

## Joseph and the Cupbearer: The Potential of Formerly Incarcerated People

### *Shabbat Mikeitz 5781*

December 18, 2020

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Several years ago, before Keila Patton came along to save us, we experienced tremendous difficulty in finding an administrative assistant. One candidate seemed perfect. Her references were impeccable; and her work experience, relevant. She interviewed, and the chemistry felt good. Then, a background check revealed that she had prior convictions for embezzlement from employers. Even with evidence of rehabilitation, we could not in good conscience hire her for that position, which includes handling funds that come into the congregation, mostly from Temple members.

I have never questioned that decision; but still, it made me sad, reminding me of a summit of religious leaders, convened by Governor Hutchinson, to encourage religious communities to partner with employers to ease reentry of formerly incarcerated people into society. More than half of Arkansans who are released from prison are later reincarcerated. As David Mitchell and Thomas Snyder wrote for the *Democrat-Gazette*, “ex-offenders who quickly found employment were 20 percent less likely to re-offend.”<sup>i</sup> We all benefit when we prevent repeated criminal offenses: Less crime is certainly a good thing, and we collectively spend less money on prisons.

And there’s more. Our entire society advances when we unlock the potential of formerly incarcerated people. Take Marlon Peterson, for example. A violent criminal, he spent over ten years in prison. Since his release, “Peterson has designed and implemented youth empowerment programs and worked to create safer communities, free of the violence that he witnessed growing up. He also earned an undergraduate degree from New York University.”<sup>ii</sup>

This week’s Torah portion is all about the extraordinary gifts that society can reap when we unlock the potential of formerly incarcerated people. Like many of you, I have been studying the story of Joseph, including the role of Pharaoh’s cupbearer, for decades, without ever focusing on the fact that both Joseph and the cupbearer have been in prison. Rabbi Reuben Zellman<sup>iii</sup> brought the matter to my attention, for which I’m most grateful.

In last week’s portion, Joseph met the cupbearer, along with Pharaoh’s chief baker, in prison, where Joseph had been incarcerated on a trumped-up charge.<sup>iv</sup> Joseph is deputized to look after Pharaoh’s imprisoned servants.<sup>v</sup> The cupbearer and baker have disturbing dreams, which Joseph correctly interprets—the baker

will be hanged; but the cupbearer, restored to his post.<sup>vi</sup> Joseph pleads with the cupbearer, “Only call me to mind when it goes well for you, and keep faith with me: commend me to Pharaoh and get me out of this place!”<sup>vii</sup>

As this week’s portion opens, it’s Pharaoh’s turn to be disturbed by dreams. Only now does the cupbearer remember Joseph, recommending that the king call the Hebrew slave from prison to interpret those dreams. Pharaoh does exactly that,<sup>viii</sup> and the rest is history: Joseph becomes Egypt’s Prime Minister, saving that country and the entire region—and ultimately, Joseph’s own family, the Children of Israel, from starvation.

Rabbi Zellman asks us to read this story as a lesson about a person in power who is able to imagine that formerly incarcerated people may contribute to society. He writes, “Pharaoh, ... after releasing the cupbearer from prison, restores him to his prestigious career. When the cupbearer tells Pharaoh that his cellmate, still imprisoned, has a proven ability to interpret dreams, Pharaoh listens and then acts on his input. Apparently, in this pharaoh’s court, a former inmate may return not only to freedom and livelihood but to credibility and authority. Furthermore, acting on the word of this formerly incarcerated man, Pharaoh then entrusts an even more important job to Joseph, still locked up in the pit.”<sup>ix</sup>

We may recoil from the notion of placing ex-convicts in vital public positions. Rabbi Zellman, though, points out that his own state, California, has already been doing that for years, employing prisoners as firefighters even before they are released. The ABC affiliate in Sacramento emphasizes: “Becoming an inmate firefighter isn’t something that just any inmate can do. It’s a role they must volunteer for and earn. These crews are trained as wildland firefighters and receive the same entry-level training as [other] seasonal firefighters.”<sup>x</sup> As with most inmate employment, the pay is paltry, “between \$2.90 and 5.12 per day,”<sup>xi</sup> which would be worth it if the inmates were trained for meaningful post-prison careers. However, in what *USA Today* called “a bitterly ironic twist, once inmates leave prison, they often [could not] work as firefighters, despite their frontline experience. In California, nearly all counties require firefighters to become licensed ... EMTs—a credential that can be denied to almost anyone with a criminal record.”<sup>xii</sup> Three months ago, though, a new California law was adopted, “allowing inmate firefighters to have their records expunged, clearing the path for them to be eligible for firefighting jobs upon release.”<sup>xiii</sup>

Rabbi Zellman reminds us that “Rabbi Avahu taught that ‘in the place where ... penitents stand, even the completely righteous are not able to stand.’<sup>xiv</sup> ... The tradition affirms: People make mistakes, and some make serious ones. But we can learn, and we can change, and when we do damage, we can try to repair the

harm.”<sup>xv</sup> Just as important, like Pharaoh before us, we and our leaders must be prepared to imagine that a formerly incarcerated person can contribute meaningfully and positively to our communities, as Joseph and the cupbearer do in Genesis.

No, we should not hire a person who has embezzled from their employer in the past to handle our congregation’s money, nor would I recommend that any business owner do so. However, if that person applied to be a custodian at Temple, or for a wide variety of other kinds of employment elsewhere, we should not bar them from earning a living or contributing to society. We must look for ways to say “yes” to a productive future after incarceration, even as we acknowledge specific cases when we are obliged to say “no.”

Moreover, when a formerly incarcerated person seeks God in our congregation, or a member returns to us after being confined in prison, I know we will be cautious; let us also assure that we are welcoming, as Governor Hutchinson urges, contributing to a positive future for that person and for our community.

Joseph and the cupbearer are living human beings, in Arkansas and across America today. As we marvel at the biblical characters’ post-incarceration achievements, let us seize the power to make their stories true in our own day.

Amen.

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<sup>i</sup> David Mitchell and Thomas Snyder, “Let them work: Licensing laws hamper ex-offenders,” *Arkansas Democrat-Gazette*, March 4, 2019.

<sup>ii</sup> Darnell A. Moore, “11 People Who Used to Be in Jail—But Now Are Changing the World,” *Mic*, April 2, 2015.

<sup>iii</sup> Rabbi Reuben Zellman, “Emerging to Govern: Reentry after Incarceration,” manuscript for *The Social Justice Torah Commentary*, forthcoming from CCAR Press in 2021.

<sup>iv</sup> Genesis 39:11-20.

<sup>v</sup> Genesis 40:1-4.

<sup>vi</sup> Genesis 40:5-22.

<sup>vii</sup> Genesis 40:15.

<sup>viii</sup> Genesis 41:9-14.

<sup>ix</sup> Zellman.

<sup>x</sup> Eric Escalante, “California’s inmate firefighters: 9 things to know,” *ABC 10*, October 29, 2019.

<sup>xi</sup> *Ibid.*

<sup>xii</sup> Nick Sibilla, “Inmates who volunteer to fight California’s largest fires denied access to jobs on release,” *USA Today*, August 20, 2018.

<sup>xiii</sup> Vanessa Romo, “California Bill Clears Path For Ex-Inmates To Become Firefighters,” *NPR*, September 11, 2020.

<sup>xiv</sup> BT B’rachot 34b.

<sup>xv</sup> Zellman.