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# From the Philadelphia Negro to the Prison Industrial Complex: Crime and the Marginalization of African American Males in Contemporary America

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Owen Brown

**ABSTRACT:** Slavery in the Atlantic world represents the first instance of the mass incarceration of African Americans. The geoculture of historical capital justified Black Americans' slavery and the subsequent subordination of this group with the empirical knowledge produced by the birth of the social sciences in the nineteenth century. Historically, the American state and its monopoly over the use of violence played important roles in enforcing the cultural, social, and legal structures used to perpetuate Blacks' marginalization and disenfranchisement. These structures were consequential in regard to Black males' life chances and their positions in America's racial and occupational structures. W. E. B. Du Bois, an unacknowledged founder of the discipline of sociology, utilized all the tools of the sociological discipline to delineate the life chances of African Americans in his classic book *The Philadelphia Negro: A Social Study*.

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Therefore, this paper seeks to draw parallels between Black male Philadelphians in the late 19th century and the experiences of contemporary African American males nationwide.

## INTRODUCTION

Since the Africanization of slavery, most Black males have occupied subordinate positions in America's racial and occupational structures (Gossett, 1963; Roosens, 1989; Steinberg, 1999; Klein & Vinson III, 2007; Benjamin, 2009). The Africanization of slavery began with the enslavement and introduction of people of African descent to the capitalist plantation complexes in the Atlantic world. The wealth created by the enslaved African workforce provided the profits that financed the expansion and economic hegemony of the Capitalist World Economy theorized by Immanuel Wallerstein (Wallerstein, 1974; Rodney, 1973; Steinberg, 1999; Genovese, 1988; Curtin, 2006). The geoculture that accompanied capital and its historical agents' exploitation successfully propagated the erroneous notion that Blacks were the only people to be enslaved in human history, thereby justifying the subordination of Black males in America's racial and occupational structures (Du Bois, 1992; Gossett, 1963; Genovese, 1988; Steinberg, 1999).

Indeed, from slavery to the post-Civil Rights era, African American males' positions in America's societal hierarchy have remained surprisingly consistent.<sup>1</sup> Specifically, during slavery, they were mostly designated chattel, but the Civil War changed their status to freedmen. W. E. B. Du Bois captured the fugacious nature of this period of transition when he wrote, "The slave went free, stood a brief moment in the sun, then moved back again toward slavery" (Du Bois, 1935/1992, p. 30). Black Codes and eventually Jim Crow laws effectively redisenfranchised African Americans, while the sharecropping and the debt peonage system effectively tied them back to the exploitative system of capitalist agriculture in the post-Civil War South (Hill, 1972; Marable, 1983; Wallerstein, 1984; Steinberg, 1999).<sup>2</sup> Moreover, the popularity and effectiveness of the convict lease system, in robbing African American males of their freedom of movement while providing Whites with the legal mechanisms to reassert their control over the bodies of newly emancipated slaves, arguably represents the precursor of the modern day prison industrial complex.

Not surprisingly, a cursory review of the literature regarding African American experiences from Black Reconstruction to the post-Civil Rights era is consistently characterized by the legacy of disenfranchisement and marginalization of Black men (Meier & Rudwick, 1970; Trelease, 1971; Marable, 1983; Dailey, 2009).

From the convict lease system to the school-to-prison pipeline, the politics and life chances of large numbers of African American males are dominated by criminality, marginalization, and supervision by the American state.<sup>3</sup>

Indeed, the use of the criminal justice system in the forms of Black Codes, convict leases, and the debt peonage systems was congruent with turning back the hands of time, thereby perpetuating Blacks' marginalization and legal subordination. As convicts, Blacks were now obliged to labor for their new employers, during the period after the Civil War, on work gangs without the legal protections of the Thirteenth Amendment (Marable, 1983, p. 111). Historically, this pattern of legal exclusion and marginalization of Blacks was reflected by the passages of the Fugitive Slave Acts, Jim Crow Laws, and the war on drugs. In the post-Civil Rights period, federal and states' legislations attached to the war on drugs, while framed in non-racial languages, reduced Black men to fodder for the American prison industrial complex. As such, the author delineates the legal mechanisms used to maintain Black males' subordination, thereby perpetuating White supremacy.

First, the principal purpose of this paper is to demonstrate that the American criminal justice system, of which the prison industrial complex is a major part, is deliberately designed to reinforce the subordination of African Americans, in general, and Black males, in particular. The latter is not limited to contemporary American society because slavery constituted the first successful attempt to incarcerate and control the bodies of Blacks. In order to delineate my principal argument that the legal mechanisms of the American state have always served as effective instruments for ensuring the subordination of Black males, it is necessary to utilize W. E. B. Du Bois's (1899/1967) analysis of criminality among African American males in nineteenth-century Philadelphia. Therefore, in the first section of this article, a critique of chapter thirteen ("The Negro Criminal") in *The Philadelphia Negro: A Social Study* is put forth and Du Bois's usage of the now largely forgotten *Submerged Tenth* and the main motifs he uses to advance his arguments constitute its main foci. Second, my exposition delineates the contemporary situations of Black males in the American prison industrial complex and draws parallels between them and the plight of Black Philadelphians that served as the subjects for Du Bois's *Social Study*. Equally important, the role of the war on drugs in fueling the explosive growth of Black male prisoners is addressed.

Section three provides a cursory account of the ideological mechanism and the epistemological foundation on which the mass incarceration of African American males are based. As such, my analysis examines the links between the geoculture of historical capital, inequality, and the legal and economic

mechanisms used to maintain and perpetuate a large number of Black American males' marginalization and exclusion from the American mainstream. Finally, this essay concludes with an exposition of the relevance of Du Bois's analysis to the contemporary experiences of African American males and argues that since their introduction into America's political economy, Black males have been polemicized as licentious, based on the color of their skins distilled through the problematic concept of race (Rustin, 1970; Ringer & Lawless, 1989; Gans, 1995; Harper, 2009). Historically, this has meant that the potential of a large number of African American males goes unrealized.

### DU BOIS AND THE PHILADELPHIA NEGRO: A CRITICAL ANALYSIS OF RACE AND CRIME

W. E. B. Du Bois, one of America's intellectual giants and an unacknowledged founder of sociology, published the first definitive study of African Americans in Philadelphia in 1899. Du Bois's *The Philadelphia Negro: A Social Study* was the product of the New Social Sciences and Settlement House movements, both of which developed in this country during the closing decades of the nineteenth century (Baltzell, 1899/1967, p. xvi). Susan P. Wharton, a member of one of Philadelphia's oldest and most prominent Quaker families, was the force behind Du Bois's ethnographic study. Wharton was a member of the Executive Committee of the Philadelphia College Settlement and her interest in the problems confronting Black Philadelphians culminated in Du Bois's classical canon in the discipline of sociology.

Du Bois's methodological approach to the study of Black Philadelphians was greatly influenced by his experiences at the University of Berlin and by the scholarship of pioneers in analytical and statistical inquiries, such as Max Weber, Francis Galton, Charles Booth, and Albert Bushnell Hart. In Du Bois's (1935/1992) words,

I was determined to put science into sociology through a study of the condition and problems of my own group. I was going to study the facts, any and all facts, concerning the American Negro and his plight, and by measurement and comparison and research, work up to any valid generalization which I could. (p. 51)

*The Philadelphia Negro* reflected Du Bois's commitment to methodological rigor and quantitative empiricism as modes of social inquiry and induction, decades before the Chicago and Columbia schools of sociology's adherence to these principles as the bases for sound scholarly inquiry (Katznelson, 1997).

Du Bois's approach influenced generations of scholars who examined the African American experience. Du Bois's influence is reflected in works such as the classic *Black Metropolis* by Horace Cayton and St. Clair Drake, the family studies of E. Franklin Frazier and Patrick Moynihan, and it served as a model for the highly regarded *An American Dilemma* by Gunnar Myrdal (Wilson et al., 1996, p. 80). Indeed, Du Bois's methodology in *The Philadelphia Negro* and his chapter on "Negro Criminality" are most instructive in regard to an effective approach toward better understanding the plight of African American males caught up in the matrix of America's school-to-prison pipeline.

In chapter thirteen of *The Philadelphia Negro*, Du Bois addresses the issue of criminality among the Black residents of the city. The spatial boundary of his study is the Seventh Ward, the physical boundaries of which extend from South Seventh Street to the Schuylkill River and from Spruce Street to South Street. During the period under investigation, the Seventh Ward was a historic center of the Negro population and contained a fifth of all the Negroes in Philadelphia (DuBois, 1899/1967, p. 1). Chronologically, his study divides Negro criminality into three periods: the colonial, the antebellum, and the post-antebellum periods.

In the colonial period, Du Bois focuses on Whites' usage of legal mechanisms to control the movements and bodies of Blacks imported to the American colonies (Du Bois, 1899/1967; Steinberg, 1999). For example, in colonial Philadelphia, Du Bois (1899/1967) observed authorities approving a legal ordinance forbidding the "tumultuous gathering of the Negroes of the towne of Philadelphia, on the first days of the weeke" (p. 235). Violations of this ordinance were punishable by arrest and corporal punishment (p. 235). The use of laws to perpetuate the subordination of Blacks continued with the formal creation of the American union (Du Bois, p. 238).

The Declaration of Independence relegated most African Americans to the legal status of 3/5 human beings and the Emancipation Proclamation marked the beginning of the ebbs and flows of imprisonment as an efficacious tool for reinforcing Whites' control over the movements and bodies of Black Americans. Here again, Du Bois provides an effective analytical lens through which to better understand this phenomenon when he wrote in *The Philadelphia Negro*, "It must be remembered that the discrimination against the Negro was much greater then than now: he was arrested for less cause and given longer sentences than whites" (p. 239).

In the antebellum period, African Americans, as a percentage of the population, were incarcerated at a greater rate than their White counterparts. In Du Bois's (1899/1967) statistics of prisoners in Moyamensing Prison, Blacks, in general, and Black males, in particular, were disproportionately incarcerated at higher rates than

their presence in Philadelphia's total population (p. 239).<sup>4</sup> Based on DuBois's calculations, from 1836 to 1845, although Blacks constituted little more than 7 percent of Philadelphia's population, they represented almost 50 percent of Moyamensing Prison (p. 239). Moreover, from 1846 to 1855, while Blacks constituted almost 5 percent of Philadelphia's population, they were again over-represented in Moyamensing Prison at a rate of 32 percent (p. 239).

As a percentage of Philadelphia's population, Blacks were incarcerated at more than six times the rate of their total population. DuBois's calculations demonstrate that between 1836 and 1855, the incarceration rate of African Americans in the City of Philadelphia's Moyamensing Prison was 40.15 percent. The vast majority of these prisoners were African American males. Du Bois's observations regarding glaring inequities in incarceration rates based on race in Philadelphia's prisons were not limited to Moyamensing. He also observed inequities in incarceration and conviction rates at Philadelphia's Eastern Penitentiary, as well. Specifically, he writes that:

... of the 737 Negroes committed for trial in six months of the year 1837, it is stated that only 123 were actually brought to trial; of the prisoners in the Eastern Penitentiary, 1829 to 1846, 14 per cent of the whites were pardoned and 2 per cent of the Negroes. All these considerations increase the statistics to the disfavor of the Negroes. (1899/1967, p. 239)

Du Bois also provides us with the types of crime that were committed during the antebellum period by Blacks and Whites (p. 240).

In the post-antebellum period, the population of male prisoners experienced its ebbs and flows. In order to illustrate this point, Du Bois provides us with the number of individuals arrested in Philadelphia and warehoused in the Eastern Penitentiary from 1885 to 1895 (1899/1967, p. 247). These individuals were perpetrators of serious crimes. And while over this period of time Blacks constituted 4 percent of Philadelphia's population, they committed 18.25 percent of the crimes in the city (p. 247).

DuBois's explanations for Negro criminality are framed in the contexts of environment, class, and race. First, Du Bois (1899/1967) argues that a major factor driving Negro criminality in Philadelphia was the inability of Black southern migrants to adjust to urban life. To support his argument he writes,

Crime is a phenomenon of organized social life, and is the open rebellion of an individual against his social environment. Naturally then, if men are suddenly transported from one environment to another, the result is lack of harmony with the new physical surroundings leading to disease and

death or modification of physique; lacking of harmony with social surroundings leading to crime. (p. 235)

Du Bois continues by writing, "After the war [Civil War] immigration to the city increased and the stress of hard times bore heavily on the lower classes. Complaints of petty thefts and murderous assaults on peaceable citizens now began to increase, and in numbers of cases they were traced to Negroes" (p. 237). While Du Bois meticulously chronicles the extent of Blacks' involvements in crime in the city of Philadelphia, he also elucidates that crime is not a phenomenon that stands alone, but is rather "a symptom of countless wrong social conditions" (p. 242). Undoubtedly, Blacks' poverty, marginalization, and exclusion from mainstream Philadelphia heavily influenced Du Bois's opinion regarding the rate of Black criminality.

Second, Du Bois's class analysis of crime revolved around his notion that the Black community in Philadelphia was not monolithic and therefore could be divided into four grades. Grade one was composed of families that were very respectable and earned sufficient income so that their children were not compelled to participate in the labor market at an early age. Moreover, their incomes were not derived from menial occupations and the wives in these families were homemakers. Grade two consisted of working-class families characterized by stable homes, steady work, and children that attended schools on a regular basis. Grade three was composed of poor individuals whom did not earning enough to keep them at all times above want. In Du Bois's words, these individuals, while honest, were not always energetic or thrifty; however they were free from gross immorality or crime (p. 311). In addressing the characteristics of grade four, Du Bois introduces us to his less celebrated notion of the submerged tenth. Based on Du Bois's descriptions, the submerged tenth constituted the lowest class of criminals, prostitutes, and loafers, who frequently congregated in such "centres as Seventh and Lombard streets, Twelfth and Kater, Eighteenth and Naudain, etc." (p. 311). Additionally, Du Bois was very mindful to add to his observations that,

Nothing more exasperates the better class of Negroes than this tendency to ignore utterly their existence. The law abiding, hard-working inhabitants of the Thirtieth Ward are aroused to righteous indignation when they see that the word Negro carries most Philadelphians' minds to the alleys of the Fifth Ward or the police courts. (p. 310)

He continues by writing that, "... the better class of colored citizens held meetings to denounce crime and took a firm stance against their own criminal

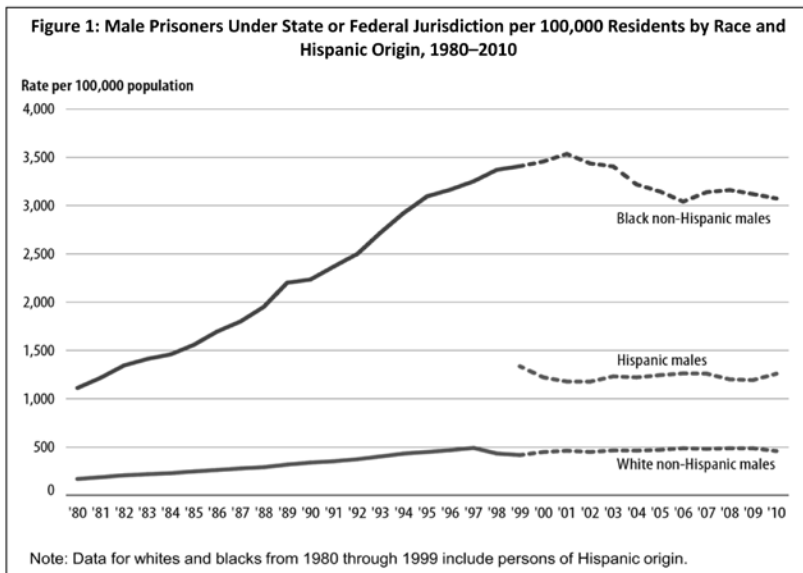


class”—e.g., the submerged tenth (p. 237). In turning our attention to class differentiations among Black Philadelphians, Du Bois links criminality to economic conditions and the lowly position assigned Blacks in Philadelphia’s occupational structure.

Finally, race played an integral role in determining Blacks’ positions in the occupational structure of Philadelphia, which in turn contributed to Black criminality. Du Bois acknowledged that Blacks were denied employment because of their color and the perception among Whites that they were untrustworthy and lazy. In chapter sixteen, titled, “The Contact of the Races,” Du Bois painstakingly chronicles countless examples of Blacks denied employment based on color prejudice (1899/1967, p. 340). A major conclusion of Du Bois’s analysis was that Black criminality was intimately linked to discrimination and racial oppression, which preserved the best jobs for Whites in the city’s occupational structure while blocking viable pathways for the advancement of African Americans. Consequently, because Blacks were “the object of stinging oppression and ridicule,” they were counted disproportionately among the city’s “class of the shiftless, aimless, and idle” individuals who engaged in crime as a vocation and/or as a means of self support (p. 241). Thus, Du Bois’s statement that “. . . crime is a phenomenon that stands not alone, but rather as a symptom of countless wrong social conditions,” was perhaps meant to illuminate the links between cultural biases, legal mandates, and Blacks’ restrictive mobility within America’s occupational structures. Therefore, despite the progress enjoyed by Blacks since Du Bois’s exposition of the links between cultural and legal biases and the opportunity structures shaping the life chances of Blacks, the problem of crime has become the primary mechanism by which the bodies and destinies of a large number of African American males continue to be controlled by the American state (Du Bois, 1899/1967, p. 245).

## RACE AND CRIME IN CONTEMPORARY AMERICA

The centennial marking the publication of Du Bois’s seminal study witnessed African American males being incarcerated at record levels (see Figure 1). For example, from 2000 to 2010, African American males were incarcerated at seven times the rate of White males. Of the approximately 2.3 million incarcerated Americans, nearly half are Black males. Today, America’s prison population exceeds the size of its active duty military personnel and a disproportionate number of these inmates are low-skilled Black men, whom most likely were unemployed prior to being incarcerated (Pettit, 2012, p. 5). As Becky Pettit (2012) demonstrated, incarceration has become a normative life event for Black men disconnected from school

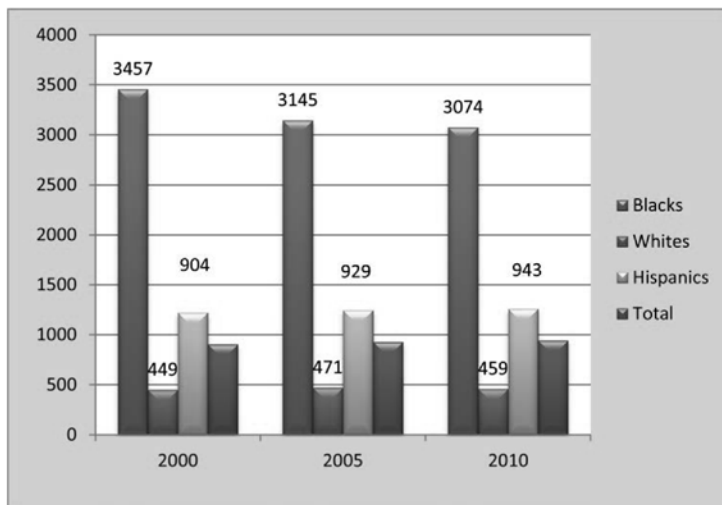


and the American labor market (Pettit, p. 18; Donziger, 1996; Street, 2001; Offner & Holzer, 2002; Roberts, 2004; Alexander, 2012).

America's addiction to incarcerating African Americans has rendered Black males invisible. This is largely the consequence of the fact that individuals who are institutionalized, unstably housed, or tangentially connected to households are commonly overlooked in statistical portraits of the American population (Pettit, p. xi). Thus, Pettit continues by writing that,

Decades of penal expansion coupled with the concentration of incarceration among men, blacks, and those with low levels of education have generated a statistical portrait that overstates the educational and economic progress and political engagement of African Americans. Survey research offers surprisingly little insight into the health and well-being of inmates, former inmates, and their families and communities. (pp. xi–xii)

The disappearance of Black males<sup>5</sup> from official governmental surveys<sup>6</sup> is driven by the fact that by the end of 2010, Black males had been incarcerated at a rate of 3,074 per 100,000 (see Figure 2), which was nearly seven times higher than White non-Hispanics males (Guerino et al., 2010, p. 7). Based on an analysis of the Bureau of Justice's statistical data, Blacks constituted 38 percent of individuals housed in America's federal and state prisons in 2011. For Whites and Hispanics, the numbers were 34 percent and 23 percent, respectively (Sentencing

**Figure 2: Incarceration Rates by Race, 2000–2010**

Source: Guerino, Harrison, & Sabol, *Prisoners in 2010* (2011)

Project, p. 5). Not surprisingly, the majority of Blacks behind bars were males, whose likelihood of being imprisoned at some point in their lifetimes is 1 in 3. For White and Hispanic males, the likelihood of being imprisoned at some point in their lifetimes was 1 in 7 and 1 in 6, respectively (Sentencing Project, p. 4). If the number of Blacks in jails was added to this total, the Black to White incarceration ratio would be even higher (Brown, 2012, p. 84). Although from 2000 to 2010, the trajectory of Black males' incarceration rates per 100,000 trended downwards (see Figure 2), Black males as a percentage of the total prison population remained disproportionately high when compared to White and Hispanic Americans. The rush to incarcerate African American males is particularly troubling because this phenomenon has precipitated their disappearance not only from government surveys, but from their families, communities, and the American labor force as well.

The criminalization of African American males has deep implications for their official unemployment and labor participation rates. For example, if the number of African American males that are incarcerated are included in Black males' unemployment and labor participation rates, then these numbers would be much worse than presently reported. As Pettit (2012) observed, "Employment-population rates adjusted to include inmates suggest that only 26 percent of young, black, male drop-outs were employed in 2008, while 37 percent were in prison or jail" (p. 64).

Du Bois's usage of the submerged tenth may be an appropriate lens through which to examine the demographic characteristics of Black male prisoners. Specifically, a high percentage of incarcerated Black males are high school dropouts disconnected from the American opportunity structures and its labor market. For example, Pettit (2012) observed that in 1980, the number of jobless Black males between the ages of 18 and 64 who were in prison constituted 9.6 percent. By 2008, this figure had grown to 20.8 percent. For young Black men between the ages of 20 and 34 who were jobless, the number of them behind bars grew from 23.8 percent in 1980 to 50.4 percent in 2008 (Pettit, p. 64).

The explosive growth in the number of young Black males that are disconnected from our nation's educational institutions and labor markets must be framed within the context of Democrat and Republican leaders' embrace of conservative public policies that fueled the war on drugs. From presidential candidate Barry Goldwater to Presidents Richard Nixon and Ronald Reagan, the war on drugs has disproportionately impacted the life chances of Black males, resulting in the passage of major crime bills in 1968, 1984, 1986, 1988, and 1994, under both Republican and Democratic presidencies. Federal crime bills, such as the Crime Control and Safe Street Act and the Violent Crime Control and Enforcement Act, provided financial incentives to states to incarcerate more of their residents. For example, under the 1994 federal crime bill, a state could receive part of the \$9.7 billion set aside for new prison construction only if it required inmates to serve at least 85 percent of their sentences before parole, in effect doubling sentences for many classes of offenders (Donziger, 1996, pp. 13–14).

At the state level, the increase in Black male prisoners was driven by the passage of anti-crime legislations in many state capitols across the country. These laws included New York State's Rockefeller Drug Laws, Michigan State's 650 Lifer Law, and California's Three Strikes Law of 1994. These laws mandated longer sentences, particularly for those individuals convicted of drug offenses. The passage of these anti-crime and anti-drug laws impacted African American males disproportionately, despite the fact that "five (5) times as many Whites are using drugs as African Americans, yet African Americans are sent to prison for drug offenses at 10 times the rate of Whites" (NAACP, 2009).

The war on drugs not only fueled the mass incarceration of Black males, but eviscerated many of the gains of the Civil Rights movement (Gordon, 1994; Ansell, 1997; Alexander, 2012). Like the great terror that followed Black Reconstruction (Trelease, 1971; Franklin & Higginbotham, 2011), the war on drugs limited large numbers of poor Blacks' access to the gains of the Civil Rights movement. Equally important, it led to the criminalization of large

numbers of African American males, thereby facilitating their disappearance and undercounting in many critical areas of American society, in general, and the domestic labor market, in particular (Hannon & Defronzo, 1998; Steinberg, 1999; Offner & Holzer, 2002; Pettit, 2012). These developments were significant for two reasons. First, they were consistent with the geoculture of historical capital, which, from the Africanization of slavery, provided the cultural and ideological justifications codified in laws and reflected in legal decisions (Fugitive Slave Acts of 1793 and 1850, *Dred Scott v. Sandford*, and federal and state anti-crime bills since 1968) designed to control the movements and bodies of Black Americans. Second, these developments confirmed the continued relevancy of Du Bois's explanations regarding race and crime because like late 19th-century Philadelphia, Blacks continued to be disproportionately represented among America's prison population (Du Bois 1899/1967, pp. 238–245). Therefore, incarceration proved itself consequential in that it granted the American state the legal right to block large numbers of Black ex-offenders' full participation in America's political and economic mainstreams (Wise, 2010, pp. 18–19).

#### RACE AND CRIME AND THE CONTINUING RELEVANCY OF W. E. B. DU BOIS

Contemporary explanations seeking to account for the extraordinary growth of Black males in prisons have emphasized conservatives' public policy agendas, harsher sentencing guidelines, and racial bias as the prime drivers behind the aforementioned phenomenon. Unfortunately, these explanations have largely exhibited a proclivity for ignoring the significant roles state policies played in reproducing Blacks' dependence and subordination in America's racial and occupational hierarchies. In short, states' legal policies at the federal, state, and local levels are and have been consequential; because Blacks', in general, and Black males', in particular, marginalization could not be maintained without the American state's monopoly over the use of violence to enforce its legal dictates. It is precisely within this context that Blacks' encrustation and subordination in America's caste system is best understood as the historical norm and not the exception. Indeed, the ideological and juridical superstructures within which Black males' marginalization are rooted are inseparable from the rise and dominance of the geoculture of historical capital.

Racism is a cultural pillar of historical capital and its intellectual vacuity has not prevented it from unleashing terrible cruelties that are amply evidenced in African American experiences (Wallerstein, 1983, p. 80). Racist beliefs underlining

the economic and political oppression of African Americans enjoyed a great deal of popularity because “Colour (or physiology) was an easy tag to utilize, since it is inherently hard to disguise” (p. 79). The usage of color as a marker of inferior and dysfunctional behavior was attached to African Americans and the social sciences of the nineteenth century provided it with an empirical basis to advance the dubious links between color, behavior, and criminality. One of the principal functions of this racial ideology was to keep low-ranking groups, such as African Americans, in line (p. 79). Thus, the geoculture of historical capital championed the popular but erroneous notion that Blacks were predisposed to violence. This racial ideology dominated historical capital’s geoculture and provided the intellectual justification for inequality being a defining characteristic of the African American experience.

By geoculture, I mean the dominant principles governing the operation of historical capital as a social system. Wallerstein (1974) defines geoculture as the underside of the capitalist world economy (p. 11). That is, the part that is more hidden from view and therefore more difficult to assess, but the part without which the rest would not be nourished. Wallerstein, in his discussion of the term geoculture, characterizes it as representing the cultural framework within which the world system operates (p. 11). According to Wallerstein, geoculture provides the ideological veneer within which historical capital operates, justifies, and reproduces inequality (p. 11). Beginning with the Africanization of slavery, the geoculture of historical capital has shaped the opportunity structure within which Black men operate in the United States.

The geoculture of historical capital is congruent with the reproduction of inequality; this is evidenced by the subordinate positions of large numbers of Black males in the American occupational structure, over historical time. The grounding of the capitalist geoculture in the secular language of the Enlightenment culminated in the social invention of a legal rationale and empirical language for justifying and perpetuating Blacks’ marginalization. Therefore, empirical knowledge ensconced in reason and verifiable, therefore *objective*, facts are the hallmark of the geoculture specific to historical capital. Thus, whereas before the nineteenth century, dominant explanations justifying non-Whites’, in general, and Blacks’, in particular, relegation to the bottom of the social order were being framed by religious epistemologies particular to Western culture, the flowering of the natural and social sciences brought about new explanations for Blacks’ lowly status that evolved and became inseparable from various enlightened arguments inspired by social Darwinism and the empiricism that dominated these new 19th-century scientific discourses.

Examples of academic research vested in and validating the tenets of 19th-century social Darwinism include works by American intellectuals such as Samuel

George Morton, Josiah Clark Nott,<sup>7</sup> and George Gliddon. First, Nott and Gliddon, in their book *Types of Mankind*, argued that Negroes were incapable of taking the first steps toward creating a civilized society because they were lacking in intelligence (as cited in Gossett, 1963, p. 65) and finally, President Theodore Roosevelt affirmed this belief when writing to his friend Owen Wister that, “Now as to the Negroes, I entirely agree with you that as a race and in the mass they are altogether inferior to whites” (as cited in Baltzell, 1899/1967, p. xxi). These influential opinions were birthed and empirically buttressed by the sciences specific to the geoculture of historical capitalism. In the minds of Europeans, the conclusions specific to these scientific discourses were verified by the ease and speed of the exploration, conquest, and partition of Black Africa below the Sahara (Baltzell, 1899/1967, p. xxii). Africa’s conquest between Darwin’s *Origin of Species by Natural Selection* and the outbreak of World War I seemed to confirm the popular idea that Blacks were intellectually backwards, therefore lacking the requisite skills to build civilizations characterized by vibrant cultures rich in the arts. Tacitly, these ideas and the beliefs that Blacks were inherently violent framed contemporary anti-crime policies that provided Whites with the legal mandates to control their bodies and movements. Many of these Blacks, enmeshed in the American criminal justice system, were also trapped in poverty. Thus, despite the Civil Rights movement’s success in challenging Jim Crow and occupational segregation based on race, conservative public policy thinkers provided the ideological bases for reframing discriminatory laws in non-racial languages in ways that proved more congruent with perpetuating White supremacy than with creating a post-racial society.

Although the Civil Rights movement ushered in several laws that rendered discrimination illegal, inequality based on race still exists. At the root of this inequality are America’s legal system and its usage of race-neutral laws that disproportionately targeted Black Americans. These laws were formulated to support America’s war on drugs that flooded America’s prison industrial complex with Black male inmates. As Sundiata Cha-Jua (2010) correctly observed,

A year before Reagan’s Anti-Drug Abuse Act, 21,200 whites compared to 16,600 blacks were in state penitentiaries. A decade after Reagan’s legislation, not only had incarceration rates skyrocketed, but they had also reversed, in 1996, 134,000 blacks compared to 86,100 whites were incarcerated in state prisons. By 2002, blacks constituted 43.7 percent of all prisoners, more than three and half times their representation in the population. In 2005, blacks composed 41 percent or 900,000 of the nation’s 2.2 million incarcerated persons. This meant that 2.3 percent of all blacks were incarcerated compared to 0.4 for whites and 0.7 for Latinos/as. (p. 47)

The explosion in the number of Blacks incarcerated in American jails and prisons because of America's war on drugs was used by public policy and law enforcement officials to justify racial profiling and Stop-and-Frisk anti-crime policies, which disproportionately impacted Black Americans. The cumulative effects of these legal policies were that they created shared experiences for Black Americans whether they lived in Nashua, Los Angeles, New York, Newark, Watts, Memphis, or Boston, etc.

Conservative scholars such as Winston Moore et al. (1973), Charles Murray (1984), and Myron Magnet (1993) dismissed explanations attributing the explosive growth in Black male prisoners to discriminatory laws and policing strategies. Instead, they successfully convinced most Americans that Blacks' inability to realize the American dream were largely the consequences of their dysfunctional behaviors and failures to value family and hard work. The principal contribution of this line of scholarship was that it effectively led many Americans to conclude that households headed by Black single females were the primary drivers behind Black males' criminality and joblessness. Therefore, the dysfunctional structure of families headed by Black females was the reason for Black males' inability to conform to mainstream American values regarding work, responsibility, and family. Thus, 80 years after the publication of Du Bois's study, the Reagan Revolution and its championing of anti-crime measures framed in non-racial terms devastated Black America like the Nazi's bombing of London. In all, President Reagan's crusade against crime provided America's police forces with the legal mandates to fill our nation's prisons with non-violent drug offenders that were mostly African American males who had either flunked out or were disconnected from our country's K-12 public school systems. Ironically, Black males warehoused in America's prison industrial complex shared many of the characteristics Du Bois attributed to the submerged tenth.

The continued relevancy of Du Bois's approach to explaining crime laid in his anticipation of many of the contemporary conceptual frameworks linking race and crime. For example, literature specific to the capital geoculture deficit perspective characterizing Black males as aimless, shiftless, and idle may very well have served to give greater specificity to Du Bois's notion of the submerged tenth (Harper, 2009, 2012).<sup>8</sup> One important difference between Du Bois's study then and now is that the number of African American male inmates dwarfs those in prison in 19th-century Philadelphia. Nevertheless, like 19th-century Philadelphia, Blacks continued to be disproportionately represented among prisoners in the United States. Therefore, anyone truly interested in addressing the reasons why Black males appear "aimless, shiftless, and idle" need only to look closely at disturbing outcomes associated with our national educational and employment practices.



First, African American male students face a troubling array of barriers to their academic progress. Examples of these barriers are continuing de facto segregation, school discipline, low expectations by teachers, and their concentration in failing schools and special education programs. Black males live in segregated neighborhoods where a disproportionate number of K–12 public schools are classified as failing institutions. Examples of these failing schools, according to the Schott Foundation’s 2010 Report titled “Yes We Can: The 2010 Schott 50 States Report on Black Males in Public Education,” can be found in Detroit, Cleveland, Charleston County (SC), Duval County (FL), Palm Beach County (FL), Dade County (FL), Pinellas County (FL), Jefferson County (LA), Buffalo, and New York City. In these school districts, over 50 percent of African American males failed to obtain high school diplomas in four years (Schott Foundation, 2011, p. 8). Black males enrolled in these educational Chernobyls are more likely to drop out and find themselves, soon thereafter, incarcerated. Equally as troubling, Black male students are disproportionately concentrated in special education programs and received statistically significantly lower scores on standardized examinations designed to test students’ proficiencies in mathematics, the sciences, and English. Reports by the American Council on Education, the Education Trust, and the Schott Foundation (2011) show that Black boys spent less time in advanced placement or college prep courses. According to an Educational Testing Service report, “Only 12 percent of Black fourth grade boys are proficient in reading, compared to 38 percent of White boys” (Prager, 2011, p. 2). Only 12 percent of Black eighth-grade boys are proficient in math, compared to 44 percent of White boys (p. 2).

Black boys’ woes are not limited to their high rates of failure on the aforementioned standardized examinations. They are also manifested in the area of school discipline. Although African American boys comprised 17% of Oakland Unified School District student population in 2010–11, they constituted 42% of students suspended (Urban Strategies Council, 2012, p. 6). Nearly one in ten African American boys in elementary school, one in three in middle school, and one in five in high school were suspended in 2010–11 (p. 6). The experiences of African American males in the Oakland Unified School District can be generalized to the majority of public school districts across the nation. Moreover, Losen and Martinez (2013) pointed out that,

... the vast majority of suspensions are for minor infractions of school rules, such as disrupting class, tardiness, and dress code violations, rather than for serious violent or criminal behavior. Serious incidents are rare and result in expulsions. (p. 4)

The high frequency of Black boys being disciplined by school officials usually leads to their removal from mainstream educational programs. Consequentially, this results in their overrepresentation in special education programs (Varlas, 2005). The educational challenges faced by African American boys are not due to their genetics.<sup>9</sup> Instead, as Varlas argued,

It is systemic. In many cases, a debilitating combination of inadequate resources and low expectations in school that serve large numbers of black boys resulting in this group being held back, research say. [The] . . . report [continues by stating] that these schools have “more than their fair share of teachers who are out of field or long-term substitutes. And often the curriculum and the expectations are quite low.” Experts tracking black boys in schools also cite inattention to gender learning styles, misinterpretation and abuse of zero tolerance policies, negative peer pressure, and lack of commitment to creating a culture of care and nurturance for black boys.

Low teachers' expectations of Black boys' intellectual and academic skills ultimately lead to many of them not acquiring the educational skills necessary to qualify for high-skilled, high wage jobs in the American labor market. Thus, for too many Black boys, public schools served as gateways to prisons. The Schott Foundation for Public Education's State by State report on Black males confirms this disturbing fact when it stated that, “. . . more black males receive GEDs in prison than graduate from American colleges and universities” (as cited in Martinez, Colby, & Quay, 2010, p. 541).

Second, researchers and public policy makers truly interested in deciphering the reasons why so many Black men appear shiftless need to examine the myriad fashions in which they are disconnected from our nation's opportunity structures. This disconnection begins with their K-12 experiences, as delineated above. Certainly, it is a commonly accepted convention that education connects American youth to pathways out of poverty and highways to affluent society. Unfortunately, a disproportionately large number of Black males living in neighborhoods where persistent poverty is concentrated in a few zip codes are more likely to find their way to prisons than careers in the private and/or public sectors. Because these students usually lacked the skills that could set them on their way to successful careers in the labor market, they are largely locked out from entering legal avenues into America's stratified occupational structure. Instead, young Black men lacking employment skills highly prized by domestic employers are more likely to join gangs and/or be recruited by drug dealers at early ages.

The allure of crime is appealing because these neighborhoods are epicenters of unemployment, poverty, and police anti-crime activities. In this tragedy that

could be penned by Shakespeare, Black males (mis-educated by failing public schools and disconnected from viable employment opportunities) play the roles of criminals, while White police officers, who are largely educated in school districts with low numbers of Black students, are brought in to police urban ghettos. According to a United States Department of Justice Report, an overwhelming percentage of police officers (87 percent) are White, compared to 11 percent that are Black (Brown & Langan, 2001, p. iv). Many of these White police officers have already had a healthy serving of capital's geoculture as it pertains to race and crime. Oftentimes this is reflected by racial profiling and many district attorneys asking for judges meting out harsher punishments to Blacks than Whites who are found guilty of similar legal infractions. New York City former Police Commissioner Raymond Kelly's assertion justifying the city's discriminatory Stop-and-Frisk policy based on the statistical fact that between 70 and 75 percent of violent crimes in the city are committed by African Americans should be understood in this context (Kavanaugh, 2013). Commissioner Kelly ignored the facts that Black males' unemployment in New York City exceeds the national average and that, over 150 years ago, the faces of crime in many urban centers on the East coast were Irish immigrants who too were relegated to the lower echelon of America's opportunity structure. Despite Commissioner Kelly's questionable opinion, researchers have demonstrated that communities that are heavily policed can be expected to yield higher arrest rates of individuals living there. Equally troubling, Weich and Angulo (2002) cite in their study of "Racial Disparities in the American Criminal Justice System," the findings of a report completed by the *San Jose Mercury News*. They write

The *San Jose Mercury News* report . . . revealed consistent discrepancies in the treatment of white and non-white criminal defendants at the pretrial negotiation stage of the criminal process. During 1989–1990, a white felony defendant with no criminal record stood a 33% chance of having the charge reduced to a misdemeanor or infraction, compared to 25% for a similarly situated black or Hispanic. Between 1981 and 1990, 50% of all whites who were arrested for burglary and had one prior offense had at least one other count dismissed, as compared to only 33% of similarly situated blacks and Hispanics. Blacks charged with a single offense received sentencing enhancements in 19% of the cases, whereas similarly situated whites received such enhancements in only 15% of the cases. (p. 194)

Not surprisingly, given the disparity in arrest and sentencing rates based on race, a 2009 Pew Research Center's survey of social demographic trends found that Blacks had far less confidence than Whites in their local police in a number of areas, including their treatment of racial groups.

Third, Americans wondering why so many idle Black men are huddled together on urban street corners with few connections to the employment sector need only examine the practices of employers in the public and private sectors. For many years, African American males with low levels of educational attainment could not find jobs in skilled trades. This was largely the consequence of the discriminatory practices of unions, which reserved these well-paying jobs for White males (Marable, 1998). A 2011 Economic Policy Institute (EPI) policy briefing paper written by Hamilton, Austin, and Darity (2011) reported the following findings: after taking educational attainment into account, seven out of eight (87%) of US occupations can be classified as racially segregated (pp. 1–2). For example, occupations with smaller shares of Black men have higher wages. The average of the annual wages of occupations in which Black men are overrepresented is \$37,005, compared with \$50,333 in occupations in which they are underrepresented. In addition, a \$10,000 increase in the average annual wage of an occupation is associated with a seven percentage point decrease in the proportion of Black men in that occupation. Finally, the racially uneven distribution of occupations does not result from racial differences in occupational preferences. This is especially true in management and professional occupations (pp. 1–2). In sum, Hamilton, Austin, and Darity found that the relative success that Black men have in finding work in occupations that require high levels of “soft skills” (also referred to as interpersonal skills or “people skills”) is inconsistent with the explanation that their deficiencies in soft skills are a driving force in their subpar labor market outcomes (pp. 1–2).

These findings only serve to support Pager and Western’s (2005) observation that Black job seekers without criminal records fare as well as White males just released from prison (p. 12). This may have led Steinberg (1999) to correctly conclude that the

... job crisis is the single most important factor behind the familiar tangle of problems that beset black communities. Without jobs, nuclear families become unglued or are never formed. Without jobs, or husbands with jobs, women with young children are forced onto the welfare rolls. Without jobs, many ghetto youth resort to the drug trade or other illicit ways of making money. (p. 157)

Steinberg continues by writing, “Ironically, those who end up in prison do find work—in prison shops that typically pay fifty cents or less an hour—only to find themselves jobless on the outside” (p. 157). Thus, Benjamin Jealous’s statement, in the NAACP’s “Misplaced Priorities: Over Incarcerated, Under Educated” (2011) that “Today, there is no greater threat to Civil Rights accomplishments

than the state of our country's education system and its impact on young African American youth," should not be dismissed as a hyperbole.

Finally, the career of Du Bois mirrored the experiences of many African American males. Specifically, although Du Bois's impressive body of work, in general, and the methodological framework he used to construct *The Philadelphia Negro* anticipated the conceptual frameworks of many influential scholars and think tanks, students enrolled in graduate programs across the United States are generally not required to read his texts (Wilson, 1996). In spite of the late E. Digby Baltzell's, an eminent professor of sociology at the University of Pennsylvania, acknowledgment that *The Philadelphia Negro* by any measure constitutes a classic of sociological literature, mainstream sociology has ignored Du Bois's works and contributions to racial studies in the United States. While Du Bois's contributions to the discipline of sociology have been rendered invisible, like most Black males in contemporary American society, his findings nevertheless continue to be as relevant now as they were in 1899. Indeed, the public policy and cultural practices of America's dominant group are powerful forces influencing the opportunity structures confronting Black males. Consequently, from the Fugitive Slave Laws to the war on drugs, the US at the federal, state, and local levels has played and continues to play important roles in frustrating Black males' attempts to realize the American dream. The reelection of President Barack Obama has not changed this frightening reality (Glazer, 2010, p. 110).

## CONCLUSION

In *Slavery by Another Name*, Douglas Blackmon (2008) skillfully chronicles the travails of an African American male named Green Cottenham. Cottenham was the youngest of 9 children born to former slaves and was arrested on March 30, 1908 and charged with "vagrancy" by the Sheriff of Shelby County, Alabama (p. 1). Blackmon continues by writing:

Cottenham had committed no true crime. Vagrancy... was a new and flimsy concoction dredged up from legal obscurity at the end of the nineteenth century by state legislatures of Alabama and other southern states. It was capriciously enforced by local sheriffs and constables, adjudicated by mayors and notaries public, recorded haphazardly or not at all in court records, and, most tellingly in a time of massive unemployment among all southern men, was reserved almost exclusively for black men. Cottenham's offense was blackness. (pp. 1-2)

Cottenham's experience was by no means novel when situated in the political economy of Black men in the American experiences. Indeed, the American

criminal justice system provided Whites with the legal means to circumvent the Thirteenth Amendment, thereby asserting and reasserting control over the bodies and movements of Black Americans. Therefore, from the Declaration of Independence to the contemporary war on drugs, the American state from the federal to the local levels has employed various judicial stratagems to disadvantage Blacks vis-à-vis their White counterparts. Examples of these contemporary laws are the major federal crime bills and state laws in New York, Michigan, and California that truncated the life chances of many men of color living in these states. The chilling and cumulative impact of these legal stratagems is to reduce Black men to fodder for the modern-day prison industrial complex. While apologists for America's criminal justice system deflect attention from its inherent biases by attributing Black men's disproportionate involvement as prisoners on the latter's allegedly dysfunctional subcultures, deeply faulted family structures, and misguided choices, they usually ignored the fact that Whites use drugs at a greater rate but are arrested less than Black Americans (NAACP, 2009). Not surprisingly, based on governmental data, Blacks are punished more severely and consistently than Whites for the same criminal offenses. The latter is consistent with Du Bois's findings. Thus, this author has argued that the unequal application of the American legal system is an enduring legacy of the geoculture of historical capital. This disquieting fact gives an ominous and renewed credence to Du Bois's 115-year-old observation that for how long can a nation teach "... its black children that the road to success is to have a white face?"

## NOTES

1. While many of the conclusions of recent scholarly articles and public policy papers decrying the economic conditions of low-income Black American families and Black men appear correct, they nevertheless give the misleading impression that the persistence of poverty among low-income Blacks is a recent phenomenon, which was precipitated largely by the 2007 recession. Contrary to those that argue that the growth in the number of poor Blacks is a consequence of the 2007 recession, a key conclusion of my research is that poverty has been an enduring feature of the Black American experience. The latter is largely a consequence of how Black Americans and, in particular, Black men were integrated into the American occupational structure, the legacy of racism, the export of unskilled jobs to emerging nations such as China and India, and the current assault of capital on labor and the economic basis on which the American middle class was built in the middle of the twentieth century.

2. In the autumn months of 1865, a series of Black Codes were ratified to guarantee Black labor subservience. It is important to note, however, that the Jim Crow laws that imprisoned Blacks for violations were originally developed in the North, not the South (Marable, 1983, p. 109).

3. "The number of Black prisoners in southern penitentiaries multiplied dramatically as the profitability of 'convict leasing' became evident to White capitalists and politicians. In Mississippi, the number of state prisoners grew from 272 in 1872 to 1,072 in 1877 and Georgia's convict total increased from 432 in 1872 to 1,441 in 1877. This explosion of the Black prison population reflected an abrupt alteration of southern laws. In 1872, Mississippi defined theft of any property over ten dollars in value, or any cattle or swine of whatever value, as grand larceny, with a sentence up to five years." Laws like this provided the legal foundation for a prison system that made millions of dollars for a small number of White politicians (Marable, 1983, pp. 111–112).

4. Moyamensing Prison, also known as the Philadelphia County Prison, opened for occupancy in 1835. The prison closed in 1964 and the entire complex was demolished in 1968. Du Bois writes that, "A better measure of the normal criminal tendencies of the group would perhaps be found in the statistics of Moyamensing, where ordinary cases of crime and misdemeanor are confined and which contains only county prisoners" (p. 168).

5. "... federally provided data sources generate wildly differing estimates of the fraction of young, black, low-skilled men in prison or jail on any given day. The discrepancy has less to do with how to count inmates and more to do with how to estimate the educational distribution of the population. . . . The size of the inmate population has become so large, and incarceration so disproportionately concentrated among, low-skill black men, that it distorts federal statistics on the educational distribution of the wider population . . . the American Community Survey estimates that close to 10 percent of young black men are high school dropouts, the Current Population Survey estimates 13 percent, and combining CPS data with data on inmates suggests that the figure is closer to 20 percent" (Pettit, 2012, p. 46).

6. For the purposes of most federal policy construction and nearly all social scientific research that is not directly related to crime or criminal justice, inmates are rarely considered. Institutionalization in correctional facilities severs people from most federally administrated data collection efforts. Inmates are not included in surveys that use probability-based samples drawn from households (Pettit, 2012, p. 45).

7. Dr. Nott received his medical degree from the University of Pennsylvania.

8. Harper's observations about Black males, while framed in the context of their experiences in higher educational settings, are nevertheless germane to Black boys' experiences in America, in general.

9. Having had to protect my son from his first grade teacher and the assistant principal of an elementary school located in Virginia, I am personally acquainted with the challenges Black boys face when enrolled in public school institutions. Without parents with the proper skills to defend and protect Black children, they are easily led to believe that they are inadequate. I know this because, when I was enrolled in elementary school, I was tracked into special education. My parents' response was to move me out of the New York City public school system. Ultimately, I graduated with a Regents diploma from the new school district where my mom and dad placed me.

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