

**“The Only Battle in the Nation’s History in which the Black Community has not
been Enlisted”:**

Black Agency, Resistance, and Alternatives to Incarceration

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“The war on crime has been one of the few battles in our history in which the black community has not been enlisted,” the young man thundered. The day was February 19, 1976, soon after the nation began its decades-long investment in punishment, ultimately swelling incarceration rates for the next thirty-five consecutive years. The normally soft-spoken man continued: “then and now, on urban fronts throughout the country thousands of poor and black people continue to be disproportionately victimized by crime.... The lack of black participation in the crime fight has created the false impression that the black community condones crime and protects criminals. Crime prevention, however, is a very high priority in the black community, as those of us who are of and in it know.”¹

The young man was Ron Brown, the director of the National Urban League’s Washington Bureau, delivering the words of his junior colleague, Robert Woodson, and testifying before a congressional subcommittee that handled the main agency that would come to vastly bolster the nation’s prisons, police forces, and technologies of surveillance over the ensuing decades. That day in 1976 when he spoke, he offered a vision for crime control and a course of action that broke from prevailing practices as well as the framings of the left and right, arguing that the community was the first line of defense against crime. His message would not be heard.

Black Americans are now much more likely than the day Brown spoke - or any other group today – to experience punishment and many have their earliest and most memorable interaction with the state in an encounter with police. The growth in policing and incarceration (and their racial inflection) are by now a well-known story of the post-

¹ *Law Enforcement Assistance Administration, Part I, Hearing before the Subcommittee on Crime, Committee on the Judiciary, House of Representatives, 94th Cong., 2nd Sess., March 11, 1976, p. 423 (Statement of Ronald Brown, Director, National Urban League).*

WWII American state. W.E.B. Du Bois' observation that "police are our government"² is even more true today: by the first decade of the millennium, a third of black men carry the label felon or ex-felon and 17 percent have been incarcerated at some point in their lives.³ Punitive interventions are now a central way, perhaps the most frequent way, that the state interacts with black citizens.

Yet, what scholars have not investigated, and our aim in this paper, is why this state of affairs faced so little opposition as it unfolded over several decades, especially by the main group affected by this intervention and the victimization that was its supposed justification – blacks themselves. Why, on the heels of one of the most transformative revolutions to secure citizenship, in the heat of black activism and recently achieved black political empowerment, and with the pulse of civil rights groups still at full beat, did the black counterpublic not challenge the tremendous expansion in punishment and the practices that led to it?

We explore a brief but insistent movement for community crime control that not only mounted a terrific counterpoint to the nation's war on crime – proposing to substitute informal control for formal control and emphasizing protection from predatory violence rather than punishment for it—but also pressed the boundaries of the black political agenda beyond merely rights and representation (a seat at the table) and towards self-determination (control of the table). Below we bring scholars to the scene of a crucial campaign that could have, but did not, chart a different course as a way of understanding black ideational development and agency in one of the policy arenas which

² Du Bois, Philadelphia Negro.

³ Christopher Uggen, Jeff Manza, and Melissa Thompson, "Citizenship, democracy, and the civic reintegration of criminal offenders," *The Annals of the American Academy of Political and Social Science* 605, no. 1 (2006): 281-310.

arguably has been the largest intervention into black life and communities since the civil rights movement.

Before we journey back to that critical moment, however, we will locate our research within the recent and growing scholarly work on the politics of punishment. Recognizing that crime control has become a central aspect of state activity in the post-civil rights era, several scholars across disciplines have focused on analyzing the political forces, interests, and policies that led to the state investment in punishment. Others, recognizing these shifts in the face of the state in black citizens' lives, have turned to exploring the consequences of the expansion in punitive interventions for democratic life, citizenship, and American democracy. Yet, while these accounts have flourished within our discipline and beyond, leading accounts of the carceral state mostly overlook the role of black politics and agency in defining, delimiting, and challenging the carceral state, seeing blacks as largely absent from crime politics, passive victims of an overreaching criminal justice system, as endorsers of punitive law and order politics, or as being failed by the acquiescence of white liberals and progressive groups.⁴ All, we will argue, are incomplete.

We argue instead that not only was the war on crime launched over staunch black opposition but also that criminal justice practices and anti-crime programs evolved in such a way as to ultimately exclude the primary group being victimized and policed. Drawing on original archival material from the papers of the Urban League, interviews, historical accounts from the black press, congressional testimony, and data on anti-crime grant funding, we document that black grassroots groups and activists in concert with

⁴ Marie Gottschalk, *The Prison and the Gallows: The Politics of Mass Incarceration in America*, (Cambridge: Cambridge University Press, 2007).

national leaders developed an alternative to the expansion of the carceral state that prioritized community control. Using an “actor-centered historical institutionalism,” in which we analyze how blacks mobilized around and framed the issue, their policy goals, as well as their local organizational behavior, we pay particular attention to how their response interacted with the institutional context created by the main crime bureaucracy, the Law Enforcement Assistance Administration. We first trace the emergence of this new ideology and approach to crime control at the national level, focusing on an alliance between John Conyers, a black member of Congress from Detroit, and representatives of the Urban League’s Administration of Justice Division, including Robert Woodson, Ron Brown, and Vernon Jordan. We then trace the development of community crime control at the local level, focusing on the Community Assistance Project in Chester, Pennsylvania, a free bail and conflict resolution program.

Together, these campaigns reveal that blacks were neither silent nor unqualified supporters of the war on crime. During moments of high crime (and high attention to crime), disadvantaged communities confront new opportunities to redefine the issue and get attention to their needs.⁵ Black leaders during this moment, rather than exhibiting what Michelle Alexander calls an “awkward silence,” instead attempted to shift the problem definition, arguing that “the victims are us.” Their framings and policy goals stood apart from the approach and rhetoric of other liberal groups: they did not argue the traditional liberal mantra that crime was not about race – as their white counterparts had; instead, they embraced that crime was “essentially a minority condition” and should be confronted by blacks themselves. Led by the Urban League and their alliance with black

⁵ Lisa Miller, "Power to the people: Violent victimization, inequality and democratic politics," *Theoretical Criminology* 17, no. 3 (2013): 283-313.

members of Congress, but supported by groups as broad as the California Black Correctional Association, the National Organization of Black Law Enforcement, and Harlem's Congress of Racial Equality, they developed a black strategy for confronting crime that not only challenged the model of top-down infusion into the criminal justice system (expanding the capacity to arrest and confine), but also went beyond traditional liberal approaches to ameliorate crime by targeting its root causes of poverty, blight, and joblessness. Their approach was to empower community members to confront crime by strengthening and creating indigenous institutions and they sought to redirect the overwhelming focus on enlarging criminal justice agencies to supporting community-based, grassroots anti-crime initiatives.

But their approach did not take hold. Instead, the story that emerges from their correspondence and testimony is that rather than making their communities safer, the national crime war (and LEAA) had targeted funds away from their communities, investing most of the resources in criminal justice expansion, nonprofits serving white youth or without ties to their communities, and that minority representatives were being excluded from key points of decisionmaking and planning.

Uncovering this failed movement helps us understand two things about the carceral state and black politics. First, the politics of punishment that unfolded over the next three decades was not an inevitable response to black victimization, nor was it without alternatives. Second, the black quest for citizenship was not just about rights but control of their own lives and institutions; activism on crime was not only about resisting carceral state in its infancy, it was about moving the nation beyond rights.

Why Didn't Blacks Resist – Some Theories

The absence of blacks as central actors in crime policy is curious; as one scholar has instructed, blacks are citizens, voters, legislators, prosecutors, and activists and they have an “ability to influence the direction of policy that would have been unimaginable”⁶ prior to this era. Recent debates have at last refocused attention on blacks’ own role in the development of mass incarceration and resurrected their interests, strategies, policy framings, and political goals in the story, offering clues to why, as one scholar eloquently asks, “the black activism that was crucial to the dismantling of the old Jim Crow failed to prevent mass incarceration.”⁷

With some oversimplification, their accounts fall along two key dimensions represented in the model below – the punitiveness of their problem framings and policy goals and the visibility or silence of their response – creating four possibilities for understanding black responses to crime and punishment; from upper left to lower left, black elites and mass publics were punitive, silent, marginalized, or divided.

⁶ James Forman, Jr., *Locking Up Our Own: Race, Crime, and Punishment in Washington, D.C., 1975-Present*, book manuscript in progress.

⁷ Michael Javen Fortner, “Must Jesus Bear the Cross Alone?: Rev. Oberia Dempsey and His Citizen’s War on Drugs,” *Social Science Research Network Paper* (2012), 4.

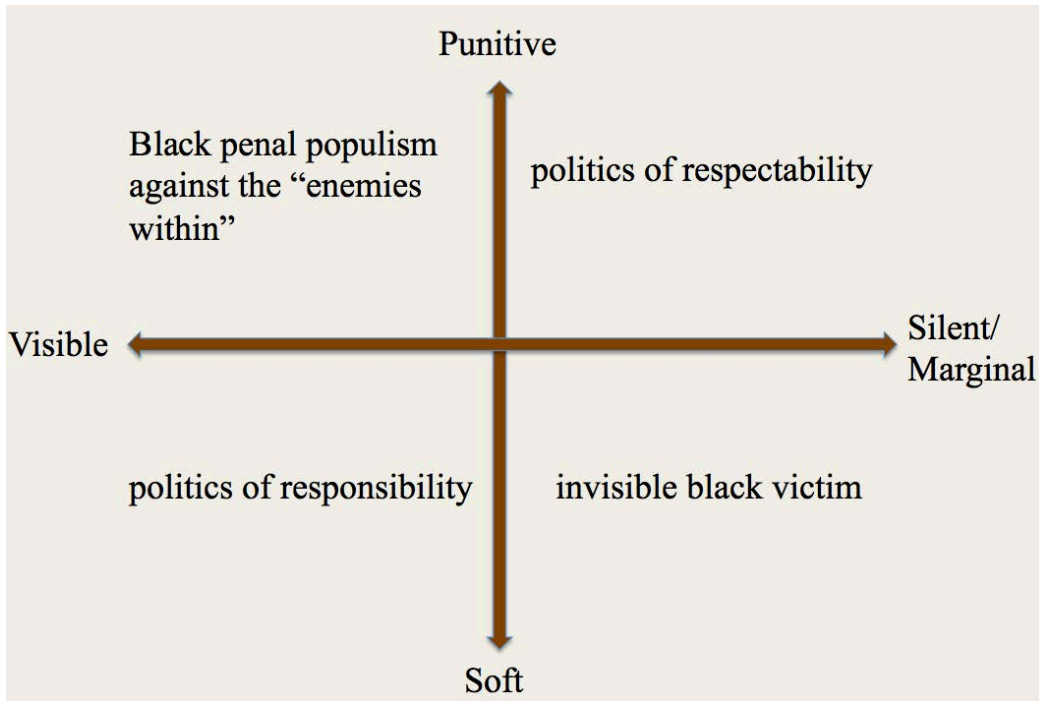


Figure 1: Theories of Black Crime Politics

The "Politics of Respectability"

There is a recurrent thread in work concerned with the political forces leading up to incarceration that the civil rights community, so vocal with regard to rights claims and most other policies that affected their people, maintained an "awkward silence" where incarceration of blacks was concerned. The reason is often attributed to a key idea in models of contemporary black politics that understands black strategic action and political agendas as mostly externally influenced, governed by a "politics of respectability."⁸

The story goes thus: The emerging racial order of the post-civil rights moment created powerful incentives to silence issues that threatened the progress of blacks as a

⁸ Evelyn Brooks Higgenbotham, *Righteous Discontent: The Women's Movement in the Black Baptist Church, 1880-1920*, (Cambridge, MA: Harvard University Press, 1993).

group or cast an unforgiving light on their deservingness. Black leaders were moved by a deep concern to promote and maintain a positive image for their group, sometimes vilifying or policing the behaviors of nonconformist or disreputable blacks. Cathy Cohen's concept of advanced marginalization hinges on this very idea; under advanced marginalization, the privileged in a marginal group will distance themselves from those not deemed respectable and 'police' the behaviors of the most disadvantaged of their group, trading off concern for the most vulnerable for legitimization of the black group as a whole.⁹ Those issues or people at odds with dominant values (to which the group's progress is tethered) are not embraced, as their own (and their group's) advancement is predicated on the denigration of their "lower elements." As Cathy Cohen explains in understanding black responses to HIV/AIDS: "those marginal group members who are close to the edges of dominant power... confront incentives to promote and prioritize those issues and members thought to 'enhance' the public image of the group, while controlling and making invisible those issues and members perceived to threaten the status of the community."¹⁰ It is this tension – between promoting a positive black image and protecting the worst-off members – that "informs the indigenous political processes that determine which issues will be embraced by black elites and organizations."¹¹

As a result, only some issues are addressed in the black political agenda, usually those that affect the most privileged and "respectable" of the group while those issues that may further the group's stigmatization by the broader public are marginalized.

Analyses of organizational behavior show this pattern at work in the agendas of interest

⁹ Higgenbotham, *Righteous Discontent*.

¹⁰ Cathy Cohen, *The Boundaries of Blackness: AIDS and the Breakdown of Black Politics*, (Chicago: University of Chicago Press, 1999), 27.

¹¹ *Ibid*, 15.

groups and strategies of elites; civil rights organizations and other groups representing racial minorities tend to minimize issues, like crime and poverty and domestic violence, that affect the most disadvantaged members of their groups, instead prioritizing and mobilizing around the issues of the advantaged subgroups like affirmative action.¹² Under advanced marginalization, we will find few examples of black organizations “actively supporting the struggles of the most vulnerable and marked in their communities, risking the hard-won access, mobility, and respectability of some group members.”¹³ As a result, blacks inmates or victims of violence will be doubly marginalized, not only unable to access mainstream institutions but also, critically for our purposes here, even the resources, networks, and institutions within the black community to aid their plight.¹⁴

Crime was not just any issue; it carried immense rhetorical currency within debates about racial equality and blacks “fitness for citizenship” since at least the first Reconstruction. Khalil Muhammad’s rich historical excavation of crime in the nation’s racial imagination rediscovers its incredible, enduring power: “the rhetoric of criminality justified the exclusion of blacks from the rights and privileges of citizenship for generations after emancipation.”¹⁵ “Negro crime,” as a discourse and idea with great resilience, had evolved over the years, first justifying lynch mobs in the post-Reconstruction South and later undergirding and legitimizing segregation and isolation in the urban north. Throughout the twentieth century, black crime and criminality was

¹² Dara Z. Strolovitch, “Do interest groups represent the disadvantaged? Advocacy at the intersections of race, class, and gender,” *Journal of Politics* 68, no. 4 (2006): 894-910. “In spite of sincere desires to represent disadvantaged members, organizations downplay the impact of such issues and frame them as narrow and particularistic in their effect, while framing issues affecting advantaged subgroups as if they affect a majority of their members and have a broad and generalized impact.”

¹³ Cohen, *Boundaries of Blackness*, 9.

¹⁴ Ibid.

¹⁵ Khalil Gibran Muhammad, *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America*, (Cambridge, MA: Harvard University Press, 2010).

perhaps the most enduring defense of black inferiority and reason to withhold democratic and social citizenship from blacks in the United States.¹⁶ It had functioned most recently, among white Dixiecrats to argue against civil rights legislation, integration, and home rule in the District of Columbia.¹⁷

That the crime issue had the power to harden racial boundaries and retrench the gains and limited inclusion blacks had fought so doggedly for, was not lost on black “race men.” More immediately, black communities had long struggled against both overprotection and underprotection, lagging police resources but also discrimination in enforcement of the criminal laws: “in minority communities citizens must balance their concerns about escalating crime against their historical experience with inequity and contradictions in the law enforcement system.”¹⁸ Thus, it is conceivable that black leaders tread delicately around the crime issue, so fraught with dilemmas; crime threatened their very life chances, but greater attention to that fact also threatened to resurrect the trope of black crime, the very thing whites had long trafficked in to further stigmatize and isolate their group. Greater calls for protection could also lead to disparate enforcement; black victims meant black offenders in courtrooms that had historically showed blacks little mercy. By the 1960s, crime had again received a new blast of racialization and was again at the center of national discourse around civil rights. Black criminals would again be held up as “representatives of their race.”

¹⁶ Ibid.

¹⁷ Vesla M. Weaver, "Frontlash: Race and the development of punitive crime policy," *Studies in American Political Development* 21, no. 02 (2007): 230-265.

¹⁸ *Law Enforcement Assistance Administration, Part I, Hearing before the Subcommittee on Crime, Committee on the Judiciary, House of Representatives, 94th Cong., 2nd Sess., March 11, 1976, p. 426* (Statement of Ronald Brown, Director, National Urban League).

Thus, it is possible, or even likely, that black leaders choose to strategically avoid, downplay, or selectively discuss issues of crime and punishment. James Forman Jr. argues that civil rights organizations were reluctant to take up the cause of criminal offenders, focusing instead on the low hanging fruit, those areas where criminal justice practices exhibited egregious discrimination in sentencing and police stops, rather than the broader issue of crime and criminal punishment, and focusing on people who were the mostly innocent victims of criminal justice practices.¹⁹ Criminals, after all, do not evoke sympathy for racial justice the way an innocent black stopped by police does. Black opposition to racial disparities in the practices of law enforcement and courtrooms held the least possibility of reputation damage and offered them a chance to confront punishment as a racial justice issue that did not directly engage with high rates of violence within black neighborhoods. More specifically, his own account of black crime politics in Washington, DC during the 1970s and 1980s, suggests this was at work; the city council took strong stands against things that did not raise the specter of criminality, like racial profiling, while avoiding issues like the abysmal prison conditions that affected black inmates.²⁰

Others go further, suggesting black organizations were not so much selective as silent. Michelle Alexander notes in her best selling account that “what is most striking about the civil rights community’s response to the mass incarceration of people of color is the relative quiet.”²¹

¹⁹ James Forman Jr., "Racial Critiques of Mass Incarceration: Beyond the New Jim Crow," *NYUL Rev.* 87 (2012): 21.

²⁰ Forman, Jr., *Locking Up Their Own*.

²¹ Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, (The New Press, 2012), 224.

The idea that some black leaders avoided the crime issue was recognized even before the emergence of black mass incarceration by black leaders who denounced the strategy. For example, Andrew Brimmer in a 1971 issue of the *Atlanta Daily World* took his fellow black leaders to task while acknowledging the dilemma of politicizing black crime:

While the rising incidence of crime has been a source of embarrassment to many Negro leaders, far too many have remained ambivalent toward the problem. Perhaps through fear of providing comfort to racists masquerading behind a mask of law and order. I recognize these risks, but I also recognize an even greater risk. That Negroes themselves may confuse the right of black people to protest their unsatisfactory condition in the United States with the opportunity for criminals to prey on exposed citizens.²²

The “Invisible Black Victim”

Another reason for their “awkward silence” stems not from black strategic actors themselves and issue distancing but from the access blacks had to venues of crime policymaking.²³ Lisa Miller sees blacks as vocal, but non-pivotal actors in crime politics, mostly because they were invisible at the national level. The national arena privileges single-issue powerful entrepreneurs and groups with ties to the administration of criminal justice (prosecutors, prison guards, police, etc.) who often supported the more aggressive

²² “Why are black leaders silent on crime in the black community,” *Atlanta Daily World*, April 29, 1971, p. 2.

²³ Of course, prison itself can silence—through marginalizing communities and depleting them of people, social capital, and political power, through the stigma around prison, and through direct channels of disenfranchisement—but we do not deal with that in this paper since our focus is on the time period leading up to the expansion in punishment. For a good review, see: Dorothy E. Roberts, “The Social and Moral Cost of Mass Incarceration in African American Communities,” *Stan. L. Rev.* 56 (2003): 1271.

handling of criminals and expansion of police forces and prisons. The national arena largely marginalizes the views of minorities, those most victimized, and the disadvantaged communities that most experience crime and supervision who often advocate for more police and strict handling of offenders but almost always in the company of demands for more drug rehabilitation treatment centers, more job training, and more preventative measures. In stark contrast, the local arena is more attentive to victims and persons affected by crime in communities. As crime policy migrated to the national level, then, blacks in high crime communities were displaced by large, well-heeled groups.²⁴

Not Respectability, But *Responsibility*

Yet, some scholars take issue with the assumption that black leaders at the local or national level remained silent first as crime beleaguered their communities and later as incarceration removed many a breadwinner, father, and parishioner from their neighborhoods. In her account of black panther activism in Oakland, Donna Murch describes how blacks mobilized against aggressive law enforcement and police murders, juvenile detention centers, and advocated for community control of police: “In contrast to the early civil rights movement’s emphasis on uplift and respectability, the Black Panther Party not only confronted police and penal issues, but actively recruited and organized those most affected by state efforts to contain the urban poor.”²⁵

In addition to confronting state violence, blacks also moved against violence in

²⁴ Lisa L. Miller, "The Invisible Black Victim: How American Federalism Perpetuates Racial Inequality in Criminal Justice," *Law & Society Review* 44, no. 3-4 (2010): 805-842.

²⁵ Donna Murch, *Living for the City: Migration, Education, and the Rise of the Black Panther Party in Oakland*, California, Chapel Hill: University of North Carolina Press (2010), 166.

their communities. James Forman, Jr. poses an alternative to the politics of respectability in his account of why the majority-black, majority-controlled city of the District of Columbia not only passed similar laws as the rest of the nation, but also vigorously opposed white-led initiatives to decriminalize certain drugs.²⁶ Anxiety over crime generated a vocal response by black elites in that city, one that punished blacks harshly by increasing sentences, criminalizing acts, and expanding police forces. But for Forman, there were important differences between black lawmakers and white “law and order” demagogues. Forman argues that black leaders practiced the “politics of *responsibility*” in regards to their worst-off members. Their interest, unlike Fortner’s vigilantes who we will encounter below, was not a single-minded strategy of punishing and removing dope addicts and others that preyed on the community. Instead, they sought harsher laws *and* better opportunities simultaneously out of a duty to lessen the trauma of violent victimization in their communities. In this majority-black locale, “racial justice arguments for a less punitive criminal justice system are invariably countered by racial justice claims for black victims,” helping to explain why black lawmakers often pursued harsher penalties while also supporting an expanded welfare state.²⁷ “Security and law enforcement have been typically understood as public goods by most black D.C. residents,” Forman argues, “who wanted more and better policing, just as they wanted more and better schools, parks, and social services.”²⁸

Black Penal Populism and Class Conflict

Some recent accounts go even further. Black lawmakers and community leaders

²⁶ Forman Jr., *Locking Up Their Own*.

²⁷ *Ibid*, 18.

²⁸ *Ibid*, 24.

not only did not stand in the way of “locking up their own,” as Foreman suggests, they aggressively championed punitive measures and dismissed structural causes of crime as class conflict was sharpened in the deindustrializing city, a thesis evident in Michael Fortner’s work on the development of the Rockefeller drug laws and the crusade for removing drug dealers in Harlem.²⁹ Fortner writes that “By the late 1960s, many African American leaders countenanced, if not lobbied aggressively for, an emboldened police state, and most were, explicitly and implicitly, building arguments for an expanded penal system.”³⁰ In his telling, during the next decade and prior to the black middle-class exodus away from central cities, the “forces of urban change” opened a fissure between middle-class and poor blacks in urban centers, the former blaming community decline on the latter’s vice. This class conflict birthed penal populism among middle-class residents and black clergy, who ultimately came to support comparatively retributive treatment of criminals and “pushers” (supporting even life sentences for dope addicts). A black “silent majority” rose up in this decade against the drug markets that victimized their communities in a “backlash” against their own. The reason they did so was not reducible to external pressures to “enhance” their group’s public image by policing the rebellious blacks in their midst.

Instead, for black middle-class Harlemites, daily encounters with black crime and drug addicts posed a much greater threat to their material interests than encounters with hostile whites; logically, they shifted focus from rights to protection against the “enemies within,” mobilizing the “rich civic resources that were so crucial to the success of the

²⁹ Fortner, “Must Jesus Bear the Cross;” Michael Javen Fortner, “The Carceral State and the Crucible of Black Politics: An Urban History of the Rockefeller Drug Laws.” *Studies in American Political Development* 27, no. 01 (2013): 14-35.

³⁰ Fortner, “Carceral State and the Crucible of Black Politics,” 27.

black rights movement in the 1950s against the black underclass in the 1960s and early 1970s.”³¹ Fortner describes in detail how the problem during the 1970s for black middle-class city-dwellers was not fear of discrimination or even brutal police; it was fear of walking outside in their communities. The black middle class, he argues, by not only supporting white elites’ calls for “law and order” but also by furthering their own brand of local vigilantism against dope addicts and sellers who they viewed as the enemy of progress and drawing on their own indigenous networks and resources, ultimately played a crucial role in the development of mass incarceration.

All of these accounts make more room for black political agency, bringing us closer to the views of those most affected and the people that represented their interests, and they refuse to downplay black anxieties about crime, drug addiction, and the scourge of violence. They powerfully demonstrate that the crime politics and racialized punishment that emerged are not simply reducible to the motivations of white elites to subordinate blacks, preserving racial caste while transforming its delivery mechanism.

But they too insufficiently explore black crime politics and the response to black incarceration. Too often, in the case of the top two quadrants, they exaggerate the retributive tendencies of black elites. After all, only one black lawmaker voted for the Rockefeller drug law that is so central to Fortner’s narrative. Even by Fortner’s own description of Dempsey’s “citizen’s war on drugs,” Harlem leaders almost always petitioned to create new rehabilitation and treatment centers and job training for addicts and attempted to redefine addiction as a sickness even as they struggled against its criminal effects.³² At the national level, with few exceptions, every single black member

³¹ Fortner, “Must Jesus Bear the Cross.”

³² See page 24-5 in Fortner, “The Carceral State and the Crucible of Black Politics.”

of the House voted against punitive crime bills often without liberal allies, from the many District of Columbia crime bills during the 1960s, to the landmark omnibus Safe Streets and Crime Control Act of 1968, to the 1970 Organized Crime Control Act, to the 1984 Sentencing Reform Act. They were often accompanied in their opposition by the Lawyers Committee for Civil Rights, the Leadership Conference on Civil Rights, the National Organization of Black Law Enforcement, and other black advocacy groups and many in the black press.

Too often, critical differences between local black anti-crime advocates and white “law and order” elites get flattened. In Fortner’s analysis, by honing in on only one kind of civic leader – the clergy – in one area of a single city that was beset by levels of heroin that was of epidemic proportions and a scale not seen elsewhere, and using one central piece of evidence from a newspaper whose credentials were vastly more conservative than other black dailies or weeklies with wide circulations (the *Amsterdam News*), he not only overclaims the punitive discourse in Harlem, he also exports it to other cities with little to no actual evidence that such generalization is warranted. The Dempsey’s and Kenyatta Muhammad’s (of the Philadelphia Black Economic Development Council) and Vincent Baker’s (of the NYC NAACP) made a lot of noise during this decade. Yet, a focus on black ministers skews the depiction of black elites who were more wide ranging in their views and goals and masks important differences within the black elite, differences that often received an unequal reception in mainstream society. These divisions were as alive in this moment as in prior eras when black intellectuals who challenged white crime discourse were vilified or ignored as coddling their own (i.e. WEB Du Bois and Kelly Miller), while black elites who argued the Dempsey line were

propped up.³³ As Muhammad reminds us, crime had political currency among black elites seeking access to dominant institutions.

But most importantly, as we will argue, they assume the two dimensions in the model above are the right (or only) ones at play. By mapping black crime politics onto these two dimensions, they overlook a movement that entailed both protecting their communities from violence and empowering their indigenous institutions. It offered not the punitive policy designs and problem framings of the punitive side of the scale, nor did it stay comfortably with the framings of white liberals, that crime was created by poverty and should be dealt with by ameliorating its social roots.

They did respond to black crime and victimization, not with life sentences, but with a program that recognized community strengths and indigenous institutions and resources, calling not for more government aid to their communities, as was the traditional liberal approach, but more local control. Ghetto communities undergoing victimization did not only have too little police protection but too little community influence. The growing unease among black leaders with how black communities were being ignored in crime policy and programming (even while their communities were being most victimized) and the resistance it generated, we will see, evolved into a movement by national civil rights groups and local grassroots groups to redefine the war on crime and pioneer another approach. This movement, though it entailed no marches, drives, or rallies, drew on a centerpiece of black political thought --self-determination and community control – lost in the passage of time.

The Urban League and the Mobilization around Community Crime Control

³³ Muhammad, *Condemnation of Blackness*.

The Urban League's Administration of Justice Division was created soon after the Safe Streets and Crime Control Act had passed and been signed into law in 1968, creating the Law Enforcement Assistance Administration (LEAA). The LEAA, as one of us has detailed elsewhere, would become the fastest growing agency in the federal government in the 1970s, with a budget twice as large as the FBI and commanding half of the entire Department of Justice's budget.³⁴ Safe Streets began a behemoth crime program that birthed the modern criminal justice system by funneling billions in aid to states for prison construction, police manpower expansion, and infusion of technology, spawning SWAT teams, bullet proof vests, and 911 call centers. Over the life of the agency, the LEAA distributed seven billion dollars in crime funding through over 150,000 grants; it doubled criminal justice spending at all levels of government in the first five years of its operation. Most of the LEAA funds went to police and prisons, immediately growing a vast criminal justice constituency with a large stake in continuing the policy. In the first few years alone, 42 percent of the funds were distributed to police.

As the new director of the Administration of Justice Division at the Urban League, Robert Woodson began incubating a black strategy for confronting crime that was quite apart from the LEAA model of building up criminal justice infrastructure. Woodson had arrived at the Urban League at a time when the situation was dire; the UL's surveys revealed that 64 percent of black youth could not find work for the third summer in a row and crime was one of their top concerns.³⁵ And crime was at a point not seen for

³⁴ Vesla Weaver, "Embedding Crime Policy: The Law Enforcement Assistance Administration and the Growth of the Carceral State," In *Living Legislation: Durability, Change and the Politics of American Lawmaking* (J. Jenkins and E. Patashnik, eds.).

³⁵ John Conyers, "Crime as a Concern of Congress," in Herrington J. Bryce, *Black Crime: a Police View*, (Washington, DC: Joint Center for Political Studies, 1977), 21-28.

decades. Noting how ravaged the black community had been by crime, Woodson was alarmed at what he described as the “unwillingness” of national leaders in debates over crime to concern themselves with soliciting the input of the communities themselves. He argued that the “black community had been multiply victimized by crime” and were disproportionately represented as both victims and suspects and despite this, “have been virtually excluded from the nation’s ‘war on crime.’”³⁶

Woodson’s approach was simply to empower the community to confront crime. Woodson’s own biography was implicated in his philosophy, having grown up in poverty in a challenging neighborhood in Philadelphia, one where gang crime had flourished.³⁷ His own brother had “met violent death on the streets of New York” and early in adolescence his best friend was stabbed to death “on the steps of Shoemaker Junior High School.”³⁸ Woodson himself had dropped out of high school and explained in an interview with us that he had an “appreciation for why kids travel with gangs.”³⁹

Woodson’s model was based on the idea that “those close to or experiencing the problem to be addressed should play a primary role in its solution.”⁴⁰ One of his guiding ideas was that within high-crime communities, several mediating structures between citizens and government (churches, community organizations, families) existed that could be mobilized to more effectively curtail crime.⁴¹ He often likened the ability of neighborhood groups to combat crime to the way antibodies within the human body fight

³⁶ “Strategies for Controlling Crime (A Position Paper)”, March 1978, Box III: 209, Folder 3. National Urban League Records, 1900-1988. Manuscript Division, Library of Congress, Washington, D.C.

³⁷ Personal interview with Robert Woodson, August 4, 2013.

³⁸ *Abolition of the Office of Juvenile Justice and Delinquency Prevention: Hearing Before the Subcommittee on the Judiciary*, U.S. Senate, 97th Cong. 1st Sess. (April 1, 1981) (Statement of Robert Woodson, A Resident Fellow, American Enterprise Institute), p. 75.

³⁹ Woodson interview.

⁴⁰ *Urban League Review*, Fall 1981. Page #?

⁴¹ Robert L. Woodson, *A Summons to Life: Mediating Structures and the Prevention of Youth Crime*, (Cambridge, MA: Ballinger Publishing Company, 1981).

off an infection by coming to the point of injury, surrounding the area, and begin working to heal the wound.⁴² Woodson argued that any national crime program should be concerned with strengthening these existing community institutions in high crime areas and develop programs modeled after grassroots anti-crime efforts that were already working to reduce violence.

Woodson's belief that crime programs should be nourished at the local level also came from his experience as a community organizer; he had witnessed the seedlings of burgeoning anti-crime efforts in poor, high-crime areas and had seen them have tremendous effects.⁴³ When the national crime program was just in its infancy, Woodson had set about a systematic survey of existing grassroots programs to be developed and funded by the Urban League. Many of the NUL's reports during this time discussed the efforts of local groups and other anti-crime programs that were fighting crime at the local level without LEAA funding or other support. These programs, Woodson believed, had managed to reach inner-city youngsters "even hardcore, violent offenders" when other professional models failed.⁴⁴

One of these groups, the House of Umoja in Philadelphia, was instrumental to his thinking. Umoja was created in 1969, when one couple (the parents of the current Congressman, Chaka Fattah, who represents Philadelphia) invited 15 boys into their

⁴² *Reorganizing and Reauthorizing of the Law Enforcement Assistance Administration*, Statement of Robert Woodson, p. 628. Also uses the antibody metaphor in "Crime Prevention in the Black Community (A Concept Paper Written for Discussion)," Box III: 209, Folder 4, National Urban League Records, 1900-1988. Manuscript Division, Library of Congress, Washington, D.C.

⁴³ Woodson interview.

⁴⁴ *Law Enforcement Assistance Reform, Hearing before the Senate Committee on the Judiciary*, 96th Cong. 1st Sess., March 13, 1979, (Statement of Robert L. Woodson, Resident Fellow, American Enterprise Institute for Public Policy Research, Accompanied by Mrs. Tommie L. Jones, Administrator, Youth in Action, Chester, PA), p. 404.

home to live with them.⁴⁵ They were members of the Clymer Street Gang, which one of their sons had an affiliation. Their goal was simply to help the boys stay alive and out of jail and they endeavored to give them the same emotional and material security as the gang. From its beginnings in the living room of their home, Umoja had soon expanded to 22 rowhouses on their street, which they purchased and fixed up, and by the middle of the next decade was serving 400 boys from 73 different (and often rival) gangs. The House had soon developed a council to deal with gang conflicts, a structure to help the boys get employment and training, and peace pacts that rival gangs were persuaded to sign on to. They travelled to prisons to enlist the cooperation of gang leaders there. Gang related deaths went from 40 a year in the early 1970s to just a single death in 1978.⁴⁶ In our interview, Woodson described Umoja as “a community based, indigenous group that could accomplish what none of the academics or agencies could” with regard to street crime and gangs when their traditional, professional interventions failed.⁴⁷

Woodson believed that neighborhoods should not simply be the recipient of programs and services – “gilding the ghetto” as Whitney Young termed it⁴⁸ – but the key *providers*. In other words, he viewed effective crime control as not simply a matter of bettering conditions in low-income places but about strengthening community institutions and catalyzing forces within the community. His vision of enlisting the community would not be accomplished by simply expanding black participation in the ranks of police and

⁴⁵ *Reorganizing and Reauthorizing of the Law Enforcement Assistance Administration, Hearing before the House Subcommittee on Crime of the Committee on the Judiciary, 95th Cong. 2nd Sess., Nov. 21, 1978. Statement of Sister Falaka Fattah, p. 637-661.*

⁴⁶ In one statement, Woodson credited Umoja with disrupting the epidemic of gang violence in that city after 10 million dollars to professional interventions had failed to make a dent in the gang violence. *Reorganizing and Reauthorizing of the Law Enforcement Assistance Administration, Statement of Robert Woodson.*

⁴⁷ Woodson interview.

⁴⁸ Young, *Beyond Racism*.

other criminal justice agencies but to move away from these being the central sites of reform and towards groups. Woodson believed that the nation stood a better chance at making communities safe by strengthening existing community institutions and investing in indigenous anti-crime groups already on the ground working to reduce crime, groups like the House of Umoja.

Woodson was none to politic in delivering his message and was unafraid of directly scoffing at professional wisdom, suspicious of those who would purport to speak for his community without being in or of the community and without knowing anything about it. The “Harvards of the country,” he liked to quip, “cannot solve the problems of the Harlems.”⁴⁹ In one exchange, Woodson suggested that officials only called on the black community leaders and organizations in times of crisis (as had happened in his home city of Philadelphia in the midst of civil unrest) but “they are never called to hearings or to participate in policy formulation or the design of programs to address their needs.”⁵⁰ The senator who was leading the hearings, Sen. Specter, responded defensively that he and his colleagues did in fact make an effort to call community members to testify. Without missing a beat, Woodson darted back in a refrain that would become one of his key themes: “Senator Specter, might I suggest perhaps some of these hearings can be held in communities where they live? They don’t have the resources to come to Washington and present testimony.... The Congress should go into the neighborhoods and demonstrate to those living there that they share equal concern.”⁵¹

⁴⁹ Untitled memo, Box III:1, Folder 2, National Urban League Records, 1900-1988. Manuscript Division, Library of Congress, Washington, D.C. In our interview with him, Woodson said “professionals should be on tap, not on top.”

⁵⁰ *Abolition of the Office of Juvenile Justice and Delinquency Prevention*, p. 78.

⁵¹ *Ibid.*

Woodson argued before the congressional committee on crime that the nation's approach to crime was overlooking a major resource – citizens within high-crime communities and the informal, shoestring budget grassroots groups they formed. He implored the committee to train their eyes on these efforts: “We must begin to inventory what are some positive approaches undertaken in neighborhoods throughout this country which have demonstrated they can change these young people pictured here.”⁵² The federal agencies, state planning outfits, and research institutes should be supplemental, getting behind the community groups with technical assistance. Woodson described how local grassroots community organizations, often with little training or outside help, had devised creative local solutions to crime, whether it was the Woodlawn Organization in Chicago or the conflict resolution program in Chester, Pennsylvania, or the Coalition of Concerned Women in the War on Crime in Chicago, Umoja in Philadelphia, SAND in New Haven, or the local block associations and citizen community patrols that had cropped up in areas around the country and had no formal structure, budget, or expertise except their own knowledge and community resources.

These groups were being overlooked as federal crime agencies lavished resources on agencies with an interest in benefitting from crime. “Policy should move away from support of large-scale criminal justice bureaucracies as the primary agent of reform and service delivery,” Woodson argued, “because of the perverse financial incentives to maintain caseloads as a condition of fund support.”⁵³ He raised the egregious example of how the NYPD had been given a grant by the OJJDP of half a million dollars to divert

⁵² *Abolition of the Office of Juvenile Justice and Delinquency Prevention*, (Statement of Robert Woodson), p. 77. Often, Woodson inventoried the programs for them, discussing at length various community-based groups from New Haven, CT to Ponce, Puerto Rico and in between.

⁵³ *Urban League Review*, Fall 1981, article by Woodson, p. 7.

juveniles from arrest and confinement; yet, when the police officers could not find enough juveniles to divert, they started sweeping them up in arrests for minor things like jumping turnstyles just so they could divert them and continue receiving the grant money.⁵⁴

His statements capture something else too, namely, a key departure from the drive for representation so often seen in civil rights circles. For Woodson and his compatriots at the Urban League, the issue of representation of poor minority communities in the war on crime went deeper than merely the desire for more blacks in criminal justice agencies. It was about allowing the communities themselves to have a voice and a role in addressing problems in their neighborhoods and lives:

Let me make this very clear that my reason for raising this is not really a civil rights concern... My real concern is that those who are experiencing the problem and those that have a proprietary interest in outcomes are not being given any opportunity to frame the issues, and they are not being given an opportunity to demonstrate that they have alternative solutions to the youth crime problem.⁵⁵

Vernon Jordan, the executive director of NUL at the time agreed that “the ultimate goal must be the replacement of a prison system that induces crime by an alternative system based in the community” and put the full force of his operation behind it. He often used a version of Woodson’s slogan, saying “the war on crime is the only war our nation has ever fought that did not seek black volunteers.”⁵⁶

⁵⁴ *Abolition of the Office of Juvenile Justice and Delinquency Prevention*, (Statement of Robert Woodson).

⁵⁵ *Law Enforcement Assistance Reform*, (Statement of Robert L. Woodson), p. 404.

⁵⁶ “War On Crime Being Lost – Jordan,” *Los Angeles Sentinel*, 14 October 1976, A11.

The idea of community control was of course not unique to Woodson and the Urban League but had emerged as a prominent strain of black political thought and the black political agenda during this era. It was embraced by radical black nationalists, black conservatives interested in black economic development, as well as mainstream civil rights groups. As Donna Murch has argued, the community control philosophy emerged in the late 1960s as a result of three decades of black migration into Northern cities without a parallel increase in political power. Blacks had little control over the institutions that made decisions about their neighborhoods from local school boards to police to housing authorities to city councils, and as a result, “African Americans sought to transform local institutions and wrest control of governance.”⁵⁷ A 1970 volume on community control defines the program’s major demands: devolution of political power to communities; direct representation of those communities on city policymaking bodies (school boards, police commissions); black representation in public service (and government contracting) beyond tokenism; and active use of public resources to develop black-owned businesses. These demands were joined with an informal agenda: “To use their own language, they want to stop being colonies.” Community control advocates wanted self-determination of their neighborhoods, not material benefits from government benevolence or token positions in political institutions for a select few.⁵⁸

Community control had more and less radical variations. The Black Panthers and other black power groups proposed community control as an alternative to integration, in the context of creating a black nationalist political movement. As Michael Dawson has noted, the goal was not reformist electoral politics, but to transform the entire American

⁵⁷ Murch, *Living for the City*, 193.

⁵⁸ Althuser, Alan A. *Community Control: The Black Demand for Participation in Large American Cities*. New York: Pegasus, 1970. 14-15.

state. Dawson quotes Amiri Baraka: “You must control everything in the community that needs to be controlled. Anything of value: any kind of antipoverty program, politicians, celebrities, anything that brings money, resources into your community...anything of value in your community, you have to control it, because if you don’t control it, the white boy controls it. It’s no need in you saying for instance that the anti-poverty program is jive, of course it’s jive. It is designed by your enemy.”⁵⁹

In contrast to the Panthers’ fiery rhetoric, some more moderate civil rights leaders argued that community control “is not nearly as revolutionary as it sounds.” That was Whitney Young’s take on the subject. Young argued that community control was the means to make institutions responsive, at long last, to the needs of the urban poor. Whites living in the suburbs took local control of their schools for granted. Blacks in the city saw their children’s schools controlled by centralized boards of education, mostly white and almost invariably removed from the specific concerns of black neighborhoods. Community control was simply a way to give blacks the decisionmaking power that whites took for granted.⁶⁰ Young described the promise of community control: “The creation of new institutions controlled by the citizens whose lives they influence is a step toward the renewal of democratic institutions.”⁶¹ Both the NAACP and the National Urban League endorsed community control while rejecting it as a separatist program at their 1969 conventions.⁶²

The Urban League’s community-based approach to crime was quickly embraced by black congressional leaders and the new Black Caucus endorsed the approach in their

⁵⁹ Dawson, *Black Visions*, 118-9

⁶⁰ Young, *Beyond Racism*, 157.

⁶¹ Ibid.

⁶² Althuser, *Community Control*, 60.

1975 legislative agenda.⁶³ And despite his brash tactics, Woodson found a champion of his ideas to enlist the community in the war on crime, one who happened to be well-positioned in the committees that had control of the crime pocketbook as well as a member of the Judiciary Committee, John Conyers. Conyers agreed with Woodson's critique, saying: "This whole notion that somehow we can fight crime on an exclusive, professional basis without the assistance of citizens is one that to me characterizes too much of the kind of thinking in the law enforcement field in general, and unfortunately in the LEAA specifically."⁶⁴

Conyers believed that in the high-crime communities of the city were a disproportionate share of offenders but also crime-fighters, people who had already formed neighborhood action groups and who were one of the primary line of defenses against crime and violence and who had a great stake in community peace. Apprehending criminals and vesting more power in criminal justice and law enforcement was not the solution to crime, argued Conyers, empowering the community's informal social controls was.⁶⁵ Yet, he believed the LEAA was hurting "any indigenous political movements by which citizens might really attack the problems of crime in their neighborhoods."⁶⁶ Like Woodson, Conyers set about increasing citizen involvement in the struggle against crime and to overhaul the most powerful agency in the crime war. A mere two percent of LEAA action funds were given to community involvement programs

⁶³ The Black Caucus in their 1975 legislative agenda said boldly that "citizens should be enlisted in the war against crime by such programs as citizens patrols and block security programs."

⁶⁴ *Law Enforcement Assistance Administration, Part I*, p. 425 (Rep. Conyers in questioning Ronald Brown).

⁶⁵ "Any discussion about how we are going to pull the black community out of this increasing rate of criminal activity will be useless—unless we look beyond the law enforcement system itself." Conyers, "Crime as a Concern of Congress," 26.

⁶⁶ John Conyers, Jr., "Our Sickly Efforts to Cut the Crime Rate," *Los Angeles Times*, Jan. 5, 1977, p. D7.

and even among the funds allocated, community grassroots organizations were left out significantly.

In 1973, after his subcommittee on crime (which was created that same year) held seminars in several cities on community crime prevention and compiled testimony over 12,000 pages long, Conyers proposed the Community Anticrime Assistance Act. Reflecting the community approach he had been developing with Woodson and Brown, and alarmed that less than one percent of LEAA funds were going to community programs, the bill proposed to make grants directly to cities and nonprofits for community crime prevention.⁶⁷ Conyers believed this change would empower citizens and communities to be involved in crime prevention and would go some lengths to remedying the LEAA's undue focus on police.⁶⁸ It bypassed the LEAA entirely by giving the authority to administer grants to another agency within the DOJ, the Community Relations Service (CRS). One of his major legislative priorities at the time and strongly supported by the NUL, Conyers attempted to have his bill passed for several years and was ultimately unsuccessful. He and Fish (R-NY) reintroduced the bill with 11 additional cosponsors, including Hawkins and Bill Clay, and vigorous support from Claude Pepper, the chairman of the committee; Jacob Javits introduced similar legislation in the Senate.⁶⁹

Conyers' bill was never voted on. During the hearings on the bill, William Cohen (R-ME), the ranking minority member on the subcommittee on crime, raised concerns that the bill created a new program unnecessarily and the goal of involving communities

⁶⁷ Representative John Conyers, interview by Representative Joe Moakley, 1973, transcript, Moakley Papers (MS 100), Suffolk University, Boston, MA.

⁶⁸ Conyers said: "Sure, we have to be tough on the pusher. Certainly, we've got to move aggressively against people that are breaking and entering, robbing, or committing street crimes. But the other part of it is us beginning to learn how to convince our citizens to work more closely with the police." Conyers interview with Moakley, p. 3.

⁶⁹ Report on the Activities of the Committee on the Judiciary.... January 2, 1975.

could be done within the existing LEAA infrastructure through simply amending the original legislation. While many expressed support for the idea of encouraging citizen initiatives in the crime fight, palpable unease surfaced about funding minority citizens groups. Mayor John Lindsay of New York Cohen expressed concern that one section of the bill “seems directed to programs which involve disadvantaged persons and minority groups” and wondered whether it would exclude non-minority areas. The person he was questioning, Mayor John Lindsay of New York, agreed with the critique and raised his objection to another of the bill’s provisions, that which would provide federal grants directly to nonprofit organizations: “any broad-scale direct funding of neighborhood groups...could lead to a problem of vigilantism.”⁷⁰

Some were concerned that the bill gave too much authority to the CRS, including Deputy Attorney General William Ruckelshaus: "what does concern us is to take other Federal funds and simply duplicate these responsibilities and authorities that already exist in LEAA."⁷¹ Charles Rangel, who represented Harlem, explained that LEAA wasn't fit for the task and underscored that he and Conyers were beginning to be impatient: "There would not be any duplication if in fact LEAA is not geared up to do the job...But I think what you are saying is that why not see whether in the long run the LEAA has an opportunity to do what it has the authority to do. And I think what we are saying is that we want direct action now..."⁷²

But more significant than the question of descriptive representation in LEAA and criminal justice agencies to groups like the Urban League was the question of what role

⁷⁰ *Community Anticrime Assistance Act of 1973, Hearings before the Subcommittee on Crime of the Committee on the Judiciary in the House, 93rd Cong. 1st Sess., on H.R. 9175, H.R. 9809, and H.R. 10602, p. 49.*

⁷¹ *Ibid*, 144.

⁷² *Ibid*, Mr. Rangel speaking, 144-45.

their communities were allowed to play in developing and implementing anti-crime programs. This was the issue Conyers would try (mostly unsuccessfully) to remedy. As chair of the Subcommittee on Crime in the House, Conyers led the reauthorization hearings in 1976, eight years into the LEAA and after the agency had spent an astonishing \$4.4 billion.⁷³ The first witness he called to testify was his friend Ronald Brown, then director of the Washington Bureau of the NUL (as well as founder of National Alliance for Safer Cities, former director of the administration of justice at the NUL, and served on the National Advisory Commission on Criminal Justice Standards and Goals) as well as Robert Woodson.

Brown testified that the LEAA had been indifferent to the input and concerns of minorities, in the best case, and refused to support “the efforts of minority communities to protect themselves,” in the worst.⁷⁴ He charged the agency with overlooking the “enormous potential” for community involvement in the crime fight and encouraged the committee to write in a mandatory requirement for citizen participation in the reauthorization bill.⁷⁵ Representative McClory (R-IL) interrupted Brown, saying he perceived a high level of community indifference on the issue. Besides, McClory challenged, “Doesn’t the impetus for community involvement have to come from the community?”⁷⁶ The communities with Urban League affiliates have tried to be involved, Brown responded, but had not been received with open arms. Instead, the LEAA “has failed to recognize or support minority citizen involvement in the crime fight.”⁷⁷

⁷³ *Law Enforcement Assistance Administration, Part I.*

⁷⁴ *Ibid*, 434.

⁷⁵ *Ibid*, 424.

⁷⁶ *Ibid*, 425.

⁷⁷ *Ibid*, 424.

The LEAA largely brushed off Woodson and Brown's efforts, continuing to do business as usual. By the mid-1970s, there was palpable disgust among black leaders at how they had been marginalized in virtually all aspects of the nation's crime war. The bitter irony of criminal justice was that blacks were the most victimized, most unequally treated in the system, and yet they had the least input. In its *State of Black America* report in 1977, the Urban League concluded: "The low priority given to minority community input into anti-crime programs, coupled with the small number of blacks in both federal and local criminal justice programs provide the minority community with little impact on either planning or implementation of anti-crime programs."⁷⁸ The national crime approach was top down, completely disregarding the "input from affected communities" which Woodson likened to "third party assessment of secondary data."⁷⁹

By this time, the Urban League's repeated call for "new programs of citizen participation in crime prevention" was a dead letter. Just a small portion of the LEAA funding - \$26 million - was designated for community initiatives and according to observers, even this modest funding bypassed groups like the House of Umoja, the Concerned Citizens of the War on Crime in Chicago, and smaller, community action groups. Even the funds designated for community programs had gone to supporting interests groups that were already a part of criminal justice operations like the IACP, National District Attorneys' Association, and the National Conference of State Criminal Justice Planning Administrators.⁸⁰ Table 1 below lists the "community groups" who were

⁷⁸ *State of Black America*, National Urban League, 1977.

⁷⁹ Untitled memo, Box III:1, Folder 2, National Urban League Records, 1900-1988. Manuscript Division, Library of Congress, Washington, D.C.

⁸⁰ *Law Enforcement Assistance Administration, Part I*, (Statement of Robert Woodson, Director of the Administration of Justice, National Urban League), p. 431, noting that even those groups that were nonprofits were not minority groups or neighborhood-based in any real sense (Federation of Jewish

recipients of extensive funding through LEAA grants in the first few years of the agency's operation.

Table 1: LEAA Grants to Groups related to Criminal Justice, 1971-1974

National District Attorneys Association	\$5,388,077
National Center for State Courts	5,341,909
American Bar Association	2594,780
International Association for Chiefs of Police	2,398,750
National Sheriffs' Association	1,802,460
National Council on Crime and Delinquency	1,320,234
National Conference of State Criminal Justice Planning Administrators	1,303,795
National College of District Attorneys	1,082,441
National League of Cities	1,064,443
National Legal Aid and Defender Association	1,041,858
Council of State Governments	861,639
American Correctional Association	856,395
National Association of Attorneys General	442,990
International City Management Association	337,088
National Council of Juvenile Court Judges	221,849
National Association of Counties	178,733
National Governors' Conference	165,374
National Association of Pretrial Services Agencies	39,300

Source: Twentieth Century Fund Task Force on the Law Enforcement Assistance Administration. 1976. *Law Enforcement: The Federal Role*. New York: McGraw-Hill, 109-110.

Even more troubling, the war on crime, delinquency, and drugs had largely funded organizations that represented and serviced white communities. A JET article said

Women, Junior Chamber of Commerce, and the Junior League). Some of them not only received funds but a commitment by HEW to meet with them regularly.

plainly: “As for the multi-million dollar juvenile delinquency program, it’s the same old story—white folks talk about Negro crime, but when they get the cash they hire the whites and keep the projects in white neighborhoods.”⁸¹ These were not idle accusations; in 1978, the juvenile delinquency program had funded 153 programs; despite the fact that the most at-risk youth were in black communities, only seven of these were minority organizations that served minority youth.⁸² The money was being spent in Kankakee, Rock Island, and Moline, Illinois, not Chicago.⁸³ The Urban League had submitted a proposal to HEW for drug abuse training and education and it was rejected four times. Despite the flourishing of small, locally-based grassroots operations in many cities, the “LEAA in its isolation has been unable to recognize even the existence of these very important programs within minority communities. Money instead has gone to predominantly white civic groups whose constituents do not live in public housing projects nor are their members compelled to walk through high crime areas.”⁸⁴ Even the part of the LEAA supposedly concerned with community initiatives had only reached out to white groups and funded groups like the Junior League; according to one witness, “the minority community has never had this commitment, either in funds or having such an audience.”⁸⁵ Woodson also questioned how the LEAA defined community initiatives and saw that the money often went to national nonprofits with few community ties or “record of service to the community (like the Federation of Jewish Women).”⁸⁶ Jordan himself was

⁸¹ “Ticker Tape USA,” JET, April 5, 1962.

⁸² *Reorganizing and Reauthorizing of the Law Enforcement Assistance Administration*, Statement of Robert Woodson, p. 627.

⁸³ *Ibid*, 629.

⁸⁴ Untitled memo, Box III:1, Folder 2, National Urban League Records, 1900-1988. Manuscript Division, Library of Congress, Washington, D.C.

⁸⁵ *Law Enforcement Assistance Administration, Part I*, (Statement of Robert Woodson, Director, Administration of Justice, National Urban League), p. 430-1.

⁸⁶ *Ibid*, p. 434.

angry at the flow of research funds to “white institutions with no roots in the community.”⁸⁷

Call the funding practices of the LEAA a “cruel hoax,” Woodson charged that the federal government was sending money for crime and delinquency to groups like 4-H, the YMCA, and the Girl Scouts of America, and had practiced a “bait-and-switch game in that they use statistics on urban minority young people to justify appropriations and, when that money is appropriated and spent, it is spent on organizations which do not traditionally serve those communities or constituencies.”⁸⁸ Woodson was incredulous that the money prioritized groups “which are nonindigenous who do not number among their constituents minority youngsters, funded to provide service to essentially a minority condition.”⁸⁹ In 1978 testimony before Conyers’ subcommittee, Woodson revealed that both the LEAA and the Office of Juvenile Justice and Delinquency Prevention (OJJDP, which came about through the 1974 Juvenile Justice and Delinquency Prevention Act) had targeted their funds away from programs that served minorities: “the most popularly funded OJJDP programs are those which are literally screening out minority and poor youth from the juvenile programs being funded.”⁹⁰

⁸⁷ “War on Crime Being Lost—Jordan.” Other groups too complained of LEAA’s reliance on white service providers. See testimony by Darrow Smith of the California Black Correctional Coalition. *Law Enforcement Assistance Administration, Part I*, p. 544-50.

⁸⁸ *Abolition of the Office of Juvenile Justice*, p. 76. In another statement [when he appeared at the hearing Law Enforcement Assistance Reform in 1979, p. 400-1], Woodson says “Those who promoted the establishment of the act used statistics describing the violence perpetrated by urban inner city youngsters to justify appropriations.” But when the office was established, most of the funds and programs were for nonserious offenders. “These groups had their lobbies that came to Washington and many of the nonprofit child advocates received grants and conducted programs directed to nonserious offender groups.”

⁸⁹Ibid, p. 78.

⁹⁰ *Reorganizing and Reauthorizing of the Law Enforcement Assistance Administration, House Subcommittee on Crime of the Committee on the Judiciary*, Nov. 21, 1978. Statement of Robert L. Woodson.

Woodson and others gave voice to growing suspicion that “people who do not belong to the communities are more or less designing programs to solve community problems.”⁹¹ Despite the fact that OJJDP had emphasized community programs and involving community forces and grassroots organizations, in practice, Woodson argued that the strategy was abandoned: “the current OJJDP administration places its emphasis on expanding the criminal justice bureaucracy, and supporting non-indigenous youth-serving agencies to non-high risk youth populations.”⁹² He was also upset that the moneys from LEAA had been mostly invested in sustaining and expanding the criminal justice system. “The bureaucracy of criminal justice is much more responsive to the institution and their own careers than they are accountable to the kids they serve.”⁹³ His pleas grew more urgent; the nation stood a much better chance of dispersing crime and making safe communities “by investing our resources in the indigenous communities.”⁹⁴

Further, community-based programs weren’t given funding to evaluate the crime effects of their programs: “The people who are operating the office [LEAA] have never in the history of that program funded one minority organization to conduct any research or evaluation.”⁹⁵ Even the National Institute grants for assessment of crime programs bypassed black schools and professors, giving virtually all of the funding to white colleges; “as a result, much of the current research on crime comes from organizations with little contact with the black community.”⁹⁶ Woodson criticized the LEAA for not allowing funds to go to the Urban League or other black organizations to evaluate the

⁹¹ *Abolition of the Office of Juvenile Justice* (Statement of Robert Woodson), p. 76.

⁹² *Abolition of the Office of Juvenile Justice*, p. 87.

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⁹⁵ *Reorganizing and Reauthorizing of the Law Enforcement Assistance Administration*, Statement of Robert Woodson, p. 624.

⁹⁶ 1977 *State of Black America* report.

programs in their communities; “instead they are going to outside organizations that do not have community ties and do not have a record of service to that community; they don’t live in the community.”⁹⁷

This was not a matter of descriptive representation. The programs that the LEAA funded sometimes had designed programs that increased resentment of the communities themselves. For example, one of the largest recipients of LEAA grants had received \$2 million over three years for a community crime prevention program that was designed without the community’s input. Their plan to reduce crime in the neighborhood was both unmatched to the scale of the problem – to put in street lights – and offensive to the community – they proposed to literally build a fence around the minority area to reduce crime – to harmful – they proposed to change traffic flow away from a congested area which would hurt the local merchants. The plan was never implemented because the community banded together in opposition to being fenced in.⁹⁸

One of the main reasons that local minority groups were not supported by LEAA had to do with the design of the grants; often, such groups could not mount the significant hurdle of providing matching funds, a requirement of LEAA grants. Woodson described that these groups were often grassroots, without a formal structure or budget; “they do not have matching funds. They are just struggling to survive.”⁹⁹ The leader of a local anti-crime organization, Youth in Action, in Chester, PA accompanied Woodson and said his group had been trying unsuccessfully for five years to obtain LEAA funds. Woodson argued that no match should be required or only in situations where you can expect a recipient to have the funds to match.

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⁹⁸ *Law Enforcement Assistance Administration, Part I*, (Statement of Robert Woodson), p. 431.

⁹⁹ *Law Enforcement Assistance Reform*, (Statement of Robert L. Woodson), p. 404.

The LEAA not only failed to reach or enlist local groups in combating crime, it also had a pattern of denying funding to large, federated organizations like the Urban League. The NUL had been developing anti-crime programs for years prior to the national war on crime. As an organization that represented the nation's poor city-dwellers, it saw one of its primary missions as the protection against crime and mobilizing black citizens in fight against crime at the local level. And yet, the historical record from both LEAA documents and the internal papers of the NUL suggest that the agency refused to fund the NUL. In 1971, Ron Brown complained to the LEAA Administrator Jerris Leonard, saying that he had received a verbal commitment from Velde, Skoler, and Kleindienst that the LEAA would fund three of NUL's anticrime projects: Minority Manpower for the CJS, Evaluation of Community Self-Policing Efforts, and Impact of Arrest Records on Employment.¹⁰⁰ In their verbal agreement, the NUL would not be required to provide a financial match for the programs; later, to their surprise, the LEAA said they would require the NUL to match 25 percent of the cost, which Brown said the NUL would have great difficulty getting.

While Conyers attempted to promote community anti-crime initiatives at the national level, leaders at the Urban League developed demonstration projects and tried to obtain LEAA support. The LEAA rebuffed their efforts. Ron Brown and Robert Woodson met with the assistant administrator of the LEAA, Charles Work, and presented their Citizens Initiative Program. Work sent them to meet with Paul Haynes, the director of National Priorities Department at the LEAA. At the meeting, they described their Campaign Against Crime approach: "utilizing the resources of established crime

¹⁰⁰ Box III: 258, Folder 1(?), National Urban League Records, 1900-1988. Manuscript Division, Library of Congress, Washington, D.C.

prevention task forces in League cities. These task forces would have served as mechanisms to mobilize the minority community to address ‘crime in the streets.’”¹⁰¹ According to the correspondence, Haynes gave his unqualified support and said that he would even approach other foundations to get support for it. Then they received no more word from Haynes but a letter from Janet Hartle (director of the Citizens’ Initiative at the LEAA) asking for a specific proposal. Woodson complied and submitted a formal proposal on community dispute resolution, Divert Entrance Away from the Criminal Justice System, and a Citizens Initiative proposal as well. The League’s proposal was accompanied by letters of support from Senators Hugh Scott and Richard S. Schweiker and Congressmen Moorehead. The application was rejected saying the “program was not innovative.”¹⁰² Janet Hartle’s response letter says that the NUL proposal has a similar plan to something they are already doing and invited the NUL to do a workshop. Thus, even the agency within the LEAA with the explicit purpose of citizen involvement was not supportive of the NUL. Woodson’s letter in response suggests that he believed the LEAA refused to fund the NUL but had borrowed their community involvement concept.¹⁰³ After having yet another proposed anticrime project rejected, Vernon Jordan wrote directly to the LEAA’s boss, Attorney General Saxbe, asking him to review the LEAA’s decision to reject their proposal. In his letter, he described the NUL’s frustrated attempts to secure funding for their anticrime programs. He underscored the NUL’s concern for mounting crime in minority communities, saying that they had been meeting with LEAA officials for months about their anticrime programs. The NUL, Jordan

¹⁰¹ Ibid.

¹⁰² Ibid.

¹⁰³ Ibid.

pleaded, “has the expertise and the network to involve this country’s minority citizens” in reducing crime.¹⁰⁴

Finally, in 1976, Conyers, who was increasingly concerned that the nation’s crime war continue to vest more and more power in the criminal justice bureaucracy with little citizen input, broke through the recalcitrant Judiciary committee bringing his community-based model of crime reduction into the LEAA. He led the reauthorization hearings. The 1976 reauthorization of the LEAA contained several provisions to rebalance the scales of anti-crime funding. The 1976 law created the Office of Community Anti-Crime Programs within the LEAA and assured the participation of community organizations and gave them access to block grants through the State Planning Agencies (SPAs).¹⁰⁵ “Since professional law enforcement personnel are already well represented this gives non-professional concerned citizens a strong voice.” The subcommittee on crime had recognized the incredible barriers that community groups faced in obtaining LEAA funds for anti-crime initiatives; they were required to match funds, be endorsed by local law enforcement, and must be incorporated. The new provision removed these requirements, giving them access to direct, full funding without matching funds, endorsements, or incorporation. The financial commitment to citizen and community-initiated programs was still small – just \$15 million compared to a budget of \$800 million – but it was still the only mechanism to date to support the ideas and initiatives of those closest to crime and bearing the costs of victimization. Half of all proposals to the LEAA were for community crime prevention even though it was a very small proportion of total fund

¹⁰⁴ Box III: 258, Folder 1(?). Letter is Nov. 1974

¹⁰⁵ “The purpose of the community anticrime program is to make financial and technical assistance available to grassroots, community oriented anticrime efforts.”

allocation.¹⁰⁶ It also required that the SPAs have community group representation on their boards. The reauthorization also shut down the controversial High-Impact Anticrime program operating in eight cities after the subcommittee on crime found that the funds were being used inappropriately to reduce crime.¹⁰⁷

The reauthorization was a significant legislative achievement; Conyers had managed to wrest some funding back towards community groups in low-income black neighborhoods and to end the worst of the invasive anti-crime programming unleashed on eight cities. It appeared that the grassroots community groups could finally receive their share of assistance. But a year after the reauthorization, no Office of Community Anticrime Programs was set up, no staff assigned to it, and according to Conyers, “not one penny of that money has gone to a deserving group or any group for that matter.”¹⁰⁸ Worse, the LEAA subverted the legislation by issuing guidelines that instructed that community groups applying for LEAA funds had to first get police approval, leading Conyers to write a technical amendment arguing that the “spirit, if not the letter of the law” was being ignored.¹⁰⁹ The LEAA had skirted the mandate to fund community groups.

Even with the new rules imposed by the '76 law, representatives of communities continued to perceive that “the community doesn’t have access in terms of being able to

¹⁰⁶ *Law Enforcement Assistance Reform*, (Statement of Robert L. Woodson), p. 405.

¹⁰⁷ p. 12 of the 1976 Extension of LEAA.

¹⁰⁸ *LEAA’s Community Anticrime Program, Hearing before the Subcommittee on Crime of the Committee of the Judiciary, 95th Cong. 1st Sess. (May 11, 1977)* (Rep. John Conyers), p. 114. The General Accounting Office, in direct contradiction to legislative intent, instructed the LEAA that they did not need to spend the allotted funds to community groups at all. Conyers said “We, frankly, are disturbed about the amount of time delay that has occurred in implementing this program and the fact that LEAA has not, and apparently has little or no intention to, in the near future, set up the Office of Community Anticrime Program as mandated by the act.”

¹⁰⁹ *LEAA’s Community Anticrime Program*, (Rep. John Conyers), p. 3.

call some of the shots.”¹¹⁰ One leader of a community group in California described that in his state when CBOs tried to participate with local and state criminal justice agencies they were met with staunch resistance.¹¹¹ A representative of the Lawyer’s Committee on Civil Rights testified that the Citizens Initiative Office was largely a failure and unresponsive to community groups.¹¹² Conyers went directly to the Attorney General, Griffin Bell, writing him once in May 1977 and again in August that year, complaining that the LEAA had refused to follow the congressional mandate and would not staff the Office of Community Anti-Crime programs or appoint a director and had written guidelines that require smaller community groups to go “hat in hand” to larger umbrella organizations to obtain funding, obstructing the legislation. “Congress felt strongly that the participation of local communities and citizens at the neighborhood level was crucial to the law enforcement effort. I am chagrined to find that the Department of Justice apparently does not share this sentiment and has frustrated the will of Congress by inaction.”¹¹³

After one final attempt to redraw the program towards the high crime communities, John Conyers argued that the entire LEAA should be scrapped, having “functioned by and large to shore up a criminal justice system” and had “brought little peace to neighborhoods where crime occurs.”¹¹⁴ Under his leadership, the House subcommittee on Crime had approved an overhaul (The Criminal Justice Assistance Act) that would have forced LEAA to reprioritize four areas – community anti-crime

¹¹⁰ *Law Enforcement Assistance Administration, Part I*, (Testimony of Lou Cushenberry, member of CBC on Criminal Justice Braintrust and executive secretary of the California Congress of Ex-Offenders), p. 468.

¹¹¹ *Ibid.*

¹¹² Sarah Carey testimony.

¹¹³ *LEAA’s Community Anticrime Program*, (Rep. Conyers’ letter to Griffin Bell), p. 220.

¹¹⁴ Rep. John Conyers, “Congress Acts to Confront Crime,” *Atlanta Daily Word*, July 3, 1979, p. 2.

programs, youth crime, white collar crime, and alternatives to prosecution and incarceration.¹¹⁵ Under this bill, the share of LEAA funds for community anticrime would have been increased to 10 percent. The measure was defeated by the House Judiciary Committee on May 16th, 1979. A livid Conyers believed the committee had scuttled chances for real reform, opting for a measure that was “drafted under the watchful eye and influence of the interest groups which survive on the federal funds” and which “keeps the federal aid going to the same recipients, for the same purposes” and with little effect on the communities hardest hit.¹¹⁶

Local Mobilization and Community Crime Control: The Chester Experiment

Black leaders in Congress were not alone in advocating for community-based crime control. While Conyers and his allies decried the lack of federal crime fighting funds ending up in the communities most damaged by crime, the leaders of those communities took action to put the ideal of local control into practice. The national violent crime waves of the 1960s and 1970s were emergencies for Black communities. All across the nation, community-based crime control organizations arose in Black neighborhoods: from churches like the Berean who drew a thousand to their anticrime meetings in Philadelphia; to the Woodlawn Association in the South and West side of Chicago which trained and operated its own community security patrol for almost a decade; to and Coalition of Concerned Women in the War on Crime in Chicago, a group of 1500

¹¹⁵ Cong. Rec., Feb. 8, 1979, The Criminal Justice Assistance Act of 1979, Hon. John Conyers, Jr., p. 2314.

¹¹⁶ Committee on the Judiciary, Justice System Improvement Act of 1979, H.R. Report No. 96-163, Separate Views of John Conyers, Jr., p. 116-7.

members which worked alongside the anticrime campaign of the *Chicago Defender*; to the Citizens Action for a Safer Harlem (C.A.S.H.) led by a popular former black police officer and established by the venerable *Amsterdam News*, recruiting and training a thousand community volunteers to clean up Harlem's Narcotics highway; to the Project Respect in Milwaukee; to the House of Umoja, which provided a sanctuary for gang members and provided an outlet for them to integrate themselves into the community. These and other groups formed disarmament committees, rape prevention committees, and black all-volunteer citizens patrols; they developed gang dispersion programs, crisis intervention programs, and organized crime watches. They took empty storefronts and developed street academies to save black youth dropouts from being easy recruits into drug pushing. And without access to mainstream LEAA funds, they relied on mobilizing the resources within their communities, including the black press (many of which had wide circulations), churches, and existing networks of groups from recent activism to sound their call. When the resources of their communities were not extensive enough, they built bridges to organized labor and business.

We focus on one such initiative, the Community Assistance Project (CAP) in Chester, Pennsylvania. CAP's experience demonstrates the vision, the potential and the limitations of the community-based crime control movement in practice. Like the other organizations, CAP sought to relieve the symptoms of the crime crisis by building alternatives to existing criminal justice institutions. CAP could not operate entirely independently of existing institutions, and indeed, actively sought the support of the police and judges. However, CAP's founders believed that Black leaders indigenous to Chester could access reserves of trust within the community that traditional law

enforcement never could. These leaders could ease tensions and resolve situations that law enforcement would only make worse. In the mid-1970s, CAP achieved modest success, providing bail and supervision for dozens of arrestees and resolving many disputes within the community, preventing individuals from entering the criminal justice system. However, like other community crime-control organizations, CAP's success was limited by a lack of funding.

This section begins by examining the social and political crises in Chester from which CAP arose. We next recount CAP's beginnings and the operation of its keystone programs, a free bail fund and conflict resolution, and how each was conditioned by the community control ideal. We proceed to examine CAP's sponsorship by the National Urban League, which funded the organization for a time and sought to replicate its programs in ten cities. NUL involvement briefly put Chester on the national crime control agenda, as CAP was cited in Congress as a working example of the community-based crime control ideal. However, the proposed replication never came to pass, and we show how CAP was forced to greatly reduce its activities once NUL funds disappeared. CAP continued to exist, but as was the case in other cities, it appeared by the late 1970s that an opportunity for a community-based alternative to law and order politics and mass incarceration had passed.

The Political and Social Context in Chester, PA

The Community Assistance Project (CAP) developed in a city in crisis. Chester, the oldest city in Pennsylvania, was settled as "Upland" in 1644 and acquired and renamed by William Penn in 1681. Chester was founded as a safe haven for Quakers, and existed

as a prosperous manufacturing city in the 18th and 19th Centuries. The two World Wars brought industrial manufacturing to Chester, and the city experienced major population growth. However, after the war the industrial economy stagnated and Chester entered a period of steep decline.¹¹⁷ CAP operated in the 1970s, which was a critical decade for the city's development. Chester's population declined 28 percent, from 63,658 in 1960 to 45,794 in 1980. However, the city's Black population increased from 21,274 to 27,000 over the same period, and Blacks became Chester's majority in the 1970s.¹¹⁸ Steep population decline compounded social crises. CAP developed in a Chester in which almost half of non-white families reported an income of \$4,000 or less, with 13 percent reporting \$1,000 or less. The median education level in Chester was 8.9 years of schooling, compared to 12.0 years for the rest of Delaware County and 10.6 years for the United States. 24 percent of Chester's housing was classified as dilapidated or deteriorating. There was no hospital or health clinic located in Chester's poor and black communities, despite the city having the highest tuberculosis and dental problem rates in the state.¹¹⁹

Amidst this climate of urban decline, the national crime wave of the late 1960s hit Chester particularly hard. Crime increased by 17 percent nationwide in 1968 over 1967, according to the FBI's Uniform Crime Reports, but Chester's crime increase was double that. In the category of cities of 50,000 to 100,000 residents, Chester was second in rape

¹¹⁷ "The History of Chester." *Chester City*. 22 October 2013.
<<http://www.chestercity.com/index.php/about-chester>>

¹¹⁸ Harris, Richard E. *Politics and Prejudice: A History of Chester (PA) Negroes*. Apache Junction: Relmo Publishers, 1991. 171.

¹¹⁹ "The Chester Community Assistance Project, Chester, Pennsylvania." April 1970. Box III: 50, Folder 7, National Urban League Records, Manuscript Division, Library of Congress, Washington, D.C. 4-5.

(out of 258 cities), sixth in auto theft and ninth in homicide.¹²⁰ As with other northeastern cities, the crime wave was disproportionately centered in Chester's Black community. With the city's poverty, lack of services and skyrocketing crime, it is no wonder that CAP's founders lamented in 1970, "The spirit of Chester's non-white community has been crushed."¹²¹

These crises coincided with Chester's transformation into a Black majority city. However, Black leaders had limited resources to address social problems. Although Blacks became Chester's majority in the 1970s, they did not develop the political power to match their demographic advantage. Delaware County political life was run by a Republican machine based in Chester. John McClure ran the Delaware County Republican Organization from Chester from 1917 until his death in 1965, and his machine continued to dominate the city's politics for more than a decade after. In 1965, the Republican Party counted 229,000 registered voters in Delaware County, compared to 68,000 Democrats, though the County's demographics suggested that registration should be close to even.¹²² As Chester's Black population rose, McClure's machine restricted opportunities for black political leadership to develop. The machine so subordinated Blacks in public life that Chester took on the nickname "McClure's Plantation."¹²³

The machine kept Blacks in line through both carrots and sticks. Old-fashioned patronage was the main carrot. One study of Chester quotes an "astute old-timer" speaking about Ed Fry, one of McClure's white party officials in the Black community:

¹²⁰ "Chester at Crime Crest During '68 FBI Report Shows; Slight Improvement in Wilmington; Black Police Added." *Philadelphia Tribune*, 19 August 1969: 20.

¹²¹ "The Chester Community Assistance Project, Chester, Pennsylvania," 4.

¹²² Harris, John A. "Major Governmental, Political and Social Problems Confronting Delaware County, PA." MA thesis, Wharton School, University of Pennsylvania, 1965.

¹²³ Harris, *Politics and Prejudice*, 163. For the McClure machine generally, see Harris, *Politics and Prejudice*, especially chapter 2.

“Fry always saw to it that colored families in need of fuel or food were taken care of. Or if your son was arrested by police, he would arrange to get him off, providing the case wasn’t too serious...And he could get your father a street-sweeper or janitor job. So, on election day, who’re you gonna vote for?”¹²⁴ Within the black community, the machine appointed its own approved black aldermen, teachers, and law enforcement officials. According to a series of articles in the *Delaware Country Daily Times* in 1965, jobs in Chester were openly confessed to be political spoils, and employees were expected to contribute from 3 to 10 percent of their salaries to the machine.¹²⁵ If carrots were insufficient incentive, the machine did not shy away from sticks. Black “troublemakers” were subject to economic sanctions, chiefly selective use of city taxes.¹²⁶

The McClure machine was not only ruthless but corrupt. McClure himself consolidated his power and created his infamous “War Board” by gaining control of the Delaware County supervisors and committee chairmen shortly after his 1931 conviction for rum running. (The Twenty-First Amendment saved him from incarceration.) The 1970s, the decade of CAP’s operation, were particularly rife with political scandal. Machine mayor John H. Nacrelli was finally convicted of tax evasion, bribery and racketeering in 1979, following years of investigation. Nacrelli had accepted protection money from Chester’s “gambling boss” Frank Miller. Especially devastating to the community was the Chester police department’s involvement with the scandal. Nacrelli allegedly offered detectives promotions to ignore Miller’s illegal activities and crack down on the syndicate’s rivals, and assigned officers as bodyguards to protect Miller and his associates. All this after Nacrelli had increased police personnel by 38 percent in

¹²⁴ Harris, *Politics and Prejudice*, 19.

¹²⁵ Harris, *Major Governmental Problems*, 10.

¹²⁶ *Ibid.*

1970. Indeed, the police department was Nacrelli's "pride and joy."¹²⁷ However, the scandals did severe damage to the reputation of the police.

In a separate scandal, members of the department were accused of running a burglary ring in Chester in 1970. The two officers at the center of the scandal were young and decorated, "well-liked in the black community, and highly thought of." The burglary scandal was a further blow to the already battered reputation of the police in the Black community. "The black community of Chester, and leadership," reported one journalist, "have undergone as much soul searching and distress over the allegations as has the local police department."¹²⁸

This was the political context for Chester's Black community as CAP was founded in 1970. Black political power was greatly restricted by McClure's machine. Chester was not immune to civil rights activism in the 1960s, and indeed there were major demonstrations for school integration. However, prospective Black officials still required the machine's blessing to take office, and operated under close supervision. Furthermore, reports of election and voter registration fraud were rampant. As a result, the community lacked broad civic leadership. Community leaders tended to focus on local charity and not get involved in politics. At the same time, the Black community was especially alienated from the police. The police scandals during the Nacrelli administration occurred during a decade-long crime wave in Chester, and the blend of corruption and ineffectiveness was devastating to the legitimacy of law enforcement.

¹²⁷ Harris, *Politics and Prejudice*, 131. On the Nacrelli administration's scandals see *Politics and Prejudice*, chapter 9.

¹²⁸ Thompson, Dale. "Charges Against Chester Police Stun Community; Hearings Set for Thurs." *Philadelphia Tribune*, 23 Jun 1970: 10.

Political marginalization and police alienation were vividly combined symbolically in the image of police officers manning the polls in the Black community each Election Day.¹²⁹

The Beginnings of CAP

CAP was a response to both political marginalization and police alienation. Against political marginalization, CAP officials, from top to bottom, were “indigenous” members of Chester’s Black community. These officials operated within their community on the one hand and with the existing criminal justice structure on the other hand. CAP’s goal was to build community power through crime control while providing real relief to the disproportionately Black and poor victims of crime. Against police alienation, CAP diverted individuals from the criminal justice system. CAP’s leaders maintained that the criminal justice system did not work for the Black and the poor. Even before the age of mass incarceration, the prison and jail populations were disproportionately Black. This was true across the country, but in Chester, a particular incident catalyzed the formation of a community-based alternative to incarceration.

On October 5, 1968, a brawl broke out following a Chester High football game. Nobody was hospitalized and no weapons were used. Later that month, a brawl occurred after a basketball game at Monsignor Bonner High School in nearby Drexel Hill. This brawl involved weapons and resulted in hospitalizations and property damage. The participants were arrested after both the Chester High and Monsignor Bonner incidents. After arrest, the fates of the two groups of youths diverged sharply. The sixteen Black youths arrested at Chester High were charged with aggravated assault and battery, rioting, and various lesser crimes. All sixteen were sentenced to terms between 3 and 12 years in

¹²⁹ Harris, *Major Governmental Problems*.

a maximum security prison and fined over \$1,000. The white youths from Monsignor Bonner, whose brawl had more serious consequences, were charged with disorderly conduct. Each received a \$111 fine (including court fees) and a reprimand.

“This case, unfortunately, represents the rule rather than the exception,” lamented the introduction of the founding document of CAP. The “Chester Sixteen” represented just one incident in a long history of race-based disparity in law enforcement. “Lack of due process of law is a common experience of the poor and black communities,” the founding document argued. “It is slowly eroding away their confidence in the law and those who are responsible for carrying it out... They grimace at learning of a 5 year prison term given a youth with no previous history of incarceration, when others who commit major crimes, including murder, receive lesser sentences. They look with foreboding at a law that, on the one hand says that all men are innocent until proven guilty, then puts a man in prison who has been accused of a crime because he lacks the financial means to make bail.”¹³⁰ CAP’s central goal was distilled in a later position paper: “The primary objective of this project is to divert people away from the Criminal Justice System through the resolution of problems in their own community, thus eliminating the need for judicial redress.”¹³¹

CAP was founded in 1970 as a direct response to the ascendant “law and order” regime in American politics. The founding document opens with a quote, “The Republic is in danger. Yes, danger from within and without. We need law and order. Yes, without law and order our nation cannot survive... We shall restore law and order.” The quote was

¹³⁰ “The Chester Community Assistance Project, Chester, Pennsylvania,” 1.

¹³¹ Woodson, Robert L. “The National Urban League’s Administration of Justice Program (A Paper Written for the Purpose of Discussion. First Draft.” July 1973. Box III: 51, Folder 5, National Urban League Records, Manuscript Division, Library of Congress, Washington, D.C.

attributed not to President Nixon or Governor Reagan, contemporary champions of law and order, but to a 1932 campaign speech by Adolph Hitler. As early as 1970, then, certain Black community leaders were making the case that law and order politics was racist at its core. Drawing a comparison to Hitler suggests that these community leaders saw law and order politics as demagoguery at best and genocidal at worst.

CAP was also a response to the lack of Black political agency in Chester. The institution was designed to be led entirely by the “indigenous” members of Chester’s black population. “Often...we place too great an emphasis on the pathology of the poor and minority communities rather than identifying and supporting the strengths that exist there,” one CAP proposal argued.¹³² Both of these foundational goals of CAP, to ameliorate racial disparity in law enforcement and to empower the Black community in criminal justice, guided CAP’s structure and operations. CAP consisted of two major components: a free bail program and a conflict resolution program, both anchored by existing ties within Chester’s Black community.

The Operation and Impact of CAP: Bail, Conflict Resolution and Community

Involvement in Criminal Justice

CAP consisted of two main programs, each addressing a perceived injustice in the criminal justice system. The first was a free bail program. CAP joined a swell of voices arguing that bail was inherently unfair to poor people. CAP’s solution was to marshal community resources to back arrestees’ pretrial release. The second was a conflict

¹³² National Urban League, Inc., Administration of Justice Division. “Law and Justice Through Community Involvement Project: A Proposal for Minority Involvement in the Criminal Justice System.” March 1974. Box III: 163, Folder 6, National Urban League Records, Manuscript Division, Library of Congress, Washington, D.C. 2.

resolution program. Police, seen as ineffective or corrupt outsiders, could exacerbate conflicts by their mere presence. Furthermore, Delaware County's courts were backlogged. CAP's solution was to mediate petty conflicts outside of court. Removing minor conflicts from the criminal justice system would free officials up to target the major crime plaguing Chester's Black community. The key to both of these programs was their basis in the community. CAP's bail program was superior to others, the group argued, because members of the community would judge an arrestee's fitness for bail and take responsibility for him once he was free. Existing bail programs, by contrast, used law students or other outsiders who applied facially neutral criteria that yielded discriminatory outcomes. The conflict resolution program could only work if the parties involved knew that the mediators understood the social context of the dispute. Trust and reciprocity were the only plausible bases of conflict resolution, and these could best be achieved by using existing community ties. Through these programs, CAP was a working on-the-ground example of the community-based alternative to mass incarceration.

The free bail program was at the heart of CAP. CAP's founders identified pre-trial bail as a major contributor to racial disparity in law enforcement, but one tractable enough for a community-based program to correct. "We are told that a person is innocent until proven guilty, yet under our existing laws people are often punished by being placed in prison because they lack the means to make bail," read CAP's founding document. "There have been instances where a person has served up to 9 months in prison, awaiting trial, only to be found innocent or to have charges against him dropped when the case comes to court."¹³³

¹³³ "The Chester Community Assistance Project, Chester, Pennsylvania," 6.

Bail was on the broader criminal justice reform agenda in the early 1970s. In fact, many of the arguments about excessive bail foreshadowed future arguments about mass incarceration. Bail, after all, creates incarceration. Most literature about incarceration focuses on sentences imposed after a defendant is found guilty. However, a significant number of the incarcerated are in pretrial detention. In 1970, the year CAP was founded, a Department of Justice survey of local and county jails reported that 52 percent of the national jail population was pretrial detainees. Two thirds of juveniles in jail were being held pretrial.¹³⁴ Some of these detainees were denied bail because their crimes were violent and likely to be repeated. Most of the pretrial population, however, lacked the money or property to make bail. (Many of them were never found guilty – one study estimated that 40 percent of those held before trial were not convicted.) Furthermore, those detained pretrial often lost their jobs while awaiting trial, and were not compensated for their stays if they are not convicted. Bail was an issue of economic justice as well as criminal justice. A 1975 book about local jails was subtitled “The Ultimate Ghetto,” and called the institution “the poorhouses of the Twentieth Century.”¹³⁵

Bail reform had been attempted elsewhere in the nation prior to CAP. Most prominent was the Manhattan Bail Project. The Vera Foundation (now the Vera Institute of Justice) was founded in 1961 in order to launch this project in New York City. Project investigators would gather information about a defendant’s ties to the community and report to the court. If sufficient ties were demonstrated, judges would perceive less risk in releasing a defendant without requiring bail. Over 2,000 defendants were released in the

¹³⁴ U.S. Department of Justice. “National Jail Census, 1970 – A Report on the Nation’s Local Jails and Type of Inmates.” Washington, D.C., 1971. 2.

¹³⁵ Goldfarb, Ronald. *Jails: The Ultimate Ghetto*. Garden City: Anchor Press/Doubleday, 1975.

first two and a half years of the project. The success drew attention, and similar projects were launched in several cities across the country in the 1960s. In 1966, Congress passed the Bail Reform Act, which instructed judges to release defendants on their own recognizance, unless there was a high risk of flight. The Act had a large impact in Washington D.C., where release rates increased sharply. However, the federal government does not have jurisdiction over local courts, and so excessive bail remained a problem.¹³⁶

The specific problem CAP identified was that judges were unwilling to make use of nominal bail, under which a defendant's release is conditioned on depositing a nominal amount of money (such as \$1). Judges were wary to assume the risk in setting nominal bail. If the defendant skipped bail or committed further crimes while out, the judge's reputation would be damaged. As a result, the judge would set higher bail and poor people would await trial for minor offenses in jail.

CAP's proposed solution, as with the Manhattan Bail Project and its progeny, was to reduce the level of judicial risk. The organization itself would "police the defendant." CAP would maintain a fund to post bail for defendants in cases for which nominal bail seems reasonable but the judge is wary of the risk. CAP would then be designated as the defendant's surety, to ensure that he remains in town. A typical case would proceed as follows. After an arrest, a county-appointed bail investigator would parse the arrestee's ties to the community and recommend a course of action to the magistrate. If the arrestee was not released on his own recognizance, CAP would interview him, and could appeal the decision. If the magistrate rejected the appeal to release the arrestee on his own

¹³⁶ Thomas, Wayne H., Jr. *Bail Reform in America*. Berkley: University of California Press, 1976. For the Manhattan Bail Project, see Chapter 3, "The Bail Reform Movement: 1961-1965," 20-31. For the Bail Reform Act of 1966, see Chapter 14, "The Federal Bail Reform Act of 1966," 161-171.

recognizance, CAP would, if it chose, put up bail. (In Delaware County, the arrestee must post 10 percent of the set amount. If he appears in court, 90 percent of what was posted is returned, with the remaining 10 percent kept for overhead.) If CAP bailed an arrestee, he was required to report to the organization once a week for counseling or case assistance. He was also required to “contribute some voluntary help to other individuals and groups in the community.”¹³⁷ This was key to CAP’s mission of community engagement, and how the group’s leaders differentiated their organization from other bail services. CAP was unique “in that it will attempt to screen in persons in need of bail rather than screen them out.” CAP claimed that other bail programs aggressively screen each person “from the perspective of those who are non-indigenous to the poor and black community.” CAP did not cite any particular bail project, but the Vera Foundation’s Manhattan Bail Project was the model on which other projects were based. The Manhattan Bail Project employed law students as its investigators. These investigators assigned or docked defendants points based on a series of questions to ascertain community ties. The defendant’s final score was the sole determinant of the Project’s recommendation for or against release, in an attempt to be as “objective” as possible. The Vera Foundation considered this objective criterion one of the Project’s great innovations.¹³⁸

CAP believed that objective criteria are impossible when criminal justice is not administered objectively. The investigators screening for CAP, therefore, would be indigenous to the community, “some of whom have had an occasion to use bail themselves.” A virtue of community control of criminal justice, in other words, is the

¹³⁷ Woodson, Robert L. “The National Urban League’s Administration of Justice Program (A Paper Written for the Purpose of Discussion. First Draft.” July 1973. Box III: 51, Folder 5, National Urban League Records, Manuscript Division, Library of Congress, Washington, D.C.

¹³⁸ Vera Institute of Justice. “Fair Treatment for the Indigent: The Manhattan Bail Project.” *Federal Sentencing Reporter*, Vol. 24, No. 1 (October 2011): 10-12.

participation in decisionmaking by those who understand their community's crime problem firsthand. Offenders would be evaluated in the political and criminal justice context of their own community. This system was not only more just, CAP argued, but more effective. CAP cited studies showing that the nonappearance rate was lower among those bailed by a bail screening program, like the Manhattan Bail Project, than by a professional bondsman. "It is the contention of these studies," one document read, "that those people bailed by a program feel a greater sense of responsibility to a group whose motives are humanitarian. How much more accountable would the arrestee feel if he or she were accountable to those who shared his same plight?"¹³⁹ Any bail screening, in other words, was better than none, but community-based screening would be most effective.

The bail program had allies in local criminal justice. According to CAP, "More often than not, the court will rely on CAP's judgment."¹⁴⁰ In requests to organizations for funding, CAP included statements of support from the president Judge of Delaware County, the Office of the Public Defender, and other attorneys and community leaders.¹⁴¹ President Judge John Diggins in particular lobbied his colleagues, the district justices in Chester, to publically support CAP and take the group's counsel seriously. Diggins argued that excessive bail caused arrestees to spend time in jail on crimes that would not otherwise warrant incarceration. Apart from the issue of fairness, excessive bail also contributed to a major backlog in the Chester court system. "Any plan which seems to offer reasonable help in getting more individuals admitted to nominal bail merits our consideration and therefore I would appreciate it if you will consult with this agency in

¹³⁹ "The Chester Community Assistance Project, Chester, Pennsylvania," 7.

¹⁴⁰ Woodson, "The National Urban League's Administration of Justice Program," 7.

¹⁴¹ National Urban League, "Law and Justice Through Community Involvement Project," Appendix 1.

such cases,” he wrote.¹⁴² Diggins’ advocacy demonstrates that CAP was not merely a fringe group, but was very much on the agenda of Chester’s criminal justice system in the early 1970s.

CAP’s bail program made a modest but significant impact. CAP’s main bail resource was its property “bank,” through which groups and individuals put up property for bail bonds. The group maintained a smaller cash bank for cases for which property bail was not acceptable. 1973 was CAP’s most active year, with 250 bail interviews conducted. In that calendar year, 67 persons were bailed directly by CAP, and 36 more were assisted in posting their own bail. Out of that number, only 6 defendants failed to appear. CAP posted \$58,500 in property bail and \$2,372 in cash bail that year.¹⁴³ CAP’s bail program was an alternative to direct criminal justice supervision, and both the Black community and some criminal justice officials appear to have made use of it.

A second program within CAP was conflict resolution. The criminal justice system, as CAP’s founders emphasized again and again, did not work for Black and poor people. The system targeted minor conflicts and small crime that disproportionately put Black people in jail, while leaving major and violent crime unaddressed. CAP’s solution was to attempt to solve disputes within the community before they reached the criminal justice system in the first place. Early on, CAP mediated on referrals from other community groups. In 1973, however, an LEAA grant enabled CAP to accept referrals from police and judges. At first, criminal justice officials were wary of using CAP’s conflict resolution as an alternative to punishment. Allowing an organization to act as a

¹⁴² Diggins, John V. Letter to Ernest L. Burk, Nicholas Xolla and Irvin Lawrence. 7 February 1972. Box III: 50, Folder 7, National Urban League Records, Manuscript Division, Library of Congress, Washington, D.C.

¹⁴³ National Urban League, “Law and Justice Through Community Involvement Project,” Attachment B.

surety for bail was one thing, but designating the authority to resolve disputes was riskier. However, after a few success stories, CAP reported a slight backlog in conflict resolution referrals in mid-1973.¹⁴⁴ Thus, as with the bail program, CAP's conflict resolution was fully on the criminal justice agenda in Chester during the organization's existence.

A Director's Report from 1973 gives one example of a typical conflict resolution case. The case was "Mrs. Thomas vs. Mrs. Roberts." Mr. Roberts, Mrs. Roberts' ex-husband, dates Mrs. Green, who is Mrs. Thomas' roommate. The conflict began when Mr. Roberts brought his 6-year-old son to visit Mrs. Green and Mrs. Thomas' home. Mrs. Roberts did not want her son at Mrs. Green's home, so she followed her ex-husband there and "created a disturbance." Mrs. Thomas brought the case to court, seeking action against Mrs. Roberts. At this point the case could have entered the criminal justice system. Instead, District Justice Irvin Lawrence referred the case to CAP. A CAP investigator met with all of the parties separately to figure out what each thought was the nature of the conflict, and what solution each sought. After the investigation, all of the parties met at the CAP office, where Mr. Roberts agreed not to take his son to Mrs. Green's home and Mrs. Roberts agreed not to go to Mrs. Green and Mrs. Thomas' home again. Each of them signed a form that was prepared and notarized by CAP's staff attorney, which was sent back to District Justice Lawrence. By this process of conflict resolution, the conflict was resolved without any further criminal justice supervision.¹⁴⁵

Like the bail program, the conflict resolution program had a modest but real impact on Chester's criminal justice system. In 1973, CAP reported 67 conflict resolution

¹⁴⁴ Woodson, "The National Urban League's Administration of Justice Program." 8.

¹⁴⁵ Palm, Diane R. "Director's Activity Report." January - March 1973. Box III: 50, Folder 8, National Urban League Records, Manuscript Division, Library of Congress, Washington, D.C.

cases referred by judges and others, involving 270 persons.¹⁴⁶ At least in certain cases, both the Black community and criminal justice authorities took advantage of an alternative to criminal justice supervision when it was presented to them.

Free bail and extrajudicial conflict resolution were not unique to Chester. What set CAP's programs apart, however, was the degree to which they were administered by "indigenous" members of Chester's Black community. The Black community was marginalized politically. A crime wave and scandals had eroded faith in law enforcement. At the same time, violent crime compounded Chester's economic and social problems. The only way to solve the problems of high crime, reasoned CAP's founders, was for the Black community itself to take responsibility for crime control.

CAP claimed many community relations-based success stories. In one case, a defendant CAP had bailed fled to South Carolina. "Due to CAP's street contacts," wrote CAP Director Diane Palm, "we were able to find out exactly where she was and forward this information plus her description to the State Police in South Carolina." The defendant eventually returned to Chester, and the CAP investigators found her and returned her to jail.¹⁴⁷ In another case, an inmate convicted of armed robbery escaped from Delaware County Prison. The inmate remained at large for two days, after which he contacted CAP for advice. CAP staff spoke with the inmate on the phone over the course of two more days and successfully persuaded him to turn himself in. In a third case, a fourteen-year-old boy was pistol whipped while walking his dog. He spent several weeks in the hospital with a broken jaw. The thirty-five year old assailant claimed that he thought the boy had stolen his dog, and that the boy had sustained his injuries in a fall

¹⁴⁶ National Urban League, "Law and Justice Through Community Involvement Project," Attachment B.

¹⁴⁷ Palm, Diane R. "Director's Activity Report." 2-3.

while fleeing him. The judge believed the assailant's version of events and dropped the charges. The boy's family contacted CAP for help. CAP's community investigators were able to determine that the assailant's dog had never been stolen and had been taken to a friend's home the day before the incident. CAP brought this new information to the District Attorney, who reopened the case. The assailant ended up pleading guilty and paying restitution to the victim.

These cases, CAP claimed, "attest to the crime prevention potential existent within the Chester community and also to the community's confidence in the Community Assistance Project."¹⁴⁸ Community-based crime control was not about protecting criminals within the community from a racist criminal justice system. Each of these three cases ended with offenders punished. Rather, CAP was an alternative to unresponsive institutions in at least two ways. First, settling smaller disputes within the community would free the police to deal with serious crime and lessen the courts' major backlog. Blacks were disproportionately victims of serious crime, and so a shift in police focus would benefit the community. Furthermore, Blacks were disproportionately targets of police attention for minor crimes. If minor disputes were settled locally, fewer Black low-level offenders would enter into the criminal justice system. Second, because of the trust between CAP and the community, these conflicts were resolved more quickly and with less disruption to the community than would likely happen if the police had taken the lead. The first defendant was found by individuals from a similar background and experiences with criminal justice, rather than by a massive manhunt conducted by a police department already viewed as corrupt, ineffective and alien. CAP sought to relieve the symptoms brought on by high crime, but with a deep understanding of root causes.

¹⁴⁸ National Urban League, "Law and Justice Through Community Involvement Project," Appendix II.

CAP's vision of its role in the community is apparent in its job listing for a community investigator position. The first qualification instructed, "Must possess a thorough knowledge of the Chester-Delaware County's poor and Black community and be able to move freely within that community." The investigator's duties included conducting interviews and gathering information in the community on cases pending in the courts; and working with lawyers to gather evidence and locate witnesses for those cases. The job listing further stipulated, "No particular educational experience is required," and, "A person's prior police record will have no bearing on his or her qualifications for the position."¹⁴⁹ For CAP to achieve its goal of community-based crime control, its agents needed to be real members of that community. Fluency in the makeup, habits and values of the community was more important than training. Above all, CAP's agents had to be trusted in the community. This was especially important given the lack of trust in the Chester police. One CAP document promoted community-based conflict resolution: "When the police are called into such circumstances their very presence often exacerbates the situation as one or more of the aggrieved parties feels the opponent has enlisted an outside ally." CAP investigators, by contrast, are not seen as outsiders. They are members of the community and may even be ex-offenders who have been in a similar situation. They can, therefore, deescalate conflicts that police presence might aggravate.¹⁵⁰

Central to CAP's mission was to reform criminal justice so that the Black community could trust it. "One of the most important contributions staff has made during

¹⁴⁹ Community Assistance Project. "Job Description: Community Investigator." Undated. Box III: 50, Folder 9, National Urban League Records, Manuscript Division, Library of Congress, Washington, D.C.

¹⁵⁰ Woodson, Robert L. "A Proposal to Promote Community Involvement in the Prevention of Crime: Planning Phase I." Undated. Box III: 163, Folder 8, National Urban League Records, Manuscript Division, Library of Congress, Washington, D.C.

this past quarter,” read one director’s report, “was convincing two angry, frustrated young men that the Criminal Justice System can work for them.” Director Palm wrote of two men who were arrested for disorderly conduct for loitering in an area that, unbeknownst to them, the police were trying to keep clear. “Naturally they were upset when they were arrested for apparently no reason.” However, CAP staff advised the men to plead not guilty and to appeal if convicted. The men were found guilty, but successfully appealed and were released that same morning. “These young men,” Palm reported, “are now eager to help others and CAP will certainly give them their opportunity to do so.”¹⁵¹ CAP reports regularly emphasized that those who used its services would have the opportunity to give back. The emphasis on reciprocity demonstrates that CAP did not seek merely to protect the Black community from the criminal justice system. Blacks needed protection from crime. If criminal justice did not work for the Black community, the solution was not to disengage, but to take ownership of crime control.

With its bail and conflict resolution programs, CAP sought to divert citizens from the criminal justice system and to empower a crime-ravaged community. CAP was a working, on-the-ground example of the sort of program that community crime-control advocates were asking for. One such advocate, one of CAP’s architects, attempted to use the program to catalyze a diffusion and replication process. He was mostly unsuccessful. The next section addresses CAP’s brief period under the umbrella of the National Urban League.

¹⁵¹ Palm, Dianne R. “Community Assistance Project Director’s Report.” July-September 1973. Box III: 50, Folder 8, National Urban League Records, Manuscript Division, Library of Congress, Washington, D.C. 3.

Urban League Involvement and Replication Plans

CAP brought community crime control to Chester, but what impact did it have outside that single city? CAP had the potential to reach beyond Chester due to the backing of the National Urban League (NUL). NUL provided funding and other assistance to CAP, and in exchange CAP would help NUL replicate the program in other cities. NUL officials testified in Congress about CAP and extolled the program as an example of what they hoped to accomplish with community-based crime control. However, this potential was unfulfilled. NUL's support of CAP was limited – the replication never occurred beyond one minor case, and community crime control was never central to NUL's programmatic mission. CAP's institutional support within NUL came almost entirely from Robert Woodson, a Chester native and architect of CAP who served as head of NUL's Law and Consumer Protection Division. Woodson had difficulty maintaining funding and long-term attention for CAP. Nevertheless, NUL's involvement gave CAP a brief moment on the national crime control agenda as part of an untaken alternate policy path to mass incarceration.

CAP had existed for two years when the organization approached NUL for assistance. CAP hoped to formally evaluate and document their activities and sought help from NUL's research department. NUL agreed to provide assistance. Furthermore, NUL's new Law and Consumer Protection Division would use CAP as a model to replicate community crime control in other NUL affiliate cities. This replication project was central to the Law and Consumer Protection Division's mission. A letter from the Division's director to NUL Executive Director Vernon Jordan states the project's hypothesis:

“Our hypothesis is that effective law enforcement and justice for minority groups go hand in hand. Further, that justice can only be guaranteed when minority people participate directly in that process. If this hypothesis is correct, we hope that the principles we have developed will receive broad acceptance, and be seen as an alternative which will allow society to invest energies and resources in dealing with one of the major contributors to crime...namely the sense of hopelessness most minorities feel when confronted with the law.”¹⁵²

That CAP was the foundation of this project was not surprising: the Law and Consumer Protection Division’s director was Robert Woodson, the Chester native who had been one of CAP’s designers.

In June 1972, NUL staff visited Chester to discuss the criteria for replication with CAP staff. Each new site would have some leeway in program design, but the free bail program would be central. Pursuant to this goal, NUL would focus on cities with bail laws conducive to building a property-based bail fund. NUL affiliates would be able to secure more property as bond than cash. Each new site would also emulate CAP’s use of indigenous community investigators as primary agents. Lawyers, even Black lawyers, would inevitably be seen as outsiders and part of the criminal justice apparatus. Therefore, lawyers would have difficulty locating witnesses and collecting evidence in a distrustful community. Community investigators would have access to knowledge and resources that outsiders would not, as Chester demonstrated. These indigenous agents would be able to successfully resolve cases without further criminal justice system involvement. “Every community has a system of communication and the means of

¹⁵² Woodson, Robert L. Memorandum to Vernon Jordan. “Position Paper at the Annual Meeting.” June 15, 1972. Box III: 51, Folder 3, National Urban League Records, Manuscript Division, Library of Congress, Washington, D.C.

verifying the credentials of any individual within it,” read the report from NUL’s Chester visit. “It is important to identify and use this system in determining a person’s eligibility for bail or the validity of evidence presented.” Another criterion for replication was that the project should “operate at low visibility,” so that the person or group directly involved should receive credit and responsibility for particular actions. The project, in other words, should avoid becoming too visible an institution within the criminal justice system. To do so would risk alienation from the community. Public acknowledgement for individuals and groups would also foster a “system of lateral accountability” within the community.¹⁵³

Robert Woodson’s Administration of Justice Division pursued replication of CAP with vigor. In several NUL position papers, CAP was held up as the Division’s primary accomplishment and proof that direct community involvement was the only way to bring real criminal justice to the Black community. These documents emphasized the aforementioned specific cases of conflict resolution, Chester’s trust in CAP, and the good working relationship between the project and criminal justice officials. CAP received its most powerful audience in September, 1973, when Woodson and NUL Washington Bureau Director Ronald H. Brown spoke at hearings of the House Judiciary Committee’s subcommittee on crime. The subject of the hearings was the Community Anticrime Assistance Act of 1973. The subcommittee had sent a staff investigator to Chester to observe CAP that spring.¹⁵⁴ Brown and Woodson discussed the Administration of Justice Division, with CAP as the main example of what NUL hoped to achieve in criminal

¹⁵³ Woodson, Robert L. “Field Visit Report.” June 21, 1972. Box III: 51, Folder 2, National Urban League Records, Manuscript Division, Library of Congress, Washington, D.C. 3-4.

¹⁵⁴ Woodson, Robert L. Memorandum to Jeweldean Londa. “Request for Project Visitation by U.S. House of Representatives – Select Committee on Crime.” March 22, 1973. Box III: 50, Folder 8, National Urban League Records, Manuscript Division, Library of Congress, Washington, D.C.

justice. NUL was primarily interested in criminal justice, Brown said, because of Black victimization. He agreed with mainstream Black and liberal leaders that addressing root causes was the only way to solve the crime problem, but in the meantime, the Black community needed symptom relief. Community crime control was the way to provide that relief.

While Woodson used his position at NUL to fight vigorously to replicate CAP, his Administration of Justice Division was never a main priority for NUL. A replication of CAP was undertaken in Youngstown, OH, but otherwise, Woodson's ambitions were unrealized. NUL did provide CAP some financial support, most significantly matching funds to secure a \$40,000 grant from the LEAA in 1972.¹⁵⁵ This increased funding allowed CAP to add a cash bail bank to their property-based version. However, the replication project would require much more support – Woodson proposed a three-year budget of \$3,135,719 for replication at twenty sites.¹⁵⁶ The Administration of Justice Division did manage to facilitate one replication. In September 1972, NUL and the Youngstown Urban League signed an agreement to launch Project Justice, a bail and legal services organization modeled on CAP. NUL would fund Project Justice for up to \$30,000 for one year.¹⁵⁷ However, Project Justice was the only replication successfully undertaken by NUL.

After NUL's initial support for CAP, Chester received little active help from the organization. 1973 was CAP's most successful year according to its goals, but by

¹⁵⁵ Woodson, Robert L. Memorandum to Jeweldean Londa and Adolph Holmes. "Program Summary and Progress Report (A Request for Funding)." October 30, 1972. Box III: 51, Folder 3, National Urban League Records, Manuscript Division, Library of Congress, Washington, D.C. 1.

¹⁵⁶ National Urban League, "Law and Justice Through Community Involvement Project," 16.

¹⁵⁷ National Urban League, "Agreement Between National Urban League Incorporated and Youngstown Urban League." September 1, 1972. Box III: 52, Folder 7, National Urban League Records, Manuscript Division, Library of Congress, Washington, D.C.

December the project was “struggling for its very existence,” as Woodson wrote in an angry letter to a former funder.¹⁵⁸ By the mid-1970s NUL had divested from CAP. The reasons for the divestment are unclear, but the NUL’s departure put an end to attempts at replication. CAP continued to exist without NUL support under Diane Palm, the original director. However, the program never fulfilled its potential beyond the borders of Chester. In 1975, CAP failed to raise the matching funds for a \$40,000 grant, and the funding shortage forced Palm to lay off half of her staff. By that time, CAP no longer had a cash bail fund and counted only two churches in its property bail fund. The reduced funding led to reduced services, which eroded the community’s trust. In 1976, a group of inmates accused CAP of taking orders from the police about who to bail.¹⁵⁹ When CAP received a new LEAA grant in 1978, it seems to have transitioned from a bail program to an advisory group. The application extolled CAP’s survey work to estimating Chester’s unreported crime level, and its legal advice services. CAP sought the grant for “neighborhood organizing,” youth involvement and community education, rather than bail or conflict resolution. CAP’s mission had changed from diversion away from the criminal justice system to advising how to navigate it. Despite CAP’s reduced scope of activity, the grant still lamented, “CAP has the distinction of being one of the few remaining community-based programs” addressing criminal justice for the poor and

¹⁵⁸ Woodson, Robert L. Letter to Andrea Courture, Unitarian Universalist Service Committee. December 11, 1973. Box III: 50, Folder 9, National Urban League Records, Manuscript Division, Library of Congress, Washington, D.C.

¹⁵⁹ Murray, Rick. “Inmates Charge Conspiracy of Chester, Bail Counselors.” *Delaware County Daily Times*. August 4, 1976. 3.

minorities.¹⁶⁰ Palm seemed to sense that a moment for an alternative to law and order politics had passed.

Chester in Context

We focus on the Community Assistance Project not because it is unique, but because it provides a detailed examination of the community based crime control philosophy in action at the local level. CAP's involvement with the National Urban League meant that it had a brief appearance on the national political stage (to say nothing of leaving detailed archival records), but it was just one of several such programs started by indigenous leaders in Black communities. Even Harlem, the site of the punitive populism examined by Fortner, witnessed the birth of a community based crime control organization. In 1976, shortly after the period Fortner examines, the New York Urban Coalition and the *Amsterdam News* founded Community Action for Safer Harlems, or CASH. CASH was headed by Eddie Waith, a popular former Black police officer from Harlem. The group's mission statement called for "Police Tact – Not Terror," as one op-ed was titled. "CASH as the community want said area cleared, and all similar areas," wrote the author regarding Harlem's infamous Narcotics Highway down 8th Avenue, "But the community wants it done in a thorough but carefully organized and directed manner. There must be judicious concern for the non-molestation of the non-narcotics involved persons. We want our police to be persuasive, not punitive."¹⁶¹ CASH sought to

¹⁶⁰ U.S. Department of Justice Law Enforcement Assistance Administration. Grant to Community Assistance Project. Grant Number 78-CA-AX-0047. June 13, 1978. 3.
<https://www.ncjrs.gov/pdffiles1/Digitization/50271NCJRS.pdf>, Accessed December 2, 2013.

¹⁶¹ Bostic, Alan. "Police Tact – Not Terror." *New York Amsterdam News*, May 22, 1976. A6.

work with the police, but believed that ultimate control over crime fighting must remain in the community.

Like CAP, CASH was funded for a limited period of time (3 months at \$25,000, which was later extended to 7 months) as a demonstration project, with the hope that the program would diffuse to other high-crime areas, beginning with the South Bronx. However, also like CAP, CASH was unable to secure longer-term funding at the level necessary to continue its broad scope of activity.¹⁶² CASH continued to exist as an organization, but by the late 1970s, as in Chester, it could no longer be said to focus on community based crime control.

Resistance Fades: The Turn Away from Community Control

By the end of the decade of the 1970s, doubtful that community approach would be realized, John Conyers had abandoned efforts to redirect the federal crime funds towards community groups, favoring a full employment bill instead and arguing in the 1979 reauthorization of the LEAA that the agency should be scrapped altogether, having functioned to build an ever bigger criminal justice system that had “brought little peace to neighborhoods where crime occurs.”¹⁶³ LEAA moneys had become the captive of police agencies and those with institutional loyalties to expanding the existing system.

The Urban League, for its part, had shifted away from its demonstration projects and towards a publicity campaign, “Crime is not a Part of our Black Heritage,” and was no longer funding or promoting community anti-crime projects.¹⁶⁴ Its pioneer in the administration of Justice division, Woodson, had left for a neoconservative think tank

¹⁶² Anekwe, Simon. “Cutback in Crime Fight.” *New York Amsterdam News*, September 11, 1976. A1.

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¹⁶⁴ “NUL Announces 7 City Anti-Crime Program,” Box 111: 210, Folder 3, National Urban League Records, 1900-1988. Manuscript Division, Library of Congress, Washington, D.C.

(the Council for a Black Economic Agenda) formed by Reagan administration. And local groups like CAP had switched their focus from indigenous crime control to diverting new groups of people caught up in the criminal justice system. A moment for an alternative to the crime war had passed.

Woodson had been prescient in anticipating how the funds going to the control of crime would end up growing the very agencies with a vested interest in the crime problem. He had once likened the LEAA's approach to crime as "seeing a fire and then proceeding to build a firehouse instead of getting water to put out the fire."¹⁶⁵

And grow they did. Over the decade of the LEAAs existence, over six thousand new criminal justice agencies were created, mostly law enforcement.¹⁶⁶ Nationally, police forces doubled and correctional employees tripled from 1960-1980. Spending on police increased by a factor of eight from 1964 to 1974. And the fears that the new tactical patrols and surveillance would have its "principal victims among minority and poor groups" were born out; black arrests tripled by the end of the 1970s and after declining for eight years, the incarceration rate began its historic rise.

Conclusion

As political scientists, we tend to overlook proposals, campaigns, and movements that fail; the alternative paths not taken fade from view. The "winners" of policy conflicts command attention while the "losers" often disappear to the corners of political history with little role in the outcomes that unfold. Crime politics is no different; scores of accounts have attempted to understand the political forces that generated the ensuing decades of mass incarceration, often tacitly neglecting a key moment in which blacks

¹⁶⁵ *Law Enforcement Assistance Reform*, (Statement of Robert L. Woodson), p. 402.

¹⁶⁶ Weaver, "Embedding Crime Policy."

tried to disrupt and choose a different future. We have missed “a key expression of black political agency” into one of the biggest policy interventions in black communities, and as one of us has shown elsewhere, institutions that would come to redefine black citizenship and lifeworlds.¹⁶⁷

Even while the movement for community crime control lasted but a decade, it would be a mistake to overlook its import for three reasons. First, it reveals that the carceral state developed not because blacks did not resist or because they offered their own brand of penal populism. Indigenous leaders and activists did not fail to respond to crime, they did not trade off their community’s concerns over crime for more middle class issues, and they did not see black crime as a “cross to bear” or vilify lawbreakers. The crime issue, while seemingly a perfect candidate for the politics of respectability and advanced marginalization, did not pit more advantaged blacks against the “underclass.” Instead, crime generated a broad political mobilization by elites alongside community groups that sought to take back control of their own lives and empower the existing structures within their communities that had confronted gangs, drugs, and violence when no one else would. They attempted to redefine crime – so often a rhetorical tool among white elites to delimit citizenship and inclusion of blacks – to expand black community participation and empowerment. This abandoned alternative had immense consequences, not only because it displaced those most victimized from contributing solutions; more importantly, it also meant that framings that would have broadened the national conversation beyond criminal justice-centered responses, were not allowed to develop. Future research should go further than we have here to understand why blacks were so much less successful in this domain than in other issue areas.

¹⁶⁷ Lerman and Weaver, *Arresting Citizenship*, 2014.

We began this inquiry with a modest goal, simply to understand why there was so little resistance against the carceral state. We found that not only was that perhaps the wrong question – there was early resistance from the local level to the national – but stumbled upon something else. Unearthing this movement expands our sense of the black political agenda, so often seen as solely a struggle for rights, representation, and protection against discrimination. It was also a struggle for community control. These black leaders recognized that despite their increasing power at the polls and increasing representation in political office, their communities still had the least ability to influence decisions and programs that affected their lives and chances. It hints at some critical, and unexamined, differences with the integrationist goals of racial liberalism. Unlike modern racial liberals, who desired more government spending on their communities and greater government regulation to ensure representation, blacks in this moment wanted a turn to communities, not more government. Their fight was not for representation, enfranchisement, and affirmative action, but to be the controllers of the destinies of their communities at a moment when all that was entertained was paternalist forms of government aid, in the best case, and neglect, in the worst.

Finally, it underscores the ironies of our current moment, particularly since incarceration rates are declining for the first time in four decades and journalists have begun hailing the “beginning of the end of mass incarceration.” The 1970s debate was, at a minimum, a debate about informal social control verses formal social control. Though the second of these ultimately won out, leading the vision of crime control for most of the next three decades, it is the former, which is what Brown, Woodson, and Conyers envisioned that is now the solution being entertained. A turn back to community control

and power – community policing, drug courts, treating minor disputes within the community, and justice reinvestments – are now hailed as the answers to criminogenic neighborhoods and to reversing the toll spatially concentrated incarceration has taken. Time will tell whether this time, such proposals can chart a different course.