

Locking Up Our Own, by James Forman, Jr.

## New book describes the role of black mayors and police officials in mass incarceration

Fred Mazelis  
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*Locking Up Our Own: Crime and Punishment in Black America*, by James Forman, Jr. 2017

James Forman Jr.'s book, *Locking Up Our Own: Crime and Punishment in Black America*, is one more in the substantial list dealing with the topic of mass incarceration in the US and its hugely disproportionate impact on African-American workers and youth.

Forman, now a law professor at Yale, draws on his own experience as a Public Defender in Washington, D.C. There are passages in *Locking Up Our Own* that provide eloquent testimony, from inside the courtroom, of the disruption and destruction of young lives at the hands of the misnamed criminal justice system. Forman was often helpless in the face of harsh sentencing guidelines, facing judges who pompously and outrageously lectured teenagers on how they had supposedly betrayed the struggle of Martin Luther King Jr. The author mentions that he “hated the Martin Luther King speech.”

Fifteen-year-old Brandon (not his real name), for example, was sent to juvenile prison for six months after pleading guilty to possession of a handgun and a small amount of marijuana. Forman negotiated a plea deal for another defendant, a woman in her mid-40s who faced up to 60 years in prison for selling \$10 worth of heroin to an undercover cop. Denied the possibility of entry into a drug treatment program, she was offered the choice between five years behind bars, or a trial that could well have led to a far longer sentence. These are only two among many cases cited, and they are of course representative of what takes place thousands of times every day, involving defendants of all races and ethnicities.

What makes this book particularly significant is its focus on the role of black mayors, prosecutors and police commissioners in implementing and in some respects even pioneering tough-on-crime policies that led to a US incarceration rate that is the highest in the world.

Forman insists on a strictly empirical approach, one that describes events but never looks for the objective driving forces behind the stated motives of the political actors. He finds such figures as former Attorney General Eric Holder guilty only of mistakes, of policies that had the unintended consequence of filling up the jails.

Forman's views fit comfortably within the liberal political establishment. His book, however, provides evidence that the fundamental cause of mass incarceration lies in class oppression and not, as other accounts have insisted, most prominently *The New Jim Crow*, by Michelle Alexander, in a seemingly permanent racial divide. The hundreds of thousands of African-Americans who have cycled through the jails and prisons of this country, along with their white,

Hispanic and Asian counterparts, are first and foremost victims of capitalism.

This book gives a partial view of the law-and-order drive that has led to a US jail and prison population that is still nearly 2.2 million, even as a rapidly declining crime rate has finally led to a slight decrease in recent years. The prison boom has coincided with the endless “war on drugs,” first launched by Richard M. Nixon and continued in one form or another by every administration over the past 45 years. Just as the more recently-coined “war on terrorism” has been used to stoke militarism and anti-immigrant xenophobia, so the anti-drugs campaign has been used to defend police brutality, divide the working class on grounds of “law and order” as well as race, and build up the enormous prison infrastructure of the 21st century.

Forman devotes a chapter to the campaign against marijuana, depicted as the gateway to hard drugs. Another section deals with the subject of gun control, as the drive to get guns off the streets led to racial profiling and sweeps in which tens and hundreds of thousands of black youth were channeled into the prison system.

At the same time, as this account explains, during the post-World War II decades there was an accelerating growth of the number of African American elected officials and appointed police commissioners. By the end of the 20th century scores of cities, including many where the black population did not constitute a majority, were governed by black mayors.

Focusing on Washington, D.C.--the US capital that, some 40-odd years ago, was finally given a version of home rule, but to this day lacks representation in Congress--Forman describes the role of such figures as Marion Barry, a three-term mayor of the city, City Councilman John Ray, and police commissioner Burtell Jefferson. These men played major roles in the development of harsh “anti-crime” measures in the late 1970s and early 1980s.

An objective examination of the history of the last 40 years reveals that the oft-repeated claim that integration of police forces and the appointment of black chiefs of police would end brutality and discrimination was a lie.

Jefferson was appointed in 1978 and soon announced, in the name of the war on drugs, his support for mandatory minimum sentences and other tough penalties. Figures such as Ray and Jefferson, supposed pillars of the black community in Washington, pursued policies that differed in no fundamental way from those of Nixon, who is quoted by Forman as declaring that crime was the result of “insufficient curbs on the appetites or impulses that naturally impel individuals towards criminal activities.”

Ray and Jefferson “helped establish a national precedent for punitive sentencing,” according to Forman. There were those who opposed the call for mandatory minimum sentences and other stringent measures, but the opposition was half-hearted at best. The Washington City Council rejected Ray’s proposals, but, in a reflection of the nationwide law-and-order frenzy that deepened in the early years of the Ronald Reagan administration, a referendum ballot measure instituting mandatory minimums was passed overwhelmingly the next year, in September 1982.

The law-and-order measures were hailed as the only way to rid the city’s streets of drugs and violence, but the result was quite the opposite. Overdose fatalities in Washington rose from 41 in 1979 to 155 in 1985. Drug prosecutions rose from 838 in 1982 to 2,277 in 1984, Forman reports. As the crack epidemic took hold in D.C. and across the country in the mid-to-late 1980s, the homicide rate also exploded, reaching a peak in the city in 1991.

The role of the black Democrats was by no means confined to local Washington politics. As Forman writes, “many of the earliest crusaders for tougher drug laws were African Americans.”

There was Maxine Waters, then a California State Assemblywoman, and for the past 26 years a member of Congress, making her one of the most senior members of the Democratic caucus. Jesse Jackson, running for the Democratic presidential nomination in 1988, sought to outflank the elder George Bush and Democrat Michael Dukakis on the law-and-order issue. “I welcome Mr. Bush and Mr. Dukakis as lieutenants, but I am the general in this war to fight drugs,” he declaimed.

More recently there is Eric Holder, the first African American US Attorney for the District of Columbia, and later the first black Attorney General in Barack Obama’s cabinet. At a speech at the annual birthday tribute to Martin Luther King in 1995, Holder invoked the name of the assassinated civil rights spokesman to call for “Operation Ceasefire.” After briefly paying lip service to the need to “deal with the social conditions that breed crime,” Holder called for an aggressive effort of pretext traffic stops, in which cars would be pulled over in large numbers for the most trivial traffic violations--a missing front license plate, broken taillight, or too heavily tinted windows--and the vehicles then searched with the drivers’ permission, under conditions where many do not know they can refuse or are afraid to refuse such consent.

Even these searches, Forman explains, would only rarely turn up an illegal firearm. At the same time, however, they would uncover other minor crimes, such as marijuana possession. This became yet another means of funneling thousands of youth into the “criminal justice” system.

These methods were also related to the hated “stop-and-frisk” tactics on the streets of New York City and elsewhere, which escalated during this same period, first under the mayoralty of Rudolph Giuliani and then of Michael Bloomberg, and which Forman accurately describes as “a tactic we might think of as Operation Ceasefire applied to pedestrians.” Again, evidence for the stop was not required, few crimes were uncovered, but minor violations such as marijuana possession led to severe consequences.

Forman’s explanation for the role of the African American political establishment in promulgating these savage policies, to the extent he even attempts to provide one, is no explanation at all. The claims of sincerity, of honest mistakes and unintended consequences, can and have been made by white capitalist politicians as well.

The real reason for the law and order campaign is the need to

terrorize the working class, at the same time seeking to pit one section, the “law abiding” one, against the most impoverished and vulnerable layers who fall prey to drugs and other social ills.

That the rise in the number of black elected officials coincides with the collapse of the civil rights movement and the growth of the drug crisis is something that Forman ignores. There is a world of difference between the real gains of the civil rights struggle, limited though they were by their refusal to challenge capitalist property relations, and the rise of the black mayors and police commissioners. The latter phenomenon was part of the social counterrevolution. These men and women were groomed to take over the job of presiding over the decay of the cities and the deepening social crisis. They rest in part on a small but growing upper middle class social layer within the black population itself. They all obediently carried out their task. In the case of Washington, D.C. they performed with a certain enthusiasm.

The actions of these black officials show the fundamental role of class in the functioning of the police and prisons. In that sense, the title of Forman’s book is not accurate. They did not “lock up [their] own”--the black representatives of big business locked up impoverished black workers and youth. Their class position and not the color of their skin was clearly the determining factor.

The undeniably disproportionate number of African Americans in the prison system has been used to obscure the class reality of which it is part. While racism is definitely one factor in the cases of police stops, police brutality and murder, the racial disproportion is more fundamentally rooted in the persistence of poverty and impoverished neighborhoods, to which millions are confined by the vicious cycle of deindustrialization, unemployment, poverty, decaying schools, drugs and hopelessness, which is only deepened by mass incarceration.

Forman has no answers for these conditions. He writes of seeking a “humane criminal justice system,” without touching the capitalist social relations that are the cause of everything he has described. All he can then put forward is a list of minimal reforms, including “programs to funnel people into drug treatment instead of prison, funding public defenders adequately... [and] eliminating mandatory minimums,” among others.

These are not presented as part of a race-based program, and Forman seems to realize that broader issues are involved. Even the modest reforms he proposes, however, cannot be won without a bitter struggle in which the working class is independently mobilized against the interests of the financial oligarchy and its political representatives. The number one task must be a break with the Democratic Party and the building of a truly independent party of the working class. Drug treatment on demand and similar reforms must be part of a socialist program to eliminate poverty, not manage it “humanely.” The expropriation of the wealth stolen by the plutocrats from the working class will make possible jobs for all at decent wages, free quality higher education and free medical care for all, as part of a planned economy.



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