[Review of] Presumed criminal: Black youth and the justice system in postwar New York, by Carl Suddler

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Introduction

The common law tradition and prescriptive philosophy of *parens patriae* is an underlying justification for juvenile justice systems in the United States. Under this framework, the sovereign is the “father figure” charged with caring for its subjects, which include accounting for poor, destitute, and otherwise guardian-less children. These paternalistic values are found both within and beyond juvenile justice contexts. Consistent with the early origins of institutional corrections in the United States, these rehabilitative and redemptionist frameworks were created by white people to account for the wayward or deviant souls of other white subjects. In *Presumed Criminal – Black Youth and the Justice System in Postwar New York*, Carl Suddler (2019) empirically documents how black youth in New York City were never subject to an ethos of care or rehabilitation that ostensibly dominated the foundational purpose of juvenile justice institutions. Instead, “black youths faced a more punitive justice system by the post-war era that restricted their social mobility and categorically branded them as criminal – a stigma they continue to endure” (p. 5). The text contributes to carceral studies by showing how black youth were historically criminalized in Harlem, and how the events in New York City can help us understand unresolved conflicts and contradictions in race, criminalization, and justice policy.

Book Summary

Using 1930s-1960s Harlem as the historical case study, Suddler traces how words like “criminal” and “juvenile delinquent” would become socially and legally conflated to also mean “young” and “black.” The analysis for this book is primarily based on archival research of both primary and secondary sources from a variety of collections that are both national and local in scope. This historical case study uses archival evidence to narrate the socio-legal conflicts pertaining to race, crime, and (primarily male) youth in 1930s-1960s New York City.

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1 A convenience sample of such contexts include scholarship on social and legal consequences of the Child Saving Movement, the Temperance Movement, the history of houses of refuge, and organizations like the Society for the Prevention of Pauperism (see Pickett 1969).

2 These include the Columbia Center for Oral History, the Howard Gottlieb Archival Research Center, the New York City municipal Archives and Records Center, the Schomburg Center for Research in Black Culture, the Harlem Neighborhoods Association Records, among many others.
The book begins in 1930s Harlem. In the wake of the Depression, the specific needs of black youth were handled through a prism of securitization and control. Suddler documents how juvenile delinquency was manufactured and instrumentally leveraged to meet the interests and desires of local officials. Preventative policing originated in this context as both a pretext and a result of justifying state surveillance and control over black youth in a manner that was qualitatively distinctive from non-black youth. In the wake of the 1943 Harlem Uprising, prescriptive ideals concerning preventative or community-oriented policing were replaced by a law-and-order crackdown. While state representatives (e.g., law enforcement, local officials) contributed to the net-widening of carceral control over black youth, the broader socio-political discourses of the time further entrenched stereotypical associations between race, place, and criminality.

Strengths and Merits

The historiography highlights the events, people, and institutions that contributed to the socio-legal criminalization of black youth. Some of the drivers of these processes are Harlem-specific, but what is observed in Harlem is consistent with broader empirical trends and themes of the time, many of which are effectively synthesized for the reader. Suddler offers real people, places, and events to make clear that various kinds of violence were taking place during the “postwar crime wave” (p. 70). In my own research, I remember seeing trophy cases at local jails containing awards for marksmanship and wondering why shooting prowess would still be celebrated in this way so many years after the *Tennessee v. Garner* (1985) decision, which curtailed the ability for cops to shoot fleeing suspects. On pages 71-73, Suddler documents how Mayor LaGuardia and police Commissioner Wallander placed military veterans (turned cops) in high crime areas, and how the former reminded police that their firearms were “not meant to be ornamental” but that officers should “go in shooting” wherever crimes and criminals co-exist (p. 72).

In addition to examples of how the *New York Times* discursively conflated blackness with criminality, Suddler references other intellectual projects that contributed to the criminalization of blackness generally and young black males in particular. This text offers a critical interpretation of the role of psychiatry and other disciplines in shaping views of race, youth, and crime. With Harlem as the case study, readers learn about the robust conflicts that shaped the stigmatizing conflation of race with criminality, including but not limited to the varied political interests in weaponizing high-profile criminal events and the instrumental use of crime statistics (see also Baer and Chambliss 1977).

Suddler documents how black communities and youth groups mobilized various forms of resistance to assert their own views for how issues of community safety, prosperity, and civic health might be configured. Key events and actors in U.S. history are integrated into a rich account of the racial, economic, and socio-political conflicts of the time. No-knock warrants, Terry stops, the Harlem Six, Malcom X, and Governor Nelson A. Rockefeller all make appearances in bringing to life specific points in history that continue to shape crime and justice conflicts today. This historical time period is critical for scholars of crime and justice in particular, as the conventional starting point, even for self-described “critical” scholars, often begins with President Richard Nixon. Suddler reminds readers that while carceral studies might seem like a scholarly arena that
is *en vogue*, carceral configurations are a long-standing historical process and thus deserve historical treatment.

The concluding Afterword is where Suddler’s voice is strongest and most refreshing. Readers have an opportunity to reflect on how academics, particularly those from historically underrepresented backgrounds, do not arrive at our topics at random. The Afterword offers some insights into the motivations behind the research and the positionality of the author. It also conveys what the book means for a contemporary audience, and how the histories of Harlem both rhyme and reflect many features of the current political moment.

**Critiques**

Non-historians might struggle to quickly decipher the research design and methodology, or the specific canon of interpretation that pertains to this historiography. There is a dissertation-like feel to the text and the accompanying Notes. For instance, the text reads as being overly deferential to what other scholars have done, but also fails to fully integrate the key contributions of those works. While there is ample room for definitional clarity on key concepts like *carceral studies*, *carceral sovereignty*, and *juvenile delinquency*, there is uneven emphasis placed on how other scholars have used these terms, but the author is somewhat non-committal to the merits and limitations of their own definitions. “Carceral sovereignty” is used without specification (p. 10), and the Notes section does little to actually clarify or support some of the claims. For example, note 17 spreads across four pages with a list of references that seem to be largely disconnected from the claim to which it pertains. In the case of carceral studies, many of the works that are cited in the Notes are not given serious treatment, but resemble a reading list, which is perhaps the lingering traces of a dissertation manuscript.

The work also engages with relevant literature in incomplete and imbalanced ways. The police are central to the thesis, but references to the NYPD and other public entities seem to be selectively incorporated so as to fit the thesis. Surprising prominence is given to figures like Paul Tappan, who was a sociologist employed at New York University and thus physically present in the time and place of study. There is no evidence on whether Tappan’s writings or research had any consequential impact on the criminalization of black youth or on the events described in the text. Tappan’s inclusion, however, further reflects the relative inattention to conceptual and definitional detail. Suddler briefly references how Tappan defined crimes in a narrow and legalistic way (pp. 102-103), but the text does not offer any serious critique or analysis of these same definitions. This is a missed opportunity, but this critique is tempered in light of the fact that too many high-profile works in criminology still fail to differentiate between crime, criminality, criminalization, or account for the general vapidity of using legalistic definitions to study deviance and social control.

It is difficult to disentangle the conceptual and empirical boundaries between Harlem and the rest of New York City. This has ramifications for how we might understand how this book connects to scholarship on, say, the New York City House of Refuge. There is no doubt that the thesis is empirically supported by the evidence, but the book reads as though the evidence was gathered as a function of how it can best fit the argument.
There is a passivity to some of the claims concerning contact with institutions of formal social control. The text emphasizes how “many youths, especially black youths, found themselves entering the criminal justice system for the first time” (p. 9). Why did they “find themselves” there? More specifically, what crimes, exactly, were the basis for being policed, surveilled, and arrested? Gang membership is different from gang-attributed violence, and the text does not always delineate between the two. The word “crime” is often used by criminologists as though it is a self-evident term (see Michalowski 2016). The text appears to replicate this trend, implying that a) “youth crime” and “juvenile delinquency” are coherent terms and b) all contact between black youth and the criminal justice system is inherently problematic or unjustified. In the absence of any abolitionist argument, these are questions that have no clear answer after reading the book.

As James Forman Jr. recently argued in Locking Up Our Own, there were intra-group conflicts and competing interests that resulted in more privileged segments of select black communities actively supporting the increased policing and control of particular groups of black youth engaging in specific kinds of activities (e.g., violent crime). Some context or specification about the types of crimes, or what specific acts were of primary concern, would help disentangle whether this was an over-correction not to what white liberals and white progressives were concerned with, but also what older generations of black community members thought at the time.

Juvenile justice systems have been historically critiqued on the grounds that such systems reflected a “class-based movement to extend governmental control over children of the poor” (Cain 2017). There is little in the way of a class analysis or political economic framework in the text. Another critique is the superficial attention to racial formation and racialization. To the author’s credit, white liberals and the hegemonic value system associated with such political locations are well integrated. But American Studies, Ethnic Studies, and Latino3 Studies audiences might be challenged to find how the text engages with racial and ethnic formations during this time period. This book is about black youth but it has too many references to Puerto Ricans for such references to remain so superficial. This critique creates an opportunity for increased scholarly dialogue across various disciplinary backgrounds who share interests in understanding police-community histories in New York City.

**Contemporary Import and Engagement with Other Audiences**

The author aptly refers to criminalization as both legal and extralegal mechanisms, processes, and systems. While the text does not position itself as being addressed to socio-legal or law and society scholars, the inclusive approach to defining criminalization is relevant for such an audience. The book comes out at a time of increased visibility for scholarship on race, power, and social control. While many of the theoretical and conceptual claims are well established (as evidenced by the deferential treatment of the literature review), the text offers new and novel insights into Harlem and New York City, and how the conflicts of the 1930s – 1960s shaped many of the enduring inequities and legitimized forms of state violence. This text makes for a strong contender in graduate seminars on juvenile justice, race in the United States, criminal justice, and urban sociology, among others. Undergraduates in advanced seminars at New York City metro-area institutions should also be included as part of the book’s target audience, given the integration of major historical events and figures specific to New York City.

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3 For a concise primer on the scholarly use of the term *Latinx*, see Torres (2018).
Conclusion

There is a widespread myth that artificially dichotomizes racial animus into two stereotypes: the overtly racist south and the “progressive” North, especially during this time period. However explicit the racial violence was in southern states, carceral regimes were systematically cultivated and (financially) supported in the north. Presumed Criminal enters into conversation with the works of Khalil Gibran Muhammad (2014) – among others – to show how anti-blackness proliferated through both discourses and policies of criminalization in ways that complicate the view that the northeast (or New York City) was some racially progressive bastion for liberal values. Suddler’s work illuminates what those liberal values actually looked like in postwar New York.

While the motives for creating juvenile justice systems involved a prescriptive commitment to the interests of vulnerable children, Presumed Criminal documents how youth criminality evolved to become a racialized concept through a series of contested processes. These processes, or carceral configurations, might immediately stand out to some scholars as forms of state crime, or state organized race crime (see Ward 2014). Presumed Criminal adds to the carceral studies literature by helping readers better understand the real-world events, actors, and processes that continue to shape the social and legal outcomes of many black youth in the United States. Carl Suddler challenges readers to grapple with the realization that the story of postwar Harlem is one that rhymes and repeats itself in iterative forms to this day.

References


Court Cases Cited