

"The Feminization of Poverty in Rural Kentucky: Creating Crime and Excessive Social Control"

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Introduction

A variety of research supports that gender discrimination, in the arrest, sentencing, and incarceration of women exists especially with regard to a women's class and race membership (Crawford, 2000; Spohn and Holleran, 2000; Casey and Wiatrowski, 1996). We posit that gender discrimination in the criminal justice system is the result of a multitude of factors including the backlash against feminism or the backlash against the gains of white middle class women (increasing economic, social and political gains), and the feminization of poverty, particularly among women of color. This paper argues that excessive punishment reflects new efforts by the established white male criminal justice system to socially control women, especially women of color.

Race, Class and the History of Women's Criminal Justice System Processing

Across time and space, the response of the criminal justice system to women has varied. Messerschmidt explains the over-incarceration of women in the early 20th century as resulting from the backlash against the suffrage movement. Specifically, he states that the "roaring twenties" brought new social and sexual freedom to women which was perceived by the existing status quo as threatening (Messerschmidt, 1986). For example, Messerschmidt describes most incarcerations of young women as due to minor rule violations of traditional gendered norms, like staying out too late. Additionally, other young women were incarcerated as the result of the parents' inability to so-

cially control their daughters at home. Thus, historically women and girls appear to be incarcerated not for crimes, but for the violations of gendered norms. Criminal justice system leniency towards women may be attributed to specific historical-periods in which the private social control of women was increasing, thereby decreasing the need for public methods of social control (Faith, 1993, Chesney-Lind, 1997; Miller, 1998). Support exists for this tenet that the gender, race, and class of women and all institutional methods of social control must be examined to explain women's increased poverty, mental hospitalization and imprisonment (Bridges and Beretta, 1994). Similarly, when women's mental institutionalization decreases, incarceration rates of women increase significantly. Moreover, white women are more likely to be medically diagnosed while women of color are more likely to be criminalized (Bridges and Beretta, 1994).

Another example of this effort at social control is reflected in more recent research revealing that young women have typically been arrested at much greater numbers for status offenses than young males. These status offenses include liquor law violations, running away, curfew violations, and loitering. Unfortunately, little research discusses the differential incarceration rates of adult men and women (Chesney-Lind, 1989; 1996; Messerschmidt, 1986; Casey and Wiatrowski, 1996; Spohn and Holleran, 2000; Crawford, 2000). For example, Crawford recently discovered that black women were significantly more likely to receive harsher sentencing for contexts in which the black white ratio was high, and violent crime and drug arrests were high. Both Messerschmidt's 1986 work (see above) and Medna Chesney-Lind's ongoing work on the history of the social control of girls and women in the criminal and juvenile justice system also reveal gender discrimination in incarceration rates. Chesney-Lind found that in Chicago, one-half of all delinquent girls and only one-fifth of all delinquent boys were sent to reformatories between 1899-1909 (Chesney-Lind, 1989). Similarly, Milwaukee saw twice as many girls as boys committed to training schools. Also in Memphis, females were twice as likely to be sent to training schools as boys (Chesney-Lind, 1989). Many of the girls appearing before family courts were charged with immorality or waywardness. These girls were more severely punished than boys who had committed similar offenses. However, other work exists which contradicts this evidence.

Specifically, some work reveals that female defendants are treated with more leniency than male defendants with regard to both sentencing and imprisonment (Steffensmeier; Kramer; Streifel, 1993). This lenient treatment is explained as having occurred through judicial paternalism, familial justice and the rehabilitative value of the female defendant (Daly, 1987; Steffensmeier, 1980). However, Steffensmeier's early work fails to include adequate controls

for either race or class, thus his conclusions regarding lenient treatment may only exist for middle class women, or specifically, middle class white women. Other more recent research across three cities finds that young unemployed Black or Hispanic males are treated more harshly than other gender and racial groups, including women. In such cases, women appear to be the recipients of judicial leniency. Yet other work reveals that such leniency depends upon the specific type of crime committed. Some work notes that men are convicted at higher rates than women for crimes such as robbery and burglary while women are convicted at higher rates for crimes such as forgery and larceny. However, we believe what is most important to note about much of this empirical work, other than Crawford's recent work and Spohn and Hollerman's work, is the absence of a focus on the interaction of the class or race of the female defendant. Along a similar vein, other recent work which attempts to analyze gender similarities and differences in offending rates across cities using arrest data, although analyzing the effects of economic deprivation, treats race only as a control variable (Steffensmeier and Haynie, 2000). Furthermore, no independent variables are included that take into account the differential ratio of male to female economic deprivation, or macro level measures of patriarchy. Also, any work that simply attempts to account for gender differences by using official data ultimately avoids the issue of the social control of women through the feminization of poverty and criminal justice sanctioning, both of which are tools of oppression in a white privileged patriarchal society. We believe that when such measures are taken into account that the evidence will reveal a clear gender disparity in criminal justice sanctioning with regard to women of color and particularly poor women of color.

Simon and Landis's 1991 review of the literature reveals the existence of some of this gender disparity. Their review of Nagel and Weitzman's 1971 study of data from all fifty states notes that the work was designed to examine the existence of chivalry or paternalism within the criminal justice system. Nagel and Weitzman found that women who committed stereotypical female crimes, that is nonviolent offenses, were more likely to be treated leniently than similar male offenders. Unfortunately, race or class in this early work was not taken into account. Secondly, Nagel and Weitzman found that women who committed crimes of violence, were more likely to be severely punished not only for committing violence, but for transgressing notions of appropriate gender behavior (Simon and Landis, 1991). Simon and Landis also reviewed Debra Anthony's 1979 study of Judges, Angela Musolino's 1988 study of judges, and Simon and Sharma's 1979 study of Washington D.C. circuit court sentencing processes. All three area studies revealed that paternalism in dealing with female defendants existed, however controls for the race or class

of the women were omitted from the analyses. Simon and Landis also noted a number of other studies from the late 1970s and early 1980s revealing no gender effects in criminal justice system processing. However, again, race or class was not taken into account in these studies. Finally, Simon and Landis discuss Kruttschnitt's (1980-82) and Kruttschnitt's (1976) studies revealing that socio-economic class acts to protect women from severe court sanctions (Simon and Landis, 1991, p. 62). Specifically, women who were economically successful, women who were economically dependent, or women already subject to high levels of informal social control were least likely to receive severe court sanctions. Similarly, middle and upper class males were also least likely to receive severe court sanctions. Thus, more thorough analyses that include socio-economic differences clearly reveal the existence of a class bias in our criminal justice system.

However, Simon and Landis's own analysis of sentencing in New York and Pennsylvania over a five-year period from the early 1980s to the late 1980s remains incomplete. They concluded that gender disparity did not exist in either state except for one or two offense types in which females were treated more leniently. Unfortunately, Simon and Landis failed to take into account the race and class of either men or women in their examination of this data. Similar work which also omitted the race and the class of the women, supports the thesis that chivalry and male paternalism do not exist, at least with regard to charge reduction of female defendants (Bishop and Frazier, 1984). Moreover, Martha Myers classic work also found no evidence of judicial paternalism towards female offenders (Myers, 1988). Other research also failed to account for gender, race or class but found that pretrial release and bond decisions were highly influenced by the defendants courtroom demeanor (Frazier, Bock, and Henretta, 1980). Again, the main problem with this body of work is that information with regard to the race, class and sometimes gender of the individuals involved was omitted or used only as a control variable.

More sophisticated research exists which clarifies some of these early contradictory findings. For example, more comprehensive macro level work, which includes the analysis of race, gender, and class, is quite revealing. Martha Myers found that black offenders were at a disadvantage in counties with large black populations and high levels of racial inequality (Myers, 1987). But Myers work, like the more recent and highly sophisticated research of Spohn and Holleran, only controlled for gender (Myers, 1987; Spohn and Holleran, 2000). Myers found that while white males were more likely to be imprisoned than females, women were given longer prison sentences than males (Myers, 1987). Myers discovered that white victims were more valued than black victims and that defendants who were black, female, unmarried,

unemployed or poor were at a particular disadvantage. Moreover, Vishur's research more explicitly identifies the relationship between gender and race with regard to the chivalry hypothesis. Vishur found that chivalrous treatment of female offenders by police only occurred among those who displayed "appropriate gender behaviors" or "white middle class submissive behavior" (Vishur, 1983:23). Additionally, Spohn and colleagues discovered that women and men of color were more likely to be fully prosecuted than white female defendants (Spohn, Gruhl, and Welch, 1987). Although more recently Spohn and Holleran found that unemployed black and Hispanic men were more harshly sentenced, gender remained only a control variable. However, other empirical work illustrates that black women, poor women and those with previous sentences were more likely to be given severe sentences than other women (Kruttschnitt, 1980). Moreover, chivalrous treatment or paternalism is bestowed only upon certain women who conform to white middle class gendered norms (Nagel and Johnson, 1994). Clearly, our statistical analyses must examine women separately rather than treat gender as a mere control variable.

The bulk of the more sophisticated research reveals that poor women of color are treated more harshly in the criminal justice system while benevolent paternalism is reserved for white middle class and upper class women. Unfortunately, other shortcomings of this more complex work also exists. Primarily this research failed to take into account the effect of motherhood on criminal justice system processing. However, Kathleen Daly examined the effect of the presence of children in women's lives with regard to sentencing outcome. Daly argued that women with children were treated more leniently. Apparently actors within the criminal justice system used what she referred to as the familial based justice theory in order to avoid doing one of the following: 1) break up families because it would not be in the interest of the social order or 2) protect the innocent, in essence the family members, while punishing the guilty (Daly, 1987). Daly claims that familial based justice favors the woman because women are the ones responsible for the children and the home. Kathleen Daly states "... as long as women have primary responsibility for childcare and asymmetries remain in state supports for father and mother surrogates, we might expect that differences in the treatment of families men and women will continue." While Daly's familial based justice model on the surface, appears to support the benevolent paternalism hypothesis, it only perpetuates the attitude that women were to conform to specific gender roles i.e., "good mothering" and were not to deviate from them in any way. Daly found some support for her model after querying court officials. Apparently, such leniency in sentencing revolved around the court's concern about locking up women who were singularly responsible for children (Daly, 1989 p.170).

However, there is increasing evidence that such official concern, if it once existed, has disappeared in the 1990s (Casey and Wiatrowski, 1996). As of 1991 67% of women in state prisons had children under the age of eighteen and 72% of these women were living with their child before entering prison (Miller, 1998 p. 10). In 1994, 75% of the women in prison were the sole caretakers of their children prior to being incarcerated (Casey and Wiatrowski, 1996). Further these women were much more likely than men to be incarcerated for non-serious or non-violent crimes. Also, black women were more likely to be incarcerated than both white women and black men, particularly for drug related crime: (Rush-Baskette, 1998; Casey and Wiatrowski, 1996). Black women also represent a higher proportion of the prison population than do black men. In general, both white and nonwhite women are more likely to be incarcerated for nonviolent property offenses or drug offenses than white or nonwhite men (Rush-Baskette, 2000). Thus, the familial based model, if it once existed as described by Daly, may now only exist to make statements that women defendants' children must be protected from her; so let's lock her up, especially if she is poor.

The "feminization of poverty" and the "war on drugs" have disproportionately effected the imprisonment of poor women and women of color (Baskin and Sommers, 1998; Miller, 1998; Chesney-Lind, 1997; Faith, 1993; Hannon and DeFronzo, 1998). African-American women are more likely than white women to be convicted and to receive a longer prison sentence. Additionally, sentencing outcomes are less severe for white middle to upper class females, but such "benevolent paternalism" is absent for similarly classed women of color (Gilbert, 2001). Also African-American mothers are treated more harshly at sentencing than white mothers. These racial and gender disproportionalities in the criminal justice system in America have prevailed throughout history well into the present day (Gottfredson and Jarjoura, 1996; Shelden, 2001).

These differential sentencing practices with regard to specific racial and class membership are the result of a multitude of factors. We believe these factors include the personal prejudice of judges, larger macro level patriarchal forces that limit women's economic and political freedom, women's failure to conform to gendered norms, the feminization of poverty, and the backlash against some women's increasing economic, social and political power. Further, these processes are facilitated by recent changes in state sentencing statutes which legislate unfair treatment (Casey and Wiatrowski, 1996). For example, the "War on Drugs" mandates lengthy incarceration, particularly for "crack" related offenses, the drug of the poor, versus the cocaine-related offenses, the drug of the rich. Additionally, illicit drug economies have grown as the result of advanced capitalism (Baskin and Sommers, 1998; Pettitway, 1997). That is as major industrial employers abandoned the inner city for the

suburbs or for more lucrative markets (cheap labor) abroad, fewer legitimate inner city jobs were available. Both critical theorists and qualitative researchers posit that such places become sites of extreme hopelessness and despair lending itself to the development of addiction or the pursuit of the American dream through illegitimate economies (Bohm, 1998; Anderson, 1997; Messner and Rosenfeld, 1994; Flavin, 1998). Furthermore, inner city poor women, who are disproportionately minority members, are being compelled to participate in the illicit drug economies as more and more inner city men are incarcerated as the result of the "war on drugs". (Baskin and Sommers, 1998; Mayer, 1996; Casey and Wiatrowski, 1996). Additionally, most of these women are also drug addicts themselves and sometimes are forced to engage in prostitution in order to support their addiction. In one study of three Pennsylvania counties, Rich, Metro and Southwest, researchers found that arrest, sentencing, and incarceration of women varied considerably by county and was predicted by increased rates of poverty. Women's arrests and convictions were lower in Rich County than in Metro and Southwest counties. Greater proportions of females in Metro and Southwest were charged with drug offenses. Clearly, more arrests for drug charges would act to increase the incarceration rate as the result of the new mandatory terms for drug sales or possession. These harsher guidelines restrict the judge's discretion but also force judges to provide determinate prison sentences in cases where drug or alcohol treatment or referral to the new drug courts may have been more efficacious and less costly (Johnson, Formichella, and Bowers, 1999).

The final problem with most of the research is that it has failed to explore these issues with regard to rural areas. Few criminologists explore rural crime and criminal justice and those who do appear to avoid discussions with regard to the increasing incarceration rates of women. Our goal is fill the gap in this area by exploring these issues in a primarily rural state. However, before review of our methodology, it is important to briefly identify some of the unique issues faced in rural parts of the country that we believe may contribute to the gender disparity in conviction rates.

Rural Criminal Justice and Rural Crime

Ralph Weisheit's research on marijuana production in rural Appalachia describes economic powerlessness as one of the primary motives for growing marijuana. Weisheit explains that rural, non-metropolitan poverty rates are generally higher than urban poverty rates, as is unemployment and the average mother's length of time on AFDC (more than six years) (Weisheit, Wells

and Falcone, 1995). Drug cultivation appears to be a method of surviving economically in a place exploited by outsiders from the North. We believe that the exploitation of this area by northern industrialists also warrants the social control of locals through their criminalization or through the maintenance of poor wages, other types of worker exploitation and high levels of poverty. This exploitation of indigenous peoples is illustrated in ecological research revealing that waste dumps, landfills, smelters, factories, chemical plants and oil refineries are most likely to be located near the urban and rural poor, and communities of people of color (Bullard, 1994). This leaves those residents as the most likely to suffer from the effects of such toxins.

America's advanced form of industrial capitalism has led many corporations to move abroad and take advantage of the waning anti-imperialist movements in third world nations. In America, one result has been an increase in service sector employees. These workers are the lowest paid employees in our society. Many women in rural Kentucky counties are employed in part-time service sector work in which they have few benefits and are perhaps not even earning minimum wages. One method of insuring greater control of the rural population, in addition to poor wages, is to increase the passage of the laws favoring the wealthy and to provide more resources to law enforcement personnel to watch over the poor and working classes. A variety of studies have supported the idea that increased police presence or expenditures results in an increase in crime with few if any deterrent effects. Thus, increasing police presence simply results in more control of the workers who have been most recently laid off by the capitalists. Other classic research revealed that areas characterized by higher levels of inequality were more likely to have additional police and other law enforcement personnel, thus providing increased social control for the elites and the state.

The use of law enforcement and wage limits as methods of social control often coincide with the exploitation of the worker and his or her natural environment (Colvin, and Pauly, 1983; Manning, 1994; Mohiker, 1988). While many workers are underpaid for their labor, some geographic portions of the country more likely to suffer from environmental exploitation. These are typically areas populated by the urban and rural poor and people of color. For example, according to Weisheit et al., U.S. government estimates reveal that there are over sixteen-thousand active landfills containing hazardous wastes in rural areas which, according to the EPA, will eventually breach and penetrate the soil. Poor rural areas contain thousands of landfills and ground storage sites which are contaminated and leaking. Other social scientists refer to this process in which elite outsiders (in the case of Kentucky, wealthy capitalists from the North) exploit the geographic and cultural capital of indigenous peoples, as the process of "colonization". This also leads to the development

of the false consciousness or what Patricia Hill Collins refers to as the "othering" of specific groups of people, like blacks and Native Americans. Historical criminological analysis also reveals a similar pattern with regard to the social control of ethnic minority groups. One of the first culprits in this colonizing process and the resultant pollution in rural Kentucky has been the coal mining industry. The coal industry has been one of the chief employers and exploiters of many Kentucky families for a number of generations. Thus, although coal mining violations have decreased since 1988, violations of performance standards, non-compliance with the law, cessation orders issued, and imminent harm cessation orders issued, still accounted for 4,364 violations of the federal law in 1993. Citizen complaints regarding coal mining activities in the state from 1982 through 1993 ranged from a high of approximately 1,400 in 1992, to a low of approximately 900 in 1988. A majority of these complaints originate in Eastern Kentucky. However, only about ten percent of complaints result in enforcement action. In addition to the coal mines' role in the production of environmental toxins, a variety of other industries are also responsible for the release of toxins into the water or air in Kentucky.

Although toxins released by industries in Kentucky declined from 1988 to 1992, there has been a steady increase since then. Kentucky was ranked fifteenth in the nation in the total amount of toxins released into the environment by industry in 1992. Likewise, across the nation, the EPA (Environmental Protection Agency) reported that criminal enforcement cases increased from 1994 to 1995 with 256 of an initial 562 cases being referred to the Department of Justice. In Kentucky the number of violations grew 183 percent from 1984 to 1993 as inspections of facilities increased by seventy-five percent during that time. Ten facilities in 1992 accounted for most of the toxins released into the state. One of these toxins, that has received substantial media attention, is lead. Monitoring of lead levels in children's blood between 1992 and 1994 reflected that lead levels were specifically linked to health problems. Most of the toxins were released into the air with some of these including sulfur dioxide from coal-fired electricity. Furthermore, in 1993, over three-thousand toxic spills were reported in the state of Kentucky. Interestingly, ten facilities were primarily responsible for generating approximately thirty-five percent of the total toxins released in 1992. Many of these chemicals have been determined to be carcinogenic. These toxins are produced by over three-thousand regulated air pollutant sources in Kentucky.

Readers may wonder why environmental pollution and the exploitation of coal and coal miners are important with regard to the identification of gender disparity in conviction. Many families have lost or suffered an incapacitated father (a primary wage earner in many Kentucky families) as the result

of working in these mines. Consequently, mothers and wives are forced into the paid labor market out of necessity. These women are underemployed, exploited and underpaid. As this form of social control weakens, criminalization may be the result. This poverty is related to the early and continuing exploitation of Kentucky and its peoples, or what Patricia Hill Collins (1991) refers to as the colonization and othering of the locals, especially women. This colonization is evident when examining a 1983 study by the Appalachian Land Ownership Task Force which found that in eighty Appalachian counties across six states, only one percent of the local population controlled about fifty-three percent of the land surface. Further, of the twenty million acres of land and minerals owned by 30,000 people, fifty private owners and ten government agencies held forty-one percent of this land. Forty-six of the fifty private owners were corporations, most of them nationally known.

Finally, it is important to note that while there are more married couple households both white and black than there are single heads of households, there are also more female headed households in Kentucky than male headed among both blacks and whites. Moreover, Kentucky is predominately white with over 3 million white Americans and only 262 thousand black Americans. In terms of males and females in the labor force, 80,000 white males are in the paid civilian labor force compared to 65,000 white females. Conversely, there are more black females in the labor force than black males, 49,000 compared to 43,000. Additionally, there are over one million households on public assistance across the state. Thirty thousand white female heads of household are living under the poverty level compared to seven thousand white male heads of households. Additionally, almost ninety thousand white married couple households with children live under the poverty line. Among African Americans there are four thousand married couples living under the poverty line, while fourteen thousand African American single female heads of household live under the poverty line and one thousand African American male heads of household live under the poverty line. Clearly, a rural underclass exists among many family types across Kentucky with single female black and white households proportionately more likely to be living in poverty than single male heads of households.

Methods/Hypotheses

We anticipate that indicators of the feminization of poverty and capitalist exploitation of Kentucky counties will increase the likelihood that white and black women will be convicted across Kentucky counties. While we expect that capitalist exploitation will increase the likelihood of convictions for white and

black men, we anticipate that the feminization of poverty will have no effect on the likelihood of white and black male convictions. Moreover, we expect that an increase in the black to white ratio of the population will positively affect the rate of black male and female convictions while having no effect on white convictions.

Dependent Variables

The Kentucky office for the administration of the courts provided conviction data on females and males across Kentucky counties for 1995. Conviction data was separated by race (black and white only) for which separate regression analyses were conducted. Across Kentucky counties, most convictions of females were of white females. One hundred and three Kentucky counties convicted no black females; however, fifty-nine Kentucky counties also convicted no white females. Across Kentucky counties one to one hundred and twelve white females were convicted in 1995. One to seventy-three black females were convicted across Kentucky counties in 1995. Unfortunately, nineteen percent of Kentucky counties convicted a person for whom neither gender nor race was recorded. Also, three percent of Kentucky counties had no information about the race of females who were convicted. Therefore, the analysis is restricted to counties where the race and gender of the convicted person is known.

Table 1. Dependent and Independent Variables

120 Kentucky Counties	
White Females Convicted 1995	Frequencies
5=Five or more convicted	16%
4=Four convicted	6%
3=Three convicted	2%
2=Two convicted	13%
1=One convicted	12%
0=None convicted	50%
Black Females Convicted 1995	
4=Seven to seventy-three convicted	6%
3=Three convicted	2%
2=two convicted	2%
1=one convicted	2%
0=None convicted	85%
Black Males Convicted 1995	
4=Thirty to forty-five convicted	5.8%
3=Seventeen to twenty-nine convicted	1.7%
2=Three to ten convicted	4.2%
1=One convicted	8.3%
0=None convicted	80%

White Males Convicted 1995

4=Thirteen to one-hundred and fifty-three convicted	13.3%
3=Six to twelve convicted	14.2%
2=Two to five convicted	15.0%
1=One Convicted	19.2%
0=None Convicted	38.3%

Nineteen percent of Kentucky Counties did not record the race or gender of the convicted individual. Three percent of counties did not collect information on the race of the female.

Table 1 (continued). Coding for Independent Variables

Appalachian counties	Frequencies	
1=Appalachian county-Forty-nine counties are considered Appalachian counties.		
0=Non-appalachian county		
Number of Police in each County 1990		
1=1-5		18.3%
2=6-10		24.8%
3=11-20		25.8%
4=21-30		10%
5=31-724		14.2%
Tonnage of Coal Produced by County 1993		
	Recorded Values	Frequencies
0=0 tons	0	73%
1=1000-999,999 tons	1	10.8%
2=1 million to 9,999,999 million tons	1	10%
3=10 million to 34 million tons	1	5.8%
Toxic Air Emissions 1992		
	Recorded Values	Frequencies
0=0	0	45.8%
1=1,000-9,999	1	10%
2=10,000-99,999	1	15%
3=100,000-999,999	1	18%
4=1 million to 11 tons	1	6%

Table one illustrates the coding for both the dependent and independent variables. The number of white females convicted was coded from one to five. Counties having convicted five or more white females were coded as fives while one through four represented that specific number of convictions of white females. Fifty percent of the counties convicted no white females, twelve percent convicted one white female, thirteen percent convicted two, two percent

convicted three, six percent convicted four white females and sixteen percent of the counties convicted five or more white females. Eighty-five percent of the counties convicted no black females, five percent convicted one, two percent convicted two, two percent convicted three and approximately six percent convicted seven or more black females. Counties were coded from zero to four with zero representing no convictions of black females, one representing one black female conviction, two representing two black females convicted, three, three black females convicted and four representing counties convicting from seven to seventy-three black females. We respectively compare white and black female convictions to white male convictions and black male convictions across Kentucky counties. Our hypotheses can only realistically be tested if we compare the macro level predictors of male versus female convictions between both blacks and whites. The 1995 convictions of white males across Kentucky counties range from none to one hundred and fifty-three. Moreover, thirty-eight percent of counties convicted no white males in 1995. Similar to the findings regarding the conviction of black females, eighty percent of Kentucky counties convicted no black males, while the remaining counties convicted one to forty-five black males. Convictions of white males were recoded such that counties convicting one male (nineteen percent of all counties) were coded as ones. Those counties convicting two to five white males were coded as twos. Convictions from six to twelve males were coded as threes and counties convicting thirteen to one hundred and fifty-three males were coded as fours. Kentucky counties convicted one to forty-five black males in 1995. However, eighty percent of Kentucky counties convicted no black males. Black male convictions were coded from zero to four. Zero indicates no black males were convicted, one represents one black male convicted, two represents three to ten black males convicted, three represents seventeen to twenty-nine black males convicted and four, thirty to forty-five black males convicted.

Independent Variables

Kentucky has one hundred and twenty counties, forty-nine of which have been federally designated as Appalachian counties. Most of these forty-nine counties are in the Eastern part of the state. Accounting for the Appalachian status of each of the counties is important as a variety of research points out that it is the Appalachian counties that are more rural and poor, as well as most likely to have been exploited by outside interests. Thus, including whether or not a Kentucky county is an Appalachian county is necessitated. Appalachian counties are coded as ones and all others were coded as zeros. It is also important to take into account available local law enforcement per-

sonnel within each county. The more police available in an area or the more available funds expended on increased police presence could artificially push up the crime rate. Thus, police within each county employed at the county and city level were taken into account in 1990. In 1990, forty percent of Kentucky counties contained ten or fewer local law enforcement officers, while twenty percent had between eleven and thirty officers. Only four counties contained one hundred or more police officers in 1990. Thus, coding for this indicator ranges from one to six, with one representing counties with one to five officers, two, representing counties with six to ten officers, three, indicating eleven to twenty officers, four, reflecting twenty-one to thirty officers, five, thirty-one to sixty officers and six, reflecting counties with sixty-one to seven hundred and sixty four officers.

In order to take into account both capitalist exploitation of the area and patriarchal methods of social control of women, we selected a variety of independent variables which reflect those processes. Three indicators represent the colonization of Kentucky and exploitation of Kentuckians or the purchase of land by northern interests to exploit the region's natural resources as well as its' people. These include the tons of coal produced by county in 1993, the industrial toxic air emissions by county in 1992, and industrial toxins released or transferred to waste water or streams in 1992. The first indicator of colonization or coal tons produced was gathered from the Kentucky Environmental Quality Commission which collects its data from the Kentucky Geologic Survey. The geologic survey reviewed the top coal producing counties in Kentucky in 1993. This data was recoded such that the top tonnage produced by county from ten million to thirty-four million were coded as three's, one million to nine million were coded as two's, and one thousand to nine-hundred and ninety-nine thousand were coded as one's, and the remainder of counties were coded as zero's with no or minimal production of coal. This measure of toxic releases and transfers from reporting sources in 1992 was dichotomously coded such that nine thousand nine-hundred and ninety-nine pounds to eleven million pounds of air emissions was coded as one and the fifty-five counties without any toxic air emissions recorded were coded as zero's.

An additional measure reflects the top fifteen counties having companies that generate, release, distribute, recycle or recover the most toxic chemicals released into streams or municipal wastewater treatment plants in Kentucky. Each of the fifteen counties was coded with a one and all other counties were coded with a zero. We believe we have accounted for the pollution of the environment and thus, have tapped in to some extent the degree to which Kentucky county residents are exploited by major industries. But we still do not

have a good indicator of the results of capitalism or economic inequality and direct physical harm done to Kentucky county residents. Therefore, we selected the number of occupational injuries, both fatal and non-fatal, from 1995 as an indicator of the manner by which industry exploitation immediately affects Kentucky county residents. We realize that not all of these injuries may be the result of safety violations or improper working conditions but we think it remains a viable indicator of the manner by which the working class and the working poor people are used to meet the needs of capitalists. Occupational injuries per county ranged from four to nine-thousand two hundred and ten. These values were recoded from one to six with higher numbers representing a higher incidence of occupational injuries. The family poverty rate and unemployment are viewed as indicators of the economic exploitation and "thingification" of indigenous peoples. These include the family poverty rate computed for each county in 1989 and the county unemployment rate as measured in 1991. The percentage of families within each county living under the poverty level is coded from one to five with higher numbers representing a higher incidence of family poverty. In 1989, forty percent of Kentucky counties contained twenty to forty-six percent of families who were living under the poverty guidelines. Another indicator of family poverty was utilized for the analysis; this is the number of families receiving public assistance in 1990. The final indicator of economic exploitation, is the county unemployment rate in 1991. This variable is coded from one to four with higher numbers indicating more unemployed county residents. In 1991, thirty-two percent of Kentucky counties had alarmingly excessive unemployment rates from ten percent to twenty-two percent.

To measure the patriarchal social control of women and the feminization of poverty we utilize several other indicators. Black female heads of household, and white female heads of household are respectively included in the analysis of black female and black male convictions, while white female heads of household is included in regressions of white female and white male convictions. The number of white female heads of household varied from 33 to 13,715. These were recoded from one to six with higher codes representing more single female heads of household. Black female heads of household ranged from none to 11, 093. These were recoded from 0 to 5 with higher codes indicating more single mothers. The number of females working part-time is another indicator of the feminization of poverty. These are respectively included in both regressions on white female and black female convictions. Females working part time ranged from 141 to 180,382 across Kentucky counties. These numbers were recoded from 1 to 7 with higher codes reflecting more part-time female employees. The number of black females over 16 work-

ing and the number of white females over 16 working for pay are also included in the analysis of black female convictions and white female convictions. The number of white females with jobs across Kentucky counties ranged from 351 to 125,878. These scores were recoded from 1 to 7, again with higher codes reflecting more females working for pay. Black females over 16 working for pay ranged from none to 23,551. These were recoded from 0 to 5 with higher codes reflecting more black females working. The number of households in each county receiving public assistance was also included in the analyses, ranging from 121 households to 19,488 households. These were recoded from 1 to 6, with higher codes reflecting more households receiving public assistance. One ratio of the total number of black individuals divided by the total number of whites within each county was also developed to be included as an independent variable in the convictions of both black females and black males. We also developed a second indicator of this attempt to measure the threat hypothesis by developing a second ratio of the total number of minority people (except those of unknown race or ethnicity) divided by the total number of whites. This data will be used separately in the models explaining black female convictions and black male convictions.

Results

First order correlation coefficients reflected that several indicators were multicollinear. Unemployment and family poverty were co-linear ($r=.604$). Therefore, only family poverty was used in the regression analyses. Secondly, white female heads of household was co-linear with the number of households receiving public assistance ($r=.757$). Factor analysis revealed that both homes receiving public assistance and white female heads of household loaded onto one dimension (factor loading .937) and had consistent internal validity ($\alpha=.800$). The index was the result of the summing of both recoded indicators resulting in scores from 2 to 11. These values were then recoded from one to ten with higher scores representing the increased feminization of poverty among white women. Finally, females working part time, white females working, black females working and female heads of household for both black women and white women were also multicollinear. Moreover, both black female heads of households and black females working part time were multicollinear with the black to white population ratio. Therefore, black female heads of households and black females working part time were omitted from the analysis. Similarly, females working part-time were also dropped from the analysis of white females convicted. Appalachian county designations were

multicollinear with family poverty ($r=.721$) thus only family poverty was included in the regression models. Occupational injuries per county in 1995 was multicollinear with the white female poverty index, the number of police in each county and the number of homes receiving public assistance. Therefore, separate models were analyzed by including occupational injuries in one model while omitting the number of police in each county and number of homes receiving public assistance. Conversely, separate models were analyzed by including the number of police in each county and the homes receiving public assistance while omitting occupational injuries and then reversing that process in the second model.

Regression Analyses

Table 2. Independent Variables

Toxic Releases or Transfers 1992

Coding	Frequencies
0=0	87.5%
1=1-8 Top fifteen counties originally coded from one to eight (see below)	12.5%

Number of Companies located in 15 Counties that are most likely to release chemicals into Municipal Waist Water or Streams

Jefferson County=8
Carroll=1
Boyd=4
Marshall=5
Madison=1
Scott=1
Hardin=1
Woodford=1
Logan=1
Hancock=1
Simpson=1
Greenup=1
Washington=1
Fayette=1

Number Occupational Injuries Fatal and Nonfatal by county 1995

1=4-49	12.5%
2=51-95	20.0%
3=101-193	23.7%
4=200-344	16.7%
5=434-692	13.3%
6=711-9210	12.5%

Percent of Families in Poverty by county 1989

1=5-10 Percent	9.2%
2=10.2-15 Percent	30.8%
3=15.5-20.00 percent	19.2%
4=20.2-29.7 percent	24.2%
5=30.5-46.8 percent	15.8%

White Female Heads of Household with Children

5=1096-13715	22.5%
4=481-1095	15.8%
3=303-480	15.0%
2=186-302	31.7%
1=33-185	15.0%

Black Female Heads of Household with Children

5=248-11,093	7.5%
4=74-247	19.2%
3=33-76	17.5%
2=7-32	18.3%
1=1-6	17.5%
0=0	

Households Receiving Public Assistance

6=1948-19,488	13.3%
5=966-1947	20.0%
4=776-965	18.3%
3=574-775	13.3%
2=291-573	23.3%
1=121-290	11.7%

White Female Poverty Scale

(Combination of Homes on Public Assistance & Female Heads of Household)

10=11
9=10
8=9
7=8
6=7
5=6
4=5
3=4
2=3
1=2

Black to White Ratio

(Total Blacks in each County divided by Total Whites)

.00 to .34

In 25% of Kentucky counties this ratio is zero. In 12.5% of Kentucky counties the ratio is from .10 to .34.

Table 2. Regression Models for Male/Female Convictions Across Kentucky Counties

Independent Variable	White Females Convicted	Black Females Convicted	White Males Convicted	Black Males Convicted
Model One				
White Female Poverty Scale	.377**		.328*	
Toxic Air Pollution			.209*	
Blacks/white Ratio		.346**		.524**
Model One				
Homes on Public Aid For Blacks				.274*
Families Living under Poverty 1989			-.202+	
Model Two				
Occupational Injuries			.397**	.200**
Adjusted R Squared	.164**	.212*	.190**	.380**
Constant	.506	-.177	.744	-8.689

+ = $p = .06 - .10$

* = $p = .002 - .05$

** = $p = .000 - .001$

Table 2 illustrates the results of the regression of on each of the four models of white females convicted, black females convicted, white males convicted, and black males convicted across Kentucky counties. Only standardized and significant effects are illustrated in the table. In the model for white females, about sixteen percent of the variance is explained and only one indicator approaches significance. The feminization of poverty increased the likelihood that white women will be convicted ($p < .000$). Including occupational injuries in the second model increased the explained variance to thirty-one percent and led the black and white population ratio to approach significance ($p < .102$) (not shown in table). Using the initial model (excluding occupational injuries) for white males convicted across Kentucky counties, two of the indicators were significant predictors. The toxic air emissions released by Kentucky industries significantly increased the likelihood that white males would be convicted ($p < .036$). The white feminization of poverty index also pre-

dicted higher white male incarceration rates ($p < .022$). Finally, the percentage of families living under the poverty line approached significance ($p < .087$) but decreased the likelihood that white males would be convicted. The second model, which included occupational injuries (not shown), increased the explained variance to thirty-three percent and decreased the effect of toxic air emissions while the effect of occupational injuries significantly increased white male incarcerations ($p < .000$). Both of these models clearly support and contradict the primary hypotheses. Although contrary to expectations, the feminization of poverty increased both white male and female incarceration rates.

The initial model (without occupational injuries) used to explain black female convictions was poor and contained only one effect that approached significance (not in table). The black/white ratio slightly increased black female convictions ($p < .100$). However, the second model including occupational injuries, was an improved model that explained twenty-one percent of the variance in black female convictions across Kentucky counties. Consistent with our predictions, the presence of greater numbers of blacks relative to whites across Kentucky counties significantly increased black female conviction rates ($p < .000$). Similarly, in the initial model used to explain black males convicted the black/white ratio significantly increased the likelihood that black males would be incarcerated ($p < .000$). In this model, approximately twenty-one percent of the variance was explained in predicting county level convictions of black males ($p < .000$). Also, the number of families receiving welfare assistance also significantly increased male conviction rates ($p < .027$). Finally, families living under poverty decreased black male conviction rates but only approached significance ($p < .085$). In the second model for black males, two indicators significantly increased black male conviction rates. These included occupational injuries ($p < .032$) (see Table 2) and the black to white population ratio ($p < .000$). In this model, thirty-eight percent of the variance was explained.

Discussion

This research supports empirical work which separates the study of criminal justice system processes by the race, gender and class of those individuals subjected to this type of social control. Clearly, both white and black males are more subjected to criminal justice system control as the result of capitalist exploitation and the subsequent poverty that ensues. However, among both black males and females, the threat hypothesis also operates by increasing their conviction rates as they become a larger percentage of the population relative

to whites. Finally, among white women, being poor translates into a greater likelihood of conviction. We argue that the impact that the system has on poor women and minorities clearly violates the 8th amendment to the constitution and our equal protection laws. Thus, both policy makers and the public must be made aware of the disparate impact with which the criminal justice exerts on both poor women and minority populations. Such awareness should lead to the creation of an equitable system of justice, such as restorative justice and social policies that prevent poverty and the capitalist exploitation of workers.

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