



SESSION FOUR: HOW TO RESTORE DIGNITY

Part 1: Legal History Regarding Reintegration of Ex-Offenders, from Alexander *TNJC* ch.4

Housing

The Anti-Drug Abuse Act of 1988: Called for ex-criminals to be denied public housing assistance. The act gave public housing agencies the authority to evict any tenant, household member, or guest, engaged in *any* criminal activity, *on or near* public housing premises.

The Quality Housing and Work Responsibility Act of 1998: Permitted agencies to bar applicants believed to be using illegal drugs or abusing alcohol, regardless of whether they had been convicted of a crime. President Clinton proposed a ‘one strike and you’re out’ legislation such that even if a guest is convicted of using illegal drugs, the tenant will be evicted from public housing.

Rucker v. Davis (2002): Perlie Rucker was evicted following the arrest of her daughter for possession of cocaine a few blocks from home. Rucker was thrown out of public housing. (Also, William Lee and Barbara Hill were evicted after their grandsons were charged with smoking marijuana in a parking lot near their apartments. Herman Walker was evicted after police found cocaine on his caregiver.) SCOTUS upheld these evictions.

‘More than 650,000 people are released from prison each year, and for many, finding a new home appears next to impossible, not just in the short term, but for the rest of their lives.’¹

Work

‘A 2002 survey of 122 California employers revealed that although most employers would consider hiring someone convicted of a misdemeanor offense, the numbers dropped dramatically for those convicted of felonies. Less than a quarter of employers were willing to consider hiring someone convicted of a drug-related felony; the number plummeted to 7 percent for a property-related felony; and less than 1 percent for a violent felony.’²

‘About 70 percent of offenders and ex-offenders are high school dropouts, and according to at least one study, about half are functionally illiterate.’³ ‘Nearly one-third of young black men in the United States today are out of work. The jobless rate for young black male dropouts, including those incarcerated, is a staggering 65 percent.’⁴

The Equal Employment Opportunity Commission (EEOC) says to employers that flat bans on job applicants with a criminal record ‘may be illegal,’⁵ but many employers still turn away anyone with a record. Many ‘Ban the Box’ campaigns are underway in various cities. Boston has already adopted a public ordinance where a person’s criminal record cannot be considered until after the applicant has been identified as a serious candidate for a position in the private or public sector.

Debt

‘Throughout the United States, newly released prisoners are required to make payments to a host of agencies, including probation departments, courts, and child-support enforcement offices. In some jurisdictions, ex-offenders are billed for drug testing and even for the drug treatment they are supposed to receive as a condition of parole. These fees, costs, and fines are generally quite new – created by law within the past twenty years – and are associated with a wide range of offenses. Every state has its own rules and regulations governing their imposition. Florida, for example, has added more than twenty new categories of financial obligations for criminal defendants since 1996, while eliminating most exemptions for those who cannot pay... [Interest on debt is also charged; for example,] Alabama charges a 30 percent collection fee, and Florida allows private debt collectors to tack on a 40 percent surcharge to the underlying debt.’⁶

¹ Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2011), p.148

²Ibid, p.149

³Ibid, p.150

⁴Ibid, p.152

⁵Ibid, p.153

⁶Ibid, p.155



Food Stamps

The Temporary Assistance for Needy Family Program (1996) is passed by Clinton. It required states to permanently bar people with drug-related felony convictions from receiving federally funded assistance. 'Most states have partially opted out, affording exceptions for people in drug treatment, for example. It remains the case, however, that thousands of people... are deemed ineligible for food stamps for the rest of their lives, including pregnant women, people in drug treatment or recovery, and people suffering from HIV/AIDS – simply because they were once caught with drugs.'⁷

Voting Rights

'The vast majority of states continue to withhold the right to vote when prisoners are released on parole. Even after the term of punishment expires, some states deny the right to vote for a period ranging from a number of years to the rest of one's life. This is far from the norm in other countries – like Germany, for instance, which allows (and even encourages) prisoners to vote. In fact, about half of European countries allow all incarcerated people to vote, while others disqualify only a small number of prisoners from the polls... No other country in the world disenfranchises people who are released from prison in a way even remotely resembling the United States. In fact, the United Nations Human Rights Committee has charged that U.S. disenfranchisement policies are discriminatory and violate international law.'⁸ Even veterans convicted of minor drug possession charges (e.g. marijuana) are unable to vote. 'Had the 600,000 former felons who had completed their sentence in Florida been allowed to vote, Al Gore would have been elected president of the United States rather than George W. Bush.'⁹ 'Research indicates that a large number of close elections would have come out differently if felons had been allowed to vote, including at least seven senatorial races between 1980 and 2000.'¹⁰

This resembles the old Jim Crow where blacks were barred from voting by literacy tests, poll taxes, arbitrary quizzes (e.g. recite the Constitution of South Carolina by memory), and other forms of voter intimidation, like KKK retaliation.

Effect: A New Racial Caste (Case Study: Chicago)

'About 90 percent of those sentenced to prison for a drug offense in Illinois are African American. White drug offenders are rarely arrested, and when they are, they are treated more favorably at every stage of the criminal justice process, including plea bargaining and sentencing. Whites are consistently more likely to avoid prison and felony charges, even when they are repeat offenders. Black offenders, by contrast, are routinely labeled felons and released into a permanent racial undercaste. The total population of black males in Chicago with a felony record (including both current and ex-felons) is equivalent to 55 percent of the black adult male population and an astonishing 80 percent of the adult black male workforce in the Chicago area... From the Chicago region alone, the number of those annually sent to prison for drug crimes increased about 2,000 percent, from 469 in 1985 to 8,755 in 2005.'¹¹ 'Just 992 black men received a bachelor's degree from Illinois state universities in 1999, while roughly 7,000 black men were released from the state prison system the following year just for drug offenses.'¹²

⁷ Ibid, p.157 – 158

⁸ Ibid, p.158

⁹ Ibid, p.160

¹⁰ Ibid, p.161

¹¹ Ibid, p.189, citing Alden Loury, "Black Offenders Face Stiffest Drug Sentences," *Chicago Reporter*, Sep.12, 2007

¹² Ibid, p.190



Part 2: The Restoration of Dignity in Jewish Law

<p>John D. Rockefeller: ‘The major fortunes in America have been made in land.’</p> <p>‘[Nicholas Kristof has] taken on a particularly unpopular task: trying to convince whites who’ve often inherited opportunity that America has just as systematically passed on disadvantage to blacks. “One element of white privilege today,” Kristof wrote..., “is obliviousness to privilege, including a blithe disregard of the way past subjugation shapes present disadvantage.”’¹³</p> <p>‘Residential segregation is the institutional apparatus that supports other racially discriminatory processes and binds them together into a coherent and uniquely effective system of racial subordination. Until the black ghetto is dismantled as a basic institution of American urban life, progress ameliorating racial inequality in other arenas will be slow, fitful, and incomplete.’¹⁴</p>	<p>¹⁰ You shall thus consecrate the fiftieth year and proclaim a release through the land to all its inhabitants. <i>It shall be a jubilee for you, and each of you shall return to his own property, and each of you shall return to his family...</i>¹³ <i>On this year of jubilee each of you shall return to his own property...</i></p> <p>²³ <i>The land, moreover, shall not be sold permanently, for the land is Mine; for you are but aliens and sojourners with Me.</i> ²⁴ Thus for every piece of your property, you are to provide for the redemption of the land. ²⁵ If a fellow countryman of yours becomes so poor he has to sell part of his property, then his nearest kinsman is to come and buy back what his relative has sold. ²⁶ Or in case a man has no kinsman, but so recovers his means as to find sufficient for its redemption, ²⁷ then he shall calculate the years since its sale and refund the balance to the man to whom he sold it, and so return to his property. ²⁸ But if he has not found sufficient means to get it back for himself, then what he has sold shall remain in the hands of its purchaser until the year of jubilee; but at the jubilee it shall revert, <i>that he may return to his property...</i></p> <p>³⁹ If a countryman of yours becomes so poor with regard to you that he sells himself to you, you shall not subject him to a slave’s service. ⁴⁰ He shall be with you as a hired man, as if he were a sojourner; he shall serve with you until the year of jubilee. ⁴¹ He shall then go out from you, he and his sons with him, and shall go back to his family, <i>that he may return to the property of his forefathers.</i> ⁴² For they are My servants whom I brought out from the land of Egypt; they are not to be sold in a slave sale... ⁵⁴ Even if he is not redeemed by these means [his relatives pay his debt], <i>he shall still go out in the year of jubilee, he and his sons with him.</i> ⁵⁵ For the sons of Israel are My servants; they are My servants whom I brought out from the land of Egypt. I am the LORD your God. (Leviticus 25)</p>
--	--

Historical and Cultural Background

- *Jubilee as Reintegration*: Recall that Israel saw a parallel between their own existence and God’s original plan for humanity: Adam and Eve spreading a garden over the earth with God. God invited Israel to come out of slavery in Egypt and live in another garden land with Him.
- *Was Israel a Racial or Religious Caste?*: No. Israel was a faith community which people could join. They would be incorporated into households through adoption, marriage, and/or hired help for farming.¹⁵

¹³ Emily Badger, ‘Nicholas Kristof On What ‘Whites Just Don’t Get’ About Racial Inequality,’ *Washington Post*, November 20, 2014; <https://www.washingtonpost.com/news/wonk/wp/2014/11/20/nicholas-kristof-on-what-whites-just-dont-get-about-racial-inequality/>

¹⁴ Douglas S. Massey and Nancy A. Denton, *American Apartheid: Segregation and the Making of an Underclass* (Cambridge, MA: Harvard University Press, 1993), p.8. They also write on p.2, ‘Black segregation is not comparable to the limited and transient segregation experienced by other racial and ethnic groups, now or in the past. No group in the history of the United States has ever experienced the sustained high level of residential segregation that has been imposed on blacks in large American cities for the past fifty years. This extreme racial isolation did not just happen; it was manufactured by whites through a series of self-conscious actions and purposeful institutional arrangements that continue today.’

¹⁵ In *Genesis*, each son of Jacob married Canaanite women except Joseph, who married an Egyptian woman. In *Exodus*: Other people joined Israel in Egypt. Passover observance was open to others (Ex.12:7 – 13). ‘A mixed multitude’ from Egypt accompanied Israel during the Exodus (Ex.12:38). An Israelite woman is noted in passing to have married an Egyptian man (Lev.24:10). Caleb, one of Moses’ two servants, was a Kenizzite, one of the Canaanite tribes (Num.32:12; Gen.15:19)! In *Joshua*: The Canaanite woman Rahab and her whole household joined Israel (Josh.6:17 – 25). Rahab married Salmon – of the tribe of Judah. The entire Gibeonite tribe became part of Israel and God protected them from attacks by other Canaanites (Josh.9 – 11). In *Ruth*: Ruth was a Moabitess who married Boaz – who was of the tribe of Judah (Ruth 4:13) – and became an ancestor of Jesus (Mt.1:5). In 2 *Samuel*: Bathsheba the Hittite became a wife of King David (2 Sam.11 – 12). God’s design for Israel was to be a microcosm of all humanity, so Jesus could be multi-ethnic and represent all humanity. He was born from the most diverse tribe (Judah) and had Tamar, Rahab, Ruth, and Bathsheba as ancestors (Mt.1:5 – 6).



- *Could Israel Forcibly Enslave Other People?:* No, because God commanded Israel to never kidnap anyone (Ex.21:16; Dt.24:7) and help runaway slaves run away (Dt.23:15 – 16)! In all ethical and legal dimensions, Israelites were to treat foreigners the same way they treated fellow Israelites (Lev.24:22). So in Lev.25:44 – 46, the Jewish law was referring to hired help. Contracts could be maintained even through the jubilee year. In that sense, their labor (not their personhood or their bodies per se) could be their ‘possession.’

Guiding Questions

1. What happens every jubilee year (50th year)?
2. In Israel, how did God care about children and grandchildren who aren't here yet?
3. For those of you know the story of Adam and Eve in the garden, before they fell into sin: How did God set Israel up to be like Adam and Eve?



SESSION FOUR: HOW TO RESTORE DIGNITY Leader's Notes

Introduction, Personal Question: Know Someone?

Have you ever known someone who was released from prison, who tried to find a job? What was that experience like?

Overview

This is a study and action group. We've been talking about the issues raised by Michelle Alexander in her book *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. She's explained why the war on drugs has resulted in the mass incarceration of black and brown people, especially black men. Even though more drug abusers are white. Why? Because, as we learned in chapters 2 and 3 of her book, the legal system has quickly eroded civil rights protections of the Fourth, Eighth, and Fourteenth Amendments. So we no longer have protection from police searches and seizures in a meaningful sense (Fourth Amendment). People are pressured to give up the right to be tried by a jury of our peers by intimidating prosecutors with big mandatory minimum sentences (Eighth). They've been subject to cruel and unusual punishment like a life sentence for trafficking drugs, or even possession of a large quantity of drugs, even on a first time offense (Eighth). The federal prison system is at 40% overcapacity, so just imagine what that's like for prisoners and correctional officers (Eighth). And blacks are not given equal justice with whites (Fourteenth). Now we're going to talk about how the nightmare continues after they finish their prison sentences. What is reintegration like?

At the same time, we've been learning that the God of the Bible upholds a restorative justice, not a retributive justice, as shown in Genesis 3. He didn't 'retaliate' against humanity, even though there were consequences because when children lock their parents out of the house, everything is harder. In our day and age, there may be consequences that we impose on some people, but we always have to keep in mind that God seeks to restore, so we need to seek to restore. God does not delight in punishing, so we cannot delight in punishing. We must delight in restoring. Then we learned in Leviticus 25 that God prevented a caste system from forming. He made His people Israel to be a people who restore one another to the garden land. Now we're going to see how God restored people into community back then, again, to prepare them for Jesus.

We'll divide this Session into two parts. In part 1, we'll look at the facts about how challenging reintegration is. In part 2, we'll look at how God taught the Israelites some principles about reintegration.

Content Questions, Part 1

1. Take turns reading paragraphs. You can focus first on Housing and Work. Gather thoughts, feelings.
2. Housing
 - a. During Jim Crow, it was legal to deny black people housing based on race, by lying about whether your apartments were available, or through restrictive covenants for certain neighborhoods where you had to agree to sell your house to a non-black person. Then, the U.S. ensured residential segregation after WW2 through the G.I. Bill by giving federal subsidies to white flight to the suburbs, and then built everything else on top of it: unequal school systems, drawing unfair political districting lines, deciding to run garbage trucks' routes to landfills through poor neighborhoods, laying down roads and highways to physically separate black communities off, or encroaching on their land for 'redevelopment.'
 - b. The idea of 'Housing First' has been shown to work for the homeless or drug addicted. You don't have to be clean first in order to get housing. But giving people housing first has been shown to (a) help people get clean, and (b) be more cost effective, since prevention is actually cheaper than policing and punishing.
3. Work
 - a. Now I think working with children might be an area that needs to discriminate on hiring based on criminal background. But how many fields is that relevant for? Even people who want to be self-employed as landscapers, contractors, gardeners, manicurists, and barbers are sometimes denied professional licenses because of past convictions or arrests.



- b. This is the area that's really tough because the types of jobs ex-convicts can get don't pay that much. They might even lose money by having to pay for buses and trains and taxis to get to work.
 - c. We're going to check out <http://bantheboxcampaign.org/>.
4. Debt
- a. In Boston, if you owe \$1100 in child support, you can go to jail. And in MA, the court will take liens against the properties of family members.
 - b. Child support payments and interest on them accumulate while you're in prison!
 - c. This really traps people. We'll see a contrast with God's heart. In the Jewish law, when people finish their term of service and go free, God's people are commanded to help them out.
5. Food Stamps: In MA, there's a 5 year rule. If you've getting food stamps for 5 years, they no longer give you more food stamps even if you have more children.
6. Voting Rights
- a. President Obama, in his visit to a federal prison in July 2015, called for a bunch of changes in our criminal justice system. One of them was giving back the right to vote to people who had done their time.¹⁶
7. All of these penalties and limitations after imprisonment is like ongoing, 'invisible punishment.' Alexander calls it that in ch.5 on p.186. The main question is whether the system is designed to re-imprison people. It definitely seems to be.
- a. Recidivism rates
 - b. Dr. Alexander doesn't talk about the privatization of prisons. But that's a big deal, as now there are gigantic private prison companies whose purpose is to make money off imprisonment. Not only do they want to keep their beds filled, they also get prisoners to be a labor force making computer parts, making women's lingerie, or being a call center, for as low as 17 cents and hour.
 - c. In the next chapter, Dr. Alexander talks about how most new prisons are built in rural white areas. So those areas get to count new population, even though the prisoners (mostly black and brown people) don't get to vote.
 - d. Dr. Alexander closes the chapter by talking about the personal and family cost of having someone in your family be imprisoned or an ex-convict. She talks about silence or lying. Stress on black men from youth is another consequence. Many feel like the system isn't fair and isn't worth it. So they embrace criminality or wear saggy pants because that's a prison uniform. We have to be mindful of the cost to families and communities, not just to individuals. This is from the NY Times (show the graphics – they are helpful):

'In New York, almost 120,000 black men between the ages of 25 and 54 are missing from everyday life. In Chicago, 45,000 are, and more than 30,000 are missing in Philadelphia. Across the South — from North Charleston, S.C., through Georgia, Alabama and Mississippi and up into Ferguson, Mo. — hundreds of thousands more are missing. They are missing, largely because of early deaths or because they are behind bars. Remarkably, black women who are 25 to 54 and not in jail outnumber black men in that category by 1.5 million, according to an Upshot analysis. For every 100 black women in this age group living outside of jail, there are only 83 black men. Among whites, the equivalent number is 99, nearly parity. African-American men have long been more likely to be locked up and more likely to die young, but the scale of the combined toll is nonetheless jarring. It is a measure of the deep disparities that continue to afflict black men — disparities being debated after a recent spate of killings by the police — and the gender gap is itself a further cause of social ills, leaving many communities without enough men to be fathers and husbands... The disappearance of these men has far-reaching implications. Their absence disrupts family formation, leading both to lower marriage rates and higher rates of childbirth outside marriage, as research by Kerwin Charles, an economist at the University of Chicago, with Ming-Ching Luoh, has shown. The black women left behind find that potential partners of the same race are scarce, while men, who face an abundant supply of potential mates, don't need to compete as hard to find one. As a result, Mr. Charles said, "men seem less likely to

¹⁶ Leon Neyfakh, "In Sweeping Speech, Obama Calls for Enfranchising Felons and Limiting Solitary Confinement," *Slate*, July 14, 2015; http://www.slate.com/blogs/the_slatest/2015/07/14/obama_calls_for_fundamental_criminal_justice_reforms_in_major_naacp_speech.html



commit to romantic relationships, or to work hard to maintain them.”The imbalance has also forced women to rely on themselves — often alone — to support a household. In those states hit hardest by the high incarceration rates, African-American women have become more likely to work and more likely to pursue their education further than they are elsewhere.¹⁷

Content Questions, Part 2

1. Read the Leviticus 25 passage. Recall that it follows the principle of equal human dignity in Leviticus 24. It shows what happens if you design institutions and policies around that principle, and how to balance economics and freedom. What happens every jubilee year? (5 minutes)
 - a. In addition to a Sabbath year every seven years (25:3 – 7), the land gets an extra year of rest (25:8 – 12, 20 – 28).
 - b. People return to their land (25:13 – 19)
 - c. People return to their land even if it was sold to another; it is redeemed (25:23 – 28)
 - d. Houses in cities are limited, so they can be redeemed within one year of sale, whereas houses in unwallled villages are treated as part of the land (25:29 – 34)
 - e. People who fall into poverty are to be sustained (v.35) with no interest loans (v.36 – 38)
 - f. Israelite people who become servants go free in the jubilee (25:39 – 44), or are redeemed by a kinsman or even himself (25:45 – 55), which means the servant had possession and right to his own monetary wealth.
 - g. Do you think this is fair? How come you had to give the land back?
 - i. Practically speaking, how did people depend on land? Land was wealth and sustenance. Land was also work.
2. In Israel, how did God care about children and grandchildren who aren't here yet? (5 minutes)
 - a. A father could not sell his children or their labor as slaves or servants. He had to work to pay off his own debts himself.
 - b. A child or grandchild could not inherit all the advantage or disadvantage that parents and grandparents could pass down!
 - c. Illus: Wayne Grudem is a very popular white American Calvinist theologian who argues that there should not be any tax on any inheritance.¹⁸ Taxes on inheritance only kick in on families that have more than \$1 million. I find it hard to agree with Grudem on this and other topics.
 - d. If land to the Israelites was both the foundation of WEALTH and the obligation/opportunity to WORK, then what can we see in God's heart? God was providing both.
3. How did God set Israel up to be like Adam and Eve? (5 minutes)
 - a. God placed Adam and Eve in the _____ (garden) of Eden. God was placing Israel in another _____ (garden) land.
 - b. God as a father to Adam and Eve gave them an inheritance: the entire _____ (land) of creation. God as a father to Israel was giving them an inheritance: the promised _____ (land).
 - c. God set up Adam and Eve in the garden to experience His Sabbath rest. He sets Israel up in a new garden land to experience His Sabbath rest, in the form of every seventh day, seventh year, and fiftieth year (which is the seventh seven-year period).
 - d. God made Adam and Eve to bear His image, and part of that was to pass on an inheritance to their children, which would be a portion of the _____ (land). God made Israel to bear His image and pass on an inheritance to their children, which would be a portion of the _____ (land). So every jubilee year, *every Israelite family got a chance to be like God* and make sure that children and grandchildren got their inheritance: a portion of the _____ (land).

¹⁷ Justin Wolfers, David Leonhardt, and Kevin Quealy, '1.5 Million Missing Black Men,' *New York Times*, Apr 20, 2015;

<http://www.nytimes.com/interactive/2015/04/20/upshot/missing-black-men.html>

¹⁸ Wayne Grudem, *Politics According to the Bible* (Grand Rapids, MI: Zondervan, 2010), ch.9; see my critique of Grudem at <http://economicdiscipleship.com/2011/10/04/wayne-grudems-misuse-of-scripture-in-politics-according-to-the-bible/>



- e. What did those who accumulated land and advantage gain when they had to give land back to the rightful families? *They got a chance to be like God: to bring people out of debt slavery and give them an inheritance in the garden land.*
4. Action: Sign the Ban the Box Campaign¹⁹ for fair hiring for ex-convicts. ‘Momentum for the policy has grown exponentially, particularly in recent years. There are a total of 18 states representing nearly every region of the country that have adopted the policies – CA (2013, 2010), CO (2012), CT (2010), DE (2014), GA (2015), HI (1998), IL (2014, 2013), MD (2013), MA (2010), MN (2013, 2009), NE (2014), NJ (2014), NM (2010), OH (2015), OR (2015), RI (2013), VT (2015), and VA (2015). Seven states—Hawaii, Illinois, Massachusetts, Minnesota, New Jersey, Oregon and Rhode Island—have removed the conviction history question on job applications for private employers, which advocates embrace as the next step in the evolution of these policies. Federally, the U.S. Equal Employment Opportunity Commission (EEOC) endorsed removing the conviction question from the job application as a best practice in its 2012 guidance making clear that federal civil rights laws regulate employment decisions based on arrests and convictions. To support your state and local efforts to enact a fair-chance policy, check out NELP’s Fair Chance – Ban the Box Toolkit, which provides a step-by-step guide for advocates on how to launch a “ban the box” campaign.’ Ex-felons now have health insurance because of the ACA.²⁰ But many other legal restrictions are still in place.²¹ See <http://www.abacollateralconsequences.org> to see restrictions by state.
5. Action: Reenfranchise ex-convicts with voting rights: See DrugPolicy.org to see drug laws and treatment by state.

¹⁹ Michelle Natividad Rodriguez and Nayantara Mehta, “Ban the Box: U.S. Cities, Counties, and States Adopt Fair Hiring Policies,” *National Employment Law Project*, Jul 1, 2015; see <http://www.nelp.org/publication/the-fair-chance-ban-the-box-toolkit/>

²⁰ Michael Ollive, “Ex-Felons Are About to Get Health Coverage,” *The Pew Charitable Trusts*, April 5, 2013

²¹ Lorelei Laird, “Ex-offenders face tens of thousands of legal restrictions, bias and limits on their rights,” *ABA Journal*, June 1, 2013