

THE CONDEMNATION OF BLACKNESS

RACE, CRIME, AND THE MAKING OF
MODERN URBAN AMERICA

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For Stephanie, Gibran, Jordan, and Justice,
and for my parents, Ozier and Kimberly

JIM CROW JUSTICE IN THE
URBAN NORTH

In the 1920s and 1930s the history of social scientific explanations and popular perceptions of crime among African Americans entered a new phase. The Great Migration, coupled with Prohibition, created wide-scale opportunities for white vice owners and corrupt politicians to hide their illegal activities under a cover of blackness. In the midst of successful Progressive era campaigns against white red-light districts across the nation, many observers noted that city officials had become more tolerant of crime in black communities than in white ones. As early as the 1910s in major northern cities like Philadelphia, New York, and Chicago, researchers and reformers had already begun to discern a pattern of discriminatory crime fighting.

The 1911 report of the Chicago Vice Commission observed, for example, that "whenever prostitutes, cadets and thugs were located among white people and had to be moved for commercial or other reasons, they were driven to undesirable parts of the city; the so-called colored residential sections."¹ Having witnessed firsthand the transformation of a white community, one Chicagoan observed, "A few years ago I could point out 100 joints right in this neighborhood. Now I don't know of one."² A decade later, the relocation of a significant portion of white organized crime into black communities had become an all-too-familiar phenomenon.³ "White prostitutes and gamblers and vicious resorts" come into the "Black Belt," explained a black minister in Chicago, because "it is black; they operate with more safety than they do in the white belt. That is true of every American city that I know of personally."⁴ According to historian Kenneth Kusmer, ineffective policing in black communities was good public policy from the standpoint of Cleveland's city officials. This race-based criminal justice policy worked to benefit white leaders and residents by making it less likely that "red-light districts might spring up again in white areas."⁵

City officials rarely acknowledged the reality that for vice districts to exist in black neighborhoods, the active support of politicians and police officers was required. Except for politically expedient moments when grand juries handed out indictments or when politicians made examples of a few ward leaders and beat cops by arresting them in the wake of public outrage over allegations of corruption, city officials ignored the truth.⁶ Behind the borders of segregated black communities, many officials participated directly as patrons and protectors of illegal operations involving liquor, drugs, gambling, and prostitution. One white Philadelphia politician spelled out the situation as plainly as possible when he said to a white pimp, in front of a black female undercover vice agent posing as a prostitute, "You know, Frank, I've told you to go as far as you like, anything short of murder is alright with me and I'm at your back. If anything happens come to me and I'll see that everything is squared."⁷

The difference between the reality that vice districts in predominately black areas were mostly owned, partially operated, and unofficially regulated by a largely white power structure and the belief that blacks were at the root of these conditions can be traced to the rhetoric of black criminality and its long association with urban crime. Cleveland's mayor Harry L. Davis, for example, "implied in a speech in 1917 that the Central Avenue area had developed into a vice district because Negroes were naturally degenerate."⁸ The stark contrast between the way the system actually worked, as revealed in the politician's private conversation with a pimp, and the image projected to the public, as conveyed in a speech by a big-city mayor, provides a rich example of how the vice problem became the starting point in the creation of new ideas about black criminality in the 1920s and 1930s.

As previous chapters have shown, since the late nineteenth century northern-born blacks and southern migrants in northern cities had to contend with a fluid set of racial attitudes and practices that defined them as members of a dangerous criminal population. Those attitudes and practices also aided or legitimized various forms of segregation and discrimination, particularly in relation to social agencies, employment, and housing. A small number of black reformers responded to inequality and the crime stigma by calling for a two-front war against both racial discrimination and black criminals, which they viewed as mutually dependent problems. In 1899 W.E.B. Du Bois pioneered this dual-approach strategy in the pages of *The Philadelphia Negro* by instructing his white readers to end discrimination and his black ones to help

minimize "Negro crime."⁹ A decade later a local black Philadelphia reformer named James S. Stemons formulated a programmatic response to Du Bois's recommendations. He launched a joint organization in which white members took an oath to uphold color-blind hiring practices and black members pledged to police their own communities.¹⁰

Thus for much of the first two decades of the twentieth century, a few black reformers in the urban North attempted to tackle the problem of black criminality by calling for more blacks to become involved in crime prevention and crime fighting. They did not ignore the broader, more fundamental problems of racism and structural inequality, but they did expect white reformers to handle what they considered a white problem or the failure of most whites to treat blacks fairly. In other words, black reformers reasoned that the best way to solve the black crime problem was if each race attacked its half of the problem. In the spirit of interracialism and racial progress during the Progressive era, blacks were expected to police their own criminals, while whites were expected to police their own racists.

Both groups had failed to achieve their goals by the 1920s. Neither rhetoric nor activism had stemmed the growing tide of segregation and discrimination affecting blacks before, during, and immediately after the Great Migration. Similarly, without institutional resources and political support from whites, no words or surveillance by blacks had proven adequate to the monumental task of crime prevention in black communities, especially when those communities were being inundated with southern migrants whose presence amplified racist sentiment and oppression.¹¹ As an explicit demonstration of an increasingly deteriorating situation, widespread outbreaks of racial violence occurred in many northern cities during this period, first in East St. Louis, Illinois, and Chester, Pennsylvania, in 1917, then in Philadelphia in 1918, culminating in the Red Summer of 1919.

In the 1920s a larger cohort of academically trained black reformers and local activists responded to this new era of racial conservatism by taking a greater role in the policing of white racism within black communities in the urban North.¹² In local and national interracial organizations, such as the Chicago Commission on Race Relations, the National Association for the Advancement of Colored People (NAACP), and the National Urban League (NUL), black researchers and reformers moved to the forefront of documenting and publicizing racism's toll on the quality

of black lives across the urban North. Moving to the center of this intensification of antiracist activities among black reformers was a focus on racism in the criminal justice system, particularly in its most explicit forms. Clear and preponderant new evidence showed African American criminality, for example, to be a direct consequence of discriminatory policing.

By focusing on discriminatory policing in the 1920s and 1930s, particularly in the context of vice districts where numerous examples were easily observed, a growing number of black reformers and a small number of white liberals helped to transform the larger debate about black criminality. Ideologically, the entire debate shifted to the left in the sense that mounting evidence of police corruption, misconduct, and violence against blacks supported a powerful counterargument to the longstanding linkage of black crime rates and moral, cultural, or racial inferiority. Especially among black researchers and reformers, vice districts became the focal point for rewriting African American criminality in terms of its structural basis.

In the 1930s a black minister in Chicago recounted a conversation with city officials about increasing crime rates among black youth: "They told me that the Negro youth of Chicago were committing more crimes than ever in the history of Chicago. They wanted to know just what is the cause. I could only give this solution—wipe out vice and give my people jobs!"¹³ In his thinking, vice was not a function of black degeneracy or even of southern migration, but of the city's failure to police black communities effectively, and to promote equal employment opportunities. Such formulations, which I call writing crime into class, represented a new paradigm shift: Structural inequality, or what Frederick Hoffman dismissed at the turn of the century as the "conditions of life," became the primary basis for explaining black criminality. Similiar explanations had existed in the context of and in opposition to earlier paradigms—the writing of crime into race and culture—but had never become the dominant argument among most liberals, black or white. That changed in the 1920s and 1930s. A 1930 editorial in the National Urban League's *Opportunity* magazine observed that the "problems of the Negro" had once been "considered purely racial in their origin." Because black social workers had now pursued "careful compilation, correlation, and interpretation of social materials as they related to the Negro," the "more significant social determinants" of the "so-called Negro problem"

were no longer "obscur[ed]."¹⁴ Policing racism in the northern criminal justice system became an effective counter-discourse—a statistical rebuttal—to the long-standing statistical discourse of black criminality and inferiority.

As a result of social surveys and crime studies conducted by NUL researchers, revelations about the role of politicians and the police in the administration of discriminatory criminal justice practices helped give way to these new structural understandings of black criminality.¹⁵ Other researchers highlighted the direct connection between discrimination at recreation facilities (such as playgrounds and community centers) and higher rates of black juvenile delinquency.¹⁶ In 1928 former Philadelphia Urban League official Forrester B. Washington wrote that the Negro migrant in major cities of the North and South "found the wholesome agencies of recreation either closed or closing to him, while at the same time the agencies of commercialized vice have welcomed him with open arms."¹⁷

During this period, growing concern about juvenile delinquency blended with an increased focus on vice and policing problems in black communities, demonstrating the devastating impact of institutional racism on what was considered the most vulnerable and least morally culpable population.¹⁸ Describing the "threatened decadence" to blacks in North Philadelphia, for example, a high school principal wrote to officials of the Benezet House Association, a Philadelphia community center, that residents had been "abandoned to the exploiting ravages of a horde of vicious agencies which sprang up, multiplied and flourished until the district is now spotted with them. The effect, especially upon the children and young people, were at once apparent and have become steadily worse with each year."¹⁹ In her 1925 study "A Survey of Crime among Negroes in Philadelphia," Anna J. Thompson, a black University of Pennsylvania graduate student and researcher for the NUL, wrote that "the case of the Juvenile delinquent is so much more hopeful than that of the adult criminal. The Juvenile delinquent is as a rule just beginning a life of delinquency which can, if taken in time and by the proper method, be nipped in the bud."²⁰

Undergirding an increasing concern about black juvenile delinquency in the 1920s and 1930s were not only statistics tying higher rates of delinquency to majority white-owned and -regulated vice, but also a growing body of evidence of racial discrimination in the "proper method" of treating black delinquents.²¹ In her examination of juvenile delinquency

in 1920s New York City, historian Cheryl Lynn Greenburg found that black youths were twice as likely as white youths to be arraigned in Children's Court, more likely to be found guilty, twice as likely to be sentenced to over five years in an institution, and five times less likely to receive probation. White children also had "greater access to private services than blacks did," Greenburg writes. "Fewer white than black delinquent children ended up in Children's Court in the first place, because more were helped by private agencies before appearing there."²² Researcher William I. Thomas, coauthor of *The Polish Peasant in Europe and America* (1918)—the first of many pathbreaking Chicago School of Sociology studies of immigrant life and settlement in the 1920s and 1930s—discovered in a subsequent study how important police discretion was in determining how white youth were treated and/or classified as juvenile delinquents. Out of 18,000 Chicago-area boys facing arrest in 1926, only 1,430 were actually arraigned in juvenile court.²³ A 1923 U.S. Children's Bureau report noted racial disparities in the distribution of black and white juveniles across various types of institutions. Of a total population of white youths among the Juvenile Court records analyzed by the study, 80.8 percent were sent to non-correctional facilities compared to 50.6 percent of black youths. Stated conversely, 19.2 percent of white children were sent to a prison, a reformatory, a jail, or a workhouse, compared to more than twice as many black children.²⁴ The mounting statistical evidence of bias in the juvenile justice system was in part a testament to, and a consequence of, the discriminatory nature of Progressive era crime prevention. Black juvenile delinquency became one of the most effective demonstrations that structural inequality was the primary cause of crime among blacks.

New concerns about vice, police misconduct, and juvenile delinquency led to an explosion of anticrime ideas and initiatives by middle-class blacks.²⁵ Black social workers became increasingly involved in recreation programs and probation work.²⁶ The National Association for Colored Women hired Ida B. Wells, the longtime antilynching activist and social welfare advocate, as a probation officer in Chicago.²⁷ In 1928 the head of the National Urban League, Eugene Kinckle Jones, announced that "the probation work movement has gained considerable headway, most of the larger cities having Negro probation officers for work with juveniles."²⁸ As a clear sign of black probation officers' growing importance, even adult prisoners like Clarence Brown began to seek their assistance. From a New York City jail in 1927, Brown wrote to the NAACP to "please send somebody down here to try and get me out on supened [sic] sentence

or on probation . . . so I can start a new life. I have no father or mother . . . could you have a colored probation officer to look out for me."²⁹ From the standpoint of combating the stigma of crime, civil rights workers began to offer occasional legal assistance and frequent advice to men like Brown and others who claimed to be innocent or mistreated defendants. Civil rights workers also began to aggressively launch publicity campaigns against police brutality and de facto racial profiling.³⁰ The NAACP, for instance, stood out as a vocal opponent of northern urban police agencies that routinely profiled, arrested, and/or brutalized innocent blacks.

The growth of vice in black communities—resulting from the closing of white red-light districts, increased black migration, and the exigencies of Prohibition—made vice and discriminatory policing inescapable social problems for black reformers. How they and their white liberal allies responded to these challenges, in part by redefining African American criminality as a social rather than a moral and cultural problem is the focus of this chapter.

Racial violence swept across the nation beginning in East St. Louis in 1917; it erupted in Philadelphia the following year, and in twenty-two additional cities in the summer of 1919. Two differing views of black criminality emerged to explain the bloodshed and the chaos, especially with regard to southern migrants. The first view, advanced by writers such as Emmett Scott and Sadie T. Mossell, rationalized violence against black communities in part by blaming black southern migrants for their bad habits—for being culturally backward and thus overrepresented in the crime statistics.³¹ In their analysis, southerners' inability to meet the demands of sophisticated urban living, coupled with the absence of overt forms of racial proscription in the urban North, had led to too much freedom, resulting in excessive crime rates.

Arriving at an entirely different assessment of migrant criminality and its root cause, Henderson H. Donald, a 1920 black graduate from Yale with an M.A. in sociology, instead underscored northern whites' treatment of migrants. Although Donald agreed that many migrants had committed "criminal acts" because of the "extremely difficult task" of adjusting to their new environment, especially given the absence of "the strict moral and religious checks of the southern communities," he completely rejected the "conclusion" that a "wave of crime" had been the result.³² Rather than concluding that crime rates reflected cultural or

moral inferiority, Donald instead focused on northern policing of public order violations and vice, what he called "minor" or "petty" offenses. Using Pittsburgh police court records from 1914 to 1917, he observed a "disproportionate increase in arrests" for "such offenses as suspicious characters, disorderly conduct, drunkenness, keeping and visiting disorderly houses, and violations of city ordinances." He repeated this analysis for other northern communities and noted similar findings. Cleveland's jail statistics were especially revealing: the black proportion of the jail population had grown from 13 percent in 1916 to 87 percent in 1917, settling at 60 percent in 1918. To drive his point home, Donald summarized the statements of a Cleveland superintendent of prisons. "These Negroes were not of the criminal type," the official exclaimed, but were instead victims of poor social conditions. "Often hatless on the streets, Negroes were summarily picked up by the police and sent to prison on the mere charge of suspicion." Police activity, in Donald's assessment, was therefore at the root of the "so-called 'Negro crime' in the United States." In Pittsburgh, where unemployment and inadequate housing were obviously the real problems needing official attention, Donald explained, "the situation . . . was all the more aggravated because [of] the attitude of the police department toward these newcomers. . . . With its usual lack of understanding, it permitted the police officers to arrest hundreds of these Negroes, many of whom were sent to the workhouses."³³

Pointing out white police officers' negative attitudes toward blacks, whether southern migrants or native northerners, was not in itself a radical rhetorical move. Earlier writers had highlighted such attitudes while describing how police officers frequently aided or abetted mob attacks against blacks.³⁴ By this time, most urban reformers were well aware that racist thinking among police officers had real consequences for the development of northern black communities. The Chicago Vice Commission, for example, found in 1911 that police officers had, in the words of the *Nation*, "invariably driven the white prostitutes into the best Negro sections, where they are a demoralizing example and influence for the colored youth of both sexes."³⁵ Police violence and police misconduct in the black community had long been front-page news in local black newspapers such as the *Philadelphia Tribune*. But directly linking police officers' discriminatory attitudes and behavior to high crime rates among blacks was an entirely fresh approach.

Donald's novel approach interpreting of black crime statistics is illustrated by contrasting it to the way a major twentieth-century white criminologist stripped Donald's analysis of its context in order to highlight southern migrant criminality. Citing Donald's work in his 1924 edition of *Criminology*, one of the earliest American textbooks on the subject and a standard in the field for much of the twentieth century, white sociologist Edwin H. Sutherland wrote, "During the period of negro migrations to the North in the last decade there appears to have been a very great increase of crimes by negroes in many of the northern cities."³⁶ In one sentence, Sutherland readily accepted the veracity of the statistics cited by Donald while neglecting to mention Donald's conclusion that the numbers were flawed.³⁷ Sutherland, the specialist, may have been deliberately discrediting the nonspecialist's interpretation in his first textbook; however, in the second edition of his volume Sutherland would join Donald in questioning the reliability of racial crime statistics. He removed any mention of southern migrant criminality.³⁸

Since the 1890s, disproportionately high crime rates among blacks had been the starting point and linchpin of modern discourse on black criminality. Neither racial liberals nor conservatives escaped that statistical "reality." In the world of numbers stripped of context, all black people were more likely to commit crimes against property and personhood. But context was everything for those writing in defense of blacks' humanity. Black social scientists of the postriot era did not shy away from numbers, but embraced the social scientific approach as a way to depict accurately the multifarious humanity of black people and as a way of documenting the impact of institutional and societal racism. As Marlon B. Ross points out in his literary analysis of "New Negro social science," black "sociologists were seeking an activist narrative that could contain an objective portrait of the race while motivating influential groups to act on behalf of the black masses."³⁹ These writers focused especially on the broader context of inequality that contributed to black crime rates. To be sure, white racial liberals also questioned the accuracy of the statistics, frequently calling for better and more comprehensive recording of black crime statistics. Black sociologist and Philadelphia race-relations reformer Richard R. Wright, Jr., for example, complained about "the difficulty of getting accurate information." Much "of what is written about Negro crime in large cities," he wrote, "is mere guess work, or impres-

sions of observers, and cannot have any final scientific value for the sociologist."⁴⁰ Wright therefore attempted to expand the breadth of racial crime statistics beyond census prison data by soliciting unpublished racial arrest statistics from places like St. Louis, Boston, Pittsburgh, and Philadelphia.

In 1919, as part of the NAACP's initial efforts to discredit the black male rape myth and build a case for federal antilynching legislation, Herbert Seligman, director of publicity for the NAACP, sent letters to county officials across the country seeking black rape statistics.⁴¹ One official answered that Hardin, Illinois, did not keep such statistics. He also explained why. "We have no colored people in this county, they are not allowed here," said the response signed by Clifford Plummer, county clerk.⁴² In northern counties that did "allow" black residents and tracked their crimes, criminal justice officials could interpret the statistics in a discriminatory manner even when the data supported the NAACP's position. A New Jersey prosecutor answered Seligman's request by noting that his locale had not had any "complaints, indictments or convictions for rape against colored people . . . for the past ten years." In a revealing closing statement, Walter L. Hetfield, Jr., added, "Considering the large population of colored people we have in Union County, we have had very few criminal complaints against members of that race."⁴³ To many public officials, the association of blacks with crime was often a presumptive reality, even when the statistics showed otherwise.

Until the early 1920s racial liberals in the urban North countered such official thinking by focusing their energies on obtaining more accurate data or, more importantly, by presenting their own antiracist interpretations of how society shared some responsibility for why certain blacks, such as southern migrants, were admittedly criminally inclined. Donald's approach to statistics signaled a new trend. He shifted focus away from southern migrants as self-evident proof of criminality among a certain "class" of African Americans and instead turned the statistics on their head and stripped them of their *prima facie* value. Going forward, excessive crime rates among blacks in the race-relations literature of the postwar period represented a policing problem instead of a crime problem.

No other publication had as much influence on the rewriting of black criminality during this period than the 1922 report of the Chicago Commission on Race Relations, titled *The Negro in Chicago*. On July 27,

1919, shortly after whites stoned a black child to death at a public beach and a white police officer refused to arrest the white suspects identified by black witnesses, six days of rioting tore through Chicago, leaving 38 people dead and 537 injured, of whom 356 were black. To investigate the Chicago race riot of 1919, Illinois Governor Frank O. Lowden appointed a twelve-member commission, consisting of an equal number of prominent black and white civic reformers, to supervise an unprecedented eleven-month investigation into the causes and underlying conditions of one of America's worst and bloodiest race riots. The commission appointed Graham Romeyn Taylor, a white former settlement house worker and progressive journalist, and Charles S. Johnson, a black sociology graduate student at the University of Chicago, as the chief organizers of the project. Officially designated second in charge, Johnson took a leave of absence from serving as the director of research and investigation at the Chicago Urban League to assume principal authorship of *The Negro in Chicago*.⁴⁴

Johnson was recommended for the position by his graduate advisor, Robert E. Park. The president of the Chicago branch of the Urban League, Park in 1921 was emerging as the most influential white sociologist of race-relations in the country. Until the mid 1930s Park and his career-long collaborator and fellow Chicago sociologist Ernest W. Burgess led a cohort of talented academics, including Louis Wirth, Clifford R. Shaw, Henry D. McKay, John Landesco, and E. Franklin Frazier in the systematic mapping and ethnographic study of community life among European immigrants and African Americans in the urban North.⁴⁵ Frazier, a black graduate student at the university from 1929 to 1932, was the only member of this cohort to focus on African Americans, writing a groundbreaking 1932 study of the black family, *The Negro Family in Chicago*.⁴⁶ As representatives of the Chicago School of Sociology, they established the field of urban ecology, sharing to varying degrees a scientific commitment to advancing environmental theories of poverty, crime, and delinquency, and carrying the intellectual temperament of Progressive era reformers and academics forward into the postwar period.⁴⁷

The profound influence of these scholars in shaping a broader discourse of liberal environmentalism in the 1920s and 1930s came after publication of *The Negro in Chicago*. Nearly all of the Chicago School studies were published after 1921, with the notable exception of Thomas and Znaniecki's *The Polish Peasant in Europe and America* and Park and Burgess's *An Introduction to the Science of Sociology*. Among the social



Figure 6-1 Police arrive at the scene of a black man stoned to death by a white mob during the Chicago race riot. Note the presence of white civilians among the police and their proximity to the murder victim. Chicago Commission on Race Relations, *Negro in Chicago*.

workers and researchers hired by Taylor and Johnson to conduct fieldwork, and in the testimony of nearly two hundred local experts on various topics ranging from racial violence to real estate and crime and policing, the Chicago School sociologists are discernibly absent.⁴⁸

In the immediate aftermath of the wartime riots, the work of the Chicago Commission on Race Relations was the latest and most influential study of African American life in the postwar urban North. Praising *The Negro in Chicago* for marking an "epoch" in the study of race relations, Walter White, assistant secretary of the NAACP and an eyewitness to the destruction left by the riot, wrote, "No student of racial problems or of the principal matters of concern to America can ignore this report."⁴⁹

Although problems of police misconduct during the riot, or what White called "the actual connivance with the mob by the Chicago police

force,” were laced throughout *The Negro in Chicago*, the chapter called “Crime and Vicious Environment” was specifically devoted to an analysis of this phenomenon. The title is significant not only for the tenor of the discussion that followed, but also because, like Henderson’s discussion the previous year, it signaled the shifting frame of analysis emerging in a postwar, postriot context, presaged by the changing mood of Philadelphia’s black leaders during and after that city’s riot. As principal author, Johnson played a major role in shaping not only the presentation of the commission’s findings but also the tone of the book. As was the case with many New Negro intellectuals, one of his goals was to counter the racial conservatism of the era by being an “active publicist for liberal environmentalism.” Historian Mia Bay writes that “the new generation of academically trained black social scientists that emerged during the 1920s employed their scientific training in research aimed at showing the primacy of environmental factors in determining human capacity.”⁵⁰

Johnson’s training under Park certainly helped shape his structuralist views, as many scholars note. The roots of his analysis were planted in the fertile ground Park and Burgess were tilling at the University of Chicago, where there was an emerging sociological shift from focussing on ethnic and racial traits and individual pathology toward an urban ecological approach that explained inner-city criminality and juvenile delinquency. But Johnson was ahead of his time when it came to reinterpretating crime and policing. Not until nearly a decade later—when Shaw and McKay published cutting-edge scholarship on white juvenile delinquency and John Landesco on organized crime and police corruption—did the Chicago School have “its most concrete, transformative effect.”⁵¹ Landesco, for example, did not receive his undergraduate degree until the spring of 1924, nearly three years after *The Negro in Chicago* was published.⁵² Instead, the two-decades-old epistemological and antiracist criticisms of the black crime discourse by Du Bois, Wells, and local black reformers (including James Stemons, Fannie Williams, and the *Philadelphia Tribune*’s G. Grant Williams) had helped to reframe, from the bottom-up the way Henderson and now Johnson would analyze the data. To that end, Johnson announced in the first sentence of the chapter that “The crime rate of Negroes is so largely controlled by a tangle of predisposing circumstances that it is hardly possible to isolate and measure its factors.” Discrediting at the outset the use of racial crime statistics, Johnson argued that race was unimportant relative to the level of “general lawlessness, crime, and vice in the whole population.”⁵³



Figure 6-2 Police search African Americans for weapons during the Chicago Race Riot. Chicago Commission on Race Relations, *Negro in Chicago*.

Crime statistics were fundamentally flawed, according to Johnson. Striking discrepancies were found when Chicago police arrest data was compared with victims’ surveys conducted by the Chicago City Council Crime Commission resulting in the considerable underreporting of crime for the entire city. The number of burglaries reported by victims in 1919, for instance, was found to be more than three times the number in the official police statistics. Other problems stemmed from the lack of the “systematic handling of criminal statistics” across various agencies, therefore limiting an accurate measure of “the prevalence of crime.” Where race mattered, Johnson observed that blacks were more likely than the many “nationality” groups to be “debited” with their crimes because precinct desk sergeants more easily identified blacks by skin color. The fact that there were more blacks in the criminal age group (eighteen to thirty)

compared to other groups, due to the recent influx of young single women and men from the South, also limited the comparability of racial crime statistics.⁵⁴

Perhaps the most significant factor in a long list of problems with black crime data was revealed by the testimony of "judges and other authorities" that criminal justice officials were likely to "arrest Negroes more freely than whites, to book them on more serious charges, to convict them more readily, and to give them longer sentences." For example, one municipal court judge stated that he personally knew about "certain . . . police [who] were going into Negro clubs and arresting Negroes they found there, bringing them into court without a bit of evidence of any offense." Another judge discussed why large numbers of blacks were arrested on suspicion, attributing the practice to a lesser regard for "the rights" of black men compared to white men. "I think they hesitate a little longer when a white man is involved; I am certain that it is so." A former chief of police agreed, noting that southern migrants "naturally" attracted "greater suspicion than would attach to the white man who had lived for a greater length of time in the same district, and who also would be more easily identified and traced." Rather than arrest the white man, General Leroy T. Steward explained, the police would simply observe him, whereas they "would no doubt, feel if they permitted the colored man to pass on at the time, they would lose him completely."⁵⁵

Such startling testimony coming from within Chicago's criminal justice community, clearly indicated the effectiveness of the commission's interracial makeup and attests to the members' prominence, legitimacy, and access to high-ranking officials. It was the strongest body of evidence yet to reveal the subjective nature of racial crime statistics, deeply influenced by the social, cultural, and political contexts in which they were created.⁵⁶ "These situations presented such obvious dangers," Johnson summarized, "that the [Chicago] Commission [on Race Relations] considered it best to avoid giving currency to figures which carried such clear evidence of their own inaccuracy and misrepresentation." Consequently, the commission abandoned its attempts to "work out comparative racial crime tables."⁵⁷

At no point before 1922 had any published study argued that racial crime statistics were too unreliable to be usable. Since the end of the nineteenth century, such statistics, even if incomplete or subject to extreme antiblack interpretations, had been fundamental to assessing the progress and potential of African Americans. The unprecedented decision of the

Chicago Commission on Race Relations to disregard these figures influenced important members of the social scientific community.

Beginning in 1924 Edwin H. Sutherland, one of the greatest criminologist of the twentieth century, cited the Chicago Commission's conclusion that "there were no reliable [racial crime] statistics available."⁵⁸ He provided no additional commentary or evidence, but ten years later this somewhat tentative and ambivalent reference was transformed when he wrote that the "statistics were completely unreliable," then cited three studies corroborating *The Negro in Chicago's* initial claims.⁵⁹ Sutherland's newly rekindled professional ties to the city and to the University of Chicago may have made him more receptive to the Commission's findings in the 1934 edition of his definitive textbook. Although he had received a doctorate in sociology from the University of Chicago in 1913, a year before Park's arrival, he left that year to teach elsewhere before returning to his alma mater in 1930, just as Shaw, McKay, Landesco, and Frazier were building a formidable body of statistical evidence that geography trumped nationality and race in explaining crime and delinquency.⁶⁰ In Burgess's preface to Frazier's 1932 study, for example, he wrote that "The rates of crime, delinquency, illegitimacy, poverty, and vice would seem from this study to be not a matter so much of race as of geography."⁶¹ This latest research plus the Chicago Commission's earlier findings seemed to shake the very foundations of the statistical discourse on black criminality. Sutherland took note, especially since sociological research continued to show the potential for more racial violence in the nation's cities as a direct consequence of a perpetual cycle of bad data, bad policing, and bad treatment of black citizens.

One of the studies Sutherland cited revealed the potential of inaccurate racial crime statistics to inspire the kind of policing the Chicago Commission had called into question and to fuel popular perceptions about excessive crime among blacks. During a 1925 grand jury investigation of the Minneapolis crime scene, investigator Charles Davis noted that total black arrests documented in police records had grown from 470 in 1923 to 930 in 1924, leveling off to 890 in 1925. The doubling of arrests prompted Davis to write, "This condition is bad and is rapidly growing worse. Unless some method is devised to at least subdue the activities of these Negroes, there is certain to be a series of race riots in Minneapolis, followed by the usual lynchings and killings which always disgrace any civilized community when these outbursts occur."⁶² Despite the level-headed cautions from Johnson's report in the aftermath of the Red

Summer of 1919 and a 1920 spectacle lynching of three black men in Duluth, Minnesota, 150 miles north of Minneapolis, some northern officials continued to single out black criminality rather than prevent or punish racist behavior among law enforcement officers and the public at large.⁶³ In 1928 Maurine Bois, a National Urban League researcher, re-examined the police records Davis had used and discovered that the numbers were incorrect and should have been recorded as 517, 389, and 478, respectively, for 1923 to 1925. Blaming the mistake on "printers and the system of record keeping," Minneapolis police accepted Bois's revised numbers as the "official" statistics. Thorsten Sellin, a nationally recognized crime statistics expert and a frequent collaborator with Sutherland, called the errors "an experience" that "makes one question all earlier totals for Minneapolis and creates a profound distrust of official records in general, even though there is no reason to regard the records of the city mentioned as typical."⁶⁴

Sellin's critical eye for the shortcomings and inaccuracies of municipal arrest data had likely been honed by his initial interest in international comparative criminology. In a 1926 article he complained about the lack of uniformity in homicide statistics across European countries, warning researchers that only "trends" could be detected since "the statistics used have little or no value for comparative purposes."⁶⁵ Unlike many among the first generation of crime statisticians, Sellin benefited from a growing skepticism about the state of crime data among American criminologists.⁶⁶ Born the same year as Hoffman's *Race Traits* was published, Sellin was indeed a generation apart. As a Swedish-born immigrant to Canada and the United States, his initial experiences with race relations were very different from Hoffman's. He arrived in Philadelphia in 1915 and attended the University of Pennsylvania for graduate training, receiving his Ph.D. in sociology in 1922. Although there is nothing in Sellin's early published research or biographical record to explain his particular interest in racial crime statistics, he lived in Philadelphia through several of the tumultuous migration years including the Race Riot of 1918. The impressions made on the nineteen-year-old Sellin by daily headlines about racial violence in his newly adopted home, his early research into questions of comparative criminality, and his interest in the sociology of crime all suggest his openness to questioning the existing statistical discourse on black criminality. A short time after publication of "The Negro Criminal: A Statistical Note," in which Sellin repeatedly cited *The Negro in Chicago*, he and Sutherland collaborated as consultants to the U.S. Census

Bureau in the preparation of two federal prison reports covering the period 1929 to 1932.⁶⁷ Their official statement in the reports spoke directly to the way in which *The Negro in Chicago*'s unprecedented stance in 1922 influenced some of the most prominent white criminologists of the era: "The high commitment rate shown for Negroes is probably in some degree due to the combination of lower economic status, less frequent use of other forms of penal treatment for Negroes, and unfavorable race attitudes on the part of the white race. . . . It is hardly possible, therefore, to draw any conclusions from the data presented in this chapter, regarding the comparative criminality of race groups."⁶⁸

At the intersection of mounting criticisms of racial crime statistics by white criminologists and by black scholars stood Nathaniel Cantor, a University of Buffalo criminologist. The title of his address at the 1930 annual meeting of the Association for the Study of Negro Life and History, "Crime and the Negro"—two of the most commonly-linked terms in race-relations titles by the 1930s—gave no clue that his was a fresh perspective coming from within the white social scientific community. Cantor wasted no time with the familiar recitation of blacks' disproportionate prison and arrest rates. Instead he completely rejected crime statistics in his opening lines: "There are few fields in social science where opinion readily passes for knowledge as in criminology. Perhaps in no other discipline are statistics as meaningless as in criminology and penology." The problem was, he explained, that racial interpretations were built on "unreliable statistics." National prison data, he noted, had become a "matter of deep suspicion" a year earlier when the director of the U.S. Census Bureau admitted that requests for data from local penal agencies had gone unanswered or had been haphazardly assembled. A recent Detroit survey, he continued, "showed that severer sentences were imposed on the Negroes than the whites for the same offenses." Clear evidence of police malpractice and judicial bias around the country made plain the fact "that our whole legal machinery tends to operate unfavorably toward the Negro criminal." For Cantor, a student of Franz Boas with a Columbia Ph.D. in anthropology, the whole situation starting with the old biological linking of "crime" and "negro"—the sleight of hand in his title finally revealed—was built on a flawed premise: "Unless one assumes a biological criminal type there is no more sense in speaking of the Negro criminal, than of referring to Presbyterian spaghetti." The racial signifier, in other words, made no sense when discussing a social problem.⁶⁹ Du Bois certainly agreed with Cantor, writing similarly from the

helm of the NAACP's *Crisis* magazine, "It is senseless to regard crime as racial or characteristic of certain individuals. Crime is one of the best indices of social conditions."⁷⁰

Cantor's speech and subsequent article made a lasting impression on at least one likely audience member: Carter G. Woodson, the Harvard-educated black historian who first created Black History Week (later Black History Month), the founder of the Association for the Study of Negro Life and History, and the editor of its *Journal of Negro History*. "Crime is not racial," he wrote in a 1938 review of Bernard Peyton Chamberlain's *The Negro and Crime in Virginia*. Borrowing Cantor's food analogy but spinning a tortured variation of his own, Woodson scolded the author, "To speak of 'Negro crime' is not less excusable than to speak of Irish salt or Malay bananas."⁷¹

Although an influential core of black and white researchers had begun the process of deconstructing and discrediting the statistical foundations of crime-as-race-and-culture arguments, other white writers proceeded more tentatively, seeking a balance between a bona fide police problem and a real crime issue among blacks. Thomas J. Woofter, Jr., a southern white liberal sociologist, race-relations expert, and member of the Commission on Interracial Cooperation, explained in 1925 that blacks were a "backward" group, "poorly adapted to the codes and institutions of the white civilization in which they live," but that "their [actual] criminality" was more a function of the environment than "racial tendencies." Blending old arguments with new insights, Woofter took crime off the table as the all-powerful symbol of a still-discernible black inferiority, emphasizing instead the "useless" practice of arresting large numbers of blacks in vice raids. As an example, Woofter described how police in an unnamed "large Northern city" had raided "every Negro pool room" in a single night, resulting in 160 arrests for vagrancy. Twenty of the arrests produced charges, sixty were thrown out upon proof of employment, and eighty individuals were forced to leave town or face indictment. "This high handed arrest of colored people is extremely galling to the law-abiding citizens," Woofter wrote indignantly. "It cannot be excused on any ground other than ignorance and inefficiency of police officers who engage in these practices, and indifference of the citizens who permit such officers to remain on the job."⁷²

University of Iowa sociologist Edward B. Reuter, author of *The American Race Problem: A Study of the Negro*, saw the same underlying

dynamics at work. "Some part of the apparent excessive criminality of the Negro people finds its explanation in police discrimination," Reuter argued, noting that police officers were "white men who share the general idea that Negroes are highly criminal." Yet police racism was only part of the story, he continued; "in very considerable part, [blacks] are still ill-adjusted to the secondary and highly individualistic nature of present-day American life."⁷³ Notwithstanding their opposition to discriminatory policing, these white sociologists remained quietly ambivalent about the link between black culture and crime.⁷⁴

Part of their ambivalence is explained by their frame of reference. Beyond the debate about the inadequacies of crime statistics was the continuing effort among 1920s race-relations scholars to reinterpret the meaning of black criminality against the backdrop of a blatantly racist crime discourse. Speaking before a national audience at the annual meeting of the American Prison Association in 1921, G. Croft Williams, a white South Carolinian public welfare official, explained why the "proportion of Negro offenders is startlingly large." In addition to their present crisis of "maladjustment," "ignorance," "low mental power," and a "miserable environment," he stated, their African past had been decisive as well: "His dwelling for ages in tropical and semi-tropical forest and jungle life must have left vestiges in his physical constitution. These doubtless were strong factors in his behavior. Perhaps studies in glands, nerves, brains, and blood may some day give us a new conception of the Negro."⁷⁵ Among some influential public officials, the legacy of racial Darwinism continued into the third decade of the twentieth century as a legitimate ideological framework for explaining black criminality.

Chicago trial judge Marcus Kavanagh also clearly rejected 1920s liberal environmentalism. Unlike his judicial colleagues interviewed by the Chicago Commission, Kavanagh argued that whites had no responsibility for creating "negro criminal forces," one of the nation's "most perplexing and dangerous problems." "The worst enemy of the negro in America is the negro criminal. The white man is not an enemy of the negro, that is, he is not yet the negro's enemy," he warned. But he may become one unless "spokesmen for the dark race" mobilize against the "negro outlaw," who would otherwise "continue to ravage and destroy . . . and persist as a torment and a disgrace to his country."⁷⁶ Fully embracing racial crime statistics and police officers, both Williams's and Kavanagh's thinking better suited the public's general "impressions" of Negro criminality that liberals

frequently criticized but rarely defined.⁷⁷ Within this larger constellation of antiblack ideas, black culture arguments were not so easily discarded by white liberal scholars in the 1920s.

Two rhetorical strategies helped white liberals to obfuscate the appearance of slipping into old racist discourses while simultaneously maintaining their credibility as objective scholars. First, they frequently juxtaposed black cultural inferiority in the urban North with racist police behavior. By linking the two issues, they distinguished themselves as moderate observers, since outside the boundaries of racial liberalism police officers were a protected class and southern migrants were otherwise still an unruly bunch. Also, by making the men in blue scapegoats for racism in the urban North, and by using code words for poor southern migrants such as "poorly adapted" or "ill-adjusted," they helped secure a space for interracial collaboration among well-intentioned northern whites and middle-class blacks. These were the men and women Woofter had referred to as "law-abiding citizens," presumably like himself and those participating in interracial commissions, conferences, and research projects, or representing the National Urban League or NAACP.

The second strategy practiced by white liberals was a corollary of the first: They presented their arguments in part as the product of legitimate black perspectives and research. Woofter, for example, began his discussion of discriminatory policing by framing it as "one of the most persistent complaints of Negroes."⁷⁸ Before doing the same, William T. Root, a white psychologist and lead researcher of a 1927 study of prisoners at Western Pennsylvania Penitentiary in Pittsburgh, told his readers point-blank that his findings presented such an "unfavorable comparison" of black criminality that he was "afraid of giving the impression of having a definite bias in the matter." To protect himself and his research from the taint of racial bias, Root put "negro case workers" in charge of dealing with black prisoners. In the processing of data such as the consideration "of extenuating circumstances," Root explained, "the most sympathetic help of his own race has been secured."⁷⁹ Root's disclaimers suggest that perhaps he and others had adopted the recommendation of the Johnson report that "white members of the public" seek "information from responsible and representative Negroes as the basis of the[ir] judgments about Negro traits, characteristics, and tendencies" so as to counter pejorative stereotypes.⁸⁰ Thus, new ideas about the structural basis of black criminality (for example, racism in the criminal justice system) were a reflection of a newly formed critical mass of black researchers

who were demonstratively representative of a professional class of "law-abiding" citizens and, practically speaking, a potential bulwark against their fellow black criminals.

In the 1920s and 1930s a cohort of black women and men became authorities on black criminality. These sociologists, social workers, probation officers, criminal justice officials, journalists, and civil rights workers reshaped the continuing debate about crime as a measure of black progress and potential. Additionally, they called for and became increasingly engaged in crime fighting and crime prevention. Like their predecessors Ida B. Wells, W. E. B. Du Bois, Sadie Layten, and James Stemons, the new reformers were fierce defenders of the right of African Americans to be treated fairly under the law. As Kelly Miller put it in 1924, "[T]he inflexibility of law must be invoked to save order from anarchy." The breakdown he sought to redress was the arbitrary nature of law enforcement in black communities, frequently resulting in the harmful misapplication of criminal laws against African Americans.⁸¹

In her Urban League study of Philadelphia's criminal justice system using police and prison data and records of various social agencies for January to June 1924, black researcher Anna J. Thompson highlighted numerous examples of the capricious ways in which police officers and judges dealt with blacks. The fact that blacks made up only 7.4 percent of Philadelphia's population but comprised a quarter of the total arrests, according to Thompson's analysis, was due largely to frequent vice raids and "needless arrests." Thompson observed that police raids tended to inflate black arrest rates overall because of the high number of people arrested at one time, regardless of whether they were subsequently convicted of a petty offense or discharged. In one house raid, she noted, four black women and six black men had been arrested, all of them guilty of nothing more than being at home. The routine practice of arresting "suspicious characters" also proved to have a disproportionate impact on black arrest rates because these individuals should never have been arrested in the first place. Harry F., for example, was sent to the county prison for thirty days "on the charge of being a 'suspicious character'" after he informed a police officer that he was standing on the street because he was out of work and had been recently evicted by his landlady. Moses S. received an identical sentence for the same "crime," except he was picked up on the street while waiting for a friend. "No better proof of the many needless arrests," Thompson complained, was the fact that

one-third of all blacks arrested were discharged. "The Negro is an easy prey for petty police officials who offer 'Tell it to the judge' as an explanation when arresting 'suspicious characters' and other ignorant as well as innocent victims of the law." Offhandedly she added that the "antagonism" between Irish police officers and blacks was the "basis for many jokes around City Hall."⁸²

Ira De A. Reid, the National Urban League's director of research and publicity in the late 1920s and the 1930s, presented compelling evidence of poor policing in black communities in his several surveys of crime and policing. In a 1929 study of Denver, Colorado, for example, he found a pattern of "seeming recklessness" by the police when it came to arresting blacks because more than half had been booked on either "the all inclusive charge of 'Investigation'" or vagrancy.⁸³ In 1931 he came to a similar conclusion in Troy, New York, where 60 percent of the cases against blacks had been "offenses against the public order, probably the least criminal of all categories." Like Thompson, Reid looked at the extremely high number of cases—78 percent—that were "either suspended, discharged, or adjourned" as evidence of a problem. This situation, he reasoned, "bespeaks either indiscriminate arrests or extreme leniency on the part of the police."⁸⁴

As Reid made his way across the country preparing NUL surveys in nine towns and cities in the West, Midwest, and Northeast, he stopped in Pittsburgh in 1930 and witnessed the total absence of law enforcement in the Hill district, a historic black neighborhood. "The amazing fact about the Hill," wrote Reid, "is that Pittsburgh has permitted intolerable, anti-social conditions to exist there for more than two decades and has done little to clean up."⁸⁵ To Reid, Pittsburgh's police officials may have seemed especially derelict in their duties because he had lived in the city while receiving his M.A. in sociology from the University of Pittsburgh in 1925 and while serving as one of the specially picked black research assistants in W. T. Root's local prison study.⁸⁶ By the time Reid had investigated five New Jersey municipalities in 1932—Trenton, Princeton, New Brunswick, Perth Amboy, and Plainfield—plus the beach towns of Monmouth County, he had seen enough ineffective policing and structural inequality to arrive at a rubber-stamp disclaimer about high black arrest rates: "That this is due to excessive criminality of the Negro is no longer a satisfactory answer to the problem."⁸⁷

White municipal officials displayed a cavalier attitude about effectively policing black communities, according to Edward E. Wilson, a Howard

University Law School graduate and Illinois assistant state's attorney. "The whites who have the machinery of the law do not seem to care what crimes Negroes commit against each other," he wrote in 1929. "They are likely to take the attitude that 'this is a matter among niggers and why bother.'" Wilson's fifteen years as a black prosecutor afforded him a unique perspective as an insider, prompting him to focus on yet another form of discriminatory policing. Rather than highlight the problem of over-surveillance and excessive arrest activity, he focused on the problem of inadequate protection: "There is no greater cause for crime among Negroes than the contempt for law engendered by the conduct of certain police protecting and paltering with violations of the law."⁸⁸ By this reasoning, according to historian Kenneth Kusmer, what seemed an obvious contradiction was far from it: "As far as police protection was concerned, black people [in Cleveland] could without contradiction say that they received both too little and too much."⁸⁹ Likewise, criminologists Frankie Bailey and Alice Green state that "black urban communities such as Harlem were locations in which law enforcement was both too vigorous and too lax. Police brutality was accompanied by police corruption."⁹⁰

As Philadelphia's black leaders had observed in the midst of the racial violence of 1918, police officers were often on the wrong side of the law, aiding and sometimes leading mob attacks against blacks. Updating the Chicago Commission's findings, the 1929 Illinois Crime Survey found that African Americans made up 30 percent of the recorded killings by police in 1926–1927, though they represented only 5 percent of the population.⁹¹ Less than a year after the Crime Survey's publication, police shootings of black males in Chicago continued, according to Ida B. Wells. In the manhunt for a sixteen-year-old accused of breaking a restaurant window, she reported, the police entered his home without a warrant, guns blazing. He died in a hail of thirty-five bullets. Two others were killed in separate incidents. Continuing to speak truth to power, Wells expressed her outrage in the *Chicago Daily News*: "Perhaps if the city had recognized the above murders as a menace to her fair fame and public sentiment and then sternly demanded the removal of incompetent heads of the police department, Alfred Lingle [the sixteen-year-old] might not now be lying cold in death."⁹² Police agencies across the urban North during the tumultuous migration years and beyond were, as scholars have noted, often involved directly in anti-black violence.⁹³

Puzzle: Find the "Keepers of the Peace"



Figure 6-3 "Puzzle: Find the 'Keepers of the Peace,'" a cartoon depicting long standing criticisms of police indifference to white mob violence against black homeowners. The Philadelphia Tribune, Philadelphia Penn., May 10, 1928.

The consequence of this apparent paradox was that black communities were subjected to a hostile form of daily policing that was contrary to the criminal laws on which it was based and destructive to the communities it was supposed to serve and protect. In the broadest sense,

however, "discretion was built into daily police work," according to crime historian Mark Haller. The system was overburdened by the fact that the number of violations within the entire population exceeded those that could be prosecuted. "Informal standards" were thus developed to help guide police work, resulting in a wide departure "from the impartial, due process model that was written into law and supported by civic reformers."⁹⁴ In this regard, blacks were the easiest targets of the police; their rights were the least respected, and they had only a modicum of political influence to hold officers accountable. "They are arrested more often and frequently receive longer sentences since they are not politically well known," noted A. A. Abraham in his study of black juvenile delinquency in Buffalo, New York. Worse still, Abraham added, was that state officials sometimes showed no remorse when they incarcerated innocent blacks. When Frank Harris was about to be released from a Pennsylvania prison after twenty-one years for a murder he did not commit, the state parole board delayed his departure until after its members were "assured Harris had a job and a home." Upon Harris's release, state officials gave him a "new suit and a \$5 bill," announcing that "no great injury" had been done.⁹⁵

Many law enforcement officials flouted the constitutional rights of black criminal suspects, posing a constant threat to innocent bystanders while simultaneously encouraging disrespect for law and order among everyone. Calling for a higher standard of policing as an anticrime solution, Kelly Miller wrote in 1935 that whites needed to "persuade and convince the Negro of the beneficent purpose and function of the law" rather than using it "as a means of humiliating and degrading them. Too often the policeman's club is the only instrument of the law with which the Negro comes into contact. This engenders in him a distrust and resentful attitude toward all public authorities and law officers. None can doubt that such a kindly attitude would go far to convince the Negro of the value to himself and advantage of law obedience and good citizenship."⁹⁶ Until that happened, indiscriminate and reckless policing remained, in state's attorney Wilson's opinion, "as responsible for criminality in Chicago as any other one agency."⁹⁷

Black New Yorker George Fald expressed similar concerns about policing in Harlem in a 1922 letter to James Weldon Johnson, executive secretary of the NAACP. Identifying himself as a "law abiding citizen," Fald reported that numerous instances of police misconduct had "been going on for some time. Not only in the station house but on the street. I can recall

several instances in which I have been an eye witness." Fald described one scene where a police officer searched a youth at gunpoint in the hallway of a building at West 137th Street, finding nothing on the "would be prisoner." Rather than stop there, the officer proceeded to question the "lad" about where he lived. When the youth responded, the officer cursed him and "struck the boy in the face." The subsequent action by the New York City police officer may have been a routine practice, but it was rarely described by witnesses. According to Fald, the officer "told the boy to run," then chased him while attempting "to strike him with his billie [sic]." The officer then "drew his revolver again to shoot but changed his mind." Puzzled and outraged, Fald asked Johnson, "How, if the officer had nothing on that boy, have he the right to molest him?" When questioned by Fald about his actions, the officer cursed him in the presence of "women and children" and said the boy was a "hold up man." Fald was not only unconvinced, but reasoned out loud that if the officer had probable cause to stop the youth, "he could arrest him on suspicious [sic] could he not?" Fald closed his letter by expressing hope that his testimony would deliver "justice to those who justice deserve."⁹⁸

Brooklyn resident Rupert Clarke wanted the same justice when he conveyed the details of his own run-in with New York's finest while riding the subway on July 23, 1931. According to correspondence between Clarke and NAACP officials and an affidavit submitted to the New York City police commissioner, Clarke was sitting in a corner with two empty seats near him when "this man on entering [the subway car] promptly sat next to me[,] pushed my leg violently and ordered me to close them. I looked at him a little thought he was drunk or something of the kind and returned to my 'Times.' . . . A moment later he repeated the assault." As it turns out, the assailant was an undercover police officer, James E. Cleary, who arrested Clarke after he pushed back and they began to argue. "Of all the people in the world I would least expect an officer to do such a base thing: deliberately assault and provoke a man and then arrest him. Of course, I read about such things in newspapers but I never dreamed they applied to me." He said he refused to be arrested, but the officer pulled the emergency brake on the train and soon two additional officers assisted him. Clarke submitted. He was locked in two "dungeons" until he was taken before the judge, where he was found guilty and ordered to serve two days in jail or pay a fine. A white man witnessed the incident, but when asked by Clarke for his testimony, he replied, "I saw nothing." Frustrated by the eyewitness's lack of compassion, Clarke wrote, "Well it

wasn't exactly a surprise but I shall always remember him." Without enough money for a lawyer, Clarke, a postal worker, unwillingly paid the fine instead of fighting it. Figuring that his case was closed, he wanted the "wonderful association" to know about Cleary because he suspected he would attempt "the base trick on other of my people." Clarke hoped his affidavit would help get Cleary fired. "I am sure the Commissioner doesn't want such men on his force."⁹⁹

The professional standards and racial ethics of those in charge of police agencies could not be taken for granted in light of the racial scandal initiated by Raymond E. Gilyard, police chief in Seymour, Connecticut. Six weeks before Clarke's encounter, a small New England town only eighty miles northeast of New York City was rocked by the alleged gang-style murder of Chief Gilyard. The New Haven *Evening Register* reported on May 12, 1931, that moments before he died of a fatal gunshot Gilyard told a telephone operator, "I've been shot. . . . Three Negroes did it." A well-liked leader, Gilyard was "virtually [Seymour's] town manager" and had been "popular among the better element of the town as an anti-crime crusader." Recently he had been "prominent in the prosecution of Negro gangsters." Immediately following his death, with rumors suggesting that the murder was a retaliatory hit, as many as ten black suspects were rounded up and questioned by the police. The primary suspects were the brother and two associates of Harold Stanton, recently imprisoned by Gilyard for armed robbery. Town residents also joined in the manhunt for "the trio of Negro killers" by reporting the movements of suspicious blacks seen near Town Hall on the day of the shooting. Three "negroes . . . loitering," an impatient-looking Negro pacing outside a small sedan "parked just north of town hall," and four blacks driving away from the building at high speeds were all purportedly seen and suspected of foul play.¹⁰⁰

While suspicious African Americans were being sought and arrested by Seymour police, some townspeople and journalists had begun to question the murder theory and speculate whether Gilyard had in fact taken his own life. The Manchester *Herald* stated that although it looked like blacks had killed him, "the nature of the crime . . . flies squarely in the face of the criminal history of the colored race." Not only were 90 percent of black murders intra-racial, according to the *Herald*, but they were never premeditated and were usually the outcome of a "sudden flaming of passion" due to "sex jealousy" and "gambling quarrels." Besides, the *Herald* concluded, "Feuds and considered revenges are completely foreign

to the Negro psychology." Putting racial crime tendencies aside—the echoes of Hoffmanesque caricatures and Frances Kellor's claim that black criminals were incapable of executing "well laid plans or complicated schemings"—other observers began to analyze the facts of the case more closely, beginning with the improbability that Gilyard could have made a phone call after being shot through the heart.¹⁰¹ Similarly odd was the ballistics report that all the bullets fired at the scene came from Gilyard's own guns. Although the coroner had initially discounted rumors of suicide, by the second day he changed his mind. The final ruling was that Gilyard "spent two months creating a fabrication of murder clues [sic] to escape his creditors"; he wanted his suicide to look like a murder in order to protect a large insurance policy. All suspects were immediately released.¹⁰²

The Gilyard hoax was just one of many instances of racial scapegoating in the 1920s and 1930s. In New York City two white women, Mary Daly and Florence Kane, were murdered in separate incidents in 1925. In both cases, a flurry of press reports identified black men as the suspects until further investigation yielded white male perpetrators.¹⁰³ Two years later, in a slight variation, two white women falsely accused two black men in separate incidents of murder, when they themselves were the culprits.¹⁰⁴ Ida B. Wells had documented similar cases nearly a half-century before. More recently, the problem had become so noteworthy and widespread that the pioneering black sociologist Monroe N. Work continued Wells's work by compiling false accusations in an annual *Negro Year Book*.¹⁰⁵ In 1935, the Commission on Interracial Cooperation similarly released a report titled "Burnt Cork and Crime," where they highlighted not only false rape accusations by white women but also the "white man's trick of blackening his face before committing his crime." Taking note of the report and the scale of evidence, the white University of North Carolina sociologist Guy B. Johnson wrote that the full "incidence of the situations will probably never be known," except in the few cases where they "fail to work." But "to the extent that they succeed they are an absolute exaggeration of the Negro's *actual* criminality."¹⁰⁶

Banking on the white public's readiness "to accept as fact the merest suspicion or accusation that a Negro is the perpetrator of a particular crime," Gilyard, it seems, hoped for his family's sake that his plan would succeed.¹⁰⁷ Although his suicide hoax proved that racist police behavior did not always originate with the rank and file, to many black observers like Walter White of the NAACP the scandal was simply another

"instance of how Negroes are unjustly and with impunity accused of crime."¹⁰⁸ Claude McKay, a Caribbean-born poet and Harlem Renaissance writer, ostensibly agreed with White when he described in his autobiography how he had become an innocent victim of a "police dragnet." While working in Pittsburgh for the Pennsylvania Railroad, McKay was arrested and jailed overnight with a "motley gang of men, bums, vagrants, pimps, and honest fellows." The following day during his trial, McKay explained his employment situation and said that he had left his identification in New York. "The judge declared that I was doing indispensable work on the railroad, and he reprimanded the black detective who had pressed the charge and said the police should be more discriminate in making arrests and endeavor to ascertain the facts about their victims," McKay wrote. "My case was dismissed."¹⁰⁹

Even when wrongful arrests were righted by judges—an arbitrary practice dependent on the appearance of respectability and likely concrete proof of employment—considerable damage had already been done. "The important fact . . . is the belief in the Negro's higher criminality," wrote Sellin in his influential 1928 article. "We are prone to judge ourselves by our best traits and strangers by their worst. In the case of the Negro, stranger in our midst, all beliefs prejudicial to him aid in intensifying the feeling of racial antipathy engendered by his color and his social status."¹¹⁰ By the early 1930s Sellin's research had become its own source of inspiration for black researchers and crime fighters.¹¹¹ In a 1935 study, Sellin continued to uncover evidence of the ways in which "differential treatment" by criminal justice officials fueled the "apparent criminality" of blacks, finding that African American males in the North received harsher sentences overall than did native white or foreign-born males. He concluded that given the "great and relatively constant variations observed," racial prejudice is to blame and "equality before the law is a social fiction."¹¹²

Equality before the law was precisely the issue for many blacks in the segregated communities of the urban North. A 1927 *Philadelphia Tribune* editorial commented that "the best thinking element among our race group should not condone any wrong-doing on the part of any member of the group. We should insist, however, upon receiving fair treatment from those who are entrusted with the enforcement of the law; but they cannot afford us this equal treatment before the law if back in their minds they feel that we ought to be the recipients of treatment which is not only different, but unfair as well."¹¹³ The bottom line for

many residents of black communities was that police officers, white and black, needed to take seriously their duty to arrest the guilty and protect the innocent.

This was easier said than done within the white-controlled vice districts of black communities. Recorded observations of numerous black eyewitnesses ranging from undercover vice agents to NAACP informants and investigators showed that numerous entrenched interests were opposed to the effective policing of black communities. The rising influence of a critical mass of black crime fighters—middle-class women and men actively engaged in punishing criminals and preventing crime—helped to corroborate and enrich the claims of their social scientific counterparts that the “machinery of justice” was indeed discriminatory.¹¹⁴ Their observations and efforts also reveal how so many individuals profited—politically, professionally, and/or financially—from perpetuating vice conditions in black communities.

Starting in January 1921 and lasting roughly four months, a black female undercover vice agent for the Philadelphia Police Department began recording daily entries in a journal.¹¹⁵ Working alongside the “colored vice men” hired by the administration of Philadelphia Mayor J. Hampton Moore, she disguised herself as a prostitute in order to infiltrate the inner realms of a wide range of illegal enterprises. Without their knowledge or consent, she conducted daily interviews with dozens of white and black people directly engaged in prostitution, gambling, illegal liquor manufacturing and sales, drug dealing, and robbery. She also observed from close range numerous examples of blatant corruption and misconduct by police officers and high-ranking officials. Her journal entries are a unique and graphic description of a Prohibition era vice district, even more fascinating because they were written by a black woman who may have been a middle-class club woman turned crime fighter. Neither her name nor her identity were mentioned in the reports or in other documents examined in the Moore papers, but her condescending attitude toward and anxiety about some of what she witnessed reveals her social class.¹¹⁶ After entering a room at the Royal Palace Hotel where a party was taking place, she wrote the following: “The place was packed with under-world characters and was dense with tobacco smoke and other odors so that it is really wonderful that I survived the ordeal. I doubt if in darkest Africa there was ever such ignorance displayed as went on here on this occasion. . . . They played a very low kind of jazz music. Most of them call it the slow drag. They shimied [sic] and acted in

a manner beyond description. It was so vile.”¹¹⁷ Clearly unable to contain her personal disgust, she continued her entry: “There was plenty of gin and whiskey as well as beer, for all and most of the women present were dope users and also a number of the men. . . . I was offered both heroin and cocaine.” Although most of her entries were quotations from the people she met and physical descriptions of the places, people, and things she witnessed, her middle-class sensibility occasionally crept through. At the first annual dance of the Claver Younger Set, a black social club, she described the auditorium as a “very nice hall.” Although she had been invited by “a gambler” and knew other members of the “underworld” were present, she remarked that the guests were typically of “the better class of young men and women and all acted in an exemplary manner. There was neither loud talking nor bad language used, neither was anyone allowed to loiter in the halls.”¹¹⁸

The black female undercover agent was apparently typical of her social peers when she disparaged storefront churches in South Philadelphia for a style of worship unacceptable to her kind. Among the majority of black middle-class people, public respectability and proper religious expression were one and the same, according to historian Evelyn Brooks Higginbotham.¹¹⁹ “Conditions were terrible at a so called religious meeting,” the agent wrote, indicating that she was repulsed by the playing of jazz-influenced gospel music, especially the use of a “trap drum and tamboreen [sic].” Given the lack of “decency” indicated by the dancing, shouting, and carrying-on, she called the place “ridiculous. It seems a pity that under the pretense of being religious any group should be allowed to practice such immorality and ignorance especially in neighborhoods in which there is already far too little inlightenment [sic].”¹²⁰ Her notions of respectability situate her as a person with little in common with those she was investigating. This suggests how easily she could have emphasized the “immorality and ignorance” of a different class of black people above and beyond the official corruption she witnessed. She, however, made only a single reference to southern migrant criminality.¹²¹

While documenting the movements of dozens of black “underworld” characters, the undercover agent paid considerable attention to the larger framework in which they existed. With housing, for example, she observed how many white landlords specialized in renting to “hardened criminal type[s].” Black tenants claimed that certain landlords marketed their rental units as safe havens for crime since they had personal connections with the police. J. Werner, for example, one of three brothers who

shared a large real estate business, was also a police officer. According to a prostitute, one of the Werner buildings was a "fine house to live in as the landlord never bothers to see what is going on so long as he gets his rent." Morris Werner was even known to "boast . . . that he has sufficient pull in the district to prevent the arrest of anyone living in his houses if they are charged with anything short of murder, or that he can have anyone in bad with him picked up." Another property owner, Harry Levin, was reputed to lease his units to known drug dealers at rock-bottom prices.¹²² The *Philadelphia Tribune* later complained that "something must be done to abolish those hellish tenement houses that enrich the landlord and breed criminals," accusing "city authorities" of being fully aware of such "dives."¹²³

As shown by the agent's journal—page after page recording dozens of instances of corruption—the connection between law enforcement officers and vice operations was blatant and endemic. Her references are all the more revealing considering that the misconduct and unlawful behavior she described occurred among the people with whom she had a professional relationship. As fellow police officers they had sworn to uphold the law, but they routinely neglected to arrest suspects who committed crimes right before their eyes, collected protection money from vice operators, and frequently drank liquor in illegal establishments, sometimes while soliciting prostitutes. A few police officers ran their own shady places. J. Werner's Pool Hall was located near the corner of Broad and South streets. Here, the agent observed, "at almost any time police officers in uniform can be standing in this pool hall, in friendly conversation with tough characters." Although not owned by an officer, Kate's Resort was so popular among the police that it was called the "cops' retreat. Many cops come here for a good time during the time they are supposed to be on duty." Other police hangouts were the University Pool Room, Seegal's Pool Hall, and Vic Hamilton's Café, the largest and most popular cabaret in South Philadelphia. The "café" was the cream of the crop among police hangouts, given its VIP patrons. According to a waitress at the nightclub, "[t]he Chief of Detectives and other high officials often come [in] . . . to enjoy themselves and the proprietor is the leader in this ward, so you know that means nothing can happen here."¹²⁴

At the opposite extreme of protected places was a "notorious thieving joint" run by a "colored man known as Jim." When prostitutes recruited him to help them rob their white clients, the police rarely interfered, Jim explained to the undercover agent. "Cops know everything and they'll just bluff the fellow and tell him to get to hellout [sic] of here, what's he

doing hanging around niggers." The investigator agreed, adding that she had seen "uniformed police officers, prostitutes and the hold-up men divide the money between them in this court."¹²⁵

Although there was considerable diversity among the beneficiaries of police corruption—Jewish landlords, Italian bootleggers, African American pimps, Chinese and native white drug dealers—whites dominated the ownership and management of vice.¹²⁶ In Harlem in 1928, for example, the Committee of Fourteen, a New York City Progressive era anti-vice agency reenergized to fight bootlegging during Prohibition, found eighty-five speakeasies, all but four of them owned by whites. Like many other black communities across the urban North, Harlem had become what one Committee of Fourteen investigator called "a convenient place in which to go on a moral vacation" for "certain classes of whites."¹²⁷ To the black poet Claude McKay, Harlem was the "paradise of bootleggers."¹²⁸ Estimates from Chicago and other cities suggest that from 80 to possibly 90 percent of vice businesses were owned by nonblacks.¹²⁹

Ownership by whites also meant that they wielded greater political influence and received the bulk of protection from city officials, leaving black-run places more vulnerable to police raids that did occur. A December 22, 1927, *Philadelphia Tribune* headline, for example, announced that the police department had deliberately protected an exclusive white nightclub while "inconsequential houses of unsavory aspect maintained by Negroes are subjected to constant raids."¹³⁰ The scale of the problem in Philadelphia had become so great that the following year the *Tribune* launched its own investigation: "If you have been raided recently by the police, or if you know of anyone who has, without the proper presentation of a SEARCH AND SEIZURE warrant send your name, address, the date and time of the raid, and the police officers making the raid to the PHILADELPHIA TRIBUNE."¹³¹ During a 1931 New York state legislative investigation of political and police corruption known as the Samuel Seabury Commission, witnesses testified that New York City police officers who did not make their arrest quotas "used to go to Harlem and in Harlem they go to any colored house or colored apartment and they make any arrests at all, just because they thought colored people had less chance in court."¹³² An NAACP investigation of Harlem's vice conditions in 1932 discovered wide-scale police corruption and selective law enforcement to the benefit of the police and white vice operators. "[T]he field of money making in Harlem," a memo read, is "entirely in the hands of the white police and the white racketeer."¹³³ Knowing they were

not alone, New York's black paper, the *Amsterdam News*, had years before editorialized about "Chicago Police Covering up Criminal Connections by Attacks on Negroes."¹³⁴ In his 1933 study, *Vice in Chicago*, white sociologist Walter Reckless observed that blacks were the primary targets of police activity in vice areas. Police were seven times more active in vice districts in 1928 than they had been in 1908, and based on 1931 police records, 87 percent of the cases were against the "obvious, cheap Negro resorts."¹³⁵ Detroit's prostitution scene was no different; "it is a noticeable policy of the Detroit police to arrest colored girls almost exclusively on week-ends, the days when business is most brisk."¹³⁶ Historian Irma Watkins-Owens concludes that "white racketeers operating in black communities were seldom pursued with the same rigor as black operators."¹³⁷

Having the least political influence, black residents in vice districts were more likely to experience two extreme forms of policing: widespread corruption and frequent raids. The following conversation—between a black police officer and the undercover agent—about the racial politics of Philadelphia Mayor J. Hampton Moore gives a sense of the contradictions at work. The agent began:

I noticed two white officers standing in the store doorway opposite the Green Dragon and one in the block. I said, "look at the law awatching us." He said, "no, they are watching Smithie Lucas's [a black man's] place. You know he is in bad with this city administration and the Mayor keeps cops there ready to pounce upon him and raid his place for the least thing that happens there. They are supposed to be watching it for liquor but if it is too long before something does happen they will raid him anyway, that's politics." Further said, "You know [Vic] Hamilton's [a white man's] is the only place in this ward that is supposed to run. He is Mayor Moore's man in the ward, the man he recognizes in [his fight against the machine politicians who] recognize decent colored people as well as the underworld. . . . When did you ever hear of Mayor Moore attending or coming to speak at a big colored affair. All those colored people who voted or worked for him are getting just what they deserve, a kick in the pants. Why he even turned [G. Edward] Dickerson [a popular black lawyer and civic reformer] down. Dickerson and his crowd really elected Moore, now Moore has as good as told him this is a white man's administration, no negroes need

apply and the town is on the bum, worse than ever, even the police are lying down, simply on duty for that \$5.00 per [day]."¹³⁸

Embedded in this insider's graphic description of the politics of race and crime fighting is a firsthand account of the arbitrary nature of law enforcement in black communities across the urban North. The fact that some blacks in these communities stood to gain from a contradictory pattern of ineffective policing did not change the overall dilemma faced by the majority of residents, particularly self-identified working- and middle-class citizens who demanded that the guilty be punished and the innocent be protected. For them, the degree to which the policing problem had become greater than the crime problem is demonstrated by their repeated references to it and by the fact that they saw it as clear evidence of racial inequality in American society.

Commenting on the need for reliable and effective police protection on Chicago's South Side in the 1930s, members of the Amethyst Girls, a black women's social club, complained about being the victims of a recent spate of robberies. Two of the women castigated the police, charging that "they are too busy wasting their time talking and drinking beer in such popular spots as the Apex Grill instead of keeping their eyes open and trying to do their duty as they should." Another woman chimed in that such neglect was not tolerated in white neighborhoods on the North Side. Across town, she stated, "cops . . . are more interested in the protection of their women and children."¹³⁹ A white scholar and contributor to *The Negro in Chicago* linked the disparity in the quality of policing on the South Side and the North Side to overall economic inequality among blacks. When it came to vice dens "in a territory upon the North Side," University of Chicago professor Charles Merriam explained, "where there are many lawyers and people of some means, if they found [such] a place . . . they would never rest until they got it out. They would just keep at it with time and money until they forced it out." Notwithstanding their lack of resources, he concluded, "Negroes ought to be protected."¹⁴⁰

Civil rights activists agreed and increasingly used the media to highlight the need for police reform.¹⁴¹ NAACP officials Walter White and James Weldon Johnson frequently issued press releases, for example, when they received complaints of police misconduct or read about it in newspapers. In the aftermath of Raymond E. Gilyard's conspiracy to frame blacks for his suicide, for example, White contacted a lawyer in New Haven, seeking accurate information for a press release. "We want to use

this story," he wrote. "Please send us all details you can gather on the matter."¹⁴² NAACP officials also publicized other instances of police misconduct, including "police indifference" to a mob attack in Chicago, the torture of an innocent mentally handicapped suspect in Pittsburgh, and unlawful police shootings in Cincinnati, Ohio, and Jersey City, New Jersey.¹⁴³

In Jersey City, several allegations of police misconduct in the 1920s drew the attention of civil rights activists. On December 7, 1920, Police Chief R. T. Battersby issued an order "that members of the force were to arrest all Negroes found on the streets after nine o'clock." According to Chief Battersby, there had recently been three robberies by blacks, in his mind evidence of a black crime wave that threatened the city's public safety. Battersby stated that this "has got to stop." Before the curfew could be enforced, an Associated Press employee notified the national headquarters of the NAACP, which took immediate action by contacting the local branch of the organization and city officials. Walter White called the order "vicious and unjust" and demanded Battersby's immediate dismissal. James Weldon Johnson agreed and expressed his fear of the danger that could result from such an order. "It is likely to be stretched out too far by ignorant or wilful-minded [sic] policemen who will be ready to arrest Negroes for no causes at all." The potential for a race riot over something like this, A. L. Jackson of the National Urban League pointed out, was too real to be taken lightly.¹⁴⁴

The fear that race riots would become a permanent feature of northern cities after the Red Summer of 1919 gave a sense of urgency to the swift backlash against Jersey City's chief law enforcement officer. In as close to an admission as he would make, Battersby denied that he had issued an order against the entire black community, but stated that he had in fact informed his officers to "pick up strange negroes." "Jersey City is pretty free from crime," he added, "and we intend to keep it so." Reminiscent of white southern journalist Clarence Poe, who along with Du Bois two decades earlier had attempted to debunk the statistical myth that education created black criminals, a Tennessee editorialist referred to the Battersby order as a "Jim Crow Curfew Law." With a touch of sarcasm and an appreciation for the racial double standard at work, he wrote, "Taking into account the enormous number of crimes committed by whites, not alone in Jersey City but in nearly all other centers of population, it would seem that if this director of public safety is right in his

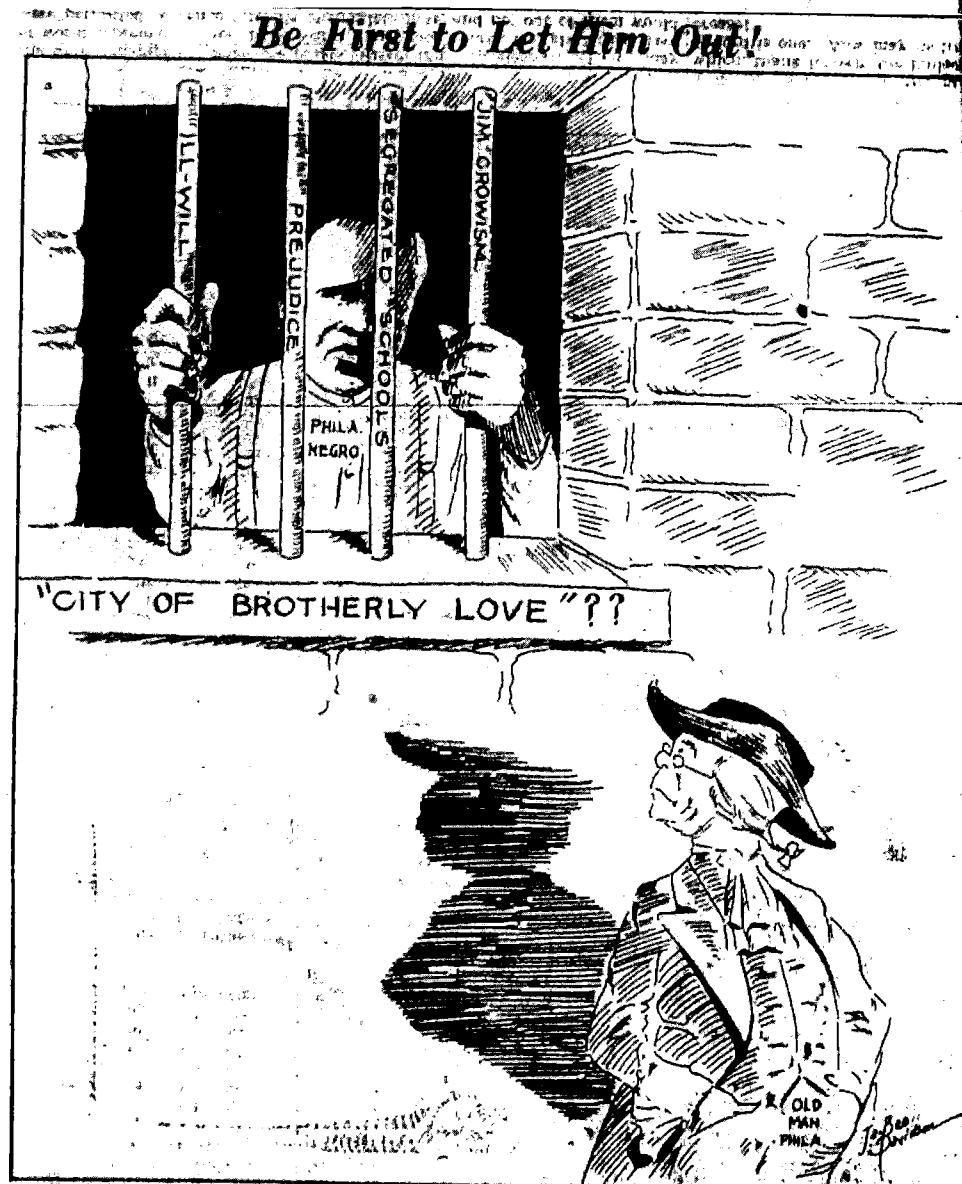
plan of solving the trouble, the thing to do is to establish a curfew law for whites."¹⁴⁵ Battersby kept his job but was publicly censured.¹⁴⁶

In a letter Walter White sent to the editor of the *New York World*, thanking him for his "splended [sic] editorial" on the controversy in Jersey City, he made one of his clearest statements about the way in which he and arguably other civil rights activists viewed black criminality relative to police misconduct:

There has been so much vicious propaganda which has later proven untrue, manufactured deliberately for the persecution of Negroes, that such action can do nothing but create a tremendous dissatisfaction among Negroes and an impressed oppression of the Negro by irresponsible elements. . . . Tactics of this sort can lead to but one thing and that is an aggravation of already acutely strained racial relations and the forming [sic] of conditions which will result in race riots. We are glad that the *World* has taken so clean-cut a position on this matter. The fact that three crimes have been attributed to Negroes in three days has thus been used to case [sic] a stigma upon Jersey City's 3000 colored citizens and to brand all of them as criminals. If this is the kind of democracy for which the Negro fought, then his services indeed have been in vain.¹⁴⁷

In the context of an emerging national civil rights struggle, White's statement can be seen as an early indication of the way in which other blacks would come to frame the problem over the next two decades. Stepping up their resistance to Jim Crow justice in the urban North, in 1929 Jersey City's civil rights activists returned to the streets to protest a suspicious shooting of a black man and the alleged attack on a "young colored woman" by a police lieutenant.¹⁴⁸ In the spirit of this new era, the *Philadelphia Tribune* put at the masthead of every issue of the paper the statement "Fighting Against: Segregated Schools; Police Brutality; Economic and Civic Discrimination; Racial Treachery."¹⁴⁹ The activist paper also increasingly brought local, regional, and national coverage of police brutality to its readers, accompanied by an occasional editorial cartoon.¹⁵⁰ Among the many new voices of protest, publicizing instances of racial injustice became a central civil rights strategy.

As the statistical discourse on black criminality underwent dramatic changes in the 1920s and 1930s, spurred by New Negro race-relations



writers and civil rights activists and assisted by some major white criminologists, broader calls for reform proceeded simultaneously in the nation's criminal justice community. The national scene was a parallel universe, and reform was only tangentially connected in most criminal justice officials' minds to the problems raised by African Americans in their communities. The situation was somewhat analogous to the Janus-faced approach to Progressive era crime prevention and crime fighting, given that black communities contended with their own criminals and vice operators, and also carried a huge burden of white vice and criminality; the reverse did not hold true.

The standard discussions of Prohibition's failures over the decade of its existence drew a color line through reform attempts to redress the impact of the underground economy. In 1926, as a result of Prohibition-related crime and violence and sensational media reports of crime waves sweeping the nation—with law-abiding white and immigrant citizens wearing the face of victimization—prominent police and federal officials began to collaborate on a national crime reporting system that would standardize and improve the reliability of locally gathered crime statistics to aid the police in crime control.¹⁵¹ The collaborators were motivated by a need to counter a groundswell of public criticism that the machinery of law enforcement had completely failed. A 1930 *New York Times* editorial remarked, "Predatory crime with homicidal incidentals seems never to have been more prevalent in the country than it was at the close of last year." Not only were there "no comprehensive trustworthy statistics . . . available on the subject," the *Times* complained, but the "police service in various cities" was "breaking down."¹⁵² Bootlegging gang wars—framed by images of high-priced lawyers and their smug clients, nattily dressed white gangsters who never seemed to get caught or do time—played vividly in the white press. These criticisms accompanied further complaints

Figure 6-4 "Be First to Let Him Out," a cartoon depicting a disturbed Benjamin Franklin looking at the Philadelphia Negro incarcerated behind the bars of "Ill Will," "Prejudice," "Segregated Schools," and "Jim Crowism." The cartoon is an editorial statement on the racist failures of American democracy in The City of Brotherly Love. Note the ambiguity in Franklin's position. His face shows concern, but his back is to the jail cell, casting a shadow onto it. It is not clear whether "Old Man Phila" is upset with the Philadelphia Negro or with the criminalization of blacks in his city—the birthplace of Liberty. The *Philadelphia Tribune*, Philadelphia Penn., January 3, 1929.

of widespread police corruption and abusive third-degree tactics that as critics pointed out, fell heavily on "the poor and uninfluential."¹⁵³

Leaders of the International Association of the Chiefs of Police (IACP), including former Berkeley chief August Vollmer and Detroit's police commissioner William P. Rutledge, along with U.S. Attorney General George B. Wickersham and FBI Director J. Edgar Hoover sought to create a uniform crime reporting system that would establish a scientific basis for judging police efficiency. Law enforcement personnel were, as Lawrence Rosen points out, "concerned about their image."¹⁵⁴ President Herbert Hoover convened a National Commission on Law Observance and Enforcement in 1929, appointing Wickersham as its chair. Building on the work of state crime commission surveys from the early 1920s, the Wickersham Commission examined every part of the system, from statistics to policing to parole, with the help of social science experts, including Shaw, McKay, Sutherland, and Sellin. Acknowledging the achievement of the FBI and the IACP, the commission signed off on the newly created *Uniform Crime Reports of 1930*.¹⁵⁵

The nation's first comprehensive crime data system, authoritative to this day, was not an unqualified success.¹⁵⁶ The results were especially mixed regarding African American criminal justice experiences and their measurement. Standardized "reliable" statistics—properly recorded and tabulated—did not change the daily reality of racial bias among police officers. This problem was abetted by the fact that Report 11 of the Wickersham Commission, *Lawlessness in Law Enforcement*, was a "devastating indictment of police brutality and third degree," according to historian Marilyn Johnson, but made no mention of the "racial disparity in third-degree cases" among black urbanites in the ten northern cities examined.¹⁵⁷ In her own analysis, Johnson found that blacks were overrepresented by a factor of seven in New York's third-degree cases, topping the Illinois Crime Survey's findings that African Americans were overrepresented by a factor of six in Chicago police killings.¹⁵⁸

The *Philadelphia Tribune* similarly noted the commission's underreporting of cases in Philadelphia. The editors acknowledged that the investigation into police lawlessness was to "millions of Negro Americans" the "first tangible bit of good" that the commission had done. They then added, "we are tempted very strongly to tell you that somebody told a lie about the decrease in police brutality." They noted that sensational cases of brutality against blacks in the South, from Arkansas and the "uncivilized wilds of Mississippi," had received prominent coverage, but

there was no mention of several local cases, including the beating of a sickly elderly black woman; the torture of a man "choked, [sic] hung upside down, his joints twisted and told that Negroes should be treated like dogs"; and the "drag net" arrests of Negroes on the "steps of their own homes, beaten and in some cases sent home without a magistrate's hearing. Five hundred more cases even worse than these," they concluded, had gone unaccounted for.¹⁵⁹ Taking full stock of Wickersham's unfortunate omissions, the NAACP protested outside the White House to draw attention to the federal government's unwillingness to secure antilynching legislation in spite of its heightened interest in crime and crime fighting.¹⁶⁰

To the commission's credit, one criticism of government crime data on African Americans came from within one of its own reports. The thirty-six-page "Notes on the Negro's Relation to Work and Law Observance," written by Ira De A. Reid, the NUL's director of research, appeared in the four-hundred-page first volume of the *Report on the Causes of Crime*.¹⁶¹ Given the history of dominant nonstructuralist analyses of black criminality and the marginalization of black social scientists at the national level, this was an accomplishment in its own right. In the foreword to the study, Sellin was cited for taking a leading role in bringing the work of Charles S. Johnson, now at Fisk University, and Reid to the commission's attention. Sellin, the foreword also noted, had recently attended the National Interracial Conference organized by Johnson and Reid, where he warned against attributing racial characteristics to the disproportionate crime rates of blacks. The data only proved that "the Negro appears to be arrested, convicted, and committed to penal institutions more frequently than whites." Nothing more could be determined, he reiterated. Impressed by Sellin's advocacy and stature, the commissioners decided to "insure a more understanding interpretation of the disproportionate number of Negroes shown in our study of men at [New York's] Sing Sing."¹⁶² Reid was then selected for his experience and because, as "an investigator of the Negro race," he could lift the veil of mystery regarding "his own racial group." In the study itself, Reid argued that his findings and those of many others had shown that economic discrimination and over-incarceration went hand in hand. Even with creditable crime data, he concluded, disproportionately high black crime rates were still unreliable as long as crime statistics could not properly account for economic discrimination and racism in the criminal justice system.¹⁶³ The impact of Reid's criticism and Sellin's warnings nevertheless remained in doubt.

Despite the likelihood that racial crime statistics would continue into the foreseeable future in light of the Wickersham commission's unwillingness to fully embrace evidence of racism in the criminal justice system, African Americans had made great strides in gaining a legitimate voice in the national black crime debate and in drawing attention to the need for police reform in black communities. Concerned blacks' vision of effective policing in the 1920s and 1930s had its roots in the Progressive era community policing initiatives of black crime fighters such as James S. Stemons. Like his New Negro counterparts, Stemons had sought to eliminate "vicious and ruffian characters" by attempting to make municipal authorities responsive to black communities. But in Stemons's day, talk of black criminality trumped discussion of the structural antecedents of crime. The rhetoric of black inferiority that characterized racial reform in an era of liberal backbiting and Booker T. Washington's accommodationist politics eventually dissolved in the wake of racial bloodletting and war-inspired militancy. A new antiracist crime discourse and civil rights activism emerged from the flames of race hatred and oppression in northern cities during the postwar period.

CONCLUSION:

THE CONUNDRUM OF CRIMINALITY

Thorsten Sellin's and Edwin H. Sutherland's cautions about the limits of racial crime statistics were a breakthrough accomplishment in the four-decades evolution of the national discourse on black criminality. By comparison to their Progressive era predecessors, the interracial collaborations of a new generation of social scientists proved to be far more responsive to the realities of racism in American society and to the voices of African American crime experts, crime fighters, and ordinary citizens. Nathaniel Cantor's colorful injunction against the linking of blackness and criminality, like those of M. V. Ball, W. E. B. Du Bois, and Ida B. Wells in the 1890s, revealed that the perspective had gained a level of unprecedented legitimacy within some circles of mainstream social science. None of these scholars and activists ignored the real crime in black communities or the toll that it took on law-abiding victims. But they resisted the condemnation of blackness. They resisted the racialization of crime among African Americans in the same way that progressives and later Chicago School sociologists opposed the racialization of immigrant crime and delinquency. "The problem of crime and colored groups," Cantor insisted, "does not differ from the general problem of crime causation."¹

For the many researchers, journalists, crime fighters, and law-abiding citizens who were dedicated to the cause of civil rights, rewriting black criminality in terms of police misconduct was an attractive rhetorical weapon because it fundamentally undercut the use of black crime statistics to justify other forms of discrimination. Policing racism in the northern criminal justice system became an effective rebuttal to the statistical arguments of earlier white social scientists that the "numbers speak for themselves."² The many blacks and liberal white criminologists whose ideas were influenced by *The Negro in Chicago*, or whose work picked