

Comments on:

Steve Raphael's Paper Entitled:

“The Socioeconomic Status of Black Males: The Increasing Importance of Incarceration”

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For:

The Berkeley Symposium on Poverty, the Distribution of Income, and Public Policy

Held at the University of California at Berkeley, December 12 and 13, 2003

Volume Editor: John Quigley

## Introduction

Since W. E. B. DuBois' prophetic declaration about 100 years ago that 'the problem of the twentieth century is the problem of the color-line', much has changed in America's racial landscape.<sup>1</sup> Blacks' migration out of the South to the North, coupled with steady economic growth after the great depression and post-war periods in the 1940s and 50s, began to change the socio-economic profile of African Americans. The tumbling of the legal walls of *de jure* segregation, the codification of rights for blacks in the civic sphere, strong federal enforcement of anti-discrimination laws as well as expanding affirmative action programs in the 1960s and 1970s fueled blacks economic and social gains in the modern era.

Thus, racial inequality between blacks and whites in a number of important social and economic outcomes such as educational attainment, income, and poverty, among others, though far from being eliminated, has been reduced over the past 100 years.<sup>2</sup> These trends have served as the basis for a debate in the U.S. about whether race is still an important factor to consider in American social and economic life.<sup>3</sup> Seen in this light, Steve Raphael's paper on the "The Socioeconomic Status of Black Males: The Increasing Importance of Incarceration," is a particularly important paper for a few reasons. First, it

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<sup>1</sup> W. E. B. DuBois, 1903, *The Souls of Black Folk: Essays and Sketches*, Cambridge: University Press John Wilson and Son.

<sup>2</sup> See Michael A. Stoll, 2004, *African Americans and the Color Line*, New York and Washington, DC: Russell Sage Foundation and Population Reference Bureau, for an in-depth examination of African Americans' social and economic progress (absolutely and relative to whites) in the U. S. over the contemporary period.

<sup>3</sup> For example, some, like Thernstrom and Thernstrom (1997), argue that as a result of weakening discrimination against, and declining negative attitudes and behaviors towards African Americans in the contemporary period, that race is no longer the sole or even most important determinant of African Americans' opportunities in the social and economic sphere. As evidence, they point to steady, absolute black progress on select social and economic outcomes in addition to the growth of a solid black middle-class. Others like Bobo (1997), Oliver and Shapiro (1995), and Hacker (1992), however, continue to voice that race is still an important influence in the life chances of blacks in the U.S, pointing to persistent discrimination coupled with a reduced federal role that continues to limit the potential economic and social gains of African Americans.

reminds us that the racial dimension is still an important area of inquiry in studies of inequality despite historical improvements in closing the racial divide. More specifically, Raphael's paper documents quite clearly that contrary to many who study race relations in the U.S., that on many dimensions, especially those that address criminal justice issues, racial inequality in the U.S. is stagnating or getting worse even as we begin the twenty first century.

Second, the paper is important because it brings to light and numerically substantiates a social concern in the U.S. that has received much less attention in policy and popular debates than should be the case. A most stunning set of stylized facts gleaned from Raphael's paper is that in 2000 at the time of the Census, about 12 percent of able-bodied, prime working age black men (aged 26 to 40) were incarcerated, and that this number rises dramatically to nearly 30 percent for those who do not have a high school degree. To put this number in perspective, the 2000 *Census* indicates that about 13 percent of black men over the age of 25 had attained a college degree or more (Stoll, 2004). As Raphael's paper indicates, this is a unique problem facing black men, since the comparable incarceration rate for similar white men is about 2 percent. Given the magnitude of the incarceration experience of black men over the past two decades and its attendant negative consequences, it is arguable that if such a phenomenon occurred for other groups in this county or for prime age working men in other countries, that more public debate and policy attention would be directed at this phenomenon.

Be that as it may, Raphael's paper raises a number of important research questions that were not directly addressed. These include questions about the factors that account for the rapid rise in black men's incarceration in the U.S. over the late 1980s and

1990s, the activities of those less educated black men who are neither employed nor incarcerated (and whose percentages are also relatively high and rose over the same period), and whether the relationship between post incarceration and employment that Raphael documents is partially spurious and perhaps partly influenced by disappearance of jobs in areas where the post incarcerated are residentially concentrated. The remainder of my comments will focus on these important questions.

### **Factors Contributing to Rise in Black Men's Incarceration**

Race and crime in the U.S. have been inextricably linked. Historically, the imprisonment of blacks for crimes that they did not commit, the differential treatment and sentencing of blacks, or the criminal victimization of blacks by whites that went unpunished such as lynchings, has led to deep debates about the role of race in the criminal justice system in the U.S. However, changes within the criminal justice system since the 1960s in due process and equal rights has led to substantial improvements in racial inequalities in the administration of justice (James and Williams, Jr., 1989).

Despite this, blacks have been over-represented in the criminal justice system historically, in part because of past and present social and economic disadvantages, and differential policing and enforcement by race, among other factors (Jaynes and Williams, Jr., 1989). For example, even in 1970 and before the recent run up in black men's incarceration in the U.S., black men were over two times as likely to be incarcerated on any given day than comparable white men according to Raphael's estimates.

Many social scientists have documented a fairly strong relationship between economic opportunities and crime, suggesting that groups that are disproportionately poor, such as African Americans, should have higher crime and incarceration rates

(Grogger, 1996; Fagan and Freeman, 1999). Thus, limited educational attainment and other skills and the absence of good jobs, of which African Americans disproportionately experience, is strongly correlated with incarceration. This, combined with research that shows that there still remains some racial disparities in arrests and sentencing, regardless if the defendant committed the crime, all suggests that blacks' incarceration rate should be higher than those of whites, which has historically been true (Bushway and Piehl, 2001; Currie, 1998).

But for much of the post-war period, the nation's incarceration rate remained fairly stable and the fraction of the prison population made up of blacks remained fairly constant. However, over the 1970s, both of these percentages began to rise, begging the question of to what extent did imprisonment affect black men over the 1980s and 1990s. Like the 1980s, the 1990s were marked with distinct and strong trends in incarceration rates as Raphael demonstrates. During this period, rates of incarceration in the U.S. rose dramatically, and particularly for blacks, despite the fact that most major crime, such as violent and property crimes, dropped dramatically during this period. The reasons for the decline in crime over the late 1980s and 1990s are not fully understood, but include, among others, a strong economy, changes in crime sentencing and policing policies, changes in the age demographic structure towards fewer young people, and the imprisonment of more offenders (Currie, 1998).

Over the 1990s, the number of those incarcerated in the U.S. nearly doubled from about 600,000 to 1.2 million, resulting in an increase of about 600,000 prisoners over this period (U.S. Dept. of Justice, 2000). Moreover, as Raphael demonstrates, the rise in

incarceration in the U.S. has been disproportionately fueled by prison and jail admissions of blacks, in particular black men.

But an important question left unaddressed is what accounts for the rapid rise in black male incarceration over the 1980s and 1990s? Some would ask whether this increase is accounted for by a rise in blacks' propensity to commit crimes relative to whites and others over this period. Data on race and crime indicate that this is not the case. To address this question, I tabulated data from the U.S Department of Justice's Uniform FBI Crime Reports from 1976 to 1999, examining the percentage of crime for each crime index that was committed by blacks.<sup>4</sup> The data indicate that from 1976 to 1999 the percentage of crime committed by African Americans was fairly stable over this period. In fact, African Americans committed between 43 to 47 percent of violent crime (down to 40 percent in 1999) and 33 to 37 percent of overall crime (down to 29 percent in 1999) over this period. Thus, this evidence indicates that, while blacks are disproportionately among those committing crime as noted above, that the rise in black incarceration observed over this period was not accounted for by any increase in black criminality. Moreover, if anything, the strong economy over this period should have helped to lower black incarceration rates, as well as others, all else equal, because of the relationship between economic opportunity and crime.

Alternatively, it is possible that mandatory sentencing laws and other state level justice policies, such as three-strike laws, as well as perhaps the use of plea-bargaining, which spread across states and justice agencies over the late 1980s and early 1990s, may have driven the rise in black men's incarceration. However, on closer inspection, it is

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<sup>4</sup> The FBI Uniform Crime Reports (UCR) collects reliable, uniform crime statistics for the nation. The data reported here are collected from the FBI's UCR website for the relevant years:  
<http://www.fbi.gov/ucr/ucr.htm>

likely that these factors account more for the rise in incarceration overall during this period than for the disproportionate rise in black incarceration specifically since there exists little evidence that blacks have been disproportionately harmed by changes in such sentencing guidelines and plea strategies.

A close read of the criminal justice literature suggests that a more cogent explanation for rise in black male incarceration over this period is the rise in drug-related arrests and convictions and the differential sentences imposed on those in possession of crack versus powder cocaine. Although violent and property crimes declined over the 1990s, drug-related crimes rose rapidly, and by the end of the decade became slightly more prevalent than violent crime (Hawkins and Herring, 2000). This increase is due partly to enactments of stricter drug laws and enforcement such as that which occurred during the “War on Drugs,” which became prevalent during the Reagan, first Bush and Clinton administrations. In particular, the harsher penalties on those in possession of crack cocaine, which is disproportionately possessed by blacks, versus powder cocaine has contributed mightily to the recent run up in black male incarceration. For example, in 2000, 84.2 percent of those arrested for possession of crack were black, compared to 30.3 percent for powder cocaine (Mauer and Huling, 1996).

Between 1986 and 1988, Congress passed federal sentencing legislation that provided for harsher penalties on crack than powder cocaine, in part because of the violence and social destruction of neighborhoods and family that crack was causing in poor, minority communities during that time and because of claims that crack was more addictive than powder cocaine. Thus, mandatory sentencing laws emerged that were based on the premise that crack cocaine was 50 times more addictive than powder

cocaine. Congress doubled this number to 100 and came up with a sentencing policy based on the weight of the drug an individual was convicted of selling. As a result, federal sentences for crack were constructed as a 100:1 ratio in relation to the sentences imposed for powder cocaine. This calculation results in a conviction for the sale of 5 grams of crack cocaine of a 5-year mandatory sentence, while it takes 500 grams of powder cocaine possession to trigger the same 5-year mandatory sentence (U.S. Sentencing Commission, 2002). Differences in sentencing between crack and powder cocaine possession exist to this day despite evidence that the physiological and psychotropic effects and the pharmacological basis of crack and powder cocaine have been shown to be equal (Hatsukami and Fischman, 1996) and despite the fact that crack has arguably become less an epidemic now than in the past.

Nevertheless, the rising contribution of drug offenders to the prison population has disproportionately affected black men. It is estimated that over the 1990s black men accounted for 35 percent of arrests, 55 percent of convictions, and 74 percent of prison sentences for drug-related crimes such as possession. These events have occurred despite the fact blacks are estimated to represent about 13 percent of monthly drug users in the U.S. Moreover, the rise in the number of drug offenders over the late 1980s and early 1990s accounted for 42 percent of the total growth among black inmates but only 26 percent of the growth among white inmates (Mauer and Huling, 1996). Whether the differential arrest rate for blacks with regard to drug convictions is due to differential enforcement by police targeting black neighborhoods or black males is an open question. However, there is more certainty that the differential imprisonment of blacks for drug possession is driven by the differential sentencing placed on crack cocaine possession.

As Raphael notes, the uncertainty about the causes of the dramatic rise in black male incarceration is a fruitful area for research. More needs to be done to ascertain whether or the extent that state and federal sentencing reforms have contributed to these trends. This should be done not only to fill a research void but also to provide insight into the policy levers that are available to address this social concern.

### **What about those Not In the Labor Force?**

While the rates of incarceration of black men that Raphael reports are extraordinarily high by historic standards and deeply troubling on a number of dimensions, the rates of those black men who are non institutionalized yet are not working raise a number of important questions as well. Raphael's estimates indicate that for all black men in 2000, about 33 percent of these men were not employed yet not incarcerated. The comparable figure for similar white men is 18 percent, indicating that black men are about twice as likely as their white counterparts to be jobless and possibly inactive. More importantly, the fraction of black men who are not employed and not institutionalized is much higher for black men who are young and with limited education.

First, these estimates beg the question of whether they are indeed correct. It is plausible however that these estimates for black men who are not in the labor force (NILF) are *underreported*. This may be due to the same problem of Census undercount of black men that Raphael pointed to in analyzing possible sources of bias in estimating the incarceration figures. If we assume that most of the not counted black men are those not institutionalized and not in the labor force (which is reasonable since the counts of institutionalized and employed black men should be more precise than those for NILF

though for differing reasons), we can calculate the adjusted NILF rates for black men by re-writing the Raphael equation to:

$$\text{NILF}^* = \text{NILF} \times (\text{NILF} - (\text{Non-NILF}/\text{Coverage}))$$

where coverage is 1 minus the undercount rate, which is 7 percent for black men. For all black men shown in Raphael's Table 1, this adjustment increases the estimate of the proportion of black men who are NILF from .33 to .35, a small but nontrivial increase. Thus, this indicates that in 2000 a little over one-third of black men were neither working nor institutionalized in any given day. This percentage rises to over 50 percent for those younger men (aged 18 to 25) who did not complete high school.

Second, this high percentage of black men who are NILF begs the question of what these black men doing. Certainly some may be involved in schooling activities, but this is more likely to be true for younger black men. Estimates from Raphael's Table 2 indicate that for 26 to 30 year old black men (or those less likely to be engaged in schooling than their younger 18 to 25 year old counterparts) nearly 27 percent (adjusted for undercount) are still NILF. So, schooling activities are not likely to account for much of these young men's time.

Alternatively, they could be engaged in crime. Freeman (1996) estimates that about 13 percent of black men between the ages of 16 and 34 are involved in illegal activities. If we make the strong assumption that all of the crime committed by black men is done by those NILF, then we can conservatively estimate the fraction of those NILF engaged in crime. Raphael's Table 2 indicates that the NILF rate for those between the ages of 18 to 40 (close to the 16 to 34 age range in Freeman's study) is about 30 percent. If we assume that all of the crime is committed by those NILF, then the estimate

of the fraction of those NILF engaged in crime is calculated by:  $.13/.30 = .43$ . This indicates that even with this strong assumption, about 43 percent of those NILF are engaged in crime. This again begs the question of what the slightly more than the majority of NILF black men (about 57 percent) are doing. This is a ripe question for research, and data from Adolescent Health (AddHealth), a national longitudinal study of adolescent health from the National Institute of Child Health and Human Development (NICHD), could be particularly helpful in addressing this important line of inquiry since it contains an over sample of black youth and a host of question on their activities as well as on their employment and incarceration status.

### **Is the Incarceration/Employment Relationship for Black Men Partially Spurious?**

Those incarcerated in the U.S. over the 1980s and 1990s, as Raphael notes, spend on average about 2 years in jail. This implies that flow of ex-offenders returning to society over this period was as large as the flow of those entering prison. Indeed, by 2000, it was estimated that as many as 600,000 ex-offenders were being released from jail and prison and reentering society annually.

The formerly incarcerated face a number of barriers while attempting to re-integrate. Many have low educational and skill levels that limit their employment prospects, and many live in states that have greatly restricted the civil liberties of ex-offenders such as denying their right to vote. Raphael points to an added burden that ex-offenders face in the labor market in addition to their already low levels of human capital and weak social networks. Prison stigmatizes ex-offenders and raises a 'red flag' among employers who are very leery of hiring these mostly young men for all the reasons that Raphael discusses in his paper. Raphael then documents quite convincingly that rising

incarceration over the 1980s and 1990s was partly responsible for the decline in black men's employment levels over this period for a variety of reasons including employer fear of hiring these men, their lower labor market experience and human capital, and perhaps statistical discrimination against black men more generally in the labor market on the basis of their assumed incarceration experience.

An important question to ask given this work by Raphael is whether the relationship between incarceration and employment is partially spurious. There are very good reasons to believe that it is. First, many, ex-offenders are noncustodial parents with child support payment requirements. But while in prison, ex-offenders are unable to pay these supports and thus fall into arrears with large balances owed upon returning to society. These arrears act as a tax on employment and thus serve as a disincentive for these men to seek work (Holzer, Offner, and Sorenson, 2003). Thus, it is conceivable that child support polices may also be playing a role in the negative relationship between incarceration and employment for black men that Raphael documents.

Second, a large fraction of black ex-offenders return to mostly black neighborhoods where employment opportunities are weak (Travis, Solomon, and Waul, 2001; Stoll, Holzer, and Ihlanfeldt, 2001). Thus, the limited availability of employment may also contribute to ex-offenders' limited ability to secure employment. But if this factor is also to account for the falling employment rates of these men as Raphael suggests, then it must be the case that employment opportunities in black neighborhoods were also deteriorating over this same period. There is some evidence to support this contention as recent research shows that the spatial distribution of jobs over the 1990s moved away from black neighborhoods and that, while central city employment

increased over the 1990s economic boom, such growth did not occur in inner-city minority communities (Raphael and Stoll, 2002; Rosen, Kim and Patel, 2003).

More importantly, the deteriorating job opportunities that exist in black neighborhoods, may help account for the strong relationship between incarceration and declining employment of black men if there is a strong relationship between employment opportunities and crime. That is, black men may tend to live in neighborhoods with deteriorating employment opportunities and turn to crime for income, thereby increasing their incarceration risk. Moreover, those incarcerated return to these jobs poor neighborhoods where their rewards from crime may seem more favorable than if they resided in other jobs rich neighborhoods.

This discussion begs the question of whether and to what extent crime is related to economic opportunity. For youth, Grogger (1996) estimates that the elasticity of market wages and crime is .75 indicating a fairly strong relationship between these two factors. What we do not know, however, is whether this elasticity is different in black neighborhoods, since Grogger's estimates are for all youth irrespective of their residential location. It is conceivable that there could be a threshold effect above which if wage levels, or employment opportunities, fell that the rise in crime would be much higher than that implied by Grogger's estimate. If this is true, then it is likely that the elasticity between employment opportunities and crime is higher in black neighborhoods thus possibly contributing to the observed relationship between incarceration and employment that Raphael documents.

If we make this assumption, this dynamic begs the question of whether crime in black neighborhoods should have been increasing over the 1980s and 1990s, especially

since there is good evidence to believe that employment opportunities declined in these neighborhoods over this period. While the national evidence points to lower property and violent crime rates there, drug crime appeared to be increasing in these neighborhoods over this period, thus supporting this contention. The rise in drug crimes in these neighborhoods could have occurred despite evidence to suggest that participation in the drug trade, at least for lower level drug workers, was not particularly profitable, especially when one accounted for the risk of arrests, incarceration and injury, and was comparable to a minimum wage job in the formal market (Leavitt and Ventakesh, 1998).

Finally, this discussion begs the question of why do not men, especially those with criminal records, in these neighborhoods move, particularly since there are good reasons to believe that there are economic gains to doing so. Recent research indicates that black residential mobility increased over the 1990s with black homeownership rates and their presence in suburbs increasing over this period (Stoll, 2004). But what is unclear is whether prime age, less educated black men are moving with the same frequency or in the same patterns. Thus, a fruitful area for future research would also explore these questions while also paying attention to questions of what the barriers/constraints are in moving if residential mobility for these men is not observed.

### **Final Thoughts**

Steve Raphael has done an excellent job of characterizing and measuring the extent of incarceration of black men as well as to sketch out the employment consequences of this phenomenon. As I note in my comments above, while there is a need for more positive analysis to better understand the underlying causes of this rise in incarceration as well as its relationship to the observe declines in black males'

employment outcomes, there is also more that needs to be done to understand the social and economic consequences of incarcerating such a large fraction of prime age men. Surely, these consequences extend beyond those that affect the ever incarcerated individual to include affects on families, communities and their social and economic institutions.

Equally important, and perhaps even more so, is the need to ask the normative questions implied by growth in black male incarceration. Should we as society be incarcerating such a large fraction of prime age men? Ought we to be concerned about the 30 percent of young, less-educated black men serving time in prison on any given day in the U.S.? And what ought we to do, if anything, about this social travesty? These are also questions that Raphael's paper implicitly begs us to wrestle with even as we study this growing social problem.

Of course, these set of questions also lead us to ask important policy questions about the benefits and costs of incarceration. Thus, future research should also examine whether the benefits of incarcerating these mostly young less educated men convicted mostly of drug offenses outweigh the costs of incarceration (estimated at \$26,000 to \$30,000 a year, not including the social costs imposed by incarceration). This investigation would have to consider the potential (and perhaps repeat) criminality of these men, their potential costs on society (such as criminal victimization), and other (perhaps less costly and more effective) policy alternatives to address these issues, such as education and training based programs and lower level criminal justice supervision programs. This line of inquiry would also lead us to consider and carefully examine the merits of changes in federal (and state) sentencing guidelines, especially those that

impose harsher sentences on those (mostly young black men) charged with possession of crack cocaine.

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