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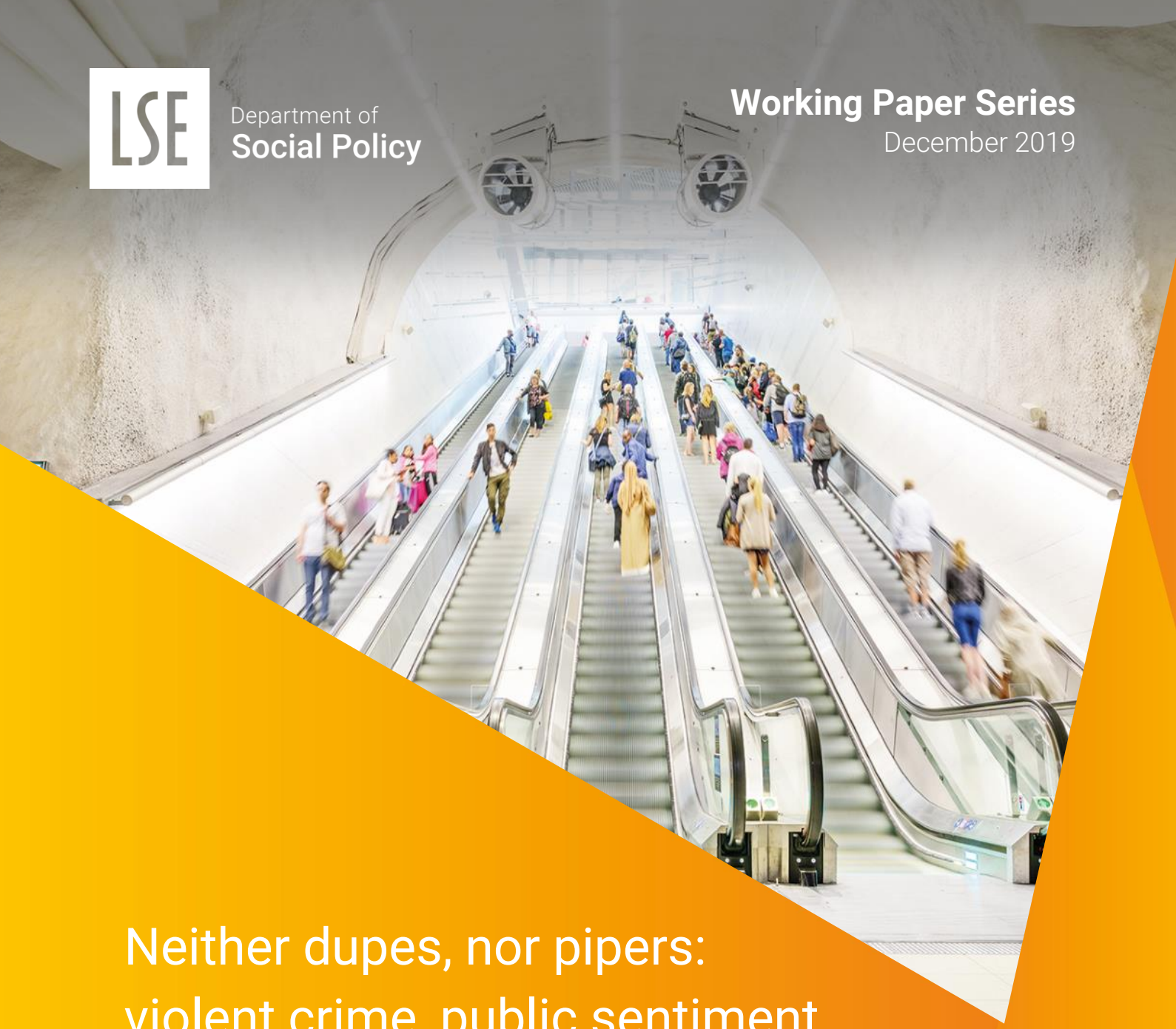

Neither dupes, nor pipers: violent crime, public sentiment and the political origins of mass incarceration in the United States

Working Paper 13-19

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Abstract

One of the most contentious questions in contemporary penology is why the use of imprisonment started rising rapidly in the US in the early 1970s. The two dominant perspectives on the subject focus on crime's public salience and how it relates to violent crime and political elites, respectively. The first perspective holds that incumbent political elites promoted tougher criminal justice policies in the name of a public concern about violent crime that they previously aroused themselves, in order ultimately to serve narrow interests. The second perspective argues instead that politicians in office toughened criminal justice policies in response to a legitimate public disquiet about violent crime. Based on an unprecedented comparison of trends in violent crime and public opinion over the period 1960-1980, this article suggests that both perspectives misread how the politics of crime and criminal justice unfolded around the time mass incarceration was taking off. Research on the subject should henceforth shift its focus onto perspectives that do not treat majority public opinion as a key element in criminal justice policy-making.

Key words: mass incarceration, violent crime, public sentiment, politics of criminal justice

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Introduction

In 1973, following fifty years of overall stability, the use of imprisonment in the US set out on a course of long-sustained and rapid rise. Over the next four decades or so, the US imprisonment rate more than quadrupled, reaching levels far above those found anywhere else in the world; a phenomenon commonly referred to in relevant literature as 'mass incarceration' (see further Travis *et al*., 2014).[1] Much ink has been spilt, and will doubtless continue to be spilt, about what prompted this turning point in American punishment. An accumulating throng of commentators note that the emergence of the prison boom was greatly facilitated by legislative reforms dating back to the mid- and late 1960s, most notably the passage by Congress of the Law Enforcement Assistance Act in 1965 and the Omnibus Crime Control and Safe Streets Act in 1968, which gave local, state and federal authorities substantially increased capacity for arrest, prosecution and incarceration. In a similar vein, it is argued that the explosive growth of imprisonment was given significant legislative impetus during the 1970s, not least through federal- and state-level enactment of mandatory minimum sentencing laws for a range of crimes, including, crucially, drug violations and firearms offenses (see further Simon, 2007; Murakawa, 2014; Travis *et al*., 2014; Hinton, 2016). But while there is growing consensus that an array of harsh laws introduced in the 1960s and 1970s played a key role in the emergence and early sustenance of mass incarceration, there is no agreement as to why such legislation was adopted in the first instance.

Two viewpoints have dominated pertinent scholarship, both of which concern themselves with crime's public salience and the relationship this bears to violent crime trends and political elites, respectively.[2] Following in the footsteps of political science literature that deals with the interplay between public opinion and political power in fields other than crime and criminal justice policy (e.g., Jacobs and Shapiro, 2000), the first viewpoint may be summarily termed 'elite manipulation'. The elite manipulation viewpoint suggests that, in promoting stricter criminal justice policies, incumbent administrations of the era feigned adaptation to a widespread public anxiety about violent crime that they had largely inflamed themselves, rather than one reflective of actual trends in criminal activity and victimization. This, it is suggested further, was a strategy meant to distract public attention away from politically inconvenient issues and convey a self-serving 'tough-on-crime' image, in order ultimately to promote private and in-group interests, such as securing the electoral support necessary to stay in power (see, e.g., Miller, 1996; Beckett, 1997; Quinney, 2002).

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[1] The term 'mass incarceration' has been critiqued (e.g., by Wacquant, 2009) for falsely implying that the risk of incarceration is evenly distributed in society, when in reality certain segments of the population, particularly African American and Latino males, are many times more likely to find themselves in prison than their white counterparts. As Simon (2012) explains, however, the term is not necessarily misleading, given that the risk of incarceration faced by white males has also undergone significant growth and has, indeed, reached unprecedentedly high levels as far as this group is concerned. Thus, 'mass incarceration' is useful in terms of capturing the 'important degree to which incarceration risk has been generalized', without ignoring or undermining its unequal distribution patterns (ibid.: 25; see also Gottschalk, 2015).

[2] Other lines of explanatory inquiry usually focus attention on deeply entrenched racial and socio-economic inequalities (see, e.g., Beckett & Western, 2006; Wacquant, 2009; Tonry, 2009; Gottschalk, 2015; Hinton, 2016), historically embedded institutional structures and organizational reforms (see, e.g., Caplow and Simon, 1999; Simon, 2007; Lacey and Soskice, 2015; Lynch, 2016), or pressures from professional, private and other special interest groups (see, e.g., Gottschalk, 2006; Page, 2011; Xenakis and Cheliotis, 2020, in press).

The second dominant viewpoint may be termed 'democratic responsiveness', once again in line with political science research on the relationship between public opinion and political leadership in domains other than crime and criminal justice, and is essentially revisionist in character, insofar as it has arisen in an effort to overturn the elite manipulation thesis. The democratic responsiveness viewpoint, too, claims that public salience of crime underwent important growth during the period at issue, yet it ties this growth to what it describes as a significant escalation in the rate of crime, especially violent crime and, even more so, homicide. Here, then, politicians in office are thought to have basically acted in a democratically responsive manner, at least to the extent that knowledge of spreading public concern about crime against the background of elevated crime rates motivated them to lend the issue greater policy attention, if not necessarily in the sense that the specific criminal justice policies they adopted invariably corresponded to real public preferences (see, e.g., Miller, 2016; Garland, 2001, 2017; Flamm, 2005).[3]

Drawing from a broader project on the political origins of mass incarceration (Cheliotis, in progress), this article presents an unprecedented comparison of trends in violent crime and public opinion over the period 1960-1980 by way of putting the elite manipulation and democratic responsiveness viewpoints to the test (although the findings also arguably have implications for competing viewpoints that lend violent crime and/or public opinion a role in the criminal justice policy-making process). Two main questions are addressed in this regard: first, whether trends in crime's public salience underwent a discernibly significant upward trajectory, both singularly and in comparison with trends in other public concerns; and second, whether trends in crime's public salience reflected trends in violent crime. If the prevalence of public concern about crime is found to have undergone a significant upward trajectory in parallel to trends in violent crime rates, then spreading public disquiet about crime would appear to have been legitimate, thereby satisfying a key element of the democratic responsiveness thesis. If the analysis finds public concern about crime to have become significantly more prevalent without at the same time bearing a positive correlation to violent crime rates, it is the elite manipulation thesis that would remain plausible instead.[4] If, however, public concern about crime proves to have remained more or less consistently low and, as such, overshadowed by various other concerns regardless of trends in violent crime, then the rise of mass incarceration can neither have been an instance of democratic responsiveness nor one entailing successful elite manipulation of the salience attached by the mass public to crime. In such a case, pertinent scholarship would henceforth need to shift its focus onto alternative perspectives.

[3] Miller (2016) claims that her account of the politics of crime and criminal justice in the US (covering the period from 1950 to 2010) is not one of democratic responsiveness, insofar as the public was not presented with policy alternatives other than greater investment in counterproductive punitive measures. Their specific decisions aside, Miller nevertheless treats political elites as having been prompted to policy action by what she describes as a rise in public concern about crime in the context of sustained high levels and dramatic increases in the prevalence of violent crime and homicide in particular, hence her account is cited here as part of the democratic responsiveness camp.

[4] It is theoretically possible that politicians may choose to respond to an exaggerated or otherwise unjustifiable public disquiet about crime, yet this is not the claim put forward by the advocates of what is referred to in this article as the democratic responsiveness thesis.

Polls, politics and issue salience

To clear the ground for the ensuing analysis, it is necessary briefly to leave aside scholarship focused specifically on the politics of crime and criminal justice in the US and instead engage with political science research on the role that polling public opinion in general and estimating how citizens rank the importance of different issues in particular have come to assume in US politics.

Broadly speaking, it is impossible to exaggerate the significance modern politicians have grown to attach to polls, whether for the purposes of attending to public opinion or for the purposes of trying to influence the citizenry in their pursuit of narrow interests. Thus, for example, US Presidents Richard Nixon and Ronald Reagan rarely even spoke in public without knowledge of trends in public opinion (Druckman and Jacobs, 2015: 49). Perhaps most obviously, polls provide politicians with crucial data as to how citizens are inclined to think about different issues, although, of course, they may also track other important types of public opinion, such as the level of approval of a politician's performance or perceptions of a politician's personality (ibid.: 29-37; see further Eisinger, 2003; Heith, 2004).

Either explicitly or implicitly, past studies of political representation have tended to presume that what politicians usually seek to identify in opinion polls when gauging the public's views on different issues are the distinct policy responses respectively favored by the majority. But while policy preferences are issue-specific in and of themselves, not all issues are equally important in the eyes of the public. In fact, as has been suggested recently by archival research into how US presidents engage with public opinion data, a range of practical restrictions on the scope of issues politicians can actually address, combined with their ever-present fear of appearing out of touch, imply that they are prone first to consulting polls in order to establish what issues are most salient to constituents, before proceeding to track policy views regarding this typically small subset of issues, if they do take the latter step at all. Whether their ultimate intention is to follow the public's policy preferences in a context of democratic responsiveness, or to sway the people's policy views so as to serve private and affiliate interests, or otherwise to behave or give the appearance of serving as the public's delegate without necessarily engaging with the public's policy attitudes as such, it makes little sense for politicians to devote effort, time and precious resources to addressing issues of low public salience at the expense of issues that occupy center stage in citizens' minds (Druckman and Jacobs, 2015; see also Heith, 2004; Jacobs and Shapiro, 2000; Shapiro, 2011; Cohen, 1999).

Similarly, issue salience has been shown to be crucial to efforts to influence the ways in which the public evaluates a given politician. For instance, politicians may single out and prioritize an issue of known salience to the public that also allows them to project a favorable self-image (e.g., as a strong or empathetic leader) and counter poor assessments of their performance, even if the policy position they hold on the matter may be at odds with that held by the majority. If such a politically expedient issue does not already sufficiently concern the public, then politicians may try to draw selective attention to it before attempting to exploit it as a means to promote positive perceptions of their personality and capability. Here, in other words, manufactured public salience of convenient issues is key to winning public support. Unless such salience is achieved or sustained, however, it is not clear how continuing to devote a disproportionate amount of attention to the issue in question will

not prove politically counterproductive (and especially so if politicians' policy approach to that issue also remains in opposition to that favored by the public).

Alternatively –or, for that matter, concurrently–, politicians may begin by using polls to identify policy positions that they already share in common with the public, and then go on to overemphasize the issues to which these policies are commonly thought to relate. In this case, the underlying aim is eventually to cultivate politically advantageous perceptions of congruity with the citizenry, including by distracting public attention away from unpopular policy positions, thus also arresting the negative implications these carry for politicians' image. Once again, while successful inducement of concern about selected issues is vital to eliciting the desired reactions on the part of the public, it is politically perilous to keep prioritizing issues that have not moved to, or have not remained at, the forefront of public thinking (see further Druckman and Jacobs, 2015; also Vavreck, 2009).

This is not to say that politicians never persistently accord significance to issues that the public fails to rank as important. There is evidence, for example, that President Reagan not only kept on giving prominence to relatively non-salient affairs; in so doing, he also risked attracting attention to unpopular policies adopted by his administration (Druckman and Jacobs, 2015: 86-87). The two dominant accounts of how the politics of crime and criminal justice evolved in the 1960s and 1970s, however, take crime's public salience as a given, treating it, respectively, as a political construct meant to displace thorny public concerns and facilitate favorable image projection, or as a legitimate reaction to high rates of violent crime that was heeded by democratically responsive political leaders.

Measuring crime's public salience

In the US, the nature and hierarchy of citizens' concerns are commonly measured through publicly available data from representative nationwide Gallup polls on the question 'What do you think is the most important problem facing this country today?', conventionally known as the MIP question. The MIP question has been surveyed in other publicly available polling series as well, for example those conducted by CBS News/*New York Times* and ABC News/*Washington Post* (and it has also been asked in private polls commissioned by the White House, on which more later). It is responses to Gallup's MIP question, however, that are generally accepted as the best time-series indicator of the public's issue priorities. This is due to a mixture of reasons. Temporally, the MIP question has been surveyed by Gallup over an exceptionally long timeframe, beginning in the 1930s, and with the greatest regularity. Substantively, by way of being asked first in the interview, Gallup's MIP question anticipates any cuing effects other sequences might generate. By dint of being open-ended, moreover, it allows all problems to compete for the public's attention, while, in so doing, eliciting their relative ordering, based on the proportion of respondents indicating a particular topic to be most important.

Relatedly, one of the greatest advantages of Gallup's MIP question is that it allows respondents to give up to three responses if they so wish. This not only makes it possible to assess the public salience of a broader array of issues in and of themselves, it also helps to gain more reliable comparative insights into whether, how and how much the importance attached to a given issue is

influenced by shifts in the level of preoccupation with other issues (e.g., whether concern about crime recedes when economic problems attain greater significance in the eyes of the public, and vice versa). The practical inconvenience for the analyst is that, as a result of multiple responses given by single individuals, the summed total of proportions of respondents identifying each given issue as the MIP typically exceeds 100 percent, thus necessitating normalization of the proportions reported by Gallup, not least in order to enhance their comparability (see further Caplow *et al*., 1991; Wright *et al*., 2012).

To the extent that previous scholarship on the politics of US criminal justice policy has sought empirically to gauge crime's public salience, Gallup's MIP polls have been the data source of choice, even though their strengths have usually gone unstated or even unappreciated. Implicit in such scholarship appears to have been the assumption that Gallup MIP data constitute the sole or primary pool of information used by politicians themselves to assess the importance of crime as an issue for the citizenry, whatever the motivation in so doing might be. Although archival research into presidential strategizing does lend support to this assumption, and unsurprisingly so given that Gallup's MIP polls provide readily accessible high-quality information at no cost for external consumers (see further Cheliotis, in progress; and later), the validity of extant scholarly analyses of Gallup MIP data as such has typically been limited. Most notably, reported trends in annual proportions of respondents referencing 'crime' or 'juvenile delinquency' as the most important problem have at best been uncertain, inasmuch as they have been based merely on results from the last of multiple Gallup polls for every year examined, and at worst exaggerated, whether due to failure to normalize Gallup's own data or, more problematically, as a result of reliance on recoded Gallup data that conflate MIP references to 'crime' or 'juvenile delinquency' with those to numerous other extraneous issues.

The latter point is worth elaborating insofar as a growing number of researchers have in recent years opted for relying on Gallup polling data on the MIP question as recoded by the Comparative Policy Agendas (CAP) project; that is, not on the categories assigned by Gallup to raw responses to the MIP question, but rather on CAP's recoding of those categories into its own chosen topics (see, e.g., Miller, 2016; Enns, 2016; Jones and Baumgartner, 2005). Despite it commonly going unrecognized or otherwise unquestioned in such research, however, CAP's MIP coding incorporates 'crime' and the cognate theme of 'juvenile delinquency' into a much broader and evidently heterogeneous category. The latter, labelled 'Law, Crime and Family Issues', allows for inclusion of such disparate subtopics as riots, protests, unrest, school violence, family values, children's behavior and parenting, childcare, child tax credits, children's needs, family economic problems, family breakdown, consequences of divorce, parental rights, problems with youth, generational divide, youth/teenage pregnancy, ethics in society, moral decline, dishonesty, lack of integrity, and religious decline – to name only a few of the myriad components. As a result, CAP's data on MIP responses classified within its 'Law, Crime and Family Issues' category have been heavily populated by subtopics that bear no relationship to crime. Whereas, for example, CAP indicates that a historic high of 31.6 percent of Gallup survey participants gave an MIP response falling under 'Law, Crime and Family Issues' in 1999, over 40 percent of those responses actually concerned extraneous subtopics which CAP systematically treats as pertaining to 'Family', from 'ethics', 'moral decline', 'family decline' and 'children not raised right', to 'teenage pregnancy' and 'parental rights being taken away'. 'Family'

subtopics (and especially 'ethics', 'moral decline', 'family decline', 'religious decline', 'dishonesty' or 'lack of integrity') have, in fact, comprised on average half of the MIP responses CAP has incorporated within its 'Law, Crime and Family Issues' category for the period 1999-2015.[5]

It should be noted here that Gallup's own coding of MIP responses, albeit generally conducive to secondary analysis, is not without limitations of its own. What is most apposite for present purposes is that neither crime nor juvenile delinquency have been coded in a consistent manner by the pollster; indeed, variations in their coding manifest themselves not only between, but also often within, different years. 'Crime', on one hand, has been mostly coded as a singular category, yet there are occasions as of 1970 onwards when it appears in combination with one or, exceptionally, more different categories of responses, including 'lawlessness', 'law and order', 'lack of respect for law and order', 'law enforcement', 'violence' and 'drugs'. Similarly, although 'juvenile delinquency' has usually been coded either as a singular category or together with 'crime', on several occasions it has been combined with others, from 'teenage problems', 'teenage integration', or 'teenagers' (mainly in the early 1960s) to 'hippies' (in 1967 and 1968). Such combinations cannot but have inflated the proportional degree to which crime and juvenile delinquency appear as the MIP in the Gallup series. Yet their specific content (i.e., the array of categories combined in the process of coding MIP responses for individual polls) has always been immediately transparent. Indeed, although the precise share of each add-on to 'crime' or 'juvenile delinquency' is impossible to disentangle unless one accesses and analyzes raw survey responses, knowledge of the identity of add-ons and their timing (i.e., the particular poll reports in which they appear) allows for cautious interpretation of the Gallup-coded data at issue, in a way that approximates the logic of controlling for confounding variables in multiple regression analysis.

It might be argued that secondary analysis should actually proceed to combine the categories of 'crime' and 'juvenile delinquency' with other categories like those above when Gallup has not done so itself. The logic of this argument would be that, just as disquiet about crime may subtly incorporate various other and often broader concerns to the point of displacing them (Simon, 2007), so too other such concerns may come to subsume and displace disquiet about crime without this being directly accessible to individuals' awareness (Skolnick, 1969). In the former scenario, one should expect 'crime' and 'juvenile delinquency' to attract a greater share of express responses to the MIP question at least partly as a result of detracting from other categories; in the latter scenario, by contrast, MIP mentions to 'crime' and 'juvenile delinquency' would be 'lost' to alternative concerns that would thereby increase in terms of their prevalence amongst Gallup respondents.

[5] CAP has kept data on the specific subtopics included within 'Law, Crime and Family Issues' (and within all other major topics, for that matter), going back at least to 1999, and they were made available to me upon request. The methodological quality of those studies that have rather resorted to MIP data as coded by Gallup itself, and particularly of the analysis undertaken by Beckett (1997), is clearly significantly greater, although they, too, suffer from certain important drawbacks (e.g., limited timeframe, reliance on the last of multiple polls for every year examined). For a review of prior research on the politics of US criminal justice policy that has employed MIP data to gauge crime's public salience, see further Cheliotis (in progress).

It is nevertheless unclear how shifts in MIP references from one category to another could safely be read as instances of unconscious displacement and conflation, and not simply of conscious reevaluation of distinct issue priorities. The problem is made no less complicated by the fuzziness that characterizes several MIP response categories in themselves, so that different respondents may attach completely different meanings to the same answer. Citing 'civil rights' or 'drugs' as the MIP, for example, can have either liberalizing or conservative underpinnings (see, e.g., Hamilton & Wright, 1986: 60), but liberally-minded respondents are arguably less prone than their conservative counterparts to associating 'civil rights' or 'drugs' with crime (a category whose own core meaning is unlikely to suffer from much, if any, ambiguity in the public mind). Additionally, the number of plausible substitute issues for crime is so great that secondary analysis of MIP polls cannot seek to grasp the full scope of displacement without risking producing an overstretched combination of categories. In any case, the possibility of crime's displacement into another issue as the most important problem in Gallup polls is doubtful as such. This is because, as is shown in detail elsewhere, trends in the proportion of MIP references to crime do not necessarily stand in an inverse relationship to trends in MIP mentions to other issues that pertinent literature has taken to be unconscious substitutes for crime (see further Cheliotis, in progress; also Hamilton & Wright, 1986: 62-63).

Method

What follows is a discussion of findings from an analysis of MIP responses given in Gallup polls in the 1960s and 1970s. Both the analysis in itself and the discussion of its findings are informed by the foregoing points regarding the quality of Gallup MIP data and previous pertinent literature. Responses to the Gallup MIP question were compiled from summary data of 103 different polls covering the period from February 1960 to October 1980, themselves retrieved through systematic searches on the online repository of the Roper Center for Public Opinion Research. Each of these records contains the percent values of all MIP responses given in the relevant poll (i.e., the proportion of surveyed individuals who gave each of the responses at issue) as these were subsequently coded by Gallup into various thematic categories.

For all polls included in the analysis, I first normalized to 100 percent the proportions originally calculated by Gallup for 'crime' and 'juvenile delinquency', whether singly or in combination with one another. In the absence of such singular or combined categories, normalization was performed for broader groupings that were formulated by the pollster and in which 'crime' or 'juvenile delinquency' were listed as leading or otherwise primary categories.[6] No other combinatory categories were included in the analysis beyond those produced by Gallup itself (although additional and broader combinatory categories were included in subsequent robustness tests). Then, for each given year, the average of the aggregated normalized proportions attributed in available polls to the categories

[6] Entries whose original proportion fell below 0.5 percent, and which Gallup did not further clarify as such, were excluded. The divisor used for the purposes of normalization was the summed total of the percentages reported by Gallup for each response category.

at issue was computed (while aggregates of non-normalized proportions were computed for the purposes of robustness checks.)

In interpreting the data, and especially the occurrence of any sudden spikes that clearly deviate significantly from evolving patterns, I have sought to identify possible confounding effects that Gallup's occasional combination of 'crime' and 'juvenile delinquency' with other categories may have had on the original and subsequent measurements. When discussing MIP data in the remainder of the article, 'crime' is used as a convenient shorthand for 'crime' and 'juvenile delinquency', and for related combinatory categories as described just above. The same procedure was followed with regard to the proportions originally calculated by Gallup for other categories, such as 'Vietnam', 'race relations', 'inflation' and so on.

Annual-level trends in responses to the MIP question are compared to annual trends in violent crime in general and homicide in particular, both in terms of year-to-year variations, including testing for statistical correlations, and in terms of longer-term and overall trajectories. Tests for statistical correlations were conducted in the context of simple linear regression analysis, given the substantive focus of this article on the specific relationship between two variables (i.e., responses to the MIP question and violent crime rates). For reasons explained below, trends in violent crime are themselves drawn both from annual national-level police-recorded data as published in FBI's Uniform Crime Reports (UCR) and from the Bureau of Justice Statistics' yearly nationally representative self-reported victimization research, which has come to be known as the National Crime Victimization Survey (NCVS). Trends specifically in homicide are drawn from UCR (given that the NCVS necessarily excludes homicide by dint of being a self-report survey).

A critic might object at this juncture that the national level of the ensuing analysis can at best only allow for a partial account of the politics of crime and criminal justice in the US, insofar as primary responsibility for the development and administration of criminal justice policy in the country has rested with state and local actors, not the federal government. But while this line of argument appears at first sight to be supported by the considerable state-by-state variation in terms of per capita rates of imprisonment, both the very sharpness of the aggregate rise in the use of imprisonment and, even more so, the similarity in the rate of growth custodial punishment has undergone in each US state over recent decades indicate much more of a single and uniform, countrywide process (see further Zimring, 2010; 2018).[7] Relatedly, the high degree to which the American political system is decentralized does not detract from the success long enjoyed by federal government in exerting significant influence on criminal justice policy and practice at state and local levels, mainly but not solely in the direction of greater punitiveness (see, e.g., Feeley and Sarat, 1980; Beckett, 1997; Gottschalk, 2006; Murakawa, 2014; Hinton, 2016; Reitz, 2018; Schoenfeld, 2018). To this extent, the national is a methodologically appropriate and substantively crucial unit of analysis.

[7] During this period, as Murakawa (2014: 21) notes, the federal system has surpassed Texas to become the largest prison system in the union.

Violent Crime

There is little doubt that, at least until the mid-1960s, police-recorded crime data as transmitted to the FBI and published in its Uniform Crime Reports were actually gross undercounts as a result of low reporting rates by victims and incomplete recording by the police at the time. Acknowledging the problem, the FBI itself now strongly advises against using UCR data for years before the 1960s (Weaver, 2007). National arrest figures, for example, were still cobbled together from reports of police departments representing less than half of the total US population (Ruth and Reitz, 2003). It should therefore come as no surprise that the National Survey of Criminal Victims, conducted in 1965-66 at the behest of the President's Commission on Law Enforcement and Administration of Justice, found the rate of self-reported violent criminal victimization to be nearly double the police-recorded rate of violent crime (see Table 4 in President's Commission on Law Enforcement and Administration of Justice, 1967: 21).

What this crucially implies for present purposes is that, excepting homicide (for which UCR does provide fairly reliable data), a significant portion of the subsequent boom in the police-recorded rate of violent crime is bound to have been due, not to a real increase in the prevalence of violent crime as such, but to a growing likelihood among victims to report crimes to the police and a greater effort on the part of local police agencies to record each report submitted to them and supply the FBI with crime data. It is known, for example, that improvements in the record-keeping systems of large police departments, such as NYPD, as of the mid-1960s onwards produced leaps in UCR rates (Ruth and Reitz, 2003). More generally, as Weaver (2007) has demonstrated, the rise observed in UCR rates from the mid-1960s to the mid-1980s is closely tracked by the steady increase (and overall doubling) in the number of local police agencies submitting crime data to the FBI over the same timeframe.

Indeed, policy changes that occurred in the second half of the mid-1960s meant that local police departments now additionally had 'an incentive to *inflate* their crime rates because funding was contingent on need' (ibid: 246, original emphasis). But –and this complicates things further– police distortion of crime data (and, by extension, of UCR) has not always been in the direction of exaggerating the apparent growth of crime. By the 1990s, it was not uncommon for police authorities to under-record crimes reported to them by citizens, a practice likely motivated by the desire to cast favorable light on precinct commanders, individual departments, and the area concerned in each cycle of crime reporting. In view of these and related concerns, it has been suggested that we cease treating UCR as a crime measure entirely, and rather re-characterize it as a product of police activity (Ruth and Reitz, 2003).

This is not to say that secondary research should avoid police-recorded crime data altogether. Such data are, in fact, particularly useful for any examination of the relationship between crime and public concern about crime. This is because they are the main source of knowledge about levels and patterns of crime that is cited in mainstream media, the latter having long been the key conduit of information about crime for the average citizen (Roberts *et al*., 2003). Even leaving aside the ever-present possibility of distortion in media reporting, however, it should always be borne in mind that police-recorded crime data are more likely to be reflective of the data gathering and dissemination practices followed by the authorities in charge than to be representative of the reality of crime itself.

In other words, research that treats public concern about crime as the dependent variable and UCR measurements of crime as an independent variable should be interpreted as essentially addressing, to a large extent, police-induced public perceptions about crime.

All the more reason, then, for NCVS' self-report victimization data to be used alongside UCR measurements. Albeit not without limitations of its own (regarding, for instance, response reliability), the NCVS is much less vulnerable to issues of discretion and, as such, also constitutes 'an essential crosscheck on questionable UCR numbers' (Ruth and Reitz, 2003: 44). Below, with a view to contextualizing the ensuing sections, I present a summary account of both UCR and NCVS data that charts the trajectory of violent crime from 1965 to 1980.

Although expert commentators generally agree that violent crime rates were high between 1965 and 1980, the precise levels at which violent crime stood during this period and the course it followed are contestable, with conclusions differing according to the data consulted. The police-recorded rate of violent crime underwent rapid and almost uninterrupted growth, rising by a spectacular 198 percent overall (from 200.2 per 100,000 population in 1965 to 596.6 in 1980). Already by 1973, the year the NCVS began as the National Crime Survey, the police-recorded rate of violent crime had more than doubled, recording a 108.4 percent increase (reaching 417.4 per 100,000 population). Over the rest of the 1970s, however, whereas the police-recorded rate of violent crime would continue its upward course (if at a slower pace), growing by a further 42.9 percent as a whole (from 417.4 per 100,000 population in 1973 to 596.6 in 1980), and by 43.7 percent without taking homicide into account (from 408 to 586.4 per 100,000), the NCVS would reveal an essentially flat trend in violent criminal victimization. According to NCVS data (which, one should recall, do not include reference to homicide), the rate of violent crime rose by a mere 1.5 percent overall (from 32.6 per 1,000 persons in 1973 to 33.1 per 1,000 persons in 1980).

As concerns the police-recorded rate of homicide, not only did it double between 1965 and 1980 (leaping from 5.1 to 10.2 per 100,000 population), it also actually reached its all-time pinnacle in the last year of this period. The bulk of this rise, however, occurred by the early 1970s, with the homicide rate being already at 9.4 per 100,000 in 1973, and at 9.8 in 1974. Indeed, the much less dramatic fluctuations in the homicide rate over the remainder of the decade both coincided with, and were similar to, the relatively trendless trajectory shown by the NCVS for violent crime more generally (while, as mentioned earlier, the growth of the UCR rate of violent crime also slowed down during those years). It follows that this era's violent crime boom, such as it was, lasted fewer years than is commonly assumed, and trends in violent crime had effectively plateaued by the mid-1970s (see further Ruth and Reitz, 2003).

With these observations in hand, we are now in a position to assess the relationship between violent crime, on one hand, and public salience of crime, on the other.

The relationship between violent crime and crime's public salience

Whether explicitly or implicitly, proponents of the democratic responsiveness viewpoint claim that the public tends to be good at assessing the prevalence of violent crime and to rank its relative importance as a policy domain accordingly. If so, given that both UCR and NCVS measurements show violent crime to have been high between 1965 and 1980, one could legitimately expect public references to crime as the MIP to have at least stood at appreciable levels during this period (although their exact ranking always, of course, depends on the importance attributed to competing issues). But whereas UCR data suggest that public concern about crime ought to have undergone a rapid overall increase between 1965 and 1980, rising especially fast until the early to mid-1970s, NCVS data suggest that the public's concern about crime ought to have remained more or less stagnant from the early 1970s to the end of the decade.

Before the mid-1960s, levels of public concern about crime remained persistently very low. Between 1960 and 1965, the average proportion of respondents indicating that crime is the MIP was a mere 1 percent. This is despite the fact that the prevalence of violent crime during that period was, as explained earlier, significantly greater than suggested by police-recorded data, and although the latter also indicate an almost uninterrupted rise in violent crime by an overall 24.4 percent as a rate per 100,000 population (from 160.9 to 200.2) for the years in question. A range of other issues were deemed by far more urgent, with 'keeping peace', 'race relations' and 'Vietnam' topping the list of MIP responses at the time. Several polls showed even issues of 'outer space and space control' to rank higher than crime.

Following this period of remarkable stability at low levels, public concern about crime underwent more noticeable if still only temporary and generally modest upward fluctuations over the next fifteen years. Thus, while the average proportion of respondents indicating that crime is the MIP increased between 1965 and 1980, it merely reached 3.6 percent. Crime never even came close to attracting majority identification as the MIP during the years under consideration; it was such issues as 'Vietnam', 'race relations', 'high cost of living', 'Watergate', the 'energy crisis' and 'unemployment' that topped the list – and by a wide margin at that (see also Chambliss, 1994; Caplow *et al*., 1991).

It was, in fact, only in 1968 that public concern about crime underwent a clearly discernible spike. To be sure, 1968 was an especially tumultuous year in the US: while riots continued to shake various major cities, civil rights and Vietnam War protests intensified, and official violent crime rates remained high and kept on rising, Reverend Martin Luther King Jr. and Robert F. Kennedy were assassinated, and the campaigns of Republican nominee Richard Nixon and American Independent Party nominee George Wallace deployed a heavily sensationalist language to address crime in the build-up to the presidential elections that took place in November. What usually goes unnoticed, however, is that Gallup itself may have played an important role in the ascent of public concern about crime in 1968. More specifically, as a result of introducing what at the time was a novel conflation of references to 'crime' with responses grouped under the fuzzy category of 'lawlessness', Gallup reported grossly exaggerated levels of public concern about crime for two polls it conducted midway through the year. The ensuing media hype, even among some liberal outlets such as the *New York Times*, cannot but have contributed to the alarmism that surrounded the rest (and majority) of

Gallup's polls in 1968, perhaps even leading at least a segment of respondents first to internalize and then act out the shift in attitude previously ascribed to them (see further Loo and Grimes, 2004). Although the two polls at issue are today listed in the Roper Center's archives, their respective findings regarding specifically the MIP question appear to have been omitted or otherwise withdrawn from the records, and are therefore not in any way included in this article's analysis of Gallup-coded MIP data.[8] But this is not to say that the MIP data still available for 1968, and as such processed in the analysis, have been immune to similar distortion. To the contrary, MIP responses in most polls that year have been coded by Gallup in such a way as to combine references to 'juvenile delinquency' with those made to the disparate but then highly evocative category of 'hippies'; an artefact whose publicization may have also had an amplificatory effect on how the public assessed crime's salience at the time. Indeed, this combination had previously been used for only a single poll (the last poll in 1967), and was never again repeated after 1968. In any case, other issues, and the Vietnam War in particular, still far outranked crime as the MIP in 1968. Also, whatever the underlying reasons for the observed spike in public concern about crime, it bears repeating that it lasted only very briefly, confined as it was to a single year, despite the fact that rioting, protests and law-and-order demagoguery continued well into the early 1970s, and although official violent crime rates increased almost every year until 1980.

More generally, as should be evident by now, the trajectory of public concern about crime from 1965 to 1980 is out of sync with contemporaneous trends in the police-recorded rate of violent crime. For example, the mean proportion of respondents referencing crime as the MIP remained essentially stagnant between 1969 and 1975, and dropped by 69 percent (from 5.5 to 1.7) between 1977 and 1980, when it returned to mid-1960s levels. Meanwhile, by stark contrast, the police-recorded violent crime rate continued its rapid upward climb (see Figure 1). Unsurprisingly, there is no statistical correlation between public concern about crime and the police-recorded rate of violent crime (R=–0.09; *R-squared*: 0.00) for the period 1965-1980.

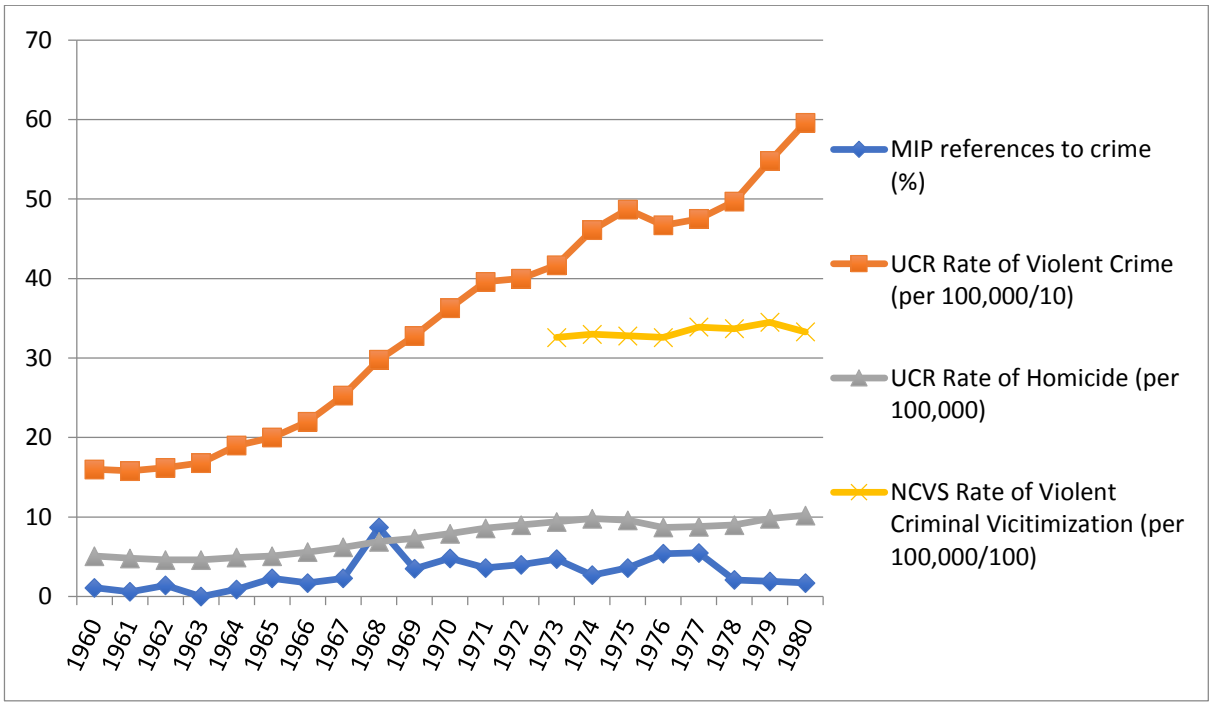
Yet public concern about crime is also discordant with known trends in self-reported violent victimization. From 1973, when NCVS begun, to 1980, there was an overall drop of 63.8 percent (from 4.7 to 1.7) in the average proportion of respondents indicating that crime is the MIP, while, as mentioned earlier, the rate of self-reported violent victimization increased by 1.5 percent over the same period. In addition, the two variables fluctuated in different directions in most of the years at issue, with notably greater fluctuations in public concern about crime (see Figure 1). Although it should be noted that here the number of yearly observations available for both variables is particularly small, the statistical correlation between public concern about crime and the rate of self-reported violent victimization is weakly negative (R=–0.43; *R-squared*: 0.18) for the period 1973-1980.

[8] The conflation of 'crime' with 'lawlessness' reappears in Gallup's coding for one poll in 1970 and again, this time usually in conjunction with yet other vague and arguably distinct categories (e.g., 'law and order', 'law enforcement'), for most polls undertaken in 1973 and 1974.

To top it all off, one would be hard-pressed to evince that levels of public concern about crime paralleled trends in homicide. Whereas the average proportion of respondents indicating that crime is the MIP dropped by 26 percent (from 2.3 to 1.7) between 1965 and 1980, the police-recorded rate of homicide increased by 100 percent (from 5.1 to 10.2 per 100,000 population) during the same period. In most years, moreover, the two variables moved in opposite directions, a pattern most obvious as of the mid-1970s onwards. While, for example, homicide was resuming its upward trajectory in 1978 (after a brief and narrow drop), public concern about crime was embarking on a marked fall (following three consecutive years of growth). By 1980, in fact, the homicide rate had reached its historic peak, while public concern had returned to lows characteristic of the first half of the 1960s (see Figure 1). Overall, there is no statistical correlation between public concern about crime and the homicide rate (R=-0.01; *R-squared*: 0.00) for the period 1965-1980.

Unsurprisingly, given the consistently low proportions of respondents referencing crime as the MIP, lagged analysis does not indicate a different relationship between public concern about crime and rates of violent crime.

Figure 1: Violent crime and public concern about crime in the US, 1960-1980



Notes: For presentational purposes, the UCR rate of violent crime has been divided by 10, and the NCVS rate of violent criminal victimization by 100. NCVS data are available only as of 1973.

Robustness checks

To take stock at this point, the analysis suggests that the high rates of violent crime between 1965 and 1980 did not cause particular concern to Americans at the time. Notwithstanding some fluctuation, and despite occasionally a certain degree of artificial inflation of crime among MIP

response categories as a result of Gallup's own coding, the proportion of respondents referencing crime as the MIP remained consistently low and far outranked by other issues such as the Vietnam War or problems of an economic nature.[9] Turning to the more detailed assessment of the degree to which crime's salience among the public varied together with the prevalence of violent crime, there is little evidence of congruence between public concern about crime and either the rises recorded by the police for violent crime and homicide or the essentially stable rate of self-reported violent victimization as recorded by the NCVS. Moreover, the statistical analysis shows public concern about crime to bear no overall relationship with police-recorded levels of violent crime in general and homicide in particular, and to be inversely associated with levels of self-reported violent victimization, even if tenuously so.

These findings are additionally corroborated by several facts. To begin with, analysis of non-normalized and, as such, further inflated Gallup MIP data fails to indicate significantly greater levels of public concern about crime or a higher place for crime in the hierarchy of public concerns over the period in question.[10] Likewise, use of non-normalized MIP data does not substantively influence the extent to which public concern about crime changes with the various measurements of violent crime during the same timeframe, nor does it materially alter the nature of the respective correlations (whether in terms of direction or strength). By implication, insofar as elected politicians were more likely to access non-normalized Gallup data (e.g., either directly, as reported by Gallup itself, or indirectly, through the mass media), then they had clear information at their disposal that the public was not particularly concerned about crime and rather prioritized other issues, regardless of what politicians themselves knew or otherwise believed about trends in violent crime.

Even if one combines the non-normalized proportions originally reported by Gallup for 'crime' and 'juvenile delinquency' with those the pollster reported for other, often murky MIP categories that may have carried undertones of criminality at the time (e.g., 'drugs', 'riots'), the emerging measurements militate against different conclusions. 'Crime' as an expanded category still subsumed generally low levels of public concern, the sole exception being a short period between the late 1960s and early 1970s, during which the corresponding levels of concern over either the Vietnam War or the economy nevertheless usually remained notably higher. Indeed, the fact that MIP references to 'crime' as operationalized expansively subsided after the early 1970s despite official violent crime and homicide rates staying on an upward course for the rest of the decade casts further doubt on claims that trends in public concern about crime tracked trends in violent crime. From a statistical point of view, moreover, public concern about 'crime' as an expanded category is only weakly correlated with trends in the police-recorded rates of violent crime as a whole and specifically of homicide, while the correlation with trends in self-reported violent victimization is negative (see further Cheliotis, in progress; also Loo and Grimes, 2004; Smith, 1985).[11]

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[9] That the levels of public concern about crime were so low at the national level also implies that variation at state or local levels was unlikely.

[10] To give a flavour of this, the highest annual proportion of respondents who referenced crime as the MIP was recorded for the year 1968 and the lowest for 1961. In the former case, the normalized proportion was 8.7 percent and the non-normalized one 10.5 percent, whereas in the latter case, the normalized proportion was 0.6 percent and the non-normalized one 0.75 percent.

[11] Conclusions are no different when one employs CAP-recoded data on the MIP question (which, as mentioned earlier,

Leaving such combined categories aside, it was again only low shares of respondents that identified crime on those few occasions (themselves situated mostly in the mid- to late 1960s) when the MIP question was asked by Gallup with regard to local or personal contexts (i.e., one's section of the country, community, neighborhood, or family). The only notable exception here is a poll conducted early in 1968, which showed a somewhat higher degree of public concern about crime at the community level. On even fewer occasions (only four in total, all of them situated in the 1970s), Gallup polled whether respondents thought there was more crime in their area than a year earlier. On average, close to half (44.7 percent) of respondents provided an affirmative answer. Public concern about crime nevertheless remained at low levels throughout the 1970s (and, indeed, dipped as of 1977); on average, a mere 3.6 percent of respondents referenced crime as the MIP during the period 1970-1980 (see also Cantril and Roll, 1971). On a related point that is elaborated elsewhere, during the period 1965-1980, levels of 'fear of walking alone at night' (which have long been measured in survey research as a means of gauging fear of crime) rose at a much slower pace and in a much less linear manner than the contemporaneous police-recorded rates of violent crime and homicide. Their trajectory also did not correspond to the essentially stagnant trend in the rate of self-reported violent criminal victimization as recorded by the NCVS (see further Cheliotis, in progress).

It would be remiss to conclude this section without considering whether the findings reported in Gallup's MIP polls are confirmed by opinion surveys confidentially conducted by private firms at the behest of politicians in office. Broadly speaking, as Jacobs and Shapiro (1995) explain, no examination of the ways in which public opinion and government policy are linked to one another can afford to ignore private polling data, insofar as they are known to matter to sitting presidents at least as much as data from publicly available research, their high cost notwithstanding. What is especially important for the purposes of this article is that the use of private presidential polling underwent a dramatic rise in the 1960s and 1970s (ibid.); namely, around the same time that criminal justice policy was beginning quickly to shift in a decidedly punitive direction.

Fortuitously, as part of their path-breaking archival study of presidential use of public opinion research, political scientists James Druckman and Lawrence Jacobs (2015) have already undertaken the arduous task of compiling MIP data from private polls conducted on the behalf of presidents Lyndon Johnson and Richard Nixon (as well as Ronald Reagan). At first sight, these data show levels of public concern about crime to have been higher and somewhat less stable than those reported in Gallup MIP polls, albeit only in the early 1970s and still clearly much lower than the levels of concern found for various other issues such as the Vietnam War and inflation.[12] Yet comparisons between Gallup's publicly available MIP polls and those carried out privately for different sitting presidents of the era are rarely, if ever, meaningful, especially when one wishes to compare aggregate trends relating to perceptions of crime over long periods of time (e.g., spanning successive administrations or even covering single administrations in themselves). This is partly due to the different and variable nature of privately polled MIP data (including issues regarding their

also artificially inflate rates of public concern about crime) (see further Cheliotis, in progress).

[12] These data were made available to me upon request. Temporally, they cover Lyndon Johnson's brief first term in office and the first two years of his second term (December 1963-December 1966) and Richard Nixon's first term in office (January 1969-November 1972), as well as both of Ronald Reagan's terms (December 1980-December 1988).

validity), and partly due to their limited availability, itself the outcome of a relative lack of interest on the part of the White House during the 1960s and 1970s either in privately polling the MIP question itself or in using private MIP polls to stay informed about trends in public concern about crime.

Before anything else, the frequency of private presidential polling was notably more inconsistent than that of Gallup's polls, intensifying, as Druckman and Jacobs (2015) note, when first-time presidents were in the process of pursuing their bid for re-election, but subsiding thereafter. Indeed, the fact that private polling was primarily concentrated in electoral periods indicates that it was mainly employed in the service of campaigning and less as a tool of governance. Druckman and Jacobs also find great variation in the regularity with which different presidents gathered private polling data specifically on the MIP question (Johnson, for example, did so much more often than Nixon), although the majority of private presidential polls actually did not ask the MIP question at all, most probably because publicly available polls (not least those run by Gallup) routinely reported insightful MIP data anyway.

Unlike with Gallup's surveys, moreover, on the preponderance of those occasions that the MIP question was included in private presidential polls, it was asked in a close-ended format (which is also inherently liable to enhancing respondent suggestibility), while neither the geographical frame of reference of the question, nor the number of answers respondents were allowed to give, nor the pool of answers from which they could choose, were consistent. Most crucially for present purposes, the various lists of possible responses to close-ended MIP questions featured 'crime' much less frequently than one might be inclined to assume in light of the high levels of rhetorical and policy attention paid to the issue by political elites at the time. For instance, a mere five MIP polls conducted privately for Johnson's White House over a period of thirty-seven months included 'crime' as a response choice, when the perceived importance of an array of other issues –from poverty, welfare spending and civil rights, to relations with foreign allies, Communism, the Vietnam War and foreign aid and imports– was polled nearly on a monthly basis.[13]

Not even open-ended responses to private MIP polls lend themselves unproblematically to analysis, however, inasmuch as pollsters typically left their coding decisions unclear. It is thus impossible to discern what responses have been coded into the 'crime' category, so that any observed rises in public concern about crime may well reflect concerns that stretch beyond common crime or, indeed, beyond crime *tout court*. For example, what is one to conclude from the fact that the highest proportions of respondents who identified 'crime' as the MIP in the private polls conducted for Nixon's White House were recorded between June and October 1972, the very months that government corruption was increasingly reaching the public eye thanks to media reports about the Watergate break-in and cover-up?

[13] All but one of the five private MIP polls that included 'crime' in their list of possible responses appear to have been conducted in the build-up to the presidential elections of November 1964. These five polls demonstrated not only low but also declining levels of public concern about crime.

Conclusion: beyond elite manipulation and democratic responsiveness

The findings of this article challenge the two perspectives that have dominated scholarship on how the politics of crime and criminal justice unfolded around the time mass incarceration was taking off. The disconnect between levels of public concern about crime, on one hand, and rates of violent crime and homicide, on the other hand, does not in itself suffice to disprove the thesis that administrations manipulated the public before seeking to create appearances of responsiveness to it. If nothing else, it legitimates the search for explanations of trends in public opinion about crime beyond levels and patterns of crime itself. As regards trends in responses to the MIP question, however, the article also finds that public salience of crime remained consistently at low levels, ranking well below a range of other issues throughout the period under consideration. What this implies is that any political attempts at stimulating public concern about crime and displacing other, politically disadvantageous concerns were, in fact, largely unsuccessful (see also Chambliss, 1994).

The democratic responsiveness perspective, according to which politicians in office toughened criminal justice policies in response to a legitimate public disquiet about crime in general and violent crime in particular, is even less viable. Before anything else, the claim that elected politicians responded to a *legitimate* concern about crime among the public is belied by the dissociation of the concern at issue from what is supposed to be causing it: crime as such. In the final analysis, however, given the persistently low proportions of respondents referencing crime as the MIP, it actually matters little whether public concern about crime was proportionate to crime or not. It is hardly an instance of democratic responsiveness when governing elites focus their efforts on promoting policies purporting to address an issue that the public itself tends to view as a very low priority. To put the point differently, punitive criminal justice policies were pursued in the face of mainstream public mood, not in step with it.

It is worth briefly addressing here political scientist Peter Enns' (2016) recent account of democratic responsiveness in US criminal justice matters, for it has sought to shift the focus of analysis from crime's public salience to the public's criminal justice policy preferences. While acknowledging a massive disjuncture between the rapid rise in the use of imprisonment and trends in public concern about crime (ibid.: 20), Enns' account rather suggests that politicians have generally tended to toughen up both their rhetoric and criminal justice policies in response to opinion polls indicating a growing punitive sentiment among the citizenry.[14] Yet one should neither take Enns' claim of increased public punitiveness at face value, nor, in any case, should one assume that politicians actually design criminal justice policies or even formulate their rhetoric on related matters in slavish alignment with polls identifying majority views about specific criminal justice policies; there is as yet no convincing qualitative evidence to this effect.[15] Indeed, in Enns' own archival analysis of political

[14] Enns' account finds public concern about crime to have been incongruous with imprisonment trends despite measuring it with reference to CAP-recoded Gallup MIP data, which, as mentioned earlier, artificially inflate it. What this obviously means is that the lack of congruity between the two variables is even starker when one gauges public concern about crime with reference to Gallup MIP data as coded by the pollster.

[15] As Wozniak (2017) explains, the overwhelming majority of survey questions Enns employs to produce a composite longitudinal measure of 'public punitiveness' actually serve to overstate it. Ironically, despite relying

engagement with public opinion polls in the mid- to late 1960s, key political figures of the era are shown to have been focused almost exclusively on public concern about crime, and not at all on attitudes towards particular criminal justice policies. What is more, given crime's low public salience at the time –a fact also corroborated by some of the archival data Enns himself presents, even if he reads them otherwise (ibid.: 53-58)–, the high degree of attention politicians paid to the issue is suggestive of (unsuccessful) efforts to bend public opinion (see further Cheliotis, in progress; Xenakis and Cheliotis, 2020, in press).

More generally, and this coheres with the findings of the present article, there is a substantial body of US-focused political science research on policy-making in domains other than criminal justice which suggests, first, that correspondence between public opinion and government policy has varied over time, and relatedly, second, that presidents' policy decisions have become less responsive to the views of the average citizen from the 1970s onwards (see further Jacobs and Shapiro, 2000). As at least part of this body of research also suggests, however, defiance of majority public opinion in the policy-making process is not invariably underlain by narrow self-serving motives. There is evidence in US history that policy-making elites may, on occasion, openly disregard what they consider to be ill-informed and unreasoned public opinion so as to serve the common good, hoping that the public will come retrospectively to appreciate such action as responsible leadership (ibid.: *xvii-xviii*). Indeed, presidents of the 1960s understood this stance to be an expectation of the office, not an aberration they needed to avoid at all cost (Jacobs and Shapiro, 1995: 183).

From this angle, one could hypothesize that US politicians and policy-making elites, acting with good intentions, introduced stricter criminal justice policies in the 1960s and 1970s in direct response to high and (at least according to UCR data) rising rates of violent crime, defying what Gallup polls indicated was relative public indifference over the problem of crime. Alarmist political discourse would, in this case, have been intended to raise public concern to match the perceived risk at issue, so as to ensure that public legitimacy be retroactively lent to the policies already determined or enacted. Research into US presidential archives, however, casts doubt on whether incumbent officeholders held a genuine or unshakable belief that crime had escalated to crisis levels at the time, whether they actually placed trust in tougher criminal justice measures as a method of crime control, and even whether crime control was what they meant to accomplish through the criminal justice policies they pursued. Indeed, such research also suggests that, insofar as sitting presidents communicated alarmist messages about crime to the citizenry, this was only in an attempt to manipulate public sentiment, including efforts to trigger a sense of need for the criminal justice policies they favored anyway on grounds other than cutting down crime rates (see further Cheliotis, in progress).

To conclude, unlike what pertinent scholarship has typically assumed to date, this article demonstrates that the dramatic changes to US criminal justice policy in the 1960s and 1970s,

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on a composite measure that is very similar in its bias to that of Enns' (in that it, too, predominantly comprises responses to survey questions that effectively work to exaggerate support for punitive measures), Ramirez (2013) attributes what he describes as the rise in punitive sentiment between the early 1970s and up until the mid-1990s to the political construction of crime as a grave threat.

particularly the various decidedly punitive features political elites attached to such policy, occurred without any substantial shift in the degree to which the broad public was concerned about crime. Yet this finding should not be taken to imply necessarily that specific segments of the population committed to advancing their own agendas at most only had marginal influence on the design of criminal justice policy of the era. Indeed, the role of such narrowly constituted groups appears to lend itself as a fruitful line of future inquiry into how the politics of crime and criminal justice evolved at this crucial juncture in US penal history. This is not just because politicians persisted in pursuing the harshening of criminal justice policy, and on various fronts at that, when crime itself continued to attract low levels of concern among the general public. It is also because the rise of mass incarceration in the US has coincided with a growth in inequality of access to the political process in the country, whereby distinct subgroups of the electorate have been increasingly afforded disproportionate leverage over government policy (see further Jacobs and Shapiro, 2000).

References

Beckett, K. (1997) *Making Crime Pay: Law and Order in Contemporary American Politics.* New York and Oxford: Oxford University Press.

Beckett, K. and B. Western (2001) 'Governing Social Marginality: Welfare, Incarceration, and the Transformation of State Policy', *Punishment & Society* 3(1): 43-59.

Caplow, T., H. M. Bahr, J. Modell, B. A. Chadwick (1991) *Recent Social Trends in the United States: 1960-1990*. Montreal: McGill-Queen's University Press.

Caplow, T. and J. Simon (1999) 'Understanding Prison Policy and Population Trends', in M. Tonry and J. Petersilia (eds) *Prisons (Crime and Justice: A Review of Research Vol. 26)*: 63-120.

Chambliss, W. J. (1994) 'Policing the Ghetto Underclass: The Politics of Law and Law Enforcement', *Social Problems* 41(2): 177-194.

Cheliotis, L. K. (in progress) *Presidential Politics, Public Opinion and the Origins of Mass Incarceration in the United States*.

Cantril, A. H. and C. M. Roll (1971) *Hopes and Fears of the American People*. New York: Universe Books.

Cohen, J. E. (1999) *Presidential Responsiveness and Public Policy-Making: The Public and the Policies that Presidents Choose*. Ann Arbor: The University of Michigan Press.

Druckman, J. N. and L. R. Jacobs (2015) *Who Governs? Presidents, Public Opinion, and Manipulation*. Chicago and London: The University of Chicago Press.

Eisinger, R. M. (2003) *The Evolution of Presidential Polling*. Cambridge: Cambridge University Press.

Enns, P. K. (2016) *Incarceration Nation: How the United States Became the Most Punitive Nation in the World*. Cambridge: Cambridge University Press.

Feeley, M. M. and A. D. Sarat (1980) *The Policy Dilemma: Federal Crime Policy and the Law Enforcement Assistance Administration, 1968-1978*. Minneapolis: University of Minnesota Press.

Flamm, M. W. (2005) *Law and Order: Street Crime, Civil Unrest, and the Crisis of Liberalism in the 1960s*. New York: Columbia University Press.

Garland, D. (2017) 'Penal Power in America: Forms, Functions and Foundations', *Journal of the British Academy* 5: 1-35.

Garland, D. (2001) *The Culture of Control: Crime and Social Order in Contemporary Society*. Oxford: Oxford University Press.

Gottschalk, M. (2015) *Caught: The Prison State and the Lockdown of American Politics*. Princeton: Princeton University Press.

Gottschalk, M. (2006) *The Prison and the Gallows: The Politics of Mass Incarceration in America*. Cambridge: Cambridge University Press.

Hamilton, R. F. and J. D. Wright (1986) *The State of the Masses*. New York: Aldine.

Heith, D. J. (2004) *Polling to Govern: Public Opinion and Presidential Leadership*. Stanford, CA: Stanford University Press.

Hinton, E. (2016) *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America*. Cambridge, MA: Harvard University Press.

Jacobs, L. R. and R. Y. Shapiro (2000) *Politicians Don't Pander: Political Manipulation and the Loss of Democratic Responsiveness*. Chicago and London: The University of Chicago Press.

Jacobs, L. R. and R. Y. Shapiro (1995) 'The Rise of Presidential Polling: The Nixon White House in Historical Perspective', *Public Opinion Quarterly* 59(2): 163-195.

Jones, B. D. and F. R. Baumgartner (2005) *The Politics of Attention: How Government Prioritizes Problems*. Chicago: The University of Chicago Press.

Lacey, N. and D. Soskice (2015) 'Crime, Punishment and Segregation in the United States: The Paradox of Local Democracy', *Punishment & Society* 17(4): 454-481.

Loo, D. D. and R.-E. M. Grimes (2004) 'Polls, Politics, and Crime: The "Law and Order" Issue of the 1960s', *Western Criminology Review* 5(1): 50-67.

Lynch, M. (2016) *Hard Bargains: The Coercive Power of Drug Laws in Federal Court*. New York: Russell Sage Foundation.

Miller, J. (1996) *Search and Destroy: African-American Males in the Criminal Justice System*. Cambridge: Cambridge University Press.

Miller, L. L. (2016) *The Myth of Mob Rule: Violent Crime & Democratic Politics*. New York: Oxford University Press.

Murakawa, N. (2014) *The First Civil Right: How Liberals Built Prison America*. Oxford: Oxford University Press.

President's Commission on Law Enforcement and Administration of Justice (1967) *The Challenge of Crime in a Free Society*. Washington, DC: United States Government Printing Office.

Page, J. (2011) *The Toughest Beat: Politics, Punishment, and the Prison Officers Union in California*. New York: Oxford University Press.

Quinney, R. (2002) *Critique of Legal Order: Crime Control in a Capitalist Society*. New Brunswick and London: Transaction Publishers.

Ramirez, M. D. (2013) 'Punitive Sentiment', *Criminology* 51(2): 329-364.

Reitz, K. R. (2018) 'Introduction: American Exceptionalism in Crime and Punishment: Broadly Defined', in K. R. Reitz (ed.) *American Exceptionalism in Crime and Punishment*, pp. 1-49. New York: Oxford University Press.

Roberts, J. V., L. J. Stalans, D. Indermaur and M. Hough (2003) *Populism and Public Opinion: Lessons from Five Countries*. Oxford: Oxford University Press.

Ruth, H. and K. R. Reitz (2003) *The Challenge of Crime: Rethinking Our Response*. Cambridge, MA and London: Harvard University Press.

Schoenfeld, H. (2018) *Building the Prison State: Race and The Politics of Mass Incarceration*. Chicago and London: The University of Chicago Press.

Shapiro, R. Y. (2011) 'Public Opinion and American Democracy', *Public Opinion Quarterly* 75(5): 982-1017.

Simon, J. (2012) 'Mass Incarceration: From Social Policy to Social Problem', in J. Petersilia and K. R. Reitz (eds) *The Oxford Handbook of Sentencing and Corrections*, pp. 23-52. Oxford: Oxford University Press.

Simon, J. (2007) *Governing through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear*. Oxford: Oxford University Press.

Skolnick, J. (1969) *The Politics of Protest*. Washington, DC: United States Government Printing Office.

Smith, T. W. (1985) 'The Polls: America's Most Important Problems Part I: National and International', *Public Opinion Quarterly* 49(2): 264-274.

Punishment Policies: A National History', *Punishment & Society* 11(3): 377-394.
Travis, J., B Western and S. Redburn (eds) *The Growth of Incarceration in the United States*. Washington, DC: The National Academies Press.

Vavreck, L. (2009) *The Message Matters: The Economy and Presidential Campaigns*. Princeton and Oxford: Princeton University Press.

Wacquant, L. (2009) *Punishing the Poor: The Neoliberal Government of Social Insecurity*. Durham, NC and London: Duke University Press.

Weaver, V. M. (2007) 'Frontlash: Race and the Development of Punitive Crime Policy', *Studies in American Political Development* 21(2): 230-265.

Wozniak, K. H. (2017) 'Book Review: Peter K. Enns. *Incarceration Nation: How the United States Became the Most Punitive Democracy in the World', Public Opinion Quarterly* 81(2):602-605.

Wright, J. D., J. L. Jasinski and D. Noble Lanier (2012) 'Crime, Punishment, and Social Disorder: Crime Rate and Trends in Public Opinion over More Than Three Decades', in P. V. Marsden (ed.) SocialTrends in American Life: Findings from the General Social Survey since 1972, pp. 146-173.

Xenakis, S. and L. K. Cheliotis (2020, in press) 'The Violence of Inequality: Race and Lobbying in the Politics of Crime and Criminal Justice in the United States', in N. Lacey, D. Soskice, L. K. Cheliotis and S. Xenakis (eds) *Tracing the Relationship between Inequality, Crime and Punishment: Space, Time and Politics*. Oxford: Oxford University Press/British Academy.

Zimring, F. (2018) 'The Complications of Penal Federalism: American Exceptionalism or 50 Different Countries?', in K. R. Reitz (ed.) *American Exceptionalism in Crime and Punishment*, pp. 181-192. New York: Oxford University Press.

Zimring, F. (2010) 'The scale of imprisonment in the United States: Twentieth century patterns and twenty-first century prospects', *Journal of Criminal Law and Criminology* 100(3): 1225-1245.