

AMERICAN BAPTIST CHURCHES, USA

Robert W. Tiller
Director of Governmental Relations
110 Maryland Avenue, NE
Washington, DC 20002-5698
(202) 544-3400

February 4, 1987

Commissioner William W. Wilkens, Jr.
United States Sentencing Commission
1331 Pennsylvania Avenue, N.W.
Suite 1400
Washington, D.C. 20004

Dear Commissioner Wilkens:

I am writing on behalf of the General Board of the American Baptist Churches U.S.A. to urge you not to add the death penalty to your agenda in setting sentencing guidelines. This is an enormously controversial subject and, as such, belongs with the elected officials of our nation. By virtue of their election, these men and women are accountable to the public. Therefore, they should continue to provide the forum for debate on the appropriateness of capital punishment.

For your information I enclose copies of the positions taken by our governing body on the death penalty. As you can see, we believe the death penalty to be fraught with danger in itself. Again, I urge you not to take up this subject but to leave it to the various legislatures.

Thank you for your kind attention.

Sincerely,

Carol B. Franklin
Carol B. Franklin
Policy Advocate

CBF/wcj

Enclosures

cc: The Honorable Edward M. Kennedy
The Honorable Joseph R. Biden



NATIONAL MINISTRIES • ABC • VALLEY FORGE, PENNSYLVANIA 19481
Incorporated as The American Baptist Home Mission Society
Woman's American Baptist Home Mission Society

AMERICAN BAPTIST
POLICY STATEMENT ON CRIMINAL JUSTICE

The proper purpose of a criminal justice system is to protect society and individuals, including victims and offenders from seriously harmful or dangerous conduct from any source--corporate, governmental, legal, institutional or individual. From a Christian perspective, restoration must be included as a purpose of a criminal justice system. While we recognize that there are many people within the criminal justice system who, out of a sense of mission and concern for persons, try to make the system humane and just, we also recognize that under our current system the above purposes are not being met.

The criminal justice system and those involved in it cannot be considered in isolation from the economic and social policies of society. In every part of the system--law endorsement, courts, sanctions, jails, prisons, and parole--persons who are poor, women, members of minority groups or those with language barriers find themselves dealt with more harshly than do those who are white males or affluent. The major attention of the criminal justice system has focused on the crimes of the poor such as street crime, while not enough attention has been given to the serious crimes of the affluent such as embezzlement, fraud and corporate crime or organized crime. The influences of crime, particularly those of corporate or organized crime, corrupt the political and economic life of the nation.

The closed society of prison life tends to foster rather than to disrupt the cycle of violence and vengeance. Prisons often dehumanize both those kept within them and those who keep them. As such they are expensive and wasteful. Support systems for those who are released from prison are limited and inadequate. Recidivism is high. At the same time victims of crime receive little attention or support.

Attitudes of racism, sexism and classism frequently influence the current judicial system. In addition, vengeance often seems to be the main motive for incarceration. A criminal justice system shaped by these forces cannot achieve its purpose of protecting society and individuals from harmful or dangerous conduct; nor can it rehabilitate the offender so that he or she may return to society as a useful member.

As Christians we believe that all persons sin and live under the judgment of God. As Christians we also believe that God loves us and calls us to repent and to become new people in obedience to God's will.

As persons who recognize that we have often violated God's law and live in continued need of God's forgiveness, Christians should have a sense of identification with those who have violated human law. From the Christian perspective, we are all sinners. As forgiven sinners we are commanded and given grace to forgive/accept others. We have heard Christ's challenge, "I was in prison and you came unto me" (Matthew 25:36). We recognize that the challenge does not call us to condone all behavior, but it does challenge us when we continue condemning. By the grace of God, we can forgive and accept.

From a human perspective we are well aware that the circumstances into which we are born or the events which have affected our lives increase or decrease the possibilities that we will be caught in the criminal justice system. As citizens we hold a common responsibility for the institutions of our society and their effect on persons and as Christians we have a responsibility to make those institutions humane and just.

As Christians, we also recognize that each person is unique, is precious to God and has special needs and talents. This status does not change if a person has violated God's law or human law. As followers of Christ we have been commanded to "bring release to the captives" (John 17:18; Luke 4:18). In so doing it is not enough simply to release persons from prison. We must also find ways in which their needs can be met and their talents developed and employed so that they can become full participants in society.

MINISTRY OF THE CHURCH

Therefore, as American Baptists, we will be involved in ministry to and with the criminal justice system. Expressions of that ministry will include the following:

1. Ministering to juvenile and adult offenders, ex-offenders, victims; and to the criminal justice system and those who function within it.
2. Developing and offering, in cooperation with other religious bodies, competent ministries of mediation and conflict resolution, and supporting the development of those skills by public officials and law enforcement personnel.
3. Educating our members and speaking to the public about the implications of the Christian message of redemption and reconciliation for the criminal justice system and for those within it.
4. Seeking to develop attitudes of acceptance in the community and opportunities for employment for those persons who are released from imprisonment or who are participating in programs that assist them in reentering community life.
5. Supporting families of offenders in their efforts to keep or develop a family relationship with the offender and providing acceptance and support for the families as they live in their communities.
6. Monitoring governmental policies and programs as they are developed in the field of criminal justice and bringing the insights of our faith and experience to bear upon them.
7. Supporting victims of crime and meeting their needs while helping them work toward the goal of restoration and reconciliation.
8. Identifying and understanding those conditions in society which contribute to the development of criminal behavior and supporting efforts to change those conditions.

9. Supporting and helping to maintain the vision of those who function within the criminal justice system with a sense of mission and concern for persons and who seek to make the system just and humane.

LAW ENFORCEMENT AND THE COURTS

Because we believe in reconciliation and redemption as American Baptists, we will work for a criminal justice system that is just, is humane and has as its goal restoration rather than vengeance. Toward that end we will support:

1. Efforts to discourage the use of deadly force by law enforcement officials, to develop alternative methods to deal with conflict situations and to train law enforcement personnel in their use of these alternative methods.
2. The provision of physical, spiritual and institutional support for victims of crime.
3. The provision of safeguards to ensure that the poor, minorities and the inexperienced have available to them the legal assistance and other advantages available to the rich, the powerful and the experienced.
4. The release of persons who cannot raise bail but whose presence at trial can be otherwise assured.
5. A speedy trial for accused persons.
6. The right of accused persons to exercise the same human rights as persons in the rest of society including civil, cultural, religious and political rights, with the exception of the right of movement while in custody. (Under our Constitution, a person is presumed innocent until proven guilty beyond a reasonable doubt.)
7. The development of specific programs to meet the needs of juvenile or youthful offenders. These persons have special needs that will not be met through treatment in the same manner as adults.
8. The development of voluntary services (such as counseling, medical or social services) to meet the needs of persons whose behavior is not termed illegal but does not violate the rights of others. Participants in such behavior reflect human need which cannot be alleviated by the use of criminal sanctions.
9. The provision of treatment outside the criminal justice system for those who need it. No person should be involuntarily detained in any correctional institution solely for the purpose of "training," treatment or education.
10. The staffing of the criminal justice system at every level by persons who represent a diversity of backgrounds in our society, who meet high standards of training and experience and who care about the persons coming under their jurisdiction.

11. The elimination of influences and practices of discrimination based on race, ethnic or cultural background, political identification, religion, age, class or sex.
12. Efforts to oppose organized crime through effective legislation, strong law enforcement, and the education of the public.

SANCTIONS

Sanctions may include a fine, probation, restitution, community service or other alternatives, or a sentence of imprisonment. The primary purposes of sanctions are: to protect society from the commission of future crimes by the offender; to deter others from committing a crime; to give restitution to the victim; and to help the offender to become a law-abiding citizen. As American Baptists we believe that sentences of sanctions should always hold within them the possibilities for redemption, reconciliation and restoration. Therefore, we believe that:

1. In the sentencing by the courts and in the implementation of the sentence the criminal justice system should have available to it and be able to utilize the best knowledge of our time. Sentencing standards or guidelines which establish reasonable and fair criteria should be encouraged, thus lessening unfair and discriminatory inequities in sentencing.
2. Mandatory sentences should be opposed. Sentences that best serve the needs of society and the offender require judicial discretion.
3. The criminal justice system should include a wide range of alternatives for dealing with accused and convicted persons. These alternatives should reflect the differing needs of dangerous and nondangerous offenders. Major emphasis should be placed on noncustodial sanctions.
4. Sentences to restitution and community service should be supported as providing an economical, rational and humane system of justice for nondangerous offenders while providing some justice for the victim.
5. Halfway houses or community living arrangements should be promoted and encouraged to facilitate the ex-offender's reentry into society.
6. Imprisonment should be imposed only when the continued freedom of the offender poses a direct threat to society and when no acceptable alternative exists.
7. The length of a sentence should be specific enough to give the incarcerated person some hope for the future.
8. Capital punishment should be eliminated since it violates the concept of the sacredness of human life and is contrary to our belief that sentences should hold within them the possibilities of redemption, reconciliation and restoration.

9. Convicted persons, including those incarcerated should be able to exercise the same civil, cultural, and religious rights as the rest of society with the exception of the right of movement. Political rights should be restored to convicted persons when their sentences have been served.
10. Community involvement and concern is needed to monitor the policies and practices of the criminal justice system, to enable offenders to be restored to community life, and to recognize the problems faced by those who administer the criminal justice system.

Adopted by the General Board of the American Baptist Churches, December, 1983
140 For, 12 Against, 12 Abstentions
(General Board Reference # - 7034:12/83

EJM:sr

THE ATTACHED PUBLIC COMMENT IS
DESIGNATED "GENERAL INTEREST."
ALL COMMISSIONERS AND STAFF
HAVE RECEIVED COPIES.