

The following is the text of a talk by Malcolm Young, guest speaker at Temple Sinai's Social Action Shabbat Service on Friday, January 12, 2018, in Washington, D. C.:

Thank you, Rabbi (Hannah L.) Goldstein and Rabbi (Jonathan) Roos, for the invitation to be with you today for this Social Action Shabbat Service. It is an honor to speak before a Congregation widely respected for its contributions to the lives of all District of Columbia and area residents, and its commitment to social justice.

I usually introduce Norman Brown, and then sit back to listen as he tells his compelling story.

As you saw [[in a five minute video shown to the congregation](#)], Norman is an exceptional person, a wonderful speaker with an incredible story taking him from serving three life sentences to lunch with President Obama and five other clemency recipients at Busboys and Poets, and to his leadership role at Project New Opportunity, coordinating a team of Reentry Consultants who help scores of other people who are making their way back after serving anywhere from 10 to 35 years in federal prison. Norman is not here today because he is in New York introducing the work he does in a second job in Washington, D. C., counseling juveniles in a program called "Credible Messengers."

If Norman were here, he might add to the information in the video, that his background was not totally representative. He grew up in a stable, middle-class two-parent home in Northeast Washington. His mother was a school teacher, demanding the best from him. Norman was drawn to the drug trade by the flashiness of it, the money to buy gifts for the family and sharp clothes for himself. It appealed, he said, because it was exciting. It seemed to offer more than he would gain by hard work and the best job he might be able to get. He turned down chances to go to college. And so he dealt in drugs, and was caught.

We all know, that Norman was hardly alone. At the time of his arrest and incarceration, he was one of thousands of young black men --- one in four of all young black men ---- in trouble with the criminal law, on probation, incarcerated in jail or prison, or on parole mostly for drug law violations, as revealed in a 1989 report issued by The Sentencing Project, the office I directed at the time.

As people who pay attention to history, we should not be surprised by this phenomenon. If we remember Alexis de Tocqueville: In 1831 he was sent by a new French government at a time when it aspired to a closer relationship to its people to learn how criminal justice and prisons operated in a democracy. DeTocqueville understood the question not to be about the mechanics of criminal justice, but about the concept of criminal justice in a democracy.

In a monarchy the ruler decides what is proscribed. Those who violate the law are subject to arrest and prosecution. But in a democracy, the will of the people establish the acceptable norms and who is to be constrained or punished, who will be arrested and prosecuted. Does the law protect liberty and freedom, and to what extent individual freedom to act against the state? Does the law become a tool of repression by the majority of a minority?



Unfortunately, we have many examples of the criminal law being used to enforce the will of the majority over the rights of the minority. The alien and sedition laws, used to punish political dissent, are an early example. Others are laws to enforce religious practices (“blue laws”), laws used to prevent labor organizing, radical political organizing during the “Red Scare” after WWI, the consumption of alcohol in prohibition, the sale of birth control devices or even of literature describing methods of birth control, or gambling.

On the eve of the celebration of Dr. Martin Luther King’s life and contributions, it’s appropriate to note that no laws have been more perversely or pervasively used to exert the control of a majority over a minority than those that limit the rights, or impede the liberties, of Black Americans after abolition. We think immediately of Jim Crow laws enforcing segregation and second class citizenship after the Civil War, including laws that took away the right to vote from people who committed certain crimes, defining crimes with which poor black people were most often charged so as to disproportionately deny them the franchise.

We should not forget how brutally and severely criminal law was used to suppress Black Americans. Under laws written by whites, police arrested black people bold enough to try to eat at a white-only restaurant. They threw King and his colleagues into jail on trumped-up speeding charges. Police acting under cover of criminal law corralled, beat and jailed civil rights marchers on Freedom Marches. We remember these overtly repressive public acts all too well.

It is easier to forget how deeply aligned were the law and the social mores of the majority at the time of the Freedom Marches and the great drive for civil rights. In the story of King’s life, I am struck by the accounts of how, when two white women greeted with a hug two black men at a public rally, police lining the parameters became agitated and reached for nightsticks at the affront to their contorted sense of decency. So many examples of humiliation and suppression.

Martin Luther King asked that his people be freed from false arrests, allowed to vote, and given the chance to hope, to share in the American dream, and to prosper.

But as Michelle Alexander eloquently described in *The New Jim Crow*, some of these freedoms have yet to come.

Racism, Alexander argues, is no longer the hostile, racist bigotry that it once was. (Although I am not sure that she would have exempted comments that so regrettably have come from the President concerning protest marchers in Charlottesville, Va., African nations, Haiti and El Salvador.) We live, Alexander suggests, in a time of “racial indifference.” It shows itself in the way we incarcerate drug offenders: punishment becomes more severe when the drug is associated with people of color and softens when it becomes associated with whites.

And so, we had the war on drugs and long prison sentences imposed on Norman Brown and hundreds of thousands of others who were black, most far less advantaged than Norman, while white kids in the suburbs and white executives in boardrooms were sent for treatment if they were caught at all.

But as importantly, Alexander also describes a reality outside the criminal justice system. The war on drugs coincided with collapsing economies in black inner cities. Public monies went to build and staff prisons instead of to investments in education, job training and housing. The new social environment clamped down on the choices that black men and women were able to make: by the time of Norman's arrest, black unemployment had quadrupled nationally while white unemployment had only marginally increased. Jobs that used to pay black city residents well disappeared.

These things and more have had an effect that today, at this Shabbat, we can understand: that people though released many years ago from slavery can still be crushed in spirit, worn down by the odds against them, by work without reward. They no longer believe that they will be delivered, that they can and will ever be allowed to succeed, and so they stop trying.

We see this in our work at Project New Opportunity.

We work with the targets of the war on drugs (white as well as black), people prosecuted and condemned by laws the majority passed, laws which are moderating in their harshness and even being withdrawn in accordance with the changing will of the majority. We work every day with people wracked by the traumatic stress of incarceration, unmoored from communities which themselves have been transformed beyond recognition, people confronting barriers in housing and employment, searching for family and friends from whom they have been separated by time, and mourning those they have been separated from by death.

Yet with encouragement, they are striving to succeed. And with support, guidance, counsel from Project New Opportunity's Reentry Consultants, many of whom have survived prison and made their return, our clients manage as well to find their way. For them, it is one step at a time, one problem solved and then another. For us, it is work that is terribly rewarding, work that we are honored to be able to do, and work for which your support is greatly needed and appreciated.

Thank you very much.

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