

THE CHURCH AND ITS ROLE IN PUBLIC JUSTICE

This is of course is a place of historical debate. Conservative Presbyterians are loath to become engaged in the realm of the secular magistrate and we begin this discussion confessing an appreciation and understanding of some good reasons for that.

Let us make some **declarations of intention**:

1. We do not intend in any way to dismiss, lessen or compromise the mandate for Gospel proclamation by the Church of Jesus Christ.
2. We do not intend to replace Gospel proclamation and the discipleship of individuals with a Gospel of Justice or Public reformation in issues of justice.
3. We intend to respect the ordination of God of those in authoritative governmental office and wish to fully support them in the righteous exercise of their duties.
4. We do not intend to relinquish the prophetic ministry of the Church or of the application of the Word of God to all of life, both personal and public.
5. We do not intend to replace the government or its magisterial authority by giving such to a state church or to deprive the Church of its ministerial authority and care of souls, nor to allow the interference of state authorities into the life and governance of Christ's Church.
6. We do not intend to remain silent where there is oppression or injustice in our society since we see the entire arena of human activity as that to which God speaks in His Word. Though the Church should not be coercive we intend to be persuasive in all those areas to which the Word of God speaks, for the glory of God and the good of human beings.
7. Though the Church as an institution pretends no higher expertise in specific or pragmatic areas of the application of justice it does intend to speak in terms of principles of human dignity, the imago Dei, and to freely invite discussion

of those areas where there is obvious friction and anger in the treatment of persons in our democracy. If this eventuates into pragmatic strategies for churches, communities, institutions and individuals that give glory to God and produce justice and mercy in our society, we will feel well used and blessed.

8. We intend to use the reality of our mixed community to facilitate a believing and loving intercourse concerning mutual concerns in our democracy, using freedoms not historically present in former epochs of the church. We see a reconciled church as giving us credibility in speaking to the need and call for reconciliation.
9. We intend to seek peace so that the Gospel proclamation might not be hindered.
10. We intend to seek reconciliation within the church of Jesus Christ over divisive issues so that if anything we might present to the world the reality that the Lordship of Jesus Christ makes a difference is how we listen and how we speak to one another.
11. We intend to call congregations and pastors to leadership in loving their communities and neighborhoods and to be the place where love and unity can flourish.
12. We intend to call the Church of Jesus Christ to plant itself in all kinds of communities and if anything to give priority to planting itself in the communities of the poor and marginalized.

INTRODUCTION TO THE PROBLEM

We think it ought not to be an exception that the reality of a congregation would hold within its midst the Judge, the Prosecutor, the Sherriff, the police officer, the ex-con, the ex-thief, the ex-gang banger, and even those who are presently at risk of being swept into a life of drugs, gangs, or crime due to

their family background and environment, as well as the victims of some of those same individuals.

The present separation of demographics in America due to income, race, and class leads to dangerous interactions with those who police and have control over those who feel dominated, ruled, and oppressed due to having inadequate power to change the political, legal, and police power over them. Does the Church have any right or place in speaking to this situation? We will speak more of this present reality as we go along.

There are those within the Christian tradition who felt it wrong to bear the sword, either in war or in policing. We find it a frightening idea that we would have whole police forces or military units with no Christian witness, no personal Biblical commitment to justice or goodness. The separation of Church and State must not excuse a separation of godliness from law and order. Without Biblical principle we will have the force of fascism or communism; that might give us order, but not justice.

We are blessed to live in a democracy. Living in a secular democracy with strong religious roots the Church finds itself sometimes in compromising positions. When it comes to matters of governance, law, or even culture if the Church speaks too quickly and far reaching, or even too specifically, it is accused of deviating from its mission and purpose and becoming political. If it remains silent it is accused of supporting the status quo and politically supporting what may or may not be an unjust application or development of law.

Certainly the Church must know its own mind, be sure of its own voice, and have stability through believing its own message. Though this dilemma might be pressing for various individuals

and denominations the true Church of Jesus Christ is not having an identity crisis and wishing to be something other than it is. The kingdom God is bringing is a spiritual kingdom, and it will never be fully realized until the coming of our Lord, yet even until that full realization it is a tree growing from a tiny seed in which all kinds of birds will find shade. The Gospel, Truth, and Biblical concepts of morality and justice give clarity, direction and hope for all people.

There have been historical developments in our nation that have created if not an unjust application of law and justice then certainly the perception that this is true. This perception does not arise solely from individual men of color who are resisting arrest, but from noted jurors and legal experts. Individual incidents are mere symptoms of a larger dynamic that is affecting hundreds of thousands of incarcerated individuals, hundreds of thousands of law enforcement personnel, millions of minority citizens, the reputation of our nation for being a champion of human rights, and the peace and unity of our nation.

We have entered into a dangerous time in our society where on one hand, when the actions of law enforcement are questioned, not only does there seem to be little recourse due to exoneration based on what to many seems self-serving testimony, but the condemnation of those who complain of unjust treatment. These events are now difficult to hide and with modern social networking these actions have national repercussions.

In a healthy democracy citizens pick their own government. That government is accountable to those citizens for the laws it writes and the conduct of individuals it empowers to enforce those laws. Legal enforcement of law cannot be carried out if

officers do not feel empowered to use legal force to do so, and if they feel every action will be minutely scrutinized it will cause a chilling effect on their performance. They have not only an emotional need to feel supported by the community, but it is paramount for their own safety and to secure the cooperation of witnesses and support when conducting investigative affairs.

To create a situation when law enforcement feels it is “us” (meaning those sworn officers) against a certain community, or the world, is dangerous indeed. They are our police officers, serving and protecting us, and paid and supported by us. We hire them to be impartial, to be fair, to be diligent, and to serve the Law but not according to their, nor our, personal whims. For municipal police forces to enjoy the support of the communities so that those communities feel police “serve” them and not simply “police” them then police departments must be responsive to how the community perceives them. That is the way the unwritten contract works.

If police forces and police unions will tolerate no criticism, or suggestion that their training, procedures, or actions might be injurious to human rights then we are in a bad place, as the situation in New York City appears. Though there are communities that don’t usually experience an antagonistic kind of policing, and therefore do not suffer from police indiscretion as much as minority communities do, this does not mean the rest of the American population should feel disinterested.

We realize that the Church of Jesus Christ is the very arena in which the unveiling of God’s mystery is revealed. That mystery was that God was going to bring Gentiles and Jews together in one body. As He does that he brings in every component part of humanity, which would include all of those separated and

antagonistic ethnicities and nations that have had historic enmity.

This arena is one with spectators, and the Scriptures teach that, “his intent was that now, through the church, the manifold wisdom of God should be known to the rulers and authorities in the heavenly realms...” Ephesians 3:10 Rulers and authorities are spiritual beings and forces which God desires to observe his work. That work is done through the church. Upon the earth every authority and power has been created for him, and exists under his supremacy. (Colossians 1) There is a Devil, but there is no competition to the authority of God.

However, down here upon the earth we see authorities and rulers taking a stand against the Lord and against His Christ. (Psalm 2) Every time there is injustice, that there is oppression, and any time that there is tyranny it is an attempt to throw off the rule of God. When people who bear the image of God are crushed by hatred, oppression, and racism it is indeed a declaration of rebellion against the Lord and against His Christ.

Ultimately we know that God will dash those powers to pieces like a potter’s vessel. However, what place does the church have in speaking to such issues of oppression? Should it only speak generically lest it be accused of being political? For a denomination, congregation, or a pastor to even call something oppressive does that not make it a political statement? Or if they refrain from speaking, does that not make a political statement?

Do any of us have the spiritual authority to speak as John the Baptist did to the soldiers in Luke chapter 3? Our present dilemma in regard to the confrontation in urban neighborhoods

throughout the nation between young black men and police officers is a context desperately needing some Biblical word.

There are those who would simply like to frame the discussion as “just do what you are told and there will be no problem.” But that does not sufficiently frame the problem. It is Biblical to obey authority, it is Biblical for those in authority to bear their office (their sword) in the just administration of their duties, but not legal for them to be oppressive.

We are not in a monarchy. We live in a democracy, so therefore we all as citizens make up our government. This puts us in a strange dilemma. Not only are we subject to the rulers, we are the rulers. We are to obey the police, yet the people we elect are the ones who hire, train, and deploy the police and set the policies for how they operate. Therefore we, the collective “we” of whatever government we are part of, (municipal, state, or federal) cannot avoid the responsibility or accountability of how those we hire to enforce the law actually behave.

Thank God for police officers, thank God for those who protect us and come to help us when we call, often at the risk of their lives. There will always be those who disobey the law, who are evil, who are bent on doing evil and hurting other people. We need legitimate authority to restrain that evil and protect the innocent. Yet, a situation has arisen in our country where the police are sometimes set up not as guardians and protectors, but almost as prison guards or occupation forces in communities that feel they have no power, and no political connection to those who patrol their streets.

THREE AREAS OF CONCERN

I would like to speak to three specific problems or areas of concern that have helped create and sustain this present, and I

believe, dangerous predicament. First might be called the missional collapse of the Evangelical church in communities of the poor.

The second might be called the moral collapse of the poor black community with its primary examples being... violence, the single parent home and the failing public school. The third might be called as Professor William J. Stuntz has put it in the title of his book, “The Collapse of the American Criminal Justice System.” (The Belknap Press of Harvard University Press, Cambridge, MA, 2011). One of his cardinal observations is the loss of democracy in poor black communities which directly leads to the feelings of disenfranchisement and oppression in matters of policing.

In all three situations there are of course exceptional places where there has been no collapse, or by way of contrast even heroic efforts at going against the flow of events, yet in large general terms I am saying it is fair to use such phrases, although for some to hear it may be painful.

THE MISSIONAL COLLAPSE OF THE EVANGELICAL CHURCH

In what I term the “Missional Collapse of the Evangelical Church in Communities of the Poor” there are several specific component parts.

The first of these is in the failure to adequately preach the Gospel of Salvation to the poor. This failure is primarily evident by that which is not seen; as in the lack of viable Wholistic congregations in poor neighborhoods, reservations, trailer parks, mountain villages, and barrios. We have had lots of mission trips and drive-by decisional evangelism in poor communities without meaningful discipleship. I am in favor of mission trips, I am in favor of evangelism, but all of which lead to something,

namely the life-time changing dynamic of discipleship which is impossible without living in the context of a local church.

The second component of this collapse is the failure of the Evangelical Church to speak to issues of justice. This failure consists of at least three parts. First is a confusion in theology so they would feel a mandate to speak, or the “why” of speaking. The second is a confusion in what to speak about, and the third is a confusion in how to speak about such issues.

THE “WHY” OF SPEAKING

First let me speak to the “why not” of speaking. There are several reasons why the Evangelical Church and the Reformed and Presbyterian churches especially have had confusion in their theology about speaking to public issues of justice. A few of those reasons would be: A belief that there is to be a separation of the preaching of the Gospel for the saving of souls from being involved in secular affairs or that there might be a violation of the “Spirituality of the Church”, A belief that the separation of Church and State demands that we not speak to issues of public justice, and sometimes a belief that speaking to issues of justice does not correspond to our millennial view - that worldly concerns don’t really matter since “it’s all going to burn!”

In addition there is an Evangelical misconception that the church has no business telling non-Christians how to be moral or ethical. This comes from the idea that since non-Christians are dead in their sins and can’t be righteous anyway we should not bother speaking to them about real sins. Rather we should compassionately tell them about their need to be saved, that God loves them and can help them. There is also some embarrassment on the part of Evangelicals about our own failures to be righteous and we feel it is much safer to talk about our own brokenness and need for a Savior than to be

thought of as judgmental. One might call this the “Hipster version of Gospel engagement with the culture.” There is the feeling that ethical condemnation from us to others hinders our Gospel witness. Evangelicals are not consistent on this stand depending on their level of anger with sinful activity usually corresponding to their bias or personal suffering from such sin.

There are some very practical issues at play here. One is that the Church could lose its primary focus of calling to people to spiritual issues and be distracted by affairs of the world. Its pastors could become activists and politicians and not focus on their central calling. Another is that entangling ourselves with political issues can deprive congregations of their protected tax status. Another is a replacing of the Church’s core theological substance of a Biblical salvation Gospel with a social agenda. These fears are not just conservative versus liberal, as conservative social issues, such as being against abortion and homosexuality, could also be seen as a threat to overcome what should be the main focus of the church.

Does the Bible call us to speak to issues of public justice, or to put it in more Evangelical terms, sin? Does the Bible allow us to do that or was that allowed only in the Old Covenant but not in the New?

If you are dispensational in your approach in understanding and interpreting the Bible then you might eliminate all of the prophetic passages, and also might eliminate the ministry of John the Baptist, and still yet leave the realization of justice until the 1000 year reign of Christ.

This is of course breathtaking in its abdication of any responsibility for the affairs of men in regard to how they treat one another. Even so we are still left with a pretty radical document in the New Testament, even if one simply tells people

they must love one another and treat each other as they would be treated.

Being Evangelical and Reformed I see no need in giving up any of the Scripture. I don't ever want to compromise on preaching Christ and him crucified, but neither do I feel I have the right to give up God's word from the prophets who proclaim loudly and boldly the character of God and his concern that rulers and all people should treat one another with justice. I believe no one can be truly missional unless they preach a holistic Gospel.

Why should the church speak to social and justice issues? Because God cares about those issues, and he cares about us, and he especially cares about the poor. Why should the church speak about justice? The answer to that is because the Lordship of Jesus Christ is a lordship over everything and everybody. He is reconciling all things to himself, things in heaven and things on earth. In short, the world belongs to Jesus.

As Paul says in Colossians....

He is the image of the invisible God, the firstborn over all creation. For by him all things were created: things in heaven and on earth, visible and invisible, whether thrones or powers or rulers or authorities; all things were created by him and for him. He is before all things, and in him all things hold together. And he is the head of the body, the church; he is the beginning and the firstborn from among the dead, so that in everything he might have the supremacy. For God was pleased to have all his fullness dwell in him, and through him to reconcile to himself all things, whether things on earth or things in heaven, by making peace through his blood, shed on the cross. (Colossians 1:15-20) NIV.

Why should the Church speak about injustice? The Church should speak because God is a God of justice and justice is our destination. How do we know that? We know that because the Scripture warns us that God is coming to judge the earth and he will do so with equity, or justice. Justice is what God wants to roll down like a river, and he wants righteousness to flow like an everlasting stream. (Amos 5:4) Why should the church preach about justice? Because God is coming! Did you hear that? I said, God is coming to judge the earth and the nations with equity. (See: Micah 4:3, Revelation 20:11-15, Genesis 18:25, Psalms 9:8, 58:11, 96:13, 98:9, and Hebrews 10:30)

The quote popular with Dr. King and recently with Barack Obama is Biblical, “The moral arc of the universe is long, but it bends toward justice.” At the end of that moral arc is the judgment of Almighty God.

Psalm 2 teaches us that, “the Kings of the earth rise up, the rulers take counsel together, against the Lord and against His Anointed One. He will dash the nations to pieces like a potter’s vessel.” Therefore they should, “kiss the Son lest he be angry and they be destroyed in their way.” Is the Psalmist actually warning the nations, or is he simply telling the future? Have we told the nations, governments, rulers and authorities that they need to “kiss the Son?” They will perish and be destroyed without a submission to the Lord’s Christ.

“The lion has roared, who cannot tremble? Has the Lord not spoken, who can but testify?” May the Lord help us to be like Amos, we need to bring the Word; “for three sins and for four,” we need to spell it out. We need to confront our own nation, and our own people with our own hypocrisy. May the Lord help us to be like Jeremiah, we need to feel the burning because we

have “fire shut up in our bones.” We need to bring the Word because it is like a “hammer that breaks rock into pieces.”

Of course we are all broken, and we all need grace. This was never used as an excuse by a prophet to keep his mouth shut if the Lord said, “speak!” Our brokenness cannot be used as an excuse to keep the Church from preaching the Word to real life issues and nor can the unsaved natural state of non-Christians be used as some protection for them from hearing the ethical demands of a holy God and His Gospel.

Confrontation of that which is wicked should not be conveyed with a self-righteous spirit. This is not our word, it is God’s. The Church and its people should never pretend perfection, we should always be ready to confess and repent of our own sins, we should always be ready and quick to forgive, to reconcile, to suffer and not take our own revenge. Yet, we must never relinquish God’s standard, which are not simply binding for the Church, but for the whole world.

What right did John the Baptist have to tell soldiers how to do their job, who made him the standard of how they could use, or limit, their power? What gave John the Baptist the right to tell a king he shouldn’t be committing adultery? Moral authority doesn’t have anything to do with political boundaries, it has to do with what is right and what is wrong, with what is just and unjust.

IT IS HARD TO HEAR A NON-CREDIBLE VOICE

One of the difficulties of course for the Church to speak about issue of justice is our own failure to live a reconciled life. If our congregations do not exhibit within them a love that brings together people from different, even antagonistic, ethnic and

social groupings how will people know the Father has truly sent Jesus?

Part of the missional collapse of the church is its failure to live out its life in the communities of the poor, to be there with them in their suffering, in their struggle. One of the reasons for this is our American passion for comfort and security, for safety and protection of our children, for a material life-style to which we feel entitled. This is as true for our pastors as it is for the members. The prosperity Gospel is not relegated to television preachers, but to most of us in the middle class American church.

Theology matters and with that understanding one must realize that many churches that do exist in poor communities, or in any neighborhood for that matter, don't always represent a force for good. Critics want to castigate some church planters for moving into ethnic communities, as if every church that already existed there was sufficient for that community. I say again, theology matters; and if a church is started for some jack leg-pork chop preacher to make money, that is not a good church. If a church is maintained in a poor neighborhood without any connection, love or evangelistic discipleship in that neighborhood but is solely for commuters to drive in and drive directly out, that is not a good church, at least not a relevant one.

There is a lot of religion in America, and a lot in poor communities. That does not mean it is good religion, nor does it mean we have enough churches. In fact it means we have too many irrelevant churches that aren't changing anything in the neighborhood or the culture.

One aspect of the missional collapse of the American church has been for us to simply let our concern for justice be swallowed up by political ideology and the vicious partisanship many of our people have fallen into. If we parrot the insults of political parties against their opponents how can those we oppose ever hear a truly moral voice? They don't get the message of God because they keep hearing a message from us that is full of name calling. It might be hard for them to know that we are supposed to love our enemies, and that we love them.

SPIRITUAL POWERS AND SPIRITUAL WEAPONS

We live in a physical geo-political world behind which are spiritual forces whose powers are on display in and by the captivity by which they hold human beings. Sometimes that spiritual power is the power of racism, or injustice, or tyranny.

To that power we speak truth, and we use weapons that are not carnal but are mighty to the pulling down of strongholds, (2 Corinthians 10:3-5). We recognize the reality of spiritual warfare; that we wrestle not against flesh and blood but against principalities and powers and the rulers of darkness in this world. (Ephesians 6:10-18)

This certainly constrains the Church in how we (Christians in the name of Jesus) go about our warfare. In short we use the weapons of truth and love, forgiveness and non-violence, and of enduring suffering. We see the power of such weapons as the influence of transcendent values makes a transition to earthly impact when such values begin to change societies. Righteousness does exalt nations, and when righteousness takes over then the state and its agents becomes a physical actor in the cause of justice for which it will be held accountable by

God. This is where our roles are different, but also how one influences the other.

Let me give a caveat here. The issues of justice and equity are often difficult to discern. The cry for justice can sometimes camouflage a cry of selfishness. Sometimes our hubris might make us feel as if we in the church are experts about every conflict among men. Wisdom is needed, certainly humility, patience and study before we bring our voice like thunder. However, for us to remain silent in those places where God has spoken, or for us to wait until we are sure everyone will agree with us is neither wisdom nor patience but cowardice.

THE MORAL COLLAPSE OF THE POOR AFRICAN AMERICAN COMMUNITY.

It would certainly be unfair to speak about this without an understanding of a corresponding, and preceding moral collapse of the dominant and majority culture of America. Poor black communities did not simply create themselves, they are a product of many systemic forces. Historically of course many of these communities were “planned” communities to segregate African Americans, to restrict them to certain neighborhoods and certain schools, to redline their loan opportunities which in turn limited their economic viability and mobility.

Many poor African American communities are neighborhoods created by their containment within railroad tracks, interstate highways, viaducts and trestles, and sometimes built on or in proximity to dangerous environmental and rusting manufacturing areas. Black folks have been the victims of many economic forces that have sometimes moved them from homes they could no longer afford to neighborhoods of easy rentals. Often they have moved into areas where, though they may have achieved a

plurality of persons, contain a minority of voters and political power.

The moral collapse of the majority community has been seen in either de jure or de facto racism. Sometimes it has been the soft racism of abandonment of neighborhoods, schools, and churches and sometimes the hard racism of deliberate zoning, municipal gerrymandering, or targeted enforcement of law. It might be fair to ask, did the morality of the poor black community collapse, or was it crushed?

Should we therefore refrain from speaking of the moral collapse of African Americans who not only live in poor communities, but also in working class neighborhoods, and how that morality affects them? Are we simply trying to blame the so called victim for his or her own problems here, if indeed the context in which they live has been created or maintained by oppressive intent and systems?

Many have chosen not to speak of these things as if it were revealing dirty laundry, or as if immoral living was not the fault of the immoral. This, in my opinion, robs people of their dignity. It is also simply unrealistic, especially when it comes to the criminal justice system. Judges don't seem to be cutting people slack because of where they come from, if one ever gets before a judge in this present criminal justice climate.

Whatever the cause and whoever you want to blame there are some realities to consider:

- Most black children are born out of wedlock.
- More black children are aborted than born in NYC.
- The rate of promiscuity measured by STDs in AA communities, to include HIV/AIDS is staggering

- The rate of violence and murder in and among AAs is frightening, with the homicide rate nine times what it is in the white community, and it would be more without modern combat and emergency medicine to save the wounded.
- The celebration of immorality in media, rap music, films, and pop culture in and through the AA community is ubiquitous.

Let us just say that whatever the causes, immoral people need to stop being immoral. Players need to stop playing, thugs need to stop thugging, gangsters need to stop banging, and men and women need to rise up against the flow of culture that is dragging them down. The cycle of generational poverty is reinforced by a morality that is directly against that which God says makes individuals, families, and nations thrive. This by the way is not isolated to the poor black community but every poor community has this complication.

There are some things the nation and institutions can do to change things but none of us can make choices that belong to another individual. Things are bad enough as it is, the sinning has got to stop! Not only is there sin, but it creates a criminal and reactionary attitude toward authority and order, it keeps reinforcing itself and takes pride in its wickedness.

The result of this is that productive and stable people flee such communities, if they can, while those moral people who can't afford to leave keep silent and become prey. The police begin to label young men from such communities as a potential threat, and they end up spending too much time with a few violent folks and not enough time in the general community so as to provide adequate protection.

There are of course some strong black and cross cultural churches present in some of these communities that do care for the local community. There are people who work hard, who save, who want the best for their kids, who want good schools, who wish to see their neighborhoods improve. We need more of them and we need them soon.

THE COLLAPSE OF AMERICAN CRIMINAL JUSTICE

In this section I want to simply relay some comments from Professor Stuntz of Harvard University, who has passed away. He was an Evangelical who taught law at Harvard Law school and his book was published in 2011, well before the events in Ferguson or Staten Island. It seems prescient pertaining to all the issues that have so recently surfaced. I also want to talk about some of the practical issues of policing.

Here are some passages from Professor Stuntz's book that we may have time to discuss:

Randall Kennedy captured the phenomenon best when he wrote that black men pay a "racial tax": regardless of individual's behavior, police officers and fellow citizens alike are prone to see them first as potential criminals who need punishing, no as possible victims who need protecting. Taken together, age, sex, and skin color function like Hester Prynne's scarlet letter. This demography-based suspicion is among the key social facts that define American life in the late twentieth and early twenty-first centuries. The suspicion may be more rational than racist. But to those on whom suspicion falls, it certainly looks racist. (P. 22)

Why would he say "rational" , it is because a paragraph earlier he quotes the statistic *that young black males commit,*

proportionally, many more violent felonies that do other portions of the population.

One of the horrendous facts of modern crime is that though the population of African Americans is much smaller than the majority white population their rate of violent crimes is nine times that of the white community. This has given the young black male a reputation, an infamous one, and on the young man who is going about his legal business and actually doing a positive good, he may fall prey to the suspicions of others, and if in a high crime neighborhood especially so.

We have some hard facts before us. There is crime, and there is violence. This causes a reaction from those who have the power to make decisions about police coverage, laws that should be enforced, the broken laws that will be prosecuted, the length of sentencing, the condition and purpose of prisons, and the policies of re-hiring felons once returning from prison and letting them back into public life.

All of these decisions have impact on how many people are going to go to prison, and what kind of people are going to go to prison, and will go to prison again. The rate of incarceration impacts the parenting of children, the financial income of families, and the hardening of young men exposed to a criminal culture. Those decisions impact the amount of encounters between young black men and police officers, the reasons for those encounters, and inevitably some of the outcomes of those encounters.

Again from this book:

Today, among white men, the imprisonment rate stands just under 500 per 100,000 population; the highest in American history by a large margin. Among black men, the number tops

3,000; among black men in their twenties and thirties, the figure exceeds 7,000. If present trends continue, one-third of black men with no college education will spend time in prison. Of those who do not finish high school, the figure is 60 percent.
P.34

There are a set of issues that this book sets forth.

- The pattern of punishment for crime has been like that of a pendulum, moving back and forth from lenity to severity.
- The pattern we have today for convictions is extreme severity
- The severity at first seemed to have diminished crime and enlarged prison populations.
- The correspondence no longer seems to work as violence continues to increase along with the prison population.
- *White suburbanites had little to lose from crime in black ghettos. Throughout the 1950's and early 1960's, as violence in northern cities rose, crime remained a nonissue for suburban voters and a small matter for residents of the safer parts of those cities; their own neighborhoods were peaceful enough, and the state of other neighborhoods was no great concern. Beginning with the urban riots of the mid and late 1960's, indifference turned to fear, then anger.* P. 35

Decisions about policing and imprisonment are taken out of the hands of the local community, where communities are both concerned about safety but also about their own sons and daughters going off to prison, *local political control harnesses both forces without giving precedence to either.*
P. 36

- When there is no local control *the system oscillates not between moderate levels of mercy and retribution, but between wholesale indifference and unmitigated rage.* P. 36
Both excessive lenity and excessive severity come naturally

to a system ruled by voters who see neither crime nor punishment up close. P. 39

- *Make criminal justice more locally democratic, and justice will be more moderate, more egalitarian, and more effective at controlling crime. P. 39*
- *Black Americans have never enjoyed the kind of power that former immigrants enjoyed a century ago when voters who lived on or near crime-ridden streets mattered; the relevant government officials had to listen to those voters in order to keep their jobs. P. 39*
- *Today, juries are usually chosen from the population of the relevant county—and because most metropolitan counties include vast suburbs, high-crime city neighborhoods have little control over the juries that try crimes committed on their streets. Pl 141*

Stuntz goes into detail about the decline of the local jury system and the efficiency of the modern criminal justice system where prosecutors use plea bargaining to wrap up cases. Modern criminal justice practices have piled on charges (stacking) compared to previous times when charges used to be fairly simple. This stacking of charges is often used to strike a plea deal. Today there is such a plethora of Laws, and they are so specific, that it becomes much easier for prosecutors to hem criminals in and get them to take a plea. The use of 3-strike laws combined with the amount of drug laws have all helped fill up our prisons.

This system makes the encounter between a patrol officer and a young black man much more consequential. Let me talk about such encounters and police training here for a few moments.

Police training has become more and more technical, even militaristic, and safety oriented for officers. We are beset with videos on social media of two different kinds. I was privileged to see some of these videos when I was put through a Civilian Police Academy in Chattanooga. One kind of these videos are those that officers view in training, of police stops gone wrong where people become violent or where violent offenders gain the upper hand over an officer. These are horrific films of officers being resisted, ambushed, tackled, and murdered - sometimes with their own weapon. The other films are those of police seeming to be bullies, of taking advantage of a previously restrained and helpless individual, and sometimes committing what to the public looks like simple murder.

If I asked you to cite some of those you have seen this year I am some of you could do that. Everything from a woman being beaten by an officer's fists on the side of highway, to the choke hold on Staten Island, to the South Carolina officer shooting a man in the hip as he turns back to his car to retrieve his wallet, and most recently to the New Jersey officers shooting at a man as he comes out of a car seemingly with his empty hands up.

Mayor DeBlasio of New York City has fallen into an acrimonious relationship with his own police department. One reason was his support of the Federal injunction against the department for their profiling stops of young men of color on the streets of New York. Another reason is because of his comments after the incident on Staten Island where he spoke to the retraining of officers in slowing down encounters and building into such training ideas of how to keep them from becoming violent and lethal.

The police union has used these comments from the Mayor to set him up as an enemy of the police department. The

arrogance of the police union acts as an intimidation in stopping any politician from creating meaningful change. That is a corporate police act to resist reform, and then there is the “loyalty” obstacle to reform. Hiding behind a “blue shield” to protect police misconduct should be a non-starter, but it invariably is an issue all across the country. When officers fail to report or stop other officers abuse of authority then it is sure to continue.

When such behavior is never censored, nor seen to be restrained, the public loses confidence in their police and the whole city will suffer consequences as witnesses and even victims stop cooperating. When the public is alarmed by what it might consider unjust and even cruel tactics of policing the response of police departments and police unions to shout down the critics, to stonewall them, or to be even more oppressive creates a dangerous mix in American cities

This is especially a challenge for Christian officers, who very much want to be respected and supported by other officers in their department. When they see corruption or abusive behavior right in front of them then their integrity and testimony are on the line. Stories out of Baltimore and Michigan of officers who reported misconduct and then suffered abuse from other officers and their own supervisors is not simply sad for the individual whistle blowers, but chilling to those who would do right.

Police training cannot make a racist a lover of all men. If an officer is a bully or uses a uniform and a gun to compensate for emotional deficiencies then he or she can hide behind that training. Obviously vetting an applicant’s record before hiring is important. It is sad that too often an abusive officer is hired from some other department and no one seemed to have

noticed all the complaints of misconduct that had him move to a new job. Professionalism, or disciplining officers to keep official policy, only works as long as individual officers cooperate, their partners are not complicit in misbehavior, and the department keeps and enforces its own standards.

I remember being a licensed security guard here in St. Louis during my seminary days. I was licensed to carry a gun as I patrolled the Mansion House Apartments downtown. One night we received a complaint about a certain apartment and we called the police in to help us. Two plain clothes officers arrived and I met them in the lobby and took them up in the elevator. As the elevator ascended one of the officers said, “I hope it’s a buck, I want to kill a buck tonight.” Thankfully things ended peacefully and he didn’t kill anybody, and I didn’t have to kill him, or get myself killed. Racism is real, and sometimes it is armed and hides behind the force of law.

Most departments know these are issues. They try to select and train to eliminate these problems. This still doesn’t mean that every encounter between police officers and inner city young men is going to work out well. One commentator pointed out that she thought most officers were not racist, but many officers are afraid of young black men. When you add fear to the flow of adrenalin in a sudden encounter, especially between men who see such encounters as competition to their manliness, things can become very violent. If drugs or alcohol are present (on either side) the situation escalates.

Officers are trained to take control of an arrest situation. On film this process looks violent and humiliating. It is not just “put your hands on the car” but “get on the ground” usually being yelled with a great sense of urgency. The officer is not interested at this point in being fair, or polite, he is interested

in being safe. Once he feels there is a threat to his person the law backs him up and gives him almost unlimited discretion, in short he may use deadly force. When police officers are angry because their lives were put in danger they are especially prone to abuse an individual who can no longer fight back. Sometimes even the public thinks it a good thing for an idiot to receive an immediate beating for what they have done. This however, is not the authority we have given to the police.

Police training teaches officers to use deadly force to make someone dead, not to wound them. They are taught to eliminate the threat. This is one reason several high profile cases end up with many bullets having been fired which the public cannot understand. The public feels it is piling on to shoot someone more than once, but officers don't care about the amount of bullets, only about the amount of threat that remains.

One of the questions that police officers-and the public- need to consider is why do some situations work out differently, especially considering race. We recently had an officer in Chattanooga who confronted a white woman who was wearing a bullet proof vest, had been driving around shooting at people, and now she pointed her gun at the officer. He had his gun leveled at her, and instead of shooting her he told her to put the gun down; she did, and he did not shoot her. I am not criticizing him for not shooting her, but if that had been a black man holding a gun I wonder if things would have ended differently?

We in the Church should have a concern for both sides of this issue. If our communities had more local democracy, as Professor Stuntz recommends, so that governing and policing were more intimately and politically tied to neighborhoods, we might not have such taking of sides. When an unarmed young

man dies at the hands of the police, even if the police did everything right and there was no breaking of the law or injustice, it is still a reason for mourning and reflection as to why this happened and what could have been done to prevent it. If the police are more involved with and tied to the community then the police will not walk away from such incidents with impunity, but at least with reflection, if not remorse.

The local church, if it is more intimately tied to the community, will also not be able to walk away from such incidents. Some of our own children are policemen, and some of the other children we love seem to get stopped by the police on a regular basis. We don't want either one of them hurt or shot. No matter what any of us do there will always be "bad guys." Some of these "bad guys" we have known personally as we tried to reach them, to teach them the Word of God, but they rejected it. Ultimately as they rob or kill others some of the children we raised, who have made godly choices, will have to stop them, if we are to keep our streets and homes safe.

When that encounter happens officers need to know they have our support, our prayers, and our comfort even as they might struggle with the trauma of such incidents.

As we protest incidents of young unarmed men being killed by the police we need to keep in mind that these incidents will keep on coming until we are able to change larger problems. Our energy has got to be focused on systemic causes and thus systemic solutions for these incidents. To close let me just give a few suggestions, first from Professor Stuntz:

- *Keys to useful reform are decentralization, local democracy, and—last but definitely not least—money. Local neighborhoods should exercise more power over the*

administration of justice within their bounds, as they once did.

- *One of the keys to making those things happen is more jury trials, with juries drawn from neighborhoods, not metropolitan counties.*
- *Local governments should pay more for the prison beds they use, and less for the police officers they employ which would make for fewer prisoners and more cops. [This means that at present State money pays for prison beds while local taxes pay for police, so the State has more money and cities less. Paying for prison directly makes cities count the cost, and the State helping us pay for police allows us to hire more of them, and we need more of them.]*
p. 283

CONCLUSION

Here are some of my suggestions.

- We must be holistic in our theology and not be afraid to both preach the blood stained Gospel and the demand for justice from a loving and holy God.
- We must be willing to be public about such demands and not be afraid of criticism, even from our own brethren.
- We must press for more democracy in poor black communities by registering more people to vote.
- We must encourage the political organization of poor communities to have more of a say in the conduct of prosecutors and police forces.
- We must press for more local choosing of juries, and get legislation to make that possible.
- We must plant more churches in poor black communities.
- We must engage our suburban brethren and get them to see the wider issues and stop hiding behind the lazy idea that the problem is just that young black men don't instantly obey the police.

- We must disciple young black men in more intense ways and in far greater numbers than we ever have in the past, and that discipleship leads to respecting authority.
- Our preachers must call for repentance, love, reconciliation, and justice and lead in these issues and not remain apathetic.
- Our churches must gain the credibility to speak that comes from living a reconciled life and being a reconciled community.
- We must not join the chorus of vituperation toward authority or police officers, even when we see injustice, but use the weapons of forgiveness, love, and non-violence.
- We need to encourage our young people to consider careers in law enforcement, law, and politics as places where they can serve God and help to insure a righteous application of law and justice.

END.