

# REHABILITATING DEMOCRACY: RESTORING CIVIL RIGHTS AND LEADING THE NEXT HUMAN RIGHTS REVOLUTION

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## ABSTRACT

This article describes the culture of activist black Christian congregations that propelled campaigns to dismantle legalized racial segregation and advocate for equal justice. Historically, as the imperfections of American democracy were exposed, the most marginal people in the society acted persistently and repeatedly to extend the benefits of democracy to all citizens. The article highlights the distinctive social and intellectual contributions of the secular activist W. E. B. Du Bois and social gospel minister Martin Luther King. The author sees the contemporary discussion and faith-based mobilization around reversing mass incarceration as an outgrowth of the civil rights movement. Finally, the article suggests that leadership for the next global human rights revolution is likely to emerge from students and young leaders who are committed to radically inclusive conceptions of democracy, equality, and social justice.

**KEYWORDS:** mass incarceration, black churches, civil rights, moral leadership

*The church must be reminded that it is not the master or the servant of the state, but rather the conscience of the state. It must be the guide and critic, and never its tool . . . . If the church does not recapture its prophetic zeal, it will become an irrelevant social club without moral or spiritual authority.<sup>1</sup>*

—Martin Luther King, Jr.

## INTRODUCTION

As the nation observes the fiftieth anniversary of civil rights movement milestones like the march from Selma to Montgomery and the larger struggle to pass the Voting Rights Act of 1965, it is a propitious time to consider the hard sacrifices required to achieve the democracy that Americans now experience. However, at this time it is also necessary to take on the challenge of sustaining their achievement in the face of campaigns to restrict voting rights—campaigns that would dismiss the intellectual, spiritual, and physical labor that forged a democratic republic from a milieu that once tolerated the enslavement of Africans, hostilities visited upon Native Americans, and suspicions towards new immigrants from every corner of the earth. And when

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1 Martin Luther King, Jr., *Strength to Love* (Minneapolis: Augsburg Fortress Press, 2010), 47.

these contradictions of democracy were acknowledged, their resolution required the activism and sacrifices of the most marginal people in the society. Powerful elites in government, business, religion, and other sectors could have made the needed corrections to America's "color coded" power structure,<sup>2</sup> but, with a few exceptions, they chose not to. Indeed, *American democracy has required people with marginal political power, status, and financial resources to convict and persuade the conscience and self-interest of the nation to repair its flaws*, especially the exclusion and denial of equal rights. Congregations have been the efficient institutional means for directing these reformist energies with strategic effects. Based on my understanding of America's black Christian congregations, historically they have served as that national conscience of which King speaks. They became the redemptive community that brought their spiritual and political resources to bear on the American political stage. They were animated by the drive for freedom and the radical demand for wholeness, justice, and reconciliation. In theological terms, they were motivated by and responsive to the divine call for "exodus and agape," a drive for liberty expressed through demanding political freedom, and the determination to express other-regarding love by transforming slaveholders and oppressors into neighbors and equals. Black churches have embodied and nurtured this ethical spirit, albeit imperfectly. It is, therefore, important to acknowledge and understand how black church culture contributed to the evolution of American democracy. The spirituality, theology of hope, and practices of these churches fueled the struggle for equal citizenship. And, because the status of the black church's public and prophetic mantle is now in question, it is important to assess their stewardship of that activist legacy.

This article describes the spiritual culture or sacred cosmos that defined activist black church culture. The distinctive world view that Africans brought to the New World functioned as an ideology of resistance and a persistent demand for building an inclusive and just society. Once they appeared in the mid-eighteenth century, black churches became the most inclusive freedom loving institutions in the early republic.<sup>3</sup> However, they have never received the credit they deserve for that substantive contribution to our democracy. Through my perspective as a student of public leadership, I summarize the critical roles of W. E. B. Du Bois and Martin Luther King, Jr. in articulating and representing the redemptive community's public agenda to include all people in the experiment of democracy. Du Bois, a scholar, and King, a preacher, provided the intellectual foundation and theological rationale for a church-based struggle to make ultimate sacrifices to expand democracy. Du Bois referred to this public activism as "rehabilitating democracy." But it took King's vibrant practical theology of hope to energize ordinary people to resist state sponsored violent repression. Martin Luther King, Jr. was a master of framing the black struggle for full participation in American life. He was a theological virtuoso possessed of a keen ability to mine the intellectual and spiritual treasures of biblical and constitutional sources to formulate theologically and morally persuasive arguments for liberty and justice. Together with his personal biography, which included choosing a life of service and suffering over one of class comfort, this ensemble of assets conferred on him the moral authority to inspire American churches to behave like the conscience of the state, custodians of the soul of a society struggling to become its best self.

I also illustrate how black churches are playing a leading role in advocating for justice and reconciliation on behalf of a segment of the community now confined in prisons and the supervision of the criminal justice system. Many advocates refer to the mass incarceration of African Americans at a time when an African American is president of the United States as the key civil rights issue of the

2 A concept developed by Emory professor Steven Tipton, in his Spring Convocation address to the Candler School of Theology, Atlanta, GA, January 2015.

3 Gayraud Wilmore, *Black Religion and Black Radicalism* (Maryknoll, NY: Orbis Books, 1998).

twenty-first century. I conclude with a suggestion about how the next generation of young activists might follow the lead of Du Bois and King in mobilizing a coherent and robust human rights struggle from the fragments of current episodic demonstrations for social justice.

#### THE SACRED COSMOS THAT UNDERGIRDDED THE CIVIL RIGHTS MOVEMENT

African traditional religion contained its own myths, symbols, ethics, and ritual practices that were not motivated by the desire for material, power, control, or financial gain. The early Africans who came to the New World brought with them convictions of their profound connection to God. They fused their own belief systems with the new and interesting texts and narratives of Jewish and Christian communities, themes, stories, and symbols. To these, they added their own spirituality and soul when and where they found the Western options unsatisfying. Neither transparent nor self-evident, the meaning of the texts were sharply contested. The serious enterprise of textual analysis and interpretation was not only important intellectually but constantly translated existentially into life-and-death decisions. The early Africans soon developed a hermeneutic of liberation and the determination to struggle for freedom, the freedom to be self-determining moral agents.

It may be instructive for the reader to appreciate the distinctive starting point for African encounters with American Christianity. Most British and Europeans braved the stormy seas and the uncertainties of a foreign wilderness and brand-new towns and cities because of profound discontent with the theology and the church-state alliances of Old Europe. By contrast, most Africans who found themselves in the New World were products of societies that had holistic belief systems that were not in a process of internal conflict and reform. In fact, African societies enjoyed the stability of the ages (despite unnoticed oppressive elements like excluding females in power sharing and leadership). According to African scholars like John Mbiti, African spiritual worldviews and ritual architecture maintained that there was no strict separation between the sacred and the secular; that there is one High God who is assisted by various intermediate spirit beings; that truth is oral and not contained by or in a book; and that the experience of faith is a communal rather than an individual experience. Finally, faith is most truthfully expressed through song, dance, and ritual rather than captured discursively through dogma and doctrines.<sup>4</sup>

The African sacred cosmos conferred dignity, intrinsic worth, roles, responsibilities, and rights on every member of the tribe. African rights were embedded in a rich culture of collective and shared connection to God, the community, and the universe sometimes referred to as an ethic of Ubuntu (“I am, because we are”). When village life and ethnic-tribal cohesion were disrupted by the slave trade, rights that were experienced as a shared reality in a community became portable and more individualized. And this made it easier to synthesize African conceptions of shared rights, claims to goods, and claims of equal value with American understandings of inalienable rights as individual possessions.<sup>5</sup>

Historians like Gayraud S. Wilmore, Albert Raboteau, and others have examined how African spirituality fused beautifully and powerfully with Catholic popular piety, Protestant egalitarianism, and other elements of the new American Christianity.<sup>6</sup> African spirituality transformed the version

4 John S. Mbiti, *African Religions & Philosophy* (Oxford: Oxford University Press, 1980).

5 William Galston, *Justice and Human Good* (Chicago: University of Chicago Press, 1980).

6 Albert J. Raboteau, *Slave Religion: The Invisible Institution in the Antebellum South* (New York: Oxford University Press, 1978).

of American southern Christianity that most blacks encountered and rendered it more humane, compassionate, and liberating. Many scholars have observed that this same sacred cosmos or religious worldview assumed slightly different forms depending on the cultural and political milieu where they were transplanted. For instance, in Haiti it became Voodoo; in Jamaica, Obeah, Pukumina, and Rastafari; in Cuba it became manifest in Santería; and in Brazil, Candomblé and Umbanda. African deities and spiritual forces played an explicit and prominent role in the rituals and worship of the people. For African American Christianity, the Christian God ultimately revealed in Jesus of Nazareth dominated the black sacred cosmos and the unique contours of black church culture evolved drawing from a variety of cultural sources, including Catholic popular piety and aesthetics, Protestant egalitarianism, African communalism, elements of Islam that many Africans embraced, and local cultural norms. However, all of these were put in the service of forging a theology of hope against all obstacles that drove their determination to be free.<sup>7</sup>

This was also the context in which blacks encountered the English-language Bible and particularly the Exodus narrative in the Hebrew Bible, which offered a new cultural narrative for their own experience. In *Errand into the Wilderness*, historian Perry Miller says the Puritans saw themselves not merely as a Christian reform movement, but as God's re-creation of the people Israel. Their flight from persecution in England reenacted the Israelites' exodus from Egypt. Just as the Israelites crossed the Red Sea and entered into the wilderness of Sinai, the Puritans sailed the Atlantic Ocean and settled in the American wilderness.

Indeed, America's primordial myth of origins is so unique among nations that it yields easily to such theological explanation. Surely, it was appealing and easy to believe that Americans were the new Israel even amidst the hardships of early settlement where many of the first colonists succumbed to harsh winters and new diseases.

Black people heard this same Exodus rhetoric in and around the Puritan churches and white households, analyzed it, examined the unethical behavior of the slaveholders, and then countered that, in fact, enslaved Africans were the new Israel and the Anglo slaveholding political-economy was the new Egypt. African spiritual hermeneutics helped to underwrite this existential and theological claim. But it meant little until it was translated into social ethical action—a translation that, of course, was subversive, even threatening, to the status quo. Just as God had authorized an exodus in biblical times, God could once again authorize and facilitate a revolution in the political economy of slavery to enable their freedom. How else could one interpret Jefferson's observation, now ensconced in marble in his monument on the national mall, "Indeed I tremble for my country when I reflect that God is just: that His justice cannot sleep forever"?

This exodus motif is central to black American religious mythology and self-understanding. And it helps to authorize an approach to winning human rights (such as dissent and civil disobedience) rooted in a political interpretation of biblical narrative.

That same spiritual paradigm enabled black people to focus on the "rights" in civil rights as a useful, elegant way to speak about a gift or set of gifts that God conferred. Rights are one way that humans translate and manifest God's will and prerogative to endow humans with qualities, capacities, and characteristics that require discipline, cultivation, and nurture. But liberty and community are preconditions for human flourishing and must be in place to actualize those inner gifts

7 C. Eric Lincoln and Lawrence H. Mamiya, *The Black Church in the African American Experience* (Durham, NC: Duke University Press, 1990); Noel Leo Erskine, *Decolonizing Theology: A Caribbean Perspective* (Maryknoll, NY: Orbis Press, 1981); Diana Eck, "Afro-Caribbean Traditions," The Pluralism Project, <http://www.pluralism.org/religion/afro-caribbean> (last visited June 15, 2015).

and potential. That is why people start revolutions in places like Lexington and Concord, Paris and St. Petersburg, Montgomery and Birmingham.

So, black people appropriated from the American Enlightenment rights language by which they expressed their worth and advanced their claims to respect in ways that were intelligible in a public context. This was an instrumental appropriation with a narrow political goal. It did not reveal a deeper non-Western sacred outlook (unity of sacred and secular, truth as orality, interdependence, etc.) that, had white Americans been open to it, might have provided a model of radical interdependence that would have rejected racism outright.

Vincent Harding, the late eminent scholar and associate of King, often said that black churches were laboratories for the practice and preparation of citizens for authentic democracy.<sup>8</sup> These congregations took seriously the arts of debate and conducted meetings according to proper procedures for deliberation, such as Robert's Rules of Order. They recognized that they were preparing disenfranchised people for eventual integration into the ways of American democratic governance. In addition, black churches were democratic spaces in the sense of being open to all people. Whites were free to join them in the worship and discovery of the deity. By contrast, most white congregations were segregated. Those that permitted blacks to attend generally conformed to Jim Crow racial separation within the sanctuary.

Working in partnership with the lawyers and bureaucrats of the National Association for the Advancement of Colored People, grassroots leaders who could quickly mobilize entire communities, churches with their charismatic leaders dismantled a vast legal infrastructure of segregation. Blacks waited for other powerful institutions to make good on the promise of full citizenship and freedom; however, all of them—the market, the academy, state government, and majority churches—failed to do this.<sup>9</sup>

American democracy, therefore, required internal reformist activism in order to repair its contradictions, and African Americans, a people on the margin, worked through their most powerful and independent institutions to provide the arguments, mass movements, and leadership to accomplish this. It is almost amazing to realize that these modest churches in black communities led a freedom and human rights movement that succeeded in the rehabilitation of American democracy. And they used the language of human rights as the cultural currency for framing their deeply held religious convictions about the dignity, intrinsic worth, and equality of black people. They did not need rights language in their congregations but it appeared often in their sermons, prayers, and songs.

#### W. E. B. DU BOIS: AN INTELLECTUAL ARCHITECT OF THE STRUGGLE TO REHABILITATE DEMOCRACY

William Edward Burghardt Du Bois was born in Great Barrington, Massachusetts, on February 23, 1868. His family represented that small percentage of long-standing free black people who had never experienced slavery in America. His mother's family, the black Burghardts were among the oldest inhabitants in the valley where there were approximately twenty-five blacks in a population of five thousand inhabitants. In 1867, his parents, Mary Burghardt and Alfred Du Bois,

8 Vincent Harding, *There is a River: The Black Struggle for Freedom in America* (New York: Mariner Press, 1993).

9 Aldon S. Morris, *The Origins of the Civil Rights Movement: Black Communities Organizing for Change* (New York: Simon and Schuster, 1986), contains an insightful discussion of the orchestration of different types of leadership informed by Weberian sociological categories.

married against the wishes of her family. A year later, his father moved to Connecticut to establish a household for his family. However, his mother complied with her family's demands that she remain at home. She fell into a depression and Du Bois never saw his father again. In that isolated small town, young Du Bois was one of the few young black boys in the schools he attended, and he began to realize that he was an intellectual star. In *Darkwater*, one of his three autobiographies, he wrote that

very gradually I found myself assuming quite placidly that I was different from other children. At first I think I connected the difference with a manifest ability to get my lessons rather better than most and to recite with a certain happy, almost taunting glibness, which brought frowns here and there. Then slowly, I realized that some folks, a few, even several, actually considered my brown skin a misfortune; once or twice I became painfully aware that some human beings even thought it a crime. I was not for a moment daunted, although, of course, there were days of secret tears—rather I was spurred to tireless effort. If they beat me at anything, I was grimly determined to make them sweat for it!<sup>10</sup>

As a teenager, he “religiously attended” the town meetings every spring and saw in them the essence of democracy.<sup>11</sup> Du Bois recalled that the town had five churches and that he was a proud member of the First Congregational Church. Although the Burghardts were long-standing Episcopalians, he and his mother were the only black members of this nearby and comfortable Congregational church, where he recalled never having felt discrimination among the leading citizens of the town. Du Bois biographer and Stanford professor Arnold Rampersad suggests that in that church, Du Bois was directly exposed to the fundamental doctrines of New England Puritanism.<sup>12</sup> Although he later scorned organized religion, he retained a lifelong grasp on the rules of Puritan discipline and ethics. In 1884, he graduated from high school and his mother died from stroke-related complications. He attended the historically black Fisk University, where he observed black folk religion with its Pentecostal fervor. It was also there that he encountered the suppression of black voting, along with lynching and virulent segregation. After graduating in 1888, he attended Harvard University, where he earned another bachelor's degree and studied with William James, father of American psychology. He was a frequent guest in the James household. During those years, he notes, he “became a devoted follower of [William] James at the time he was developing his pragmatic philosophy.”<sup>13</sup> Du Bois was admitted to the graduate program at Harvard. During this period, he also traveled throughout Europe and earned a degree at the University of Berlin. In 1895 he became the first African American to earn a PhD from Harvard. He was among the black intellectual activists who established the Niagara Movement that led to the founding of the National Association for the Advancement of Colored People. Du Bois served as editor of its magazine, the *Crisis*, and for twenty years interpreted to the world the “hindrances and aspirations of American Negroes.”<sup>14</sup> It was in his capacity as editor of the magazine of the nation's most respected civil rights organization that Du Bois was able to frame the goals and strategies of the freedom struggle. And after the 1903 publication of what proved an influential set of

10 W. E. B. Du Bois, *Darkwater: Voices from Within the Veil* (New York: Schocken Books, 1920), 11.

11 W. E. B. Du Bois, *The Autobiography of W. E. B. Du Bois: A Soliloquy on Viewing My Life from the Last Decade of Its First Century* (New York: International Publishers, 1968), 92.

12 Arnold Rampersad, *The Art and Imagination of W. E. B. Du Bois* (Cambridge, MA: Harvard University Press, 1976), 170.

13 Du Bois, *The Autobiography of W. E. B. Du Bois*, 133.

14 *Ibid.*, 256.

essays on race titled, *The Souls of Black Folk*, he became an architect of the modern civil rights movement.<sup>15</sup>

Commenting on the intellectual prominence of Du Bois in the struggle for freedom, King, by then a Nobel Laureate, honored him in a speech at Carnegie Hall on what would have been Du Bois's one hundredth birthday, February 23, 1968 (Du Bois had died five years earlier, in 1963, on the night before the March on Washington). One can hear in King's tribute to Du Bois his admiration for a role model and a moral leader who was a neighbor in the Atlanta university community. Indeed, at times it is difficult to recall whether King is speaking of Du Bois or of his own biography:

To pursue his mission, Dr. Du Bois gave up the substantial privileges a highly educated Negro enjoyed living in the North. Though he held degrees from Harvard and the University of Berlin, though he had more academic credentials than most Americans, black or white, he moved South where a majority of Negroes then lived. He deliberately chose to share their daily abuse and humiliation. He could have offered himself to the white rulers and exacted substantial tribute for selling his genius. There were few like him, Negro or white. He could have amassed riches and honors and lived in material splendor and applause from the powerful and important men of his time. Instead, he lived part of his creative life in the South—most of it in modest means and some of it in poverty, and he died in exile, praised sparingly and in many circles ignored.

Above all, he did not content himself with hurling invectives for emotional release and then to retire into smug, passive satisfaction. History had taught him it is not enough for people to be angry—the supreme task is to organize and unite people so that their anger becomes a transforming force. It was never possible to know where the scholar Du Bois ended and the organizer Du Bois began. The two qualities in him were a single, unified force. This life style of Dr. Du Bois is the most important quality this generation of Negroes needs to emulate.<sup>16</sup>

In chapter 4 of *The Gift of Black Folk*, Du Bois offers a compelling essay titled “The Emancipation of Democracy,” which demonstrated his gift for interpreting black activism as a force for improving the common good. I quote from it at length because his insights have not been widely recognized by the academy:

Without the help of black soldiers, the independence of the United States could not have been gained in the eighteenth century. But, the Negro's contribution to America was at once more subtle and important than these things. Dramatically, the Negro is the central thread of American history. The whole story turns on him whether we think of the dark and flying slave ship in the sixteenth century, the expanding plantations of the seventeenth, the swelling commerce of the eighteenth, or the fight for freedom in the nineteenth. It was the black man [people] that raised a vision of democracy in America such as neither Americans nor Europeans conceived in the eighteenth century and such as they have not even accepted in the twentieth; and yet a conception which every clear sighted man [person] knows is true and inevitable. . . . The democracy established in America in the eighteenth century was not, and was not designed to be, a democracy of the masses of men [people] and it was thus singularly easy for people to fail to see *the incongruity of democracy and slavery*.<sup>17</sup>

15 W. E. B. Du Bois, *The Souls of Black Folk* (New York: Signet Classics, New American Library, 1969).

16 Dr. Martin Luther King, Speech in Honor of W. E. B. Du Bois., Carnegie Hall, New York City, February 23, 1968, available at Norman Markowitz, “Martin Luther King's Speech in Honor of WEB Dubois,” *Political Affairs* (blog), January 25, 2014, <http://politicalaffairs.net/martin-luther-king-s-speech-in-honor-of-web-dubois-by-norman-markowitz/>. The occasion, the International Cultural Evening sponsored by *Freedomways* magazine, not only marked the centenary of Du Bois's birth but launched an “International Year” (1968) honoring his life and works.

17 W. E. B. Du Bois, *The Gift of Black Folk: The Negroes in the Making of America* (New York: Washington Square Press, 1970), 67 (emphasis added).

Du Bois then describes a process that I would argue was driven by the African sacred cosmos. He says,

It was the Negro himself who forced the consideration of this incongruity, who made emancipation inevitable and made the modern world at least consider if not wholly accept the idea of a democracy including men [people] of all races and colors.<sup>18</sup>

Du Bois was impressed, as we all should be, by the virtues of courage and audacity in the face of social evil and by the grit of black church culture that mobilized people to endure hardship for a higher moral purpose. Du Bois understood intellectually the soul of the black church, its complex spirit of liberation and protest buoyant alongside its conserving and nurturing protectiveness of black selves, bodies, children, women, families, and the dignity of its elders. But he was not a leader of masses. He did not have the gifts of the young preacher who regarded him as a role model. It would take King and his peers to translate the diagnostic and analytic genius of Du Bois into the tools and fuel to ignite and sustain a heroic freedom struggle. If Du Bois was the architect of the movement, King was the one whom history and, it seems, the heavens selected to complete the democratic superstructure.

#### MARTIN LUTHER KING, JR.: BUILDING THE BELOVED COMMUNITY

Unlike Du Bois, whose long life is a less familiar story, the outline of King's biography is well known. Suffice it to say that he was remarkable for the manner in which he quickly translated theological knowledge into arguments and actions for building a just society, or as he preferred to speak of it, the beloved community.

Social Christianity and Western human rights traditions came together and came alive in his proclamations and public actions. King was not simply literate but fluent in the languages of both the biblical covenant and the Enlightenment, traditions central to American identity and membership. This commanding achievement was manifest in his ability to frame the parochial struggle unfolding in a small southern town into a moral drama with universal appeal and world-historical dimensions. As the leader of a redemptive movement of marginalized people and as a symbol of the best of the black church tradition of promoting exodus and agape, or liberty and love, he provided a reminder and an example of effective stewardship of the prophetic mantle borne by America's black churches and other congregations on the margins of society aspiring to be a social conscience for the nation.

Recall how this played out in his very first speech during the Montgomery bus boycott movement. Pastoral candidates are accustomed to preparing and practicing a "trial sermon" in order to demonstrate their promise for a coveted position. But in the case of the bus boycott there was no preparation or practicing. Indeed, the roles of spokesperson, symbol, and moral leader of this democratic reform movement were being formed each day as he walked forward into history, drawing on his inner spiritual and intellectual resources as well as the counsel of his closest advisors.

King interwove biblical and constitutional traditions to brilliant oratorical effect—as the crowd's responses (shown here in parentheses and brackets) indicate—as he proclaimed:

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<sup>18</sup> Ibid.



And certainly, certainly, this is the glory of America, with all of its faults. (Yeah) This is the glory of our democracy. If we were incarcerated behind the iron curtains of a Communistic nation, we couldn't do this. If we were dropped in the dungeon of a totalitarian regime, we couldn't do this. (All right) But the great glory of American democracy is the right to protest for right. (That's right) [applause] My friends, don't let anybody make us feel that we are to be compared in our actions with the Ku Klux Klan or with the White Citizens Council. [applause] There will be no crosses burned at any bus stops in Montgomery. (Well, that's right) There will be no white persons pulled out of their homes and taken out on some distant road and lynched for not cooperating. [applause] There will be nobody among us who will stand up and defy the Constitution of this nation. [applause] We only assemble here because of our desire to see right exist. [applause] My friends, I want it to be known that we're going to work with grim and bold determination to gain justice on the buses in this city. [applause]

And we are not wrong; we are not wrong in what we are doing. (Well) If we are wrong, the Supreme Court of this nation is wrong. (Yes sir) [applause] If we are wrong, the Constitution of the United States is wrong. (Yes) [applause] If we are wrong, God Almighty is wrong. (That's right) [applause] If we are wrong, Jesus of Nazareth was merely a utopian dreamer that never came down to Earth. (Yes) [applause] If we are wrong, justice is a lie (Yes), love has no meaning. [applause] And we are determined here in Montgomery to work and fight until justice runs down like water (Yes), [applause] and righteousness like a mighty stream.<sup>19</sup>

The churches and preachers who were rooted in an earlier African sacred cosmos and grassroots Christian ethics drove the movement to dismantle institutionalized racism and demand political and social revolution. Later, black intellectuals like Du Bois provided an analytic framework for highlighting the public-spirited nature of this struggle. Theirs was a battle not simply to attain rights for black people but, in so doing, to rehabilitate a flawed and distorted version of American democracy. Du Bois refused to allow white America to get away with this discounting of the high and noble call to provide freedom and justice for all people. Then King sustained the public character of the struggle for democracy by framing the movement in terms that were compelling in the American psyche. The idea of an exodus from second-class citizenship and legalized segregation to full freedom and participation in American society was something that a president of the United States could affirm. And on March 15, 1965, in a speech to the US Congress, President Lyndon B. Johnson delivered his "most important and meaningful speech" noting that "[o]ur mission is at once the oldest and the most basic of this country: to right wrong, to do justice, to serve man." Then, he shocked many by invoking the language of the civil rights anthem, "And, we shall overcome."<sup>20</sup> In this speech, I would argue, is the evidence that a marginalized movement carried the moral authority to reach upward to the White House and beyond to rehabilitate democracy. In appropriating King's trope of exodus and agape, President Johnson made it a mainstream narrative of what all moral Americans should support.

Now, however, fifty years from that moment, an unfolding crisis has the potential to evoke cynicism and skepticism about America's claim to global democratic leadership. Indeed, the problem of the mass incarceration of poor citizens of color represents yet another threat to democracy that demands the mobilization of the redemptive community to initiate another rehabilitation project.

19 Martin Luther King, Jr., Address to the first Montgomery Improvement Association (MIA) Mass Meeting, Montgomery, AL, December 5, 1955, available at [http://mlkppoi.stanford.edu/index.php/encyclopedia/documentsentry/the\\_address\\_to\\_the\\_first\\_montgomery\\_improvement\\_association\\_mia\\_mass\\_meeting/](http://mlkppoi.stanford.edu/index.php/encyclopedia/documentsentry/the_address_to_the_first_montgomery_improvement_association_mia_mass_meeting/).

20 President Lyndon B. Johnson, Speech to Congress, March 15, 1965, available at <http://www.lbjlibrary.org/press/selma-movie>.

## RESTORING THE RIGHTS AND DIGNITY OF OUR INCARCERATED MASSES

In 2010, Michelle Alexander published one of the most influential books by a law professor in recent history, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*.<sup>21</sup> The *New York Review of Books* declared, “Now and then a book comes along that might in time touch the public and educate social commentators, policymakers, and politicians about a glaring wrong that we have been living with that we also somehow don’t know how to face. This book is such a work.”<sup>22</sup> Not only does Alexander, like Alan Dershowitz at Harvard, Stephen Carter at Yale, and John Witte at Emory University, have a special capacity to communicate persuasively with the public, but her book’s effect has been extraordinary for its deep reach into communities that have profoundly felt the impact of law, policy, enforcement, and sentencing. In fact, I cannot think of a comparable text that has stirred African American faith communities to action in recent decades.

One indication of Alexander’s influence on popular political discourse and action is the embrace of the book by ecumenical clergy organizations, who in turn have made its arguments an urgent agenda for social justice ministries. For example, in 2012 the Samuel DeWitt Proctor Conference, a Chicago-based ecumenical organization of progressive black clergy and community leaders,<sup>23</sup> was inspired by Alexander’s book to convene public hearings in eleven states on the impacts of mass incarceration on individuals, families, neighborhoods, congregations, and the human capital of entire cities and regions. Findings of the hearings were published in 2014, and in Alexander’s foreword to the report, she observes, “I remember, nearly 15 years ago, working as a civil rights lawyer and attempting to challenge mass incarceration in our courtrooms and halls of power.”<sup>24</sup> She notes her efforts to meet with faith leaders about racial profiling and the drug war and her frustration with “how few were willing to speak out publicly,” concerned about the possible perception that they were sympathetic to criminals; loathe to hurt African American mayors, police chiefs, and other elected officials who were part of the inmate supply chain; and focused on improving the schools and strengthening black families. She continues:

[N]o one in the room, including me, had talked about the moral or spiritual dimensions of mass incarceration. I was in a room filled with faith leaders who cared enough to show up to a meeting about the crisis, and yet no one suggested that there might be something about our moral and spiritual commitments that might require a bold and courageous response. A penal system unprecedented in world history had been born in the United States—one that targeted primarily our poorest and Blackest citizens. But, somehow, the birth of mass incarceration was not understood as a moral or spiritual crisis. It was a social or political one.<sup>25</sup>

21 Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2010).

22 Darryl Pinckney, “Invisible Black America,” review of *The Presumption of Guilt: The Arrest of Henry Louis Gates Jr. and Race, Class, and Crime in America*, by Charles J. Ogletree Jr., and *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, by Michelle Alexander, *New York Review of Books*, March 2011.

23 Founded in 2003, the organization is named for the Rev. Dr. Samuel DeWitt Proctor (1921–1997), who served as senior pastor of the historic Abyssinian Baptist Church in Harlem and president of North Carolina A&T University, and was a friend and mentor not only to King but to a vast number of other progressive clergy from various communities.

24 Michelle Alexander, foreword to *Bearing Witness: A Nation in Chains, A Report of the Samuel DeWitt Proctor Conference, Findings from Nine Statewide Justice Commission Hearings on Mass Incarceration* (Chicago: Samuel DeWitt Proctor Conference, Inc., 2014), 5, <http://sdpconference.info/wp-content/uploads/2014/12/A-Nation-In-Chains-10.pdf>.

25 *Ibid.*, 6.

She observes further that “a movement to end mass incarceration is being born at precisely the same moment that politicians across the political spectrum are beginning to wonder aloud whether our prison building mania has gone too far, and whether harsh drug sentences and legal discrimination against people with criminal records may be causing more problems than they solve.”<sup>26</sup> In this observation, I would argue, Alexander affirms the redemptive role of citizens on the margin to take responsibility for reforming its fundamental flaws.

Although they were not presented in a format that encouraged formal academic rebuttal, Alexander’s findings are chilling. Among them are these:

- Mass incarceration is largely an intentional system of racialized control;
- Mass incarceration is highly correlated with poverty;
- Mass incarceration has had an abysmal effect on family life and structures in Black communities;
- Mass incarceration causes a plethora of collateral consequences which prove to be devastating and annihilating for young people, seriously hampering and compromising their life opportunities;
- Mass incarceration feeds directly into, and is a major cause of the recognized “school-to-prison pipeline”;
- Mass incarceration dehumanizes and demonizes people of color in general, and specifically, the formerly incarcerated;
- Mass incarceration is becoming more and more unjust as it becomes part of the privatization movement of public services and the creation of a profit-driven industry;
- Mass incarceration is negatively impacting America’s overall human potential.<sup>27</sup>

Further, Alexander reminds us, “there are more African Americans under correctional control today—in prison or jail, on probation or parole—than were enslaved in 1850, a decade before the Civil War began”; and “as of 2004, more African American men were disenfranchised (due to felon disenfranchisement laws) than in 1870, the year the Fifteenth Amendment was ratified prohibiting laws that explicitly deny the right to vote on the basis of race.”<sup>28</sup> She hopes that righteous indignation will spread as key findings of the report encourage us to think about the need for a new movement for redemption and rights restoration.

More than fifteen years before Alexander’s book, researchers and leaders at the Sentencing Project called attention to racial disparity in our justice system. Writing for the Sentencing Project in a report to the U.S. Commission on Civil Rights in 1999, Marc Mauer notes that “49% of prison inmates nationally are African American, compared to their 13% share of the overall population.”<sup>29</sup> And “nearly one in three (32%) black males in the age group 20–29 is under some form of criminal justice supervision on any given day—either in prison or jail, or on probation or parole.” Mauer continues:

It would be a mistake simply to attribute the results of such studies to prosecutorial and judicial racist beliefs; in some jurisdictions a significant number of prosecutors and judges are minorities prosecuting and sentencing other minorities to terms of incarceration. The results instead may reflect the degree to which offenders bring different sets of resources with them to the court system. For example, do white offenders have greater access to private defense attorneys who can devote more time to their cases to try to convince prosecutors

26 Ibid.

27 *Bearing Witness*, 15.

28 “Michelle Alexander: A System of Racial and Social Control,” interview, *Frontline*, April 29, 2014, <http://www.pbs.org/wgbh/pages/frontline/criminal-justice/locked-up-in-america/michelle-alexander-a-system-of-racial-and-social-control/>.

29 Marc Mauer, *The Crisis of the Young African American Male and the Criminal Justice System*, (Washington, DC: The Sentencing Project, 1999), 3, [http://www.sentencingproject.org/doc/publications/rd\\_crisisoftheyoung.pdf](http://www.sentencingproject.org/doc/publications/rd_crisisoftheyoung.pdf).

and judges that a jail or prison term is not warranted? Do they have greater access to expert psychiatric testimony or can they afford to subsidize placement in a substance abuse treatment program? Or, is unconscious racism at play: do whites speak in a language and manner that is more comfortable to the decision makers in the courtroom?<sup>30</sup>

It is also ironic that despite the anniversary of the landmark *Gideon v. Wainwright*<sup>31</sup> case guaranteeing legal counsel for all citizens under the 6th Amendment, an increasing number of accused people are not receiving any counsel due to excessive caseloads, underfunding, and wide variation in the quality of the legal representation.<sup>32</sup>

Even more surprising and hopeful than a law professor's book inspiring a movement among citizens and houses of worship was the fact that the US attorney general and the Justice Department began to review federal and state policies with first steps toward eliminating racial disparities in the criminal justice system. Encouraging us to believe that authentic restoration and redemption are possible, the attorney general, President Obama, and other public officials have begun to encourage innovation and compassion in the search for better solutions. Among them are some of the several approaches that Mauer offered in 1999, including these:

- reconsidering mandatory sentencing policies that have filled prisons with low level offenders at great expense;
- restoring the discretionary authority of judges to utilize “safety valves” and alternatives to mandatory sentences and legislating sunset provisions to allow such sentences to expire after a discrete period;
- increasing funding for indigent defense and sentencing advocacy since we know that poor kids do not have the advantages at the bar of those with money and better lawyers, and;
- strengthening partnerships between communities and the justice system (for example, mothers and congregations have begun to step up and demand that offenders not be sent to remote states hundreds of miles away thereby punishing the children and spouses of offenders).<sup>33</sup>

In addition, Harvard Criminal Justice Institute director, law professor, and former director of the District of Columbia Public Defender Service, Ronald S. Sullivan Jr., has responded to Alexander's book and the emerging movement by choosing to serve as Special Counsel to Brooklyn district attorney Kenneth Thompson and his newly revamped Convictions Review Unit. Since his appointment in the spring of 2014, this unit has reviewed and facilitated overturning numerous cases. He has also called upon district attorneys across the nation to establish similar processes to review past convictions.<sup>34</sup>

Moreover, a new generation of young leaders has discovered and lent their voices and energy to the movement. One notable example is Renaldo Pearson, who penned a five-part series for the *Huffington Post* titled, “The Drug War and the Mass Incarceration It Caused: Where We Are

30 Ibid., 8.

31 *Gideon v. Wainwright*, 372 U.S. 335 (1963).

32 *Five Problems Facing Public Defense on the 40th Anniversary of Gideon v. Wainwright* (Washington, DC: National Legal Aid & Defender Association, 2011), [http://www.nlada.org/Defender/Defender\\_Gideon/Defender\\_Gideon\\_5\\_Problems](http://www.nlada.org/Defender/Defender_Gideon/Defender_Gideon_5_Problems).

33 Mauer, *The Crisis of the Young African American Male and the American Justice System*, 14–18.

34 Sean Gardiner, “Harvard Law Professor to Lead Brooklyn DA Conviction Review Unit,” *Metropolis* (blog), *Wall Street Journal Online*, April 7, 2014, <http://blogs.wsj.com/metropolis/2014/04/07/harvard-professor-to-lead-brooklyn-da-conviction-review-unit/>.

and Where We Still Must Go.”<sup>35</sup> Writing in blogs and other social media, he and others have raised the consciousness of youth who may not be aware of, or inclined to read, Alexander’s book. Pearson reminds us of what is possible when bright, energetic students and youth embrace a cause and utilize social media tools to mobilize action.

Alexander offers a final charge that is already being joined by young activists: “The time has come for a bold, inspired human rights movement to end mass incarceration in the United States.”<sup>36</sup> Indeed, justice demands the “urgency of now” for American congregations of every religious community, nonprofits, social entrepreneurs, public interest lawyers, and students to create a coalition of conscience to challenge the social evil of mass incarceration and the suffocation of the dreams and hopes of our most vulnerable and desperate prodigal sons and daughters. And, as we see some progress in the arena of restoring the rights of our incarcerated masses, we should imagine a larger role for these same organizations, houses of worship, and citizens who are concerned about our democracy.

#### MORAL LEADERSHIP AND THE NEXT HUMAN RIGHTS REVOLUTION

As I note at the opening of this article, marginalized people have acted and may again act to reform US democracy. In the past, black churches played this role on behalf of millions of disenfranchised African Americans. Although the church-led, church-based civil rights movement became a model for many other social justice movements, such as those to empower women, end war, and improve the environment, many observers of the black church now worry that the churches have become captive to capitalist values and drifted towards a gospel of prosperity.<sup>37</sup> Those churches now have an opportunity to again be part of a broad coalition of conscience on behalf of the least advantaged members of the community.

Many of the leaders and communities that are being mobilized to stop mass incarceration can expand their moral vision, as King did from civil to human rights, to include increasing civic participation (especially voting behavior), addressing income and wealth inequality (or advocating a “shared prosperity”), working for a more sustainable planet, and leading truth and reconciliation processes to heal both old racial divides and new xenophobia directed at immigrants and religious minorities, such as Muslims in America.

Such expansion will require action by moral leaders. Yet this vision and capacity is in short supply in the leadership of our major institutions—the market, the state, and the criminal justice system. In the Laney Legacy in Moral Leadership Program at Emory University, we define moral leaders as women and men who act with integrity and imagination to serve the common good while striving to make people better.<sup>38</sup> And while such leaders may appear to be in short supply if one looks only in conventional places like elite universities and corporate offices, they are abundant nonetheless. For they may be found in houses of worship, community youth organizations, hip hop music

35 Renaldo Pearson, “The Drug War and the Mass Incarceration It Caused: Where We Are and Where We Still Must Go,” *The Blog* (blog), *Huffington Post*, September 10–16, 2015, [http://www.huffingtonpost.com/renaldo-pearson/an-update-on-the-drug-war\\_b\\_5770050.html](http://www.huffingtonpost.com/renaldo-pearson/an-update-on-the-drug-war_b_5770050.html).

36 Alexander, foreword to *Bearing Witness*, 7.

37 The prosperity gospel movement is critically addressed by Raphael G. Warnock, *The Divided Mind of the Black Church: Theology, Piety and Public Witness* (New York: NYU Press, 2013), and Robert M. Franklin, *Crisis in the Village: Restoring Hope in African American Communities* (Minneapolis: Fortress Press, 2007).

38 James T. and Berta R. Laney Program in Moral Leadership was established at the Candler School of Theology, Emory University, Atlanta, Georgia, in 2014.

circles, community colleges, and schools serving underrepresented minorities. And in the black church community, although many leaders have pursued and proclaimed a gospel of prosperity, those who participate in the Samuel DeWitt Proctor Institute demonstrate the kind of courageous social engagement that we admired in King, Proctor, and others.

## CONCLUSION

That religious people guided by a theology of liberation and hope helped to rehabilitate American democracy is an achievement, but it is not a fixed and final conclusion. Rather, it is an ongoing, fitful process that requires continual struggle, argument, and sacrifice, as exemplified by moral leaders like W. E. B. Du Bois, Rosa Parks, and Martin Luther King, Jr. Yet it is a process that has enormous potential. The energy that is currently leading change around public policies governing mass incarceration of young men of color can be directed to a broader agenda, especially with respect to major challenges to global stability and justice, such as reducing wealth inequality, increasing citizens' ownership of government, healing racial-ethnic divides and differences, and better stewarding our planet. Recalling that King was only twenty-six years old when he delivered that memorable address at Holt Street Baptist Church in Montgomery, we should at least be curious about the leadership potential of many young people today—perhaps dormant, awaiting the right stimuli to call them onto the stage for the moral drama of their lifetimes.

As we wait, watch, and do all that we can to nurture democratic activism, we should heed the call from King, our best example of mobilizing people to reform democracy: “This hour in history needs a dedicated circle of transformed nonconformists . . . . The saving of our world from pending doom will come, not through the complacent adjustment of the conforming majority, but through the creative maladjustment of a nonconforming minority.”<sup>39</sup>

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39 Martin Luther King, Jr., “Draft of Chapter II, ‘Transformed Nonconformist,’” sermon, July 1962–March 1963, available at <https://swap.stanford.edu/20141218225635/http://mlk-kpp01.stanford.edu/primarydocuments/Vol6/July1962-March1963DraftofChapterII,TransformedNonconformist.pdf/>.