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Does Justice Exist?: An Examination Of The Association Between Race And Perceptions Of The Criminal Justice System.

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**DOES JUSTICE EXIST? AN EXAMINATION OF THE ASSOCIATION BETWEEN
RACE AND PERCEPTIONS OF THE CRIMINAL JUSTICE SYSTEM.**

by

Catina A. Polk

THESIS

Submitted to the Graduate School

of Wayne State University,

Detroit, Michigan

in partial fulfillment of the requirements

for the degree of

MASTER OF ARTS

2016

MAJOR: SOCIOLOGY

Approved By:

Advisor

Date

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DEDICATION

I dedicate my research to my family that continuously support me. More specifically, my mother whom is one of the most selfless individuals I have ever met. Lastly, but most importantly, to those individuals who have experienced criminal injustices. I will continue to fight for a solution that promotes equal treatment for all.

TABLE OF CONTENTS

DEDICATION	iii
LIST OF TABLES	v
INTRODUCTION	1
LITERATURE REVIEW	4
HYPOTHESIS	10
SAMPLE	10
MEASURES	10
STATISTICAL ANALYSES	11
RESULTS	11
DISCUSSION	12
REFERENCES	15
ABSTRACT	17
AUTOBIOGRAPHICAL STATEMENT	18

LIST OF TABLES

Table 1: Impact of Race on Agreement with Racial Profiling and Trust in Legal System and Police: Cross-Tabulations

	% Agree with Racial Profiling	% Trust Legal System	% Trust Police
White	18.53 %	55.23 %	78.90%
Black	19.15	30.28	36.84
Hispanic	31.51%	63.29	68.86
Asian	26.08%	62.35	71.18
Caribbean	22.00%	35.73	40.96
N=	4,153	4,153	4,153

Table 2: Impact of Race on Agreement with Racial Profiling and Trust in Legal System and Police: Logistic Regression

	Agree with Racial Profiling	Trust Legal System	Trust Police
<i>Race¹</i>			
White	-.287	.782**	1.631**
Hispanic	.127	1.138**	1.161**
Asian	.252	.932**	1.121**
Caribbean	-1.27	.096	.060
<i>Controls</i>			
Age	.016**	.000	.006
Female	.131	-.176	.015
South	.303**	.206*	.155
College Graduate	-.778**	.104	.115
Democrat ²	-.634**	-.408**	-.525**
Independent	-.386	-.642**	-.699**

¹ Blacks are the comparison category for the Race variable.

² As the comparison category for the Political Party Variable, Democrats are compared to Republicans and Independents.

Immigrant	.820**	.402**	.31978**
Year	.100	-.099	-.121
N=	4,153	4,153	4,153

* $<.05$; ** $<.01$

INTRODUCTION

The dominant frame in the US used to explain racial and social-economic hierarchies is that the US is a special /unique country in the political liberties and opportunities for mobility that it provides all of its citizens. However, policies and practices that appear race-neutral but disproportionately restrict the rights and freedoms of people of color are difficult to challenge, and establishing their discriminatory nature in the public consciousness and among policymakers is an uphill battle (ACLU, 2015). Blacks and Whites often perceive American social institutions in starkly different terms, and views of criminal justice are no exception.

Race is one of the most salient predictors of attitudes toward the police and other criminal justice institutions (Weitzer & Tuch, 2004). Whites are led to believe that the criminal justice system is fair, and that the current system is the best system to provide opportunities for all to get ahead and maintain public safety. Accordingly, they are led to believe that challenges to the current social order, particularly as it relates to how justice is administered, would threaten the position of their racial group. Blacks, by contrast, are more likely to express dissatisfaction with the criminal justice system and various aspects of policing. Due to the widespread perception that the major perpetrators of violence are young black men, they are highlighted as the individuals that are most likely to commit crimes, which typically lead to them enduring harsher punishment and unfair treatment by the criminal justice system (The Leadership Conference, 2011; Weitzer & Tuch, 2005).

Consequently, Blacks have long remained more likely than whites to be victims of racial profiling and brutality at the hands of law enforcement, which has increased over the past 20 years (ACLU, 2015). The police use of lethal force varies with the degree of inequality between the races, the presence of Blacks, and local political arrangements that increase Black control

over the behavior of law enforcement personnel supports political explanations for these violent events towards people of color (ACLU, 2015). This project was completed during a time when the media coverage of black men dying at the hands of police officers was at a peak. Some of the victims include Eric Gardner, Freddie Gray and multiple others. The killings encouraged multiple social movements, such as “hands up don’t shoot” and “black lives matter” in efforts to improve the relationship between the black community and law enforcement. To give you a better picture of some of the tragedies, I would like to highlight the case of Michael Brown.

On August 9, 2014, in Ferguson, Missouri, Michael Brown was fatally shot by Darren Wilson, 28, a white Ferguson police officer (Davey & Roble, 2014). The alleged crime was stolen packages of cigarillos and Michael Brown was unarmed at the time of the incident. After an investigation of the shooting and the outrage in the black community, Darren Wilson was charged with criminal wrongdoing. On November 24, 2014, a St. Louis County grand jury decided not to indict Wilson. After the verdict was delivered, it was concluded that there were large differences in how blacks and whites viewed the case and, blacks were more likely than whites to say that the acquittal was unfair (Fryer, 2016). This case is like other interactions between police and black male civilians. When looking at the data, only about 1.5% of the time officers are found guilty when shooting and killing civilian suspects. These victims are disproportionately black (Fryer, 2016). This likely contributes to a high degree of distrust among Blacks and the criminal justice system.

This paper examines the association between race and perceptions of trust in the criminal justice system. Sociologists have diligently worked towards determining the effects of race, on court decisions, because (1) it is an important social issue, (2) it is widely considered a testing ground for propositions derived from conflict theory, and (3) the research literature is laced with

contradictory findings and conclusions (Unnever et al. 1980). Empirical evidence confirms the existence of racial profiling on America's roadways.

At the national level, the U.S. Department of Labor's Bureau of Justice Statistics reports that for the year 2005, most recent data, the police actions taken during traffic stop were not equal amongst racial and ethnic categories (The Leadership Conference, 2011). Per the data,

“Black drivers (4.5%) were twice as likely as White drivers (2.1%) to be arrested during a traffic stop, while Hispanic drivers (65%) were more likely than White (56.2%) or Black (55.8%) drivers to receive a ticket. In addition, Whites (9.7%) were more likely than Hispanics (5.9%) to receive a written warning, while Whites (18.6%) were more likely than Blacks (13.7%) to be verbally warned by police”. When it came to searching minority motorists after a traffic stop, “Black (9.5%) and Hispanic (8.8%) motorists stopped by police were searched at higher rates than Whites (3.6%) and these figures remained the same between the years of 2002-2005 (The Leadership Conference, 2011).

Given this reality, it is important to determine why there is a significant variation between different races and their interactions with entities of the criminal justice system.

There is an expected variation between different racial groups and their trust level in the criminal justice system because of de facto methodologies utilized to incriminate individuals (Weitzer & Tuch, 2005). For instances, it has been argued that entities within the criminal justice system utilize discriminatory practices when determining who shall be deemed as criminals. This is referred to as ‘racial profiling’ and ‘criminal profiling’. ‘Racial Profiling’ is the discriminatory practice of law enforcement officials that target individuals for suspicion of crime based on their race, ethnicity, religion or national origin (ACLU, 2015). Criminal profiling, generally, police practices, is the reliance on a group of characteristics they believe to be associated with crime (ACLU, 2015).

This study contributes to the existing research by looking at perceptions of racial/criminal profiling and trust in the criminal justice system across *five* different ethnic groups. Most of the literature that examines perceptions about the criminal justice system only observes white-black

differences. So, why is exploring multiple racial groups important? Firstly, it will determine if blackness alone has some bearing on perceptions of the criminal justice system. Secondly, it will determine if people feel the constitutional protections guaranteed in the 14th amendment, to ensure due process, is afforded to all citizens. If people feel the constitutional protections guaranteed in the 14th amendment to ensure due process are afforded to only certain classes of citizens, this can result in anger, frustration, and distrust of the criminal justice system (Weitzer & Tuch, 2005). This can result in reluctance to report crime or suspicious behavior, resisting police assistance, and uncooperative behavior during encounters with police (ACLU, 2015). As tensions rise, the odds of further injustices increase. Anger, frustration, and distrust may also have more constructive outcomes, such as organizing, protests, and the use of cameras and social media to document police encounters. However, the appearance of organization can be spun into “anti-police activism” and criminally resisting law and order, rather than attempts to reduce injustice and ensure equality before the law. Because the face of this movement is primarily Black people (“Black Lives Matter”), this may further exacerbate the profiling of poor Blacks as targets of street level crimes, most of which are non-violent drug offenses, to fill up prisons (Fryer, 2016).

LITERATURE REVIEW

In the Jim Crow South, the police were mandated to keep “Negroes” in a lower caste status (Skolnick, 2007). With that in mind, Hagan & Albonetti (1982), offer three major findings concerning the criminal justice system. They are: (1) Black Americans are considerably more likely than white Americans to perceive criminal injustice; (2) Regardless of race, immigrants are significantly more likely than members of other classes to perceive criminal injustice; and (3) that class position conditions the relationship of race to the perception of criminal injustice.

These findings constitute substantial evidence that race and class conflict exist, with regards to, issues of the criminal justice system. The perception of the criminal justice system has a variety of components. Most of the perceptions relate directly or indirectly to the justness of decisions reached in the criminal justice system, with special attention given to the experiences of economic and ethnic minorities with problems of equality before the law (Hagan & Albonetti, 1982; Kleck, 1981; Weitzer & Tuch, 2004).

One of the core principles of the Fourth Amendment is that the police cannot arrest and detain an individual without some reason – probable cause, or at least reasonable suspicion – to believe that he or she is involved in criminal activity (Harris, 1999). But recent Supreme Court decisions allow the police to use traffic stops as a pretext to "fish" for evidence. Both anecdotal and quantitative data show that nationwide, police disproportionately exercise this discretionary power against African Americans and Latinos (Harris, 1999). Along these lines, conduct of officers varies by individuals, neighborhoods, police prejudice, and racial profiling (Boggs & Galliher, 1975; Jacobs & Britt, 1979; Jacobs & O'brien, 1998; Weitzer & Tuch; 2004, 2005). With that in mind, it is quite sensible that attitudes toward the prevalence and acceptability of these practices and how they are covered in the corporate media are largely shaped by individuals' race, personal experiences with police discrimination, and identification with racial minorities, Blacks specifically.

Blacks have more negative encounters with law enforcement than do other racial groups. Research indicates that the principal reason Blacks are more likely to be shot by the police is because they are more likely to live in poor and violent neighborhoods (Fryer, 2016). These societal conditions promote individual racial bias on the part of the police, Black and White alike, as their regular interaction with poor black male suspects may foster beliefs about black

males (Fryer, 2016). This social reality of Blacks, in concentrated poverty, contributes to Blacks being more likely than whites to experience negative interactions with the police. They're experience with law enforcement includes, being talked down to, physical abuse and when the police are called about crimes, they either come late or not at all (Fryer, 2016). Research points to this link between institutional and individual racism. That said, institutional racism in the form of poor black communities maintains the strongest impact on police killings of black men. This societal condition is racist because policy makers could end this condition by providing more housing opportunities for the poor to live in more affluent and safe communities, but they don't (Fryer, 2016). That said, the research suggests that individual racial bias on the part of the police, black and white, plays less of an independent role than the fact that poor black men have more negative encounters with the police because they live and socialize in high street crime areas, which attract police attention (Weitzer & Tuch; 2005).

Society, but particularly Whites, have been lead to believe that young black men and women are inherently criminals and the injustices that Blacks experience at the hands of the police are vital to the safety of society (Lee, 2014). To heighten the skepticism, juries and prosecutor's offices are much less likely to indict or convict officers who shoot down or otherwise use excessive force against black civilians (Kleck, 1981). Indeed, surveys indicate that Whites were considerably more likely than Blacks to believe that the acquittal of the police officers involved in the Rodney King beating of 1993 in Los Angeles, and the police killing of Amado Diallo, Michael Summerset, Eric Garner in New York in 1999 and 2000 and 2015, and Michael Brown in Ferguson in 2014 were the right ruling (Fryer, 2016). In addition to being more critical of the justice system and of police brutality, Blacks are much less satisfied than are Whites with the services the police provide their communities and their ability to keep their

neighborhoods safe (Hagan & Albonetti, 1982). This speaks to the intersection of race, poverty, crime and policing such that elevated levels of poverty translates into a lower tax base and/or willingness of elected officials to dedicate the appropriate resources to address the root causes and day to day street-level of crime that would keep citizens safe, thus contributing to a higher regard of the police.

Another aspect that put minorities in the grasp of law enforcement, more vastly, is drug charges. This is based upon the ideal that racial profiling is necessary for minorities based on the premise that most drug offenses are committed by minorities. This premise is untrue, but it has become a self-fulfilling prophecy. Police typically look for drugs primarily amongst Blacks and Latinos. Thus, they find a disproportionate number of them with contraband (Harris, 1999). Therefore, more minorities are arrested, prosecuted, convicted, and jailed, thus reinforcing the perception that drug trafficking is primarily a minority activity (The Sentencing Project, 2014; Harris, 1999). This perception creates the profile that results in more stops of minority drivers. At the same time, Whites attract far less police attention which causes many of the drug dealers and possessors among them go without being apprehended, and the perception that Whites commit fewer drug offenses than minorities is perpetuated continuing this vicious cycle (Harris, 1999). The cycle carries with it profound personal and societal costs. It is both symptomatic and symbolic of larger problems at the intersection of race and the criminal justice system (Harris, 1999; Lee, 2014). It results in the persecution of innocent people based on their skin color and has a corrosive effect on the legitimacy of the entire justice system. It deters people of color from cooperating with the police in criminal investigations. And in the courtroom, it causes jurors of all races and ethnicities to doubt the testimony of police officers when they serve as witnesses, making criminal cases more difficult to win (Harris, 1999).

Other studies examined criminal sentencing. Williams & Drake, 1980; Unnever, Frazier & Henretta, 1980; Kleck, 1981, find that when it comes to racial biases, bias may be found in some places at certain times and not in others and that it may be transmitted outside the public view. In other words, Criminal court sentences are not isolated and independent decisions made at the end of the criminal justice process. Rather, it is the culmination of a decision process usually begun by the police backstage (Unnever, Frazier & Henretta, 1980). Racial biases are also passed on subtly through recommendations for sentence as well as through formal decisions such as arrest charges, bail dispositions, charges on an indictment, or the charges finally accepted in guilty pleas (Kleck, 1981). In other words, even when blacks and whites are treated similarly in formal proceedings in the public view, they are treated differently during the pre-sentence recommendations which occurs backstage (Unnever et al, 1980). The economic or income discrimination in court processing plays a serious role as well. Wealth is a key determinant in the fundamental biases of criminal sentencing (Kleck, 1981). In short, your access to freedom is based upon your access to wealth. No studies of court processing of criminal defendants have addressed the issue of how legislatures criminalize behaviors common to lower-class persons, while either failing to criminalize or assigning slight penalties to equally harmful behaviors common among middle- or upper-class persons, such as poisoning of the air and water, manufacture of food, drugs, and other products harmful to human health, price-fixing, and consumer fraud (Kleck, 1981). The use of wealth and power in controlling legislation and enforcement agencies, thereby influencing selection of behaviors to be criminalized, the original setting of penalty ranges, the determination of enforcement priorities, and allocation of enforcement resources, is likely to reveal far more about why blacks and lower-class persons are overrepresented in arrest, court, and prison (Kleck, 1981; Unnever et al, 1980). Therefore, the

focus on the influence of ascribed characteristics of individual criminal defendants on processing decisions justifies the attention that continues to be lavished on the subject.

The scholarship is clear that Blacks and Whites have different opinions about interactions with the criminal justice system. What is less clear however, are the views of Asians, Hispanics and Black Caribbeans on the matter. When looking at Asians Hispanics and Caribbeans, we must evaluate the immigrant experience. These groups are disproportionately 1st and 2nd generational immigrants. So, there are several things to consider when looking at the attitudes of these groups. For starters, immigrant optimism must be evaluated. This is the idea that each generation will do better in life than the one that preceded it (Fryer, 2016). This may contribute to Hispanics, Asians, and perhaps Black Caribbeans believing that American institutions are fairer and open than are the institutions within the nation from which they migrated (Fryer, 2016). The relative deprivation theory suggests that, relative to individual experiences and that of group, immigrant groups may perceive opportunities better than do minority groups reared in host nation (Fryer, 2016). Similarly, optimism of opportunities available in new homeland may contribute to greater hope of opportunities available and, as such, immigrants may not face cynical barriers of discrimination that exists in host nation as are native-born racial minorities.

Arguably, this has much to do with how individuals have been conditioned about race and opportunity in the United States since the civil rights era. A common racial narrative is that opportunities are available to all "Americans," regardless of race. The extent, to which individuals and groups fail and/or run afoul of the law, is their own responsibility, rather than structural explanations that create an uneven playing field. The fact that blacks are marginalized contributes to their skepticism of this narrative and more supportive of policies aimed at equalizing social-economic life. That said, Blacks may view police and legal system more

broadly with a greater degree of skepticism because, Blacks are disproportionately brutalized, incarcerated, and falsely detained. In contrast, Whites may believe that disparities are not an indication of systemic racism, but Black cultural values that devalue hard work and value short-cuts. This leads to my hypothesis.

HYPOTHESIS

Blacks are less likely than other racial groups to trust the police, legal system, and to agree with racial profiling.

SAMPLE

This study utilizes the National Politics Study (NPS) to test the above hypothesis. The primary goal of the NPS was to gather comparative data about individuals' political attitudes, beliefs, aspirations, and behaviors at the beginning of the 21st century. Exploring the nature of political involvement and participation among individuals from different racial and ethnic groups, the survey included questions about voting preferences, party affiliation, organizational membership, immigration, racial consciousness, acculturation, and views of government policies. From September 2004 to February 2005, a total of 3,339 random-digit dialed telephone interviews were conducted via computer-assisted telephone interview (CATI) throughout the United States. The sample consisted of 756 African Americans, 919 non-Hispanic Whites, 404 Caribbean Blacks, 757 Hispanic Americans, and 503 Asian Americans.

MEASURES

Dependent Variables: Perception of Criminal Justice System

This study relies upon the following dichotomous measures to assess perceptions of the criminal justice system; Agreement with racial profiling, Trust in the legal system, and Trust in the police. A score of 1 on these measures indicate agreement and trust.

Independent Variables: Race/Ethnicity

The race variable is based upon respondents' self-report racial identifications.

Control Variables

This study also considers the respondents age, sex, residential region, education and political party preference.

STATISTICAL ANALYSES

I employ crosstabs and a logistic regression analyses to examine the impact of race on perceptions of the criminal justice system.

RESULTS

Overall, the analyses point to race differences in views about the criminal justice system. While I do not observe large race differences in views about racial profiling, Blacks are clearly less trusting of police and the legal system than are members of other race groups except Caribbean.

Bivariate Analyses

The cross-tabulation analyses presented in Table 1 indicates that Hispanics are most likely to agree with racial profiling, while Whites are least likely to do so. Hispanics are also most likely to trust the legal system, while Blacks are least likely to do so. And, Whites are most likely to trust the police, while Blacks are least likely to do so.

Multivariate Analyses

The logistic regression, reported in Table 2, indicates that Whites, Hispanics, Asians, and Caribbeans had no significant difference with agreeing or disagreeing with racial profiling when compared to Blacks. However, Whites, Hispanics, and Asians are more likely than Blacks and Caribbeans to trust the legal system and police. These analyses also indicate that the demographic variables of region, education and party identification are consistent predictors of criminal justice attitudes. For instances, democrats are less likely than non-democrats to agree

with racial profiling, trust the police, and trust the legal system. Non- Southerners are less likely to agree with racial profiling and trust the police. Lastly, college graduates are more likely to agree with racial profiling.

DISCUSSION

Opinions about the level of trust in criminal justice system vary significantly amongst cultures. Unfair criminal sentencing and the police use of lethal force towards minority groups has led to the criminal justice system being as an institution that promotes inequality between the racial groups. Views of the criminal justice system are related to racial differences, not only in general group-position relationships, but also in real or perceived group vulnerability to abusive practices, which is reinforced by personal experience. Blacks view police and legal system more broadly with more skepticism because Blacks are disproportionately brutalized, incarcerated, and falsely detained.

The goal of this study was to uncover how multiple racial groups perceive trust in regards to the criminal justice system. This was the first study that looked at the racial differences in views about the criminal justice system among five separate groups. The results support the hypothesis in that Blacks view the criminal justice system with more skepticism. Furthermore, Blacks are clearly worse off than any other group in regards to their experiences when interacting with the criminal justice system and they feel the constitutional protections guaranteed in the 14th amendment, to ensure due process, are afforded to only certain classes of citizens. Whites, on the other hand, are led to believe that the criminal justice system is fair and that challenges to the current social order, particularly as it relates to how justice is administered, would threaten the position of their racial group. Hispanics and Asians believe that American institutions are fairer and more open than are the institutions within the nation from which they

are migrating. Black Caribbeans, on the other hand, share the same views as Black Americans because of their experiences with “blackness” alone.

So, how do we increase trust in criminal justice system amongst Blacks, the group with the least amount of trust? Some of the Long Shot Solution are the same as the “Black Lives Matter Solutions” which are, for starters, to stop shooting Black civilians. This has a greater chance of happening if there were economic investments in black people. Economic investment such as, affordable housing outside of impoverished neighborhoods, would lessen the occurrences of interactions with police ultimately preventing Black people to be the main targets. Lastly, stop passing laws meant to incarcerate Blacks, like war on drugs that incriminate Blacks at a higher rate. The not so long shot solution would be passing federal law that requires cities to keep track of and submit all cases of police malfeasance to the FBI/ Bureau of Justice Statistics. Keeping track of these issues is a small step toward increasing trust among Blacks as it would suggest that the federal government cares enough about police brutality that it’s willing to keep track of it, and perhaps work towards reducing the occurrence.

Future research, my dissertation, will look at how immigration status may also impact trust in the criminal justice system. The present study confirms that there is a disconnection between minority groups and the criminal justice system. Future research will allow the opportunity to investigate more subjects and more racial groups with emphasis on immigration status. The following factors will be examined:

1. The impact of race & immigration status, and where reared on trust in legal system.
2. The impact of race & immigration status on trust in police.
3. The impact of race & immigration status on support for race profiling.

Based upon immigrant optimism theory, I'd expect that 2nd generation Hispanic and Asian Americans to be less trusting of the police than their 1st generation co-ethnics.

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ABSTRACT**DOES JUSTICE EXIST? AN EXAMINATION OF THE ASSOCIATION BETWEEN RACE AND PERCEPTIONS OF THE CRIMINAL JUSTICE SYSTEM.****by****CATINA A. POLK****August 2016****Advisor:** Dr. R. Khari Brown**Major:** SOCIOLOGY**Degree:** Masters of Arts

This paper examines the association between race and perceptions of trust in the criminal justice system amongst five different racial groups. Sociologists have diligently worked towards determining the effects of race, on court decisions, because (1) it is an important social issue, (2) it is widely considered a testing ground for propositions derived from conflict theory, and (3) the research literature is laced with contradictory findings and conclusions (Unnever et al. 1980). The present study will determine if there is a disconnection between minority groups and the criminal justice system. Furthermore, it will discover if "blackness" alone is the factor that attracts criminal injustices.

AUTOBIOGRAPHICAL STATEMENT

As our world becomes increasingly interconnected, sociology becomes ever more important in understanding the nature of human interactions on a scientific level. It helps us to understand why, for example, the United States, is such a deeply divided nation with consistent occurrences of cultural wars, conflict and tension between social classes, age discrimination, discrimination amongst people of diverse sexual orientations, racial tensions etc. Sociology provides the lens through which we can look at and understand ourselves with hopes of eliminating societal tensions by promoting diversity.

There are many social inequalities that addresses the stratification within a society impacting who gets what, and how and why they do. Some of the social factors that are typically linked to social inequalities are class and race. Racial inequality is a prevailing social concept that offers people different access to opportunities and resources. It has been my experience, as a woman of color, that limitations to prevail does exist due to the social conditioning of others. As a sociologist, it is my ambition to find solutions that create social cohesion, specifically as it relates to race. For instances, I would push to cease the use of term race and invent ideas that highlight all individuals that are a part of humanity. Thus, promoting inclusion so all individuals are socially accepted.

Upon the completion of my master's degree, I will continue my development as a scholar, well-educated and well-trained, in sociological theories and methodologies. This will allow me to educate others about issues concerning racial inequality. My professional objective is to obtain a tenured track professorship at a research institution. This goal requires an extreme amount of concentration, but it's my life goal to educate others about the cycle of inequality and I will continue forward with this objective and without fail.