

# **THROWING A**

***Michelle Alexander On How Prisons  
Have Become The New Jim Crow***

ARNIE COOPER



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# WAY THE KEY

**In** 1998 Michelle Alexander had just been hired by the northern-California chapter of the American Civil Liberties Union (ACLU) to head its Racial Justice Project. She was running to catch the bus to her new office when she glimpsed a bright orange poster proclaiming, “The Drug War Is The New Jim Crow.”

“Jim Crow” refers to local and state laws enacted between 1876 and 1965, mainly in the South, that mandated racial discrimination and segregation. At the time she saw the poster, Alexander considered it absurd. “I clung to the notion that the evils of Jim Crow are behind us,” she writes. But after a few years of working for the ACLU on issues of racial profiling and drug enforcement, she was forced to reevaluate: “I began awakening to the reality that this criminal-justice system is not just another institution infected with racial bias, but the primary engine of racial inequality and stratification in the U.S. today.”

Alexander now believes that the “War on Drugs” was the creation of conservative political strategists who wanted to appeal to poor and working-class whites resentful of the gains African Americans made during the civil-rights era. That it resulted in disproportionate drug-arrest rates in poor communities of color may even have been part of the plan, she says. In her book *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (The New Press), Alexander cites some alarming statistics: for example, in 2004, 75 percent of all people imprisoned for drug offenses were black or Latino, despite the fact that the majority of the country’s illegal-drug users and dealers are white.

The child of an interracial couple (her mother is white; her father, now deceased, was African American), Alexander witnessed directly the challenges of racial integration. After her parents had married in Chicago in 1965, Alexander’s mother was promptly disowned by her family and excommunicated from her church. The newlyweds ended up moving to Stelle, Illinois, a three-hundred-person progressive intentional community, where Alexander was born in 1967. When she was eight, her father, who worked for IBM, was transferred to San Francisco, and the family moved to the Bay Area. Although he was one of the office’s top salespeople, he was unable to climb the corporate ladder and ended up leaving his job. Alexander attended many schools, both public and private, which exposed her to people from diverse backgrounds. Later, when she saw how severely black youths are treated by the criminal-justice system, she recalled how often she’d seen white teens participate in the same criminal activities.

Alexander’s maternal grandparents eventually did accept their daughter’s husband and their granddaughter. Seeing them come around gave Alexander hope that society can change. “My grandfather was extremely hostile to my mother marrying my father,” she says, “and he ended up voting for Jesse Jackson for president.”

No longer a practicing attorney, Alexander currently teaches courses on race, civil rights, and criminal justice at Ohio State University. She stays busy caring for her three children and spreading the information in her book to those behind bars and to communities affected by mass incarceration.

**Cooper:** In the preface to your book you say you wrote it for “people like me — the person I was ten years ago.”

**Alexander:** Before I began my work on criminal-justice reform at the ACLU, I believed a lot of our society’s myths about drug use and crime in the black community. For example, I believed that people of color were more likely to sell drugs than whites. Not true. I believed that incarceration rates could be explained by crime rates. Not true. Only after years of working on these issues did my eyes open.

**Cooper:** You’ve written that “nearly a quarter of African Americans live below the poverty line today, approximately the same percentage as in 1968.” The poverty rate among black children is actually *higher* now than it was during the civil-rights era. What went wrong?

**Alexander:** What happened is the movement of the 1960s was left unfinished. People assumed that mere changes to the laws would produce a major social transformation, even if our underlying consciousness didn’t change. Martin Luther King Jr. repeatedly reminded us that there were going to be black mayors and legislators and other elected officials, but these developments in and of themselves would not produce the necessary social change. We need a radical restructuring of our economy and our society in order to ensure that poor people of all colors gain equal access to opportunity, jobs, housing, and healthcare.

The energy and passion of the civil-rights movement dissipated once lawyers took over and attention shifted to the enforcement of antidiscrimination laws and the implementation of affirmative action. A sprinkling of people of color throughout institutions of higher learning and in positions of power created the illusion of greater progress than had actually been made. It also helped distract us when the backlash to the civil-rights movement gave birth to the “get tough on crime”

era and the rise of mass incarceration.

**Cooper:** But you do agree that reform had to begin with changes in the laws?

**Alexander:** We certainly needed anti-discrimination laws. Absolutely. It's not as if the laws in and of themselves were a mistake. What *was* a mistake was the abandonment of the poor-people's movement that King and others were launching at the end of his life. Civil-rights activists didn't anticipate that the right wing and former segregationists would build a new system of control that literally locked up those who were left behind.

**Cooper:** You've said that a racial caste system — slavery — was written into the original Constitution.

**Alexander:** The Constitution was largely a compromise struck with the Southern states, which wanted assurance that they'd be able to retain their slaves as property. So the "three-fifths clause," which counted each slave as three-fifths of a human being, was included in the Constitution. Without that compromise we would not have emerged as a unified nation. That racial caste system has remained with us in some form or another ever since.

**Cooper:** What do you say to those who view the Constitution as the final word on our freedoms?

**Alexander:** I believe in the Constitution as a living document. The original Constitution denied the right to vote to women, slaves, black people, and even white men who didn't own property. That document isn't much to be proud of, except that it contained the seed of an egalitarian democracy. It's this seed that is deserving of our reverence and respect. But a blind loyalty to the original document amounts to a commitment to preserving the wealth and political power of a few.

**Cooper:** People are generally familiar with the term "Jim Crow," but I'm not sure they know its origin.

**Alexander:** Jim Crow laws were state and local laws enacted after the Civil War mandating "separate but equal" status for African Americans. The most infamous example was the segregation of public schools, public restrooms, public transportation, and so on. These laws authorized discrimination in employment, housing, education — virtually all aspects of life.

The phrase "Jim Crow" is typically attributed to "Jump Jim Crow," a song-and-dance caricature of African Americans performed by white actors in blackface in the early nineteenth century. The laws themselves were part of an effort by the political and economic elites in the South to decimate a growing coalition between poor whites and former slaves and their descendants during the agricultural depression of the late 1800s, when the Populist movement was born. This movement challenged the corporate power of railroads and the plantation owners. It was one of the first major, meaningful political alliances between poor whites and blacks in the country, and it was having amazing success. The white ruling class was alarmed and proposed laws that would disenfranchise blacks. It



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waged campaigns that appealed to racial biases, resentments, and stereotypes of black people — essentially persuading poor whites not to align themselves with poor blacks, because whites were "better than that." Poor whites also feared that the disenfranchisement laws aimed at African Americans could be aimed at them as well if they failed to distance themselves from their black allies. So many poor whites joined the effort to secure the Jim Crow laws, believing that removing blacks from politics would help facilitate economic reforms.

**Cooper:** Let's talk about the "new Jim Crow": the rising incarceration rates among young black men. In a sense this is more insidious, since it's covert.

**Alexander:** Yes, during the original Jim Crow era WHITES ONLY signs hung over drinking fountains, and black people were forced to sit at the back of the bus. There was no denying the existence of the caste system. But today people in prison are largely invisible to the rest of us. We have more than 2 million inmates warehoused, but if you're not one of them, or a family member of one of them, you scarcely notice. Most prisons are located far from urban centers and major freeways. You literally don't see them, and when inmates return home, they're typically returned to the segregated ghetto neighborhoods from which they came, leaving the middle class unaware of how vast this discriminatory system has become in a very short time.

Adding to prisoners' invisibility is the fact that they are erased from unemployment and poverty statistics. If you factor in prisoners, the black unemployment rate shoots up by as much as 24 percentage points.

**Cooper:** And this all started in the 1980s with the U.S. government's War on Drugs?

**Alexander:** Yes. Most people imagine that the War on Drugs was launched in response to rising drug crime. In fact, when the drug war was officially declared in 1982 by President Ronald Reagan, drug crime was on the decline. The drug war was part of a conservative political strategy designed to appeal to poor and working-class whites who were anxious about busing, desegregation, and affirmative action. Beginning in the 1960s, when the civil-rights movement was in full swing, segregationists and conservative politicians found that they could successfully appeal to racial resentments by using "get tough" rhetoric on issues of crime and welfare. This tactic convinced many poor and working-class whites to defect from the Democratic to the Republican Party.

**Cooper:** So where were the liberal Democrats at this time?

**Alexander:** Many liberals didn't want to talk about crime in poor black communities because they were afraid it would distract from their antidiscrimination agenda. They were also busy pursuing affirmative action, litigation, and lobbying strategies for enforcing the gains that had been achieved. Once the get-tough movement was underway, Democrats decided they

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needed to use similar tactics to appeal to white swing voters, and they began competing with Republicans to see who could be tougher on crime. President Bill Clinton escalated the drug war far beyond what Reagan had done.

**Cooper:** Were *any* politicians on the other side of the issue?

**Alexander:** There were voices, but they were lonely ones. New York senator Daniel Patrick Moynihan had been maligned by the Left for his 1965 report on the state of the black family, which many believe served to reinforce the worst racial stereotypes about African Americans. But when the War on Drugs was unleashed, Moynihan foresaw the outcome and said that if this were a conspiracy, it would be one of the most brilliant ever devised: encourage people to believe that crack is the source of all social ills in the black community, offer harsh punishment as the solution, and all the while ignore the problems of poverty and despair.

**Cooper:** You've said yourself that crack was a "godsend to the Right."

**Alexander:** Reagan declared his War on Drugs a few years before crack hit the streets. As soon as it emerged, the administration recognized an opportunity to build support for the drug war. They hired staff whose job was to find reports of inner-city crack users, crack dealers, crack babies, and crack whores and to feed those horror stories to the media. The media-saturation coverage of crack was no accident. It was a deliberate campaign that fueled the race to incarcerate. Legislators began passing ever harsher mandatory-minimum sentences in response to the media frenzy.

**Cooper:** Cocaine had an almost glamorous image in the eighties, with beautiful people snorting it through hundred-dollar bills, whereas crack, which is simply a different form of cocaine, was seen as a grimy street drug.

**Alexander:** That perception was directly responsible for the so-called hundred-to-one disparity in sentencing: to get a five-year sentence, you had to possess five hundred grams of powder cocaine but just *five* grams of crack.

It's fair to say that crack's association with inner-city black people is what made it possible for legislators, prosecutors, and the public to agree that such sentences were reasonable. The media campaign also gave rise to a lot of misconceptions about crack and its addictiveness and the harm it caused, which served to justify the sentencing disparity. Since then science has shown that crack cocaine is not significantly more dan-

gerous and addictive than its powder counterpart, if it's more dangerous at all. Last year the *New York Times* reported that alcohol is more harmful to a fetus than cocaine, yet the "crack baby" image is synonymous with hopeless birth defects.

**Cooper:** Is crack used more often by blacks than by whites?

**Alexander:** Studies do indicate that, although people of all races use and sell drugs at remarkably similar rates, there are slightly higher rates of crack use among African Americans and slightly higher rates of meth use among white Americans. So the drug of choice may vary somewhat by race, but in raw numbers there are more white crack users in the United States than there are black crack users.

**Cooper:** What are some other myths promoted by the drug war?

**Alexander:** A big one is that the war is aimed primarily at violent offenders and drug kingpins. In truth the drug war has primarily resulted in the incarceration of nonviolent, low-level offenders. One reason for this is that federal funding for the War on Drugs flows to state and local law-enforcement agencies based on the sheer number of drug arrests, not the "quality" of the arrests. In other words, law-enforcement agencies are rewarded as much for arresting addicts as they are for bringing down the big bosses. This gives them an incentive to go into poor communities and round up as many users as possible by employing mass stop-and-frisk operations, or by stopping cars and searching them for drugs, or by sweeping housing projects. In 2005 about four out of five drug arrests were for possession; only one in five was for sales. Almost half of all drug arrests are for marijuana offenses. In the 1990s, the period of greatest expansion in the drug war, 82 percent of the increase in drug arrests could be attributed to arrests for marijuana possession.

The other big myth is that most people who use and sell drugs are African American. When we picture a drug dealer, we typically imagine an African American kid on a street corner. But studies have consistently shown that people of color are no more likely than whites to use or sell illegal drugs. Users typically buy drugs from someone of their own race, and plenty of drugs are sold in suburbs, in rural white communities, on college campuses, and so forth. But the drug war has been waged almost exclusively in poor communities of color.

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