



**James Forman Jr.** *Locking Up Our Own: Crime and Punishment in Black America*. New York: Farrar, Straus and Giroux, 2017. 320 pp. \$27.00, cloth, ISBN 978-0-374-18997-6.

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Since the publication of Michelle Alexander's *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (2010), connections between mass incarceration and racial inequality have been at the forefront of discussions of the American criminal justice system. Alexander argues that the War on Drugs and subsequent growth of the carceral state resulted from a larger effort by white Americans to reimpose a racial caste system in the wake of the successes of the civil rights movement. More recently, scholars, such as Michael Javen Fortner, controversially emphasized African American support for the war on drugs in the 1970s, offering a challenge to the "new Jim Crow" thesis.[1] James Forman Jr., a former public defender in Washington, DC, and current professor at Yale Law School, enters into the debate as someone who witnessed the effects of mass incarceration firsthand. By examining the development of tough-on-crime measures in Washington from the 1970s to the present, Forman makes two central arguments. In response to rising crime rates in black communities in the late 1960s, 1970s, and 1980s, "black leaders and their constituents supported tough-on-crime measures" (p. 10). The carceral state that currently exists in America was not constructed all at once or even with the expressed goal of reimposing black subordination. Instead, he argues, "mass incarcera-

tion is the result of small, distinct steps, each of whose significance becomes more apparent over time, and only when considered in light of later events" (p. 45). While his arguments align with some of the main points of Fortner's work, Forman is less critical of Alexander and others. While acknowledging black support for many of these measures, he also reminds the reader that "American racism narrowed the options available to black citizens and elected officials in their fight against crime" (p. 12). African Americans advocated for tough-on-crime laws as part of a broader effort that included calls for jobs, schools, and housing. But, he concludes, as support for social programs waned during the Reagan administration, African Americans never got the broad policy programs they called for. Instead, they only got "the tough-on-crime laws" (p. 13). Thus, he has produced one of the most balanced examinations of black support for tough-on-crime laws to date. [2]

Forman begins his book by asking one fundamental question: "How did a majority-black jurisdiction [Washington, DC] end up incarcerating so many of its own?" (p. 9) To understand why African Americans in the DC area, and the nation at large, supported and helped craft tough-on-crime policies, Forman maintains that we must remember that in the late 1960s and 1970s, "black

communities were devastated by historically unprecedented levels of crime and violence” (p. 10) He found the origins of tough-on-crime policies in two arenas: the debate over marijuana decriminalization and gun control. In both cases, black residents of DC and black community and political leaders favored prohibition and harsh penalties for offenders, including mandatory minimum sentences. “The gun control debate mirrored the marijuana fight in form and outcome,” Forman argues. “In both cases, prohibition was backed with law enforcement and an escalating series of criminal penalties” (p. 75). Black support for these measures grew out of the community’s feeling that crime and violence, which were often associated with drug use and sales, represented a threat to black lives. By supporting and proposing these measures, then, black leaders, politicians, and community members attempted to improve the black community by trying to eliminate the threat posed by drugs and firearms. Perhaps more interesting, Forman contends that black leaders framed their support for these tough-on-crime measures as a continuation of the civil rights movement. Support for the handgun ban coincided with a promise for increased policing in black communities. Thus, law enforcement’s promise to provide “protection” for a community that for the last century was largely ignored by police (at least in terms of black-on-black crimes) could be seen as “a civil rights triumph” (p. 73).

Forman then shifts his focus to what he calls the “consequences” of black DC residents’ support for harsher drug and gun laws. This section covers black support for mandatory minimum sentencing the early 1980s, continuing with African Americans’ support for tougher policing in response to the crack problem of the late 1980s and early 1990s, and concluding with black officials’ promotion of “stop and search” policing tactics to help quell drug and gun violence in the mid-1990s. The names of significant black political figures, such as Maxine Waters, Jesse Jackson, and Eric Holder, are prominent throughout this sec-

tion. Similar to part 1, Forman details how African Americans’ support for these “tough-on-crime” measures stemmed from larger concerns over drug sales/use, crime, and violence in black communities. However, in this section he also emphasizes the significance of class differences within Washington’s black community. Middle- and upper-class black support for harsher sentencing and policing practices assumed that much of the focus would be in the poor black communities in DC.

While black support of tough-on-crime measures seems counterintuitive considering the current debates over race and mass incarceration, Forman reminds the reader throughout the book that the end result was not necessarily understood at the time. For instance, black DC residents were not aware that their fight against marijuana decriminalization in the mid-1970s would, fifty years later, become part of the larger “new Jim Crow” carceral apparatus that severely curtailed the opportunities available for large numbers of African American men and women. Instead of looking at mass incarceration as it exists today and then tracing the roots back over time, he recommends that readers understand each of the individual issues—marijuana laws, gun laws, and stop-and-frisk laws—independently and in the context of the era within which the debates occurred. In so doing, African Americans’ support for these measures makes more sense.

One of the most poignant arguments of *Locking Up Our Own* comes through in the powerful epilogue. Forman provides a “cautionary tale about the limits of recent criminal justice reform efforts” (p. 220) He sees the focus of reform efforts and recent policy changes to minimize the number of nonviolent drug offenders serving time behind bars as important, but believes it will in no way address the larger problems associated with mass incarceration. “Even if we decided today to unlock the prison door of every single American behind bars for a drug offense,” he states, “tomor-

row morning we'd wake up to a country that still had the world's largest prison population" (p. 228). This is a daunting reality. To combat this, Forman claims, Americans need to rethink their entire understanding of violent offenders in addition to nonviolent offenders. This is a formidable task, and he knows it. Convincing a majority of Americans, regardless of race, class, or gender background, that violent offenders deserve leniency and second chances will take decades. Despite this overwhelming reality, Forman ends the book on a positive note, suggesting that in the same way that mass incarceration was the result of several small decisions made at local levels across the country, it "will likely have to be undone the same way. So it makes sense for advocates to start with the least culpable or threatening individuals" (p. 229).

This is an excellent book. As a former public defender in Washington, DC, Forman deftly integrates primary and secondary source material with personal experiences in a way that most scholars just cannot. His firsthand experience dealing with the effects of these policies provides sharp insight into the detrimental effects of tough-on-crime policies and connects readers to the experiences of black men and women caught up in the system. Moreover, Forman treats the topic with care and sophistication, assuring readers that he is not blaming African Americans for mass incarceration and instead constantly reminding them that all of this occurred under the auspices of white supremacy. He explains repeatedly that black support for tough-on-crime measures was always *part* of their larger solutions that included economic and social improvements in black communities as well. However, in the political climate of the post-civil rights, post-Great Society period, many of those potential opportunities to combat the root causes of drug use and crime failed to gain traction.

Notes

[1]. Michael Javen Fortner, *Black Silent Majority: The Rockefeller Drug Laws and the Politics of Punishment* (Cambridge, MA: Harvard University Press, 2015).

[2]. For an example of the critiques of Fortner's work, see Donna Murch, "Who's to Blame for Mass Incarceration?" *Boston Review*, October 16, 2015.

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