

Now That Martha Stewart Is in Jail, Are We Safer?

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News reports say that Martha Stewart is adjusting to her life at Alderson Federal Prison in West Virginia. One report says that she is teaching Chinese cooking in the evenings to the other inmates, using eggs, noodles and a microwave.

For most of us such places exist on the margins of our consciousness. Prisons are tucked away. They are out of sight. They are there with our implied consent, but except for the make believe prisons we see in movies or on television, few of us have been inside such institutions.

In my first ministry in Lexington, Kentucky I was a regular visitor at a federal prison. It was located in an old hospital surrounded by a high, double chain fence. Inside were long hallways of cells holding hundreds of inmates, who were serving anywhere from a few months to many years. The majority of the prisoners were young African American drug addicts, both men and women.

As I toured the facility with a prison chaplain I was reminded that many of the major figures of the Bible spent time in jail. Moses, Samson, Jeremiah, Daniel, John the Baptist, Paul, and Stephen were all prisoners. The Bible includes a description of slaves, exiles, outcasts, and subversives. A bias exists in favor of those accused by the authorities.

In the gospel of Luke, Jesus himself is quoted as saying,

The spirit of the Lord is upon me,
because he has anointed me;
to bring good news to the poor,
He has sent me to announce pardon for prisoners
and recovery of sight for the blind;
to set free the oppressed,
to proclaim the year of the Lord's amnesty.

As a regular visitor to a federal prison for three years, I studied the prison system. I had assumed that prisons had always been with us, but I learned that this is not true.

Until two hundred years ago long-term imprisonment was a privilege reserved for political and religious opponents. Stealing, murder and other crimes were punished by stockades, by public

floggings, by cutting off fingers or hands, and by execution. At the time of the American Revolution, the English punished 160 different crimes by hanging.

The start of modern prison systems can be traced back to a humanitarian speech made at a gathering in Benjamin Franklin's home in Philadelphia. On March 9, 1787, Dr. Benjamin Rush, a signer of the Declaration of Independence, proposed imprisonment instead of whipping or hanging as the penalty for crime. The goal was to take the violence out of the criminal process. Dr. Rush was a Universalist. He was offended by the brutality of capital and corporal punishment.

Inspired by the humanitarian ideals of Dr. Rush, the Quakers decided that the best way to reform criminals was to lock them in cells. Those few prisoners who could read were permitted a Bible. Others would be taught about the Bible by prison chaplains. The theory was that in this isolation, prisoners would have no alternative but to consider their acts, repent, and reform themselves. The word "penitentiary" comes from the belief in the criminal's need for penitence.

Two hundred years ago this was a positive alternative to hangings, and prisons based on the Quaker idea were built throughout the United States and eventually the world. However, throughout the history of prisons some have questioned their effectiveness.

In 1870 at the Congress of the American Prison Association a judge from Ohio called for the abolishment of prisons. He argued that no system of imprisonment could reform a man.

In 1902 Clarence Darrow in a speech declared that "There should be no jails." Darrow said "They do not accomplish what they pretend to accomplish. If you would wipe them out there would be no more criminals than now."

In 1967 President Johnson's Commission on Law Enforcement recommended the development of community based alternatives to prisons.

In 1971 a reporter took a survey of prison administrators. These were heads of major prison institutions, veterans in the business. The reporter asked "What percentage of the people under the administrator's supervision needed to be in prison in order to protect society from personal injury?" The prison wardens answered "about 10 to 15 percent." These wardens said that at least 85 percent of the people in prison could be given alternative sentences, such as fines or community service, without endangering society. (Ronald Goldfarb, *Look*, July 27, 1971)

And in 1982 the United States Sentencing Commission asked researchers to conduct a study on the effect of harsher sentencing. The study, conducted by two conservatives from the Hoover Institution, concluded that the harsher sentences would create more drug use, more robbery and more murders. The study said that harsher sentences would lead entire segments of the population into a downward economic spiral. (Reported by Robert Cringely, August 12, 2004)

The Sentencing Commission ignored its own study. In the 1980s the number in prison started growing faster than the growth of our country's population. Due to longer prison terms, the number of inmates increased from three hundred thousand in 1970 to over two million today. From 1980 to 2000 the expenditures for prisons in the United States increased by one thousand percent. Of every 100,000 people in the United States, 700 of them are in prison. Our country has the highest rate of confinement of any country in the world. Russia has the second highest rate: 600 per 100,000 population. (International Centre for Prison Studies, Feb 2004)

The impact of this imprisonment is felt especially in the African-American community. Although African Americans represent about 12 percent of the population they make up about 48 percent of the American adults in state and federal prisons and in local jails. More African-American men are behind bars than are enrolled in a college or university. By contrast, back in 1980, African American men in colleges and universities outnumbered those in prison by a ratio of more than three to one. Today one in three black men between the ages of 20 and 29 lives under some form of correctional supervision or control. Given current trends, one in every three black males born today can expect to go to prison in his life-time. The pattern of racial bias in prison sentencing is illustrated by the fact that while African Americans constitute only 14 percent of all drug users, they are 35 percent of drug arrests, 55 percent of drug convictions, and 67 percent of prison admissions for drug offences.

Why do we have so many people in prison? In the past people often opposed the building of a prison in their town. But by the late 1980s harder economic times caused sparsely populated communities to campaign for new prisons. On average it costs over \$80,000 to build a single maximum-security prison cell. Prison construction has provided good incomes to architects, builders, hardware companies, electronics firms and other businesses.

Once a prison is built, it costs huge amounts of money to keep it open. Keeping a person in prison is more expensive than sending them to Harvard or Stanford. The money does not go for rehabilitation programs, or education programs, or job training programs or drug treatment programs. The money goes for up grades such as inkless fingerprinting, sound activated lighting systems, crash-deterrent gates, property storage systems, inmate identification wristbands, razor wire, drug test kits, electronic locking systems, unbreakable glass, X ray inspection machines, surveillance cameras, riot-resistant steel toilets, and unbreakable food trays.

Prisons bring jobs to rural communities. Often they are a community's largest employer, providing job security because there is no danger that the prison will be out sourced. The system enables society to send prisoners from their homes in inner city slums to out-of-the-way rural areas. Nearly half of these prisoners are young black men. The prisons are predominantly staffed by lower to middle class white men who live in rural areas.

In the 1980s and 1990s prison labor began to experience tremendous growth as companies discovered this new source of cheap labor. At California's Folsom prison inmates make steel tanks for micro-breweries. Hawaii prisoners pack Spalding golf balls. Illinois prisoners sort inventory for Toys R Us. Nevada convicts convert luxury automobiles into stretch limos. Oregon

convicts manufacture uniforms for McDonald's. A company called "Federal Prison Industries" produces an assortment of products ranging from furniture and metal shelving to safety eye wear. If you would like to place an order, you can visit their web site. Financial arrangements vary from prison to prison. In San Quentin convicts are paid the federal minimum wage minus an 80 percent deduction to help pay for their food and housing. In Wisconsin inmates earn between 20 cents and a dollar fifty per hour. In Colorado inmates receive two dollars an hour to work as telemarketers. Prisons are America's new plantations.

Still, there is reason for hope. A new group of African-American professional associations is calling for a series of reforms. The membership of this group includes the nation's largest African-American attorneys' group, the National Bar Association; the Howard University School of Law; the National Association of Black Sociologists; the National Association of Black Psychologists; the National Association of Black Social Workers; the National Black Nurses Association; the National Dental Association; the National Organization of Black Law Enforcement Executives; the Congressional Black Caucus; and the National Black Caucus of State Legislators.

In October this coalition announced a program to address drug policy issues affecting African-Americans. The group has identified three areas where it hopes to force change.

First, for people charged with nonviolent crimes like drug possession, they are calling for new laws allowing prosecutors to defer prosecution for those who enter drug treatment programs. If that person complies during that period, prosecutors could drop the charges.

Second, they are calling for an end to mandatory minimum sentences giving judges discretion so that persons who deserve treatment are not sent to prison.

Third, they are calling on legislative bodies to appropriate enough money for drug treatment lasting six months or a year.

They believe that they can convince both Republicans and Democrats that these proposals will save money. Drug treatment is far less expensive than prison. Providing adequate treatment would stop people from committing new crimes, it would make the community safer, there would be less work for the police and the courts.

As a congregation we could review these proposals and if we agree with them we could encourage our elected representatives in the state and national legislatures to support them. We could invite other religious bodies to join us in supporting them. Unitarian Universalists hunger to heal the great racial divide in our nation. Supporting a coalition of African American professionals is an effective way to bridge this divide.

My own prison visits convinced me that the wardens are right: at least 85 to 90 percent of the people in prison can be freed without any harm to society. If they have been convicted of a crime involving money, as Martha Stewart was, they should pay a significant fine. If they are addicted to

drugs, they should be in a treatment program, not in prison. I believe that for most crimes good alternatives to prison now exist.

Of course, we learn from every experience. No doubt Martha Stewart is learning from her experience in a federal prison. Perhaps she will emerge as a spokesperson for prison reform as has happened with other famous persons like Chuck Colson. If this happens, with her celebrity status she can make a positive and constructive difference in the area of prison reform.

We are in an up and down process struggling toward maturity as human beings. In the short run things sometimes go in the wrong direction, as has happened with the growth of the prison industry in recent years. However, when I look at a larger view of history I am not discouraged. Over the centuries I see tremendous progress toward greater human maturity. Today when it comes to crime, we no longer sentence people to death for 160 crimes. In comparison to such hangings, prisons were an improvement. Eventually I believe we will move to the next step, away from prisons and toward more effective and humane responses to crime. Eventually we will come closer to the love that Jesus and other great religious leaders have taught us.

In the meantime:

I pray for the victims of crime: those who are robbed, assaulted, injured, and who see their loved ones harmed.

I pray also for the criminals, not that they be freed of responsibility for their acts, but that consequences be humane and appropriate, tempered with love and mercy.

And I pray for myself: that the love and reason within me will overcome my own fears and my own anger.

Amen