

“Justice, Mercy, Law, and Discrimination” by Pat Conover

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The Fifth Sunday in Lent

I know some of you don't like Hebrew Scripture very much, so you helped me pick the lectionary scripture I wanted to work with for writing this sermon. Fortunately, the Jeremiah 31 scripture provides a lot to work with that is quite relevant for the story I'm going to tell you. But first, here is my phrasing of the Jeremiah text responding to the Revised English Bible.

God said to Jeremiah, "It is not long now until I'm going to establish a new covenant with the people of Israel and Judah. It is a different covenant than the one I established with your ancestors when I led them out of Egypt. They broke that covenant but I was patient with them. I'm going to write the new covenant with the people of Israel on their hearts. I shall be their God and they will be my people. Because this new covenant will be written on their hearts,

they will not need to teach it to each other any more. Everyone will know God for themselves, both the wealthy and highly respected people and the low income and marginalized people. I will forgive all that they have done that is wrong. I will not hold their sins against them.

There are three messages from this scripture that you may want to keep in mind as you listen to my story.

First. Jeremiah the prophet is challenging the authority of the priests and their attempts to control theology and ethics with appeals to the scriptures which they wrote. Instead, he offers a Holy Spirit theology based in the direct experience of God. This is fundamental pentecostal theology, a theology that is prominent in the gospels and in the letters from Paul.

Paul balances a pentecostal perspective with a concern for good order in the churches. Fundamental freedom is a good thing when it is used to build up the community rather than to tear it down. Paul carries the importance of the law as guidance for faith, favors justice and mercy rather than legalistic conformity. Some great Pharisee Rabbis used the same approach for building up Judaism in the diaspora following the destruction of the Temple in Jerusalem. The great Rabbis understood the interpretive power of stories and had a sense of the practical as well. This kind of engagement of the concept of the rule of law is fundamental and valuable for contemporary Judaism, fundamental and valuable for the construction of the United States gathered around a Constitution rather than a single tribal or cultural identity. Seekers Church has developed both a strong respect for the guidance of the Bible and especially of Jesus, a strong respect for our understanding of good community practices, and

a strong respect for following the guidance of the Divine Presence, including an emphasis on silence. These verses from Jeremiah are one of several passages that remind us that the concept of Holy Spirit or Divine Presence was first developed in Hebrew Scripture.

Second. Jeremiah's words were intended for guidance of the Israelites in a season of military defeat, oppression in Babylon, and a weak and tentative return to a dangerous and difficult situation in Jerusalem and nearby areas. This was a people stripped of their temple, of military might, of most of their priests and without most of their books of scripture. They were impoverished and were able to reestablish themselves, in part, because the surrounding hostile tribes were as beat up as they were. Sadly, this great spiritual insight of Jeremiah is clouded in an us against them spirituality, an underlying spirit of war rather than peace. Christians, starting with Paul and Peter, continued this spirit claiming that they and not the Israelites, not the Pharisees, not contemporary Judaism, are the true inheritors of the promises of God such as this covenant with Jeremiah. They could have pointed out that this covenant is available to everyone who responds to the Divine Presence. Sadly, we in the United States have inherited our own versions of tribalism, of identity politics, and an us against them perspective that leads to war and discord rather than peace.

Third. Jeremiah brings us the prophecy of forgiveness based on the initiative of God rather than a doctrine of forgiveness as a demand on people, a forgiveness that is more fundamental than conformity with the law or sacrificial giving. This theology was critical for John the Baptist, for Jesus, and for Paul. It was a fundamental challenge to the theology and liturgical practice of the Temple in Jerusalem, a fundamental

challenge to the authority of priests to run the political show based on their interpretations of scripture, scripture that focused on the Torah, the first five books of the Bible, the Law books. In this regard Jeremiah's words were equally challenging to the theology of the Pharisees. We need to learn about forgiveness from Jeremiah and Jesus.

The story I'll share today is a sad story, a simple story from one point of view, a complex story from another point of view. It is a story about me in high school in 1956 in Leon County, Florida. A few of you have heard this story but you have not heard a new chapter of my story that was prompted by a dream I had last Monday morning. The dream was prompted by the discussion last Sunday of racism manifested in mass incarceration, particularly the mass incarceration of young black men. You get my story today with a fresh understanding that took fifty-six years to emerge.

I begin with a little back story. My father died when I was fourteen. My mother was pretty withdrawn emotionally and she poured most of her life energy into her employment. Two years later I felt pretty much on my own. I was struggling with my growing awareness of being a transgender person before the word existed. I had suicidal thoughts and I almost castrated myself. But this is not a trans story. Two in a row would be a bit of an overload. I bring it up because it was one facet of feeling alone and alienated.

This is a story of racism and, in one sense, long long ago and far far away. But my story is immediate to me and popped out another dream for my consideration. What I got from my dream was a bit of personal thankfulness and another round of anger at the deep racism involved.

I grew tall quickly. By the eighth grade I was six foot five and weighed 165 pounds, about fifty pound less than I weigh now. High School athletics mattered to me. I was a social outlier for several reasons and I was glad for the social context of playing varsity basketball. I was doing okay in adult run activities but was only marginally okay in the teen culture of my situation.

Playing varsity basketball was an okay setting for working with some of my frustrations and anger. I was fast and I was quick and by my Junior Year I had gained some strength and coordination. But I had small hands, very poor body balance, significant foot pain, and very little ability to jump. In short, I was good enough to start, good enough to be Captain of the team in some games, and sometimes to make a significant contribution. I got my picture on the front page of the sports section of the Tallahassee Democrat for scoring with a left-handed hook shot when our small white high school beat the big white high school in Leon County. I wasn't a star, but I was getting some satisfaction and some sense of belonging and being appreciated in an activity of some value in teen culture.

I was a target for bullying as soon as our family moved to Tallahassee when I was twelve. My family had taught me to be an absolute pacifist and there was no excuse for fighting instead of running. I was also tall and beating up someone taller than you are doesn't carry the same social critique as beating up a little guy. I was targeted a little bit because I was smart and academic. Mostly I was targeted because me and my family were committed anti-racists. I was trying to survive and I usually was not out front or combative about my anti-

racism, but I was clear enough so that the favorite insults used against me were "white nigger" or "nigger lover." I went to the principals office a lot for fighting. The principal was a good Christian man who cared for me, was a friend of my father, and kind of looked out for me after my father died. I was never paddled for fighting and my opponents usually were paddled. This was in a season when schools mostly took care of their own policing. My principal's advice to me was simple, "Pat, you've got to learn to fight or you are going to get your ass whipped around here."

I took his advice and I've tasted the erotic joy of hitting someone really hard in the face, feeling the shock travel up your arm, and seeing the other guy hit the ground and not get up. Nonetheless, I still went to the principals office eleven times for fighting in the eleventh grade and I never started a fight.

A few months before the end of my Junior Year our basketball team returned home after midnight after a long trip for an away game. I assumed I would do as I usually did and would walk home, about a mile. No big deal.

I was shocked when a boy I'll call Don offered me a ride home in his car. I was surprised and pleased. Nothing like this had ever happened before. I gladly accepted and sat in the back seat.

But we didn't drive home. Instead, we drove to French Town, the colloquial name for the largest enclave of African-Americans in Tallahassee. We drove slowly down the one street

with some black businesses. There were no bars in Tallahassee. We pulled up beside a black man. The boy riding in the right front passenger seat rolled down his window, pointed a pistol at him, and said, "Give me your hat." He quickly complied. Our car sped off with everyone but me laughing uproariously.

Next day I told the Principal about the event. I never got any official feedback about what happened next. I heard through the grapevine that Don's father got mad and took away his driving privileges for awhile. But I had no more fights for the rest of the school year.

My basketball career was done. No one would pass me the ball on offense no matter whether I was open or not, no matter what play was called. I was totally shunned by everyone on the team. The coach responded by benching me without ever saying a word to me and I had the humiliation of sitting on the bench for the last few games of the season.

Until my dream last Monday I couldn't figure out what happened. I had reported a serious felony. I had initially prepared myself for the ordeal of testifying in court and living with the social consequences.

But nothing visible to me happened. This was alienating for me, made me judgmental about the Principal who I liked and trusted, deepened my alienation from white racist culture, including my school and my church. My father was dead and my mother and I never discussed the event after the morning before I went to school and reported the incident. I survived and that was about it.

Here is what I think happened. The fathers of one of the boys in the car was a big time lawyer, a high level judge. If this had gone public it would have been a big deal to have his son declared a felon and sent to prison, even to receive a much lesser penalty. None of the whites in authority wanted this kind of story to go public at a time when racial tensions were simmering. In short this could have become an Incident.

In such a story line, I now realize, my life would have been in danger and protecting me would have been pretty much impossible. I was already a stereotyped target. I was already carrying a sawed off shot gun in the trunk of my car because I was afraid of the Leon County version of the Klan, in hindsight a pretty tame version, and because I was afraid of the police. At home I kept close access to my rifle and pistol.

I believe an informal deal was struck with the following components. No more attacking Pat. No reference to the police much less to the courts. No publicity. No more gun harassment in French Town by those involved. I wasn't told any of this because everyone knew I was angry and alienated and just might go to the police or to the press on my own. Then the cover up would make everyone involved accessories to the crime after the fact. The police might have learned about it anyhow but they wouldn't have wanted the story out either and were probably happy to follow their usual practice of letting the schools handle their problems on their own, at least the white schools. At minimum, if the cover was blown it would have slightly injured reputations.

I got protected. The other boys in the car were spared serious prison time which absolutely would not have been the case if black juveniles had threatened a white man with a gun. Racism was upheld, racial distrust was deepened a tad, and I'm a beneficiary of that, a privilege I didn't ask for, but a privilege just the same. The law was flouted and respect for the law was weakened. Justice was not respected. There was neither repentance or forgiveness. At least one good moral white Christian leader was compromised for doing what he must have thought was his best moral choice in a situation where all the choices were bad.

In my early twenties I worked as a minister and community organizer in the Southside ghetto of Chicago, including a little work with the Blackstone Rangers, the biggest, and one of the most violent gangs ever to exist in the United States. One of them shot our Boy Scout leader between the eyes. Lots of outside voices had lots of ideas about what should be done about the Rangers. Those of us on the inside had to deal with the fact of the Rangers. I'm very proud of our house church and our closest block clubs which stopped youth fighting in our immediate area very effectively and very abruptly. At the same time, I acted as an ordained Christian Minister to help bail out a known Ranger murderer who was facing several murder charges. He was unlawfully arrested in this instance by police as part of their efforts to reduce gang violence. The charge was later dropped. Did I do the right thing? I was in a situation as complex and compromising as the one my Principal faced for me. I still think I did the right thing and I still think my action can be fairly condemned and criticized.

Which brings us back to Jeremiah. Ethics and justice looks different from the inside of bad situations where a lot, maybe all, the choices are compromised no matter which course you

take. Inside and outside are both true and both matter. Establishing laws and reforming laws matters a lot. The Pharisees were right. Mercy and practical effects also matter. Jeremiah and Jesus were right.

Involvement in things as they are, in contrast to debating about what should be or could be, is often compromising, sometimes alienating, sometimes corrupting. We should do the best we can and pray for forgiveness for the all the things we do that are hurtful. Confession helps. Repentance helps. But even when we truly care, truly want to do the right thing, we are called to become engaged and often to enter into sin. Being well-motivated doesn't clear us of responsibility for the injury we do to others. We have to make our best calls when we are on the inside. We have to try to improve circumstances, to facilitate better choices, better opportunities, whether we are inside or outside.

The deep covenant with God is written on our hearts.

Justice requires us to think and care beyond our tribes.

Seeking forgiveness and offering forgiveness is fundamental for salvation.