

“The Spiritual Practice of Finding Your Humanity”

Luke 18:1-8

August 2, 2020

Jesus told them a story showing that it was necessary for them to pray consistently and never quit. He said, “There was once a judge in some city who never gave God a thought and cared nothing for people. A widow in that city kept after him: ‘My rights are being violated. Protect me!’

“He never gave her the time of day. But after this went on and on, he said to himself, ‘I care nothing what God thinks, even less, what people think. But because this widow won’t quit badgering me, I’d better do something and see that she gets justice—otherwise I’m going to end up beaten black-and-blue by her pounding.’”

Then the Master said, “Do you hear what that judge, corrupt as he is, is saying? So, what makes you think God won’t step in and work justice for God’s chosen people, who continue to cry out for help? Won’t God stick up for them? I assure you, God will. God will not drag his feet. But how much of that kind of persistent faith will the Son of Man find on the earth when he returns?”

Here ends the reading. May God bless these words as we seek to apply them to our lives.

Let me assure you, the work of a criminal court lawyer tests one’s humanity. Many other helping professions can also claim this paradox. I imagine nervous teachers getting ready to go back into classrooms in the midst of this pandemic are feeling this same way about now.

But from my perspective, I find it remarkable that I generally have a positive attitude toward the human race after some of the horrible stories over which I have both presided as a criminal court judge and earlier in my law career, defended as a criminal defense litigator. I thank God for keeping my spirits up and protecting my heart that is still capable of love after all I have witnessed in the human capacity to be inhuman to other people, animals and the natural world. I can only imagine some of you military veterans and other folks know what I mean.

Tell me the Holy Spirit does not mess with us when we are least prepared...

Wednesday of this week, the week that I was planning to show you the film, *Just Mercy*, I received in the mail a reminder—a blast from the past about my days as a criminal defense attorney. I handled some pretty ghastly cases: murder, child molestation, negligence and death, robbery, a mass shooting, gang warfare—you name it, I defended persons accused—and more often than not, guilty of these crimes.

Many were privately paid cases, most, but not all of these for white defendants whose families could afford the fees, but many were also funded by you, the taxpayers, as I took on cases assigned to me by judges when public defenders had a conflict of interest. I represented many defendants who are now convicts serving lengthy or life sentences in our State and Federal penitentiaries, some of them with penalties well over 100 years, as if that makes any sense at all.

It was quite the life, a life that tested my love for humanity.

So, Wednesday, I received a letter from a convict I represented in the 1990s on a triple arson. This fellow came from what we would call a “good family.” He was raised by his mother, a high school art teacher who volunteered at the Denver Art Museum. He was intelligent, if not impertinent. He was a bit of a smart-aleck and had a rebellious, law-breaking streak in him due to his being angry that his father left them-- mostly misdemeanors on his record, nothing violent. I represented him on a series of low-level crimes dating back to his teenage years; he used to call me his lawyer-mom.

Then there were three garage fires set near his mother’s home where he lived, three fires in a very short time frame. The police found no forensic evidence at any of the fires, never established any motive for the crimes and there were no witnesses to any of them. No one was injured in the small fires, though there certainly was a risk to the homeowners asleep in the night,

unaware. My client had a criminal record and so he became a “person of interest.” Remember the story of *Richard Jewell*?

They brought him in to the station, interrogated him without letting him call me, threatened his mother’s reputation and possession of her home, and got him after a number of hours to confess to the crimes. No evidence was found in his house or truck; his mother cooperated wholeheartedly with the police search warrant. I was hired by her to defend her son and I fought hard. Our fire experts disputed the findings of the Sheriff’s investigators. We highlighted the lack of evidence or motive. Nevertheless, we lost in front of a jury, largely based on his rather non-specific confession. He was sentenced to 20 years in the Department of Corrections.

Two years later on appeal, it came out that the sheriffs and prosecutors had kept from our defense team an initial report of their Chief Fire Inspector whose opinion was that my client did not set the fires. There was a later report where the Inspector changed his opinion after the confession and charges were filed. When the Inspector was called as a witness at trial, he didn’t mention his earlier findings. We had no idea or notice of them. The Colorado Court of Appeals publicly censured the District Attorney’s and Sheriff’s Offices, calling their conduct a reprehensible and deliberate abrogation of their duty to protect justice and the Constitutional rights of the accused.

My client’s conviction was overturned and he was released from prison. We won! But not so fast. Months later, prosecutors refiled the case against him, adding additional charges to the criminal complaint and making the potential sentence, should he be again convicted, a life sentence. My client, once denied his Constitutional rights both to counsel and to the full discovery of relevant evidence, took a *thirty-year* deal to avoid the risk of serving a life sentence. I

cried with his mother as they led him away again, their lives shattered and my sense of rightness, my sense of *humanity*, sorely tested.

It's been ten years since that day. My life has taken such a wonderful turn into ministry while his has been languishing behind bars for crimes he still says he didn't commit. This letter brought it all back to me this week as I was thinking about the case of Walter McMillian.

In McMillian's Alabama murder case upon which the film, *Just Mercy*, is based, justice was perverted and manipulated by officials we have a right to expect will uphold the law, fairly and impartially. In his case, prosecutors fabricated false testimony from a phony eyewitness who himself was facing a lengthy sentence to prison. They put him on death row and scared him into doing their bidding so they could close the murder case of a young white girl. Lest you think this kind of prosecutorial misconduct only happens in the South and only happens to people who have public defenders who don't aggressively represent them, I bring you today my client's story from white suburbia Centennial, Colorado.

My client asked me to write him a letter to the parole board in support of his request for clemency. He has served 10 of his 30 years so far and this is the first I have heard from him since he was sentenced. How can this be simply a coincidence that I received this letter this week when my sense of humanity has been tested again by this film and its story?

There are many ways to talk about Walter McMillian- "Johnny D's" story. His story is about the justice system; it's about racism; it's about law enforcement and politics and outrage and injustice. It's about dedication and a dangerous and unusual interracial cooperation in the deep South between an inexperienced black lawyer and his white assistant, Eva, who is called to justice work by something that transcends the color of her skin or that of her employer. "I don't

need people to like me,” she tells him, “as long as I’m doing what I’m supposed to do.”

The film is also about the inhumanity of the death penalty, especially when used against people who suffer from mental illness. I used to be in favor of the death penalty; now, I am not. The statistics of its misuse, skewed especially against people of color and others who are without the means to hire private counsel, has convinced me that it has no place in American society. Call that a political statement if you want, but I have the real-life experience to back it up and I won’t stay silent on the issue. Since 1973, 167 death row inmates in North America have been exonerated. Two of them were sentenced to death at the ripe old age of 14. Neither was guilty; only one made it out of Death Row alive.

All these topics are ripe for a sermon this morning—I could literally preach on this movie for a month of Sundays, but I want to focus on one aspect you may have missed in watching the movie or reading about the case: There are three characters in the film that, through the witness of Attorney Bryan Stevenson’s tireless work on behalf of death row convicts, eventually rediscover their humanity and use it for good. They are: the new District Attorney, Tommy Chapman; the phony eyewitness, Ralph Myers, and the prison guard assigned to Death Row, nameless but ever-present in the film.

As the story initially unfolds, they are all acting in their own self-interest, impervious to the plight of the wrongly-convicted prisoner who has intersected with their lives. But by the time the case is resolved in court for the final time, they have regained their sense of humanity—of what is right and wrong, and they are redeemed by their collective change of heart.

More on that later. Let’s look at the parable of the Unjust Judge from Luke’s Gospel. This judge was the kind we see portrayed on TV and in the movies

most often: gruff, impatient, demeaning and rude to the poor widow who keeps coming to him for justice and going away without any.

“My rights are being violated,” she cries out to him. Protect me!’

“He never gave her the time of day,” the text tells us. He says to himself, ‘I care nothing what God thinks, even less, what people think.’

This is not a Bible character we are supposed to like. We know he stands in direct opposition to what God and Jesus expects from us: empathy, compassion and justice. He only gives in to the poor widow not from a righteous heart, but merely out of frustration, afraid that if he does not hear her complaints, he will be badgered by her unto death.

Jesus has no room in his heart for the unjust judge. In the parable, the judge bears the Mark of Satan’s inhumanity and God is the Intervenor for marginalized people in their woeful stories of injustice. The widow represents all those who have the fortitude to keep knocking on the courthouse doors, demanding to be heard, demanding her justice. Jesus questions whether, once he’s gone from the earth, if anyone will ever again protest loudly in his name before the unjust judges of the world.

Will we stand up for what is right? Will we choose justice over privilege, an inconvenient truth over indifference? Will we hear the messy stories of life in America for people who live on the underside of polite society, or like the Unjust Judge, turn our heads and our backs on their insistent protests, declaring the persons demanding justice as criminals, thugs, gang members and unpatriotic heathens?

Our criminal justice system is strong in many ways, but broken in others. I am not suggesting dismantling entire police departments, firing all the judges, or opening all the prisons. I also do not favor pardoning rich white convicts who have the power of money, lawyers and politics on their side, no matter *who* is

doing the pardoning (Presidents *or* Governors) while people of color are *nine times more likely* to languish behind bars, serving out their full sentences. I do think judges should have term limits, including and maybe especially Supreme Court Judges, and I do not favor life-with-no-parole sentences for juveniles. You don't have to agree with me, but I think it only fair that you know where I stand if I'm going to preach to you about these issues.

Jesus calls us in this Parable to lead with our humanity, emulating God's wish for the human race that *love* be our overriding value—love of ourselves and each other, especially those who stand in relation to the power in our societies the same as the poor widow stands in relation to the Unjust Judge.

Those who are entitled have a heightened responsibility to change the systems that give them their privilege. "Ubuntu" is a South African word meaning, "My humanity is bound up with your humanity." We don't stand alone in this world. At times we have all been the poor widow, lacking voice in the face of the Unjust Judge. And we also at times have been the Unjust Judge, turning our faces away from the plight of those without power or voice. We are all wrapped up together in life.

Jesus says we can't be a follower of his and turn our heads away from injustice. The Spiritual Practice of Finding Your Humanity means that in the case of Johnny D., Ralph Myers deciding that truth is more important than personal gain is redemption worthy of celebration. This man, who made up his false testimony against Johnny D, gets a chance after six years with a guilty conscience to recant it and speak the truth in court, and in so doing, he is finally able to look the accused in the eye and reclaim his sense of Ubuntu—his humanity that is inextricably bound up with McMillian's.

The racist prison guard who takes perverted delight in forcing the naïve and inexperienced black lawyer, Bryan Stevenson, into a full strip search before

he is allowed to see his clients. is led eventually (I think by the Holy Spirit that is always dynamic, never at rest) to see the humanness in the men he is guarding. As he allows his heart to open to them, he finds his own humanity and the capacity for humane treatment of them and their families. He also learns to respect the unceasing efforts and convictions of the very lawyer he humiliated the first time they met.

And the District Attorney in charge of the 35th Judicial District of Alabama, Tommy Chapman, is put into a crisis of faith by the direct appeal of Bryan Stevenson to choose right over wrong, to take the unpopular, but just way over blindly supporting the system that had clearly defiled itself in Walter McMillian's case. He was the last major player in this life drama one to catch on, to reclaim his humanity. Even DA Chapman's *wife* had figured out by watching a "60 Minutes" report about the case that Johnny D. was innocent. It was not until he was in the courtroom that Tommy Chapman chose the difficult road, dismissing the charges against Johnny D. There in that moment of crisis, the prosecutor chose the Jesus path, the righteous reclaiming of his humanity by acting to save the life of another.

When we oppose systems of systemic brokenness, that is when we reclaim our humanity, the Jesus Way. In the past two weeks during our Rocky Mountain Conference Annual Celebration, we heard stirring testimonies of both black and white people of the UCC about racism in our country and in our churches. Some of you heard our General Minister and President of the UCC, Rev. Dr. John Dorhauer on Thursday evening urge us on, cautioning that, "you never want to let a serious crisis go to waste." He said our responsibility as Christians is clear: "There is nothing in our church that cannot be changed," he said, "as long as the Gospel is preached and the Kin-dom of God is proclaimed."

Just last week, a black female pastor serving one of our UCC churches in Colorado, was bullied by outspoken racists in their congregation and forced to resign. One of their members a few weeks prior had anonymously mailed her a noose- *mailed her a noose*. Cowards send messages like this anonymously because they have eschewed their humanity and the humanity of others and also because they fear reprisals for their terror-inducing actions. This act cannot be condoned under the principle of UCC local church autonomy. We must stand as a church against racism in every insidious form (even though it may not be an immediate issue of ours here in our Parker UCC church), just as we stand against gender discrimination, homophobia, ableism, ageism, and political warfare.

I invite you this morning to stand for a moment in the bare feet of the poor widow, plaintively appealing to the one who holds the power in her culture. What do you want the Unjust Judge to hear? What is your complaint that needs to be addressed by God?

And now, reverse the roles and stand as the Judge, in power, sitting up high, entitled. How do you need to act to reclaim and proclaim your humanity? How do you need to show kindness, be merciful and walk humbly? How can you be Jesus to the poor widow in the story?

He starts this lesson off with a purpose. The text says Jesus was showing the people that it was necessary that we should pray, and pray without ceasing. Prayer can be our secret, late night petitions before God asking all manner of blessings and relief, but prayer can also be expressed in our actions, in the Spiritual Practice at every turn of Finding and Reclaiming our Humanity. "Let us pray," as the text implores us, "consistently and never quit."

Rev. Dorhauer asked us this one question about our rekindled and recent conversations about institutional and systemic racism: Is it a *moment* or is it a

movement? The widow persists in her demands for justice; what will be our answer? Where will she experience our humanity?

May It Be So.

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