Excerpts from "Ten Years After 'The New Jim Crow'" - *by David Remnick in Conversation with Michelle Alexander, The New Yorker, 2020*

Audio Link

"The goal ought to be to view and treat all people of all colors with dignity, humanity, compassion, and concern," Michelle Alexander says. Photograph by Peter Marlow / Magnum

Sometimes a book comes along and, after it is absorbed into the culture, we cannot see ourselves again in quite the same way. Ten years ago, Michelle Alexander, a Black woman lawyer and civil-rights advocate, published "The New Jim Crow:

Mass Incarceration in the Age of Colorblindness." This was less than two years into Barack Obama's first term as President, a moment when you heard a lot of euphoric talk about post-racialism and "how far we've come." "The New Jim Crow" was hardly an immediate best-seller, but after a couple of years it took off and seemed to be at the center of discussion about criminal-justice reform and racism in America. The book considers not only the enormity and cruelty of the American prison system but also, as Alexander writes, the way the war on drugs and the justice system have been used as a "system of control" that shatters the lives of millions of Americans—particularly young Black and Hispanic men.

The following are excerpts from our conversation…

What was [your] awakening like? What were you seeing in your work so that the scales were falling from your eyes?

So it was really as a result of myself representing victims of racial profiling and police brutality, and investigating patterns of drug-law enforcement in poor communities of color, and attempting to assist people who had been released from prison as they faced one closed door and one barrier after another to mere survival after being released from prison that I had a series of experiences that began what I have come to call my awakening.

There were a number of incidents. It was partly beginning to collect data and trace patterns of policing. It was coming to see how the police were behaving in radically different ways in poor communities of color than they were in middle-class, white, or suburban communities. I mean, this wasn't a shock to me in any way, but the scale of it was astonishing: seeing rows of black men lined up against walls being frisked and handcuffed and arrested for extremely minor crimes, like loitering, or vagrancy, or possession of tiny amounts of marijuana, and then being hauled off to jail and saddled with criminal records that authorized legal discrimination against them for the rest of their lives. I mean, witnessing it and interviewing people one after another had its impact on me.

What was so provocative about the handbill that you first saw on the telephone pole, and in what became the title of your book, is that it flew in the face of what politicians said their motivation was for things like the crime bill in the mid-nineties, during the Clinton Administration. In other words, they said they were passing this legislation because crime rates were so high and drugs were out of control. What you're saying, what that handbill said, is no, in fact, this is the establishment of a means of social control of young black

and brown men in particular. How conscious was that? How would you argue that it was a conscious decision to establish a successor, in a sense, to Jim Crow, and what came before Jim Crow?

There were mixed motives. One of the things that I laid out in the book was the history of the Southern strategy, the deliberate political strategy of divide and conquer, of using "get tough" racial appeals in order to appeal to poor and working-class whites, particularly in the South, who were fearful of and resentful of the progress that had been made by African-Americans since the civil-rights movement, who feared that they now had to compete for limited jobs in the era of deindustrialization with black folks. They were resentful of affirmative action.

Fearmongering and scapegoating was at the heart of the Southern strategy, which used racially coded and not so coded political appeals defining black and brown men in particular as the enemy, as criminals, as drug users, as superpredators, in order to appeal to poor and working-class white voters in the South and flip those blue states to red. That Southern strategy fuelled the "get tough" movement, helped to birth the war on drugs, and was in part about turning the clock back on racial progress to a time when white folks didn't have to compete on equal terms with black and brown folks.

But it's also the case that racial stereotypes are a result of really racist media portrayals of drug users during the crack epidemic, which created conscious as well as unconscious stereotypes in law enforcement and the public at large. This helped to fuel this notion that we should get tough on them, the racially defined Others.

So the drug war was in part a politically motivated strategy, a backlash to the civil-rights movement, but it was also a reflection of conscious and unconscious biases fuelled by media portrayals of drug users. Those racial stereotypes were resonant with the same stereotypes of slaves and folks during the Jim Crow era.

[What happened after the election of Barack Obama?]

People didn't want to hear that we were still locked in a cycle of racial progress, backlash, retrenchment, and reformation of systems of racial and social control... No, we are not free of our racial history. Our nation has, in fact, done it again. We have birthed a system of mass incarceration unlike anything the world has ever seen. Millions of people have been relegated yet again to a permanent second-class status in which they are stripped of basic civil and human rights, including the right

to vote, the right to serve on juries, and the right to be free of legal discrimination in employment, housing, access to education, and public benefits. It wasn't a message people were eager to hear, but I think it is much easier to see today, ten years later, that our nation is not yet free of its racial history, and that we continue to create new systems of racial and social control.

Decades ago, politicians were promising to build prison walls and new prisons. Today, politicians are promising border walls and the same politics of divide and conquer, fearmongering, and scapegoating that helped to give rise to the "get tough" movement, and the war on drugs is being used to fuel anger and resentment towards immigrants and mass deportation and mass detention.

In the preface you wrote for the tenth-anniversary edition, you kept coming back to this idea of "Everything and nothing has changed." What's changed, and what hasn't? Are we better off now than we were a decade ago, when your book was first published?

Well, certainly, in some ways, on the surface, it appears that everything has changed. When my book was first published, President Obama had just been elected. It seemed that we were on the right path: still had a long way to go, but were headed in the right direction. At least, that was the sentiment that was shared by many, many people. It seemed as though this dream of a multiracial, multi-ethnic, egalitarian democracy was within our reach, and there was an incredible amount of hope for positive change. And yet we were also living in a time of tremendous denial.

As I wrote, a system of mass incarceration had been born in America, a system of racial and social control that turned back much of the racial progress we thought we had made, and people were unwilling to talk about it and to face it. Criminal-justice issues weren't even really on the radar of civil-rights organizations at that time.

Today, that has changed. The election of President Trump has completely decimated whatever fantasies we had that we are living in a post-racial America. We now can see that systems of racial and social control are alive and well, not only due to the uprisings in Ferguson and the many, many publicized police killings of unarmed black people and the growing movements to end mass incarceration. We've also come to see how yet another system of racial and social control has been born in this country, the system of mass deportation and mass detention. So we have this paradox in which, on the one hand, it seems that

everything has changed, yet the politics of white supremacy have remained largely unchanged during the Obama years. Now we are forced to reckon with racial realities that we had long attempted to avoid, and I think we are finally beginning to see how the politics of divide and conquer, the politics of racial scapegoating and fearmongering, have been used again and again.

Michelle, let's talk about the cages in general. There have been calls in recent years for prison abolition. And I wonder what you make of the prison-abolition movement. I'll ask you what Angela Davis asks in the title of her famous book from 2003, "Are Prisons Obsolete?"

I think prisons are absolutely obsolete. I hope that one day our nation will look back on this practice of putting human beings in literal cages, often treating them worse than we would treat a dog at the pound, sometimes locking them in solitary confinement for decades, allowing them little or no access to sunshine or human contact—I hope that one day we will look back on this practice with as much shame and horror as we view the practice of slavery, or the practice of cutting off limbs and hands of thieves. I hope that we find much more humane, constructive ways of responding to the real harms of violence and of crime than subjecting people to deliberate humiliation, stigmatization, suffering, and caging.

We can do better than this. In my experience, most folks understand that caging people and then stripping them of basic civil and human rights upon their release isn't productive. In fact, it's more likely to encourage criminal behavior in the future and make it more difficult for people to survive on the outside without resorting to crime. It's likely to traumatize people in ways that will be harmful to themselves, to their families, and to their communities. Most people understand that when you talk about drug abuse or drug addiction. People understand that it is much more productive for people to get drug treatment rather than be in a cage. But when it comes to violence, people have a much more difficult time imagining that there are solutions beyond inflicting violence and caging people.

But I'm so encouraged by the work of restorative- and transformative-justice advocates today who are challenging us to think about ways of responding that are more humane and more effective, both for survivors as well as for those who have committed acts of violence.

What do you envision specifically as an alternative to cages, to prisons, to jails? Is there a place in the world that has a justice system that you can point to and say, We definitely should move toward something more like that?

Well, there's been a lot written in recent years about systems in Norway and Germany that are much more humane than the system of caging that we have in the United States. I would really encourage people to read Danielle Sered's book "Until We Reckon," specifically about a program that she operates in New York City called Common Justice. Common Justice is a restorative-justice program that provides alternatives to incarceration for people who have been convicted of or who are facing charges for violent offenses. And what's interesting about what she has found in the program is that ninety per cent of survivors of violent crime, when given the option of participating in a restorative-justice program, or the opportunity to confront the person who has caused them harm and to devise a plan for that person to try to make up for what they have done in some way, choose to participate in a restorative-justice program rather than to pursue criminal charges and incarceration. This kind of flies in the face of the research that suggests that survivors of violent crime always want people locked up and the key thrown away. In fact, it turns out that survivors of violent crime and the people who have committed harm can come together in many cases, far more often than we imagine, and together develop fair solutions for responding to the harm that's been caused.

One of the things that is standing in the way of such reform is the fact that a huge number of prisons—seventy per cent, in fact—are located in rural communities and go a long way in bolstering the economies of these communities. I mean, the fact is that prisons are a big source of income for many people living around them. And you make this very clear.

The profit motive is significant. And very often people think about the profit motive simply in terms of private prisons making money off of caging human beings. However, as the book "Prison Profiteers," edited by Tara Herivel and Paul Wright, points out, there is a very large range of corporate interests that make an enormous amount of money off of our prison system—everything from private health-care providers to Taser-gun manufacturers to companies that are now

creating these electronic monitors, G.P.S. tracking systems for people when they are released from prison or jail.

A step in the right direction would be massive investments in education, drug treatment, health care, and job creation, in trauma support in the communities that have been devastated by the war on drugs and mass incarceration.

We all know that the safest communities are not the ones that have the most police, the most prisons, or the highest percentage of people on electronic monitors under constant surveillance and control. No, what creates safety in our communities are good schools, plentiful jobs, quality health care, and a thriving social fabric.

The racial disparities in prisons over the last decade have actually declined. Is there any reason for hope in that?

It's absolutely a positive development that racial disparities have declined to the extent that it means that we are relying less and less on criminalization and incarceration of all people, including people of color.

I worry about those who focus primarily on racial disparities in our criminal-justice system as a measure of injustice. In fact, there is some research that suggests that racial disparities have narrowed in part because more white people have been incarcerated or saddled with criminal records as a result of the opioid epidemic, or because, as some people have argued, many Latinos are being mislabelled as white in our criminal-justice system, distorting the data. But I wouldn't celebrate that kind of progress. The goal here is not to subject people of all colors to unnecessary suffering. The goal ought to be to view and treat all people of all colors with dignity, humanity, compassion, and concern.

However, there is also significant evidence indicating that racial disparities have narrowed in large part because many states, New York included, have moved away from many of the harsh drug-war policies that resulted in enormous racial disparities in incarceration and conviction rates. And that is cause for celebration…

I think, again, we have to make sure that we're not simply addressing symptoms rather than underlying causes. True progress depends on us caring and

demonstrating care, compassion, and concern for poor people, and people of color, and being willing to invest in their well-being and their health and their education and their thriving rather than simply in their punishment and in their control…

Meaningful criminal-justice reform requires taking a very holistic view and ensuring that people who are released from prison have meaningful opportunities for education and access to health care and drug treatment and mental-health treatment and support, and that there is a strong commitment to taking the profit motive out of incarceration entirely. And, you know, viewing criminal-justice reform through a racial-justice lens. So I am encouraged that virtually all of the Democratic candidates have stated a willingness to embrace criminal justice-reform to some degree. But for me, personally, I'm less interested in the reform of our criminal-justice system than its transformation. I think we must reimagine the meaning of justice in America, not simply reform our existing criminal-justice institutions. I think that work depends on building and organizing and the engagement of our communities. We can't simply look to our politicians to have the answers.

[We need to be] asking the deeper questions around, Who are we in relationship to one another? What does justice mean? As I see it, the crisis of mass incarceration is not simply a legal or political problem to be solved, but it's a profound spiritual and moral crisis, as well. And it requires a reckoning, individually and collectively, with our racial history, our racial present, and our racial future.

[We need] enthusiasm for wrestling with those deep moral questions of the meaning of justice in a nation forged through genocide and slavery, a multiracial, multiethnic nation that is struggling to overcome its racial history. What does it mean to do justice in this context, in this moment in time?...

Ultimately, these questions are about: What does it mean to be in the right relationship to one another? Who belongs in a community, in a nation? How should we treat the least advantaged? What do we owe to one another? How do we repair harm? What does it mean to face irreparable harm in a constructive and responsible way? …Much more revolutionary change is required, and it's not simply a political revolution. A moral and spiritual revolution is also required of us now.

Vocabulary:

legislation *- laws*
mass incarceration *- enormous numbers of people locked up in jails or prisons*
fearmongering *- stoking fear in the people*
scapegoating *- blaming one person or one group of people for a bigger problem*
deportation *- sending people out of the country*
restorative justice *- finding justice through working through a problem together, centering the needs of survivors of violence*
transformative justice *- finding justice in ways that fix the larger issues in society such as racism, sexism, classism, etc.*
economy - *the money system, or financial wellbeing of an area*
profiteer *- someone making money off of something, often something destructive*
disparity *- an unequal distribution*
decline *- lowering, going down*
genocide *- mass killing of a group of people*

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Exit Questions:

1. What are your 3 biggest takeaways from this article?

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2. Do you agree with Angela Davis, the civil rights activist, that "prisons are no longer necessary" (as she argues in her book "Are Prisons Obsolete?"). Why or why not?

3. What do you currently think, based on this reading, is the underlying reason for mass incarceration? What should be done about it?
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