



THE NEW JIM CROW by Michelle Alexander

CHAPTER 6

The Fire This Time

Shortly after sunrise on September 20, 2007, more than ten thousand protestors had already descended on Jena, Louisiana, a small town of about three thousand people. Jesse Jackson, Al Sharpton, and Martin Luther King III were among those who traveled hundreds of miles to participate in what was heralded as “the beginnings of a new civil rights movement.”¹

BOOK
EXCERPT

National news media swarmed the town; cameras rolled as thousands of protestors from all over the country poured into the rural community to condemn the attempted murder charges filed against six black teenagers who allegedly beat a white classmate at a local high school.

This was no ordinary schoolyard fight. Many believed the attack was related to a string of racially charged conflicts and controversies at the school, most notably the hanging of nooses from a tree in the school’s main courtyard.

The uprising on behalf of the six black teens paid off. Although the prosecutor refused to back down from his decision to bring adult charges against the youths, an appellate court ultimately ruled the teens had to be tried as juveniles, and many of the charges were reduced or dropped. While this result undoubtedly cheered the thousands of Jena 6 supporters around the country, the spectacle may have been oddly unsettling to parents of children imprisoned for far less serious crimes, including those locked up for minor drug offenses. Where were the protestors and civil rights leaders when their children were tried as adults and carted off to adult prisons? Why the outpouring of support and the promises of a “new civil rights movement” on behalf of the Jena youth but not their children?

If there had been no nooses hanging from a schoolyard tree, there would have been no Jena 6—no mass protests, no live coverage on CNN. It was this relic—the noose—showing up so brazenly and leading to a series of racially charged conflicts and controversies that made it possible for the news media and the country as a whole to entertain the possibility that these six youths may well have been treated to Jim Crow justice.

Ironically, it was precisely this framing that ensured that the events in Jena would *not* actually launch a “new civil rights movement.” A new civil rights movement cannot be organized around the relics of the earlier system of control if it is to address meaningfully the racial realities of our time. Any racial justice movement, to be successful, must vigorously challenge the public consensus that underlies the *prevailing* system of control. Nooses, ra-

Abridged excerpt
from *The New Jim
Crow: Mass Incar-
ceration in the Age
of Colorblindness* —
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cial slurs, and overt bigotry are widely condemned by people across the political spectrum; they are understood to be remnants of the past, no longer reflective of the prevailing public consensus about race. Challenging these forms of racism is certainly necessary, as we must always remain vigilant, but it will do little to shake the foundations of the current system of control. The new caste system, unlike its predecessors, is officially colorblind. We must deal with it on its own terms.

Rethinking Denial—Or, Where Are Civil Rights Advocates When You Need Them?

[W]hat is most striking about the civil rights community’s response to the mass incarceration of people of color is the relative quiet. Given the magnitude—the sheer scale—of the New Jim Crow, one would expect that the War on Drugs would be the top priority of every civil rights organization in the country. Conferences, strategy sessions, and debates regarding how best to build a movement to dismantle the new caste system would be occurring on a regular basis. Major grassroots organizing efforts would be under way in nearly every state and city nationwide. All of that could have happened, but it didn’t. Why not?

A bit of civil rights history may be helpful here. Throughout most of our nation’s history—from the days of the abolitionist movement through the Civil Rights Movement—racial justice advocacy has generally revolved around grassroots organizing and the strategic mobilization of public opinion. In recent years, however, a bit of mythology has sprung up regarding the centrality of litigation to racial justice struggles. The success of the brilliant legal crusade that led to *Brown v. Board of Education* has created a widespread perception that civil rights lawyers are the most important players in racial justice advocacy. As public attention shifted from the streets to the courtroom, the extraordinary grassroots movement that made civil rights legislation possible faded from public view.

With all deliberate speed, civil rights organizations became “professionalized” and increasingly disconnected from the communities they claimed to represent.

Widespread preoccupation with litigation, however, is not the only—or even the main—reason civil rights groups have shied away from challenging the new caste system. Challenging mass incarceration requires something civil rights advocates have long been reluctant to do: advocacy on behalf of criminals. The “politics of respectability” has influenced civil rights litigation and advocacy, leading even the most powerful civil rights organizations to distance themselves from the most stigmatized elements of the community, especially lawbreakers. Advocates have found they are most successful when they draw attention to certain types of black people (those who are easily understood by mainstream whites as “good” and “respectable”) and tell certain types of stories about them.

A prime example is the Rosa Parks story. Rosa Parks was not the first person to refuse to give up her seat on a segregated bus in Montgomery, Alabama. Civil rights advocates considered and rejected two other black women as plaintiffs when planning a test case challenging segregation practices: Claudette Colvin and Mary Louise Smith. [C]ivil rights advocates declined to use [Claudette Colvin] as a plaintiff because she got pregnant by an older man shortly after her arrest. Likewise, they decided not to use Mary Louise Smith as a plaintiff because her father was rumored to be an alcoholic.

Most people who are caught up in the criminal justice system have less than flawless backgrounds. The new caste system labels black and brown men as criminals early, often in their teens, making them “damaged goods” from the perspective of traditional civil rights advocates. With criminal records, the majority of young black men in urban areas are not seen as attractive plaintiffs for civil rights litigation or good “poster boys” for media advocacy.

We can continue to ignore those labeled criminals in our litigation and media advocacy and focus public attention on more attractive plaintiffs But if we do so, we should labor under no illusions that we will end mass incarceration or shake the foundations of the current racial order. We must face the realities of the new caste system and embrace those who are most oppressed by it if we hope to end the new Jim Crow.

Tinkering Is for Mechanics, Not Racial-Justice Advocates

If we become serious about dismantling the system of mass incarceration, we must end the War on Drugs. There is no way around it. The drug war is largely responsible for the prison boom and the creation of the new undercaste, and there is no path to liberation for communities of color that includes this ongoing war.

Ending the drug war ... cannot be accomplished through a landmark court decision, an executive order, or single stroke of the presidential pen. Since 1982, the war has raged like a forest fire set with a few matches and a gallon of gasoline. What began as an audacious federal program, has spread to every state in the nation and nearly every city. It has infected law enforcement activities on roads, sidewalks, highways, train stations, airports, and the nation’s border. The war has effectively shredded portions of the U.S. Constitution—eliminating Fourth Amendment protections once deemed inviolate—and it has militarized policing practices in inner cities across America.

[A] flawed public consensus lies at the core of the prevailing caste system. When people think about crime, especially drug crime, they do not think about suburban housewives violating laws regulating prescription drugs or white frat boys using ecstasy. Drug crime in this country is understood to be black and brown, and it is *because* drug crime is racially defined in the public consciousness that the electorate has not cared much what happens to drug criminals—at least not the way they would have cared if the criminals were understood to be white. It is this failure to care, really care across color lines that lies at the core of this system of control and every racial caste system that has existed in the United States or anywhere else in the world.

[I]n the absence of a fundamental shift in public consciousness, the system as a whole will remain intact. To the extent that major changes are achieved without a complete shift, the system will rebound. The caste system will reemerge in a *new form*, just as convict leasing replaced slavery, or it will be *reborn*, just as mass incarceration replaced Jim Crow.

Let’s Talk About Race—Resisting the Temptation of Colorblind Advocacy

[A]ny movement to end mass incarceration must deal with mass incarceration as a racial caste system, not as a system of crime control. This is not to say crime is unimportant; it is

very important. We *need* an effective system of crime prevention and control in our communities, but that is not what the current system is. This system is better designed to *create* crime, and a perpetual class of people labeled criminals, rather than to eliminate crime or reduce the number of criminals.

[W]e need to talk about race openly and honestly. People must come to understand the racial history and origins of mass incarceration—the many ways our conscious and unconscious biases have distorted our judgments over the years about what is fair, appropriate, and constructive when responding to drug use and drug crime. We must come to see, too, how our economic insecurities and racial resentments have been exploited for political gain, and how this manipulation has caused suffering for people of all colors. Finally, we must admit, out loud, that it was *because of* race that we didn't care much what happened to “those people” and imagined the worst possible things about them.

Admittedly, though, the temptation to ignore race in our advocacy may be overwhelming. Race makes people uncomfortable. One study found that some whites are so loath to talk about race and so fearful of violating racial etiquette that they indicate a preference for avoiding all contact with black people.² The striking reluctance of whites, in particular, to talk about or even acknowledge race has led many scholars and advocates to conclude that we would be better off not talking about race at all.

Even if fairly dramatic changes were achieved while ignoring race, the results would be highly contingent and temporary. States would likely gravitate back to their old ways if a new, more compassionate public consensus about race had not been forged. The criminalization and demonization of black men is one habit America seems unlikely to break without addressing head-on the racial dynamics that have given rise to successive caste systems. Although colorblind approaches to addressing the problems of poor people of color often seem pragmatic in the short run, in the long run they are counterproductive. Colorblindness, though widely touted as the solution, is actually the problem.

Against Colorblindness

[T]he public consensus supporting mass incarceration is officially colorblind. It purports to see black and brown men not as black and brown, but simply as men—raceless men—who have failed miserably to play by the rules the rest of us follow quite naturally. The fact that so many black and brown men are rounded up for drug crimes that go largely ignored when committed by whites is unseen. Our collective colorblindness prevents us from seeing this basic fact. We have become blind, not so much to race, but to the existence of racial caste in America.

More than forty-five years ago, Martin Luther King Jr. warned of this danger. He insisted that blindness and indifference to racial groups is actually more important than racial hostility to the creation and maintenance of racialized systems of control. Those who supported slavery and Jim Crow, he argued, typically were not bad or evil people; they were just blind.

Could not the same speech be given about mass incarceration today? Again, African Americans have been “crucified by conscientious blindness.” People of good will have been

unwilling to see black and brown men, in their humanness, as entitled to the same care, compassion, and concern that would be extended to one's friends, neighbors, or loved ones. Racial indifference and blindness—far more than racial hostility—form the sturdy foundation for all racial caste systems.

If colorblindness is such a bad idea, though, why have people across the political spectrum become so attached to it? For conservatives, the ideal of colorblindness is linked to a commitment to individualism. Gross racial disparities in health, wealth, education, and opportunity should be of no interest to our government, and racial identity should be a private matter, something best kept to ourselves. For liberals, the ideal of colorblindness is linked to the dream of racial equality. The hope is that one day we will no longer see race because race will lose all of its significance. In this fantasy, eventually race will no longer be a factor in mortality rates, the spread of disease, educational or economic opportunity, or the distribution of wealth.

Seeing race is not the problem. Refusing to care for the people we see is the problem. The fact that the meaning of race may evolve over time or lose much of its significance is hardly a reason to be struck blind. We should hope not for a colorblind society but instead for a world in which we can see each other fully, learn from each other, and do what we can to respond to each other with love. That was King's dream—a society that is capable of seeing each of us, as we are, with love. That is a goal worth fighting for.

All of Us or None

Taking our cue from the courageous civil rights advocates who brazenly refused to defend themselves, marching unarmed past white mobs that threatened to kill them, we, too, must be the change we hope to create. If we want to do more than just end mass incarceration—if we want to put an end to the history of racial caste in America—we must lay down our racial bribes, join hands with people of all colors who are not content to wait for change to trickle down, and say to those who would stand in our way: Accept all of us or none.

That is the basic message that Martin Luther King Jr. aimed to deliver through the Poor People's Movement back in 1968. He argued then that the time had come for racial justice advocates to shift from a civil rights to a human rights paradigm, and that the real work of movement building had only just begun.³ A human rights approach, he believed, would offer far greater hope for those of us determined to create a thriving, multiracial, multiethnic democracy free from racial hierarchy than the civil rights model had provided to date. It would offer a positive vision of what we can strive *for*—a society in which all human beings of all races are treated with dignity, and have the right to food, shelter, health care, education, and security.⁴

More than forty years later, civil rights advocacy is stuck in a model of advocacy King was determined to leave behind. Rather than challenging the basic structure of society and doing the hard work of movement building—the work to which King was still committed at the end of his life—we have been tempted too often by the opportunity for people of color to be included within the political and economic structure as-is, even if it means alienating those who are necessary allies. We have allowed ourselves to be willfully blind to the emergence of a new caste system—a system of social excommunication that has denied millions

of African Americans basic human dignity. The significance of this cannot be overstated, for the failure to acknowledge the humanity and dignity of all persons has lurked at the root of every racial caste system.

If Martin Luther King Jr. is right that the arc of history is long, but it bends toward justice, a new movement will arise; and if civil rights organizations fail to keep up with the times, they will be pushed to the side as another generation of advocates comes to the fore. Hopefully the new generation will be led by those who know best the brutality of the new caste system—a group with greater vision, courage, and determination than the old guard can muster, trapped as they may be in an outdated paradigm. This new generation of activists should not disrespect their elders or disparage their contributions or achievements; to the contrary, they should bow their heads in respect, for their forerunners have expended untold hours and made great sacrifices in an elusive quest for justice. But once respects have been paid, they should march right past them, emboldened, as King once said, by the fierce urgency of now.

Those of us who hope to be their allies should not be surprised, if and when this day comes, that when those who have been locked up and locked out finally have the chance to speak and truly be heard, what we hear is rage. The rage may frighten us; it may remind us of riots, uprisings, and buildings aflame. We may be tempted to control it, or douse it with buckets of doubt, dismay, and disbelief. But we should do no such thing. Instead, when a young man who was born in the ghetto and who knows little of life beyond the walls of his prison cell and the invisible cage that has become his life, turns to us in bewilderment and rage, we should do nothing more than look him in the eye and tell him the truth. We should tell him the same truth the great African American writer James Baldwin told his nephew in a letter published in 1962, in one of the most extraordinary books ever written, *The Fire Next Time*. With great passion and searing conviction, Baldwin had this to say to his young nephew:

This is the crime of which I accuse my country and my countrymen, and for which neither I nor time nor history will ever forgive them, that they have destroyed and are destroying hundreds of thousands of lives and do not know it and do not want to know it ... It is their innocence which constitutes the crime. ... This innocent country set you down in a ghetto in which, in fact, it intended that you should perish. ... You were born into a society which spelled out with brutal clarity, and in as many ways as possible, that you were a worthless human being. ... But these men are your brothers—your lost, younger brothers. And if the word integration means anything, this is what it means: that we, with love, shall force our brothers to see themselves as they are, to cease fleeing from reality and begin to change it. [W]e can make America what it must become. ...⁵

Endnotes

- 1 Salim Muwakkil, “Jena and the Post–Civil Rights Fallacy,” *In These Times*, Oct. 16, 2007.
- 2 See “Study Finds Whites Anxious About Race,” *Bryant Park Project*, National Public Radio, Dec. 3, 2007.
- 3 For a more detailed exploration of Martin Luther King Jr.’s journey from civil rights to human rights, see Thomas F. Jack-

son, *From Civil Rights to Human Rights: Martin Luther King, Jr. and the Struggle for Economic Justice* (Philadelphia: University of Pennsylvania Press, 2006); and Stewart Burns, *To the Mountaintop: Martin Luther King Jr.'s Sacred Mission to Save America* (New York: Harper One, 2005).

4 For background on the nature, structure, and history of human rights, see Cynthia Soohoo et al., eds., *Bringing Human Rights Home*, vol. 1 (New York: Praeger, 2007).

5 James Baldwin, *The Fire Next Time* (New York: Vintage, 1962, 1993), 5–10.