

America, the Land of Lost Opportunity

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Notice: All people referred to in this work have been given pseudonyms to protect their identities.

I. INTRODUCTION

People have long referred to America as the land of opportunity, and that sounds very good. Most Americans like to think this way of their country because of its many positive implications. When Americans use language implying universal access to opportunity, it is easy to conjure up images of oppressed people from other countries quickly grabbing their few possessions and subsequently rushing with just a single bag and the clothes on their back towards a ferry to Ellis Island. It is easy and comfortable to hold on to these word pictures about our country, but there is a critical question about all of this that most people never ask: What if it is not true?

The problem with this vision of equal opportunity is that it fails to mention who exactly is actually the recipient of all this opportunity. Unfortunately, the answer to this statement is “not everyone”. In fact, the uncomfortable truth for many Americans is that American opportunity is often reserved exclusively for affluent white Americans. While it is true that non-white Americans (specifically black Americans) do have nominal access to the spoils of American opportunity, they are usually entitled to the leftovers only while the main course is reserved for white Americans. An often racially biased justice system coupled with the system’s propensity to apportion justice unequally holds much of the responsibility for this problem. A type of racial profiling called racial typification works to skew people’s attitudes against black Americans. Racial typification occurs when people associate being black with being a criminal and its consequences for black Americans (particularly law abiding black Americans) play a major role in America’s opportunity disparity.

II. DOING JUSTICE TO THE 2009 STORYTELLERS AND THEIR STORIES

The problem with the current racial climate in America is not that black Americans face legal obstacles to equality but that racist practices have become hidden within the realms of what is legal. Researchers have given this implicit racism the name “modern racism” and defined it as the association of black Americans and any number of negative traits, including crime¹. These notions were mirrored in the story circles I facilitated – “*But now, it’s the racism is still there, but it’s more so undercover. It’s hidden*”², Trevor claimed. His second story addressed how he believes that racism still exists in American society precisely because of “modern racism”. Explicit statutory policies of segregation and discrimination are no longer commonplace, but according to Trevor, implicit “modern racism” contributes enough to the American culture for him to declare that racism is still a significant problem.

Concurring with Trevor, Justin also stated in his first story that, “*racism isn’t always something that’s explicitly stated. Sometimes its hidden under the seams...*”³. He told a story about growing up and

¹ “Racial Typification of Crime and Support for Punitive Measures,” Ted Chiricos, Kelly Welch, and Marc Gertz, *Criminology* May 2004, v42n, pp. 359-390. p.380

² “Trevor” Story 2

³ “Justin” Story 1

befriending black Americans during his childhood and the reaction his friendships met with his family. As he said, “*my dad would never come out and my grandparents would never come out and say that they hated black people. But, it was the stories that they would tell and the things that they would say [that substantiated their implicit racism].*”⁴

Many white Americans are uncomfortable with the notion of “modern racism” and are quick to dismiss it, most likely because it is challenging and compels people to reexamine their notions of conventional wisdom. Unfortunately, the notions of conventional wisdom that many people accept help fuel “modern racism”; Benjamin Fluery-Steiner notes that there are several types of taken for granted notions negatively related to black Americans he refers to as “hegemonic stories” that people may harbor and not even realize it.⁵ Because so many people may consciously or unconsciously harbor these hegemonic attitudes, acknowledging “modern racism” subsequently becomes an affront to a person’s beliefs.

In her first story, Carla, a white suburbanite woman, talked about a time when she encountered race in her stereotypically white Anglo-Saxon protestant community:

*“I saw my brother received a gift from my aunt. And it was a wall hanging, a small wall hanging, that you put on the inside of your front door and you hang your keys on. And it had two African American children eating a watermelon. I looked at this and they were, my brother opened this gift and he laughed... And they sat around and I sat there and listened to my family say every racial slur and racial name that is in the books. ...they just sat back and cackled about how funny this was.”*⁶

Carla said she has been able to maintain racially positive attitudes toward all people, but explained that hegemonic attitudes existed within her family and community. In Carla’s second story, she explained that in her hometown where people are “*country folks, [and] hillbilly rednecks*”⁷, their culture was racially homogenous and people were essentially insulted entirely from “black” and minority culture. People, whom she previously explained made explicitly racist comments, would respond to cries of racism with questions like “*yes I know racism exists, but is it this bad? Is it really this bad?*”⁸. Carla explained that an honest look at the scholarly literature regarding racism and conversations with black Americans helped her realize that hegemonic attitudes are very real and represent a legitimate problem. In summary, Carla explained, “*I feel just blinded by all of this that is going on*”⁹.

Justin’s second story also described hegemonic attitudes:

“I was playing a memory game with my mom when I was just a real little kid, probably first or second grade. And I flipped up a card and it was a picture of an African American boy, and I

⁴ Ibid

⁵ “Narratives of the Death Sentence: Toward a Theory of Legal Narrativity,” Benjamin Fluery-Steiner, *Law & Society Review*, v36n3 (2002), pp. 549-576. p. 550

⁶ “Carla” Story 1

⁷ “Carla” Story 2

⁸ Ibid

⁹ Ibid

*flipped up another card and it was a picture of an African American boy. And my mom said, "what is this?" And I said, its uh, and then, uh, I said the n-word."*¹⁰

Justin went on to say that his mother rebuked him for the use of a pejorative racial slur and that he had learned it from his cousin. Justin's story illustrates the reality of hegemonic attitudes and also that they can manifest themselves at an early age. It also illustrates a parent's influence in trying to counter racism in their children's environment outside the home.

Andrew's first story also addressed the notion of hegemonic attitudes: He said, "*there was a Caucasian young man at [a] computer store where I um, he looked at me and I nodded at him greeting him and he called me 'sand nigger'. And I could tell by his face that he was upset.*"¹¹ The man approached Andrew of his own volition; Andrew did nothing to initiate contact with the stranger. The man simply approached Andrew and levied an insult against him.

People may still argue that even if "modern racism" is a legitimate problem fueled by hegemonic attitudes, it still does not necessitate any change on their part because many people believe that they should be free to hold whatever viewpoints they wish. Freedom is a highly valued commodity in America and many people often accept the adage that "my rights end where your nose beings"; thus, because most Americans believe their attitudes and beliefs and black Americans and other minority members of society exist solely within their minds they should be free to harbor them. After all, by harboring ill feelings towards black Americans, people are not necessarily following up their attitudes with actions. Just as was the case with a free and clear comparison of America with access to opportunity, so too does this mindset beg the following question: What if "modern racism" actually carries negative identifiable consequences for black Americans?

Scholars have found that the answer to that question is that yes, the attitudes associated with "modern racism" do carry measurable consequences for black Americans. Americans incarcerate more people than any other Western country¹². American punitiveness has been rising for many years, outstripping its corresponding crime rates. The results of this practice have been especially damaging to black Americans. Many of the stories I examined for this paper conveyed that the legal system remains unjust for black Americans. As Trevor said in his first story,

*"So I walked back through this mall, went through Sears, went out to my van, got my checkbook, came back, wrote the check, got my \$25 back, went back through Sears, went back to my van, close the door, here's the police officer. 'Yeah, I know all about you, going to stores, steal a little bit, come back, stash it in your van, go back, steal some more'... He's accusing me of stealing something. I haven't stolen anything."*¹³

Trevor's story explained that he visited a local mall to make a purchase and realized when he went to pay for it that its price was exactly the amount of cash he had on hand. He likes to have cash on hand so asked if he could pay for the item in cash and go back to his car to get his

¹⁰ "Justin" Story 2

¹¹ "Andrew" Story 1

¹² "Why Are Incarceration Rates So High?" Michael Tonry, *Crime & Delinquency* v45 n4 October 1999, pp. 419-437. p. 149

¹³ "Trevor" Story 1

checkbook, come back to the store, write the store a check for the purchase price of his goods, and get back the cash he just spent. A police officer noticed his two trips in to the mall and after his second exit from the mall immediately approached him for questioning because the officer suspected him of shoplifting. According to Trevor, his race was the primary motivation for the officer's suspicion of criminal activity. Furthermore, the officer searched Trevor's car and kept him in the mall parking lot for about 45 minutes. When Trevor finally asked to go back to his family, he said that,

"[The officer] grabbed me in the arm right here and just started digging his nails into my arm. I'm busting you mother [expletive removed]! I'm busting you mother [expletive removed]!" He got me in a chokehold, wrestled me down to the ground... So he's hollering and cussing at me. Here's another police officer coming from the mall. He runs. They both just pound on me. They just maul on me. Put me in the next seat of their car, they call the paddy wagon. Now they got 20 police officers there."¹⁴

Trevor said that the officer brought him to jail and charged him with using profanities against the police (which he denies). His court dates were changed multiple times and he was almost fired from work as a result of requesting too many days off in order to attend canceled court sessions. Finally, Trevor received a letter asking him to sign a paper in order to have his charges dropped. He signed the paper.

In Kyle's first story, he tells the story of a local juvenile:

"[A boy] was the father of a baby that was killed by an Akron policeman um, when he beat his brother's girlfriend who was the mother of the baby unmercifully, slamming her on her stomach, slamming her on her back, hitting her on her face, hitting her on her stomach, while this man was yelling at the policeman, 'stop stop, she's pregnant, why are you doing it, that's wrong'."¹⁵

According to Kyle, after the death of the girl's child resulting from a police beating, the father and the mother have been placed in a detention center to keep them quiet because they've "seen things". This sounds conspiratorial, but it would not be the first time something of this nature has happened. And nonetheless, it represents a real person's viewpoint on race and crime.

Phenomenon like this takes place in part because of racial typification. As was previously mentioned, racial typification is the association of blackness with criminal behavior. As white Americans (particularly white American law enforcement officers) tend to associate black Americans with crime at an increasing level, it makes sense that a disparity would emerge between the ratio of white and black Americans incarcerated versus the percentage of their respective populations that commit crimes¹⁶. This is a serious enough of a problem in and of itself, but it is not the end. Incarceration often carries heavy consequences with it, which would therefore disproportionately affect black Americans.

Tiffany stated the following in her first story:

¹⁴ Ibid

¹⁵ "Kyle" Story 1

¹⁶ "The Mark of a Criminal Record," Devah Pager, *American Journal of Sociology*, March 2003, v108n5 pp. 937-976. p. 939

“Nobody in the court system is explaining to you if you plead to this felony you’re through. You’re not gonna get no type of job, and it wasn’t even really that serious then as it is now. And so what I feel like is a racial prejudice is because I feel that’s how jobs weed out all the black people from hiring black people. Because they’re quick to give black people felonies and don’t even explain it to them how its over for you once you say yes to this, instead of trying to encourage you to go to court more and more and plead out to misdemeanor.”¹⁷

Tiffany told a story about a felony conviction she received. As she stated, she feels there is a distinct difference between a white felon and a black felon; white felons retain far more opportunities than black felons do. Tiffany also stated that she believes American court systems try and work with potential white felons to plea bargain their way out of a felony and in to a misdemeanor and do not extend this help to potential black felons. Tiffany went on to say that,

“they say go on and take this felony, you ain’t got to do no jail time. Well, you ain’t gonna never be able to do nothing in life so that’s just like doing jail time out here, you might as well do jail time if they coercing you in to signing and saying yea to a felony so you ain’t got to do no jail time, but you can’t do nothing else. You can’t do nothing with your life.”¹⁸

While all felony convictions do not necessarily include incarceration, the spirit of what Tiffany said does apply to the limiting nature of incarceration for black Americans. Research shows that the negative effects of a criminal record can be 40% greater for black Americans than white Americans¹⁹. Law abiding black Americans are less likely to find employment than white Americans with a criminal record; adding a criminal record to a black American’s resume leaves them with only a 5% chance of a follow-up telephone call after applying for a job²⁰.

These facts give academic credibility to the last quotation because a criminal record does make it much more difficult for a black American to find a job. This presents an ironic problem: White Americans often hold a negative attitude against black Americans because they see them through the lens of racial typification. However, it usually remains unsaid that the policies white Americans are largely responsible for help foster a black American prison culture. White Americans establish internationally unusual harsh sentencing guidelines, disproportionately convict black Americans, almost exclusively refuse to grant them employment once they are released, and then cannot understand why the jobless black Americans may end up back in prison.

Another problem associated with having a criminal record (specifically a felony) is that in most cases, it means that the convict has lost their right to vote at least temporarily²¹. Based on this discussion thus far, it would seem that felony-voting bans would disproportionately affect black Americans, and research corroborates this. The laws that allow for this are racially neutral on their

¹⁷ “Tiffany” Story 1

¹⁸ Ibid

¹⁹ Pager, p. 959

²⁰ Ibid, p. 958

²¹ Ballot Manipulation and the “Menace of Negro Domination”: Racial Threat and Felon Disenfranchisement in the United States, 1850-2002,” Angela Behrens, Christopher Uggen, and Jeff Manza, *American Journal of Sociology*, November 2003, v109n3, pp. 559-606.

face but their history is not. Felony-voting bans most frequently emerged from the post Fourteenth Amendment America as an attempt to limit the newfound political power of nonwhite Americans²².

What all of this means in practice is that white Americans have enacted laws that are seemingly racially neutral, but are often practiced and applied according to race. Black Americans face consequences from these laws that nearly preclude their ability to find work (opportunity) and limit their political power to change the law. Without access to employment, a person's income potential becomes stagnant and their access to the world around them and the "spoils" of all that is American becomes suddenly almost nonexistent.

The cumulative effects of "modern racism" hegemonic attitudes, an unfair justice system, and the subsequent lack of access to opportunity can lead to a serious condition of utter hopelessness called nihilism²³. Nihilism is a difficult concept for those who have never experienced it to imagine because of the extreme degree of hopeless it represents and because most people are not familiar with the struggles that bring about nihilism. For the black community in America however, some scholars believe nihilism is a "threat to its very existence."²⁴ The structural environment that "modern racism" and its byproducts create many times leaves black Americans without a sense of agency. Agency is a word most closely resembling personal sovereignty or autonomy, and its disappearance from a person's life is a critical signpost to nihilism.

Many sentiments from the stories I examined echo that point: As Trevor said in his second story, the climate of "modern racism" can strip black Americans of their agency. He said America has become a place *"where, you know, somebody can, where somebody can, you know, hinder you from getting a job, or hinder you from a promotion, or, or the police will stop you..."*²⁵. Trevor stated that he sees no evidence that the cycle of racism has ended in modern society. Tiffany also concurred with Trevor, stating that *"I haven't really seen any ways how the cycle of racism or racial conflict has been broken. And what that has done to me in my life, it hasn't made me bitter, but it makes me mindful of everything."*²⁶ Both Trevor and Tiffany's stories explain the tangible societal damages that arise from "modern racism". The societal structural failures coupled with a lack of agency can lead to serious emotional consequences, as Trevor and Tiffany's words betray.

Not every victim of discrimination necessarily finds himself or herself facing great despair or nihilism. Jacob's two stories described an overview of his life and racial conflict he experienced and how he believes race relations are improving. In his first story he said,

"...but in these rubber factories here. The rubber capital of the world. Here come a young 15-year-old man at that time, a black child had to be a man at 7 or 8 years old, you know. Driving a 18 wheeler, father owned it, he's looking good, driving up in these factories. Delivering and picking us up. You'd think that that was a welcome. What are you doing with that truck, nigger? You need

²² Ibid, pp. 560-561

²³ West, Cornell (1993). *Race Matters*. p. 12

²⁴ Ibid p. 12

²⁵ "Trevor" Story 2

²⁶ "Tiffany" Story 2

to get out of that truck. You black son of a [expletive removed] we will kill you if you come near again.”²⁷

In his second story, he continued:

“First of all, human kind, regardless of high economized, I must express myself, racism to me is taught. I’d like to see it reverse some kind of way but it will never happen. Nobody is willing to change places with the black man. There are very few willing to help the black man really get up. The lady that was talking about helping each other, she’s quite wrong because that’s happening. People are reaching and helping each other. Not just the black helping the black. It’s other cultures that’s helping the black come out.”²⁸

Jacob expressed optimism about the future of black America, but also clarified that progress “[is] happening, but it’s happening in little drips and drops”²⁹. He continued to talk about his family life and the relationships he maintains with his relatives. His story ended with a statement of contrast from Trevor and Tiffany’s stories – “But I’m at peace, it may not sound like it, and I’m going to continue to work for peace.”

The sentiments of Andrew’s second story corroborate with Jacob’s second story:

“I was arrested for DUI. I got drunk at a bar having jell-o shots not knowing it was alcohol. And I had medication and stuff, but the police officers that stopped me, um, they were very, very professional and very, very polite to the point that I wrote a thank you letter to the Chief of Police in Cuyahoga Falls saying that your police officer, even though I was in the state I was in, they still treated me with dignity and respect and they were very, very polite.”³⁰

Andrew’s story was short and primarily described his arrest experience. Both Jacob and Andrew’s stories explain that they do not believe racial conflict is non-existent in American society, but that they have escaped a hopeless disposition. Their optimism stands in stark contrast to Trevor and Tiffany’s stories that express pessimism and despair.

III. FINAL REFLECTIONS ON STORIES, DATA, AND UNDERSTANDING RACIAL CONFLICT

The idea that access to opportunity is a free and universal commodity in America is an attractive idea that everyone would like to believe in. The problem with this paradigm is that it fails to address the fact that opportunity is not universally accessible in America. Affluent white members of society have total access to the American opportunity pie and most likely think that because they have access, so too does everyone else. The problem is that many Americans do not. “Modern racism” and the hegemonic attitudes it fuels implicitly disadvantage black Americans. These attitudes then often manifest themselves tangibly in society through racial typification and the subsequent criminalization of blackness. As white Americans rush to create a criminal justice system to address the newly identified criminal of race, criminal policies begin to disproportionately affect black American’s access to opportunity and access to the necessary power to change unfair an unfair

²⁷ “Jacob” Story 1

²⁸ “Jacob” Story 2

²⁹ Ibid

³⁰ “Andrew” Story 2

structure. Stripped of their agency, black Americans may find themselves with a nihilistic condition that poses real danger to themselves and their culture.

Until Americans address and correct these problems, America cannot call itself the land of opportunity because it does not bestow opportunity equally among its people. Perhaps because America's statement of mission was to create a society of equality to stand in contrast to its divorced sister England, its failure to accomplish this goal 200 years later represents something significant. Perhaps we should instead refer to America as "the land of lost opportunity" until it is able to correct this problem.

References

Chiricos, T., Welch, K., & Gertz, M. (2004). Racial Typification of Crime and Support for Punitive Measures. *Criminology*, 359-390.

Fluery-Steiner, B. (2002). Narratives of the Death Sentence: Toward a Theory of Legal Narrativity. *Law & Society Review*, 549-576.

Pager, D. (2003). The Mark of a Criminal Record. *American Journal of Sociology*, 937-976.

Tonry, M. (1999). Why are Incarceration Rates so High. *Crime and Delinquency*, 419-437.

West, C. (1993). *Race Matters*.