Institutional Racism: Is Law Used as a Tool to Perpetuate Racial Inequality?

by
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BIOGRAPHY

Cheryl Chambers was born in Illinois. She obtained a Bachelors of Arts in Political Science from Michigan State University, and a Master of Criminal Justice from the University of South Carolina. Her areas of specialization at North Carolina State University are Criminology and Inequality. In August 2008, Cheryl received her Doctor of Philosophy Degree. She is now at Christopher Newport University in Virginia.
ABSTRACT

CHAMBERS, CHERYL. Institutional Racism: Is Law Used as a Tool to Perpetuate Racial Inequality? (Under the direction of Richard Della Fave.)

Law is a mechanism we use to instigate social change and bring about equality. It is also the tool that has been used to institutionalize, legitimize and perpetuate inequality. In the past beliefs of racial inferiority and savagery may have resulted in legislation designed to perpetuate a group’s subordinate status. Laws and public policy are created within an historical and political context. Is there a connection between social climate and the advent of federal drug legislation?

In this research, conflict and racial inequality perspectives are applied to the role of the economy and politics to foster understanding of opium laws in the late 1800’s and early 1900’s, the Marihuana Tax Act of 1937, and the Anti-Drug Abuse Act of 1986 and the contexts from which they emerged. It is hypothesized that an historical analysis of the Congressional discussions surrounding these drug laws will illustrate that competition and threat, economic and/or political, were present prior to the enactment of the laws.

Analyses indicate that while economic and to a limited extent political competition between Chinese immigrants and white Americans affected the passage of the opium laws, economic and political competition had little effect on the passage of the Marihuana Tax Act or the Anti-Drug Abuse Act. While vilification of and anti-minority sentiment during the opium legislation was clear and recognizable, it was almost non-existent during the marijuana legislation, and present in only nuances in the 1980’s. Over time there was a shift from vilifying a minority group to vilifying the drugs. The study concludes that racism was embedded in three of the four opium laws but does not support it being
embedded in the Marihuana Tax Act. While racism was embedded in the Anti-Drug Abuse Act it was more subtle than in the opium laws.
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