

Let Justice Roll Down Like Waters

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Unitarian Universalist Meeting House
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In this sixteenth year of the Twenty-First century we honor the Rev. Dr. Martin Luther King, Jr., who left us in 1968. What are we celebrating as we observe his birthday? Are we celebrating that a good man inspired a lot of social change in this country a half century ago? Or are we celebrating someone who continues to inspire change today, in our own communities and churches and hearts?

When the Board of Trustees in October unanimously endorsed my proposal that the Meeting House display the message Black Lives Matter on the outside of the building, the Board said that the discussion of the issue was at least as important as the banner itself. Since then we have been engaging in that discussion in our small groups and in one open forum, and I have preached on it as well. What has surfaced from that discussion are doubts among many of us that this banner is a good idea at this time. I honor and endorse the Board's idea that the discussion is as important as the outcome. I am going to be continuing the conversation by holding a midweek lunch meeting for the month of February, Black History month, and I hope to have the assistance of Tia Cross, a specialist in cross-cultural conversations. I will invite you to those discussions. I want to table the question of the banner until those conversations have happened.

This morning I want to try to put these questions we are wrestling with today in the context of Dr. King's work. But I want to start with my own feelings.

I was raised as a son of the South. My great-great grandfather was one of the largest slaveowners in the old Confederacy. In more recent times, my uncle was an advisor to South Carolina's governor Jimmy Byrnes in the wake of the Brown vs. Board of Education decision, and I suspect that he helped craft the policy of massive resistance to school desegregation that the state followed in that era. It is a matter of public record that the law firm founded by my grandfather, and in which my father, uncle, aunt, and several cousins have worked, was active in opposing desegregation in the courts.

I diverged from my family and was convinced at an early age that the Southern system of race relations was massively unjust. And yet it has always been a source of shame to me that I didn't do much about it in my younger years other than go to a few demonstrations and join an interracial discussion group. In 2014 I had just started my sabbatical and settled in to my Lexington apartment when organizers of the Moral Monday protests in Raleigh NC put out a call for us to come to a special Saturday march for racial justice there. If we missed Selma, the call went, this is the next thing. My time was my own at that point, and I decided on Friday noon to jump in my car and drive to Raleigh to be on the streets there by Saturday morning. We sang and marched and wore yellow shirts, and then I got back in my car and drove back to Lexington. It didn't make up for

missing Selma, but I felt good for showing up for racial justice at least once.

Justice – what is it? Is it the same today as it was fifty years ago? Dr. King liked to quote Hebrew prophets, and the quote from Amos which I read at the beginning of the service was one of his favorites. Let us pause for a second to take in the beauty of this image: “Let justice roll down like waters, and righteousness like an ever-flowing stream.” Stand on the side of a large body of water, and you know that if the water starts moving, human efforts usually can’t do much to stop it. If you dam up a river, you might impound the waters in a lake or pond, but that will create pressure. Water always wants to seek its level, and if the dam is breached or opened, the waters will rush downstream, and maybe wash away whatever stands in its way there.

It was Thomas Jefferson who wrote the words “all men are created equal” which set up the promise on which our nation was founded. As these words were being endorsed by the Continental Congress, however, English settlers were steadily pushing the Native Americans from the lands they had formerly occupied, and Southern planters were busy importing enslaved Africans and using them to work their plantations. Jefferson knew he had articulated the moral ideal, but also knew that there was a huge gap between that ideal and the reality he saw all around him. Reflecting on the institution of slavery, he wrote, “I tremble for my country when I reflect that God is just: that his justice cannot sleep for ever.”

Two generations later, many who lived through the traumatic sufferings of the Civil War saw it as the terrible swift sword of God’s awakened justice. Lincoln raised the idea in his Second Inaugural address that “slavery is one of those offenses which.. God wills to remove, and that He gives to both North and South this terrible war as [punishment].” He gave an unforgettable image of what justice would be: “... that [the war] continue until all the wealth piled by the bondsman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword.”

The Civil War ended slavery as a legally-sanctioned arrangement, but the political results of that war were soon undermined as White supremacy reasserted itself in the South. The Jim Crow laws, the sharecropper system, and the terror spread by the Ku Klux Klan dammed up the rolling tide of justice for the former slaves and their descendants for the next 80 years.

That question of justice for African Americans sat as the ignored elephant in the room of national politics through the first half of the Twentieth Century. Because Blacks were so largely disenfranchised where they were most numerous, in the South, there was little organized political movement to bring the justice question forward. But brave lawyers for the NAACP adopted a strategy of working through the courts, and the strategy paid off in the *Brown* decision in 1954, ruling that racially-segregated public schools violated the Equal Protection clause of the Fourteenth Amendment. That clause is a direct descendant of the self-evident truth articulated by Jefferson at the founding of the country, and the waters of justice started to roll again.

It was onto this stage that a young Baptist Minister stepped, and he set

about organizing a resistance to injustice wherever he found it.

Dr. King adopted the strategy of nonviolence which had worked so well for Mahatma Gandhi in India. Oppose injustice but not by violent means. If you can provoke the system into reacting violently, you will expose its injustice and win the approval of justice-seeking people.

Gandhi got many of his ideas on nonviolence from Leo Tolstoy, and Tolstoy, in turn, got many of his ideas of nonviolence from a nineteenth century Universalist minister named Adin Ballou who was the leader of a utopian socialist community named Hopedale, and wrote a book on Christian Socialism.

So King's nonviolence was ultimately rooted in Universalism.

I have been preaching the last two Sundays about Universalism and its ethic. Conventional Christianity and its Unitarian offshoot hold that we are good or bad because heaven and hell loom as reward or punishment, what I called the Santa game a couple of weeks ago. When the Universalists banished hell to the realm of fiction, they had to have another reason to do good, and they said that we should do the right thing simply because it is the right thing, whether or not we are going to be rewarded for it.

I recently came across a sermon Dr. King preached in 1967 at Ebenezer Baptist Church in Atlanta, his home congregation, which articulates this Universalist idea beautifully without naming it as such. King's text was a passage from the book of Daniel in which the Babylonian King was ordering all his subjects to bow down before a golden idol, and three Jews refused. Their punishment was to be burned alive in the furnace. They said they were going willingly and they believed that God would rescue them from death, "but if not" they were willing to go anyway. That phrase "but if not" became the lynchpin of King's argument: we hope for reward or rescue, but if not, we do what is right anyway.

"You ought to discover some principle (he said). You ought to have some great faith that grips you so much that you will never give it up. Somehow you go on and say, 'I know that the God that I worship is able to deliver me, but if not, I'm going on anyhow, I'm going to stand up for it anyway.' What does this mean? It means, in the final analysis, you do right not to avoid Hell. If you're doing right merely to keep from going to something that traditional theology has called Hell then you aren't doing right. If you do right merely to go to a condition that theologians have called Heaven, you aren't doing right.... Ultimately you must do right because it's right to do right!

And you got to say "But if not." You must love ultimately because it's lovely to love! You must be just because it's right to be just. You must be honest because it's right to be honest.

And finally, you must do it because it has gripped you so much that you are willing to die for it if necessary."

This is a beautiful statement of commitment, and it affirms that the individual conscience is ultimately the test.

Of course, as a consequence of this, different individuals will reach different conclusions. The sorry lot of so-called militiamen who have occupied

the wildlife refuge in Oregon have made a big point of saying they are willing to die if necessary, for the perceived injustice of the Federal Government charging them fees for grazing their cattle on Federal lands. So far the Federal authorities have refrained from using force, probably reasoning that they don't want to give these people the martyrdom they are seeking.

What injustice are we willing to die for? I would be willing to give my life if there were some way that the giving of it would prove that black lives matter as much as white ones do. But as I study the particular cases of police misconduct on which the Black Lives Matter demonstrations have centered, I find it harder to say that injustice has happened in individual cases.

A recent article on the New York Times¹ had this statistic: An analysis of F.B.I. data from 2010 to 2012 concluded that the police killed black men ages 15 to 19 at a rate 21 times greater than the statistic for white men the same age.

When I read that, it seems to indicate a pattern of racism in police citizen encounters. But when you get down to individual cases, it often seems that an officer's decision to use deadly force may be justified.

Race might enter the picture, but if so, it is not the overt racism of the South in the 50s and 60s, trying desperately to keep the lid on black protest. It is the background racism we all carry, which assumes that a black man is more dangerous than a white.

This is injustice, and it is an acute problem for people of color, for we all have to live in society with the police forces we have, and it is unacceptable for a whole group of our citizens to walk around in fear of police violence. At the same time, it is very hard to know what to do about it. I litigated police misconduct cases for twenty years as a civil rights lawyer, and I know that the system gives the police officer the benefit of the doubt in most cases, and that fact does not necessarily constitute injustice.

I guess I am kind of trapped by my legal training to dismiss a systemic problem if I can't see a solution. One solution posed by the eh article I quoted just now is to change the standard for the use of force. Right now in most states, the officer can shoot if he or she reasonably believes the subject poses a danger to the officer or others, but the article proposes a stricter standard, that the use of deadly force is only justified if it is necessary, that is, if there is no safe alternative.

If the racism which comes to bear in these encounters is the subliminal kind, however, I'm not sure that a different standard would have much difference in effect. The system is still going to want to give the cop the benefit of the doubt, and it would be very difficult to prove, when you only have one data point for a particular officer, that the officer's assessment of dangerousness and alternative strategies was based on a racist overestimation of dangerousness.

The Tamir Rice case in Cleveland is particularly difficult for me. There

¹“A Better Standard for the Use of Deadly Force” by Olevia Boykin, Christopher Desir and Jed Rubenfeld New York Times Jan. 1, 2016

was a tragic failure of the dispatch to communicate some essential details of the citizen's call, and then the officer did see in the suspects hands a gun whose toy nature was not apparent from the distance between him and the officer. The whole police department has a sorry record on racial incidents and discipline for them. I hate to say there was an injustice and I hate to say there wasn't, and I didn't sit and listen to the evidence for days the way the grand jury did. I would not die for the proposition that the grand jury's refusal to indict was an injustice.

And yet I have to confront the possibility that this conclusion is part of my own racism, my own white privilege. I walk around without any great fear of police encounters, but if my skin was darker, I think cases like Tamir Rice would cause me fear.

It is easy to say, let justice roll down like waters, but we cannot evade the responsibility of deciding for ourselves, each of us, what justice requires in particular cases. I bring my life experiences to this quest, as do you.

Now I am still willing to put a banner up proclaiming that Black Lives Matter, because to me it's only a statement of the principle of equality on which the nation was founded and to which ideal the arc of justice is bending the reality. All lives matter does not cut it for me because in the context of this police violence, all lives matter is not what needs saying. But my wearing the button or, if we are comfortable with it, putting up the banner does nor mean I am endorsing every particular issue on which any Black Lives Matter chapter should focus, nor on their tactics for getting public attention.

Let our conversations continue. I may be wrong in anything I have said here today, and I will be glad to listen to other points of view.
Amen

Readings

Opening Amos 5 (NRSV)

- 21 I hate, I despise your festivals,
and I take no delight in your solemn assemblies.
22 Even though you offer me your burnt offerings and grain offerings,
I will not accept them;
and the offerings of well-being of your fatted animals
I will not look upon.
23 Take away from me the noise of your songs;
I will not listen to the melody of your harps.
24 But let justice roll down like waters,
and righteousness like an ever-flowing stream.

Sermon Reading

MLK, Jr. "Letter From A Birmingham Jail" 1963

You deplore the demonstrations that are presently taking place in Birmingham. But I am sorry that your statement did not express a similar concern for the conditions that brought the demonstrations into being. I am sure that each of you would want to go beyond the superficial social analyst who looks merely at effects and does not grapple with underlying causes. I would not hesitate to say that it is unfortunate that so-called demonstrations are taking place in Birmingham at this time, but I would say in more emphatic terms that it is even more unfortunate that the white power structure of this city left the Negro community with no other alternative.

One of the basic points in your statement is that our acts are untimely. ... We know through painful experience that freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed. Frankly, I have never yet engaged in a direct-action movement that was "well timed" according to the timetable of those who have not suffered unduly from the disease of segregation. For years now I have heard the word "wait." It rings in the ear of every Negro with a piercing familiarity. This "wait" has almost always meant "never." We must come to see with the distinguished jurist of yesterday that "justice too long delayed is justice denied." We have waited for more than three hundred and forty years for our God-given and constitutional rights. The nations of Asia and Africa are moving with jetlike speed toward the goal of political independence, and we still creep at horse-and-buggy pace toward the gaining of a cup of coffee at a lunch counter. I guess it is easy for those who have never felt the stinging darts of segregation to say "wait." But when you have seen vicious mobs lynch your mothers and fathers at will and drown your sisters and brothers at whim; when you have seen hate-filled policemen curse, kick, brutalize, and even kill your black brothers and sisters with impunity; when you see the vast majority of your twenty million Negro brothers smothering in an airtight cage of poverty in the midst of an affluent society; when you suddenly find your tongue twisted and your speech stammering as you seek to explain to your six-year-old daughter why she cannot go to the public amusement park that has just been advertised on television, and see tears welling up in her little eyes when she is told that Funtown is closed to colored children, and see the depressing clouds of inferiority begin to form in her little mental sky, and see her begin to distort her little personality by unconsciously developing a bitterness toward white people; when you have to concoct an answer for a five-year-old son asking in agonizing pathos, "Daddy, why do white people treat colored people so mean?"; when you take a cross-country drive and find it necessary to sleep night after night in the uncomfortable corners of your automobile because no motel will accept you; when you are humiliated day in and day out by nagging signs reading "white" and "colored"; ... when you are harried by day and haunted by night by the fact that you are a Negro, living constantly at tiptoe stance, never knowing what to expect next, and plagued with inner fears and outer resentments; when you are forever fighting a degenerating sense of "nobodiness" -- then you will understand why we find it difficult to wait. There comes a time when the cup of endurance runs over and

men are no longer willing to be plunged into an abyss of injustice where they experience the bleakness of corroding despair. I hope, sirs, you can understand our legitimate and unavoidable impatience.