

The Age of Colorblindness

A sermon delivered by The Rev. Kathy Schmitz on July 14, 2013
At First Unitarian Church of Orlando, Florida

*Martin Luther King Jr. called for us to be lovestruck with each other,
not colorblind toward each other.*

Cornel West

Sermon Summary:

*Many Americans believe we live in an age of colorblindness, a time when race no longer matters. After all, didn't we deal with that back in the 60's? Unfortunately, as Rev. Kathy's latest read (*The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, by Michelle Alexander) points out, we aren't done yet.*

Opening Words: Rev. David Pyle, on the acquittal of George Zimmerman

Words for All Ages: *God's Hat*, Rev. Christopher Buice

Meditation: A prayer from Rev. Meg Riley, CLFUU, on the acquittal of George Zimmerman

Reading: *What to the Slave Is the Fourth of July?*

by Frederick Douglass, July 5, 1852 – Excerpts

Responsive Reading: *The Limits of Tyrants*, #579 in [Singing the Living Tradition](#)

Closing Words: riff on Cornel West (quote above)

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Sermon:

I would rather have a guilty man go free than see an innocent one convicted.

I realize that, at its best, this is one of the things that our legal system is supposed to ensure.

A jury is very constrained by what it can consider and decide.

I understand that under that our current system, the defense attorneys in George Zimmerman's trial did their job.

In fact, as I understand it, they could get in big trouble if they did not put forward the most effective defense they could conjure up – no matter how abhorrent I found some of the behavior.

So let me grant, for the moment, that under the current system, those in the system did their jobs.

And now, I will do mine!

Our legal system is broken.

America's legal system is incapable of achieving justice for all of its citizens.

In particular, it is powerless to ensure justice for its citizens of color.

This is not an accident. It is the result of the careful planning and strategizing.

The outpouring that we are seeing is not about this case in particular, though clearly we want justice in every case. But it is about much bigger questions.

Michelle Alexander is the author of the 2010 book, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. According to Alexander, our American experiment in democracy is predicated on a permanent racial underclass. Her book explains the history that led us to where we are today, how the current systems works, and what we might do about it.

I scheduled this topic for today, knowing I would draw on her insights, knowing that we'd be somewhere near the end of the Zimmerman case. – I really didn't need the universe to make it quite so close. [The verdict was announced just 13 hours before the sermon.]

I'd like to share with you Michelle Alexander's Facebook post of last evening. In part:

If Trayvon Martin had been born white he would be alive today. That has been established beyond all reasonable doubt. If he had been white, he never would have been stalked by Zimmerman, there would have been no fight, no funeral, no trial, no verdict. 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.

Her book explores the history that led us to where we are today, how the current systems works, and what we might do about it.

We began with slavery – which was technically legal and supported by the system. Even by people who thought of themselves as good moral people. It was, after all, the way the system worked.

But there came a time when people of good conscience could no longer accept a system that enslaved three million human beings.

After emancipation and the Civil War, there was a time of the Reconstruction, but it was too soon replaced with Jim Crow – laws meant to ensure racial segregation – and the disempowerment and disenfranchisement of the America's black population.

Slavery lasted for nearly the first 90 years of our nation. It was ended by the Emancipation Proclamation in 1863 – 150 years ago. But within 15 years, by 1876, the Southern states of the former Confederacy began enacting legislation that mandated segregation, enshrined “separate but equal” within the system – and systematically relegated black America to inferior economic, educational, and social standing. It was the way the system worked. The system was Jim Crow.

Although no longer slaves, for the next 90 years, black America was once again relegated to being a systematic underclass. Then Jim Crow began to break down. In *Brown vs. Board of Education*, the

Supreme Court struck down the legitimacy of “separate but equal.” Within the next 10 years, the Civil Rights Act of 1964 and the Voting Rights Acts of 1965 delivered the final blows to Jim Crow.

It was a time when people of good conscience could no longer accept laws that failed to ensure equality for all its citizens.

And, well, that was a beautiful things. But then...

Equality for all started take on class implications. The Civil Rights movement started to make common cause with the plight of poor and middle class whites looking for economic reforms. Martin Luther King, Jr. began to talk about a Human Rights Movement.

Those at the top of the economic pyramid trembled. What would happen if the lower classes began to unite across prior racial barriers? Something had to be done. And it was.

Alexander describes the systematic way that “law and order” became a major priority, was inserted first into American debate, and then into the American psyche. “Law and order” became the buzz word, the litmus test. No one wanted to look soft on crime. Those promoting this new understanding were skillful at ensuring that the rhetoric did not distinguish between those who were in the street protesting... for Civil Rights, against the Vietnam War... they did not distinguish those people from violent street criminals. Soon, in America, and in the American consciousness, those agitating for justice were just was responsible for the breakdown of “law & order” as any street criminal. Dissent, one of the bedrocks of our American democracy, had become lawlessness.

And then... and then... Ronald Reagan shifted federal law enforcement efforts from white-collar crime to street crime... and then he declared a War on Drugs – an endless war with indeterminate goals, that put us in a permanent state of war and justified actions not acceptable outside of war time.

90 years of slavery. 10-15 years of reconstruction.
90 years of Jim Crow. 10-15 years of emerging Civil Rights.

And then... and then...a war on drugs that has, for the last 30 years, disproportionately targeted Black men and Black communities.

It does this in many ways. One of the ways it does this by imposing higher mandatory penalties for crack cocaine (more prevalent in black communities) over powder cocaine (more common in white communities.)

Alexander points out that “there are more people in prisons and jails today just for drug offenses than were incarcerated for all reasons in 1980. Nothing has contributed more to the systematic mass incarceration of people of color in the United States than the War on Drugs.” (page 60)

In 1980, the year I graduated from college, 300,000 Americans were incarcerated. 30 years later, 2 million Americans inhabit our prisons.

This is a stunning increase. And that increase is overwhelmingly black.

Alexander writes: “The United States imprisons a larger percentage of its black population than South Africa did at the height of apartheid. In Washington, D.C., our nation’s capital, it is estimated that three out of four young black men (and nearly all those in the poorest neighborhoods) can expect to serve time in prison. Similar rates of incarceration can be found in black communities across America.” (pages 6-7)

Now, it is tempting (and I have often heard), people imagine that these incarceration rates reflect a higher drug use rate in the population concerned. But Alexander writes: “government data revealed that blacks were no more likely to be guilty of drug crimes than whites and that white youth were actually the *most* likely of any racial or ethnic group to be guilty of drug possession and sales. Any notion that drug use among blacks is more severe or dangerous is belied by the data; white youth have about three times the number of drug-related emergency room visits as their African American counterparts.” (page 99)

Alexander walks us through the ways that people of color are disproportionately targeted at every turn in our judicial system.

She helps us understanding that the PR campaign perpetrated on Americans, on us, that created a new subclass called criminals, that it was very intentional that that subclass of criminal be equated with black.

This is why, these last few weeks, it has often felt like it was Trayvon Martin, rather than George Zimmerman, who was on trial. This is why witnesses were treated with subhuman behavior.

For me, for me, reading this book was like falling farther and farther into the rabbit hole with every page.

It reminded me of a time, some of you will have heard of, when I was in middle school. I lived in a small town in New Hampshire. And someone told me that blacks were not allowed to buy houses in our town. And I thought to myself, that can’t be true, the people in my town are not racist. The people in South Boston, the ones I hear about on the news, the ones with all the busing problems, they’re racist. And those people down South, they’re racist. But not, in my town. And then I stopped and looked around, and I could not think of anyone black who lived in my town. And I remember it, as if it were yesterday, standing there in the middle of town, staring, and finding myself in a new reality.

Over the years, I have worked to be less clueless. There have been some successes and many missteps along the way.

But reading about the ways that our system is technically colorblind, but, in fact, not, I once again felt I was waking up in a whole new reality. One I cannot go back from.

Because, as I stand, in the center of my world, and look around, I cannot find the evidence to contradict the claims beyond a reasonable doubt.

Oh, there are exceptions of course. Our current system of racial oppression requires exceptionalism.

There are some white people caught in the trap of criminality, that web set for people of color. And there are black success stories.

How can our system be racist? We have a black president.

The system depends on exceptions to prove that the charges against it are not true.

Time does not permit me to detail the workings of the system but that does not mean they are unimportant. I commend this book to you.

I do want to share one word that jumped out at me again and again.

Discretion.

Meaning the ability to decide, discretion tends to get used in two ways.

The first is to have the ability, the good judgment, to make decisions – often about what to do or say in certain situations. Let me use it in a sentence... ok, maybe a paragraph... to demonstrate.

It was bad enough then, two weeks ago our minister told us we should talk about politics and religion more. Now she lacks enough discretion to know she shouldn't be talking about race. After all, we live in a colorblind society. Nice people don't need to talk about race – and besides which, it's kind of awkward and uncomfortable.

So that's one way we think about discretion. It tells us what “nice,” “appropriate” people do.

The other is when we empower people to use their discretion in certain situations.

These are often situations in which rules or laws might apply but, since we can't predict everything, we leave room for discretion – decision making based on the particular situation.

It seems like such a good idea, in principle. I, and people I know and love, have benefitted by someone using their discretion to give us a break.

In the War on Drugs, many players have a significant amount of discretion at many points in the system. Police officers decide where to patrol and who should be stopped and searched and who looks suspicious. Prosecutors decide which cases to bring to trial and where to try them, in which court system, and who sits on a jury – a race-neutral jury. Judges have discretion of many things including sentencing – except when mandatory sentences tie their hands, forcing them to inflict sentences that some judges have resigned over, contending that they constitute cruel and unusual punishment.

All these folks, are, of course, not allowed to use that discretion in a racially discriminatory way – and they don't, usually, at least not an overtly discriminatory way. Not in a way that can be proven in court – even when cases makes it all the way to Supreme Court. Unless the racism is blatant, the right, the requirement, to use discretion is affirmed.

And it's not usually blatant, in any specific case. You can talk your way around it in any specific case. But when one looks at the big picture – the overall statistics – the story changes. It is obvious that the system is broken. It is clear that discretion leans consistently in one certain direction, one little decision after another.

But since we cannot prove overt discrimination, we must conclude, it is just the way the system works. The way *our* system works.

Just like slavery was the way the system worked. It was, after all, legal.

Just like Jim Crow was the way the system worked. The system of laws that made it up were, after all, laws. Perfectly legal.

Slavery lasted 90 years. Jim Crow, too. We are 30 years into a system of Mass Incarcerations that has created and now perpetuates a permanent underclass.

Are we going to wait another 60 years for it to run its course? Or are we willing to change the system? And if we are willing to change the system, how will we ensure that another system does not emerge to take its place?

The issues are complex.

This is complicated because legally and socially most people don't think it is cool to be racist. Statics show, most people, when asked, believe in racial equality.

I'm sure there is some intentional discrimination that occurs. Any brief peek at social media this week was a jarring reminder that there are rabid racists who aren't afraid to post in public.

Although those folks are scary, I am more concerned for the rest of us. Those of us, people of goodwill, who want to do the right thing, but are nonetheless, impacted by the world we live in and have been impacted by the messages given to us that equate criminality with being black. Those of us who are impacted by the world we live in, and too often have unconscious prejudice we are embarrassed to see.

I know I do.

But, I am down this rabbit hole, and I have no choice, as I search for truth and meaning, but to look in my own heart and to take responsibility for what I find there. The good and the bad.

To do this, I will have to live with the questions. I will have to believe that I am able to change and to grow. I will have to live with my imperfections and know that I am not saved or damned by what I find in my heart, but rather by what I do with what I find there.

Which leads me to another complexity of addressing the existing system of mass incarceration. The people caught in the system are, like you and me, imperfect. And, because of the way the system is configured, most of them are charged with, or convicted of, crimes. These are not the people that our culture finds most sympathetic. Many will find it hard to lobby for them. And yet, our values remind us that they are people of worth and dignity, too. The web that has been woven for them, includes us.

We cannot be indifferent. We cannot be complicit.

For those of us who identify as white, our black brothers and sisters, our neighbors and friends and coworkers of color need to know that they are not alone at this time – now more than ever.

Unconscious prejudice, leads us to see people who don't look like us as suspicious, dangerous, someone to be afraid of. Unconscious prejudice. It drives our fears, and thoughts, our actions. Sometimes with deadly consequences.

I know I cannot eradicate all unconscious prejudice from my heart and mind.
I do know that I can take responsibility for the thoughts and actions that emerge from those prejudices.

We can't know what lies in the heart and mind of another.

We can commit ourselves to opening our eyes to oppressive systems.
We can commit ourselves to talking to each other, about race, even when it is awkward and uncomfortable.

It may be... it may be that all the players in our current system of justice have done their jobs.

If that is so, my friends, then it is time for us to do ours.