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PRISONERS OF MISLEADING FACTS

A key finding in a new Department of Justice report on the nation's prison population is attracting considerable attention: nearly 7 percent of black males were in prison in 1994, compared with less than 1 percent of white males. These facts—which seem to confirm the view that a crime-prone African-American underclass is terrifying our society and overwhelming our criminal justice system—are misleading. They perpetuate racial stereotypes that don't help us address the realities of crime.

Why are black males more likely than their white counterparts to end up in prison? Is there something about African-American genes or culture that makes blacks seven times more crime prone than whites? Or can these disparities be explained better by looking at how our criminal justice system operates and at the social conditions that lead to certain kinds of criminal behavior?

Four factors explain most of the differences in white and black rates of imprisonment:

- First, although most Americans break the law every once in a while—from speeding in a car to cheating on their income taxes—our criminal justice system focuses more of its resources on some kinds of violations than on others. It concentrates on crime in the streets rather than crime in the suites. Police spend much more time looking for the perpetrators of muggings, shootings, and robberies than for white-collar criminals engaged in tax evasion, consumer product safety violations, medical malpractice, and other high crimes.

Nevertheless, white-collar crime is actually more deadly than street crime. For example, at least twice as many people die from preventable occupational diseases as from “ordinary” murders, but the corporate executives responsible for workplace deaths are almost never treated as

criminals. And even when they are apprehended and convicted, they are more likely to be fined than imprisoned. Fewer African-Americans than whites are in a position to commit white-collar crimes.

- Second, blacks are more likely than whites to be poor and unemployed, conditions that give rise to street crime. One out of every nine white Americans lives below the poverty line compared to one out of three blacks. The unemployment rate among black Americans is typically twice that of whites. This disparity is even greater among young males, the demographic group most likely to engage in street crime. About 39 percent of black males in the crime-prone ages of sixteen to nineteen are jobless, compared with 16 percent of white males.

- Third, blacks are more likely than whites to be caught for committing the same crimes. A key factor is residential segregation. Thanks to racial discrimination by landlords and banks, poor blacks are much more likely than poor whites to live in predominantly low-income neighborhoods, where police concentrate their search for street criminals. Moreover, criminologists have consistently found that police departments arrest selectively. Police officers' perceptions and behavior are greatly influenced by the skin color, clothing, posture, and "attitude" of the people they see in their daily routine. As a result, black males are more likely to be arrested for activities that whites regularly get away with. For example, the Department of Justice's National Crime Victims Survey found that 36 percent of victims of violent attacks report that their attackers were black, but blacks made up 44 percent of those arrested for such crimes.

Or consider drug-related crimes. Criminologists regard drug arrests as largely discretionary. If you look for drug crimes, you'll find them. And the more you look, the more you find. Because almost all the looking takes place in inner-city areas, it is inevitable that blacks will be overrepresented in arrest statistics.

- Finally, blacks are more likely to be sent to prison than are whites convicted of similar crimes. For example, sentencing guidelines normally require that the perpetrator have a hundred times more cocaine in powder form than in crack form to trigger mandatory sentencing. The former is preferred by suburban whites, the latter by inner-city blacks. So it is no surprise that about 25 percent of all blacks in state prisons, compared with 12 percent of whites, are serving time for drug offenses.

None of this is meant to make excuses for criminals of whatever race or class. Violations of the law undermine our social and economic fabric. But we have to ask ourselves why the United States has more people in prison (and a higher rate of imprisonment) than any other democratic industrialized country. According to

the Department of Justice, the number of Americans behind bars has now reached 1.1 million, a 9 percent increase over the past year and almost a 300 percent increase since 1980.

Perhaps these trends have something to do with the fact that the United States has the widest disparity of wealth and income among Western nations, declining wages, growing poverty, and persistent racial segregation. Predictably, the recent Department of Justice report on imprisonment failed to mention these facts. □