

The Four Questions: What Questions Must We Ask Tonight?

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The answers to the first three questions are drawn from Michelle Alexander's groundbreaking book, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (2010). Excerpts are cited with "NJC" and the page number.

Question #1

Why does America have the highest incarceration rate of any developed nation in the world?

Many factors have increased the incarceration rate, including the War on Drugs, the imposition of mandatory minimum sentencing, and privatization of prisons, which creates financial incentives for keeping people in prison.

"The impact of the drug war has been astounding. In less than thirty years, the U.S. penal population exploded from around 300,000 to more than 2 million, with drug convictions accounting for the majority of the increase. The United States now by far has the highest incarceration rate in the world." (NJC, p. 6)

Incarceration is a tool of social control.

"[D]rug crime was declining, not rising, when a drug war was declared in 1972. From a historical perspective, however, the lack of correlation between crime and punishment is nothing new. Sociologists have frequently observed that governments use punishment primarily as a tool of social control, and thus the extent or severity of punishment is often unrelated to actual crime patterns." (NJC, p. 7)

Question #2

Who is being locked up in the United States?

There is a strong racial dimension to the pattern of incarceration.

"No other country in the world imprisons so many of its racial or ethnic minorities. The United States imprisons a larger percentage of its black population than South Africa did at the height of apartheid. In Washington, D.C., our nation's capitol, it is estimated that three out of four young black men (and nearly all those in the poorest neighborhoods) can expect to serve time in prison. Similar rates of incarceration can be found in black communities across America.

"These stark racial disparities cannot be explained by rates of drug crime. Studies show that people of all colors use and sell illegal drugs at remarkably similar rates . . . This is not what one would guess, however, when entering our nation's prisons and jails, which are overflowing with black and brown drug offenders." (NJC, p. 6)

The Egyptians dealt harshly with us and oppressed us; they imposed heavy labor upon us. (Deuteronomy 26:6, Haggadah)

Two Personal Stories

Michelle Alexander describes two experiences of harsh treatment in the criminal justice system:

"Imagine you are Emma Faye Stewart, a thirty-year-old, single African-American mother of two who was arrested as part of a drug sweep in Hearne, Texas. All but one of those people arrested were African-

American. You are innocent. After a week in jail, you have no one to care for your two small children and are eager to get home. Your court-appointed attorney urges you to plead guilty to a drug distribution charge, saying the prosecutor has offered probation. You refuse, steadfastly proclaiming your innocence. Finally, after almost a month in jail, you decide to plead guilty so you can return home to your children. Unwilling to risk a trial and years of imprisonment, you are sentenced to ten years probation and ordered to pay \$1,000 in fines, as well as court and probation costs. You are also now branded a drug felon. You are no longer eligible for food stamps; you may be discriminated against in employment; you cannot vote for at least twelve years; and you are about to be evicted from public housing. Once homeless, your children will be taken away from you and put in foster care.

"A judge eventually dismisses all cases against the defendants who did not plead guilty. At trial, the judge finds that the entire sweep was based on the testimony of a single informant who lied to the prosecution. You, however, are still a drug felon, homeless, and desperate to regain custody of your children.

"Now place yourself in the shoes of Clifford Runoalds, another African-American victim of the Hearne drug bust. You returned home to Bryan, Texas, to attend the funeral of your eighteen-month-old daughter. Before the funeral services begin, the police show up and handcuff you. You beg the officers to let you take one last look at your daughter before she is buried. The police refuse. You are told by prosecutors that you are needed to testify against one of the defendants in a recent drug bust. You deny witnessing any drug transaction; you don't know what they are talking about. Because of your refusal to cooperate, you are indicted on felony charges. After a month of being held in jail, the charges against you are dropped. You are technically free, but as a result of your arrest and period of incarceration, you lose your job, your apartment, your furniture, and your car. Not to mention the chance to say good-bye to your baby girl." (NJC, pp. 97-98)

Question #3

Why are so many African Americans, as well as other people of color, being treated like criminals?

Mass incarceration is a tool to reinforce a racial caste system in the United States.

"Slavery defined what it meant to be black (a slave), and Jim Crow defined what it meant to be black (a second-class citizen). Today mass incarceration defines the meaning of blackness in America: black people, especially black men, are criminals. That is what it means to be black.

"The temptation is to insist that black men 'choose' to be criminals; the system does not make them criminals, at least not in the way that slavery made blacks slaves or Jim Crow made them second-class citizens. The myth of choice here is seductive, but it should be resisted. African Americans are not significantly more likely to use or sell prohibited drugs than whites, but they are made criminals at drastically higher rates for precisely the same conduct. In fact, studies suggest that white professionals may be the most likely of any group to have engaged in illegal drug activity in their lifetime, yet they are the least likely to be made criminals. . . . Black people have been made criminals by the War on Drugs to a degree that dwarfs its effect on other racial and ethnic groups, especially whites. And the process of making them criminals has produced racial stigma. (NJC, pp. 196-197)

Question #4

Why do we, as Jews and friends of Jews, ask these questions on this seder night?

We cried out to the Eternal One, the God of our ancestors, who heard our plea and saw our plight, our misery, and our oppression. (Deuteronomy 26:7, Haggadah)

There are Jews of color who have personal stories to tell about experiencing racism; there are Jews of all colors who have personal stories to tell about incarceration and the criminal justice system. But the issue affects us all, whether or not we have personal stories to tell. As the people of the Exodus, we are called to witness the suffering of our neighbors, to open our eyes and to cry out in the name of justice.

Then the Eternal One freed us from Egypt by a mighty hand, by an outstretched arm and awesome power, and signs and portents. (Deuteronomy 26:8, Haggadah)

Dismantling the system of mass incarceration and creating a system of justice and dignity for all Americans calls for wisdom, perseverance, hard work, and faith. We must raise our voices and build alliances. We pray for the ability to see clearly, to act with compassion, and to forgive ourselves for the ways we have unknowingly been agents of oppression. We pray for courage, guidance, and strength as we celebrate Passover, our festival of freedom.

We read together the words of the Rev. Martin Luther King, Jr, from his letter from a Birmingham, Alabama jail on April 16, 1963:

“Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.”