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

Dismantling the New Jim Crow

A Resolution of Witness


SUMMARY

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

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

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

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

To make matters even worse, people of color caught in the snares of the New Jim Crow have little or no hope of ever fully re-entering society. Once labeled felons, they cannot vote or serve on juries, may be (and usually are) legally discriminated against in employment, and are ineligible for all types of federal assistance for housing, food stamps, job training, etc. Having a job is often a requirement of their parole or probation; such a stipulation, however, turns out to
be an agonizing source of stress for those who have served their sentences, because they have so few employment opportunities available to them. Furthermore, their economic hardship is often compounded by the various fees and fines attendant upon their parole or probation, as well as crushing debt accrued during time served.

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

For many years, the United Church Of Christ has advocated for the elimination of racism, the real driving force behind the New Jim Crow. The church has also called for ending the War on Drugs, stopping mass incarceration, and changing other aspects of the criminal justice system that serve as pillars of support for that insidious and invidious institution. Other denominations are now joining us in that cause. We are, therefore, at a kairos moment, and it is for us to seize the opportunity and to sound the trumpets to insure that everyone knows of this pestilence that is destroying the underbelly of our nation. And, as people of faith, we are also called to do what we can to eradicate that pestilence insofar as justice requires that we demolish structures that violate human and civil rights. Accordingly, this resolution is intended to mobilize members of the United Church Of Christ to join the growing movement of faith and community organizations to dismantle the New Jim Crow and to tear down the racial caste system it has re-engendered in the United States.
Woe to you who issue unjust laws, who write oppressive statutes, to turn aside the needy from justice, and to rob the poor of my people of their rights. (Isaiah 10:1-2a)

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

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

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

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

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

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

INSTITUTIONAL CAPACITY

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

Justice and Witness Ministries will:

1) Convene Conference working group members who will advise on key activities that support the movement in their areas

2) Advocate for the modification or elimination of disenfranchisement laws and other laws and regulations that currently permit legal discrimination against people who have served their sentences.

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

1) Renew engagement in Sacred Conversations on Race. Such engagement will specifically address race in the context of the New Jim Crow and, accordingly, will necessarily involve education about the New Jim Crow itself.

2) Pressure local lawmakers to endorse public policies that promote government accountability for prison management and justice system reform, oppose the sale of prison beds, and implement restorative and rehabilitative justice programs.

3) Assist local governments in dismantling the New Jim Crow by, among other things:
   - Reviewing procedures for search and seizures
   - Reviewing data on arrests and convictions for drug offenses
   - Reviewing current state and county prison data
   - Reviewing federal support mechanisms for local law enforcement

4) Embolden local congregations to create safe and sacred spaces where formerly incarcerated persons can gather for mutual affirmation and support as they attempt re-entry into the community.
5) Energize local congregations to support or even institutionalize literacy centers and mentoring programs specifically to meet the educational needs of children, youth, and their parents.

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

**PROBABILITY OF INFLUENCING SOCIAL CHANGE**

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

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

**TEXT OF THE MOTION**

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

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

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

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

WHEREAS, the Supreme Court of The United States has held that such glaring statistical disparities are inadmissible as reasons for bringing actions to remedy these injustices, even in states in which ninety percent of people imprisoned for violations of drug laws are African Americans;
WHEREAS, General Synods of the United Church Of Christ have passed resolutions and pronouncement calling the church to action to help find solutions to the resurgence of racism, the seemingly endless War on Drugs, the problem of mass incarceration and the growth of the prison-industrial complex, and the reality of racial and class bias in arrests and sentencing, as well as resolutions and pronouncements calling the church to seek justice in policing, housing, and employment for people who have served felony sentences, to address inadequate legal representation for the indigent, to provide training and rehabilitation for prison inmates, and to restore voting rights for people who have served their time;9

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

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

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

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

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

WHEREAS, the link among academic failure, delinquency, violence, and crime is welded to reading (The U.S. Department of Justice). Indeed, reliable data indicates that 85% of juveniles who interface with the court system are functionally illiterate and 70% of inmates in prison cannot read above fourth grade reading level. Inmates who receive no reading help have a 70% chance of returning to prison, while the risk of recidivism reduces to 16% for those who receive such assistance;
THEREFORE, BE IT RESOLVED, that the Thirtieth General Synod of the United Church of Christ support and reaffirm prior resolutions and pronouncements calling the church to prophetic speech and action directed at eliminating racism in all its guises, ending the War on Drugs, stopping mass incarceration and the growth of the prison-industrial complex, ending racial and class bias in arrests and sentencing, implementing justice in policing, housing, and employment for people who have served felony sentences, addressing inadequate legal representation for the indigent, providing training and rehabilitation for prison inmates, and restoring voting rights for people who have served their sentences;

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

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

FUNDING

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

IMPLEMENTATION

The Officers of the Church, in consultation with appropriate ministries and other entities of the United Church of Christ, will determine the implementing body.

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2 Ibid., 57.
3 Ibid., 59.
5 The Sentencing Project – sentencingproject.org/template/page.cfar?id=122.
8 Human Rights Watch.
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.

Ibid., 175.


US Department of Education’s National Assessment of Educational Progress.

Michelle Alexander, 6.