



## **ANTI-INCARCERATION DAY**

### **CULTURAL RESOURCES**

**Sunday, March 2, 2008**

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**Lection - Luke 4:14-30** (New Revised Standard Version)

#### **I. Historical Background and Documents**

The African American Church has produced legions of ministers and missionaries who have emulated Jesus' pronouncement in Luke 4:18 to "preach deliverance to the captives. . . ." Mary McLeod Bethune is just such an example. Her determination to build an institution in a congested district where little was being done for her people during the first quarter of the twentieth century, was realized when she got to Palatka, Florida where she started a community school and worked in the jails two and three times a week.<sup>1</sup>

Dr. Martin Luther King, Jr. quoted Luke 4:18-19 after issuing a growing concern about social justice. “The Christian ought always to be challenged by any protest against unfair treatment of the poor,” Dr. King reminded his followers, “for Christianity is itself such a protest, nowhere expressed more eloquently than in Jesus’ words: ‘The Spirit of the Lord is upon me, because he hath anointed me to preach the gospel to the poor: he hath sent me to heal the brokenhearted, to preach deliverance to the captives, and recovering of sight to the blind, to set at liberty them that are bruised, to preach the acceptable year of the Lord.’”<sup>2</sup>

Ironically, Dr. King’s major essay denouncement of the American criminal justice system, Letter from Birmingham Jail, (Why We Can’t Wait) was written, literally, **in a jail cell**. This masterful essay, which was written on the myriad pieces of paper (i.e. edges of newspapers, discarded paper bags, tablets, etc., smuggled into Dr. King’s cell) was modeled after the Epistles of the Apostle Paul and addressed to his fellow clergymen in Birmingham. A major theme of this letter was about the harm done by “unjust laws.” In the letter, Dr. King wrote: “Any law that degrades human personality is unjust. And all segregation statutes are unjust because segregation distorts the soul and damages the personality.”<sup>3</sup> And in another instance he opined, “An unjust law is a code that a numerical or power majority compels a minority group to obey but does not make binding on itself.”<sup>4</sup> The truth of this latter comment resonates in the old slave proverb, “De honey bees think sumfin’s de matter wid de law books.”<sup>5</sup>

## **II. Modern State of Affairs**

**A.** A half century later, Dr. King’s prophetic cry for legal justice can be heard in the current debate over the disparity of sentencing for crack cocaine and powder cocaine dealers and pushers – what is commonly known as the 100-to-1 disparity. Beginning in the mid-1980s, Congress enacted a series of laws designed to combat the sale and use of certain drugs. While the goal was laudable, the means often were not. A prominent feature of the so-called “war on drugs” has been mandatory minimum sentencing laws for drug offenses. These laws, enacted by Congress in a wave of racially tinged media hysteria, have led to profound injustices.<sup>6</sup> According to the report Disparate Sentencing, authored by the Leadership Conference on Civil Rights, the impact of the 100-to-1 disparity is felt almost exclusively by black defendants. “In fiscal year 2000, Blacks and Hispanics made up 93.7 percent of those convicted for federal crack distribution offenses, while Whites made up only 5.6 percent. That shocking figure has not changed much over the past decade.”<sup>7</sup>

**B.** Since the enactment of these laws in the mid-1980s, there have been several attempts to amend the racial inequities out of the laws. For example, October 30, 1995, the 104<sup>th</sup> Congress of the United States of America passed the following legislation amendments offered by the Federal Sentencing Guidelines Commission. It did not become law. A key excerpt of this law reads as follows:

***Public Law 104-38 – October 30, 1995***  
***An Act***

*To disapprove of amendments to the Federal Sentencing Guidelines relating to lowering of crack sentences and sentences for money laundering and transactions in property derived from unlawful activity.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

*Section 1. Disapproval of Amendments Relating to the Lowering of Crack Sentences and Sentences for Money Laundering and Transaction in Property Derived from Unlawful Activity.*

*In accordance with section 994(p) of title 28, United States Code, amendments numbered 5 and 18 of the ‘Amendments to the Sentencing Guidelines, Policy Statements, and Official Commentary’, submitted by the United States Sentencing Commission to Congress on May 1, 1995 are hereby disapproved and shall not take effect.*

*Section 2. Reduction of Sentencing Disparity.*

**RECOMMENDATIONS**

*(1) In General – The United States Sentencing Commission shall submit to Congress recommendations (and an explanation therefore), regarding changes to the statues and sentencing guidelines governing sentences to the statues for unlawful manufacturing, importing, exporting, and trafficking of cocaine, and like offenses, including unlawful possession, possession with intent to commit any of the forgoing offenses. The recommendations shall reflect the following considerations – (A) the sentence imposed for trafficking in a quantity of crack cocaine should generally exceed the sentence imposed for trafficking in a like quantity of powder cocaine. . . .*

*(2) Ratio – The recommendations described in the preceding subsection shall propose revision of the drug quantity of crack cocaine to powder cocaine under the relevant statues for other drugs and consistent with the objectives set in section 3553(a) of title 28 United States Code*

Congressional Record, Vol. 141 (1995)

**C. Anti-Incarceration Efforts**

Annually, African American citizens of Bloomington, Indiana and students at Indiana University celebrate Martin Luther King, Jr. Day by volunteering their services for the MLK Midwest Pages to Prisoners Project. They join other volunteers in reading letters from prisoners, searching for requested books, and writing a short letter back to each prisoner. The Monroe County United Ministries<sup>8</sup> is the host organization for this much-needed ministry.

In Indianapolis, Indiana, a group of African American clergy has joined forces with that city’s police department to form The Indianapolis Metropolitan Police Department’s (IMPD) Community Clergy Program. After attending an orientation program on how the IMPD conducts murder investigations and other serious crimes and completing a

background check, each minister is given an identification card and “assigned to a general area of the city that includes their church neighborhood.” The Reverend Charles Harrison, Pastor of Barnes United Methodist Church, and Olgen Williams, Executive Director of the Christamore Family and Community Center, are two of the initial clergy to participate in this unique liaison relationship between Indianapolis’s police and African American clergy. IMPD Deputy Chief Patricia Holman noted that “police will also seek guidance from pastors on improving their response to crisis situations and how to interact with citizens in ways that avoid unnecessary conflict.”<sup>9</sup>

### **III. Anti-Incarceration Writings**

During the last half of the twentieth century, African American prisoners wrote compelling accounts of their lives in prison. Eldridge Cleaver’s Soul on Ice is one such example of this genre. It underscores the truth of the African American proverb about those who have chosen a life of crime: “De pen’tench’ry’s got some folks dat knowed how to call horgs too well.”<sup>10</sup> But, the unquestioned classic of this genre is Malcolm X’s Autobiography of Malcolm X.<sup>11</sup> Malcolm’s reading epiphany is one of the most quoted sections of this book. After copying each word in his dictionary, Malcolm discovered the joy and liberation of reading. Malcolm wrote: “Anyone who has read a great deal can imagine the new world that opened... [Because of]... my reading of books, months passed without my even thinking about being imprisoned. In fact, up to then, I never had been so truly free in my life.”<sup>12</sup>

### **IV. Traditional Songs**

#### **A. “Keep Your Eyes on the Prize”**

The image of a lowly African American being freed from his or her dungeon or jail abounds in African American Spirituals. This adaptation by Alice Wine, 1963, has such images.

#### **Keep Your Eyes on the Prize**

Paul and Silas, bound in jail,  
Had no money for to go their bail.

Chorus:

Keep you eyes on the prize.  
Hold on, hold on.  
Keep you eyes on the prize.  
Hold on, hold on.

Paul and Silas begin to shout.  
The jail door opened and they walked on out.

The very moment I thought I was lost,  
The dungeon shook and the chains fell off.<sup>13</sup>

## B. "Slavery Chain"

This adaptation was created soon after Emancipation and was quoted by James Cone, the African American theologian, in his book, The Spirituals and the Blues, which was published in 1972.<sup>14</sup>

### **Slavery Chain**

Slavery chain done broke at last, broke  
At last, broke at last,  
Slavery chain done broke at last,  
Going to praise God till I die

Way don in-a dat valley  
Praying on my knees  
Told God about my troubles,  
And to help me ef-a He please

I did tell him how I suffer,  
In de dungeon and de chain,  
And de days were with head bowed down,  
And my broken flesh and pain.

I did know my Jesus heard me,  
'Cause de spirit spoke to me  
And said, 'Rise my child, your chillum,  
And you shall be free.

I done 'p'int one mighty captain  
For to marshall all my hosts  
And to bring my bleeding ones to me  
And not one shall be lost.'

Slavery chain done broke at last, broke  
At last, broke at last,  
Slavery chain done broke at last,  
Going to praise God till I die."<sup>15</sup>

## **V. Possible Program Illustrations**

Photograph of Dr. King in Birmingham jail  
An image of the scales of justice  
Judge's gavel  
A facsimile of blind Justice

### **Notes**

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2. King, Martin Luther. Stride Toward Freedom; The Montgomery Story. New York: Harper, 1958. pp. 93-94.
3. King, Martin Luther. Why We Can't Wait. New York: Harper & Row, 1964. p. 82.
4. Ibid., p. 83.
5. Brewer, John Mason. American Negro Folklore. Chicago, IL: Quadrangle Books, 1968. p. 316.
6. Fernandes, Julie, and Rob Randhave, Department of Public Policy of the Leadership Conference on Civil Rights Education Fund, Shefa Foundation, and the Ford Foundation. "Disparate Sentencing." The Bush Administration Takes Aim: Citizens' Commission on Civil Rights. [Washington, D.C.]: April 2003, online location: <http://www.cccr.org/justice/issue.cfm?id=19> accessed 5 December 2007
7. Ibid.
8. The Monroe County United Ministries. Online location: [www.bloomington.in.us/~mcum](http://www.bloomington.in.us/~mcum) accessed 5 September 2007
9. Ryckaert, Vic. "Police recruit pastors: Ministers will try to reduce tensions at the scenes of crimes, and maybe help solve some." The Indianapolis Star, 2 December 2007: B1 and 7. Online location: [www.indystar.com/apps/pbcs.dll/article?AID=/20071202/LOCAL/712020405/-1/ARCHIVE](http://www.indystar.com/apps/pbcs.dll/article?AID=/20071202/LOCAL/712020405/-1/ARCHIVE) accessed 5 December 2007
10. Brewer, John Mason. American Negro Folklore. p. 321.
11. X, Malcolm, and Alex Haley. The Autobiography of Malcolm X. New York: Ballantine Books, 1965. (This has been translated into numerous languages and adapted into a feature-length film starring Denzel Washington.)
12. Ibid., p. 188.
13. "Keep Your Eyes on the Prize." New words by Wine, Alice. et. al. Sheet music and lyrics online location: [http://www.tolerance.org/teach/resources/songbook/pdf/010\\_eyesprize.pdf](http://www.tolerance.org/teach/resources/songbook/pdf/010_eyesprize.pdf) accessed 15 December 2007
14. Cone, James H. The Spirituals and the Blues An Interpretation. New York: Seabury Press, 1972.
15. Slavery Chain. Lyrics online location: [http://www.negrosprituals.com/news-song/slavery\\_chain.htm](http://www.negrosprituals.com/news-song/slavery_chain.htm) accessed 15 December 2007