The Quarterly Journal of Austrian Economics

Volume 23 | No. 3-4 | 618–622 | Fall/Winter 2020 www.qjae.org

Book Review

From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America

Elizabeth Hinton
Cambridge, Mass.: Harvard University Press, 2016, 464 pp.

Tate Fegley*

American policing is in a crisis of legitimacy. Due to well-publicized deaths of suspects in custody and obvious increases in militarization, even those of a disposition normally supportive of the police instinctively know that something is wrong. In a growing number of ways, police officers less resemble Sheriff Andy Taylor and reveal their primary role, not as protectors of the public and individual rights, but as the enforcement arm of the state. Seeing police departments seemingly make a greater effort to prevent churches from meeting and people from conducting business while giving large groups of rioters free rein to gather closely together while destroying property was likely a red pill moment for many. The failure of local law enforcement to maintain order in several large

* Tate Fegley (tjf59@pitt.edu) is a postdoctoral associate at the Center for Governance and Markets at the University of Pittsburgh.

Quart J Austrian Econ (2020) 23.3-4:618–622
https://qjae.scholasticahq.com/
doi: 10.35297/qjae.010082

cities has resulted in growing acceptance of federal law enforcement intervening in local matters, further establishing the precedent of the alleged necessity of a large federal role in criminal justice.

The great extent of federal involvement in local criminal justice matters was not established overnight, but over the course of several decades. This is the primary subject of Elizabeth Hinton's book, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America*, wherein she catalogs the vast increases in federal spending on grants to state and local governments for policing and prison initiatives that occurred during the presidential administrations of John F. Kennedy to Ronald Reagan. The coverage is very detailed.

What may surprise some readers is just how explosive the growth in federal funding of law enforcement was and how drastically the characteristics of American incarceration changed over such a short time span. For example, whereas Congress allocated $10 million to the War on Crime in 1965, the budget of the Law Enforcement Assistance Administration (LEAA), whose task it was to administer funding to state and local governments, had a budget of $850 million in 1973, ultimately spending more than $10 billion total before disbanding in 1981 (p. 2). But with federal funding comes federal strings, leading local law enforcement to prioritize federal priorities. During the Ford Administration, one of the LEAA's primary initiatives was "Operation Disarm the Criminal," establishing a federal handgun control squad that operated in urban centers in pursuit of what Hinton describes as an effort to disarm poor blacks by criminalizing the possession of cheap "Saturday night specials" (p. 253). In addition to targeting gun owners, the federal government incentivized local law enforcement to fight the War on Drugs through the Comprehensive Crime Control Act of 1984, which contained forfeiture provisions that allowed law enforcement agencies to keep as much as 90 percent of the proceeds from seizures of cash and property belonging to suspected drug offenders (p. 312). The federal government has also shaped local law enforcement through the distribution of discounted or free equipment, including military weapons and hardware as well as surveillance gadgets. This continues to this day with the distribution of Automatic License Plate Recognition technology and Stingray devices that mimic cell

phone towers, allowing the user to extract data from cell phones within range.

Whereas the United States used to be unexceptional in incarceration rates as recently as the early 1970s, the federal government was integral to changing this as well. Hinton notes,

> When Richard Nixon took office in 1969, he inherited a penal system that had been shedding prisoners. The 1960s produced the single largest reduction in the population of federal and state prisons in the nation's history, with 16,500 fewer inmates in 1969 than in 1950. Despite this trend toward decarceration, under the auspices of the Nixon administration the federal government began to construct prisons at unprecedented rates. (p. 163)

Along with the growth in prison construction came changes in prisoner demographics:

> Although ascendant numbers of black Americans were imprisoned at disparate rates following the Civil War, until the 1970s they constituted roughly a third of the nation's prison population. Only after federal policymakers started investing in crime control measures, and only after the Nixon administration began to plan and incentivize prison construction, did black Americans encompass roughly half of the nation's incarcerated citizens. (p. 178)

Changes in sentencing laws, the subsidization of police on the street, and the pursuit of the War on Drugs heavily contributed to the incarceration behemoth the United States have become. The reader is left with little doubt that the effect of federal involvement in criminal justice has been profound and in a manner detrimental to American liberties.

However, there was a missed opportunity in this book to connect the workings of the welfare state with federal involvement in law enforcement and criminal justice. I was hoping that Hinton would offer the reader something similar to Bruce Porter's (1994) exposition of the relationship between the rise of the warfare state and that of the welfare state or Coyne and Hall's (2018) explanation of how military tactics used abroad find their way into domestic law enforcement. Unfortunately, Hinton appears to see no connection between the expansion of the federal government's

role in alleviating social problems through welfare spending and the subsequent expansion of its role in the criminal justice system. She states, "One of the essential ironies of American history is that this punitive campaign began during an era of liberal reform and at the height of the civil rights revolution, a moment when the nation seemed ready to embrace policies that would fully realize its egalitarian founding values" (p. 1). It is indeed disappointing that a book called *From the War on Poverty to the War on Crime* would give us no explanation of why the latter would follow the former.

This reflects the general problem afflicting this book: it lacks any clear, discernible thesis. Chapter after chapter simply describe the activities of the federal government in influencing local law enforcement and the expansion of prisons over the relevant time period. While there is a great deal of information therein, with some interesting stories of boondoggles such as the Metropolitan Police Department's "Operation Sting" that involved police officers posing as Mafia dons and encouraging larceny through their purchase of stolen property, the lack of any overarching argument leaves the reader feeling as though he is just reading a long series of facts.

Throughout the book there is a subtext that if the federal government had instead more strongly pursued the War on Poverty and spent sufficient amounts of money on it instead of criminal justice, the crime problems that existed throughout the War on Crime would have been better ameliorated. But such an argument is never explicitly made and so evidence for it is never presented. Although Hinton expresses support for the War on Poverty in the epilogue, stating that it included "promising initiatives that had been designed by grassroots organizations," she laments that they were not allowed to come to full fruition: "Before community action programs were given a chance to work on a wider level and for entire communities rather than individuals, federal policymakers decided to defund them and switch course" (p. 336). The question of why they decided to switch course, particularly if such programs were so promising, is never addressed.

Ultimately, *From the War on Poverty to the War on Crime* serves as a good overview of the criminal justice activities of the federal government during the Kennedy to the Reagan years, but not much more.

REFERENCES

Coyne, Christopher C., and Abigail R. Hall. 2018. *Tyranny Comes Home: The Domestic Fate of US Militarism*. Redwood City, Calif.: Stanford University Press.

Porter, Bruce D. 1994. *War and the Rise of the State*. New York: Free Press.