

A Flawed Foundation:

Law And Racial Disparities in the Criminal Justice System

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This piece explores the causality between laws in the criminal justice system and the prison disparity among Black and White Americans. This issue first arose during the War on Drugs with lasting effects leading to the central problem of mass incarceration in our modern prison system. Prior research sought to understand how this began by analyzing legislation, judicial decisions in civil rights cases, as well as the general sentiment of the public. I will explore these contents in a controlled timeline of 1860-2010. I aim to test if prior decision making in the judicial and legal sectors contributed to the disproportionate impact policies have on Black individuals. The qualitative tool known as the Process Tracing Method will test whether or not the traces in each sequence within the timeline are applicable to the primary hypothesis. The implications of these findings demonstrate the need for more research on interpreting the causal link between law and disparity in prison.

The subject of my thesis concerns the laws and policies that have contributed to the disparity between African-American and White groups in the incarceration system. Certain historical moments have led to the vast disparity we see today between the two groups. I believe this is a topic that needs to be addressed due to the fact that this is a problem that still persists in our modern criminal justice system.

The totality of this paper will examine how past legislations can explain the current disparities between African American and White groups in

the incarceration system. The application of laws starting with the Reconstruction era to modern times will be under scrutiny to answer this question. Law, policy, and judicial decisions will serve as key variables to explain how the prison gap originated. I argue that since the 1800's, Black individuals have been legislatively targeted which eventually dismantled the Black family as a whole. When the incarceration rate began its first exponential growth, Black men made up the majority of those being imprisoned. Consequently many Black families were left without a paternal

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counterpart, leaving the mother to assume the role as the sole provider. As time progressed state and federal policy found ways to target Black youth, which resulted in children being convicted as adults and detained in adult regimes. Gradually the effects of these policies dismantled the Black family. In comparison to fellow scholars, I offer a different approach that explores both existing and potential outcomes in specific time periods.

The research question under examination is, 'How does past legislation explain the current disparities between African Americans and White Americans in the incarceration system?' This question is important because it uproots U.S. history of systematic racism. My argument is as follows;

Law, policy, and judicial bias have been key components in strengthening the prison gap between Black and White groups. For centuries judiciaries and legislators referred to their predecessors, adopting ideologies and passing them on. Just as ideology can be passed on, it can also be built upon by its successors and applied match the flow of civilization. Did racial-bias truly disappear? Or has it just been altered over time to match the flow of modern society. For instance, the War on Drugs movement, while seemingly neutral at face value, created the exponential growth of incarceration rates among Black groups in comparison to White. Scholars have compiled precedents in time series studies and analyzed how it has manifested into our criminal justice system. My contribution to the literature will offer a new perspective on how precedents can shape future legislative behavior in regards to race.

The methodology selected for this study is a qualitative method known as process tracing. Process tracing is an analytical tool that determines whether a potential cause influenced a set of changes. To do this, a sequence of events are systematically organized and individually tested to discern whether the evidence strengthens, weakens or eliminates the hypothesis. I hypothesize that prior law, policy, and judicial behavior beginning in the 1860s contributed to the disparity between Black and White Americans in the prison system.

LITERATURE REVIEW

Introduction

Historical roots of racial bias remain embedded in the criminal justice system which is proven by the disproportionate impact neutral laws had on the Black community. The relationship among race, the economy, and incarceration is complex. It is deeply rooted in the peculiarities of U.S. history: namely the wedding of slavery, the plantation economy, and capitalism (Smith, 2008). This literature will focus on legislation beginning from the 1860's to the present. It will examine how precedents have shaped legal and judicial attitudes between Black and White groups. Statutes such as Black codes, vagrancy laws, peonage and convict leasing will be analyzed. Following the ratification of the 13th amendment, legislators were able to use a loophole to criminalize Black citizens and once again sentence them to free labor. As a result, many Black codes remained in effect until the Civil rights act in the 1960's. We will see how these policies influenced the decision-making process of judicial actors when dealing with Black plaintiffs. For instance, the War on Drugs movement, while seemingly neutral at face value, created the exponential growth of incarceration rates among Black groups in comparison to White. Overall, the aim of this thesis is to test the argument that the over-representation of Blacks in prisons is due to historic precedents rooted in institutional racial bias.

Reconstruction Era: 1865-1877

One of the legal strategies which established the rights of African American slaves and slave owners was known as "Black codes". Legitimate slaves were regarded as chattel, that is, personal property which could be inherited, expropriated to pay a debt or used for profit. The chattel slavery system governed the enslavement and ownership of human beings and their offspring as property, able to be bought, sold, and forced to work without pay. It required all Black people, whether free or enslaved before the Civil War, to sign annual labor contracts with White employers. If they refused or failed to abide by the terms of these contracts, they would be considered

vagrants and sentenced to imprisonment which was another path to labor. Black codes were restrictive in design with the intention of keeping African American as a source of free labor which the economy profited greatly from.

To better understand how chattel regulations operated it is necessary to note its role in the U.S. economy. Legislative assemblies of the states, particularly in the antebellum South, used enslavement as a monetary instrument to finance their state treasuries. Derbes explored Louisiana state law specifically in 1848 which passed a bill requiring all children birthed by enslaved African American women incarcerated for life would become the legal property of the state (Derbes 2013). At the age of 10, these children were auctioned to the highest bidder on platforms in front of county courts houses. Much like Louisiana, Southern states relied on slavery as source of income and created regulations to capitalize. So when the 13th Amendment was ratified in 1865 following the conclusion of the Civil War in the now postbellum South struggled to compensate for the loss of revenue. The Amendment states that “Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.” The phrasing ‘except as a punishment of a crime’ of the amendment created a loophole that permitted criminalization of blackness.

Through imprisonment, states were able to recreate a system of free labor through vagrancy laws and convict leasing which primarily existed in the North. Cohen concluded that although most of these laws made no mention of race; southerners knew that they were intended to maintain White control of the labor system and local law enforcement authorities implemented them with this in mind (Cohen 1976). Former Confederate soldiers had transitioned to work in the police or elsewhere in the criminal justice system (e.g., as judges), thus the oppression of African Americans was perpetuated through law enforcement and judicial platforms. Vagrancy laws allowed states to sentence Black citizens to imprisonment who were unable to provide proof

of employment. The prison system allowed for the virtual enslavement of people who had been convicted of a crime, even if those transgressions were for things like “walking without a purpose” or “walking at night,” for which law enforcement officials in the South aggressively targeted Black people. These “vagrants” most often entered a system of incarceration administered by private contractors like industrial or plant owners known as convict leasing.

Initially because there was no money to erect new penitentiary buildings, convict leasing was adopted to repair many of the prisons that were destroyed during the war. This arrangement had considerable fiscal appeal, since state governments were paid hundreds of thousands of dollars by private companies leasing convicts. Hiring out convicts to planters, mining companies, and railroad contractors on a long-term basis was not designed solely to rid the state of a prison problem (Scott 1974). The 13th Amendment succeeded in the abolishment of slavery but failed to secure the rights of Black Americans. Additionally, by using the criminal justice tactic to exploit the 13th’s loophole it created enough substantiation to associate Black people and crime.

Jim Crow: 1877-1964

As the link between the Black community and confinement continued to grow, it was prevalent that the States were unwilling to comply with the newly instated amendments. In effort to compensate for the loophole the 13th provided, congress passes the Civil Rights act in 1875 which banned segregation in public spaces, as well as employment discrimination based on race, gender, national origin, or religion. However due to federal limitations, states refused to aid in enforcing federal law especially on constitutional grounds. Granted it can be stated that the use of the amendments has brought about significant change. Nonetheless, it cannot be denied that the inherent constraints in these methods confined the explicit application to the wide range of discrimination in the private sector. The Supreme Court affirmed that the Act could not be used as a tool to fix racial bias in private businesses in the

Civil Rights Cases of 1883 (Civil Rights Cases, 109 U.S. 3, 1883). In Supreme Court Justice Joseph Bradley's legal opinion, he reasoned that the badges and incidents of slavery did not include private discrimination by Whites against Blacks but rather extended only to the denial of civil and legal capacity to the freedmen (Estreicher 1974).

The court also ruled that the 14th Amendment prohibited states, but not citizens, from discriminating. To justify this claim the Justice utilized the State Action Doctrine which allowed statutes and amendments to only apply to the state and not citizens. Since judges barely hold views that deviate far from the dominant public opinion; they are therefore unlikely to have the inclination to defend minority rights from majoritarian invasion (Klarman 2006). The purpose of segregation laws was to preserve the 'second-class' dynamic between White and Black groups which provided a sense of normalcy among the majority. This logic is reestablished in the Plessy v. Ferguson (1896) case as the courts reasoned that segregation laws did not violate equal protection laws of the 14th amendment as it only pertained to the state and not the person. By 1914, Every Southern state and many in the had Jim Crow laws that discriminated against Black Americans (Pilgrim 2013).

After the 1920s, Whites transitioned to using more institutionalized methods to fight the expansion of the African American enclaves, such as collective neighborhood action, and racially discriminatory covenants and real estate practices (Trifun 2009). As segregation was officially established by the courts, the ideology impacted the attitudes of individuals in the institutional setting, i.e, Home Owner institutions. A method developed in the 1930's known as redlining refers to the federal government's practice which categorized locations to help mortgage lenders determine which areas of a city were considered a poor investment in the wake of housing shortages. Anderson's study concluded that the number of African Americans and immigrants played a key role in determining whether the area was high or low risk (Anderson 2020). Whether you have enough money to pay rent, buy a house, or live in a "nice" neighborhood often

depends on your job or your place in the system of production as well as intersecting factors of race, class, and gender (Mendenhall 2010). Areas that were predominately Black quickly became underdeveloped and impoverished areas known as 'ghettos.'

A ghetto is a part of a city where members of a minority group live, particularly in response to political, social, and economic incentives. They are often known to be more impoverished than other regions in the city. The accumulation of wealth and real estate has been tenuous for African Americans due to redlining, municipal ordinances, private deed restrictions, and racial violence (Sawyer 2020). Living in a racially concentrated area made it easier for organized attacks against the Black community. Chicago, Houston, Little Rock, Harlem, Washington D.C, New York, Baltimore, New Orleans, and many other cities had outbreaks of rioting as Whites attacked predominantly Black areas throughout the United States (Pilgrim 2013). The result of these attacks left Black communities in an even deeper impoverished state which increased the already large wealth gap between White and Black groups. By the time the Jim Crow laws were abolished in 1964 it had already been 40 years of redlining and attacks in ghetto areas. Black communities were underdeveloped, deprived of basic resources and opportunities. Succeeding the civil rights movement, lawmakers were unable to create policies overly motivated by race.

War on Drugs: 1971

The United States experienced its first noticeable growth in imprisonment in the 1980s as President Nixon's declaration of war on Drugs ignited the tough-on-crime policy agenda. The Sentencing Reform Act was executed in 1984 which initiated Mandatory Minimum sentencing and abolished parole for federal prisoners. Mandatory minimum essentially stripped power from the Judges by mandating stricter sentencing on certain cases. If found in possession of crack cocaine an individual was automatically sentenced to 10 years in federal prisons without parole. The elimination of federal parole meant that federal prisons were bound by law to keep inmates for

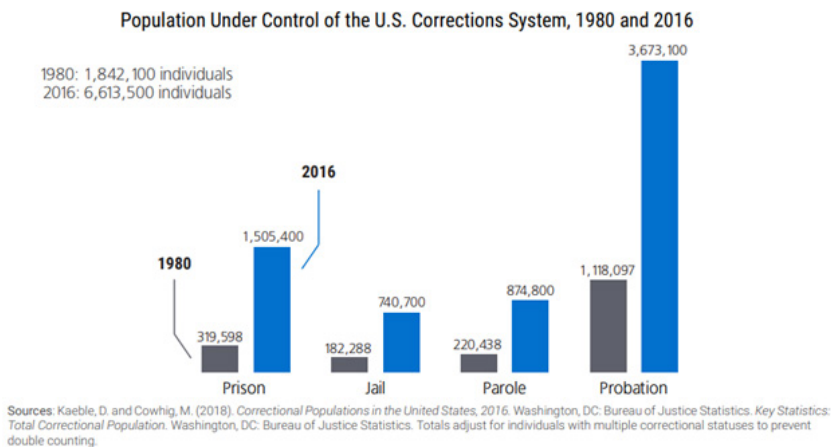
the remainder of the sentence even if they served 75% of their sentence, successfully rehabilitated, and qualified for parole. The population under the authority of the U.S. correctional system increases in quantity. They calculate individuals in prison, jail, plus those on parole and on probation. The United States is the world's leader in incarceration with 2.2 million people currently in the nation's prisons and jails — a 500% increase over the last forty years (See figure 1). Changes in sentencing law and policy, not changes in crime rates, explain most of this increase (Sentencing project, 2018). The consequences following this reform heavily impacted Black cities as they became the prime focus. It is reasoned that while minorities may commit a large share of serious and violent crimes, the legal system may compound the problem by imposing more severe sanctions on minorities than on Whites committing similar types of offenses (Bridges 1988). With this in mind Bridges concluded that factors such as the social standing of Blacks relative to Whites and the laws and policies of state criminal justice systems assist in explaining levels of imprisonment disparity. With the historic relationship between Black Americans and crime, Blacks are compounded by the racial biases that exist in actors across the criminal justice system from police, prosecutors, judges and juries. This has led to disproportionate levels of

stops, searches, arrests, and pretrial detention for Black people, as well as harsher plea bargaining and sentencing outcomes compared to similarly situated White people.

Through the racial discrimination of law enforcement the disparity in arrests grew more prominent as the prison numbers heightened. Despite lower levels of drug use and no higher demonstrated levels of trafficking among the Black than the White population, intensified enforcement of drug laws subjected Blacks, more than Whites, to new mandatory minimum sentences (Perry 2018). Crack is the lesser but most addictive variation of cocaine and the powder was just another form that it takes. Essentially, these drugs have similar properties but the sentencing gap could not be any more profound. Considering the relative low cost of crack cocaine it was most accessible in low-income communities which majority African-Americans resided. In contrast, powder cocaine was more expensive and consumed by upper-class White communities. Distribution of just 5 grams of crack carries a minimum 5-year federal prison

sentence, while for powder cocaine, distribution of 500 grams, 100 times the amount of crack cocaine, carries the same sentence (Vagins 2006). In Vagins' research, African Americans constituted more than 80% of the defendants

Figure 1



sentenced under the harsh federal crack cocaine laws, despite the fact that more than 66% of crack cocaine users in the United States are White or Hispanic.

Super Predator Myth: 1994

As this imbalance grew, more legislation was passed that eventually trickled down to Black youth. In 1995 John Dilulio, Professor at Princeton University developed the term super predators to define young Black boys ages 13-16 as natural born criminals. Partnered with Criminologist James Fox, they pushed the rhetoric that these young predators had no regard for human life and made inaccurate predictions of calamity when these children grew up. Concerns about an increase in the number and types of crimes committed by juveniles, portrayals of juvenile offenders as vicious “super predators” and beliefs that juvenile courts could not effectively rehabilitate youthful offenders resulted in a series of harsh policies (Greene, 2013). They illustrated them as fatherless, godless, and jobless with no regard to human life. These predictions triggered a panic, fueled by new coverage of hate crimes committed by delinquent youth. Statistics reveal that the homicide and robbery rates jumped up and down from year to year, but they did not change dramatically between 1970 and 1993 (Blumstein, 2002). Despite the relative stability of crime rates public perception thought the contrary. Political actors suggested throughout the 1990s that crime rates were getting out of hand and that crime was becoming an increasingly serious threat. With educated opinions backing this theory, the government took to the Media to inform the masses of this new wave of danger.

The Clinton’s normalized the label super-predator effectively making it the identity of young Black men. Consequently, this renowned phrase compelled judicial actors to incarcerate Black juveniles on mandatory minimum sentences despite being minors. This subjected juvenile offenders to sentences that were originally conceived for adults, including sentences of life without parole. Almost all states enacted legislation between 1992 and 1999 that significantly increased the treatment of young

adults for sentencing and punishment. California, Florida, Pennsylvania, Louisiana and Michigan are responsible for nearly two-thirds of all life without parole sentences for juveniles(pbs.org). This concept allowed prosecutors to charge Black teenagers as adults, impose 10-year sentences and place them in adult punishment regimes.

In *Connecticut v. Belcher* (1998), a 14 year old Black child was sentenced to 60 years in adult prison due to being perceived as a super predator by the sentencing judge. Looking at the facts of the case, The defendant argued that the trial court’s finding that he was not amenable to treatment and a danger to society, deprived him of his right to be tried as a juvenile. The state reasoned that there is no constitutional right to be treated as a juvenile; the right is statutory. That sentence was imposed in an illegal manner, the state’s highest court held, because the sentencing court relied on the erroneous and discredited theory.

Dilulio and Fox later admitted in an amicus brief for *Miller v. Alabama* that the prediction of an epidemic of juvenile super predators proved erroneous. In support of the defendant Miller, they claimed that empirical research that has analyzed the increase in violent crime during the early to mid-1990s and its subsequent decline demonstrates that the juvenile super predator was a myth and the predictions of future youth violence were baseless. In *Miller*, the Supreme Court struck down mandatory life sentences without parole for children, declaring that they violated the protections of the eighth amendment against cruel and unusual punishment. However, the damage of this myth resulted in a superabundance of misplaced Black Juveniles who are condemned to die in prison.

States still struggle with the retrospective application of life imprisonment at the height of the super predator panic. The impact of the super predator myth has led to a developing relationship between the education system and the criminal justice system. Consequently, Zero-tolerance policies were implemented in schools K-12 which applied stricter repercussions on misdemeanors relating to drugs or guns. Schools were bound by law to detain, suspend, or expel

students for specific misdemeanors and in some states they expanded that punishment to other offenses. “At the time that these mandatory expulsion laws were passed, states often added additional provisions that gave local districts the option to suspend or expel students for a variety of other offenses,” (Ed100.org, 2018). School Districts had the flexibility to enforce these policies on any infraction they found intolerable no matter how minor.

These policies were designed with the intention of reducing crime on school grounds, but instead it removed ill-behaved pupils from a learning environment and down the ‘school to prison pipeline.’. The school to prison pipeline refers to this growing pattern of tracking students out of educational institutions, primarily via “zero tolerance” policies, and tracking them directly and/or indirectly into the juvenile and adult criminal justice systems (Heitzeg, 2014). There is a noticeable racial gap among those more likely to be punished under the zero tolerance laws and thrown down the pipeline. Black students are suspended or expelled 3 times more frequently than their White peers. Underneath this regulation on juvenile justice is the demonization of youth, particularly Black youth who historically have been depicted as the destroyers of society. In a statistical report on the youth incarceration rate per 100,000 population, the incarceration rate among Black youth is 711 compared to 76 White youths in California.

Overall Condition of The Black Family

Along the historic timeline, policies have found ways to keep the Black community deprived of their rights, their resources, eventually imprisoning fathers which left one parent to be the sole provider. Additionally, with the super predator myth still lingering in the minds of society, Black children run the risk of being incarcerated as well. In 1970, about one-third of low education Black women were single parents, but the number increased to more than 50% within the next 30 Years (Western, 2009). Westerns study the structure of the Black family noting that those who are brought up by single parents are also low-income. Growing up with minimal resources also heightened a child’s risk

of academic failure, poor health, and delinquency which increases their likelihood of being thrown down the school-to-prison pipeline. With the heightened incarceration rates of single Black men followed by the stigma of a prison record, Black marriages became increasingly rare.

Conclusion

All in all, this literature explored legislative content that succeeded in criminalizing the Black community with increasing disparities being the byproduct. It explores public attitudes during the reconstruction era toward giving Black Americans basic human rights. The legal reasoning behind impactful verdicts such as the Civil Rights Act of 1875 and the Plessy v. Ferguson cases were also analyzed. These two decisions displayed the attitudes of judicial actors towards private discrimination and its consequences. It was shown that even with the abolishment of Jim Crow, laws still discovered a loophole to disproportionately target Black groups without being overtly racist. Through these laws, the racial bias can still be seen through acting officers like law enforcement. It was also shown through educational opinion that created falsified stigmas on Black children which greatly influenced the opinion of the U.S. jurisprudence. In the next segment, these policies will be analyzed using a qualitative framework known as Process-tracing.

METHODOLOGY

To provide evidence for the argument the study utilizes a qualitative research design known as Process-tracing. The PT-method draws causal mechanisms from pieces of evidence that are derived from a temporal sequence of events. The study adopted the PT framework created by Amy Lui, which are a series of steps beginning with Identifying the hypothesis. The hypothesis of this study argues:

H₁: The disparity between White and Black groups in the prison system is caused by subsequent decisions commenced by past legislative and/or judicial actors.

The disproportionate racial impact of certain laws and policies, as well as decisions made by judicial actors contributed to higher rates of incarceration in the Black community. Statutes

meant to restrict the freedoms of African Americans such as Black codes, vagrancy laws, etc. will be analyzed. It is necessary to construct a rival hypothesis for the primary hypothesis to contend against and to better determine its strength when implementing the data. The alternative hypothesis argues

H₂: The disparity in incarceration rates is due to a rise in crime in lower-income communities which happen to be predominantly African American.

The 2nd step is to Establish a timeline to narrow down the sequence of events to acquire data from 1860 to the present. Establishing a timeline is a key aspect of analysis because the collection of evidence is limited to how far back it goes. The timeline of this study starts from the Reconstruction Era in 1865 to the present. Analysis will organize the sequence of events and Construct a causal graph (3rd step) which identifies the independent variables within this time period. This creates a systematic structure of sequences that provide a clear observation on the connection between the statement and outcome. It identifies the independent variable(s) of interest which are:

H₁Independent Variable: (1)Laws, (2) Policy, (3) Judicial Decisions

H₂Independent Variable: (1) Crime (2) Low-income

H₁Dependent Variable: (1) Disparity in prison systems

H₂Dependent Variable: (1) Disparity in incarceration rates

The causal graph will be conceptualized as a series of sequences methodically organized from beginning to end (ex. Sequence no.1; Sequence no.2). Causal graphs build on the series of events that are identified in the timeline which pinpoints the hypothesized explanation and the outcome in the temporal chain.

Activities refers to action and decisions, entities discusses the actors behind the activity. So in conjunction to one another, these mechanisms must have sufficient traces that lead to the outcome (See Fig 2). Essentially this method examines whether or not the causal-inference observation (CPO) between the independent variables and outcomes that are identified through statistical methods are causal. To

Figure 2

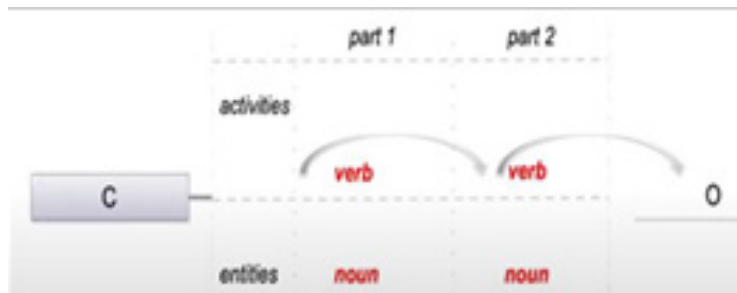


Figure 3



clarify, each sequence is broken down into parts composed of actors engaging in activity which leave sufficient traces that link it to the outcome (See Fig 3). Those observable traces are our causal mechanisms that link the independent and dependent variables together. This is what we call internal validity. External validity is also necessary for the chain of events to remain unbroken.

If there are observable traces between the independent variable and outcome form a link? If so, seeing if it extends to the next sequence would be the next observation. Would be the next question. A basic requirement for these hypotheses to be valid is that the cause and outcome actually occurred. From here it can be perceived whether the events support or weaken the hypothesis in comparison to the alternative hypothesis.

In each sequence in the causal graph, different choices could have been made which could have led to another outcome. This is the 4th step which is Identifying alternative outcomes and ensuring that these potential effects are theoretically grounded. It seeks to build a theoretical reasoning based on empirical evidence to explain how that event could have been illustrated differently. The 5th step is Identifying counterfactual outcomes which explores the possibilities of alternate outcomes. Its purpose is to consider what the aftermath would be if different decisions had been made. More concretely, this analysis develops counterfactual outcomes from African American based legislation and considers the web of new possibilities. It is imperative that these 5 steps are complete as it is an essential part of the theory testing process. It constructs the expectation researchers should encounter in the midst of their data collection.

Once the timeline, causal graphs, and theoretical expectations are established then it is satisfactory to transition to the next step, Finding the evidence for the primary hypothesis. Evidence is systematically collected in each event to prove that the action is pertinent to the primary hypothesis therefore strengthens its causality. Methodically informed specification of hypotheses is essential both in selecting and interpreting pieces of evidence, and in

weighing them against one another. According to Van Evera's table, Types of Evidence for Process-tracing, there are four types of tests all providing various forms of implications. The tests associated with process tracing can help a researcher establish that: (1) a specific event or process took place, (2) a different event or process occurred after the initial event or process, and (3) the former was a cause of the latter (Mahoney, 2012).

Straw-in-the-wind test is not sufficient criterion to accept or reject a hypothesis, and it only slightly weakens the competing hypothesis. A hoop test proposes that a given piece of evidence must be present for a hypothesis to be valid. Hoop tests do not confirm a hypothesis, but they can eliminate it. Smoking gun tests, by contrast, propose that if a given piece of evidence is present, then the hypothesis must be valid. Smoking gun tests provide sufficient but not the necessary grounds for accepting the causal mechanism. If the given hypothesis passes then it in turn will significantly weaken its rival but not eliminate it. Lastly, if a hypothesis passes the Doubly Decisive test then it meets both the sufficient and necessary standards to establish causality therefore eliminating all competing hypotheses. This excludes all other hypotheses and step 6 becomes the final one in our process-tracing efforts. Out of all the standard tests, this one provides the strongest implications requiring strong sources. Accomplishing this in a single test is rare but can be achieved through a compilation of tests (Collier, 2011). These various assessments can be used to evaluate hypotheses proposing that (1) certain specific unobserved events or processes occurred and (2) there is a causal connection between two or more events or processes.

The first kind of hypothesis involves a descriptive inference about what actually happened in the history of a given case. The second kind of hypothesis seeks to establish causality among events or processes that are believed to have occurred within a given case. During data collection it is imperative that be aware of the type of evidence collected and establish whether they weaken or support the

overall claims. The last step is to Find evidence for the rival hypothesis which is similar to the 5th but now focusing on the alternative outcomes. Although researchers prefer to look for opportunities to discard the competing explanation, it is important to also acknowledge evidence that corroborates it. In conclusion, the PT method uses detailed pieces of evidence to eliminate variables and strengthen a hypothesis against another. If applied correctly, it can serve as a reliable tool for hypothesis testing. Out of all of the standard tests, the doubly decisive will be primarily used to test the hypothesis.

RESULTS

Sequence NO. 1: 13 Amendments - 1865

With the first 3 steps completed, I will commence with the 4th step- Identifying an alternative choice to Sequence NO. 1. With rational assumption, an alternative outcome could be the 13th would be terminated instead of ratified thus the slavery system would not reach abolishment in 1865. Before the 13th, codified laws known as Black codes dictated the status and purpose of Black Americans in the U.S.. Black codes were what the chattel slavery system enforced to regulate slaveholders as well as the slaves. The framers made the laws for securing slave property and policing the colored population as stringent and thorough as possible. These laws left an almost irreducible minimum of rights and privileges to those whose function and place were declared to be of service and subordination (Vaughn 1946). The amendment served as a legal tool to eliminate the chattel slavery system by nullifying Black codes that enabled chattel regulation. Looking within the restrictions of constitutional law, the only plausible alternative is the 13th's termination .

With the alternate choice decided I will begin identifying the potential outcome which fulfills the 5th step: Identifying the counterfactual outcomes. To begin speculations it is important to note the slavery systems role in the U.S. economy. Fellow researchers concluded that enslavement served as a prime monetary instrument that financed state treasuries especially in the antebellum South. To the very end Southern plantation enterprise

was expanding in response to the growing international demand for its produce. The slave masters who were its principal beneficiaries were entrepreneurs who sought to maximize profit, who amassed and invested capital (Scott 2015). From an economic perspective slaves were seen personal property which could be inherited, expropriated to pay a debt or used for profit.

States maneuvered vagrant laws and convict leasing as an urgent attempt to reclaim profits which instituted the connection between prison and Black Americans. In a real sense, the convict lease system was a functional replacement for slavery; it provided an economic source of cheap labor and a political means to re-establish White supremacy in the South (Scott 1976). Vagrant laws were designed to prevent Blacks from being out of the labor force effectively branding unemployment as a crime. So what would be the probable outcome to the slavery system remaining in place? I presume that if the slavery system escaped termination the link between Blacks and prison would not have been created at this point. Without the 13th, the state sustains their revenue thus vagrant laws and convict leasing would cease as purposeful tools.

In step 6, I will collect evidence and test it against the hypothesis to determine its plausibility. The independent variables in H_1 are (1)law, (2) policy, (3) judicial opinion. One of these variables must be present within the observable traces (activities + entities) in order to hold relevance. I will conduct a doubly decisive test to determine rationality of the hypothesis. If it passes, the rival hypothesis is automatically eliminated. If its relevance isn't proven, I will then test the rival hypothesis. First causal links observed in this sequence are the adjusted vagrancy laws post 13th. There is a noticeable shift in the qualifications of vagrancy specifically on how it was enforced by local law enforcement. Initially, not having or failing to abide by the terms of the annual labor contract were sufficient grounds for incarceration for both free and enslaved Black individuals. Following the 13th, data showed policing becoming more aggressive, incarcerating them for walking at night or even walking without a purpose. As punishment, they were expected

to carry out a contract while incarcerated which consequently increased the amount of inmates in prison.

The second causal link was the increase in convict leasing among private contractors. These contractors were privately owned mine, railroad, field plantations. Again, plantation owners profited greatly from the slavery system and by association so did States. And so both parties suffered a huge loss in revenue following the abolishment. So in totality, the aggressive policing of Black Americans in regards to vagrancy lead to a surplus of inmates which are linked to the increase of private contracts in the prison system. For the actions in this sequence I have the stronger enforcement of vagrancy laws (1) and increase of convict leasing to private business (2). The entities behind these actions are; state legislators (1), law enforcement (2), and private contractors (3). With the evidence laid out, I can clearly see variables 1, 2, and 3 in my causal links. Therefore H_1 passes the Doubly decisive test and as a result H_2 is eliminated and I do not need to proceed with Step 6.

Sequence NO. 2: Civil Rights Act - 1875

Step 4: Alternate Choice

According to the literature, The 13th succeeded in the abolition of slavery, but did not succeed in guaranteeing the rights of Black Americans. After Reconstruction, scholars, policymakers, and reformers analyzed the disparate rates of Black incarceration in the North as empirical “proof” of the “criminal nature” of Black Americans. Higher rates of imprisonment of Black people in both the North and South deeply informed ongoing national debates

about racial differences (Hinton, 2018). It stated that “Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted shall exist within the United States.” The framing of this law allowed for the criminalization of Blacks which recreated the antebellum labor market. In conjunction to the 14th and 15th amendment the Civil Rights Act was also passed in response to this loophole. The statute stated that “That all persons within the jurisdiction of the United States shall be entitled to the full

and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theatres, and other places of public amusement, subject only to the conditions and limitations established by law and applicable alike to citizens of every race and color, regardless of any previous condition of servitude.” There were also punitive fines of \$500-\$1000 and a maximum of a year in prison.

Opposition from the masses were clear as they refused to cooperate and with little reinforcement from the states meant that the statute had no real impact. The most common objection was that the Act was not constitutional but rather a regulation on the private social relations and feelings of the people (Wyatt 1965). The was affirmed in the Civil Rights Case of 1883 where the supreme court reasoned that 13th and 14th Amendments did not empower Congress to outlaw racial discrimination by private individuals (Civil Rights Cases, 109 U.S. 3, 1883). As a result the Act was terminated. Looking at the data, a plausible alternate choice would be that the supreme court sustains the Civil Rights Act of 1875.

Step 5: Counterfactual Outcome

Examining the causal links in Sequence NO.1, it was established that the notable increase in the enforcement of vagrancy laws showed some correlation to the increase of Blacks in prison. States and plantation owners in the South successfully bypassed the 13th only to be met with another economic obstacle that stops their revenue for a second time. In this instance, if the act were to be sustained rather than terminated it would have been met by a lot of opposition. I presume that Southern states would have attempted to separate themselves from the U.S.. Nonconforming states had already expressed their lack of cooperation and the public claimed that private rights were being violated. It would start first with protest, an uprising, then eventually a confrontation similar to the American Civil war.

Step 6: Test Primary Hypothesis

The first causal link observed in this sequence is the state’s response to the Civil rights Act. Without regulation from the rebellious states, the masses did not feel enforced to abide by this statute thus were able to disregard it without

repercussion. Given the dominant public opinion in the mid during this time, it would be easy to deem racial separation a valid exercise of the state's power to promote health, safety, and morals (Klarman 2006). Without support from the states, there was little room for federal powers to convince the public to abide by the law. Consequently, the statute was eliminated in 1883 dealing a huge blow to the rights of African Americans.

The second causal link is the supreme court decision and opinions of the Civil Case of 1883. Looking at the consenting opinion, Supreme Court Justice Bradely reasoned that federal powers' only goal was to eliminate the enslavement of African Americans and not to ban racial prejudice in private business. It is arguable that state action can be extended to private discrimination as the State can take legal action upon citizens when discriminating in public areas regulated by the state. The legal attitudes towards all of the combined civil cases demonstrates leniency towards the discriminatory acts against Black Americans in a way that reinforces the racial hierarchy. This essentially allowed plantation owners to continue leasing convicts from the state at a high volume. Thus to meet demand, States will continue to crack down on vagrants at an augmented rate. In Supreme

court Justice Harlan argued that the statute did not assume to define the general conditions and limitations under which private businesses may be conducted. It only declared that such conditions and limitations, whatever they may be, shall not be applied so as to work a discrimination solely because of race or color. The actions of this sequence are; poor regulation of statute (1), termination of statute (2), and the dissenting and consenting opinion (3). The entities behind these actions are state actors (1), and judicial actors (2) (3). Based on these findings I can conclude this hypothesis carries sufficient sources to pass the doubly decisive test and the rival is eliminated.

Sequence NO. 3: Plessy v. Ferguson (1896)

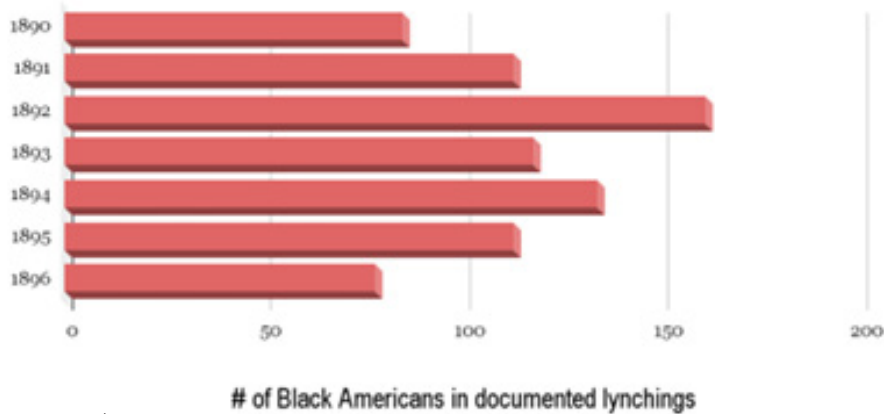
Step 4: Alternate Choice:

Following the verdict of the civil rights cases, states slowly incorporated the 'separate but equal' doctrine starting with assigned accommodations in public transportation. In 1890 , the Louisiana legislature passed a law requiring railroads to provide "equal but separate" accommodations for Black passengers (Klarman 2006). This prompted the Plessy v. Ferguson case where the Supreme courts considered whether the state-imposed racial segregation was constitutional to which they discerned that it was. I presume that the supreme courts deeming racial segregation as unconstitutional as an alternate choice.

Figure 4

Mass lynchings by White American 1890-1896

Figure 4



Source: *Loc.gov/African American Perspectives*

Step 5: Counterfactual outcomes

Homer Plessy was arrested for violating the public transportation law to segregate by race in the State of Louisiana. The railroad officials arranged for the arrest because they surmised once the train left the station Plessy was going to be attacked. They claimed that he would have been beaten and tossed out of the train, leaving nothing to arrest (Klarman 2006). This level of violence was prominent when Black individuals were spotted in acclaimed White spaces. Looking at the data, there were consistent mass lynchings in the 1890's displaying an ongoing trend in White communities (See figure 4). The general sentiment of White farmers made it clear that there was resentment towards Black communities after suffering an economic loss after the end of slavery. I surmise that there could have been an increase of racially motivated attacks and murders in response to Plessy winning the case.

Step 6: Test Primary Hypothesis

The first causal link is the judicial discernment of this case. There were several factors they had to consider first whether the state had the right to pass race-related legislation. The answer would impact a similar battle of whether it was constitutional to enforce segregation in public schools. The Courts also considered the issue of disenfranchising Blacks especially in the South who already posed a series of challenges (Klarman, 2006). There was also the contradictory pattern between the statutes and court decisions. For example in the *Strauder v. West Virginia* (1880), it was ruled that excluding Black citizens from participating in jury duty was discriminatory. Yet in the same breath demanding distinct proof of the injustice which was hard to submit in state regulated proceedings. The courts concluded that "separate but equal" facilities satisfy Fourteenth Amendment guarantees, thus giving legal sanction to Jim Crow segregation laws. Respecting commerce wholly within a State, and not interfering with commerce between the States, means there is no violation of the commerce clause of the Federal Constitution. Legislation is powerless to eradicate racial instincts or to abolish distinctions based upon physical differences, and the attempt to do so

can only result in accentuating the difficulties of the present situation (*Plessy v. Ferguson*, 163 U.S. 537 (1896)).

The second causal link was the state's response to the verdict. Soon segregation was mandated by statutes in many states and influenced many institutions such as; public transportations, schools, hospitals and amusement areas meant for public consumption. Poll taxes and literacy tests were heavily enforced by states to suppress any Black voting not deterred by mass lynching transpiring during that time. The actions of this sequence were the acceptance of the separate but equal doctrine (1), Jim Crow law mandated in majority of states (2), mass lynching (3). The actors behind these endeavors are; judges (1), state legislators (2), White farmers (3). Based on these findings, this sequence meets the requirements of the Doubly Decisive test therefore passes and eliminates its rival.

Sequence NO. 4: Redlining (1930)

Step 4: Alternate Outcome

Residential segregation was not instantaneous. American industrialization created a new demand for labor thus African Americans migrated north for work. Sudden increase of Black in White spaces created an incentive for separation thus the redlining model was created. This pushed African Americans from predominantly White areas into concentrated areas marked for Blacks. When the Home Owners' Loan Corporation enacted the practice of redlining in the 1930s, many U.S. cities were racially segregated and it was not uncommon for neighborhoods to consist predominantly of Black families or predominantly of White families (Anderson 2020). An alternative outcome to this would be that the redlining method did not exist.

Step 5: Counterfactual Outcomes

Whites transitioned to using more institutionalized methods to fight the expansion of the African American enclaves, such as collective neighborhood action, and racially discriminatory covenants and real estate practices. In many areas, neighborhood improvement associations organized to prevent African Americans from entering White communities (Trifun, 2009). Without the redlining methods

to establish separation, Whites are left with no solution to deal with Black migration. In this instance, I predict that White citizens would take personal action and orchestrate attacks against Black households.

Step 6: Test Primary Hypothesis

The 1930s-era housing policy that effectively blocked Black families from obtaining loans continued to widen the wealth gap. Homeowners in redlined neighborhoods have earned 52% less in home equity than those in green-lined areas over the last 40 years (Anderson 2020). The causal link in this sequence is the governments' response to the housing crisis in the Great Depression. There were many Black and White families alike that had lost their jobs and homes, so much that it compelled the government to intervene. Congress passed the United States Housing Act of 1937, which authorized the construction of low-income public housing. Public housing provided families with new apartments, running water, and additional bedrooms. However, some of the projects were built on toxic sites and others eventually ushered in class segregation and reinforced existing racial segregation (Mendenhall 2010). Local real estate boards also encouraged the use of restrictive covenants, and threatened to discipline agents whose practices contravened the preservation of segregated communities. The Federal Housing Administration's mortgage finance policies further institutionalized residential segregation practices by encouraging the use of restrictive covenants to preserve the value of neighborhood property values until 1950. By the time these policies were abolished in 1964, there had already been 40 years of redlining and attacks in ghettos teeming with Black citizens deprived of basic resources and opportunities. Policing was used to keep Blacks in ghettos and maintain social dominance among the White class (Robinson, 2015). The actions of this sequence were the Housing Act 1937 (1) and housing finance policy (2). The entities behind these decisions were the Federal government (1), Federal Housing Administration (2). Looking at these mechanisms this sequence, my law and policy variable of the primary hypothesis is prevalent thus passes the

doubly decisive test.

Sequence NO. 5: Tough-on-Crime Policy (1970)

Step 4: Alternate Choice

In the 1970s, observers of the American judicial system were increasingly concerned with the widespread disparity in sentencing (Vagin2006). Black people had the highest rate of arrest for the crimes of murder, robbery, and rape; crimes that also had the lowest percentage of arrestees who were eventually convicted. Statistical data on arrest rates deepened federal policymakers' racialized perception of the problem, informing crime control strategies that intensified law enforcement in low-income communities (Hinton 2018). The tough-on-crime policy implemented aggressive prosecution and parole boards, longer prison sentencing, and more facilitation of the search and seizure clause. In deliberating my alternative, I felt it necessary to think of a reality where the tough-on-crime policy had never existed. I surmise that the War on Drugs movement would not have been implemented therefore the link between Blacks and crime would not have been created in this sequence.

Step 5: Counterfactual outcome

Extensive criminal justice system involvement of Black people was driven by over policing which led to more arrests for Black people. Bias by criminal justice system actors resulted in more convictions; and structural inequality which surrounds Black people with the drivers of criminal behavior (Hinton 2018). Without the T.O.C policies to lay precedent for the War on Drugs movement, a number of effects become possible for the Black community. Firstly, without the War on Drugs movement the excessive policing in Black communities would not persist. Many drug-related policies like mandatory minimum, hot-spot policing, and drug-free zone laws, were the links that brought law enforcement into Black neighborhoods. Without these laws to enforce would also impact the incarceration rate or in this case not impact it much. That being said, the incarceration rate remaining stagnant instead of surging is also a possible outcome. I would assume without over

policing and mass incarceration transpiring, Black communities would have a larger collective work force. Giving them an opportunity for economic recovery, something they were deprived of when the Housing Act of 1937 was passed.

Step 6: Testing Primary Hypothesis

The causal link in this sequence is the implementation of drug laws in Black and White communities. Black ghettos were severely impoverished and recovering from the damages the Housing Act of 1937 dealt to the community which was officially abolished in 1965. Arrest rates for federal drug offenses climbed in the 1970s, and mandatory prison time for these offenses became more common in the 1980s. In 1986, before the enactment of federal mandatory minimum sentencing for crack cocaine offenses, the average federal drug sentence for African Americans was 11% higher than for Whites. Four years later, the average federal drug sentence for African Americans was 49% higher (Vagins 2006). Research deduced that cocaine was prevalent in White communities while its lesser form, crack-cocaine, was found in Black communities. More deeply, punishment for possessing crack-cocaine carried a harsher sentence than having cocaine. In fact, to have similar sentences a person would have to possess about 500 grams of cocaine to another's 5 grams of crack, a 100:1 ratio (Vagins 2006).

Mandatory prison sentences, intensified enforcement of drug laws, and long sentences contributed not only to overall high rates of incarceration but also especially to extraordinary rates of incarceration in Black communities (Perry, 2018). Researchers attempt to explain the incentive that drove law enforcement to regulate Black spaces more than White. Robinson reasoned that dominant-group attitudes toward other racial groups are shaped by a sense of superiority over racial others. Therefore, this air of superiority is what gives policemen the authority to police Blacks in an effort to protect the dominant-class (Robinson, 2015). Even with the 13th amendment, abolishment of Jim Crow, Civil Rights Act of 1964, there are still methods to enforce the 'second class' dynamic between Whites and Blacks. The actions in this link are the

passing of drug laws (1), aggressive patrolling (2), and stringent court proceedings (3). The entities behind these actions are the federal government (1), law enforcement (2), and judicial system (3). Looking at these mechanisms I can identify law, policy, and judicial actors in this sequence therefore passes the doubly decisive test.

Sequence NO. 6: Super Predator Myth (1990)

Step 4: Alternate choice

Looking at the data, the super predator myth provided legislators with the incentive to transfer juvenile cases to adult courtrooms to be persecuted. The portrayal of juvenile offenders as irredeemable and lacking empathy left the impression that juvenile courts could not effectively rehabilitate youthful offenders (Greene, 2013). Thus the decision was made to detain underage youth in adult prison regimes. I presume that these juvenile cases could have been evaluated by child psychologists rather than being escalated to adult level prisons. Black youth were depicted as entities that lacked a sense of reason and empathy, an assessment made in regards to their psychological state. John J. Dilulio carried credentials in political science, public policy, and economics whereas his counterpart James Fox had credentials in criminology, law and public policy. Neither carry credentials in clinic psychology to discern whether an individual is capable of empathy thus making an assumption out of their field of expertise. These assumptions should have been evaluated by certified psychiatric personnel that could have provided an accurate diagnosis for these children.

Step 5: Counterfactual outcome

The concern of crime not only impacted attitudes in the criminal justice system but also in education. Zero-tolerance policies were enforced which dealt harsher punishment to adolescence, increasing the likelihood of suspension and/or expulsion. The by-product of these policies were the school-to-prison pipeline, and the broken window theory. The school to prison pipeline is a consequence of schools that criminalize minor disciplinary infractions via zero tolerance policies, have a police presence at the school, and rely on suspensions and expulsions for minor infractions

(Heitzeg, 2014). The broken windows theory stressed the importance of cracking down on small offenses as both a deterrent measure and in response to the public's fear of super predators. In schools, it translated into more suspensions for offenses that previously hadn't warranted them — talking back to teachers, skipping class, or being otherwise disobedient or disruptive.

If psychiatric personnel tested the theory of Black children having an affinity for crime during the start of the super predator myth, the theory would have been debunked. I presume that if psychological experts immediately debunked the super predator theory, the link between the criminal justice system and educational institutions would have been created at this point. There would have been less police intervention and the rate of juvenile cases would have remained stable as it was before the myth was born. The economic plight of many urban Black juveniles, who saw no other satisfactory route to economic sustenance, made them particularly vulnerable to the lure of employment in the crack market (Blumstein, 2002). At this point in time, Black inner cities are severely impoverished, there are more single parent homes with single mothers assuming the role as the sole provider.

Step 6: Primary Hypothesis

The first causal link in this sequence was the

reaction from state and federal actors. Statistics were compiled to trace the homicidal and robbery rates from 1970-2000. Murder peaked in 1980 with 10.2 murders per 100,000 population, and by 1985 it had fallen to 7.9 (See figure 5). It then climbed a full 24% to reach a peak of 9.8 in 1991, and has been declining markedly since then, reaching 5.5 in 2000. The last change represents a drop of 44% since 1991, to a level that is lower than any annual rate since 1965 (Blumstein, 2002).

Despite these statistics revealing relatively stable rates, state legislatures felt obligated to respond to the super predator theory. This led nearly every state to passing legislation between 1992 and 1999 that dramatically increased the treatment of juveniles as adults for purposes of sentencing and punishment. Federal and state legislators have sought to impose stiffer penalties on youth who are found guilty of violent crimes, by mandating, for instance, that juveniles who commit violent crimes be tried in adult court rather than juvenile court (Blumstein, 2002). In a statistical report on the youth incarceration rate per 100,000 population, the incarceration rate among Black youth is 711 compared to 76 White youths in California. Despite long-term declines in youth incarceration, the disparity between Black and White youth held in juvenile facilities

Figure 5



has grown; Black youth are more than four times as likely to be detained or committed in juvenile facilities as their White peers (Rovner, 2021).

The second causal link is the shift in judicial attitudes when reviewing juvenile cases. Zero-tolerance policies broadened the range of offenses that made juveniles eligible to be transferred to adult courts. In *State of Connecticut v. Belcher*, 14 year old Keith Belcher was sentenced to 60 year in prison for robbery and sexual assault. The trial court's determination that the defendant was not amenable to treatment was made for the sole purpose of determining whether the juvenile system could adequately treat and rehabilitate him. In the end they determined evidence indicated that it could not, thus the trial court transferred the defendant to the regular criminal docket of the Superior Court (e.g. *STATE of Connecticut v. Keith BELCHER No.18053*). In the perspective of the courts, Belcher matched the criteria of a super-predator simply for being a Black adolescent, which automatically qualified him to be tried as an adult. The court concurred that Mr. Belcher was a charter member of that (super predator) group as he had no fears of the pains of imprisonment; did he suffer from the pangs of conscience. It was later revealed by the State of Connecticut Judicial Branch that the defendant established that the sentencing court substantially relied on materially false information in imposing his sentence. Specifically, on the court's view that the defendant was a "charter member" of a mythical group of teenage "super predators." Therefore, we conclude that the trial court abused its discretion in denying the defendant's motion to correct. The proceedings in this case reflect how trial juries and sentencing judges relocated juvenile cases to adult regimes on the basis of an ill-founded theory. Third causal link is the shift in disciplinary policies in schools. The zero-tolerance policy has increased the risk of students being suspended, expelled, and/or arrested at school. These policies, in combination with the aforementioned factors, provide the direct mechanism by which students are removed from school by suspension/expulsion, pushed toward dropping out, charged in juvenile court, and routed into the prison pipeline. The school

to prison pipeline disproportionately impacts the poor, students with disabilities, and youth of color, especially African Americans, who are suspended and expelled at the highest rates, despite comparable rates of infractions (Heitzeg 2014). The actions identified are expansion of offenses applicable for juveniles(1), inflexible attitudes in judicial proceedings(2), harsher school policy (3). The entities behind these actions are state legislators (1), federal legislature (2), judicial personnel (3). With my mechanisms broken down into parts I can identify my variables in my primary hypothesis. Therefore the primary hypothesis passes the Doubly Decisive test and eliminates the rival.

Sequence NO. 7: Black Family (2010)

Step 4: Alternate Outcome

The economic plight of many urban Black juveniles, who saw no other satisfactory route to economic sustenance, made them particularly vulnerable to the lure of employment in the crack market (Blumstein, 2002). At this point in time, Black inner cities are severely impoverished, there are more single parent homes with single mothers assuming the role as the sole provider. The drug selling market became a source of economic opportunities in the impoverished ghettos where opportunities are severely lacking. A plausible outcome is for the state to create more jobs by building new venues in inner-cities. Based on this research, Black individuals partake in legal activity for economic gains that are not provided in their neighborhoods.

Step 5: Counterfactual Outcome

With such high incarceration rates for Black men, women are often left to raise children alone while their partners cycle in and out of jail and prisons, increasing the number of households within communities of color headed by women and single parents or individual family members (Hinton, 2018). Researchers explain that this behavior is more than parent-child separation but rather the family's economic circumstances. The incarceration of a father, even romantically involved, often leads to decreases in household resources. Wages in prison work is insufficient and returning offenders are often unable to find work to cover their families cost of living (Geller,

2012). Children can feel the strain of having a single parent which causes them to lash out, making them more likely to be targeted by the school-to-prison pipeline. If there are more job opportunities in the inner cities, the outcome could result in more money being put into Black homes which would recover Black communities. It can also deter Black individuals from partaking in illegal activities in order to meet financial needs. After decades of being redlined in impoverished ghettos, isolated from new opportunities it is the state's obligation to provide access for them.

Step 6: Test Primary Hypothesis

The causal link in this sequence is government attitudes towards release prisoners with drug felonies. The United States has a history of subjugating the Black community starting with oppressive laws during the slavery era, continuing with exclusionary tactics during the Jim Crow era, resulting in divisive methods in the War on Drugs era which dismantled many Black families. Systemic racism is evident at every stage of the legal process, from policing to prosecutorial decisions, pretrial release processes, sentencing,

correctional discipline, and even reentry (Sawyer 2020). Black parolees have a difficult time reintegrating back into society due to the limitations placed on them as former convicts.

CONCLUSION

In conclusion, the primary hypothesis was shown to have more recurring mechanisms in each sequence thus the rival hypothesis is shown to have little causation. More research needs to be done to interpret the implications of these findings. But without a doubt, my findings imply that the variables; law, policy, and judicial opinion have stronger causation to the prison disparity than rise in crime. We saw in the literature how each sequence shares external validity, that is, a distinguishable link that bound each event to the next. Due to the process-tracing, I was able to examine the potential possibilities in each sequence and how it would have provided an alternate outlook. It aided in my realization that the decisions that were made in real time in each of these events all have causal inferences that link to another in a never ending chain

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