



Unitarian Universalist Legislative Ministry

A voice for justice, equality and compassion in New Jersey

Speaking out for Criminal Justice Reform

Criminal Justice Reform: Ending the New Jim Crow

A Statement of Policy

Position: As Unitarian Universalists we believe that the present state of the criminal justice system in its operations, practices, and consequences stands as an extreme distortion and violation of a just and democratic society. The unjust mass incarceration and deprivation of civil and human rights for millions of U. S. citizens is focused extremely disproportionately on people of color. This represents a New Jim Crow system duplicating the conditions of an infamous time of explicit racial segregation and oppression. Unitarian Universalists have long been morally and spiritually committed to the elimination of racism and oppression. Mass incarceration and the New Jim Crow system are recognized to be in violation of our most basic Unitarian Universalist covenant to affirm and promote

- *Justice, equity and compassion in human relations;*
- *The inherent worth and dignity of every person;*
- *The goal of world community with peace, liberty and justice for all.*

The UULMNJ, therefore, will work for legislation in New Jersey that will reform the criminal justice system and ultimately end mass incarceration and the New Jim Crow. We will join with and support the efforts of other organizations for the purpose of advancing these objectives.

Background

From the early 1970s, when the U. S. prison population was variously reported to be from 200,000 to 350,000, the number of incarcerated has exploded to about 2.2 million today. The majority of this increase has been due to convictions and sentencing under new laws as part of the 'war on drugs'. As described by Michelle Alexander in her landmark study The New Jim Crow,¹

The United States now has the highest rate of incarceration in the world dwarfing the rates of nearly every developed country, even surpassing those in highly repressive regimes like Russia, China and Iran. In Germany, 93 people are in prison for every 100,000 adults and children. In the United States this rate is nearly eight times that, or 750 per 100,000.

The racial dimension...is its most striking feature. No other country in the world imprisons so many of its racial or ethnic minorities. The United States imprisons a larger percentage of its black population than South Africa did at the height of apartheid. In Washington, D. C., our nation's capitol, it is estimated that three out of four young black men (and nearly all of those in the poorest neighborhoods) can expect to serve time in prison. Similar rates of incarceration can be found in black communities across America.

These stark racial disparities cannot be explained by rates of drug crime. Studies show that people of all colors use and sell illegal drugs at remarkably similar rates. If there are significant differences in the surveys to be found, they frequently suggest that whites, particularly white youth, are more likely to engage in drug crime than people of color. This is not what one would guess, however, when entering our nation's prisons and jails, which are overflowing with black and brown drug offenders. In some

¹The New Jim Crow: Mass Incarceration in the Age of Color Blindness (New York, NY: The New Press, 2010), pp. 6-7.

states, black men have been admitted to prison on drug charges at rates twenty to fifty times greater than those of white men. And in major cities wracked by the drug war, as many as 80% of young African American men now have criminal records and are thus subject to legalized discrimination for the rest of their lives. These young men are part of a growing undercaste, permanently locked up and locked out of mainstream society.

This is a description of the New Jim Crow and is apparently a system of institutional practices and processes that are organically interconnected. Among the aspects that create and feed this system are: the laws of a politicized “war on drugs” and cries for “law and order” with roots of meaning in the civil disobedience “disorder” of the civil rights movement; outrageous minimum mandatory sentences for non-violent, often legislatively created “crimes”; normalization of plea bargaining in place of conviction by evidence and lack of proper legal representation; racial profiling in all its often deadly aspects. Disenfranchisement of prisoners and of the ex-incarcerated removes millions from access to the ballot box and results in a critical bias to elections which determine government policies and laws. To the degree that the inflated prison system is becoming privatized in the hands of large corporations, an unfettered economic incentive is created to maintain and increase the prison population as a goal in itself capable of seeking new classes of victims and laws. And, in a larger sense, the entire system relating to mass incarceration is a complex of laws and practices that threaten and constrain efforts for democratic progress in our society.

New Jersey incarceration rates are consistent with national patterns and the New Jim Crow system. The N J Comprehensive Drug Reform Act (CDRA) of 1986 was one of the harshest drug laws in the country. Follow-up legislation added many new and increased drug penalties. The total state prison population has grown from approximately 3,200 in 1971 to a peak of almost 31,000 in 1999. Figures available for 2003 indicate that approximately 15,000 new people enter the state prison system each year and that New Jersey has the highest rate in the nation in the proportion of those admitted for drug offenses (48% compared to a national average of 31%). Although African Americans comprise only 13% of the state population, they were 70% of those admitted for drug offences in 2003 (latest available figures). Overall, although African Americans and Hispanics together are 29% of the state population, they are 79% of all prison admissions. There is no data suggesting that drug use in New Jersey varies from national studies which show no racial or ethnic difference in drug use. A 2004 study showed that reported illicit drug use in New Jersey at 6.9% was *below* the national average of 8.1% of the population.

Since the passage of the CDRA, the state Department of Corrections budget has skyrocketed from 289 million dollars in 1986 to over 1 billion dollars. This is an unneeded burden on New Jersey taxpayers and impacts other needed state programs in a difficult economy. In addition, high incarceration rates have a substantial impact on the New Jersey economy on account of years of lost wages and taxes. The financial and emotional costs to families and communities profoundly compound already existing racial economic disparities.

The End the New Jim Crow Task Force of the Unitarian Universalist Legislative Ministry of New Jersey, in alliance with other organizations, will work for and support effective actions to bring new law into fruition in New Jersey to make a difference and create positive change.

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