



Mark Peffley  
Jon Hurwitz

# Justice in America

The Separate  
Realities of  
Blacks and  
Whites

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## Justice in America

### *The Separate Realities of Blacks and Whites*

As reactions to the O. J. Simpson verdict, the Rodney King beating, and the Amadou Diallo killing make clear, Whites and African Americans in the United States inhabit two different perceptual worlds, with the former seeing the justice system as largely fair and color-blind and the latter believing it to be replete with bias and discrimination. Drawing on data from a nationwide survey of both races, Mark Peffley and Jon Hurwitz tackle two important questions in this book: what explains the widely differing perceptions, and why do such differences matter? They attribute much of the racial chasm to the relatively common personal confrontations that many Blacks have with law enforcement – confrontations seldom experienced by Whites. And more importantly, the authors demonstrate that this racial chasm is consequential: it leads African Americans to react much more cynically to incidents of police brutality and racial profiling, and also to be far more skeptical of punitive anticrime policies ranging from the death penalty to the three-strikes laws.

Mark Peffley is a Professor of Political Science at the University of Kentucky.

Jon Hurwitz is a Professor of Political Science at the University of Pittsburgh.

They are the coeditors of *Perception and Prejudice: Race and Politics in the U.S.* (1998) and the journal *Political Behavior*. Their articles have appeared in numerous journals, including *American Political Science Review*, *American Journal of Political Science*, *Journal of Politics*, *International Studies Quarterly*, and *Political Psychology*.



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# Justice in America

*The Separate Realities of Blacks and Whites*

MARK PEFFLEY

*University of Kentucky*

JON HURWITZ

*University of Pittsburgh*



CAMBRIDGE  
UNIVERSITY PRESS

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Cambridge, New York, Melbourne, Madrid, Cape Town, Singapore,  
São Paulo, Delhi, Dubai, Tokyo, Mexico City

Cambridge University Press

32 Avenue of the Americas, New York, NY 10013-2473, USA

[www.cambridge.org](http://www.cambridge.org)

Information on this title: [www.cambridge.org/9780521134750](http://www.cambridge.org/9780521134750)

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First published 2010

Printed in the United States of America

*A catalog record for this publication is available from the British Library.*

*Library of Congress Cataloging in Publication data*

Peffley, Mark.

Justice in America : the separate realities of blacks and whites / Mark Peffley, Jon  
Hurwitz.

p. cm. – (Cambridge studies in public opinion and political psychology)

Includes bibliographical references and index.

ISBN 978-0-521-11925-2

I. Discrimination in criminal justice administration – United States – Public  
opinion. 2. Discrimination in law enforcement – United States. I. Hurwitz, Jon.

II. Title. III. Series.

KF9223.P44 2010

345.73'05-dc22 2010007238

ISBN 978-0-521-11925-2 Hardback

ISBN 978-0-521-13475-0 Paperback

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## Acknowledgments

This, of course, is a project for which we owe many people much gratitude. The National Race and Crime Survey (NRCS), which provides the data for the analyses that follow, was funded by the National Science Foundation (NSF Grant # 9906346). We are particularly grateful to Doris Marie Provine, former director of the Law and Society Division of the NSF, for her assistance with this grant. The School of Arts and Sciences at the University of Pittsburgh provided a generous subsidy for this project. For this we are indebted to Peter Koehler, the former dean of the School of Arts and Sciences, and Ray Owen, the former chair of the Department of Political Science. We are also grateful for support from a Research Committee Grant from the Office of Research and Graduate Studies at the University of Kentucky. We also wish to acknowledge support from the Richard D. and Mary Jane Edwards Endowed Publication Fund.

The NRCS was conducted by the Survey Research Program (SRP) at the University of Pittsburgh, under the auspices of the University Center for Social and Urban Research (UCSUR). Scott Beach, the program director at the SRP, was enormously helpful through all phases of the data collection process; he was ably assisted by Mike Bridges, the senior survey research specialist, and Laurel Person, the fieldwork supervisor for CATI Operations. We are also grateful to Director Richard Schultz at UCSUR, who continued this project to fruition – long after we had run out of money. Finally, we wish to convey our thanks, and our thoughts, to the family of Steve Manners,

the program director at the SRP when we began this project who was monumentally helpful, encouraging, and optimistic. Unfortunately, he passed away far too early in life.

Numerous colleagues, friends, and anonymous reviewers have read, and provided invaluable comments on, various portions of this manuscript. Our ideas and interpretations benefited immeasurably from several opportunities to present our research to keen scholars at invited talks at the University of Minnesota Symposium on Political Psychology, Washington University, the Chicago Political Behavior Workshop at Northwestern University, the New York Political Psychology Workshop at Columbia University, the Conference on “Race, Inequality, and Incarceration” at Stanford University, the University of Nebraska, Vanderbilt University, the Netherlands Institute for Advanced Study, and the “Diversity and Democratic Politics Workshop” at Queens University. In particular, we are thankful for the comments of Darren Davis, Martin Gilens, John Sullivan, James Gibson, James Druckman, Benjamin Page, Paul Brewer, Leonie Huddy, Stanley Feldman, Rick Lau, Devon Johnson, Lawrence Bobo, Jennifer Eberhardt, Robert Weisberg, Elizabeth Theiss-Morse, John Hibbing, Joe Soss, Charles Taber, Michael Dawson, Tom Nelson, Michael Cobb, Dietlind Stolle, Allison Harrell, and Devah Pager.

Our colleagues and friends who provided a constant sounding board of encouragement and advice deserve special mention: Robert Rohrschneider, Richard Fording, Stephen D. Voss, Matt Gabel, and Margo Monteith, as well as David Barker, Marc Hetherington, Jennifer Victor, and Barry Ames.

Lee Sigelman provided sage advice on our NSF proposal, and we were often guided by his work in the area. Lee’s wonderful wit, friendship, and mentorship will be sorely missed.

We are especially grateful for the advice and assistance from the editors of this series: Dennis Chong, who was extremely helpful at every turn, and Jim Kuklinski.

Several graduate students provided important contributions to this project while authoring excellent dissertations. James (Mac) Avery worked for two years as a research assistant using his insight and skill to prepare the survey data, write statistical code, and perform statistical analysis. Jeff Fine supervised a small crew of undergraduate research assistants to download and “geocode” the contextual

data, which was merged with the survey data. Stephanie McLean conducted research and data analysis and, additionally, served as a sounding board for numerous ideas central to this project.

We also are indebted to a number of graduate students who have provided a great deal of research assistance. At the risk of omitting anyone, this list includes Kristen Coopie, Brent Dupay, Marc Hutchison, Jason Kehrberg, Terra Miskovich, Stephanie Muraca, Ramesh Sharma, Sam Weiser, Becky Zajdel, and Lawrence Zigarell.

Paul Sniderman deserves special mention – for his mentoring, intellectual insights, and friendship. Paul has done far more than his share to stimulate discussion, debate, and research within the community of scholars who study political persuasion and racial politics. He has shown patience with, and support for, this project, providing invaluable help from start to finish. It is not an exaggeration to claim that this book would be far less interesting and far less thoughtful without his assistance. For all of his help and kindness, we are deeply appreciative.

Our greatest gratitude must go to our immediate families: Kathy Kalias and Rebecca Peffley, and Rebecca Dick-Hurwitz and Joanna Hurwitz. They have not seen much of us while this book has been in process. We will leave it up to them as to whether this is good or bad. Finally, we would be remiss if we did not mention the support we received from Kevin Peffley and Louise Peffley, and Sidney and Rhoda Hurwitz.

*Note:* Portions of Chapter 4 are based on “Explaining the Great Racial Divide: Perceptions of Fairness in the U.S. Criminal Justice System,” *Journal of Politics* 67 (3) (2005): 762–83. Copyright © Southern Political Science Association 2005. Reprinted with the permission of Cambridge University Press.

Portions of Chapter 5 are based on “Persuasion and Resistance: Race and the Death Penalty in America,” *American Journal of Political Science* 51 (4) (2007): 996–1012. Copyright © Midwest Political Science Association 2007. Reprinted with the permission of Wiley-Blackwell.





## Introduction

This case has been portrayed by the news media as being about race. But the case is not, and never has been, about race. It is about finding justice for an innocent victim and holding people accountable for their actions.

Jena, Louisiana, District Attorney Reed Walters, explaining his decision to charge six African-American high school students with attempted murder after they beat a White student but declining to charge White students, who hung nooses from a school yard tree, with hate crimes<sup>1</sup>

If you can figure out how to make a school yard fight into an attempted murder charge, I'm sure you can figure out how to make stringing nooses into a hate crime.

Latese Brown, protesting District Attorney Walter's decisions in Jena<sup>2</sup>

On August 9, 1997, Abner Louima, a Haitian immigrant, was arrested outside of the Rendez-Vous Club in Flatbush, Brooklyn, where police arrived to break up a fight. On the way to the police station, the officers beat Louima. Unfortunately, this treatment became far more sadistic when, upon arrival at the 70th Precinct Police Station, one officer (Justin Volpe) sodomized him with a toilet plunger rod.

<sup>1</sup> Taken from <http://cnn.com/video/#/video/us/2007/09/19/jena.6.da.press.conference.cnn> (accessed September 21, 2007).

<sup>2</sup> "Protest in Louisiana Case Echoes the Civil Rights Era," *New York Times*, September 21, 2007, A15.

Although Volpe is currently serving a thirty-year sentence, the other three officers had their convictions overturned in February 2002 by a federal appeals court for lack of evidence. Louima later settled with the city of New York for \$8.7 million.<sup>3</sup>

Less than two years after the Louima episode, four New York policemen searching for a rape suspect knocked on the door of Amadou Diallo in order to question him. When Diallo reached inside his jacket, the police shot him forty-one times, hitting him with nineteen bullets – at least some of which were fired postmortem. Although the officers feared that Diallo was reaching for a gun, it turned out to be his wallet.

As reported in the *Washington Post*, “The four White New York City police officers charged with murder for shooting down an unarmed Black man in a hail of 41 bullets were acquitted today on all counts *in a case that has become a rallying cry for racial justice*.”<sup>4</sup> In remarks to guests at a Democratic National Committee dinner shortly thereafter, President Bill Clinton denounced the racial overtones of the incident, claiming “... I know most people in America of all races believe that if it had been a young White man in a young all-White neighborhood, it probably wouldn’t have happened.”<sup>5</sup>

Despite the president’s claim, there is considerable evidence that “people in America of all races” do *not* look at such incidents identically. Several years earlier on the west coast, for example, racial divisions in response to a series of high-profile criminal incidents were unmistakable. On April 29, 1992, a mainly White jury in Simi Valley, California, voted to acquit four White police officers charged with the beating of Rodney King, an African American. The response in nearby Los Angeles was swift and intense, as massive rioting broke out in the north-central section of the city, resulting in hundreds

<sup>3</sup> In addition, two police officers and a former colleague were found guilty of conspiring to obstruct justice for lying about the colleague’s role in the torture of Abner Louima (*Washington Post*, March 7, 2000, A03).

<sup>4</sup> Duke, Lynne. February 26, 2000. “Jury Acquits 4 N.Y. Officers; Panel Rules Police Acted Reasonably in Slaying of Amadou Diallo,” *Washington Post*, A01 (emphasis added).

<sup>5</sup> Remarks by President Clinton to the Democratic National Committee, San Francisco, March 3, 2000. Amadou Diallo’s parents later sued the New York City police department for \$81 million, or \$1 million for each of 41 shots fired and \$40 million for pain and suffering.

of injuries and millions of dollars of property damage. One of the casualties was Reginald Denny, a White truck driver who was pulled from his vehicle by angry rioters and severely beaten. On October 18, a mostly African-American jury acquitted the two Blacks accused of beating Denny on virtually all counts. Racial divisions over this verdict were stark: a *Los Angeles Times* poll found Whites almost twice as likely to disagree with the verdict as Blacks (67% vs. 38%), with Whites more than twice as likely to express “anger” over the outcome (48% vs. 19%).<sup>6</sup>

These differential racial responses should have, but did not, adequately prepare the nation for the extraordinary responses to the 1995 O. J. Simpson jury decision, in which a jury composed predominantly of African Americans acquitted the defendant of two counts of homicide. News coverage that evening inevitably consisted of contrasts between reactions of mainly joyous Blacks and mainly appalled Whites – the former believing the system to have (finally) served justice, the latter perceiving a system unable to handle racial disputes in a fair fashion.

A more recent reminder culminated in an estimated 15,000 to 20,000 civil rights sympathizers converging from across the country on the tiny town of Jena, Louisiana. On September 20, 2007, they arrived to protest the charges brought against six African-American students who allegedly beat Justin Barker, a White student who was treated for multiple injuries at a local hospital and released the same day. Parents of the six students claimed they were provoked by Barker’s use of racial epithets – a charge that Barker denied.

But this case was about far more than a school yard incident. It began in September 2006 when several Black students at the predominantly White Jena High School asked permission from the vice principal to sit under an oak tree on school property where Whites typically

<sup>6</sup> The 1992 riots led the city of Los Angeles to empanel a commission to make reform recommendations. Ten years after the commission issued its recommendations, most of them had still not been fully implemented, prompting the city to recruit and hire the police commissioner of New York City, William Bratton. As the police chief of Los Angeles, Bratton has successfully implemented many, but not all, of the remaining recommendations. Unfortunately, as an indication of the prevalence of these problems, Chief Bratton assumed responsibilities after the 2005 incident in which a Los Angeles police officer shot and killed Devin Brown, an unarmed 13-year-old African American who was joyriding in a stolen automobile (Murr 2005).

gathered. The next day, three nooses were found hanging from the tree. Even though the principal recommended expulsion for the White students found responsible for the noose incident, the school district subsequently overruled the expulsion and, instead, ordered brief suspensions.

Shortly after the December 4 beating of Barker, District Attorney Reed Walters formally charged the six Black students with attempted murder and conspiracy to commit murder – charges that many believed to be far too draconian in nature. Mychal Bell was the first to be convicted (on a reduced charge of aggravated battery) and served eighteen months in prison.<sup>7</sup>

The Barker incident was only one element of a much broader pattern – a pattern either ignored or unrecognized by many Whites and increasingly infuriating to many Blacks, even to the degree that they (accompanied by many Whites) came from across the entire country to protest. Consider the comments of Jena resident Terry Adams: “We are not a racial town. We get along with each other. We get along fine. This is something that got out of proportion. It really has.” Or the explanation by Jonny Fryar, a member of the LaSalle Parish School Board who supported suspension rather than expulsion, of the White students who hung the nooses: “I hate to see people label us something we are not. Because we have black students and white students playing football together. They shake hands, get along.”<sup>8</sup> As if in thorough agreement with District Attorney Walters, such Whites find it inconceivable that race factored into any of the decisions pertaining to these incidents.

Needless to say, Blacks interpreted the incidents through starkly different lenses, essentially as if Jena is nothing less than a microcosm of all instances of racial injustice bundled into a brief period of history. Reverend Jesse Jackson, one of the organizers of the protest, derided Walter’s actions as “that’s not prosecution, that’s persecution.”

<sup>7</sup> Two years after the incident, the other five defendants pleaded to a charge of simple battery, with seven days of unsupervised probation, a \$500 fine, and restitution to Justin Barker. Through their attorney, they also had to acknowledge that Barker had done nothing to provoke the attack, express sympathy for Barker, and admit that the prosecutors had enough evidence for a conviction.

<sup>8</sup> Quotes taken from “Thousands ‘March for Justice’ in Jena, Court Orders Hearing on Teen.” <http://www.cnn.com/2007/us/law/09/20/jena.six/index.html> (accessed December 23, 2009).