

A Resolution Against Mass Incarceration, Racial Profiling, and the War on Drugs

WHEREAS the Bible recognizes that unjust laws are a primary form of systemic oppression, as witnessed in Psalm 94:20: “Can a wicked ruler be your ally; one who wreaks havoc by means of the law?” and in Isaiah 10:1: “Doom to those who pronounce wicked decrees, and keep writing harmful laws,” AND

WHEREAS our Lord and Savior Jesus Christ was crucified as a criminal, and many apostles spent time in prison, AND

WHEREAS the Social Principles of the *Book of Discipline* states that United Methodists oppose using the law “for the purpose of revenge or for persecuting or intimidating those whose race, appearance, lifestyle, economic condition, or beliefs differ from those in authority,” (§126H) AND

WHEREAS the section goes on to address restorative justice, asserting that “most criminal justice systems around the world are retributive... in contrast, restorative justice seeks to hold the offender accountable to the victimized person, and to the disrupted community,” AND

WHEREAS Resolution #5031, titled “Humanizing Criminal Justice,” also argues for restorative justice, and says, “Racial and ethnic profiling is never an acceptable law enforcement tool. Police and prosecutors must be trained to avoid its use even unconsciously.” It goes on to say, “the Church supports the repeal of laws that criminalize personal conditions or behaviors,” and specifically mentions drug prosecution as a contributor to racial disparity, AND

WHEREAS research has shown that drug use is pervasive and largely the same across differences of race and class, and studies also show that white students use drugs more often than African-American students, AND

WHEREAS in spite of the pervasiveness of drug use, a 2016 study by the Alabama Appleseed Center for Law and Justice found large arrest discrepancies for marijuana possession by race: black people were four times more likely to be arrested in Alabama for marijuana possession, and five times more likely to be arrested for felony possession, reflecting a disproportionate and racially discriminating pattern of behavior by law enforcement; in some cities, black people were ten times more likely to be arrested than white people, AND

WHEREAS unequal enforcement of the law has led to the criminalization of young black people, disproportionate use of force against them, and perpetuation of violence and white supremacy, AND

WHEREAS Alabama has the fifth highest incarceration rate per capita in the world, higher than the world’s most repressive regimes, AND

WHEREAS mass incarceration in the United States has largely been driven by the failed War on Drugs, minimum sentencing laws, for-profit prisons, and treating addiction and mental illness as crimes instead of illness, AND

WHEREAS the church has sometimes been complicit in this miscarriage of justice, advocating retributive justice from the pulpit, moralizing against drug abuse instead of treating it as an illness, and mischaracterizing drug users as “gluttons and drunkards;” when in fact these are the very kinds of people with whom Jesus associated (Matthew 11:19), AND

WHEREAS there is a consistent effort by lobbyists, legislators, and contractors to build for-profit prisons, the owners of which have every incentive to increase crime and discriminatory law enforcement rather than reduce it, in order to create prison slave labor under the auspices of the 13th amendment to the United States Constitution which forbids slavery except as punishment for a crime, AND

WHEREAS our General Rule of Discipleship specifically forbids “slaveholding; buying or selling slaves” (§103), AND

WHEREAS our founder, John Wesley, actively worked for prison reform along with John Howard, and rejected the entire concept of debtors’ prisons; he believed prisons actually made people worse, calling them “nurseries of wickedness,” and worked much of his life among prisoners; AND

WHEREAS he also specifically wrote sermons and tracts against slavery, saying that even slavery imposed upon prisoners of war was “neither consistent with justice or mercy,”

BE IT THEREFORE RESOLVED that the North Alabama Conference of the United Methodist Church strongly endorses legislation to decriminalize marijuana possession up to one ounce, in light of current law's contribution to racial profiling, mass incarceration, and prison profiteering. We also commend diversionary programs for addiction treatment and mental health counseling to our state's District Attorneys, Judges, and Law Enforcement Officials. We commend prevention, and assert that instead of wasting tens of thousands of dollars per prisoner per year on retributive prisons, our state should focus on mental health and drug abuse prevention.

BE IT FURTHER RESOLVED that the North Alabama Conference discourages the Governor of Alabama and other state officials from pursuing prison-building initiatives until these mechanisms perpetuating mass incarceration are dismantled. We encourage the Governor to reject for-profit prisons and the contracting of prison labor and prison services to private businesses, and declare these practices are tantamount to economic exploitation of the poor, at best, and slavery, at worst.

BE IT FURTHER RESOLVED that should marijuana or other illegal drugs become legal at the federal or state level, we encourage state officials to immediately regulate and tax drug commerce in such a way that Alabama makes reparations to those who have been incarcerated for drug possession and their descendants.

BE IT FURTHER RESOLVED that churches in the North Alabama Conference shall endeavor to educate their congregations and communities about the ways racism and oppression continue to be written into law, as referenced in Psalm 94:20 and Isaiah 10:1.

Rationale: In her book *The New Jim Crow*, Michelle Alexander describes how mass incarceration is simply the next step of a pattern of racial oppression that has existed since slavery. The prison population ballooned between 1970 and the mid-2010s, from half a million to 6.5 million. It is not by accident that this pattern developed after the Civil Rights Act.

Transcripts from the Alabama State Constitutional Convention in 1901 make it clear that felony disenfranchisement was intended to have racial consequences. Today, because of felony voter disenfranchisement, nearly 30% of black men of voting age in Alabama are disqualified from voting. Alabama has stripped 280,000 people of the right to vote through felony disenfranchisement. The use of law enforcement and mass incarceration to disenfranchise black voters and poor whites is epidemic, and bipartisan groups have begun to oppose this injustice. In 2018, Florida restored voting rights to 1.5 million ex-felons.

As a point of Biblical reference, Moses was also an ex-felon. Felony disenfranchisement, even for "crimes of moral turpitude," is antithetical to the Christian witness of transformation and second chances.

Another complicating factor is for-profit prisons, which sell prison labor to private contractors as a form of slavery. Although most people believe the 13th Amendment to the US Constitution forbids slavery, it allows it as punishment for crime. For-profit prisons contract with states to fill a certain number of beds, which reduces the incentive to actually reduce crime, and increases the incentive to arrest people for petty crimes, like marijuana possession. These incentives lead to yet more racial discrepancies in enforcement.

While many states have legalized or decriminalized marijuana, it has been observed that those who were arrested, who are mostly black, are still languishing in prison, while white entrepreneurs have profited from newly legal dispensaries and the drug industry. If marijuana laws are relaxed, reformed, or removed, the injustice will remain unless there are reparations.

References and Congregational Resources:

The New Jim Crow: Mass Incarceration in the Age of Colorblindness, by Michelle Alexander; *13th*, a documentary on the 13th amendment by Ava DuVernay, available on Netflix; "Tears We Cannot Stop: A Sermon to White America" by Michael Eric Dyson; *Alabama's War on Marijuana: Assessing the Fiscal and Human Toll of Criminalization*, by Alabama Appleseed Center for Law and Justice, available online: www.alabamaappleseed.org/waronmarijuana; *Just Mercy*, by Bryan Stevenson.

Submitted by: David Barnhart, Caitlin Harper, Garrett Harper, James Fields

Committee vote: 6 Yes (Concurrence) 1 No (Non-concurrence)

The role of the Committee is not to approve or disapprove the content of a particular petition or resolution but to ensure that they have followed the appropriate process (as outlined in our standing rules) and that they are in agreement with the Book of Discipline, including our Social Principles, and our standing rules.