

**MICHELLE ALEXANDER**

Incarceration Nation

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Michelle Alexander is an associate professor of law at Ohio State University and holds a joint appointment at the Kirwan Institute for the Study of Race and Ethnicity. Formerly the director of the ACLU's Racial Justice Project in Northern California, she served as a law clerk for Supreme Court Justice Harry A. Blackmun. She is the author of the bestseller "The New Jim Crow."

The Reverend Martin Luther King Jr. once said, "a time comes when silence is betrayal." The silence surrounding mass incarceration is one that I am desperate to break. I have to say that really this work that I have been engaged in over the last several years has become the passion of my life—trying to find ways to break silences in communities all across this country. And I've come to wonder whether we've been silent or simply asleep. Dr. King once said there is "nothing more tragic than to sleep through a revolution." And he was talking at that time about a profound moral revolution that was underway, a struggle for the recognition of the value and dignity of all humankind, a struggle to end what was then America's latest caste system, known as Jim Crow.

He told his audience the story of Rip Van Winkle, who fell asleep for 20 years. When he began his extended nap, there was a sign posted on a nearby inn that had a picture of King George III on it. When Rip Van Winkle awoke a couple decades later, the sign had a picture of George Washington on it. Dr. King told the audience that the most striking fact about Rip was not that he had slept for 20 years but that he had slept through a revolution. He said, "There are all too many people who, in some great period of social change, fail to achieve the new mental outlooks that the new situation demands."

I think his words are as relevant today as they were back then. Many of us, myself included, have slept through a revolution, actually, a counterrevolution. While many of us have been asleep, a vast new system of racial and social control has emerged, one that would certainly have Dr. King turning in his grave. I think one day we may look back and wonder how we could have possibly slept for so long.

I argue that today in the so-called era of colorblindness and, yes, even in the age of Obama, something akin to a caste system is alive and well in America. The mass incarceration of poor people, especially poor folks of color, is tantamount to a new caste system, one specifically designed to address the social, political, and economic challenges of our time. It's the moral equivalent of Jim Crow.

I'm always eager to acknowledge, to admit that there was a time when I rejected this kind of talk. There was a time when I rejected comparisons between mass incarceration and slavery or mass incarceration and Jim

Crow, believing those kinds of claims and comparisons were exaggerations, distortions, or hyperbole. In fact, there was a time when I thought that people who were making those kinds of claims and those kinds of comparisons were actually doing more harm than good to efforts to reform our criminal justice system and achieve greater racial equality in the U.S.

But what a difference a decade makes. After years of 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 reenter into a society that had never shown much use for them in the first place, I had a series of experiences that began what I now call my awakening. I began to awaken to a racial reality that is so obvious to me now that what seems odd in retrospect is that I managed to be blind to it for so long.

What has changed since the collapse of Jim Crow has less to do with the basic structure of our society than the language we use to justify it. In the era of color blindness it is no longer socially permissible to use race explicitly as a justification for discrimination, exclusion, and social contempt. So we don't. Rather than rely on race, we use our criminal justice system to label people of color criminals and then engage in all the practices that we supposedly left behind. Today, it is perfectly legal to discriminate against criminals in nearly all the ways in which it was once legal to discriminate against African Americans. Once you're labeled a felon, the old forms of discrimination—employment discrimination, housing discrimination, denial of the right to vote, exclusion from jury service—are suddenly legal. As a criminal, you have scarcely more rights, and arguably less respect, than a black man living in Alabama at the height of Jim Crow. We have not ended racial caste in America, we have merely redesigned it.

Like I said, though, I reached this conclusion reluctantly. I resisted it. But there are a number of experiences that finally began to open my eyes. One in particular I'll never forget. It involved a young African American man who was about 19 years old who walked into my office one day and forever changed the way I viewed not only our criminal justice system but how I viewed myself as a civil rights lawyer and advocate. At the time, I was the director of the Racial Justice Project for

the ACLU in California, and we had launched a major campaign against racial profiling by the police. We called it the DWB campaign, or the driving while black or brown campaign.

We had created a hotline number for people to call who believed they had been stopped or targeted by the police on the basis of race. We put this hotline number up on billboards and communities around California—in Oakland, San Jose and elsewhere—urging people to call this number if they believed they had been stopped or targeted by the police on the basis of race. In fact, within the first few minutes of us announcing this hotline number on the evening news, we received thousands of calls and our system crashed temporarily. We had to expand the capacity. So I was spending my day interviewing one young black/brown man after another who had been targeted, stopped, frisked, their cars had been pulled over, sometimes brutalized for no apparent reason other than the color of their skin.

It was late in the afternoon and I was getting tired when this young man walks in with a thick stack of papers. He had taken detailed notes of his encounters with the police over about a nine-month period of time in his neighborhood. He had an extraordinary amount of detail. He had dates of each encounter, descriptions of each incident, names of witnesses, in some cases badge numbers of police officers. Just an unbelievable amount of documentation and detail about this pattern of police stops he had experienced in his neighborhoods. And the stories of what he was describing going on in his neighborhood were corroborated by other stories we had heard coming out of his neighborhood.

I started to think, Well, maybe he's the one. Maybe he's going to be our lead plaintiff in the suit we were planning to file against the Oakland Police Department, a class action suit challenging their profiling practices. So I started asking him more questions. He was well-spoken and composed, and he was a good-looking young man. And I thought, He's the one. We can put him on the television and the media will love him. This is it.

Then he said something that made me pause. And I said to him, "Did you just say you're a drug felon? Did you just say you're a drug felon?" We had been screening people with prior criminal convictions. When people would call our hotline number, we would send a form to them to fill out asking them a bunch of questions about their experiences with the police. And one of them was, "Have you ever been convicted of a felony?" We believed we couldn't represent someone in a class action lawsuit challenging racial profiling if they had a criminal record, because we knew that if they did, the media and law enforcement would be all over us, saying, "Well, of course the police should be keeping their eye on him. He's a felon." And we knew we wouldn't be able to put him on the stand in front of a jury without him being cross-examined for an hour about his prior criminal record,

taking the focus off the police conduct and putting it on the prior criminal history of the man. So we had been screening people with prior criminal records, and he had not checked the metaphorical box.

So I said to him, "Tell me, have you been convicted of a felony?" And he gets quiet and he stares down at the table for a few minutes. And then finally he just looks up, looks me right in the eye, and he says, "Yeah, yeah. I'm a felon. But let me tell you what happened to me. Let me tell you. The police framed me. They planted drugs on me and they beat up me and my friend." He starts telling me this big, long story about how he had been set up by the police and the police had planted drugs on him and beat him up. And I said, "I am sorry. I cannot represent you if you have a criminal record." I tried to explain to him why that was the case and why we just couldn't possibly take that kind of risk in our litigation and it was wrong, "but I'm sorry, there's nothing I can do." I keep trying to explain, and he keeps trying to give me more information, more detail. He says, "I just took that plea. I took the plea because I was scared of doing time. They told me I could go to prison for years, maybe even decades, if I didn't take the plea. I pled out. They said I would just get felony probation. I could walk out of there. But just take the plea." I said, "I'm sorry, I'm sorry. There is nothing that I can do."

Then he becomes enraged, and he says to me, "You're no better than the police. The minute I tell you I'm a felon, you just stop listening. You can't even hear what I have to say." He said, "What's to become of me? I can't get a job anywhere because of my felony record. I can't get a job anywhere." He said, "I can't even get access to public housing. I can't even get into public housing. I have to sleep in any grandma's basement at night because nowhere else will take me in." He said, "I can't even qualify for food stamps to feed myself because of my felony record. What's to become of me?" He says, "Good luck finding one young black man in my neighborhood they haven't gotten to yet. They've gotten to us all already." And he snatches all those papers and notes off the table and just starts ripping them up into tiny little pieces, throwing them in the air, snowing white paper in my house. He walks out yelling, "You're no better than the police. I can't believe I trusted you." He takes off.

Several months after that, I'm doing a public-access television show that was broadcasting live out of his neighborhood. I was doing public-access TV because we were trying to organize thousands of people to attend a major protest against the then governor's refusals to sign racial profiling legislation in California. So we were doing public-access TV, urging people to get on the bus and go to the demonstration at the capital. And it was broadcasting live. The minute the show goes off the air, he comes bursting into the studio carrying a dirty potted plant. He comes rushing up to me and he's emotional,

practically on the verge of tears. He rushes up to me, thrusts this dirty potted plant into my arms, and he says, "I'm just here to tell you I'm sorry. I'm sorry for how I treated you." He said, "I've been seeing you on the news. I see you out there trying to the fight for our people, trying to do the right thing. And I shouldn't have treated you that way." He said, "I would have bought you some flowers, but I still don't have any money. I snatched this plant off my grandma's front porch. Here" He pushes my arm. And then he turns around and takes off, runs out of the building. I chase after him. He jumps into a broke-down car and takes off.

Several months after that, I'm in my office. I open up the newspaper. What's on the front page? Well, the Oakland "Riders" police scandal has broken. It turns out that a gang of police officers, otherwise known as a drug task force, had been planting drugs on suspects, beating folks up in his neighborhood. And who is identified as one of the main officers charged with planting drugs on suspects and beating folks up? The officer he had identified to me as having planted drugs on him and having beat up him and his friends. It was only then that the light bulb finally started to go on for me. I thought to myself, He's right about me. I'm no better than the police. The minute he told me he was a felon, I just stopped listening. I couldn't even hear what he had to say.

That was the beginning of my asking myself some hard questions, of myself as a civil rights lawyer and advocate. How am I actually replicating the very forms of discrimination, exclusion, and marginalization I'm supposedly fighting against? And I started asking some bigger questions about the system as a whole. I started asking myself, Why is it that we haven't been able to find one young black man in his neighborhood they haven't gotten to yet? What is really going on there?

So I began to do an enormous amount of research, and I started asking myself and others a lot of hard questions. And I began listening more carefully to the stories of those cycling in and out of prison. What I learned in that process truly blew my mind. But of all the things that I learned, what has stayed with me most is that my real crime was not in refusing to represent an innocent man. My real crime was in imagining that there was some path to racial justice that did not include those whom we view as guilty.

Here are some of the facts that I learned in the course of my work and research. More African American adults are under correctional control today, in prison or jail, on probation or parole, than were enslaved in 1850, a decade before the Civil War began. As of 2004, more black men were disenfranchised than in 1870, the year the Fifteenth Amendment was ratified prohibiting laws that explicitly deny the right to vote on the basis of race. Of course, during the Jim Crow era, the era of legalized discrimination and segregation in this country, black folks were kept from the voting booth, from the polls through

poll taxes and literacy tests. Well, today felon disenfranchisement laws have accomplished in many states what poll taxes and literacy tests ultimately could not.

A black child born today has less than a chance of being raised by both parents than a black child born during slavery. This is due in large part to the mass incarceration of black men. There was an interesting article published about this phenomenon in *The Economist* magazine, of all places, entitled "How the Mass Incarceration of Black Men Harms Black Women." The article explained that the majority of black women in the U.S. are unmarried, including 70% of black professional women, and that is due largely to the mass incarceration of black men, which takes them out of the dating pool at the years they would be most likely to commit to a partner, to a family.

But what's worse is that by branding them criminals and felons at very young ages, often before they're even old enough to vote, they are rendered permanently unemployable in the legal job market for the most part, virtually guaranteeing that most will cycle in and out of prison, sometimes for the rest of their lives. Eighty percent of all African American children can now expect to spend at least a significant part of their childhood years living apart from their fathers. And contrary to the image presented in the media of black men being a bunch of deadbeat dads that don't care enough about their children to be involved or to support them, the research actually shows that black men who are separated from their children due to divorce, incarceration, or any other factor are actually more likely to make an effort to maintain meaningful contact and relationships with their children following separation than men of any other racial or ethnic group. But no other racial or ethnic group faces as much separation, and forced separation, as African Americans. That doesn't mean that black men couldn't do a better job of being fathers that they couldn't try harder. But so could white men, so could Asian men, so could Latino men, so could mothers. And I speak from experience. We could all do a better job of parenting. But no group faces such extraordinary challenges to playing the role of a traditional father in our society today than black men.

This phenomenon does not affect some small segment of the African American community. To the contrary, in some major urban areas more than half of working-age African American men have criminal records and are thus subject to legalized discrimination for the rest of their lives. In fact, in some cities, like Baltimore, Chicago, Philadelphia—take Chicago for example. In Chicago, if you take into account prisoners, if you actually count them as people—and, of course, prisoners are excluded from poverty statistics and unemployment data, thus masking the severity of racial inequality in the U.S.—but if you actually count prisoners as people, in the Chicago area nearly 80% of working-age African American men have criminal records and are thus subject

to legalized discrimination for the rest of their lives. These men are part of a growing undercaste—not class, caste—a group of people defined largely by race relegated to a permanent second-class status by law.

I find that when I tell people that I now believe that mass incarceration is like a new Jim Crow, a new caste system, people react with shocked disbelief. They say, “What are you talking about? Our criminal justice system isn’t a system of racial control, it’s a system of crime control. And if black folks would just stop running around committing so many crimes, they wouldn’t have to worry about being locked up and then stripped of their basic civil and human rights.” But therein lies the greatest myth about mass incarceration, namely, that it’s been driven by crime and crime rates. It’s not true. It’s just not true.

During a 30-year period of time our prison population quintupled, not doubled or tripled but quintupled. Our nation now has the highest rate of incarceration in the world, dwarfing the rates of even highly oppressive regimes like Russia or China or Iran. But this is not due to crime rates. During that 30-year period of time crime rates fluctuated—went up, went down, went back up again, went back down again. Today, as bad as crime rates are in many parts of the country, crime rates are nationally at historical lows. But incarceration rates have consistently soared. Most criminologists and sociologists today will acknowledge that crime rates and incarceration rates in the U.S. have moved independently of one another. Incarceration rates, especially black incarceration rates, have soared, regardless of whether crime is going up or down in any given community or the nation as a whole.

So what explains this sudden explosion in incarceration, black incarceration, if not crime or crime rates? There was a drastic shift in attitudes. There was a wave of punitiveness that washed over the United States. We declared a war on drugs, and a get-tough movement was born on the heels of the civil rights movement. The war on drugs and the get-tough movement are responsible for the quintupling of our prison population in a few short decades. What has changed dramatically is not crime but what counts as crime and how we respond to it. And nothing has contributed more to the emergence of this new caste system than the war on drugs. Drug convictions alone, just drug convictions, accounted for about two-thirds of the increase in the federal prison system and more than half of the increase in the state system between 1985 and 2000, the period of our prison system’s most dramatic expansion. Drug convictions have increased more than 1000% since the drug war began.

To get a sense of how large a contribution the drug war has made to mass incarceration, consider this. There are more people in prisons and jails today just for drug offenses than were incarcerated for all reasons in 1980. Most Americans violate drug laws in their lifetime. Most do. That’s a fact. But the drug war, not by accident, has

been waged almost exclusively in poor communities of color, even though studies have consistently shown now for decades that, contrary to popular belief, people of color are not any more likely to use or sell illegal drugs than whites. That defies our basic racial stereotypes about who a drug dealer is. Most Americans, if they’re honest with themselves, when asked to picture a drug dealer, will picture some black kid standing on a street corner with his pants hanging down. Plenty of drug dealing happens in the ‘hood, but it happens everywhere else in America as well. A white kid living in rural South Dakota does not drive to the ‘hood to get his marijuana or his meth or his cocaine. No, he gets it, most likely, from someone of his own race down the road. Drug markets, much like American society generally, are fairly segregated by race: black folks tend to sell to black folks, whites to whites. Even segregated by class. University students sell to each other. Drug dealing happens in all communities, of all colors, but those who do time for drug crimes are overwhelmingly black and brown. In some states 80% to 90 % of all drug offenders sent to prison have been one race—African American.

I find that many people when they actually see the data say, “Oh, that’s a shame. That’s a shame. That’s too bad. But you know what, we need a drug war in those communities because that’s where the violent offenders are, that’s where the drug kingpins can be found. We need to get tough in those communities because that’s where the violent offenders can be found.” In fact, in my experience, most people seem to imagine that the war on drugs was declared in response to the emergence of crack cocaine in inner-city communities and the related violence. And for quite a while I believed that as well.

But that is not true. President Ronald Reagan declared the current drug war in 1982, at a time when drug crime was actually on the decline, not on the rise. President Richard Nixon was the first to coin the term a “war on drugs,” but it was President Ronald Reagan who turned that rhetorical war into a literal one. And at the time he declared his drug war, drug crime was actually on the decline, not on the rise, and less than 3% of the American population identified drugs as among the nation’s most pressing concerns.

So why declare a national drug war at a time when drug crime is declining, not rising, and the American population doesn’t seem much concerned about it? From the outset the war on drugs had little to do with genuine concern about drug addiction or drug abuse and nearly everything to do with politics, racial politics. Numerous historians and political scientists have now documented that the war on drugs was part of a grand Republican Party strategy, known as the Southern strategy, of using racially coded get-tough appeals on issues of crime and welfare to appeal to poor and working-class whites, particularly in the South, who were anxious about, fearful of, resentful of many of the gains of African Americans in the civil rights movement.

To be fair, I think we have to acknowledge that poor and working-class whites really had their world rocked by the civil rights movement. Wealthy whites could send their kids to private schools and give their kids all of the advantages that wealth has to offer. But poor and working-class whites, who themselves were struggling for survival, faced a social demotion in the civil rights movement. It was their kids who might be bused across town to a school they believed was inferior. It was their kids and themselves who were suddenly forced to compete on equal terms with a whole new group of people that they've been taught their whole lives to believe was inferior to them for limited jobs and limited opportunities. And to make matters worse, from their perspective, affirmative action programs created this impression that black folks were now leap-frogging over them on their way to Harvard, Yale, Stanford, or fancy jobs in corporate America.

This state of affairs created an enormous amount of anger, fear, resentment, anxiety, but it also created an enormous political opportunity. Pollsters and political strategists found that thinly veiled promises to get tough on "them," a group not so subtly defined by race, could be enormously successful in persuading poor and working-class whites to defect from the Democratic New Deal coalition and join the Republican Party in droves. H. R. Haldeman, President Richard Nixon's former chief of staff, explained the strategy this way: "The whole problem is really the blacks. The key is to divide the system that recognizes this while not appearing to." Well, they did.

A couple years after the drug war was announced, crack cocaine hit the streets of inner-city communities. The Reagan administration seized on this development with some glee, actually hiring staff whose job it was to publicize inner-city crack babies, crack dealers, the so-called crack whores, and crack-related violence. The wave of media coverage that ensued when crack hit the streets was not the product of just good investigative journalism. It was the result of a media campaign launched by the Reagan administration to bolster public support for a drug war they had already been declared and to persuade Congress to devote millions more dollars to waging it.

The plan worked like a charm. Almost overnight millions more dollars were devoted to the drug war. And once the enemy in this war was racially defined, a wave of punitiveness swept the United States. Congress and state legislatures nationwide began to compete with one other to pass ever harsher drug laws, harsh mandatory minimum sentences. You would have small-time drug offenders receiving sentences harsher than murderers received in other Western democracies.

Almost immediately Democrats began competing with Republicans to prove they could be even tougher on "them" than their Republican counterparts. So it was President Bill Clinton who escalated the drug war far beyond what his Republican predecessors even dreamed

possible. It was the Clinton administration that championed the laws denying drug offenders even federal financial aid for schooling upon release. It was the Clinton administration that championed laws banning drug offenders from public housing. And it was the Clinton administration that championed the federal law banning drug offenders even from food stamps for the rest of their lives. Many of the laws that now constitute the basic architecture of this new caste system were championed by a Democratic administration desperate to win back those so-called white swing voters, the Reagan Democrats, the folks who had defected from the Democratic Party in the wake of the civil rights movement.

In my experience, even many people who are familiar with this history will defend the drug war nonetheless. They will say, "We need a drug war because what about all those violent offenders and drug kingpins in the 'hood? But what many people don't realize is that this drug war has never been focused on rooting out the violent offenders or the drug kingpins. Federal funding has flowed to those state and local law enforcement agencies that boost the sheer numbers of drug arrests. It's been a numbers game. What has been rewarded in this war is the sheer volume of drug arrests. Millions of dollars in federal grant money is provided to state and local law enforcement agencies based on the number of people swept into the system for drug offenses, virtually guaranteeing that law enforcement will go out looking for the so-called low-hanging fruit, stopping, frisking, searching as many people as possible in an effort to boost their numbers and continue to qualify for that financial aid. And to make matters worse, federal drug forfeiture laws allow state and local law enforcement agencies to keep for their own use up to 80% of the cars, cash, homes seized from suspected drug offenders. You don't have to be convicted. If you are just suspected of a drug offence, law enforcement can take your car, your cash, seize your property.

The results are predictable. People of color have been rounded up en masse for relatively minor, nonviolent drug offences. In 2005, for example, four out of five drug arrests were for simple possession, only one out of five for sales. Most people in state prison for drug offenses have no history of violence or even significant selling activity. In fact, in the 1990s, the Clinton years, the period of the most dramatic expansion of the drug war, nearly 80% of the increase in drug arrests was for marijuana possession, a drug that has now been shown to be less harmful, less addictive than alcohol or tobacco and at least, if not more, prevalent in middle-class white communities and on college campuses as it is in the 'hood. But by waging this drug war almost exclusively in the 'hood, we've managed to create this vast new racial undercaste in an astonishingly short period of time.

But, of course, being swept into the system is only the beginning. Because once you've been swept in and

branded a criminal felon, even if you get just felony probation, like the young man in my office, for the rest of your life you will be punished. You will have to check the box on employment applications for the rest of your life. It doesn't matter if the crime you committed happened four weeks ago, four years ago, or forty-five years ago. For the rest of your life you've got to check that box asking the dreaded question, "Have you ever been convicted of a felony?" Hundreds of professional licenses are off limits to people convicted of felonies. In fact, in my state, Ohio, you can't even get a license to be a barber if you've been convicted of a felony.

People often say to me, "Oh, come on. They could get a job if they try. If they really try, if they really apply themselves. So many of those people don't even want to work. They could get a job if they try." I say, "Really? Try getting a job at McDonald's with a felony record." Employment discrimination is legal. Housing discrimination is perfectly legal. Public housing projects, private landlords are free to discriminate against you for the rest of your life. You could be denied access to public housing for a crime you committed 30 years ago, in your youth. Where are you supposed to sleep? Food stamps, public benefits can be off limits to you. Financial aid for schooling. If you want to improve yourself, get an education. Off limits.

What are folks expected to do? Imagine you're just released from prison. You can't get a job, you're barred from housing, even food stamps are off limits to you. What are you expected to do? Apparently, what we expect them to do is to pay hundreds or thousands of dollars in fees, fines, court costs, accumulated back child support, which continues to accrue while you're in prison. And in a growing number of states, you're actually expected to pay back the costs of your imprisonment. All of this can be a condition of your probation or parole. And then get this. If you're one of the lucky few who actually manages to get a job out of prison, you actually get that job, up to 100 percent of your wages can be garnished—up to 100 percent—to pay back all those fees, fines, court costs accumulated back child support. What are folks expected to do? What does this system seem designed to do?

It seems designed to send folks right back to prison. Which in fact is what happens the vast majority of the time. About 75% of people released from prison return within three years, and the majority of those who return in some states do so in a matter of months, because the challenges associated with mere survival on the outside are so immense.

But as bad as all the formal barriers to political and economic inclusion are, many people who have been labeled criminals have told me that that's not even the worst of it. It's the stigma that follows you for the rest of your life. That's the hardest to bear. It's not just the denial of the job but the look that crosses an employer's face when he sees, oh, that box has been checked. It's not just

the denial of housing but the shame of having to beg your grandma to sleep in her basement at night because nowhere else will take you in. It's the shame associated with being branded that causes so many people who have been branded criminals or felons to try to pass. During the Jim Crow era, light-skinned blacks would try to pass as white to avoid the shame and stigma associated with race. Well, today people labeled criminals try to pass not just by lying to employers, by failing to check the box on employment applications or housing forms, but by lying, denying, avoiding friends, family members, loved ones.

There was an excellent ethnographic study conducting in Washington, D.C. by an ethnographer who is now a Georgetown law professor. It was a study conducted in neighborhoods hardest hit by mass incarceration in Washington, D.C. These are neighborhoods where literally every young black man expects to serve time in prison. It is difficult to find anyone who has never gone to jail. You would think in these communities that imprisonment would be so normal that everyone would just be talking about it all the time, who's in, who's out. To a certain extent that was true. But what they found in this study was they were unable to find even one person—one person—who had fully come out to their friends, neighbors, loved ones about their own criminal history or that of their loved ones. Children, when asked by a relative, "Honey, where is your daddy? I haven't seen your daddy in a long time. Where is your daddy at? What's he up to?" "My daddy? I don't know where my daddy is." Knowing full well their father is in prison. People released from prison bumping into friends on the street they haven't seen in a while. "Hey, I haven't seen you. It must have been years. Where have you been? How are you doing? What have you been up to?" "Oh, I've been out of town. I'll talk to you later." The shame creates an eerie silence even in the communities hardest hit by mass incarceration. And this silence makes collective political action nearly impossible.

So what do we do? Where do we go from here? I think one thing that has become clear is that those of us in the civil rights community have allowed a human rights nightmare to occur on our watch. We've been sleeping through a revolution. While many of us have been fighting to hold on to affirmative action or the perceived gains of the civil rights movement, millions of people—millions of people—have been rounded up, locked in cages, and then released into a parallel social universe in which they're denied the very rights that some of our parents or even grandparents fought for and some died for. As a nation we have now spent \$1 trillion waging this drug war since it began—funds that could have been used for schools, for economic investment in the poorest communities. A trillion dollars could have been used to promote our collective well being. Instead, those dollars paved the way for the destruction of countless lives, families, and dreams.

So what do we do? Where do we go from here? My own view is that nothing short of a major social movement has any hope of ending mass incarceration in America. And if you imagine that something less, surely something less, will do, consider this. If we were to return to the rates of incarceration we had in the 1970s, before the war on drugs and the get-tough movement gained steam, we would have to release four out of five people who are in prison today. Four out of five. More than a million people employed by the criminal justice system would lose their jobs. Most new prison construction has occurred in predominantly white rural communities, and many of these communities have been led to believe that prisons are the answer to their economic woes. Those prisons across America would have to close. Private prison companies listed on the New York Stock Exchange would be forced to watch their profits vanish. This system is now so deeply rooted in our social, political, and economic structure that it's not going to just fade away, it's not going to just downsize out of sight without a major upheaval, a fairly radical shift in our public consciousness.

I know that there's many people who say there is really no hope of ending mass incarceration in America. Just as many people were resigned to Jim Crow in the South and would shake their heads and say, "Yes, it's a shame, but that's just the way that it is." Today many people view the millions cycling in and out of your nation's prisons and jails as just an unfortunate but inalterable fact of American life. Well, I am confident that Dr. King, Ella Baker, Sojourner Truth, and the many other freedom fighters who came before us would not be so easily deterred. It's time for us to take the baton. We have got to be willing to continue the work. We have got to be willing to go back where they left off and do the hard work of movement building on behalf of poor people of all colors.

In 1968 Dr. King told advocates that the time had come to shift from a civil rights movement to a human rights movement. Meaningful equality, he said, could not be achieved through civil rights alone. Without basic human rights – the right to work, the right to housing, the right to quality education – he said, civil rights are an empty promise. So in honor of Dr. King and all those people of all colors who labored to end the old Jim Crow, I hope we will build a human rights movement to end mass incarceration: a movement for education, not incarceration; a movement for jobs, not jails; a movement to end all these forms of legal discrimination that deny people their basic human rights to work, to shelter, and to food.

What must we do to build this movement? First, we've got to start telling the truth, the whole truth. We've got to be willing to admit out loud that we as a nation have managed to recreate a caste-like system in this country. We've got to be willing to tell this truth in our schools, in our community centers, in our places of worship. We have

got to be willing to tell this truth so that a great awakening can begin.

But, of course, a lot of talk isn't going to be enough. We also have to be willing to build an underground railroad for the people returning home from prison. We have got to be willing to extend much needed help, support, jobs, housing, food, open arms, love to people returning home from prison and support for their families, who are dealing and struggling, coping with the grief of having a loved one behind bars. We have got to support with open arms all those who are willing to make a genuine break for freedom. We've got to be willing to create safe spaces for people, create safe places for people to admit their criminality out loud, places where people don't feel ashamed.

How do we create those safe places? I think one thing we've got to do is to begin to admit our own criminality out loud, our own criminality. Many people say to me, "What are you talking about? I'm not a criminal." I say, "Okay. Maybe you never drank under age, maybe you never experimented with drugs. If the worst thing you've ever done in your unadventurous life is speed 10 miles over the speed limit on the freeway, you've put yourself and others at more risk of harm than someone smoking marijuana in the privacy of their living room." But there are people doing life sentences for first-time drug offenses in the U.S. Life sentences. The Supreme Court upheld life sentences for first-time drug offenses against an Eighth Amendment challenge that such a sentence was cruel and unusual punishment. The Supreme Court said, No, it's not cruel and unusual to send a young man on a first-time drug offense to life imprisonment, even though virtually no other country in the world does such a thing.

So rather than imagining that the criminals are them, not us, I think we've got to be willing to say, "There but for the grace of God go I." After all, President Barack Obama himself has admitted to using more than a little bit of drugs in his lifetime. In his youth he used marijuana, he used cocaine. And if he had not been raised by a white mother in Kansas or white grandparents in Hawaii, if he had been raised in the 'hood, the odds are great that he would have been stopped, he would have been searched, he would have been frisked, he would have been caught. And far from being president of the United States today, he might not even have the right to vote. So this is about all of us. It's about recognizing and honoring the dignity of all of us.

But just helping a few and creating safe places for a few and telling the truth, even that is not enough, because just as during the days of slavery it wasn't enough to build the underground railroad, you had to be willing to work for abolition, today we have got to be willing to work for the abolition of this system of mass incarceration, abolish it entirely. That means ending the drug war once and for all. It means ending all these forms of legal discrimination against people released from prison that keeps them

locked in a permanent second-class status for life. And it means shifting from a purely punitive approach in dealing with violence and violent crime to a more restorative and rehabilitative approach, one that takes seriously the interests of the victim, the offender, and the community as a whole. So we've got a lot of work to do.

If you think it sounds like too much, if you think we can't possibly rise to the challenge that's before us, keep in mind that all of the rules, laws, policies, and practices that comprise this system of mass incarceration rest upon one core belief, and it is the same core belief that sustained Jim Crow. It's the belief that some of us—some of us—are not worthy of genuine care, compassion, and concern. And when we effectively challenge that core belief, this whole system begins to fall like dominoes.

A multiracial, multiethnic human rights movement must be born, one that takes seriously the dignity and humanity of all people. And, yes, it has got to be multiracial and multiethnic. This drug war may be born with black folks in mind, but it is a war that has destroyed the lives of people and communities of all colors. A young white kid who is getting a prison sentence rather than the drug treatment he desperately needs but could afford is suffering because of a drug war declared with black folks in mind.

We now see that another war has been declared, a war on illegal immigrants that is leading to another prison-building boom. So we have got to be willing to connect the dots and build a multiracial, multiethnic movement on behalf of all of us. But before this movement can truly get under way, a great awakening is required. We have got to awaken from this color-blind slumber that we've been in to the realities of race in America. We've got to be willing to embrace those labeled criminals—not necessarily all their behavior, but them, their humanness. For it has been the refusal and failure to recognize the dignity and humanity of all people that has been a sturdy foundation for every caste system that has ever existed in the U.S. or anywhere else in the world. It's our task, I firmly believe, to end not just mass incarceration, not just the war on drugs, but to end this history and cycle of caste in America.

Thank you.

*For information about obtaining CDs, MP3s, or transcripts of this or other programs, please contact:*

David Barsamian  
Alternative Radio  
P.O. Box 551  
Boulder, CO 80306-0551  
(800) 444-1977  
info@alternativeradio.org  
www.alternativeradio.org  
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