In the early 1980s, when Michael Javen Fortner was about 2 years old, his elder brother was fatally stabbed. The killing haunted Fortner’s family. The loss, along with the years he spent growing up in the Brownsville neighborhood of Brooklyn at the peak of the crack epidemic, also colored the agenda he would one day pursue as a political scientist. His goal: to recover the voices of black victims whose lives are invisible in writing about incarceration.

On a recent afternoon, Fortner takes me to the area where he believes his brother was stabbed. The spot, near the corner of Eastern Parkway and Sterling Place, sits in a distant section of Brooklyn marked by overgrown lots and frayed storefronts. Though Fortner has spent years studying the minutiae of crime policy, he knows only fragments of what apparently happened to his brother. That the teenager got into a beef after leaving a block party. That he was stabbed with an ice pick. That his father held him on the way to the hospital.
"For my mother and my father, it just left this profound gap," says Fortner, a large man in a purple shirt whose voice is almost drowned out by the din of traffic. As far as Fortner recalls, his father never said his brother’s name, Dexter. Once, Fortner found old photos of his brother in the closet. To make his mom happy — it may have been Mother’s Day — he hung them around the house. Next morning, they were gone. "I remember that sadness in my house was always there."

Fortner also remembers the "constant and subtle terror" of living in the 15-story, red-brick housing project that occupied the now-vacant lot near where we’re standing. Drug dealers loitered out front, making him scared to enter and leave. Addicts knocked on his door peddling stolen goods, like radios or an uncooked chicken. He kept his wallet with him in bed at night to hide it from addicts in his own family. Lying there, he flinched at the sound of gunshots.

At the age of 13, assisted by scholarship money, Fortner escaped to boarding school at Phillips Academy, in Andover, Mass. But the experience of Brownsville stayed with him as he built a career as an expert on racial politics, earning a Ph.D. at Harvard and a position as assistant professor in the City University of New York’s School of Professional Studies. His past fed a sense of dissatisfaction with the literature on mass incarceration in the United States. Scholars and activists had rallied to help the prison population, Fortner felt, highlighting racism in a criminal-justice system that maintains an incarceration rate five to 10 times greater than other liberal democracies and locks up African-Americans at almost
six times the rate of whites. But, as he saw it, that scholarship discounted the experience of working- and middle-class black people who cope with the consequences of drugs and crime. It overlooked the power of their activism. It obscured the important role they played in bringing about mass incarceration.

In September, Fortner will publish a book that tries to correct that narrative. The study, *Black Silent Majority* (Harvard University Press), focuses on black activism and narcotics-policy development in New York in the decades leading up to passage of the Rockefeller drug laws in 1973, which Fortner identifies as a turning point in the spread of punitive sentencing practices. The book looks at how growing disorder and addiction drove many working- and middle-class people in Harlem and elsewhere to mobilize for tougher crime policies. When Nelson A. Rockefeller staged a news conference promoting his antidrug proposals, Fortner writes, the New York governor was joined by five leaders from the country’s most famous black neighborhood.

James Forman Jr., a professor at Yale Law School who studies race and criminal justice, calls *Black Silent Majority* a groundbreaking work that will be widely read. "I don’t think it’s going to be possible after this book to write a story anywhere that leaves out black actors when we’re telling the story of the evolution of the criminal-justice system," he says.

For Fortner, telling that story has been difficult at times. Early on, his research met resistance from critics who felt he was trying to justify mass incarceration, which he loathes. The work continues to provoke attacks from some scholars, particularly historians, who think he has overstated his findings. What’s more, as

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a black scholar, Fortner feels protective of how the problems of African-Americans are portrayed. Yet the evidence leads him to make the community’s conflict central to the story of mass incarceration — to write, as he does in *Black Silent Majority*, that black people are "partially responsible" for the misery suffered by African-American "sons, brothers, husbands, and fathers."

"It is a Cain and Abel story," Fortner says. "And there’s something uncomfortable and fundamentally tragic about that."

Fortner didn’t plan to write a book about this. As we settle in for the long cab ride from Brownsville back to Manhattan, he explains how *Black Silent Majority* came about in part from his encounter with another book, Michelle Alexander’s *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (The New Press, 2010).

Alexander’s core claim is that mass incarceration functions as a new racial caste system that consigns millions of black people to second-class citizenship. Her book has stirred a national discussion: *The New York Times* covered it; Rand Paul urged audiences to read it; Cornel West called it a "secular bible for a new social movement." As Marie Gottschalk, a leading criminal-justice scholar at the University of Pennsylvania, says in an interview: "Nobody has done more to popularize this issue and put it on the political radar screen than Michelle Alexander and *The New Jim Crow.*"

What vexed Fortner was that *The New Jim Crow* seemed to be two different books. One did a powerful job showing how mass incarceration undermines black communities and perpetuates racial inequality. The other — and this was the vexing part — advanced a political theory about how we got here. That history stressed the resilience of white supremacy. First came slavery; when slavery ended, a white backlash brought Jim Crow segregation; when Jim Crow crumbled, a backlash to the civil-rights movement spawned yet another caste system, mass
incarceration. Each time, writes Alexander, an associate professor of law at Ohio State University, proponents of racial hierarchy achieved their goals "largely by appealing to the racism and vulnerability of lower-class whites."

"I remember feeling like, where are the black folks in this story?" Fortner says. "Where are their voices? They’re constantly victimized. They’re not powerful. And then I thought about, well, who the hell brought down the original Jim Crow? It was black power. It was black folk organizing, mobilizing successfully against racial structures in the South, in the North. And what happened to all that power? What happened to all that agency? It sort of disappeared."

Except it didn’t. By examining historical records, Fortner found that black people had retained their power when it came to crime policy. At one place, in one moment, their voices were critical: Harlem in the years leading up to the Rockefeller drug laws. It was there that residents were besieged by heroin addiction and social disorder — what a late-1960s NAACP report called a "reign of criminal terror." And it was there that a "black silent majority" of working- and middle-class residents rallied to reclaim their streets. New York’s ambitious governor seized on their discontent to push for harsh narcotics policies that would enhance his standing within the Republican Party. The result: some of the strictest drug statutes in the country, mandating long minimum sentences for a variety of drug crimes.

Fortner began publishing a version of that story in 2013, with the first in a series of journal articles. To him, the ideas made intuitive sense. There’s a lot of crime. People are robbing you. You want more police. But early on, the argument puzzled other scholars who heard him speak. Fortner — a bald and boisterous 36-year-old whose personality swings between winking mischief and pulpithumping solemnity — seems amused by the controversy. "The idea that black folks played a role in mass incarceration," he says, "sounded ludicrous to most people."
So he kept digging. *Black Silent Majority* tackles a central question. In 1962, Rockefeller signed a liberal narcotics bill known as the Metcalf-Volker Act. The legislation, a triumph for white reformers, shifted drug policy toward dealing with addiction as a health problem instead of a crime. Just over a decade later, Fortner writes, the Rockefeller drug laws repudiated that bill’s "lofty principles." What changed?

To build his case — that what changed was the black silent majority’s anticrime mobilization — Fortner draws on surveys, African-American newspapers, hearing testimonies, and fictional accounts in plays and novels. These capture the sentiments of Harlem’s working- and middle-class population at a time when economic dislocation and social disorder endangered the neighborhood’s hard-won material progress.

Fortner writes about churches forced to reduce services and events because residents feared going out after dark. He cites a 1973 *New York Times* poll that found 71 percent of blacks supported life sentences without parole for drug dealers. He describes a Langston Hughes story that dramatized the community’s despair through the fictional account of a mother’s fight with her junkie son. The son steals from their home to support his dope habit. When the mother catches him filching her fur coat — an emblem of Harlem’s fledgling consumerism — they fight over it until the son lets go. Then he ropes her to a chair and takes it.
If there’s one voice that rings loudest in Fortner’s story, it belongs to the pastor-activist who personified the black silent majority’s crusade: the Rev. Oberia D. Dempsey. In Dempsey’s view, pushers and junkies had "abandoned middle-class values and threatened the lives and liberty of those who faithfully abided by them," Fortner writes. Dempsey advocated aggressive steps to remove those people from the community, comparing his anticrime battle to the struggle for civil rights. The pastor testified at hearings, cultivated politicians, and staged demonstrations. In one rally, two drum-and-bugle corps accompanied hundreds of children and members of civic groups who marched bearing signs like, "Why Should Harlem Be Destroyed by Narcotics Peddlers?" Dempsey also set up militias whose gun-wielding volunteers followed dealers and informed the police on them. Near the end of one of his anti-dope campaigns, Fortner writes, 30 civic
leaders signed a four-point plan that included this plea: "Urge the president to mobilize all law-enforcement agencies to unleash their collective fangs on dope pushers and smugglers."

Reading Dempsey’s fulminations, it’s easy to see parallels to Fortner’s life as the son of middle-class parents in Brownsville. His father was a unionized machinist; his mother worked for Panasonic and served as a Pentecostal minister. One of his three brothers was away in prison for most of Fortner’s childhood. In the pews of the family’s church, "sanctified working- and middle-class African-Americans distinguished between saints and sinners," Fortner writes in a memoiristic preface to *Black Silent Majority*. The black people he knew fretted about protecting their kids and homes. As a boy, he was forbidden to stay out late. Lingering too long playing Pac-Man across the street risked the wrath of his mother coming downstairs with a belt.

Toward the end of our cab ride, Fortner explains how that history was crucial to his book. "It’s very easy for someone to sit in their office and look at data sets. … They would completely miss the point of how being within a context of a high-crime urban space actually feels for people, and what that feeling makes them do and want in regards to crime policy. That was the greatest insight my life brought to the book."

Fortner’s *Black Silent Majority* belongs to an expanding body of research that examines how African-American communities, elected officials, and policy makers helped to shape the criminal-justice system that exists today. To pick one other example, James Forman Jr., the Yale law professor, plans to publish a book next year on that theme, tentatively titled *Locking Up Our Own*. Forman, a former public defender in Washington, D.C., praises *Black Silent Majority* for portraying African-Americans as agents of change rather than just victims of crime or overincarceration.
Still, Forman was one of several scholars interviewed for this article who faulted aspects of Fortner’s narrative. Two recurring criticisms: Fortner overstates his claims, and he plays down the diversity of opinion in the black community.

Heather Ann Thompson is a University of Michigan historian known for studying the impact of mass incarceration on cities, politics, and labor. Fortner, she says, is correct to point out that some African-Americans backed the Rockefeller drug laws. But the black community, she says, had a much more nuanced relationship with both the governor and the police. Many reviled Rockefeller, particularly after the Attica prison rebellion of 1971, when his order to forcibly retake the facility led to a bloodbath. Black support for the Rockefeller drug laws, she adds, did not signal an exclusively punitive approach. African-Americans simultaneously advocated a broader program of community development, including things like job programs. Likewise, many were so upset about police brutality that they deeply distrusted cops — a distrust evident in the earlier rise of the Black Panther Party.

"I don’t doubt any of Michael’s evidence," Thompson says. "I don’t doubt that agency is crucial to this story. I just doubt that it’s a silent majority. I think that the black political landscape in New York and every other major city in this time period was much more contested and much more complicated."

Another historian, Donna Murch, questions the power that Fortner ascribes to those black actors. The Rutgers University associate professor singles out one of his most sweeping claims: "Mass incarceration had less to do with white resistance to racial equality and more to do with the black silent majority’s confrontation with the ‘reign of criminal terror’ in their neighborhoods." Murch
observes that African-Americans were a disempowered minority at the time. The Voting Rights Act wasn’t law until 1965, and many Northern blacks were new migrants from the South who faced barriers to participating in urban political machines. Only one black legislator voted for the Rockefeller laws.

"To argue that they had the power — that they were more important in effecting mass incarceration than white backlash — it’s an unbelievable claim," Murch says. "Where’s the evidence? Where is this immense political power coming from? How are black ministers in Harlem able to get Nelson Rockefeller to change his entire political profile?"

The black silent majority didn’t produce the votes that created the drug laws, Fortner replies. What it created was the ideological context — the narrative. Rockefeller exploited that narrative to advance his pursuit of the White House. And what was crucial about that story, Fortner says, was the way it reframed narcotics as a problem of public safety, not just public health.

Fortner thinks his book’s historical account has implications for the current criminal-justice debate. We need to deal with injustices to black men caught up in the prison system, he says. But we also need to take care of people victimized by crime — like the 7-year-old Chicago boy who was fatally shot on the Fourth of July. "If black lives really matter," Fortner says, "let’s let all black lives matter. Not just those that are destroyed by the state. But those also destroyed by other black folk."

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