**MLK 2011 Tribute: Heal the World**

**Keynote Address by Dr. Michelle Alexander**

- Tammy Baldwin: Our guest speaker today, Michelle Alexander is a highly acclaimed civil rights lawyer, advocate and legal scholar who currently holds a joint appointment at the Kirwan Institute for the Study of Race and Ethnicity in the Moritz College of Law at the Ohio State University. Prior to joining the Kirwan Institute, Michelle Alexander was an associate professor of law at Stanford Law School, where she directed civil rights clinics. In 2005, she won a Soros Justice Fellowship, which supported the writing of her first and highly acclaimed book, "The New Jim Crow "Mass Incarceration in the Age of Colorblindness." For several years, Professor Alexander served as the director of the Racial Justice Project for the ACLU of Northern California, where she helped lead a national campaign against racial profiling by law enforcement. As an attorney in an Oakland, California law firm, she specialized in plaintiff side class action lawsuits alleging race and gender discrimination. Professor Alexander is a graduate of Stanford Law School and Vanderbilt University. Following law school, she clerked for US Supreme Court, Justice Harry Blackmun, and for Chief Justice Abner Mikvah on the U.S. Court of Appeals for the D.C. Circuit. Please join me in giving a hearty Wisconsin welcome to Professor Michelle Alexander.

- Michelle Alexander: Thank you. Thank you so much. Thank you so much for having me. It is beyond an honor to be here, to join in this extraordinary celebration of Reverend Martin Luther King Jr's life and his legacy.

We are living in confusing times today. It's a time of great paradox. One is tempted on a day like today to focus entirely on Dr. King's achievements and his contributions, the way he helped to transform our nation and our collective public consciousness.

But if there is one principle that Dr. King demonstrated consistently as much as his commitment to nonviolence, it was his commitment to the principle of honesty. The principle of telling the whole truth about matters of race. And as he put it quite bluntly just months before his death, he said, quote,

"I do not see how we will ever solve the turbulent problem of race confronting our nation until there is an honest confrontation with it and a willing search for the truth, and a willingness to admit the truth when we discover it."

So in Dr. King's honor, today, I'm going to do my best to tell the truth about race in America. It's a truth that many Americans will deny just as they denied the truth about slavery and Jim Crow in those times.

But the truth is this. We, as a nation have taken a wrong turn, a tragic detour in the stride toward freedom. As a nation, we have betrayed Dr. King's dream. A vast new racial undercaste now exists in America, though their plight is rarely mentioned on the evening news. Obama won't mention it, The Tea Party won't mention it, media pundits would rather talk about anything else. The members of the undercaste are largely invisible to most people who have jobs, live in decent neighborhoods and zoom around on freeways, passing by the virtual and literal prisons in which they live. They are part of the other America.

In 1968, Dr. King gave a speech entitled, "The Other America," in Grosse Pointe High School. He said, quote,

"There are two Americas, one America is beautiful. And this America, millions of people have the milk of prosperity and the honey of equality flowing before them. This America is the habitat of millions of people who have food and material necessities for their bodies, culture, and education for their minds, freedom and human dignity for their spirits. In this America children grow up in the sunlight of opportunity, but there is another America. This America has a daily ugliness about it that transforms the buoyancy of hope into the fatigue of despair."

He then went on to cite the inadequate, overcrowded and fundamentally unequal schools. He described the high rates of unemployment in the black community. The official rate of black unemployment at that time was about 9%. But he noted the figure didn't include all those who had given up all hope of looking for work. He said the unemployment figures, quote,

"Do not take into consideration the thousands of people who have given up, "who have lost motivation for work, the thousands of people who have had so many doors closed in their faces that they feel defeated and they no longer go out and look for jobs. The thousands who have come to feel that life is a long and desolate corridor with no exit signs. The vast majority of Negros in America find themselves perishing on a lonely Island of poverty in the midst of a vast ocean of material prosperity."

On this day of all days, I think we owe Dr. King and ourselves an answer to this question. What really has changed? Most people today of all colors will tell you that so much changed. They'll say,

"Just look at all the black lawyers and doctors. We're free now to eat in any restaurant, sit at any lunch counter. Just look at Barack Obama, just look at Oprah Winfrey, just look at Colin Powell, Condoleezza Rice. Our nation has come a long way."

And then they add, "But of course, we still have a long way to go." This kind of talk. And this familiar line implies that we're on the right path. That if we just keep plodding along, keep forging ahead, sooner or later, we'll reach the promised land.

But is that right? Are we truly on the right path, the same path Dr. King was traveling? Or have we made a tragic U-turn? Could we be heading right back to where we began? Most of the indicators of black wellbeing today that Dr. King cited in his other America speech are actually worse today than they were back then, worse.

Today only 35% of black boys nationwide graduate from high school. The figure is 26% in New York City. Only 12% of black fourth grade boys are proficient in reading and shocking numbers are still not proficient in high school. Today, as in 1968, the reason for these shocking figures is not that black children lack native intelligence or a desire to learn. It's that their schools are so fundamentally inadequate and that hopelessness and despair pervades their families, their homes, and their communities. Dr. King complained that the official black unemployment rate in 1968 was 9%, with many more looking for work. Today in cities across America, more than 50% of black men are jobless, 50%. Several months ago, the Center for Economic Development at the University of Wisconsin, Milwaukee issued a report showing that 53.3% of working age black men in Milwaukee are jobless, the highest ever recorded. In Detroit, the figure is 60%. Black unemployment rates have been breaking records nationwide was scarcely any notice. In December, data released by the Community Service Society show that only 25% of young black men in New York City actually have a job. Now, I wish I could say that, that news is the worst of it, but it's not.

Now I've promised to tell you the truth and to do my best to tell the truth as boldly and fearlessly as Dr. King once did, even when few Americans wanted to hear it or willing to listen it. So here it is. During the past 30 years of vast new system of racial and social control has emerged from the ashes of slavery and Jim Crow, a system of mass incarceration that no doubt would have Dr. King turning in his grave. The systematic mass incarceration of poor people of color in the United States has emerged as a new cast system. One that shuttles children from decrepit underfunded schools to brand new high-tech prisons. This system locks poor people of color into a permanent second-class status for life. It is the moral equivalent of Jim Crow.

Now I must confess, there was a time when I rejected this kind of talk. There was a time when I thought that people who made comparisons between mass incarceration and slavery or mass incarceration and Jim Crow were engaging in exaggerations, distortions, hyperbole. I thought people who made those kinds of claims were actually doing more harm than good to efforts to reform the criminal justice system and achieve greater racial equality in the United States. But what a difference a decade makes, because after years of working on issues of racial profiling, police brutality, drug law enforcement in poor communities of color and attempting to assist people released from prison, quote unquote, reenter into a society that never had much use for them in the first place.

I had a series of experiences that began what I call my awakening. I began to awaken to a racial reality that is so obvious to me now that what seems odd in retrospect is that I had been blind to it for so long. As I write in the introduction to my book, "The New Jim Crow," what has changed since the collapse of Jim Crow has less to do with the basic structure of our society than the language we use to justify it. In the era of colorblindness it's no longer socially permissible to use race, explicitly as a justification for discrimination, exclusion, and social contempt. So we don't. Rather than rely on race we use our criminal justice system to label people of color criminals, and then engage in all the practices we supposedly left behind.

Today it is perfectly legal to discriminate against criminals in nearly all the ways it was once legal to discriminate against African Americans. Once you're labeled a felon, the old forms of discrimination, employment discrimination, housing discrimination, denial of the right to vote, exclusion from jury service, suddenly illegal. As a criminal, you have scarcely more rights and arguably less respect than a black man living in Alabama at the height of Jim Crow. We have not ended racial caste in America. We have merely redesigned it. Here are a few of the facts I uncovered in the course of my research and work that I described in the book. There are more African American adults under correctional control today, in prison or jail on probation or parole than were enslaved in 1850, a decade before the Civil War began.

In 2004, more African Americans were disenfranchised than in 1870, the year, the 15th amendment was ratified, prohibiting laws that deny the right to vote on the basis of race. Now during the Jim Crow era, of course, poll taxes and literacy tests kept black folks from the polls. Well today, felon disenfranchisement laws have accomplished what poll taxes and literacy tests ultimately could not. In some major urban areas, more than half of working age African American men have criminal records. And are thus subject to legalize discrimination for the rest of their lives. In fact, it was reported in 2004, that in Chicago, if you take into account prisoners who are excluded from poverty statistics and unemployment statistics that's masking the severity of racial equality in the United States. But if you count prisoners in the Chicago area, nearly 80% of working age African American men have criminal records. These men are part of a growing undercaste, not class, cast, a group of people defined largely by race who are locked into a permanent second-class status by law.

Now I'm sure there's many people listening right now that are thinking themselves, "What is she talking about?" Mass incarceration is not a system of racial control, it's a system of crime control. The black people just stop committing so many crimes. They wouldn't have to worry about going to prison and being stripped of their basic civil and human rights.

But again, I promise to tell you the truth today, the whole truth. And the truth is that our prison population has quintupled for reasons that have stunningly little to do with crime or crime rates. In less than 30 years. In less than 30 years, the US penal population exploded from about 300,000 to now, well over 2 million. We now have the highest rate of incarceration in the world, a penal system unprecedented in world history. But this is not, I repeat not due to crime rates. Crime rates have fluctuated over the past 30 years, gone up, gone down.

And today, as bad as they are in some places are actually at historical lows. But incarceration rates have consistently soared. Most criminologists and sociologists today will acknowledge that crime rates and incarceration rates in the United States have moved independently of one another. Incarceration rates, particularly black incarceration have soared, regardless of whether crime is going up or down in any given community or the nation as a whole.

So what does explain this vast new system of control, if not crime rates? The answer, the war on drugs and the Get Tough Movement, the wave of punitiveness that washed over the United States. Convictions for drug offenses alone, explain more than half of the increase in the state system and two thirds of the increase in the federal system between 1985 and 2000, the period of the greatest expansion of our prison system.

To get a sense of how large a contribution the drug war has made to mass incarceration, consider this. There are more people in prisons and jails just for drug offenses than were incarcerated for all reasons in 1980. Now, those who imagine that the drug war has been focused on rooting out violent offenders or drug kingpins, think again.

The overwhelming majority of people are arrested for drug offenses are arrested for relatively minor nonviolent offenses. In the 1990s, for example, the period of the drug wars, most dramatic escalation, nearly 80% of the increase in drug arrests were for marijuana possession, a drug less harmful than alcohol or tobacco, but at least if not more prevalent in middle-class white communities and on college campuses and universities as it is in the hood. But the drug war has been waged almost exclusively in poor communities of color. With our young people being stopped and searched, frisked, their cars pulled over in the search for drugs. These are communities that have been targeted in a drug war and made the enemy.

Studies have shown now for decades that contrary to popular belief, people of color are no more likely to use or sell illegal drugs than whites. Now this defies our basic stereotypes. Our basic stereotypes of a drug there earlier is that no black kid standing on a street corner with his pants sagging down. And plenty of drug dealing happens in the ghetto, but it happens everywhere else in America as well. In fact, studies have shown that were significant differences in the data exists. It frequently indicates that white youth are more likely to engage in illegal drug dealing than black youth, but that's not what you would guess by taking a peek inside our nation's prisons and jails which are overflowing with black and brown drug offenders. In some States 80 to 90% of all drug offenders sent to prison have been African American.

But that's just the beginning, 'cause when released from prison, people find themselves ushered into a parallel social universe. They find that they face a lifetime of discrimination, scorn, and social exclusion. Many people branded felons find it difficult even to survive. For the rest of their lives they must check that dreaded box on the employment application asking, "Have you ever been convicted of a felony?"

It doesn't matter if that felony happened three weeks ago or 35 years ago for the rest of your life. You've got to check that box unemployment applications knowing full well the odds are that application's going straight to the trash. To make matters worse, people released from prison are barred from public housing for a minimum of five years, and may be legally discriminated against by both public and private landlords for the rest of their lives. Even food stamps may be off limits to people convicted of drug offenders.

What are folks released from prison expected to do? Can't get a job, you're barred from housing, even food stamps may be off limits to you. What do we expect folks to do? What is the system designed to do? It seems its designed to send people right back to prison, which is what in fact happens about 70% of the time. About 70% of released prisoners return within three years. And the majority of those who return do so in a matter of months, because the challenges associated with mere survival on the outside are so immense.

Why have we chosen this path? Why have we chosen to recreate a vast new racial undercaste in America? Now I don't have time in this forum to describe the racial politics that gave rise to the drug war and the Get Tough Movement or the myriad ways in which politicians of both political parties exploited our nation's racial divisions and anxieties with Get Tough slogans and rhetoric for political gain.

And I don't have time here today to explain the ways in which the seismic shifts in the US economy from an agrarian economy to an industrial economy, to a service-based economy has made black men in particular uniquely vulnerable, no longer needed to pick cotton in the fields or labor in factories. Black men have found themselves suddenly disposable no longer necessary to the functioning of the US economy.

But what I can say is that in the years following Dr. Martin Luther King Jr's death, our nation was faced with a choice, a fork in the road. We could continue down the road. Dr. King was traveling. We could choose the path of compassion, inclusion, forgiveness, unity, and hope. Or we could choose a different road. A road more familiar when it comes to matters of race, the road of exclusion, division, punitiveness and despair.

One day, I believe historians will look back on the era of mass incarceration and they will say it was there, right there at the prison gates that we abandoned Dr. King's dream and veered off the trail he had blazed. We took a detour, a tragic U-turn that would result in millions of African Americans locked up and permanently locked out. We have now spent a trillion, a trillion dollars on the drug war since it began. Funds that could have been used for schools, for economic investment in our poorest neighborhoods, for job creation, for small businesses, a trillion dollars could have been used to promote our collective wellbeing. Instead, those dollars pave the way for the destruction of countless lives, families and dreams.

So what do we do now? Where do we go from here? My own view is that nothing short of a major social movement has any hope of ending mass incarceration in America and inspiring a recommitment to Dr. King's dream. Now, if you doubt that such a movement is necessary today, consider this. If we were to return to the rates of incarceration we had in the 1970s before the drug war and the Get Tough Movement kicked off, we would have to release four out of five people who are in prison today.

More than a million people employed by the criminal justice system would lose their jobs. Most new prison construction has occurred in rural communities, already teetering on the edge of economic collapse. Those prisons across America would have to close down. Private prison companies listed on the New York Stock Exchange will be forced to watch their earnings banish. This system is not going down without a major fight, a major upheaval, a radical shift in our public consciousness.

Of course, there's those who say, there's no help, no hope of ending mass incarceration in America. Just as many were resigned to Jim Crow in the South, today, many people view the millions of people cycling in and out of our prisons today as an unfortunate, but inalterable fact of American life.

I know Dr. King would not have been so resigned. And so I believe that if we are to truly honor Dr. King, we must be willing to continue his work. We must be willing to go back and pick up where he left off. We must do the hard work of movement building on behalf of poor people of all colors.

In 1968, Dr. King told advocates, the time had come to transition from a civil rights movement to a human rights movement. Meaningful equality could not be achieved through civil rights alone. Basic human rights must be honored, the right to work, the right to housing, the right to quality education for all. "Without basic human rights," he said, "Civil rights are an empty promise."

In honor of Dr. King, I hope we will commit ourselves to building a movement to end mass incarceration, a human rights movement, a movement for education not incarceration, jobs not jails, a movement to end discrimination against those who are released from prison, discrimination that violates their basic human rights to work, to housing, to food.

But before this movement can get underway, a great awakening is required. We must awaken from our colorblind slumber to the realities of race in America. And we must be willing to embrace those labeled criminals, not necessarily their behavior, but them they're humanists because it has been the refusal and failure to recognize the dignity and value of all people that has been the sturdy foundation for every caste system that has ever existed in the United States or anywhere else in the world. It is our task today I firmly believe not just to end mass incarceration, but to end this history in cycle of caste in America. Thank you very much for having me.

[cheers and applause]