

FARRAR, STRAUS AND GIROUX

TEACHER'S GUIDE

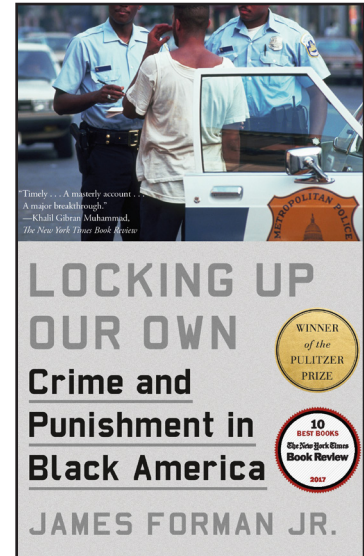
Locking Up Our Own

Crime and Punishment in Black America

James Forman Jr.

“A beautiful book, written so well, that gives us
the origins of where we are.”

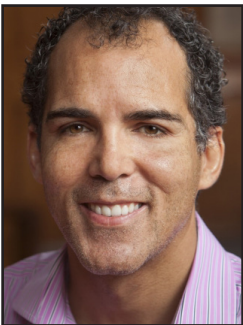
—Trevor Noah, *The Daily Show*



320 pages

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TO THE TEACHER



Winner
of the
Pulitzer Prize

James Forman Jr. is a leading critic of mass incarceration and its disproportionate impact on people of color. In *Locking Up Our Own*, he seeks to understand the war on crime that began in the 1970s and find out why it was supported by many African American leaders in the nation’s urban centers.

Forman describes how the first substantial cohort of black mayors, judges, and police chiefs took office amid a surge in crime and drug addiction. In response, these officials embraced tough-on-crime measures that would have unforeseen but devastating consequences for residents of poor black neighborhoods. A former public defender in Washington, D.C., Forman tells riveting stories of politicians, community activists, police officers, defendants, and crime victims trapped in terrible dilemmas. *Locking Up Our Own* enriches our understanding of why our society became so punitive and offers important lessons to anyone concerned about the future of race relations and the criminal justice system in this country.

Locking Up Our Own holds particular appeal for high school readers. As the *New York Times* book reviewer Jennifer Senior notes, “It’s [Forman’s] six years as a public defender that seem most relevant to the sensibility of this book—and that give it a special halo, setting it apart. The stories he shares are not just carefully curated to make us think differently about criminal justice; they are stories that made Forman himself think differently.” Many of these stories involve young people. Forman describes teenage clients facing harsh sentencing for gun and drug possession, high school students targeted by aggressive stop-and-frisk policing, and young people overcoming what seem like impossible odds. Along the way he offers a detailed historical account of topics of great interest to students today: the war on drugs, gun control, mandatory minimum sentences, and stop-and-frisk policing.

Longlisted for the National Book Award
A *New York Times* Book Review 10 Best Books of the Year

“An absolutely essential read for anyone who wants to understand the politics of crime, race, and incarceration.”—Chris Hayes, MSNBC

“A masterly account of how a generation of black elected officials wrestled with recurring crises of violence and drug use in the nation’s capital . . . A big deal and a major breakthrough.”—Khalil Gibran Muhammad, *The New York Times Book Review*

“Superb and shattering . . . ‘How did a majority-black jurisdiction end up incarcerating so many of its own?’ This is the exceptionally delicate question that [Forman] tries to answer, with exemplary nuance, over the course of his book. His approach is compassionate . . . The effect, for the reader, is devastating. It is also politically consequential.”—Jennifer Senior, *The New York Times*

“James Forman Jr. masterfully explores why so many African Americans supported tough criminal laws over the past fifty years, and why, more recently, their attitudes began to shift. Combining dramatic stories from his work as a public defender with original historical research, Forman uncovers mass incarceration’s hidden history while documenting its human cost. Beautifully written, powerfully argued, and, most of all, deeply empathetic, *Locking Up Our Own* should be read by everybody who cares about race and justice in America.”
—Van Jones, author, *The Green-Collar Economy and Rebuild the Dream*

“A sharp analysis . . . [Forman] shows how our nation has gotten to the point where so many citizens—primarily blacks—are imprisoned . . . Writing with authority and compassion, the author tells many vivid stories of the human toll taken by harsh criminal justice policies. He also asks provocative questions . . . Certain to stir debate, this book offers an important new perspective on the ongoing proliferation of America’s ‘punishment binge.’”—*Kirkus Reviews* (starred review)

“James Forman Jr.’s passion for representing the disenfranchised and his belief in second chances are both admirable and commendable. His voice is conscious and honest.”—Aniyah, twelfth-grader, Thurgood Marshall Academy Public Charter High School, Washington, D.C.

A NOTE TO TEACHERS
FROM THE AUTHOR

As a child of civil rights activists, questions of race and criminal law have been on my mind since I was a teenager. I wrote this book hoping that high school and college students would read it, and I’m thrilled that they are.

I drew on my perspective as a former high school teacher in developing this guide. The discussion questions below are divided up by chapter, thereby allowing teachers either to assign the entire book or select a particular chapter or two. All the questions are text-dependent and require students to

draw upon what they read in their responses, but many of them also invite students to make text-to-self and text-to-world connections.

The questions can be used in a variety of ways. Teachers may use some in whole class discussions; or choose to divide up the questions and assign different ones to different groups of students for smaller group discussions. In addition, some of the questions can be used in assessment.

This guide is part of a larger effort to make the material in this book accessible to a diverse group of learners. A detailed set of lesson plans will be available for free on my website (www.jamesformanjr.com) beginning in January 2019.

I welcome your feedback (and your students' reactions). The best way to reach me is on Twitter at @JFormanJr. You can also contact me by email at james.forman@yale.edu.

Warmly,
James

DISCUSSING AND
STUDYING THIS
BOOK IN CLASS

Introduction

1. What is the “Dr. King speech”?
 - If you had to boil the “Dr. King speech” down to a hashtag, what would it say?
 - Have you ever heard anyone talk in a way that reflects the same message Judge Walker was expressing? If so, who and what were the circumstances?
2. Forman uses statistics throughout the Introduction. Pick the statistic that stuck out the most to you.
 - What does that statistic show?
 - In your opinion, why is that statistic so important?
3. Forman describes two “racial realities” in the Introduction. The first—the reason he became a public defender—is that African Americans were disproportionately incarcerated. At the bottom of page 8 he mentions what he calls “another racial reality.”
 - What is this second racial reality?
 - What strikes him as so profound about this state of affairs?
 - How does it provide context for the book’s title?
4. On page 10, Forman begins to answer his book’s central question: Why did so many African American leaders support tough-on-crime measures, beginning in the 1970s? The pages that follow are his first attempt to answer that question, and these pages introduce the book’s main arguments. Either as a class, in pairs, or individually, have students list the reasons he gives.

5. Authors normally try to do two things in an Introduction: 1) summarize and preview what's to come, and 2) pull the readers in so that they will want to read more. What techniques does Forman use as a writer to try to pull you in?

Chapter 1

Gateway to the War on Drugs: Marijuana, 1975

1. Early in the chapter, Forman poses a central question of the book: "Why would black people ever have supported the drug war?" Are you surprised to read that significant levels of support for the war on drugs ever existed in the black community? Or did you come to read the book already having that understanding? If the former, explain why you are surprised. If the latter, describe how you came to know this.
2. Summarize David Clarke's main argument for why decriminalization was a racial justice and civil rights issue. Do you find this argument persuasive? If so, what evidence from the text is most compelling in your view? If not, present a counterclaim to Clarke's argument.
3. In the book, the two main responses to D.C.'s heroin epidemic are represented by the views of Robert DuPont and Hassan Jeru-Ahmed.
 - What was the central point of disagreement between the two and their approaches to dealing with the heroin crisis?
 - Which side of the debate would you have been on if you had been alive and living in Washington, D.C., at the time? Why?
4. What kind of root-cause solutions did Hassan and the BDC advocate?
 - Why does Forman call this an "all-of-the-above" approach to addressing drugs and crime?
5. Summarize Douglas Moore's critique of David Clarke's proposal for the decriminalization of marijuana. Where was he coming from in his opposition? Outline three arguments discussed in the chapter to support Moore's view.
6. What were the main concerns about decriminalization for D.C.'s black clergy? What is your opinion about this view?
7. Forman writes that the "central paradox of the African American experience" is the "simultaneous over- *and* under-policing of crime." A paradox is a situation, person, or thing that combines features or qualities that seem contradictory. Describe what this paradox might look like in people's real lives. You can use examples from history or the present.
8. Forman ends the chapter by asking how so many in the black community could support a decision not to decriminalize marijuana in 1975, given that black people would disproportionately become the targets of marijuana arrests and convictions.
 - What do you think of the explanation he gives? Does it make sense? Seem plausible?
 - How does this all shed light on the title of this chapter?

Chapter 2

Black Lives Matter: Gun Control, 1975

1. On page 51, Forman draws an important parallel between the central topics of Chapters 1 and 2—drugs and guns. How can this parallel be seen in the local debates over marijuana decriminalization and gun control that played out in Washington, D.C., in the 1970s?
 - According to Forman, how do people’s opinions on gun and drug policy tend to line up with their political position on a liberal-to-conservative spectrum?
2. Name some of the examples Forman gives of how D.C.’s crime wave was covered by the city’s black press.
 - What impressions and information did this coverage give you about how the black community was thinking, feeling, and behaving in response to crime at the time?
 - Do you think these stories and perspectives were being covered in the more mainstream press? What makes you say that?
3. What did City Council member John Wilson argue should be done in order to enforce gun control measures? What would be the racial impact of Wilson’s call for tougher sentencing in gun cases? How did he, and other black officials who supported his tough-on-crime position, defend against charges of being “antiblack”?
4. In 1975, Doug Moore was on the opposing side of David Clarke’s marijuana decriminalization proposal and of John Wilson’s gun control bill. What were his main arguments against gun control?
 - What did his views on guns have in common with his position on drug policy?
5. Forman writes about the history of a “black tradition of arms” on pages 64–70. Name one example from the chapter of blacks using guns for self-defense and self-determination during the periods of Reconstruction and Jim Crow.
 - Give a different example of this same black tradition of arms during the 1960s and during the civil rights movement.
 - Are you surprised to learn about the “black tradition of arms,” or is it familiar to you? If you are surprised, why? If it is familiar, how?
6. In the final pages of this chapter, Forman asks and then answers the question, “What caused a hundred-year-old black tradition of arms to fade so quickly?”
 - In your own words, try to restate the two separate answers he gives.
 - How do both of his explanations for black support of gun control hinge upon the gains of the civil rights movement?
7. According to Forman, what did D.C.’s gun control and marijuana debates have in common in terms of the attempt to solve social problems?
 - Who was affected most, and how, by the policies that came out of these two debates?

8. While D.C. passed Wilson's gun control legislation in 1975, how successful were similar efforts to restrict guns nationally?
 - Can gun control be effective on a local or state-by-state basis, in your opinion?
9. Whether they were for or against gun control, many of the black leaders and officials represented in this chapter agreed that fighting crime would require some version of an "all-of-the-above" strategy.
 - What would such an "all-of-the-above" strategy have included?
 - What does Forman mean when he writes that conservatives framed criminal justice issues as an "either-or" choice?
 - Which of these strategies—"all-of-the-above" or "either-or"—won?

Chapter 3

Representatives of Their Race: The Rise of African American Police, 1948–78

1. On pages 79–80, Forman summarizes five of the arguments that had been made for hiring more black police officers. What are they? Which do you find most compelling? Why? Are there any that you believe have proven unfounded or false? What makes you say that?
2. What examples does Forman give of how policing in the South grew from and evolved with a system of white supremacy?
 - How were many Southern police forces used during slavery?
 - To what extent did the situation change after the Civil War and during Reconstruction?
 - How were police involved in enforcing Jim Crow segregation in the South?
3. Where did Forman get the title for this chapter? Describe the context in which it is used. What do you think it would feel like to be given that title—"representatives of your race"? What effect might that have had on the "Atlanta Eight"?
4. How did class influence the relationship between D.C.'s black community and its white police officers? What concerns did middle-class blacks have about the behavior and attitudes of white officers?
5. Summarize the argument, expressed by Chuck Stone on page 99, that crime in the community is linked to hiring practices in the police department. What reasoning did he give to support his argument? Do you find these claims persuasive?
 - Consider Stone's argument in the context of education. Does the success of a school depend on the relationship between the students who attend that school and teachers who are hired to work there? Are the racial identities and racial attitudes of students and teachers relevant?
6. Interpret what you think this quote from a black officer means: "I'm not their soul brother or friend, I'm a policeman." What is the officer communicating? What does this suggest about how he views his job?

- In your opinion, was the assumption of “racial solidarity” between black citizens and black officers wrong? Give evidence from the text to support your claim.
7. Explain the economic reasoning that motivated many African Americans to become police officers.
 - Once on the force, how did these motivators influence the way black officers would do their job?
 - What did this mean for the hope many had that black officers would transform policing?
 8. Toward the end of the chapter, Forman suggests that hiring more black police officers is an important goal, but that it won’t change how police treat black citizens. Do you agree?

Chapter 4

“Locking Up Thugs Is Not Vindictive”: Sentencing, 1981–82

1. What are some of the assumptions or stereotypes associated with public defenders? Where do those ideas come from? What biases do they reveal about class?
 - How did Forman and his Public Defender Service colleagues respond to this stereotype?
2. On pages 119 to 124, Forman describes meeting with Tasha Willis to discuss the plea offer in her case. Reflecting on that conversation, consider the following questions:
 - What was the maximum sentence she was facing if found guilty?
 - Why didn’t Ms. Willis accept the plea offer?
 - What would you have done in her shoes? Would you have taken the plea? Why or why not?
3. On pages 122 to 124, Forman describes meeting with Bernice Lester, the prosecutor on Ms. Willis’s case. He asked that the government agree to allow Ms. Willis to enter a treatment program. Reflecting on that conversation, consider the following questions:
 - What was the prosecutor’s position? What was her reasoning?
 - What did Forman argue? What were his reasons?
 - What would you have done if you were the prosecutor?
4. How did John Ray make the case in support of mandatory minimums using a racial justice argument? What was his reasoning?
 - On what grounds did civil rights organizations like the NAACP and the Urban League oppose mandatory minimums? What was their reasoning?
 - On what grounds did Charles Ruff oppose mandatory minimums? What was his reasoning?
 - Who do you agree with? Why?

5. Forman writes that while most voters in D.C. supported policies that addressed the root causes of crime, they also voted overwhelmingly in favor of punitive anti-crime measures such as mandatory minimums. Why?
 - What was the biggest motivating factor for voters in passing Initiative 9?
6. Reread the first full paragraph on page 147 (starting with “In 1977...”).
 - How many alternatives or “what-if’s” does Forman suggest? In your opinion, are any of these good ideas for how to respond to a drug epidemic? Which ones? Explain.
 - What do all these alternatives have in common? How are these ideas different from the approach taken by Burtell Jefferson and Ray?
7. What happened to Tasha Willis? How did her case end? What does Forman mean when he writes that she had won the lottery?
 - How would you describe Forman’s mood or tone at the end of the chapter? Cite the text to support your answer.
 - Why do you think he is not happier or more relieved about the outcome?
 - Do you think you would have felt differently than Forman? If so, what would you have felt?

Chapter 5

“The Worst Thing to Hit Us Since Slavery:” Crack and the Advent of Warrior Policing, 1988–1992

1. Describe what occurred between the police and Maya Angelou Public Charter School students on the corner of 9th and T Streets.
 - What is your reaction to reading about these encounters?
 - Cite evidence from the text that reveals Forman’s thoughts and feelings about this dynamic.
2. How was the crack epidemic of the 1980s used to justify the warrior policing model?
 - What other “hostile” and “unforgiving” measures, tactics, and policies does Forman cite as becoming entrenched in our criminal justice system during this era?
3. Pages 159–160 describe the “deadliest month in D.C. history”—January 1988. Why do you think Forman writes about each murder victim in the way he does? Why not summarize what happened that month in a single sentence, or even a paragraph?
 - What is the impact of his choice upon the reader?
4. Isaac Fulwood features prominently in this chapter. What is the significance of his story within the larger narrative of crime and punishment in black America?
 - Why do you think Forman chose to include so much about him in this chapter? What do we gain from learning about his personal life and background?
5. Forman writes that many of D.C.’s black residents supported warrior policing practices such as the use of jump-out squads and asset forfeiture. What reasons

has he provided, in this chapter or others, to explain why the War on Drugs had any support in parts of black America most directly impacted by the effects of punitive policing?

- Do you find those reasons compelling? Confusing?
6. Consider the principle that says punishment of a crime should be proportionate to the amount of harm done by the crime. Is this idea—that the punishment should fit the crime—reflected in the enforcement of drug laws? Provide examples from this chapter to support your answer.
 7. Forman describes some of the ways drug users were characterized, vilified, and penalized during the crack years. Is that still the case today? Or have things changed with the opioid epidemic?
 - Do public perceptions change depending on who the users are and what the drug is?
 8. Toward the end of this chapter, Forman takes us back to how it began—with students from the Maya Angelou Public Charter School struggling to navigate and survive warrior policing.
 - If the crack epidemic was in the past, why were such combative policing practices still being used in 2000?
 9. Describe the town hall meeting held at the Maya Angelou Public Charter School. What were the goals of students and staff? What specifically did they do to try to achieve those goals?
 - How did they attempt to appeal to the police officers?
 - How did the meeting end and why, in your opinion, was it ultimately unsuccessful?

Chapter 6

What Would Martin Luther King, Jr., Say?: Stop and Search, 1995

1. Why did Ms. Dozier agree to let the officer search her car? What do most people in her situation do? What would you do? If this has happened to you, what did you do?
2. What arguments did Forman make when appealing to Ms. Dozier's boss at FedEx? What was Mr. Mills's personal opinion of the situation? What was his final decision on the matter? Why the contradiction?
3. What were Ms. Dozier's "stereotype busters"? Explain why Forman calls this her "armor." Can you relate to this? What is your armor?
4. Why do you think Jesse Jackson, Eric Holder, and Bill Clinton all referenced the life and legacy of Dr. King in their remarks about crime? What does the image of Dr. King represent? What kind of emotional response might they be trying to get from their audiences?
 - Make a connection between this and the exchange between Judge Walker and Brandon in the book's Introduction.

5. Describe how Operation Ceasefire worked and why pretext stops are so central to the strategy.
6. Forman describes how Eric Holder defended Operation Ceasefire. What was Holder's defense? Forman also outlines several problematic aspects of Operation Ceasefire. After reading the arguments for and against, where do you stand? Would you have supported Operation Ceasefire?
7. Did pretext policing affect all black Washingtonians in the same way? What class divide does Forman introduce in the chapter? How does he position himself in that divide?
8. Toward the end of the chapter, Forman restates the argument that pretext stops are problematic, not because their targets are necessarily innocent, but because other drivers guilty of the same crimes are less likely to be stopped. Explain more precisely why the practice is discriminatory based on race and class.
 - Who is targeted? And who gets a "free pass"?
9. In the chapter's last two pages, Forman suggests actions that could have been taken, in both the public and private sectors, to prevent the kind of damage done to people like Sandra Dozier by punitive policing. What are his suggestions? Which do you find most persuasive? Why?

Epilogue

The Reach of Our Mercy, 2014–16

1. Forman criticizes the "nonviolent-offenders-only" approach to criminal justice reform, arguing that it will have only a very small impact on the problem of mass incarceration. Explain this criticism by restating his argument.
 - How might defenders of this approach, like Valerie Jarrett, respond to Forman's concern?
 - What is your view of basing criminal justice reform on an approach that benefits nonviolent offenders only?
2. Forman writes that when criminal justice reform excludes help for violent offenders, "It allows for no individual consideration of the violent offense. The context, the story, the mitigating factors—none of it matters. Any act of violence in your past casts you as undeserving forever." What is your view? Do you agree or disagree with Forman that this is a problem?
 - Where should a perpetrator's personal story and background fit into judgments about crime and punishment?
 - What would be the consequences of humanizing violent offenders? Would that be mostly positive or negative in your opinion?

3. In the Epilogue’s final pages (237–238), Forman responds to the question of what individuals can do to push back against mass incarceration. He applies the “Mr. Thomas” approach to the individual choices of everyday people.

- What characterizes this approach, and what examples does Forman give of how it could work?
- What is something you can do to address the problem of mass incarceration, even if in the smallest of ways?

FOR FURTHER READING

Anthony Ray Hinton, *The Sun Does Shine: How I Found Life and Freedom on Death Row*

Barry Friedman, *Unwarranted: Policing Without Permission*

Bryan Stevenson, *Just Mercy: A Story of Justice and Redemption*

Dwayne Betts, *A Question of Freedom: A Memoir of Learning, Survival, and Coming of Age in Prison*

Khalil Gibran Muhammad, *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America*

John Pfaff, *Locked in: The True Causes of Mass Incarceration—and How to Achieve Real Reform*

Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*

Ta-Nehisi Coates, *Between the World and Me*

Victor M. Rios, *Punished: Policing the Lives of Black and Latino Boys*

ABOUT THE AUTHORS

This guide was written by James Forman Jr. and Emily Chiariello. James is a professor at Yale Law School, and lives in New Haven, CT, with his wife and son. Emily is an independent consultant specializing in diversity and equity in K–12 education. She has two decades of experience as a classroom teacher, teacher trainer, curriculum designer, content developer, and writer. She can be reached at www.chiariello-consulting.com.

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Jay Allison & Dan Gediman, editors, **THIS I BELIEVE**
Ishmael Beah, **A LONG WAY GONE**
Francis Bok, **ESCAPE FROM SLAVERY**
Kalisha Buckhanon, **UPSTATE**
Building Solid Readers (A Graphic Novel Teacher's Guide)
Philip Caputo, **A RUMOR OF WAR**
Joshua Davis, **SPARE PARTS**
Michael Dorris, **A YELLOW RAFT IN BLUE WATER**
Margaret Edson, **WIT**
Barbara Ehrenreich, **NICKEL AND DIMED**
Robert Fitzgerald, trans., **THE ODYSSEY**
Robert Fitzgerald, trans., **THE ILIAD**
James Forman, Jr., **A LOCKING UP OUR OWN**
Robert Frost, **ROBERT FROST'S POEMS**
Jostein Gaarder, **SOPHIE'S WORLD**
Joanne Greenberg, **I NEVER PROMISED YOU A ROSE GARDEN**
Tim Hamilton, **RAY BRADBURY'S FAHRENHEIT 451**
James Herriot, **ALL CREATURES GREAT AND SMALL**
Anthony Ray Hinton, **THE SUN DOES SHINE**
Tony Horwitz, **MIDNIGHT RISING**
Iris Jacob, **MY SISTERS' VOICES**
Sid Jacobson & Ernie Colón, **ANNE FRANK**
Sid Jacobson & Ernie Colón, **THE 9/11 REPORT**
Jamaica Kincaid, **ANNIE JOHN**
Lawrence & Lee, **THE NIGHT THOREAU SPENT IN JAIL**
Gerda Weissmann Klein, **ALL BUT MY LIFE**
Bernard Malamud, **THE NATURAL**
Robert J. Mrazek, **STONEWALL'S GOLD**
Robert Pinsky, trans., **THE INFERNO OF DANTE**
Gae Polisner, **THE MEMORY OF THINGS**
Gae Polisner, **IN SIGHT OF STARS**
Amal Rifa'i & Odelia Ainbinder, **WE JUST WANT TO LIVE HERE**
Mark Ritland, **NAVY SEAL DOGS**
Ntozake Shange, **BETSEY BROWN**
Dodie Smith, **I CAPTURE THE CASTLE**
Howard E. Wasdin & Stephen Templin, **I AM A SEAL TEAM SIX WARRIOR**
Elie Wiesel, **NIGHT**