



WIKI COMMONS

Unbuild it

James Forman Jr., the author of "Locking Up Our Own" discusses how black leaders came to support a racist criminal justice system

BY MIKE WOLD
CONTRIBUTING WRITER

It is well documented how mass incarceration reinforces a racial caste system in America. But James Forman Jr., a longtime public defender in Washington, D.C., and now a Yale professor, points out that many African-American leaders supported the policies that led to mass incarceration. His book, "Locking Up Our Own," explores why and how they supported policies that ultimately harmed the Black community.

Forman takes us back to the late 1970s and early 1980s, when first heroin and then crack were epidemic among young Black people, along with associated theft, muggings and murder. Many civil rights leaders saw drugs as destroying the gains from civil rights. At the same time, black majority cities such as the District of Columbia were for the first time in control of their own law enforcement.

Forman comes with a pedigree in this area. His father, James Forman, is a distinguished name among the Civil Rights Movement through his participation in the Student Nonviolent Coordinating

Committee, the Black Panther Party, and the International Black Workers Congress.

According to Forman Jr., black leaders who called for harsh penalties on drug dealers and users also advocated for better jobs, better schools and better housing. The only thing they got was more policing. It took a decade or more for them to realize the mistake that they had made.

Mike Wold: *Why did you decide to become a public defender?*

James Forman Jr.: I wanted to do civil rights work. At the time, the criminal justice system wasn't understood as part of the domain of civil rights organizations. The NAACP Legal Defense Fund had a unit on the death penalty, but not on general criminal justice. I worked in their death penalty unit.

I saw cases where lawyers that had not prepared their defense, had not called relevant witnesses to provide mitigation, hadn't cross-examined people. There was the Rodney King beating and the subsequent acquittal. The United States had passed Russia and South Africa to become

the world's largest jailer. One in three young black men was under criminal justice supervision. I was drawn into the idea that the civil rights issue of my generation was the criminal justice system.

M.W.: *How did you feel about your clients?*

J.F.: You stand next to somebody who the systems have failed, all systems, foster care, public housing, services for veterans. Many of our clients have fathers that served in Vietnam and didn't get the treatment that they deserved. As a public defender, you have the opportunity to provide the best possible representation to somebody who's been denied the best. It's an honor to have that obligation and that opportunity.

M.W.: *You also founded a school for your juvenile clients.*

J.F.: My juvenile clients kept telling me "I want a job and I want to go to a good school." So, along with a friend, I started what was first an after-school tutoring and job-training program.

M.W.: *Many of the measures that contributed to mass incarceration were strongly supported by the Black community. How do you account for that?*

J.F.: One of my first cases in the book is "Brandon" — 15 years old, pled guilty to possession of a gun and \$15 worth of marijuana. I argued for probation. I had a letter from his coach and his teachers. His mom and grandmother were ready to provide him supervision.

Brandon was African-American. The prosecutor was African-American. She was asking for him to go to Oak Hill, a juvenile jail in D.C. that you should call a dungeon. It had no functioning school, no job-training program, no drug treatment program, no mental health programs.

The judge is African-American. He looks at Brandon and says:

"Mr. Forman has been telling me that you had a tough life and deserve a second chance. Let me tell you about 'tough.' Let me tell you about Jim Crow. Let me tell you about segregation," he told Brandon. Then he said, "People fought, marched and died for you to be free. Dr. King didn't die for you to be running and gunning and thugging and carrying on. Actions have consequences, and your consequence is Oak Hill."

The judge had used the same history that brought me to the courtroom. He flipped it. It was an argument for locking this kid up. It wasn't just the judge and the prosecutor, (it was) the city council that passed the laws, a majority Black city council. The police force was majority Black. The police chief was Black. All the guards that I met in Oak Hill were African-American.

We had this dramatic history of racism in the criminal justice system, books like "The New Jim Crow." Alongside those stories, which I very much agree with, there was something else, people like this judge. I wanted to write a book that told their story in a way that was nuanced, empathetic, that tried to explain their choices, while keeping my critical position of, these were mistakes, this wasn't the right way to go.

M.W.: *Racism doesn't have to be conscious or intentional to operate.*

J.F.: That's exactly right. And when people are in the middle of a crime wave, they tend to say, "Let's just lock them up."

When people get desperate, they get fearful and angry. This country has a long tradition of harsh justice. It's tempting to focus on the executive branch: Nixon declared the war on drugs, and Ronald Reagan declared a war on crack. But a huge part of the story are the micro-acts, the small steps that individuals make.

I write about a city council member, one of the White guys. He supported marijuana legalization. He gets letters complaining about junkies "in front of my doorstep." He sends them off to a government agency. But what's the agency? The department of mental health? Addiction services? Drug rehabilitation? No, the police chief. This is the failure of imagination. Those choices across 50 states, the federal government, D.C., 3,000 counties and 50 years add up to the system that we have now.

M.W.: *Do you see social class as playing a part?*

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