



WHO ARE THE CRIMINALS?

— The Politics of Crime Policy —
from the Age of Roosevelt to the Age of Reagan



John Hagan

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WHO ARE THE CRIMINALS?

To the extended Hagan family,
with love and appreciation



When the capital development of a country
becomes a by-product of the activities of a casino,
the job is likely to be ill-done.

—*John Maynard Keynes, 1936*



You can't go forward if you don't know where you've been.

—*Hank Williams, 1952*

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Prologue

Washington Crime Stories



IT WAS MORE THAN “a beer at the White House” moment when President Barack Obama rolled up his sleeves and sat down with Henry “Skip” Gates and James Crowley in the back garden. Gates was the president’s African American friend from Harvard arrested a few weeks earlier on his own front porch in Cambridge, and Crowley was the white arresting officer from the Cambridge Police Department. The White House invitation was atonement for the president, in a rare moment of recklessness, remarking to the press that the Cambridge police had behaved “stupidly.” The meticulously scripted and flawlessly staged photo opportunity, with its soothing message of reconciliation dubbed in advance the “beer summit,” displayed in a politely confected way just how highly politicized the joined issues of race, class, crime, and punishment have become in America. The parties agreed before meeting that the event would be entirely social, although Gates and Crowley promised there would be substantive conversations to follow.

Their plan seemed worthy, perhaps even more so if going forward it had included the president. There is much yet to learn about the politics of crime. This book aspires to advance the way politicians engage with citizens, academics, and policymakers to shape our thoughts about crime and its control. In it I develop three thematic arguments about crime in America that will take more than a few shared beers to consider.

My first argument is that an ongoing interaction of politics and ideas determines crime policies in America. During the age of Roosevelt (ca. 1933–73) and the age of Reagan (ca. 1974–2008), politicians, academic criminologists, and criminal justice practitioners developed mutual understandings of crime and connected policies that they expected could reduce crime. Crime policy-making became an increasingly politicized process, with leaders often advocating and implementing definitions of crime and causal arguments to suit ideological preferences, placate fears, and serve electoral needs. Over time, and with the transition from one era to the next, we came to fear the city streets too much and the corporate suites too little. As a result, in the age of Reagan public concerns and resources were pushed in directions with counterproductive consequences for controlling the types of crimes that do the most harm to the most citizens.

Second, I develop a class and race inequality argument about the different emphases on common crimes of the streets and financial crimes of the suites during the Roosevelt and Reagan eras. The politics of the age of Roosevelt, flowing from the Great Depression and in the aftermath of World War II, sought partly to make the lax prosecution of suite crimes more comparable to the harsh response to street crimes. However, in the age of Reagan politics reversed course, demanding increased imprisonment of street criminals and a reduced scrutiny and enforcement in the financial sector. The age of Reagan mobilized economic rhetoric about free markets and deregulation in ways that rationalized and enabled white-collar crime as acceptable and expected in the life of a market. Age of Reagan politics treated financial crimes more like suite misdemeanors, wrongly touting the financial sector as self-controlled and self-correcting.

Third, I argue that the massive growth and overpopulation of U.S. prisons has *combined* with the deregulation and collapse of the U.S. economy in the age of Reagan to impose unsustainable costs. As we move beyond the age of Reagan, we

will need to redistribute the risks and punishments of street and suite crimes in America. The street- and suite-linked patterns of over- and undercontrol that I emphasize are not uniquely American, but they have become uniquely prominent in the United States during the age of Reagan. Furthermore, our politicized domestic crime wars feed into our policies on war crimes and state crimes in international conflict zones as far removed as Darfur and Iraq, adding global dimensions to our national crime politics.

An unlikely combination of Barack Obama and Edwin Meese led me to write this book about Ronald Reagan and crime in America. Barack Obama started it with his comments in January 2008 to the editorial board of the *Reno Gazette-Journal*. Obama was deep into the presidential primaries, and the field was narrowing to a contest with Hillary Clinton. He explained to the board members,

I don't want to present myself as some sort of singular figure. I think part of what is different is the times. I do think that, for example, the 1980 election was different. I think Ronald Reagan changed the trajectory of America in a way that Richard Nixon did not and in a way that Bill Clinton did not. He put us on a fundamentally different path because the country was ready for it. They felt like with all the excesses of the 60s and the 70s and government had grown and grown but there wasn't much sense of accountability in terms of how it was operating. I think he tapped into what people were already feeling. Which is we want clarity, we want optimism, we want a return to that sense of dynamism and entrepreneurship that had been missing.

Obama's view that Ronald Reagan rather than Bill Clinton "put us on a fundamentally different path" caused considerable consternation among many Democrats. The implication was that Reagan's influence extended well beyond the partisan

dimensions of his own personality and party. Indeed, Barack Obama implied that Bill Clinton as well as George W. Bush positioned themselves within a trajectory that Ronald Reagan had established. I shared Obama's estimation of Reagan's influence with regard to crime policies.

Of course, it was unlikely that Obama was thinking about crime, and this was also true of Sean Wilentz, the Princeton historian whose book, *The Age of Reagan*, also appeared in 2008 and gave little attention to crime. Nonetheless, Reagan's presidency radically influenced domestic policy about crime in the streets as well as in the suites. For me, Obama and Wilentz simply placed this influence in a broader frame of reference. Within this broad sweep of domestic and foreign policy, it is possible to underestimate and neglect the specific importance of Reagan to crime, and of crime to Reagan. Yet this oversight is misleading.

Less than a year after Obama's remarks, I was asked to serve on a National Academy of Sciences panel to set a research agenda for the National Institute of Justice. The invited members included a famous political ally of Ronald Reagan. When I learned that Reagan's former chief of staff and attorney general, Edwin Meese, would serve on the panel, I leapt at the opportunity to get an inside look at a living partner in a political alliance that had shaped the recent history of crime in America.

I learned a lot by watching and listening to Edwin Meese during the panel's work. Although now in his eighties, Reagan's former ally was an energetic and fully engaged participant on the panel. He reliably attended meetings, he often came to dinner afterward, and he shared many amusing anecdotes as well as fascinating stories about the Reagan years. I distrusted many of the stories, but they were always interesting and often revealing. As an example, I offer a story he told one evening while we were walking back to our hotel after a dinner in a downtown Washington restaurant.

Meese began by explaining that in the spring of 1968, Reagan, who was then governor of California, had agreed to give a speech in Washington. On the evening of the speech, the nation learned that Martin Luther King had been shot and killed on a motel balcony in Memphis. King had been in Memphis to support striking garbage workers. Reagan delivered his speech and then prepared to return to the Mayflower Hotel, where he planned to spend the night. However, riots had broken out in several ghetto neighborhoods around Washington, and traffic was at a standstill. Reagan's driver could not return him to his hotel by car.

Reagan was undeterred. He insisted he knew the city well and could simply walk the several blocks to the Mayflower. However, Reagan's security team was concerned he would be recognized, and they insisted he at least put on a pair of sunglasses. Reagan donned the dark glasses and set off with Meese and others on the walk to the hotel. He soon encountered a tall African American man leaving an appliance store with a large box apparently containing a television.

The man did a double-take when he spotted Governor Reagan—the dark glasses were insufficient disguise—and quickly placed the box on the ground beside him. "Governor Reagan!" he exclaimed. "Can I get your autograph?" By this point in Meese's telling of the story, our small group was chuckling and we were approaching our own hotel. We would have to guess the rest of the tale. Did the governor give the autograph? Did he comment on the large box? Did the autograph seeker thank the governor? We will never know.

It was impossible not to laugh along with the others, but I was full of skepticism and growing dismay by the time I reached my hotel room. It seemed unlikely there would have been any television appliance stores along the path that Reagan would have walked on that fateful night forty years ago. Despite our laughter, the story seemed on reflection almost certainly false, and it contained a number of disturbing elements.

Indeed, the story contained many characteristics of the kinds of tall tales often attributed to the “Great Communicator.”

The entire episode also suggested insights into the relationship between Edwin Meese and Ronald Reagan. In particular, the two seemed quite similar in their carefully crafted capacities for affably framed aggression. Edwin Meese is an extremely amiable, even avuncular personality. My sense was that these many years later, with Meese now an octogenarian, I had witnessed the long-practiced performance of one of the former president’s still masterful messengers.

Consider several aspects of this Washington crime story. The account underlines Governor Reagan’s celebrity while placing the assassination of Martin Luther King in a secondary role and locating the governor at the center of events. The story also underlines the property crime of an African American man who was presumably taking material advantage of a time of national tragedy. Finally, the tale draws a direct connection between this brazen theft for apparent personal gain and the rebellion of the nation’s black ghettos against the injustice of the assassination of our still best-remembered black civil rights leader. The account makes an implicit case for the punishment of criminal insurrection while simultaneously softening the image of the governing figure, namely, Ronald Reagan, through which this case is made. The story has all the elements of an urban social legend created for punitive political advantage.

In sociological terms, the story was a framing device to deliver a political message about race and street crime in America. I draw on a critical collective framing theory in this book to explain how elites and elite organizations manage images of the kind conveyed in Ronald Reagan’s story to influence crime policy and practices. At the heart of the Reagan era, there was a strong political imperative to frame a message about increasing the control of crime on America’s city streets. The age of Reagan featured a parallel imperative to reduce control of the nation’s business suites through a reframing process that led to decriminalizing and deregulating impor-

tant financial practices. I emphasize the redistribution of control involved in the linkage between these street and suite framing processes.

My time on the National Academy panel with Edwin Meese revealed at least one more story about how framing processes are undertaken but also sometimes fail. This second story involved the suppression of a presidential crime report during Reagan's first term in office. I learned the story early in the work of the panel, and I retell it in detail in the first chapter of this book.

The key to the story is that the administration blocked a presidential advisory board, appointed amid controversy before holding meetings all over the country, from distributing its completed report and delivering its final recommendations. A hired pen and now widely read writer, Joseph Persico, wrote the report, which he titled "Too Much Crime . . . Too Little Justice." When I heard about the report, I recognized the name of its author.

Persico's work includes a book about Nuremberg that was also the basis of a made-for-television movie featuring Alec Baldwin as the tribunal's famous American prosecutor, and more recently he co-authored Colin Powell's best-selling personal and political memoir. More relevant to this book, however, when Persico was hired to redraft the advisory board's report he had already written a well-received book about his time as Nelson Rockefeller's personal speechwriter. In his book, Persico had written about the development of Rockefeller's highly punitive drug policies as governor of New York State.

I developed my account of "the president's secret crime report" after interviewing Persico about his involvement as the ghostwriter and after visiting his archive at the State University at Albany. The first chapter of this book explains how and why the president's crime report was ultimately a failed exercise in political frame construction. The report did not effectively convey the message the Reagan administration wanted