

Challenges for the Criminal Justice Process in the South

This is the first in a series of six pastoral statements by Catholic Bishops of the South on the Criminal Justice process and a gospel response.

“Our response to crime in the United States is a moral test for our nation and a challenge for our Church.” U.S. Catholic Bishops statement, “Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice,” November 2000.

As pastoral leaders of the Roman Catholic community, we would like to reflect with you on the themes of responsibility, rehabilitation and restoration in light of the reality of crime and criminal justice in our area of the country. In November 2000, all the U.S. Catholic Bishops issued a national statement, “Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice.”

As our 2000 statement said, no one can deny that criminal behavior which threatens the lives and dignity of others undermines our common good. But putting more people in prison and putting more people to death has not given Americans the security we seek. Our Catholic approach begins with the recognition that our belief in the dignity of each human person applies to both victim and offender. As Catholics, we are convinced that our tradition and our faith offer better alternatives than the slogans and policy cliches of conservatives and liberals.

Crime and the fear of crime touch many lives and divide many communities. One out of every twenty-seven Americans over the age of twelve is the victim of a violent crime each year. One out of every four households suffers a property crime each year. African American and Hispanic Americans are victimized by crime at far higher rates than others. Thus, all of us have an important stake in making sure that the victims of crime are supported and that the criminal justice system become more responsive to their concerns.

Because the criminal justice system is so important, it is critical to recognize that there are several indications that it needs improvement.

Too many of our people are in prison. The U.S. now leads the entire world in the rate of incarceration of its citizens.¹ The U.S. Department of Justice reported a record high number of people, almost 6.6 million, 3.1 percent of our nation’s population, were either on probation or parole or held in a prison or jail as of 2001.² While the national average, state incarceration rate was 422 per 100,000 residents, the southern states had an incarceration rate of 526.³ All seven of the states with the highest incarceration rates in the nation are in the South.⁴

There is evidence of racism in the criminal justice system. In the age group 25-29, just over 1% of white males are in state or federal prison, compared to 3% of Hispanic males and 10% of African American males.⁵ Racial profiling of African Americans remains a troubling practice in too many areas of law enforcement.

Poor education is clearly part of the problem. Two out of every three state prison inmates had not completed high school.⁶ There are now more black men in jail or prison than there are in colleges or universities.⁷

Public defender attorneys for poor people charged with crimes are usually overworked and under funded. They are all too frequently unable to provide adequate legal representation. In rural areas, public defenders are often completely absent. Mandatory sentencing laws reduce the discretion of judges to make the punishment fit the crime and send increasing numbers of people to prison.

The ultimate punishment, the death penalty, has been used far too often and in an unfair and unjust fashion. More than 80% of the persons executed in our country have been put to death in our Southern states, and yet our region still has the highest murder rate in our nation.⁸ This would indicate that the death penalty is not a deterrent to murder. In addition, there is racial injustice in the application of the death penalty in our country and in our region. An African American offender who kills a white person is much more likely to be sentenced to death than a white offender who kills an African American.

We must seek new, restorative approaches. We do not suggest this is an easy process, but we must continue to find ways to respond to crime that are consistent with the love and truth of Jesus Christ.

¹ Sentencing Project, "New Prison Population Figures: Crisis and Opportunity," August 2002. This analysis shows the USA leads all nations in the rate of incarceration with 686 per 100,000. Russia is second with 644 per 100,000.

² "U.S. Correctional population at record high," CNN.com 8-25-2002.

³ Bureau of Justice Statistics Bulletin, PRISONERS IN 2001, Table 4, released July 2002.

⁴ Bureau of Justice Statistics Bulletin, PRISONERS IN 2001, Table 6, released July 2002 reported that the states with the highest incarceration rates were: Louisiana, Mississippi, Texas, Oklahoma, Alabama, Georgia, South Carolina, Missouri, Delaware, and Arizona.

⁵ Bureau of Justice Statistics Bulletin, PRISONERS IN 2001, page 12, released July 2002.

⁶ "Facts About Prisons and Prisoners," The Sentencing Project, 4/02.

⁷ Fox Butterfield, "Black men in jail exceed collegians," NYT, 8-28-02.

⁸ Death Penalty Information Center. The South has executed 646 people, while the West has executed 59, the Midwest 86, and the Northeast 3