

RESPONSIBILITY, REHABILITATION, AND RESTORATION: A BISHOP LOOKS BACK

Bishop Emeritus Ricardo Ramírez, C.S.B.
Diocese of Las Cruces
Summer Institute on Social Action, St. Louis
July 22, 2014

The aim of this talk is to present the background and context of the writing of the U. S. Bishops' statement on criminal justice issues, *Responsibility, Rehabilitation, and Restoration* and to underscore the legal and pastoral issues regarding incarceration that we face today.

Father Michael Bryant, one of the consultants to the United States Bishops' Domestic Policy Committee that was charged with the drafting of the document, recently reminded me that the genesis of this document was the National Convocation for Jail and Prison Ministers held in Las Cruces in 1987. The following year, the bishops of Region XIII, the region to which the Diocese of Las Cruces belongs, presented the *varium*, or motion, before the body of the U.S. Bishops to write a statement addressing pastoral issues of inmates and needed reform of

our criminal justice system. It took 12 years for the 2000 document to be published.

There had been antecedents to this document. As far back as 1973 the U.S. bishops issued the statement, “The Reform of Correctional Institutions in the 1970’s.” While it focused on the reform of the criminal justice system, it called for a rehabilitation approach to incarceration.

ˆ The statement, *Community and Crime*, was published in 1978 by the Committee on Social Development and World Peace, In the 1978 statement the bishops in their called for comprehensive overhaul of the criminal justice system. As is done in the 2000 statement, it addressed the causes of crime and its effect on the poor and pointed to the radical difference between how those who committed street crime and how those who committed white collar crime were treated by the courts. Also in the 1978 statement the bishops addressed the issues of overcrowding in prisons, human rights violations, the breakdown of families, the causes of crime, gun control, and public policy. It further

identified the role of the churches as advocates for social justice and in that context wrote about the need to reform the criminal justice system.

What is markedly different between the 1978 and the 2000 statements is that the more recent one refers to the need to minister to victims of crime and the call for restorative justice.

The 1978 statement was out of print when the process for a new document was initiated. This meant that there was no Catholic teaching at a national level on criminal justice issues from a Gospel perspective.

The bishops wished to make updated guidance available to pastoral agents and others including bishops, priests, deacons, religious and chaplains ministering in jails and prisons, law enforcement agents, legislators, judges, and people in the pews. So partly for that reason a new document was proposed but this one would come from the full body of bishops.

Another reason was the alarming and increasing numbers of our jail and prison population, especially among the poor and minorities.

Our concern was first and foremost *pastoral* together with a heightened concern for reform in the penal system.

The motion to draft a statement on these issues was not welcomed by all the bishops since we had recently published two major pastoral letters, *The Challenge of Peace: God's Promise and Our Response*, published in 1983, and *Economic Justice for All*, published in 1986. Perhaps some were feeling document fatigue; “why do we want another statement when we are still trying to implement two recent major pastoral letters?”

On the other hand, some bishops had been strongly affected by the Attica Riots in 1972 and the Santa Fe Prison Riot in 1980. In both riots the demands were the cessation of harsh treatment, better medical and food services, fair visitation rights, and safety within the prison community. Thirty-nine men, including 10 hostages and 29 inmates died in Attica. In Santa Fe, thirty-three inmates lost their lives and over 90 were seriously injured. After the Attica prison riot the Huffington Post reported that, “guards beat and tortured prisoners after the revolt, resulting in a wave of prison rebellions nationwide.” In Santa Fe many of those who lost their lives were informers whose identities were not protected by prison officials. These men met horrific deaths; some were

burned alive in their cells and some were tortured and mutilated before death.

The process of the 2000 statement included a wide spectrum of consultation. This was in keeping with the precedents followed in the writing of the Peace and Economic Justice Pastorals. In this case consultations included judges, prosecutors, defense attorneys, law enforcement officers, prison wardens, victims of crime as well as offenders. Of great benefit was a person recognized by many as the father of the theology of restorative justice, Howard Zehr. In his book, *Changing Lenses*, restorative justice looks at crime and a Christian response to it through the lens of the Gospel.

According to Cardinal Mahoney, who headed the bishops' writing committee, this document was written at a time when, because of the high incidence of the inmate population, lawmakers and others were pressing for the prevention of crime and the rehabilitation of errants. Political and Church leaders saw a need to enable inmates to re-enter society. This way of thinking was contrary to a strong punitive spirit that said that the more you punish criminals, the better for them and for

society. Cardinal Mahoney refers to this approach as a “mysterious mystique.” The Cardinal gives credit to St. John Paul II, who in the encyclical *Evangelium Vitae* says “the primary purpose of the punishment which society inflicts is to redress the disorder caused by the offense. Public authority must redress the violation of personal and social rights by imposing on the offender an adequate punishment for the crime...in this way authority also fulfills the purpose of defending public order and ensuring peoples’ safety, while at the same time offering the offender an incentive and help to change his or her behavior and be rehabilitated.” (cf. *Catechism of the Catholic Church* no. 2266)

While drafting the document, there was debate among the bishops and consultants. Basically, the debate was about emphasis, some wanting to stress a penal law reform and others wanting emphasize the plight of victims. There seemed to be a general agreement on the approach of restorative justice.

Finally the impasse was broken, a rewrite was done and when it went before the bishops it was passed almost unanimously. Even those involved in the lively debate were satisfied with the final outcome.

The drafting of this statement followed the three steps in the analysis of St. Thomas Aquinas of the virtue of prudence: see, judge and act. We first see the situation at hand as the signs of the times. We then look at those present realities in the light of the Gospel before we present avenues of action.

To me this document is one of the greatest teaching achievements of the U.S. Bishops since I became part of the Conference in 1981. I only wish that this document were better known and utilized by the leadership at all levels of the Church in the United States. I say this because the needs addressed in the 2000 document are still present today and in many ways the situation is worse.

- Presently 2.3 million men and women are housed in prisons.
- Three out of every 100 American adults are either on probation, in prison or on parole.
- Of the 650,000 people released yearly from prisons, 50% will be incarcerated again, 40% within three years.
- The U.S. prison population is the largest in the world.

- The U.S. = 4% of world's population, yet has 25% of the world's incarcerated.
- Our inmate population is 55% higher than U.S.S.R. under Stalin.
- Every 37 seconds, an American young person is arrested for pot possession.
- Lifetime likelihood of imprisonment in the U.S.: Black men – 1 in 3; Latino men -1 in 6; all men 1 in 9; white men – 1in 17. Black women – one in 18; Latina women - 1 in 45; all women – 1 in 56; white women – 1 in 111.

Restorative justice has its roots in the social teachings of the Church as stated in the *Compendium*. The object of the Church's teaching is for a society reconciled in justice and love: "the Church shows her concern for human life in society, aware that the quality of social life – that is, of the relationships of justice and love that form the fabric of society – depends in a decisive manner on the protection and promotion of the human person, for whom every community comes into existence. In fact, at play in society are the dignity and rights of the person, and peace in the relationships between persons and between communities of persons." (no. 81)

Ron Claassen, Director of the Center for Peacemaking and Conflict Studies at Fresno Pacific University, Fresno, California, offers this simple explanation of restorative justice which may be of help to us in this conference.

- *Restorative Justice* is a way of thinking about how individuals, groups and governments respond to crime, offenses, and even more broadly, conflict or misbehavior in general.
- *Restorative Justice* builds community by providing a constructive framework to guide our responses to crime, conflict, offensive behavior, violations and injustices.
- *Restorative Justice* advocates a view that crime is more than simply law-breaking. Crime creates needs and injuries that can be addressed for the benefit of victims, community, and even offenders.
- *Restorative Justice* values all people.

- *Restorative Justice* seeks to repair damage, (re)establish dignity and (re)integrate all who were harmed and alienated.

The involvement of the victim in the healing process is of the essence of restorative justice.

In our statement the U.S. Bishops say that we must work for restorative justice and healing for everyone impacted by crime including: offenders, victims of crime, communities, and with special consideration for how crime and sentencing affect families. We call for a reform of the criminal justice system to promote the common good, restore a sense of community and resist the violence that too often engulfs much of our culture, our communities and homes. We refer to St. Thomas Aquinas that punishment is never justified for its own sake. It must have a constructive and redemptive purpose oriented towards healing. Our approach to the aftermath of a crime is to rebuild lives and do all we can to prevent recidivism.

In our statement we are critical of what is going on in our society that contributes to crime as well as the current state of our criminal justice system:

- The pervasiveness of a culture that promotes and glamorizes violence and death over life and peace;
- A growing prison population that disproportionately affects minorities and poor people;
- Use of simplistic, one-size-fits-all solutions such as the use of mandatory minimum sentencing;
- Continued expansion of for-profit prisons that often prioritize profit above the treatment, rehabilitation and re-integration of prisoners back into society;
- Policies that treat juveniles as if they were adults in the justice system;
- Rigid sentencing policies for non-violent offenses are costly, ineffective and can be detrimental to the good of persons, families, and communities. Prolonged incarceration often contributes to family instability and poverty; and
- Ill treatment of immigrants in detention and their right to fair judicial proceedings.

The U.S. bishops oppose the *Immigrant Detention Bed Mandate*, which says that a determined number of beds, 34,000, must be occupied by immigrants each day

A federal judge in Las Cruces spoke to me about the change in U.S. policy towards immigrants over the past 11 years. The change in the law is that before, one could have as many as 40 contacts with the Border Patrol and not be charged with a crime, now a second or more contact with the Border Patrol, that is being caught entering illegally, will result with a felony charge and before deportation, incarceration for anywhere from one to six months. Additionally, these so-called criminals will not be able to enter legally into the United States for at least 10 years. Most will not attempt a legal entry.

Most of what I have said up to now has to do with official Church teaching by the hierarchy, but there is another way the Church teaches and that is by carrying out her mission through activities and programs. Throughout the country, Catholic Charities agencies run re-entry programs, treatment for non-violent drug offenders, programs for youth and gang violence prevention, and support groups for victims of crime.

Organizations like the Society of St. Vincent De Paul, Catholic parishes, Catholic Campaign for Human Development funded groups minister and reach out to paroled individuals and those trying to piece their lives back together through effective prison and post-prison ministry and restorative justice efforts.

The growing attention given to the principles of restorative justice are being taken very seriously by dioceses, and by many state Catholic Conferences. The California Catholic Conference, for example, has restorative justice structured into its organization, and two bishops are co-chairs of the Catholic office for restorative justice. I have also learned that components of the restorative justice approach are being implemented in many other places around the nation by Catholic parishes, dioceses, and organizations. Among the activities related to the principles of restorative justice are the following:

- Liturgies for victims of crimes and violence
- Programs where inmates meet with victims or their surrogates

- Re-entry and welcoming programs, such as what is done in Washington, DC
- The “Get on the Bus” Project that brings children of inmates to visit their parents on Mother’s Day and Father’s Day
- The use of 12-step programs and peacemaking circles adapted for gang members
- The use of Ignatian retreats and prayers in L.A. by a team of Jesuits
- Healing circles and other activities that bring together those who have suffered consequences of crime, including offenders themselves who are often also victims of crime or abuse
- Parish communities who reach out to victims and offenders alike, such as the Precious Blood Ministry and the Kolbe House programs in Chicago
- Mentoring programs – and we have these in New Mexico – to assist ex-offenders to reenter society

- One-on-one ministry by Catholic chaplains with special attention to those who have lost loved ones to homicide
- The creation of awareness in parishes about incarceration issues, calling attention to the needs of the families of the incarcerated
- Catholic Relief Services peacemaking efforts around the world, particularly in Rwanda and the Middle East

At the present time the USCCB through the Committee on Domestic Justice and Human Development is urging Congress to support sentencing reform by adopting the *Smarter Sentencing Act (HR 3382/S. 1410)* and restorative justice efforts as part of the *Second Chance Act (S 1690/HR3465)*. You will hear more about these efforts this week from Anthony Granado, Policy Advisor with the Office of Domestic Social Development at the USCCB.

To talk about Jesus and give witness to him by the way we live our lives as his disciples, *is* evangelization, and evangelization is the essential mission of the Church. We have a formidable task before us:

how do we evangelize a culture that can only think vengeance and retaliation when a wrong is done. Jesus spoke strongly against returning evil for evil and pain for pain.

The Gospel has various powerful examples of restorative justice: the stories of the Good Samaritan, who goes out of his way to heal the wounds of the victim; the prodigal son, whose father restores him to his family; Zacchaeus, the chief tax collector, who, after listening to Jesus, decides to give half of his wealth to the poor and pay back four-fold to anyone he may have cheated. The crucifixion of Jesus is the ultimate act of restorative justice, and this sacrifice is repeated every time we celebrate the Eucharistic liturgy.

This message must be preached and heard by our parishioners in order to create a conscience and a culture of restorative justice.

