

# Inquiring Minds topic for March 16, 2012

**Norman Kurland, Moderator**

## **Drug Policy as Race Policy: Best Seller Galvanizes the Debate**

By JENNIFER SCHUESSLER - March 6, 2012 – *The New York Times*

1 Garry McCarthy, a 30-year veteran of law enforcement, did not expect to hear  
2 anything too startling when he appeared at a conference on drug policy organized  
3 last year by an African-American minister in Newark, where he was the police  
4 director.

5 But then a law professor named Michelle Alexander took the stage and delivered  
6 an impassioned speech attacking the war on drugs as a system of racial control  
7 comparable to slavery and Jim Crow — and received a two-minute standing  
8 ovation from the 500 people in the audience.

9 “These were not young people living in high-crime neighborhoods,” Mr.  
10 McCarthy, now police superintendent in Chicago, recalled in telephone interview.  
11 “This was the black middle class.”

12 “I don’t believe in the government conspiracy, but what you have to accept is that  
13 that narrative exists in the community and has to be addressed,” he said. “That was  
14 my real a-ha moment.”

15 Mr. McCarthy is not alone. During the past two years Professor Alexander has  
16 been provoking such moments across the country — and across the political  
17 spectrum — with her book, “The New Jim Crow: Mass Incarceration in the Age of  
18 Colorblindness,” which has become a surprise best seller since its paperback  
19 version came out in January. Sales have totaled some 175,000 copies after an  
20 initial hardcover printing of a mere 3,000, according to the publisher, the New  
21 Press.

22 The book marshals pages of statistics and legal citations to argue that the get-tough  
23 approach to crime that began in the Nixon administration and intensified with  
24 Ronald Reagan’s declaration of the war on drugs has devastated black America.

25 Today, Professor Alexander writes, nearly one-third of black men are likely to  
26 spend time in prison at some point, only to find themselves falling into permanent  
27 second-class citizenship after they get out. That is a familiar argument made by  
28 many critics of the criminal justice system, but Professor Alexander’s book goes  
29 further, asserting that the crackdown was less a response to the actual explosion of  
30 violent crime than a deliberate effort to push back the gains of the civil rights  
31 movement.

32 For many African-Americans, the book — which has spent six weeks on the New  
33 York Times paperback nonfiction best-seller list — gives eloquent and urgent  
34 expression to deep feelings that the criminal justice system is stacked against them.

35 “Everyone in the African-American community had been seeing exactly what she  
36 is talking about but couldn’t put it into words,” said Phillip Jackson, executive  
37 director of the Black Star Project, an educational advocacy group in Chicago that  
38 has been blasting its 60,000 e-mail subscribers with what Mr. Jackson called near-  
39 daily messages about the book and Professor Alexander since he saw a video of  
40 her speaking in 2010.

41 The book is also galvanizing white readers, including some who might question its  
42 portrayal of the war on drugs as a continuation of race war by other means.

43 “The book is helping white folks who otherwise would have simply dismissed that  
44 idea understand why so many people believe it,” said David M. Kennedy, director  
45 of the Center for Crime Prevention and Control at the John Jay College of Criminal  
46 Justice. “It is making them take that seriously.”

47 “The New Jim Crow” arrives at a receptive moment, when declining crime rates  
48 and exploding prison budgets have made conservatives and liberals alike more  
49 ready to question the wisdom of keeping nearly 1 in 100 Americans behind bars.  
50 But Professor Alexander, who teaches at the Moritz College of Law at Ohio State  
51 University, said in an interview that the more provocative claims of her book did  
52 not come easily to her. When she first encountered the “New Jim Crow” metaphor  
53 on a protest sign in Oakland, Calif., a decade ago, she was a civil rights lawyer  
54 with an impeccable résumé — Stanford Law School, a Supreme Court clerkship —  
55 and was leery of embracing arguments that might be considered, as she put it,  
56 “crazy.”

57 Professor Alexander, who is black, knew that African-Americans were  
58 overrepresented in prison, though she resisted the idea that this was anything more  
59 than unequal implementation of colorblind laws. But her work as director of the

60 American Civil Liberties Union’s Racial Justice Project in Northern California, she  
61 said, opened her eyes to the extent of the lifelong exclusion many offenders face,  
62 including job discrimination, elimination from juries and voter rolls, and even  
63 disqualification from food stamps, public housing and student loans.

64 “It’s easy to be completely unaware that this vast new system of racial and social  
65 control has emerged,” she said. “Unlike in Jim Crow days, there were no ‘Whites  
66 Only’ signs. This system is out of sight, out of mind.”

67 In conversation, she disputes any suggestion that she is describing a conspiracy.  
68 While the title is “provocative,” she said, the book contains no descriptions of  
69 people gathering secretly in rooms.

70 “The main thrust,” she said, “is to show how historically both our conscious and  
71 unconscious biases and anxieties have played out over and over again to birth these  
72 vast new systems of social control.”

73 Whatever Professor Alexander’s account of the origins of mass incarceration, her  
74 overall depiction of its human costs is resonating even with people who disagree  
75 with her politics.

76 Rick Olson, a state representative in Michigan, was one of the few whites and few  
77 Republicans in the room when Professor Alexander gave a talk sponsored by the  
78 state’s black caucus in January.

79 “I had never before connected the dots between the drug war, unequal  
80 enforcement, and how that reinforces poverty,” Representative Olson said. “I  
81 thought, ‘Gee whiz, let me get this book.’ ”

82 Reading it, he said, inspired him to draft a bill decriminalizing the use and  
83 possession of marijuana.

84 The Rev. Charles Hubbard, the pastor at Gloria Dei Lutheran Church, a mostly  
85 white evangelical congregation in Garland, Tex., said he had started carrying the  
86 book with him everywhere and urges fellow pastors to preach about it, though he  
87 acknowledged it could be a tough sell in Texas.

88 “I think people need to hear the message,” he said. “I don’t think Anglo folks have  
89 any idea how difficult it is for African-American men who get caught up in the  
90 criminal justice system.”

91 Mr. Hubbard said he was particularly impressed by how “well-documented”  
92 Professor Alexander’s book is. But to some of the book’s detractors, including  
93 those deeply sympathetic to her goal of ending mass incarceration, its scholarship  
94 falls short.

95 In an article to be published next month in The New York University Law Review,  
96 James Forman Jr., a clinical professor at Yale Law School and a former public  
97 defender, calls mass incarceration a social disaster but challenges what he calls  
98 Professor Alexander’s “myopic” focus on the war on drugs.

99 Painting the war on drugs as mainly a backlash against the gains of the civil rights  
100 movement, Professor Forman writes, ignores the violent crime wave of the 1970s  
101 and minimizes the support among many African-Americans for get-tough  
102 measures. Furthermore, he argues, drug offenders make up less than 25 percent of  
103 the nation’s total prison population, while violent offenders — who receive little  
104 mention in “The New Jim Crow” — make up a much larger share.

105 “Even if every single one of these drug offenders were released tomorrow,” he  
106 writes, “the United States would still have the world’s largest prison system.”

107 To Professor Alexander, however, that argument neglects the full scope of the  
108 problem. Our criminal “caste system,” as she calls it, affects not just the 2.3  
109 million people behind bars, but also the 4.8 million others on probation or parole  
110 (predominately for nonviolent offenses), to say nothing of the millions more whose  
111 criminal records stigmatize them for life.

112 “This system depends on the prison label, not just prison time,” she said.

113 In a telephone interview, Professor Forman, a son of the civil rights leader James  
114 Forman, praised the book’s “spectacular” success in raising awareness of the issue.  
115 And some activists say their political differences with Professor Alexander’s  
116 account matter less than the overall picture she paints of a brutal and unjust system.

117 Craig M. DeRoche, director of external affairs at the Justice Fellowship, the  
118 advocacy arm of Prison Fellowship, a Christian ministry founded by the former  
119 Nixon aide Charles Colson, said he rejected the political history in “The New Jim  
120 Crow” but still considered it essential reading for conservatives.

121 “The facts are the facts,” he said. “The numbers are the numbers.”