

UNBUILD IT, from page 7

J.F.: I do. People ask me about the “Our” in the title. “Who’s ‘Our Own?’” The reason I was surprised in that courtroom is that in black America there’s this sense of linked fate. When you suffer harm on the basis of race, I understand this as a harm that’s affecting me. So it’s counterintuitive when a black judge is locking this kid up and invoking King to do it.

But the judge is from a different social class. A black man today who drops out of high school is 10 times more likely to go to prison than a black man who finishes college. The people making the laws overwhelmingly have finished college. The people that go to prison, overwhelmingly, have dropped out of high school.

Another way to think about “Our” is America locking up “Our Own.” Forty percent of the people in prison in this country are white. They’re overwhelmingly poor. They disproportionately have mental health issues that have not been treated and continue to not be treated.

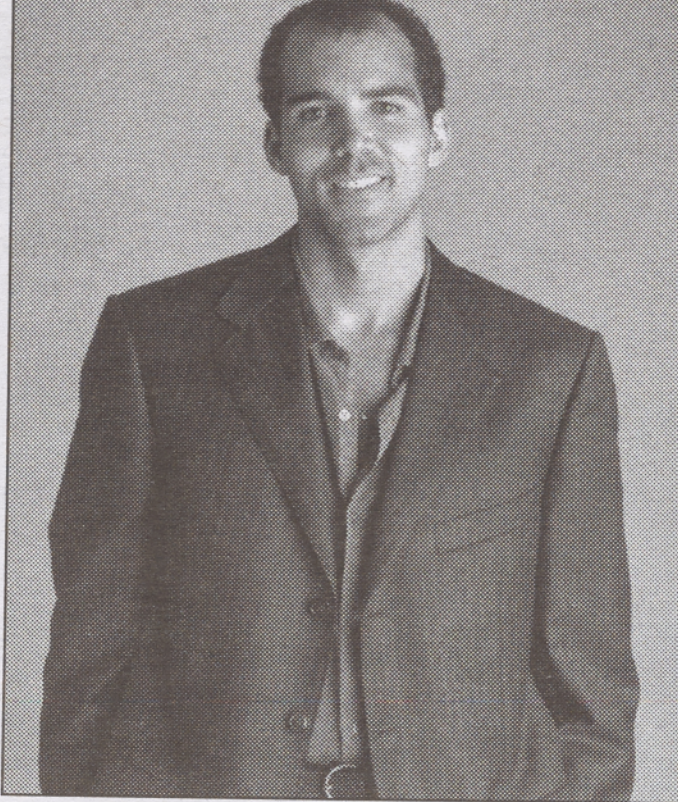
M.W.: You talk about how pretextual traffic stops aimed at gun violence disproportionately affected blacks in D.C.

J.F.: Eric Holder (as chief prosecutor in D.C.) had gone on radio in multiple interviews and detailed the strategy. The whole traffic stop is just a pretext. If I follow anybody for 30 seconds, I can find a traffic violation: going 26 miles per hour in a 25 zone, stopping too long at a stop sign, stopping not long enough.

The theory was guns were everywhere. The homicide rate had tripled in the ‘60s, tripled again in the late ‘80s. (Holder) does this pretext stop regime: “We’re targeting every part of the city except for Ward 2,” the White part of D.C. “We’re going to focus on places that gun violence is highest.”

One of the people in the book, Sandra Dozier, was pulled over on a pretext stop.

James Forman Jr.



They didn’t find guns. They found \$20 worth of marijuana. They didn’t hold her overnight, because she said, “I have a job at FedEx.” The officers gave her a notice to appear a week later. When she got there, the prosecutors dismissed the case.

You could say that the criminal justice system acted fairly and with mercy. She didn’t miss work and the case was dismissed. But if you were on probationary status, (FedEx) treated any arrest, whether or not there was a conviction, as a violation. It doesn’t seem super-malicious. But there’s this dragnet that results in black citizens getting picked up on minor things. All the white kids in Northwest, they got to drive around without ever getting pulled over. Of course they had drugs. Drug use is equally distributed across American society.

M.W.: So a policy of going after guns ...

J.F.: Leads to her losing her job. It almost perfectly illustrates the grotesque injustice, unintentional and unintended, of our criminal justice policies when they’re matched by hyperaggressive punitiveness on the part of employers.

I got an email from a guy who applied for

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benefits, and it came up that he had a record — he says for marijuana — from 1970. It comes up as “unspecified narcotics offense.” That sounds terrible. It is just an arrest. But he’s struggling to clear his record. He’s got to get records showing that it was marijuana and it was dismissed. The technology is another part. Nobody knew when they were setting these systems up that at the press of a button any employer could pull up your record from 47 years ago.

M.W.: So what do we do now?

J.F.: The system was built not in one fell swoop. If all of us get somewhat more punitive, and we all do it for 50 years, we get mass incarceration. The solution is that same series of micro-acts, each of us looking at our individual spheres of control, asking not “What can somebody else do to fix this problem?” but “What can I do?”

There’s been a focus on electing progressive prosecutors. In Philadelphia, a very reform-oriented guy, a lifetime civil rights attorney ran for prosecutor (He won). In November, a whole slew of people ran for prosecutor on platforms of “We’re locking up too many people;” “the war on drugs has

caused a lot of damage;” “my predecessor participated in wrongful convictions and won’t admit it.” They won — in Chicago, Alabama, Florida, Texas, Colorado.

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The other thing is, who’s the lawyer opposing the prosecutor? Two percent of the funding that goes to our criminal system goes to indigent defense. People have crushing caseloads. So the other thing we have to do is fund indigent defense better.

There’s also what we can do as individual citizens. Most of us are employees or employers. What’s the policy on hiring people with criminal records? There’s a huge range from first question on the application (being), “Have you ever been arrested” — people don’t even fill out the application once they see that — to “all right, we’re going deep into the application process, give you a chance, and then I’m going to learn this additional fact, if it’s true, and I can factor that in to everything else.”

When we started the school, we hired this amazing guy, and on day three he said he had been convicted of armed robbery. If he had put that on an application, we’re tossing it. But it was this person we had spent three days with who was funny and inspiring and great with kids. It was still a hard call, but he turned out to be amazing.

People like Nixon and Reagan get a special place in the pantheon of wrongness. But we all participated, either actively or by allowing it in our names and with our tax dollars. We all have both an opportunity and an obligation to unbuild it.

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