

A year ago, my seventeen year old son went to Chicago on a school trip. He returned with a souvenir, a large wall poster of Martin Luther King, Jr. addressing the huge crowd at the Lincoln Memorial in August of 1963.

Only a few months earlier than that photo was taken, in April, 1963, Martin Luther King, Jr. had found himself in a city jail in Birmingham, Alabama. Even the local clergymen attacked his protest efforts as “unwise and untimely”. He wrote a letter from the jail in response to their criticism. Rather than simply replying to their “outside agitator” slurs, the “Letter from a Birmingham Jail” as it became known, articulated a broad defense of the civil rights movement that confronted a centuries old history of slavery and segregation. It didn’t acknowledge error and express regret, but explained all of the circumstances that supported those efforts and led him to that jail.

In some ways tonight, I feel my appearance here and this discussion demand a similar type of response. First of all, Henry David Thoreau once wrote that whenever any man is imprisoned unjustly, the only place for a just man is in prison. This evening I am not writing or speaking to you from a jail. Rural Wisconsin granted me and this community all of the privileges guaranteed by our Constitution. In large measure we avoided the deprivations and depravities of segregation and slavery.

We knew it was wrong, but despite that, we failed to understand or respond to the dramatic indignity of the overall pattern of injustice that had plagued our country from its inception. Hidden in rural America, we resembled the white moderate Dr. King expressed frustration with in the Birmingham jail letter:

“I have almost reached the regrettable conclusion that the Negro's great stumbling block in his stride toward freedom is not the White Citizen's Councilor or the Ku Klux Klanner, but the white moderate, who is more devoted to "order" than to justice; who prefers a negative peace which is the absence of tension to a positive peace which is the presence

of justice; . . . Shallow understanding from people of good will is more frustrating than absolute misunderstanding from people of ill will.”

Beyond expressing frustration however, Martin Luther King simply would not accept any reticence in the face of injustice. In his “I Have a Dream” speech at the Lincoln Memorial in August of 1963, Martin Luther King said that the Constitution and the Declaration of Independence were a promissory note for every American, “a promise that all men, yes, black men as well as white men, would be guaranteed the unalienable rights of life, liberty, and the pursuit of happiness.” He said America had defaulted on this promise to her people of color.

“Instead of honoring this sacred obligation, America has given the Negro people a bad check, a check which has come back marked "insufficient funds." But we refuse to believe that the bank of justice is bankrupt. We refuse to believe that there are insufficient funds in the great vaults of opportunity of this nation. So we have come to cash this check — a check that will give us upon demand the riches of freedom and the security of justice. We have also come to this hallowed spot to remind America of the fierce urgency of now. . . . Now is the time to make justice a reality for all of God's children.”

His insistence that we as a nation live up to our words and our creed for all Americans created the essence of his legacy. That confrontation, time and education have forced us into a more realistic view of the issues involved. We came to mourn our loss at his death. Shortly after his death, when elected to public office, I swore to uphold the Constitution and I distinctly appreciated and still appreciate that responsibility. Yet when the State created this holiday, I initially continued to go to work on that day. The County didn't make the day a holiday, and I didn't accept former Gov. Tony Earl's admonition to take the day off to serve others in recognition of Martin Luther King's service. I couldn't or wouldn't understand how Gov. Earl's helping a farmer pick corn in January celebrated Martin Luther King's Day. Our community didn't seem to celebrate the holiday either.

Tonight I come here with a different attitude. In my business the question of whether “justice is a reality for all of God’s children” lies disturbingly close. Einstein’s definition of insanity, “doing the same thing over and over again expecting different results” impacts your thoughts when you start sentencing the grandchildren of the people you first sentenced twenty years ago. DNA exonerations causing the release of inmates after years of incarceration as close to home as Marshfield, and other new factors make you question the certainty of “beyond a reasonable doubt”.

So what is the “reality of justice for all of God's children” on Martin Luther King Day in 2008? Let's take a look.

- The United States has the highest incarceration rate in the world.
- Right now, there are 2.2 million people in jail, 910,000 of which are African-Americans. Although 12 percent of the general population, black people make up nearly 44 percent of the prison population.
- One out of three of homeless people are black.
- Homicide is the number one cause of death for black men between 15 and 29 years of age and has been for decades.
- More than half of the roughly 16,000 homicides each year, are committed by black men. A black man is seven times more likely to commit a murder than a white man, and six times more likely to be murdered.
- Ninety-four percent of all black people who are murdered are murdered by other black people.
- At any given time, as many as one in four of all “young black men” are in the criminal justice system—in prison or jail, on probation or on parole.

Meet the Press October 14, 2007

“Come On, People: On the Path from Victims to Victors,” he tackles controversial and complicated issues such as the plight of the black family, black on black violence, high school dropout rates, the need for parental responsibility and more. Bill Cosby, and his co-author, Dr. Alvin F. Poussaint, professor of psychology at Harvard Medical School.

Is Wisconsin any different? According to Kevin Pranis a justice planner formerly from Wisconsin, not much. Let's take a look.

- Wisconsin’s prison population increased from 4,000 to 23,000 between 1980 and 2004.
  - Wisconsin has largest racial disparity in sentencing practices of any state, greater than TX, FL or CA
- Wisconsin spends one billion annually for corrections; one hundred million on a response to drug and alcohol problems. Seventy percent of criminal convictions involve substance use or

abuse.

- Wisconsin increased its prison budget 20% in past five years; no increase in state funding for treatment. Milwaukee accounts for 60% of prison population but receives 12% of state substance abuse funding
- Milwaukee demonstrates the problem of application of funding
  - 17% of state's population
  - 27% of all drug arrests
  - 47% of all drug sale arrests
  - 61% of new prison admissions for drug offenders
  - Imprisons more non-violent offenders than the rest of the state combined
  - Every year one of every 13 African American men in Milwaukee returns from prison

And at home, here in Portage County our statistics tell us that over the past five years, an average of 6% of all our jail bookings are of African-American descent whereas the 2000 census listed 0.5% of our population as of African American descent.

Where do we go from here. I haven't come here tonight to castigate anyone for suffering arrest and imprisonment more often than others. The reality of justice for all is obviously problematic. The statistics overwhelm you, but overwhelming odds didn't stop Martin Luther King. He suffered arrest 29 times in the struggle for civil rights. We came here looking for answers, but even Bill Cosby's admonitions of personal responsibility don't explain and won't correct the process on its own. Michael Dyson, a University of Pennsylvania professor wrote in an article "The Injustice Bill Cosby Won't See":

"Personal responsibility is a necessary but insufficient condition for poor blacks to do better. We also need social justice to give them real opportunity to exercise that personal responsibility. That's why Martin Luther King Jr. didn't lead a behave-in to correct black morality, but a sit-in to protest racial injustice. (To be sure, King believed that for blacks to achieve "first-class citizenship," (we) they must "assume the primary responsibility for making it so," even as (we) they- continue to "resist all forms of racial injustice.")"

What would Martin Luther King encourage today? I believe he may be a proponent of restorative justice, effective justice strategies, and evidence based practices. A chaplain in the Correctional Service of Canada described the following as his best definition of restorative

justice. **Restorative justice** addresses the hurts and needs of the victims, and the hurts and needs of the offenders, in such a way that they and the community might be healed. It relies on the opportunity for all to be heard, consensus on the consequences, free emotional expression, and commitment to create safer communities with more peaceful people to the extent that is possible. Crime prevention is the penultimate goal. **Effective justice strategies** are those that work to actually change offender behavior, restore victims and protect the community. They must rely on **evidence based practices**, that is procedures whose success or failure is documented statistically. These steps revolutionize the criminal justice system in that we begin to actually measure its outcomes for their long term success or failure, and base our future responses on the patterns that develop. We can look at disparities in sentencing, and look for objective answers to correct those issues, together as a community.

This effort to change the criminal justice process, and the community expectations of that process, daunts the imagination. Justiceworks, Ltd. is a volunteer community justice organization that strives to support that effort by fostering forms of justice that strengthen and heal communities. The legacies of Martin Luther King, Jr. clearly address these issues: his demand for justice for all; his commitment to service to others despite personal risk; and his example of a non-violent approach to achieve change. We can celebrate his legacy by continuing his effort to assure the reality of justice for all of God's children. We can do so through Justiceworks, individually or through other like-minded organizations. This juncture of his legacy and our daunting task have made his remarkable example for all Americans more clear for me. The words of his letter from the Birmingham jail articulated that example through his description of others.

“One day the South will know that when these disinherited children of God sat down at lunch counters, they were in reality standing up for what is best in the American

dream and for the most sacred values in our Judaeo-Christian heritage, thereby bringing our nation back to those great wells of democracy which were dug deep by the founding fathers in their formulation of the Constitution and the Declaration of Independence.”

At our home, my son agitated in his own way for a frame for his poster of Martin Luther King, Jr. addressing the crowd at the Lincoln Memorial. Finally, he confiscated a frame from his brother; When I saw that, I confiscated the poster and the frame from both of them and placed it on top of a cabinet looking down over the living room. It gives you the impression you're standing on the stage with Dr. King overlooking the crowd. When I look at it, a simple phrase now comes to my mind:

**WE HAVE A DREAM!**

It is that dream that brings us here this evening.