

From the New York Times, July 31st, 2020: “In December (a year and a half ago), before most of us had directed our attention to the looming terrors of the coronavirus, Earl Russell was already getting apprehensive. At 42, he struggled with high blood pressure and was living in a men’s shelter in Brooklyn. Most people in shelters are there because all their other housing options have run dry, but Mr. Russell had somewhere to go — an apartment in the Rockaways where his girlfriend lived with their 6-year-old daughter, both of whom wanted him home.

The bizarre vagaries of New York state’s parole system were making it impossible for him to join them, however. Returning to his family would have been a violation of the terms of his prison release — an action punishable with more jail time. When Mr. Russell was paroled in 2018, after two years in prison on a weapons-possession charge in the second degree, he was remanded to the shelter system, where he was to remain until the fall of 2021, even though he would be needlessly taking up space in the midst of the city’s ongoing and epic housing emergencies.

Just before Christmas, Mr. Russell, who had already violated his parole on other occasions by leaving the shelter and going home to his family, sent a text to his parole officer explaining that he could not tolerate his circumstance any longer and might as well be in jail. ‘With this being

said,' he wrote her, 'send me back if that's what you want to do because I'm not returning to the shelter.' In mid-June he was taken into custody and spent the subsequent few weeks in Rikers. The Legal Aid Society eventually got him out. Mr. Russell works as a porter in a condominium building in the Ozone Park section of Queens, and his bosses wrote a letter on his behalf explaining that they would welcome him back if he were released.

When he left Rikers, though, he was sent back to a shelter — a hotel in Williamsburg, Brooklyn, far from his job and his family. Making it back in time for curfew made it almost impossible to see his partner for dinner or put his daughter to bed. Because parolees are not allowed to drive, he is left incurring the risks and lags of public transportation.”

Mr. Russell is just one example of those who are formerly incarcerated who are caught in a system that doesn't allow for true freedom upon serving their jail time, but is aimed at recidivism because of old laws against technical violations.

In our Torah portion this week, *Mishpatim*, following the revelation at Mt. Sinai, God legislates a series of laws for the people of Israel. These include the laws of the indentured servant; the penalties for murder, kidnapping, assault and theft; civil laws pertaining to damages, and the

rules governing the conduct of justice by courts of law. You have to remember, as well, where we are at in Torah, and what's happening to the Israelites. They had previously spent hundreds of years in Egypt in servitude, under the rule and law of many Pharaohs. Having just left Egypt, they are free but they are also trying to figure out who they are as a society and how they will govern themselves. Last week, with Yitro, we hear of Moses setting up a system of judges and magistrates to help govern. And this week, we have God's input on what these laws are and how we are to enact them. This is society forming, and, maybe more importantly, is the basis of much of our Jewish law that is to come for centuries. Torah provides us with all the laws and commandments that make up our Mitzvot. And throughout history, we examine Torah over and over again, through Mishnah and Talmud and Commentaries, and Respona that help us continue to understand how these laws work, what they mean, their nuances, and for us Reform Jews, how they fit into our very modern lives. The laws form the basis, but history has shown that we must continually examine and turn those laws around in order for them to make sense.

The same is true of the United States. We hold the Constitution as the basis of our law. And our forefathers (sorry, there weren't any foremothers at that time), they had the insight to know that the law had to

be flexible. When the first form of government was set up, the Articles of Confederation, there was very little room for flexibility. If changes were to be made they needed to be unanimous, which if you've ever asked your family what they want for dinner, you know you're not going to get the same response from everybody. So the Constitution worked more effectively. And that's because we are allowed to amend the laws. Because history has taught us that laws are created at a certain time in response to a certain need or a way society is structured. But needs change. People change. Societies change. And so our own government is set up to be more flexible and to know that we must examine the law and turn it over and over again until it works for everyone.

And that's exactly what we'll be doing this Spring. Many of you have probably heard that we're engaging with RAC-NY - the Religious Action Center's NY based branch working to make change on a state-wide level. And I had the honor of hearing Mr. Russell's story with RAC NY just a few short week's ago - recounting his return to jail over technical violations of his parole. And RAC-NY, along with congregations throughout the state, will be lobbying next month to state congressional members for Parole Reform with the "Less is more" campaign. Why? Because we need to make some changes in New York. We are in an era of mass incarceration.

The prison population exploded in state and federal facilities beginning in the 1970s where we went from incarcerating roughly 200,000 inmates to this last decade that saw almost 1.6 million incarcerations. In the US we have 4% of the world's population and 22% of it's prisoners. In New York State alone we have 35,000 people under active parole supervision and 7,500 people a year are sent back to prison for minor misconduct. Those are people with families, with jobs, who are trying to get back on their feet, with so much against them. In New York "the proportion of people who ended their parole term by being incarcerated for a technical violation – *without* a new conviction – in New York was ***almost double the national average.***" And this is a racial justice issue as well, since we know that black people are incarcerated for minor, technical parole violations at **12 times** the rate of white people in New York City jails and **5 times** the rate in NYS prisons. But we can shout out against this. The Less is More Bill that is being introduced into the state legislature aims to change this "revolving door" to reentry by incentivizing good behavior, discouraging negative behavior and making reform similar to many other states. We need this kind of reform so that those who have served their time for their offenses are given a chance at life. Real life, without fear of making choices between family and jobs or their freedom.

What can you do? You can join us, next month. You can join me and our Temple Chaverim captains, Linda Greenbaum and Roberta Glick, in virtually lobbying our state congressional leaders. You can join us for a kick-off event in March, for meetings with other congregations and lawmakers, and you can urge them to vote to change paroling laws. Or you can simply say - hey, I'd like to help inform more people in our congregation and community. I'd like to do some background work and not be front and center in these meetings. Whatever you can do, you are helping. And our Judaism asks us, begs us, to help those who are in need, who are inadvertently hurt by a system that has them caught in a web. You are performing *Pikuach Nefesh* - helping to save another human life. And as we are reminded in the Talmud, when you save a single life, it is as if you have saved the whole world.

Laws are so important - it helps literally structure our society. God knew that when God gave us laws to help govern our own lives. Moses knew that when he set up a system for judges and magistrates to rule over us. Our American forefathers knew that when they created the Constitution. But they also knew that we couldn't just receive these laws and let them lie. We have to be willing to see how they work in the world - whom they affect and how. And we have to be courageous enough to say

that perhaps we need to help changes the law in order to help others and create a more just, whole and compassionate society. Temple Chaverim, we cannot stay complacent in the face of the suffering of others. Won't you join me in lobbying, this spring? Won't you join me in raising your voice, loud and with compassion, to ask our state to consider parole reform? Won't you consider being courageous and putting in the work so that we can make our world a place of true *shalem*, wholeness and peace, for all of God's creations? I look forward to standing, virtual shoulder to shoulder with you, as we cry out for justice together.

Shabbat Shalom.