

## In These Times, Season 2 | Institutionalizing Racism

Alex Schein:

Last fall, we launched our podcast, In These Times with an examination of COVID-19 and its far-reaching impacts. This season, we're focusing on black lives and exploring the nation's complex history with race. We'll consider some challenging questions, who controls the narrative about the US? How far have we moved beyond our history of enslavement and Jim Crow? Are we at a moment of reckoning? In these times, knowledge is more important than ever. Today, we speak with a professor of sociology, Africana studies in education, and two professors of criminology about topics ranging from residential segregation to technology's role in police reform. How has discrimination in all its forms changed in the past decades? And what methods of institutional reform might pave the way for equitable outcomes? Welcome to episode three, Institutionalizing Racism.

Camille Zubrinsky Charles is the Walter H. and Leonore C. Annenberg professor in the social sciences, professor of sociology, Africana studies and education. Her research interests are in the areas of urban inequality, racial attitudes and intergroup relations, racial residential segregation, minorities in higher education and racial identity. In her book, *Won't You Be My Neighbor? Race, Class, and Residence in Los Angeles*, Charles explores how modern racial attitudes shape, and are shaped by the places in which people live.

Camille Zubrinsky Charles:

If you think about the origin of segregated neighborhoods, right? It was purposeful, and it had nothing to do with what non-whites wanted, right? It was led by federal state, local governments and individual white homeowners in particular, to maintain segregation, because that was not only the law of the land, but certainly we are a nation founded on the idea of black inferiority. And because we have never really dealt with that origin story, right? That original sin, we don't educate our children in a way that would address that, and then begin undoing it so that for everything that we might see in society that we would think would make it better, I think there's too much that remains in our society beginning with K-12 education that really just perpetuates that origin story, or at least the piece of it, that suggests that somehow slavery wasn't so bad, and blacks are to blame for their subpar economic position, right? That if they just worked harder, if they valued education more, that they wouldn't be in the position that they're in.

Not really understanding that having put them in this position, that blacks do end up disproportionately living on welfare, relying on underground economies to make ends meet. And so, they then perpetuate in some ways the stereotypes that whites used in order to keep them from being equal participants in the economy and the polity in the first place. And so, you sort of have this vicious cycle, and as long as we don't do something to stop it, in some ways, it's like breathing. It's sort of in the air everywhere we go all the time. And so, it is extremely difficult to break down under those circumstances, particularly when we know that there remain people who believe it, and would prefer that we were living in that earlier era.

Alex Schein:

Professor Charles says individual attitudes and decisions often perpetuate discrimination and segregation, whether intentional or not.

Camille Zubrinsky Charles:

Living in segregated neighborhoods precedes negative attitudes about different people, right? And so most of us grow up in segregated circumstances, and thereby we perpetuate this, but I think it's important to think about the real estate market, for example. Yes, it's a structure and it's an institution, but it's made up of individuals who are making individual decisions based on either their own attitudes and perceptions, or their beliefs about the markets they serve.

So, if I'm a realtor and I serve, I don't know, Chestnut Hill, and I think that most people in Chestnut Hill would be reluctant to have more than a very few non-white neighbors of a certain stature, I'm not going to show them houses in that area, and it may not even be a conscious decision, okay? So, it's the kind of thing that you have to be sort of consciously aware that it's a thing that's out there, that I am impacted by it, whether I want to be or not, and then I have to actively work not to be. And that is probably as exhausting as it is for people of color to navigate spaces and have to realize that not everything is racial, right? Sometimes somebody is just having a bad day.

Alex Schein:

Professor Charles explains that discrimination isn't always overt. And the terms like white hostility can describe more subtle forms of prejudice.

Camille Zubrinsky Charles:

I think the important thing for whites in particular to understand is that when people of color talk about white hostility, it is not entirely about actual violent hostility, it's really about, again, just the cold shoulder kind of behavior that can make you feel unwelcomed, the questioning, who are you and why are you out here? And what are you doing? Kinds of behaviors, the being followed in your own neighborhood by the police who patrol the neighborhoods. These are the kinds of behaviors that whites will say, "Well, they're just doing their job. It's not really a big deal." Not really recognizing that it actually is, because they're not following your kids, right? You're not being invited to participate in certain things in the community. You feel safer walking around in the community than I do. So, I think that's a really important thing in this moment where the worst thing that could happen to a white person is to be labeled a racist. And what they're thinking is what we saw in the Capitol or what we saw in counter protests at Black Lives Matter protest, right?

They're thinking about militiamen and Klansmen and Aryan Nation, Neo-Nazi kind of people. And that's not... I am highly unlikely to come face-to-face with that in my life, but I experienced white hostility almost every time I venture off my street, because my street is all black. And a lot of it, you don't even pay attention to anymore, because it's just kind of what happens. And probably that means that sometimes when you experience the opposite of that, it's this kind of moment of like, "Wow, that went better than I expected it to." Because you kind of go out preparing for certain kinds of behavior, and it becomes subconscious. I don't sit in my car before I get out in the parking garage and think, "Okay, it's just part of walking around and living." And so, when we talk about this sort of chronic health issues that have been tied to the experience of racism, things around cardiovascular health and high blood pressure, depression, fatigue, anxiety, it's not because we think that there are Klansmen around every corner, right? It's having to constantly prove that we belong in particular spaces.

Alex Schein:

14 years ago, Professor Charles gave a lecture entitled, An Open Letter to Mr. Rogers, which touched on her own experiences growing up in an all-white middle-class community. In that talk, she touched on

these same themes, the damaging social and economic impacts of residential segregation, and the persistence of racial discrimination in determining who was allowed to feel like they belong.

Camille Zubrinsky Charles:

Dear Mr. Rogers, I don't have a lot of time, so I'll get straight to the point. As a child in the late sixties and 1970s growing up in an all-white middle-class bedroom community in Southern California, your show, Mr. Rogers, Neighborhood was my favorite. It wasn't so much about the content or even particular episodes as it was, and still is the song. I have always wanted to have a neighbor just like you. I've always wanted to live in a neighborhood with you. Imagine my surprise to see you a middle-aged white man singing to me. The neighborhood you sang about was one that I dreamed of, one where my African American mother and I would be warmly welcomed, where we would belong. Don't get me wrong, nothing really bad ever happened to us there, but I also never quite felt like I fit in, really fit in.

Still, there were the occasional racial slurs and lowered expectations, and these left me on edge waiting for that next isolated incident. My life there and your inspiration fundamentally shaped the way that I think about neighborhoods. In fact, they are something of an obsession. You see, I watched your show religiously just to hear that song, hoping that someday, somehow I would see the day when your neighborhood, the one I imagined at least was a reality, not just for me, but for our country as a whole. Unfortunately, I don't see this happening in my lifetime, or even in the lifetimes of my two young daughters, now six and two. As we become increasingly diverse, racially and ethnically, we have remained residentially segregated along racial and ethnic lines. This has always been true for African Americans, but it's increasingly true for Latinos as well. Our schools have also resegregated along racial and ethnic lines.

This lack of cross-cultural contact makes it highly unlikely that we will all be getting along anytime soon. In fact, at the rate we're going, Mr. Rogers, it will take 150 years to achieve true racial residential integration. I wish people understood that neighborhood racial integration isn't just about learning to get along and be friendly with one another, it's essential for equality of opportunity and access, where we live shapes all of our life chances, and segregation leaves blacks and Latinos at much higher risk for hard lives filled with poverty, ill health, exposure to crime, and schools ill-equipped to provide even the most basic education. These neighborhoods, I'm afraid look nothing like yours did. And you guessed it, this just feeds into all of whites negative stereotypes about blacks and Latinos, and the resentment that many blacks and Latinos field toward middle-class and affluent whites.

After more than a decade of research, Mr. Rogers, I'm afraid that prejudice and discrimination not ethnocentrism are the attitudes that drive where we prefer to live. For blacks and Latinos, fear of white hostility reign supreme. In all of this, we've somehow forgotten the obvious, we all want the same things for ourselves and our families. Safe neighborhoods filled with a sense of community and acceptance, a place where children attend high quality neighborhood schools filled with teachers who care about them, and play with friends at local parks that are clean and well-lit with safe playgrounds and effective supervision. Neighborhoods like yours, Mr. Rogers, integrating our neighborhoods is the best shot we have at eradicating economic inequality, something that is important to us all. Trouble is it seems that others of my generation may have watched your show, but they failed to realize that you were singing to them too. Thank you.

Alex Schein:

After a year marked by protests for racial justice, what has changed? What has stayed the same?

Camille Zubrinsky Charles:

I think it doesn't surprise me that I thought that then, because I think I've thought that way for most of my life, and I don't blame any individual people, right? And I think I'm more optimistic now, right? What I tell myself on days like January 6th is that there are more people on my side today than there were when my mom was watching people get blown over with fire hoses and attacked by dogs in the fifties and sixties, in rural Alabama, right? That there is more of government is on my side now, than was the case then. And that the civil rights movement really was the catalyst for so many other movements, and that this is bigger now than just racial justice, which means that we're not alone in that either. And so, if I'm optimistic about anything, it's that. I'm really concerned about... You can't unring this bell.

It's not like day after tomorrow, it's all going to go back to the way it was. It's not, and it's going to be years undoing this. So, I am hopeful that there are more people who are ready to be vigilant, and to understand that this isn't just something. And again, this is part of the problem with the way that we're taught history, right? We're taught that we had slavery, wasn't so bad. It didn't last very long, and then Lincoln freed the slaves. And then we're taught that there was this civil rights movement, and it was really great, because we had Martin Luther King, and then we passed civil rights legislation, and then everything was great. And one of the things that I try to talk with students about is that no, they spent decades, all day, every day fighting for that. This is not a thing that we can just be outside when it's warm protesting, and then when it's cold, go inside. It doesn't work that way. And I think that people understand that better now, after the last four years, I think.

Alex Schein:

Professor Charles says that violent events like the attack on the Capitol on January 6th, all shocking to many, do not necessarily come as a surprise.

Camille Zubrinsky Charles:

I was telling somebody recently that when I was, it must've been fifth or sixth grade, I wrote a report for school on the Klan. And I've basically been concerned about what happened January 6th, ever since I wrote that report. So my lived experience and the lived experience of all kinds of people of color has been one where we knew this could happen again, and this is not the kind of paranoia that I would want to have confirmed, but yeah, so it's a scary thing, but it's really not difficult to predict if you're paying attention.

Alex Schein:

John McDonald and Charles Loeffler are both criminologists who look to real world experience to shape their research and policy conclusions. Here, they take part in a back and forth of policing procedures, adult versus juvenile justice, technology's role in reform and implicit bias.

John MacDonald:

I'm John McDonald. I'm professor of criminology and sociology at Penn. My research focuses primarily on place and crime and also racial disparities in the criminal justice system. Been studying topics like racial profiling, racial discrimination and sentencing for over 20 years now. I was engaged in the late 1990s in the creation of the first stop forum that where the police actually have to record people's demographics when they stop a citizen, that is something that started in the late nineties, and after try to measure racial profile and officers and [inaudible 00:17:20] topic in America. So, looking forward to talk.

Charles Loeffler:

I'm Charles Loeffler, I'm an associate professor in the department of criminology at the University of Pennsylvania. My research focuses on the life course impacts of contact with the criminal justice system. And in addition to that, I have ongoing research on the nature of wrongful convictions in the criminal justice system, in the United States, as well as other related topics.

Alex Schein:

McDonald and Loeffler say there has been progress made in regards to policing procedure reform to discriminatory practices like stop-and-frisk, but that there is still a long way to go.

John MacDonald:

People have been studying, pointing out, but also studying empirically racial discrimination in the criminal justice system for almost 100 years. Empirically, [inaudible 00:18:11], for example, professor sociology at Penn published a paper in the late 1930s pointing out that there was racial disparities in sentencing, that if you looked at the sentences people got for different offenses, they seem to be racially ethnically disparate. But one of the challenges, so I started studying this topic more in depth in graduate school was we didn't have data. We had data on sentencing and what happens given someone's arrested, given someone's convicted, and we can look at how that varies based on people's race or ethnicity or other attributes, but we generally didn't have much data on what happens when people interact with police in it's not official results in arrest. That issue, it's been a perennial one that criminologists started studying in the late sixties, concerned with discrimination, and just in general, trying to understand how police make the decisions they do.

Early in the 1990s, it became even more important initially with a focus kind of a reform effort in the 1990 around community policing, and the effort to try to understand how do police actually engage with community? How can they do it more effectively and fairly? And then the late 1990s, there was a recognition that often recognition that people just know from talking to individuals, but a recognition from actually looking at survey data that African Americans in particular were more likely be subject to traffic stops that seemed to occur for innocuous reasons, not clearly or necessarily a traffic violation, which raised the issue of racial profiling. And so, the fact that now we don't have to pay people to necessarily ride along with the police, the police themselves can be videotaped in their interactions. And so that's created a whole other effort to think about how to reform police and all kinds of police interactions, including racial disparities and racial discrimination by looking at video cameras, and looking at them systematically.

Alex Schein:

When it comes to quantitative analysis of police discretion, technology is one tool, but it's not perfect by any means.

Charles Loeffler:

One question I pose to John is you're describing the fascinating continuum of accountability. So, the use of paper forms as a mechanism of accountability for the police use of discretion, eventually the rapid adoption of body-worn cameras as a technology of accountability. And then you also mentioned this sort of more civilian use of technology in the form of cell phones as well. Did you have any thoughts on the relative efficacy of these different tools, or the common challenges that they face in the organization and management of police use of discretion in dealing with citizens and civilians?

John MacDonald:

Yeah. That's a good question. I think in every reform effort, you see some reliance on the idea that technology it's going to lead to some change in organizational and human behavior. You see that from even the adoption of radio calls and the patrol car, the idea that would reduce corruption, because officers would have to respond to calls, and not just be hanging out in the community. But ultimately, you have to have incentives in organizations to hold people accountable, and you have to have a method where the technology is, or the data is being captured routinely, and being audited for the quality to assure that you're actually getting representative picture of what's happening. The big challenges are how's the data being collected? Is it being collected accurately? And that piece I think, is typically missing in the reform efforts.

Charles Loeffler:

That reminds me a very interesting conversation I was having recently with a jurisdiction that did adopt the use of video recording of custodial interrogations. And this was in the wake of the scandal with respect to eliciting of false confessions and coercion in the context of custodial interrogations. There was the adoption of the technology of a recording, and the initial set of recordings that resulted included a series of very inappropriate interrogations. And we still need a lot more research on this, but I think one of the interesting questions is what is that feedback loop? If you don't use that recording as part of training and retraining, and review to make sure that to your point, quality is being achieved, then it's just going to record whatever the standard operating procedures actually look like.

Alex Schein:

Loeffler says juveniles are especially vulnerable once they enter the criminal justice system.

Charles Loeffler:

So, we've long aspire to have a juvenile justice system that was more cognizant and responsive to the different developmental needs of youths who come into contact with the police or the justice system more broadly. And that is a process that began at the end of the 19th century, and rapidly progressed throughout certainly the United States and the world, to develop an entire parallel justice system that would be more developmentally appropriate. And that has been, even since its founding and to this day, very much a work in progress. And so, when we first created a juvenile justice system, we often dated in United States around 1895 with [inaudible 00:24:15] subsequent decades. We created a juvenile court and the idea being, we want this developmentally appropriate court where judges were not going to enforce the criminal law, but they're going to be appreciative of everything else that's going on in a youth's life, and what could be done to set them on a better path to be more supportive.

And we've oftentimes seen that when there's fears about youth crime, as we saw, particularly in the late eighties and early nineties, that there can be a retreat from some of the best science that we have about the minimizing the risks of the justice system exacerbating the challenges that justice involved youth have through its intervention. We have been working towards a more developmentally focused justice system, not just for young children, but also recognizing for adolescents, there might be the need to do things differently. And that may extend even into the late teens and the early twenties. And that's been something that over the last five years, I've spent a lot of time looking at how do we think about the impacts of some of these latest generational reforms for understanding the most efficacious way of handling youth who are justice involved.

Alex Schein:

Technology can be even more problematic in a juvenile setting.

John MacDonald:

Charles, what do you think about videotaping in the sense of... With juveniles that have specific protections? What are the challenges around videotaping interrogations being questioned by the police? And one thing that comes to my mind is the fact that most people in general and kids especially, don't realize that police are allowed to deceive them, that deception is permitted.

Charles Loeffler:

You're raising a really important point, which is that the adoption of a technology such as videotaping custodial interrogations is interacting with a whole bunch of other policies and rulings, which sometimes blunt the expected effect that it has. The fact that police are allowed to engage in deception is one dramatic example of that. But even if we put that aside for a moment and said, "We're going to assume that mostly police are not using deception in most of these custodial interrogations," we see that there's a lot of trust that goes on in these interrogations, there's a lot of cooperation. So, if you're watching your favorite law and order series, you would be left with the impression that most interrogations happen very quickly, and that they can tend to be very combative. And the best research that we have is that most people are pretty cooperative. In some cases, they believe that there is a misunderstanding that their cooperation will help resolve. And in the context of that cooperation, they end up giving statements, including statements that can be recorded that make them look more involved than they actually are.

John MacDonald:

Right. This has been an issue that's come up also with body-worn camera footage for police officers when what's the policy about when they turn it on? There's multiple concerns, there's a civil liberties concern about the police just filming somebody they're questioning and without their consent about being captured on video without your consent in general. But then there's also the concern that, well, if they wait too long to turn it on, maybe you only get to see the video footage once an altercation started, but you don't see the preamble to it. And it can cut both ways. That preamble could implicate an officer or exonerate them depending on the circumstance.

Charles Loeffler:

We oftentimes think about false confessions in a bunch of different ways as they're depicted in literature and in movies and cinema and things like this, but there are a few different types. And one of them is people simply trying to resolve the matter for today with the expectation that a day later or a week later, they can sort of clear things up, for example, by retracting a statement that they know to be untrue, but they think will resolve the matter, allow them to go home. And then they find that they can't do that. And so, if that gets memorialized in the context of a video recording, now you have a real problem and a real risk that the case will end in a wrongful conviction.

Alex Schein:

Disparate rates of incarceration have mirrored effects on communities, whether it's the inmates themselves or their peers and family.

John MacDonald:

Where there's more crime and victimization, there's more trauma, but where there's more punishment, there can also be trauma. And we've had some big changes across different generation and Charles can speak to this more from some of his work, but one of the things that struck me thinking about this over the years is when prison, for example, becomes almost a rite of passage in a community because the rate of imprisonment is so high, there's no way that it's a deterrent anymore because it becomes an expectation.

Charles Loeffler:

Yeah. Work on the disproportionate contact with the criminal justice system, it's as old as sociology and criminology in the United States. We could go back to W. E. B. DuBois when he was at the University of Pennsylvania who studied Philadelphia and examined crime rates and justice contact within and between communities within Philadelphia. And certainly in the work that I've done more recently has looked at essentially the scale and the toll of mass incarceration within different communities in Chicago in particular, where my research was focused. And what you see is this sort of durable level of mass incarceration, sort of disproportionately focused in communities affected by concentrated poverty, which is at a level, particularly in African American communities, not seen in sort of other communities. The hopeful things are that when we look at things like juvenile incarceration, that's come down a lot more in the last 10 years than overall adult incarceration.

So, hopefully that's a leading indicator and minority communities have benefited from that as have majority communities.

John MacDonald:

One of the big challenges is figure it out we have a sentencing system in every state that really is punitive if you have prior convictions, even if those convictions are for quite some time ago. And so, if someone's served some time in prison and then they get rearrested convicted of something, their chance of going back is extremely high. And then it just kind of accumulates. So it's like having bad credit that you can't get fixed. And so, it's going to take years for some of those communities come out, even if you have to change incarceration policy.

Charles Loeffler:

And I just build off that to say, some of the work that I've done and others have done has looked at the impact that incarceration has on reoffending. And the interesting thing is that when you take essentially two individuals, you send one to prison and you send another to a community-based program. You'll oftentimes find that the rates of reoffending don't look that different. However, to John's point a moment ago, the rates of reimprisonment for those who were sent to prison are much higher. And again, that sort of ratchet mechanism, "Okay, you've gone to prison already. Well, you're going to go back." And so this creates this cycle that it's very difficult for people to break out of, even if the effect on actual behavior, the likelihood that someone will reoffend in the future is no different.

Alex Schein:

In the Merrick Garland attorney general confirmation hearings, Garland was questioned on the topic of implicit bias. McDonald and Loeffler discuss the complicated interwoven factors that lead to individual biases and the effect it has on shaping meaningful policies.

Charles Loeffler:

Everyone recognizes that bias is there and bias is a contributing factor to the overall problem of wrongful convictions. Where there is a split is exactly which version of bias, how much of it is sort of what amounts to animus, whether that's racial animus, or just sort of a presumption of guilt on the part of police officers or prosecutors involved in a case, or even careers, and how much of it is some more neutral form of implicit bias? Something that doesn't really relate to some aspect of someone's identity, but to just some sort of again, implicit factor and what I think the best research we have to date suggests is that it's both.

John MacDonald:

Yeah, I agree. I think implicit bias, for example, has become a more popular area of thinking about, because there is some effort to think about, can you train, can you provide education? Can you try to make people aware of them? How does that lead to maybe things like the level of suspicion that they have. So in the case of police officers, do they treat people with greater suspicion simply because someone's race? I think there's pretty good evidence that that is the case, but what's unclear still is whether that training actually changes people's behavior, even if it makes them aware of it? So I think the sociologist in me goes back to we actually have to address structural differences. What are the systemic reasons why people are growing up in completely different types of conditions, poverty, a higher rates of crime, more police contact? That the implicit bias piece is important, but it's going to have a negligible effect I think on the experience if you don't address the structural aspects or the root causes of many of these disparities we see in the criminal justice system.

Charles Loeffler:

And I think another way of taking some of those ideas is to say, "We're really talking about a multi-step or multi-dimensional issue. What is the probability that you're going to have routine contact with the justice system? Second, what is the nature of that contact in your levels of sort of dignity preservation or disrespect and harm in the context of that process?" And then the third element, which is the part that we obviously need to focus a lot on is these questions of things like police use of force, things that are not just about how you emotionally feel after an interaction with police, but what is your physical health status afterwards?

John MacDonald:

I agree. I think that's important to think about each and then also what are the incentives? So what are the priorities in terms of what US attorney's offices are focusing on in past generations? There wasn't a big effort of federal prosecutions around drug offenses and street crimes that was seen as the state affair. And that changed in the 1980s being shift and we see that with the rise of incarceration rates in particular, for minorities in the federal system in a way that you hadn't seen before and that was because they changed the focus of those offices.

Charles Loeffler:

And certainly the war on drugs fundamentally shifted the priorities of the federal criminal justice system. And that contributed to disparities that we see at the federal level. So there is very much an opportunity with the new administration and a new attorney general to reset some of those policies and see whether that contributes to a reduction in the new cases being contributed to the stock of existing disparities that were generated from 1980s into the 1990s and beyond.

Alex Schein:

This wraps up episode three, Institutionalizing Racism. We'll be back in two weeks with episode four, National Myths and Monuments. We'll hear from an anthropologist, a sociologist and an art historian on what monuments mean, how our national history and myths guide us and how we should move forward?

In These Times is a production of Penn Arts and Sciences. Special thanks to professors, Camille Charles, John MacDonald, and Charles Loeffler. I'm Alex Schein. Thanks for listening.

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