

# ShALOM!

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## Criminal Justice Reform

**I'VE BEEN WRITING** periodically to a young woman I met when she rang handbells with me at church. Two years ago, during an episode of severe postpartum depression, she stabbed her toddler son and then herself. She was sentenced to 5-10 years in prison plus 20 years probation and no contact with her son. Some family members (including her estranged husband) and many in the general public thought she should have received a life sentence, despite the clear evidence of mental illness. Her case has made me think again about the meaning of mercy.

Jesus said, "Blessed are the merciful, for they will receive mercy." There is a certain quid pro quo going on – if we want to receive mercy ourselves, we need to show it to others. The prophet Micah named three things that God requires: doing justice, loving mercy, and walking humbly with God. When Jesus was attacked by the Pharisees for eating with tax collectors and sinners, he quoted the Old Testament, "I desire mercy, not sacrifice," thus critiquing the Pharisees for putting the letter of the law above showing mercy to people, even undesirables. Mercy, lest we forget, means "compassion or forgiveness shown toward someone whom it is within one's power to punish or harm."

Sometimes it is hard to balance the kind of justice required by the criminal justice system (or the kind of justice that requires people to take responsibility and accept consequences) with mercy that understands the possibility of mitigating circumstances and takes them into account. So often these days, however, it seems like there is very little

mercy; instead, there is revenge, retaliation, retribution, and ongoing judgment. In our rush to judgment and condemnation, do we forget that sometimes we ourselves might need to rely on the mercy of others?

While I grieve specifically for the lack of mercy shown to the young woman I am writing to in prison, I find myself even more frustrated by the general state of affairs in the criminal justice system in the United States. Fortunately, I am not alone, and there are increasing calls at the highest levels of government for reforms in the system that address the inequities, cruelty, and racism inherent in the system. This edition of *Shalom!* comes at those issues from a variety of perspectives, including the parent of a son in prison, a college student studying politics, and an advocate for criminal justice reform. Mercy is a common theme.

Never having been the victim of a violent crime myself perhaps makes it easier for me to suggest that mercy is a better response to my friend and others like her than retribution and revenge. I can't know for sure how I would actually respond if one of my family members were physically harmed or killed, but I can prepare my mind and heart to be more likely to want to be merciful and kind, to understand what happened and why, to be able to forgive, to look for restorative justice possibilities rather than retributive justice that simply perpetuates the cycle of violence and hatred. Blessed are the merciful, for they will receive mercy.

Harriet S. Bicksler, editor

### THIS ISSUE OF SHALOM!

*War on Drugs as War on the Poor* 2

*The Battle Against Injustice* 4

*Personal Reflections* 5

*Everyone Needs a Home* 6

*Capital Punishment in the U.S.* 7

**MIDNIGHT MUSINGS** 8

*The Hidden Injustices of the American Justice System*

**MCC** 9

*Advocating for Criminal Justice Reform*

*Restorative Justice* 10

**BOOK REVIEW** 11

*The Partnership of Justice and Mercy*

# The War on Drugs as the War on the Poor

by Melba Scott

*“The greatest evil is not now done in those sordid ‘dens of crime’ Dickens loved to paint. It is not even done in concentration camps and labor camps. In those we see its final result. But it is conceived and ordered (moved, seconded, carried, and minuted) in clean, carpeted, warmed, and well-lighted offices, by quiet men with white collars and cut fingernails and smooth-shaven cheeks, who do not need to raise their voice. Hence my symbol for Hell is something like the bureaucracy of a police state or the office of a thoroughly nasty business concern.” (C.S. Lewis)*

**IN JUNE 1971**, President Nixon declared a “war on drugs.” He dramatically increased the size and presence of federal control agencies, and pushed through meas-

ures such as mandatory sentencing and no-knock warrants. Nixon temporarily placed marijuana in Schedule One, the most restrictive drug category (Drug Policy Alliance).

Drive through poor neighborhoods in urban areas all across America and you will see evidence that a war has taken place. You’ll encounter row upon row, street after street of boarded up, fire-gutted houses and apartment buildings where families once thrived. The neighborhoods are showcases of vacant lots, dilapidated schools, and shabby little store-front churches. They show businesses gone bust, while pawn/gun shops and liquor stores abound. A great many of the working poor trapped in these neighborhoods work low-paying jobs to meet their obligations to slumlords and feed their families. There is a “don’t ask, don’t tell” philosophy: a single mother worn out from working too hard for too little doesn’t ask her eldest son where the money came from to keep the utilities on, and he doesn’t tell her. She is ashamed and broken-hearted because she knows he is selling weed, but he is taking classes at community college. Poor people of color and poor whites live in “the now” everyday – “the now” being the age of mass incarceration, high unemployment, high underemployment, mass homelessness, a lack of adequate and affordable housing, and a gross lack of resources. This is not by accident and they didn’t bring it on themselves.

When Ronald Reagan took office in 1981, few could envision the level of ruin and devastation that was about to come down on the poor – black, brown, and white. Reagan is credited with bringing prosperity back to America, but his policies wreaked havoc on low-income workers and the poor. Peter Drier notes: “By the end of Reagan’s term in office federal assistance to local governments... [he] eliminated general revenue sharing to cities, slashed funding for public service jobs and job training, almost dismantled federally funded legal services for the poor, cut the anti-poverty Community Development Block Grant program and reduced funds for public transit.... These cut-

backs had a disastrous effect on cities with high levels of poverty and limited property tax bases, many of which depended on federal aid.... The consequences were devastating to urban schools and libraries, municipal hospitals and clinics, and sanitation, police and fire departments – many of which had to shut their doors.” (See <http://nhi.org/online/issues/135/reagan.html>.)

Making poor families poorer, and the homeless more hopeless, in the richest country on earth? If this isn’t a crime, it should be. Cutting federal spending on the backs of the poor struck at the very heart of the most needy communities, demoralized their spirit, and further diminished opportunities for upward mobility. Local factories that had been mainstays of employment for generations closed down and headed to other states. Retraining programs were available, but jobs were few. One could see families beginning to fall apart, friends and neighbors evicted and homes abandoned, and of course crime soared.

This is not to say that the people were completely beaten down, sitting on their hands, waiting for a handout. No, I find my people just as hard working, resourceful, creative, and determined as ever. This is a statement about government officials building up, reinforcing, and pushing through policies that hurt vulnerable citizens and put a chokehold on a city or community.

Reagan was able to elevate his “war on drugs” by bringing Special Weapons and Tactics teams (SWAT) into the mix. According to Michelle Alexander in her book, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, “Until the drug war, they were used rarely, primarily for extraordinary emergency situations such as hostage taking, hijackings and prison escapes. That changed in the 1980s, when local law enforcement agencies suddenly had access to cash, and military equipment specifically for the purpose of conducting drug raids.” This, in conjunction with Nixon’s prior methods, allowed Reagan, with bipartisan support, to proceed to implement new and tougher sen-



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tencing guidelines.

Jeralyn Merritt, in “Reagan’s Drug War Legacy,” lists the results:

- Mandatory minimum drug sentences in 1986
- Federal sentencing guidelines: Under the new method of sentencing, which went into effect in 1987, prison time is determined mostly by the weight of the drugs involved in the offense. Parole was abolished and prisoners must serve 85 percent of their sentence. Except in rare situations, judges can no longer factor in the character of the defendant, the effect of incarceration on his or her dependents, and in large part, the nature and circumstances of the crime.
- The Anti-Drug Abuse Act 1988: This law established a federal death penalty for “drug kingpins.” President Reagan called it his new sword and shield in the escalating battle against drugs and signed the bill in his wife’s honor.

Under President Clinton, the situation deteriorated further: federal funding for public housing decreased 61 percent, and federal funding for corrections increased 171 percent (see Jeff Stein, “The Clinton Dynasty’s Horrific Legacy”). Combine slashing funds to cities with high rates of poverty with the implementation of draconian drug laws, and one has to wonder why no one had the foresight as to the repercussions of these actions.

Applying the same laws, in the same measure, to a nonviolent drug offender and a dangerous and violent drug offender was designed to put more and more young black and brown men as well as poor whites under the control of the criminal justice system. After serving their debt, many discovered upon their release that it was legal to discriminate against them in housing, food, education, work, training, and voting because of their status as a felon. It is no wonder that many end up re-violating and being re-incarcerated. Who does this benefit?

An inmate advocate at a local prison once told me that the new employee handbook opened with the statement, “Welcome to the Department of Corrections. You have become an employee of the fastest growing industry in the state of California.” Some of the top Fortune 500 corporations such as

Microsoft, Nordstrom, ATT, Honeywell, and IBM use prison labor. Perhaps if some of those jobs were available on the outside, there would be fewer people on the inside.

The laws I’ve described, along with others, are used to control whole segments of specific populations. In his article, “Navigating the Hidden Obstacles to Ex-Offender Reentry,” Anthony Thompson notes:

- Between 1985 and 1995 the number of drug offenders sent to prison increased 478 percent compared to a rise of 119 percent for other crimes
- Although blacks comprise only 12 percent of illegal drug users in the country, they accounted for 44 percent of all drug arrests.
- In 1990, drug traffickers and possessors accounted for 33 percent of all convicted felons, with blacks representing 56 percent of that group.
- With respect to drug and firearm offenses in 1990, the average sentence for black offenders was 49 percent longer than average sentences for white offenders.

That young black men are disproportionately represented in the penal system is not news. Over the last several years I have heard black women ask about the lack of available black men. When we realized that a whole lot of black men were incarcerated, we stopped asking the question. It is one thing to know by deduction, but so much more to see it firsthand. When I witnessed it for the first time, I was devastated. There they all were, a couple of hundred miles from my home in the middle of nowhere. Most of them were behind bars for nonviolent crimes because judges are restricted by sentencing guidelines and are unable to use their discretion in sentencing. Many activist and grass-root organizations are raising awareness and working to address mass incarceration and the racial under caste it produces.

Michelle Alexander’s powerful book, *The New Jim Crow* is a must-read for anyone concerned about racial injustice and institutionalized racism. The book describes how the law works and how lawmakers make policies that mislead the people by the rhetoric used. Alexander’s background as an associate law professor at Stanford Law School, as well as past director of the Racial Justice Project for the ACLU of Northern California adds to her credibility.

Institutionalized racism is a many tentacled beast that attacks the most vulnerable at multiple levels simultaneously. Alexander’s book is the perfect vehicle to start an honest conversation about race and the criminal justice system. At Madison Street Church, a small group of us came together, read the book, using a study guide with scripture related to the book. It is not a quick read, but it is incredibly valuable. As Christians, we are to stand up to the kind of injustices described in the book, in the spirit of these words in Isaiah 42:6: “For it is written, I, the LORD, have called you and given you power to see that justice is done on the earth.”

*Melba Scott is a proud mother and grandmother. After working in a variety of capacities, she is now semi-retired and thinking about tutoring young children again. She enjoys reading, writing, and Bible study, and attends the Madison Street Church, Riverside, CA.*

## Editor’s Notes

### Renew now for 2016!

You should have received the 2016 subscription renewal/contribution letter by now. Thanks to those who have responded already, and I look forward to hearing from others as well. Annual subscriptions are \$15, and we welcome extra contributions. Checks should be payable to the Brethren in Christ Church U.S. and sent to the editor (address on page 2). You can also contribute online at [bichurch.org/connect/publications/Shalom/default.asp](http://bichurch.org/connect/publications/Shalom/default.asp).

### Upcoming topics:

- SPRING 2016:** Dealing with fear (terrorism, disability, disease, safety)
- SUMMER 2016:** How to be a Christian and a citizen
- FALL 2016:** Refugees and displaced people

Contact the editor if you’re interested in writing on any of these topics.

# The Battle Against Injustice

by Kevin Kelley

**AN OVERGROWN BUSH** obstructed the view of the policeman preventing him from seeing my vehicle rock slightly backward at the stop sign before proceeding legally through the intersection. My vociferous defense before him, and later the district magistrate, failed to achieve the desired result. In the eyes of the state, I was guilty of a traffic violation, and there was nothing I could do to convince them otherwise.

Though unsubstantiated traffic violations are more of a nuisance than a tragedy, perhaps they reveal something about injustices of far greater significance. The term “criminal justice” is used to describe efforts of government agencies to correct wrongs, enforce laws, and maintain order. However, it is at least possible for criminal justice to be more criminal than just. Terms like “collateral damage” and “friendly fire” are examples of ways our language softens the horrors associated with the miscarriage of justice. It is a curious observation that the term “legal injustice” has not emerged to describe the increased attention paid to allegations of abuses of power.

While attending a meeting to improve the chances of the incarcerated to successfully reenter society, one man declared that the only difference between him and those in prison was that they had been caught, and he had not. Certainly such a statement was made to support those coming out of prison (he wasn't calling for increased surveillance of his behavior, or more thorough investigation techniques regarding his past activities). But it also suggests a disconcerting inconsistency in the methods by which punishment is meted out in even the best systems of criminal justice.

Public outcry in response to real or perceived injustice takes many forms – from silent protests such as “I can't breathe” T-shirts, to violent riots and armed standoffs. The viral popularity of a serialized podcast created a grassroots movement prompting a re-trial for a man convicted of a 1999 murder. An online video series recently inspired a petition containing hundreds of thousands

of signatures requesting President Obama to free a man believed to have been wrongfully imprisoned for a crime in Wisconsin (a futile effort, as the governor, not the president, is the one empowered to pardon this state crime). The recent release of thousands of inmates from federal custody was at least in part influenced by decades of pressure for sentencing reform to alleviate racial disparities.

Injustice exists, and this is not new. Even a casual reading of Habakkuk will serve as a reminder that the collective “That's not fair!” has echoed through the centuries. It's no wonder that given the enormity of the cause, many feel incapable of responding to such an overwhelming concern, and resort to resignation and disengagement. Yet justice of the kingdom of God is marked by a yoke that is easy to bear, and a burden light enough to be carried. So what can be done? What should be done?

“He has shown you, O mortal, what is good. And what does the Lord require of you? To act justly and to love mercy and to walk humbly with your God” (Mic. 6:8). Christians are called to engage in the work of criminal justice, but not defined by the codification of a set of laws and their subsequent enforcement or neglect. Justice in God's kingdom is defined by mercy and humility, arguably the greatest tools available to eradicate the root causes of injustice.

Perhaps there is no better strategy to infuse kingdom of heaven sensibilities into this world than simply following the rubric expressed in the Lord's Prayer: “Our Father who art in heaven, hallowed be Thy name.”

Worship is the essential starting point, serving as a reminder that God is great (and we are not!). The simple act of recognizing the essential holiness of God generates true humility, and serves to convince that neither another human, nor one's own egotistical self, is more worthy of trust. *Thy kingdom come. Thy will be done, On earth as it is in heaven.*

The soul that fully trusts God prefers

God's will rather than his or her own. There is no better antidote to selfishness than worship, and no better reason to surrender than being totally convinced that God's ways are better than ours.

*Give us this day our daily bread.*

A life surrendered to God needs God's help – daily! Surrender naturally leads one to dependence on God for the most basic needs, often resulting in a simplification of the complexities related to routine struggles, and an increased awareness of the illusion of self-sufficiency.

*And forgive us our debts, as we also have forgiven our debtors.*

Since no one is truly self-sufficient, relationships with others are integral components of the way God works his will in our midst. Gratitude for God's provisions produces an attitude of mercy; as we have been forgiven, so must we forgive others.

*And do not lead us into temptation, but deliver us from evil.*

As well-tilled soil produces good fruit, so true worship produces women and men who are divinely guided away from evil to speak and act against injustice, “for judgment will be merciless to one who has shown no mercy; mercy triumphs over judgment.” (James 2:13, NAS).

We experience the tension between the now and the not yet of the kingdom of God, but press on to see God's kingdom realized on earth as it is in heaven. “Though the fig tree does not bud and there are no grapes on the vines, though the olive crop fails and the fields produce no food, though there are no sheep in the pen and no cattle in the stalls, yet I will rejoice in the Lord, I will be joyful in God my Savior” (Hab. 3:17-18).

*Kevin Kelley* is chaplaincy services coordinator for the Northeast and Mid-Atlantic regions of the Federal Bureau of Prisons, based at the U.S. Penitentiary in Lewisburg, PA. He and his wife live in Lewisburg and attend the Harrisburg (PA) Brethren in Christ Church.

# Personal Reflections on the Justice System

By Ken R. Abell

*"I needed clothes and you clothed me, I was sick and you looked after me, I was in prison and you came to visit me." - Jesus of Nazareth*

**AFTER AN EXTENDED** and ongoing close sojourn through the labyrinthine criminal justice system, I have dismal and jaded moments when I consider the phrase "criminal justice" to be an epic oxymoron. The commonplace dysfunctions in the institutions tasked with doling out penalties to wrongdoers would likely shock the average person – I know I was astounded at the beginning of our journey.

My wife Anita and I have a son who has been incarcerated since 2003. His outdate is July 2019. There have been a few rare exceptions, but the norm for our visits is to be treated with a presumption of guilt or suspicion by corrections officers who are, as we have been repeatedly told, simply doing their job. Though quite frankly, in the famous words of Cool Hand Luke, "Calling it your job don't make it right, boss."

Car shakedowns can range from laughable to outrageous. Imagine having your briefcase opened and being asked to explain ordinary articles in it; overnight luggage in the trunk sorted through with no regard for decency or personal privacy; bowling balls removed from their bags to have the three holes methodically probed; CDs in the glove compartment taken out and scrutinized one at a time; a uniformed guard on her hands and knees examining the undercarriage of the vehicle.

All of this and much more has happened to us in the parking lot on the freedom side of razor-wire fences, which at the very least, begs the question: If this is how visitors are handled in the full glare of daylight, how are inmates in the dark confines behind prison walls dealt with and managed?

The reality is that whether it is county jail or state prison, the acceptable norms put in place to dehumanize prisoners are intentional and systemic. The punishment for being a lawbreaker is to be removed from so-

ciety and incarcerated, which in itself, has degrading consequences, but is only the beginning because of the all too human compulsion for authorities to intimidate the imprisoned population.

A slap in the face discovery happens almost immediately to newbie convicts – all God-given rights are revoked and replaced by the oftentimes arbitrary whim of those in authority. There are unwritten mandates and an unspoken code that give great leeway to jailers. Every newcomer to a lockup must learn the ebbs and flows, and how to walk on egg-shells to avoid being badgered by those corrections officers who routinely choose to empower their inner bully.

Consider this from the Bureau of Justice Statistics: 1,561,500 prisoners were held by state and federal correctional authorities on December 31, 2014. Those figures fluctuate incrementally up and down from year to year, but remain in the million and a half ballpark. Each number represents an individual created in the image of God and someone for whom Jesus died, so tell me again: how is the warehousing of human beings truly the best a supposedly civilized and enlightened society can do?

The courts are backlogged, so wheeling and dealing is a linchpin of the criminal justice system. For the express purpose of clearing the docket, a quid pro quo environment is promoted and honed to an oily smooth edge that greases the customary and usual practice of trading sentences. The cronyism and blatant tit-for-tat favors between attorneys and judges are typical of how cases are decided and business is done.

Another problematic issue that must be addressed is judicial prerogative and activism, which because of the almost incestuous relationships within the corridors of power, requires comprehensive oversight that involves private citizens not beholden to any county, state or federal agency.

What follows are three snapshots that I have eye-witnessed in courtrooms.

On Christmas Eve, a judge wearing a white-fringed red Santa Claus hat presiding

over a series of criminal cases and passing sentences accompanied by a sarcastic, "Ho, ho, ho." In bad taste? Unseemly? The bailiff and lawyers on both sides of the aisle were grinning and chuckling, so evidently this was deemed to be appropriate behavior.

In another courtroom and a different time, the mother of the defendant shakily read a tearful and heartfelt statement in which she simply asked for a small measure of fairness. Afterwards, while the woman sat weeping, the judge reprimanded the grieving mother and father for their failures and inadequacies as parents that, according to the black-robed pontificator, resulted in the criminal conduct of their adult child.

Or, how about a magistrate from family court officiating at the sentencing hearing in a three-year long criminal case that had complexities and numerous delays, which he was introduced to that morning. Six or so hours of testimony later, in passing judgment on the first-time offender, the judge declared that he was going to make an example of the defendant, then threw the proverbial book at him.

As to recommendations for reform, I am not optimistic. Due to a lifetime of observing the self-serving sleight of hand machinations of public officials which are inextricably linked to Jeremiah's prophetic pronouncement regarding the heart of humankind being deceitful above all things and beyond cure, I am persuaded that there are no political solutions. Is that cynical? Or gritty realism?

I do have a suggestion, which is fueled by the power of hope and redemption. The church in affluent North America must honestly evaluate its role in all of this because we are the ones entrusted with the truth about setting the captives free. The church, living and breathing stones formed into cells in the body of Christ, must continually soldier on and be a voice for the voiceless and an advocate for the powerless.

"Is not this the kind of fasting I have chosen: to loose the chains of injustice and untie

*continued at the bottom of page 6*

# Everyone Needs a Home

By Stephen Sands

**CRAIG SPENT EIGHT** years in prison for crimes connected to his alcoholism. On October 14, 2014, he was released from prison to a halfway house for those who have drug/alcohol addiction or who have violated their probation. In order to leave the halfway house before they “max out” (complete all of their sentence) they must have a “home plan” (a room, apartment or family/friend’s house) approved by the parole agent.

Keith met Craig at a Decarcerate PA meeting (<http://decarceratepa.info/>) and started mentoring him. Keith took him to job interviews and to look at potential housing options for his home plan. When he was allowed out of the halfway house, Craig joined us for our Friends Over Fences meeting at the Grantham Church on Wednesday evenings and the men’s breakfast every Saturday morning at a local diner.

Craig is a likeable man and people wanted to help him. When he got his job at UPS on August 14, 2015, men volunteered to pick him up at the halfway house and take him to UPS and then pick him up at night and take him back. The bus would have taken him an hour and since there are no buses in the evening when he got off work, the walk would have taken him over two hours. Even though Craig qualified for state assistance with his rent (deposit and up to six months’ rent and utilities) it was difficult to find a place close to his work.

One of our Friends Over Fences volunteers, Carey, a real estate agent, talked to a landlord in Steelton who owned many apartments but usually only rented to Section 8 clients. The man agreed to rent to Craig so Craig submitted a home plan on October 10, 2015. We were told it should take no longer than forty-five days for a plan to be approved or denied but even at that, the landlord has to hold a rentable unit while this process is taking place. And if the process takes longer, it is a hardship on landlords.

Parole officials inspected the unit on November 20, 2015 and told the landlord that the unit was acceptable. It took two more weeks before the home plan was approved

with a December 19, 2015 release date (when he could leave the halfway house). On December 11, eight days before Craig’s release date, someone walked into the landlord’s building, paid cash, rented the unit, and moved in that day. The landlord rented the place out from under Craig. But who could blame him? The prospective landlord tried to call the parole officer who didn’t return his calls and when he reached someone he was told the officer has been transferred. Craig had to find a new place and start the process all over again.

This is not an isolated or unique case. Many landlords can’t or won’t hold a unit and lose one or two months’ rent when it is usually easy to fill an empty apartment. Sometimes, Friends Over Fences is able to help by putting down a deposit and/or paying the first month’s rent so the landlord doesn’t have to take that loss. The policies of the Pennsylvania Department of Parole and the fact that they are severely understaffed contributed to this situation because it takes so long to approve a home plan.

This isn’t an issue just in Pennsylvania. It is an issue in every state. According to the website [prisonpolicy.org](http://prisonpolicy.org), “each state in a global context reveals that incarceration policy in every region of this country is out of step with the rest of the world, and “the incarceration rate in the USA is the highest in the world and the United States represents about five percent of the world’s population but it houses around 25 percent of the world’s prisoners.”

There are multiple solutions to this problem. One long-term solution that Friends Over Fences and other organizations are lobbying for are changes in Pennsylvania’s Department of Parole’s home plan policy that would speed up the process. Those living in other states can do an Internet search with the state name plus prison reform to find other organizations to support. Another source of information is Help For Felons; search by state: [www.helpforfelons.org/reentry-programs-ex-offenders-state/](http://www.helpforfelons.org/reentry-programs-ex-offenders-state/). By partnering with an organization in your area you can

support a man or women with an anonymous donation to help him or her get an apartment.

All across the nation there are men and women helping inmates and ex-offenders. They are on the front line dealing with men and women who have committed crimes but now have completed their prison sentences and may need help getting over one big hurdle – securing a place to live.

Friends Over Fences is continually searching for new resources and organizations to assist ex-offenders as they begin a new phase in their lives. For more information about Friends Over Fences or to notify us about possible partnerships and organizations in other states doing the same work, please contact me using the information below.

**Stephen Sands** is co-director of Friends Over Fences which meets regularly at the Grantham (PA) Brethren in Christ Church where he and his wife attend. Stephen is also involved with a variety of other prison and ex-offender ministries and organizations. Contact him at [stephen@friendsoverfences.org](mailto:stephen@friendsoverfences.org) or 717-439-0466.

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*continued from page 5*

the cords of the yoke, to set the oppressed free and break every yoke?” When these words of Isaiah are coupled with the compelling parable of Jesus about tending to the needs of the least among us, the Old Testament is wedded to the New Testament to become a call and command for the church to be the church. Individually and corporately we must be purposeful in shouldering the responsibility of visiting prisoners and breaking the chains of injustice in whatever people to people ministry ways we can.

**Ken Abell** and his wife serve with the Overcomers Program at Navajo Mission, Bloomfield, NM.

# Capital Punishment in the United States

## *Pragmatic and Spiritual Analysis*

By Ryan Gephart

**NO DISCUSSION OF** our nation's criminal justice system can be undertaken without acknowledging that the United States of America is one of the shrinking number of countries that still uses the death penalty (capital punishment) as a method of redressing crime, both in law and in practice. According to a *New York Times* article by Somini Sengupta, published on January 4 2016, the United States is one of only 28 countries that still permit the use of the death penalty and have used it within the last 10 years. Why do we still permit and use such a draconian form of punishment?

In the first portion of this article, I want to show that when one pragmatically scrutinizes death penalty facts and statistics, it is abundantly clear that continued use of the death penalty is, at the very least, illogical. In the latter portion, I will delve into why I believe the death penalty directly refutes our mandate as Christ's followers.

I believe it is important to dispel the pre-eminent narrative that the death penalty is an effective and just form of punishment. First, the death penalty is far from cost-effective, and many studies conducted over the last 20 years affirms this. For instance, according to a 1992 report by the *Dallas Morning News*, funding a death penalty case in Texas cost an average of \$2.3 million, which was approximately three times greater than the cost of imprisoning someone in a single high-security cell for 40 years. Moreover, according to the Death Penalty Information Center, a 2014 study conducted by the Kansas Judicial Council found that "defense costs for death penalty trials in Kansas averaged about \$400,000 per case, compared to \$100,000 per case when the death penalty was not sought." This trend is not limited to Kansas and Texas. This disproportionate, and arguably unjustifiable, cost is undertaken by our state and federal governments each time the death penalty is sought in a criminal case.

Aside from lacking any degree of fiscal justification, the death penalty has also re-

peatedly proven to be a failure as a crime deterrent. "Deterrence and the Death Penalty," a 2012 report conducted by the National Research Council, articulated that "studies claiming that the death penalty has a deterrent effect on murder rates are 'fundamentally flawed.'" Furthermore, a 2008 Amnesty International publication advises readers to consider Canada as a case study that refutes the argument that the death penalty deters violent crimes from being committed. According to this particular publication, 27 years after Canada abolished the death penalty, the murder rate in the country had fallen by 44 percent when compared to pre-abolition levels. The sheer number of studies that reiterate a similar theme are almost overwhelming – so much so that it is nearly to the point that one cannot rationally support the claim that the death penalty is a deterrent against violent crimes.

In addition to the irrationality of the death penalty as a punishment, it's also important to highlight the inherent fallibility of the practice. Far too often, the death penalty is errantly assigned and administered to innocent individuals. A punishment as absolute as state-sanctioned killing should leave no such room for error. Yet every year, death row inmates are exonerated of their crimes in light of newly-acquired evidence. This is evidenced by a case in 2014, in which two adolescent brothers were released from death row after DNA evidence attributed a rape and murder in question to a different individual (Amnesty International). Perhaps the most frightening thing is that this is far from an isolated incident. According to Amnesty International, "Since 1973, 151 people have been released from death rows throughout the country due to evidence of their wrongful convictions." Punishments are designed to promote justice, but a punishment, especially one as absolute as a death sentence, used with such a degree of error, does more to thwart justice than promote it.

Proponents of the death penalty also often fail to overtly acknowledge the racially

discriminatory manner in which the punishment is often administered. According to the Death Penalty Information Center, a 2011 study by professors Glenn Pierce and Michael Radelet, published in the *Louisiana Law Review*, demonstrated that in Louisiana "the odds of a death sentence were 97 percent higher for those whose victim was white than for those whose victim was black." Similarly, the famed Baldus Study in 1998 articulated that death penalty sentences have long been unequally administered along racial lines. I believe that the very concept of "justice" implies equality under the law. Therefore, a punishment that perpetuates inequality is inherently unjust, and thus, the continued use of the punishment within our nation's justice system is illogical.

My Christian faith also bolsters my fervent opposition to the death penalty. The death penalty is immoral in the sense that it detracts us from demonstrating Christ-like compassion to our fellow humans. The parable of the unmerciful servant in Matthew 18 exemplifies the degree to which our Lord desires his followers to demonstrate the same mercifulness that he has afforded to us. The parable begins: "Peter came to Jesus and asked, 'Lord, how many times shall I forgive my brother or sister who sins against me? Up to seven times?' Jesus answered, 'I tell you, not seven times, but seventy-seven times'" (Matt. 18:21-22, NIV). The subsequent dialogue is simple, but the message underlying it holds important implications for how we, as believers, 2000 years after the fact, are advised to live today. The message is that no single sin, or any number of sins for that matter, is beyond the incomprehensible mercy and compassion of our Lord.

We should strive as best we can to replicate this attitude of compassion and merciful forgiveness, and the death penalty stands in the way of this. My pastor, Woody Dalton, articulates this sentiment well when he says, "Jesus is not seeking victories that injure and destroy people, but victories in which love overcomes evil." In light of this, Christ's fol-

lowers should carefully consider how our justice system affords us an opportunity to extend love to those who may believe that society has rejected them. The death penalty disallows this love to flourish by ending a person's life for their sins and wrongdoings. Criminals, no matter what crimes they have committed, are not beyond the saving grace of our Lord. Abolishing the death penalty gives us, as Christians, a chance to offer hope to the hopeless by showing the same compassionate forgiveness that God has shown to all humankind. We are undeserving, yet we live each day with hope granted to us by the mercy of our God.

I hope that those reading this are willing to look at this issue carefully. There is much

more empirical data regarding the death penalty and how it is used, and Jesus' teachings regarding compassion extend far beyond a single chapter of the Gospel of Matthew. I am by no means an authoritative voice on justice or spiritual matters, but I hope that my opinions have opened the door to a topic that demands greater consideration, especially from Christians who desire to live out Jesus' teachings.

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## The Hidden Injustices of the American Justice System

By Zach Spidel

**EVIL ALMOST NEVER** advertises itself as such. The injustices of each era dress themselves up in the language of pragmatic necessity or even of virtue. Not even the horrors of slavery, which seem so obvious to so many now, were easily discernible to the great masses of white people at that time who either benefited from the horrible practice or who remained insulated from its effects. Many Christians in the era of slavery, even in the North, regarded the total abolition of slavery to be at best a foolish step and at worst a pernicious plot to destroy American civil society. Slavery was so woven into the fabric of the country that alternative arrangements seemed fancifully idealistic or even degenerate.

So too, today, there are grave injustices about which we remain blind. The American criminal justice system is full of such injustices, and it is in need of significant reform. America's incarceration rate is many times higher than nearly every other country of the world. China and Iran, countries whose governments our own leaders routinely criticize as totalitarian are our main competition for the top spot in global incarceration rates. Our high incarceration rate, a problem all by itself, is made worse by the fact that we incar-

cerate black people, and especially black men, at vastly higher rates than other groups.

Some would answer that if a person commits a crime, they should pay the penalty, and if America has many criminals, that merely shows how broken our society is. The problem is not with the justice system which is meting out punishments to those criminals, however numerous they might be, but with public morals and the prevalence of criminality. Those who hold this view often argue, relatedly, that crime rates are higher in minority and especially in predominantly black communities and that higher incarceration rates simply track this fact.

These responses, however, show a lack of curiosity regarding the causes of our abnormally high incarceration rate and the racial disparities within that rate. Curiosity about these topics quickly uncovers some deeply unsettling truths. Approximately one out of every 31 Americans is under some form of correctional control – over three percent of the population, or more than 10 million people. The incarceration rate for African Americans is six times higher than it is for white Americans. We know that marijuana use is about as common among black teenagers as white teenagers, and yet black



teens are far more likely to be arrested on marijuana charges and far more likely to receive stiff penalties for this crime. The use of solitary confinement – a form of punishment which has been shown to break people just as effectively as other forms of punishment we would unambiguously label torture – is used commonly in our prison systems, permanently damaging many people who suffer this cruel and unusual punishment. Many people with mental illness and many addicts end up in prison because they lack a system of support and our society doesn't know what else to do with them. Many poor people end up spending large quantities of time in and out of county jail systems, trapped in endless cycles of court fees they can't pay after a simple parking ticket goes unpaid. County governments reap millions of dollars every year from such poor people, incarcerating thousands of them in a kind of modern day debtors prison. One out of three black men in our country will spend some time in prison. Every year, our government restrains



men and women on gurneys in front of galleries of spectators, strapping down their arms, legs, ankles and heads, and injects them with poison to kill them as those spectators watch. On multiple occasions, these supposedly “humane” executions have gone wrong and led to conscious victims experiencing a searing, burning pain and severe trauma. In one recent case, the flesh on a man’s arm began to disintegrate as they tried over and over to pump poison into his veins unsuccessfully.

We find many ways to excuse all these inexcusable actions and outcomes. Often our excuses boil down to this: “Well, the people suffering are criminals. They are bad people and they deserve to suffer.” Sometimes this sentiment is shared nakedly, sometimes it is dressed up in more subtle language, but however it is dressed up, such a sentiment is inappropriate for Christians who know that they deserve the death penalty, but were spared it by their Lord who took it for them. Christians know, or should know, that justice is not about retribution, but about the

restoration of shalom.

Christians also know, or should know, that eye-for-an-eye justice has been ruled out for us definitively by our Lord Jesus and that mercy is the rule we are to live by. And finally, all of this assumes that all those suffering really are guilty, and really do “deserve” the punishments they are receiving. But the racial disparities, and the sheer numbers involved all speak against this interpretation. Many people who are not guilty are suffering. Many people who are guilty only of being poor, undereducated, mentally ill, or addicted are suffering. Many people who have committed crimes are being punished in ways vastly disproportionate to their crimes, fueled by unjust mandatory minimum sentencing laws, systemic racism, and other bureaucratic injustices. The American criminal justice system is in desperate need of root and branch reform, and we Christians should lend the full strength of our voices to the growing chorus of those calling for such reform.

Let me conclude by offering two recent

long-form pieces of journalism that touch upon these topics, and will provide more information and be more persuasive than I can be in this limited space. First, look up “How Municipalities in St. Louis County, MO, Profit from Poverty,” in the *Washington Post* by Radley Balko (Sept. 3, 2014). Second, look up “The Cruel and Unusual Execution of Clayton Lockett,” in *The Atlantic* by Jeffrey Stern (June 2015). These meticulously well-researched pieces should shock your conscience. The injustices they expose are not aberrations within a well-functioning justice system, but examples of an unsustainable status quo. Brothers and sisters, share these articles, talk about this with those you love, research these issues further, contact your law makers, and stand up against these evils in the name of Jesus.

*Zach Spidel is the pastor of The Shepherd’s Table congregation in Dayton, OH.*

## Advocating for Criminal Justice Reform

By Joshua Russell

**FORTY YEARS AGO**, the U.S. began creating one of the most punitive criminal justice systems in the world. Now it’s time to change it.

The United States is fond of touting itself as a world leader in many areas. One of the areas that we lead in, however, is a shameful one. The U.S. currently has 2.4 million people in prison, more than any other country in the world. A staggering one in 31 Americans are currently under some form of correctional control (such as parole, prison, probation). One in 14 children in this country has or has had a parent in prison. Why is this?

The answer to that question lies in the series of harsh laws that were enacted at the state and federal level beginning in the late 1970s. Rising crime rates and the spread of cocaine in the 1980s led to a surge in harsh

laws aimed at drug offenders. A new trend, mandatory minimums, became the norm in sentencing. Mandatory minimums sent people to prison in droves, regardless of the differences in circumstances of their cases. Judges were powerless to enact more lenient sentences, as many desired, for first-time or non-violent offenders. The result? The U.S. prison population has increased 500 percent over the past three decades.

The sheer number of people that the U.S. locks up is troubling in and of itself, not to mention the \$68 billion annual cost to taxpayers. What is even more disturbing are the racial disparities in our criminal justice system. African-American men now have a one in three chance of going to prison during the lifetime, compared to a one in 17 chance for white men. Latino men are also disproportionately affected, with a one in six chance of

going to prison.

These numbers become all the more outrageous when research shows that illegal drugs are used at almost identical rates in African-American and white communities. But African-American and Latino communities are targeted much more heavily by police and prosecutors, and frequently lack the financial means to obtain quality legal representation. Mandatory minimums allow prosecutors to easily send people to prison for long periods of time, thereby resulting in massive racial disparities in the U.S. criminal justice system.

In one case in Utah, for example, a Latino man named Weldon Angelos received a 55-year sentence for selling marijuana because he (legally) possessed a firearm, although he was not using it at the time of his arrest. As a result of the way current federal sentencing



laws (and many state ones) are written, Angelos received what is effectively a life sentence for a nonviolent crime. The judge in his case was outraged, noting that he had seen rapists get lesser sentences but could do nothing because of the laws.

Not only does the United States put too many people in prison for too long, but our criminal justice system has also made life extraordinarily difficult for people who are released from prison.

Depending on their crime and state, people released from prison do not have access to public assistance, funding for higher education, jobs, or the right to vote. Many employers automatically dismiss a person who checks “the box” on a job application indicating they have a criminal record rather than considering each person individually. People released from prison, having served the time that they are obligated to by law, continue to be punished after they leave prison. In some states, they are even required

to pay the state for their time in prison, resulting in debt that they can actually be incarcerated for if they fail to repay off. As a result of all these barriers, many former prisoners end up returning to prison within a few years of their release. Unsurprisingly, the United States has one of the highest rates of recidivism in the world.

Given all of these injustices, what can we do as Christians and Anabaptists?

The system of mass incarceration in the United States was enacted over several decades, and it will not be resolved quickly. It will take time and many pieces of legislation at both the state and federal levels to reform our broken criminal justice system. Modest reforms have already begun in some states.

In addition, legislation is before Congress now to make initial reforms at the federal level. Encouraging your elected officials in Washington to support bills such as the Sentencing Reform and Corrections Act and

the Second Chance Act is the first step towards developing a criminal justice system that is actually just.

In the long term what is needed is a shift in overall philosophy. Currently our system is very punitive, but not very restorative. Our system is designed to punish people, not to rehabilitate them or attempt to correct their behavior, despite the title “Department of Corrections.” Changing this mentality will not come overnight.

Meaningful change in the U.S. criminal justice system will only come if people like us engage with our elected officials and push them to support necessary changes. Politicians need to hear repeatedly from voters that criminal justice reform is an urgent issue. The time for change is now.

*Joshua Russell is a legislative assistant and the communications coordinator for Mennonite Central Committee U.S.'s Washington Office.*

## Restorative Justice

By David Blow with Shauna Mayer

**AS BRETHREN IN** Christ people on assignment with Mennonite Central Committee Ontario (MCCO), we connect every day with men and women who have been affected by the criminal justice system. Whether through Circles of Support and Accountability (COSA), for individuals returning to the community after being convicted of sexual offending, or through Arise, a supportive community for women who have experienced abuse, addiction or imprisonment, our task is to practice radical hospitality on a daily basis.

As members of the restorative justice team at MCCO we are routinely faced with the following questions: How do we help create safe and meaningful community with these who wish to reintegrate safely into community after been labeled the worst of the worst? How do we address the needs of offenders, as well as the victims and the community? How do we provide for the spiritual needs of a community that is often so overwhelmed with guilt and shame that they feel

that there is no hope for them? Some say we don't. The Gospels, however, contain a different message.

This verse by contemporary recording artist Mumford and Sons fits in well with our work:

*“It seems that all my bridges have been burnt/But you say that's exactly how this grace thing works./It's not the long walk home that will change this heart/But the welcome I receive with every start.”*

With an overall goal of “No More Victims,” our work demonstrates that participants who are surrounded by a circle that supports them while they reintegrate into community and holds them accountable have a better chance of safe and healthy living than those who return to community and live in isolation.

This is not an easy journey, and the challenges are many. After incarceration, basic problem-solving skills are often lacking. Many face significant mental health challenges. There is also the shame and stigma of

the past offenses committed and the challenge of moving forward carrying that weight. The men I serve often live in fear and isolation. Family and community ties have been broken. As I journey alongside these men, I see glimpses of God's grace as they navigate this new season of life.

We are blessed to be working with a group of volunteers and colleagues from our faith community who believe we are to welcome those who many feel are beyond care, or undeserving. As I reflect on this past year, I see God's grace in the most practical ways: a weekly games morning where a group gathers for fellowship and lighthearted banter; a weekly Bible study where we study together what it means to be a follower of Jesus and how that is lived out safely in community; gathering times where a warm meal is enjoyed followed by a time of worship and reflection.

COSA also deeply values accountability. We provide a safe space where questions can be asked, and honest and open dialogue can

take place. For those who live in isolation with no community, these meeting times are valuable. Since I joined this ministry in 2007, my life has been changed as I continue to serve. I see brokenness, rather than a newspaper headline. I see potential, as opposed to a negative statistic. I see an opportunity to model Christ in my daily interactions with this community.

Arise is for women who have experienced abuse, addiction or imprisonment. Shauna Mayer directs the initiative and has been serving in supportive settings with women for twenty years. Working in community chaplaincy in corrections, along with our team of faith-based volunteers, the Arise community supports and empowers women as they rebuild their lives.

Television series like “Wentworth” and “Orange is the New Black” provide a glimpse into the world of women who are imprisoned. While these may be Hollywood portrayals of prison life, and may offend some, the spirit of the message rings true: one wrong turn and any one of us could be where

these women are. I have met many women whose lives and experiences mirror the women on these shows.

The Elizabeth Fry Society ([www.caefs.ca](http://www.caefs.ca)) notes that even though there is a decline in crime rates in Canada, the number of imprisoned women is increasing. This reality is an invitation to follow Jesus’ words in Matthew to care for those in prison. It’s time for the church to fully embrace and respond to the women, men, children who are touched by crime everyday.

When a woman goes to prison, her children, and extended family enter a prison of their own. For many, it is a life sentence of a different kind. Children of inmates and ex-offenders experience higher levels of mental health issues, addiction, suicide and incarceration as they reach their teen and young adult years. Who will be present to support these children and their parents so the cycle is broken and hope is restored?

Arise supports women who are reintegrating into life after serving time in prison and their children and families. Our Back-

pack program, in partnership with Friends of Dismas, provides new backpacks, supplies, healthy snacks and toiletries to over 50 families each year so kids can have the best start possible. Our Christmas baskets support over 80 families a year with grocery gift cards and gifts for families who may not be able to have any Christmas celebration. Our biennial women’s wellness retreats give women and faith-based community volunteers an opportunity to relax, leave the city, and heal from the effects of abuse, trauma, and incarceration. Arise’s weekly support groups support over 100 women by providing a safe place to rebuild and recover and become all God created them to be.

For more information, contact Shauna at [shaunamayer@mcco.ca](mailto:shaunamayer@mcco.ca) or David at [davidblow@mcco.ca](mailto:davidblow@mcco.ca).

*David Blow is a Brethren in Christ pastor on assignment with Mennonite Central Committee Ontario, serving in the restorative justice program, Circles of Support and Accountability. David and his family attend The Meeting House, Newmarket site.*

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*continued from page 12*

prisons to meet with clients. This is certainly a must, but he also meets with families and delves deeply into the history of his clients understanding childhoods and circumstances that others in the legal system have overlooked, ignored, or did not see as relevant. He does not merely “take a meeting” with his clients. He gets to know them. He spends time with them talking about them and not just the issues of the case. He learns from them. He listens, which may be one of the greatest gifts he gives them.

*Just Mercy* allows us to look deeply into the current status of our justice system, to grieve the injustice, and to celebrate the victories. It can be disillusioning and yet hopeful. Stevenson learns the value of hope after talking with Walter’s family who were placing a lot of hope in him: “I was developing a maturing recognition of the importance of hopefulness in creating justice....Not that pie in the sky stuff, not a preference for optimism over pessimism, but rather ‘an orientation of the spirit.’ The kind of hope that creates a willingness to position oneself in a

hopeless place and be a witness, that allows one to believe in a better future, even in the face of abusive power. That kind of hope makes one strong.”

Like this book, the Equal Justice Initiative’s website ([www.eji.org](http://www.eji.org)) is full of useful information including news items, a helpful timeline of racial history, and information on their various areas of work.

*Just Mercy* is a story well told and well worth reading. For people concerned with God’s shalom and reconciliation, I highly recommend the book.

*Lois Saylor serves on the editorial committee for Shalom! She is also an editor for Equipping for Ministry and serves on their board. She and her husband are members of the Harrisburg (PA) Brethren in Christ Church.*

## Letter to the Editor

I read with interest the timely *Shalom!* issue, “On Belonging” (Fall 2015). The contrast between the first two articles caught my attention.

The first by Doug Sider gave a rationale for why the Canadian church decided to separate from the U.S. church and take on a new name to be determined later. The argument was based on the history and culture of the two churches, with a nod to our theological differences. It read like a public relations piece. The second article by Barbara Nkala gave a theological rationale for why the church in Zimbabwe needs the International Brethren in Christ Association. Her argument was based on the biblical and theological tradition that we share.

I find the latter much more convincing. The church is stronger when it focuses on our theological and biblical commonalities rather than our sociological and cultural differences.

*John Yeatts, Grantham, PA*

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## BOOK REVIEW

# The Partnership of Justice and Mercy

By Lois Saylor

**WHEN BRYAN STEVENSON'S** book *Just Mercy: A Story of Justice and Redemption* (Spiegel and Grau, 2015) was suggested for review, the title was enough to grab my attention. I have long worked through the concepts of justice and mercy.

Years ago in a Sunday school class someone asked if I would agree that justice and mercy are opposites. I hesitated. My first reaction was that the question was a set-up to take me somewhere I did not want to go. But I also felt that it was wrong to call these two godly attitudes, characteristics, and actions opposites. Something rebelled even though I could not articulate the reasons.

I believe justice and mercy work together to perform God's will. Both are needed to complete the other in a way that is more integrally connected than merely opposites balancing each other, or worse, counter-acting each other. Justice is innately merciful or it becomes unjust. Mercy without the context of justice becomes a limp leniency that causes harm not good thereby becoming neither just nor merciful. Justice and mercy seem to be parts of a whole cloth.

Bryan Stevenson in *Just Mercy: A Story of Justice and Redemption* explores the partner-

ship of justice and mercy through the compelling stories of his work with inmates on death row or serving death-in-prison (life without parole) sentences. Stevenson is the executive director of the Equal Justice Initiative, a professor of law at New York University Law School and a graduate of Harvard Law School. He has argued before the Supreme Court, winning crucial cases for his clients and the causes of justice for the poor, people with emotional or mental challenges, and people of color.

In his introduction to the book, Stevenson writes, "This book is about getting closer to mass incarceration and extreme punishment in America. It is about how easily we condemn people... [and] the way we treat the most vulnerable among us." He gets us close by telling the stories of his clients.

If this narrative book has a main character, it is Walter McMillian. Like Stevenson, we meet Walter when he is a prisoner on death row convicted of killing a young woman in a drug store. Walter maintains his complete innocence and like Stevenson we want the facts. What follows is a wild journey through the justice system where we find corruption, prejudice, and a labyrinth of legal

procedures. The poignancy of Walter's story is heightened as it mirrors important aspects of the well-known novel *To Kill a Mockingbird*. The comparison is unavoidable because Walter is convicted of a crime committed in the home county of Harper Lee and where she sets her novel's fight against racial prejudice. The heartbreak is that decades have passed since the fictional account was written, but the same injustices surface in Walter's story even while the same county takes pride in Harper Lee and her book calling for justice, wisdom, and human decency.

Stevenson takes us through Walters' case, but at the same time highlights other cases and other stories. He works with many inmates on death row and women and juveniles serving death-in-prison sentences. Too often the circumstances do not legally merit the harsh sentences. Too often juveniles tried as adults are then incarcerated in adult correctional facilities where they are completely vulnerable and subjected to the worst treatment including sexual assault.

In his work as a lawyer, Stevenson grows very close to his clients, which is one of the compelling aspects of the book. He goes to

*continued on page 11*