

MIDNIGHT BASKETBALL AND THE 1994 CRIME BILL DEBATES: The Operation of a Racial Code

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This study examines the symbolic politics associated with the adoption of the omnibus \$30 billion federal crime bill of 1994. Based upon critical race theory and close readings of Congressional hearings and print media coverage, we argue that race was the key to midnight basketball's prominence in the legislative debates and that its introduction ultimately reduced prevention-oriented provisions included in the final legislation. The central empirical contribution is a content analysis that specifies how racially coded references to midnight basketball exerted their impact on the political process through the discursive framing of the bill. We find that while midnight basketball directly increased attention to race in the debates, its real impact was more indirect, serving to heighten fears of crime and produce images of criminals that made prevention appear misguided. In contrast to bottom-up theoretical approaches, these discursive shifts worked at the level of elite decision makers, the legislators themselves. The article concludes by drawing out the implications of this case study for theories of how the politics of race operate in the contemporary American political arena, especially those concerning crime control.

INTRODUCTION

For a while, it looked like a “done deal,” a “slam dunk,” and an “easy win”—a “certain campaign trophy,” as political correspondent Peter Boyer (1994:38) put it, for President William Jefferson Clinton and his Democratic colleagues in Congress to wield in the upcoming federal elections. Operating in the centrist mode that had brought them Congressional victories and the White House two years earlier, the Democratic leadership had produced a bill designed to appeal to all the key interests and interest groups. On the one hand, the omnibus, \$33 billion bill spoke to traditional Republican concerns about “law and order” with its calls for 100,000 new police officers, more prisons, and an expansion of the death penalty. At the same time, the bill also shored up core Democratic support with its long-sought ban on assault weapons and a massive collection of social programs aimed at crime prevention and social intervention. In April of 1994, the bill sailed through the House of Representatives, and the Senate followed suit shortly thereafter. All that remained was for the two versions to be reconciled in conference committee over the

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summer recess—and because the differences were relatively minor (they centered largely on the Racial Justice Act ratified in the House but rejected in the Senate), passage seemed all but assured.

However, when Congress returned to Washington for a special August session to take up the compromised bill, a new and unexpected opposition had developed. Its strength was demonstrated on August 11 when the bill suffered a devastating procedural setback (by a vote of 225 to 210) in the House. The Violent Crime Control and Law Enforcement Act of 1994 (PL 103–322) was ultimately ratified and signed into law in early September, but not before roughly \$3 billion of spending was cut from it, almost all at the expense of its most liberal prevention-oriented components. In its final form, the 1994 federal crime bill, the single most important piece of criminal policy legislation of our generation, ended up being more slanted toward the “new penology” (Feeley and Simon 1992). Conservatives, soon to unveil their controversial “Contract with America,” seemed vindicated and empowered.

How can we explain this remarkable turn of events? What precipitated the Republican resurgence?

As with any piece of federal legislation, the answers to such questions are complicated and multifaceted. Led by the National Rifle Association (NRA), the powerful gun lobby waged war on the bill during the decisive summer weeks for its proposed ban on assault weapons. Additionally, many Republicans were outraged that the Conference committee finished its work in late July but did not release copies of the 1,000-page document until the evening of August 10; they became convinced that the bill was full of unnecessary programs and provisions they would be unable to identify or oppose because of the short timetable. These charges of political pork and procedural impropriety further exacerbated long-standing Republican concerns about the cost of the bill and the folly of preventive approaches in general. In this article, however, we want to focus on one factor that we think exerted a crucial and largely unexamined impact during the decisive final weeks of the legislative process. That factor was race.

The most prominent race-related element of the crime bill was the aforementioned Racial Justice Act. The Act, resurrected from a failed proposal in 1991 (Dennis, Medoff, and Gagnier 1998), contained provisions to minimize racial disparities in death-penalty sentencing and was strongly endorsed by the Congressional Black Caucus (CBC) and by other liberal members of the House. After prolonged consideration, however, the measure was dropped in mid-July by the Democratic leadership who believed that Republican opposition might derail the entire bill. This compromise led the 40-member CBC to join the bloc that voted against the bill on August 11.

We posit that explicit racial appeals and coalitions are not the key to the racial politics that transformed federal criminal justice legislation in 1994. For all of their frustration, members of the Black Caucus ultimately did vote for the bill and were, in fact, among the strongest supporters of the prevention measures whose funding was slashed. We believe that the role race played in dictating the legislation’s final form was subtler and less direct, having to do with the way in which the public discourse shifted once the specter of race was introduced into the political process in its decisive *final* weeks. More specifically, we

argue that deeply entrenched images and ideas associating crime with young African-American men had the rhetorical effect of heightening the threat of crime and raising serious questions about preventative programs. This ultimately shifted the balance between punitive and preventative appropriations in the bill. The leading role here was played not by the Racial Justice Act but by a small and previously obscure policy initiative contained in the legislation's Subtitle F called "midnight basketball."¹ Analyzing its impact on the public discourse will not only help explain the final form of this federal criminal justice legislation but will also contribute to our understanding of the operation of racial images in American political culture.

RACIAL CODES: THEORY AND PRACTICE

The notion that ostensibly race-neutral, color-blind social issues or political symbols are covertly racialized or "racially coded" (Edsall and Edsall 1991; Jamieson 1992; Gilens 1996) has come to be fairly commonplace in both academic and public circles in recent years. These codes developed mainly out of the successes of the Civil Rights movement which—because it delegitimated biological racism, on the one hand, and consolidated an ideology of racial equality, on the other (Schuman, Steeh, and Bobo 1985)—forced political elites, liberal and conservative alike, to "rearticulate" representations of racial difference and explanations for inequality in nonracial terms (Omi and Winant 1994). Racial codes, in short, provide Americans a way to talk about issues believed to have racial connotations or consequences without actually naming this talk as such.

It would seem that racial symbols are employed most often by political conservatives whose goal is to mobilize the racial fears and resentments of a largely white, Anglo-Saxon public. The logic then follows that White support for racialized social issues or public policies falls dramatically, relative to similar cases where racial imagery is not invoked. In the vernacular, this is often called "race-baiting" or "playing the race card." Barry Goldwater and Richard Nixon's 1960s appeals to a "silent majority" were among the earliest such instances (Chambliss 1995); opposition to busing and the tax revolts of the 1970s were others (Bobo 1983). The most (in)famous and typically cited example these days is the 1988 Bush campaign's "Willie Horton" ad, which showed an African-American rapist and murderer being released on a weekend furlough from a Massachusetts prison (Feagin and Vera 1995:192; Kinder and Sanders 1996; Mendelberg 2001). On the face of it, to paraphrase Gilens (1996:592), this ad portrayed Michael Dukakis as soft on crime; ineluctably, however, its racial subtext intensified the meaning and significance of the attack.

The ongoing challenge is to provide rigorous empirical evidence of phenomena postulated to be most powerful and subversive precisely when they are least obvious and most deeply embedded in language and practice. Without such evidence, analysts are hard-pressed to effectively rebut otherwise powerful, utilitarian counterarguments that such phenomena reflect *either* principled conservative ideologies (often revolving around individualism) *or* class-based interests rather than those based in race. (For an unfortunate if well-intentioned such attempt, see Jewell 1993.)

The seminal social scientific works on the topic look primarily at the impact of racialized *issues* such as crime, welfare, and urban policy on broad political processes and electoral outcomes (Edsall and Edsall 1991; Jamieson 1992; Goldfield 1997). Important studies of the racialization of specific policy domains such as welfare (Quadagno 1994; Brown 1999; Gilens 1999) or crime (Lusane 1991; Reeves and Campbell 1994; Miller 1996; Russell 1998) are also available, the latter being particularly helpful in understanding the disproportionate impacts on African-American men in the criminal justice system in the face of mixed evidence of overt discrimination. There are, however, fewer empirical studies of specific racial symbols than one might expect. For example, although widely invoked, we have found only a few published studies of the Willie Horton ad in the literature (Jamieson 1992; Mendelberg 1997, 2001), and as Mendelberg (1997:134) points out, only a handful of quantitative studies of racial images in political campaigns exist (cf. Kern and Just 1995; Metz and Tate 1995).

What remain particularly undertheorized in this literature are the mechanisms by which racial codes operate and exert their impact, and the ways in which these mechanisms and their impacts vary depending upon issue and context. As conceived by the public opinion researchers who dominate the area (see also Sniderman and Piazza 1993; Kinder and Sanders 1996; Tyler and Boeckmann 1997), racial codes are believed to be strategically deployed by conservative figure heads and received by a passive and complacent mass public, serving only to generate public opposition to policies or individuals understood as assisting minority groups. We believe that racial codes often exert their political impact in even subtler, multidimensional ways. More specifically, informed by the work of race-based media critics and cultural theorists (Gray 1989; Lipsitz 1998; Hunt 1999; Entman and Rojecki 2000), we want to suggest that they also operate at the level of discourse—the language in which American leaders and laypeople alike think and talk about politics.

Several unique features of our midnight basketball case allow us to analyze and elaborate these claims in an empirical case study. First and perhaps most important is the fact that public opinions shifts cannot account for the discursive and legislative shifts that occurred. All of the major polls showed high and relatively stable levels of support for the crime bill and that this support had remained solid throughout the year. The *Los Angeles Times*, for example, found that 53 percent of Americans polled at the end of July considered the passage of a crime bill a national priority. (This had slipped slightly from a peak of 57 percent in April.) The NBC/*Wall Street Journal* poll in early August found support for a crime bill at 57 percent; Gallup's August 15 survey found 56 percent support for the crime bill. A CBS poll conducted on August 18 found that only 28 percent of Americans opposed the original compromise committee version of the bill, although support for it was softer (42 percent) than for the unspecified, general need for a crime bill.² In the one poll that dealt specifically with prevention-oriented components of the bill, the numbers were even stronger, almost 10 points higher (65 percent) than that for the crime bill as a whole.³ In short, the symbolic politics that thrust midnight basketball onto center stage were mainly isolated to the discourse of political elites.

Again, midnight basketball ran up against the conventional theoretical assumptions of how racial codes operate. Indeed, we will show that it was not conservative politicians but ostensibly liberal ones who were the first to employ midnight basketball as a racial code during the legislation process. Their goal was to use midnight basketball to mobilize public support for crime prevention and subsequently the crime bill itself. Herein is another set of questions. How and why did references to midnight basketball—originally introduced in the crime bill as an appeal to racial liberals—ultimately seem to have served conservative rather than liberal racial purposes? What, to put it somewhat differently, accounts for the discussion of midnight basketball going from being an appeal to African-American voters to being an attack on the crime bill? And what does all of this suggest about the mechanisms by which racial codes operate and exert their political impacts?

Our intention in this article is not so much to prove the existence of a racial code as it is to illustrate the structure and impact of a code once introduced into a specific policy arena. We also consider what kinds of arguments and coalitions racial coding typically enables and empowers within the structure of policy domains once they become racialized.

METHOD, DATA, AND DESIGN

Two characteristics made midnight basketball ideal for our study. First, although midnight basketball was consistently presented and championed in race-neutral, color-blind language, there is abundant evidence that midnight basketball was (and has always been) understood in race-specific terms, as an outreach to inner-city African-American young men. That is to say, midnight basketball was clearly coded for race.

Second, midnight basketball—after having been a relatively unknown, uncontroversial policy innovation in early 1990s—suddenly came to prominent public attention in the middle of 1994, at the same time the debate over the federal crime bill reached its fever pitch. During the first three weeks of August well over 100 references to midnight basketball appear in the *Congressional Record*, more than 70 during the decisive week of August 12–16 alone. Indeed, over one-third of the articles in a representative sample of national news magazines (15 of 41) contained a reference to midnight basketball.⁴ Almost half of these (seven) discussed midnight basketball directly and in some detail. *The New Republic* (September 5), for example, referred to midnight basketball no fewer than three times during the course of a single, one and one-quarter page editorial; *Time* magazine (August 29) devoted a page-length insert to midnight basketball in the context of the proposed crime bill.

What is striking about all of this is that the proposed funding for this sports-based initiative was only a minuscule portion of the spending on the overall bill. To be precise, midnight basketball accounted for \$50 million of the original \$33 billion bill (Idelson 1994; Idelson with Masci 1994), barely a tenth of a percentage point of the funding, a mere fraction of a fraction. Even in terms of the dollars dedicated strictly to prevention programs (\$6.9 billion) the amount to be spent on midnight basketball was negligible, little more than half of a percentage point. In other words, this tiny, little-known and previously

uncontroversial program was suddenly a central part of the debate involving the largest and single most important criminal justice legislation of our era.

Data and Methods

These preliminary observations led us to believe that this racially coded program had a crucial impact upon the legislative debates surrounding the 1994 federal crime bill. We explored this general hypothesis using the analytical techniques employed most successfully in sociological research on the “framing” or “symbolic packaging” of political issues (cf. Gamson 1992; Gamson and Meyer 1996; Pedriana and Stryker 1997; Stryker, Scarpellino, and Holtzman 1999).⁵ Our quantitative analysis explored how articles and commentaries with references to midnight basketball differed from those without such references in terms of the issues they prioritized, the extent to which they dealt with race, and the general ways in which they portrayed criminals, the threat of crime, and various approaches to criminal justice policy. The goal here was to establish and even quantify the impact the introduction of a midnight basketball reference had upon the basic content and general pattern of the political discourse surrounding the crime bill. We supplemented this relatively “thin,” quantitative approach to content analysis with closer reading and analysis of specific speeches and texts as well as additional research into the strategies and intentions of some key political actors involved in the debates. These more intensive, interpretive approaches afforded us a deeper understanding of the cultural structures that enabled midnight basketball to become a salient symbol and a better understanding of the variable ways in which midnight basketball references were utilized, by whom, and the implications therein. In short, this mixed method approach to cultural analysis allows us to establish the basic content and structure of the discourse as it shaped the entire legislative debate while at the same time exploring in depth the various strategic possibilities. In so doing, we provide a more comprehensive and complicated view of the way midnight basketball impacted this political discourse.

Our analysis is based upon four sets of textual materials. One is the representative sample of 41 national magazine articles on the crime bill referred to above. These data served initially as the basis for a pilot study in which we tested core hypotheses and developed our coding procedures for later sections of this article, which involve content analysis. As this research progressed, these magazine articles were used for close interpretive readings of the meaning (visual as well as textual) and symbolic function of midnight basketball in the political discourse. We supplement and extend these interpretations with careful readings of both Congressional hearings on the crime bill and speeches in which President Clinton made a specific reference to midnight basketball. These materials were compiled from the House and Senate *Congressional Record* (February 1994–September 1994, volume 140, numbers 8–125) and from transcriptions of Presidential addresses and commentaries (originally collected from <http://www.pub.whitehouse.gov>), respectively.

Our fourth and most important data source is a large, representative sample of print media coverage and commentary from newspapers and other dailies across the country regarding the legislative process. To construct this sample, we collected all newspaper articles of 200 words or more published between May 1 and September 17, 1994, archived

in the Lexis/Nexis Academic Universe database under the category “crime bill.” (We eliminated a handful of articles that contained less than two paragraphs of information on the crime bill.) We took this data set ($N = 2,274$) as a sample of the public discourse involving midnight basketball and surrounding the crime bill taken as a whole. We used it, first, to confirm the timing and relative prominence and political significance of midnight basketball references in the overall crime bill discourse. More important, this sample of articles allowed us to employ content-analytical techniques to test and quantify the interpretive claims developed out of our reading of the magazine coverage and Congressional hearings.

Outline of Analysis

Three major elements compose the analysis. In the first, we expand on our preliminary observations to provide evidence that the controversy over midnight basketball did indeed occupy a prominent place in the public dialogue and debate about the 1994 crime bill and that its important role in the debates was, in fact, tied to its understood racial connotations. We do this by examining articles that contain midnight basketball references over time in the media as a proportion of total crime bill articles and then by disaggregating these estimates by political party affiliation. We also calculate the proportion of total crime bill articles that discuss midnight basketball and then compare them with other, nonracialized sport-based outreach programs similar to midnight basketball. We then offer detailed qualitative analyses of the role that midnight basketball references played in the political discourse about crime and crime control in the context of the crime bill debates of 1994.

The second section complicates the analysis by focusing on who typically employed racially coded midnight basketball references and how they hoped to influence the political discourse in the process. We examine the different ways in which political conservatives and liberals utilized (or attempted to utilize) midnight basketball to further their own parties' political agenda again through qualitative analysis of the debates. We also analyze the media data focusing on bivariate relationships concerning midnight basketball's impact on arguments concerning crime-prevention efforts. These analyses suggest that references to midnight basketball made the prevention-oriented aspects of the legislation a more important part of the debate while concurrently making crime and criminals themselves appear more dangerous and threatening.

In the third analytic section, we then conducted multivariate binary logistic models of the large sample of newspaper coverage and commentary on the crime bill to test these interpretations and provide estimates of the impact of midnight basketball references on the crime bill discourse. Analyses of these data yield surprisingly robust results supporting our interpretively derived theories about the interaction of prevention-frames and criminal images conveyed through midnight basketball references.

Taken as a whole, these exercises are intended to account for the final form of the 1994 crime bill and contribute to theories of the operation of racial images, codes, and symbols in American political culture. That being stated, let us be clear that we do not mean to suggest that midnight basketball brought race into a policy arena and legislative debate

where it had not been previously. To the contrary, we would insist that the public policy and political discourse about crime in the United States is thoroughly and completely racialized. Rather, we argue that midnight basketball provided politicians a way to talk about different visions of the racial connotations and consequences of criminal justice policy without actually having to name that talk as such. We will discuss the theoretical and policy-related implications of these points by way of conclusion.

MIDNIGHT BASKETBALL AND THE LEGISLATIVE PROCESS

In order to test and further explore the findings from our initial pilot study of national magazine coverage, we looked at the number of midnight basketball references, their timing, and their political alignment in our large representative sample of national print media coverage of the crime bill. Our core theoretical postulate is that whatever other symbolic roles it may have served, midnight basketball also simultaneously functioned as a symbol or code for race—or, more specifically, for young African-American men. More precisely, we believe that the key to the symbolic potency of midnight basketball was the way in which it crystallized the differences between Republicans and Democrats on the crime bill in general and on issues of prevention specifically by presenting them in racial terms. We turn first to the appearance of midnight basketball references in our full sample of media coverage.

Number of References

Three hundred seventy-four of the articles collected in our sample ($N = 2,274$)—or some 16.4 percent—contained direct and explicit references to (if not more extensive treatments of) midnight basketball. The percentage of articles that made reference to midnight basketball in this particular sample is, of course, not quite as striking as the 36.6 percent found in our small, preliminary sample of national magazine articles. Nevertheless, the fact that almost one-sixth of the articles pertaining to the 1994 crime bill make reference to this very small, previously unknown and uncontroversial sport-based program indicates, in our view, a rather remarkable phenomenon.

Temporality

The significance of these references is further extended if we consider their timing. Figure 1 represents the percentage of articles that contained a midnight basketball reference in relation to all articles about the crime bill by week beginning in May and ending in the middle of September (a total of 18 weeks). It reveals that the vast majority of references come in the crucial weeks of the legislative process, the second, third, and fourth weeks of August.

First and most important, we see that the percentage of crime bill articles with midnight basketball references remains highest for the middle weeks of August. In addition, however, we see that the percentage of crime bill articles containing midnight basketball references peaks in two other periods: one in mid-June and another in late July. Notably, each of these periods coincides with a crucial moment in the legislative process: The

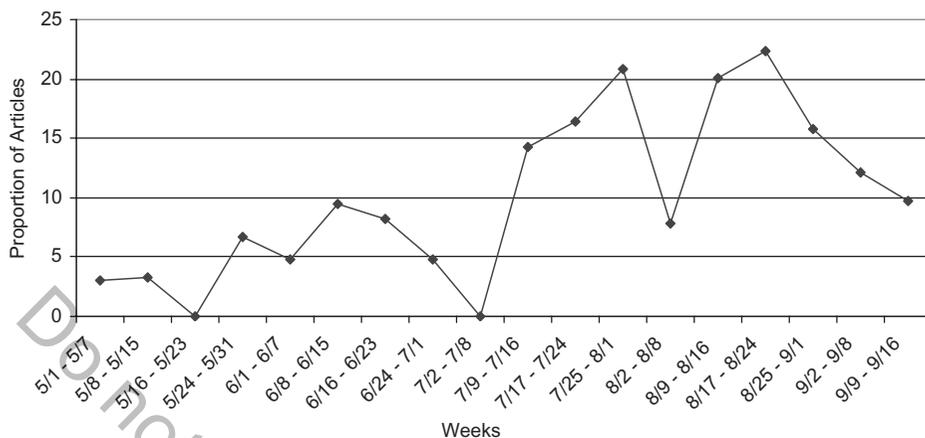


FIGURE 1. Percentage of Crime Bill Newspaper Articles with Midnight Basketball Reference over Time.

middle of June was the period in which Democrats were trying to solidify public support for the bill and struggling to craft a compromise over the Racial Justice Act, and the end of July was the period when conservative backlash against the compromise committee bill first began to emerge publicly. This timing suggests that the percentage of crime bill articles containing midnight basketball references peaks at three crucial junctures in the legislative process.

Political Alignment

A final finding in this section involves how midnight basketball was discussed and by whom. To capture this, we coded each article with a reference to midnight basketball ($N = 374$) according to its expressed political ideology or affiliation (liberal or Democratic, conservative or Republican, or neutral), and its depiction of midnight basketball (positive, negative, or neutral). The resulting cross-tabulations were striking. When midnight basketball is discussed in a negative, critical light, 98.2 percent of the time, the reference comes from an identifiably conservative-Republican critic. Conversely, 97.9 percent of the time, when midnight basketball is defended as a positive, proactive strategy, this came from a liberal-Democratic source. In other words, the correlation between political alignment on the crime bill and attitudes about midnight basketball is nearly perfect. This was even more clearly the case with the Congressional hearings themselves. We could not locate a single unambiguous instance where a Republican defended or a Democrat attacked midnight basketball in the July to August period.⁶

This is the case, we believe, because the controversy surrounding midnight basketball was not so much about the program itself as it was about the crime bill broadly conceived. Here, it is important to note the absolute absence of factual information about midnight basketball that formed and informed the debates about it. Although partisans on both sides of the aisle issued numerous assertions about the pros and cons of midnight

basketball as social policy, these were based on nothing more than personal, anecdotal information (and most were based on much less). An exhaustive review of the social scientific and applied literatures revealed that no published studies of midnight basketball were available. That is to say, there was no empirical information, scholarly or otherwise, publicly available on midnight basketball at the time.⁷ This is a crucial point for it suggests that the debate over midnight basketball was driven not by facts about the structure or effectiveness of such programs. It was about something else, something other than midnight basketball altogether. It was a symbol or shorthand for other, larger issues implicated in the massive crime bill initiative. The 1994 debate over midnight basketball was, in short, a textbook example of “symbolic politics” at work.

But symbolic of what? To begin to answer this question concretely, we coded each of the 374 articles that included midnight basketball for key issues of contention in the legislative debates. These included prevention, pork/political process, federal spending, gun control, prisons/police, and the Racial Justice Act. We found that midnight basketball was overwhelmingly associated with discussions of prevention.⁸ When references to midnight basketball could be explicitly associated with one of the six most prevalent issues—often directly posited as a symbol thereof—82.5 percent of the time, this was the case. Federal spending and political process/pork were the two other issues directly associated with midnight basketball, but this was only rarely the case—6.5 and 5.5 percents, respectively. Still, it was not clear why midnight basketball served as the code from which these symbolic politics were conveyed and carried out. The more we considered what midnight basketball represented, the more we became convinced it was a symbol for something else.

THE SUBSTANCE OF THE SYMBOL: MIDNIGHT BASKETBALL AND AFRICAN-AMERICAN MEN

We had several reasons to believe that this attention to midnight basketball was because of issues regarding race, or more specifically young African-American men. In other words, we posit that the high frequency, uncanny timing, and undue attention to midnight basketball during the 1994 crime bill debates was because it served as a potent, implicit and yet commonly understood symbol for young African-American men. Part of our argument about the racial nature of midnight basketball references has to do with the general connections between sport and race in American culture. At least with respect to African Americans, no sporting form has emerged as more central and significant than the game of basketball (Dyson 1993; Cole and Denny 1994; Andrews 1996; Cole 1996; Cole and Andrews 1996; Kelley 1997; LaFerber 1999; Boyd and Shropshire 2000). Suffice it to say that the connections between basketball and blackness are so widely recognized by Americans, black, and nonblack alike, that they almost go without saying.

Textual Evidence

Closer, more careful attention to the context within which midnight basketball references appeared supported this claim. For example, many times, we found that these references came right before or right after names of people or neighborhoods that were clearly

coded as African-American or along with the social problems of poverty, drugs, and family breakdown. That the first national pilot program was launched in “housing projects” in inner-city Chicago is a case in point. The *Time* magazine article quoted above (August 29, 1994, p. 35) is another. The story is introduced by a quote from an individual described only as having a “blue bandanna around his head” and set in a neighborhood “five [blocks] from one of Washington [D.C.]’s most notorious drug markets.” When Randy “Duke” Cunningham (R-CA) announced that he was changing his position on the program in August, he used a star African-American player from the Los Angeles Lakers to make his point: “Maybe Magic Johnson could play in this league but I don’t want my kids to play in it” (*Congressional Record*, August 10, 1994, p. 20900).

Nonracialized programs

To lend additional evidentiary support that midnight basketball was a proxy for race, we looked at the media coverage of programs in the bill that contained elements similar to midnight basketball without having identifiable racial connotations. These alternative crime prevention programs included *Ounce of Prevention Programs*, *Olympic Recreation Centers*, after-school programs, and in-school fitness and recreation programs. All these sports-based prevention programs were organized around physical recreation of some sort, included under the broad rubric of “crime prevention,” and absent implicit racial meaning. In this sense, they functioned as a counterfactual test to our “midnight basketball as racial symbol” argument. The results of this analysis can be seen in Figure 2.

This illustration clearly shows that the number of times these nonracialized recreation-prevention alternatives were mentioned is significantly lower than the number of times that midnight basketball programs are mentioned. *Ounce of Prevention* and school and recreation programs were referenced most frequently (53 and 57 times, respectively), but this pales in comparison to the 374 times midnight basketball appears in our national

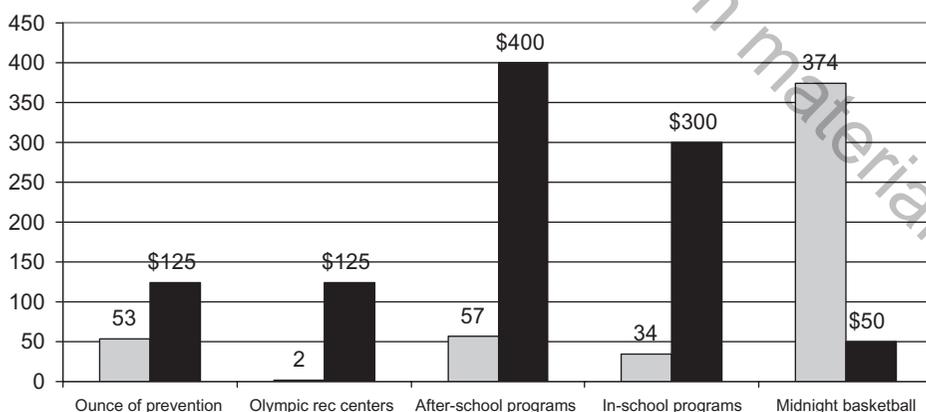


FIGURE 2. Number of References to Various Prevention Programs (y-Axis) with Program Cost in Millions (Above Bars).

sample. In fact, the summation of recreation-oriented program references, aside from midnight basketball, yields only 138 references compared to 374 for midnight basketball.

The comparative difference in the media coverage of these programs takes on additional significance when we consider that provisions contained under each of these constellations of programs were much more expensive than midnight basketball provisions.⁹ Both *Ounce of Prevention Programs* and *Olympic Training Centers* were budgeted at approximately \$125 million in the bill, and in-school programs at \$300 million. After-school programs alone were penciled in to receive about \$400 million total. These proposed allocations stand in stark contrast to the \$50 to be spent on midnight basketball—yet it was this program that attracted all the media attention relative to comparable programs in the bill. Suffice it to say, then, these other programs would have offered the same symbolic salience as midnight basketball with respect to wasteful and ineffective liberal social programming since they were more expensive with equally dubious effects on criminal involvement (Sherman et al. 1998). We feel that these other programs were not utilized as symbols because they were not racialized.¹⁰ All of this is to say that even though midnight basketball was almost universally described in race-neutral, color-blind terms, it functioned as a code for African-American young men.

COMPLICATING THE RACIAL CODE

In many conventional analyses of racial coding, our work would now be nearing completion. Having established both the existence of a racial code and that it occupied a prominent and otherwise unexpected place in the overall political process, we would now proceed to argue and verify empirically that conservatives were able to draw out this racial imagery so as to mobilize opposition to the crime bill. There is some evidence for this.

Perhaps the clearest example that conservative political actors actively employed midnight basketball as a symbol lies in the *Congressional Record*. During that first week of debate (August 4–10) where we discovered some 15 Republican attacks on midnight basketball, we could not find a single Democrat countering the midnight basketball attack. This pattern of Republican control of midnight basketball holds by a count of almost two to one in the media coverage during the crucial weeks of legislative debate. In articles from the last week of July and first three weeks of August (used later in the analysis), Republicans made 168 references to midnight basketball compared against 98 references to midnight basketball by Democrats. When a political position was expressed in association with or with respect to midnight basketball, that position was more often Republican than not.

This position is further supported by looking at the temporal relationship between Republican and Democratic references to midnight basketball. Figure 3 shows the raw number of negative-Republican references in relation to positive-Democratic ones over time.

Not only did Republican references (which are almost always critical or negative) outweigh Democratic defenses across the period; when debates over the crime bill were most intense, the number of negative references to midnight basketball peak dramatically. All

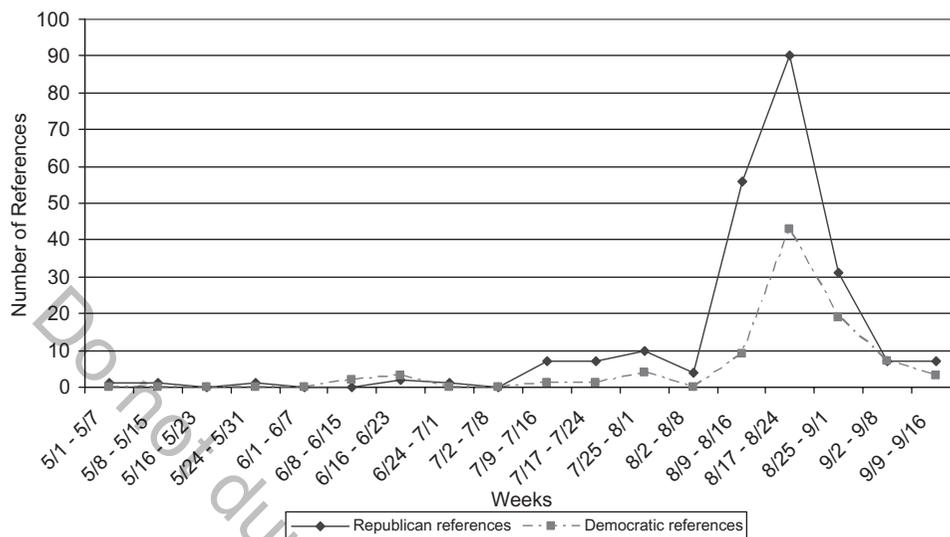


FIGURE 3. Number of Republican and Democratic Midnight Basketball References over Time.

of this would suggest, therefore, that a reference to midnight basketball more often than not came with or functioned as an argument against the original Democratic version of the crime bill.

Unfortunately, this is where conventional racial coding theory and technique begins to run out of steam. For one thing, in the absence of additional interviews or ethnographic evidence, it is impossible to say that Republicans deliberately and intentionally played the race card. The idea of targeting midnight basketball appears to have been spearheaded by the Republican public relations firm Craig Shirley and Associates, and their stated goal was simply to bring together an ad hoc coalition of conservative organizations against the bill focusing on its most liberal, prevention-oriented components (Carter 1998:56). Neither they nor any of those who followed their advice acknowledged any racial subtext or intent.

Making things even more complicated and perplexing from conventional theoretical perspectives is the fact that Democrats themselves tried to play the midnight basketball card. Looking again to Figure 3, there is a small increase in Democratic references during the weeks of June 6 and June 23 followed by a small increase in Republican references in the subsequent weeks. Midnight basketball began to reemerge—a reference or two here, a quote there—in political circles only when Democrats began to explore the possibility of expanding their funding in the context of their omnibus crime bill. And no one gives us clearer evidence of the racial politics implicit in midnight basketball than the leader of the Democratic Caucus, the president himself.

President Clinton's first public mention of midnight basketball came during his weekly radio address on April 16, 1994, when, after talking about problems of crime, he

outlined a plan whereby Housing Secretary Henry Cisneros would be provided with emergency funds for “enforcement and prevention” in gang-infested public housing in Chicago. As part of this package, the president assured, “. . . we’ll provide more programs like midnight basketball leagues to help our young people say no to gangs and guns and drugs.” The president made the racial images and connotations manifest when he spoke about midnight basketball on June 17 at a housing project in Chicago where he told his predominantly African-American audience that midnight basketball was a program designed to assist “people just like you.” A week later, this time at a park in inner-city St. Louis, Clinton deflected questions about the Racial Justice Act by talking instead about “prevention programs” such as “midnight basketball.” Finally, he gave one of his most aggressive public defenses of the crime bill—again replete with an extended discussion of recreation and midnight basketball—in front of an all-Black American Methodist Episcopal (AME) Gospel Church in Atlanta, Georgia.

The point here is not that Democrats played the race card of midnight basketball earlier than Republicans (although this seems to be the case). The point is more basic: Democrats had as much of an interest and investment in the racial imagery implicitly conveyed in the symbol of midnight basketball as Republicans. The only difference between the two parties on this score was that Democrats hoped to use this imagery to mobilize a liberal racial consciousness in support of the prevention-oriented components of the crime bill, and hence the entire crime bill itself, while for Republicans, it seemed to have functioned much differently. In this context, we asked ourselves how and why references to midnight basketball—originally introduced in the crime bill as an appeal to racial liberals—seem ultimately to have served Republican rather than Democratic racial interests. Otherwise stated, how did a discussion of midnight basketball shift from being an appeal to Clinton’s African-American constituency to being an attack on the crime bill?

The answer to these questions has to do with the fact that ultimately, the racial images and ideas associated with midnight basketball appear to have fit better with punitive Republican arguments about the nature of crime and criminals and how best to combat them. Here, it is not the strength of the Republican onslaught but the character, timing, and utter awkwardness of the Democratic response that is telling. Most obvious is the inability or unwillingness of Democrats to even respond. The first Democratic response did not come until August 11, a full week into the special session and after dozens of Republican attacks had been waged. It came in a speech in the House from one of the original supporters of the initiative, Bruce Vento (D-MN), who offered a lengthy substantive defense of the initiative just before the procedural vote (*CR—House*, August 11, 1994, p. 21560). Vento’s defense was followed immediately by one from Representative Nancy Pelosi (D-CA), whose San Francisco Bay-area district was home to one of the largest and most prominent programs in the nation.

Although both offered up spirited defenses of midnight basketball, they are worded in a strange way. No longer did Democrats tout the appeal of these programs to young, at-risk men of color. In the face of the Republican attack, Democrats defended midnight basketball in color-blind terms, as a general prevention program. Indeed, it is at this point that they began to describe Subtitle F provisions in more racially ambiguous terms

such as “midnight sports” or “late-night basketball,” eventually settling by the end of the month on the relatively race-neutral descriptor “late-night sports.” The reasons for this seem clear: They are trying to circumvent the racist imagery of the Republican attack, as well as avoid charges of favoritism, particularism or even reverse-racism that have long been anathema in American politics (cf. Skocpol 1995). But in doing so, Democrats strip the program of all the race-specific elements that made midnight basketball so appealing in the first place.

The day after, in the Senate, Democrats took the opposite tact, acknowledging that midnight basketball was, in fact, a “targeted” program and arguing that this is precisely what made it worthwhile as a crime-prevention initiative (CR—Senate, August 12, p. 22127). Patricia Schroeder (D-CO), another one of the program’s original backers, took up this rebuttal in the House after the weekend break. Schroeder’s defense illustrates the problems many Democrats faced when defending midnight basketball. She embraced the targeting concept by stating that the program was targeted to “neighborhoods that need it” (CR—House, August 16, p. 22517), and she continues by saying that those are “neighborhoods where they do not have a father presence.” Interestingly, however, she then fails to elaborate any further on these neighborhoods and communities and why they need a sports-based crime-prevention program. While we are unsure why she adopted this strategy, we do know that doing so would have required her to explicitly discuss the deeply racialized stereotypes and assumptions that originally brought liberal Democrats to midnight basketball.

A representative from South Carolina found himself in a similar bind two days later. He tried to sidestep the issue by talking about targeted neighborhoods as those where “residents are stigmatized by the criminal activity occurring in their community” (CR—August 18, p. 23161), but renders prevention almost incomprehensible because it blurs the lines between those who are criminals (or would be criminals) and those who are threatened by crime, and which one of these populations needs “prevention” and why.

In sum, Democrats experienced numerous problems with explicitly defending midnight basketball as a targeted program. First, doing so made it appear as though Democrats were appealing specifically (and perhaps exclusively) to their minority constituency. Second, defending midnight basketball explicitly in race-specific terms when they have so long and so consistently chosen to do otherwise would have exposed Democrats as overly strategic and opportunist. Finally, an explicit racial discussion would have required Democrats to confront the assumptions about the specific threats and risks posed by young African-American men embedded in this program, and this could easily have made them sound little different from Republicans, if not actually racist.

Of course, also at stake in the discussions of midnight basketball were two different visions of criminal justice policy—a Republican one that emphasized crime control, and a Democratic alternative that emphasized (or at least added) more crime prevention into the mix. And stereotypes about African-American young men being particularly dangerous or threatening, particularly at risk for criminal involvement, played into the

conservative argument perfectly. If this population was already predisposed to criminal behavior, the conservative argument went, would it not make more sense to control and contain these groups rather than to try to prevent the inevitable? The Republican attack on prevention was made more effective with racial imagery because it rendered the Democratic defense of prevention an idealistic contradiction. It is thus our contention that midnight basketball impacted the crime bill discourse not only by heightening the threat of crime (which would have, if anything, served to buttress arguments to increase criminal justice funding generally), but also by transforming images of crime and criminals in a way so as to make the bill's prevention-oriented components seem ill-conceived and unlikely to deter criminals or lessen crime rates. It is these contentions that we will now attempt to demonstrate in our analyses.

QUANTIFYING MIDNIGHT BASKETBALL'S IMPACT

At the core of our interpretation of the impact of midnight basketball references on the political discourse surrounding the crime bill, then, are two factors. The first involves how the crime bill debate came to be framed by politicians and political observers as a matter of prevention, and the second has to do with the depictions of criminals in ways that simultaneously heightened fears about crime and raised questions about the effectiveness of prevention-based approaches to criminal justice policy. In order to provide a more systematic empirical test of these theories, we conducted a series of statistically controlled comparisons of our representative sample of media coverage and commentary. Analyses of these data also allowed us to specify the nature of these relationships and derive some approximate estimates of the magnitude of their effects. Because these analyses required some rather intricate coding procedures (discussed below), we drew a random sample of every fifth article from the period July 24 to August 31 when debate about the crime bill and midnight basketball was most intense ($N = 278$) and focused our analysis there.

Issues in the Overall Debate

Our first step was to compare the relative prominence of midnight basketball references on the status of the prevention frame in the crime bill discourse taken as a whole. To do so, we compared the relative prominence of core crime bill issues as presented in articles with midnight basketball references against those without such references. Using the coding procedures discussed earlier in the article, we derived the results presented in Table 1.

Table 1 shows the proportion of times when we identified an issue as being one of the most predominant in a sampled article.¹¹ The table indicates that the presence of a midnight basketball reference is associated with a statistically significant change in the predominance of three issues or crime bill frames. First and most important, we see that prevention is the issue most impacted by the presence of a midnight basketball reference—going from the second least-likely issue to be dealt with in an article on the crime bill (.40) to the most prominent issue discussed (.86). Table 1 also shows that this shift can be attributed to the decreasing prominence of issues having to do

TABLE 1. When an Issue Was Identified as Being One of the Top Three Most Predominant in an Article (N = 278)

	When midnight basketball was not present (N = 194)	When midnight basketball was present (N = 84)
Federal spending	.61	.67
Gun and NRA	.58	.37*
Prison and police	.40	.46
Pork and politics	.58	.36*
Prevention	.40	.86*
Racial Justice Act	.30	.23

*represent level of significance ($p \leq .01$) determined by Z-test.

with “guns and the NRA” and “pork and politics” in articles that mention midnight basketball.

Images of Criminals/Conceptions of the Crime Problem

To test our theory that a midnight basketball reference not only made prevention programs a more prominent part of the debate but also raised questions about their effectiveness as crime policy, we decided to look at how articles with and without references to midnight basketball depicted crime and criminals. To conduct this test, however, we had to develop a coding system categorizing articles in terms of their depiction of the crime problem (who or what was threatened by crime) and of criminals themselves (who the criminals were and what traits, if any, they shared in common).

We identified three basic categories.¹² We distinguished between conceptions of crime and criminals where social groups are portrayed in nondescript and general terms, in a more sympathetic or disadvantaged vein, and as specific threats to social order. We called the first category “universalist.” Articles with “universalist” conceptions portrayed crime and criminals as a general social problem associated with no specific populations either as victims or perpetrators. We drew a further distinction between representations that portrayed crime as associated with specific populations but which were seen in a somewhat sympathetic vein (i.e., as the result of social disadvantages such as unemployment, lack of skills, receipt of welfare, etc.) and thus not necessarily dangerous or threatening to the public generally as against those that portrayed crime as a problem having to do with social groups that were particularly menacing and threatening to the public at large. We called these “unfortunate” and “dangerous,” respectively. In drawing this distinction, we thought we might be able to distinguish the racial impacts of midnight basketball references from those that might be associated with other social groups.

Table 2 presents the bivariate association between midnight basketball and the depiction of criminals and criminally inclined populations in the media.

This table demonstrates that the presence of a midnight basketball reference also has a significant impact on the representation of crime and criminals in the discourse. More specifically, the portrayal of crime and criminals is more general and universalist when

TABLE 2. Impact of Midnight Basketball Framing of Criminals and Potentially Criminal Populations (N = 278)

	When midnight basketball was not present (N = 194)	When midnight basketball was present (N = 84)
Universal populations	85 (43.8 percent)	14 (16.7 percent)
Unfortunate populations	38 (19.6 percent)	14 (16.7 percent)
Dangerous populations	71 (36.6 percent)	56 (66.7 percent)
	194 (100 percent)	84 (100 percent)

midnight basketball does not appear in the discourse (43.8 percent); when a reference to midnight basketball does appear (16.7 percent), conversely, crime comes to be more of the problem of specific populations and issues. A second finding is revealed as well: When midnight basketball references appear in an article, discussions of crime and criminals turn to populations presumed to pose an omnipresent threat to public safety and social order. In fact, the percentage of times when crime and criminals are discussed in this manner nearly doubles when there is a midnight basketball reference (66.7 percent) compared to when there is none (36.6 percent). We now turn to exploring the links between this finding and the prominence of the prevention frame.

The Relationships between Prevention, Threat, and Midnight Basketball

In order to provide parameter estimates of the variables relationship to midnight basketball references, we conducted a series of binary logistic regression models specifying whether an article contained a midnight basketball reference as the dependent variable. Although we conceptualize midnight basketball references as facilitating important shifts in the political discourse, we treat it as the dependent variable to determine the significant correlates of midnight basketball references net of the other measures in the models. We report and discuss the results from the two full models, presented as models 1 and 2 in Table 3.

What is most significant about these models is that in addition to the variables for framing issues and crime/criminal depictions, we have included a dummy variable for explicit references to race ("race") in addition to variables concerning prominent crime bill issues and depiction of criminals. This was intended to operationalize the argument (suggested by the more instrumentalist theories that dominate the literature) that rather than impacting the political debates in the subtle, discursive manner we have suggested, racial codes may simply provide a vehicle for mobilizing racial images that directly heighten fears of crime.

Model 1 shows the results for the overall crime bill discourse sample. This model ($\chi^2 = 70.433$; $p \leq .001$) has three significant variables: "prevention" (1.029; $p \leq .01$), "race" (0.991; $p \leq .05$), and portrayals of criminals as dangerous and threatening (1.393; $p \leq .001$). We calculated the conditional predicted probabilities¹³ of an article having a midnight basketball reference and found that when prevention is the most predominant crime bill frame and when all the other variables are set at their mean, there is a

TABLE 3. Predictive Models for Midnight Basketball: Binary Logit Regression Analysis¹⁵

	Model 1 the overall discourse (N = 278)		Model 2 the prevention frame (N = 149)	
	β	Log odds	β	Log odds
Constant	-3.177 (1.926)		0.486 (0.927)	
Federal spending	-0.086 (0.344)	0.918	-0.381 (0.25)	0.683
Guns/NRA	-0.060 (0.344)	0.942	-0.459 (0.248)	0.632
Prison and police	0.293 (0.346)	1.341	-0.120 (0.237)	0.887
Pork	-0.038 (0.351)	0.963	-0.354 (0.236)	0.702
Prevention	1.029** (0.346)	2.798	—	—
Capital punishment	-.074 (0.396)	0.929	-0.592 (0.323)	0.553
Race	0.991* (0.991)	2.695	0.883 (0.455)	2.419
Universal	—	—	—	—
Unfortunate	0.745 (0.492)	2.106	0.254 (0.526)	1.289
Dangerous	1.393*** (0.388)	4.025	1.415** (0.441)	4.115
Log likelihood	255.845		179.414	
Model chi-square	84.806***		26.976***	
Degrees of freedom	9		8	

* $p \leq .05$; ** $p \leq .01$; *** $p \leq .001$.

Note: Standard errors in parentheses.

72.4-percent probability of a midnight basketball reference in contrast to a 10.7-percent probability when this is not the case. There is a 60-percent probability of a midnight basketball reference when there is an explicit racial reference and a 35.8-percent probability when there is not. Last, when an article portrays criminals as dangerous social threats, there is a 61.4-percent chance of a midnight basketball reference in comparison to the 28.3-percent probability when criminals are portrayed in more general and universal terms.

The results for the explicit racial reference variable are not entirely what we would have expected. This explicit race indicator is the statistically significant net of the other variables in the model ($p \leq .05$). To put it more concretely, this finding suggests both an indirect and a direct connection between race and midnight basketball. These data indicate that midnight basketball significantly altered media images of crime and criminals in the overall crime bill discourse by making prevention a more predominant issue and then by portraying criminals as a source of social threat. However, talking about midnight basketball also served as a vehicle whereby it became possible to talk about race more explicitly in the context of the crime bill. In other words, model 1 provides evidence supporting both the overt racialization and subconscious effects posited by conventional analyses of racial coding and a more nuanced take on the role of racial symbols in political discourse and the media.

Model 2, on the other hand, provides more definitive empirical evidence that midnight basketball was more than just a proxy for race. Model 2 performs a similar analysis

on a subsample of articles in which prevention was the dominant media frame ($N = 149$). Most noticeable about this model ($\chi^2 = 28.161$; $p \leq .001$) is the presence of only one significant variable. While we no longer observe the effect of prevention in this model since it is now a constant, the only significant variable is the representation of crime and criminals as dangerous (1.415 ; $p \leq .01$). In this model, the race variable is no longer significant. While this may be partly because of the reduced sample size, the contrast in conditional probabilities for the race and social threat variable implies an interaction between prevention, explicit racial references, and midnight basketball references.

We would expect on average for a midnight basketball reference to be present 59 percent of the time when crime and criminals are depicted as a dangerous social threat and the other variables are set to their mean in comparison to a 29-percent expected probability when crime and criminals are depicted differently. Alternatively, the probability of an article having a midnight basketball reference when there is an explicit racial reference is consistently high (going from 70.9 percent to 85.5 percent). Although important in the overall crime bill discourse, the presence of explicit racial references is not merely contingent on whether or not an article will have a midnight basketball reference within the prevention frame. Additional analyses¹⁴ show that there is a significant relationship between race and midnight basketball when prevention is not framed as one of the most predominant issues. When prevention is one of the most predominant issues, racial references and midnight basketball references are reduced to nonsignificance.

In sum, these results suggest that midnight basketball coincides with specific depictions of crime and criminals with regards to arguments pertinent to crime-prevention efforts. When there is a reference to midnight basketball, discussions of prevention come to be debates about how best to deal with populations perceived to be inherently dangerous and threatening to social order. Furthermore, the results of our analyses provide evidence that the racially coded midnight basketball reference affected the crime bill discourse in two additional ways. First, it impacted the overall crime bill discourse by making prevention a more important media frame, and it also allowed race and racial issues to be discussed explicitly. These findings indicate that, especially in more general discussions and debates about the crime bill, midnight basketball was simply a proxy for race and prevention. Second, it changed the framing of prevention itself by injecting it with very specific images and representations of who criminals were and what efforts could be successful against the crime problem. This finding is more consistent with our claims concerning midnight basketball's less obvious impact on the actual discourse. It is also of particular interest because it does well to explain the final adjustments made to the bill (billions of prevention dollars cut) before its final passage. Our analysis indicates not only that midnight basketball significantly impacted the crime bill discourse, but also that racial symbols can operate on multiple levels simultaneously within American politics.

CONCLUSIONS AND IMPLICATIONS

Our core theoretical postulate is that midnight basketball functioned as a symbol or code for race—or, more specifically, for young African-American men. More precisely, we

believe that the key to the symbolic potency of midnight basketball was the way in which it sharpened and crystallized the differences between Republicans and Democrats on the crime bill in general and on issues of prevention specifically by presenting them in racial terms. Crucial here is that conceptualizing racial codes in the broader context of public discourses about race implies that political elites are not outside of racialized social structures (Miles 1989; Cornell and Hartmann 1998:32–34), but are, in fact, just as impacted and constrained by them as the general public. This, in turn, suggests that the most important and challenging questions about racial codes are not whether they racialize a previously race-neutral issue or debate, but rather what kinds of arguments they enable and privilege within the structure of a racialized discourse.

That having been said, this analysis also raises a number of other questions. For example, our focus on media coverage and political discourse more generally problematizes the relationship between cultural discourse and legislative outcomes. Obviously, we believe that these discursive shifts had an impact on the federal legislation and criminal justice policy that came out of all of this. Indeed, we suggest that these discursive shifts had the effect of unsettling the fragile coalition that Democratic leaders had assembled in support of the bill, which ultimately resulted in the elimination of a significant portion of the more liberal-preventative aspects of the bill. We can, of course, only defend this argument in a speculative fashion, as the bulk of our empirical analysis has not dealt with the legislative process directly. Nevertheless, we can note that there do not appear to have been any significant external forces or factors that can account for the way the debate and the bill itself changed during the few short months between the initial passage and the passage in August of the final compromise version.

The whole of this study has other clear and direct implications for work concerning racial threat and social control. Many studies have explored the connections between group threat and patterns of social control and punishment (Corzine, Creech, and Corzine 1983; Liska, Chamlin, and Reed 1985; Chambliss 1995; Tolnay and Beck 1995; Myers 1998). Recent work has advanced this line of research by exploring commonplace assumptions that the relative size of minority group populations pose a threat to social order and personal safety and their implications for media representation (Chiricos and Eschholz 2002) and punitive attitudes (King and Wheelock 2007). It remains uncertain, however, whether these understandings become articulated or realized as criminal justice policy, and, if so, how this process takes place. Our study lends some evidence that this process indeed occurred with respect to the 1994 crime bill through the racial symbol of midnight basketball.

To the extent that race is included in studies of crime, deviance, and social control, it is sometimes discussed under the rubric of “moral panics” and “folk devils” introduced by Stanley Cohen (1972/1980; for examples see: Jenkins 1992; Chambliss 1995; see also Sampson and Lauritsen 1997:362, 364–66). Reflecting the theoretical ambiguities built into these concepts (for a review of the broader literature on moral panics see Goode and Ben-Yehuda [1994]), this work has often been overly instrumentalist and not fully attentive to the deep culturally structuring significance of race in contemporary post-Civil Rights American culture. Once again, we have elected to resurrect that “symbolic politics”

approach—pioneered by Gusfield (1981, 1986/1963) and Edelman (1964) and employed in a somewhat different fashion by Stuart Hall and his colleagues in the Birmingham School in Great Britain a quarter century ago (cf. Hall et al. 1978)—in order to capture this deep and largely implicit cultural structuring of racial symbols.

This critique is not limited to scholars of crime, delinquency, and criminal justice; it also applies to social scientists who work in the area of race, especially those studying the relationships between race and politics in the United States. While this work has a long and venerable tradition, these analyses have almost always been focused on issues that are *explicitly* racial (such as school busing, open housing, civil rights law, and affirmative action in American society) or about the dynamics of group relations in the political process (cf. Sears, Sidanius, and Bobo 2000). This analysis suggests that the impacts of race can also be symbolic, much subtler, and more diffuse. And, in fact, in recent years, another more critical cultural and interdisciplinary body of scholarship has begun to emerge, one that sees the process and impacts of “racialization” (Miles 1989:73–77; see also Omi and Winant 1994) as much broader, more diffuse, and problematic. We would insist that race runs even deeper in American culture than conventional social scientific approaches to race have allowed and is particularly central to issues and policy arenas involving crime, welfare, and urban issues.

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NOTES

¹Midnight basketball refers to basketball leagues designed to provide young, mostly minority urban men with constructive activities during high-crime late evening and early morning hours. Such leagues were the brainchild of the former town manager of Glenarden, Maryland, G. Van Standifer, who claimed that the program reduced crime in his Washington, D.C. community by almost 30 percent in its first three years of operation in the late 1980s. They were seen by policy makers and media elites as low-cost, innovative approaches to crime prevention and social intervention. On May 14 of that year, President Bush designated Standifer and his program one of his official “thousand points of light” (#124). For more on the history of midnight basketball, see Carter (1998) and Hartmann (2001).

²Twenty-six percent did not know enough about the specifics of the compromise committee’s version of the bill to respond.

³Gallup Organization Poll conducted for CNN and *USA Today*. (Survey date: 8/16/94; release date: 8/19/94; telephone survey of 1,011 respondents in a national adult sample.) The Gallup poll on August 16 (released on the 19th), is particularly notable because of the way it was framed. It specifically asked respondents if they favored “providing local communities with federal tax money to provide social programs and activities for low-income children such as **Midnight Basketball**” (emphasis in survey) as a proposal to reduce crime.

⁴This sample was drawn from *The Reader's Guide to Periodical Literature*, which provides a fairly representative collection of magazine and journal articles available to the mainstream, general public. It includes all articles listed under the heading “crime bill” written between March 1 and October 31 (1994), the period of the most intensive crime bill debates and media coverage. In addition, we also included articles under “crime prevention” and “criminal law” if they had more than one substantive paragraph involving the crime bill itself.

⁵This body of work is closely related to the literature on “symbolic politics” (Edelman 1964; Gusfield 1986/1963). We chose to utilize the terminology of the latter because work under this more familiar framing rubric has, following the lead of Ann Swidler (1986), often been conceived (or received) in literal and instrumentalist ways that cut against the deeper cultural structures on which we think work on racial codes is most properly and productively analyzed.

⁶Indeed, we focused our content analysis (below) on the media-derived sample precisely because of this. Examining media coverage—because much of it attempts to be objective or politically neutral—allowed us to observe the effect of midnight basketball on the discourse independent of political party affiliation.

⁷As a policy initiative, midnight basketball is understudied to this day. Those studies that exist (cf. Derezotes 1995) tend to be essentially descriptive, mainly single-program-based process evaluations or interviews and surveys with participants. This is not surprising: Despite their prominence and popularity, sport and recreation programs ranging from boot camps to after-school programs in general have received little analysis until recently. For example, the most comprehensive survey of the social scientific literature on crime prevention (Sherman et al. 1998) lists only one scholarly study that focuses explicitly on recreation-based programs, and even its findings about community-based after-school recreation programs are limited and inconclusive at best. If such sport-based programs will be able to achieve concrete outcome effects, theorists have suggested that it will only be to the extent that they are used in combination with a variety of other programs and in the context of a larger, more comprehensive outreach or treatment strategy (cf. Lovell and Pope 1993; Correia 1997; Witt and Crompton 1997).

⁸Our selection of these six issues was based upon our reading of media coverage, the Congressional hearings, and subsequent scholarly analysis and commentary on the bill (cf. Platt 1994). *Prevention* referred to any discussion of social programs that were interventional or preventative in nature. *Federal spending* signified all discussions concerned spending, cost, federal intervention, and funding, and *political process/pork* represented all arguments that used the notion of “pork” or “special interests” or referred specifically to political procedures and partisanship. *Gun control* included any discussion about the NRA, the assault weapon ban, firearms, weapons or guns in general. *Prisons/police* included either of these two specific terms, and the *Racial Justice Act* included discussions of the act as well as any references to the Congressional Black Caucus, capital punishment, and juror bias. To determine which of these six frames was most directly or explicitly associated with midnight basketball, we looked for phrases that identified midnight basketball explicitly “as an example” of something else as well as for the proximity or the distance of specific issues to the mention of midnight basketball. (We disregarded any cases where

midnight basketball could not explicitly be identified with one of these six arguments according to these criteria.)

⁹We generated these estimates conservatively from media coverage at the time. The *CQ Weekly* was particularly useful in this regard; see especially May 7, August 27, and December 10.

¹⁰It has been suggested that the resistance to and salience of midnight basketball programs in the debates may have been because of their programmatic characteristics (i.e., basketball occurring at midnight) instead of serving as a racial code for young African-American men. While it is not possible to test this proposition with these data, in our view, doing so is unnecessary and departs from a key point in our research: Midnight basketball and race are inextricably linked. These programs were intended to address inner-city crime and violence for young African-American men. In fact, it is difficult, if not awkward, envisioning a comparable program for other racial groups with respect to either basketball or midnight, thus lending greater credence to our position that it served as a powerful and clearly understood code for young African-American men.

¹¹The sum of the proportions does not equal 1.00 because issue predominance was not coded as a mutually exclusive variable. In any given article, up to three issues could have been identified as being one of the most predominant issues. The null hypothesis in Table 1 significance tests is that the difference between the two proportions reported equals 0 in the population of articles. Thus, a significant finding indicates that, based on these data, the percentage of articles where “guns and NRA,” “pork and politics,” and “prevention” are one of the three most predominant themes, likely differs by the presence of a midnight basketball reference.

¹²In our coding strategy, 0 = crime as a universal issue, 1 = crime as a social problem dealing with the poor and unfortunate, and 2 = crime is a social issue concerning dangerous, threatening, and/or violent subgroups. If we found one of the key words anywhere in the text describing criminals, potentially criminal populations, or populations who are perceived as the focus of crime control efforts, we then assigned the corresponding code. In instances where multiple types of criminals were discussed, we defaulted the coding to the highest category. For example, if in a given article criminals and crime were discussed in terms of universalism and poor populations, we would code that article as 1 with respect to the representation of crime and criminals variable.

¹³We used the following equation to calculate conditional predicted probabilities since they can be more intuitive than the coefficient's effect on the logit when discussing results of binary logistic regression models:

$$1/1 + e^{xi\beta}.$$

¹⁴These additional analyses involved partial cross-tabulation tables and chi-square tests. They are available on request from the authors.

¹⁵For the purposes of the *t*-tests and regression analysis, we created a series of dummy variables for each target population where 0 = when a certain target population was not mentioned with respect to prevention, and 1 = when a specific target population was mentioned. Because of our mutually exclusive coding strategy, an article could not receive a 1 for more than one target population. This allowed us to observe the relationship of each target population with other factors, such as midnight basketball.

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