



THE ELEPHANT IN THE COURTROOM:

RACISM AND CRIMINAL JUSTICE IN NORTH CAROLINA

A CURRICULUM FROM
THE NORTH CAROLINA COUNCIL OF CHURCHES

This curriculum builds on "The Elephant in the Courtroom: Racism and Criminal Justice in North Carolina," a policy paper developed by the North Carolina Council of Churches' 1999-2000 Task Group on Racism and Criminal Justice in North Carolina. The policy paper has been disseminated among policy makers, judges, prison officials, and the media. The Task Group holds, however, that needed change will not happen until ordinary citizens, informed by a sense of fairness as well as an understanding of the nature of community and the power of forgiveness, demand equity in the administration of justice in our country. The curriculum addresses itself to adult education groups in congregations and workshop leaders at ecumenical and denominational meetings. The packet is self-contained and requires only that the leader copy some of the individual readings for the number of participants at the session.

Goals: *(to be shared with participants before the sessions)*
Belief in community and forgiveness underlies the Christian approach to many moral and social issues. We will approach this belief biblically and experientially, aided as well by the North Carolina Council of Churches (NCCC) policy paper, "The Elephant in the Courtroom: Racism and Criminal Justice in North Carolina."

Five-session curriculum 2

Work sheets to accompany curriculum 7

NCCC policy paper, "The Elephant in the Courtroom" 10

Curriculum evaluation form 16

Some actions for Churches and their members back cover

The Elephant in the Courtroom:

A Curriculum on Racism, Criminal Justice, and Restorative Justice

Thanks to curriculum expert Brian Ammons and sociologist Dr. Rhonda Zingraff for the gift of their work on this. Thanks also to the Z. Smith Reynolds Foundation for a generous grant that allows us to offer it to you without cost. For more information, contact Sister Evelyn Mattern, Program Associate, N.C. Council of Churches, 1307 Glenwood Ave., Suite 162, Raleigh, NC 27605, (919) 828-6501, EMattern@nccouncilofchurches.org.

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Session One:
Community

A sense of community helps us to grapple with moral and social issues like racism and criminal justice. Community bonds make us care about the norms and values of a community.

Objective: Participants will be able to identify the defining criteria of community.

Activities: (35-45 minutes)

Step 1: Listing (10 minutes)

Focusing Questions (Read aloud and/or post on the wall): What elements make a community? Where in your life have you felt that community securely existed for you?

- Split the participants into groups of two to five people.
- Instruct groups to respond to the questions on large sheets of paper that can then be posted on the wall.
- Each group should try to come up with a number of responses (20 is a good goal). Identify repetitions and eliminate them.

Step 2: Reflecting (20 minutes)

Focusing Question: Does racial and economic inequality interfere with the workings of community that you listed in Step 1? In what ways?

- List on the wall phrases for the responses.

The leader can prompt these responses with further questions, like "Are there parts of town where you feel uneasy?" "Are there churches you wouldn't feel comfortable attending unless invited for a special service?" "Are you conscious of needing to take safety precautions at any particular time or place?"

Step 3: Generalizing (5-10 minutes)

Focusing Questions: Based on what is now posted on the wall, what can we say about community? Would it be more accurate to say we have many communities rather than one?

- Have participants form thoughts into sentences as much as possible. Record approximately five sentences on board or poster.

If time permits, it may be beneficial to try this first in small groups and then compile a list for the large group. Keep these statements posted for the remainder of the discussion and bring them back so they can be referred to in the next four sessions.

Biblical Reflections: (5-10 minutes)

Deuteronomy 24:17-22 (strengths and weaknesses of community)
Acts 4:32-35 (early Christian community)
1 Corinthians 12:12-31 (Christ as body)

What common themes appear in these scriptures? What are the signs of community here? How do our statements about community relate to the ideas presented in these scriptures? Is community more than the marketplace or the body of law that governs us?

Closing Prayer:

Creator God, we give thanks for our communities and the joys and challenges they present us on our journey. Help us to be mindful of the needs and experiences of all members of our communities. Aid us as we move toward one beloved community made of meaningful relationships and interdependence. Amen.

Session Two:
Healing Communities/Healing Lives

Strong communities build strong individuals.
Fractured communities lead to fractured lives.

Objective: Participants will be able to understand how poverty, race, and crime impact upon and are impacted by communities. As people of faith, they will see that they have some responsibility for how their communities are working.

Activities: (35-45 minutes)

Step 1: Recalling (10 minutes)

Focusing Question: What were the scripture readings that we heard last week? What did we conclude about their relationship to our statements about community?

Have available on the wall the five sentences or statements expressing generalizations about community arrived at last week.

Step 2: Linking to our Purpose (20-30 minutes)

Focusing Texts (from the NCCC paper on pp. 10-15):
Introduction to the paper
Racism and the Role of Poverty section

Copies of these sections of the text should be provided for each student to read at this point.

Questions for Discussion:

- Reflect on the readings and our generalizations about community. Do they intersect? What is implied about our role in addressing the issues raised in the NCCC document?
- Can you think of a time when a fractured community hurt or a good community helped to heal? Be as specific as possible.
- Do we rely on the criminal justice system because we don't have strong communities?

Record three or four key comments on the wall and keep for future sessions.

Biblical Reflection: (5-10 minutes)

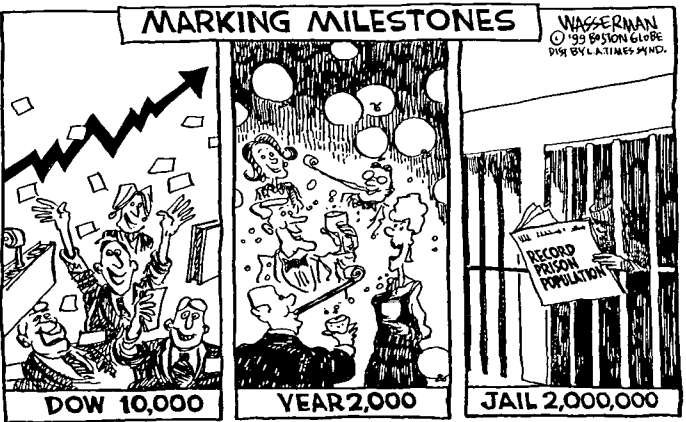
Genesis 4:8 (Am I my brother's keeper?)

How do our statements about community and our comments on the NCCC texts apply here?

To prompt the discussion, the leader could read this selection from Alan Wolfe's *Who's Keeper*: "When uncertainty about how to treat others is compounded by a greater number of others to treat, moral obligations under modern conditions become ever more complicated.... Modern people need to care about the fates of strangers, yet do not even know how to treat their loved ones." The leader could then ask, "What can we as Christians do to express care and concern about the fates of strangers?"

Closing Prayer:

God, who walks with us on this sacred earth, where "justice is love expressed through structures", help us as believers and lovers to find ways to express our love and concern about the fates of strangers, who are in some sense part of our community. Amen.



Session Three: Forgiveness

As a culture and as individuals we struggle with forgiveness. Many of our problems in the criminal justice system relate to this struggle. In this lesson, we examine the power of forgiveness in our personal lives and attempt to link it to the potential power of forgiveness on a societal level.

Objectives: Participants will be able to understand the link between forgiveness on a personal level and forgiveness on a societal level. They will comprehend the work for restoration as part of the on-going struggle of forgiveness.

Activities: (25-45 minutes)

Step 1: Present the Dilemma (10 minutes)

- Distribute copies of "Mary's Return" (p. 7) to all participants. Students may read it quietly, or the leader may read it aloud.
- After the reading, check for understanding. Have students summarize the story, identify the principal characters, and describe the alternatives open to the main character.

Step 2: Role Play (10-15 Minutes)

Ask four participants each to play one of the characters in the story: Mary, her mother, her sister, and the probation officer. Ask each character to explain his or her position and what each thinks the sister should do, and why. Record on the wall their various positions and ask other participants for additional viewpoints.

Suggested questions to aid in starting the discussion:

Would you play any of the characters differently? If the sister doesn't reach out to Mary in the way the mother desires, are there other ways to forgive? What actions are most likely to end the cycle of hurt and accomplish restorative justice? What does this family need from the larger community?

Step 3: Reevaluate individual opinions

- After the large group discussion, take a few minutes for participants to think about how their initial response may have changed.

Provide time for sharing.

- Ask participants to consider how their response might have been different if Mary were not their close relative. Read the following passage aloud and discuss what it has to say about forgiveness in our criminal justice system:

"The criminal justice system does not forgive. It establishes a length of time to serve in prison. When that time is served, the individual is released. There is no attempt to evaluate the sentence's effectiveness to change internal attitudes or to assist spiritual and emotional growth. There is no forgiving and no forgiveness. Ultimately, the high levels of recidivism that the U.S. faces are a measure of the low effectiveness of our criminal justice system.

Desmond Tutu, who has attempted to bring healing to his wounded country, has told fellow South Africans, 'Where there is no forgiveness, there is no future.'

That future, that hope, can only come from restoring the hearts of individuals and the peace of the community."

Robin Crawford, Presbyterian Criminal Justice Sunday Program Guide, February 14, 1999

Biblical Reflection: (10 Minutes)

Matthew 18:21-35 (why we forgive)

Luke 15:11-32 (the prodigal son)

Why is it that Jesus tells us we must forgive seventy times seven times? Who is the prodigal son today? What might the family do to keep the son restored to the family after the party is over?

If someone does not point it out, note that "Mary's Return" is an updating of the prodigal son story.

Closing Prayer:

Creator God, teach us how to forgive as you forgave us. Help us as we learn to broaden the circles of our forgiveness and to find imaginative ways for structures as well as individuals to be forgiving. Amen.

Session Four: Forgiveness Is A Two-Way Street

Now that we have considered the issues of community and forgiveness, we are better prepared to look more closely at the racism that exists in our criminal justice system. It is important in this discussion that we not lose sight of what we have learned in the previous sessions.

Objectives: Participants will be able to identify the racism that infuses our criminal justice system. Participants will be able to understand the Jubilee "release of prisoners" as a call to set right the injustices that grow up in a society.

Activities: (35-45 minutes)

Step 1: Statistics (5-10 minutes)

- Give each participant either the RACISM FACTS sheet (p. 8) or the COMMUNITIES AND FORGIVENESS diagram (p. 9), and a pencil and blank piece of paper. Ask participants to read the sheets quietly and take a few minutes to respond. The sources of the racism statistics are noted in the NCCC paper.

They may respond by writing about their feelings, identifying questions that the information raises, or even drawing. All forms of response are welcome.

- Have the participants group together with those who had the same sheet. In small groups, share responses.

Step 2: Group response and Sharing (15-20 min)

- As a group, read the section of the NCCC paper that the RACISM FACTS were pulled from (p. 10).
- Ask each small group to develop an image* to describe the issue itself and their response to it. The image can be conveyed through art, writing, or drama (be sure to provide paper and markers). After small groups have developed

images, ask them to share with the whole group.

**Example: The title of the NCCC paper, "The Elephant in the Courtroom," conveys an image. Encourage participants to develop images that reflect the thoughts and feelings that came up in their discussions.*

- As the facilitator, help the groups make the connections between these presentations and the three previous sessions. Read aloud the NCCC paper, The Council's Concern section, paragraphs 1-3, on p.13. Give the participants an opportunity to reflect and respond to the reading.

Step 3: Biblical Reflection (20 minutes)

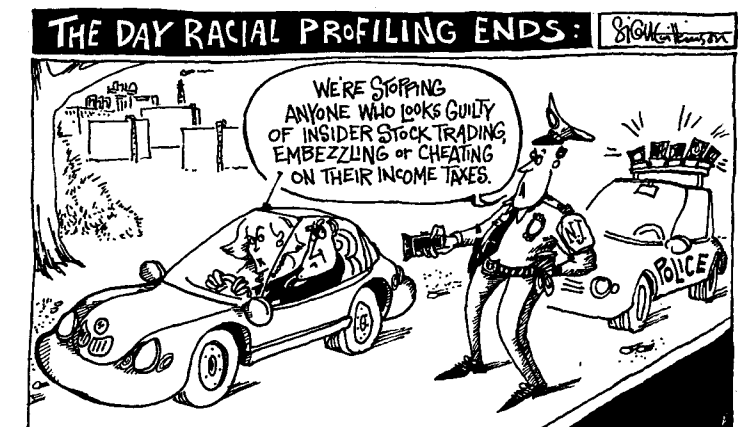
Leviticus 25 (Jubilee)

Luke 4:18 (Jesus' Jubilee mission)

How does the notion of a Jubilee year link to our discussion? What implications do these passages have for our relationship to both prisoners and the criminal justice system?

Closing Prayer:

O God, who has forgiven our offenses seventy times seven and who has bestowed abundant blessings upon us, we ask for the open hearts and creative spirits to enable us to find ways to forgive both those who have benefited from the injustice of social structures and those who have suffered or been punished as a consequence of them. Amen.



Session Five:
Action for Justice

With prayer and guidance, we can respond appropriately to the social injustice of racism in the criminal justice system.

Objectives: Participants will be able to complete their study of racism and the criminal justice system by committing to an action that addresses some aspect of the problem.

Activities: (35-45 minutes)

Step 1: Recalling (10 minutes)

Remind the participants of Luke 4:18, and the Jubilee text Jesus recalls as part of his mission “to release the prisoners.” How can this mission be interpreted today in the light of what we have learned in previous sessions?

Step 2: Action Plan (25-30 Minutes)

- Have participants each propose at least one action that your church community could take in response to the racism in the criminal justice system. Record the proposed actions on the wall.

Depending on time constraints and the number of participants, it might be beneficial to work in small groups and then share their ideas. Be prepared to distribute the ACTIONS FOR CHURCHES sheet (back cover) if participants struggle to identify appropriate actions.

- Have all participants read the NCCC strategies (pp. 13-14) in the Council’s Concern section. Discuss the similarities and differences between the list the participants generated and the list in the paper. Take time, if appropriate, to modify the participants’ list in consideration of the NCCC strategies.

Biblical Reflection: (5-10 minutes)

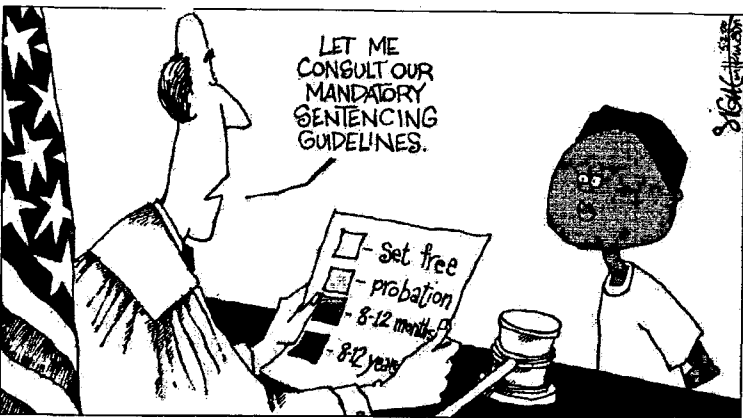
Isaiah 58: 5-12

Matthew 25:34-40

Are these texts an appropriate ending to our study? Why or why not?

Closing Prayer:

God of us all, we thank you for the opportunity to learn together, and we pray for the strength to carry what we have learned into action on behalf of others. Amen.



Mary’s Return

“Hello?” You check the clock as you pick up the phone. Who on Earth could be calling at 5:00 AM on a Saturday morning?

“She’s back!” you hear your mother squeal.

“What?” you respond groggily.

“Mary! She came home!” Just what you needed. After ten years, your younger sister showed back up.

Mary ran away from home when she was sixteen. She’d always partied hard and run with a rough crowd. She spent several months in juvenile detention and was still on probation when she left the state. Before leaving home she stole the VCR, television, and your great-grandmother’s silver. The money she got for them had been enough to get her to the West Coast with a man she met in the parking lot of a local bar. When the rent was due she called your mother, who wired money that afternoon.

And with that the pattern was established. The little bit your father had left when he died was eaten away by your sister’s reckless living. Every six months or so another phone call would come. She was never in the same place for long, she never came to visit, and when your mother resisted sending the money Mary would weep and howl or scream and threaten her.

Meanwhile, you got married and built a house two blocks away from your mother. When she was diagnosed with cancer, you took a leave from work and stayed at her bedside. You watched as the inheritance was sent off to Mary bit by bit, and you had to help cover the cost of health care.

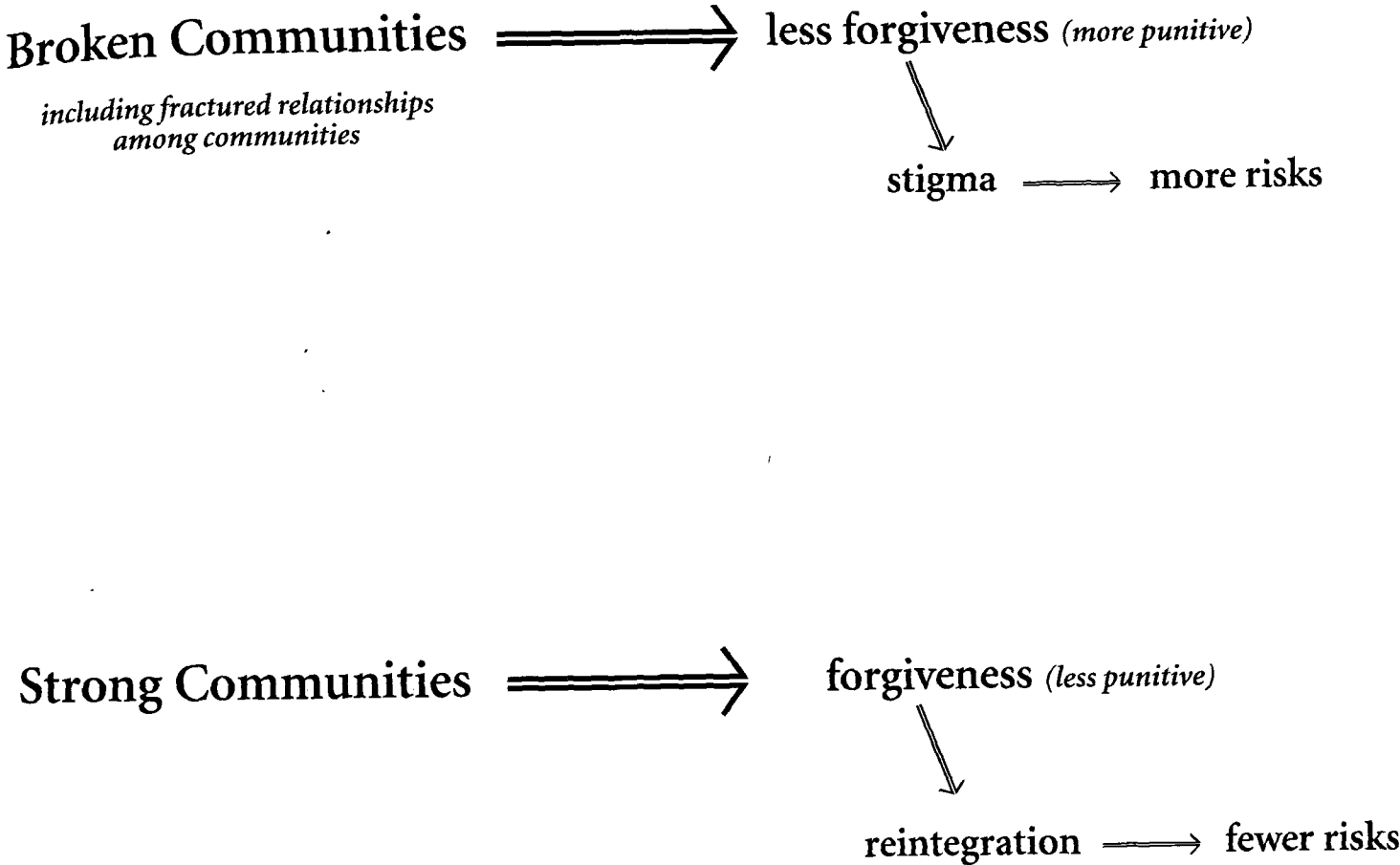
Pregnant and hung over, your sister shows back up on the front porch of the house you were raised in. And your mother, she’s planning a Baby Shower! A huge party for the whole family and half the town to celebrate wonderful Mary’s return. She wants you to come over and help with the planning, “Oh, and we’ll need to get Mary to see your doctor friend...and could you pick up some sausage biscuits on the way over? She’s just starving.”

In the drive-thru lane at the fast food restaurant, you are overwhelmed with anger and frustration. All these years and you never asked for a thing, took care of all her needs, and you hardly get a “thank you.” But Mary, selfish and embarrassing, comes home, and we throw a party. As you pull out of the restaurant you consider which way to turn on Main Street, to the left which will take you to your mother’s, or to the right which will take you home, possibly to call Mary’s probation officer. “I just don’t know if I can do this,” you say aloud. Your mother would surely understand...

Which way do you turn?

Racism Facts

- Nearly half of North Carolina's prisoners were convicted of drug crimes and property crimes related to drugs. 67% are minorities, predominantly young, African-American men.
- At current levels of incarceration, a black male in the U.S. has a greater than 1 in 4 chance of going to prison in his lifetime.
- In 1995, nearly 1/3 of African-American males in the U.S. between 20 and 29 years of age were under criminal justice supervision on any given day.
- Since the 1970's the percentage of black males being admitted to federal and state prisons relative to whites increased from 35% to 55%, despite the fact that the percentages of blacks and whites arrested for violent crimes remained stable.
- From 1988 to 1999, the N.C. prison population increased by 43% for whites, but 100% for blacks.
- A black youth is 6 times more likely to be locked up than a white peer, even when charged with a similar crime and when neither has a criminal record.
- Racist influences in the imposition of the death penalty in the U.S. have been documented in both its history and its current use.



Adapted from Crime, Shame, and Reintegration. John Braithwaite. Cambridge University Press, 1989.

The Elephant in the Courtroom:

Racism and Criminal Justice in North Carolina

A report of the North Carolina Council of Churches
Task Group on Racism and Criminal Justice

In 1940, the North Carolina Council of Churches lamented the fact that nearly half of North Carolina's prisoners had been admitted for alcohol abuse. In 1941, the Council denounced the lack of rehabilitation programs and called for probation for many prisoners: "It costs only a fraction over 11 cents a day to supervise a probationer while it costs almost \$1 a day to keep a prisoner in one of our road camps."¹

Sixty years later, nearly half of our state's inmates are imprisoned for crimes stemming from substance abuse, and rehabilitation programs are yet lacking.

We must once again address the waste epitomized in the North Carolina criminal justice system. Since 1940 the Council has worked to make the system more just through legislative changes, to provide chaplains and encourage volunteers in prison, and to promote alternative punishments to prison. We have also supported efforts to reduce poverty and to improve education, health care, and social services that keep people from committing crimes.

We now must proclaim, however, that North Carolina's criminal justice system does not serve the needs of our community. Its most obvious problems are the size of the prison population and the "elephant in the courtroom," the racism that fuels that population. The magnitude of human suffering and the racism undergirding it make the prison-industrial complex a "structure of sin," a human institution that fails to recognize the image of God in every person.

The Problem Is Racism

Like many states, North Carolina has chosen to solve both criminal and social problems with prison. It has done a better job than most states in matching its sentencing policies to the available resources so that prison overcrowding is not the crisis in North Carolina that it is in other states. Nevertheless, longer time served in prison for many offenses, combined with mandatory prison terms in some felony categories, has contributed to a 53 percent increase in North Carolina's prison population in the 1990s. This growth will continue to be boosted in future years by dramatic increases in time-served for offenders convicted of the most serious offenses. By June 30, 1999, our state held 32,000 persons in prison. This number does not include local jails, which had a 1999 daily average of 13,250 inmates, juvenile training schools with a daily average of 839, and juvenile detention facilities, which admitted 900 juveniles in 1998.²

Nearly half of the state's prisoners were convicted of drug crimes and property crimes related to drugs. Many have substance abuse problems. And 67 percent are minorities, predominantly young African-American men.³

Racism is endemic in the criminal justice system. A recent study of racism and the law concludes that politics cannot be eliminated from the criminal justice machinery, so the relationship between the two must be better understood. For many whites, the concept of institutional racism remains difficult to grasp. "Dominant in the society and bred on notions of rugged individualism, equal opportunity, and equity before the law, many white Americans simply find it impossible to

envision any institution being saturated with racial bias. Yet this is the inevitable outcome of a society that evolved for centuries as separate and unequal. Even arrangements that are designed without race in mind can have racial implications if they are created in circumstances where whites are insiders and blacks are outsiders."⁴

At current levels of incarceration a black male in the United States today has a greater than 1 in 4 chance of going to prison during his lifetime.⁵ In 1995, nearly one in three (32.2 percent) of African-American males in the U.S. between 20 and 29 years of age were under criminal justice supervision on any given day — in prison or jail or on probation or parole.⁶ The high proportion of African-Americans in our prisons cannot be explained merely by higher crime rates among African-Americans. Percentages of blacks and whites arrested for serious violent crimes have remained stable through the 1970s, 1980s, and early 1990s, but in the same period the percentage of black males being admitted to federal and state prisons relative to whites increased from 35 percent to 55 percent.⁷

In North Carolina, the gap between the number of minorities and the number of whites in prison has likewise widened dramatically in the last decade. In 1988, the resident white male prison population was 6,574; the black male population, 9,375. In 1999, whites were 9,408, a 43 percent increase. Meanwhile, the black population grew to 18,811, a 100 percent increase.⁸

Few claim the disparities result from widespread conscious racial prejudice. Instead, as a study of New Jersey superior court judges and court managers put it, "small increments of discrimination against minorities at each step of the justice process" (arrest, setting bail, prosecutorial decisions regarding charges to be brought, jury verdicts, sentencing) account for the sometimes dramatic imbalances.⁹

Recent news articles about North Carolina state troopers and law enforcement officers in other states making arrests for the offense of "driving while black" or otherwise racially profiling prospective law breakers have highlighted the disparity in arrest rates of minorities. In the U.S., a black youth is six times more likely to be locked up than a white peer, even when charged with a similar crime and when neither has a prior record.¹⁰ National studies show that some police believe race provides a legitimate basis to suspect a person of criminal behavior.¹¹

Studies also show the disparities in bail. Minorities pay higher bail, are more likely to be incarcerated before trial (and thus less likely to be able to mount a vigorous defense), and receive less favored treatment in plea bargaining.¹² Once in prison, members of minority groups are less likely than white prisoners to have access to treatment programs.¹³

Punishment vs. Treatment

In North Carolina, notable disparities show up in the differences in probation and imprisonment for certain crimes. Comparing punishments for Drug Trafficking, Drug Non-Trafficking (possession), and DWI for both whites and blacks is revealing. White and black probationers for the three crimes are nearly equal in number (more than 18,000 each), but blacks sent to prison for the same three categories are nearly four times the number of whites (4,080 to 1,411).¹⁴ All things being equal, one would expect the same ratios of blacks and whites in prison as on probation for similar offenses. It does not work out that way.

By far the largest number in NC prisons for these three crimes is the number of blacks convicted of drug possession (not trafficking). National data shows that, while African-Americans constitute only 13 percent of monthly drug users, they represent 35 percent of arrests for possession, 55 percent of convictions, and 74 percent of prison sentences.¹⁵ A recent Human Rights Watch study finds that "Black men in North Carolina were sent to prison at 27 times the rate of the state's white men for drug crimes in 1996, even though their relative drug-use rates were similar."¹⁶

Most whites convicted of crimes in these same three categories have been charged with DWI, and most of them receive probation. The difference between the treatment of blacks and whites in

these classes of offenses is simply one example of how small differences at the various stages of the criminal justice process may not be intentionally racist but nevertheless add up to racist consequences. If we saw both drug and alcohol abuse as public health problems that require treatment and not only punishment, with treatment provided for all abusers, the problem of racial inequity would diminish.

Racism and The Role of Poverty

Although less than their numbers in prison would imply, more minorities than whites do commit street crime. The broader social context helps explain the disproportion. Over the last three decades, "a large segment of the African American male population has become more economically marginalized and socially isolated from the mainstream of American society."¹⁷ Globalization of the economy and the resulting loss of industrial jobs, movement of jobs from cities to suburbs, a deregulated business environment marked by the growing presence of women and immigrants in low-end service jobs: these and other economic factors have contributed to dramatic increases in unemployment and underemployment among African American men.

Also, "get tough" education policies like tracking by abilities, grade retention, increased reliance on standardized tests, and extreme disciplinary sanctions have educationally disenfranchised large numbers of minority youth.¹⁸ In Wake County, only 42 percent of black males entering high school in 1994-95 graduated four years later; in Durham, only 30 percent; in Chapel Hill-Carrboro, only 31 percent.¹⁹ Where can we expect large numbers of high school dropouts to work in the high-tech Triangle job market? Many of them are destined to dwell in what has been aptly called the "national poorhouse," prison.²⁰

Racism and The Death Penalty

Of the 202 prisoners on North Carolina's death row, 61 percent are minorities. In our state, 80 percent of the people executed between 1910 and 1961, when the death penalty was suspended by a U.S. Supreme Court ruling, were black. Fifteen people have been executed since executions resumed in North Carolina in 1984. Fourteen of them were convicted of killing white persons, even though more blacks (55 percent) than whites (42 percent) are murder victims.²¹

Nationally, research confirms that, "in part as a result of the political pressures under which prosecutors operate and partly as a result of prejudicial attitudes of white jurors," those convicted of killing whites are four times more likely to be sentenced to death.²² Death row is the ultimate product of institutional racism.

In 1984, the U.S. Supreme Court ruled that statistical evidence of bias in death sentences may not be used in a particular case, but it invited state legislatures to look at the issue. After his retirement, Justice Lewis Powell regretted his ruling against the use of statistical evidence. Recently, law school students in Illinois demonstrated the innocence of a number of prisoners on death row, and the governor declared a moratorium on the death penalty until greater safeguards can be established. These events have fueled a moratorium movement nationally and in North Carolina. Advocates for the moratorium see racial bias as a factor contributing both to the false conviction of the innocent and to the arbitrary application of this ultimate penalty for the guilty.

Racism and Private Prisons

The prison-industrial complex has become a growth industry. The Corrections Corporation of America and Wackenhut, two companies that run private prisons in North Carolina, are top performers in the stock market. Their profit-taking requires that prison beds be occupied. The higher their prisons' occupancy rates, the greater the profit margins. Paid per diem per prisoner, private prisons can make money by cutting staff, salaries and benefits, staff training, and programs for pris-

oners.²³ The fewer the programs, unfortunately, the more likely prisoners are to return to crime after their release.

We question the morality of companies and shareholders making money from the incarceration of others. We also question the morality of new prisons, public or private, being touted as economic boons in the underdeveloped areas of our state. Inmates are too often minorities, poor, undereducated, substance abusers, or mentally ill. They need education, job training, drug and alcohol programs, and quality health care. These programs are generally more available in the more resource-rich communities. Inmates must have access to them if they are to learn how to help themselves and contribute to the general welfare after release from prison.

The Council's Concern

The year 2000 has been declared a Jubilee year by churches throughout the world. The ideal of Jubilee originates in chapter 25 in the biblical book of Leviticus, which mandates that every 50th year be a time of sacred rest for the land. Land should also be returned to its original owners, debts forgiven, and slaves set free. Jubilee's purpose is to rectify inequities that build up over time in societies. In Luke's Gospel (4:18-19), Jesus takes up the Jubilee mission when he announces he has come "to proclaim liberty to the captives, and release to the prisoners; to proclaim the year of the Lord's favor."

The Jubilee movement has prompted the U.S. and other governments to forgive some debts of the world's poorest countries. North Carolina religious leaders have also called for a Jubilee in our state.²⁴ Among other goals, Jubilee seeks "release to the prisoners" with a view to increasing our own long term sense of security and peace as a society.

We acknowledge that some violent persons must be kept incarcerated for the public's safety. On the other hand, we recognize that our prisons are schools for crime that return to society those who have been severely punished but not taught the skills to live productive lives.

Offenders should be accountable for their actions, but stigmatization heals no one, neither the target nor the source. Unrelenting punishment shows a lack of forgiveness that corrupts us all. The unforgiving person and the unforgiving society do not experience peace or even health.

Some will call us naive, but we see ourselves as more foresighted than those who would close their eyes to the future. We care about the next generation that will live with the ever more violent consequences of our current harsh and racist policies. We have confidence that with good will and ingenuity we can construct a system of restorative justice that balances the need for the community's safety in the short term with its security in the long term. We believe the combined efforts of political, economic, educational, medical, and religious leaders can accomplish this vision. Towards changing those policies, and our attitudes, we recommend:

- A blue ribbon commission appointed by the governor to re-direct our criminal justice system from the goal of punishment to the goal of restorative justice. We have confused accountability with incarceration. New methods of incorporating accountability with rehabilitation and restoration for victims and the community are already working at the edges of the system. Let us bring community sentencing programs, mediation, and other alternatives from the margins to the center of the N.C. criminal justice system.
- A return to viewing drug and alcohol abuse as a public health challenge, not only a criminal justice problem. The goal of reducing harm mandates enough treatment facilities both outside and inside prison that all addicts who wish to do so can overcome their habits.
- The revision of North Carolina's structured sentencing laws in order to divert more non-violent drug offenders from prison cells to treatment centers.
- A ban on the construction of private prisons in North Carolina. More available beds lead to

larger numbers in prison. Given current trends, most of those filling new beds will be minorities.

- Professional training in community policing for all law officers.
- The elimination of racial profiling by law officers.
- A moratorium on the death penalty.
- In the schools, an end to the use of expulsions and long term suspension as punishment; and the provision of well-funded programs, academically and physically challenging, for students in trouble.
- Work programs for local youth that focus on rebuilding blighted neighborhoods and building infrastructure in rural areas.²⁵
- Sermons preached in every North Carolina church against racism and on the compassionate administration of justice to offenders and victims.
- Criminal justice and racism studied in the churches' religious education programs. (One model curriculum is available from the North Carolina Council of Churches.)
- Religious congregations, experienced in re-settling refugees and assisting the homeless and those leaving welfare, using their skills to help men and women getting out of prison who need similar assistance.



In the Jubilee Year, at the threshold of the new millennium, we are members of the North Carolina Council of Churches Task Group on Racism and Restorative Justice in the Criminal Justice System [organizations for purposes of identification only]:

Reverend G. I. Allison, Executive Secretary, North Carolina NAACP
Father William Paul Austin, Episcopal Church, Diocese of Western North Carolina
Father Arthur Calloway, The Episcopal Diocese of North Carolina
Reverend John Causey, First Presbyterian Church, Smithfield, N.C.
Reverend J. F. Cummings, Associate Director, North Carolina Conference, United Methodist Church
Reverend James Graves, Memorial United Methodist Church, High Point, N.C.
Ms. Velinda Hardy, Calvary Episcopal Church/Deacon Formation Program
Mr. Calvin Hefner, TSSF, Chaplain, The Episcopal Diocese of North Carolina
Mr. Tye Hunter, United Church of Chapel Hill, N.C.
Sister Evelyn Mattern, North Carolina Council of Churches
Ms. Lao Rubert, Carolina Justice Policy Center
Mr. John Russell, Unitarian Universalists, Morehead City, N.C.
Reverend Harry A. Smith, Western N. C. Conference, United Methodist Church
Sister Maxine Towns, Roman Catholic Diocese of Raleigh
Dr. Rhonda May Zingraff, Meredith College
and members of The Pulpit Forum, Greensboro, NC

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- 1 We Come Together by Working Together: The First Fifty Years of the North Carolina Council of Churches (Raleigh, NC, 1985), 90.
- 2 N.C. Sentencing and Policy Advisory Commission, 1999.
- 3 N.C. Department of Corrections Annual Statistical Report, 18.
- 4 Gail Williams O'Brien, The Color of The Law: Race, Violence, and Justice in the Post-World War II-South (University of North Carolina Press, 1999), 3.
- 5 U.S. Bureau of Statistics Special Report, 18.
- 6 The Sentencing Project.
- 7 In Jerome Miller, Search and Destroy: African-American Males in the Criminal Justice System (Cambridge University Press, 1996), 60.
- 8 N.C. Sentencing and Policy Advisory Commission, 1999.
- 9 In Miller, 61.
- 10 Youth Law Center study by The National Council on Crime and Delinquency, in The [Raleigh] News and Observer, 26 April 2000, A8.
- 11 The Real War on Crime: The Report of the National Criminal Justice Commission, ed. Steven R. Donziger (Harper, 1995), 109.
- 12 The Real War on Crime, 112.
- 13 Terry Kupers, Prison Madness: The Mental Health Crisis Behind Bars and What We Must Do About It (Jossey-Bass, 1999), 111.
- 14 N.C. Department of Correction, April 2000 Web Page. Data on Hispanics not kept separately.
- 15 In The Real War on Crime, 115.
- 16 The [Raleigh] News and Observer, 8 June 2000, A3.
- 17 James H. Johnson, Jr., Walter C. Farrell, Jr., and Marty Sapp. "African American Males and Capital Murder: A Death Penalty Mitigation Strategy," Urban Geography 18.5 (1997), 411.
- 18 Orfield, in Johnson et al., 416.
- 19 The [Raleigh] News and Observer, 22 December 1999, 4B.
- 20 Ronald Goldfarb, "Prisons: The National Poorhouse," The New Republic, 1 November 1999, 15.
- 21 The [Raleigh] News and Observer, 15 February 1999.
- 22 Johnson et al., 403-33.
- 23 Eric Schlosser, "The Prison-Industrial Complex," The Atlantic Monthly, December 1998, 63.
- 24 The Church Council Bulletin (Raleigh, NC), January 2000.
- 25 The Pulpit Forum, "Jubilee 2000" (Greensboro, NC, 1998), 10.

Curriculum Evaluation:

Please respond to the following questions and return this form to the North Carolina Council of Churches, 1307 Glenwood Ave., Suite 162, Raleigh, NC 27605.

Were the curriculum materials useful in generating discussion in your church about racism in the criminal justice system?

Were the lesson materials appropriate for use without major revision?

Were the instructions accompanying lessons clear?

Which of the activities in the curriculum did you (or your group) find most meaningful?

If you were to use these materials again, what changes would you make?

Did your church group commit to any follow up actions following the unit? If so, what actions?

How could the NCCC support you in your efforts to follow through with these actions?

Would you, or a member of your group, be interested in participating in an NCCC sponsored network to support local action in addressing issues of racism in the criminal justice system?



Name:

Address:

Phone:

e-mail:

Some actions for churches and their members

Local and hands on efforts

Become a community volunteer for a prisoner by contacting a local prison unit. You will visit, correspond with, and perhaps take the prisoner out on occasion.

Join a group that visits and/or leads bible study or retreats in prisons. Three such groups in North Carolina are Yokefellow Prison Ministry (POB 10094, Salem Station, Winston-Salem, NC 27108, 336-924-9801), Prison Fellowship Ministries (POB 98356, Raleigh, NC 27624, 1-800-445-5244), and Kairos prison retreat ministry (Jimmy Stallings, POB 269, Edenton, NC 27932, 252-482-8646).

Volunteer with a local criminal justice or mentoring agency. Some examples are:

- a half way house that equips prisoners to survive outside prison (for example, TROSA in Durham)
- an alternative sentencing program that gives offenders a chance to stay in the community with supervision and offers job skills and treatment when needed. Contact the nearest courthouse to find out about such programs in your community, or contact the Carolina Justice Policy Center (POB 309, Durham 27702-0309, 919-682-1149) for that information.
- a local mediation center that trains volunteers to work in resolving conflicts outside the courtroom and works towards restorative justice. Contact your local courthouse, or contact the Mediation Network of NC, POB 241, Chapel Hill 27514-0241, 919-929-6333, mnnc@igc.org for that information.
- People of Faith Against the Death Penalty that works within churches to witness to the immorality of the death penalty (PFADP, 157 ½ E. Franklin St., Suite #3, Chapel Hill 27514, 919-933-7567). If there is not already a chapter in your community, begin one.
- a court watch program. Outside observers taking notes in the courtroom can make a difference in how events proceed. For information on beginning a court watch program in your area, contact CourtWatch, 921 Sixth Ave., Anchorage, Alaska 99501, 907-278-0989.

Public policy efforts

Become a member of a group that monitors criminal justice legislation and attempts to influence it for restorative justice. Two such groups are The Carolina Justice Policy Center [see above] and the North Carolina Council of Churches legislative action program, 1307 Glenwood Ave., Suite 162, Raleigh, NC 27605, 919-828-6501, email: nccofc@nccouncilofchurches.org

The first is a secular agency that focuses on criminal justice legislation; the second is a religious agency that works on legislation related to many aspects of human rights and welfare, including criminal justice. Both groups have newsletters with timely advice on proposed legislation.

A relatively new effort is the Restorative Justice Working Group that advocates for restorative justice efforts. It is at 704-521-6051.

Reminder: Most individual and church efforts to heal fractured communities, especially the fractures of racial and economic inequality, are likely to impact in a positive way on the criminal justice system.