

Jim Crow and Incarceration:
Creating a Criminal Group

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Abstract

This article attempts to show the similarity between Jim Crow legislation and incarceration in the US today. By looking at how Jim Crow laws affected the social mobility of racial minorities and comparing the effects of incarceration, I show how criminal legislation continues to incentivize racial minorities to commit crimes, contributing to the large racial disparity in prison populations.

In 1831, Alexis de Tocqueville traveled to the United States under the French monarch's orders. He studied those institutions which were "a matter of pride to every American," the penitentiary system.¹ Upon returning to France, he published *On the Penitentiary System in the United States, and Its Application in France*. Imprisonment, as a method of punishment, was "first established and successfully practiced" in the US.² To this day, the US leads the world in both incarceration technology and incarceration rate. According to the World Prison Population List, "the United States has the highest incarceration rate in the world, 716 per 100,000 of the national population."³

Of the 50 states, Louisiana has the highest incarceration rate, surpassing some countries when controlled for population. According to the 2010 Bureau of Justice Statistics report, Louisiana has an incarceration rate of 865 people per 100,000. Mississippi has the next highest incarceration rate of 734 people per 100,000.⁴ Not only does Louisiana have the highest incarceration rates, its prison population has a large racial disparity. "About 5,000 black men from New Orleans are doing state prison time, compared with 400 white men from the city."⁵ This racial disparity in prisons is not exclusive to Louisiana. Historically, "[t]he United States imprisons a larger percentage of its black population than South Africa did at the height of

¹ Gustave de Beaumont and Alexis de Tocqueville, *On the Penitentiary System in the United States: And Its Application in France; with an Appendix on Penal Colonies, and Also, Statistical Notes* (Carey, Lea & Blanchard, 1833). 12

² Ibid

³ Roy Walmsley, "World Prison Population List," *International Centre for Prison Studies Tenth Edition* (n.d.): 6.

⁴ "Bureau of Justice Statistics: Prisoners in 2008," Bureau of Justice Statistics, <http://www.bjs.gov/content/pub/pdf/p08.pdf>.

⁵ Cindy Chang and The Times-Picayune, "Louisiana Is the World's Prison Capital," *NOLA.com*, accessed May 3, 2014, http://www.nola.com/crime/index.ssf/2012/05/louisiana_is_the_worlds_prison.html.

apartheid."⁶ Why are the demographics of US prison populations so skewed, especially in the Southern region of the country? When the population is majority white, why are racial minorities, especially black minorities, incarcerated at a higher rate? Could it be that historical legislation, like those of Jim Crow, marginalized groups, restricting their options and making criminal activity preferable? Perhaps historic marginalization of minority groups has developed an institutional path dependence, especially in the South. Does the act of incarcerating people fail in its goal of rehabilitation and instead further incentivize criminal activity? Does the combination of legislation and incarceration further marginalize groups contributing the institutional path dependency and the *metis* supporting it, insulating blacks into the criminal sphere?

What could cause the disproportionate incarceration of blacks, especially in Louisiana where the population is 2:1(2.8 mil: 1.4mil) white to black residents?⁷ John Lott outlines a reason in his essay, "Reforms that Ignore the Black Victims of Crime." He notes that "blacks overwhelmingly commit crime against other blacks."⁸ He explains that the criminal law and associated punishments for crime target black criminals in order to protect black victims. "[F]rom 1976 to 2004, whites committed about 47 percent of murders. Blacks committed almost all of the remaining murders."⁹ He asks, while there is "undoubtedly discrimination in the legal system"¹⁰ does that diminish the importance of protecting black victims? While protecting potential victims is the ultimate goal of the criminal justice system, the question still remains, why is there such a prevalence of black criminals? How does a demographic escape from criminal traditions

⁶ Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York; Jackson, Tenn.: The New Press, 2012). 6

⁷ Website Services & Coordination Staff, "US Census Bureau 2010 Census Interactive Population Map," accessed May 5, 2014, <http://www.census.gov/2010census/popmap/ipmtext.php?fl=22>.

⁸ John Lott, "Reforms That Ignore the Black Victims of Crime," *Cato Unbound*, March 13, 2009, <http://www.cato-unbound.org/2009/03/13/john-r-lott-jr/reforms-ignore-black-victims-crime>.

⁹ Ibid.

¹⁰ Ibid.

institutionalized by social context? And how does society's perception change from seeing a group as criminally inclined? Perhaps incarceration actually induces more crime long-term than it deters? A continued situation of discrimination experienced by individuals released from incarceration may contribute to a high recidivism rate, especially in minority groups. By looking at the historical marginalization of blacks, one can possibly trace the cultural *metis* that gives rise to people's perceptions of blacks as a 'criminal group.'

After the Civil War and the 13th Amendment, which freed blacks without giving them the opportunity to acquire property or collect wealth, blacks in America had a new opportunity for success and advancement in society. However, during the Reconstruction period, legislators established laws that restricted the both the physical and social mobility of the newly freedmen. Known today as the Black Codes and Jim Crow laws, this legislation aimed to force blacks to remain on the plantations as the main labor force. While not expressly discriminatory, the discrimination of these laws lay in their enforcement. “[L]aw enforcement made effective use of the Black Code and the criminal law to enforce white domination, what was important was not the high incidence of enforcement, which did not exist, but rather the use of criminal sanctions to define the limits of acceptable behavior by blacks.”¹¹ Southern whites used laws like the Black Codes, emigrant-agent laws, vagrancy laws, and convict-lease acts to restrict blacks' actions. “These laws impoverished blacks by restricting their access to jobs and land, and punished them for not having wealth. Enticement laws limited the physical movement of blacks in the South. These laws were inspired by people like Henry William Ravenel, who insisted that “‘there must...be stringent laws to control the Negroes, and require them to fulfill their contracts of labour on the farms.’” Their purpose was to prevent blacks from leaving work on plantations

¹¹“Race, Property Rights, and the Economic consequences of Reconstruction: A Case Study,” *Black Southerner's and the Law, 1865-1900*. 147. In *Black Southerners and the Law, 1865-1900* by Donald G. Nieman, (New York: Routledge, 1994).

before their contracts expired.¹² [T]he purpose of the black codes in general and the vagrancy laws in particular was to establish another system of forced labor."¹³ By not allowing blacks to find other work or achieve other means of self-reliance, Black Codes forced blacks into slavery without explicitly doing so.

As part of the Black Codes, enticement laws forced blacks into the role of their employer's property once again. "Enticement statutes established the proprietary claims of employers to 'their' Negroes by making it a crime to hire away a laborer under contract to another man."¹⁴ Unfortunately, the low literacy rate among freedmen resulted in many blacks being caught in long-term contracts that placed them in positions of involuntary servitude. Freedmen stuck in these contracts worked for low wages. Being unable to obtain a house, they depended on their employers for housing, further indebting them. Offering a freedman a better job opportunity with which he could escape his debts and improve his social standing was illegal. "Louisiana's law punished 'any one who shall persuade or entice away, feed, harbor or secrete any person who leaves his or her employer.'"¹⁵ Effectively creating a new law for runaway slaves, enticement laws chained blacks to the plantations. These laws also eliminated competition that would raise the price for black labor, keeping blacks in poverty.

On the off season, many farmers ended the contracts they had with the freemen. Only at this time could the freemen leave the area. Many headed to New Orleans where work for former

¹² Cohen, William. "Negro Involuntary Servitude in the South, 1865-1940: A Preliminary Analysis," *Black Southerners and the Law, 1865-1900*. Donald G. Nieman, (New York: Routledge, 1994).38

¹³ (Alexander 2012)). 28

¹⁴ Ibid. 37

¹⁵ Ibid. 39

slaves was more available. The vice district that had arisen employed many freedmen in the entertainment and service businesses which legislation eventually corralled into Storyville.¹⁶

Often when a freedman's contract ended, he needed a place to stay. The wages paid by the plantation owners barely covered living on the owner's property. As a result, most freedmen could not afford a house. Considered homeless, he was subject to the vagrancy laws. Vagrancy laws, "which essentially made it a criminal offense not to work and were applied selectively to blacks" (28) prohibited people from squatting on commonly held land or using it to farm. "Broadly drawn vagrancy statutes enabled police to round up idle blacks in times of labor scarcity and also gave employers a coercive tool that might be used to keep workers on the job."¹⁷ These laws forced freedmen to work for the same plantations that had previously enslaved them. The alternative was to try and avoid arrest while living on public land. Blacks arrested under the vagrancy law could be leased out to the plantation owners as a rented labor force within the convict-lease system.

When arrested for a crime, many blacks became part of the convict-lease system. The convict leasing acts allowed prisons to rent out inmates. "[T]he problems of crime, tax relief, internal development, and control of the labor force all intersected in the convict-lease system."¹⁸ Convicts had to pay off all debts incurred prior to and during their imprisonment. The only way to do so was through joining the convict-lease system. Inmates agreed to work on plantations until they repaid their debt; however, their wages were so low that repayment took many years. "Vagrancy and convict-leasing acts existed in the North, and, taken at face value, many contract-

¹⁶ Lawrence N. Powell, *The Accidental City: Improvising New Orleans*, Reprint edition (Harvard University Press, 2013).

¹⁷ Cohen, William. "Negro Involuntary Servitude in the South, 1865-1940: A Preliminary Analysis," *Black Southerners and the Law, 1865-1900*. Donald G. Nieman, (New York: Routledge, 1994). 37-38

¹⁸ *Ibid.* 60

enforcement laws simply aimed at penalizing fraud. What gave life to the system was the intent of the men who wrote its laws and the spirit in which these measures were enforced.”¹⁹ In the South, these laws were intended specifically to keep the freedmen on the plantations as the labor force. “[Convicts] were understood, quite literally, to be slaves of the state.”²⁰ In *Ruffin v. Commonwealth*, the Supreme Court decided that each convict has “as a consequence of his crime, not only forfeited his liberty, but all his personal rights except those which the law in its humanity accords to him. He is for the time being a slave of the State.”²¹ With the implementation of such legislation, slavery changed names. No longer seen as outright slavery, but the consequence criminal action, whatever that might be, forced labor continued to dominate the experience of blacks in the South.

Because black convicts once again filled the role of slave labor; however, they were owned by the state rather than the farmers. Farmers renting the convict labor held the responsibility for their housing and nourishment; but because the farmer did not own the convicts, perverse incentives resulted in widespread mistreatment of the convicts. “Death rates were shockingly high, for the private contractors had no interest in the health and well-being of their labors, unlike the earlier slave-owners who needed their slaves, at a minimum, to be healthy enough to survive hard labor.”²² Often half dead after escaping the convict-lease system, ex-convicts endured greater difficulty in providing for themselves.

The real effect of this discriminatory law enforcement which made up the Jim Crow era is seen in a table graphing jobs held by blacks and mulattos during this time in the South and non-South (Appendix 1). In the South, jobs held by blacks and mulattos were almost exclusively jobs

¹⁹ Ibid. 38

²⁰ (Alexander 2012) 31

²¹ Ibid. 31

²² Ibid. 31

as farmers or laborers. Comparatively, in the non-South blacks and mulattos held a larger range of jobs which aligned with the various skill sets they developed. Many blacks in the non-South still worked as laborers and farmers, but unlike in the South, blacks living in the non-South began to branch into artisan type jobs.²³ Freed slaves in colonial New Orleans similarly took advantage of opportunities to branch into higher skilled jobs: when given the chance freed slaves took service jobs such as tailors which the creole elite refused to do, successfully advancing themselves economically. Freed slaves found their niche in colonial New Orleans: blacks in the non-South did the same.²⁴ Southern blacks continued to struggle under the discrimination of legislation. Many people saw freedmen as vagrants needing to be corralled and treated them as such. This social marginalization with limited job opportunities and housing kept blacks in poverty and unable to increase their human capital.

Discrimination of racial minorities seeped into the social traditions from the legislation, making discrimination and marginalization part of the Southern culture, the *metis* of Southern life.²⁵ Culturally establishing the idea of racial hierarchies led to the creation of an institutional path dependency of racial marginalization and discrimination.²⁶ "Racial division was a consequence, not a precondition of slavery, but once it was instituted it became detached from its

²³ Aliya Saperstein and Aaron Gullickson, "A 'Mulatto Escape Hatch' in the United States? Examining Evidence of Racial and Social Mobility During the Jim Crow Era," *Demography* 50, no. 5 (October 2013): 1921–42.

²⁴ Lawrence N. Powell, *The Accidental City: Improvising New Orleans*, Reprint edition (Harvard University Press, 2013).

²⁵ "*metis* is characterized by local knowledge resulting from practical experience. It includes skills, culture, norms, and conventions, which are shaped by the experiences of the individual." Peter J. Boettke, Christopher J. Coyne, and Peter T. Leeson, "Institutional Stickiness and the New Development Economics," *American Journal of Economics and Sociology* 67, no. 2 (April 1, 2008): 338.

²⁶ "Path dependence emphasizes the increasing returns to institutions, which tend to "lock in" particular institutional arrangements that have emerged in various places for unique historical reasons." (Boettke, Coyne, and Leeson 2008) 332

initial function acquired a social potency all its own."²⁷ Slavery imbedded the idea of white supremacy into the American perception, creating the informal cultural foundation for the future discrimination of minority groups. Even after the courts dismissed the discriminating Jim Crow laws, the same social discrimination persisted. Discrimination was a part of the Southern social *metis* and the exogenous removal of discriminating laws would not stop the informal racial discrimination. "While many of these restrictive laws soon were invalidated by the courts on federal reconstructive policy, they established a pattern of formal and eventually informal discrimination that frustrated the freedman's economic opportunities."²⁸ Legislative discrimination built upon the institutional path dependency already existing in the South, which simple overturning of legislation could not eliminate. Southern legislation pushed blacks to the fringes of society where there were few available options. The forced states of involuntary servitude limited blacks' movement and opportunities. Employed in the same work they had done as slaves, freedmen had little opportunity to develop new skills and increase their human capital. With a limited skill set and limited opportunity for personal development, freedmen had few opportunities for employment. Competing with one another for jobs, blacks entered an inescapable loop of poverty. Unable to completely provide for oneself, the development of a strong community support group became necessary.

Freedmen largely had to rely on each other for support because of difficulty in growing wealth and establishing independence and self-reliance due to undermining legislation. Isolated from the larger community, blacks had to form a community to which they could go to for help.

²⁷ Loic Wacquant, "The New 'Peculiar Institution': On the Prison as Surrogate Ghetto," *Theoretical Criminology* 4 (n.d.): 380.

²⁸ Race, Property Rights, and the Economic Consequences of Reconstruction: A Case Study. 145. In *Black Southerners and the Law, 1865-1900* by Donald G. Nieman, (New York: Routledge, 1994).

Any social advancement would be achieved as a community. Individually overcoming discriminatory legislation was nearly impossible.

Smith discusses this community dependence as the cause crime in his *Letters of Jurisprudence*. In the lecture “On Police,” he explains that police do not prevent crime, prosperity does. What truly prevents crime is “having as few persons as possible to live upon others. Nothing tends so much to corrupt mankind as dependency, while independency still increases the honesty of people.”²⁹ Dependency creates the communities of marginalized individuals. Without support and solidarity, they are unable to live in society. At the same time, the dependency corrupts the community. According to Smith, the way out of dependence is “the establishment of commerce and manufactures, which bring about this independency, is the best police for preventing crimes.”³⁰ Because of the limited opportunities available to blacks, there is a limited development of the division of labor within their community, necessitating communal dependence.

Interdependence and the strong sense of community among blacks arose from a need of solidarity and support. Society at large treated them as unwanted children, forcing them into corners and refusing to allow them to interact freely within society. In response, blacks turned "to each other for support and solace in a society that despises them."³¹ As a result of disassociating from a hateful society, solidarity with the group became valued over solidarity with society at large. This can be found in “street culture” today. As Williams and Sickles explore in their analysis of crime, “for individuals fully vested in the code of the street, the threat of legal and social sanctions associated with engaging in crime impose very low costs...such sanctions may in

²⁹ Adam Smith, *Lectures on Jurisprudence*, New Ed edition (Indianapolis: Liberty Fund, 1982). 536

³⁰ Ibid. 537

³¹ (Alexander 2012) 172

fact increase their standing in street terms.”³² Committing a crime shows one’s disregard for society at large, reinforcing the social connections within one’s social sphere. This creates a social capital base that hinges on criminal activity.

Since social capital largely influences one’s choice of work, many of the individuals whose social capital base lies in the criminal sphere will engage in criminal activity. As introduced by Coleman in “Social Capital in the Creation of Human Capital,” social capital is “a means of integrating the framework of the rational agent with the social context in which decisions such as criminal choice are made.”³³ For most individuals in modern society by becoming involved in crime they risk their social capital because of the associated stigma. However, those who live in this disconnected community and subscribe to the “code of the street,” crime is the most rational course of action. “One would expect social norms and stigma to influence participation in crime.”³⁴ Assuming that criminals are rational actors, the benefits of crime must outweigh the associated dangers and costs of being caught. For those whose social capital resides in the criminal sphere, crime is a natural step. The above model fits this rational framework. Those living in disenfranchised communities have the values, skills, and social capital that make crime the optimal course of action.

Individuals from this community, who choose to engage in criminal activity, are inevitably caught and imprisoned. Once convicted, black criminals serve longer sentences than their white counterparts for the same crime. “When one controls for the type of charge one is booked for, Blacks continue to show a longer [length of sentence] although the overall difference

³². Jenny Williams and Robin C. Sickles, “An Analysis of the Crime as Work Model: Evidence from the 1958 Philadelphia Birth Cohort Study,” *Journal of Human Resources* 37, no. 3 (2002): 479–509.

³³James S. Coleman, “Social Capital in the Creation of Human Capital,” *American Journal of Sociology* 94 (January 1, 1988): S95–S120.

³⁴ (Williams and Sickles 2002)

is reduced.”³⁵ The goal of prison is to rehabilitate prisoners to rejoin society as productive members. Instead, incarceration disenfranchises inmates further. Prison forces inmates to adjust to socially perverse norms and rules, keeps them from participating in the labor market, causing turmoil in their home due to their absence and lack of income.

Incarceration, while initially intended by the Pennsylvania Quakers as a less severe punishment for those “guilty of capital crimes,” fails to rehabilitate inmates.³⁶ De Tocqueville recognized the failure of the so called penitentiary systems. He notes that the system of imprisonment “was ruinous to the public treasury; it never effected the reform of the prisoners.”³⁷ Similar to prisons today, the first prisons, intended to reform criminal policy, instead drained public funds and corrupted instead of rehabilitating prisoners.

Living in prisons for an extended amount of time makes rejoining society difficult. Kaminski demonstrates the perverse social structure of prisons in *Games Prisoners Play*. Prison societies create incentives for living contrary to those of free society. Prisoners’ assimilation into life in prison is known as prisonization. First introduced by Clemmer in *The Prison Community* (1940), the process involves a prisoner adopting the prison’s values which are contrary to society values. “Prisoners must readjust and learn new norms, rules, and expected patterns of behavior. Known as the ‘inmate code,’ what is considered unacceptable in the free world may be encouraged and rewarded inside the walls of the institution.”³⁸ Prisoners relearn how to live based on a totally new set of institutions which directly conflict with those of society. Once free

³⁵ James Austin, Wendy Ware, and Roger Ocker, “Orleans Parish Prison Ten-Year Inmate Population Projection,” March 2011.

³⁶ Gustave de Beaumont and Alexis de Tocqueville, *On the Penitentiary System in the United States: And Its Application in France; with an Appendix on Penal Colonies, and Also, Statistical Notes* (Carey, Lea & Blanchard, 1833).

³⁷ Ibid. 55

³⁸ Rhonda Dobbs and Courtney Waid, “Prison Culture,” *Encyclopedia of Prisons and Correctional Facilities* (Thousand Oaks, CA: SAGE Publications, Inc, 2004).

from incarceration, ex-convicts not only have to relearn informal societal institutions, they are also subject to laws which impede their reintegration into society. "Myriad laws, rules, and regulations operate to discriminate against ex-offenders and effectively prevent their reintegration into the mainstream society and economy."³⁹ These laws include a multitude of housing restrictions, employment requirements, restriction of voting rights, and increased culpability to any social or requisite policy infraction.

Incarceration also negatively affects the future employment of inmates. A study done on the effects of incarceration and its effect on employment found that "the penal system has a pervasive influence on the life chances of disadvantaged minorities."⁴⁰ While the results are not totally conclusive, time spent in jail will not keep someone from finding a job, but it "may still influence employment opportunities."⁴¹ Having a criminal record attached to one's name increases the difficulty of finding a legal job. Specifically, "[b]lack men convicted of felonies are the least likely to receive job offers of any demographic group."⁴² This difficulty coupled with financial need and their existing comparative advantage in crime, incentivizes returning to crime behavior. Incarceration not only increases the difficulty of getting a job, it keeps prisoners from holding a job while serving their sentence. This not only deprives their family of income, it keeps the prisoners from developing their human capital, further limiting their job opportunities.

Incarceration negatively affects inmate's children. In another study, Geller et. al found that having an incarcerated father negatively impacted his kids. The study found "evidence that incarceration has a stronger effect on children's aggressive behaviors than other forms of father

³⁹ (Alexander 2012) 142

⁴⁰ Bruce Western and Becky Pettit, "Incarceration and Racial Inequality in Men's Employment," *Industrial and Labor Relations Review* 54, no. 1 (October 2000): 3–16.

⁴¹ Ibid. 11

⁴² (Alexander 2012) 151

absence.”⁴³ While aggressive behavior does not necessarily predict future criminal behavior, having an incarcerated father has a negative influence on a child’s development. Having an incarcerated father “has significant and damaging consequences for the socioemotional well-being of young children.”⁴⁴ Incarceration not only fails to rehabilitate a criminal, it also causes distress in his home. Incarceration further disenfranchises convicts adding to the social marginalization that led to crime as the optimal option.

Although intended as a rehabilitative punishment for criminals, incarceration disenfranchises convicts. By subjecting criminals to perverse social environments, limiting their job opportunities, and causing familial strife, incarceration creates a marginalized group of people. Similarly to how the Jim Crow laws marginalized a minority group by limiting their job opportunities, separating them from society, and stifling the development of human capital, incarceration further entrenches a minority group’s participation in crime.

Once one is labeled a felon "the old forms of discrimination--employment discrimination, housing discrimination, denial of the right to vote, denial of educational opportunity, denial of food stamps and other public benefits, and exclusion from jury service--are suddenly legal."⁴⁵ After being released from prison, ex-convicts are subject to the same discriminations which blacks endured during Jim Crow: employment and housing discrimination and societal disenfranchisement. "Through a web of laws, regulations, and informal rules, all of which are powerfully reinforced by social stigma, they are confined to the margins of mainstream society and denied access to the mainstream economy."⁴⁶ Many of the laws which govern ex-convicts' reintegration with society make joining the normal social order difficult by restricting

⁴³ Amanda Geller et al., “Beyond Absenteeism: Father Incarceration and Child Development,” n.d.

⁴⁴ Ibid.

⁴⁵ (Alexander 2012) 2

⁴⁶ Ibid. 4

opportunities for jobs, housing, and political participation. This immense difficulty in rejoining society has contributed to a high recidivism rate among ex-criminals. A study released by the Bureau of Justice Statistics found that "about two-thirds (67.8%) of released prisoners were arrested for a new crime within 3 years, and three-quarters (76.6%) were arrested within 5 years."⁴⁷ A majority of released prisoners return to crime, demonstrating that incarceration fails to successfully rehabilitate inmates. According to the Pennsylvania Department of Corrections 2013 Recidivism Report, "[b]lacks report the highest rates of rearrest rates and overall recidivism" at a rate of 66.8% over a 3-year time period.⁴⁸ Instead, these high recidivism rates support the idea that incarceration and the legislation surrounding it further incentivize criminal activity for released prisoners.

Incarceration effectively keeps blacks within the criminal sphere. Like Jim Crow, incarceration creates barriers to entry creating a marginalized group, whose best options lie in the criminal sphere. A reassessment of criminal legislation is required in the US to truly address the problem of crime. When the means of incarceration fail to achieve the ends of societal rehabilitation, a change in criminal legislation is necessary--one that escapes the discrimination and marginalization that has plagued US legislation since the time of slavery.

⁴⁷ Alexia D. Cooper, Ph.D., Matthew R. Duroes, Howard N. Snyder, Ph. D., *Recidivism of Prisoners Released in 30 States in 2005: Patterns From 2005 To 2010* (Bureau of Justice Statistics, April 22, 2014), <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=4986>.

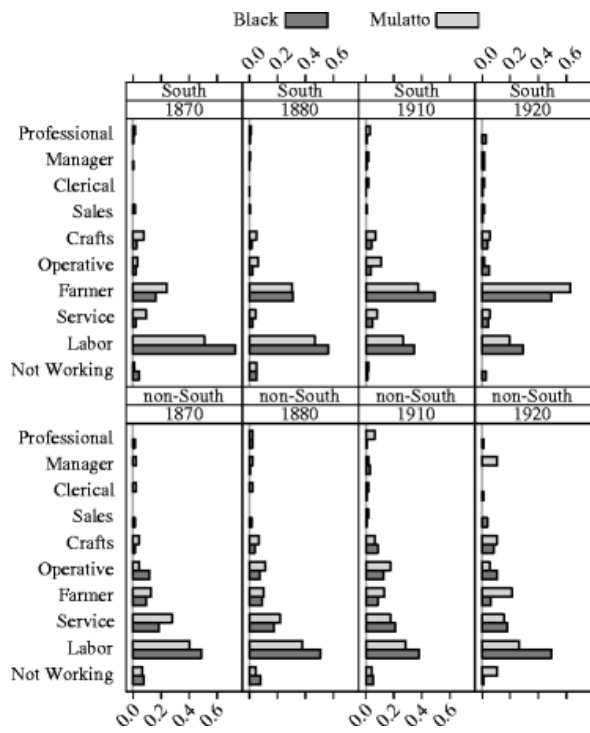
⁴⁸ Nicolette Bell, Kirstofer Bret Bucklen, Kiminori Nakamura, et al, *Recidivism Report 2013* (Pennsylvania Department of Corrections, February 8, 2013).

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Appendix 1:



Above graph attributed to the following source: Aliya Saperstein and Aaron Gullickson, “A ‘Mulatto Escape Hatch’ in the United States? Examining Evidence of Racial and Social Mobility During the Jim Crow Era,” *Demography* 50, no. 5 (October 2013): 1921–42.