40 Days in Orange: The Role of My Faith in Social Justice Lawyering
Kent McKeever, VULS ’12
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What an honor it is to be back here today in this place that was so good for me and to me. However, I really feel like I should still be sitting out there with all of you, not standing up here speaking. But I will take it. What a privilege to speak about the role of my faith in social justice lawyering. Forewarning – I am as much a preacher/minister as I am a lawyer, so I may get a little worked up at times. And I am doubly cursed with wordiness as well. So as I have been asked to cover a lot of ground today – my faith and its role in social justice lawyering as seen through the lens of my 40 Days in Orange journey and day to day work as an attorney director/founder of Mission Waco Legal Services. I also blogged every day during my 40 Day journey, sharing not only my experiences but also the realities and stories of real-life folks who truly suffer under the heavy hand of injustice. Hopefully today I can share some highlights as I reflect on the role of my faith in social justice lawyering.

A little over a year ago, I sat in the audience at the national Christian Community Development Association conference listening again to Michelle Alexander. Michelle Alexander is a social justice lawyer, law professor, and advocate for the transformation our mass incarceration system in the United States. She authored the book, The New Jim Crow: Mass Incarceration in an Age of Colorblindness. I had read some of her book and listened to some of her talks on YouTube, so I was thrilled to get to hear her speak in person. Be careful what you wish for – it was during this experience that somehow I came up with the crazy idea to wear this uniform of the imprisoned. I found myself weary of hearing again all of the alarming statistics and heart-wrenching stories of how our systems of mass incarceration continue to destroy lives and decimate communities. It is hard to hear that only the archipelago nation of Seychelles (population 90,024) incarcerates more of their population than the United States, that the United States has 5% of the world’s population, but 23% of the world’s reported prisoners, that one out of every one hundred adults in America is incarcerated, amounting to a total incarcerated
population of approximately 2.3 million, and that while people of color make up about 30 percent of the United States’ population, they account for 60 percent of those imprisoned, and how the incarceration rates disproportionately impact men of color: 1 in every 15 African American men and 1 in every 36 Hispanic men are incarcerated in comparison to 1 in every 106 white men. Yet, people of all races participate in criminal activity at remarkably similar rates, and as the majority of illegal drug users and dealers nationwide are white, yet three-fourths of all people imprisoned for drug offenses have been black or Latino. How white youth are actually more likely of any racial or ethnic group to be guilty of illegal drug possession and sales, but black males are admitted to state prison on drug convictions at a rate that is more than 13 times higher than white males. Thus, an African American male has a greater chance of going to prison (1 in 3) than college (1 in 5).

I was reminded again of the devastation on individuals, families, and communities resulting from the collateral consequences of mass incarceration, leaving our society with an estimated 65 million American adults with criminal records. How the aftereffects of these records subjects 1 in 4 American adults to legal discrimination affecting life’s basic necessities – housing, employment, food, education – and one’s constitutional rights – voting and jury service – effectively relegating one to a lesser status, basically an underclass, for the rest of their lives. Add to these numbers the myriad other ways our society criminalizes and oppresses the poor and marginalized, and I just got fed up. I knew that I had to do something. I no longer wanted to hear these realities and feel bad again and again, or continue to see the consequences and remain unresponsive. So somehow as I sat there listening to Michelle Alexander, I had this wild idea – I should wear an orange prison jumpsuit for a certain period of time. But as we all know, the fire of the moment from experiences like these can too easily get snuffed out once we go back home. So I tried to put it off for a while, yet could not get it out of my mind.

Then, as the season of Lent (the 40 days minus Sundays before Easter) approached, I realized that I needed to spice up Lent for myself this year. Lent is a time to reflect on Jesus’s life. Lent is a time to commit oneself to a spiritual
discipline that will draw us in to God’s presence and prepare our souls for Easter. Lent is a time for penance, for sacrifice, for humility. What better way than to put on the uniform of the imprisoned.

I needed this. I am a white male from a middle-class background and in a professional career. I had no idea what it was like to live with stigma, to carry a shame that is “the feeling of being lesser than... a gut wrenching, self-worth stealing experience”, as one young woman described to me. I needed to walk in their shoes for a while, and in the process share some truths about their experiences in our world today. This uniform was my personal way of growing as an advocate, and deepening my love for God, for people, and for my community. Thus, in order to become a better advocate for my clients and for my community, I needed to shed my normal way of being and take on the cause of another, those deemed hopeless, despised, cast out, and forgotten.

And I got what I wanted! Walking through life in the Orange, I saw the condemning looks, the questioning glares, so even if in the slightest way I felt the stigma. Perhaps the most transformative experience was the fear. On one of the first days I ventured out in the full authentic orange uniform, someone who has some connection with the local “jail scene” advised me that it was not a good idea to be wearing a real uniform around town, and that I will be picked up and taken to jail. Yes, I am naive and to this point had not really thought much about it, other than “so what if I go to jail – that would certainly make for a good story.” But then that same morning I discussed the issue with a few more people who did not make matters better when they (jokingly?) proclaimed that they hope I did not get shot! I was and am not that afraid of getting stopped or taken to jail, but I sure don’t want to get shot! So I began for the first time to experience genuine fear.

Seriously?! Seriously. This is a fear that millions of people, mostly of color, must face every day in thousands of our nation’s communities. As we have seen nationally once again this summer, law enforcement shootings happen. And getting pulled over, stopped and frisked, questioned and followed, all because of the way someone looks or where they live, this stuff happens every single day. But it has never happened to me. And until that day I never really thought about what it must
really be like to experience that fear. It changed the way I look at the world. Literally. I found myself looking over my shoulder, glancing around as I drove, ever so watchful for any reason to fear. And this fear paralyzed me for a while. I couldn’t fully function until I found a release from the fear. Thankfully, mine came from several wise advisors who suggested that I could rest a bit easier and do some things proactively to prevent some problems. But our brothers and sisters of color and low socioeconomic means — they don’t have that luxury. So I could honestly say for the first time that I began to understand how incapacitating that kind of existence can be.

So what does this have to do with my faith? Well, for starters, I choose to follow a condemned criminal, one who was executed by the capital punishment of his day. A man born of questionable circumstances, a social and religious and political outsider. One who had issues with authority and was at home with the despised, who wore the uniform of shame and alienation and abuse, who took on the powers that be and won the ultimate victory for life and love.

I believe that love is the most powerful weapon in the world. Pure love that is God created us and all creation out of an abundance of joy, but we have messed it up royally. We live in an era the Bible calls the Fall, where all of Creation has been alienated from our God who is Love and where death is the reigning moral reality. Yet death does not win. Life and love win. So we can pick up the pieces and work towards healing and wholeness.

So, I live with hope. With one of my heroes of the faith, William Stringfellow’s words constantly in mind, I know that “the only way to live humanly is in resistance to death”. I believe that this condemned criminal, social outcast, and friend of the despised, this Jesus, is the ultimate revelation of God’s pure love and the deepest and widest source of redemption and resistance that we all need and desire. Jesus, pure love in the human flesh, teaching us how to live humanly, bringing us an abundance of life as he leads us in the resistance movement against death. And I believe in the power of the Spirit of Life in Jesus Christ who sets us free from the power of sin and death. We were not created to give in to death. We were not redeemed so that we should roll over and submit to the powers and principalities.
We are not being made new so that we could keep living the way things are instead of defining our reality according to the way things ought to be. My faith is a faith in love, in our God who is pure, pure Love.

Sure, ok, but what does this have to do with justice?

Martin Luther King, Jr. proclaims, “Power without love is reckless and abusive, and love without power is sentimental and anemic. Power at its best is love implementing the demands of justice, and justice at its best is power correcting everything that stands against love.” God is justice! To love God and our neighbor, these are the two non-negotiable essentials of my faith. Anything that stands against this love must be confronted. This is justice. “The only way to live humanly is in resistance to death”. So my faith leads me to seek love and justice together with my neighbor, as we use what power we have to correct everything that stands against love.

Towards the middle of my 40 day experience a friend shared some concerns with me that I might be viewed as a bit too radical for our part of the world. So I began to struggle a bit with this notion of being “too radical”. For several hours I was feeling quite sullen and deeply conflicted. Was I doing more harm than good? Was I really too radical? If so, what could I do to right the ship? So many thoughts were going through my mind, and my heart was troubled. And then some things happened that renewed my mind and transformed my spirit.

First, let me set the stage just a bit further. There was some concern that my Lenten discipline might ruffle some feathers of the local legal community, perhaps giving them the wrong impression of myself and/or produce a slightly negative reputation. The friend had fine intentions, wanting us to think through the long-term effects of my “personal convictions”.

So now dispirited, I received a phone call from a good friend later that afternoon. He was calling for something totally unrelated to all of this, but little did he know how timely his call would be for me. So after he unexpectedly got an earful from me, he quite wisely stated, “But Kent, you will never hear these concerns or statements from those who actually suffer. The poor and oppressed aren’t concerned about you being too radical.” Amen, brother, amen.
So I began again at that moment to remember that I was not wearing the Orange for the powers that be. I was wearing the orange prison uniform for the powerless and voiceless. On their behalf, I am using what power I have to speak truth to power, in love and grace, with a call for our collective confession and repentance and transformation. The cries of the powerless matter more to me than the concerns of the powerful. For I trust in God’s unfailing love, and my heart rejoices in our Lord’s healing.

And then that same day I got a call from the front desk of Mission Waco’s Meyer Center for Urban Ministries, where I work, that said a woman and her son insisted on seeing me. They were waiting in our all-purpose area. So I drudgingly walked across the building and down the stairs, all the while thinking, “I hope this doesn’t take too long and isn’t too difficult; I am tired and have too much to do today!”

And then I turned the corner and saw the faces of this mother and her son light up with smiles that warmed me to my core. “I saw you on TV, sitting on those courthouse steps”, exclaimed the mother [I couldn’t tell her it was just the steps of our building, ha]. “I just had to meet you and bring my son to talk with you. This is as exciting to me as if I was meeting President Obama!”

Whoa, hold up a second. President Obama. I doubt that. It’s just me, Kent McKeever, lawyer for the poor, minister to youth, father, husband, stumbling and bumbling sinner. It’s just me. But in these moments together and as I reflected on the experience, I began to allow this meeting of spirits to remind me of what matters most. I don’t share this story with you to assert or suggest that I am as important as President Obama! But... maybe I really was to this woman and her son.

You see, this mother’s son, Aaron, had just been released from prison, and you could hear the release in his voice. Enthused about life and his newfound liberation, I could not help but be lifted by his contagious spirit. He was now free and turning his life around after years in bondage to addiction and injustice.

Aaron’s father went to prison when Aaron was six years old, on drug and assault convictions. So Aaron was left without a father, and his mother struggled to provide for Aaron and his four sisters. She remarried, but the step-father was an
alcoholic. Aaron felt that he never had a positive role model in his life and that his mother took out her angry resentment on him that she felt toward the men who let her down in her life. Adrift, angry, abandoned, Aaron was on his own for clothes, food, other necessities, but says that he loved school, tried to never miss a day, and graduated from high school with straight As.

Aaron found solace in some friends who accepted him for who he was, yet led him into habits of drinking, smoking weed, and sometimes shoplifting. Aaron remembers times when he shoplifted food to get the first meal he had eaten in days, and recalls how he walked several miles to his high school graduation because his step-father was too drunk to drive him.

One night when Aaron was 19, Aaron and his friends attempted to shoplift some things from a convenience store. The clerk tried to stop them by hitting Aaron in the nose with a telephone. Aaron fought back by taking his belt and swinging it at the clerk. Aaron was caught, tried, convicted, and sentenced to 30 years in prison for aggravated robbery. Yes, the belt was the “weapon” that aggravated his sentence. He had been sentenced to 30 years for aggravated robbery, and the weapon that “aggravated” the robbery was a belt. A BELT! Mistake, of course. Wrongful act, certainly. Survival, likely. Excessive punishment, undoubtedly. Lost soul wandering aimlessly in the wrong places, finding suffering upon suffering, yes indeed.

But Aaron did enough of his time in an entirely satisfactory manner and was released on parole after 14 years in the penitentiary. After three and a half successful years on parole, a serious and extenuating family circumstance in which Aaron chose to sacrifice himself to help someone he cared about get out of a bad situation, Aaron’s parole was violated and he found himself back in prison for another five and a half years. Aaron had simply left the state to rescue his ailing step-father from an abusive situation, failed to report only one time because of this situation, and found himself back behind bars. A prisoner of parole.

Aaron is now on parole for eight more years, with a GPS tracker, only allowing him to be out of his house from 8 am to 5 pm, required to find a job, and never leave the state of Texas. He is having tremendous difficulty getting an ID or
driver’s license, which adds another enormous obstacle in obtaining the necessary employment required by parole.

But Aaron has not let these harsh realities deter him from his dreams. He loves to read, he tells me. In prison, he treasured the opportunity to read as much as he possibly could. He chose to keep gaining knowledge, asserting its power and the freedom it provided him. His focus and passion has been and continues to be criminal law. He has written briefs, motions, read all the codes, and advised many along his path. He told me with great joy that he was enrolled to start in a community college program where he will earn a paralegal studies degree. Aaron wants to work in the law, serving young people much like himself, seeking love and justice with them in a world that is all too often unrelenting in the suffering it brings.

I thanked Aaron for showing us what it means to live free, even when shackled by chains most of us can never imagine. We cannot wait to see what God has in store for you.

So maybe my radical expression of God’s Grace and Love — the Hope of a different way of living, a faith that is willing to be “too radical”, a vision and act that confronts the culture of death we live in with the Spirit of Life — maybe this radical expression was just radical enough. Especially for the poor and oppressed.

Yet in the same breath, why is my journey considered so extreme, so different, so disconcerting to some, and yet hope-filling to others? It pains me that in living out our faith as followers of Jesus, my acts are not just considered the norm. We come from a long line of radical mothers and fathers of our faith. Why is living out a radical faith in Life and Love so gosh darn strange? Why are Christians sometimes the first and often the loudest in efforts to discredit, quiet, and counter a radical faith in Hope and Grace? For this reality, I must ask for your forgiveness and beg for your grace. Forgive us when our limited and exclusive and misleading version of the good news that sits at the center of our faith is more harmful than healing and much, much smaller than is needed. Please do not give up on us. Ultimately, my prayer is that acts such as my own will be the norm for followers of Jesus. I do not want to be “too radical”. “Too radical” should be the way we all live as faithful followers of Jesus.
Although quite surreal, one of my favorite experiences during my 40 Days involved an invitation into the belly of the beast. I have been summoned for jury duty twice in my 16 years of eligibility. Yes, once was during the 40 days I was wearing an orange prison uniform. It is hard not to realize what a keen sense of humor God has when something like that happens. And it is nice to have a leader leading us in levity sometimes as we follow in the resistance to death. So I found myself pondering what to do – do I wear the uniform and show up for jury duty, do I try and get out of it, or maybe just take it off to fulfill my civic duty? I quickly realized that anyone with the stigma of a criminal record cannot take off that stigma, so I kept it on and I showed up. I did, however, have a law professor friend of the judge give them a bit of a heads up. But there I was, in the belly of the beast, in direct confrontation with the system and structures that are so utterly broken and corrupted. It was a strange experience, to say the least.

I walked in a good 5-10 minutes before our reporting time, yet the entire room was full and I had to walk in front of every one of my fellow citizens as I tried to find a seat. I may never have felt heads turning and whispers passing as much as I did at that moment. I ended up in a civil courtroom for voir dire, but for some reason I did not get picked?! However, the message was shared, an awareness of the plight of the people I represented grew, and a power was confronted. One of the other judges was interviewed for a local newspaper article and stated, “Considering that my court deals only with criminal cases, I think any juror attired in an orange jumpsuit who clearly is making a statement about the criminal justice system would be inappropriately attired,” he said. “Everyone has the right to freely express their opinion, but they do not have the right for that opinion to affect the neutrality of a court proceeding.” Needless to say, he was not going to let me in his courtroom. But for all those folks who irrationally and unmercifully are kept from serving on juries because of past mistakes, I was able to speak in a way that helped people listen.

The reality is that, as Michelle Alexander states, “Today a criminal freed from prison has scarcely more rights, and arguably less respect, than a freed slave or a black person living ‘free’ in Mississippi at the height of Jim Crow.” “Ex-cons” or “Felons” or “Ex-offenders” now become part of the one social group in America that
we are free to hate. We can “treat them like criminals”, less than human, unworthy and shameful. Legal discrimination becomes the norm. You are no longer one of “us”, the deserving. Even though you have paid your debt to society, you have been stained. Permanently.

Janice called me one day during my 40 days in Orange. Janice is a young, single mother of three kids. About ten years ago, Janice had a family situation for which she took the fall. Maybe not entirely innocent in the matter, yet sacrificially she accepted responsibility and received a felony conviction. She did 6 months jail time and got out thinking she would start a new life and never look back. For a while she was quite successful in moving forward. She obtained an education to become a dental assistant and then worked for 7 years at the same dentist’s office. Then her grandmother got sick, and Janice again sacrificially left her career and stable life to provide care for her grandmother in her final months.

After her grandmother died, Janice began again to look for work. Surely it will not be difficult, I mean, she had 7 years of successful, faithful service in a field in which she was highly qualified. Sadly, that has been far from her experience. She has now hit wall after wall with employers unwilling to hire her because of her criminal record, even after she has a great interview with them. Once the employers do a criminal background check, many of them just don’t call her back and several state it is against their "policy" to hire applicants with felony records. She has even tried temporary agencies who tell her it is not even worth her time to try. She won’t get hired. One educational program would not even let her apply. All because of a felony record from 10 years ago. Meanwhile, she struggles to pay the bills, keep food on the table, hold her head up high and hide the tears from her kids. As we talked, I had to tell Janice that there is basically nothing I can do to help her. It broke my heart. Again. I wanted so desperately for Janice to hear that she is worthy. She is not a criminal. We should be ashamed, not her. Please forgive us. And allow us to learn from her what true courage and fortitude and strength of spirit are really like. May the world hear Janice’s story so that we may know how tragically we have lost our way. But the opposing messages of self-worth stealing
stigma and legal discrimination are loud. So maybe that is another reason I put on the orange and show up for work every day, to bring another competing message, one of grace and worth and hope.

And there exist countless other ways we criminalize, dehumanize, and oppress the poor and marginalized. One of which I have the blessed opportunity to resist in my daily work at Mission Waco Legal Services. In response to national statistics that reveal 70% of our nation’s households are not being served adequately by our justice system, I went to Waco straight out of Vanderbilt Law School to start a legal services program in a community plagued by poverty (Waco has an almost 30% poverty rate). As overwhelming and terrifying as it was in the beginning (and still is on some days!), I am so grateful to have this opportunity to join the resistance movement in this way as my faith leads me to seek love and justice with my community.

After listening to the community for a few months, I began to home in on three main areas where the following intersected: 1) gaps in services in the community; 2) legal representation that would empower clients and treat them with the dignity and respect they deserve; and 3) areas that I had even the slightest bit of experience with (I still had a lot to learn about how to be a lawyer!). So today, over half of my clients are in the area of immigration law. The closest low-cost immigration legal services program was over an hour and a half away, and this in Texas! It was a huge need, and has been such a huge blessing to me as I have the privilege of working with these wonderful, hard-working, families and communities who encounter with grace and fortitude such a dehumanizing and irrational system and its devastating effects. Although I eventually spent some time blogging about many of my immigrant clients and their experiences with such an unjust and illogical system of laws, I did not begin my experience of advocacy and awareness-building during the 40 Days in Orange with immigrant stories because I knew that in Texas the experiences of “ex-offenders” and even “criminals” would be received more openly than those of the “illegal” immigrants that so many in our part of the world choose to despise and cast aside.

We also provide legal representation in the areas of housing and
employment. The housing issues are mostly related to landlord-tenant disputes, and through which we attempt to empower the clients to mediate disputes, stand up for their rights, and understand their responsibilities, all in efforts to maintain the crucial stability of an adequate housing environment among those all too often taken advantage of and expected to just grin and bear it when suitable conditions seem beyond their grasp.

I have to tell you about one of the wildest experiences I have had to date (and there have been quite a few). I had talked over the phone with a woman whose apartment had been infested with bedbugs and the landlord refused to pay for an exterminator. So, I asked her to come in for a consultation and bring her lease so we could formulate a plan of action. When she arrived and we began to discuss her situation, I saw her reach into her large purse – fully expecting to see her pull out the lease agreement – but instead she hands me a mason jar full of LIVE bedbugs! I quickly told her I most certainly believe you and you can now return the jar to your purse. Let’s just say I was quite motivated for a quick consultation that day.

I also work with clients to help them overcome legal barriers to employment, such as criminal record histories (in the limited situations it is possible) and driver’s license and ID issues. Also, together with a small group of local volunteer attorneys, we provide a monthly legal advice clinic through which the low-income community receives free legal consultations about general civil legal issues. Finally, we provide legal education workshops for the community in attempts to prevent and empower as we inform folks about their rights and responsibilities before the law. And all of these actions with and among our clients and our community enable us to listen for opportunities to advocate on a policy level, such as for local policies concerning a Fair Chance Hiring Policy or Payday lending ordinances or becoming more immigrant friendly or the list can go on and on. And so could I, so I will save further exhaustive details for future conversations.

I do share this to say, that whether it is pulling an orange prison shirt over my head and showing up for jury duty or holding a jar of live bedbugs that a desperate and tormented woman brings to my office, to me my work as a person of faith is perhaps most simply about being there. It is about showing up. Making
ourselves present to others, as we provide those in need with a place to go. Listening when it is hard to hear. Responding even when we don’t feel like it. Putting ourselves out there so others have a place to be loved, to belong, to seek justice, or just plain be who they are, who God created them to be, and turn their backs on the lies the world shouts and whispers about who they are.

I truly believe that life and love win. I trust that the moral arc of the universe does certainly bend toward justice. I count on the truth that what ought to be is far better than what actually is. And I act on this faith in something more, something better, something that leads the way to everlasting life.

So I show up for work because my faith needs to be present, only alive when in action. Wearing an orange prison uniform for 40 days or showing up everyday at work to advocate for the poor and marginalized or listening and bending to the needs of my community, these are my acts of resistance to the ever-presence of death in our world. These acts are how I live into my own humanity as I do what I can to defy anything that steals and kills and destroys the abundant life intended for all creation. Social justice lawyering is a resistance movement, it is the essence of a faith that believes in a Power that is pure Love that stands in victorious opposition to the systems and structures, the principalities and powers standing against love.

But it is really hard at times. I find myself often dealing with a great tension in how I act in ways that faithfully proclaim that life and love win, and yet fulfill my role as a participant in a system hellbent on alienation and punishment and oppression. William Stringfellow reveals the nature of this tension more poignantly than I ever could as he shares, “A critical dimension of this tension occasioned by being a biblical person who works as a lawyer is that the role of legal advocate at once coincides with and interferes with the pastoral calling to which I am disposed charismatically. In that calling, advocacy expresses the freedom in Christ to undertake the cause of another – including causes deemed ‘hopeless’, to intercede for the need of another – without evaluating it, but just because the need is apparent, to become vulnerable – even unto death – in the place of another. By contrast, advocacy in the law is contained within the bounds of the adversary system, with all its implications of competitiveness, aggression, facetious games,
debater’s craft, and winning per se. There have been circumstances in my experience when the advocacy of the Christian in the world coincides with the advocacy of the lawyer (as in the cases concerning the ordination of women), but there seem to be far more instances when the one interferes with the other (as in war resister cases). In part, here, of course, I am pleading within the legal profession for a more holistic approach to clients and cases than that afforded by the adversary system. Yet, more than that, I continue to be haunted with the ironic impression that I may have to renounce being a lawyer the better to be an advocate.” I certainly do not have the answers in response to this tension, and I believe that we will only find them as we act.

Recently, my three-year-old son decided he wanted to fill up a very large bucket with water so he could float his “ducks” in it. So, of course he grabbed the smallest cup he could find and started filling it with a little bit of water and pouring it into the large bucket. Then he enlisted me into his endeavor. Worn out at the end of a long day, I tried to make excuses, “You don’t need to do that”; “It’s going to take forever”; “Daddy’s tired. Let’s do it some other time”. You know the drill. But he kept going, with or without me, unswerving in his commitment to fill an entirely too large bucket with one small cup of water at a time. He won me over. And as I got up to turn on the water hose for him, I realized, “This is what justice work is like. My son just manifested to me what faith in action is all about.” No matter how trivial and futile it seems, every small cup of love that we seek and share is just another in the soon to be overflowing Bucket of Life that I most definitely believe in.

There is no doubt that seeking justice can be overwhelming at times, actually most of the time. It is wearisome to constantly follow our faith into direct confrontation with the beasts and dragons that stalk and slay. They may win more than we would like, but in the end, and for always, the victory is ours. With hope in justice, for life and love, we believe, we trust, we have faith. So we act. There is nothing else. And when we act, we act victoriously, now and forever, one cup at a time.