What Matters Most

A Sermon Preached by Pilar Millhollen, September 9th, 2018

Readings: From The Fall of the Prison: Biblical Perspectives on Prison Abolition (Lee Griffith); The Letter of James, 2:1 - 10

Is anyone a fan of Orange is the New Black? Well, I am, and not necessarily for the reasons you might expect. For those who haven't seen it, this unusual comedy-drama is based on a memoir about one upper middle class white woman's year in prison. The show has won close to 20 different awards from Writer's Guild to Emmys and is the most-watched original series that Netflix has yet produced. Okay, so the premise sounds very dramatic and maybe a bit exploitative. At least that's what I figured when I heard about it, and I had huge concerns about how it would portray women who are incarcerated in this country. So naturally, when the first season came out I had to at LEAST watch one episode. And I was shocked because I loved it. And not just for its amazing acting and smart writing, which it has. Like all other television shows, it also has elements that I could do without – a couple of implausible storylines, some gratuitous nudity, etc. etc. …but largely, Orange is the New Black forges its own genre of storytelling weaving laugh-out-loud comedic moments with heartbreaking scenes that drive home some very hard truths, in a very realistic way, about who winds up in the system in this country. The show initially focuses on Piper, a privileged white woman who turns herself in and pleads guilty to money laundering and drug trafficking; but it shifts as the show develops toward the women around her whose stories leading up to their incarceration sharply contrast hers. And this is the show's strongest asset – illustrating why its characters wound up there and and what it looks like for most women in the long term. The vast majority are there convicted of drug offenses, many for situations that they found themselves accomplices to, or unwittingly became accomplices to. Others had petty theft on their resumes. But even the less sympathetic crimes, like a young woman who attempted to kill an abortion doctor and a mute woman who pushed her abusive partner off a cliff, become understandable as the story unfolds for each individual character. One of the show's greatest strengths is that it portrays its women as real people: multi-layered, complex and contradictory in all their facets, slowly revealing their histories as you get to know them intimately, and subsequently, get to care for them intensely. Because as we get to know them as people, their brokenness becomes our brokenness, a larger problem than individual behaviors could ever account for. And the common thread that connects the stories of almost every character, especially the women of color, is their histories of economic marginalization. This is why Orange is the New Black is more than simple entertainment or a trendy new type of television; from overcrowding to abuse and even the death of a woman by a guard's incompetence, it takes on the very dysfunction of a system that blames individuals for problems borne out of a system that is acutely ill.

The issue brought up in our reading from James today, beloved, is for us also not an individual problem. These words, so harsh in their indictment of James' audience for showing partiality of wealthy patrons over the more modest of their siblings, is not a message for this community so much on a personal level. It is, for us, a call to interrogate and disrupt any system in our culture that does not uphold the inherent value of human beings, period. James' words are specific, yes, because he centers his letter around this issue of favoritism and partiality when it comes to rich and poor people. Whatever James' listeners were dealing with, they clearly were having a difficult time extricating themselves from a culture of unequal treatment, and for them the embedded classism seemed to show up in their worship communities. He is obsessed with

erasing class lines, and understandably so – for as in our text last week he focused on the distinction between intent and action, words and deeds and whether they align, he takes the problem this week directly to the gospel call. "Have you not made distinctions among yourselves, and become judges with evil thoughts?" While he addressed very specific behaviors, his overarching message is concerned with the systemic sin of proclaiming the gospel without actually following it. We are not in a much different position in our American context now. But we really ought to be; because unlike the governing laws of the late 1st century Roman Empire, we are supposed to be under the banner of a flag that declares equal treatment under the law. The 14th Amendment in our American Constitution prohibits treating people differently for any reason, including because they do not have enough money, and yet we know that our system is set up to do exactly that. Our American justice system has been criminalizing poverty since its inception. It has created ghetto communities to concentrate groups of people – black and brown folks into the projects with no resources, Native Americans into reservations – and then militarized them so that the majority of drug arrests are made in areas with the most poverty. We pour billions into locking up our own people and make it nearly impossible to recover when (and if) they get out. We spend an average of $33,000 a year incarcerating one adult; we spend an average of $11,000 educating one child. We have created a system that places the blame for criminality solely upon individual behavior without acknowledging that our capitalist system sees human beings as capital, rather than as people, and places a monetary value upon them without investing in their thriving. As the theological prison abolitionist Lee Griffith identified in our first reading, "our definitions of crime outlaw the inner city crack house but not the Wall Street cocktail lounge." In our criminal justice system, cause and effect are divorced: 5 times as many whites as blacks report using illegal drugs, but the ones targeted for arrest are poor and non-white, while the wealthier suburbs and the cocaine-using wolves of Wall Street quietly go on. When most of the folks in jail are there because they are awaiting trial, we have got a heart problem. We have got a moral blindside. And this heart problem is directly reflected in how we approach poverty and incarceration. We are the only westernized country in the world to have a money bail system still in place, and this is nothing other than a direct attack on what it is to be poor in America. The bail bond system is a $2 billion a year industry, much like the privatization of prisons, that profits via corporations that work with local governments to offer bail to people who can't afford it, at of course a cost. And for those living paycheck to paycheck, bail can act as a sentence in and of itself. The U.S. has more people incarcerated because they are awaiting trial than most countries have in their prisons and jails combined. And they are there not because they have been found guilty of any crime, but because bail prohibits them from walking free as they deserve to. So what does this look like? Say I could be coming home from a party, walking down the street, and get stopped by a cop. Maybe they think I fit the description of someone they're looking for, and they arrest me for stealing. But I haven't stolen anything, and I tell them. They search me and find nothing. But they handcuff me anyway and take me in to the precinct, where I'm fingerprinted and locked in a holding cell. Depending on how they feel about me, maybe whether I've got traffic violations, or nothing at all on record, they can release me or take me to central booking where I will have to speak with prosecutors and go before a judge to determine whether I'm a risk. At which time the judge sets bail before I have a real trial. But the bail is $3,000 and I don't make enough to pay it. So then I'm locked up again.

This is exactly what happened to young Kalief Browder in 2010. If the name sounds familiar it is because Kalief was one of our neighbors, just a kid in the South Bronx 10 days shy of his 17th birthday when he was arrested. Though there was no evidence that he actually

committed the crime for which he was punished, he was sent to await trial at Riker's Island, New York's most notoriously dangerous carceral facility. Our neighbor, our brother, our child, Kalief, languished for three years at Riker's because of two tragic details: his family could not afford the $3000 bail while he awaited trial, and his trial was pushed back again and again because the Bronx criminal court system is so chronically overwhelmed and understaffed. It's no coincidence that the Bronx also happens to have one of New York's largest concentration of low-wage families. Put together, along with the criminalization of young black men and boys, our dear son Kalief Browder suffered at Riker's without his family, his dignity, or an education while he missed his birthday, and the end of his sophomore, junior, and senior years, surviving violence from guards and other young men and solitary confinement in unspeakable conditions. While his story received its due, and even celebrities and others who read about his case stepped up to support him and bring to light the injustices he suffered, the damage was done. At the age of 22, after several previous attempts, Kalief took his own life. His life ended because of a $3,000 money bail bond. Because America has decided that its laws are subjective – that "equal treatment under the law" and "the right to a fair and speedy trial" applies to some but certainly not all. Because in spite of our foundations of so-called "Christian" morals, our justice system has chosen to actively exclude the very people for whom the gospel of Jesus Christ was meant. James' question beseeches our collective conscience with Kalief Browder's memory seared into our history: "My brothers and sisters, do you with your acts of favoritism really believe in our glorious Lord Jesus Christ?"

The question is so painful. Because it's so relevant. It speaks to a history that has shaped and created how we identify problems in our society, and with what criteria we identify problem makers. As Lee Griffith has pointed out, laws are never created in a vacuum, and indeed are molded according to who creates them and how they will benefit the creators. But then the good news appears. It appears not in where we began, but where we are going. Our sacred texts point to a God who works in and through our history, up to and beyond where we are now. And it is no more evident than in the struggles of our own nation, just as when Jesus came to jump headfirst into the struggles of his own suffering people. The Founding Fathers created our documents based on their own experiences of oppressive and tyrannical law but their vision served only a select group. This was simply the beginning. Where they fell short, others have stepped in to fill the holes – declaring, this law is unjust, or this law is not serving the people it intended to serve – and so we add amendments. When something is broken, we make amends. And then again; and again. We are always and ever a work in progress, in need of reform and retooling. James knew this, and spoke not to condemn but to push forward. To respond with the spirit of the gospel to what was missing in the work of the community. And it is up to us, together, to respond in kind to what is broken and what needs to be healed. And this is a spirit that transcends our individual virtues and transgressions. It is the spirit that still pushes us ever forward to be more than what we are now, to expand the borders of who and what is included in our sense of justice to amend who and what has been left out of it. The good news appeared in the outrage that Kalief Browder's death inspired and the work to reform our prison system. It pushed the Raise the Age law in New York into being, so 16 and 17-year-old cannot be tried as adults for non-violent crimes. It appeared in the cities of Philadelphia and Atlanta this year when legislators outlawed money bail for low-level violations and misdemeanors, and in the city of Houston when a federal judge declared the practice to be unconstitutional because it denied due process to those who are impoverished. We are ever waking to the good news. And ever in need of reminders. Since brother Kalief's story spread across the nation, entire states have done away with the cash bail

system. New Jersey and Alaska have abolished it and New York continues to fight for the same. And it is we the people, when our collective conscience wakes to the cries of God's children…left out of the assembly, those who are figuratively made to stand, or to sit at the feet of the wealthy, it is our collective actions that matter most. It is what we do as a nation, as a people, to respond, to amend, to fulfill the dream.

The women of Orange is the New Black may be fictional characters, but they represent the women who are pushed out of sight, the men and the children who are locked up and out of society for no fault other than that they are a part of a system that has failed them. They are, as Marbre Stahly-Butts of Law for Black Lives points out, "our mothers, and they're our fathers and they're our sisters and they're our brothers and the people we love. They're people who have value and dignity." They are, as James insists and Jesus illustrates, our neighbors. And they are to be seen. And heard. And treated according to the law of Love. Let's go forth with this law leading us always, and ever, before all others.