

## Building True Justice into the Legal System

Since the end of legal slavery, the U.S. has engaged in criminal legal policies that have disproportionately affected Black and other people of color. Starting in the 1980s and including the passage of the 1994 Crime Bill, public policy in this area has resulted in over-criminalization, mass incarceration, and police militarization. Harsh mandatory sentencing laws and a focus on punishment rather than rehabilitation has taken its toll on already vulnerable segments of the U.S. population, deepening the racial divide and creating a situation of structural poverty for many individuals, families, and communities.

Years of “tough on crime” policies have tilted the scales of justice. Financial incentives for drug arrests has led to over-policing, particularly in communities of color. In consequence, these communities are left with disproportionate numbers of citizens with criminal records (mostly for minor non-violent offenses), lethal encounters with the police, and a disconnection to the people sworn to “protect and serve” them. Only with significant reform to policing, including de-prioritizing low-level drug offenses, implementing guidance on a necessary use of force standard, and an end to qualified immunity, will an equitable and just society be within our reach.

Extreme sentencing measures such as mandatory minimums and “three strikes” laws have led to the U.S. having the highest percentage of incarcerated people in the world. Sentencing disparities, such as that between powder and crack cocaine (primarily white vs. primarily Black users), resulted in vast racial disparities in sentence length for comparable offenses. Even non-violent offenses can result in years in prison and subsequent restrictions on re-entry into society. The U.S. is also the only Western nation to implement the death penalty, and ranks sixth in the world in executions. The death penalty is, in the words of Pope Francis, “an attack on the inviolability and dignity of the person” that is “inadmissible” in all cases.

A person convicted of a crime in the U.S., whether or not they serve time in prison, suffers long-term discrimination in employment, education, and public services. “Checking the box” on an employment application and prohibitions against licensing in certain fields cost formerly incarcerated men and women both immediate wages and long-term earning potential. Returning citizens also face restrictions on federal student aid, healthcare, nutrition programs, the right to vote, and public housing, affecting family reunification. The loss of a wage-earning adult contributes to the cycle of poverty by limiting options for housing, education, and employment for other family members. These impacts are especially acute for communities of color.

The murders of George Floyd and too many others have illuminated the systemic inequalities in our country’s criminal legal system and compelled our people to cry out for change. We cannot continue to tolerate racial profiling and police brutality, the loss of another generation to mass incarceration, or the perpetuation of unnecessary poverty. It is time to affirm that each person, regardless of their past mistakes, is a child of God entitled to respect, forgiveness and dignity. From the beginning of his papacy, Pope Francis has placed a focus on “bringing good news to prisoners.” Building America’s criminal legal system anew will help to break the cycle of poverty and certainly bring “good news” to those engaged with it. Such efforts will also bring our society closer to the beloved community where justice “rains down like a river.”

## Opening Our Hearts to Encounter

Lent is a time in which we are called to journey with the suffering Jesus. Although it may feel uncomfortable or daunting going to the deserted places in our heart, this is where Jesus calls us to meet Him.

Death Row is one of those places my heart was called to encounter Christ. Recently, I volunteered to write letters and connect with a death row inmate. When choosing who I would be corresponding with, I remember choosing “no preference”, trusting that God would be at work in this process and pair me with someone special.

November 2013. I received my first letter from my pen pal. His name was Clemente Aguirre-Jarquín and he was serving his death sentence on Florida Death Row. Our first few exchanges were exhilarating. Yes, he was on death row, but in our letters and growing friendship, it wasn't about that. It was about getting to know each other, sharing about our childhood, our families, our first jobs, our dreams, even sharing laughter and tears in the telling of our stories.

And then it happened. Although I was advised against it, I googled him. Within minutes, I was in horror and shock about what I found out about my friend. I started sobbing. I felt sick to my stomach. How could this person who was becoming a part of my family, whose place in my heart grew with each letter, be the same person who viciously attacked and murdered two individuals. My body and my heart ached with disbelief, confusion, anger, frustration. How could I have begun to LOVE someone that could do that?

Despite the mess of emotions I was feeling, I knew in my heart that I couldn't just walk away. I couldn't just say, “Never mind, this is too hard. You are unlovable.” God spoke to my heart and said, “He is still my beloved.” God is so merciful and his love knows no bounds. I had no doubt in my heart that God loved him. And in that moment, God wanted me to love him, too.

Moments like that, of compassion and encounter, are the first step in confronting a criminal justice system that strips away the dignity of life through policies like the death penalty. This system, which disproportionately affects people of color and those in poverty, labels sons and daughters of God as irredeemable. It also perpetuates the “throwaway culture” that Pope Francis warns us about. In order to change that, we must affirm the dignity of those our society has cast away, and demand a justice system that centers on restoration instead of punishment. This season of Lent, let us find the courage to encounter Jesus in the margins of our lives and our society.

*Written by Claudia Zuniga Pham. Claudia currently teaches Peace and Justice to high school seniors at Mater Dei High School and has been involved in Restorative Justice as a Detention Ministry volunteer with juvenile youth in both Los Angeles and Orange County, CA.*

## We Pray

O God, we pray for an increase in solidarity. We pray for a change of heart both inside and outside of the confines of jails, prisons, detention centers and narrow minds so that we might see that incarcerated people are created in Your image and that disproportional punishment, inhumane treatment, and the never-ending collateral consequences of a criminal conviction are unjust. "Blessed are they who hunger and thirst for justice. They shall be satisfied. Blessed are they who are persecuted for justice' sake, for theirs is the Kingdom of God." Matthew 5:6,10

Holy Spirit, give us the wisdom and the courage to transform our legal system so that it will mete out true justice that is equitable, fair, humane and transparent. Help us to do what is necessary to change public policies and break down barriers to full and successful re-entry for those who have been separated from us.

Loose us from all that binds us, separates us and destroys our one, human family. Show us how to restore right relationship with one another. Guide us toward becoming that beloved community that is Your dream for all of creation. And make us a genuinely welcoming community that cares for all, supports each of us, and enables every human being to thrive. This we pray in the Holy Name of the One Who declared at the start of His ministry that He had come to bring Good News that would free prisoners, the One Who forgave both thieves crucified with Him on Calvary -- Jesus, the One Whose prayer we join -- "That all might be one."

*Written by Joan Neal. Joan is a Strategic Advisor and Senior Government Relations Fellow at NETWORK Lobby for Catholic Social Justice in Washington, D.C.*

## Take Action

Take action to promote restorative justice in our legal system. The George Floyd Justice in Policing Act (H.R.1280) takes a monumental step toward dismantling white supremacy in policing by ending long held practices that allow law enforcement officers to murder or maim Black people with impunity. This bill opens a route to reestablish trust in law enforcement and facilitate greater police accountability, enabling them to faithfully protect the communities they are meant to serve. Help us to transform our political system by calling your Senator.

*When you call, here's what you might say:*

"Hi, my name is [NAME] and I am a constituent from [TOWN]. I am calling to encourage the Senator to support the George Floyd Justice in Policing Act. It is clear that our legal systems are not equitably serving our communities. Violence and discrimination continue to harm communities of color across the nation. The time is long overdue for reforms that hold law enforcement accountable and equally responsible for protecting and serving everyone in society. The George Floyd Justice in Policing Act helps to restore trust in law enforcement and protect the sanctity of Black lives. Please vote in support of these restorative justice measures. Thank you."

## Reflect

- What are some ways our society can work to break down barriers to full and successful re-entry for people who were formally incarcerated?
- Have you seen substantial changes to our legal and criminal justice systems since the Black Lives Matter protests in the summer of 2020? Why or why not?