

do esquecimento (A General Theory of Oblivion), 2013

—Chris Cullen

Michelle Alexander

Born: October 7, 1967

Occupation: Civil rights activist

The civil rights lawyer and legal scholar Michelle Alexander shook up the national conversation about race, the drug war, and the prison system with the release of her book *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* in 2010. In the book she makes the case that even though the drug laws in this country are written to be colorblind, the enforcement of those laws is anything but. Although white Americans are more likely to consume and sell illegal drugs than black Americans, African Americans are much more likely to get stopped and searched, arrested, convicted, and imprisoned for drug-related offenses. For example, in 2006, one out of every one hundred six white men was in prison, whereas for black men the statistic was one out of every fourteen. This racial disparity, Alexander suggests, has greatly contributed to high rates of imprisonment for drug offenses, a trend that has created many social problems among communities of color. Furthermore, four out of five drug arrests in 2005 were only for possession—with no violence involved—and about eight out of ten of those arrests were for marijuana.

Although poor whites are also burdened by this system of mass incarceration, Alexander argues it disproportionately affects communities of color and asserts that it has been used as a way to maintain racial inequality. Because individuals who have been convicted of a felony lose various essential rights, such as the right to vote; forfeit benefits such as public housing and food stamps; and can also face legal discrimination when searching for work, incarceration reduces the agency of the minority groups that are disproportionately convicted. Alexander's book helped provoke a national conversation—from both sides of the political spectrum—on the effects the criminal justice system has on millions of Americans and their families.

EARLY LIFE

Michelle Lorén Alexander was born on October 7, 1967, and initially raised in Stelle, Illinois, a small planned community where her parents' interracial marriage was not looked down upon. Her mother, Sandra, was white, and her father, John Alexander, was black. Alexander witnessed their struggles with discrimination,



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even from other family members. “My grandfather was extremely hostile to my mother marrying my father,” she told Arnie Cooper for *Sun Magazine* (Feb. 2011), noting that her mother was disowned and her family's church excommunicated her.

Racial discrimination continued to shape Alexander's childhood. When she was eight years old, her father was transferred to San Francisco, California, so the family moved to the West Coast. Alexander's father was a successful salesperson for IBM but was continually overlooked for promotions, so he eventually left the company. Alexander attended a mix of private and public schools, where she encountered a variety of people from different ethnic and economic backgrounds. She ended up attending three different high schools because her parents' financial troubles caused the family to move around a lot.

Despite the challenges of being evicted and frequently moving, Alexander performed well in school. During her senior year of high school, in Ashland, Oregon, she was told by a family friend that she should apply to Vanderbilt University, in Nashville, Tennessee. She not only got in, she received a Gertrude Vanderbilt Minority Scholarship, which was a necessity as her family was still financially insecure. Her parents encouraged her to take advantage of the opportunity, and she left for school without even visiting the campus.

EDUCATION AND INITIAL ACTIVISM

At Vanderbilt, Alexander studied political science and became involved in various groups as

a volunteer. During her junior year she joined Alternative Spring Break, a student-run organization that promotes community involvement and social action by engaging college students in service projects. Alexander worked to register voters in a black community in Lexington, Mississippi, where local politicians had historically drawn district lines and passed laws to make voting for African Americans either hard or simply impossible. “Black people would be told their names weren’t on the rolls or that some technicality prevented them from registering,” Alexander recalled in an interview with Cooper for *Vanderbilt Magazine* (2 Dec. 2013). “Residents were often too confused or intimidated to challenge these tactics.” During her senior year, Alexander worked as a volunteer visitor at the Spencer Youth Correctional Center in Nashville. That was her first real experience with the prison system, and it made a deep impression.

Alexander earned her Bachelor of Arts degree in 1989. She then attended the Stanford University Law School, one of the nation’s top law schools. At the law school Alexander was mentored by Gerald López, a professor and the cofounder of the Lawyering for Social Change program. “I think I had a little bit of a fairytale idea of civil-rights lawyers riding in on their white horses to save a community,” Alexander told Cooper for *Vanderbilt Magazine*. “[López] disabused me of those notions and challenged my thinking in very important ways that have influenced how I’ve thought about my work as a lawyer and advocate ever since.” During her time in law school, she became the director of the Civil Rights Clinic, an organization through which law school students assist professional attorneys to provide free legal services to poor people in the San Francisco Bay Area. Alexander received her law degree in 1992.

AFTER LAW SCHOOL

After graduating, Alexander clerked for Justice Harry A. Blackmun on the United States Supreme Court and for Chief Judge Abner Mikva on the United States Court of Appeals for the DC Circuit. She became an associate at the law firm of Saperstein, Goldstein, Demchak & Baller in Oakland, California, where she represented plaintiffs in class-action lawsuits who alleged discrimination based on gender or race.

In 1998 Alexander became the director of the Racial Justice Project for the Northern California chapter of the American Civil Liberties Union (ACLU), where she was in charge of grassroots organization, media advocacy, litigation, and coalition building. The Racial Justice Project focused primarily on reforming the education and criminal justice systems. Under her leadership, that ACLU branch launched a campaign against law enforcement racial profiling,

called the Driving While Black or Brown Campaign. Alexander worked with victims of racial profiling and police brutality, saw how drug laws were selectively being used against people of color, and witnessed the social and legal challenges that people who were recently released from prison faced upon reentering society.

In an interview with Dave Davies for the National Public Radio (NPR) program *Fresh Air* (17 Jan. 2012), Alexander said that during her time with the Racial Justice Project she experienced what she called an “awakening” to the problems of the criminal justice system. When she was asked to describe a case that was especially significant, she provided the example of a young black man who came to her office and said that he had been a victim of continued police harassment and had the evidence to prove it. Over the course of nine months he had taken detailed notes on his many encounters with law enforcement. Initially Alexander thought he was the perfect plaintiff to represent the ACLU’s goals. But during the conversation she discovered that the young man had a drug felony on his record, and, despite his claims that the conviction was framed by the police, she told him the ACLU could not represent him due to his potential lack of credibility.

Frustrated, the young man described how the conviction prevented him from improving his life, as he could not get a job, find housing, or even collect food stamps. He accused Alexander of being as useless as the police. A few months later Alexander read in the local newspaper that drug-taskforce police officers in Oakland had indeed been planting drugs on people in the very neighborhood where the young man lived. She realized that the burden of criminal convictions, especially on nonviolent drug charges, was a significant obstacle to civil rights. As she told Davies, “That was really the beginning of my journey, of asking myself, how am I, the civil rights lawyer, actually helping to replicate the very forms of discrimination and exclusion I’m supposedly fighting against?”

THE NEW JIM CROW

In 2005 Alexander was jointly appointed to faculty positions at the Kirwan Institute for the Study of Race and Ethnicity and the Moritz College of Law at the Ohio State University (OSU). She also received an Open Society Institute Soros Justice Fellowship, which allowed her to dedicate her time and energy to completing her first book, about the criminal justice system problems she was studying. The result was *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, released in 2010. Immediately recognized as an important and timely book, it tackled the issue of how the war on drugs and

the prison system were allegedly being used to maintain racial inequality.

The Jim Crow laws to which the title refers were originally state and local laws implemented after the end of the American Civil War, especially in the South. These laws created segregation in virtually all aspects of society, including public spaces such as schools, restrooms, and public transportation. As a result black people were treated as second-class citizens. The laws were finally ruled unconstitutional thanks to the civil rights movement of the 1960s, and subsequent legislation was careful to call for racial equality and a colorblind system of justice. Yet although the language of modern laws is well intentioned, Alexander argues, their implementation is highly discriminatory. As she told Davies, “many of the old forms of discrimination that we supposedly left behind during the Jim Crow era are suddenly legal again, once you’ve been branded a felon.”

Alexander’s central argument in *The New Jim Crow* is that US government policies, such as the war on drugs (begun by the US government in the early 1970s in the name of public safety), have caused disproportionate mass incarceration of minorities, which in turn prevents such groups from realizing true social equality. She suggests that this outcome may have even been an intention of the politicians who developed the modern US criminal justice system, as a way of limiting minorities’ advancement just like the original Jim Crow laws did. Alexander presents statistics to support her claims, such as the fact that in 2004 three-fourths of all US prisoners on drug charges were Latino or black, despite the fact that most drug dealers and users in the country were white.

Alexander argues that law enforcement officers spend too much time and effort harassing and arresting low-level offenders, namely nonviolent offenders in possession of small amounts of illegal drugs, rather than targeting violent criminals and drug kingpins. She notes that felony convictions ruin lives and make it difficult for individuals to improve themselves and their communities. People who have been convicted of a felony can be banned from public housing, discriminated against when searching for a job, and denied food stamps and other benefits. These serious limitations, argues Alexander, make it too difficult for many Americans to live and work in the legal economy. Furthermore, in a number of states, Americans who are on parole or have felony convictions lose their right to vote, so even after they have served their sentence they are effectively disenfranchised.

BEST-SELLING AUTHOR

The New Jim Crow became a best seller and occupied a real place in the national conversation

on race and the criminal justice system after its release in paperback form in 2012. The reception of the book was primarily positive and enthusiastic, often from various ideological corners. Bill Frezza praised the book in a review for *Forbes* (28 Feb. 2012), writing, “Alexander makes a compelling case that one of the key pillars of the fruitless war on drugs is selective enforcement coupled with plea bargain-driven judicial railroading,” while noting that Alexander’s political views could not be further from his own. In the *New York Review of Books* (10 Mar. 2011) Darryl Pinckney wrote, “*The New Jim Crow* is striking in the intelligence of her ideas, her powers of summary, and the force of her writing. Her tone is disarming throughout; she speaks as a concerned citizen, not as an expert, though she is one.”

The New Jim Crow was highlighted by many national publications and spent more than a year on the *New York Times* Best Seller list. In 2011 it won the Image Award for best nonfiction book from the National Association for the Advancement of Colored People (NAACP), among other accolades. After her book’s success, Alexander took advantage of her heightened profile to tour extensively, give talks on the subject of mass incarceration around the country, and work with advocacy groups. She also continues to write, including pieces in publications such as *Time* and the *Nation*.

PERSONAL LIFE

Michelle Alexander married Carter Stewart, an attorney, in 2002. They have three children, a son and two daughters.

SUGGESTED READING

- Cooper, Arnie. “Strong Convictions.” *Vanderbilt Magazine*. Vanderbilt Magazine, 2 Dec. 2013. Web. 9 Dec. 2015.
- Cooper, Arnie. “Throwing Away the Key: Michelle Alexander on How Prisons Have Become The New Jim Crow.” *The Sun*. Sun Magazine, Feb. 2011. Web. 9 Dec. 2015.
- Davies, Dave. “Legal Scholar: Jim Crow Still Exists in America.” *Fresh Air*. NPR, 17 Jan. 2012. Web. 9 Dec. 2015.
- Pinckney, Darryl. “Invisible Black America.” Rev. of *The Presumption of Guilt*, by Charles J. Ogletree Jr., and *The New Jim Crow*, by Michelle Alexander. *New York Review of Books*. NYREV, 10 Mar. 2011. Web. 9 Dec. 2015.

—Dmitry Kiper