



Discussion Guide

YES! Fall 2000

Welcome to the *YES!* Discussion Guide Series

We're delighted that you've decided to take up some of the issues explored in YES! magazine in your class or discussion group. When people gather in groups to talk with mutual respect and caring about the critical issues of our time, they create a powerful avenue for constructive social change. The staff of YES! magazine has prepared this guide to help you get started. We hope you'll find it useful.

We've posted selected articles from YES! on our website at www.yesmagazine.org. You're welcome to download and photocopy them free of charge. If you'd like to purchase multiple copies of YES! or subscriptions for your class or group, please phone 1-800-937-4451 and ask for the Discussion Group Discount.

Is it time to close the prisons?

This guide addresses only a few of the important questions raised in the Fall 2000 issue of YES! but provides, we hope, a jumping off point for your group discussion. Some questions are tied closely to specific articles and others address more general issues. You may want to start by having your group read one or two articles, then, depending on the group, move into the more general area of policy or into the realm of personal experience.

Why Prisons, Anyway? ("American Gulag" by Jerome Miller, pp.12 - 17)

You may want to start the discussion of this article with this multiple choice question — or simply ask the open-ended version. Group members may want to add to the list of purposes or create their own.

What is the purpose of prisons?

- A) To protect society from dangerous people
- B) To satisfy the victim's or the victim's family's desire for justice
- C) To punish wrongdoers
- D) To rehabilitate wrongdoers and make them productive members of society
- E) All of the above

"All of the above" seems to be our society's answer, but is it a workable answer when some of the purposes seem to conflict?



In terms of what *you* believe is the purpose of prisons, how successful is the current prison system at accomplishing this purpose? Can you imagine alternatives that might make more sense? Is it time, as the issue asks, to close the prisons?

Death Penalty (“Choose Life” by Sister Helen Prejean, pp. 29 - 33)

Most European countries have abolished the death penalty, yet 38 states in the U.S. execute criminals. Why do you think support for the death penalty has persisted in the United States? What does its longevity reveal about us? Are there some populations that should be in jail who aren't? Some now in jail who shouldn't be?

Are there crimes that should be punished by the death penalty? Which ones? Why?

Sister Helen Prejean says she “had to learn how to stand with people in the cold rage every good and decent person feels when innocent people are killed.” Is it possible to stand with the community and the victims in their anger and hurt and at the same time stand with the murderer? And why does Prejean see it as essential to do so?

The Prison Population Boom

Is imprisoning large numbers of people a threat to democracy or a means of protecting it? Here are two contrasting views. Where do you stand on this question?

1) Some argue that democracy is under attack in a country where large numbers of citizens are imprisoned. Jerome Miller suggests in “American Gulag” that the prison population is a barometer that measures repression in a society, and that the U.S., with 2 million of its citizens in jail, looks a lot like Germany as it descended into the Hitler years. No democracy has ever functioned with as high a percentage of its citizens in jail as the U.S. has today.

2) Since the U.S. has one of the highest rates of violent crime in the industrialized world, it only makes sense to put large numbers of criminals in jail in order to protect the law-abiding citizens. And the fact that the crime rate has dropped significantly in the last few years proves that being “tough on crime” and locking up criminals works.

Mandatory Minimums (“War Games” by Carol Estes, pp. 21 - 25)

Supporters of mandatory minimum sentences argue that judges are too soft on crime and that murderers and rapists often get out after only a few years in prison. Mandatory minimums make sentencing fair and uniform across the board, they say, by removing the judge's subjective bias from the equation. Is this standardized, everyone-gets-the-same-sentence approach more equitable than a system that allows the judge to tailor sentences individually? Is it more just?

The effects of mandatory minimums have hit especially hard in the African American community. Critics say that drug use among black and whites is about the same, but blacks and other people of color are more likely to be stopped by police, their neighborhoods are more often targeted for crack downs, once arrested they are more likely to be prosecuted, and when found guilty, they are sentenced to longer prison terms. Must the intent of a law be discriminatory in order for the law to be racist, or is a law racist if its effect is discriminatory, regardless of its intent?

What else besides racism might account for the disproportionate numbers of black men in prison? What could be done to make the system fair? What was your reaction to the stories of the people jailed under mandatory minimums in “War Games”?

Alternatives

Community involvement is essential to many of the most effective alternatives to prison, including prevention (active youth and mentoring programs, for example), intervention when minor infractions occur, opportunity for community service and restitution, mediation (or as the Navajo say, peacemaking), and opportunity for those who have served their time to be employed, find housing, and become accepted members of society. Do you think communities have any obligation to people who have broken a law or are “at risk”? What would you consider doing to help?

It costs \$35,000 - \$45,000 to keep one person in prison for one year. If you were choosing, how would you spend that money? Consider hypothetical cases of a drug dealer, a person in prison for fraud, and a person convicted of murder. What factors would affect your choice? Imagine people of different ages, genders, educational levels, race.

How Much Do You Know About the Prison Situation in Your Community?

If your answer is “not much,” you’re not alone. Convicted offenders are quickly sent away and kept out of sight, often for years. So knowing what’s going on demands some sleuthing. Your group might begin by answering these basic questions together:

Where’s your local jail? The closest prison? What are the mandatory minimums for possession of drugs in your state? For what quantity of drugs? Does your state have the death penalty? Are there any limitations? (Some states prohibit the execution of retarded people, for example.) Who’s on death row in your state? How does your state perform executions?

Many inmates express a feeling of being cut off, buried, when they are in jail. Consider talking to the chaplain or to a social service worker about holding a discussion with a small group of inmates. Some churches hold regular services inside jail, forming a spiritual community with inmates. Others become pen pals. Consider holding a session of your discussion in a prison.

Getting Personal

Depending on your group members’ experiences, the questions that follow may elicit very emotional responses. We suggest that you proceed tenderly and have people answer only if they feel comfortable doing so. Remember that some members of your group may have been offender, victim, or both.

Seventy percent of us do something during our lives that would result in a jail sentence if we were caught. Should you be in jail, according to our current laws? Does that affect your view of the people who are in jail?

Have you, or has someone close to you, spent time in jail or prison? What was the experience like? How did it change you/them?

Have you, or has someone close to you, been the victim of a serious crime? What were your feelings toward the perpetrator? How have your feelings about the perpetrator and the crime changed over time? Did you feel well cared for by the criminal justice system?

Did you find yourself, like Bill Pelke (“The Hard Road of Forgiveness,” by Mary Sue Penn), on a path toward forgiveness or, like his father, wanting vengeance or—as he might put it—justice?

In some alternative forms of justice, victims and perpetrators meet and discuss the crime. What purpose does that meeting serve for both parties? How would you feel about sitting down across the table from someone who has injured you deeply?



Wrapping Up

What was your reaction to this issue? Did it confirm or change your thinking about any important aspect of the criminal justice system?

Resources

For organizations, ideas, books, and websites related to this topic, see our resource guide, "Resources for Reconciliation," on pages 46 and 47 in the Fall 2000 issue of Yes!

We welcome feedback on your experience in using our discussion guides. Email comments to DiscussionGuides@futurenet.org.

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