24, 1992, A11.

<sup>12</sup> Kilner, "Bill Clinton and the Politics of the new Liberalism", 17; Piliawsky, "Racism or Realpolitik?", 5.

<sup>13</sup> O'Reilly, *Nixon's Piano*, 416. As well as his limited success in winning the white vote, Clinton's share of the popular vote at 43% was the second lowest received by an elected President in the twentieth century, and the fourth lowest ever.

prevalent in the post-Civil Rights era that too much emphasis is unduly placed upon race.<sup>14</sup>

The issue of reverse racism remained an important political topic during Clinton's first administration, and Clinton spoke out ardently against it. In particular, the charge of reverse racism surrounded the affirmative action debate.<sup>15</sup> Like his Democrat predecessor, Carter, Clinton had to deal with considerable opposition to affirmative action programs. This opposition centred around claims that in the egalitarian society that had been established through the efforts of the Civil Rights movement, affirmative action, as well as undermining the American value of individualism, was unnecessary and/or unjust. Because many whites did not share the same perception of the existence of pervasive discrimination, affirmative action was often perceived as reverse racism, or reverse discrimination. When Clinton spoke out against reverse racism in relation to Sister Souljah, he was tapping into many of the same feelings of opposition held towards affirmative action.

This chapter will analyse Clinton's discourse in relation to affirmative action and will demonstrate that throughout his first administration Clinton expressed his

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<sup>14</sup> Omi and Winant, *Racial Formation in the United States*.

<sup>15</sup> For a discussion of affirmative action see Lawrence Bobo, "Race and Beliefs about Affirmative Action" in David O. Sears, Jim Sidanius, Lawrence Bobo (eds.), *Racialized Politics: The Debate About Racism in America* (Chicago: University of Chicago Press, 2000); Steven M. Cahn, *The Affirmative Action Debate* (London: Routledge, 1995); Erwin Chemerinsky, "Making Sense of the Affirmative Action Debate" in John Highman (ed.), *Civil Rights and Social Wrongs: Black-White Relations Since World War II* (Pennsylvania: Pennsylvania State University Press, 1997); Lawrence H. Fuchs, "The Changing Meaning of Civil Rights, 1954-1994" in Highman (ed.), *Civil Rights and Social Wrongs*; Nathan Glazer, *Affirmative Discrimination: Ethnic Inequality and Public Policy* (Massachusetts: Harvard University Press, 1987); Samuel L. Myers (ed.), *Civil Rights and Race Relations in the Post Reagan-Bush Era* (London: Praeger, 1997); Charlotte Steeh and Maria Kryson, "Affirmative Action and the Public 1970-1993", *Public Opinion Quarterly* 60 (1996): 128-158.

support of affirmative action programs and policies as necessary tools in tackling pervasive racism which continued to hinder the opportunities of African Americans (and women). At the same time, however, Clinton also acknowledged and addressed the concern of white Americans, for whom affirmative action was perceived as reverse racism. The chapter will then analyse public discourse surrounding two monumental events in America's racial history in the late twentieth century - the Rodney King case and the Los Angeles riots, 1991-1992, and the O.J. Simpson case, 1994-1995, – in order to illustrate the divergent feelings and beliefs that Clinton's pervasive racism and reverse racism discourse tapped into.

Clinton expresses his feelings on affirmative action in the *President's News Conference, October 21, 1994*.<sup>16</sup> When asked to comment on a decision by a school board to retain an African-American teacher over a white teacher, Clinton responds by expressing his support for affirmative action, but stresses that it is only valid when making a decision when both parties are equally qualified, and that the choice based on race is made in order to maintain or ensure racial diversity. Clinton declares:

. . . if you have a school district where the children are overwhelmingly of one race or another and you stipulate that – in this case, both sides in the lawsuit stipulated they were absolutely equally qualified – then can trying to preserve some racial diversity on your faculty be a ground for the decision, as opposed to flipping a coin? As long as it runs both ways, or all ways, I support that decision; that is there are other conditions in which if there were only two teachers, they were equally qualified, and

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<sup>16</sup> "President's News Conference, October 21, 1994", *Public Papers of the President of the United States: 1994*.

the school board or the school administrator decided to keep the white teacher, also to preserve racial diversity.

In this statement Clinton stresses both the importance of meritocracy and of flexibility in affirmative action. In doing this, Clinton is tapping into the concerns of a number of Americans, that whites are losing jobs to lesser-qualified or unqualified African Americans, or that ensuring racial diversity will always benefit African Americans over whites. Clinton acknowledges the concerns of whites, and asserts that affirmative action is about ensuring racial diversity and not reverse racism against whites.

Clinton again taps into the concerns of Americans regarding affirmative action in his *Remarks at a Question and Answer Session with the College Press Forum, March 27, 1995*.<sup>17</sup> Again, Clinton defends affirmative action, but also acknowledges those who are concerned by it: principally white males. Clinton states:

The point I want to make to you is that we have made a lot of progress in this country. It has been inexact. It has been imperfect. There are still problems. We have made a lot of progress because we tried to take action to open up more opportunities to people without regard of their race or gender. And all of us, including white males, are better off because of that. The general point I want to make to you is that it is in everyone's interest to see that everybody gets the best chance to live up to the fullest of their abilities. On the other hand, it is in no one's interest to see that people get positions if they're completely unqualified to hold them.

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<sup>17</sup> "Remarks at a Question and Answer Session with the College Press Forum, March 27, 1995", *Public Papers of the President of the United States: 1995*.

While stressing the positivity of affirmative action, even for white males, Clinton does acknowledge that problems do exist, and he stresses that affirmative action is about ensuring equal opportunity for all and not giving priority to less qualified people; merit is essential. Clinton then proceeds to emphasise that his administration's review of affirmative action programs is designed to address these problems. Clinton questions:

So the question is this, how do we now go forward? And let me tell you the questions I've asked my folks to answer. I've said, first of all, how do these programs work, and do they have a positive effect? . . . Secondly, even if they work, are they sometimes, at least, unfair to others? Could you argue that in some cases there is reverse discrimination, and if so, how? Thirdly, are there now others in need who are not covered by affirmative action programs?

Clinton is sending the message that while he endorses affirmative action, he does not support programs or policies that discriminate against whites. Furthermore, he acknowledges that other societal groups are in need of affirmative action, which are not based on race or gender, that is, those who are economically disadvantaged. In doing this, Clinton is expressing the new universalism of the Democratic Party. Clinton seeks to align himself with white Americans and their concern with affirmative action in order to end divisive politics. Clinton asserts: "We must not let this debate be another cheap political wedge issue to divide the American electorate."

Clinton again positions himself alongside white concern over affirmative action in his *Remarks at the California Democrat Party in Sacramento, 8 April, 1995*.<sup>18</sup>

Clinton proclaims:

This is psychologically a difficult time for a lot of white males, the so-called angry white males. Why? Because those who don't have great educations and who aren't in jobs which are growing, even though they may have started out ahead of those of you who are female and of different races, most of them are working harder for less money than they were making 15 years ago. Imagine what it's like for them . . . they go home to dinner, and they look across the table at their families, and they think they've let them down. They think somehow, 'what did I do wrong?'

In making this statement Clinton is both acknowledging and legitimising the feelings of large number of white males who have been struggling with economic recession, and who sometimes feel that they are being discriminated against. Clinton stresses that these feelings must be addressed by the Democratic Party, and part of that involves reviewing affirmative action to ensure that no programs or policies result in reverse racism or reverse discrimination. Clinton declares:

. . . we have to realise that there is a real problem out there in this country. We can't deny that. There are a lot of people who go home every night and look across the table at their families and think that either they have failed or they must have been struck by somebody treating them unfairly. That is what we must respond to. . . . We don't have to retreat from these affirmative action programs that have done great things for the American people and haven't hurt other people. We

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<sup>18</sup> "Remarks at the California Democrat Party in Sacramento, 8 April, 1995", *Public Papers of the President of the United States: 1995*.

don't. But we do have to ask ourselves, are they all working? Are they all fair? Has there been any kind of reverse discrimination? And more importantly, what we really ought to ask ourselves is, what are we going to do about all these folks that are out there working hard and never getting ahead.

In emphasising his support for affirmative action when properly applied, and his understanding of the concerns of white Americans in relation to affirmative action, Clinton is seeking to appeal to Reagan-Democrat voters. Once again, Clinton warns against the divisive politics of the Republican Party. Clinton stresses:

What the people who want this issue out here for political gain hope is that we will get in a big old shouting match with them, and they'll have more people on their side of the shouting match than we will, and it'll be a wedge, and they will drive it right through the stake of progressive efforts in the State and in this Nation.

This sentiment is also expressed in his *Remarks at a Clinton/Gore '96 Dinner in Denver, Colorado, September 20, 1995*.<sup>19</sup> Clinton states:

There's too much in our politics today driving people to the extremes, trying to use every issue as a wedge issue. . . . This affirmative action issue, there are a lot of people who say this ought to be a big issue in the Presidential campaign because they believe that they can convince white voters who've got stagnant wages that the real reason is somebody did something for minorities or for women under affirmative action. Well, let me tell you, I conducted a huge review of all the affirmative action programs of the United States Government. And there are some problems with some. We've already abolished one. Some more may be abolished. Several more will have to be amended. . . . I'm against quotas. I'm against reverse discrimination. We have brought reverse

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<sup>19</sup> "Remarks at a Clinton/Gore '96 Dinner in Denver, Colorado, September 20, 1995", *Public Papers of the President of the United States: 1995*.

discrimination suits in our administration. But I say we should not end affirmative action until we have gotten the job done, and we should not use this issue to divide the American people when we should be united over it.

Clinton's appeal for unity over the issue of affirmative action is also seen in his *Remarks on Affirmative Action at the National Archives and Records Administration, 19 July, 1995*.<sup>20</sup> Clinton asserts:

I am absolutely convinced we cannot restore economic opportunity or solve our social problems unless we find a way to bring the American people together. To bring our people together we must openly and honestly deal with the issues that divide us. Today I want to discuss one of those issues, affirmative action.

While Clinton outlines the purpose of affirmative action he also emphasises that it is neither unfair nor discriminatory against whites. Clinton declares:

The purpose of affirmative action is to give our Nation a way to finally address the systemic exclusion of individuals of talent on the basis of their gender or race, from opportunities to develop, perform, achieve, and contribute. Affirmative action is an effort to develop a systemic approach to open up the doors of education, employment, and business development opportunities to qualified individuals who happen to be members of groups that have experienced longstanding and persistent discrimination. . . . I know some people are honestly concerned about the times affirmative action doesn't work, when it's done in the wrong way. And I know there are times when some employers don't use it in the right way. They may cut corners and treat a flexible goal as a quota. They may give opportunities to people who are unqualified instead of those who deserve it. They may, in so doing, allow a different kind of

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<sup>20</sup> "Remarks on Affirmative Action at the National Archives and Records Administration, 19 July, 1995", *Public Papers of the President of the United States: 1995*.

discrimination. When this happens, it is also wrong. But it isn't affirmative action, and it is not legal.

In making this statement Clinton is acknowledging the concerns of a number of white Americans regarding affirmative action. Clinton further emphasises his administration's commitment to ensuring that affirmative action does not result in reverse racism when he states:

. . . when our administration finds cases of that sort [reverse discrimination], we will enforce the law aggressively. The Justice Department files hundreds of cases every year attacking discrimination in employment, including suits on behalf of white males. Most of these suits, however, affect women and minorities for a simple reason, because the vast majority of discrimination in America is still discrimination against them. But the law does require fairness for everyone, and we are determined to see that that is exactly when the law delivers. Let me be clear about what affirmative action must not mean and what I won't allow it to be. It does not mean and I don't favor the unjustified preference of the unqualified over the qualified of any race or gender. It doesn't mean and I don't favor numerical quotas. It doesn't mean and I don't favor rejection or selection of any employee or student solely on the basis of race or gender without due regard to merit.

Thus while Clinton stresses that pervasive discrimination remains, and it is largely women and minorities who suffer from discrimination, he also emphasises that affirmative action to address this discrimination will not result in discrimination against white males. In seeking to allay the concerns of white males, Clinton is sending the message that he appreciates and understands their concerns, and moreover his

administration is committed to addressing them. Clinton reiterates his message when he announces:

Today, I am directing all our agencies to comply with the Supreme Court's Adarand decision and also to apply the four standards of fairness to all our affirmative action programs that I have already articulated: No quotas in theory or practice; no illegal discrimination of any kind, including reverse discrimination; no preference for people who are not qualified for any job or other opportunity; and as soon as a program has succeeded, it must be retired. Any program that doesn't meet these four principles must be eliminated or reformed to meet them.<sup>21</sup>

Clinton's message of the need for affirmative action both in the face of pervasive discrimination, and because of the resulting positive benefits brought to the entire nation, was an oft-repeated message. In his *Remarks to the Progressive National Baptist Convention in Charlotte, North Carolina, 9 August, 1995*, Clinton states:

That's why I made the speech I did on affirmative action. Let's don't get away from something that's helping us until we don't need it anymore. I thought it was important to tell the American people that everything is not equal in terms of opportunity in our country today, even though the laws have changed, and also important to remind people about what affirmative action is and isn't. It's not about quotas. It's not about unqualified people getting anything. It's not about reverse discrimination. All of that is illegal and will not be tolerated wherever we can find it.<sup>22</sup>

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<sup>21</sup> The Supreme Court decided in *Adarand Constructors Inc v. Peña* (1995) that the practice and effects of racial discrimination against minority groups persisted and that government was not disqualified from acting in response to it.

<sup>22</sup> "Remarks to the Progressive National Baptist Convention in Charlotte, North Carolina, 9 August, 1995", *Public Papers of the President of the United States: 1995*.

While espousing the need for affirmative action, at the same time Clinton also stresses that affirmative action policies and programs will not result in reverse discrimination against whites. Similarly, in his *Remarks at a Breakfast with Religious Leaders, September 8, 1995*, in talking about affirmative action, Clinton stresses:

There are some problems in the way these programs have been implemented. They ought to be fixed. There are some of them that don't work right, and they ought to be fixed. And nobody has a stake in America in promoting reverse discrimination or quotas or giving somebody something they're not qualified to receive. But we should make a conscious effort to include all Americans in the bounty of America. Conscious effort is not the same thing as giving preference to unqualified people.<sup>23</sup>

In doing this, Clinton is sending the message that while he endorses affirmative action he is aware of and appreciates the concerns of Americans who believe that affirmative action results in reverse racism or reverse discrimination.

Clinton's discourse in relation to affirmative action during the first administration of his presidency reveals that he continued to support and endorse the value and need of affirmative action. Clinton emphatically acknowledged that discrimination persisted in American society and as such policies and programs designed to ensure that all Americans irrespective of race (or gender) were given the opportunity to achieve their potential were wholly necessary. At the same time, however, Clinton also acknowledged and addressed those who were concerned by and

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<sup>23</sup> "Remarks at a Breakfast With Religious Leaders, September 8, 1995", *Public Papers of the President of the United States: 1995*.

opposed affirmative action. Clinton stressed that affirmative action, when working correctly, did not lead to preferential treatment for the lesser qualified nor to discrimination against whites. Clinton accepted, however, that problems with some affirmative action programs existed, and that sometimes this led to reverse racism. In response to this, Clinton vowed that his administration's review of affirmative action would end or reform those programs and policies which did result in reverse discrimination. Thus, while Clinton acknowledged the existence of pervasive racism, and hence the necessity of race-based policies such as affirmative action, he also sought to appeal to those who opposed affirmative action as part of a wider opposition to what was perceived as an unnecessary and unfair overemphasis on race, which led to reverse discrimination. In speaking out against reverse racism in this way, Clinton, as part of his strategy as a new Democrat, sought to align himself and the Democratic Party with white – Reagan-Democrat – voters.

In many ways, as such, as a new Democrat, Clinton's discourse was double edged. On the one hand, in traditional Democrat style, he stressed the existence of pervasive racism and the need for race-based policies such as affirmative action. On the other hand, he aligned himself with those, that is, whites, who opposed race-based policies and the perceived over-emphasis on race. The divergent feelings and beliefs that Clinton tapped into with his double-edged discourse of pervasive racism and reverse racism can be seen through an analysis of public discourse surrounding the

Rodney King case and the Los Angeles riots, 1991-1992, and the O.J. Simpson case, 1994-1995.

An analysis of public discourse surrounding the King case and the Los Angeles riots demonstrate that while Clinton's discourse concerning the existence of pervasive racism and racial discrimination was in touch with the majority of African Americans, it was distinctly out of touch with a significant proportion of whites. Public reactions to the events demonstrated the subtle but clear differences in African-American and white perceptions of the extent of pervasive racism in American society in the 1990s. Reactions to the King case and the Los Angeles riots also provide a central backdrop to the reaction of both African Americans and whites in the Simpson case. As well as having a direct impact on African-American opinion of the Simpson case, they also go some way to explaining the racial divergence of opinion on the verdict in the trial. African-American approval of the Simpson verdict was largely a reaction to the perception of the existence of pervasive racism, which had been revealed in reactions to the King case and the Los Angeles riots. Whites, not sharing the same perception of pervasive racism, which had also been revealed in reactions to the King case and Los Angeles riots, regarded the verdict and African-American support of it as an expression of reverse racism. For many whites it served as further evidence that too much focus, wrongly placed upon race since the civil rights era, had resulted in black racism against whites. Thus, while Clinton was out of touch with whites with his pervasive racism

discourse, his reverse racism discourse was very much in synch with many white Americans.

## **7.2 Rodney King and the Los Angeles Riots, 1991-1992**

The Rodney King case highlighted the issues of police brutality and police corruption in the most dramatic of ways. The King case and the Los Angeles riots that followed also demonstrated the subtle but clear differences in African-American and white perceptions of the extent of pervasive racism in American society in the 1990s. Along with African Americans, the majority of white Americans condemned the verdict in the King trial in 1992 as indeed they had the beating a year previously. Many whites, however, did not perceive the acquittal as evidence of a wider pattern of racial injustice in the way the majority of African Americans did. While the majority of whites virulently denounced blatant racism many did not see it as symptomatic of the existence of more pervasive racism. This was evident not only in the reaction to the King beating and verdict, but also to the riots that followed. In this sense, Clinton's assertions regarding the existence of pervasive discrimination were out of touch with a significant number of whites.

When the majority of Americans - African-American and white - saw the infamous Holliday video, which captured the arrest and beating of Rodney King following a police chase, they recoiled in horror at the stark images of extreme

brutality meted out by the police officers on a helpless victim.<sup>24</sup> The *Amsterdam News* described the incident as “. . . a stark, brutal scene right out of the Selma of the ‘60s or contemporary Soweto . . .” and compared the police officers involved to “. . . a klavern of Kluxxers [sic]”.<sup>25</sup> White Americans, too, compared the incident to the past acts of America’s infamous racist organisation. As one white woman exclaimed in the *New York Times*: “It looked like something the KKK would do.”<sup>26</sup> Despite cross-racial condemnation, however, there were notable differences between the reactions of whites and African Americans to the King incident.

For the majority of African Americans, the Holliday video did not come as a surprise in the way that it did to the majority of whites. As one African American explained: “I wasn’t surprised at all, what happened to King was happening in the 1960s. There wasn’t a lot of attention paid to it back then. I guess we didn’t have video cameras. Thank God for that tape otherwise none of this would have come out.”<sup>27</sup> While African Americans, like whites, had been shocked by the video footage, more than anything it depicted long-held views concerning law enforcement in America. As another resident of South Central Los Angeles stated: “We are convinced, that no white man, even if he resisted arrest, which Rodney King did not, would have been beaten

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<sup>24</sup> George Holliday, had witnessed and taped the arrest and beating of Rodney King from his Lake View Terrace balcony. Holliday tried, unsuccessfully, to report what he had witnessed to the police at Foothill police station. He sold the tape to local TV station, KTLA. It was picked up and transmitted nationally by CNN on March 6, 1991.

<sup>25</sup> Herd Boyd, “LA Police Likened to a Gang With Colors, Guns . . . and the Law on Their Side Protecting Them”, *Amsterdam News*, March 16, 1991, 4.

<sup>26</sup> Quoted in Don Terry, “Badge Tarnished on L.A. Streets, Police Say”, *New York Times*, March 25, 1991, A1.

<sup>27</sup> Quoted in Terry, “Badge Tarnished on L.A. Streets”, B6.

the way they did this brother.”<sup>28</sup> For this resident, the King beating was evidence of the existence of racial brutality by the police.

For many African Americans in the nation’s largest cities, the police force represented an occupying army that operated with “reckless abandon”.<sup>29</sup> One resident of Los Angeles stated of police-community relations there: “They treat even law-abiding citizens like dogs. We feel the most violent, vicious gang in all of Los Angeles wears blue and a badge. The King case only proves the point once again.”<sup>30</sup> Similarly, a resident of South Central Los Angeles described the perception of the LAPD there: “Our community does not believe the LAPD is here to protect and serve as it says on the side of their cars. They’re here to prosecute and abuse. When people see them, they fear them. They do not welcome them.”<sup>31</sup>

African-American complaints of police brutality in Los Angeles expressed in African-American discourse surrounding the incident were confirmed by the Christopher Commission, which had been established in light of the King incident to

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<sup>28</sup> Quoted in Ron Dungee, “Black Community Union Man: ‘Gates Must Go!’”, *Los Angeles Sentinel*, March 14, 1991, 1.

<sup>29</sup> Quoted in Terry, “Badge Tarnished on L.A. Streets”, B6. See John Hagan and Ruth D. Peterson (eds.), *Crime and Inequality* (California: Stanford University Press, 1995); Charles J. Ogletree Jr. *et al*; Criminal Justice Institute at Harvard Law School for the National Association for the Advancement of Colored People, *Beyond Rodney King: An Investigation of Police Conduct in Minority Communities* (Boston: Northeastern University Press, 1995); United States Commission on Civil Rights, *Revisiting ‘Who is Guarding the Guardians’* (Washington D.C.: United States Commission on Civil Rights, 1991).

<sup>30</sup> Quoted in Terry, “Badge Tarnished on L.A. Streets”, B6. See Mike Davis, *City of Quartz: Excavating the Future in Los Angeles* (New York: Vintage, 1992); Tom Owens and Rod Browning, *Lying Eyes: The Truth Behind the Corruption and Brutality of the LAPD and the Beating of Rodney King* (New York: Thunder’s Mouth Press, 1994); Jewelle Taylor Gibbs, *Race and Justice: Rodney King and O.J. Simpson in a House Divided* (San Francisco: Jossey-Bass Publishers, 1996); Ogletree Jr., *Beyond Rodney King*; United States Commission on Civil Rights, *Racial and Ethnic Tensions in American Communities: Poverty, Inequality and Discrimination. Volume V: The Los Angeles Report* (Washington D.C.: United States Commission on Civil Rights, 1999).

<sup>31</sup> Quoted in Terry, “Badge Tarnished on L.A. Streets”, A1.

investigate the use of excessive force within the Los Angeles Police Department (LAPD). The commission's investigations concluded that there were a significant number of officers in the LAPD who repetitively used excessive force against the public and persistently ignored the written guidelines of the department regarding force.<sup>32</sup> The report noted that between 1986-1990 there were 1,800 LAPD officers with allegations of excessive force or improper tactics against them.<sup>33</sup> According to the commission the problem of excessive force was aggravated by racism and bias, which was revealed in the investigation of Mobile Digital Terminal (MDT) communications and by the results of a survey of LAPD officers.<sup>34</sup> The commission also concluded that officers who engaged in acts of brutality and racism were protected by an unofficial code of silence. The report stated: "The code of silence influences the behaviour of many LAPD officers in a variety of ways, but it consists of one simple rule: an officer does not provide adverse information against a fellow officer."<sup>35</sup> Furthermore, the commission confirmed that the problem of police brutality was not confined to Los Angeles.<sup>36</sup>

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<sup>32</sup> *Report of the Independent Commission on the Los Angeles Police Department*, (1991) iii. Hereafter cited as *Christopher Commission*.

<sup>33</sup> *Christopher Commission*, x.

<sup>34</sup> *Christopher Commission*, iii.

<sup>35</sup> *Christopher Commission*, 168. See also Ogletree Jr. *et al*, *Beyond Rodney King*. For an update on the reforms recommended by the Christopher Commission see USCCR, *Racial and Ethnic Tensions in American Communities*.

<sup>36</sup> *Christopher Commission*, i. In 1990, there were 2,366 brutality complaints in New York, 284 in Detroit and 223 in Philadelphia. Ted Gest, "Why Brutality Persists", *U.S. News & World Report*, April 1, 1991, 24.

Opinion poll figures also demonstrated that the sentiments expressed by African Americans in response to the King beating were reflective of feelings widely held amongst African Americans. Overall, however, African Americans and whites had significantly different perceptions of the extent of the problem of police brutality in America's cities. According to a *Los Angeles Times* poll, while 39% of whites agreed that police brutality was fairly common in the city - the same figure as for African Americans - only 19% of whites perceived it as very common, while the figure for African Americans was 44%.<sup>37</sup> Another *Los Angeles Times* poll also demonstrated that in the wake of the King incident, the African-American approval rating of the LAPD was nearly three times lower than it was for whites, at 14% and 41% respectively.<sup>38</sup> This disparity of opinion on the police was reflected nationwide. A *New York Times* poll showed that while two-thirds of New Yorkers stated that they regarded allegations of police brutality, when they were made, as justified, whites did not necessarily perceive police brutality to be a widespread problem.<sup>39</sup> The poll also confirmed a sharp division between blacks and whites on how they were treated by the police. White New Yorkers expressed a positive relationship with the police that was not matched by African Americans. According to the poll, three-fifths of whites claimed to be able to regard the police as their friends, yet only 37% of African Americans agreed.<sup>40</sup> Thus,

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<sup>37</sup> Ted Rohrlich, "Majority Says Police Brutality is Common", *Los Angeles Times*, March 10, 1991, A1.

<sup>38</sup> Steven A. Tuch and Ronald Weitzer, "Racial Differences in Attitudes Toward the Police", *Public Opinion Quarterly* 61 (1997): 650.

<sup>39</sup> The issue of police brutality in New York had been highlighted by the Michael Stewart case, 1983 and the Eleanor Bumpers case, 1984. See Alphonso Pinkney, *Lest We Forget: White Hate Crimes. Howard Beach and Other Racial Atrocities* (Third World Press, 1994)

<sup>40</sup> Steven A. Holmes, "Poll Finds Most Satisfied With Police", *New York Times*, April 5, 1991, A16.

while whites were willing to accept that police brutality existed, they were far more likely to regard it as an isolated problem, rather than symbolic of a wider pattern of racism within law enforcement.<sup>41</sup>

The general disparity in perceptions of police brutality between African Americans and whites was an integral aspect in the verdict in the case of the four officers - Sergeant Stacey C. Koon, Laurence M. Powell, Theodore J. Briseno and Timothy E. Wind - prosecuted for their involvement in the King incident.<sup>42</sup> In the trial the defence lawyers' strategy was firstly to make the jury ". . . look at the case not from the eye of the camera but from the eyes of the officers."<sup>43</sup> While the Holliday video shows police striking King 56 times with metal batons, kicking him six times and shooting him with taser guns twice, the defence sought to establish in the eyes of the

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<sup>41</sup> Dennis E. Gale believes that the King tape might make whites more perceptive to claims of police brutality in the future. Denis E. Gale, *Understanding Urban Unrest: From Reverend King to Rodney King* (California: Sage Publications, 1996). For a discussion of the racially divergent views on the police see also Timothy J. Flanagan and Dennis R. Longmire (eds.), *Americans View Crime and Justice: A National Public Opinion Survey* (London: Sage, 1996); Tuch and Weltzer, "Racial Differences in Attitudes Towards the Police".

<sup>42</sup> The charges against the four were as follows: all four faced charges of assault with a deadly weapon and use of excessive force. Laurence Powell and Stacey Koon also faced the charge of falsifying police reports, and Koon faced the additional charge of accessory to assault. On May 7, 1991, Timothy Wind was fired from the LAPD and the other three were suspended without pay. There were 23 LAPD officers in total at the scene of the incident. Other than the four prosecuted, there were two officers in the helicopter and 10 others on the ground during some portion of the beating. Seven other LAPD officers merely drove by or did not directly witness the use of force. There were also four uniformed officers from the California Highway Patrol (CHP) and Los Angeles Unified School District (LAUSD). None of those who had witnessed the beating were prosecuted because under California law they had not broken any criminal statutes. For an account of the trial see Lou Cannon, *Official Negligence: How Rodney King and the Riots Changed Los Angeles and the LAPD* (New York: Random House, 1997); Robert Deitz, *Willful Injustice: A Post-O.J. Look at Rodney King, American Justice and Trial by Race* (Washington D.C.: Regnery, 1996); Gibbs, *Race and Justice*; Patricia J. Williams, "The Rules of the Game" in Robert Gooding-Williams (ed.), *Reading Rodney King: Reading Urban Uprising* (London: Routledge, 1993); Kimberle Crenshaw and Gary Peller, "Real Time/Real Justice" in Gooding-Williams (ed.), *Reading Rodney King*.

<sup>43</sup> Quoted in Richard Lacayo, "Anatomy of an Acquittal", *Time*, May 11, 1992, 42.

jury that King was controlling the incident by resisting the police.<sup>44</sup> They tried to make the jury empathise with the danger faced by the police, portraying King as a large, aggressive man, who was drunk, and they inferred, also under the influence of PCP.<sup>45</sup> In turn, they portrayed the officers as frustrated and frightened by King's failure to lie down and submit to arrest. The second part of the defence's strategy was to persuade the jurors that everything was within LAPD guidelines concerning the use of force. As Paul DePasquale, Wind's attorney, claimed: "[Wind] dealt with the situation as it unfolded in accordance with his experience and training. His situation was one of fear and frustration, and not pleasure in inflicting injuries."<sup>46</sup>

The strategy worked, despite one of the four, Briseno, testifying against the others that their behaviour had been out of control.<sup>47</sup> The King jury acquitted the four officers on all counts, except for one charge against Powell of excessive force on which they were deadlocked and a mistrial was declared. While there were a number of crucial factors to the jury's decision, namely that jurors had become desensitised to the video and that King had not testified, the chief factor was that the predominantly white jury of Simi Valley in Ventura County - a largely white, suburban community, that was

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<sup>44</sup> It has been charged that the Holliday video transmitted on TV was an edited version, which did not show King resist arrest and attack the officers. Cannon, *Official Negligence*; Owens and Browning, *Lying Eyes*. King denied attacking the officers and resisting arrest. Witnesses to the incident also stated that King did not resist arrest and that the officers involved appeared to be beating King for no reason. See Hector Tobar and Leslie Berger, "Tape of L.A. Police Beating Suspect Stirs Public Furor", *Los Angeles Times*, May 6, 1991, A21.

<sup>45</sup> King was over the legal alcohol limit for driving when arrested and small traces of marijuana were found in his blood. He tested negative for PCP - a hallucinogenic drug.

<sup>46</sup> Quoted in Lacayo, "Anatomy of an Acquittal", 42.

<sup>47</sup> Jurors felt that Briseno was merely trying to protect himself.

home to a number of LAPD officers - ultimately empathised with the police and not with King.<sup>48</sup> The statements of jurors who spoke out following the verdict illustrated their identification and empathy with the police and with the job they had to perform. As one juror put it: "They're out there to do a low-down dirty job. Would you want your husband doing it, or your son or your father?"<sup>49</sup>

The majority of Americans – both whites and African Americans - were shocked and appalled by the verdict that appeared to condone the most blatant act of racist brutality. A poll by the *Los Angeles Times* showed that 81% of Los Angeles residents disagreed with the verdict, including a clear majority of whites: 70% of whites stated that they disagreed with the verdict.<sup>50</sup> This figure was reflected in polls nationwide. A *Washington Post/ABC* poll found that 64% of whites thought that the defendants should have been found guilty.<sup>51</sup> Similarly, 62% of whites in a *Time/CNN* poll stated that they would have voted to convict had they been on the jury.<sup>52</sup> There was a gulf between African Americans and whites in their condemnation of the verdict,

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<sup>48</sup> The trial was moved to Ventura County by Judge Stanley Weisberg. (The defence had previously won an appeal to have the trial moved out of L.A. County on the grounds of pre-trial publicity). There was much opposition to this due to the demographical differences with L.A. Whites in Ventura made up 65.9% of the population, while African Americans made up 2.2%. In comparison, whites in L.A. County accounted for 40.8% of the population and African Americans 10.5%. Simi Valley, the chosen site of the trial, had an African-American population of 1.5%. "Little City in the Valley Must Live With a Verdict", *Chicago Tribune*, May 1, 1992, 1. Residents of Ventura County rejected the racist reputation gained by the verdict of their community and in a poll 69% stated that they disagreed with the verdict. Carlos V. Lozano, "The Times Poll: Verdicts Anger Ventura County", *Los Angeles Times*, May 7, 1992, A1.

<sup>49</sup> Quoted in Sheryl Stolberg, "Juror Says Panel Felt King Actions Were to Blame", *Los Angeles Times*, April 30, 1992, A23.

<sup>50</sup> Frank Clifford and David Ferrell, "Los Angeles Strongly Condemns King Verdicts and Riots", *Los Angeles Times*, May 6, 1992, A4.

<sup>51</sup> *Washington Post/ABC* News Poll, "Views on the King Verdict", *Washington Post*, May 1, 1992, A31.

<sup>52</sup> Church, "Fire This Time", 31.

however. In the *Los Angeles Times* poll 96% of African Americans disagreed with the verdict and in both the *Washington Post/ABC* poll and *Time/CNN* poll, 92% of African Americans thought the defendants should have been found guilty.<sup>53</sup>

As in perceptions of the beating too, the majority of African Americans perceived the verdict in a different way to many whites. Not only was the verdict, naturally, far more personal for African Americans than whites - as one African-American, ex-police officer stated: "I felt each one of those not guilty's - each one of them" - for the vast majority of African Americans, the verdict also symbolised their status in American society.<sup>54</sup> As one Harlem resident stated at a rally in Times Square:

We got so many people here saying justice for Rodney King, but this whole issue is bigger than Rodney King. People will forget who Rodney King is next week . . . [the point is] you could have been Rodney King or anybody could have been a Rodney King.<sup>55</sup>

For African Americans the verdict demonstrated the pervasive nature of racism in the American justice system.<sup>56</sup> According to a poll in *Time* the majority of African

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<sup>53</sup> Clifford and Ferrell, "Los Angeles Strongly Condemns King Verdicts and Riots", A4; *Washington Post/ABC News Poll*, "Views on the King Verdict", A31; Church, "Fire This Time", 31.

<sup>54</sup> Quoted in Richard A. Serrano and Tracy Wilkinson, "All 4 in King Beating Acquitted. Violence Follows Verdicts; Guard Called Out", *Los Angeles Times*, April 30, 1992, A22.

<sup>55</sup> Quoted in Carolyn A. Butts, "Today Rodney King, Tomorrow Me", *Amsterdam News*, May 9, 1992, 4.

<sup>56</sup> Katherine Beckett and Theodore Sasson, *The Politics of Injustice: Crime and Punishment in America* (California: Thousand Oaks, 2000); Hagan and Patterson (eds.), *Crime and Inequality in America*; Coramae Richey Mann, *Unequal Justice: A Question of Color* (Bloomington: Indiana University Press, 1993); Cassia C. Spohn, "Courts, Sentences, and Prisons" in Obie Clayton Jr. (ed.), *An American Dilemma Revisited: Race Relations in a Changing World* (New York: Russell Sage Foundation, 1996); Michael Tonry, *Malign Neglect - Race, Crime and Punishment in America* (Oxford: Oxford University Press); Samuel Walker, Cassia Spohn, Miriam Delone, *Race, Ethnicity and Crime in America* (California: Wadsworth, 2000).

American - 45% - cited racism as the principal reason behind the jury's verdict; only 12% of whites agreed.<sup>57</sup> A letter to the *Los Angeles Sentinel* also illustrated this feeling:

To me, the Rodney King beating, trial and verdict were reminiscent of the trials held in the Old South when white defendants were always found not-guilty by all-white juries when being charged with crimes against blacks regardless of the preponderance of evidence and conversely, blacks were usually found guilty with little or no evidence. This verdict has made me lose more faith in the American justice system and as a black male, I didn't have much faith to start with.<sup>58</sup>

African Americans outside of Los Angeles also expressed this sentiment. An African American from Chicago stated: "It is absolutely reprehensible . . . it proves that racism is alive and well and it says that a police officer in California, Chicago or around the country can do whatever he wants to an African American or a minority. It proves that they can do what they want and just get away with it."<sup>59</sup> Similarly, an African American in a letter to the *Atlanta Journal and Constitution*, wrote: "The acquittal showed that if you are a black person and the police are white, they will do what they will to you and there is nothing you can do about it."<sup>60</sup> For a number of African

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<sup>57</sup> Sylvester Monroe *et al*, "Fire This Time", *Time*, May 11, 1992, 35.

<sup>58</sup> Dwight Williams, "Letters", *Los Angeles Sentinel*, May 14, 1992, 19. Concern with racial injustice in the criminal justice system in L.A. had been heightened by the recent case of Latasha Harlins. Harlins, a 15-year-old African American girl, had been fatally shot in the back by a Korean shop owner who had accused the girl of shoplifting, in March 1991. Soon Ja Du, although found guilty of Harlins' death, was put on probation.

<sup>59</sup> Quoted in Larry Gross and Justin Blum, "4 Cops Found Not Guilty in Rodney King Beating", *Chicago Defender*, April 30, 1992, 30.

<sup>60</sup> "Letters", *Atlanta Journal and Constitution*, May 1, 1992, B7.

Americans the verdict also illustrated the pervasive nature of racism within American society in general. As one African American stated in the *Los Angeles Times*:

I don't know Rodney King, but I think he symbolizes a lot of people. Part of me. He is an African American and so am I. The Rodney King incident has brought out frustrations that I have. I've had a basic desire to be accepted as simply a human being. . . . What I believe happened when I heard the verdict was the reality that some people are never going to see me, or may never see me, or my brother, or a friend of mine, or somebody within my family, as a human being. . . . That's what made me cry, because it was sort of a reality check. That was perhaps something I had kept in the back of my mind, and that come forth as a result of the verdict.<sup>61</sup>

Similarly, another African American stated: "Every black person in America should be outraged. This is an indication of what society is trying to do to black men."<sup>62</sup> The impact of the verdict on African Americans also crossed class lines. Some members of black middle-class who thought they had made considerable progress in assimilating into the American mainstream were troubled by what the verdict meant for them. As one African-American lawyer stated in the *Chicago Tribune*: "Even as a black professional person getting my nibble of the American pie, I still have to feel threatened by an element in the Los Angeles Police Department that sees a black face and translates it to criminal."<sup>63</sup> Similarly, an African-American physician told the *New York Times*:

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<sup>61</sup> Quoted in "Witness to Rage: Part 3", *Los Angeles Times*, May 13, 1992, T1.

<sup>62</sup> Quoted in Marion Moore, "NAACP Chief, Others Blast King Verdict", *Chicago Defender*, April 30, 1992, 13.

<sup>63</sup> Quoted in "After the Riots, a Sense of Betrayal, Regret", *Chicago Tribune*, May 3, 1992, 10.

What happened to Rodney King could happen to me at any time . . . I don't have 'physician' written all over my car. There are so many land mines out there for us. If they can get away with that with a videotape, what chance do I have as black man with only lumps on my head as evidence?<sup>64</sup>

Many whites, of course, fully comprehended the wider implications of the verdict, but many more did not. The *Washington Post*-ABC News poll found that there was a wide disparity between whites and African Americans on what the verdict said about race and justice in America. Reflecting the predominant African-American discourse in relation to the verdict, 78% of African Americans claimed that the verdict showed that blacks could not get justice in America, while 66% of whites disagreed with this view. Eighty-five percent of African Americans disagreed with the statement that police in most cities treated blacks as fairly as whites, while 47% of whites agreed with the statement. Similarly, 89% of African Americans stated that blacks and minorities did not get equal treatment as whites in the CJS, yet only 43% of whites shared this view.<sup>65</sup> Furthermore, according to a *USA Today* poll, 81% of African Americans claimed that the justice system was biased against blacks, but only 36% of whites thought so.<sup>66</sup> Thus, while the majority of whites rejected a blatant racial attack and the acquittal of those responsible, they did not see it as symptomatic of pervasive racism.<sup>67</sup>

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<sup>64</sup> Quoted in Isabel Wilkerson, "Riots Shook Affluent Blacks Trying to Balance Two Worlds", *New York Times*, May 10, 1992, A20.

<sup>65</sup> *Washington Post*-ABC News Poll, "Views on the King Verdict", A31.

<sup>66</sup> Richard Serrano, "King: 'Truth Will Come Out'", *Los Angeles Times*, May 2, 1992, A7.

<sup>67</sup> For a discussion of the racial disparities in opinions on the CJS see Flanagan and Longmire (eds.), *Americans View Crime and Justice*.

The general gulf between African-American and white perceptions of these wider issues helps explain why many African Americans and whites held diverse opinions on the rioting that followed the verdict. Within hours of the acquittal of the LAPD officers rioting broke out in South Central Los Angeles which lasted for four days. Fifty-two people were killed and over 2,500 injured. Damage was estimated at \$1 billion.<sup>68</sup> While the majority of African Americans, like whites, condemned the rioting the percentage for African Americans was considerably lower than for whites - 58% compared with 81%. Also, a significant proportion of African Americans expressed an understanding of the riots. The *Los Angeles Times* poll found that 32% of African Americans believed that the violence was partially justified; only 15% of whites agreed.<sup>69</sup> The *Time/CNN* poll also found that while 63% of whites and 42% of African Americans thought the rioting was completely unjustified, 35% of African Americans, compared to 18% of whites, thought it was either somewhat or totally justified.<sup>70</sup> These figures were reflective of African-American discourse surrounding the rioting. For

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<sup>68</sup> Unlike the Watts riot in 1965, the L.A. riots were not strictly a black-on-white affair. Koreans were as much a target as whites in 1992. Sumi K. Cho, "Korean Americans vs. African Americans: Conflict and Construction" in Gooding-Williams (ed.), *Reading Rodney King*; Gerald Horne, *The Fire This Time: The Watts Uprising and the 1960s* (New York: Da Capo Press, 1997); Elaine H. Kim, "Home is Where the Han Is: A Korean-American Perspective on the Los Angeles Upheavals" in Gooding-Williams (ed.), *Reading Rodney King*. However, it would be wrong to conclude from this that the riots were not a reaction to white racism. In a certain sense, for African Americans, Koreans were 'white'. See Kyeyoung Park, "Use and Abuse of Race and Culture: Black-Korean Tension in America", *American Anthropologist* 98.3, (1996): 492-97. For a discussion of the causes and meanings of the riots see Cannon, *Official Negligence*; Gibbs, *Race and Justice*; Gooding-Williams (ed.), *Reading Rodney*; Haki R. Madhubuti (ed.), *Why L.A. Happened: Implications of the '92 Los Angeles Rebellion* (Chicago: Third World Press, 1993).

<sup>69</sup> Clifford and Ferrell, "Los Angeles Strongly Condemns King Verdicts and Riots", A1.

<sup>70</sup> Church, "Fire This Time", 32. Twenty percent of African Americans thought it somewhat justified, compared to 14% of whites, and 15% of African Americans thought it completely justified, compared to 4% of whites.

some African Americans, the rioting was perceived as a justified rebellion, in keeping with American tradition. As a letter to the *Los Angeles Sentinel* read:

While watching the burning of Los Angeles, I could not help but feel proud of the fact that African Americans, in the face of the Rodney King decision, did not lie down and play dead. The African Americans in Los Angeles demonstrated to the world that they will react when confronted with a travesty of justice. . . . I could not help but see the similarities between the burning of Los Angeles and the Boston Tea Party. That is to say, when the American public is confronted with blatant 'taxation without representation', they will let the world know that it is NOT ACCEPTABLE.<sup>71</sup>

Similarly, a letter to the *Washington Afro-American* stated: "Whites glorify their riotous history (Boston Tea Party, Whiskey Rebellion, 1968 Democratic Convention, Kent State) yet deny that expression of discontent to others."<sup>72</sup> While many other African Americans, like whites, regarded the rioting as unjustified, many also acknowledged that the rioting was a reaction to genuine grievances against the police and CJS. As Attorney Chester Blair expressed in the *Chicago Defender*:

No one can, of course, condone the orgy of senselessness that erupted almost immediately after the verdict was announced and took the lives of so many people. But no one can honestly deny that it was provoked by the great sense of injustice, by the excruciating sense of powerlessness in the face of an unhearing, unseeing white majority that seems incapable of treating its darker-hued citizens fairly.<sup>73</sup>

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<sup>71</sup> "Letters", *Los Angeles Sentinel*, May 7, 1992, 6.

<sup>72</sup> "Letters", *Washington Afro-American*, May 16, 1992, 4.

<sup>73</sup> Chester L. Blair, "The 'Not Guilty' King Verdict", *Chicago Defender*, May 18, 1992, 12. According to figures from the L.A. District Attorney's office, 40% of those arrested had a prior criminal record. However, having a criminal record could mean that they had been arrested and released without charge so it did not necessarily mean that 40% of riot arrestees were criminals. Rather, it could reflect the high

For others, the rioting was a reaction to the socio-economic situation. As one African American asserted: "Yeah, it's madness . . . but it's also understandable. And if the social conditions don't change, it will happen again and again and not just in L.A."<sup>74</sup> Similarly, another African American stated: "The issues and the social ills that gave rise to the discontent in Los Angeles exist in virtually every community in this country."<sup>75</sup> While many whites also acknowledged these grievances, polls by both the *Los Angeles Times* and *New York Times* found that whites were more likely to cite the work of opportunists and gang members as the chief cause of the riots, whereas African Americans were more likely to cite the reaction to the verdict.<sup>76</sup>

The Rodney King case and the Los Angeles riots exposed the problems of police brutality and corruption in the most dramatic manner, not only to residents of Los Angeles but to Americans nationwide. In Los Angeles, approval ratings of the LAPD following the incident were, quite naturally perhaps, low. In subsequent years, white and African-American opinion of the LAPD gradually improved. For African Americans, perhaps the single most decisive factor in this was the replacement of Daryl

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arrest rates in ghetto areas. Dennis Schatzman, "50-60 Percent of Riot Arrestees Had No Prior Contact With the Law", *Los Angeles Sentinel*, May 28, 1992, 1. From the point of view of this work, however, it is the attitude of African Americans to the rioters, rather than the actual make-up of the rioters and their actual motivation that is of most concern.

<sup>74</sup> Quoted in Don Terry, "Decades of Rage Created Crucible of Violence", *New York Times*, May 3, 1992, A1.

<sup>75</sup> Quoted in Chris Whitaker, "The Rodney King Wake-Up Call: Which Way America?", *Ebony*, July 1992, 116.

<sup>76</sup> Clifford and Ferrell, "Los Angeles Strongly Condemns King Verdicts, Riots", A1; Robin Taner, "L.A. Riots Are a Warning, Americans Fear", *New York Times*, May 11, 1992, B7. As in Miami in 1980 and the riots of the 1960s, the underlying causal factor of the L.A. riots was socio-economic deprivation. For a discussion of the socio-economic problems of African Americans in L.A. see Urban Institute, *Confronting the Nation's Urban Crisis From Watts (1965) to South Central Los Angeles (1992)* (Washington D.C.: Urban Institute Press, 1992).

Gates by Willie Williamson as police chief. Studies demonstrated, however, that African-American opinion within Los Angeles and nationally, had been far more adversely affected by the case than white opinion and was much more likely to have a longer-lasting negative impact; an indication that the King case could influence opinion of any subsequent incident between the police and African Americans, such as the O.J. Simpson case.<sup>77</sup> Indeed, the King case and the Los Angeles riots provide a central backdrop to the reaction of both African Americans and whites in the Simpson case.

The King case and the riots also clearly illustrated the divergent perceptions African Americans and whites held about the extent of the problem of police brutality. Reactions to the King beating, the trial and to the rioting in Los Angeles that followed demonstrate that while the majority of whites abhorred and condemned overt acts of racism, many did not perceive it to be symptomatic of more pervasive racism in the way that many African Americans did. This divergence in perception between African Americans and whites, also explains, to a significant extent, the racial division in reactions to the Simpson case. And while reactions to the King case and the Los Angeles riots revealed that Clinton's assertions of the existence of pervasive racism was out of touch with whites, reactions to the Simpson case reveal that his denunciation of reverse racism was not.

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<sup>77</sup> Tuch and Weitzer, "Racial Differences in Attitudes Toward the Police", 642-663.

### 7.3 The O.J. Simpson Case, 1994-1995

The acquittal of O.J. Simpson of the murders of Nicole Brown and Ronald Goldman in 1995 and the widespread African-American support of the verdict was widely perceived by whites as a case of reverse racism. As Kimberlé Williams Crenshaw stated:

Of the many startling dimensions of the O.J. Simpson saga, perhaps few are as remarkable as the manner in which Simpson has been transformed into a new symbol of reconfigured vision of racism. . . . Racism represented during the civil rights era through images such as white lynch mobs proudly displaying their 'strange fruit' or defiant white defendants acquitted by all-white juries for various racial atrocities, has now been represented in snapshots depicting blacks sharing high-fives and dancing in the streets to celebrate the acquittal of one of their own.<sup>78</sup>

African-American response to the Simpson case, however, was not simply a case of racial solidarity and/or prejudice but a more complex reaction to pervasive racism in American society in general and the Criminal Justice System (CJS) in particular: an issue which for African Americans had been graphically illustrated by the Rodney King case. A number of whites did interpret African-American reaction this way, however, a number did not. Yet, regardless of how it was translated by whites, reverse racism helped fuel white feelings of opposition to race-specific policies and

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<sup>78</sup> Kimberlé Williams Crenshaw, "Color-blind Dreams and Racial Nightmares: Reconfiguring Racism in the Post-Civil Rights Era" in Toni Morrison and Claudia Brodsky Lacour (eds.), *Birth of a Nation 'hood: Gaze, Script and Spectacle in the O.J. Simpson Case* (New York: Pantheon Books, 1997). Nicole Brown and Ronald Goldman had been fatally stabbed outside Brown's home on June 12, 1994.

initiatives.<sup>79</sup> It was these feelings that Clinton's reverse racism discourse - used in relation to Sister Souljah during the 1992 presidential election campaign, and in relation to his affirmative action discourse during the first administration of his presidency - tapped into.

At the beginning of one of the most public murder cases in twentieth century America, there was considerable inter-racial support for the chief suspect and eventually accused, O.J. Simpson. Millions of people watched and supported Simpson during the live, televised Bronco chase while hundreds lined the highway, waving placards and sounding their horns, cheering the fleeing suspect.<sup>80</sup> Simpson was highly popular with both African Americans and whites as an American sports hero and actor. In many ways Simpson's celebrity had enabled him to transcend race. As Simpson once told reporter, Robert Lipsyte:

My biggest accomplishment is that people look at me like a man first, not a black man. I was at a wedding, my wife [Marguerite] and a few friends were the only Negroes there, and I overheard a lady say, 'look there's O.J. Simpson and some niggers.' Isn't that weird? That sort of thing hurts me, even though it's what I strive for, to be a man first.<sup>81</sup>

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<sup>79</sup> Andrew Hacker, *Two Nations: Black and White, Separate, Hostile and Unequal* (New York: Ballantine Books, 1995), 221; Toni Morrison, "The Unofficial Story: Dead Man Golfing" in Morrison and Lacour (eds.), *Birth of a Nation 'hood*.

<sup>80</sup> Police had found evidence at Simpson's Brentwood home linking him to the scene of the crime. He submitted to voluntary questioning on June 13, 1994. On June 17 Simpson had agreed to hand himself over to police at his lawyer's office. However, Simpson and long-time friend, Al Cowlings, fled in Simpson's Bronco. He eventually handed himself over to police at his Brentwood home.

<sup>81</sup> Quoted in Jonathan Alter, "Black and White and Read All Over", *Newsweek*, August 1, 1994, 18. Simpson became separated from his first wife in 1978 and they divorced in 1980.

When Simpson became the chief suspect in the Brown and Goldman murders, however, he quickly began losing his all-American hero status and his aracial identification. Very soon, perceptions of the Simpson case became divided along racial lines. For a great number of African Americans, the Simpson case quickly began to take on huge, symbolic importance.

African Americans became concerned with the way that as Simpson was emerging as the villain of the crime, he was also regaining his blackness. African Americans saw that the media soon began recasting Simpson.<sup>82</sup> Within days of the murders, a startling new image of the all-American hero began to appear in the press. Simpson emerged as a violently obsessive man as news stories revealed shocking details about his abusive marriage to Brown. The media reported how police had been called to the Simpson's home, and to Brown's residence following their divorce, on numerous occasions.<sup>83</sup> Transcripts of Brown's 911 calls were published, allowing Americans to read her desperate pleas for help: ". . . he broke the back door to get in. . . . He's f---ing going nuts. . . . He's going to beat the s--- out of me."<sup>84</sup>

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<sup>82</sup> Crenshaw, "Color-blind Dreams and Racial Nightmares"; Gibbs, *Race and Justice*; Morrison and Lacour (eds.), *Birth of a Nation'hood*.

<sup>83</sup> During the divorce, Brown cited that she had suffered abuse at the hands of Simpson since 1977 - the year they had met. Brown only pressed charges after one incident in 1989, however, and Simpson pleaded no contest to spousal battery.

<sup>84</sup> Quoted in Josh Meyer and Andrea Ford, "911 Tapes Tell of Stormy Simpson Relationship", *Los Angeles Times*, June 23, 1994, 1. The excerpt comes from a 911 call placed by Brown on October 25, 1993 after Simpson broke into her home.

At the same time, newspaper and magazine articles focused on Simpson's roots in the black section of San Francisco, Potrero Hill. An article in the *Los Angeles Times*, for example, reminisced on Simpson's rise to fame:

The boy who wore braces on his legs because of rickets survived the projects to become one of the greatest running backs in pro football. The popular teenager, a natural leader in the ghetto, went on to win fame as a television pitchman and football commentator.<sup>85</sup>

In the minds of many African Americans it was as if the media was reminding or reinforcing to Americans where the fallen all-American hero had come from. As one resident of Potrero Hill stated: "O.J. lived in their world. He was created by Hollywood and Madison Avenue. He was the token they loved to love. Suddenly he slips and everyone starts talking about Potrero Hill."<sup>86</sup> The pinnacle of the racial recasting of Simpson came with the infamous issue of *Time Magazine*. *Time* printed a digitally altered image of Simpson on its front cover, which made him appear blacker.<sup>87</sup> Simpson the all-American hero had been transformed into the mythical black villain of ancient white fears. As one African American sarcastically told the *U.S. News & World*

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<sup>85</sup> Richard C. Paddock and Jennifer Warren, "I Was Somebody Who Didn't Care About Anything", *Los Angeles Times*, June 18, 1994, 8.

<sup>86</sup> Quoted in Richard Rodriguez, "Is It Really Because O.J. Simpson is Black?", *U.S. News & World Report*, July 4, 1994, 7.

<sup>87</sup> *Time* June 27, 1994. Serving as a contrast, *Newsweek* used the same image of Simpson in its June 27 issue, but had not digitally altered it like *Time*.

*Report*: “O.J. turns out to be a nigger, after all. He’s the boogeyman who will murder your blond daughter.”<sup>88</sup>

As Simpson emerged as the black villain in the eyes of the media and much of the American public, African Americans grew increasingly defensive of Simpson and offered him unwavering support. A *New York Times* poll in June 1994, found that 74% of African Americans were sympathetic towards Simpson, compared to 38% of whites.<sup>89</sup> Similarly, a *USA Today*-CNN-Gallup poll found that 77% of African Americans were sympathetic to Simpson, compared to 42% of whites. Furthermore, 60% of African American respondents in the poll stated that they believed Simpson was innocent; only 15% of whites stated the same.<sup>90</sup>

Reflecting concern with the broader issue of injustice within the CJS, a number of African Americans were not only critical of Simpson’s racial recasting by the media but also questioned Simpson’s treatment by the police in the investigation. Much debated was Simpson’s handcuffing upon his arrival back in Los Angeles for voluntary questioning.<sup>91</sup> As one African-American lawyer, stated:

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<sup>88</sup> Quoted in Rodriguez, “Is It Really Because O.J. Simpson is Black?”, 7. For a discussion of the media in the Simpson case see Morrison and Lacour, *Birth of a Nation ’hood*; Paul Thaler, *The Spectacle: Media and the Making of the O.J. Simpson Story* (Connecticut: Praeger, 1997).

<sup>89</sup> Richard Lee Colvin, “Half Say They Are Sympathetic Toward Simpson”, *New York Times*, June 28, 1994, 16.

<sup>90</sup> “Poll Finds Simpson Opinions Split Along Racial Lines” *Chicago Tribune*, July 6, 1994, 10; Gibbs, *Race and Justice*.

<sup>91</sup> Simpson had flown to Chicago on the night of the murders for a business meeting. He arrived back in L.A. and submitted to voluntary questioning on June 13, 1994. See Beckett and Sasson, *The Politics of Injustice*; Hagan and Patterson (eds.), *Crime and Inequality in America*; Richey Mann, *Unequal Justice*; Spohn, “Courts, Sentences, and Prisons”; Tonry, *Malign Neglect*; Walker, Spohn, Delone, *Race, Ethnicity and Crime in America*.

My buttons were pushed when O.J. was handcuffed initially, not as [a] suspect but a person who may be able to provide information. . . . I don't want to suggest that this is all racial, but having served as a prosecutor, I realized that at that stage, O.J. was not a suspect. It wasn't appropriate to put on the handcuffs . . . he was going to speak to police, he was not combative. The handcuffs illustrated at an early stage that the LAPD were inappropriately exercising their discretion.<sup>92</sup>

Similarly, another African American questioned the different treatment of Simpson compared to serial killer Jeffrey Dahmer.<sup>93</sup> They questioned: "Why was Simpson handcuffed not long after he returned from Chicago after learning of the murder of his ex-spouse, and Dahmer wasn't?" An article in the *Los Angeles Sentinel* stated of the handcuffing: "It was nothing but the kind of pre-lynching parading that has always taken place, whether they had the right man or not."<sup>94</sup> The sentiments expressed here were reflective of the feelings of a significant number of African Americans. A *Newsweek* poll found that 30% of African Americans claimed that Simpson had been treated worse than a white murder suspect, compared to 5% of whites.<sup>95</sup>

African-American doubts and criticisms of the investigation intensified with media revelations that the defence planned to attack the credibility of a prosecution chief witness, Los Angeles Police Department (LAPD) detective Mark Fuhrman.<sup>96</sup> The

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<sup>92</sup> Quoted in Lynnell George, "Focus on Simpson Troubling for Blacks", *Los Angeles Times*, July 10, 1994, 22.

<sup>93</sup> Jeffrey Dahmer, dubbed the Milwaukee Cannibal, murdered 17 mainly black, Asian and Hispanic young men before being apprehended in 1991.

<sup>94</sup> A. Asadullah Samad, "O.J.: Can Even an American Hero Get Justice in America?", *Los Angeles Sentinel*, June 30, 1994, 1. A number of other African Americans - 40% - believed that Simpson was being treated better than ordinary African Americans due to his celebrity status. Sixty-five percent of whites also shared this view. Alter, "Black and White and Read All Over", 18.

<sup>95</sup> Quoted in Alter, "Black and White and Read All Over", 18.

<sup>96</sup> The strategy was to be revealed in the July 25, 1994 editions of the *New Yorker* and *Newsweek*. However, national newspapers including the *New York Times* and the *Los Angeles Times* reported on the

reports revealed that Fuhrman's credibility had previously been questioned during a disability pension application in 1982. Moreover, the details of the psychological evaluation Fuhrman underwent as part of the application revealed deeply racist attitudes. Fuhrman was quoted as saying that after six months as a marine he ". . . got tired of having Mexicans and niggers that should be in prison telling [him] they weren't going to do something."<sup>97</sup> Despite attempts by Robert Shapiro for the defence to stress that the issue of concern was Fuhrman's credibility, the issue of race in the case, with reference to Fuhrman in particular, escalated throughout the summer. In August the defence sought to gain access to the personnel records of four police officers involved in the case, including Fuhrman. According to Johnnie Cochran, the defence wanted access to records that would show Fuhrman had a history of racial bias. Cochran claimed that Fuhrman ". . . harbors racial animosity toward African Americans and more specifically, toward African Americans who are married to Caucasians."<sup>98</sup>

By the end of the summer, while polls showed that support for Simpson from African Americans had dipped slightly, it was still very firm at 68%.<sup>99</sup> To a significant

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planned revelations on July 19, 1994. Mark Fuhrman was one of four detectives to arrive at the scene of the murder and to go to Simpson's home in Brentwood. It was he who found the blood-stained glove that matched the one at the scene of the crime.

<sup>97</sup> Quoted in Jim Newton and Henry Weinstein, "Simpson Lawyers Attack Key Detective's Credibility", *Los Angeles Times*, July 19, 1994, 15.

<sup>98</sup> Quoted in Seth Mydans, "Tempers Flare as Lawyers in the Simpson Case Raise Questions of Race", *New York Times*, August 30, 1994, 14. The motion was denied. Disputes over what role race should play in the case were a source of much division in the defence team, in particular between Robert Shapiro and Johnnie Cochran. There was also a division between Shapiro and F. Lee Bailey.

<sup>99</sup> Rich Connell and Richard Lee Colvin, "Most in Country Still Uncertain in Simpson Case", *New York Times*, September 26, 1994, 20.

degree this support was influenced by his racial recasting in the media, perceived mistreatment by police and allegations of racism against a chief prosecution witness, an LAPD detective. For a large number of African Americans, even before the trial, support for Simpson had begun to take on a symbolic value.

Race was unabashedly employed in the case by the defence during the trial.<sup>100</sup>

The defence hailed Simpson as the victim of unreliable evidence, unreliable witnesses and fundamentally a racist conspiracy from within the LAPD. This argument was not easy to dispute following the revelations of the Christopher Commission. The cornerstone of the defence's attack was Fuhrman. The prosecution had challenged the defence's request to allow the use of the word 'nigger' in the trial, warning Judge Lance Ito: "If you allow Mr. Cochran to use this word and play the race card . . . the direction and focus of the case changes: it is a race case now."<sup>101</sup> Use of the word was granted, however, and the defence introduced graphic evidence that questioned Fuhrman's racial attitude and his credibility.<sup>102</sup> A letter to the defence from estate

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<sup>100</sup> For an account of the trial see Joseph Bosco and William Morrow, *A Problem of Evidence: How the Prosecution Freed O.J. Simpson* (New York: W. Morrow & Co., 1996); V. Bugliosi, *Outrage: Five Reasons O.J. Got Away With Murder* (New York: Norton, 1996); Marcia Clark and Teresa Carpenter, *Without a Doubt* (New York: Penguin, 1998); Janet Cotterill, *Language and Power in the Court: A Linguistic Analysis of the O.J. Simpson Trial* (Basingstoke: Palgrave Macmillan, 2003); Christopher Darden, *In Contempt* (New York: Harper Collins, 1995); Alan M. Dershowitz, *Reasonable Doubts: O.J. Simpson and the Criminal Justice System* (New York: Pocket Books, 1997); Frank Schmallegger, *Trial of the Century: People of the State of California vs. O.J. Simpson* (New Jersey: Prentice Hall, 1996); Janice Schuetz and Lin S. Lilley (eds.), *The O.J. Simpson Trials: Rhetoric, Media and the Law* (Chicago: Southern Illinois University Press, 1999); Jeffrey Toobin, *The Run of His Life: The People vs. O.J. Simpson* (New York: Random, 1997).

<sup>101</sup> Quoted in Kenneth B. Noble, "Issue of Racism Erupts in Simpson Trial", *New York Times*, January 14, 1995, 7. The defence wanted to introduce evidence that Fuhrman had used the word 'nigger'.

<sup>102</sup> While the jury only heard a small segment of the evidence against Fuhrman, media coverage of the trial and in particular the legal wrangling over the admission of evidence, ensured near saturation coverage for the American public.

agent, Kathleen Bell, who had met Fuhrman 10 years previously at a marine recruitment station revealed Fuhrman's animosity towards inter-racial couples. The letter read: "Officer Fuhrman said that when he sees a 'nigger' (as he calls it), driving with a white woman, he would pull them over. . . . I asked would [sic] if he didn't have a reason, and he said he would find one."<sup>103</sup> Two other witnesses also testified that Fuhrman had used the word 'nigger' to refer to African Americans.<sup>104</sup> It was the introduction of the Fuhrman tapes in the case, however, that really bolstered the race issue.

The alleged purpose of the tapes was to challenge Fuhrman's credibility by proving that he had lied in previous testimony about not having used racial epithets. The tapes, however, did much more than that. Recorded by Laura Hart McKinney as part of the scriptwriting project, in the tapes, Fuhrman spoke of torturing suspects: ". . . their faces were just mush. They had pictures of the walls with blood all the way to the ceiling and fingermarks of trying to crawl out of the room." He also boasted about the code of silence employed by police: "Most of the guys worked 77<sup>th</sup> [street division] together. We were tight. I mean, we could have murdered people. We knew what to say."<sup>105</sup> Fuhrman also expressed his opinion of African Americans: "Nigger drivin' a porsche that doesn't look like he's got a \$300 suit on, you always stop him."<sup>106</sup> The

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<sup>103</sup> Quoted in David Margolick, "'Nervous' Detective Testifies on Simpson", *New York Times*, March 10, 1995, 18. Fuhrman could not recall meeting Kathleen Bell and denied making any racist comments.

<sup>104</sup> The witnesses were Natalie Singer and Roderick Hodge.

<sup>105</sup> Quoted in Jim Newton and Henry Weinstein, "Detective Recalls Beatings, Lying to Officers in Interview Tapes", *Washington Post*, August 18, 1995, A3.

<sup>106</sup> "The Fuhman Tapes", *Los Angeles Times*, August 30, 1995, 14.

Fuhrman tapes were the 'soundtrack to the Rodney King video', confirming the negative perception African Americans had of the police.<sup>107</sup>

The defence's use of race culminated in a highly contentious closing argument by Cochran. Having compared Fuhrman - ". . . a genocidal racist . . ." - to Hitler, Cochran urged the jury to send a message to the police with their verdict. He stated: "Your verdict talks about justice in America, and it talks about the police and whether they're above the law."<sup>108</sup> Cochran urged the jury: "Stop this cover up! . . . Stop this cover up! If you don't stop it, then who?"<sup>109</sup>

The defence's approach in the trial was fervently debated. The vast majority of African Americans - 87% - approved of the way in which the defence handled the case.<sup>110</sup> On the other hand, a majority of whites - 55% - disapproved of the way in which the defence handled the case, and 69% believed that the defence had used race inappropriately.<sup>111</sup> These results reflected white opposition to the perceived

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<sup>107</sup> Brent Staples, "The Rodney King Soundtrack", *New York Times*, September 11, 1995, 14; William Claiborne and Kathryn Wexler, "Tapes Hit Home for L.A. Blacks", *Washington Post*, August 31, 1995, A16. Unlike much of the public, the jury only heard two excerpts from the tapes, one played and the other read aloud. Fuhrman maintained that the tapes were a work of fiction and while he later apologised for making the statements he denied that they reflected his views or how he operated as a police officer. Mark Fuhrman, *Murder in Brentwood* (Washington D.C.: Regnery Publishing, 1997). For analysis of the relationship between African Americans and the LAPD, and the police nationally see Davis, *City of Quartz*; Owens and Browning, *Lying Eyes*; Gibbs, *Race and Justice*; USCCR, *Racial and Ethnic Tensions in American Communities*; Hagan and Peterson (eds.), *Crime and Inequality*; Ogletree Jr. et al, *Beyond Rodney King*; USCCR, *Revisiting 'Who is Guarding the Guardians'*.

<sup>108</sup> Quoted in Jim Newton and Andrea Ford, "Acquit Simpson and Send Police a Message, Cochran Urges Jury", *Los Angeles Times*, September 28, 1995, 1.

<sup>109</sup> Quoted in Jim Newton, Tim Rutten, Jones Rainey, "Jury Urged to Free Simpson as Act of Courage, Social Justice", *Los Angeles Times*, September 29, 1995, 1.

<sup>110</sup> Cathleen Decker, "Most in County Disagree With Verdict", *Los Angeles Times*, October 8, 1995, 36.

<sup>111</sup> "Race and the Verdict: Poll", *Los Angeles Times*, October 10, 1995, 52. Only 12% of African Americans agreed.

preoccupation with race amongst African Americans. Furthermore, such feelings increased with the announcement of the Simpson verdict.

When the not guilty verdict by the majority black jury was announced on October 3, 1995, 77% of African Americans agreed with it, with 68% agreeing strongly.<sup>112</sup> The majority of whites condemned it, however, with 65% disagreeing with the verdict, and 51% disagreeing strongly.<sup>113</sup> A majority of whites also believed that jury nullification had occurred.<sup>114</sup> According to a national poll in the *Los Angeles Times*, 56% of whites said the jury had made its decision based on their own personal prejudices.<sup>115</sup> A *Washington Post* poll also showed that 49% of whites thought the jury ignored the evidence and decided the case on feelings and emotions.<sup>116</sup> District Attorney Gil Garcetti's response to the verdict reflected white opinion. At a press conference following the verdict Garcetti claimed of the jury: "Apparently their decision was based on emotion that overcame reason."<sup>117</sup> Lead prosecutor, Marcia Clark, also caused a wave of controversy by allegedly telling a CNN correspondent: ". .

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<sup>112</sup> Decker, "Most in County Disagree With Verdict", 36.

<sup>113</sup> Decker, "Most in County Disagree With Verdict", 36. The make-up of the jury altered during the course of the trial as two jurors were dismissed, but remained substantially black. In the beginning there were eight African Americans, two Hispanics, one white and one mixed race (white-native American). At the end of the trial there were nine African Americans, two whites and one Hispanic. From the beginning, whites had charged that the majority black jury would be biased in favour of Simpson. Following the verdict, 63% of whites nationally thought that the jury had been biased in favour of Simpson; 71% of African Americans disagreed. Decker, "Most in County Disagree With Verdict", 36.

<sup>114</sup> Gibbs, *Race and Justice*, Hacker, *Two Nations*.

<sup>115</sup> Decker, "Most in County Disagree With Verdict", 36. Only 18% of blacks agreed.

<sup>116</sup> Morin, "Poll Reflects Division Over Simpson Case", A31. Eighty-two percent of African Americans disagreed.

<sup>117</sup> Quoted in William Claiborne, "Acquitted, O.J. Simpson Goes Home", *Washington Post*, October 4, 1995, A1.

. liberals don't want to admit it, but a majority black jury won't convict in a case like this."<sup>118</sup>

For many whites the verdict was completely unjust and a blatant act of reverse racism. One California resident argued that the Simpson verdict was as unjust as the King verdict:

The last time I was this shocked by a verdict and thought it was this wrong was the original Rodney King decision. . . . What's going on in this town . . . is that we're using our legal system as a manifestation of our racism - and it wrecks [that] legal system.<sup>119</sup>

A number of whites, in fact, regarded the verdict as pay-back over the King verdict.

Police officer Mark Aragon, stated:

I honestly believe if they had caught O.J. on film committing the murders they would have found him not guilty. . . . They would have said it was Fuhrman in an O.J. mask. This had nothing to do with two

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<sup>118</sup> Quoted in "Marcia Clark Says Verdict is No Surprise", *Chicago Tribune*, October 6, 1995, 1.8. Clark denied making the comment during a conversation she regarded as being off-record and claimed she had been misquoted. For a discussion of the role race played in the verdict and in African-American and white opinion of the verdict see John C. Brigham and Adina W. Wasserman, "The Impact of Race, Racial Attitude, and Gender on Reactions to the Criminal Trial of O.J. Simpson", *Journal of Applied Social Psychology* 29.7 (1999): 1333-1370; Carl E. Enomoto, "Public Sympathy for O.J. Simpson: The Roles of Race, Age, Gender, Income and Education", *American Journal of Economics and Sociology* 58.1 (1999): 145-161; Christen D. Iannone *et al*, "The Impact of Racial Identification on Courtroom Verdicts", *Psychology* 34.1 (1997): 52-57; Daniel Latedresse *et al*, "Black Identity: The O.J. Simpson Case", *Journal of Social Distress and the Homeless* 5.3 (1996): 273-303; K.D. Mixon *et al*, "The Influence of Racial Similarity on the O.J. Simpson Trial", *Journal of Social Behavior and Personality* 10.3 (1995): 481-490; Paul Skolnick and Jerry I. Shaw, "The O.J. Simpson Criminal Trial Verdict: Racism or Status Shield", *Journal of Social Issues* 53.3 (1997): 503-516.

<sup>119</sup> Quoted in John L. Mitchell and Jeff Leeds, "Reaction: High-Voltage Jury, Angry Denouncements", *Los Angeles Times*, October 4, 1995, A7.

people being murdered. It had to do with the police department on trial. . . . It just really gets under your skin.<sup>120</sup>

For these white Americans the verdict was a clear case of reverse racism. As another white American wrote in a letter to the *Atlanta Journal and Constitution*:

Now that the O.J. verdict is known, I no longer believe that a group of blacks on a jury can convict a black man on a crime of murder perpetrated against a white. Blacks are inherently racist. They are bigots as a rule. . . . The black mindset is just as bad as the Nazi mindset, and should be treated as such.<sup>121</sup>

This statement is the reverse of what many African Americans charge about white juries and black defendants. The reaction of other whites revealed a feeling of betrayal amongst once-liberal whites – the demographic Clinton sought to appeal to. As another letter to the *Atlanta Journal and Constitution* read:

You blacks are stupid. . . . You probably think that the gains your race has made toward equality in the past 35 years are due primarily to efforts of your race. Trust me . . . you had plenty of help from the likes of white liberals like me. But now the light has turned on. . . . I may be slow, but eventually I get it. You may have legalized murder by blacks today, but tomorrow you may have trouble getting on a jury. Racism you want? Racism you got.<sup>122</sup>

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<sup>120</sup> Quoted in Jeff Brazil and James Rainey, "LAPD Was on Trial, Say Angry Officers", *Los Angeles Times*, October 4, 1995, A8.

<sup>121</sup> "Letters", *Atlanta Journal and Constitution*, October 4, 1995, 13A.

<sup>122</sup> "Letters", *Atlanta Journal and Constitution*, 13A.

The sentiments expressed in this letter were reflective of the reactionary shift to the right by a large number of whites in the post-Civil Rights era. Many whites were troubled by both the verdict and widespread African-American approval and celebration of it, which they also regarded as the expression of explicit reverse racism. As one white man stated: "I do not trust blacks now. They have proven that they are worse racists than any whites."<sup>123</sup> Another stated: "I felt deep disgust when I saw black people cheering and celebrating the acquittal of a double murderer."<sup>124</sup>

Some whites accepted jurors' claims that the verdict was based on reasonable doubt. They acknowledged that the racial divide in opinion on the verdict was because interpretations of reasonable doubt were markedly different for African Americans and whites, principally *because* of the King case. As one journalist expressed, in the *New York Times*:

For most of us who are white, the evidence against O.J. Simpson was conclusive. . . . But black Americans could not so easily dismiss the idea of a police conspiracy. They did not need a lawyer's evidence to believe that police all over the country have it in for blacks, beat them, manufacture evidence against them. They know what happened to Rodney King, and they knew how effective the state of California was in prosecuting the policemen who beat him.<sup>125</sup>

A *Los Angeles Times* poll illustrated the different perception African Americans and whites held of law enforcement: 84% of blacks claimed that local police or sheriffs

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<sup>123</sup> Quoted in Mark Whitaker, ". . .and Division", *Newsweek*, October 16, 1995, 14.

<sup>124</sup> "Letters", *Atlanta Journal-Constitution*, 13A.

<sup>125</sup> Anthony Lewis, "An American Dilemma", *New York Times*, October 6, 1995, 31.

treated African Americans harsher than whites, yet only 36% of whites agreed.<sup>126</sup> The poll also found that 75% of African Americans said that racist feelings were common among local police or sheriffs. Again, only 38% of whites agreed while 47% of whites disagreed. Furthermore, the poll found that 68% of African Americans said it was common for local police or sheriffs to give false testimony, while 67% of whites said it was uncommon.<sup>127</sup> African American perceptions of the CJS did indeed play a significant role in black views of the Simpson verdict.

African-American support of the verdict was somewhat more complex than the charge of reverse racism implied. Some African Americans supported the verdict because they agreed with the defence's argument that Simpson was the victim of a racist police conspiracy. As one African-American supporter stated: "Well, now that they've found that he's not guilty, I'm glad, because that framing has been going on for years. It has now been brought out."<sup>128</sup> According to a *Washington Post* poll seven-out-of-ten African Americans believed that there had been a police conspiracy against Simpson.<sup>129</sup> This was especially troubling, however, given Simpson's celebrity status. As another African American stated: "If they could do all this to O.J. a man with all his money, imagine what they could do to a poor man."<sup>130</sup> Other African Americans were

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<sup>126</sup> "Race & Verdicts", 52. Fifty percent of whites stated they were treated the same.

<sup>127</sup> "Race & Verdicts", 52.

<sup>128</sup> Quoted in Fareed Muwakkil, "Residents Respond to Jury Decision", *Los Angeles Sentinel*, October 5, 1995, 1.

<sup>129</sup> For a discussion of conspiracy theories and African Americans see Gibbs, *Race and Justice*, Chapter 11.

<sup>130</sup> Quoted in Byron P. White and Paul de la Garza, "Trial Places a Spotlight on Racial Divisions Plaguing America", *Chicago Tribune*, October 1, 1995, 1.

slightly less convinced by the idea of a conspiracy, but believed that there was reasonable doubt and supported the verdict for that reason.<sup>131</sup>

A great number of African Americans, however, supported the verdict despite believing Simpson to be guilty. According to the poll of Los Angeles County, 61% of those who supported the verdict did not believe that Simpson was innocent.<sup>132</sup> The large proportion of this support, however, was not based simply on racial solidarity and prejudice, that is, reverse racism. A number of African Americans who believed that Simpson was guilty supported the verdict because they saw it as payback for the racism suffered by African Americans. As one resident of South Central stated: "I'm happy for the verdict. . . . I think he did it, but this is just a little payback for all the things black people have had to take off the LAPD." Another resident of South Central agreed: "I'm not going to be a hypocrite. . . . Even if he did kill her, a lot of us are glad he got off. That can't begin to balance out all the black men who been lynched, jailed, beaten, for things they didn't do."<sup>133</sup> For a number of African Americans their response was not about Simpson so much as a reflection of their anger and frustrations over the treatment of African Americans in the CJS. As one African American expressed: "Poor blacks don't give a damn about O.J. . . . It's not O.J. they give a damn about. He's a movie star. It's the system they're angry about. It's the cops that beat them. It's their

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<sup>131</sup> Gibbs, *Race and Justice*, Hacker, *Two Nations*.

<sup>132</sup> Decker, "Most in County Disagree With Verdict", 36.

<sup>133</sup> Quoted in Tom Kenworthy and Jon Jeter, "At the Emotional Epicenter, Cheers, Jeers and . . . Shopping", *Washington Post*, October 4, 1995, 31.

kids in jail.”<sup>134</sup> Similarly another African American stated in the *Los Angeles Times*: “If you haven’t been pulled over and patted down, then the O.J. verdict doesn’t make much sense. If you have, it makes all the good, sweet, sense in the world.”<sup>135</sup>

Many African Americans in supporting the verdict were also applauding the fact that class had transcended race. As one Howard University law student articulated: “The issue is, for once in a lifetime, a black man was able to afford adequate representation. . . . We can now do what white people have been doing all the time.”<sup>136</sup> Even those who believed Simpson was guilty were celebrating the ability of an African American to play the system like rich whites were able to do. As a letter to the *Atlanta Journal-Constitution* read: “For too many times in my short lifetime I’ve watched rich white guys get away with murder. Finally, we’ve moved to a time when there is equality among the ultra-rich if not for the rest of us. Remember, Claus von Bulow walked also.”<sup>137</sup>

A number of whites did perceive that the response of many African Americans who supported the verdict but believed Simpson was guilty was motivated by anger and frustrations toward racism within American society in general and the CJS in particular. Yet, whatever the underlying reason behind African-American support, the expression of reverse racism that the verdict and African-American support of it was

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<sup>134</sup> Quoted in White and de la Garza, “Trial Places a Spotlight on Racial Divisions”, 1.

<sup>135</sup> Quoted in Robert A. Jones, “Mirroring Deep Divide Among Us”, *Los Angeles Times*, October 4, 1995, B1.

<sup>136</sup> Quoted in Paul Duggan, “Washington Comes to a Stop”, *Washington Post*, October 4, 1995, 1.

<sup>137</sup> “Letters”, *Atlanta Journal-Constitution*, October 11, 1995, 12A.

widely perceived to embody, helped fuel a backlash in race relations. Polls at the time showed that 61% of whites thought that the trial had hurt race relations. Furthermore, in a *Los Angeles Times* poll, 66% of whites stated that they believed that African Americans often used race as an excuse to justify wrongdoing.<sup>138</sup> For a number of whites, the case stood as proof that too much emphasis was being placed upon race. As was stated in the *Los Angeles Times*:

It is nearly 30 years since we made the fateful decision to start down the road of righting wrongs by group, and doing so by officially treating different groups differently. In America today we routinely hire, promote and even fire on the basis of race. The shock felt across much of America at 1pm Tuesday was the awful realization that perhaps now we acquit murderers on the basis of race too. The Simpson verdict should not surprise. We have lived now for a generation under a theory that declares that for officially designated victim classes the ordinary rules do not apply.<sup>139</sup>

From the beginning, African-American support for Simpson was largely a reaction to the role many African Americans perceived race was playing in the case. As the case progressed and culminated in the not guilty verdict African-American support was a combination of those who believed in his innocence, those who believed there was reasonable doubt and those who believed he was guilty. Support from many of those who believed in his innocence and those who believed there was reasonable doubt was influenced by African-American perceptions of racism in the LAPD and the

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<sup>138</sup> Morin, "Poll Reflects Division Over Simpson Case", A31.

<sup>139</sup> Charles Krauthammer, "America's Show Trial: The Trial Was About Political Message Sending", *Los Angeles Times*, October 6, 1995, A25.

CJS, which had been highlighted by King case in 1991-1992. Similarly, support from many of those who believed he was guilty was largely a reaction to the pervasive racism endured by African Americans in society in general and in the CJS in particular. Yet, as the King case and Los Angeles riots illustrated, there was a wide disparity between African-American and white perceptions of the existence of pervasive racism. As such, African Americans who supported Simpson despite believing him to be guilty did so because of what the case symbolised. Yet, this support was widely regarded by whites as a display of reverse racism. This in turn helped fuel white feelings of opposition towards race-conscious policies and initiatives. It was the feelings displayed in relation to the Simpson verdict that Clinton successfully tapped into with his attack on reverse racism during the 1992 presidential election campaign, and through his reverse racism discourse in relation to affirmative action; both of which were not simply an electoral strategy to appeal to white voters, but was also reflective of his neo-liberal philosophy.

## Conclusion

It cannot be denied that the Post-Civil Rights era has witnessed enormous progress in America's racial situation. Since 1968, the racial attitudes of white Americans have continued in the progressive trend that began in the 1940s. In contemporary America, the vast majority of whites ardently endorse racial equality. African Americans have also made significant gains in their socio-economic status. The post-Civil Rights era has seen steady progress in educational attainment, advances in occupational status, and increases in incomes. Yet, while it is important not to dismiss these gains, it is also imperative to acknowledge that despite these advances, a large disparity continues to exist between the general socio-economic status of African Americans and whites. Furthermore, African Americans continue to testify that race remains a significant feature in their life experiences. Many whites, of course, duly share this perception. Many others, however, do not. Moreover, the post-Civil Rights period has witnessed an opposition amongst whites to racial policies due to their ineffectiveness and/or legitimacy and an increase in support for conservative racial policies. The aim of the dissertation has been to uncover the extent to which support of racial conservatism amongst whites is evidence of a new coded racism, which has evolved as part of the transition of racial ideology and discourse on race in the late 1960s.

Following the immense social upheavals of the 1960s, in the 1968 presidential election Richard Nixon succeeded in exploiting the reactionary opinion of a significant proportion of white voters to return the Republican Party to the White House. The election of Nixon heralded the beginning of the conservative ascendancy in American politics and society. The election also marked the beginning of a new political realignment in which race was a definitive factor. Increasingly in the post-Civil Rights era, the Republican Party became associated with white Americans and the Democratic Party with African Americans. The use of coded words, symbols and phrases was one of the principal ways in which all of this was achieved. Yet the use of coded racial politics was part of a transition in America's racial ideology and discourse on race, which ensured the maintenance of racism in post-Civil Rights America. Although Bill Clinton in 1992 advanced a neo-liberal philosophy that sought to further rearticulate the racial politics of the post-Civil Rights period, as part of this, he too, engaged in the use of coded racial messages to voters.

The dissertation, through the method of discourse analysis, has sought to examine the use of coded racial politics between the Nixon and Clinton administrations and explore their reproduction in American society. In this endeavour, the dissertation has demonstrated the use of coded racial politics by Presidents, during election campaigns and throughout presidencies. An analysis of presidential and public discourse has illustrated that the coded racial political issues of law and order, fear of crime, soft on crime and reverse racism, used by Nixon, Reagan, Bush and Clinton

respectively, all succeeded in tapping into public concern with these issues. Alternatively, Carter's discourse in relation to affirmative action failed to tap into public concern with preferential treatment, as indeed did Clinton's pervasive racism discourse in relation to affirmative action, which failed to resonate with whites more concerned with reverse discrimination. The question remains, however, to what extent was support for these issues dependent on racial feelings.

Public discourse surrounding the Attica prison riot, 1971, illustrated that while the responses of some whites were overtly racial, the reactions of the majority of whites were based on a concern with law and order, with no apparent racial motivation. Opinion polls demonstrated, however, that particularly in the aftermath of urban rioting, law and order was perceived in racial terms by the majority of white Americans. Furthermore, Attica was not simply a protest over prison conditions, it had distinct racial elements, which were disseminated through the media. The media also helped to racialise the event in the public mind through debating the event in racial terms. If nothing else, Attica served to heighten the link between law and order and race. Moreover, the Republican response to the riot also helped to increase the identification of the party as the party of law and order, and hence its appeal to white voters for whom law and order was a racial issue as well as to those for whom it was not.

Public response to the Miami riot, 1980, demonstrated the role that possession of the dominant political language played in obtaining and maintaining political power.

Responses to the riot illustrated that Carter's discourse in relation to affirmative action was out of touch with many whites, who interpreted the policy as preferential treatment – a coded political term used by Reagan. The Miami riot revealed that African Americans were suffering from socio-economic deprivation and racial discrimination much as they had in the 1960s. Yet, while a number of whites expressed sympathy towards African Americans, and also an understanding towards the rioting, most whites reacted in horror. More specifically, they objected to Carter's response to the riot, which they perceived as bowing to mob rule and awarding blacks preferential treatment. Whilst, for the majority of whites, this opposition was not based on negative racial feelings, for a clear minority it was. Furthermore, opposition to preferential treatment was largely a white affair, as such it existed as a potent appeal to white voters whether or not racial animus underlay its attraction. Moreover, whether intentional or not, opposition to affirmative action was inimical to black needs.

Responses to the Bernhard Goetz subway shootings, 1984, provided a clear illustration of the level of concern with violent crime in 1980s America. Once again, only the reactions of a minority of whites to the case revealed overtly racial feelings regarding crime. For the most part, support of Goetz was seemingly aracial, arising purely out of a sense of frustration and despair towards violent crime in the nation's cities. An analysis of counter discourse surrounding the case, however, reveals that concern existed, particularly amongst African Americans, with the extent to which race influenced public support of Goetz. Certainly, the racialisation of crime in the public

mind - particularly through the media - has been well documented. Responses to the Howard Beach case, 1986, explicitly revealed the racial feelings underlying perceptions of crime amongst a significant proportion of white Americans, for whom fear of crime meant a fear of blacks.

Reactions to the Central Park jogger case, 1989, and the Carol Stuart case, 1989, provided further evidence of the level of concern with crime in America and the demand for tough and decisive action as a response to the problem. Although the majority of reactions to the cases were not overtly racist, a significant proportion were. Without a doubt, the dramatic response to both cases amongst the public, politicians and the media, did reveal the significance of race on reactions to crimes, particularly interracial crimes against women. An analysis of counter discourse in both cases also starkly illustrated the racial double standard regarding crime held in American society.

Like Carter, Clinton's discourse received mixed fortunes. Reactions to the Rodney King case and the Los Angeles riots, 1991-1992, illustrated the different perceptions regarding pervasive racism, generally speaking, held by African Americans and whites. While the vast majority of whites, like African Americans, condemned the verdict in the case, as they had the beating a year previously, many did not perceive the acquittal as evidence of a wider pattern of racial injustice in the way the majority of whites did. In that sense, Clinton's pervasive racism discourse expressed in relation to affirmative action was out of touch with a significant proportion of white Americans. This was similarly illustrated by reactions to the O.J. Simpson case, 1994-1995. The

King case and the Los Angeles riots, in fact, provide a central backdrop to the reaction of both African Americans and whites in the Simpson case. As well as having a direct impact on African-American opinion of the Simpson case, they also go some way to explaining the racial divergence of opinion on the verdict in the trial. African-American approval of the verdict in the case was largely a reaction to the perception of the existence of pervasive racism. Whites, not sharing the same perception of pervasive racism, regarded the verdict and African-American support and indeed celebration of it as an expression of reverse racism and evidence that too much focus wrongly placed upon race since the civil rights era had resulted in black racism against whites. Thus, while Clinton was out of touch with whites with his pervasive racism discourse, his reverse racism discourse was very much in synch with many white Americans. While white reactions to the verdict and to African-American support of the verdict revealed some level of racism and certainly a degree of anti-black feeling, for the most part, white charges of reverse racism betrayed no racist element. As such, reverse racism, appealed and promoted the negative racial feelings held by some whites, but for the majority of whites the attraction, at least consciously, was non-racist. In helping to fuel opposition to racial policies, however, reverse racism, had an adverse effect upon African Americans.

In summation, for the majority of whites, the appeal of coded racial political issues (at least those examined in this dissertation), appear to be based, at least consciously, on non-racial feelings. Concern with law and order and crime, frustration

towards leniency and ineffectiveness within the Criminal Justice System, and the demand for tougher action, as well as the concern that affirmative action programs and policies discriminated against whites were, for the most part, aracial. Yet, it is clear that the intention behind the use of coded racial politics was to manipulate and capitalise on latent racial feelings. In each case, though perhaps in varying degrees, this was successfully achieved. Moreover, in exploiting racial feelings and attitudes, the use of coded racial politics also succeeded in legitimising and fuelling negative racial beliefs. Furthermore, because of the ambiguous nature of coded racial politics, many consciously non-racist whites, unconsciously became the unwitting proponents of coded racism.

In describing the role of coded racial politics in the reproduction of racism within American society, it is important to stress that, as the dissertation has demonstrated, the power of discourse does not operate purely in a top-down fashion. The success of racial politics depended on tapping into and thus reflecting *existing* racial feelings. As both Carter and Clinton illustrated, presidential discourse could not simply be imposed on the American public. The success of coded racial politics depended on a bottom-up relationship of power too. It is also important to stress that the American public, and hence public discourse, were influenced by a number of other discourses, other than presidential, which would have aided the reproduction of coded racial political issues. Certainly, while the dissertation has examined the role of the press in this process, television news media would also have had a considerable impact.

An analysis of television news media, although perhaps logistically difficult, would be extremely interesting.

The time-period under focus in the dissertation has been 1968 to 1997: the Nixon to Clinton era. An analysis of more recent data and information reveals, however, that at the end of the twentieth century and the dawn of the new millenium, the paradox between socio-economic data and African-American testimony, and white testimony on the significance of race, continues to exist. In terms of unemployment, in 2000 African Americans remained twice as likely as whites to be unemployed, with the rate for African Americans standing at 7.6% compared with 3.5% for whites.<sup>1</sup> This disparity also existed for both high school graduates and university graduates. In 2000 the unemployment rate for white high school graduates was 3.3%, yet for African Americans it stood at 6.3%. Similarly, the unemployment rate for university graduates was 1.4% for whites, and 2.5% for African Americans.<sup>2</sup> A racial divergence continued to exist in educational attainment in 2000. Twenty-one and a half percent of African Americans did not graduate from high school, compared with 15.1% of whites. While 17.3% of whites held a university degree, compared to 11.4% of African Americans.<sup>3</sup> Income levels between white and African Americans also continued to differ to a significant degree. In 2000 the median income for white individuals was \$28,564,

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<sup>1</sup> U.S. Bureau of the Census, Table No. 569 "Employment Statistics of the Civilian Population: 1970 – 2000", *Statistical Abstract of the United States: 2001*.

<sup>2</sup> U.S. Bureau of the Census, Table No. 389 "Unemployed and Unemployment Rates By Educational Attainment, Sex, Race and Hispanic Origin", *Statistical Abstract of the United States: 2001*.

<sup>3</sup> U.S. Bureau of the Census, Table No. 217 "Educational Attainment By Selected Characteristics: 2000", *Statistical Abstract of the United States: 2001*.

while for African Americans it stood at \$20,579.<sup>4</sup> For families, the gulf was even wider: the median income for African-American families was \$31,778, compared with \$51,224 for white families.<sup>5</sup>

In terms of attitudes towards race, *The Gallup Poll Social Audit* found that whites continued to regard race as less significant in determining the life chances and experiences of African Americans than African Americans did themselves. In 2001, 69% of whites compared with 41% of African Americans believed that blacks were treated the same as whites in their own community.<sup>6</sup> Eighty-five percent of whites stated that black children had as good a chance as white children to get a good education in their local community, compared with 52% of African Americans.<sup>7</sup> In terms of accessibility to good housing, the gap between white and black opinion increased in the last decade of the twentieth century. In 2001, 83% of whites believed that African Americans had the same chances as whites to get affordable housing in their own community, compared to 48% of African Americans.<sup>8</sup> Similarly, a significant proportion of African Americans stated that they were treated less fairly than whites in a variety of everyday interactions and settings: 46% whilst shopping in a mall; 39% in restaurants/bars/theatres; 38% in neighbourhood shops. Conversely, the

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<sup>4</sup> U.S. Bureau of the Census, Table No. 675 "Money Income of Persons – Selected Characteristics By Income Level: 2000", *Statistical Abstract of the United States: 2001*.

<sup>5</sup> U.S. Bureau of the Census, Table No. 668 "Money Income of Families – Percent Distribution By Income Level, Race and Hispanic Origin: 2000", *Statistical Abstract of the United States: 2001*.

<sup>6</sup> Gallup Organization, *The Gallup Poll Social Audit on Black/White Relations 2001 Update* (Princeton: Gallup Organization, 2001), 7.

<sup>7</sup> Gallup, *Black/White Relations 2001*, 9.

<sup>8</sup> Gallup, *Black/White Relations 2001*, 10.

percentage of whites who agreed was far smaller: 16%, 12%, and 12% respectively.<sup>9</sup> The *Gallup Poll Social Audit* also found significant differences between African Americans and whites in terms of satisfaction with a number of aspects of personal life in America. In 2001 while 92% of whites expressed satisfaction with their personal life, the figure for African Americans was 79%. Similarly, 89% of whites expressed satisfaction with their standard of living, compared with 73% of African Americans.<sup>10</sup>

*The Gallup Poll Social Audit* also revealed that less than 50% of both African Americans and whites – 41% and 46% respectively – rated the state of race relations in America in 2001 as ‘very or somewhat good’.<sup>11</sup> The poll also revealed that in 2001 66% of African Americans and 45% of whites believed that relations between blacks and whites in America will always be a problem.<sup>12</sup> Such figures perhaps make for a pessimistic view of race relations in America in the future. Perhaps, however, such acknowledgement of the significance of race, particularly during an era which has sought to move away from the issue, is ground for optimism. While Americans may continue to differ in their beliefs on the causes of the problem and hence the solutions, without the acknowledgement of a problem, a solution can never be achieved.

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<sup>9</sup> Gallup, *Black/White Relations 2001*, 12.

<sup>10</sup> Gallup, *Black/White Relations 2001*, 15.

<sup>11</sup> Gallup, *Black/White Relations 2001*, 13.

<sup>12</sup> Gallup, *Black/White Relations 2001*, 14.

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