

**United First Parish Church (Unitarian) in Quincy
Sermon 7/8/07 by Rev. Michelle A. Walsh**

“Innocent Until Proven Guilty”

Good morning! I want to start this morning with an imaginative exercise. I would like each of you to relax your bodies, close your eyes if you are willing, and imagine that you are the very proud parent of four teenage children. Your firstborn is a girl and at age 20 she is now a young adult in college, having been a straight A student as a teenager. Bring all of your visualization skills to bear as you imagine this scenario. Your daughter is home from college one Friday night, and you and she go out to the store together, leaving your 18 year old son, also college bound, and your 16 year old son home alone for a short period. Some of your family cousins and friends are also playing in the backyard. Imagine what this might look like for your home. It's a fairly peaceful and normal June night for the whole family, and you are just so happy that life is so good and you feel very blessed.

Upon your arrival home, however, you are stunned to find an entire squadron of police crawling all over your yard and home. Visualize what this would look like for your home. The family cousins come running up to you in complete distress, telling you that the police have taken your 18 year old son away and forced all of them to submit to a personal search. Your 16 year old son tells you that he was locked out of the house by the police, who had forcibly entered the house and then proceeded to pull your 18 year old off the toilet, where he was engaged in a bowel movement. He tells you that your oldest son was thrown spread eagle on the floor and told, when he asked to wipe himself, that he could wipe himself when he got to jail.

What are you feeling? Outrage? A sense of franticness? Initially the police are not responding to your insistence for information and justification. Finally they produce a paper that seems to be a search warrant, but you are not sure. There is no one there to guide and advise you. You are not at all clear about what is happening, nor why your son has been arrested and taken away. When you are finally allowed to go into your house, you find it completely turned upsidedown, things are thrown everywhere and mattresses are slit open. Again, how are you feeling right now as you imagine this for your own family and home? Do you have some trouble going with this imaginative exercise because you can't imagine it ever happening to your family. But what if it did? What would you do?

Well, I imagine that most of you would be immediately on the phone with the very best lawyer that you could possibly find. You would be pulling together every resource in your power to get your son out of jail and to clear his name. But let's freeze frame your imagination at this point. This is not you or your son or your family and home. This is, in fact, a family who lives in Dorchester and who has been part of our Unitarian Universalist Urban Ministry youth programs for many years. This is a true story that happened just a little over a month ago on Friday, June 1st, and I learned of it the day before my ordination. Unfortunately, at the Unitarian Universalist Urban

Ministry, this is not our only story of innocent people who have suffered injustice at the hands of the police and our criminal justice system. Just about a year and a half ago, I worked with another 18 year old boy who was charged, jailed and eventually cleared of charges.

But where is this particular story as of today? The 18 year old's nickname is Frenchy, and I have his and his family's permission to use his name and share his story with you. When you live in impoverished circumstances, you don't have a lawyer you can just call up. You have to wait for a lawyer to be assigned to you by the courts and hope and pray that you happen to get a good one. Because Frenchy was arrested on a Friday night, he had to wait until Monday morning to be arraigned and given a bail hearing. Until then his mother Rosie was told that his bail was automatically set at \$25,000, an impossible amount for this family. The best that Rosie could do was pull her family around her and wait for Frenchy to call home – she was not allowed to see him at the Fields Corner police station where he was initially brought.

Through a friend, the family also reached out to the UU Urban Ministry staff for support, and we were dumbfounded and bewildered to hear that this had happened to this particular family. We tend to know our families well and which ones are typically involved with the law and which are not. Frenchy was poised for his high school graduation and prom that week and was accepted into two community colleges. Frenchy had no record and no involvement with the law, nor did any of his family members. However, late Saturday night, we discovered, Frenchy was transported to the Nashua Street Jail, a jail for adult criminals rather than juveniles because he was 18 years old. I'll ask you briefly to imagine again if this was your son at that moment upon hearing this: What fears are going through your mind?

I ask you to return again and again in this story to the task of imagination because it is through the intentional engagement of imagination that we are able to trigger our natural sense of empathy and to enter into the world of another more wholly and completely and thereby become motivated to help and to act. The intentionality of such an exercise is no where more important than when the lives and experiences of another seem so very different and very distant from our own. We tend to resist and disconnect from empathy when fear overwhelms us.

The Rev. Dr. Martin Luther King, Jr. wrote that “the foundation of such a method is love” to curing the fear that permits injustice. I recently heard a prominent therapist say that there are really only two primary emotions – fear and love. If we can get to the root of the fear in any situation, we can expand our capacity to love. We experience our interdependence with others when we also allow ourselves to imaginatively and fully experience the pain that injustice brings to others. Their pain becomes our own pain when we allow ourselves to love – our sense of self is enlarged and in acting to stop their pain, we are also acting to stop our own pain. John Lennon's classic song, “Imagine,” speaks to this powerful truth.

When we restrict our sense of self to our family and friends, paradoxically we are not protecting our self, we are diminishing our self. If we deaden our capacity to feel pain, if we turn off the switch for our natural empathy with others, we are progressively turning off our capacities to feel the richest and fullest sense of hope and joy as well. Perhaps this is what our Universalist ancestors knew so well when they spoke of the heart of their religious heritage as lying in faith, hope, and love. And perhaps this is what you as a congregation know so well also when you write in the forefront of your covenant: “We unite to lift our hearts and open our minds to a larger reality.” You choose to engage in an act of intentional imagination when you do so.

We, too, at the Unitarian Universalist Urban Ministry strive to imagine this larger reality and web of interdependence. Several volunteers who knew Frenchy and this family responded to the call to come to court on that Monday to support him and his family. This ultimately made a huge difference at Frenchy’s bail hearing as the clerk magistrate witnessed two full rows of family and church volunteers present in support. Have I mentioned yet that Frenchy is an African American male or had you already presumed that? Does it make a difference in your presumption of innocence? What if I mention that Frenchy is charged with being involved in a street shooting three months ago? Do you feel yourself slipping into a sense of caution and hesitancy? Maybe he is guilty, we think – after all, so many are, we read it in the papers all the time.

What does it take for us to hold onto the American legal right to a presumption of innocence? These days, more often than not, it takes our personal involvement with the accused in some way. We are so ready to try and convict people through the media, particularly people who are living in oppressed circumstances – this includes the recent case so prominent in our headlines of the mother who lied regarding the circumstances of her 8 year old’s death. Perhaps if we knew people who knew the family and we had had an opportunity to sit with the family through that child’s funeral a week ago Friday, we might be more willing to withhold prejudices, which is another word for pre-judging, pre-judging which is often based on stereotypical fears.

But in point of fact, the legal right to a presumption of innocence is not supposed to rely on our personal knowing – we are supposed to grant that presumption by virtue of granting each person sacred human worth and dignity. I say sacred because the roots of this right are found in our Jewish biblical tradition. Each person is made in the image of God. And thank God for the Hebrew prophets and their willingness to challenge and argue and negotiate with God on behalf of humanity and sometimes themselves. It is in Genesis, Chapter 18, for example, that we find Abraham questioning God’s intent to destroy the city of Sodom for its wickedness. Abraham asks God: “Will you sweep away the innocent along with the guilty?” Abraham starts by asking if God will refrain from destroying the city if Abraham can find at least 50 innocent people in it. Eventually, Abraham bargains God down to restraint if Abraham can find even only 10 innocent people in the city. Thus in the biblical tradition, even God must restrain God’s self in the face of innocence. God is accountable to the higher law of justice.

Are we then justified in sweeping away the innocent along with the guilty? We can, perhaps, empathize with everyone trying to cope with the epidemic of violence on our streets in Boston, including the fear and adrenaline that runs through our Boston police at times. But does that justify what happened to this family and how everyone was treated that day? There was a presumption of guilt, not innocence, for anyone who happened to even be playing in the yard of this family, not mention how Frenchy himself was treated.

There is yet another level of to this presumption of innocence and its violation in Massachusetts today and that is the CORI system, CORI standing for Criminal Offender Record Information. Some of you may already be familiar with the problems in the CORI system. However, for those of you who do not know, please return again to imagining that this is happening to your 18 year old son. Do you know that simply by being charged with a crime, he will now carry a record of the charge on his CORI while he is waiting for trial and even if he gets exonerated from the charge (the latter that is unless he gets a good lawyer to seal the record of that charge on his CORI).

Do you also know that carrying the record of this charge on his CORI may now mean that your son is eliminated from financial aid for college, will have trouble finding a job, and difficulty finding housing. Frenchy is experiencing just some of these difficulties right now, and his lawyer is telling him that he can expect his case to take up to a year for resolution. Frenchy's life and plans are going on hold for a year now. Additionally, if you personally have ever been charged with just a misdemeanor, the current CORI laws require a waiting time of 10 years before your CORI report can be sealed, while if you have been charged with a felony, as Frenchy has, the waiting time is currently 15 years. Imagine if your son has to explain even the charge of this crime when he goes forward in job applications.

There is a Public Safety Act that has been brought before the Massachusetts State legislature each year attempting to reform the CORI system but it has yet to pass. At the Unitarian Universalist Urban Ministry we have a program which attempts to engage some of these issues and assist men in transition with their reentry into society. It's called United Souls and it is directed by Sam Williams. This is a law and work that deserve our attention and support as a matter of love and justice. In our congregation today, we also support the prison book program, which is continuing to operate throughout the summer months on Tuesday and Thursday evenings. How can we engage this work in a deeper and more systemic manner? In a moment, I'd like to hear your response on this issue?

But first, what of Frenchy you ask? Well, Frenchy was released without bail on his own recognizance, but not before the District Attorney's office challenged the clerk magistrate's decision to do so and we had to spend the rest of the day in court before a judge. Ironically, this judge was the same judge who had actually signed the search warrant for Frenchy's home at 5PM on Friday. She was not too happy when she looked at Frenchy and looked at us and heard that no evidence had been found from the search. In fact, she gave quite a lecture to the assistant district attorney on her need to abide by

the presumption of innocence in upholding the clerk magistrate's decision to release Frenchy without bail.

By the way, here's the t-shirt that Frenchy was arrested in on Friday night and was wearing in court on Monday. [show and explain SHSU t-shirt] Sadly, though, Rosie, Frenchy's mother, called me Friday to report that she had received a letter in the mail from the Boston Housing Authority who is terminating her Section 8 supported assistance housing voucher because Frenchy has been charged with a crime. This really does happen and this family's life will be in a state of nightmare for the next year.

Today I challenge us to strive to hold an attitude of humility that we actually cannot know the guilt of another until we have walked in their shoes. A classical theist would argue that no one but God can judge another because only God is all-knowing. That may not fly with most contemporary Unitarian Universalists. So let me instead urge each of us to the best of our abilities to engage in an intentional act of imagination that can lead us, as a Buddhist might say, to a deeper understanding and thus a deeper love and commitment to others, even those who are significantly different from ourselves in their life experiences. May it be so. Blessed be. Amen.