



Questings

DEATH IN PRISON FOR CHILDREN CONVICTED OF HOMICIDE¹

Christopher Knight

Numerous children in the United States have been sentenced to life imprisonment without the possibility of parole. Although the United States Supreme Court declared in *Roper v. Simpson*, 543 U.S. 551, 570 (2005) that death by execution for juveniles is unconstitutional in violation of the Eighth Amendment's proscription of cruel and unusual punishment, children continue to be sentenced to die in prison.

Lawyers continue to fight against this injustice. The Supreme Court recently ruled in *Graham v. Florida*, ___ U.S. ___, 130 S. Ct. 2011, 176 L. Ed. 2d 825 (2010) that the Eighth Amendment is violated if a child is sentenced to life without parole for a non-homicide offense. The Court reasoned that the practice of sentencing a juvenile, who did not commit a homicide, to life without parole would be exceedingly rare. A national community consensus has developed against it. None of the recognized goals of penal sanctions, i.e., retribution, deterrence, incapacitation, and rehabilitation, provides an adequate justification for the sentence.

Further, it cannot be conclusively determined at the time of sentencing that the juvenile defendant would be a danger to society for the rest of his life, and a sentence of life without parole improperly denies the juvenile offender a chance to demonstrate growth, maturity, and rehabilitation.

However, many children continue to be sentenced to death in prison (a sentence of life without the possibility of parole) for homicides committed while they were juveniles. As of the beginning of 2008, 73 children in 19 states (2 in Alabama)² have been sentenced to die in prison by the imposition of a sentence of life imprisonment without the possibility of parole.

One Alabama child, Ashley Jones, who was 14 at the time of her offense, had been terrorized by abusive and violent adults. She tried to escape the violence and abuse by running away with an older boy, who shot and killed her boyfriend and aunt. Despite the fact that she has matured into a bright and promising 22-year-old young woman, Ashley is condemned by the Alabama courts to serve the rest of her life in prison without the possibility of parole.

Another Alabama child, Evan Miller, had been severely beaten by his father from a very young age. He attempted suicide at age seven. Exposed



to alcohol and drug abuse, he was removed from his home at age ten and placed in foster care for two years. When he was returned to his mother, he once again experienced a life of poverty and neglect.

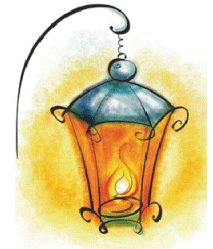
Evan began using drugs and alcohol and at one point was hospitalized for depression. On the night of the crime, a middle-aged man gave Evan and an older boy alcohol. The intoxicated children got into an altercation with the older man, who was hit with a baseball bat and his trailer set on fire. Evan was sentenced to die in prison without consideration of his age or the abuse and neglect he suffered.

Of the 73 children sentenced to die in prison as of January, 2008, nearly two-thirds are persons of color. Almost all of these kids currently lack legal representation and in most of these cases the propriety and constitutionality of their extreme sentences has never been reviewed.

The injustice of condemning children to die in prison has been prohibited by the International Covenant on Civil and Political Rights, to which the United States became a party, in 1992. Furthermore, the United Nations General Assembly passed by a 185-1 vote (the United States voting against) a resolution calling upon all nations to "abolish by law, as soon as possible, the death penalty and life imprisonment without the possibility of release for those under the age of 18 at the time of the offence."³

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Shining the Light of Social Justice On



All Saints Episcopal Church

Not content to just pursue a few typical mission activities during the year, Mobile's All Saints Episcopal Church carries their belief in the promotion of social justice to the very core of their mission work, dialogue and worship. Reverend Flowers as the church's Rector, Assistant Rector Mary Robert, and a large majority of the diverse congregation transform their work beyond the traditional role of donations of time and money to community charities - their efforts become a living mission within the local community through engaging and interacting with the recipients of these charities in a more personal, empowering and inclusive manner.

One such example involves the embracing of a large Sudanese family whose members were struggling to "settle in" to the local Mobile community. All Saints reached out to them at the urging of a church member who worked with the father and "adopted" them into their church community. Several church members have found many ways to assist this family with basic daily needs such as housing, clothing, school registration, medical appointments and transportation, and this family in turn has melded into the church community. Reverend Flowers recognizes the common result of genuine inclusion and reaching out to others: "They have changed us much more than we have changed them".



Dedication of the Sudanese Habitat for Humanity House
Sponsored by All Saints

Active participation in the "Race Relations Committee of Mobile United", hosting homeless families through the Family Promise Program four or five times a year, and future plans to pursue grants to serve refugees and the incarcerated are other illustrations of the social justice mission at All Saints. They also take great pride in providing a welcoming and affirming place of worship for the LGBT community.

Not for the faint of heart, All Saints activist and all-inclusive culture is vibrant. A review of their web page, www.allsaintsmobile.org, finds multiple mission efforts, an active blog for sharing thoughts and reflections, and a calendar brimming with not only inward worship activities but outreach to the community. Their current December calendar highlights AA, AL-Anon and P-FLAG meetings, serving at 15 Place and hosting that organization's board meeting, a regularly scheduled "Race Relations Committee of Mobile United" meeting, and the preparation and distribution of their monthly "Food Share" Program which averages 200 boxes a month. Reverend Flowers sums up their church mission simply as "serving our neighbors and worshipping joyously."

It doesn't take much to tap into Rev. Flowers' enthusiasm and conviction about the role of social justice within today's church. He passionately connects the need for social justice in the lives of Christians to the heart of the teachings of Jesus and articulates both his personal as well as All Saints' social justice-based theology easily: "That's all Jesus talks about. That's why we're here." Reverend Flowers and All Saints Church are challenged by the ancient philosophical question "How do we live together justly?" and they answer resolutely "in a radically inclusive way."

Susan Johnson

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Time and again, we heard Barack Obama on the campaign trail say that Washington was broken, and he was running for President of the United States to change it. He was right about our political system, and his presidency has offered further proof. Washington is a broken system and needs to be changed. But early on in the Obama presidency, the White House decided that the system was even more broken than they had imagined, special interests were even more powerful, and the influence of money over everything in Washington was almost complete. So instead of changing the "broken system," and "the ways of Washington," they decided to work within it, and still tried to get some things done for the people. That was a mistake. That was the moment the new president should have called in leaders of social movements, including those from the faith community, to strategize how to create enough pressure from the outside to make real reform on the inside possible. But that never happened.

At a Democratic National Committee fundraising dinner in February 2010, Obama said, "Change is easy if you're just talking about tinkering around the edges. Change is harder when you actually dig in and try to deal with the structural problems that have impeded our progress for too long." What Obama has found is that as long as the system is broken, change is hard, even when you tinker around the edges. We have seen tinkering around the edges when it comes to the poor, our economic system, the war in Afghanistan, and immigration reform. But these systems don't just need tinkering, they need deep change.

Obama should have fought on taxes. The richest 2 percent of the country just got an extension of tax cuts they didn't need at great cost to us all. There was GOP opposition, and Democrats battling with one another, but President Obama should have been fighting against the self-interests of the wealthiest Americans long before this. He allowed those who benefit from these tax cuts and the political allies they have bought in Congress to frame the debate and set the terms of engagement. So Obama is now backed into a corner, and just made a compromise that he thinks is the best deal possible when up against the clock.

He got some good things for working families in the payroll tax cut, the extension of unemployment benefits, various refundable tax credits, and the important middle class tax cut. But the president is now presiding over the great redistribution of wealth that has been going on for a very long time -- the redistribution of wealth from the middle and the bottom, to the top of American society -- and leaving us with the most economic inequality in American history. This will only grow larger with the Obama "compromise."

If Obama had fought earlier, he could have ensured the protection of small business owners, who are the primary job creators. Obama could have focused the higher tax rates on the very rich and protected those who are more in the middle and really creating jobs. But now, most of the people who will be keeping their tax cuts are not job creators. After all, how many jobs will be created by the Goldman Sachs traders, or the hedge fund gamblers, or the celebrities who dominate our lives? Almost none. On the contrary, they have been the "job destroyers," and have wrecked this economy and the lives of so many people.



Let's be clear here: At the root of the crisis was just a handful of banks -- not the banking industry, not business in general, but a handful of very rich people who took big and selfish risks. They are already getting richer because of our taxpayer bailout, and now we're giving them more tax breaks and estate tax bonanzas. There is socialism in America, but it's only for the rich. Risk has been socialized for some of the very richest people in the country, and then, the "free market" pain is distributed to all the rest.

The rich are too big to fail in America, while many in the rest of the country really are failing. The president did want to keep some things for average Americans in this compromise, but he lost the big battle a long time ago when he did not fight the people whose greed, recklessness, and utter lack of concern for the common good led us into this terrible crisis. He waited too long to fight, to force a national debate on economic fairness, and to counter

Broken Laws, Unprotected Workers

Annette Bernhardt, Ruth Milkman, Nik Theodore

Last February, a chain of gourmet groceries in New York City paid nearly \$1.5 million in wages owed to 550 workers. In the same month, the Los Angeles city attorney charged two owners and a manager of several car washes with paying workers a flat daily rate of \$35 to \$40 for shifts that lasted eight hours or longer. Also this year, a Chicago-area temp agency settled a class-action suit for nearly half a million dollars; when workers accumulated more than 40 hours a week at different client companies, the agency "split" their checks to avoid triggering mandatory overtime pay.

These cases are part of a growing stream of abuses reported by community organizers, unions, legal-services offices, and even government agencies. But until now it has been impossible to know the scale of the problem. Are violations of workplace laws confined to a few peripheral employers affecting small numbers of workers -- or a larger trend reshaping the American workplace?

To find out, we and our colleagues undertook a systematic study to measure the prevalence of employment- and labor-law violations. Using an innovative methodology designed to reach people often missed in conventional surveys (including unauthorized immigrants and people working for cash), we interviewed 4,387 workers in low-wage industries in Chicago, Los Angeles, and New York City.

We think of this landmark 2008 survey as a census of the invisible, because from the standpoint of public policy and government regulation, these jobs and workers too often are off the radar screen. Our findings describe a world of work where core protections that many Americans take for granted are failing significant numbers of workers:

- More than one-fourth of the workers in our sample (26 percent) were paid less than the minimum wage.
- Of those who worked more than 40 hours in a week, 76 percent were not paid the legally required overtime.
- Of workers asked to report early or stay late, 70 percent had an "off the clock" violation -- they received no pay for work they performed outside their regular shift.
- Of those entitled to a meal break, 69 percent received no break at all, were interrupted by their employer, or worked during the break -- all violations of meal-break laws.

Over half (57 percent) of all workers in our sample did not receive the legally required statement of their earnings and deductions.

Altogether, 68 percent experienced a pay-related violation in the week prior to the survey.

Other illegalities ranged from tip stealing by employers to illegal pay deductions to workers' compensation violations. When workers complained or tried to organize a union, 43 percent experienced illegal retaliation (such as being fired or

having their hours cut). These problems are not limited to unauthorized immigrants. All workers are at risk, although women, immigrants, and workers of color had especially high violation rates.

The best predictors of violations were industry and occupation. Minimum-wage and overtime violations were especially common in garment manufacturing, nail salons, and domestic work, but we also found them in construction, retail, restaurants, warehousing, and home health care. We found more violations in small companies, but even in big companies (with 100 employees or more) nearly one worker in six had a minimum-wage violation in the previous week.

Responsible employers still do exist in the low-wage labor market -- violations were much lower in firms that offered their workers health coverage and paid vacations, for example. But such employers are becoming an endangered species, increasingly unable to compete with firms whose business model depends on systematically violating the law.

The sheer breadth of the violations we documented is a national call to action. We estimate that every week, about 1.1 million workers in Chicago, Los Angeles, and New York City experience a minimum-wage, overtime, or other pay violation, resulting in more than \$56.4 million in wage theft. Rebuilding our economy on the back of these illegal working conditions is morally untenable -- and it is bad economics. Unscrupulous employers who break the law rob families of badly needed money to put food on the table. They rob communities of spending power. They rob state and local governments of vital tax revenues. And they rob the nation of the good jobs and workplace standards needed to compete in the global economy.



http://www.prospect.org/cs/articles?article=broken_laws_unprotected_workers

Matters of Life and Death: Alternatives to the Death Penalty

A gathering for people who want to:

- ✦ Learn about the death penalty in Alabama
- ✦ Consider faith-based responses
- ✦ Hear from victims' families who oppose the death penalty
- ✦ Explore restorative justice as an alternative
- ✦ Share ideas for further thought and action

Canterbury United Methodist Church

350 Overbrook Road Mountain Brook, Alabama

February 18-19, 2011

Cost \$10 payable at the door

To reserve a place call Ashley Collar (205) 871-4695 or

Email Ashley.collar@canterburyumc.org

The Perils of Getting Involved

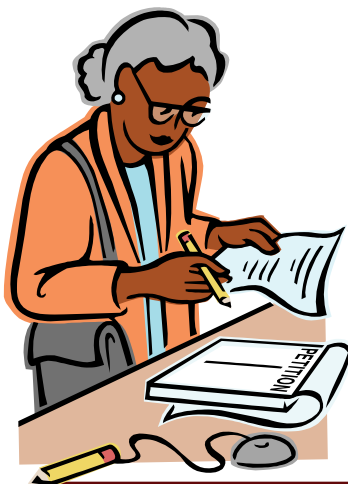
S. Judith Smits

Shortly before the November 2 election I received an email from Alabama Arise, the organization that lobbies the state legislature on issues affecting low income folks. They asked if I would be willing to spend two hours getting signatures at my polling place on a petition to "untax" groceries. I had done it for the primary and agreed to do it again. At five o'clock I set myself up in front of the polling place's exit door. I was pleased that we were in a covered walkway since rain was threatening. People were more than happy to sign. However, this created a problem. The passage was narrow and people on the way to vote were passing those coming out of the exit. When they stopped to sign, a bit of a traffic jam ensued.

It wasn't long before security arrived and I was told to move. I didn't think I was obstructing anything but after some discussion I agreed to move the table with the petitions further down the walkway. I, however, stayed by the door so I could ask people to sign when they come out. If they agreed, I directed them to the table. It was working very well. There was no congestion. However, security reappeared and insisted that I move. Since there was no congestion, and I needed to be where people were coming out, I refused. When I was told the police would be called, I indicated that they could go ahead since I was not moving. I felt I was performing an important act of citizenship and that I was well within my rights.

After awhile a city policeman showed up. He insisted that I had to move. He said I was "harassing the people." After some argument with the officer I decided to move out into the parking lot since it was obvious that it was not going to rain. I set myself up just outside the passageway and was able to catch people as they came out. This worked fine for awhile, but lo and behold two officers from the sheriff's department approached me and asked what I was doing. I explained. They said that I was on private property and the pastor wanted me to leave. I took the position that on that day it was being used by the public and therefore was not private. I was pretty sure that the pastor did not want me to leave and in fact when I had been there for the primary, he had offered me a cup of coffee.

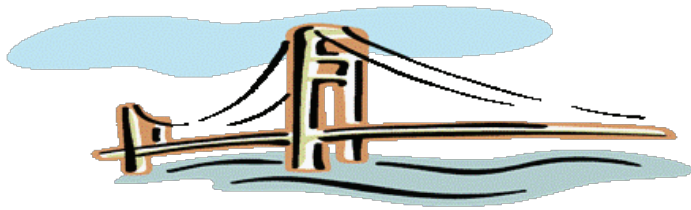
The officer said he was going to have to arrest me. Since I was pretty sure he could not arrest me for what I was doing, I told him to go ahead, that I had not had the experience before and it would be interesting. When threats didn't work, he tried another tactic. He told his deputy to stand there and not let people sign the petition. So for about ten minutes I would invite folks to sign and when they indicated they would, he told them they couldn't.



While he was standing there, the deputy asked me what church I went to. When I said Little Flower Catholic Church, he exclaimed, "You're a Catholic and you're doing this?" To which I replied, "Yes and I'm a sister." "You're a sister and you're doing this!" "What else would a sister be doing?" said I. It didn't seem I needed to elaborate but I probably should have. I'm not sure what he meant by "this." Surely it wasn't asking people to sign a petition!

Finally the officer in charge came over and said he had contacted probate and as long as I wasn't hindering people going in to vote, it was perfectly all right for me to be there doing what I was doing! I got 94 signatures but it would have been more if they had left me alone.

I have to say the incident left me feeling quite pumped up. Normally I tend to be quite intimidated by authority. But it felt great to stand up in the cause of social justice.



Bridges Interracial Dinner Dialogue
State Street AME Zion Church
Tuesday January 18
6:00—8:30 pm

The workings of local government are a mystery to a lot of people. The Mayor, county commissioners and city council members are the public faces but much of the oversight is done by boards or commissions. These boards generally function outside of the public eye but they can have a significant impact on individual lives.

- How do people get appointed to these boards?
- When and where do they meet?
- Are the meetings open to the public?
- What kind of oversight is in place for these boards?

The evening will consist of a shared meal and facilitated conversation.

The table dialogues will follow a panel presentation by community leaders:

Mayor Sam Jones

Commissioner Merceria Ludgood

Sponsored by

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The League of Women Voters

The Quest for Social Justice

Tax Cuts

Cont'd from page 3

the distortions of the Republicans who clearly don't mind adding huge sums to the deficit (almost a trillion dollars with the tax cuts) as long as it benefits their wealthy patrons. The Republicans will now seek to reduce the deficit by adding more pain to the rest of us -- especially those on the bottom and increasingly shaky middle rungs of the economy. And now, Obama and the rest of us are all backed into corners without a way out.

Our national economic philosophy is now to reward the casino gamblers on wall street and to leave the majority of the country standing outside the casino with a tin cup, hoping that the gamblers are at least big tippers. More tax breaks and benefits for the very wealthiest people in America is not only bad economics and bad policy; it is fundamentally immoral. In a letter to the president, signed by more than 100 religious leaders, we said just that.

So far, they haven't listened.

[http://www.sojo.net/index.cfm?
action=sojomail.display&issue=101209](http://www.sojo.net/index.cfm?action=sojomail.display&issue=101209)

Eighteen of the 73 were sentenced in Pennsylvania, and 15 were sentenced in Florida. The United States is the only country on earth where a 13-year-old child is known to have been sentenced to life in prison without the possibility of parole. Six states (Florida, Illinois, Nebraska, North Carolina, Pennsylvania, and Washington) have sentenced thirteen-year-old children to die in prison.

Sentences of life imprisonment without the possibility of parole also violate international law and the Convention on the Rights of the Child, which has been ratified by every country on earth except the United States and Somalia.

Christopher Knight is the Assistant Federal Defender Southern District of Alabama

¹ Much of the information for this article has been excerpted with permission from information provided by the Equal Justice Initiative, 122 Commerce Street, Montgomery, AL 36104, www.eji.org, in its pamphlet: "Cruel and Unusual: Sentencing 13 and 14-Year-Old Children to Die in Prison."

² Other states imprisoning children for life include Arizona, Arkansas, California, Colorado, Delaware, Florida, Illinois, Iowa, Michigan, Mississippi, Missouri, Nebraska, North Carolina, Pennsylvania, South Dakota, Tennessee, Washington, and Wisconsin

³ G.A. Res 61/146, ¶ 31 (a), U.N. Doc. A/Res/61/146 (Jan. 23, 2007).

Upcoming Events

Execution Vigil at 4:30 January 13 on the corner of Dauphin and Claiborne Streets for Leroy White

Bridges Inter-Racial Dinner Dialogue
State Street AME Zion Church
502 State Street
January 18 6:00-8:30 pm

Matters of Life and Death Alternatives to the Death Penalty
February 18-19, 2011
Canterbury United Methodist Church
Birmingham, AL (205) 871-4695

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Dear Supporters,

The Quest for Social Justice was officially incorporated on March 15, 2001. This means that in a few months we will be celebrating our tenth anniversary! We realized at the start that it would be a difficult to support a work that in effect challenges the status quo.

Fortunately we have been blessed with generous grants from several justice minded organizations especially Catholic religious orders of women. However, as we all know depending on grants does not provide an organization with sustainability. We had hoped that in time The Quest would be supported primarily by membership and we would not have to depend on grants. However, that has not been the case. At present only about 12% of our \$40,000 budget is supported by membership.

Our primary grantor has notified us that they will be cutting back significantly in the next two years and their support is expected to end completely by 2013. Efforts to find other sources of income have not been fruitful. While there are many generous groups willing to give a handout to the needy very few are willing to support an organization that questions why we have so many in need.

So we are definitely at a crossroads. We believe that social justice is at the heart of the Gospel. If you agree, please consider supporting this work with a yearly, quarterly or even monthly donation. Anything you can do to help us continue this ministry would be greatly appreciated.

Sincerely,
S. Judith Smits, Director

In the interest of "going green" and saving money you now have opportunity to receive this newsletter electronically. If you wish to do so please send your name and email address to thequestforsj@bellsouth.net

If change is to come, it will come from the margins...It was the desert, not the temple, that gave us the prophets.

Wendell Barry



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