

RETHINKING INCAR CERA TION

DOMINIQUE DUBOIS GILLIARD

STUDY & ACTION GUIDE FOR SMALL GROUPS

A publication of the Anástasis Center for Christian Education and Ministry

Rethinking Incarceration Study and Action Guide for Small Groups

Revision 1.0

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Rethinking Incarceration is authored by Dominique Gilliard

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Study & Action Guide: For Small Groups

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A Publication of The Anastasis Center for Christian Education and Ministry

The Anástasis Center for Christian Education and Ministry (previously named New Humanity Institute) is a Christian education organization dedicated to resourcing Christian leaders and churches with curriculum and training on restorative justice and healing atonement to holistically teach and proclaim the healing of humanity in Jesus Christ. The Anástasis Center creates curriculum that brings the story of Jesus into dialogue with modern movies, songs, and art; early Christian understandings of human nature into dialogue with trauma studies and neuroscience; and Christian restorative justice into dialogue with ethnic studies, political science, and law. To see the community of people using this curriculum, and be part of the conversation, please check

<https://www.anastasiscenter.org/study-action-rethinking-incarceration>.

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In addition, Justin is passionate about teaching people how to align their theological convictions with their vocation, financial stewardship, and marketplace endeavors. He also enjoys discipling next-gen leaders, and currently serves as a youth group leader at Highrock Brookline church as well as a campus minister with InterVarsity Christian Fellowship. Justin lives in Allston, MA with his wife Mee, holds a degree in Finance from Boston College, and spends most of his free time obsessing over the Green Bay Packers.

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SESSION ONE: THE WAR ON DRUGS

Rethinking Incarceration, Chapter 1

Agenda for Today

- Introduction and Ground Rules
 - Discussing *Rethinking Incarceration*, ch.1
 - Proposed Action Steps
 - Prayer
-

Guiding Questions

1. Was there material in this introductory chapter that was new information to you? What are your initial reactions?
2. Have you or anyone you're close to been caught up in the criminal justice system because of drugs? What was that experience like?
3. Is it hard to believe that the "War on Drugs" was an overreaction? Racially motivated? Discuss the following:

Racial Perceptions of Criminality

A survey asked people to envision a drug user. "While in reality a strong majority of drug users are white, most respondents—95 percent—pictured African Americans."¹

"White Americans overestimate the proportion of crime committed by people of color and associate people of color with criminality... Implicit bias research has uncovered widespread and deep-seated tendencies among whites – including criminal justice practitioners – to associate blacks and Latinos with criminality."²

"White Americans who associate crime with blacks and Latinos are more likely to support punitive policies – including capital punishment and mandatory minimum sentencing – than whites with weaker racial associations of crime."³

Criminality and Drug-Related Facts

“The first anti-opium laws in the 1870s were directed at Chinese immigrants. The first anti-cocaine laws, in the South in the early 1900s, were directed at black men. The first anti-marijuana laws, in the Midwest and the Southwest in the 1910s and 20s, were directed at Mexican migrants and Mexican Americans. Today, Latino and especially black communities are still subject to wildly disproportionate drug enforcement and sentencing practices.”⁴

Crime in Finland, Germany, and the U.S. was stable in the second half of the twentieth century. But incarceration increased about 400% in the U.S. while it fell by 60% in Finland; Germany remained the same. This demonstrates how incarceration rates have almost no direct relationship to crime rates. But in the U.S., from 1980 to 2006, the “War on Drugs” led to a 1,100% increase in drug-related arrests, including a 700% increase in women imprisoned since 1980. “Today women represent 9 percent of the state and federal prison population. Furthermore black women’s arrest in particular for drug-related offenses grew by 828 percent – triple the growth the arrest rate for white women and double that of black men during the prime years of the drug war, the late 1980’s and 1990’s.”⁵

White people are more likely than black people to use and sell drugs. “White youth in particular are seven times more likely to use cocaine and heroin than black youth, and three times more likely to sell drugs.”⁶

4. Why do you think racial perceptions of criminality – especially drug use – are so different from the reality?
5. Once someone is declared to be a ‘criminal’ or incarcerated, why are they so easy to punish heavily, forget about, and continue to punish even when they get out of prison? Is it a psychological or spiritual issue on our part?
6. Split into pairs to pray for any or all of the following: your own repentance from fear or apathy; transformation in others and in systems; healing for those drug offenders and their families (including anyone in your group personally affected); etc.

Notes

1. Dominique Gilliard, *Rethinking Incarceration: Advocating for Justice That Restores* (Downers Grove, IL: InterVarsity Press, 2017), p.25
2. The Sentencing Project, *Race and Punishment: Racial Perceptions of Crime and Support for Punitive Policies*, 2014, p.3; http://www.sentencingproject.org/doc/publications/rd_Race_and_Punishment.pdf. See also Charles M. Blow, "Crime, Bias, and Statistics," *New York Times*, September 7, 2014; citing The Sentencing Project, *Race and Punishment: Racial Perceptions of Crime and Support for Punitive Policies*, 2014. See also Katheryn Russell-Brown, *The Color of Crime: Racial Hoaxes, White Fear, Black Protectionism, Police Harassment, and Other Macroaggressions*, 2nd edition (New York: NYU Press, 2008); also supported by Ted Chiricos, Kelly Welch, Marc Gertz, "Racial Typification of Crime and Support for Punitive Measures," *Criminology* Volume 42, Number 2, 2004; <http://www.uakron.edu/centers/conflict/docs/Chiricos.pdf>; "This paper assesses whether support for harsh punitive policies towards crime is related to the racial typification of crime for a national random sample of households (N=885), surveyed in 2002. Results from OLS regression show that the racial typification of crime is a significant predictor of punitiveness, independent of the influence of racial prejudice, conservatism, crime salience, southern residence and other factors. This relationship is shown to be concentrated among whites who are either less prejudiced, not southern, conservative and for whom crime salience is low. The results broaden our understanding of the links between racial threat and social control, beyond those typically associated with racial composition of place. They also resonate important themes in what some have termed modern racism and what others have described as the politics of exclusion.'
3. Ibid, p.3
4. Drug Policy Alliance, "A Brief History of the Drug War," <http://www.drugpolicy.org/new-solutions-drug-policy/brief-history-drug-war>
5. Gilliard, p.21
6. Gilliard, p.25. Maia Szalavitz, "Study: Whites More Likely to Abuse Drugs Than Blacks," *Time*, November 7, 2011 writes, "Black youth are arrested for drug crimes at a rate ten times higher than that of whites. But new research shows that young African Americans are actually less likely to use drugs and less likely to develop substance use disorders, compared to whites, Native Americans, Hispanics and people of mixed race."

SESSION TWO: SLAVERY, CONVICT LEASING & PRIVATE PRISONS

Rethinking Incarceration, Chapters 2 and 4 (pages 60 - 64)

Agenda for Today

- Introduction and Ground Rules
 - Discussing *Rethinking Incarceration*, ch.2 and ch.4 (pages 60 - 64 only)
 - Proposed Action Steps
 - Prayer
-

Guiding Questions

1. Was there material in this chapter that was new information to you?
2. Last time, we talked about the psychological and spiritual tendency to criminalize other people, in this case black Americans particularly. This time, we will talk about the legal and institutional basis by which it happened in the U.S. What if people were set up for entrapment? Are being set up?

In the North, free black women during the era of slavery provided domestic labor in white homes. They were often victims of sexual assault, and accused of stealing. “When black women were charged with stealing from white families, they were issued some of the harshest sentences handed down by the criminal system.”¹

For additional context on how often black women were sexually assaulted: “The rape of black women by white men continued, often unpunished, throughout the Jim Crow era. As Reconstruction collapsed and Jim Crow arose, white men abducted and assaulted black women with alarming regularity. White men lured black women and girls away from home with promises of steady work and better wages; attacked them on the job; abducted them at gunpoint while traveling to or from home, work, or church; raped them as a form of retribution or to enforce rules of racial and economic hierarchy; sexually humiliated and assaulted them on streetcars and buses, in taxicabs and trains, and in other public spaces. As the

acclaimed freedom fighter Fannie Lou Hamer put it, “A black woman’s body was never hers alone.”²

See also Gilliard’s description of the Black Codes on pages 32 – 34.

3. White America still wanted cheap labor from black people in a modified form of slavery called convict leasing. How did that continue after slavery was formally abolished? What does this show you about how “law and order” often works?
4. How do public and private prisons continue the tradition of “convict leasing”?
 - a. What role does the 13th Amendment play?
 - b. What companies today outsource labor to prisons? (do a little internet research – find 5 companies)
 - c. How cheap is the labor?
 - d. As we consider what prisoners might do with any money they earn, watch this video:

How do prisoners make phone calls:

<http://www.truth-out.org/news/item/20759-fifteen-things-that-we-re-learned-about-the-prison-industrial-complex-in-2013>

scroll down to point #6, and see the short video there

- e. How much money have private prison companies made in recent years?
- f. How do private prison companies impact politics? Consider:

‘California guarantees that prisons will be filled to 70% capacity at all times. Arizona promises almost 100% occupancy.’³

‘The Census Bureau counts imprisoned individuals as residents of the jurisdiction in which they are incarcerated. [W]hite, rural communities benefit from inflated population totals at the expense of the urban, overwhelmingly minority communities from which the prisoners come. This has enormous consequences for the redistricting process.’⁴

‘A Republican parochial inclination to punish combined with high visibility locations of the racial demographic transition [rural central and southern CA counties with sizable ethnic minority immigration] during the last decades of the twentieth century played significant roles in the selection of California counties for appropriations to fund prison

construction.⁵ “[T]he death penalty solved this problem for local politicians because state and federal governments paid for the capital trials and executions. The use of bonds for state prison construction similarly contributed to resolving this contradiction by deferring and externalizing costs of imprisonment. [...] Lease revenue bonds [LRBs] originally were designed to fund projects with a revenue stream – parking garages, toll roads, and parking meters – to make the interest payments. They converted the leases to ownership following debt repayment. Of course, a prison generates costs rather than revenue. The entrepreneurial “repurposing” of LRBs was made possible in this era of de-regulation by having the [CA Dept of Corrections and Rehabilitation] lease the prisons to the state and by covering the interest payments from the corrections budget. The innovation involved the creation of a stream of revenue from an annual appropriation in a state budget and was highly unorthodox. [...] Business Week’s Suzanne Woolley (1992) called... LRBs an “End Run Around the Taxpayer.”⁶

Notes

1. Dominique Gilliard, *Rethinking Incarceration: Advocating for Justice That Restores* (Downers Grove, IL: InterVarsity Press, 2017), p.29
2. Danielle L. McGuire, *At the Dark End of the Street: Black Women, Rape, and Resistance – a New History of the Civil Rights Movement from Rosa Parks to the Rise of Black Power* (New York, NY: Vintage Books, 2010), p.xviii – xix
3. M. David, “Private Prisons Threaten to Sue States Unless They Get More Inmates For Free Labor,” *Countercurrent News*, June 24, 2015
4. Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2011)
5. John Hagan, Gabriele Plickert, Alberto Palloni, Spencer Headworth, “Making Punishment Pay: The Political Economy of Revenue, Race, and Regime in the California Prison Boom,” *Du Bois Review*, 12:1 (2015) p.97
6. Ibid, p.102

SESSION THREE: IMMIGRATION & INCARCERATION

Rethinking Incarceration, Chapter 4 (p.64 - 66 and articles below)

Agenda for Today

- Introduction and Ground Rules
 - Discussing *Rethinking Incarceration*, ch.4 (p.64 - 66 and articles)
 - Proposed Action Steps
 - Prayer
 - Receive Reading Assignment for Next Week
-

Guiding Questions

1. How much have you followed the migration, the child separation policy, and its results? What have your feelings and thoughts been towards it? Dominique Gilliard and InterVarsity Press released *Rethinking Incarceration* in February 2018, which means that the bulk of the writing happened about a year before that. President Trump's family separation policy at the US-Mexico border began no later than October 2017. An article from *USA Today* offers the following timeline:

“December 11, 2017: Immigration advocacy organizations file a joint complaint to the Department of Homeland Security about family separations.

April 6, 2018: Attorney General Jeff Sessions announces a “zero tolerance” policy at the southwest border. It directs federal prosecutors to criminally prosecute all adult migrants entering the country illegally. The policy change leads to the separation of families because children cannot be held in a detention facility with their parents.

April 11: Homeland Secretary Kirstjen Nielsen testifies before the House Homeland Security Appropriations Subcommittee that there is no policy that calls for the separation of families as a deterrence. “The standard is to – in every case – is to keep that family together as long as operationally possible,” she says. “When we separate, we separate because the law tells us to, and that is in the interest of the child.”

April 16: The Homeland Security Inspector General will look into whether the agency is improperly separating families, CNN reports. The move comes after Democratic senators urged the office to open an investigation in letter.

April 20: The New York Times publishes a report that says more than 700 children have been taken from their parents since October, 100 of those under the age of 4. It was the first report to call attention to the scale of separations.

May 7: Sessions makes clear that the Border Patrol and Justice Department intend to prosecute every adult who crosses the southwest border illegally. He acknowledges this will require the government to separate children from the adults traveling with them. “If you are smuggling a child, then we will prosecute you and that child will be separated from you as required by law,” Sessions says. “If you don’t like that, then don’t smuggle children over our border.”

From May: AG Jeff Sessions vows to separate kids from parents, prosecute all illegal border-crossers

May 11: Kelly, who became White House Chief of Staff in July, defends the separation of undocumented immigrants from their children as a necessary evil in the administration’s effort to increase border security during an interview with National Public Radio. In the effort to enforce U.S. border laws, “a big name of the game is deterrence,” he says. And separating families “could be a tough deterrent.”

May 15: Nielsen defends the separation of children from parents before the Senate Homeland Security and Governmental Affairs Committee. She denies that Trump ordered the separation as a deterrent to illegal immigration. “My decision has been that anyone who breaks the law will be prosecuted,” she says.

June 14: Sessions defends the policy by citing a Biblical passage from Apostle Paul’s epistle to the Romans: “I would cite you to the Apostle Paul and his clear and wise command in Romans 13, to obey the laws of the government because God has ordained them for the purpose of order,” Sessions says. “Orderly and lawful processes are good in themselves and protect the weak and lawful.”

White House Press Secretary Sarah Sanders says the president is “simply enforcing the law.” “The separation of alien families is the product of the same legal loopholes that Democrats refuse to close, and these laws are the same that have been on the books for over a decade.”

June 15: For the first time, the Department of Homeland Security says how many children have been separated during the zero-tolerance initiative: Nearly 2,000 children from April 19 to May 31.

June 17: Public attention to the issue spikes, according to Google Trends data.

June 18: Nielsen says the administration “will not apologize” for separating families. “We have to do our job. We will not apologize for doing our job,” she says. “This administration has a simple message — If you cross the border illegally, we will prosecute you.”

June 19: Iowa's GOP governor calls the separation of immigrant families "horrific" and says the government shouldn't treat children as "pawns." Methodists sign a formal denominational complaint against Sessions for his role in causing the separation of families.

June 20: Facing a national outcry, Trump signs an executive order designed to keep migrant families together at the U.S.-Mexico border, abandoning his earlier claim that the crisis was caused by an iron-clad law and not a policy that he could reverse [italics mine]. The order, drafted by Nielsen, directs Homeland to keep families together after they are detained crossing the border illegally. In addition, Homeland reports 2,342 children were separated at the border from 2,206 adults from May 5 to June 9.

June 21: A USA TODAY analysis of thousands of cases, reveals the Trump administration border crackdown that separated thousands of children from their parents is built on a mountain of small-time criminal prosecutions that typically end with people sentenced to spend no additional time in jail and pay a \$10 fee.



Brad Heath ✓
@bradheath

President Trump and DOJ said today that the zero-tolerance prosecutions will continue. But we found that the practice at the border today was somewhat different. pic.twitter.com/ooltKqIvqx

138 5:49 PM - Jun 21, 2018

Still, defense lawyers said Thursday there were hints the government might have softened its position. Border agents bused 17 people to court in McAllen, Texas on Thursday, then abruptly returned them to an immigration facility without filing charges, assistant U.S. attorney James Sturgis said during a hearing. Meyers said the Border Patrol told her staff that they were taking people who had been caught along with their children off of the docket.

It wasn't clear whether the government might charge them in the future.

"They were not prosecuted today but they are still separated from their children. They're still having to endure the pain of being separated," said Azalea Aleman-Bendiks, a public defender. "Every day that goes by, these children are continuing to suffer the pain of being separated from their parents."

The Justice Department asks a federal judge to change the rules for detaining undocumented immigrants as the Trump administration presses its effort to halt the family separations while continuing the "zero tolerance" policy. At issue is the Flores consent decree and related court rulings that require release of children within 20 days. The problem is that under zero tolerance the government is criminally charging adults – and their cases generally take far more than 20 days to litigate. The government wants approval to allow the kids to stay with their detained parents.



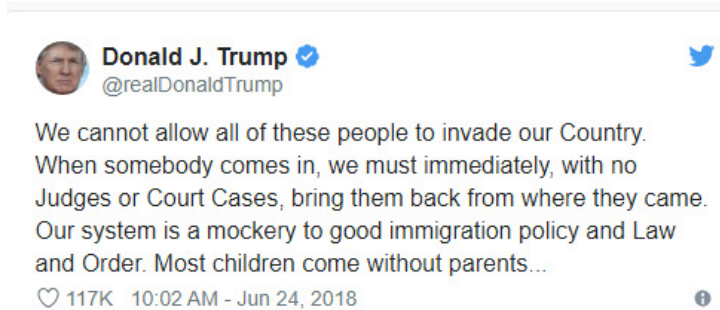
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Replying to @bradheath

.@usatoday gathered records from thousands of immigration prosecutions filed since the start of the Trump administration's zero tolerance push. The government is separating families to secure convictions that seldom carry meaningful penalties.

USA TODAY examined 2,598 written judgments in border-crossing cases filed in federal courts along the border since mid-May. In nearly 70 percent of those cases, migrants pleaded guilty and immediately received a sentence of time served, meaning they would spend no additional time in jail. Another 13 percent were sentenced to unsupervised probation, including a condition that they not illegally re-enter the United States. In both cases, that meant they would immediately be returned to immigration officials to be processed for deportation, leaving them in essentially the same position as if they had not been prosecuted.

June 24: In a tweet, Trump calls for illegal immigrants to be immediately deported back to their home countries without any court involvement.



June 25: Customs and Border Protection Commissioner Kevin McAleenan says Trump’s executive order has temporarily halted criminal prosecution of parents and guardians unless they had criminal history or the child’s welfare was in question. However, he insists the White House’s zero tolerance policy remained intact.

June 26: A federal judge in California orders U.S. immigration authorities to reunite separated families on the border within 30 days, describing the Trump administration’s handling of the crisis as attempts “to address a chaotic circumstance of the government’s own making.” The preliminary injunction, issued by U.S. District Judge Dana Sabraw in San Diego, says children younger than 5 must be reunified within 14 days.”¹

In May 2018, the American Academy of Pediatrics,² the American Psychiatric Association,³ and the American College of Physicians⁴ all condemned the policy:

“Highly stressful experiences, like family separation, can cause irreparable harm, disrupting a child’s brain architecture and affecting his or her short- and long-term health. This type of prolonged exposure to serious stress – known as toxic stress – can carry lifelong consequences for children.”⁵

We also need to be concerned about how U.S. interference in Latin American and the Caribbean drives migrants to the U.S.⁶

2. Dominique Gilliard names the possibility that immigration law is being used to entrap Latinos and incarcerate or deport them (see below). Do you agree or disagree? Why?
 - a. Note Gilliard’s statement, on p.64, beginning with “This and other evidence...”⁷
 - b. Note Gilliard, p.65 has a chart showing an increase of 145% in immigration related offenses from 1998 – 2011.
3. Consider also the Trump Administration’s false claim that thousands of criminals or terrorists come through the U.S.-Mexico border, on foot. What have you learned, in

these discussions, about how portraying people as “criminals” or “terrorists” evokes fear, desire to blame and punish, etc.?

“SARAH HUCKABEE SANDERS, White House press secretary: “We know that roughly, nearly 4,000 known or suspected terrorists come into our country illegally, and we know that our most vulnerable point of entry is at our southern border.”

THE FACTS: Her implication that Mexico was the primary staging ground of these suspects is wrong. As she acknowledged when challenged [by Fox News host Chris Wallace], those people were coming “a number of ways ... by air, by land and by sea.” And, mainly not from Mexico.”⁸

Vice President Mike Pence also claimed,

“Last year alone, 17,000 individuals with criminal histories were apprehended at our southern border. Literally billions of dollars of narcotics flow through our southern border. Ninety percent of all the heroin that comes into this country that claims the lives of 300 Americans every week comes through our southern border...

[However], Customs and Border Protection data counted nearly 17,000 criminal aliens “encountered” by the Office of Field Operations and the Border Patrol in fiscal year 2018. But it should be noted that large portions of the immigrants being arrested at the southern border committed nonviolent crimes, like illegal entry or re-entry – the act of crossing into the US illegally – and driving under the influence of alcohol. Customs and Border Protection statistics also measure immigrants convicted of crimes in the US or abroad. And regarding the amount of heroin that pours into the US, Pence is correct that it largely comes through Mexico, but a recent Drug Enforcement Administration report found that the majority of it comes via legal ports of entry.”⁹

4. Consider what Representative Alexandria Ocasio-Cortez (D-NY) said after President Trump’s Oval Office televised address to the nation on January 8, 2019 (see below). This is important to consider carefully because of how “law and order” has been manipulated in the U.S. to entrap people into the “criminal” category. In what sense is what we’re seeing “law and order”?

“Even if you are anti-immigrant in this country... the majority reason that people are undocumented are immigrant overstays – it’s not because people are crossing a border illegally. It is because of visa overstays, which, mind you, he’s talking about legal immigration. He’s trying to restrict every form of legal immigration there is in the United States. He’s fighting against family reunification. He’s fighting against the diversity visa lottery. He’s fighting against almost every way people can actually legally enter this country, forcing them to become undocumented, and then he’s trying to attack their undocumented status. This is systematic. It is wrong. And it is anti-American. Those women and children

trying to come here with nothing but the shirts on their back to create an opportunity and to provide for this nation are acting more in an American tradition than this President is right now.”¹⁰

5. Consider the similar industrial and economic connections between mass incarceration and deportation, particularly in the privatization of both prisons and detention centers. Who benefits economically from criminalizing immigrants? How do politicians partner with corporations in this system? Consider:

- a. Mass Incarceration, Immigrants, and the Law:

“...the prison industrial complex has exploded in size over the past two decades: the mass incarceration of immigrants facing possible deportation. At this moment, this disconnect couldn’t be more clear. We are detaining more immigrants than ever before. Immigration and Customs Enforcement (ICE) is now even working to reopen the same private prisons that have lost their DOJ contracts. The gains we are making in decreasing mass incarceration are being undermined by the increasing mass incarceration of immigrants. The invisibility of immigrant detention in calls to decrease the country’s prison population not only dehumanizes noncitizens; it is also self-defeating to create comfort with the incarceration of any group, especially given both systems’ roots in the heavily racialized “wars” on crime, the poor, and terror.”¹¹

The United States currently maintains the world’s largest immigrant detention system, imprisoning 380,000 to 442,000 people annually.¹²

“Two laws passed in 1996 – the Antiterrorism and Effective Death Penalty Act (AEDPA) and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA)—have played a huge role in bringing about this outcome.”¹³

- b. Private Companies

(In 2017) Private companies house about 9% of the nation’s total prison population. But they take anywhere from 63 - 73% of detained immigrants in private detention centers.¹⁴

The two largest private prison companies, CoreCivic and GeoGroup, have over \$2 billion a year in ICE contracts and \$44 million in tax exemptions annually.¹⁵

- c. Presidential Administrations

The Obama Administration initially attempted to reform the immigrant detention system. However the immigrant deportation system expanded its reach through a record number of arrests, detentionings, and deportations.¹⁶

The Trump Administration has increased not only the criminalization of immigrants, but also the increase of tax-funding, contracts, and tax-exemptions for private detention centers. The Department of Homeland Security (DHS) has been instructed to “accelerate resource capacity,” meaning cheaply and quickly create facilities to house detainees, mostly through contacting from these private companies. Private prison companies’ business has boomed during the Trump administrations, with GeoGroup’s stocks rising 21 percent and CoreCivic rising by 43%. GeoGroup additionally spent \$1.7 million in 2017 lobbying for deportation center, and both GeoGroup and CoreCivic have contributed to the 2018 Congressional election cycle.¹⁷

6. How do the economic concerns of private prisons affect the care of detainees? Consider:

The urgent need for cheap housing facilities for detainees following the sharp increase of ICE arrests have led to standards of care and housing that are dangerous for detainees. Detained individuals often do not receive the proper medical care, education, housing, beds, and resources that are laid out by federal detention standards. Many detained individuals are vulnerable groups such as children, the elderly, and those under the poverty line.¹⁸

Only 65 percent of ICE’s adult detention centers are contractually bound by one of the agency’s three sets of detention standards.¹⁹

Many pass inspections even though gross complaints of negligence, abuse, and even death have occurred or are relegated to a perpetual pending status and never gets addressed.²⁰

Alonzo Peña, a former deputy director of Immigration and Customs Enforcement, acknowledges that the companies have all too often fallen short. “It wasn’t their priority to ensure that the highest standards were being met,” Mr. Peña said... ICE... deserves some blame. “We set up this partnership with the private industry in a way that was supposed to make things much more effective, much more economical,” he said. “But unfortunately, it was in the execution and the monitoring and the auditing we fell behind, we fell short.”²¹

7. Discuss how we might honor God as reflected in these Scriptures:

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“Do not lie [bear false witness against your neighbor].” (Exodus 20:16; Matthew 19:18)

“You shall not wrong a stranger or oppress him, for you were strangers in the land of Egypt. You shall not afflict any widow or orphan.” (Exodus 22:21 – 22)

“At that time the disciples came to Jesus and said, ‘Who then is greatest in the kingdom of heaven?’ And he called a child to himself and set him before them, and said, ‘Truly I say to you, unless you are converted and become like children, you will not enter the kingdom of heaven. Whoever then humbles himself as this child, he is the greatest in the kingdom of heaven. And whoever receives one such child in my name receives me; but whoever causes one of these little ones who believe in me to stumble, it would be better for him to have a heavy millstone hung around his neck, and to be drowned in the depth of the sea.’” (Matthew 18:1 – 6)

“Then some children were brought to him so that he might lay his hands on them and pray; and the disciples rebuked them. But Jesus said, ‘Let the children alone, and do not hinder them from coming to me; for the kingdom of heaven belongs to such as these.’” (Matthew 19:13 – 14)

8. Split into pairs to pray for any or all of the following: healing especially for children who have been traumatized by being separated from their parents; your own repentance from fear or apathy; public officials who will tackle this responsibly; transformation in others and in systems; etc.

Notes

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3. Altha Stewart, M.D, President, American Psychiatric Association, “APA Statement Opposing Separation of Children from Parents at the Border,” *American Psychiatric Association*, May 30, 2018; <https://www.psychiatry.org/newsroom/news-releases/apa-statement-opposing-separation-of-children-from-parents-at-the-border>
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5. Colleen Kraft, above. See also Catherine Shoichet, “Doctors Saw Immigrant Kids Separated from Their Parents. Now They’re Trying to Stop It.” *CNN*, June 19, 2018; <https://www.cnn.com/2018/06/14/health/immigrant-family-separation-doctors/index.html>. In addition, children have died in government custody (Jakelin Caal Maquin, 7, and Felipe Alonzo-Gomez, 8, died within weeks of each other in December 2018; a 20-month old girl named Mariee Juárez, died in March 2018 about two months after she was held at a family detention center in Texas with her mother), although it is not entirely clear who or what was to blame in each of these cases.
6. Joseph Nevins, “How US Policy in Honduras Set the Stage for Today’s Migration,” *The Conversation*, July 2016; <http://theconversation.com/how-us-policy-in-honduras-set-the-stage-for-todays-migration-65935> writes, “U.S. military presence in Honduras and the roots of Honduran migration to the United States are closely linked. It began in the late 1890s, when U.S.-based banana companies first became active there. As historian Walter LaFeber writes in “Inevitable Revolutions: The United States in Central America,” American companies “built railroads, established their own banking systems, and bribed government officials at a dizzying pace.” As a result, the Caribbean coast “became a foreign-controlled enclave that systematically swung the whole of Honduras into a one-crop economy whose wealth was carried off to New Orleans, New York, and later Boston.”” See also Jeff Faux, “How US Foreign Policy Helped Create the Immigration Crisis,” *The Nation*, October 18, 2017; <https://www.thenation.com/article/how-us-foreign-policy-helped-create-the-immigration-crisis/>
7. Dominique Gilliard, *Rethinking Incarceration: Advocating for Justice That Restores* (Downers Grove, IL: InterVarsity Press, 2017), p.64
8. Calvin Woodward, “AP FACT CHECK: Trump’s Mythical Terrorist Tide from Mexico,” *Associated Press*, January 8, 2019; <https://www.apnews.com/4a7792c523ab4b5984893b38c988d70b>

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SESSION FOUR: MENTAL HEALTH & INCARCERATION

Rethinking Incarceration, Chapter 4 (p.69 - 75 and articles)

Agenda for Today

- Introduction and Ground Rules
 - Discussing *Rethinking Incarceration*, ch.4 (p.69 - 75) and articles
 - Proposed Action Steps
 - Prayer
-

Guiding Questions

1. Participants: Please share, in 2 - 3 minutes, about the articles you were asked to read and summarize for the group. Listeners, please take a few notes on what you learn.

“Why Schools Over-Discipline Children With Disabilities”
by Katherine Reynolds Lewis, *The Atlantic*, July 24, 2015

“Problems at School”
by *Association for Children’s Mental Health*

“America’s Largest Mental Hospital Is a Jail”
by Matt Ford, *The Atlantic*, June 8, 2015

2. Was there material in this chapter and articles that was new information to you? See below for particulars. By defunding mental health hospitals, are we sending certain people to prisons instead? What emotional responses and practical questions come up?
 - a. Gilliard, on p.69, provides some statistics about people with mental impairments in prisons and hospitals from 1998 and 1999.
 - b. Gilliard, on p.73 gives a compelling comparison of mental health concerns and incarceration rates:

“According to a study by the Treatment and Advocacy Center, in 2012 there were ten times more people with severe mental illness incarcerated than there were treated in psychiatric hospitals. In fact, forty four states and the District of Columbia had a prison or jail that held more individuals with serious mental illness than the largest remaining state psychiatric hospital. Ohio epitomized this problem with ten state prisons and two county jails each holding more mentally disabled prisoners than the largest remaining state hospital. In 2016 an estimated 90,000 individuals in jail were found incompetent to stand trial (IST). Individuals given the IST designation have failed to come to trial because they were “too disordered to understand the charges on which they were detained.”²

Also, from the Vera Institute of Justice:

“For nearly a century, state psychiatric hospitals were the primary institutions for treating people with mental health problems. These state asylums were established as the result of a 19th-century national crusade to decrease the extent that people with mental illness were being housed and abused in jails and poorhouses. Unfortunately, these institutions created additional problems, often warehousing patients in deplorable living conditions against their will. In the late 1950s, states began closing their asylums in large numbers with the promise that they would be replaced with a robust network of behavioral health care centers where people could receive the services they needed, while continuing to live in the community—a movement known as deinstitutionalization.

Deinstitutionalization was the result of advances in psychotropic medication, stronger due-process protections against civil commitment, the growing influence of community psychiatry, and the enactment of Medicaid in 1965. The newly created community centers were envisioned to offer a range of services: inpatient, outpatient, emergency, partial hospitalization, and consultation and education on mental health.

The promise of the community mental health movement fell short of its ambitions due to underfunding at the federal and state levels, preventing many people from accessing the services they needed. Dramatic cuts to a variety of social safety-net programs in the 1980s—which led to increases in homelessness and the number of people with untreated mental illness on the street—coincided with massive government spending on the War on Drugs and prison construction.

These changes contributed to a disproportionate number of underserved people with mental health problems becoming entangled in the criminal justice system and correctional facilities becoming their default treatment providers. Today, about 14.5 percent of men and 31 percent of women in jails have a serious mental illness, such as schizophrenia, major depression, or bipolar disorder, compared to 3.2 and 4.9 percent, respectively, in the general population. While estimates vary, the

prevalence of serious mental illnesses is at least two to four times higher among state prisoners than in community populations.”³

3. Look at the State by State evaluations by the Mental Health America website. Why do you think those States with the strongest history of slavery and racism are also the States with the most lack of mental health resources? See: <http://www.mentalhealthamerica.net/issues/access-mental-health-care-and-incarceration>
4. Read Jesus’ “Parable of the Good Samaritan.” In light of what we have been learning, what impact does this parable have?

²⁵ And a lawyer stood up and put him to the test, saying, “Teacher, what shall I do to inherit eternal life?” ²⁶ And he said to him, “What is written in the Law? How does it read to you?” ²⁷ And he answered, “You shall love the LORD your God with all your heart, and with all your soul, and with all your strength, and with all your mind; and your neighbor as yourself.” ²⁸ And he said to him, “You have answered correctly; do this and you will live.” ²⁹ But wishing to justify himself, he said to Jesus, “And who is my neighbor?” ³⁰ Jesus replied and said, “A man was going down from Jerusalem to Jericho, and fell among robbers, and they stripped him and beat him, and went away leaving him half dead. ³¹ And by chance a priest was going down on that road, and when he saw him, he passed by on the other side. ³² Likewise a Levite also, when he came to the place and saw him, passed by on the other side. ³³ But a Samaritan, who was on a journey, came upon him; and when he saw him, he felt compassion, ³⁴ and came to him and bandaged up his wounds, pouring oil and wine on them; and he put him on his own beast, and brought him to an inn and took care of him. ³⁵ On the next day he took out two denarii and gave them to the innkeeper and said, “Take care of him; and whatever more you spend, when I return I will repay you.” ³⁶ Which of these three do you think proved to be a neighbor to the man who fell into the robbers’ hands?” ³⁷ And he said, “The one who showed mercy toward him.” Then Jesus said to him, “Go and do the same.”

Notes

1. Dominique Gilliard, *Rethinking Incarceration: Advocating for Justice That Restores* (Downers Grove, IL: InterVarsity Press, 2017), p.69
2. *ibid* p.73
3. Vera Institute of Justice, “The Burden of Mental Illness Behind Bars,” <https://www.vera.org/the-human-toll-of-jail/inside-the-massive-jail-that-doubles-as-chicagos-largest-mental-health-facility/the-burden-of-mental-illness-behind-bars>

SESSION FIVE: THE SCHOOL-TO-PRISON PIPELINE

Rethinking Incarceration, Chapter 5

Agenda for Today

- Introduction and Ground Rules
 - Discussing *Rethinking Incarceration*, ch.5
 - Proposed Action Steps
 - Prayer
-

Guiding Questions

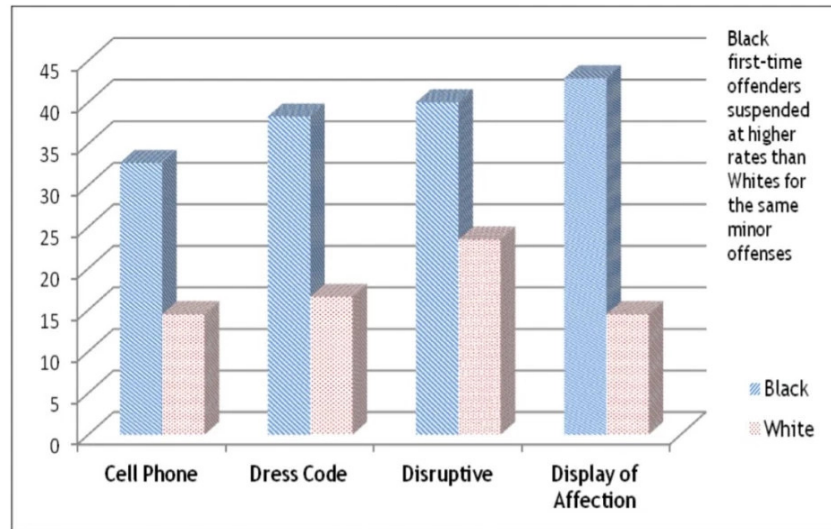
1. What is a “zero tolerance policy”? How did Judge Ciavarella promote it? Who benefited from it?
2. What is “the school-to-prison pipeline”? Give some examples that Gilliard notes.
3. How widespread is this “school-to-prison pipeline”? If you were (or had been) suspended from school for a day or two, who watched you (or would have watched you) at home? Consider:

Black children make up 18 percent of preschoolers, but make up nearly half of all out-of-school suspensions.¹ That’s suspensions of *4 year olds*. Black students in K-12 were nearly four times more likely as white students to be suspended or expelled,² which is up from three times in 2011 – 2012.³ Keep in mind: In families with kids 18 and under, 62% of married couples have both parents working.⁴ Probably close to 100% of single parents work.

In 2015, for white students, Missouri was on par with the national average: They suspended 2 out of every 100 students. But for black students, they suspended 12.5 more.⁵ Then, in January of 2017, Missouri got even tougher. They passed a state-wide law which made fights between students, on school buses or school grounds, no longer minor offenses or misdemeanors. Those kids “will be charged with a felony and arrested, regardless of their age or grade level.”⁶ In Minnesota, black students are 41% of the Minneapolis school district, but make up 76% of the suspensions.⁷

Racial disparities in school-based discipline in North Carolina⁸:

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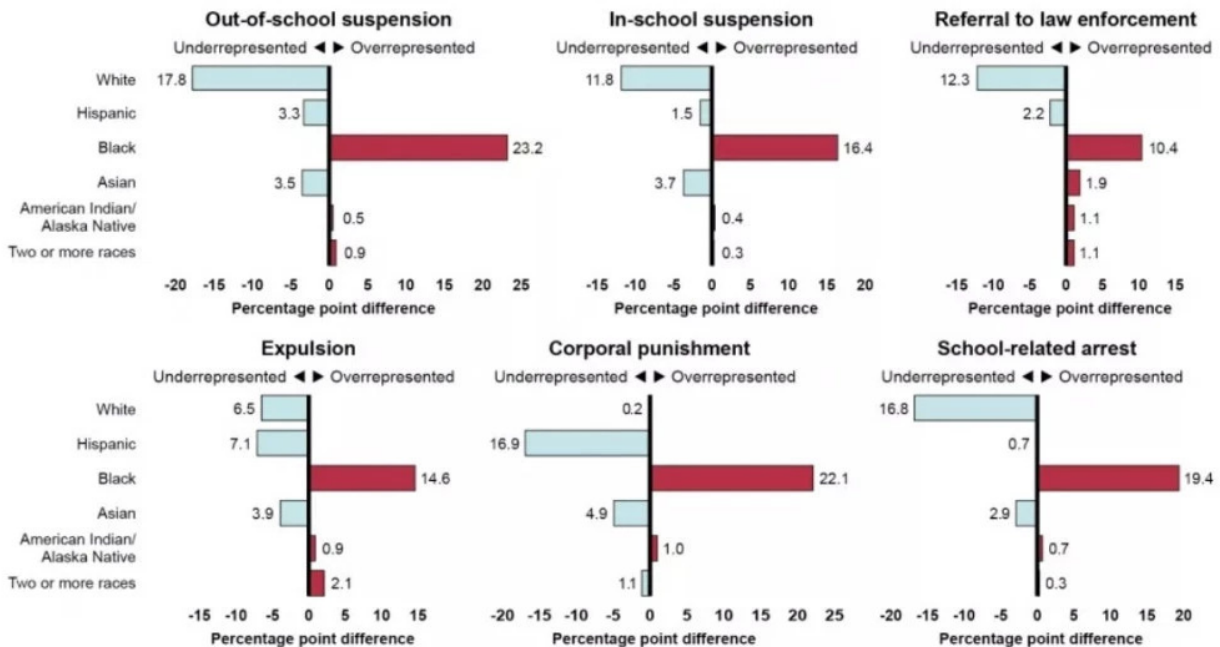


Note: Suspensions for selected categories of infractions; first offense

Across the nation, no matter what the form of punishment, black students get more of it, no matter what grade⁹:

Figure 2: Representation of Students Who Received Disciplinary Actions Compared to Overall Student Population, by Student Race or Ethnicity, School Year 2013-14

This chart shows whether each race or ethnicity was underrepresented or overrepresented among students who received six types of discipline. For example, White students were underrepresented among students suspended out of school by approximately 18 percentage points, as shown in the chart, because they made up about 50% of the overall K-12 student population, but 32% of the students suspended out of school.



Source: GAO analysis of Department of Education, Civil Rights Data Collection. | GAO-18-258

“At least 22 states and dozens of cities and towns currently outlaw school disturbances in one way or another. South Dakota prohibits “boisterous” behavior at school, while Arkansas bans “annoying conduct.” Florida makes it a crime to “interfere with the lawful administration or functions of any educational

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institution”—or to “advise” another student to do so. In Maine, merely interrupting a teacher by speaking loudly is a civil offense, punishable by up to a \$500 fine.”¹⁰

4. What is “implicit bias”?
5. Share your opinion on how true this statement is: Outsourcing discipline from within the school sends kids to the street and/or the criminal justice system.
6. How does the U.S. justice system treat children like adults? How does this compare with other countries? See Gilliard, p.92, and answer the following questions:
 - a. How many children are imprisoned in adult jails and prisons every year?
 - b. How many children are tried as adults every year?
 - c. What are the risks of placing children into adult incarceration facilities?
7. Gilliard mentions Proverbs 31:8 - 9 (below). Furthermore, God gives people the opportunity to repent and be redeemed. What does this - or other Scriptures you think are significant - mean for our juvenile justice system?

Speak up for those who cannot speak for themselves,
for the rights of all who are destitute.
Speak up and judge fairly;
defend the rights of the poor and needy.

Notes

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5. Daniel Losen, Cheri Hodson, Michael A. Keith II, Katrina Morrison, and Shakti Belway, “Are We Closing the School Discipline Gap?” *The Center for Civil Rights Remedies*, February 2015, p.17; https://www.civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/federal-reports/are-we-closing-the-school-discipline-gap/AreWeClosingTheSchoolDisciplineGap_FINAL221.pdf find, “At 12.5 more Black elementary students than White elementary students suspended per every 100 enrolled, Missouri’s Black-White discipline gap was the widest in the nation at the elementary level, and it also had the highest Black elementary suspension rate of any state. It is worth noting that Missouri schools had White elementary suspension rates on a par with the national average for all students. Moreover, Black elementary students in Missouri are suspended at higher rates than the state’s White secondary school students.”
6. Monique Judge, “New Mo. Statute Ensures Children Are Fed Into School-to-Prison Pipeline,” *The Root*, December 21, 2016; <https://www.theroot.com/new-mo-statute-ensures-children-are-fed-into-school-to-1790858227>

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7. Erica L. Green, “Why Are Black Students Punished So Often? Minnesota Confronts a National Quandary,” *New York Times*, March 18, 2018;
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<https://www.vox.com/identities/2018/4/5/17199810/school-discipline-race-racism-gao>
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SESSION SIX: RETRIBUTIVE VS. RESTORATIVE JUSTICE

Rethinking Incarceration, Chapters 6 and 7

Agenda for Today

- Introduction and Ground Rules
 - Quiz: How do you express justice?
 - Discussing *Rethinking Incarceration*, chs.6 and 7
 - Proposed Action Steps
 - Prayer
-

Introduction:

In chapters 6 and 7 of his book, Dominique Gilliard moves from recounting a history of mass incarceration and its multiple pipelines into discussing how American Christianity has helped shape the U.S. prison system, and vice versa. Gilliard explores two competing views of justice in the criminal justice system which we will call “meritocratic-retributive justice” and “restorative justice.” Session 6 will explore these two competing views of justice, their implications, and their legacy in the American prison ministries.

Today’s session begins with a quiz, which is supposed to give you a glimpse into your own view of justice. Please respond with your initial instincts!

Quiz: How do you express justice?

1. Which issue irritates you the most?
 - Economic inequality
 - Racial-profiling by police
 - Minimum sentencing on nonviolent crimes
 - Voter suppression
 - Unequal pay for equal work
 - Draining resources from mental health supports
 - Under-resourced schools
2. Which ruling do you find most **just** (select one)
 - Habitual Offender Laws (1994)

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Commonly referred to as the “three-strikes law”, sentences a person who has committed a violent felony and two previous convictions to serve a mandatory life sentence in prison.

Anti-Drug Abuse Act (1986)

Required a minimum sentence of 5 years for drug offenses involving 5 grams of crack or 500 grams of cocaine. Any drug offenses involving 50 grams of cocaine or 5 kilograms of cocaine required a min. sentence of 10 years in prison.

Executive Order 10925 - “Affirmative Action” (1961)

The process of a business or governmental agency in which it gives special rights of hiring or advancement to ethnic minorities to make up for past discrimination against that minority.

Graham v. Florida (2009)

Ruled the sentence of juvenile life without parole to be unconstitutional in non-homicide cases.

3. Justice means the freedom...” (select as many as you believe)

- To receive what you earn
- To not be responsible for other people’s needs
- From limits on what you can earn
- To be in relationships with others

4. When someone cuts you off on the road, what is your first reaction?

- retaliate and get even
- forgive and forget
- think about what made them do that
- call for their apology and help to fix the mess

5. If a friend steals from you, what is your first reaction?

- ask them why they wronged you
- retaliate and get even
- forgive and forget
- think about what made them do that
- call for their apology and repayment

6. If someone commits a crime, they should...

- receive an equivalent punishment
- be put under surveillance so that they never wrong another person
- help restore the harm they did

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7. In general, what is the most just way to treat people? According to... (select one)
 - The work we've done to prove ourselves
 - A vision for healthy relationships

Quiz Discussion Questions

1. Were your answers consistent throughout the quiz? Why or why not?
2. Why do you believe in your view of justice? Restorative or Retributive?

Guiding Questions

1. What are your reactions to the origins of the prison system as laid out by historian Jennifer Graber? Do you think its original purpose has carried over to how it is practiced in mass incarceration?
2. How have Christian ministers reinforced the retributive practices of the prison system?
 - a. How did these Christian ministers act?
 - b. What did these Christian ministers believe about God and punishment?
3. How have Christians advocated for the reform of prison practices to reflect a restorative approach?
 - a. What was their goal?
 - b. How did they interpret prisons?
 - c. How did they think of the character of God?
4. How has the participation of Christian ministers in prison systems shaped American Christianity? What do you think of Gilliard's assessment? He says, "In the end, the project to Christianize the populace and its governmental institutions had a secularizing effect on the reformers' religion, which stripped the good news of its prophetic and restorative voice."¹

Notes

1. Dominique, Gilliard. *Rethinking Incarceration: Advocating for Justice that Restores*. Downers Grove, IL: InterVarsity Press, 2018. 106.

SESSION SEVEN: RESTORING DIVINE JUSTICE

Rethinking Incarceration, Chapters 8 and 9

Agenda for Today

- Introduction and Ground Rules
 - Discussing *Rethinking Incarceration*, chs.8 and 9
 - Studying God's response to sin in Genesis 3:8 - 24
 - Proposed Action Steps
 - Prayer
-

Discussion Questions

1. What are the ways in which we overlay our own understanding of justice onto Scripture?
2. According to Gilliard, what is the goal of biblical justice?
 - a. For more information, as a supplement to Gilliard, see N.T. Wright:

“Yes, Jesus did, as Paul says, die for our sins, but his whole agenda of dealing with sin and all its effects and consequences was never about rescuing individual souls from the world but about saving humans so that they could become part of his project of saving the world. “My kingdom is not from this world,” he said to Pilate; had it been, he would have led an armed resistance movement like other worldly kingdom-prophets. But the kingdom he brought was emphatically for this world, which meant and means that God has arrived on the public stage and is not about to leave it again; he has thus defeated the forces both of tyranny and of chaos -- both of shrill modernism and of fluffy postmodernism, if you like -- and established in their place a rule of **restorative, healing justice...**”¹

3. Does God punish or penalize people in the Bible?
4. How does the biblical vision of “righteousness” address individual and systemic relationships?
 - a. “Righteousness” means _____
 - b. Read Gillard on p.140, when he explains what biblical justice is.

5. How does the penal substitution theory of atonement contradict a restorative vision of divine justice?
- Penal substitution declares that when God does not receive our _____, God will demand our _____ instead.
 - Penal substitution also declares that Jesus endured infinite _____ in order to satisfy _____. Otherwise, God would pour that wrath out onto _____.
 - Consider that theologian Timothy Gorringer says:

“Finally if Christ died to atone, or extinguish God’s wrath, then it must be said that Christ made an atonement for God and not for man; that he died for the good and benefit of God, and not of man; and that that which is called our redemption ought rather to be called the redemption of God, as saving and delivering him, and not man, from [God’s] own wrath.”²

How Did God Respond to Sin?

The Hebrew Scriptures, Genesis 3:8 - 24

⁸They heard the sound of the LORD God walking in the garden in the cool of the day, and the man and his wife hid themselves from the presence of the LORD God among the trees of the garden. ⁹Then the LORD God called to the man, and said to him, ‘Where are you?’ ¹⁰He said, ‘I heard the sound of You in the garden, and I was afraid because I was naked; so I hid myself.’ ¹¹And God said, ‘Who told you that you were naked? Have you eaten from the tree of which I commanded you not to eat?’ ¹²The man said, ‘The woman whom You gave to be with me, she gave me from the tree, and I ate.’ ¹³Then the LORD God said to the woman, ‘What is this you have done?’ And the woman said, ‘The serpent deceived me, and I ate.’

¹⁴The LORD God said to the serpent,

‘Because you have done this, cursed are you more than all cattle,
And more than every beast of the field;

On your belly you will go,

And dust you will eat, all the days of your life;

¹⁵And I will put enmity between you and the woman,

And between your seed and her seed;

He shall bruise you on the head,

And you shall bruise him on the heel.’

¹⁶To the woman God said,

‘I will greatly multiply Your pain in childbirth,

In pain you will bring forth children;

Yet your desire will be for your husband,

And he will rule over you.’

¹⁷Then to Adam God said,

‘Because you have listened to the voice of your wife, and have eaten from the tree
About which I commanded you, saying, ‘You shall not eat from it’;
Cursed is the ground because of you;
In toil you will eat of it, all the days of your life.
¹⁸ Both thorns and thistles it shall grow for you;
And you will eat the plants of the field;
¹⁹ By the sweat of your face You will eat bread,
Till you return to the ground,
Because from it you were taken;
For you are dust, and to dust you shall return.’

²⁰ Now the man called his wife’s name Eve, because she was the mother of all the living. ²¹ The LORD God made garments of skin for Adam and his wife, and clothed them. ²² Then the LORD God said, ‘Behold, the man has become like one of Us, knowing good and evil; and now, he might stretch out his hand, and take also from the tree of life, and eat, and live forever’ – ²³ therefore the LORD God sent him out from the garden of Eden, to cultivate the ground from which he was taken. ²⁴ So God drove the man out, and at the east of the garden of Eden God stationed the cherubim and the flaming sword which turned every direction to guard the way to the tree of life.

How Did Zeus Respond?

The Greek Creation Story, Hesiod’s *Theogony*, 519 - 526, 561 - 591

In a comparable story, the Greek creation story *Theogony* by Hesiod, Zeus gets irritated that the titan Prometheus teaches men (yes, literally male human beings) the secrets of fire. The men will now be able to harness energy and technology, and cause trouble for the gods. So Zeus chains Prometheus on a rock so that an eagle can rip out his ever-regenerating liver every day, and creates Pandora and women for the men, to cause trouble for them.

Questions

1. When Adam and Eve sinned, how would you characterize God’s response?
2. Why do you think God asked questions? Didn’t God already know the answers?
3. In 3:14 - 19, did God retaliate against the man and woman?
4. In 3:20, why did Adam name his wife “Eve”?
5. In 3:21, why did God reclothe them in animal skins?

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6. In 3:22 - 24, why did God drive them out of the garden? Was that retributive or restorative justice? Consider that the earliest writing theologian outside the New Testament, Irenaeus, bishop of Lyons (c.130 - 202 AD), said this:

“Wherefore also [God] drove him out of Paradise, and removed him far from the tree of life, not because [God] envied him the tree of life, as some venture to assert, but because [God] pitied him, [and did not desire] that he should continue a sinner forever, nor that the sin which surrounded him should be immortal, and evil interminable and irremediable. But [God] set a bound to his [state of] sin, by interposing death, and thus causing sin to cease, putting an end to it by the dissolution of the flesh, which should take place in the earth, so that man, ceasing at length to live to sin, and dying to it, might begin to live to God.”³

7. What would Jesus’ conception, life, death, and resurrection mean if he were undoing the fall?

Notes

1. Wright, N.T. "Kingdom Come: The Public Meaning of the Gospels." *The Christian Century*. June 17, 2008. <https://www.christiancentury.org/article/2008-06/kingdom-come>. Quoted by Sine, Christine. "N.T. Wright on Social Justice and the Gospel." *Sojourners*. March 16, 2010. <https://sojo.net/articles/nt-wright-social-justice-and-gospel>. See also Wright, N.T. *Justification: God's Plan & Paul's Vision*. Downers Grove, IL: InterVarsity Press, 2009. Ch.3, especially pages 64 - 65.

"God's way of putting the world right is precisely through his covenant with Israel... God's single plan to put the world to rights is his plan to do so through Israel."

2. Gorringer, Timothy, *God's Just Vengeance: Crime, Violence and the Rhetoric of Salvation*. Cambridge: Cambridge University Press, 1996. 185

3. Irenaeus of Lyons. *Against Heresies* 3.23.6. Note that this was the first in a long string of unanimous agreement among the early Christian theologians about why God exiled humanity from the garden. Methodius, bishop of Olympos (died circa 311 AD), agreed:

"In order, then, that man might not be an undying or ever-living evil, as would have been the case if sin were dominant within him, as it had sprung up in an immortal body, and was provided with immortal sustenance, God for this cause pronounced him mortal, and clothed him with mortality... For while the body still lives, before it has passed through death, sin must also live with it, as it has its roots concealed within us even though it be externally checked by the wounds inflicted by corrections and warnings... For the present we restrain its sprouts, such as evil imaginations, test any root of bitterness springing up trouble us, not suffering its leaves to unclothe and open into shoots; while the Word, like an axe, cuts at its roots which grow below. But hereafter the very thought of evil will disappear." (Methodius of Olympos, *From the Discourse on the Resurrection*, Part 1.4 - 5).

Athanasius of Alexandria (298 - 373 AD), the advocate for the Nicene Creed and opponent of the Arian heresy, first to name the New Testament as it currently stands, said:

"For the Word, perceiving that no otherwise could the corruption of men be undone save by death as a necessary condition..." (Athanasius of Alexandria, *On the Incarnation* 8.1).

Gregory of Nazianzus (329 - 390 AD), whom the Orthodox church calls 'the Theologian' in appreciation for his work in the Nicene-Constantinopolitan Creed (and they only share that title with the apostle John 'the Theologian' and Simeon 'the New Theologian'), agrees:

"Yet here too he makes a gain, namely death and the cutting off of sin, in order that evil may not be immortal. Thus, his punishment is changed into a mercy, for it is in mercy, I am persuaded, that God inflicts punishment." (Gregory of Nazianzus, *Oration* 45).

Maximus the Confessor (580 - 662 AD), the great Byzantine theologian and commentator, says:

"The phrase, "And now, lest he put forth his hand and take from the Tree of Life and live forever," providentially produces, I think, the separation of things that cannot be mixed together, so that evil might not be immortal, being maintained in existence by participation in the good." (Maximus the Confessor, *Ad Thalassios*, Question 44.5)

SESSION EIGHT: PARTICIPATING IN RESTORATION

Rethinking Incarceration, Chapters 3 and 10

Agenda for Group Session

- Introduction and Opening Prayer
 - Discussing Rethinking Incarceration, chs.3 and 10
 - Studying Jesus' call to Zacchaeus in Luke 19:1 - 10
 - Our Participation in the Restorative Process
 - Prayer
-

Opening Prayer:

Dear Holy Spirit, we invite you into this space. Give us wisdom into your restorative work:

to preach the gospel to the poor,
to proclaim release to the captives,
and recovery of sight to the blind,
to set free the oppressed,
and to proclaim the favorable year of the Lord

(Isaiah 61:1 - 2; Luke 4:18 - 19)

*Thank You that You are a God who listens, and who is on a mission to repair this world.
Please guide us as we seek to participate in Your mighty, restorative work. In your precious
name we pray, amen.*

Discussion Questions: The Restorative Justice Process (20 - 30 minutes):

Dominique Gillard points to restorative justice as a process for rebuilding “shalom,” which is the biblical Hebrew word for wholeness, peace, well-being, and growth. Outlined are three steps that are integral to the restorative process. These are categorized by Gillard’s terms. Restorative Justice can be broken down into many steps, but we felt these three components held many of the ideas.

1. **Covenant Community:** Dominique Gillard says that God’s justice is relational, not individualistic. Gillard calls the Christian community to live out the promise of restorative relationships (p.177).

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- a. What are markers of the covenant community? How does the covenant community view and act towards criminals that you noticed in the book?
 - b. How do we, as those created in the image of God (Genesis 1:27), play a role in creating this covenant community?
 - c. How might a Covenant Community differ from other forms of community you encounter in your day-to-day life?
2. Repentance: Gillard highlights repentance, the ability to own and take responsibility for one's actions in causing harm, as an important step towards restoration (p.177).
- a. Why is it important that repentance happen within the context of the whole Covenant Community?
 - b. This might seem obvious, but why is it important for the offender/criminal to repent, as part of a restoration process?
 - c. How is hearing repentance restorative for people harmed?
3. Restorative Participation: Gillard (p.181) writes how part of the responsibility of the Covenantal Community is inviting and welcoming people, particularly those shunned by the world, back into community as well as allowing those folks who have caused harm to participate in measures that right the wrong.
- a. Can you identify some ways in which criminals have participated in restoring the community from the harm caused?
 - b. What are ways the Covenant Community, in which the harm occurred, can participate in the restoration of the criminal?

Discussion Questions: Zacchaeus and Jesus' Restorative Justice (20 - 30 minutes):

Dominique Gillard, p.181, highlights the story of Zacchaeus and Jesus to illustrate God's restorative justice. We will discuss this story together.

^{19:1} He entered Jericho and was passing through it. ² A man was there named Zacchaeus; he was a chief tax collector and was rich. ³ He was trying to see who Jesus was, but on account of the crowd he could not, because he was short in stature. ⁴ So he ran ahead and climbed a sycamore tree to see him, because he was going to pass that way. ⁵ When Jesus came to the place, he looked up and said to him, "Zacchaeus, hurry and come down; for I must stay at your house today." ⁶ So he hurried down and was happy to welcome him. ⁷ All who saw it began to grumble and said, "He has gone to be the guest of one who is a sinner." ⁸ Zacchaeus stood there and said to the Lord, "Look, half of my possessions, Lord, I will give to the poor; and if I have defrauded anyone of anything, I will pay back four times as much." ⁹ Then Jesus said to him, "Today salvation has come to this house, because he too is a son of Abraham. ¹⁰ For the Son of Man came to seek out and to save the lost."

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Key Context Notes:

- Tax collectors were employees of the Roman Empire. They were men from the local region who had bid on positions, promising to collect a certain amount of taxes. Whatever was collected above that pledge to the state would be their personal profit. Essentially, tax collectors extorted money from their own oppressed people to make their own living. The wealthier they were, the more they extorted from others.
- Zacchaeus' name means "pure" or "innocent."
- Zacchaeus climbs a tree, which was something only children did. It was additionally embarrassing for any adult, because everyone wore robes. You would have been able to see Zacchaeus' undergarment, if you were close enough.
- Dining was done with those of equal social status, or, if you are fortunate, to curry favor with someone in a higher position of power.
- Jewish law required thieves to repay two to five times the amount they stole (Exodus 22:1 - 14). They had to restore not just the economic value back to the owner, but trust.

Key Question: Identify the three elements of the restorative process: Repentance, Covenant Community, Participation in Restoration.

Repentance

1. How does Jesus see that Zacchaeus is repentant, and ready to participate in restoration?
2. How does Zacchaeus repent? To whom is Zacchaeus' repenting?

Covenant Community

1. How was Zacchaeus interacting with his community, as we see him enter the story?
2. In what parts of the passage can you identify Jesus creating a new Covenantal Community? What did Jesus say and do, specifically?

Restorative Participation

1. How did Zacchaeus participate in Jesus' new Covenant Community?
2. How does the crowd respond to Jesus' interaction with Zacchaeus?
3. How does Zacchaeus act of repayment (restitution) impact his own restoration and the wider community?
4. In paying attention to who Zacchaeus is at the beginning and end of the story, how do you imagine Zacchaeus understanding of himself changes?
5. Do you think the order matters in the Restorative Process? Why or why not?

SESSION NINE: HOLY INTERRUPTIONS

Rethinking Incarceration, Chapter 11

Agenda for Today

- Introduction and Ground Rules
 - Discussing *Rethinking Incarceration*, ch.11
 - Group and Individual Commitments
 - Prayer
-

Discussion Questions

1. Was there any material in the last several chapters (either about the history of mass incarceration, or the church's role and witness) that you would like to explore further?
2. Dominique Gilliard suggests that in order to move forward, we must do two things:
 - a. First, begin by identifying and renouncing the truncated theologies that prohibit us from authentically embodying God's love. Second, develop the fortitude to have difficult conversations (in love) about history, racial injustice, and institutional oppression. Why do you think he suggests we start with these two steps?
 - b. Read Gilliard, p.199: "We must begin by identifying and renouncing the truncated theologies that... defaces the imago Dei."
3. In your experience, what often keeps us as the Church from speaking out against the injustices of the day? What keeps you from being more vocal or from taking action? Consider the following quotes:

"Wherever the early Christians entered a town the power structure got disturbed and immediately sought to convict them for being 'disturbers of the peace' and 'outside agitators.' But they went on with the conviction that they were a 'colony of heaven' and had to obey God rather than man. They were small in number but big in commitment. They were too God-intoxicated to be 'astronomically intimidated.' They brought an end to such ancient evils as infanticide and gladiatorial contest. Things are different now. The contemporary Church is so often a weak, ineffectual voice with an uncertain sound. It is so often the archsupporter of the status quo. Far from being disturbed by the presence of the

Church, the power structure of the average community is consoled by the Church's silent and often vocal sanction of things as they are.”¹

“The church must divorce itself from partisan politics, reclaim its prophetic zeal, and renew its commitment to subverting the power of empire.”²

4. Dominique Gilliard suggests that right now, people are fighting to end mass incarceration within a multitude of non-profit organizations, faith-based settings, in reentry centers, in schools, in policy and legal settings. When we explore these, they can offer us hope, allow us to envision new ways of responding in our local contexts, and take steps toward individual learning and change. As the chapter suggests, a “holy interruption” is a positive model that can help dismantle the drivers of mass incarceration. As a group, choose a few to explore together and learn more about the people behind these initiatives:
 - a. Workforce development / reentry service organizations
 - i. Old Skool Cafe (San Francisco, CA)
 1. Video: <https://vimeo.com/134965231>
 2. Website: <https://www.oldschoolcafe.org/>
 - ii. Homeboy Industries (Los Angeles, CA)
 1. Video: <https://www.youtube.com/watch?v=gRfdoJRTSPM>
 2. Website: <https://www.homeboyindustries.org/>
 - iii. Defy Ventures (New York, NY)
 1. Website: <https://defyventures.org/>
 - iv. Center for Employment Opportunities (New York, NY)
 1. Website: <https://ceoworks.org>
 - b. Prison education initiatives
 - i. BU Prison Education Program (MA)
 - ii. Bard College Prison Initiative (NY)
 - iii. NYU Prison Education Program (NYU)
 - iv. North Park Theological Seminary (IL)
 - v. Duke Divinity School (NC)
 - c. Anti-recidivism policy and reform efforts
 - i. Support federal, state, and local policies that can reform prison sentencing and/or offer correctional education
 1. First Step Act
 2. REAL Act
 3. Second Chance Pell Grants
 4. Bail Reform
 5. Ban the Box Campaigns
 6. Pay for Success Financing / Social Impact Bonds

- a. <https://www.payforsuccess.org/project/massachusetts-juvenile-justice-pfs-initiative>
 7. Restorative Court
 8. Law Enforcement Leaders to Reduce Crime and Incarceration
- d. Other Centers and Think Tanks
- i. Vera Institute
 1. Non-profit think tank / research organization that partners with government partners to create lasting change in the justice system. Publishes lots of very compelling data, case studies, and evidence surrounding the justice system.
 2. <https://www.vera.org/>
 - ii. Equal Justice Initiative
 - iii. International Justice Mission
 - iv. Children of Incarcerated Parents
- e. Additional books to read
- i. Bryan Stephenson, *Just Mercy: A Story of Justice and Redemption*
 - ii. Michelle Alexander, *The New Jim Crow: Mass Incarceration in an Age of Colorblindness*
 - iii. Etc.
5. Hopefully from reading this chapter and some of the case studies above, you got a sense of all the various types of options there are to get involved and take action. As an individual, what form of response resonates most with you?
- a. Get educated! Read, research, and commit to learning more about the issue
 - b. Get informed about your local and state policies around prison reform, education, and restorative justice programs, and call your elected officials (all the time), and VOTE! (when the opportunity arises)
 - c. Research local organizations that advocate for the formerly incarcerated or currently incarcerated, or their families
 - d. Donate your money or time to these organizations
 - e. Explore a vocational change
 - f. Start a book club for Rethinking Incarceration
 - g. Share the book with a friend or community
 - h. Commit to intentional prayer

Leader's Note: encourage people to take a few minutes and write down their personal commitment with a timeline. Then, ask everyone to partner up (or group of 3), and have people share their commitments with their partners. Partners should write down each others' commitments, timelines, and contact information, and commit to following up with each other in a month.

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Encourage people to create phone or calendar reminders for accountability and follow-through purposes!

6. (Optional) As a group, is there anything that comes to mind as something we would like to continue doing, or study next together?
7. Close in a time of group prayer. Select someone to open and someone to close. Ask the Spirit to lead and have people jump in and pray about whatever has been on their hearts and minds over this session.

Notes

1. King, Jr. Martin Luther. *Letter from the Birmingham Jail*. Quoted by Gilliard, p.189.
2. Gilliard, Dominique. p.191