

TRANSCRIPT

"LOCKING UP OUR OWN: JAMES FORMAN JR. IN CONVERSATION WITH KHALIL GIBRAN MUHAMMAD"

A conversation with James Forman, Jr. and Khalil Gibran Muhammad

Introduction: Leonard Noisette

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ANNOUNCER:

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LEONARD NOISETTE:

Good afternoon. Thanks to the Open Society fellowship program for pulling this event together. And thank you all for joining us. I'm Lenny Noisette. I oversee the criminal justice portfolio here in U.S. programs as-- as part of the Open Society Foundations. So I am particularly pleased to be able to kick off what I am sure will be an engaging and informative discussion with James Forman and Khalil-Gibran Muhammad about James's compelling new book, *Locking Up Our Own: Crime and Punishment in Black America*.

Just by way of instruction, James Forman Jr. is a professor of law at Yale Law School. He is a graduate of-- At-- Atlanta's Roosevelt High School, Brown University, and Yale Law School. And was a law clerk for Judge William Norris of the U.S. Court of Appeals for the Ninth Circuit and Justice Sandra Day O'Connor of the United States Supreme Court.

After clerking, James joined the Public Defender Service in Washington, D-- D.C., where for six years he represented both youth and adults charged with crimes. During his time as a public defender, James became frustrated with the lack of

education and job opportunities for his clients.

So in 1997, along with a colleague, he started the Maya Angelou Public Charter School, an alternative school for school dropouts and youth who had previously been arrested. A decade later in 2007, Maya Angelou School expanded and agreed to run the school inside D.C.'s juvenile facilities. That school, which had long been an abysmal failure, has now been transformed under the leadership of the Maya Angelou staff. The court monitor overseeing D.C.'s juvenile system called the (THUMP) turnaround "extraordinary." At Yale, he teaches Constitutional law, a seminar on Race and the Criminal Justice System, and a clinic called the Educational Opportunity and Juvenile Justice Clinic.

Khalil Gibran Muhammad is a professor of History, Race and Public Policy at the Harvard Kennedy School and a Suzanne Young Murray Professor and-- at the Sca-- at the Radcliffe Institute for Advanced Studies. He is the former Director of the Schomburg Center for Research in Black Culture, here at the New York Public Library and the world's leading library and archive of global black history.

Prior to leading the Schomburg Center, Khalil was an associate professor at Indiana University. Khalil's scholarship and teaching examines the broad intersections of race, democracy, inequality and criminal justice in modern U.S. History. He is a contributor to a 2014 National Research Council study, *The Growth of Incarceration in the United States: Exploring Causes and Consequences*, and is the author of *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America*, which won the 2011 John Hope Franklin Best Book award in American Studies.

James has been a leading thinker in examining the causes of over-incarceration of African Americans in this country. In *Locking Up Our Own*, James continues to push us to think in more nuanced and complex ways about the causes of mass incarceration and what it will take to truly dismantle it.

By focusing on African American elected officials and policy makers, he explores the complicated and often conflicting impulses that led some of them to support punitive crime policies. It is not a simple critique, but a thoughtful examination of how leaders genuinely concerned about health and safety in their communities came to support the use of increasingly harsh punishment while not as successfully securing the resources those same communities needed to address the underlying causes that-- things that caused them to be unsafe.

James also asks his readers to grapple with the reality that notwithstanding more widespread acknowledgment of the failure of the War on Drugs, well, at least before this current administration, you know, notwithstanding that acknowledgment that we must also change how we talk about and treat people convicted of violent offenses if we are really ever to make any real dent in reducing the levels of incarceration.

This is an issue that me and my team are particularly sensitive to. But we know that with this country's history of increasingly punitive response to crime in particular serious and violent offenses, changing that mindset will be no easy task. So I look forward to James's discussion with Khalil who has looked at the history (SLURS) of

the intersection of race and criminal justice in this country, in particular the deliberate equating of blackness in a particular kind of violent criminality.

I'm particularly curious to hear-- to what extent Khalil thinks this concept of black criminality was at play in the decision making that James so thoughtfully analyzes. So with that I'll turn it over to Khalil.

KHALIL GIBRAN MUHAMMAD:

Thank you very much, Lenny. And thank you all for being here. And-- congratulations-- to James for writing a terrific book.

JAMES FORMAN:

Thank you.

KHALIL GIBRAN MUHAMMAD:

I wanna pick up on Lenny's-- question. But I'll save that for the second half of our conversation. The first half is really to give you a chance to share with us what inspired-- this book project. And to be (NOISE) more specific-- some of our audience may not know the real story of your time as a public defender.

But I'm curious at what point that led you to begin to think about a future book project. 'Cause there's no way he recalls a lotta dialogue. (LAUGH) So at some point just as a matter of telling a story, you had to have decided that-- this is a story worth-- keeping track of.

JAMES FORMAN:

Right, thank you. So I wanna-- I'll-- I'll-- I will answer that question. I just wanna s-- say a few thank-yous up front. Fir-- first thing I wanna do is encourage anybody who is standing up to please come. There are sea-- there are seats. Don't feel like you're interrupting the flow.

(OFF-MIC CONVERSATION)

JAMES FORMAN:

I wanna thank-- Khalil Muhammad for-- engaging in this conversation with me. He is somebody who-- I mean, many of you know that he wrote a review of this book in the *New York Times*. But I asked him to do-- we asked him to do this before that review was written and before we knew-- you know, these things are all top secret.

I had no idea that it was gonna be reviewed in the *Times* or that he was gonna be the reviewer. We asked him to do this-- well in advance of that. And the reason for me that it was so important to have him do this is, first of all his book, *The Condemnation of Blackness*, is absolutely brilliant.

I have taught Race, Class, and Punishment, a seminar, for years. And it has been-- since I've been teaching the class-- for three or four years now, it's been the first book on the r-- on the syllabus. And now normally what happens in this kind of class is books get replaced 'cause new stuff comes out. I wanna read new things. And so you've gotta update your syllabus.

And lots of books that were on the syllabus in year one are no longer there. But one book that has never moved and has never moved from the first week's reading when you have to also, you know, and attract students on-- has been this book. And so it's been very, very important in my thinking for many years. And so that was one reason I wanted to have him do it.

And the other reason is that this book couldn't-- we'll talk about the public defender, but this book couldn't have been written without the assistance of archives and libraries. A lot of the material from here is from-- various-- Howard University, George Washington University, the Martin Luther King branch of the DC library. And the book wouldn't exist without that archival material.

So the work that Khalil has done at the Schomburg-- has been something that I've also admired. So-- (HITS MIC) so I wanna thank him for-- for-- for doing this. The other-- I also wanna thank-- Lenny for that wonderful introduction and also the fellowship team and Lenny Benardo for supporting this research with-- an Open Society Foundation fellowship-- which I received a couple of years ago and helped me-- helped me to write the book.

The last thing I'll say by way of instruction is there are books outside. And when this ends, I'm gonna go out and I'm gonna sign books for anybody who either has bought one already or wants to buy one-- outside. So turning to-- turning to your question, I-- I had-- I have two motivations for writing the book. One that is at a sort of more abstract level and doesn't have anything to do with the criminal justice system. And then one is-- which is about my public defender's experience.

So the-- the overall motiva-- motivation or the background motivation is I don't know if any of y'all are like this. But I'm the kinda person that when I go to a movie and somebody says, "You know, how'd you like the movie?" and-- when it's over. And if there were no black characters in the movie, then-- my-- my fir-- believe I can even get into the movie, I'm like, "Well, where were the black characters? Why were there no black characters?" Which is unfortunately all too common.

And I feel that way about film, I feel-- feel that way about art, I feel that way about-- literature, I feel that way about history, I feel that way about law. So I knew that when-- that the first book that I was gonna write, I knew that it was gonna be a book that had African American characters in decision making positions throughout the book.

Now, the criminal justice reason. So as a public defender, mid 1990s, and there are lots of stories in this book. There's arguments, there's history. But-- but one of the stories in the book is a story of a young man named Brandon who I represented when I was in juvenile court in DC. And Brandon was charged with possession of a gun, and possession of a small amount of marijuana, about \$15, \$20 worth. And I was asking for him to be released. I had letters from his teachers, his counselors, his parents were there in court.

And I had taken the job as a public defender because I had wanted to fight what I saw as the civil rights issue of my generation. This is the mid '90s. We didn't have the term mass incarceration yet. But we did know that one in three young black men was under criminal justice supervision. We did know that the United States had passed Russia and South Africa to become the world's largest jailer.

And although we didn't have the statistics as readily available about black women, it appeared to me and from those of us in practice that there were huge disparities there as well. So I'm representing Brandon with this motivation asking him to be released. Brandon's African American, as were almost all of my clients. The prosecutor, the juvenile prosecutor, in-- in the case herself African American is asking for him to be locked up. And she wants him to go to Oak Hill which is DC's juvenile prison which is a dungeon, no functioning school, no treatment facilities worth-- worth their name. Drugs and violence were rampant.

So I'm in court. I'm thinking about-- you know-- w-- often when I was thinking about this job, I would think about that my own civil rights connection and my connection to the work. My parents met in SNIC, Student Nonviolent Coordinating Committee. My dad was the executive secretary. My mom was also an activist. And so I come to court with this civil rights background asking for Brandon's release. This African American prosecutor's asking for him to be locked up.

And then judge that has to make the decision, himself African American, I call him Curtis Walker in the book. I changed the names of the judges and-- and of my clients. Judge Walker looks out in this courtroom. He's got a African American lawyer asking for release. He's got an African American kid who's pled guilty. He's got an African American prosecutor asking for the kid to be locked up.

And he leans back, and he leans forward, and he looks then to Brandon. And he says, "Son, Mr. Forman has been telling me that you had a tough life and that you deserve a second chance. Well, let me tell you about tough. Let me tell you about Jim Crow." And he starts to go back. He-- this judge grew up under segregation. And he starts to tell what it was like. And then he's winding up. And he says, "People fought and marched and died for you to be free. Martin Luther King died for you to be free.

"And I tell you this. He didn't die for you to be runnin' and gunnin' and thuggin' and carryin' on and embarrassing your community and embarrassing your family. No, he did not. So I hope Mr. Forman is right. I hope you turn it around. But right now, actions have consequences. And your consequence is Oak Hill." And he locked him up.

And as I reflected on that day, and I reflected on the fact that the DC council that passed the laws that Brandon was being sentenced under was majority African American, the police force was majority African American, the police chief was African American. It occurred to me to put it mildly that not everybody agreed with me and my colleagues that fighting the system of mass incarceration and fighting punitive criminal law was in fact the number one civil rights issue of my generation.

Indeed the judge had taken the same history that had brought me to court. And he had invoked it and used it in a way that I think was very authentic to him. He had-- u-- used it to justify locking up Brandon because he thought that's what he needed to do to protect a community that he cared-- he, the judge, cared deeply about.

And so that struggle and that tension made me think, "You know, somebody needs to write about what happened in the 1970s when this newly enfranchised group of African American elected officials and police officers and police chiefs and prosecutors and civil service functionaries in DC especially, in Atlanta especially, in Detroit especially. Majorities there, but also significant representation in other cities. What were they thinking? What were they doing? What were the tensions they were under? How did it come to be that they ended up endorsing the some punitive approach to crime policy?"

So that really was my motivation for writing the book. Now you ask that (UNINTEL) stop here. You asked about the sort of particular timing. I can't say that I-- you know, and Erin Murphy's here. She was at the public defender service with me. I mean, we're-- like, if you go around PDS and you say like, "I'm thinking of writing a book," first of all people will think you're crazy because we're all too busy. Nobody's-- like, your mindset isn't even at that level.

But I did have a lot of files. And I have a lot of notes. We kept very, very detailed notes. And I kept a lot of those files. So it wasn't really until later that I thought-- you know, I thought this was a problem. And I kind of actually assumed that somebody had written about it. Like, I kinda thought out in the academic world which I wasn't part of that, like, there was book that I was just not having time to read (THUMP) that was about this dynamic that I was seeing.

And it was only really when I became a professor that I realized that there wasn't-- or there wasn't one that I thought was kind of adequate and-- and told the story fully. There were, like, little bits and pieces. And so I decided to start write-- write it down. And I did a few things. I looked back at my notes from cases. Some things were etched. I mean, this Martin Luther King speech, I didn't need any notes.

I mean, w-- we've all-- everyone who's ever worked at PDS knows the judge I'm talkin' about. 'Cause they've been in that courtroom. But other things I had to go back. And-- and I also interviewed other people which helped kind of bring some of the stories back to me.

KHALIL GIBRAN MUHAMMAD:

So that being said, the reason I thought that-- the context for your imaging this project-- I imagine also framed in part by the popularity of the emergent (UNINTEL) thesis. Certainly in 2009 which doesn't seem that long ago, but frankly is now eight years ago. And assuming you didn't take 12 years to write the book-- you were wrestling with your own experiences and a s-- a set of arguments.

And so a lot of people turn to your law review articles-- I'd say five, six, seven years ago-- as a kind of first response to the flaws, the inadequacies of (UNINTEL) work. So partly I ask the question because I wanted to know how much was in your head about the landscape that your book would appear, with your arguments for clients.

JAMES FORMAN:

Yeah, so-- so that's-- so that's a good question. So I view the book-- for me I view the book kind of very-- as a very different project-- than the law review article. Although I know that there are-- you know, there are some connections. But-- and I-- and I'll talk a little bit about that. But-- in terms of the landscape, the idea of the-- the-- the disconnect that I was feeling between my experience in DC and the kind of academic conversation or the popular conversation about criminal justice, it already existed in the '90s.

Like, we used to talk at PDS about the fact that we w-- we couldn't really easily explain what we were seeing. Because although it's true that, like, the new Jim Crow and other things kind of took off in 2009. But people have been writing, you know, as you well know with less fanfare and less kind of public--

KHALIL GIBRAN MUHAMMAD:

Like Angela Davis.

JAMES FORMAN:

--attention. Yeah, Angela David and Michael Tanreet (PH), David Cole, Paul Butler. I mean, Paul Butler was writing articles in the '90s that were read-- that we read at PBS-- talking about, you know the racism of the criminal justice system. And so-- so I was always kind of struggling to see how to fit my experience into that kind of-- you know, that literature.

But then it's certainly true that in-- and then in recent years, I mean, Michelle's book also, you know, Bryan Stevenson's amazing book, *Just Mercy*, Ta-Nehisi Coates's work. There's been in the popular-- and, you know, one of the fascinating things just on Ta-Nehisi Coates's stuff is the story that he writes about in Prince George's County, he originally wrote about that story in the *Washington Monthly*, like, ten or

15 years ago.

And I was drawn to the story because in the-- in the magazine article, and this comes through in the book. But it's, like, the central question of the magazine article. The headline of the magazine article is "Why does America's richest black county have its most brutal cops?" That's actually the question. And he is really in that early piece wrestling with this.

And so I saw him early on. And I thought, "Okay, here's somebody that's, like, asking the same question that I'm struggling with in DC." The book ends up, you know, having a much broader focus and-- and I think appropriately so. So I guess for me, I felt like-- I was optimistic that now was a time where people would be prepared to read something like this, like what I'm writing, and understand it as complementary to and supplementary to-- the-- this-- existing work and not as a rebuttal to that work. That was my hope, my intention, my really fervent desire.

KHALIL GIBRAN MUHAMMAD:

Great.

JAMES FORMAN:

And--

KHALIL GIBRAN MUHAMMAD:

And it comes--

JAMES FORMAN:

I think-- (LAUGHTER) and you-- I think you have it in your-- your review, you're like-- you can see me working to make sure--

(OVERTALK)

JAMES FORMAN:

--that that is not-- I did not wanna be-- more than anything else, I didn't wanna be misread in that way. I was desperate not to be misread in that way. And there's some intentionality on the pages in that regard.

KHALIL GIBRAN MUHAMMAD:

No, you-- you handled that complexity very well. And-- and I do wanna come back to audience reception. But I wanna linger on a point-- for a second longer-- because I think it flushes out some of the policy making-- infrastructure-- in the voices-- in which this post-civil rights moment.

So-- so James does an incredible job of really capturing the-- the uncertainty of what it means to inherit the reins of power, the machinery of law. And the story that I tell from much earlier decades, it's very clear that African Americans imagine that the difference between justice and injustice is the difference between being in a position-- to control the machinery of law.

And there is a wonderful prosecutor in Illinois who really talks about on the-- literally in 1910, he's the first black-- Chicago-based-- states attorney. And he's just basically like, "You know, no matter how hard I work, I don't-- we don't control the machinery of law. So there's only so much we can do be (INAUDIBLE)." But you really capture that moment.

And-- it just happens to either-- and this I think is still a bit unresolved. But when-- when I hear the voice of Johnny Cochran, and I'm quoting from your book, "Don't be an apologist for crime in our community." Or, you know, a friend like Ted Kennedy saying that, "You know, we are facing a 1970's revolving door or justice which convinces the criminal that they can do what they wanna do."

The gap between that rhetoric and the rhetoric of say George Wallace who you quote as saying, "The killer didn't get any watermelon to eat when he was ten years old," which was his sort of-- critique of the root causes analysis. Or even Charles Ramsey, and this-- this really gets to be-- I think a harder question to answer. There appear to be two Charles Ramseys in the world. And so the question (LAUGH) is, is it evolution? Is-- is it politics?

So the Charles Ramsey that we learn about in James Forman's book-- as part of this early moment is the Charles Ramsey that dismisses racial profiling, dismisses quote/unquote "driving while black," and describes it as quote "victimology." Which for many of you you may recall is very much the language of the Manhattan Institute, of neo-cons, of black conservatives, dismissing any reference to African American history as somehow causative of the contemporary inequalities.

So I want you to play a little bit with that broader context from-- from federal to state to local in terms of how these people came to fully embrace this punitive ethos in the earliest days of the civil rights era.

JAMES FORMAN:

Yeah, so thank you for that. That's-- that's-- that's-- that's a important (NOISE) and hard question. So-- so I feel like-- right, so I'm-- all-- all-- we're gonna be speaking in generalizations, right. And that's one of the-- of the challenges here is there wasn't--

right, there's not a single response.

I mean every one of the-- every one of the debates that I write about, (NOISE) whether it's marijuana decriminalization or it's mandatory minimums or it's warrior policing in the crack years, or it's pretext policing in the 1990s, every one is contested. There's-- there are people arguing both sides. So, right, when you-- when you summarize the book you have to say, right, why did some or why did most African American leaders come (UNINTEL)-- because that is the majority position most of the time.

But these are close votes, right. They're 60/40. They're 55/45. And so for all of these things, right, when you're writing history you alm-- you inevitably focus on the winners. But I try along the way to show the ba-- the-- the struggle each time. So-- so you're right, that there-- but-- but having said that, I think early on, I guess the way that I-- I think about it (THUMP) is that most of the African American elected officials that come into power are first of all bound and determined to respond to the history of under-enforcement and under-protection of black lives.

They come, many of them, out of the South, out of the civil rights movement, out of decades when they remember that, you know, the police didn't respond to crime in black communities. And you didn't call the police because they weren't gonna come. And if they did, they were gonna make matters worse, right. So they want to provide this form of protection.

Now, there are some that I think become very kind of negative and jaded and dismissive of the black poor. And that's part of the class story, right. And that stuff you have-- you have folks like that in your b-- you know, your book as well. This is-- a thing that's been going on for centuries.

Others are less so, right. They're not as negative or dismissive or as likely to say, "Well, that's victimology." But instead what they say is, "We want to fight this problem of crime and drugs and violence with every possible solution that the state has at its disposal." So this is what it means. You said, you know, "What does it mean to come in and-- and that authority?"

So for many of them, what it meant was, "All right, we're gonna get the stuff that the government has never ever given us. And that's more police and more prosecutors and a end to the revolving door, more prisons sometimes." But it's also, right, and a focus on racism, and a focus on jobs, and better schools, and mental health training, and mental health treatment, and drug treatment, right.

So there's a number of folks that I write about that are really explicit again in the way that some of the people you wrote about were explicit 50 or 60 years before that they want this-- what I call an "all of the above strategy." But then political context, right, the fact that they control local government but not the federal government. The fact that they're not able to get as many allies, right, because of historic and ongoing racism.

They're not able to get white allies to the cause for many of the things that they want including integrated schools or more integrated housing. They're left with public

safety. That's the thing that they want that the larger society is prepared to give them. And public safety defined the way we define it in this country which is police, prosecutors, prisons which I don't-- you know, in the-- in the end I don't think is even the best way to keep the public safe let alone-- avoid damaging communities--
(OVERTALK)

JAMES FORMAN:

--as well.

KHALIL GIBRAN MUHAMMAD:

I want to interrupt you-- for reasons that I think will help further your point, maybe even-- complicate it. So--

JAMES FORMAN:

Good.

KHALIL GIBRAN MUHAMMAD:

--the story of Burtell Jefferson.

JAMES FORMAN:

Yes.

KHALIL GIBRAN MUHAMMAD:

Who is DC's first black-- police chief-- and the first head of a majority black police department.

JAMES FORMAN:

Yes.

KHALIL GIBRAN MUHAMMAD:

Now, one of the things that I think is interesting about Forman's work is-- in his archival work and in his history telling, he-- he writes an incredible story of the

significance and importance of essentially becoming black police officers. That this civil rights work-- that proceeds the period that he tells in DC from the 1940s talks about-- Martin Luther King's father leading an effort to integrate the Atlanta PD with a group of trailblazers called the Atlanta Eight.

And Mayor Hartsfield describing them as the Jackie Robinsons of the moment. And-- and in the colorful way in which you describe-- this period, it's clear that the aspiration for this generation to be different (MIC NOISE) kinds of police officers is not just about public safety.

JAMES FORMAN:

Yes.

KHALIL GIBRAN MUHAMMAD:

So when we get to DC in 1968 and the Elijah Bennett killing which is a black-- young black man killed basically for jaywalking, you've got Marion Barry calling an end to Gestapo policing. You've got a DC columnist, a black person, saying and I quote, "a killing like this would not have occurred if the Washington police force was not permitted to patrol the so-called ghetto streets like a foreign occupation army and leave the city to back their snow-white suburban homes. Black cops would make a difference. Black policemen do not shoot black jaywalkers."

I'm not satisfied that black cops don't shoot jaywalkers. And I'm not satisfied that the period that you tell between the late 1960s and into the Holder era didn't give enough opportunity for self-reflection. I mean, we're not talkin' about a short window of time. We're talking about, you know, three decades-- of Gestapo policing. Maybe not. But it certainly seems to me.

So what-- at what point is there a feedback loop for black elected officials to see themselves? One last complication around this is the 21st Century Task Force of which Charles Ramsey, its victimology led-- in 2014-- that that connection-- to me is also about that task force calling for greater diversity which is also an argument against white police officers without recognizing that in your own telling it's not clear that more black police officers would yield a different outcome.

JAMES FORMAN:

Can I say something specifically about the-- the historical part on the black police officers--

KHALIL GIBRAN MUHAMMAD:

Yeah.

JAMES FORMAN:

--and then answer your question about-- about feedback loop? So (NOISE)-- so my favorite chapter in the book is Chapter Three which is the chapter about bla-- black police officers, although it's the one that I end up-- I often end up talking about the least. And-- and so just in the way that the conversation is--

(OVERTALK)

KHALIL GIBRAN MUHAMMAD:

And it's brilliant.

JAMES FORMAN:

So I'm glad you asked about it. So I think-- for me the story there-- the story that I tell and-- and it's the part that I least-- I had no un-- knowledge of before I started. I didn't have any-- I didn't know this was a thing. I didn't know that there were arguments from black police officers in Atlanta in the 1940s.

So for me the story is two-fold. One is that we never have a clear consensus on what different-- difference black police officers are supposed to make. There are civil rights advocates that are asking for them because they think they'll be more aggressive and they will attend to crime in black communities in the way that white officers would not have.

There are other people that are arguing that they'll be less brutal, like the columnist you quoted or Marion Barry. And-- but the biggest problem is that none of the people that are making public arguments for why black police officers will-- would matter are actually the people that are becoming the police officers themselves.

So everyone's talking about the Atlanta Eight. There's this picture in the book of the first eight black police officers in Atlanta. And everyone's giving speeches about what kind of difference they're gonna make. And they're the Jackie Robinsons and everything else. But nobody interviews them. They're no-- they have-- make no public statements. And this just goes on and on. And so my basic f-- and I think there's a class point here as well which is that the folks that go in and take the jobs as police officers tend to be working class folks, lower middle class folks.

And the people that are speechifying about what difference they're gonna make while writing reports about them tend to be college educated middle class, upper middle class. Okay. I also do come down-- and con-- and my concluding argument on that

point is that we should continue to demand more black police officers because black people, we deserve our fair share of good jobs in this country, and in a de-industrializing country, you know, that-- those remain good jobs. But we shouldn't do it because we think that the black officers are gonna change policing either way. So that's my sort of, you know, two cents on that.

In terms of feedback loop, I-- this to me is hard-- it is the hardest question. Because early on in the '70s I'm writing about these characters that are embracing tough policies. Ou-- and my-- explicitly I say one of the things is they couldn't understand the consequences of their decisions, right. It was unpredictable when you voted to keep marijuana criminal in the 1970s that in the '80s Congress would pass laws that would mean that that conviction might make it impossible for you to get into public housing.

And it was unpredictable that 20 years later, private employers could with a press of a button find your record from 1975 and then not hire you. So there were unintended consequences. But your point is at some point by the '90s we're all in court. We're drawn to this work 'cause we think mass incarceration is the civil rights issue of our generation. So why is everybody else not seeing it?

And I don't-- and-- and so-- I think, you know, my answers-- I-- I-- are not even fully satisfactory to me. I'll just be, you know, candid about it. One is, I do think there's learning going on. So I do think that more people are seeing it. I do think that the conversation now in black (HITS MIC) communities is different than the one that we were having 25 or 30 years ago.

And you-- you referenced that. I mean, I think if you wrote-- you know, I don't think Bryan Stevenson could write *Just Mercy* 30 years ago and get the-- the-- or Michelle could write *The New Jim Crow* and get necessarily the same resonance and attention they got because those-- then they were writing right in-- would have been writing in the crack years. And people woulda been-- been like, "You know, what are you talking about? People are dying in incredible numbers."

And people woulda responded in the same way that the judge responded to me. So part of it is that crime was higher even in the '90s. That was the tail end of the crack years. But the declines hadn't really kicked in. Right now we've had 20 years until very recently a basically sustained crime decline. When crime g-- goes down, people are more open to understanding these arguments.

Part of it is class. Part of it is that even in the '90s the-- we talk about mass incarceration as something that is blighting black America. And that is true at one level. But it-- there is a real significant class disparity and educational disparity. And the likelihood of going to prison if you are a black person that did not graduate high school is ten times as high as if you were a black person who graduated college.

The lifetime risk of going to prison has not increased even in the mass incarceration era. It has not increased at all for black people who attend college. And those are the people that are making the decisions. So when Eric Holder embraces tough crime policy in front of a church in the 1990s he's talking to an audience of black middle

class folks that at some level kind of have an understanding that criminal justice is racist and is a problem. But they don't feel (CLICK) in the same way-- I don't think as if you were living in a poor community that was being directly decimated by criminal justice policy.

KHALIL GIBRAN MUHAMMAD:

I think-- we're gonna open it (HITS MIC) up for questions in a couple minutes. I think this is a point that remains-- and it's not-- I'm pushing-- James here just because I think it's unresolved. It's not a failing of the book in any way, shape, or form. But just to maybe put one final touch on it, the Maya Angelou story.

So I almost was literally brought to tears. And the way that James tells the story of the school he helped to open for the most troubled kids in DC. The kids who were being thrown away by every possible system-- from the education system to the child welfare system-- and most certainly the criminal justice system.

And your kids come face-to-face with-- the face of our state. So, you know, talk a little bit about that. Because I think-- I think to me that-- that is both the story I couldn't tell in the review for space limitations, but also the one that most troubles me about where we are headed. Especially under a new-- Department of Justice-- but also without resolving something about black people's own capacity to embrace anti-blackness to come back to this question. Because this to me seemed to be-- one of the hardest (HITS MIC) things to-- to wrestle with in terms of what do we need to say to our youth.

JAMES FORMAN:

Yeah, and maybe-- you know, it's funny. As you were asking the question, I was thinking, well, maybe part of the answer-- and I said I'm not satisfied with my answer to your feedback loop question. And-- and maybe-- maybe part of the answer is, you know, Lenny invited us to reflect on, you know, the core argument of your book.

And-- and maybe that's ano-- maybe that has to be another part of the answer, is the extent to which black-- in which we ourselves have adopt-- you know, I mean, African Americans are Americ-- right, have-- we are Americans. And so we're infected by all of the same biases and we consume the same media. And the association of blackness with criminality, you know, which you document so-- so beautifully and devastatingly is-- is-- I mean, right, the implicit association stuff shows-- not to the same level, but to a significant extent we're infected.

So maybe I need to think a little bit more about that as part of the answer. But the Maya Angelou, so this was very demorali-- it's a demoral-- it was a demoralizing experience, you know, for us at the time as well. So I started this alternative school for kids from the juvenile justice system and other kids that had been left behind.

And at one point we're not-- we're not-- we've never been sure why. But at one-- at

some point something happened to make the police and the narcotic squads and the jump-out squads, what they call 'em in DC-- which are-- typically un-- unmarked vehicles. And they screech up to a corner. And the officers jump out, they're plain clothes. They've got badges on to identify themselves. But that's it.

And they grab everyone they can get. And they search every-- anyone they can find. And they throw kids against the wall. And they pull their, you know, stuff out of their pockets. And they toss their backpacks open. And this is happening basically for sort of weekly in front of our school for a period of time. This is-- Charles Ramsey is the-- is the police chief. And DC has community policing. It's, like, on the cars. Like, "We do community policing," or something.

And it takes us-- community policing notwithstanding, it takes us months and months to get anyone at-- so now we're-- so just pause for a minute and think about the resources, the little bit of resources that our kids have that-- kids don't normally have. We respond to this by a whole group-- we happen to be a school that's run by two lawyers, one of whom was a public defender.

So we at least have a beginning of how you would get a police force to try to answer some questions about what's going on. When this-- happened-- I mean, our ki-- we were-- the teachers were more stunned than the kids. They were like, "This happens in the neighborhood. But y'all now see it 'cause it's happening in front of the school." This was during breaks. Kids would be on break between classes out in front of the school doing, you know, knuckle-headed stuff that kids do. But no-- nothing illegal.

And so we finally get somebody to come over. We get someone from the precinct to come over and to have a conversation with us about what's going on. And we were always looking for teaching opportunities and so we organized this, like, community meeting. And we worked so hard to prep the students. And they were so outraged. And we thought they were, like, gonna go crazy and start yelling and screaming. But they were-- we prepped and prepped and prepped. And they were very respectful.

And we had this conversation. And there was a number of officers that came. I-- I can't remember exactly how many now. But they were-- mostly African American. And our kids told sto-- told the stories of what was happening to them. And they talked about how demoralizing it was. And they talked about how they were trying to do the right thing. They were coming to the school with long hours. Because we had told them that if you do this, that America will make a space for you, right.

That-- the whole message, the whole premise of a school like ours is that it is possible to one day not be treated like a criminal and like a thug. And that education is the way there. And of course like-- right, like, black parents, right. Black teachers are a lot like black parents in this. You're always doing two things. You're always telling the kid that racism is omnipresent. And-- and will forever haunt you. And if you're progressive and you-- you-- and I want you to work-- spend your life working to overcome it, like, structurally.

And you-- at the same time are telling the kid that, "If you discipline yourself and study hard and do the things that you need to do, you can succeed. You can go to

college, right." This is-- this is the tension that all black parents feel and black teachers do it in school. So we're doing-- so and the kids are telling us that the policing reinforces one message and undermines the other, right. The-- the policing tells them they'll always be a criminal.

So the place resp-- there's this heartfelt emotional plea from kids and staff. And this one officer-- I'll-- not in a mean way, but he stands up and he says, "You know, have you considered having the students wear, like, badges, like, large badges identifying themselves? Like, I d-- ID cards identifying themselves as students from the school. 'Cause then we'll know that they're, like, these Maya Angelou kids."

Well, that was the last thing that was said in the meeting because the kids who had been working really hard to discipline themselves lost it. 'Cause they had studied-- like, we had studied South Africa. They knew about the past laws. We had studied Jim Crow. They knew how wrong a suggestion this was and how historically corrupt it was.

And that experience for me-- I mean, I use that story as a way of kind of illustrating mistakes and then when happens with this kind of lawyer policing mentality. But it was in a way even more demoralizing than going to court-- and seeing-- and the-- the-- the judge story that I started with. It was-- it was more frustrating because it didn't seem to me-- like, this-- this police officer was not, like, this Milwaukee sheriff, you know--

(OVERTALK)

KHALIL GIBRAN MUHAMMAD:

David Clarke.

JAMES FORMAN:

--who seems to like-- David Clarke who just seems to, like, revel in-- in-- in kind of citing the Manhattan Institute line. And, like, he seems to almost take joy in-- in-- in-- in reinforcing a harsh criminal justice system. This guy-- well, he wasn't like that. He seemed kinda regular. And, like, he was trying to figure out a solution. And the fact that the-- his-- this was his solution-- was-- left me pretty despondent.

KHALIL GIBRAN MUHAMMAD:

Well-- so the floor is open now. And I'm just gonna make a brief comment in response. So if you'd like to ask a question-- please make your way to the microphone and ask a question or make a comment. Please do-- do both. It seems to me-- and this is a point that-- that I make in the review which is that-- your story about your experience with the Angelou kids strikes me as a really clear example that there is no

such thing as innocence inhabited in young black bodies.

I mean, we're having a debate about whether older black bodies can have-- redemption as to whether we should let people out in their 70s or 80s. But it seems to me that part of the story your telling is what does collective guilt look like.

JAMES FORMAN:

Yes.

KHALIL GIBRAN MUHAMMAD:

Where by virtue of the fact that you live in this zip code, you've already defined yourself as suspect or criminal. I mean, this was what Ray Kelly articulated time and time again in defense of stop, question, and frisk, which produced ridiculous rates of-- stops and subsequent harm to innocent children in this city.

I would say that in defense, that, you know, to police in this way, this is not about innocence. "These people are not-- not innocent," his exact quote. And so when black people also believe that those people are not innocent, I mean, I-- I think, you know, you've done-- you've gotten us-- a long way down the road talking about-- the context for civil rights activism-- about class biases.

But there's-- there's something there that-- that the 21st Century Task Force-- and I looked at it very carefully-- call for diversity. It's just not gonna cut it. And I'm afraid that that feels like the space that a lot of people wanna believe-- will help us out of this-- dilemma.

I spoke at John Jay about six years ago to two separate groups, an undergrad group of-- of police officers and a graduate level group of police officers. And it wasn't an accident that I was the guest lecturer (HITS MIC) (UNINTEL) police officers. But in both instances, looking at black and brown faces for the most part-- the kind of reflexive language of, "My job is to get perps out of the community. In these high crimes areas, this is how people behave," seemed literally to use Chris Hayes's analogy speak directly to a place where the Constitution does not apply.

It simply does not apply if you happen to-- you know, if you happen to have the misfortune of being born-- in that place, the Constitution does not apply. And we've all co-signed it. We can keep talking--

(OVERTALK)

KHALIL GIBRAN MUHAMMAD:

--but the floor is open.

ADAM SHATZ:

(CLEARS THROAT) Hello. My name is Adam Shatz. And I'm a writer at *the London Review of Books*. And I reviewed James's great book. So this is sort of a chance to ask you a question that I didn't ask in the piece. You show brilliantly why adding black voices, black agency to this story changes-- our perception of the rise of mass incarceration.

I'm wondering how it change-- w-- what it means-- in terms of present day policy implications given that black people are only 13-- 12%, 13% of the population. And it's much easier to start a war than to end a war.

JAMES FORMAN:

Yeah. So I think that for me, you know, part of the book-- the major part of the book and the part that we've been talking about is-- is focused on this story of the sort of-- the cultural, intellectual, social, political history within black communities. There's also I think an aspect of it that is-- so is pitched broader.

And that is to say, I'm not f-- you know, in general, I'm not saying that the things that I find explain why Oklahoma did or Texas did-- does what it does, right. I'm not making that claim. And-- however, there are pieces I think, there are ways in which I find things that I think do help to explain kind of what's happening nationally.

And one of the-- one of those is this idea of this system being built in this incremental way with thousands and thousands of actors, disaggregated across 50 states, DC, the federal government, police, procedures, probation officers, social worker-- the-- parole officers. And if everybody becomes somewhat more punitive, all at the same time, then it helps to-- you know, you might have a few people that are j-- kind of doubling and tripling and, you know, quadrupling down and saying, "Look, I wanna be the world's largest jailer. I think that's a good thing."

But most people I think aren't saying that. Most people are a combination of, you know, fear plus racism plus lack of investment in other alternatives, right. And they become somewhat tougher. And so I do think-- then we think about kind of how to get out of this, I do think that that raises-- raises-- it helps us as a way of thinking about solutions.

Because, you know, I'm confronted all the time. And maybe this is just-- just 'cause I work in a law school and I deal a lot with students. But I'm almost always confronted with this argument that, "Well, you know, should we do this or do this?" Like, which of these two things would be more impactful at reducing our prison system?

And there's-- exceptions to this. I mean, there are things that would be m-- more versus less impactful. But in general, my view is, well, we have to do both. And we have to do 25 more things that you haven't even mentioned. So I do think, you know, Khalil said-- I don't know if I-- I don't know exa-- I-- I don't wanna misquote you.

At the very end of your last comment, you said something about all of us. And I

don't-- but if-- I don't know if this is what you meant. But I do think this-- but this is what I mean, which is that I do think one of the points of my book is that we did all help to build this. Doesn't mean the guilt's equally shared. But we did all either through action or inaction, silence in the face of injustice, we have all to-- to an extent participated.

And that then imposes on all of us an obligation to unwind. And I think about this in the policy domain. I think about things like prosecutors, right, electing a progressive prosecutor in your community is probably the most significant thing that you can do.

ADAM SHATZ:

So when the governor thinks that you're too progressive.

JAMES FORMAN:

That's right. (LAUGHTER) That's right. That's right. That's-- that's right. But it is true j-- it is true that of the-- that there's a whole slew of people that were elected-- last November, not just in Florida. But in Texas and in Alabama and in Colorado. And it's true that the-- you know, what's happening in Florida is racist and unprecedented and unfair with Rick Scott tryin' to take away power from the local pros-- African American woman prosecutor there and who's opposed to the death penalty.

But at the same time, it's also true that a bunch of these progressive-- relatively progressive prosecutors that have been elected or who are running now have had and are making a difference. And so that's something that people can do. And then I also-- I'm drawn a lot to this question of what can we do as individual citizens.

So, you know, ev-- almost everybody here is an employee or an employer-- or works for an organization. And I think-- I think about-- a story that-- from when the Ford Foundation went and visited-- a barred-- visited a prison in New York. Darren Walker and a bunch of people from the Ford Foundation went and they meet-- met-- made a presentation about their work on criminal justice reform.

And one of the guys who's locked up raised his hand at the end and said, "That was an amazing presentation. I really loved hearing about you think work world-- w-- worldwide. I'm just curious. I have one question. If-- when I get out, could I get hired at the Ford Foundation?" (LAUGHTER)

And there was silence in the room. They didn't know the answer. But to their credit, they went back. The (UNINTEL) their HR policies. They found out the answer was no and there were 50 re-- reasons buried throughout their HR-- policies to make the answer no. Some of them are h-- hidden and some of them not. But more to their credit, they changed. And they rewrote their HR policies to get rid of these exclusions.

And then they went further than that and did a whole and, I mean, I'm not trying to,

like, hype a rival foundation here. I'm just using this (LAUGHTER) as an example. And-- and OSF has probably done the same thing and you can tell me afterwards. And then I'll tell the OSF story next time. (LAUGHTER) But my-- but my point is that anyb-- is that-- is that this-- I think we have to look at the domains within our control. Like, everybody in the criminal justice system and c-- and I think as citizens we tend to talk about this as this problem that it's somebody else's problem and that somebody else created it.

You see this in the criminal justice system. When you interview prosecutors about racial disparities, there are a lot of-- th-- they're like, "Yeah, you know, this is a real problem. You know, if the-- only the police weren't policing in the way that they are and they brought us different cases, we wouldn't--" you interview judges.

And they're like, "Yeah, this is a b-- big problem. If only the prosecutors weren't--" whoever you interview, they shift it to somebody else. So I'm saying let's not-- let's not let people in the system do that. And let's not do that ourselves.

FEMALE VOICE:

I like-- you to go back to the issue of social class conflict with the African communities-- American-- what is your projection of what's gonna be in the future in terms of the attitudes of the people who are the-- who identify as middle class and upper class in the African American community vers-- towards people who are more (?) in the African Amer-- American community?

JAMES FORMAN:

Well-- I mean, I don't know that I have a projection. And I can give you my hope and desire. So-- I mean, I do think w-- one-- so there's-- so for a minute I'll talk about-- and then I'll connect it back to your question. To me although not explicitly, one thing that this-- I hope that this book opens up is what we're doing to poor white people in this country in the criminal justice system.

And I say that because obviously this book isn't about-- it's barely about white peo-- it's not about poor white people, that's for sure. But the point that-- the point about class holds not just-- not just in the black community. I mean, you can go to states in this country and see a lot of-- a majority of-- an overwhelming majority of, in some states, people in prison who are white.

And they're poor. And they're struggling. And they're under and uneducated. And we gotta deal with that-- we have to deal with that issue. Now, it's not my particular-- it is not the particular thing that I work on. But somebody sh-- somebody should go write that book.

The reason why then that connects for me is, I don't think this question of not-- of people with means and resources not caring about the poor amongst them is in any way unique to the black community in this country. It's-- it is interesting to write

about and to think about in the black community because we've had an assumption of a linked fate. We've had an assumption of-- or assumption's too strong. 'Cause some people have always been contesting this point.

But there's-- some people have made the argument that it would be more surprising to find this discontinuity in the black community than it would be-- like, nobody's surprised when I say like-- like-- like, rich white people lock up poor white people all over this country. And no-- n-- there's, like, no white person that I've ever been-- who I've ever told to is like, "Why? Like, that's counter-intuitive." It's, like, white people get that.

So-- so it is-- somewhat counter-- or has been somewhat counter-intuitive in the black community. And that's why it's interesting. I'm not that optimistic that it's gonna change. But I wrote the book to try to persuade people that it should change.

KHALIL GIBRAN MUHAMMAD:

I-- I'll jump just-- quickly on this. 'Cause this is-- this is one of the things, that Condemnation-- tries to get at. There is something particular about the relationship of-- white elites to the poor that is not just about those majority white prisons in Iowa or Idaho or in Nebraska.

There is a governor, a regulator, a tipping point. And we're seeing it play out in the opioid crisis which is to say that there is a point at which when enough white people are engaging in anti-social behavior, whether it is self-harm or harm against others, that the response is, "There's something in the air we breathe. There's something in the water we drink. There's something toxic about our society that we have to tend to because our systems are failing."

And that's been true for 120 years since the second industrial revolution. And for me the connection between that earlier past of immigrants-- essentially being incorporated and being saved-- the underground economies of New York or Philadelphia and the excesses of self-harm that gave us the MDO (?) and stable working class and middle class communities is part of the reason why my despicable governor Chris Christie is now heading the task force on opioids-- for the White House.

Which is not about trying to build as many prisons in white America as we could build-- to as-- John Dulilio or Bill Bennett argued-- in their work in the 1990s was the best recipe-- for-- getting rid of the drug problem in black America. So this isn't just a kind of contem-- contemporary-- conundrum between our understanding of what happens to poor white people when they engage in drug economies versus what has happened to black people over the last 40 years.

It actually has a pretty significant history. And it strikes me that one of the unfortunate consequences that your book reveals is that the choices, the set of choices that black people have tended to make have been perhaps more honest, not so much in their class dimensions, but more honest in the limits of their power.

In other words, black people elected officials are constantly rubbing up against the tendency of white elites to cherry-pick the voices they want to hear-- as some of our colleagues say, selective hearing. And I think-- I think that is a story-- that leaves us with kind of two bad choices, right.

One choice is more-- the stakes of more racial solidarity which seems, you know, almost impossible to pull off which means that people have to get together and actually plan, "Here's what we're gonna say so that white people will hear us," actually disagree. It seems less human and have less agency. The other choice is the one that has played out which is make the best of a bad situation.

And so the question about prediction-- is I don't think anything's gonna change (LAUGH) with regard to anti-black attitudes among black elected officials in part because-- the 13% population has always had-- to some degree-- value in being able to distinguish themselves from that 13%. And so that the real challenge is making white people more accountable for the double standards, the contradictions, the hypocrisies, the mythologies that they tell themselves about white-- what white people do or don't do.

Because all those folks out there are in really tiny media markets. Their chroniclers are the Arlie-- Hochschilds and the Barbara Ehrenreichs who tell these, you know, stories of their heroism and their hard-workingness. The entire frame that we wrap around in our meta-narratives, in our national narratives are of people down on their luck.

And it couldn't be more opposite. A lotta people don't even tell down on their luck stories in terms of the voice that they provide. They tell, you know, these, "You've gotta be tough stories." So-- so I'm not hopeful that anything about the present will produce a different future without some very radical change of how we tell stories across the color line, both in-- within black America and among white folks.

JAMES FORMAN:

Can I ask you one question and-- about the-- the part about-- I agree with everything that you just said especially about the end, about your predictions. I wanna ask a question about your-- the first part where you talked about-- how we respond to these crises in poor white communities.

And I wanna ask you that not only because I think after, like, centuries of panels of having, like, two white people talk about black problems, it's kinda cool to have, like, (LAUGHTER) two black people talk about white problems. (BACKGROUND VOICE) But-- but-- but for another reason-- which is, is it-- so here's-- here's probably how I would-- I would con-- I would say that you're right that it's been very different how we've talked about these problems when it's been in poor white communities versus black communities.

And I guess this is maybe the way I would say it, is that we are kind of more attentive to-- the-- the structural dimensions of the problem and therefore structural solutions

when it's been white poor. But still insufficiently attentive. And so I wonder if it's possible to hold both those ideas in place at the same time.

That, you know, there's-- yes, there is no comparison, right, to how we're responding now to the opioid epidemic to how we responded to crack. And the difference is racial. That's true. And it's also true that even the way we're respond-- responding to the opioid crisis right now is insufficiently attentive-- overly punitive. I mean, right-- I mean, the-- look at the health care legislation.

I mean, they're-- the-- the House Republicans just voted to gut the exact programs, the mental health programs and the addiction programs that these poor white communities that are relying on now, the way you're getting your drug treatment in rural Ohio and Kentuck-- right now, is on the chopping block. So is it possible that-- is it possible to-- w-- do you-- would you agree that with that sort of summation-- more attentive but insuff-- but yet still insufficiently attentive.

KHALIL GIBRAN MUHAMMAD:

Yes. And-- to-- to be very frank-- the New Deal was a good thing. So (LAUGH) that's-- you know, it's a simple way to put it. But the New Deal basically said, "Not for everybody." And, you know, we've been playing catch-up ever since. So part of the next step in that equation is not-- the truth-- the truth of the complexity that attends to white American experiences in criminal justice and black ones.

The real question for me is do we need new mythology. Do we need new stories? And some of those stories can be grounded in archives and in truth and, you know, whatever you have. But there's a way in which the social science gaze itself has-- applied v-- with-- with great rigor and great intensity and great brilliance on all of black people's complexities.

And your work is another contribution to it. And my first work was. But there's a way in which all of us-- and I really mean this-- all of us let these mythologies about white America just perpetuate themselves. I mean, we keep asking ourselves, "How in the hell did Donald Trump win?" And the media keeps saying and the social scientists are now saying, "We missed it. We weren't paying attention."

I'm only using this as a contemporary example to help convince some people in the audience that we let a lotta mythology pass for the truth of what it means to be white in America. Which means less criminal, less pathological, less drug addicted. And even if all those things are kind of true, they don't really apply in mass. They apply to the individual.

And we do just the opposite. We use every statistical, social science tool of regression and prediction possible which I would argue is basically the nature of criminal justice over the last 40 years, which is to say, "If I see a little joint sticking out of your pocket, I can predict that you're gonna be a bad person one day and do harm to somebody."

And so why don't we just-- why don't we be really efficient and take care of you right

now? We're gonna put you away. And if we're not gonna put you away, we're gonna put a mark (THUMP) on your record. And we're gonna make sure that we can keep track of you because you really shouldn't be in civil society.

We don't do that for white America. We do it for sex offenders. But by and large, the systems are set up to allow for as much possibility (THUMPING) that you won't end up in this fate as possible. And so when I say mythology, I say, "I'm not convinced that the argument you make which is that they're suffering too is the mythology that's gonna get us out of this."

'Cause I would argue that we kinda had that already. We already had-- I mean, what you offer I think-- you know, maybe a Jane on the street doesn't have it or John doe, you know, in the corporate board room doesn't have it. But essentially it doesn't take much to say that poor white people get a bad shake in America too from rich white folks. We're over time. This will be our last question.

FEMALE VOICE:

(CLEARS THROAT) My original reason for standing up was to take the hypothesis that you're presenting and look at Rikers Island and not look at it-- just from the time the *New York Times* did their investigate reporting and then forward to now. But as I listened to you while I was waiting, I thought you oughta talk a little bit about our political system. Because so much of what you're complaining about could be-- is not, but could be dealt if we had a better-- better structural p-- political system.

KHALIL GIBRAN MUHAMMAD:

What do you mean by a better structural political system?

FEMALE VOICE:

I am a political scientist by training. I have been a political activist for 50 years. Whether you wanna talk about electoral reform, whether you wanna talk about the electoral college. I could go on and on. New York State, 26% voting turnout in the last election. I mean, if you've watched any of this, we have a-- not just dysfunctional, but a system where people don't participate.

KHALIL GIBRAN MUHAMMAD:

I agree. I think--

FEMALE VOICE:

Okay.

KHALIL GIBRAN MUHAMMAD:

Among other-- yes, and-- and electoral disenfranchisement for-- people with criminal convictions--

FEMALE VOICE:

Right, all-- all of this stuff you and I know about.

KHALIL GIBRAN MUHAMMAD:

--and weekend voting and early voting and an end of partisan gerrymandering. Yes, I'm-- I'm all in.

FEMALE VOICE:

But the-- the Rikers Island question.

KHALIL GIBRAN MUHAMMAD:

What was the question? It's Rikers Island is a disaster. It should be closed, closed, hashtag CloseRikers. I mean, with that too.

FEMALE VOICE:

Right, but in the-- in the con-- yes. (BACKGROUND VOICE) In the context of your hypothesis-- it seems to me it's the best example of what you've been talking about for the last hour, don't you think?

KHALIL GIBRAN MUHAMMAD:

I don't know if--

FEMALE VOICE:

We-- we've been talking--

KHALIL GIBRAN MUHAMMAD:

I don't know if it's--

FEMALE VOICE:

I don't know if you-- you--

KHALIL GIBRAN MUHAMMAD:

--the best example. But sure it's--

FEMALE VOICE:

But one of them. Those of us who've lived in New York and have been part of this fight for a long time. It took a *New York Times* investigation to write about something that if you talk to the people who were involved with the prison system or people on the outside, we knew about it. And you have a liberal mayor who did not deal with it.

KHALIL GIBRAN MUHAMMAD:

I agree.

JAMES FORMAN:

I got-- I got you on this one.

KHALIL GIBRAN MUHAMMAD:

Oh, okay. (LAUGHTER) So (LAUGHTER) actually this is your point. And so I'm thinking--

JAMES FORMAN:

I knew there was a reason we brought you--

KHALIL GIBRAN MUHAMMAD:

Yeah, so there's one-- (LAUGHTER) there's one point that James makes-- again it didn't make it in the review. But it's-- it's incredible. And that is, he says that one of

the greatest failings-- actually I hope this your point and not Chris Hayes's point. And I'm like-- (LAUGHTER) whether-- we're gonna benefit--

JAMES FORMAN:

I--

KHALIL GIBRAN MUHAMMAD:

We're gonna benefit--

JAMES FORMAN:

I'm takin' it.

KHALIL GIBRAN MUHAMMAD:

--from this wisdom no matter what. One of the greatest failings is not actually (THUMPING) listening to the people who are-- yeah, you say it.

JAMES FORMAN:

Yes, I do.

KHALIL GIBRAN MUHAMMAD:

Because you point out in every prohibition debate whether it's the-- the decision to keep marijuana-- criminalized or-- to maintain this heroic notion that gun prohibition-- and stopping every vehicle with a black person in it is gonna save Washington DC. You talk about the fact that the toll experience by these various prohibitions were not-- no, the people who experienced that toll did not bear witness-- in future conversations and debates as they came up. So--

JAMES FORMAN:

That's right.

KHALIL GIBRAN MUHAMMAD:

--the late '60s debate to the '70s debate, the '70s debate to the (THUMP) '80s debate,

the '80s debate to the (THUMP) '90s debate, the missing piece and chapter in all of those debates, those political debates, the legislative reform arguments was, "How have people who have been harmed by the punitive excesses of the system experienced it? And do they get to speak in these (UNINTEL)."

And the answer was resoundingly no, no, (THUMPING), and no. Except at Rikers, it wasn't the *New York Times* investigative journalists, it was Just Leadership U.S.A. and Fortune (THUMP) Society and probably OSF money and a bunch of other organizations behind the scenes, (THUMPING) pushing, pushing, pushing health systems that were objecting to their professional malpractice mandated by the state's lack of resources-- to the people there.

I've spent time at Rikers. I've met, you know, COs who when the-- you turn the faucet inside of the-- the prison cell and it doesn't work, and you say, "You know, hey what's up with that?" They say, "This isn't hotel Rikers." So (LAUGH) it's like, "Oh, so basic water is not, you know, c-- is (UNINTEL) as a luxury."

It was the people, the formerly incarcerated and the activists who brought Rikers down. And to your point and to James's point, that is perhaps the greatest hope for this next chapter in whatever kind of criminal justice system we-- we will have, is that people who have experienced-- the excesses of this system, if they continue to organize politically and we as whomever we happen to be, folks who are in a space like this create room and give platform and resources to those folks, then maybe we can build a better system. That's your point.

JAMES FORMAN:

Hear, hear.

FEMALE VOICE:

Thank you. (APPLAUSE)

(OFF-MIC CONVERSATION)

* * *END OF TRANSCRIPT* * *