

Transcript of Democracy Now Michelle Alexander interview

This is a rush transcript. Copy may not be in its final form.

NERMEEN SHAIKH: Pressure is mounting on the Justice Department to bring civil rights charges against George Zimmerman, after he was acquitted of second-degree murder in the shooting death of unarmed African-American teenager Trayvon Martin. During a news conference Tuesday, Reverend Al Sharpton and other civil rights leaders called for rallies in a hundred cities this weekend to demand "Justice for Trayvon. Sharpton also denounced Florida's "Stand Your Ground" law, which has since spread to about 30 other states and allows people fearing for their lives to use deadly force without retreating from a confrontation.

REV. AL SHARPTON: Let us be clear: It is now, because of these laws, and upheld by a jury in this trial, where anyone walking—committing no crime—can be followed or approached by another civilian, and they can use deadly force and say it was self-defense. That is something that is frightening and cannot be allowed to sustain itself in our society.

NERMEEN SHAIKH: While Zimmerman's attorneys did not directly use Florida's Stand Your Ground defense, the law impacted the instructions to the jury, who were told he, quote, "had no duty to retreat and had the right to stand his ground and meet force with force, including deadly force if he reasonably believed that it was necessary to do so to prevent death or great bodily harm to himself or another or to prevent the commission of a forcible felony." On Tuesday, U.S. Attorney General Eric Holder condemned Stand Your Ground laws during his address to the annual convention of the NAACP.

ATTORNEY GENERAL ERIC HOLDER: Separate and apart from the case that has drawn the nation's attention, it's time to question laws that senselessly expand the concept of self-defense and sow dangerous conflict in our neighborhoods. These laws try to fix something that was never broken. There has always been a legal defense for using deadly force if—and the "if" is important—if no safe retreat is available. But we must examine laws that take this further by eliminating the commonsense and age-old requirement that people who feel threatened have a duty to retreat, outside their home, if they can do so safely. By allowing, and perhaps encouraging, violent situations to escalate in public, such laws undermine public safety. The list of resulting tragedies is long and, unfortunately, has victimized too many who are innocent. It is our collective obligation: We must stand our ground to ensure—we must stand our ground to ensure that our laws reduce violence and take a hard look at laws that contribute to more violence than they prevent.

NERMEEN SHAIKH: That was U.S. Attorney General Eric Holder addressing the annual convention of the NAACP in Orlando, Florida, not far from where Trayvon Martin was killed. Meanwhile, on Tuesday protesters began a sit-in at Florida Governor Rick Scott's office to demand "Justice for Trayvon." The group known as the Dream Defenders is calling for a special legislative session to address Florida's Stand Your Ground law. They have vowed not to vacate the governor's office until their concerns are addressed. The musician Stevie Wonder has also come out against the law by saying he will not perform in Florida or any other state with the law on its books.

AMY GOODMAN: Well, for more, we're going to Columbus, Ohio, where we're joined by Michelle Alexander, civil rights advocate, attorney, author of the best-selling book *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. Michelle Alexander recently wrote, "It is the Zimmerman mindset that must be found guilty—far more than the man himself. It is a mindset that views black men and boys as nothing but a threat, good for nothing, up to no good no matter who they are or what they are doing. It is the Zimmerman mindset that has birthed a penal system unprecedented in world history, and relegated millions to a permanent undercaste."

Michelle Alexander, welcome back to *Democracy Now!* Let's look at the big picture here.

MICHELLE ALEXANDER: Well, I think it's clear that George Zimmerman not only killed an innocent man, but that Trayvon Martin would be alive today if he had been born white. If Trayvon had been white, it is beyond any reasonable doubt that he would not have been stalked by Zimmerman, and he would not have found himself in a fight with George Zimmerman. There would have been no fight, no trial, no verdict, no dead boy.

And as we reflect on what this moment means for our democracy and our racial present, I think it's critically important that we not allow ourselves to get bogged down in the details of who said what when, but rather step back and consider what this Zimmerman mindset, a mindset that views a boy walking in his neighborhood carrying nothing but Skittles and iced tea as a threat, this mindset that views black men and boys as a perpetual problem to be dealt with. This mindset has infected our criminal justice system, has infected our schools, has infected our politics, in ways that have had disastrous consequences, birthing a prison system unprecedented in world history and stripping millions of basic civil, human—millions of people of basic civil and human rights once they've been branded criminals and felons. It's this mindset that some of us, defined largely by race and class, are unworthy of our basic care and concern, and can be dealt with harshly, written off with impunity, that has led to the birth of the prison-industrial complex and, I think, a great deal of indifference to the plight of those who are locked up in cages in prisons, but also locked out of jobs and opportunity, and find themselves trapped in ghettoized communities.

NERMEEN SHAIKH: Michelle Alexander, you've also suggested that if Zimmerman were actually a police officer, we would not be having this conversation. Could you explain what you mean by that and what the implications of it are?

MICHELLE ALEXANDER: Absolutely. You know, there has been an outpouring of anger and concern because of the actions of George Zimmerman, a private citizen who profiled a young boy and pursued him and tried to confront him, perhaps. But what George Zimmerman did is no different than what police officers do every day as a matter of standard operating procedure. We have tolerated this kind of police profiling and the stopping and frisking of young black and brown men. We have tolerated this kind of conduct for years and years, recognizing that it violates basic civil rights but allowing it to go on.

You know, the reality is, is that it is a crime for a private person to go up to another private person, armed with, you know, a loaded weapon, and confront them, stalk them, perhaps search all over their body to see what they may have on them. That is a crime. It's an assault with a

deadly weapon, aggravated battery or aggravated assault. But when a police officer does precisely the same thing, it's called "stop and frisk."

And, as we know, stop-and-frisk policies are routine nationwide. In New York City alone, more than 600,000 people are stopped and frisked every year, overwhelmingly black and brown men, and nearly all are found to be innocent of any crime or infraction, and are harassed simply because they seem out of place, seem like they're up to no good. The same kinds of stereotypes and hunches that George Zimmerman used when deciding that, you know, Trayvon Martin seemed like a threat in his neighborhood, law enforcement officers employ all the time.

I believe that Trayvon Martin's life might well have been spared if many of us who care about racial justice had raised our voices much, much sooner and much, much more loudly about the routine stereotyping and profiling of young black men and boys. It is because we have tolerated these practices for so long that George Zimmerman felt emboldened, I believe, to act on a discriminatory mindset that night.

AMY GOODMAN: I wanted to ask you about this case of Marissa Alexander. She's the 31-year-old African-American mother of three who was sentenced to 20 years in prison for firing what she maintains was a warning shot at her abusive husband. She has insisted she was defending herself when she fired the gun into a wall near her husband. Alexander had turned down a plea bargain that would have seen her jailed for something like three years. She attempted to use Florida's Stand Your Ground law in her defense, but in March 2012 the jury convicted her, after only 12 minutes of deliberation, and she was sentenced to 20 years behind bars under a Florida law known as "10-20-Life" that carries a mandatory minimum for certain gun crimes regardless of the circumstance. This was an Angela Corey prosecution, the special prosecutor in the Trayvon Martin case who ultimately brought the charge of second-degree murder against George Zimmerman. Michelle Alexander, can you talk about this Florida law and the issue of mandatory minimums, in general?

MICHELLE ALEXANDER: Absolutely. You know, the case you just described is, you know, a stark example of the discriminatory application of the Stand Your Ground law itself. You know, here is a woman firing shots in the air to protect herself from what she believed is an abusive spouse, and she winds up getting 20 years, while George Zimmerman, you know, is released scot-free after pursuing someone based on racial stereotypes and assumptions of criminality. She received a 20-year sentence because of harsh mandatory minimum sentences, sentences that exist in Florida and in states nationwide.

Mandatory minimum sentences give no discretion to judges about the amount of time that the person should receive once a guilty verdict is rendered. Harsh mandatory minimum sentences for drug offenses were passed by Congress in the 1980s as part of the war on drugs and the "get tough" movement, sentences that have helped to fuel our nation's prison boom and have also greatly aggravated racial disparities, particularly in the application of mandatory minimum sentences for crack cocaine.

It is the Zimmerman mindset, the mindset that some people, viewed largely by race and class, are a problem that must be dealt with harshly and just locked up and, you know, the key thrown

away, that has helped to drive the adoption of many of these mandatory minimum sentence laws. And if we are serious about ending the Zimmerman mindset, we must be committed to much more than ending vigilante justice. We must be committed to repealing all of the mandatory minimum sentence laws that reflect that kind of Zimmerman mindset, the mentality that some people can simply be disposed of, are a problem—not people who have problems, but who are the embodiment of problem—that can be treated like mere throwaways.

AMY GOODMAN: And I just wanted to correct: Her name is Marissa Alexander, the woman who was sentenced to 20 years in jail for shooting a gun. Nermeen?

NERMEEN SHAIKH: Michelle Alexander, you heard the comments of Attorney General Eric Holder. What do you think the Justice Department should be doing in response to this and in response to some of the trends that you've spoken of in the criminal justice system?

MICHELLE ALEXANDER: Well, with respect to the George Zimmerman case, I think they are right to continue their investigation into whether federal civil rights charges can be brought against George Zimmerman. I think it's highly unlikely that the Justice Department will actually file suit against George Zimmerman, but I am encouraged that they're actually continuing the investigation.

But simply investigating this one case does not even begin to scratch the surface of what must be done. Although Attorney General Eric Holder does not have the authority to repeal mandatory minimum sentences and undo the legislation that has, you know, helped to create the prison-industrial complex, what he can do is insist that we have a national debate and dialogue. He can say that the passage of these mandatory minimum sentences was wrong and that it was done with a discriminatory mindset, that it was done with an attitude of overwhelming punitiveness towards poor people, in general, and poor people of color, in particular, that it has had disastrous consequences for poor communities of color, and that we must undo the harm that has been done and repeal these laws so that a more restorative and rehabilitative approach to criminal justice might be possible. He can do this. You know, this is a conversation that I think he is well positioned to lead and to begin. But as we've seen with President Obama's administration, although both the president and Attorney General Holder often say they want to encourage frank dialogues about race, we've seen relatively little in terms of, you know, actual initiative and leadership shown around issues of racial justice. And I would hope that, you know, in the months that follow the Trayvon Martin tragedy, that we will see much more courage and bold leadership coming from the Justice Department.

AMY GOODMAN: Michelle Alexander, I want to ask you to stay with us. We're going to break quickly. Michelle is author of *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. And then we're going to come back to talk about a new study of African Americans killed by police or security guards just in the last year. Stay with us.