

REVIEW ESSAYS

The Black Child-Savers, Criminal Justice Discretion, and the Ghost of George Stinney, Jr.

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As I write this, protests roil the United States in the wake of several police killings of black men and boys: Michael Brown, Eric Garner, John Crawford, and a 12-year-old child, Tamir Rice. At times it seems the entire U.S. criminal justice system is filled with the bitter harvest of black male disadvantage. The scale of black male incarceration is astonishing, and this disproportionality is a key source of social disadvantage for black men and their families, social networks, and communities (Alexander 2010). There is much discussion in the criminological literature about the roles of the different stages of the criminal justice process and the production of black male disproportionality in punishment (see reviews by Bushway and Forst 2013; Baumer 2013). Others have pointed to the role of sentencing policies, such as mandatory minimums and certain sentencing guideline provisions, and their differential impacts on black men (Frase 2013).

What nearly all of these contemporary treatments lack is a sense of historical perspective on how we got, and remain, here. Geoff Ward's book, *The Black Child-Savers*, gives us this perspective. *The Black Child-Savers* won the American Society of Criminology's 2013 Hindelang Award for most outstanding book (disclosure: I was chair of the awards committee).

Ward's title keys off Platt's (1969) *The Child Savers: The Invention of Delinquency*, and he presents to us the lost history of the once-vibrant "black child-savers" movement. He shows how U.S. criminal justice, North and South, has been shot through with either overt racism or racialized system logic (Bonilla-Silva 2013). The *Black Child-Savers* documents, throughout U.S. history, the construction of black youth, even children, as

The Black Child-Savers: Racial Democracy and Juvenile Justice, by **Geoff K. Ward**. Chicago: University of Chicago Press, 2012. 336 pp. \$32.00 paper. ISBN: 9780226873183.

singularly dangerous, morally inferior, or as *just not worth the practical resources and effort to save*. Incidentally, these are exactly some of the theoretical mechanisms behind black male punishment disparity today (Ulmer 2012). This book provides a compelling historical backdrop to our predicament and discourse on race and criminal justice now. However, the book is not just, or even primarily, a story of oppression. It is also a story of agency and organization. The book focuses on the valiant efforts of those who sought to change this negative construction of black youth through history.

In the introduction and conclusion to the book, Ward presents two figures (Figure 0.1 and the more detailed Figure 8.1) that show the percent of non-white male youth, compared to white youth, confined in juvenile correctional institutions. In 1880, 10% of youth in juvenile institutions were black males and the rest were white. The percentage of black youth rose steadily, spiked in 1910, declined and fluctuated, and then began a steady rise in 1950, until about 65% of youth in juvenile corrections confinement were black males in 2000. This book is the historical narrative behind these graphs and a powerful explication of that narrative's implications for justice, citizenship, inclusion, and race in the United States. Ward relies on extensive historical material on Jim Crow juvenile justice, lesser-known

primary and secondary source material on the black child-savers movement, and aggregate statistics from historical and contemporary times.

The first part of the book describes Jim Crow juvenile justice and the general exclusion of black youth from the liberal rehabilitative and service ideals of the larger child-savers movement described by Platt (1969). This is generally well-known terrain to most scholars of race and justice. But in describing this history, Ward keeps his eye on the implications of this black youth exclusion from rehabilitative juvenile justice reform for the overall black exclusion from full citizenship. In this section, Ward explains why the low percentages of black males in juvenile institutions from the 1880s to the middle of the twentieth century, depicted in Figures 0.1 and 8.1, were markers of exclusion from full citizenship and worth. Black youth were largely sent to adult prisons, chain gangs, work camps, and even gallows, while white youth were placed in reform-minded (if less than ideal and effective) juvenile institutions. This section features a piteous mug shot and story of fourteen-year-old George Stinney, Jr., who was convicted in 1944 (mistakenly listed as 1941 in the book) of murdering two white girls. The all-white jury deliberated for ten minutes after a two-hour trial. Stinney later became the youngest person to be executed in the twentieth century; he died in the electric chair less than three months after conviction. Indeed, there were 65 black youth state executions (72 percent of the total) between 1900 and 1930, compared to 21 white youth executions, and 97 black youth executions (82 percent of the total) between 1931 and 1959, with 17 white youth executions (Table 4.3, p. 117). Nearly all of these occurred in the South, and the increase in the frequency and disparity characterizing black youth executions coincided with the growth of the post-war civil rights movement.

The second part of the book focuses on the influence of black agency and the black child-savers movement, starting at the end of the nineteenth century. The black child-savers movement originated in the black women's clubs of the late nineteenth and early twentieth centuries, which generally followed the "racial uplift" self-help

ideology of Booker T. Washington, as many of the early leaders were steeped in the Hampton-Tuskegee educational and organizational model. The black clubwomen were no small voice, with a national organization (the National Association of Colored Women's Clubs) that by 1916 boasted 1,500 member clubs. As Ward explains, "Viral expansion of black women's clubs provided a critical network for building oppositional consciousness and coordinating and funding civic initiatives in response to a host of social problems" (p. 131).

This second section on the black child-savers movement is the most novel and informative part of the book, for the black child-savers movement has been hitherto known to only a handful of sociologists. Ward spent about a decade unearthing and examining its historical record. His research interest in the black child-savers movement was fostered by Vernetta Young of Howard University, who had maintained an archive of records, articles, photographs, and writings from the movement.

Ward details how the black child-savers eventually established an influential and partially institutionalized presence in juvenile justice that attempted to serve the developmental needs of black youth and represent black community interests, with the NAACP being crucial to the institutionalization of the pursuit of racial justice in the juvenile system. This era of influence spread from 1930 to 1954, and 1954 to 1970 represented a "post-integration period" of great potential and optimism. This growing integration of black youth and black voices in the juvenile justice system explains the growing presence of black youth in juvenile institutions, and more diversion away from adult corrections, from the mid-twentieth century.

Unfortunately, as Ward asks in the book's conclusion, "In the twentieth century, non-white youths gained greater access to institutions, but what did *inclusion* mean?" (p. 238, emphasis in original). The promise and potential of the post-integration period and the gains of the black child-savers foundered on the rocks of the "get tough" era of the 1970s–1990s, which emphasized "accountability," crime control, and punishment. In these years, black presence in

juvenile institutions took on a different meaning: black youth were now institutionalized in more punitive and custodial juvenile corrections facilities, while white youth were more likely diverted into non-custodial sanctions. Furthermore, serious black youth offenders were, and are, comparatively more likely to be waived to adult court and to receive adult-type sentences than white youth. Thus, the promise of racial justice and full black youth citizenship envisioned by the black child-savers of the 1950s was hampered by the punitive crime-control politics and mass incarceration of the 1980s and beyond. Ward concludes: "Racial inequality in juvenile justice did not increase as much as it persisted and mutated over the course of the past century" (p. 257).

Ward's discussion in the last two chapters implicates a paradox of structured decision-making and policies. Juvenile justice policies were, and are, ostensibly intended to promote fairness and uniformity and combat bias, but they have had the effect of blunting the ability of local decision-makers, like those in the tradition of the black child-savers movement, to consider the rehabilitation needs and service needs of black youth. According to Ward, "Rigid principles of accountability-based juvenile justice, standardized decisionmaking technologies, and a narrowly redistributive agenda of racial justice are examples of developments that have limited the potential for black communities to impose their concerns, insights, and judgments on modern ideas and practices of American juvenile justice" (p. 247). This paradox mirrors a larger dilemma between formal and substantive rationality in criminal justice decision-making recognized by scholars (see Savelsberg 1992; Ulmer 1997). Formally rational policies and structured decision-making criteria such as sentencing guidelines, risk-assessment scores, parole guidelines, etc., are intended in part to reduce racial or other kinds of bias and are a reaction to the legacy of racial disparity characteristic of the Jim Crow era. Yet, too tightly constraining the discretion to individualize justice can prevent the consideration of legitimate, substantively rational concerns, such as offender needs, educational and environmental disadvantages, and rehabilitative potential, as well as victim and community interests.

I would like to highlight two of many possible overall societal lessons from *The Black Child-Savers*. First, it seems that the visibility of criminal justice processes is a key and underappreciated mechanism for exposing and correcting racial disparities. Outcomes like juvenile and adult sentencing are relatively visible, but police decisions to arrest and use force, prosecutors' decisions to charge and to seek waivers of juveniles to adult court, and the guilty plea process by which upwards of 90 percent of criminal cases, adult and juvenile, are disposed, are all relatively invisible. Rather than make more formally rational rules that constrain discretion (see the risks of this above), it seems a great deal of headway could be made by making records of all pre-sentencing decisions (anonymized or aggregated to mitigate defendant privacy concerns) for juveniles as well as adults publicly available. Many sociologists might be surprised to learn that good quantitative data on these criminal justice processes are relatively difficult to obtain, and may not be kept at all in some jurisdictions. When and where racial disparity exists, such visibility would expose it and would raise important questions for criminal justice organizations and communities.

Second, it seems like what is most needed to address the criminal justice system as a site of racial disadvantage is more of the relentless organization, resource mobilization, and pressure of contemporary black child-savers. As Ward implies, continued agency and organization channeling the energy of the early-1900s-era black clubwomen would expose the social construction of black males as categorically dangerous, morally lax, and "not worth the effort" for the destructive lie that it is. With relentless pressure on the state and the criminal justice system's complex levers of influence, perhaps the vision of the black child-savers will be institutionally realized.

Another thing happened as I was writing this review. On December 17, 2014, South Carolina Judge Carmen Tevis Mullen vacated the 1944 conviction of George Stinney, Jr. at the request of his remaining family, stating that Stinney did not receive even minimal due process protections. Incredibly, the current local prosecutor's office opposed

the move. Thus, the struggle to save black children, even long dead ones, grinds on.

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Finding Meaning in a Rough Country

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Robert Wuthnow's *Rough Country* is an ambitious sociological account of how American religion interlaces with politics, economics, and racial and ethnic identities. It is also an original work of history, chronicling religious developments in Texas from the 1840s to the present. Because it is a book about Texas, evangelicals take center stage and Southern Baptists the leading role. This is not to suggest that other religious traditions are neglected. Wuthnow's encyclopedic study covers an almost unfathomable range of events, houses of worship, civic organizations, and personalities, all meticulously documented in more than one hundred pages of endnotes, including thousands of citations.

The events described in *Rough Country* range from well-known pivots in history such as the 1916 "Waco horror"—the lynching of an innocent 18-year-old, Jesse Washington, burned alive under the watchful eyes of the city's elites—to curious historical footnotes such as the 2010 attempt by Pastor David Grisham Jr.'s "Army of God" to burn a Quran in Amarillo, only to be foiled by a skateboarder who snatched the sacred text. Wuthnow's book juxtaposes historical

Rough Country: How Texas Became America's Most Powerful Bible-Belt State, by **Robert Wuthnow**. Princeton, NJ: Princeton University Press, 2014. 654 pp. \$39.50 cloth. ISBN: 9780691159898.

narratives of churches that courted mass audiences, like the First Baptist Church of Dallas, the largest Southern Baptist congregation for most of the twentieth century and a national center of influence for fundamentalism, with detailed accounts of smaller churches like the University Baptist Church of Austin that desegregated its worship services in 1948, ordained women in the 1970s, and ordained a gay deacon in 1990. *Rough Country* describes giant enterprises in civil society like the evangelical and charitable foundation formed by R. G. LeTourneau in the 1930s from the wealth he amassed producing earth-moving machines, but does not neglect operations run on a shoestring budget like the fledgling union of Mexican farmworkers organized in Crystal City that same decade by Father Charles