

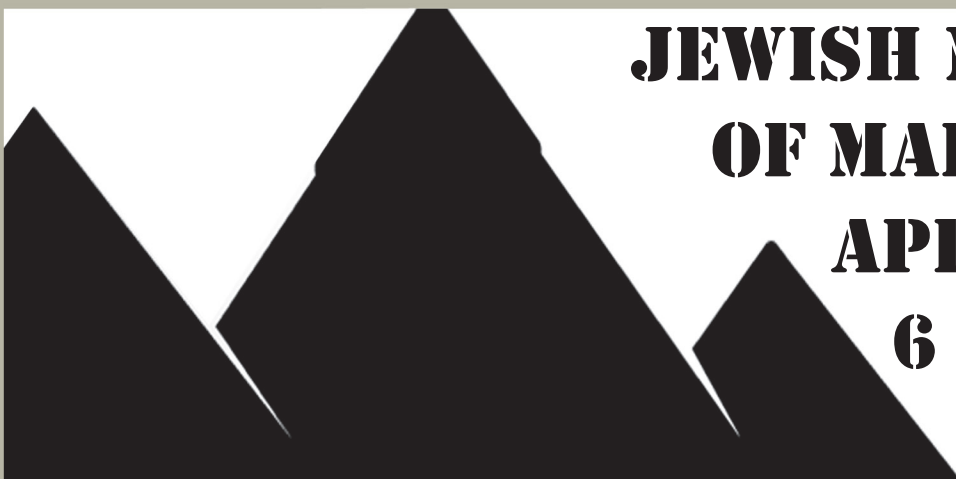


**FIRST ANNUAL
BALTIMORE
SOCIAL
JUSTICE SEDER:**

**A FOCUS ON THE
CRIMINAL JUSTICE
SYSTEM**



**JEWISH MUSEUM
OF MARYLAND
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First Annual Baltimore Social Justice Seder: A Focus on Baltimore's Criminal Justice System



Why a Social Justice Seder?

The Passover seder serves many purposes. First and foremost it is a ritualized celebration of the Israelites' dramatic journey from slavery to freedom. But even early on, the seder was never just about our history. As the format of the seder was finalized in Mishnaic and Talmudic times, rituals were included to make each participant feel as if they personally were experiencing the journey from slavery to freedom. This theme of the seder goes beyond the Jewish people's flight from Egypt and into the recurring fight for justice and freedom, a fight that is persistent throughout history and across the globe. The Passover seder tells us that just as our people experienced slavery, and just as we could not free ourselves, we have an obligation to also fight for freedom. The injustices of the world are many, but the Passover motif reminds us of the words of Pirkei Avot: "It is not your duty to complete the work, but neither are you free to desist from it." Together, this Passover, let us use our collective power to further the cause of justice and freedom.

Why the Criminal Justice System?

In the Book of Deuteronomy we are told "tzedek, tzedek terdof" (justice, justice, shall you pursue). The commentaries explain that the word tzedek (justice) is repeated twice to tell us that just as important as the act of pursuing justice is the methodology of how justice is pursued. A criminal justice system that pursues justice in an unfair manner is, in fact, not a just system at all.

The injustices of our criminal justice system are most evident in the war on drugs. Over the 40 years since this war was launched, we have seen a radical shift in our criminal justice policy. The U.S. prison population has quintupled in size over this period (compared with population growth of 66%), and drug convictions have constituted more than half of this growth. Our current system focuses disproportionately on non-violent drug offenses in African American communities. While African Americans use drugs at roughly the same rate as whites, they are more than twice as likely to be arrested for a drug offense, three times as likely to be incarcerated for a drug offense, and face 20% longer sentences than their white counterparts.ⁱ

This discrimination at each step of the criminal justice system, from politicians directing policing resources, to beat officers choosing who to stop on the street, to prosecutors deciding which charges to bring, to judges' sentencing decisions, has had a devastating impact on African American communities in Baltimore and across the country. Baltimore City puts a higher proportion of its citizens behind bars than any other city in the United States. In Baltimore, over 50% of African American men in their 20's are currently under the control of the criminal justice system—either in prison, on parole, or on probation.ⁱⁱ As many as 80% of African American men in most major cities, such as Baltimore, have a criminal record.ⁱⁱⁱ

Once convicted, African American men are branded criminals or felons for life. They then enter a parallel social universe in which many of the rights supposedly won during the Civil Rights Movement no longer apply to them. It can be said that while it is no longer acceptable to explicitly discriminate on the basis of race, our criminal justice system accomplishes the same end by labeling a disproportionate number of African Americans as criminals and then subjecting them to the same discriminatory practices used during the Jim Crow era: employment discrimination, housing discrimination, denial of student aid, denial of food stamps and other public benefits, and exclusion from jury service. The effect of our criminal justice system is that we have not ended Jim Crow—we have simply redesigned it. As Michelle Alexander powerfully puts in *The New Jim Crow*, “As a criminal, you have scarcely more rights, and arguably less respect, than a black man living in Alabama at the height of Jim Crow.”^{iv} This discrimination is in direct contrast to our Jewish values, which teach us that once a person has served their sentence, they return to being full-fledged members of society. The Book of Deuteronomy warns us against degrading criminals, and distinguishes between a guilty person awaiting punishment and the “brother” who has received his punishment and should now be considered an equal member of the community (Deuteronomy 25: 1-3).

The disproportionate emphasis that our criminal justice system places on minorities and non-violent drug offenses is detrimental to the entire community. Our community would be stronger if we spent fewer resources arresting and incarcerating people for drug offenses, and more resources preventing and addressing violent crime. Our community would be stronger if returning citizens could find legal, family sustaining jobs that did not force them back into the underground economy. Our community would be stronger if drug addiction were treated as a medical condition, instead of a crime worthy of incarceration and the permanent stigma of a criminal record. The prophet Ezekiel reminds us that we have a responsibility to help returning citizens to reshape their lives, not to punish them indefinitely (Ezekiel 33:11). Through criminal justice reform we are working towards a system that does not discriminate against minority communities, focuses on the prevention of violent crime, and uses strategies grounded in research, rather than emotion. Criminal justice reform makes society safer for us all.

Just as we remember our ancestors’ journey from slavery to freedom, let us spend this Passover expanding our awareness of the parallel fights for freedom within our own community. No one should be forced into a life sentence without the possibility of parole for a non-violent drug offense, as over 2,500 Americans are today.^v No one should be forced to choose between feeding their children and staying out of the drug trade. No one in today’s age of justice and freedom should be permanently stripped of their basic rights of citizenship after serving their prison sentence. The Talmud teaches that those of us with the ability to protest injustice are responsible to do so (Shabbat 54b). Tonight we raise our voices and pens so that we can bring justice back to our criminal justice system.

Welcome (Eli Allen)



Candle Lighting

Leader:

Like many ancient religions, Judaism utilizes the symbol of fire in many of its rituals. Every Sabbath and holiday is greeted by the lighting of candles. The two candles traditionally lit to welcome the Sabbath are said to be in honor of the words “shamor (guard)” and “zachor (remember),” the two verbs used in the Ten Commandments to describe our observance of the Sabbath. Today we also light two candles, in honor of the words “shamor” and “zachor.” With the light of our candles we promise to zachor (remember) our community members who are trapped in the criminal justice system, and to shamor (guard) our community against future injustice.

(A representative from each table lights the table’s two candles.)

Recite together:

May it be Your will our God and God of our ancestors that You bless us with light and joy, goodness and peace, fairness and justice.

B’chol Dor Va’dor

Leader:

In every generation the Haggadah tells us that each person is required to see themselves as if they personally experienced the exodus from Egypt. In every generation we must feel the pain of our ancestors’ slavery and the overwhelming joy of their eventual freedom.



All:

In every generation Jews have fought for justice. From the battles of Hanukkah for religious freedom to Abraham Joshua Heschel’s march in Selma with Martin Luther King, Jr., we have worked together for the fulfillment of the psalmist’s vision “justice shall flourish like the palm tree and thrive like a cedar in Lebanon.”

Leader:

In every generation our people have struggled for justice and fairness. Today we are still fighting. Our struggle for criminal justice reform will help to end the systematic racial discrimination of our current system and create a safer society for us all.

Sing together:



Avadim hayinu l’pharoh b’Mitzraim
עבדים היינו לפרעה במצרים



Shehechyanu

Leader:

The Shehechyanu prayer is recited for all Jewish holidays and special moments, as a way of thanking God for helping us to reach this time.

Recite together:

Baruch ata adonai, eloheinu melech haolam, shehechyanu v'kiymanu v'higyanu lazman hazeh.

ברוך אתה יי אלוקינו מלך הולם שהחיינו וקימנו והגיענו לזמן הזה

Blessed are You, Lord our God, Master of the universe, who has kept us in life and sustained us and enabled us to reach this season.

Blessed are You, Lord our God, Master of the universe, who has given us this opportunity to join together in acknowledging the pain of our ancestors' slavery, the joy of their freedom, and the oppression still present in our communities today.

Table Discussion

Please introduce yourself to your tablemates, and share what brought you to today's seder. Then break into pairs and spend five minutes discussing some of the following questions:

- Is there anything that you have learned so far that has surprised you?
- Have you had any experience with the criminal justice system? Was your experience positive or negative?
- What do you think are appropriate consequences for drug offenses?

Miriam's Cup

Leader:

Miriam's cup, a twentieth century addition to some Passover seders, recognizes the often silent and unnoticed role of women in the Passover story. Miriam's cup is filled with water in remembrance of the well of water that followed the Israelites through the desert as a reward for Miriam's courage and dedication. While the number of women incarcerated is relatively low, they represent one of the fastest growing segments of the prison population, realizing an 800% increase over the last three decades. The war on drugs has had a particularly devastating impact on women, with drug offenses constituting half of their increase in the prison population. This is despite the fact that women are less likely than men to play a central role in the drug trade.^{vi} As we fill Miriam's cup tonight, we remember the particularly negative impact the war on drugs has had on women.

(Each participant pours a small amount of water from their cup into Miriam's cup)

The Four Cups of Wine



Leader:

During the course of the Passover seder it is traditional to drink four cups of wine. On the most basic level the four cups of wine celebrate our freedom and toast to our new identity as an independent people. On a deeper level, each cup represents one of the four expressions of redemption used in the Book of Exodus.

Tonight our four cups of wine will also represent four injustices related to the criminal justice system:

1. Disproportionate sentencing
2. Employment discrimination against people with criminal records
3. A focus on punishment rather than rehabilitation
4. The denial of many of the rights of citizenship to people with criminal records

First Cup of Wine: Disproportionate Sentencing



Leader:

With the first cup of wine we remember God's promise to take the Israelites out from the burden of Egyptian slavery. With this cup we turn our thoughts to those in our community who are under the burden of a different kind of oppression; those who are forced to serve unfair sentences that are disproportionate to their crimes.

Since the 1980's the federal government and most states, including Maryland, created what are called "mandatory minimums" for drug sentencing. These laws give fixed prison terms to those convicted of drug offenses based solely on the weight and type of drug at issue. They also bar judges from taking into account relevant mitigating factors, such as the defendant's role in the offense or likelihood of committing a future crime. In Maryland, a second drug offense carries a mandatory

The risk of not pleading guilty was illustrated recently in a federal drug case in Baltimore. According to the NY Times:

Federal prosecutors in Baltimore offered Roy Lee Clay a stark choice. He could plead guilty to trafficking one kilogram of heroin, and they would recommend a sentence of 10 years. Or, if he asked for a trial, they would invoke his earlier drug convictions from 1993 and 2004 and, if found guilty, he would face an automatic sentence of life without parole. Mr. Clay, then 47, was one of the rare federal defendants to gamble on a trial, and it proved to be a disastrous decision. The jury convicted Mr. Clay and at his sentencing last August, Judge Catherine C. Blake, of the United States District Court for the District of Maryland, lamented that the mandatory punishment of life without parole seemed "extremely severe and harsh."¹

sentence of 10 years, a third offense carries a sentence of 25 years, and a fourth offense carries a sentence of 40 years. Federal sentencing laws are even harsher, with a third offense often requiring life without parole. As a result, as many as 97% of criminal defendants plead guilty in exchange for more lenient sentences.^{vii} The incredible pressure to plead guilty in the face of extremely harsh sentences has made the prosecutor the most powerful person in the criminal justice system, and excluded judges and juries from their traditional role in determining guilt

and the level of punishment. As Federal District Judge John Gleeson described in a recent court statement, “Prosecutors routinely threaten ultra-harsh, enhanced mandatory sentences that *no one* — not even the prosecutors themselves — think are appropriate... [The prosecutor] coerces guilty pleas and produces sentences so excessively severe they take your breath away.”^{viii}

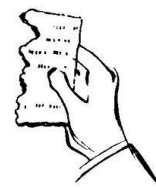
(Fill the first cup of wine or juice.)

Recite together:

Baruch ata adonai, eloheinu melech ha'olam, borei pri hagafen.

ברוך אתה יי אלוקינו מלך העולם בורא פרי הגפן

(Drink the first cup.)



Yachatz: Breaking the Middle Matzah

Leader:

The Bible calls matzah the “bread of poverty” (Deuteronomy 16:3). As we break the middle matzah in two we hold it up and invite our entire community to join us in the celebration of, and continual fight for, justice and freedom. The broken matzah reminds us of the deprivation of poverty and is a physical symbol of the very real scarcity of jobs, food, and housing that face those with criminal records and the families they are trying to support.

(One person breaks the middle matzah in two. The larger piece is set aside, and the smaller piece is placed back between the two whole matzot. The plate of matzah is lifted.)

Recite together:

This is the bread of affliction that our ancestors ate in the land of Egypt. Whoever is hungry, let them come and eat; whoever is in need, let them come and join us for the Passover seder. This year we are facing a system riddled with discrimination; next year may we celebrate a fully inclusive society. This year we stand with those who are still enslaved; next year may we all be free.

Four Questions

Sing together:

Mah nishtanah halaylah hazeh me'kol ha'leilot

מה נשתנה הלילה הזה מכל הלילות



Recite together:

Why do we believe in equality under the law, but imprison African Americans at a higher rate and for longer than whites for similar crimes?

Why do we tell people returning from prison that they should make an honest living, but then place insurmountable barriers to finding employment and housing?

Why do we believe that drug addiction is a disease, but treat those afflicted by it as criminals?

Why do we place such a high value on public safety, but fail to implement evidence-based policy recommendations that would make us safer?

Passover Symbols

Leader:

The traditional symbols of Passover serve as tools to help us to remember and recreate different aspects of the Passover story. This year, each symbol takes on new meaning as we also use them to tell the story of our criminal justice system.

(Designate a volunteer at each table to hold up or point to each symbol as it is explained)

Matzah: The matzah is the central symbol of Passover. It is the bread of contradictions; representing both the pitiful lifestyle of our slavery and the excitement and rush of our journey to freedom. Tonight, our matzah also represents contradictions: the joy and relief of completing a sentence, and then the harsh reality of facing the prejudice and second-class citizenship that our society inflicts upon people with criminal records.

Maror: The maror, or bitter herb, symbolizes the bitterness of an Egyptian slavery that was physically grueling and morally demeaning. Tonight, the maror still represents bitterness: the bitterness of despair that faces many low-income Americans when they are forced to choose between feeding their family and staying out of the dangerous and illegal drug trade.

Karpas: The karpas, or green vegetable, symbolizes the hope and promise that the coming of spring brings. Tonight our karpas symbolizes the promise that criminal justice reform and family-sustaining employment brings to people with criminal records and their families.

Haroset: Haroset is a sweet mixture of fruit and nuts that represents the mortar made by the Israelite slaves during their service in Egypt. Tonight the powdery ground nuts in our Haroset remind us of the failed war on drugs that keeps so many members of our community behind bars.

Zeroah: The zeroah symbolizes the Passover sacrifice, and is often represented by a roasted shank bone or beet. Tonight the zeroah reminds us of the sacrifices of those in our community who have defied statistics, prejudice, and stigma to secure employment.

Betzah: The betzah, or roasted egg, represents the cycle of life. Tonight we remember a different cycle, that facing people in impoverished neighborhoods who grow up with few alternatives to the underground economy. When our neighbors are convicted and put into our

criminal justice system they face the continuation of this cycle, as the stigma against hiring those with criminal records forces them to return to the illegal employment that first led to their convictions.

Orange: The orange is a modern addition to the seder plate. Scholar Susannah Heschel introduced it in the 1980s to symbolize the fruitfulness of communities that give full roles to women, queer Jews, and others who were marginalized in Jewish communities in the past. The orange reminds us that our Passover traditions are not only about remembering the past; they can and should also speak to today's struggles.

Second Cup of Wine: Employment Discrimination Against People With Criminal Records

Leader:



With the second cup of wine we remember God's promise to save the Israelites from the forced labor of the Egyptian taskmasters. With this cup we turn our thoughts to those in our community who have been forced back into the underground economy. We think about the returning citizens among us who so desire a fresh start and a family-sustaining job, but who are forced by society's discrimination to return to the illegal drug trade so that they can provide for their families.

Many employers require job applicants to check a box, indicating whether or not they have been convicted of a crime, and then the employers screen out any applicant with a conviction. These applicants are defined solely by their criminal record, and denied the opportunity to demonstrate their qualifications and put the record in a broader context. Employment scholars have found that a criminal record reduces the likelihood of a job callback or offer by almost 50 percent, and such a disadvantage is even more pronounced for African American men than for white men.^{ix} As a result, returning citizens face an unemployment rate of between 60% and 70%.^x As African Americans are disproportionately branded with criminal records, they are then subject to staggering levels of employment discrimination. This has contributed in Baltimore to an unemployment rate for African Americans that is more than double that of whites.^{xi} This represents one of the most damaging aspects of our growing civil rights crisis.

(Fill the second cup of wine or juice.)

Recite together:

Baruch ata adonai, eloheinu melech ha'olam, borei pri hagafen.

ברוך אתה יי אלוקינו מלך העולם בורא פרי הגפן

(Drink the second cup. Refill immediately.)

Four Children



Leader:

The Passover seder recognizes that our community is made up of many diverse individuals who approach the world through different lenses. It offers four prototypes of questioning children: the wise, the wicked, the simple, and the one who does not know how to ask. While acknowledging the diversity of opinions, this section also recognizes that we must each push ourselves to rise to a higher level and truly question our society as concerned, involved citizens.

In tonight's seder, the four questioning children represent four employer approaches to hiring applicants with criminal records. The difficulty of finding work after leaving the prison system is one of the greatest causes of recidivism, as individuals with criminal records are often forced by their limited employment prospects to reenter the underground economy as a means to support their families.

The Wise Child, according to the Hagadah, asks deep, probing questions that seek to understand the heart of the matter. The **Wise Employer** asks "How can I judge all applicants equally?" The Wise Employer understands that in many situations individuals with criminal records are no more likely to commit a crime than those without criminal records, and desires to hire employees based solely on their ability to perform the job well.

The Wicked Child asks questions that create a separation between him or herself and the community. The **Wicked Employer** does not see him or herself as part of a larger society, and is comfortable judging potential employees based on a past arrest or conviction, without any consideration of their employment merits. The Wicked Employer unilaterally denies employment to all applicants with a criminal record, and in doing so violates the Civil Rights Act and weakens his or her own community.

The Simple Child plainly asks "what is this?" The **Simple Employer** does not understand the intricacies of the employment situation for individuals with criminal records, and blindly follows the majority. The Simple Employer desperately needs specific legislation that protects the employment rights of individuals with criminal records, to provide guidance on how to create a more equal hiring environment.

The fourth child does not know how to ask. The **Employer Who Does Not Know How To Ask** does not even realize that this is an issue facing our society. For this Employer we must initiate the conversation and act as advocates for our community. Our knowledge of the situation does not allow us to remain silent and lays upon us the responsibility of convincing all employers to ask the questions that can lead to a more just hiring system.

10 Plagues

Leader:

God brought ten plagues upon the Egyptian people as part of the Israelites' journey to freedom. Tonight we read ten modern plagues that result from unfair, inequitable, and excessive practices in the criminal justice system. As we read each plague we remove a drop of wine from our glasses to symbolize our anguish at the suffering these plagues have caused.

Recite together:

- The concentration of police drug enforcement resources in poor communities of color
- The forfeiture laws and grant programs that incentivize making mass numbers of drug arrests
- Racial discrimination in conviction rates for drug offenses
- Racial discrimination in the length of sentences handed down for drug offenses
- Minimum sentencing rules that are overly punitive and tie the hands of judges
- The denial of parole to every prisoner serving a life sentence with the possibility of parole in Maryland
- The denial of civil rights, such as employment, education, housing, public benefits, and jury service to individuals with criminal records
- The sentencing disparity between crack and powder cocaine
- The garnishing of up to 100% of wages to pay back fines, fees and costs that are a condition of probation or parole
- The concentration of police resources on the war on drugs, which creates more crime than it prevents

1. The concentration of police drug enforcement resources in poor communities of color

About 9% of Marylanders violate drug laws each month, and people of all races engage in this illegal activity at similar rates.^{xii} With such a large population of offenders to choose from, police have incredible discretion in deciding which neighborhoods and people to target. The police have chosen to direct their resources at impoverished communities of color, and to overlook suburban neighborhoods. It has become common for the police to use SWAT teams and militarized tactics in minority communities, while their use is rare in the affluent white neighborhoods where they would likely spur a political backlash. Beyond targeting African American communities, the police also disproportionately target African Americans within predominantly white environments. One study in Baltimore found that while only 21% of drivers on I-95 are African American, they represented 70% of those stopped and searched for drugs.^{xiii} What made this even more shocking was the finding that whites were more likely than African Americans to be carrying illegal drugs in their vehicles. The effect of the disproportionate concentration of police resources is that while African Americans use drugs at the same rate as whites, they are more than twice as likely to be arrested for a drug offense. This disproportionate targeting of African Americans represents a cornerstone of our new system of racial control.

2. The forfeiture laws and grant programs that incentivize making mass numbers of drug arrests

The federal government has created powerful financial incentives for local police departments to focus their resources on arresting people for low-level non-violent drug offenses. The government provides an estimated \$153 of funding to local police departments for each drug arrest, and the Pentagon further provides military equipment in proportion to the number of arrests.^{xiv} As a further inducement to increase drug arrests, the federal government has authorized local police departments to use the cash and assets connected with illegal drug activity to supplement their budgets.

3. Racial discrimination in conviction rates for drug offenses

Prosecutors have incredible discretion over the fate of criminal defendants. They decide whether to try or dismiss a case, what charges to bring, what plea deal to offer, and even whether to transfer a case to the federal system where the penalties are more severe. Studies have regularly shown that prosecutors use this discretion to the detriment of African American defendants. One study concluded that at nearly every stage of pretrial negotiation, African Americans were less successful than similarly situated whites at getting charges reduced to misdemeanors or infractions.^{xv} As a result, African Americans are three times as likely as whites to be incarcerated for a drug offense.^{xvi}

4. Racial discrimination in the length of sentences handed down for drug offenses

The U.S. Sentencing Commission recently found that African American men face prison sentences that are nearly 20% longer than those of white men for similar crimes. Studies have further found that the sentencing disparities faced by African Americans are even greater for drug offenses than for violent crimes. One explanation is that when judges are faced with less serious offenders, they are more likely to allow non-legal factors, such as race, to influence their sentencing decisions.^{xvii}

5. Minimum sentencing rules that are overly punitive and tie the hands of judges

The threat of mandatory minimum sentences empower prosecutors to extract guilty pleas from nearly all defendants. When cases do go to trial, mandatory minimums prevent judges from considering mitigating factors, such as the age or role of the defendant in the drug offense. Rather, judges are forced to deliver sentences that are far longer than would be the case if they were able to use their own discretion.

6. The denial of parole to every prisoner serving a life sentences with the possibility of parole in Maryland

Since 1995, Maryland's governors have vetoed every decision by Maryland's parole board to grant parole to eligible prisoners serving life sentences. Contrary to legislative intent and the expectations of judges, the sentence of life with the possibility of parole has become a de facto sentence of death in prison. At the same time, more than one in ten of those sentenced to life in prison in Maryland are teenagers, the people most in need of meaningful opportunities for release. Moreover, this is a rate that is higher than in all but two other states. Racial disparities

characterize these sentences, with African Americans constituting 84% of juveniles serving life sentences, a rate that is tied with Alabama for the highest in the country.

7. The denial of civil rights, such as employment, education, housing, public benefits, and jury service to individuals with criminal records

Upon completing their formal sentence, individuals with felony convictions enter a new more permanent phase of punishment. Similar to the system of control during the Jim Crow era, highly disproportionate numbers of African Americans begin what has been termed an “internal exile.” They are permanently stripped of many of their basic civil rights, and prevented from reintegrating into the mainstream society and economy.^{xviii}

Across the country, employment and housing discrimination against individuals with criminal records is widely prevalent, with fewer than one in four employers saying that they would be willing to hire someone with a drug-related felony conviction.^{xix} The U.S. government bars those with drug convictions from receiving federal student aid. Moreover, many states permanently bar individuals with felony convictions from receiving food stamps, cash assistance, and living in public housing. While Maryland restores these benefits after a period of time, those recently released from prison are often unable to access them at a time when they are most in need of support. Finally, Marylanders with felony convictions are automatically excluded from jury service, one of the basic rights of American democracy.

8. The sentencing disparity between crack and powder cocaine

Mandatory minimum sentences for the possession of crack cocaine are 18 times longer than those for the same weight of powder cocaine. While this disparity has been reduced from 100:1 in 2010, the presence of any disparity disproportionately discriminates against African Americans. According to the U.S. Sentencing Commission, African Americans constitute 79% of those convicted of crack cocaine offenses and 28% of those convicted of powder cocaine offenses. At the same time, these numbers also represent racially discriminatory arrest and conviction rates, with African Americans constituting only 38% of crack cocaine users and 15% of powder cocaine users. The disparate treatment in sentencing is difficult to justify on non-racial grounds. The key difference between the two substances is that powder cocaine becomes crack after combining it with baking soda and heat. Research has shown both powder and crack cocaine to have an identical biological impact on the body.^{xx} There are currently an estimated 2,700 individuals serving prison sentences under the discriminatory 100:1 sentencing guidelines, who would be free under the revised law.^{xxi}

9. The garnishing of up to 100% of wages to pay back fines, fees and costs that are a condition of probation or parole

Upon release from prison, returning citizens in Maryland often face a daunting numbers of fines, fees and costs related to their imprisonment. Returning citizens are billed to cover the cost of parole supervision, drug testing, treatment, community service programs, and some court proceedings. This is in addition to court mandated restitution and child support payments. With two-thirds of returning citizens unemployed, most are unable to pay these charges and thus face mounting nonpayment penalties. These debts then lead to civil

judgments, negative credit reports, and wage garnishment. As a result, individuals caught in this impossible situation are often forced into the underground economy. Moreover, while debtor's prisons are illegal, Maryland threatens to revoke parole for individuals that fail to make court payments, creating added stress that can prevent successful reentry into society.

10. The concentration of police resources on the war on drugs, which creates more crime than it prevents

Research shows that in many communities mass incarceration has reached a tipping point, where so many people have been removed as to undermine the social cohesion that helps maintain safety. The war on drugs rips apart community networks, destabilizes families, and locks people out of the mainstream economy. This has made it a leading cause of poverty, joblessness, and crime.^{xxii}

Dayenu

The traditional dayenu text lists the many miracles that God performed for us during and after the exodus narrative. After each stanza we sing "dayenu," it would have been enough, as a reminder to appreciate all of our blessings. This modified dayenu lists some of our hopes for the future, and reminds us that we personally have the ability to effect change in today's criminal justice system.

Sing together:

If we could treat people of all races equally in our justice system
And also restore civil rights to returning citizens
Dayenu



If we could build a justice system that focuses on treatment
And also approach drug addiction as a medical condition
Dayenu

If we could prevent discrimination in hiring
And also not force returning citizens into the underground economy
Dayenu

If we could spend fewer resources arresting people for drug offenses
And also spend more resources preventing violent crime
Dayenu

Taking Action! Ban the Box

More than one in four adults – an estimated 65 million Americans – have a criminal record. Job seekers with criminal records often find it nearly impossible to obtain family-sustaining employment, with employers frequently denying consideration to anyone with a criminal record, regardless of qualifications, the nature of the offense, or how far in the past it occurred. A criminal record reduces the likelihood of a job callback by almost half, and African American men experience a more severe disadvantage than white men.^{xxiii}

These hiring practices frequently serve no legitimate purpose, as the recidivism rate for people convicted of most offenses equalizes with that of the general population after 3 to 5 years.^{xxiv} Many of these hiring practices also violate Title VII of the Civil Rights Act, under which it is illegal for an employer to use any non-job-related selection criterion that has a discriminatory racial impact. While blanket policies that bar the employment of anyone with a criminal record are illegal and ineffective, they are all too common and lock qualified job seekers out of the legal economy.

Today we take action in support of local “Ban the Box” legislation, which would require private employers to take a person-first approach to hiring, looking first at an applicant’s skills and experience, and only then evaluating a criminal record as just one of many factors. To accomplish this, the legislation would require employers to wait until a job applicant has received a conditional offer of employment before asking the applicant about their criminal record or conducting a criminal background check.

This person-first approach to hiring has proven powerfully successful. When people with criminal records have the opportunity to interact with an employer, they are six times more likely to be selected to move forward to the next stage of the application process. This legislation will not only help people with criminal records obtain employment, but also help employers follow the Civil Rights Act and encourage best practices that ensure the hiring of the highest qualified applicants.

Third Cup of Wine: A Focus on Punishment Rather than Rehabilitation

Leader:



With the third cup of wine we remember God’s promise to redeem the Israelites with an outstretched arm. With this cup we turn our thoughts to those not being offered a helping hand. Scant resources are allocated within the criminal justice system to provide alternatives to incarceration and prepare incarcerated individuals for successfully reentering society.

The criminal justice system has become the primary strategy by which we address many of the challenges facing members of low income and minority communities, including drug addiction, mental illness, behavioral issues at schools, and limited access to employment. However, we have designed the criminal justice system as a maze that is easy to enter and difficult to leave.

Many of these individuals enter the criminal justice system after committing a non-violent drug offense, and then are put on a path that goes straight to prison and does not address the issues that cause people to cycle in and out of the corrections system.

Two-fifths of drug offenders are rearrested for the same charge.^{xxv} This speaks to the physiological nature of drug addiction and the need to address it as a medical condition requiring treatment, rather than a crime requiring incarceration. We need to redesign our criminal justice system so that non-violent drug offenders are diverted to alternative treatment programs that address drug addiction, mental illness, and job access.

Across the entire prison population, the vast majority of people will return to society, but will leave prison severely ill prepared to do so. Reflecting a lack of in-prison treatment services and the level of societal exclusion, studies have shown that incarceration actually increases the risk of reoffending.^{xxvi} In part due to the limited availability of funding, 60% of Maryland prisoners do not participate in treatment and educational programming each year.^{xxvii} Our criminal justice system warehouses people in prison, punishes them, and then returns them to our society worse off than when they left.

Recite together:

Baruch ata adonai, eloheinu melech ha'olam, borei pri hagafen.

ברוך אתה יי אלוקינו מלך העולם בורא פרי הגפן

(Drink the third cup. Refill immediately.)

Elijah's Cup

Leader:

At this point in the seder we open the door for Elijah, the prophet who tradition holds visits every Passover seder and will one day usher in the messianic time of peace and coexistence. One tradition suggests that each person is responsible for helping to bring this idyllic vision to fruition. As we focus tonight on creating a more fair and effective criminal justice system, let us each pour some of our wine into the cup of Elijah on our table as a pledge to each do our part in building a more just society.

(Each participant pours a small amount of wine from their cup into Elijah's Cup)

Sing together:

Eliyahu hanavi, Eliyahu hatish'bi, Eliyahu hagil'adi -
Bim'herah beyameinu yavo eleinu im Mashi'ach ben David.

אליהו הנביא אליהו התשבי אליהו הגלעדי
במהרה בימינו יבוא אלנו עם משיח בן דוד



Fourth Cup of Wine: The Denial of Many of the Rights of Citizenship to People with a Criminal Record

Leader:



With the fourth cup of wine we remember God's promise to take the Israelites as God's own people. Just as God took on the Israelite people, we pledge to look out for the different members of our community. As citizens of the United States we share certain rights of citizenship, such as a social safety net, equal access to employment, student aid, and jury service. However, these rights are denied to those who have felony convictions. As a united community we must protest the permanent second-class citizenship imposed on those who have already paid their debt to society. And we must further protest how African Americans are disproportionately made second-class citizens, resulting in our current civil rights crisis.

Maryland and the federal government bar individuals with felony convictions from serving on juries, one of the most fundamental rights of American democracy. While Maryland restores voting rights to individuals with felony convictions, many states do not, with 1 in 7 African Americans across the country disenfranchised due to a felony conviction. It is estimated that more African American men are disenfranchised today than in 1870, the year the Fifteenth Amendment was ratified prohibiting laws that deny the right to vote on the basis of race.^{xxviii}

The federal government permanently bars those convicted of drug offenses from receiving cash assistance and food stamps during their lifetime, unless their state opts out. Thirteen states have maintained this lifetime ban, while Maryland has partially opted out, shortening the ban to one year after the conviction. While an improvement over other states, any ban on receiving benefits is counterproductive. People suffering from drug addiction often need public benefits to access treatment, as the benefits can be used to subsidize the cost of the services.^{xxix}

The Housing Authority of Baltimore City bans individuals with felony convictions for three years after release from incarceration.^{xxx} The federal government's "One Strike and You're Out" policy requires all public housing agencies to evict a tenant if any guest or member of the household engages in any drug related activity on or off the premises. This fear of eviction often leads families to reject requests from relatives returning from prison who are looking for a place to temporarily live. As a result of not being able to obtain housing, many returning citizens experience homelessness, lose custody of their children, and are unable to benefit from the support of living with their family members.

Beyond the formal forms of discrimination, the permanent label of felon and criminal bring a painful sense of shame and stigma. As one incarcerated women described her experience:

When I leave here it will be very difficult for me in the sense that I'm a felon. That I will always be a felon...for me to leave here, it will affect my job, my education...custody [of my children], it can affect child support, it can affect everywhere—family, friends, housing...People that are convicted of drug crimes can't even get housing anymore...Yes, I did my prison time. How long are you going to punish me as a result of it? And not only on paper, I'm only on paper for ten months when I leave here, that's all the parole I have. But, that parole isn't going to be anything. It's the housing it's the credit reestablishing...I mean even to go into the school, to work with my child's class—and I'm not a sex offender—but all I need is one parent who says, "Isn't she a felon? I don't want her with my child."^{xxxix}

Recite together:

Baruch ata adonai, eloheinu melech ha'olam, borei pri hagafen.

ברוך אתה יי אלוקינו מלך העולם בורא פרי הגפן

(Drink the fourth cup.)

Hallel

Leader:

In the traditional seder, towards the end we include selections from Hallel, a collection of psalms that celebrate the joy of the occasion. Although there is much work to be done to improve our criminal justice system, there is also room for rejoicing. Several important victories for the rights of those with criminal records merit thanksgiving. Tonight, we recognize and celebrate the following victories:

- In 2007 Maryland repealed its lifetime prohibition against voting for people with felony convictions who had completed their sentences. This resulted in the restoration of voting rights for more than 52,000 people. [All recite: Halleluyah]
- The federal Fair Sentencing Act of 2010 reduced the disparity in sentencing for the possession of the same weight of crack and powder cocaine from 100:1 to 18:1. The law also eliminated the five-year mandatory minimum sentence for simple possession of crack cocaine. However, more reform is needed to completely eliminate the sentencing disparity. [All recite: Halleluyah]
- The Equal Employment Opportunity Commission has stepped up its enforcement of Title VII of the Civil Rights Act, under which it is illegal for employers to take into account an applicant's arrest record when hiring or have a blanket policy against hiring individuals with criminal records. Recent high profile enforcement actions have included lawsuits against BMW, Dollar General and Pepsi for hiring practices that illegally discriminated against individuals with criminal records. [All recite: Halleluyah]
- Over the past decade, 56 jurisdictions have enacted some form of "Ban the Box" legislation. In 2013 Maryland enacted "Ban the Box" for State government jobs,

expanding upon a policy that had already been in place since 2007 for Baltimore City government jobs. As momentum has grown, Target recently became one of the largest employers to voluntarily implement “Ban the Box” company-wide, positively impacting people applying for jobs at its 1,800 stores. [All recite: Halleluyah]

Leader:

The Passover seder ends with a statement of hope: “l’shanah habaah b’Yerushalayim (next year in Jerusalem)!” This ancient phrase expresses our longing for redemption. Tonight these words take on new meaning as we long for a world with a reformed criminal justice system, wherein we eliminate discrimination in who we arrest, convict and sentence. We long for a world where we help people caught in the drug trade to access jobs and treatment, rather than subjecting them to incarceration. We long for a world where we restore the civil rights of those who have completed their sentences and eliminate the discriminatory stigma of a criminal record. Finally, we long for a world where the criminal justice system no longer functions as a system of racial control. Let us join together to make that dream a reality.

Sing Together:

L’shanah habaah b’Yerushalayim
לשנה הבאה בירושלים





Thank you for joining us for tonight's exploration of the racism and other issues within our criminal justice system. Now it is your time to act. One of the easiest and most important things you can do is to decrease the stigmatism against those with criminal records. We encourage you to use your personal seders as an opportunity to share what you have learned and help your family and friends to feel equally invested in this critical social justice issue. Here are some key places where it might be appropriate for you to bring tonight's knowledge and message to your own seder. Of course, feel free to also find your own opportunities to share tonight's message, be it at your seder, in your workplace, among your friends, etc.

- **Ten Plagues** - The ten plagues were cast on the Egyptian people to force them to set the Jews free. As a discussion during the seder, share the ten plagues that result from the unfair, inequitable, and excessive practices in the criminal justice system. Just as we are each asked by the Hagaddah to see ourselves as if we were slaves, ask your fellow participants what it must be like to face the discrimination that those with criminal records face.
- **Dayenu** - Dayenu literally means "it would have been enough." The Dayenu song lists many of our trials in Egypt, claiming after each one that "it would have been enough." What's the point of the song? Doing something halfway is actually *never enough*. This is an excellent jumping-off point to a discussion about racism in America. We may have ended segregation and Jim Crow, but when as many as 80% of African American men in major American cities hold a criminal record, it is time for us to say "lo dayenu," it is not enough.
- **Maror** - The maror is a symbol of our slavery. Before tasting the maror, share some of what you have learned about the criminal justice system. Encourage participants to focus on this injustice when tasting the maror. Ask people to share how the physical act of tasting the bitter food helped them to connect to the issue on a deeper level.

Glossary:

Haggadah: The Hebrew word for "telling" or "narrative," it is the name of the text that sets out the order of the Passover seder. Reading the Hagaddah fulfills the Torah commandment that we must tell our children about our liberation from slavery in Egypt.

Passover: The name of this holiday comes from the Hebrew word, *pesach*, whose root is to pass through, to pass over, to exempt, or to spare (referring to the story that God passed over the homes of the Israelites when slaying the first-born sons in Egypt during the 10th plague). *Pesach* is also the term for the sacrificial offering of a lamb that was made in the Temple on this holiday.

Seder: A Hebrew word meaning “order,” this is what we call the ritual festive meal celebrated the first one or two nights of Passover. The meal is called a seder because there is specific information and rituals that must be included, and tradition has come to specify a particular order for the rituals.

Torah: The Torah is the Hebrew name for the part of the Bible that consists of the Five Books of Moses.

Underground Economy: A market in which goods or services are traded illegally. Throughout this Haggadah, this term often refers to the drug trade, in which people risk arrest and incarceration for possessing or selling illegal drugs.

Criminal Record: A list of every contact an individual has had with law enforcement agencies. It provides details of all arrests, convictions, sentences, dismissals, not guilty verdicts and parole violations. These criminal records are frequently riddled with mistakes, with a government report finding that FBI background checks are out of date 50% of the time.^{xxxii} Moreover, as background checks have become ever more available over the internet, the rate at which employers run them has dramatically grown.^{xxxiii}

Returning Citizen: An individual who was formerly incarcerated and has a criminal record. This term is intentionally used instead of other frequently used terms, such as “ex-offender” or “ex-felon,” which carry a heavy stigma and increase the challenges that these citizens face. The term returning citizen more fully focuses on the engagement these individuals in the process of reintegration.

Family-sustaining Wage: A wage that allows a family to live above the poverty line and meet their basic needs. Baltimore’s living wage is currently set at \$11.07 per hour.

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Everyone who attended this program and believes in our power to create a better, more just Baltimore. We are honored to be working alongside you!

We Need You!

If you are interested in joining next year's Baltimore Social Justice Seder committee, please contact Eli at emallen7@gmail.com. We welcome your ideas, energy, and enthusiasm!



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