

Tyranny of the Majority: Racial Homogeneity and Drug Crimes

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Abstract:

The US has a well-documented and long-standing discrepancy between drug arrest rates for black and white citizens. In this paper, I examine the relationship between the concentration of racial majorities and the systematic discrimination of minority racial groups within the United States. Using US Census data and rates of arrests for drug crimes based on race, I establish a positive relationship between the percentage of a state's population that is white (non-Hispanic) and the discrepancy between drug arrest rates for white and black citizens. Interestingly this relationship cannot be established for drug incarceration rates. This indicates that a racialized "tyranny of the majority" exists in America's legal system and that racial homogeneity may directly lead to the oppression of outgroups. My results reveal that such racial discrimination may be a bigger factor in policing policy and local law enforcement practices than in trials and courtroom procedures.

Mass incarceration has drawn much attention in recent years. Christopher Wildeman defines it as “the current American experiment in incarceration, which is defined by comparatively and historically extreme rates of imprisonment and by the concentration of imprisonment among young, African American men living in neighborhoods of concentrated disadvantage.” (Wildeman, 2012) It is well known that the US has the most prisoners in the world (BBC, 2005) despite the fact that the crime rate is at a forty year (Feeney, 2014). Many scholars attribute this discrepancy to the start of the War on Drugs in the 1980s. In recent years, with the publication of several reports by Human Rights Watch and Michelle Alexander's *the New Jim Crow*, academics and policymakers alike have become fascinated with the racial disparity in the enforcement of drug laws. In 2009 Human Rights Watch published a report stating that, despite the fact that white and black citizens use drugs at the same rate, blacks are 10 times more likely to be incarcerated for drug crimes than whites (Human Rights Watch, 2009). My study seeks to discover the underlying causes of this disparity.

My theory, taken in part for Alexander, is that the discrepancy is being driven by the tyranny of a white majority. If a single group is effectively in charge of the entire Democratic process and legal system, the rules will be written and enforced in favor of that group. Non-group members will likely be subject to a harsher standard of law and consequently suffer more arrests and convictions.

To test this hypothesis, I have gathered state level arrest and incarceration data from two Human Rights Watch reports in addition to US census data on the racial makeup of states. I anticipated that states with whiter populations would have higher levels of racial disparities in drug arrest and incarceration rates.

This study finds that when controlling for many other important variables, there is a significant positive relationship between the percentage of a state that is white (non-hispanic) and the drug arrest rates of black citizens relative to white citizens, but cannot confirm such a relationship for incarceration. This indicates that the justice system carries racial bias and that whiter states are, at least seemingly, more discriminatory towards black citizens than less white states.

Literature Review

I am primarily interested in understanding what is driving the discrepancy of drug incarceration rates between people of different races across the fifty states. To many including Ian Haney Lopez and Michelle Alexander, the law enforcement practice known as "mass incarceration" appears to be a phenomenon driven by systematic racism with the intentional effect of doing harm, in one way or another, to black society. To others the phenomenon is an unintentional byproduct of benign, though perhaps ill advised, legal policy. In order to understand all possible causes of the disparity between the incarceration rates of white and black citizens we must entertain each argument. We must, then, look at both the literature that is primarily theoretical and focused on racism in the United States and that which is more narrowly focused on justice policy and mass incarceration.

Theory Oriented Approaches

Three major works that fall into the more theoretical side (but are nonetheless relevant to our discussion) and are focused on racism in America are Michelle Alexander's "the New Jim Crow," William Jullius Wilson's "When Work Disappears" and Ian Haney Lopez's "Dog Whistle Politics." While only Michelle Alexander's work directly focuses on mass incarceration,

all three works give us insight into things that could be driving the racial disparity in law enforcement. While Lopez focuses on political rhetoric and Wilson on the emergence of urban poverty in black communities, both phenomenon that the scholars study have far reaching consequences that need to be addressed in their relationship to drug incarceration and arrest rates. Where Alexander directly asks the question 'why are so many black people ending up in prison?,' Wilson asks 'how did Chicago's black population become ghettoized?' and Lopez asks 'do coded racial appeals have an effect on politics and policy?.' All of these questions are related to mass incarceration, however they each address a different parts of the same perceived problem.

Lopez, who analyzes the rhetoric and policy politicians from the civil rights movement to modern times, argues that the Republican Party exploits racial cleavages for political gain and intentionally creates policy that favors the white base and punishes minority races, or at least creates that perception. Wilson's study is an idiographic account of the emergence of urban poverty in Chicago. He uses census data, historical accounts and personal interviews to paint a picture of how white flight and the exportation of manufacturing jobs created a black underclass in Chicago. Life for this underclass became increasingly grim as jobs disappeared and economic opportunity evaporated. While both authors would likely agree that racism is driving the mass incarceration of black youth, they may disagree, at least in part, on the mechanisms at play. Lopez would likely argue that the war on drugs is a policy that was created with the intention of incarcerating black youth rather than white youth. He would argue that the Republican party stands to benefit directly from the incarceration of black youth and thus have an interest in creating policy that does so. In my research this would mean that states with more Republican

government officials or voting patterns will likely have a greater disparity between white and black drug interaction rates. Wilson might argue that the disparity in drug incarceration and arrests is not intentionally racist, necessarily, but rather that the despair stems a greater societal racism that created pockets of urban poverty. When work disappears people turn to crime to make a living. When black society is neglected, in an economic and political sense, poverty and crime ensue, hand and hand, drug sales increase in these communities, and so too do drug arrests. If this theory is correct, portion of state's black population living in poverty or urban poverty must be controlled for.

Lastly, there is Alexander who is the only author from the theoretical orientation who directly focused on mass incarceration. My intention is to explore her theoretical interpretation of her data through a quantitative lens rather than a rhetorical one. Alexander argues, as the title of her book implies, that the war on drugs is something of an extension of Jim Crow laws. She argues explicitly that mass incarceration is caused by a white majority imposing its will on and physically dominating a black minority. In her book, she looks at historic time series data on incarceration and cross sectional data on incarceration rates by race and sometimes by state, as well as a history of the war on drugs, which she contends was racist by design after analyzing the political rhetoric used to sell it (often aimed at crime in black ghettos) and the specific laws that it entails (i.e. penalties crack cocaine being 100 times greater than powder cocaine). While she would certainly not disagree with Lopez's contention that the Republican party and its rhetoric was instrumental in the formulation of the war on drugs, she would go as far as to argue that the war on drugs was created with a specific purpose of preserving a racial caste system and perhaps even argue that the policies carry Democratic legitimacy. While Lopez would argue that the war

on drugs was created by policy makers to exploit racial cleavages for political gain, Alexander would argue that it is majority tyranny by an implicit democratic will. If Alexander's argument is correct we will see that states with greater numbers of Whites will have a greater disparity between white and black drug incarceration rates once all other variables are accounted for. It is important to note that for Alexander a prior history of racism could also be important. If mass incarceration is just an extension of Jim Crow, then we should expect to see higher rates of racial disparity in states where Jim Crow was stronger.

Policy Oriented Approaches

On the other side of the spectrum there is expansive policy oriented literature on the real world causes of mass incarceration and the racial disparities within. One think tank group that has been particularly prolific in writing about and collecting data on the topic is Human Rights Watch. They have consistently published descriptive time-series and cross sectional data related to both national and state level drug incarceration and arrest rates by race. This data will be extremely useful to us in this study. They have also attempted to explain the phenomenon as many other scholars have. Dozens of scholars have done studies with similar research questions. Many have asked what causes mass incarceration itself, and many others have focused more narrowly on questions related to the racial disparity within this system. Some scholars who are interested in the causes of crime are also relevant to this discussion.

Scholars use many different approaches to address the problem of mass incarceration. In a 2009 Human Rights Watch study the organization compares cross sectional data on drug arrests with incarceration rates and notes that there seems to be a greater disparity in incarceration. They conclude that because people stand a greater chance of being incarcerated on

a second or third offense the racial disparity in arrests seems to multiply themselves in incarceration. Andrew Taslitz takes a different approach in which he looks at several state's structure of government and their drug policy. He does so in a comparative anecdotal manner that lacks any quantitative data. He only selects three cases, but nonetheless makes an interesting case that "populist deliberative democracy" leads to more lenient drug laws. For example, California's drug policy is more lenient because the policy making process is decentralized and the public is empowered by the ballot initiative process. Dorothy Roberts uses a wide variety of statistics, time series and cross sectional data on incarceration by race and other factors to attempt to create a complete explanation for mass incarceration. She argues that segregation, poverty and mandatory sentencing all play a role in the racial disparity. Roberts, Alexander and countless other scholars point to the war on drugs as a driving cause of mass incarceration, so any study that did not control for the punitiveness and breadth of drug laws would be incomplete. Scholars Sampson, Raudenbush and Earls argue, much like Wilson, that poverty is a key determinate of violent crime. It can be surmised then that both violent crime and poverty begit police presence which could cause mass incarceration. David Garland takes a similar approach to mass incarceration as Roberts noting important changes in legal structures across the US such as the rise of mandatory minimum sentencing and three strikes laws as the war on drugs ramped up. He noted something that Brooks missed, however: the militarization of police, which could be key to having a complete understanding of mass incarceration.

Scholars studying mass incarceration seem to have taken a few different approaches to research design. I can find no literature that has an experimental design, likely because it would be extremely difficult in practice to run such a study. All have thus taken observational

approaches. Roberts, Alexander and Garland each had a similar approach (though, as mentioned earlier, Alexander's work was a bit more theoretical) in which they collected time series and cross sectional data and used that data to make very clear legalistic arguments. Though the authors used statistics to make their argument, there is little, if any, statistically eloquent models to prove their theories. They relied mostly on rhetoric, logic and historical context to make their case. Taslitz's research design was particularly problematic because his argument was strictly legalistic (using very few statistics), and only studying three cases out of fifty to make his case. There is a strong probability of selection bias and his independent variable seems to be somewhat subjective and difficult to quantify. The two most quantitatively driven studies are those by Human Rights Watch and Sampson et al. Human Rights Watch had a large amount of eloquent cross sectional and time series data and made comparisons and drew conclusions on that data. Sampson, Raudenbush and Earls collected cross sectional local poverty and crime data and ran a regression model, giving their study strong statistical evidence. The only issue is that their study is confined to one urban area (Chicago). Because of the diversity of the city of Chicago, it seems that their findings are in actuality fairly generalizable.

The data used in studies on drugs, race, crime and incarceration ranged from being highly quantitative to being highly qualitative. Taslitz's data was not quantitative as he analyzed how democratic a state was (i.e. if it had a strong referendum process) and its effects on drug laws (i.e. if states have mandatory minimum sentencing) his argument is very legalistic and uses almost no quantitative data whatsoever. Roberts and Garland based their arguments on both statistical evidence such as referencing the growth of incarceration rates and decline of crime rates, and various other stats related to the issue at hand, and legalistic reasoning to reach their

conclusion. Though they would often make reference to statistics (such as the fact that black males have a one in three chance of going to prison at some point in their lives or that all black people living in poverty have a 1 in 8 chance of being incarcerated) the meat of their argument was not statistical. Alexander, despite having a legalistic argument that was more theoretical than the other scholars, had plenty of statistical data, including a table of the drug incarceration rates by for all 50 states and a separate table with the rates by year, in addition to other non-statistical data discussed more thoroughly in the section on the theoretical approach. The most quantitatively driven approaches were those of Human Rights Watch and Sampson et al. Sampson, Raudenbush and Earls separated neighborhoods by race and socioeconomic status, measured the crime rate within them and used a regression table to demonstrate that poverty causes violent crime. Human Rights watch in their 2009 study, in addition to in several other studies included a great wealth of data giving year by year drug arrest rates by race, state arrest and incarceration rates by race and many more well-conceived and well put together charts and graphs on the subject.

The literature gives this study a fantastic starting point. There is little disagreement among scholars that the war on drugs and its highly punitive nature is a major driving force of mass incarceration. Thus, when looking at drug incarceration and arrest rates across states, something we clearly must control for is the nature of state's drug laws (EG how punitive are they? What drugs are decriminalized?). There is also consensus that mandatory minimum sentencing and three strikes laws are aiding mass incarceration. These too are things that may need to be controlled for. Poverty and crime are two other factors that the literature highly suggests is at play in incarceration rates. One interesting finding was that racial disparity in drug

arrest rates leads to higher disparities in drug incarceration rates. Police militarization is claimed, by Gardner, to be a driving force of mass incarceration. This could perhaps be subject to a 'post hoc ergo propter hoc' fallacy, but it is worth attempting to analyze. Though Taslitz's study was problematic and definitive proof of his argument would require more study, the notion of populistic inclusive democracy could be important in the policy making process that leads to mass incarceration, and thus should be controlled for. Lastly, if we are to trust the more theoretical approaches, we must look at how having a Republican controlled government or voting patterns effects drug incarceration rates by race. We must also analyze how a prior history of racism in states could have lasting effects in their current policy. We should also analyze the causal effect of urban poverty. Then, of course, there is the issue that I am most interested in: how the racial makeup of states effects their racial disparity in drug incarceration rates.

Data Collection Summary

In order to attempt to establish a relationship between the racial makeup of states and the racial disparity in law-enforcement I have compiled a large data set of cross sectional data to control for unrelated variables and to help us understand the extent of the relationship. In order to compile this data set, I attempted to use at least one measure of each variable that past literature has indicated could be a factor driving the racial disparity between the drug incarceration (and arrest) rates of black and white citizens in each state. To measure the dependent variable, I have used the drug incarceration rates of black and white citizens in each state and compared the two by dividing the Black drug incarceration rate (per 100,000) by the White drug incarceration rate.

This data is taken from a 2009 report by Human Rights Watch. A separate dependent variable comes from a separate report by Human Rights Watch in 2009, in which they measure the drug arrest rates by race. Again, we divide the Black drug arrest rate (per 100,000) by the White drug arrest rate to come up with the disparity between the two. This number will indicate how many times more likely a given Black person is to be incarcerated or arrested compared to a White person, respectively, for a drug related crime. While the arrest rate does not directly measure incarceration, it measures a phenomenon we are also interested in. If we believe that the war on drugs and mass incarceration are part of broader systemic racism in law enforcement we should then be interested in those who suffer the consequences of the system, even if they are not incarcerated. Drug arrests could lead to disenfranchisement, a felony record, fines, probation and other consequences even if they do not lead to jail time. If we are interested in what is driving incarceration, we must also be interested in what is driving arrests.

Our main independent variable is the percentage of a state's population that is non-Hispanic White. This data comes from the US Census Bureau as part of the 2010 Census Report. The reason I am using Non-Hispanic Whites rather than all Whites is that, in American culture, Hispanic Whites are often seen as racially distinct from Non-Hispanic Whites, and theoretically this exposure to diversity could cause citizens to feel less threatened by outside groups. If my theory is correct, we will see a larger racial disparities in arrest and incarceration rates in states that have a higher percentage of Non-Hispanic Whites.

An important variable that must be controlled for is the Republican voting patterns of states. In order to measure this, I have taken the percentage of the vote received by John McCain in the 2008 election in each state via the official Federal Election Commission report on the

election. This is perhaps the best measure because state parties sometimes differ in ideology and mission. The Kentucky Democratic Party could conceivably be more conservative than the Connecticut Republican party because of the voters they are trying to appeal to. Some state Democratic parties may have engaged in the very ‘Dog Whistle Politics’ that makes the Republican Party suspect. For this reason, simply measuring the number of Republicans in the state or in its legislature is problematic. By using a presidential election, we standardize what it means to vote republican. 2008 was chosen because it was the closest election to our data sets for the dependent variable. If the theory I developed from Lopez is correct, we should see a positive relationship between Republican voters and disparity in drug arrests and incarceration.

Because poverty is important for several different theories, I analyzed several different measures based on poverty rates. I initially included the overall poverty rate (percentage of people living under the Federal Poverty Line) because poverty is related to crime. Perhaps we should expect to see a higher disparity in states that have higher poverty levels. Because William Julius Wilson argues that urban poverty is distinct from other types of poverty, I have also included the “metropolitan” poverty rate of each state, (again measured by the percentage of people in metropolitan areas living under the Federal Poverty Line) in the initial analysis. If Wilson is correct, we should again expect to see a positive relationship between metropolitan poverty and incarcerations and arrests. The Overall and Metropolitan poverty rates were taken from a study by the Kaiser Family Foundation in 2013. We are also interested in Black poverty because if we believe that poverty (and/or Black urban poverty) cause crime it naturally follows that higher rates of Black poverty could lead to higher rates crime in the black community. In order to control for this, I have included the poverty rate among black citizens of each state (the

percentage of the community living under the federal poverty line) in addition to the black poverty rate relative to the white poverty rate (the black poverty rate divided by the white poverty rate). This data comes from 2011 report from the US Census Bureau. We expect to see a positive relationship between Black poverty and relative poverty to the disparity in the drug incarceration and arrest rates. Because including all of these different measures in my final model would create issues of multicollinearity and the concepts are not very distinct from one another, in the final model I used only measures of black poverty because they performed better in both bivariate and multivariate tests. In order to completely avoid issues of multicollinearity, I created two separate models for each dependent variable (drug arrests and incarcerations). One included the Black poverty rate and excluded black to white poverty, the other included black to white poverty and excluded the black poverty rate.

Violent crime could lead to drug arrests and incarcerations, as the war on drugs was partly sold as a means of preventing more serious crime. Communities with more violent crime could also draw more attention from law enforcement, causing there to be more arrests for minor crimes. Unfortunately, the FBI's data on violent crime is not nearly as extensive as the Census Bureau's poverty data. The only data included in my data set from the 2006 FBI report on violent crime is the violent crime rate per 100,000 citizens. There is, unfortunately, no data on race and violent crime on the state level. This would be very interesting to scholars of mass incarceration, if it existed. The measure of violent crime per 100,000 is, nonetheless, a direct measure of violent crime per capita, an ideal measure of the concept. We expect to see a positive relationship between violent crime and the racial disparity in arrests and incarcerations.

It has been argued that police militarization is partly driving mass incarceration. For this I have used data from a 2014 Washington Post article which cites data from the Bureau of Justice Statistics and the Defense Logistics Agency. Using data from these two sources, author Christopher Ingraham was able to compile the per capita dollar amount which military equipment was given to local police departments under the Defense Department's Excess Property program by state. The number is the total dollar amount of Military equipment allocated to a state divided by the total amount of police officers in that state. This is a good way to measure the concept of police militarization, as it gives us an idea of the rate in which military weapons have become intertwined in local police work. The theory that police militarization is driving drug arrests and incarcerations predicts a positive relationship between the two. If the war on drugs is racially motivated, there may be greater disparity in arrests and incarcerations for states that have more military goods per police officer.

Sentencing policy is thought to be incredibly important to mass incarceration. To measure this concept, I simply looked at whether or not states had a three strikes law based on a 2000 Federal Government report by James Austin. Sentencing policy is far too broad of a concept to be able to measure in its entirety. The three strikes law is emblematic of harsh sentencing policy. It is one of many policies that lead to punishments that critics say are disproportionate to the crimes in question. If someone is convicted of a certain number of drug crimes, the judge would be compelled to sentence them to jail time, meaning it could drive drug incarcerations, and possibly racial disparities within if judges are more lenient on white citizens than black ones. This theory predicts a positive relationship between the presence of three strikes laws and drug incarcerations, however the relationship with drug arrests would likely be less

direct. It could conceivably have a small effect on drug arrest rates if police officers are more lenient toward white citizens who have two strikes on their record, than black citizens in the same position, but this would only affect a small number of cases.

Drug laws are clearly an important factor in drug incarcerations. Again, it would be very difficult to accurately measure the entirety of drug laws, so I have focused on marijuana, the most used illegal drug in the US. As the most used illegal drug in the US, its legal status should have the largest effect on drug arrest and incarceration rates in comparison to other drugs. In this data set, I have accounted for the legal status of Marijuana via the Marijuana Policy Project. States were given a score based on how strict their laws are; 1 indicating that marijuana is legal; 2 indicating that it is both decriminalized and that medical marijuana is legal in the state; 3 indicating that marijuana is decriminalized, but there is no medical marijuana; a 4 indicates that possession, use or sale of marijuana is criminal unless it is for medical use; and a 5 indicates that marijuana is illegal under any circumstances. If harsher drug laws lead to greater levels of racial disparity in drug incarceration and arrests because the war on drugs targets black people indiscriminately, we expect to see a positive correlation between how strict state's marijuana policy is and how big the disparity between black and white citizens is in drug arrests and incarcerations. It is also conceivable that harsher drug laws could drive the disparity down, as harsher drug laws could mean more arrests and incarcerations overall, across racial groups.

To measure how populist and inclusive state's democracies are, I analyzed state ballot initiative processes via the National Conference of State Legislators. The more powerful the ballot initiative process is the higher score it received. A state was given a 0 if there was no ballot initiative process or it is limited to advisory referendums, a 1 if the ballot initiative process

was only used to approve legislatively approved Constitutional Amendments, a 2 if it only approve legislatively referred statutes, a 3 if the ballot initiative process can be initiated by the public, but can only be used to make statutory change, and a 4 if the ballot initiative process can be initiated by the general public and is capable of making both constitutional and statutory change. This is a good measure because it tells us how much impact the general public can have on the law in each state. Theoretically the more inclusive and populist the democracy (as dictated by the scores), the less likely there is to be a racial disparity between drug arrest and incarceration rates, because when all racial groups conceivably have a say in how laws are constructed, the legal system is less discriminatory toward minorities. We expect a negative correlation.

I have scored states according to their history of systemic racism. The two main factors analyzed were the institution of slavery and the segregation of schools. States that had slavery were given a score of 2, whereas states that were territories at the time that had slavery were only given a score of 1 because they did not have as long a history with the institution, nor did they succeed from the union to preserve it. States that did not have the institution of slavery were given a 0. This score was then added to the state's school segregation score. States that had mandatory school segregation laws were given a score of 1, states that had optional segregation or no laws on the subject were given 0.5 and states that banned segregation were given a 0. This creates a 0 to 3 scale that should indicate how much systematic racism is present in the state's history. I expected to see a positive correlation between this score and the racial disparity in drug arrests and incarcerations.

Lastly, I attempted to account for how racist states are. I accounted for this by including a state's 'racist search index score' from a paper by Seth Stephens-Davidowitz in which he rated the number of times racially charged words, such as the n-word, were searched on internet search engines in a state on a scale from 1 to 100. I expected to see a positive correlation between the racially charged search index score and the disparity in drug arrests and incarceration rates of black and white citizens.

Statistical Analysis

The three independent variables that are seemingly the most interesting are those which draw on the theoretical approaches previously discussed. Drawing from the three landmark books on race in American politics discussed earlier, we can hypothesize, from Lopez, that states which voted for John McCain in higher numbers will be more likely to have a greater racial disparity in drug incarceration and arrest rates, from Wilson, that states with higher levels of black poverty will have a greater discrepancy, and from Alexander that states with whiter populations will have greater discrepancies. The mean black to white drug arrest rate is 4.9, meaning that black citizens are, in the average state, 4.9 times more likely to be arrested for drug crimes than white citizens. The mean black to white drug incarceration rate is 10.7. The mean percent vote for John McCain was 47.05. The average state was 70.7 percent white non-Hispanic. The mean black poverty rate was 27 percent, while the mean black to white poverty rate was 2.5, indicating that, in the average state, a black citizen is 2.5 times more likely to live in poverty than a white citizen.

When we run a series of correlation coefficients, we see evidence of a causal relationship for each of these independent variables for either arrests or incarceration. For drug arrests, the

percent white non-Hispanic has a correlation coefficient of .563 and its null hypothesis has a p value of .000 indicating that it is a substantial indicator of the disparity between white and black drug arrest rates and that the relationship is positive. The black to white poverty rate has a correlation coefficient of .498 and its null hypothesis' p value is .000 indicating a significant positive relationship. The black poverty rate also reaches levels of significance with its null hypothesis' p value is .002, and its correlation coefficient is .433, indicating a clear positive relationship. Percent vote for John McCain does not reach levels of significance in this bivariate test. However, for drug incarcerations, percent vote for John McCain is the only variable among these that reaches significance. Its null hypothesis has a p value of only .006 and its correlation coefficient is -.464 indicating a significant negative relationship, contrary to my initial hypothesis.

	Black to White Drug Arrest Rate (Model 1)	Black to White Drug Arrest Rate (Model 2)	Black to White Drug Incarceration Rate (Model 1)	Black to White Drug Incarceration Rate (Model 2)
Percent White Non-Hispanic	.082*** (.025)	.089*** (.027)	.051 (.146)	.062 (.147)
Percent Vote for John McCain	-.085** (.039)	-.080* (.041)	-.572* (.281)	-.473* (.256)
Black Poverty Rate	8.327 (5.236)	N/A	25.109 (34.288)	N/A
Black to White Poverty Rate	N/A	.447 (.627)	N/A	1.485 (3.367)
Historic Segregation Index	.172 (.287)	.198 (.296)	-.899 (1.52)	-1.054 (1.527)

Violent Crime per 100,000	.001 (.002)	.000 (.002)	-.001 (.010)	.001 (.010)
Populist Inclusive Democracy Rating	-.224 (.178)	-.169 (.178)	-1.108 (.879)	-1.126 (.886)
Racist Search Index	-.027 (.024)	-.019 (.024)	-.018 (.120)	.010 (.116)
Three Strikes Law	-.337 (.527)	-.382 (.541)	3.191 (2.949)	2.481 (2.752)
Marijuana Policy Strictness Rating	.230 (.251)	.251 (.258)	2.070 (1.342)	1.758 (1.421)
Value of Military Goods Transferred Per Sworn Police Officer Via Excess Property Program	.000 (.000)	.000 (.000)	-.001 (.001)	-.001 (.001)
Black to White Drug Arrest Rate	N/A	N/A	-.785 (.781)	-.618 (.746)

*-P<.1, **-P<.05, ***-P<.01

In this multivariate regression, I test several hypotheses that could possibly influence the levels disproportionateness between black and white citizens in drug arrest rates. One factor that could influence the discrepancy between black and white drug arrest rates is marijuana policy. It could be that stricter drug policy will lead to more drug arrests in both the black and white communities, thus driving down the ratio of black to white drug arrest rates. It is also possible that, if the war on drugs is directed *solely* at the black community, it would drive up the discrepancy. Either way, we cannot dismiss the null hypothesis, as the p value for it is greater

than .05. Three strikes laws could potentially have a small influence drug arrest rates, police may be more hesitant to arrest white people who have 'two strikes' on their record than black people in the same position. This hypothesis cannot be confirmed, as the null cannot be dismissed. One could hypothesize that the value of military goods transferred to police could increase the discrepancy between the black and white drug arrest rates. The police may wish to use their military goods in black communities to 'instill order,' that need not be instilled in white communities (either as a direct result of racist policing or an indirect result of ghettoization.) This hypothesis cannot be confirmed. One could reasonably believe that populist and inclusive democracy could lead to policies and policing that is more favorable to minorities, leading to a lower discrepancy between white and black drug arrest rates. We cannot dismiss the null for this hypothesis. There is a reasonable hypothesis that violent crime could lead to a greater discrepancy between black and white drug arrest rates. Violent crime in economically depressed black communities could lead to a greater police presence and thus a greater discrepancy. This cannot be confirmed however, as the p value is greater than .05. Historic segregation could lead to a greater discrepancy between black and white drug arrest rates. Historic segregation could be considered a measure of racism, and a measure of racism that has existed in state laws in the past, and perhaps be entrenched. The null hypothesis, however, cannot be dismissed. The hypothesis that the number of racist internet searches could indicate racism that would have an effect on the justice system, driving up the discrepancy between Black and White citizens also cannot be confirmed. Another factor, as hypothesized earlier, could be the poverty rate of black citizens within the state. The hypothesis would be that greater poverty in the black community causes more crime and other problems leading to more drug arrests. I cannot confirm this.

Investigating such a small number of cases makes it very difficult to confirm any hypothesis, and for this reason, we should not believe that hypotheses that cannot be confirmed are not worth investigating. There are however two hypotheses that do reach levels of significance.

Percentage vote for John McCain is a measure of how republican states are. One reasonable hypothesis is that, if the Republican Party is inherently racist, states that favor Republicans will have a greater discrepancy between white and black drug arrest rates, as legislators implement racist policies. In my analysis, we see that the opposite is true, and we can perhaps reverse engineer a hypothesis that Republicans favor tough on crime policies that are tough on the black and white communities alike, thus driving down the discrepancy. I can dismiss the null hypothesis, as its p value is less than .05. This is an interesting phenomenon that the matter requires more study.

The higher percentage of white people who live in a state, the larger black drug arrest rate relative to the white drug arrest rates. I can dismiss the null hypothesis as its p value is a mere .007. This supports the theory that white majorities impose some level of majority tyranny on non-white citizens.

Changing the model to measure poverty's impact by the black to white poverty rate rather than the black poverty rate does not have much effect on the model. The black to white poverty rate seems to be less likely to yield substantive results in future research, as the p value for the null hypothesis is .48 for black to white poverty as opposed to .12 for black poverty. Percent vote for John McCain does not reach $p < .05$ levels of significance when black to white poverty is used in the model, but comes close. Replacing black poverty to black to white poverty changes the p

value for the null hypothesis from .034 to .055. This is not a substantial change, but it is just enough to put uncertainty for the hypothesis over the threshold for which I can reject the null.

Many of the hypotheses to explain the disparity between the rates of drug incarceration rates of black and white citizens are similar to the hypotheses to explain black and white drug arrest rates. In this regression, we have added black to white drug arrest rates to see if it has an effect on drug incarceration rates. It is notable here that marijuana policy and the presence of a three strikes law are, in this case, descriptive of judicial bias (or lack thereof) rather than bias in policing. Unfortunately, due to a low number of cases, none of the hypotheses reach significant levels. The one that comes the closest is the negative relationship between percentage vote for John McCain and the ratio of the black drug incarceration rate to the white drug incarceration rate, which may indicate that Republicans favor 'tough on crime' policies for all populations rather than to directly target a specific group. The matter, however, requires more study. It is notable that there is little noticeable relationship between the percentage of White Non-Hispanic people in a state and the ratio of black to white drug incarceration rates. One reasonable hypothesis to explain this may be that more homogenous states have a more lenient judicial systems as to not impose harsh penalties on members of their own groups, and that minorities in homogenous states benefit from this.

The model is virtually unchanged when black poverty is replaced with black to white poverty. Still there are too few cases to reach any substantive conclusions, but percent vote for John McCain appears to be the most promising hypothesis for future research.

Conclusion

The primary conclusion of this research is that whiter states have a greater disparity between black and white arrest rates. This indicates that, at least to some extent, in America white majorities impose a harsher standard of law on black citizens than whites. This study cannot draw conclusions on the precise causal mechanism, and thus cannot make policy suggestions to attempt to close the gap. It is possible that whiter states extend police resources to black communities more heavily than less white states, and that more 'eyes' watching the community naturally leads to more arrests. It is also possible that whiter states have whiter police forces and that individual bias plays a role in the discrepancy. Determining the precise causal mechanism would require more study, however, it is difficult to conceive of one that is not the product of institutional racism.

Interestingly the discrepancy in drug incarcerations was not explained by the racial makeup of a state. Perhaps states that have more homogeneous populations have more lenient judges and minority offenders benefit from this. This matter also requires more study.

Puzzlingly states that voted for John McCain tended to have lower discrepancies between black and white drug arrest rates. Perhaps, Republicans favor 'tough on crime laws' for all citizens, including members of their own group driving down the racial disparity. There are several issues that could be at play regarding this relationship, and understanding of the matter could be made clearer by additional scholarly work.

Unfortunately, I did not have a large sample size for either drug arrest or incarceration rates by race by state. If I had a larger sample size it may be possible to confirm many of the hypotheses that did not reach levels of significance.

This study reveals that in some way or another majority tyranny is almost certainly playing a role in racial biases in law enforcement. This matter requires more investigation, and, once more is known about the subject, policymakers should take steps to prevent white majorities from arbitrarily punishing black citizens. In short, racism did not die with Dr. King, America still has a problem fix.

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