



Written by [Michael Tennant](#) on November 20, 2017

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Bringing Justness to Justice

“What does the Lord require of you,” asked the prophet Micah, “but to do justice, to love kindness, and to walk humbly with your God?”

In the 2,700 years since those words were first uttered, Jews and Christians have written volumes on kindness and humility. But Christians — and Americans in general — have frequently given little thought to what it means to “do justice.” Instead, they have been content to leave such matters in the hands of politicians, who are only too eager to burnish their tough-on-crime credentials by criminalizing ever more activities and mandating longer prison terms for offenders.



The result: While only five percent of all humans live in the United States, the self-proclaimed land of the free incarcerates almost a quarter of the world’s prisoners. According to the Bureau of Justice Statistics (BJS), nearly 2.2 million people are housed in U.S. jails and prisons, and almost 5.3 million are otherwise under the supervision of the justice system. One out of every four Americans now has a criminal record.

This all comes at an enormous cost. Taxpayers must foot the bill for arresting, prosecuting, and housing convicted criminals. Victims are seldom compensated for the losses they have suffered. Convicts’ families are torn apart, with devastating effects including poverty and a vastly greater likelihood that the children, too, will eventually end up behind bars. And when those convicts are finally released from prison, they often find the deck so stacked against them that they quickly return to a life of crime.

Is this really justice? Not at all, says a consortium of conservative Christians. Instead, they argue for less incarceration and a greater emphasis on restitution and restoration, with the church leading the way.

Justice Defined

The Justice Declaration, an initiative of the Colson Center for Christian Worldview, the Ethics and Religious Liberty Commission of the Southern Baptist Convention, the National Association of Evangelicals, and Prison Fellowship, proclaims:

Because the good news of Jesus Christ calls the Church to advocate (or “be a witness”) for biblical truth and to care for the vulnerable, we, His followers, call for a justice system that is fair and redemptive for all. The Church has both the unique ability and unparalleled capacity to confront the staggering crisis of crime and incarceration in America and to respond with restorative solutions for communities, victims, and individuals responsible for crime.



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Justice, the document explains, “flows from God’s very character.” It does not consist merely of punishing offenders but of enabling them, whenever possible, to repay their victims, to recognize that they need to change their ways, and to become productive members of society.

“The Justice Declaration is an effort to unite the Christian church in America on the concept and the values of justice,” Craig DeRoche, Prison Fellowship senior vice president for advocacy and public policy, told The New American.

The declaration calls for a rethinking of public policy, advocating “proportional punishment, including alternatives to incarceration, that protects public safety, fosters accountability and provides opportunities to make amends.” It does not take a position on specific punishments; DeRoche noted that both proponents and opponents of capital punishment are among the more than 2,700 individuals who have signed the document.

“If you believe that rights come from the hand of God and that our Constitution protects that liberty, that means that you should be seeking what you believe is proportionate punishment,” he said. “It’s not a centrist view. It’s not a compromise view with the Left. It’s actually a view that is rooted in Scripture and honoring the value and worth and dignity of each human life.”

He maintained that despite the longstanding lock-’em-up-and-throw-away-the-key approach taken by many professed conservatives — an approach with roots in the 1960s, when liberals began blaming poverty and oppression, rather than perpetrators, for the then-spiraling crime rate — the type of reform the Justice Declaration seeks is actually more in line with conservative principles:

When you give the government the power to prosecute somebody and bury them with lawyers and to charge them with 17 different crimes and put them into a prison system which makes things worse, not better, and they don’t pay anybody back for the damage that they caused, what you’re doing is you’re fueling, actually, a similar failed experiment to other government projects.... Something that conservatives wouldn’t stand for in healthcare or in education or welfare, when it comes to justice, they say, “Yes, we know it fails, we know it grows the government, we know it doesn’t pay back victims, but let’s get more money to that. Let’s get more government employees. Let’s give them more unchecked authority.”

Americans tend to think of our present justice system, which primarily concerns itself with exacting retribution by incarceration, as the best possible system, yet throughout history, humans have devised a variety of ways of dealing with crime. The most effective of these systems — if promoting a functioning society, not increasing the power of government, is the objective — sought restitution for property crimes and retribution only for violent crimes and others for which restitution was impractical. Certainly this was the approach of Old Testament law. It was also the tack taken by English common law — until kings took over the administration of justice, at which time imprisonment and fines, often for “crimes against the state” rather than traditional offenses, became the standard punishments.

“Justice should be between the person that breaks the law and the person that’s been harmed by the violation of the law and the community that’s affected by it,” said DeRoche. “Government should be a mediator at best, and it should be facilitating that, not necessarily profiting from it.”



Limitation of Statutes

What types of reforms, then, would be in line with the principles of the Justice Declaration?

The surest way to reduce the number of people incarcerated unnecessarily is to repeal unjust laws. As attorney Harvey Silverglate has convincingly demonstrated, the average American commits roughly three felonies every day just going about his normal activities, making him ripe for targeting by ambitious prosecutors or political enemies.

Consider the case of conservative author and filmmaker Dinesh D'Souza. Having made himself persona non grata in the Obama White House with his highly popular works criticizing President Barack Obama, D'Souza wound up in the dock, threatened with jail time for a relatively minor violation of federal campaign-finance law. He was spared incarceration after pleading guilty to one felony count, but he still was forced to pay a hefty fine and was sentenced to five years' probation, community service, and "therapeutic counseling." Most observers believed D'Souza's prosecution was unwarranted and, in the words of Harvard University law professor Alan Dershowitz, "smack[ed] of selective prosecution" of a political foe.

There should, of course, be very few federal crimes; the Constitution only names three. But the single biggest driver of incarceration and its associated ills is the unconstitutional war on drugs. About half of all federal prisoners are drug offenders. The war on drugs has also led to mandatory minimum sentencing laws that both frustrate judges and benefit violent criminals who are not subject to these same laws, as economic historian Chris Calton observed in a Ludwig von Mises Institute article:

When a judge may see fit to offer the drug offender probation, rather than jail time, mandatory legal minimums compel him to give a prison sentence. But because prison space is still limited, the probation alternative to jail is simply passed to *violent* criminals.... In other words, the war on drugs is actually pushing violent criminals back onto the streets in order to devote resources to the *non-violent* criminals who often held productive employment before being locked up. [Emphasis in original.]

Calton further noted the irony that, in contrast to nonviolent drug offenders, convicted violent criminals are sometimes subject to mandatory *maximum* sentencing laws. "The maximum penalty for a rape not involving a child is ten years, the same as the mandatory minimum for some drug offenses," he added in a footnote. Meanwhile, violent crimes against the unborn not only go unpunished but are actually protected and funded by the government.

DeRoche argued that mandatory minimum sentencing laws fail from a moral as well as a practical standpoint. "You should respect the value of each person's life," he said. "Well, how are you going to do that if you predetermine that everybody gets 15 years regardless of the circumstances of their crime? What you're doing is you're saying, 'You're not even worth it. Your life is not worth the 15 minutes it would take a judge to actually assess a proportionate punishment to you.' And that's dangerous territory."

Slammer Substitutes

Even if all unjust laws were repealed, there would still be a need to administer justice, and incarceration would be justified in certain cases. Nevertheless, under the terms of the Justice Declaration, it should not be the first choice for punishing most offenders. In fact, if the goal is to have



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an offender repay his debt and successfully re-enter society, incarceration is unlikely to succeed. It takes an individual away from his family and out of the workforce; puts him in a cell where he can do nothing all day long (except perhaps learn to be a better criminal) and be fed, clothed, and medically treated at taxpayer expense; and then releases him into a society in which he has very little chance of making it. Most likely he will either return to a life of crime — a recent BJS study found that inmates released from state prisons have a five-year recidivism rate of 77 percent — or go on welfare for the rest of his life. Either way, he becomes a permanent burden on taxpayers.

Alternatives to incarceration include work furlough programs, community service, electronic monitoring, and drug courts. All these enable convicts to maintain ties to their families and communities and to continue to work while repaying their debts.

But don't such alternatives play into the hands of criminals? It's tempting to think that hard time would be a greater deterrent than these other approaches, but which punishment is more daunting: sitting around in a cell all day or actually working and making restitution and showing up for drug testing and court hearings?

Indeed, the evidence shows that alternatives actually improve outcomes for both offenders and taxpayers. Over the last decade, many states have implemented alternative sentencing, cut back on mandatory minimum sentences, reclassified felonies as misdemeanors, or otherwise reformed the sentencing process. These same states saw their crime rates fall at least as fast as the national average, and since 2010, the 10 states that reduced their incarceration rates the most actually have had a six-percent *larger* reduction in crime than the 10 states with the greatest incarceration-rate increases, according to a study by the Pew Charitable Trusts.

Drug courts, which provide offenders with long-term treatment, test them for drug use, require them to appear in court frequently, and reward or punish them for their behavior, have been shown to be far superior to incarceration, which merely puts offenders in a place where they can easily obtain drugs and use them to their heart's content. Numerous studies have found that drug courts reduce both short- and long-term recidivism, significantly increase the likelihood of offender sobriety, restore families broken by addiction, and save taxpayers money — as much as \$6,200 per offender, according to a May Justice Department report.

Many ex-convicts have a difficult time reintegrating themselves into society because of numerous legal barriers to their resuming normal lives. The Council of State Governments Justice Center calculates that there are over 48,000 legal consequences nationwide for individuals with criminal records. Among other things, these laws prevent ex-offenders from voting, obtaining professional licenses, driving, and getting an education. Repealing or revising these restrictions would go a long way toward helping former offenders become productive members of society once again.

Prophylactic Pews

If the Justice Declaration only called for reforms of the criminal justice system, it would be largely indistinguishable from a variety of other manifestos issued by both conservative and liberal groups over the years. What makes it unique is its charge to the church to take an active role both in preventing people from becoming criminals in the first place and then in ministering to convicts, their families, and crime victims.

How can churches help keep people on the right side of the law? Mostly they just need to get people in



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the doors and keep them coming back.

Baylor University social sciences professor Byron Johnson, who has extensively studied the inverse relationship between faith and crime, told The New American, “Kids, even from the worst housing projects, that are raised and regularly participate in houses of worship, they’re much less likely to be in trouble, much less likely to use drugs, than are other kids that are raised in those same disadvantaged environments.” And, he said, “when they do get into trouble, faith seems to provide a way ... for them to correct their paths.”

There are a number of reasons for this, explained Johnson, a signatory to the Justice Declaration. The most obvious one is that churches teach attendees to obey God’s commandments, which most emphatically do not include committing crimes. Beyond that, churches provide “networks of support” to help keep people on the straight and narrow, he said. In addition, the Bible’s call to serve others, and the many service opportunities churches provide, help attendees concentrate on the needs of others rather than their own desires.

Besides working to reverse America’s moral decline, perhaps the biggest driver of crime, churches can take other anti-crime actions. Since poverty is correlated with crime, church programs that aid the needy can help shrink the likelihood of lawbreaking. After-school programs also help by keeping kids occupied during the hours of the day when they are most likely to get into trouble and by connecting kids and parents with a church, often for the first time.

Convicted to Care for Convicts and Kin

Despite the church’s best efforts, however, some individuals will still end up behind bars. Christians ought to care about those in prison because they, too, are made in God’s image and loved by him. Christ himself commanded his followers to visit prisoners, saying that visiting “the least of these” was the same as visiting him (Matthew 25:31 – 46). The Justice Declaration therefore urges Christians to “preach the good news of the gospel ... to all, including prisoners.”

But while winning converts is important, in most cases it simply isn’t enough. The key to turning a convict’s life around is to combine faith with service.

“Guys that find God in prison — it’s an important factor in a number of ways for them, but it’s not until they begin to serve others that it begins to really change their own identity,” said Johnson.

He and his research team have been studying faith-based 12-step programs for drug-addicted teenagers and finding them quite successful. “If you can get [teens] into a 12-step program that has a serious faith component to it, then their sobriety is connected not just to faith but to service,” he elaborated. “In other words, if they have some kind of spiritual transformation, it has an effect, but it doesn’t get the job done. But if they in fact help others *and* they have the faith, that helps them stay sober, and it’s significant, and statistically significant.”

It’s not true just of teenagers convicted of relatively minor infractions. It’s also true even among the worst adult criminals, as Johnson and his colleagues demonstrated in their book *The Angola Prison Seminary*, which chronicles the numerous positive effects of holistic, faith-based ministry in the Louisiana State Penitentiary, America’s largest maximum-security prison.

The Justice Declaration recognizes the importance of going beyond merely preaching the gospel to prisoners. It calls on Christians to “invest in the discipleship” of prisoners and “minister to the needs of



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families and children with incarcerated loved ones.”

Discipleship of prisoners is crucial, said Linda Maples, executive director of Loved Ones of Prisoners (LOOPS), a ministry based in Odessa, Texas. “They have to be discipled,” she told The New American. “Otherwise, they will go right back to the old way, the old life, and the old trouble.”

That’s something most prison ministries are already doing, averred Johnson. “If you look at some of these faith-based programs,” he said, “they started out as evangelistic Bible studies, but they have morphed into these really well-rounded, comprehensive kinds of programs that deal with victim-offender reconciliation and restorative justice concepts, counseling and vocational programming, [and] education.”

LOOPS, in fact, got started in that very fashion. Leland Maples, who passed away in June, was leading a Bible study in the federal prison in Big Spring, Texas, in the 1980s. After he and Linda wed in 1988, she began accompanying him to the study and discovered that “no one was addressing the issues with families” such as finances and lack of a father in the home, she said.

“When Leland and I married,” she recalled, “the men would come to me and say, ‘Would you call my wife? She’s had a bad week. Would you check on her? She’s at the Days Inn for a visitation, and would you just go by and see her?’”

After doing that for a while, the Mapleses decided to start a formal support group for the families, and from that developed LOOPS. They later added discipleship and marriage seminars, hosted Christmas parties for the children of prisoners, and developed a program that enabled children to spend a day with their incarcerated parents.

Another ministry to prisoners’ families that grew out of an existing prison ministry is Little Light Christian School of Oklahoma City, a tuition-free private school exclusively for children of incarcerated parents. Executive Director Robin Khoury told The New American that while she’d felt a call from God to open “a school for poor kids,” it was only after she’d entered prison ministry and attended a lecture on the problems besetting prisoners’ children that she acted on that call to found Little Light, which opened its doors in 2012.

The school provides far more than just education. Khoury and her staff are intimately involved in the lives of their students and their families, helping them to cope with the many consequences of having a loved one in prison, including poverty and homelessness. The main objective of the school, Khoury said, is to “break the cycle of generational incarceration” by giving the students a “road map” out of a life of poverty and crime.

Blessed Release

That’s something most prisoners need, too, which is why mentoring programs that help teach prisoners life skills and prepare them for employment upon their release are of the utmost importance, stated Johnson. Mentoring also needs to extend beyond release. “Once a guy leaves prison, your work is just beginning as a mentor,” he said.

He cited the Prison Entrepreneurship Program (PEP) as an example of exactly the sort of mentoring that is needed. The program, which currently operates exclusively in Texas, is, he declared, “probably one of the most innovative programs, secular or faith-based, that exists because it takes business executives into prisons to help inmates develop business plans to start their own businesses.” The



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program also provides social-networking activities, transitional housing, and assistance in finding employment.

A study by Johnson and his colleagues found that PEP graduates have a three-year recidivism rate of just five to seven percent, vastly lower than the 23-percent statewide recidivism rate for men. In addition, within one year of their release, 95 percent of PEP graduates reported being employed. At least 120 businesses — possibly twice that — have been started by PEP graduates. The researchers estimated that PEP yields a 340-percent return on investment after five years.

LOOPS also does its part to help inmates make the transition back to society via the Re-Entry Chapel, or REC Room, a weekly church service tailored to their needs. Offenders in halfway houses are bused to the REC Room each week, where they can worship God and build a social network to help them in their return to society. One former REC Room attendee who obtained work as a plumber's apprentice after leaving prison returned to the REC Room recently to offer other ex-convicts a chance to work in his own business. Other LOOPS and REC Room alumni have gone on to work in or found prison ministries. In fact, said Linda Maples, over half of the LOOPS board of directors consists of ex-convicts.

One other thing LOOPS does for ex-offenders is to help place them in churches in the Midland-Odessa area. Johnson said he envisions similar programs on a larger and more technologically advanced scale. Using GPS technology, for instance, churches could be notified of Christian inmates who are about to be released into their neighborhoods. "How can the church reach out to them intentionally before they even arrive to provide a safe haven for them?" he asked. "Most congregations — 99 percent — have never thought of this as a possibility. That's the kind of thing that I think — I hope — will begin to emerge if more churches will read something like the Justice Declaration and take it seriously."

Christians who do take the Justice Declaration seriously may feel overwhelmed at the thought of addressing all the problems it identifies, but take heart: "Not everybody can be teaching a class inside a prison, but you can advocate for your faith," said DeRoche. "You can stand up. You can be the voice for the voiceless that are in this process that are getting left behind. And that may be the prisoner; that may be the victim."

Above all, keep in mind the advice of Linda Maples: "Don't be afraid to get your hands dirty. If somebody doesn't look like you and dress like you, give them a chance."



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