

1 The Board of Directors recommends this resolution be sent to a Committee of the General
2 Synod.

3
4 **DISMANTLING THE NEW JIM CROW**
5 **A Resolution of Witness**
6

7 **Submitted by Central Atlantic Conference, Florida Conference, Illinois Conference, Maine**
8 **Conference, Michigan Conference and the New York Conference**
9

10 **SUMMARY**

11 The “New Jim Crow,” the term used by Professor Michelle Alexander to describe the
12 disenfranchisement, marginalization, and re-subjugation of African Americans and – accordingly
13 – the creation of a permanent caste of second-class citizens, is the result of the so-called War on
14 Drugs, various ill-conceived get-tough-on-crime policies, the relaxation of constitutional
15 protections against illegal searches and safeguards to equal protection of the laws, and the
16 (consequently) unprecedented scale of mass incarceration in this country.¹

17 From its inception, the War on Drugs has primarily targeted Blacks and has been waged mainly
18 in African American communities. Those selected for prosecution and incarceration have been
19 overwhelmingly Black – so much so that in seven states, ninety percent of people imprisoned for
20 drug offenses are African Americans, even though drug use among Blacks is no greater than
21 among white Americans. The injustice of this war that has been designed, marketed, and funded
22 by the federal government, enabled and protected by decisions of the Supreme Court, and
23 facilitated by insufficient resources for criminal defense, has been devastating the African
24 American community, especially its poorer constituents.

25 Excepting (implicit) racist presuppositions, it is difficult to understand why a phenomenon in
26 which African American males who represent only six percent of the population but who
27 comprise forty percent of men in prison and who have a thirty-two percent chance of serving
28 time in prison attracts so little attention from the media or the public in general. Perhaps the very
29 “given-ness” of the phenomenon has also contributed to the dearth of serious discussion about it.
30 Indeed, as Adam Gopnik (“The Caging of America,” *The New Yorker*) has observed:

31 "Mass incarceration on a scale almost unexampled in human history is a fundamental
32 fact of our country today—perhaps the fundamental fact, as slavery was the
33 fundamental fact of 1850. In truth, there are more black men in the grip of the criminal-
34 justice system – in prison, on probation, or on parole – than were in slavery then. Over
35 all, there are now more people under 'correctional supervision' in America – more than
36 six million – than were in the Gulag Archipelago under Stalin at its height."

37 To make matters even worse, people of color caught in the snares of the New Jim Crow have
38 little or no hope of ever fully re-entering society. Once labeled felons, they cannot vote or serve
39 on juries, may be (and usually are) legally discriminated against in employment, and are
40 ineligible for all types of federal assistance for housing, food stamps, job training, etc. Having a
41 job is often a requirement of their parole or probation; such a stipulation, however, turns out to

42 be an agonizing source of stress for those who have served their sentences, because they have so
43 few employment opportunities available to them. Furthermore, their economic hardship is often
44 compounded by the various fees and fines attendant upon their parole or probation, as well as
45 crushing debt accrued during time served.

46 Given such limitations on the possibility of making a “legitimate” living, it is no wonder why
47 recidivism rates for ex-felons hover around sixty–six percent. Consequently, it is also no wonder
48 why there are so relatively few Black adult males in so many (poor) African American
49 neighborhoods, a phenomenon that has led to the breakdown of the nuclear family in such
50 communities. The dismantling of the family unit, in turn, has contributed significantly to the
51 academic plight of so many Black youth, as witnessed by the embarrassingly low reading-
52 proficiency levels and incredibly high dropout rates of middle- and high-school African
53 American males. And can it be any wonder that such educational deficiencies, with dismal
54 employment and life prospects in tow, have contributed in their own way to the problem of mass
55 incarceration? This shameful cycle must stop if we are to have any hope of realizing the Rev. Dr.
56 Martin Luther King, Jr.’s dream of a beloved community in which each person, regardless of
57 race, color, or creed, is the benefactor and beneficiary of all people and thereby realizes his or
58 her fullest potential as a human being.

59 For many years, the United Church Of Christ has advocated for the elimination of racism, the
60 real driving force behind the New Jim Crow. The church has also called for ending the War on
61 Drugs, stopping mass incarceration, and changing other aspects of the criminal justice system
62 that serve as pillars of support for that insidious and invidious institution. Other denominations
63 are now joining us in that cause. We are, therefore, at a kairos moment, and it is for us to seize
64 the opportunity and to sound the trumpets to insure that everyone knows of this pestilence that is
65 destroying the underbelly of our nation. And, as people of faith, we are also called to do what we
66 can to eradicate that pestilence insofar as justice requires that we demolish structures that violate
67 human and civil rights. Accordingly, this resolution is intended to mobilize members of the
68 United Church Of Christ to join the growing movement of faith and community organizations to
69 dismantle the New Jim Crow and to tear down the racial caste system it has re-engendered in the
70 United States.

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74 **BIBLICAL, THEOLOGICAL AND HISTORICAL GROUNDING**

75
76 *Woe to you who issue unjust laws, who write oppressive statutes, to turn aside the*
77 *needy from justice, and to rob the poor of my people of their rights. (Isaiah 10:1-2a)*

78
79 *The spirit of the Lord is upon me, because he has anointed me to bring good news to*
80 *the poor. He has sent me to proclaim release to the captive and recovery of sight to*
81 *the blind, to let the oppressed go free. (Luke 4:18)*

82
83 *For just as the body is one and has many members, and all the members of the body,*
84 *though many, are one body, so it is with Christ. For in the one Spirit we were all*
85 *baptized into one body—Jews or Greeks, slaves or free—and we were all made to*
86 *drink of one Spirit. God has combined the members...so that there shall be no*
87 *division within the body, but the members may have the same care for one another. If*
88 *one member suffers, all suffer together with it; if one member is honored, all rejoice*
89 *together with it. (1 Cor. 12:12-13 and 24-26)*

90
91 As Christians called to profess the teachings of the Prophets and to embody the witness of the
92 Gospels, we are responsible for speaking and acting prophetically when the laws of the land are
93 not just or fair to all the communities they are intended to serve and protect.

94
95 While laws within the U.S. justice system are generally clear and are intended to be carried out
96 without bias, statistics prove that current practices sustaining the system – from arrest to
97 incarceration, from probation to parole – often *rob the needy and poor of their rights. We must*
98 *proclaim release* when a disproportionate number of the Body of Christ is held captive to
99 nefarious systems, such as the New Jim Crow, that marginalize and oppress based on the color of
100 skin, ethnic heritage, age, gender, or economic status. Indeed, just as when *one part of the body*
101 *suffers, the whole body also suffers*, so too when one member of the human family is affected
102 adversely by an unjust system that denies access to the benefits of the laws meant to protect all,
103 the whole human family is also adversely affected.

104
105 For more than forty years, the United Church of Christ General Synod has affirmed its
106 commitment to improving the criminal justice systems of state and federal governments.
107 Especially since the Civil Rights Movement, the United Church of Christ has produced and
108 proclaimed various resolutions and pronouncements defending and promoting basic human
109 rights within the context of those systems; however, such resolutions and pronouncements have
110 required continual reaffirmation because of ongoing infringements of civil liberties. Indeed,
111 racial and class bias has only worsened in recent years. The current climate of
112 disenfranchisement, created by racial, economic, and legal injustice, now requires the United
113 Church of Christ once again to rearticulate its vision of and commitment to the common good
114 vis-à-vis the terror of the New Jim Crow, with attention to supporting viable grassroots
115 movements and facilitating constructive political and social discourse.

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120 **MUTUAL ACCOUNTABILITY**

121
122 The Samuel DeWitt Proctor Conference conducted nine statewide justice commission hearings
123 to listen to the stories of those who through personal experience and/or family connections have
124 been directly impacted by the current trend of mass incarceration. The findings from those
125 hearings are summarized in *Bearing Witness: A Nation in Chains* (2014). We will rely upon that
126 report and others to ensure that the voices of those most impacted are heard.

127
128 **INSTITUTIONAL CAPACITY**

129
130 The success of this resolution is built on the assumption that the national setting will provide
131 network coordination and national policy advocacy; however, local and regional social change is
132 dependent upon conference and local leadership engagement.

133
134 Justice and Witness Ministries will:

- 135
136 1) Convene Conference working group members who will advise on key activities that
137 support the movement in their areas
138
139 2) Advocate for the modification or elimination of disenfranchisement laws and other
140 laws and regulations that currently permit legal discrimination against people who have
141 served their sentences.

142
143 Each of the co-sponsoring Conferences will appoint a volunteer working group to lead local
144 efforts to:

- 145
146 1) Renew engagement in Sacred Conversations on Race. Such engagement will
147 specifically address race in the context of the New Jim Crow and, accordingly, will
148 necessarily involve education about the New Jim Crow itself.
149
150 2) Pressure local lawmakers to endorse public policies that promote government
151 accountability for prison management and justice system reform, oppose the sale of
152 prison beds, and implement restorative and rehabilitative justice programs.
153
154 3) Assist local governments in dismantling the New Jim Crow by, among other things:
155 -Reviewing procedures for search and seizures
156 -Reviewing data on arrests and convictions for drug offenses
157 -Reviewing current state and county prison data
158 -Reviewing federal support mechanisms for local law enforcement
159
160 4) Embolden local congregations to create safe and sacred spaces where formerly
161 incarcerated persons can gather for mutual affirmation and support as they attempt re-
162 entry into the community.
163

164 5) Energize local congregations to support or even institutionalize literacy centers and
165 mentoring programs specifically to meet the educational needs of children, youth, and
166 their parents.

167
168 6) Encourage local congregations to explore employment opportunities for people who
169 have served their sentences.

170
171 **PROBABILITY OF INFLUENCING SOCIAL CHANGE**

172
173 United Church of Christ leaders across the country are in the best position to advise on issues of
174 local and regional importance. In order to strengthen the national movement, Justice and
175 Witness Ministries will coordinate with ecumenical and interfaith partners who have identified
176 the New Jim Crow and mass incarceration as top priorities, including - but not limited to -
177 Ecumenical Advocacy Days, the National Council of Churches of Christ in the USA, Christian
178 Churches Together, and the Samuel DeWitt Proctor Conference.

179
180 It is our judgment that this situation calls upon the General Synod to use its BOLD PUBLIC
181 VOICE AND WITNESS to call attention to and address this NATIONAL CRISIS through the
182 following resolution:

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184 **TEXT OF THE MOTION**

185
186 WHEREAS, The “New Jim Crow,” the term used to describe the marginalization and re-
187 subjugation of African Americans under the guise of the so-called War on Drugs, various get-
188 tough-on-crime policies, and mass incarceration, is causing horrific pain, untold suffering, and
189 irreparable damage to millions of African Americans;

190
191 WHEREAS, millions of African American men and women are under control of the criminal
192 justice system,² unable to vote or serve on juries but able to be discriminated against legally in
193 employment, housing, and federal assistance;³

194
195 WHEREAS, even though the rate of drug use among white and Black Americans is the same,
196 African Americans are prosecuted more often, receive harsher sentences, and serve longer terms
197 for violations of laws prohibiting the use and distribution of drugs.⁴ Indeed, men of color
198 comprise sixty-six percent of the people in prison for drug use (African Americans forty-two
199 percent and Hispanics twenty-four percent);⁵

200
201 WHEREAS, young African American men comprise fourteen percent of young men in the
202 United States, yet comprise forty percent of young men in prison;⁶

203
204 WHEREAS, the Supreme Court of The United States has held that such glaring statistical
205 disparities are inadmissible as reasons for bringing actions to remedy these injustices,⁷ even in
206 states in which ninety percent of people imprisoned for violations of drug laws are African
207 Americans;⁸

208

209 WHEREAS, General Synods of the United Church Of Christ have passed resolutions and
210 pronouncement calling the church to action to help find solutions to the resurgence of racism, the
211 seemingly endless War on Drugs, the problem of mass incarceration and the growth of the
212 prison-industrial complex, and the reality of racial and class bias in arrests and sentencing, as
213 well as resolutions and pronouncements calling the church to seek justice in policing, housing,
214 and employment for people who have served felony sentences, to address inadequate legal
215 representation for the indigent, to provide training and rehabilitation for prison inmates, and to
216 restore voting rights for people who have served their time;⁹

217
218 WHEREAS, not only the War on Drugs continues unabated but also the privatization of the
219 prison industrial complex grows unimpeded, with the result that the United States, with only five
220 percent of the world's population, incarcerates twenty-five percent of the world's prisoners, the
221 highest percentage of incarceration in the world;¹⁰

222 WHEREAS, Justice Commission Hearings on Mass Incarceration conducted by the Samuel
223 DeWitt Proctor Conference found evidence supporting author Michelle Alexander's position that
224 mass incarceration is an essential aspect of the "New Jim Crow," creating a system of modern-
225 day enslavement. (2014 Report, *Bearing Witness: A Nation in Chains*). Indeed, according to the
226 findings, "it is apparent that the system of mass incarceration in the U.S. is replete with human
227 rights violations by standards of the U.S. Constitution and the United Nations International
228 Standards of Conduct";

229 WHEREAS, the growing prison industry is producing a vast underclass of former felons. Indeed,
230 the situation regarding prisoner re-entry is dire. About three-quarters of a million prisoners are
231 being released in the community each year. They face extreme hardship in housing, employment,
232 family reunification, health and mental health care, and general isolation and alienation. They
233 also suffer from debt (required restitution and associated parole and probation fees, fines, and
234 penalties, with little or no income), as well as voting and entitlement disenfranchisement;

235 WHEREAS, as a result of such legally permissible disenfranchisement, more African American
236 men were disqualified from voting in 2014 than in 1870, the year the Fifteenth Amendment to
237 the Constitution was ratified;¹¹

238
239 WHEREAS, in some of our largest cities, the high school dropout rate is over fifty percent;¹² in
240 public schools across America, only ten percent of eighth grade Black males read at or above a
241 proficient level;¹³ and, in our national capital, **three** of every **four** young African American
242 males can expect to serve time in prison;¹⁴ and

243
244 WHEREAS, the link among academic failure, delinquency, violence, and crime is welded to
245 reading (The U.S. Department of Justice). Indeed, reliable data indicates that 85% of juveniles
246 who interface with the court system are functionally illiterate and 70% of inmates in prison
247 cannot read above fourth grade reading level. Inmates who receive no reading help have a 70%
248 chance of returning to prison, while the risk of recidivism reduces to 16% for those who receive
249 such assistance;

250

251 THEREFORE, BE IT RESOLVED, that the Thirtieth General Synod of the United Church of
252 Christ support and reaffirm prior resolutions and pronouncements calling the church to prophetic
253 speech and action directed at eliminating racism in all its guises, ending the War on Drugs,
254 stopping mass incarceration and the growth of the prison-industrial complex, ending racial and
255 class bias in arrests and sentencing, implementing justice in policing, housing, and employment
256 for people who have served felony sentences, addressing inadequate legal representation for the
257 indigent, providing training and rehabilitation for prison inmates, and restoring voting rights for
258 people who have served their sentences;

259
260 BE IT FURTHER RESOLVED, that the Thirtieth General Synod of the United Church of Christ
261 identify the New Jim Crow as a critical human and civil rights issue in the United States on
262 account of its devastating political, legal, and social effects upon African Americans, other
263 people of color, youth, and people with limited economic resources; and
264

265 BE IT FURTHER RESOLVED, that the Thirtieth General Synod of the United Church of Christ
266 urges Justice and Witness Ministries, Conferences, Associations, and local congregations to
267 provide opportunities for education, mobilization, public witness, and public policy advocacy to
268 dismantle the New Jim Crow and to turn this tide of institutionalized racism and economic
269 injustice by mass incarceration in the United States.
270

271 **FUNDING**

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273 The funding for the implementation of the Resolution will be made in accordance with the
274 overall mandates of the affected agencies and the funds available.
275

276 **IMPLEMENTATION**

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278 The Officers of the Church, in consultation with appropriate ministries and other entities of the
279 United Church of Christ, will determine the implementing body.
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¹ The phrase “The New Jim Crow” is taken from the title of Michelle Alexander’s groundbreaking work, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2010).

² *Ibid.*, 57.

³ *Ibid.*, 59.

⁴ Human Rights Watch, “Punishment and Prejudice: Racial Disparities in the War on Drugs.” HRW Reports, Vol. 12, No. 2 (May, 2000).

⁵ The Sentencing Project – sentencingproject.org/template/page.cfar?id=122.

⁶ The Henry J. Kaiser Family Foundation, “Race, Ethnicity & Health Care.” July, 2006.

⁷ *McClesky v. Kemp*, 481 U.S. 279 (1989).

⁸ Human Rights Watch.

⁹ “Prophetic Actions and Social Policy Statements, 1957-2011.” Report to the Board of Justice and Witness Ministries of the United Church of Christ, (March, 2012), 6,7.

¹⁰ The privatization of the prison-industrial complex is in principle problematic, for there is no economic incentive for scaling down the prison population. And privatization of that complex is increasing. Current estimates indicate that unduplicated expenditures to maintain that complex are \$300 billion per year. The burden of such expenditures has led the government more and more to sell off ownership of that complex to private investors, especially in rural areas with small populations, where there is need for employment and other commerce, including suppliers of goods and services. As a business, the first priority of private companies is profit; therefore, income for private prisons depends entirely on maintaining a large and stable inmate population. But the demand for guaranteed occupancy rates runs counter to declining prison population trends and impedes efforts toward early release, alternative sentencing, and other forms of restitution, especially in cases of non-violent crimes.

¹¹ *Ibid.*, 175.

¹² Michael Gerson, "The Overlooked Plight of Black Males." *The Washington Post*, December 13, 2012.

¹³ US Department of Education's National Assessment of Educational Progress.

¹⁴ Michelle Alexander, 6.