

Presenting an alternative resolution on incarceration at the '81 annual meeting of the MACUCC (Mass. Conference of the United Church of Christ) has led to this think-sheet, which incorporates some of my text of that resolution and adds some thoughts.

1. If our public schools did a better job of being prisons, our prisons would not fail so miserably in their efforts to be schools. In my own case, thank God for the combo of the pull-lure of freedom and the push-fear of force. Terrified upon learning that I'd have to make a speech in class, I played hooky more than once, hiding in the bushes when the truant officer came to our front door. When the TO left and I got hungry enough to sneak into the house, I had to face the terror of my parents' wrath. Weighing the terrors, I finally concluded that the terror of speaking in class was less than the terror of being squeezed between the Authorities of School and Home. Conclusion: The human organism needs both "school" (freedom) and "prison" (force). Existential principle: The creative-expulsive power of the greater terror.
2. When Johnny and his mother went to the principal, Johnny was in trouble: now, when Johnny and his mother go to the principal, the principal is in trouble. Free adults had "rights": prisoners, slaves, and children did not; now all four classes have rights--especially children. In our town, "children" (i.e., citizens dealt with in juvenile courts rather than through the regular jurisprudential procedures) make three house-breaks per day. Per DAY! Day before yesterday, "children" destroyed a 200-year old rare European bronze birch and left their litter of bark and beer cans at its foot; they will be treated in juvenile court as though "people" were of more value than "things"--a recent notion with no standing in Anglo-Saxon law, which is the foundation of American law. (The sanctioning of this sentimental-dualistic dogma derives from deism, not theism; and its most modern supports help explain why we humans have become increasingly bad news to the rest of creation.) Our town has decided to sweep up these "children" in restricted-freedom work-areas (as an alternative to the additional prisons the governor is determined to build).
3. Healthy societies make mandatory the acquiring of productive skill. In our society, that means (1) literacy and (2) a marketable skill: both are needed for responsible citizenship. Pre-responsible, non-responsible, and anti-responsible persons should be kept in institutions or in 1:1 sponsor-or-paroler relationship. Graduation from the school-prison should be not by the mere aging of one's skinbag but by the acquiring of these two essential tools of responsible citizenship. Release from incarceration should be not by the mere expiration of "time" but by the acquiring of these two essential tools of responsible citizenship in cases where one or both do not exist (a point stressed, in his recent Georgetown U. Law School address, by Chief Justice Warren Burger ["if we accept the proposition that we are our brother's keeper and that there is a divine spark in every human being"--combining biblical and hellenic sanctions]; see also his recent speech before the Am. Bar Ass'n.).
4. Vengeance belongs to God, who exercises it partly through the government (Ro.13) --vengeance as (1) the restoration of the public tranquility, (2) the satisfaction of the public's need "that justice be done" at cost to the offender, and (3) the resitution-restoration-reparation to the offended-victim(s). Biblical proscriptions of vengeance are limited to "taking the law into your own hands" and should not be read as though vengeance, and joy when vengeance occurs, are inherently evil. Same Latin root as "VINdication," which you may prefer to "VENgeance." Or to either you may prefer "retribution." But "correction" is inadequate, and "corrections officer" as a euphemism for "guard" and "jailer" is a bad joke.
5. Alternatives IN incarceration: "Thresholds" (example of decision-training), 1:1 designed education (Nebraska, e.g.), food-deprivation as the one acceptable form of torture (NT: "If anyone will not work, let him/her not eat.")...Alternatives TO incarceration: Relation-intensive rather than building-intensive. Hence into the Preamble and Text of my Resolution:

PREAMBLE: (1) Crime, with its profound distrubance of the public tranquility, y

will no more be abated by more prisons than will the national security be enhanced by throwing more money at the Pentagon. What is urgently needed, in face of our governor's determination to build more prisons, is a public outcry for imaginative alternatives to incarceration. Deferring a statement until there has been more opportunity for study would not meet this urgency. Accordingly, I support this or some similar resolution for passage at this meeting of the MACUCC.

(2) I would hope that our resolution would provide several concrete suggestions of creative alternatives. From participating in the Hearing, from conversing with the drafter of "Blue-XIV," and from studying the statement of the Council for Mission Outreach and Social Responsibility, I have gathered the concerns into two suggestions. The first answers the question, What can be done immediately about rising crime? In the township in which I live, Barnstable, we have set up a juvenile work-camp: we have three house break-ins per day by teenagers. The second suggestion is not new. As a judge in NY, my father fostered it for many years but could not get Albany to fund it. I shall read it in connection with reading my other wording of the resolution; it has to do with the training of parole officers.

TEXT: The MACUCC opposes the expansion of the present system of incarceration in the Commonwealth of MA. We are convinced that the citizenry is ready for imaginative alternatives to the mindless, more-of-the-same building of prisons. Among the alternatives are (1) juvenile work-camps and (2) the training of parole officers to serve as triple ombudsmen--between court and offender (the present function of the parole officer), between offender and offended (including mediation and restitution), and between offender and society (including community service, work-and-education release, and furloughing).

This resolution conforms to the position of our national body, the General Synod of the UCC.

We instruct our staff to distribute this resolution to the statewide media, to the governor, and to all members of the General Court of MA.

Though I read my version in plenum, I did not move it; and many seemed puzzled why I did not. I read it after the longest discussion any of the meeting's dozen resolutions got, and my desire was not to get my wording passed but to show that the issue (opposition to the "mindless, more-of-the-same" building of prisons, and incitement to the exploration of creative alternatives) was too important to let wording stand in the way of passage. So, with minor changes, the original-revised resolution (based on an NCC statement) passed.

5. Tough trade-off: The public's right to tranquility and the person's right to freedom of thought-speech-action. Jesus was killed in the squeeze between these two values, so his followers tilt toward the second value (though his claimers, who use him instead of following him, tilt toward the first value). MACUCC's Council for Mission Outreach and Social Responsibility recommended that the resolution be referred to it instead of acted on in the MACUCC annual meeting, partly because "the resolution does not appear to recognize the seriousness of crime in our society [~~the~~ underlining]....It fails to acknowledge that crime is a serious issue in the American society...." The dilemma: Repression in the interest of the public tranquility is, vis-a-vis the radical changes toward justice that the society needs, counter-revolutionary activity. Accordingly, though it tarnishes my radicality, I favor only that degree of repression which protects my property and my freedom of movement. Problem: That defines also a conservative just to the left of the Moral Majority!

6. How now live the forgiving-restoring spirit over against the litigious-vengeful spirit? What learn from James Foreman's reparation call (\$30 million) and W.Germany's reparation to Israel (soon to reach \$40 billion)? How reconcile meritocracy and justice (down with the school pass-along with resultant marginal literacy, up with quality-control, mandatory competency-tests....but....)?