

5-1-2015

# A Criminal Justice System Without Justice: The News Media, Sports Media, & Rap's Influence on Racial Crime Disparities

"Jake" James Cullen Evans

Follow this and additional works at: <http://repository.law.miami.edu/umrsjlr>



Part of the [Civil Rights and Discrimination Commons](#)

---

## Recommended Citation

"Jake" James C. Evans, *A Criminal Justice System Without Justice: The News Media, Sports Media, & Rap's Influence on Racial Crime Disparities*, 5 U. Miami Race & Soc. Just. L. Rev. 117 (2015)

Available at: <http://repository.law.miami.edu/umrsjlr/vol5/iss1/6>

# A Criminal Justice System Without Justice: The News Media, Sports Media, & Rap’s Influence on Racial Crime Disparities

“Jake” James Cullen Evans \*

INTRODUCTION .....	117
I. AVENUES OF INFLUENCE IN THE AMERICAN CRIMINAL JUSTICE SYSTEM.....	119
II. THE NEWS MEDIA AND RACIAL STEREOTYPES.....	121
A. <i>The Inaccuracy of the News Media’s Reporting of Crime</i> .....	123
B. <i>The News Media’s Effect on Human Behavior and Opinions</i> .	125
III. CONTEMPORARY MEDIA AND ITS EFFECTS ON RACIAL STEREOTYPES .....	127
A. <i>The Sports Media and Racial Stereotypes</i> .....	127
1. The Sports Media’s Unfair Representation of African American Sports Crime.....	128
2. The Obtuse, Bestial African American Athlete .....	131
B. <i>Rap and Racial Stereotypes</i> .....	133
CONCLUSION: EDUCATION IS THE ANSWER .....	136

## INTRODUCTION

Fifty years have passed since the Supreme Court held that the segregation of African American schoolchildren from others of similar age solely because of their race generates an indelible sensation of

---

\* Jake Evans is an associate at the law firm of Lewis Brisbois Bisgaard & Smith. Mr. Evans’ practice focuses on complex civil litigation and corporation compliance. Mr. Evans graduated from the University of Georgia School of Law *cum laude* in 2012, after completing his B.A. *summa cum laude* in 2009 at the University of Georgia. Mr. Evans is a frequent author and publisher of articles surveying novel legal issues for academics and practitioners alike.

inferiority.<sup>1</sup> Much has changed in those fifty years—manifest discrimination based upon race is illegal for government agencies, employers and landlords, and African American presence in positions of power has significantly increased. Despite this progress, racism is more insidious than ever, existing as an invisible force perpetuating pernicious racial disparities. No area is more laden with racial disparities than the criminal justice system.

Starting in the 1990s, African Americans encountered a notable growth in economic mobility, political power, and education attainment.<sup>2</sup> This improvement, however, has not translated into lower African American crime rates. Instead, there has been an overrepresentation of African Americans in the criminal justice system; despite comprising only 12 percent of the American population, 39.4 percent of all prisoners in the United States are African American.<sup>3</sup> For all crimes, African Americans are 2.5 times more likely than other races to be arrested.<sup>4</sup> The number is higher (3.7) with respect to violent crimes.<sup>5</sup> African American men over 30 are seven times more likely to have a prison record than white men over 30.<sup>6</sup> The most notable arrest disproportion is for violent crimes, including robbery and manslaughter, where 50.4 percent of all sentenced prisoners over 18 are African American.<sup>7</sup> Race cannot be the only factor attributable to such staggering disparities.

Through inaccurate associational reporting, the news media has been a principal force, perpetuating these disparities by establishing and sustaining inaccurate racial crime stereotypes. Indeed, the obviousness of this stereotype has prompted the “criminal black man” label, which argues that popular culture views African American males as dangerous criminals.<sup>8</sup> Despite holding the means to offset the news media’s prejudicial reporting of crime, the sports media and rap have utilized this influence to exacerbate existing stereotypes. A dangerous and invidious circle is created through this sequence. Stereotypes are created by the media, which encourages more arrests and incarcerations of African

---

<sup>1</sup> *Brown v. Bd. of Educ.*, 347 U.S. 483, 494 (1954).

<sup>2</sup> LETHA A. (LEE) SEE, *VIOLENCE AS SEEN THROUGH A PRISM OF COLOR* 29 (2001).

<sup>3</sup> See U.S. BUREAU OF JUSTICE STATISTICS, *PRISON INMATES AT MIDYEAR 2009, 2010* tbls. 16-19 (2009).

<sup>4</sup> SAMUEL WALKER, CASSIA SPOHN, & MIRIAM DELONE, *THE COLOR OF JUSTICE: RACE, ETHNICITY, AND CRIME IN AMERICA* 41 (2009).

<sup>5</sup> *Id.*

<sup>6</sup> William I. Sabol & Heather C. West, *PRISONERS IN 2008*, available at <http://www.bjs.gov/content/pub/pdf/p08.pdf>.

<sup>7</sup> See FED. BUREAU OF INVESTIGATION, *UNIF. CRIME REPORTS 2009* tbl.67 (2010).

<sup>8</sup> SHAUN GABBIDON, HELEN TAYLOR GREENE, & VERNETTA D. YOUNG, *AFRICAN AMERICAN CLASSICS IN CRIMINOLOGY AND CRIMINAL JUSTICE* 349 (SAGE Publications 2001).

Americans, establishing statistics that substantiate the media's representation of African Americans as criminals. Through this process, the news media, sports media, and rap perpetuate existing racial disparities in the criminal justice system.

Part I of this paper will examine the ways through which the media can influence the administration of justice. Part II will highlight the ways the news media inaccurately associates African Americans with crime, creating racialized stereotypes. Part III will evaluate the sports media and rap's influence on these news media-induced racial stereotypes. And, Part IV will conclude that, to ameliorate existing stereotypes, the United States government must improve public education by reallocating public funding from the criminal justice system to the public education system.

### I. AVENUES OF INFLUENCE IN THE AMERICAN CRIMINAL JUSTICE SYSTEM

For the media to perpetuate existing racial crime disparities, the criminal justice system must have paths through which racial stereotypes can affect the administration of justice. Through police arrest and investigation discretion, prosecutorial charge selection, and jury and judge conviction and sentencing, the criminal justice system provides opportunities for racial prejudices to influence the administration of justice. Largely by virtue of media-induced stereotypes, these paths appear to wound the justice given to African Americans.

First, media-induced stereotypes can affect law enforcement's exercise of arrest, degree of force, and frisk duties. By influencing these duties, media-induced stereotypes can result in African Americans being disproportionately frisked, arrested, and, ultimately, imprisoned. Such stereotypes have arguably already taken hold. Police have been found to disproportionately use deadly force against black; one study discovered that police shot and killed substantially more African Americans than whites.<sup>9</sup> This disparity was as high as seven blacks shot for every one white shot.<sup>10</sup> Stop and Frisks have been used disproportionately against African Americans. A San Diego Field Interrogation study revealed that approximately half of all people frisked were African Americans, although African Americans represented only 17.5 percent and 4.8 percent of the precincts surveyed.<sup>11</sup> And, African Americans are arrested at a rate disproportionate to their population. A study discovered that 31

---

<sup>9</sup> WALKER, *supra* note 4, at 93.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* at 95.

percent of all people arrested are African American, although African Americans comprised only 12 percent of the national population.<sup>12</sup>

Second, prosecutorial charging can be influenced by media-induced stereotypes. The supposition that African Americans are dangerous criminals may prompt prosecutors to initially prosecute African Americans, and to excessively charge them. Two studies support this conjecture. Controlling for age, prior criminal record, and the seriousness of the charge, a study of defendants in Los Angeles County found that, in marginal cases, African Americans males were more likely to be prosecuted than white males.<sup>13</sup> A similar study discovered that African Americans raping or murdering whites were more likely to be charged with the maximum sentence as compared to African Americans raping or murdering African Americans.<sup>14</sup>

Third, the sentencing and conviction discretion possessed by judges and juries can be manipulated by media-induced stereotypes. Ideally, judges and juries are to consider only relevant factors in fitting individuals with their crimes. However, stereotypes can compromise this ideal, by leading people to believe that African Americans are dangerous criminals. Such stereotypes are arguably currently at play in the criminal justice system. Indeed, per capita incarceration rates for African Americans are substantially higher than the rate for whites.<sup>15</sup> Also, African American defendants are more likely to be sentenced to prison than whites.<sup>16</sup> Approximately 55 percent of all people executed since 1930 are African American.<sup>17</sup> Such sentencing disparities have been so noteworthy that the Federal Sentencing Guidelines was passed, limiting the discretion given to judges and juries in sentencing.<sup>18</sup>

Avenues exist through which media-induced stereotypes can penetrate the administration of justice. This infiltration can seriously influence who is frisked, who is arrested, and who is convicted, gravely questioning African Americans' ability to receive equal justice in the American criminal system. Simply, the above paths in the criminal justice system allow media-induced stereotypes to affect the administration of justice.

---

<sup>12</sup> LARRY K. GAINES, VICTOR E. KAPPELLER, *POLICING IN AMERICA* 233 (Anderson Publishing 7th ed. 2011).

<sup>13</sup> Cassia Spohn, John Gruhl, & Susan Welch, *The Impact of the Ethnicity and Gender of Defendants on the Decision to Reject or Dismiss Felony Charges*, 25 J. CRIM. L. & CRIMINOLOGY 175-92 (2006).

<sup>14</sup> GAINES & KAPPELLER, *supra* note 12, at 11.

<sup>15</sup> U.S. DEP'T. OF JUSTICE, *supra* note 3, at 16.

<sup>16</sup> *Id.*

<sup>17</sup> WALKER, *supra* note 4, at 19.

<sup>18</sup> The Comprehensive Crime Control Act, § U.S.S.G. § 4A1.1. (1987).

## II. THE NEWS MEDIA AND RACIAL STEREOTYPES

It has been established that the media can penetrate the administration of justice. It is, therefore, necessary to determine if the media, through its reporting of crime, creates racial stereotypes. As will be shown, recurrent associations of African Americans with undesirable, inferior or dangerous traits, behaviors, and values generates a circular process by which racial stereotypes are created which invade the administration of justice, increasing racial crime disparities.<sup>19</sup>

The news occupies a vital position in the functioning of everyday life. Without the news, individuals would be seriously hindered in their ability to participate in political affairs, or remain informed of the current issues, dangers, or societal changes.<sup>20</sup> Most people possess chaotic schedules requiring them to accept the media's presentation of information without further inquiry. This acquiescence grants the media unparalleled power over people and their perceptions. What is reported, and how it is reported, shapes the viewer's attitudes and beliefs. Indeed, three-quarters of the American public indicate they develop their opinions about crime through observing the news media.<sup>21</sup> The news media, through systematic associational schemas, has used this profound influence to perpetuate racial stereotypes, exacerbating the existing racial disparities in the criminal justice system.

A young white woman is kidnapped and raped by a black man. In conceptualizing a typical crime, this is the scenario most envision. It is no surprise that violent crimes with African American perpetrators and white victims receive the most media attention. Research indicates that news stations are more likely to show African Americans as criminals, especially when focusing on violent crime.<sup>22</sup> A study found that, in proportion to their arrest rates, African Americans were overrepresented in the news media as perpetrators of violent crime.<sup>23</sup> Whites were, conversely, overrepresented as victims of violence and as law-enforcers, while African Americans were underrepresented as victims and law-

---

<sup>19</sup> Robert M. Entman & Kimberly A. Gross, *Race to Judgment: Stereotyping Media and Criminal Defendants*, 71 LAW & CONTEMP. PROBS. 6 (2008).

<sup>20</sup> CLINT C. WILSON, ET. AL., RACISM, SEXISM, AND THE MEDIA: THE RISE OF CLASS COMMUNICATION IN MULTICULTURAL AMERICA, 115 (2003).

<sup>21</sup> LORI DORFMAN & VINCENT SCHIRALDI, OFF BALANCE: YOUTH, RACE, AND CRIME IN THE NEWS 4 (2001).

<sup>22</sup> Travis L. Dixon & Daniel Linz, *Overrepresentation and Underrepresentation of African Americans and Latinos as Lawbreakers on Television News*, 50 J. COMM., 131, 149 (2000).

<sup>23</sup> Franklin D. Gilliam, Jr. et al., *Crime in Black and White: The Violent, Scary World of Local News*, 1 HARV. INT'L J. PRESS/POL., 6, 10-12 (1996) (finding blacks, though not Latinos, overrepresented as lawbreakers in coverage of violent and nonviolent crimes).

enforcers.<sup>24</sup> Another study found that African Americans are more likely to appear as crime perpetrators than victims on newscasts.<sup>25</sup> Disproportionately portraying African Americans as perpetrators and whites as victims is one method in which the media creates associational schemas between African Americans and crime. By conflating crime as committed by blacks against whites, the news media generates white fear of blacks. The news media amplifies this fear by communicating that crime is rampant, and threatens to touch viewers personally.

Additionally, the media will often depict African Americans as more deviant and dangerous than whites. A study of Chicago newscasts found that African American suspects were portrayed as more symbolically threatening than those of whites accused of similar crimes.<sup>26</sup> For example, African Americans were shown in scowling mug shots, while white suspects were shown smiling in personal photographs.<sup>27</sup> In another study, African Americans were twice as likely to be shown as physically restrained by police than whites, despite both being accused of similar violent crimes.<sup>28</sup> Further, African Americans are more likely to be subjected to negative pretrial publicity than whites. Indeed, one study discovered that, in relation to white defendants, African American and Latino defendants were twice as likely to be subjected to negative pretrial publicity.<sup>29</sup>

The media associates African Americans with traits often possessed by criminals, and traits regarded as inferior. Indeed, arguably the most disproportionate and invidious association made with blacks in the news media is poverty. A Time and Newsweek study found there to be an overrepresentation blacks in relation to whites, Latinos, Asians in stories featuring poverty.<sup>30</sup> The media accompanies a picture of minorities when discussing unemployment numbers, poverty rates, or a bad economy

---

<sup>24</sup> Travis L. Dixon et al., *The Portrayal of Race and Crime on Television Network News*, 47 J. BROADCASTING & ELECTRONIC MEDIA 498, 498 (2003).

<sup>25</sup> Travis L. Dixon & Daniel Linz, *Race and the Misrepresentation of Victimization on Local Television News*, 27 COMM. RES. 547, 559-60 (2000).

<sup>26</sup> See ROBERT ENTMAN & ANDREW ROJECKI, *THE BLACK IMAGE IN THE WHITE MIND: MEDIA AND RACE IN AMERICA* 253 (2000).

<sup>27</sup> *Id.*

<sup>28</sup> *Id.* at 83-84. (It should be noted that police officers might be more likely to restrain blacks because of their racial fears, which have been constructed by the media's depiction of blacks as dangerous).

<sup>29</sup> Travis L. Dixon & Daniel Linz, *Television News, Prejudicial Pretrial Publicity, and the Depiction of Race*, 46 J. BROADCASTING & ELECTRONIC MEDIA 112, 127-29 (2002).

<sup>30</sup> ENTMAN & ROJECKI, *supra* note 26, at 253.

70% of the time.<sup>31</sup> These representations associate African Americans with inferior traits and characteristics often possessed by criminals.

Because newsworthiness has been defined in terms of white viewership, non-criminal news stories are oriented towards white interests.<sup>32</sup> Consequently, African Americans do not appear as regularly as whites outside the criminal context.<sup>33</sup> This limits the appearance of African Americans in socially positive roles, which could counterbalance the media's negative representation of African Americans. Also, the existing associational schema between African Americans and crime is intensified, because few neutral media reports exist to erode this image.

The implications of these associations are troubling. Repetitive associations of African Americans with crime, inferior and dangerous characteristics, and omission from positive reporting create racial stereotypes, infecting the administration of justice. Without the information or experiences to prove otherwise, individuals will uncritically embrace such stereotypes. Thus, the media, with its commanding influence, generates racial stereotypes, which exacerbates existing racial disparities in the criminal justice system.

#### A. *The Inaccuracy of the News Media's Reporting of Crime*

The news media oftentimes abrogates its ethical obligation to accurately report crime. The role of news transmission is to truthfully reflect societal realities by reporting a representative survey of communal events. This noble practice alerts communities to potential dangers, and frames pertinent issues that require attention. If the media were more accurately portraying criminal statistics, they would be adhering to this duty. As the statistics below demonstrate, the media oftentimes blatantly misrepresents criminal realities, electing to further their agenda of racial mischaracterization. The statistics shown below demonstrate that the media's representation of most crime as black against white is inaccurate. Most crime is intraracial crime, not interracial crime

First, a *New York Times* study reporting all rapes reported in New York City during the week of April 16-22, 1989, found the typical rape victim is actually a *minority* female rather than a white female.<sup>34</sup> In 2013, only 13.6 percent of white victims were killed by African American

---

<sup>31</sup> Martin Gilens, *Race and Poverty in America: Public Misperceptions and the American News Media*, in PUBLIC OPINION QUARTERLY 515-41 (1996).

<sup>32</sup> ENTMAN & ROJECKI, *supra* note 26, at 253.

<sup>33</sup> *Id.*

<sup>34</sup> WALKER, *supra* note 4, at 24. A total of twenty-nine rapes were reported in New York City the week of April 16-22, 1989, with seventeen African American female victims, seven Hispanic victims, three white victims, and two Asians.

offenders.<sup>35</sup> The statistics seem to better show that victims of a certain race are much more likely to be killed by another member of that same race.<sup>36</sup> Approximately 83.5 percent of white victims were killed by white offenders.<sup>37</sup> Similarly, 90 percent of African American victims were killed by other African Americans.<sup>38</sup> In 2008, the homicide victimization rate for African Americans was six times higher than the homicide victimization rate for whites.<sup>39</sup> Of all carjackings in 2004, 56 percent were committed against African Americans, and only 21 percent were committed against whites.<sup>40</sup> Although these are sporadic years being presented, the statistics give an overall impression of the recent decade.

Looking at trends from 1980-2008 for offender rates, although two-thirds of drug-related homicides were committed by black offenders (65.6%), black offenders were less likely to be involved in sex-related killings (43.4%), workplace homicides (25.8%) or homicides of elders age 65 or older (41.9%) compared to their overall involvement as homicide offenders (52.5%).<sup>41</sup>

The media's portrayal of the "typical criminal offender" as African American is inaccurate. Instead, evaluation of arrest statistics for all offenses in the Uniform Crime Reports shows that the typical offender is oftentimes white. For instance, almost three-fourths (74.3 percent) of those arrested in general in 2010 were white, and less than one-fourth (24.0 percent) were black.<sup>42</sup> Although these statistics are not per capita, they do illustrate that the typical criminal is white, not black.

By reporting crime in an inaccurate manner, the media is contravening its professional ethical standards. Under the SP Code of Ethics, "journalists should be honest, fair and courageous in gathering,

<sup>35</sup> See FED. BUREAU OF INVESTIGATION, UNIF. CRIME REPORTS, MURDER BY RACE, ETHNICITY, AND SEX OF VICTIM BY RACE, ETHNICITY, AND SEX OFFENDER, tbl.6 (2013). The study shows that of 3,005 total homicides of white victims, only 409 were committed by African American offenders.

<sup>36</sup> *Id.* In 2013, of 3,005 total homicides of white victims, 2,509 were committed by white offenders. Of 2,491 total homicides of Black or African American victims, 2,245 were committed by Black or African American offenders.

<sup>37</sup> *Id.* See also, Michelle Ye Hee Lee, *Giuliani's claim that 93 percent of black murder victims are killed by other blacks*, WASHINGTON POST Nov. 25, 2014, <http://www.washingtonpost.com/blogs/fact-checker/wp/2014/11/25/giulianis-claim-that-93-percent-of-blacks-are-killed-by-other-blacks/> (last accessed Apr. 15, 2015).

<sup>38</sup> See FED. BUREAU OF INVESTIGATION, UNIF. CRIME REPORTS, *supra* note 35.

<sup>39</sup> See U.S. DEP'T OF JUSTICE, BUREAU OF JUSTICE STATISTICS, PATTERNS & TRENDS: HOMICIDE TRENDS IN THE UNITED STATES, 1980 - 2008, at 11

<sup>40</sup> Patsy Klaus, BUREAU OF JUSTICE STATISTICS, CRIME DATA BRIEF (2004).

<sup>41</sup> *Id.* at 12.

<sup>42</sup> See FED. BUREAU OF INVESTIGATION, UNIF. CRIME REPORTS, ARRESTS, SUBURBAN AREAS BY RACE tbl.67 (2010).

reporting and interpreting information.”<sup>43</sup> Regularly presenting images that are grossly detached from reality is unequivocally unfair reporting of information. The pernicious consequences that result from this inaccurate reporting worsen the degree of the ethical breach.

Because African Americans have historically been excluded from roles in mainstream news institutions, they lack the authority to eviscerate these unfair practices. Indeed, although African Americans comprise 13 percent of the national population, they own only 1.3 percent of the television stations in the United States.<sup>44</sup> Similarly, Advertising Age found that out of 1,379 commercial television stations, only eight were owned by African Americans.<sup>45</sup> With ownership rates this dismal, African Americans lack the ability to remedy the existing unfair media reporting practices, leaving it to the white elite, who possess no incentive to change.

These findings contextualize the media’s criminal coverage. Not only is the media inaccurately representing African Americans in the crime context, the media is breaching its professional ethical standards, and furthering racially destructive stereotypes. To make matters worse, African Americans lack significant ability to remedy these repugnant practices due to their absence of authoritative media positions.

### *B. The News Media’s Effect on Human Behavior and Opinions*

The media is misrepresenting reality in its reporting of crime, but does this improper reporting establish associational schemas in their viewers? Empirical studies have been conducted substantiating the unconscious link that exists between violence and African Americans. For example, with all conditions equal, an ambiguous action was perceived to be more violent when performed by an African American than when performed by a white.<sup>46</sup> Another study determined that, when presented with an uncertain suspect in threatening circumstances,

---

<sup>43</sup> SOCIETY OF PROFESSIONAL JOURNALISTS, CODE OF ETHICS (1996), *available at* <http://www.spj.org/pdf/ethicscode.pdf>.

<sup>44</sup> S. Derek Turner & Mark Cooper, MCGANNON COMM’NS RESEARCH CTR, *OUT OF THE PICTURE 2007: MINORITY & FEMALE TV STATION OWNERSHIP IN THE UNITED STATES 2* (2006).

<sup>45</sup> Mya Frazier, *The Catch-22 of Buying Black Media*, ADVERTISING AGE (April 7, 2008), <http://adage.com/article/mediaworks/catch-22-buying-black-media/126174/>.

<sup>46</sup> B.L. Duncan, *Differential Social Perception and Attribution of Intergroup Violence: Testing the Lower Limits of Stereotyping of Blacks*, 34 J. PERSONALITY & SOC. PSYCHOL. 590, 590-98 (1976).

persons were more likely to assume that the suspect was African American.<sup>47</sup>

An analogous study utilized a computer simulation, where participants were directed to shoot armed targets, but not shoot unarmed targets.<sup>48</sup> The targets were either black or white, and were holding a gun or innocuous object.<sup>49</sup> The study found that, under time pressure, participants were more likely to mistakenly shoot an unarmed black target than an unarmed white target and were likely to mistakenly fail to shoot an armed white target than an armed black target.<sup>50</sup> Conducting these studies under time pressures removed conscious inhibition. Individuals did not possess the time to contemplate their response; rather, they acted on an unfiltered response. This is suggestive of an unconscious mental association with African Americans and dangerous crime.

The insidious nature of stereotypes intensifies the dangers associated therewith. Stereotypes are incrementally developed through consistent associations with persons of a particular group and specific traits.<sup>51</sup> Because of their gradual development, individuals are generally unaware of the existence of stereotypes and therefore cannot remedy the stereotype's pernicious effects.<sup>52</sup> In the context of race and crime, where liberty is at stake, this is excessively objectionable.

These media-induced stereotypes have influenced whites' disposition towards criminal penalties and explanations for criminal behavior. For instance, exposure to images of male African American criminal defendants was found to strengthen white viewers' punitive approaches toward crime.<sup>53</sup> A similar study found that frequent crime television viewers, which are presented with unidentified suspects, are less likely to presume that African Americans face structural limits to success and are more likely to support the death penalty than viewers that are exposed to noncrime stories.<sup>54</sup> More strikingly, viewers of newscasts with a majority

---

<sup>47</sup> Dixon & Linz, *supra* note 22, at 138.

<sup>48</sup> Joshua Correll et al., *The Police Officer's Dilemma: Using Ethnicity to Disambiguate Potentially Threatening Individuals*, 83 J. PERSONALITY & SOC. PSYCHOL. 1314 (2002).

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> Gordana Deric, INST. FOR PHIL. & SOC. THEORY, DEVELOPMENT OF STEREOTYPES – MULTIDISCIPLINARY APPROACH 3 (2007) (Serbia).

<sup>52</sup> *Id.*

<sup>53</sup> Franklin D. Gilliam, Jr., et al, *Crime in Black in White: The Violent, Scary World of Local News*, 1 HARV. INT'L J. OF PRESS/POL. 6, 10-12 (1996).

<sup>54</sup> Travis Dixon & Cristina L. Azocar, *Priming Crime and Activating Blackness: Understanding the Psychological Impact of Overrepresentation of Blacks as Lawbreakers on Television News*, 57 J. COMM. 229 (2007).

of black criminal suspects—which most news coverage is—are more likely to believe that general arrestees are culpable.<sup>55</sup> Similarly, viewers of newscasts featuring a majority of black or unidentified suspects are more likely to support the death penalty than viewers that rejected black stereotypes.<sup>56</sup>

These empirical studies illustrate the conspicuous effects of media-induced stereotypes. Through repetitive associations between blacks and crime, the media has incrementally ingrained stereotypes in individuals, driving their unconscious behavior and influencing their opinions on crime. In the absence of prophylactic measures, this cycle will grow unrestrained, escalating in influence.

### III. CONTEMPORARY MEDIA AND ITS EFFECTS ON RACIAL STEREOTYPES

It has been recognized that: (1) the criminal justice system contains avenues through which racial stereotypes can influence the administration of justice; (2) the media exploits these avenues, by employing inaccurate associational schemas between blacks and crime; (3) such associational schemas have created subconscious stereotypes, which affect human behavior and opinions; and (4) leading to the conclusion that the news media maintains and perpetuates racial disparities in the criminal justice system.

Venues exist which could be utilized to counterbalance the stereotypes generated by the news media. Indeed, both athletics and rap have pervaded American culture, shaping the way people perceive African Americans. The emergence of these entertainment arenas provides two contemporary channels, which could offset existing stereotypes. Unfortunately, these channels have not been utilized to ameliorate existing stereotypes, but, rather, have been utilized to exacerbate them.

#### A. *The Sports Media and Racial Stereotypes*

The sporting world has permeated American culture, occupying an unparalleled segment of entertainment media. Millions around the world observe any given sporting event. In America, though, football, basketball, and baseball are the flagship sports, stimulating the most widespread interest. Super Bowl XLV attracted 162.9 million viewers,

---

<sup>55</sup> *Id.*

<sup>56</sup> Travis L. Dixon, *Psychological Reactions to Crime News Portrayals of Black Criminals: Understanding the Moderating Roles of Prior News Viewing and Stereotypes Endorsement*, 73 COMM. MONOGRAPHS 162 (2006).

25.4 million people watched game seven of the 2011 World Series, and game six of the NBA Championship brought in 23.4 million viewers.<sup>57</sup> The confluence of audiences this large and the corresponding sports commentary gives the sports media a controlling influence over American racial perceptions. With that influence, the sporting world has become an image factory, establishing and intensifying racial stereotypes. Unfortunately, the sports media has perpetuated an image of African American athletes as dangerous criminals. This image has been fashioned through the media's racialized reporting of athlete crime, and the media's portrayal of African American athletes as bestial, intellectually inferior, beings.

### 1. The Sports Media's Unfair Representation of African American Sports Crime

The sports media's prerogative is profits. And, to make profits the media must provide the public with tantalizing coverage. To accomplish this, the sports media transforms minor infractions into moral dramas and scandals of national importance. More disturbingly, the sporting press offers the impression that athletes are committing crimes at disproportionate rates to the overall population. It is important to note, too, that much coverage centers on the "alleged" criminal activities of African American athletes.<sup>58</sup> For example, the Associated Press sent out a wire story, listing seven athletes accused of numerous crimes (all were African Americans except one).<sup>59</sup> Five out of the seven listed in this story were never charged or were found innocent.<sup>60</sup> Ignoring the reality that most athletes are accused of crimes, but never convicted, these articles reflect a propensity to equate accused athletes with criminals.

Media coverage emphasizing the association between crime and sports is racially delineated. A hyper focus exists highlighting the

---

<sup>57</sup> Robert Seidman, *Super Bowl XLV Breaks Viewing Record, Averages 11 Million Viewers*, TV BY THE NUMBERS (Feb. 7, 2011) <http://tvbythenumbers.zap2it.com/2011/02/07/super-bowl-xlv-poised-to-break-viewing-records-ties-1987-with-highest-overnight-ratings-ever/81684/>; Bill Gorman, *World Series Game 7 Averages 25.4 Million Viewers, Most Watched World Series Game Since 2004*, TV BY THE NUMBERS (Oct. 29, 2011) <http://tvbythenumbers.zap2it.com/2011/10/29/world-series-game-7-averages-25-4-million-viewers-most-watched-world-series-game-since-2004/108958/>; Bill Gorman, *TV Ratings Broadcast Top 25: NBA Finals & Reality Dominate Primetime Week*, TV BY THE NUMBERS (June 14, 2011) <http://tvbythenumbers.zap2it.com/2011/06/14/tv-ratings-broadcast-top-25-nba-finals-reality-dominate-primetime-week/95496/>.

<sup>58</sup> See, e.g., Jeff Benedict, *Athletes and Accusations*, NEW YORK TIMES (August 5, 2003) <http://www.nytimes.com/2003/08/05/opinion/05BENE.html>.

<sup>59</sup> Rob Fernas, *Athletes Part of a Violent Trend*, LA TIMES (July 19, 2003) <http://articles.latimes.com/2003/jul/19/sports/sp-crime19>.

<sup>60</sup> *Id.*

correlation between athletes of football and basketball (not hockey, golf, Nascar or baseball) and criminal activity.<sup>61</sup> Not surprisingly, black athletes dominate basketball and football. The media is, therefore, not generating a connection between crime and sports, but, more specifically, a connection between African American dominated sports and crime.<sup>62</sup>

In reporting crime in sports, the media treats whites and African Americans disparately. The coverage of two Nebraska football players, committing similar offenses, evidences this racialization of sports coverage. Christian Peter, a white all-American defensive lineman for the Nebraska Corn Huskers, was convicted of assaulting a former Miss Nebraska.<sup>63</sup> Despite the egregiousness of a sexual assault conviction, his case received little attention outside of Lincoln, Nebraska.<sup>64</sup> In sharp contrast, when Lawrence Phillips, an African American all-American running back for Nebraska, was charged with beating his white girlfriend, the allegation prompted national media coverage and disgrace.<sup>65</sup> Although the players engaged in similarly offensive criminal activity, the extent of the media coverage differed considerably. The only legitimate explanation for such incongruence was race.

Likewise, the contrasting coverage of Kobe Bryant's rape case and Mike Danton's conspiracy to murder case reaffirm the impact of race in sports coverage. Kobe Bryant, an all-Star NBA player, was accused of sexual assault in 2003.<sup>66</sup> Bryant's arrest stimulated 24-hour, multiple channel coverage that documented not only the alleged assault, but Bryant's life story.<sup>67</sup> Stories circulated describing Bryant's selfish-on-court-behavior, his proclivity to quarrel with teammates, and any past event suggestive of Bryant's tendency to sexually assault another.<sup>68</sup>

---

<sup>61</sup> RICHARD LAPCHICK, *SMASHING BARRIERS* 266 (Madison Books) (2002).

<sup>62</sup> *Id.*

<sup>63</sup> C. R. KING & C.F. SPRINGWOOD, *BEYOND THE CHEERS: RACE AS SPECTACLE IN COLLEGE SPORT* 117 (State University of New York Press 2001).

<sup>64</sup> *Id.*

<sup>65</sup> *Id.*

<sup>66</sup> *Kobe Bryant charged with sexual assault*, CNN, Dec. 16, 2003, available at <http://www.cnn.com/2003/LAW/07/18/kobe.bryant/>.

<sup>67</sup> Kevin Drew, *Cases pit right to privacy and fair trial against public right to know*, CNN, Aug. 7, 2003, available at <http://www.cnn.com/2003/LAW/08/06/legal.cases.media/>.

<sup>68</sup> See Jennifer Kennedy, Note, *Image Reparation Strategies in Sports: A Media Analysis of Kobe Bryant and Barry Bonds*, 1 ELON J. UNDERGRADUATE RESEARCH IN COMM. 97 (2010). See, e.g., Steve Kelley, Unfortunately, the Lakers are Bryant's team, SEATTLE TIMES, June 21, 2004, available at [http://old.seattletimes.com/html/sports/2001960978\\_kell21.html](http://old.seattletimes.com/html/sports/2001960978_kell21.html); Bill Ordine, On Kobe Bryant, Baltimore Sun, May 7, 2008, available at [http://articles.baltimoresun.com/2008-05-07/sports/0805070180\\_1\\_kobe-bryant-bryant-play-fans](http://articles.baltimoresun.com/2008-05-07/sports/0805070180_1_kobe-bryant-bryant-play-fans).

These stories were not intended to explain or critically analyze the allegation, but to demonize Bryant as the typical criminal black athlete.

Mike Danton, conversely, was portrayed as a victimized sports hero. Danton, a white member of the St. Louis Blues hockey team, was charged with conspiracy to commit murder after allegedly hiring a hitman to kill his agent.<sup>69</sup> A barrage of sympathetic news stories followed. Reports depicted Danton as a mentally unstable male who experienced a dysfunctional upbringing, and had been improperly manipulated by his agent.<sup>70</sup> Discussion of Danton's alleged crime and criminal history was omitted in virtual entirety. These examples illustrate the racialization that is present in sports media reporting, which affirms and perpetuates existing stereotypes of African American men as criminals.

Arguably the most prevalent association between athletes and crime is that between sexual violence and African American athletes. Sports stories such as the Kobe Bryant rape case, accusations against the Colorado football program stemming from inappropriate sexual parties, and the Perrish Scott rape case stimulated an inundation of articles proclaiming the epidemic of sexual violence within sports. Yet, none of these charges resulted in convictions.<sup>71</sup> Almost 50 percent of athletes used as examples of sexual violence against women are never convicted, and an even greater majority are never charged.<sup>72</sup> Not only do such accusations improperly connect African American athletes with crime,

---

<sup>69</sup> Greg Wyshynski, *Additional Reading on Ex-Agent David Frost, If You Can Stomach It*, YAHOO! SPORTS (Sept. 28, 2010) [http://sports.yahoo.com/nhl/blog/puck\\_daddy/post/Additional-reading-on-ex-agent-David-Frost-if-y?urn=nhl-273164](http://sports.yahoo.com/nhl/blog/puck_daddy/post/Additional-reading-on-ex-agent-David-Frost-if-y?urn=nhl-273164).

<sup>70</sup> The Canadian Press, *Ex-NHLer Danton, Convicted in Plot to Murder Father, not Frost, Gets Full Parole*, CP24 (Sept. 11, 2009) <http://www.cp24.com/ex-nhler-danton-convicted-in-plot-to-murder-father-not-frost-gets-full-parole-1.433628>; Howard Bloom, *Former NHL Agent David Frost – Eventually Bad Things Happen to Bad People*, SPORTS BUSINESS NEWS (Aug. 23, 2006) <http://sportsbiznews.blogspot.com/2006/08/former-nhl-agent-david-frost.html>.

<sup>71</sup> See Colby Flornio, *Perrish Cox Sexual Assault Update*, SB NATION MILE HIGH REPORT (Jul. 22, 2011, 3:01 PM) available at <http://www.milehighreport.com/2011/7/22/2289058/perrish-cox-sexual-assault-update>; Kirk Johnson, *Prosecutors Drop Kobe Bryant Rape Case*, N.Y. TIMES, Sept. 2, 2004, available at [http://www.nytimes.com/2004/09/02/national/02kobe.html?\\_r=0](http://www.nytimes.com/2004/09/02/national/02kobe.html?_r=0); Mike Klis, *Former Denver Bronco Perrish Cox not guilty in sex-assault case*, THE DENVER POST, March 2, 2012, available at [http://www.denverpost.com/ci\\_20088034](http://www.denverpost.com/ci_20088034); Associated Press, *Timeline: Colorado recruiting scandal*, ESPN, May 27, 2004, available at <http://sports.espn.go.com/ncf/news/story?id=1803891>.

<sup>72</sup> David Leonard, *A World Of Criminals or a Media? Race, Gender, Celebrity, and the Athlete/Criminal Discourse*, in HANDBOOK OF SPORTS MEDIA 526 (Art Raney & James Bryant eds., 2006).

but they depict African Americans as animalist sexual beings, devoid of rational decision making.

The core of this reporting is predicated upon the notion that society awards athletes with privileges, namely, freedom from accountability, and a sense of entitlement.<sup>73</sup> This sense of entitlement is argued to elevate athletes in the social hierarchy, requiring counterbalancing. Some argue that it is, therefore, the sports media's duty to impose accountability on athletes by exposing their transgressions. However, as the above findings reveal, in practice, the sports media is only holding African American athletes accountable, and excusing and justifying white athletic misconduct.

By consistently associating African American athletes with crime, the media has altered the public's thinking about race and crime by merging the black criminal and the black athlete into a single threatening figure.<sup>74</sup> Two processes have achieved this feature. First, the media, in reporting crime and athletics, has dramatized two physically threatening and dynamic black male types, which are presumed to be culturally and biologically deviant.<sup>75</sup> Second, the media regularly presents the violent or otherwise deviant behavior of black athletes in their presentation of athletics, reinforcing the unpredictability and dangerousness of black males.<sup>76</sup> Consequently, individuals view African American males as biologically deviant, menacing criminals.<sup>77</sup>

## 2. The Obtuse, Bestial African American Athlete

The brawny and impulsive characteristics of African American athletes reinforce the criminal black man stereotype. The large, powerful, speedy black boxer or the overpowering African American running back conveys an image of abnormal strength and bestial features. The pervasiveness of tattoos, repugnant touchdown dances, and disobedience in African American sports circles provides a foundation for such associations. These associations have a pernicious impact on America's moral fabric, insidiously molding concepts of typical criminals.

Racialized sports stereotypes are a consequence of a white fan base observing sports presented through a white-oriented media filter. From the days of slavery, through the civil rights movement, whites have

---

<sup>73</sup> Christopher Ogletree, *Privileges and Immunities for Basketball Stars and Other Sports Heroes*, in BASKETBALL JONES 12-16 (Todd Boyd & Kenneth Shropshire eds., 2000).

<sup>74</sup> JOHN HOBERMAN, *DARWIN'S ATHLETES* 208 (1997).

<sup>75</sup> *Id.*

<sup>76</sup> *Id.*

<sup>77</sup> HAROLD GRAY, *WATCHING RACE: TELEVISION AND THE STRUGGLE FOR BLACKNESS* 55 (1995).

heralded themselves as innately superior to other races. Indeed, slavery was predicated upon the notion that African Americans were physical beings, meant for physical work, while whites were intellectuals.<sup>78</sup> The emergence of African American dominance in American sports has resurrected this tenet. Tiger Woods opined that “we have this stereotype that black players are gifted and white players are heady.”<sup>79</sup>

The virtual absence of African American coaches in collegiate and professional American sports reinforces this image of African Americans as intellectually inferior, physical specimens. In 2009, 7.5 percent (9 of 120) of college football head coaches and 15 percent (39 of 261) of offensive and defensive coordinators in the NCAA’s Football Bowl Subdivision were minorities.<sup>80</sup> Such a staggering statistic reinforces existing beliefs of whites as the brain of the team, and African Americans as the body of the team. Similarly, there is a disproportionate percent of white quarterbacks as compared to African American quarterbacks in the NFL. As of the 2008 NFL Draft, of the 719 total quarterbacks drafted, 617 have been white (86%).<sup>81</sup> Because quarterbacks are viewed as the intellect of the team, this statistic reaffirms the image of African Americans as intellectually inferior.

In an attempt to address the stereotypes associated with athletes, the National Basketball Association (NBA) implemented a dress code for all NBA and NBA Development League players.<sup>82</sup> Under the dress code, players are to dress in business or conservative attire in arriving and departing from a scheduled game, on the bench while injured, and when conducting official NBA business (press interviews, charity events, any occasion affiliated with the NBA).<sup>83</sup> Specifically, the dress code prohibited fashions most often associated with black culture such as: throw-back jerseys, over-sized jeans, t-shirts, hats, do-rags, large jewelry, sneakers, and Timberland style boots.<sup>84</sup> Violators are fined and can be suspended after repeat offenses.<sup>85</sup>

---

<sup>78</sup> HOBBERMAN, *supra* note 74, at 208.

<sup>79</sup> *Racial Stereotyping in Sports Discussed at Academic Conference*, May 17, 1995, available at <http://news.stanford.edu/pr/>.

<sup>80</sup> *Diversity study: Number of black head coaches in FBS football falls to four*, ASSOCIATED PRESS (Nov. 6, 2008, 9:41 PM) <http://sports.espn.go.com/nfl/news/story?id=3686028>.

<sup>81</sup> Lloyd Vance, *African American Quarterback Research* (Jan. 28, 2009, 1:39 AM) <https://lloydvance.wordpress.com/2009/01/28/african-american-quarterback-research-study/>.

<sup>82</sup> NBA Player Dress Code (Oct. 20, 2005, 6:42 PM) [http://www.nba.com/news/player\\_dress\\_code\\_051017.html](http://www.nba.com/news/player_dress_code_051017.html).

<sup>83</sup> *Id.*

<sup>84</sup> *Id.*

<sup>85</sup> *Id.*

The NBA's intentions are admirable, but the consequences are questionable. The NBA Dress Code attempts to remedy negative racial stereotypes, which the news and sports media has imputed upon athletes and their attire. However, by proscribing throw-back jerseys, do-rags, and large jewelry, the NBA is stigmatizing such apparel and the individuals that wear it. Additionally, such a policy is directly targeting apparel often associated with black culture, and compelling the basketball players that express this culture to assimilate into what white America has defined as "professional." Compromising one's ability to represent their culture, and forcing upon them a foreign identity is destructive and conveys a message of subordination. African American athletes, due to their plagued history, can easily be viewed as indentured athletic servants, who should acquiesce to such dress codes. By doing so, African Americans are arguably conceding to their inferiority.

Although the sports media has the capacity to ameliorate existing news media-induced racial stereotypes, they have not consented. Instead, the sports media has unfairly reported African American sports crime, and has perpetuated the image of black athletes as unintelligent, hypersexual beings. This coverage affirms the image of African Americans as dangerous criminals, sustaining the existing racial disparities in the criminal justice system.

### *B. Rap and Racial Stereotypes*

During the mid-1970s in South Bronx New York City, rap debuted on the American cultural scene. Initially headlined by turntables, and Afro-Caribbean lineage, rap was a means through which African Americans could express themselves during a very turbulent time. Rap has now become a global phenomenon. Indeed, rap artists consistently top American record sales charts, often have clothing design lines, and are the stars of reality television shows, and international movies.<sup>86</sup> In a relatively short period, rap has augmented a global reach, and possesses a profound influence on American culture.

Having such a widespread reach, rap stars have an ideal venue to refute existing media-induced stereotypes. However, succumbing to consumerism and capitalistic demands, rap in general has not been utilized as a platform to educate its base of the realities of African Americans and crime. Rather, like any business, rap's principal focus has

---

<sup>86</sup> See Press Release, Nielsen Soundscan, *2008 U.S. Music Purchasers Exceed 1.5 Billion; Growth in Overall Music Purchasers Exceeds 10%* (Dec. 31, 2008) available at [http://www.businesswire.com/portal/site/home/permalink/?ndmViewId=news\\_view&newsId=20081231005304&newsLang=en](http://www.businesswire.com/portal/site/home/permalink/?ndmViewId=news_view&newsId=20081231005304&newsLang=en).

been deriving profits.<sup>87</sup> To do this, rap must appeal to the white suburban youth, which make up 80 percent of its consumer base.<sup>88</sup> Because sex, drugs, and violence sell, these are the voices that underpin rap lyrics.

This is an unfortunate reality for the average African American male, who does not indulge in illegal drug use, or participate in gang activity, because rap lyrics present an image of black males as morally repugnant, dangerous criminals. Even worse, the individuals who predominately purchase and drive rap lyrics (whites), are not the ones who suffer from the demonizing rap lyrics. This creates an absence of accountability. Whites receive pleasure from the tasteless rap lyrics, but do not have to bear the consequences of the stereotypes resulting therefrom. Accordingly, there is an absence of incentive to change from the bottom-up.<sup>89</sup>

Often showcasing drugs, marginalizing women, and promoting the significance of money and materialistic items, rap lyrics create a direct association with African Americans and ‘thug’ characteristics. For example, rap group N.W.A. (“Niggers with Attitude”) asserts, “life ain’t nothin’ but bitches and money.”<sup>90</sup> Lil Wyte raps, “oxycotton, Xanax Bars, Percocet and Lortab, Valiums, Morphine, patches, Ecstasy, and it’s all up for grab, what you want, what you need, hit me up I got you mane.”<sup>91</sup> These lyrics, standing alone, epitomize the repugnant ideals disseminated by rap lyrics, and reaffirm existing stereotypes of black males as dangerous criminals.

Rapper’s dressed with tattoos, long-chains, grills, and over-sized clothing produces an easy means to profile the African American constituency. Individuals, to a significant extent, formulate their judgment of others based upon initial observations.<sup>92</sup> A person’s dress, therefore, is highly influential in judgment formation. Music videos, televised concerts, and media appearances provide rappers a stage to demonstrate their dress, and reinforce associational schemas between perceived black criminals and rappers. Unlike albums, which are predominantly observed by the affluent white community, music videos are observed by the impoverished black community, which often lack the

<sup>87</sup> MURRAY FORMAN, *THE ‘HOOD’ COMES FIRST: RACE, SPACE, AND PLACE IN RAP AND HIP-HOP* 77 (2002).

<sup>88</sup> *Id.* at 128.

<sup>89</sup> See generally, Mia Moody, *A Rhetorical Analysis of the Meaning of the “Independent Woman” in the Lyrics and Videos of Male and Female Rappers*, 13 AM. COMM. J. 43 (2011).

<sup>90</sup> N.W.A., *GANGSTA GANGSTA* (EMI Music Publishing 2002).

<sup>91</sup> LIL’ WYTE, *OXY COTTON* (Asylum Records 2004).

<sup>92</sup> Ap Dijksterhuls, Russell Spears, & Vincent Lepinasse, *Reflecting and Deflecting Stereotypes: Assimilation and Contrast in Impression Formation and Automatic Behavior*, J. EXPERIMENTAL SOC. PSYC. 292 (2001).

resources to purchase albums. African Americans therefore, in virtual entirety, are aware of their idolized rap star's dress. And, often select to wear such clothing, subjecting them to the stereotypes created by their heroes.

Unaware of the true impetus behind rap music (money), the black youth revere rap musicians and embrace the principles they advocate. By embodying such messages, the black youth corroborates existing African American stereotypes. Some argue that rap disseminates the message that imprisonment is respected, if not extolled, within the black community.<sup>93</sup> To them, the U.S. has so abdicated its responsibility to the poor that being imprisoned for theft, violence, or drug crimes lacks any social stigma.<sup>94</sup> Committing these crimes is viewed as rebelling against the status quo, or voicing a disapproval of the current state of affairs.<sup>95</sup> Christian Rutherford asserts, "if imprisonment is no longer viewed primarily as a substantial loss of one's freedom and liberty to be avoided, but rather a rite of passage resulting in increased social respect, can we really expect individuals to fear or respect the law?"<sup>96</sup> Alluring rap lyrics invite black cultural embodiment, retarding the progress of an enlightened racial society.

Religious principles provide an impenetrable justification for the disparate treatment of African Americans that embrace the messages expressed by rap lyrics. Religious indoctrination creates moral codes within the white community, which people are to live pursuant to. Theft, infidelity, and materialization are believed to contravene such moral codes, and are utterly abhorrent. By promoting such impious values, rap lyrics are not only advocating illegal activity, but are directly defying these moral expectations. Such defiance legitimizes white stigmatization of African American cultural.

Despite possessing an optimal platform to diminish existing racial stereotypes, rap has exacerbated them. This has occurred primarily through socially and morally objectionable lyrics, and dress that is deplorable within the white community. Because rap listeners, predominantly whites, lack an incentive to change current lyrics, rap artists should implement a top-down approach, utilizing their platform to offset existing racial stereotypes.

---

<sup>93</sup> See *And You Don't Stop: 30 Years of Hip-Hop, Episode 1, Back in the Day* (VH-1 television broadcast Oct. 4, 2004).

<sup>94</sup> See BAKARI KITWANA, *THE HIP HOP GENERATION: YOUNG BLACKS AND THE CRISIS IN AFRICAN-AMERICAN CULTURE* 4 (2002).

<sup>95</sup> *Id.*

<sup>96</sup> See Christian D. Rutherford, "Gangsta" Culture in a Policed State: The Crisis in Legal Ethics Formation Amongst Hip-Hop Youth, 18 NAT'L BLACK L.J. 305 (2004).

## CONCLUSION: EDUCATION IS THE ANSWER

Through news media crime reporting, the reporting of sports crimes, and socially repugnant rap lyrics, stereotypes labeling blacks as dangerous criminals are created and perpetuated. Operating on this media-induced suspicion of African Americans, police are more likely to arrest African Americans, prosecutors are more likely to excessively charge African Americans, and juries are more likely to convict African Americans. A dangerous and invidious circle is created through this sequence. Stereotypes are created by the media, which encourage more arrests and incarcerations of blacks, which establishes the statistics that substantiate the media's representation of African Americans as criminals. This unfortunate reality alters the structural fabric of American society.

Education is the force that can uproot these pernicious stereotypes. First, education will enlighten the masses to the inaccuracy and injustice of the criminal black man stereotype. Also, through education, individuals will understand that social and natural endowments are arbitrarily distributed. Persons have no control over the color of their skin, and, therefore, should not be judged by it. Instead, individuals should be judged by their self-achievement, moral character, and self-integrity. Education is the means by which individuals appreciate the value of these characteristics, and the insignificance of skin color.

Second, access to adequate public education provides African Americans with equal opportunity to succeed, allowing African Americans to disprove existing racial stereotypes. By generating a feeling of self-achievement, education obviates the necessity to seek inappropriate activities to obtain gratifying sensations. Additionally, through education, blacks can attain professional success, lower African American crimes rates, and, most importantly, disprove the crime black man stereotype.

The influence of early childhood education on a child's propensity to engage in crime illustrates the importance of education. A study found that children who did not participate in a preschool program were 70 percent more likely to be arrested for a violent crime by age 18, than those who participated in the program.<sup>97</sup> Early childhood education programs also lead to large governmental savings. The above program served 100,000 Chicago kids and was estimated to prevent 13,000 violent juvenile crimes.<sup>98</sup> By reducing incarnation expenses, this program

---

<sup>97</sup> Reynolds, A.J. et al., *Long-term Effects of an Early Childhood Intervention on Educational Achievement and Juvenile Arrest: a 15-Year Follow-Up of Low-income Children in Public Schools*, 285 JAMA 2339 (2001).

<sup>98</sup> *Id.*

saved tax payers \$7 for every \$1 invested, without counting pain and suffering from crimes prevented.<sup>99</sup> An education program such as this is socially and economically rational.

For enhanced education to be provided, though, government resources should be reallocated from the criminal justice system to the education system. Approximately \$40 billion are spent annually maintaining United States' prisons, and roughly \$100 billion is spent each year to support the criminal justice system in general.<sup>100</sup> Government spending on prisons increased from \$2.3 billion in 1971 to \$31.2 billion in 2002.<sup>101</sup> Between 1970 (200,000 prisoners) and 2000 (2,000,000 prisoners), the American prison population increased by 500 percent, as compared to a mere 45 percent increase in the overall population.<sup>102</sup> Indeed, having 600 prisoners for every 100,000 people, the United States has the highest prison rate in the industrialized world.<sup>103</sup> These numbers illustrate a troubling reality for African Americans.

In sharp contrast, public funding for the education system has declined. In 1995 alone, spending allocated for university construction dropped by \$954 million.<sup>104</sup> From 2009 to 2010, there was a 3.4 percent decrease in state and federal funding for higher education.<sup>105</sup> In Texas, the General Appropriations Act (House Bill 1), which was introduced in January 2011, proposes to cut \$10 billion from public education.<sup>106</sup> Although the funding for the criminal justice system has been increasing, funding for the public education system is in the descent.

Having the highest per capita rate of incarceration, African Americans suffer disproportionately when social control is augmented and social development is regressed. With the existence of the criminal black man stereotype, enlarged social control increases the likelihood that African Americans will be arrested and imprisoned at a

---

<sup>99</sup> *Id.*

<sup>100</sup> Angela Davis, *Masked Racism: Reflections on the Prison Industrial Complex*, COLORLINES (Sept. 10, 1998) [http://colorlines.com/archives/1998/09/masked\\_racism\\_reflections\\_on\\_the\\_prison\\_industrial\\_complex.html](http://colorlines.com/archives/1998/09/masked_racism_reflections_on_the_prison_industrial_complex.html).

<sup>101</sup> *Id.*

<sup>102</sup> Harry Edwards & David Leonard, *The Decline of the Black Athlete*, COLORLINES (Apr. 20, 2000) [http://colorlines.com/archives/2000/04/the\\_decline\\_of\\_the\\_black\\_athlete\\_an\\_online\\_exclusive\\_extended\\_interview\\_with\\_harry\\_edwards.html](http://colorlines.com/archives/2000/04/the_decline_of_the_black_athlete_an_online_exclusive_extended_interview_with_harry_edwards.html).

<sup>103</sup> Paul Street, *History is a Weapon, Race, Prison, and Poverty*, Z MAGAZINE, Nov. 5, 2011, at 24.

<sup>104</sup> *Id.*

<sup>105</sup> *State Funding for Higher Education in FY 2009 and FY 2010*, NCSL FISCAL AFFAIRS PROGRAM (2010) <http://www.ncsl.org/documents/fiscal/HigherEdFundingFINA L.pdf>.

<sup>106</sup> Moak & Associates, *Impact of Reducing Public Education Funding by \$5 billion per Year* (Jan. 21, 2011) available at <http://www.moakcasey.com/articles/viewarticledoc.aspx?AID=1992&DID=2065>.

disproportionate rate to whites. Likewise, because African Americans generally do not possess the requisite resources for private education, they suffer disproportionately when money is removed from the education system. Thus, the reallocation of resources from the criminal justice system to the education system ameliorates the ability for blacks to uproot existing stereotypes on two fronts.

The United States has made significant strides in the past fifty years in neutralizing racial disparities in American society. The criminal justice system, though, remains laden with racial disparities. The news media has been a formidable force, perpetuating this disparity by establishing and sustaining inaccurate racial crime stereotypes. Despite holding the means to offset this prejudicial reporting, the sports media and rap have exacerbated such stereotypes. The insidious nature of racial stereotypes intensifies their danger. Individuals are not conscious of their existence and, therefore, cannot remedy their effects. Education, therefore, occupies a vital position in the displacement of racial stereotypes. In the end, it is up to future generations to take the initiative to alleviate the pernicious effects of racialized criminal stereotypes.