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U.S. AG Sessions Orders Tougher Prison Sentences

The Wired Word for the Week of May 21, 2017

In the News

U.S. Attorney General Jeff Sessions issued a new criminal charging and sentencing policy on May 12, directing federal prosecutors to pursue the most serious, provable offenses against defendants. According to his guidelines, "serious" crimes are determined by which offenses carry the longest sentences.

The AG's memorandum says it is "a core principle that prosecutors should charge and pursue the most serious, readily provable offense. This policy affirms our responsibility to enforce the law, is moral and just, and produces consistency."

This memorandum rescinds the policy put in place in 2013 by former Attorney General Eric H. Holder Jr., who directed his prosecutors to avoid bringing drug charges that would carry longer mandatory minimum sentences against certain defendants. Under Holder's policy, those drug offenders who met a set of criteria including not belonging to a large-scale drug trafficking organization, qualified for lesser charges -- and thus less prison time.

The Sessions directive also responds to criticism that the previous administration had abused "prosecutorial discretion" to ignore laws that they were unable to repeal.

Sessions' directive says there can be exceptions when a prosecutor's "good judgment" determines so, but those exceptions need to be approved by a United States Attorney or Assistant Attorney General and laid out in writing.

Supporters of Sessions' directive say it will help reduce crime and drugs in our neighborhoods. One supporter, Georgetown law professor and former U.S. attorney William Otis, said that Sessions' memo "amounts to telling prosecutors to charge what the defendant actually did."

Otis predicted that the move "will be attacked by the Left as likely to produce longer sentences." He responded, "That's probably so. However, there is a ready mechanism by which such sentences can be avoided: Mr. Nicey might consider quitting the smack business and getting a normal job like everybody else. I'm just not a partisan of the notion that it's always the public that has to change. Instead, in both practical and moral senses, we'll be better off when we insist that it's the criminal who has to change. We don't need less serious charging. We need less crime."

The directive has the effect of reducing the power of the federal executive branch (President) compared to the legislative branch (Congress) regarding deciding the relative seriousness of illegal actions. Congress is charged by the Constitution with that responsibility. Constitutionally, the executive branch -- including the Justice Department -- is to enforce those laws, not change them.



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Under the previous administration, the executive branch had essentially changed the relative seriousness of some crimes -- a legislative function -- rather than enforcing them as written, though many people believe it was the right thing to do. The core principle that Sessions was referring to is to work with the law. While almost everyone recognizes that proper application of the law must take into account the specifics of each individual case, Holder had established a general change independent of individual specifics. This sort of "executive overreach" did not originate with the Obama administration, but is a long-standing criticism of the executive branch.

Despite Otis' prediction that the Sessions directive "will be attacked by the Left," the resistance has not been limited to those of that stance. Sen. Rand Paul (R-Ky.), opposes Sessions' move and labeled it "unfortunate." He, along with other opponents argue that the policy has already been proven not to reduce crime. They say the resulting long prison sentences for low-level, nonviolent offenders ruin lives and devastate families.

Paul also points out another problem: "Mandatory minimum sentences have unfairly and disproportionately incarcerated too many minorities for too long. Attorney General Sessions' new policy will accentuate that injustice. Instead, we should treat our nation's drug epidemic as a health crisis and less as a 'lock 'em up and throw away the key' problem."

Paul maintains that while surveys indicate that blacks and whites use drugs at similar rates, blacks are four to five times likelier to be convicted for drug possession. Writing on CNN in opposition to the Sessions memo, Paul said, "The majority of illegal drug users and dealers nationwide are white, but three-fourths of all people in prison for drug offenses are African- American or Latino."

Paul is the author of a bipartisan bill with Sen. Patrick Leahy (D-Vt.) to change the law on this matter. That legislation would grant judges authority to impose a sentence below a statutory mandatory minimum.

If such a law were passed, then Sessions' memo should have the effect of enforcing the changed laws.

As it stands at present, the Sessions directive fits into the larger framework of his promise to crack down on drugs and President Trump's calls to be tough on crime.

More on this story can be found at these links:

[AG Sessions Orders Tougher Prison Sentences as the 'Right and Moral Thing to Do.'](#)
[ABCNews](#)

[Reactions to Sessions' Call for Tougher Sentencing. The Washington Post](#)

[Rand Paul: Sessions' Sentencing Plan Would Ruin Lives. CNN](#)



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The Big Questions

1. For low-level, nonviolent crimes, are mandatory long sentences a good idea? Why or why not? How does your understanding of the Bible help you in answering this question?
2. One of the arguments advanced by those who oppose Sessions' directive is that mandatory sentences are not effective in reducing drug offenses. To what degree should effectiveness be taken into account when deciding public policy? To what degree should it be taken into account when deciding guidance for Christians regarding their behavior?
3. If mandatory sentencing disproportionately affects some groups, is that a reason to seek a policy change? Why or why not? How do you think Jesus would answer that question?
4. How are the concepts of justice and mercy related in the Bible? How should they be related in public life? in the criminal justice system?
5. Mandatory sentencing removes discretion options from judges, and requires them to impose certain sentences. When, if ever, is that a good idea? When, if ever, is that not a good idea?

Confronting the News With Scripture and Hope

Here are some Bible verses to guide your discussion:

1 Corinthians 16:8-9

But I will stay in Ephesus until Pentecost, for a wide door for effective work has opened to me, and there are many adversaries. (For context, read 16:5-9.)

In the closing chapter of Paul's first letter to the Corinthians, the apostle mentions his upcoming travel plans, including his hope to stop in Corinth. He says, however, in the verses above, that for the time being, he wants to stay where he is in Ephesus because the circumstances there present a good opportunity "for effective work" in spreading the gospel.

"Effective" means that Paul expects useful and positive results from his efforts in Ephesus.

Questions: In the work of the church, is effectiveness the only standard by which to evaluate our efforts? Why or why not? To what degree should effectiveness be used to evaluate the laws under which we live? Why?

Leviticus 19:15

You shall not render an unjust judgment; you shall not be partial to the poor or defer to the great: with justice you shall judge your neighbor. (For context, read 19:1-18.)

Leviticus 19 contains a lengthy list of instructions from God about how to live a holy life, and they are anchored by God's declaration in verse 2: "You shall be holy, for I the LORD your God am holy." Verse 15 above, about judging others without partiality applies both to relations between neighbors and to the practices of Israel's justice system.



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Note that God wants no partiality toward the "great," but he also wants no partiality toward the "poor." Indeed, no partiality, period.

Questions: How would you apply this verse, if at all, to the Sessions directive? Even if the Sessions directive is intended to be applied without partiality but in practice, it penalizes minority groups more than others, should it therefore be changed? Or should that motivate an examination about why the difference exists and efforts to change the cause? Explain your answer.

James 2:9, 13

But if you show partiality, you commit sin and are convicted by the law as transgressors. ... For judgment will be without mercy to anyone who has shown no mercy; mercy triumphs over judgment. (For context, read 1:1-13.)

The entire context passage for this verse is about the importance to the life of faith of not showing partiality in judgment. And note that the last verse reads "For judgment will be without mercy to anyone who has shown no mercy; mercy triumphs over judgment."

Questions: Where does mercy belong, if at all, in sentencing guidelines? in the work of judges?

John 7:24

Do not judge by appearances, but judge with right judgment. (For context, read 7:19-24.)

Jesus made this statement to a crowd in the temple, where the discussion seems aimed at absolutist applications of the law. In calling for right judgment, Jesus is telling his audience to consider the entire circumstances of the one being judged.

Questions: What does Jesus' response in verse 24 reveal about the crowd's judgments of others? What does it suggest about your judgment of others?

For Further Discussion

1. Respond to this comment from former U.S. attorney William Otis, who supports the Sessions directive: "... there is a ready mechanism by which such sentences can be avoided: Mr. Nicey might consider quitting the smack business and getting a normal job like everybody else. I'm just not a partisan of the notion that it's always the public that has to change. Instead, in both practical and moral senses, we'll be better off when we insist that it's the criminal who has to change. We don't need less serious charging. We need less crime."

2. Respond this comment from Sen. Rand Paul, who opposes the Sessions directive: "Mandatory minimum sentences have unfairly and disproportionately incarcerated too many minorities for too long. Attorney General Sessions' new policy will accentuate that injustice. Instead, we should treat our nation's drug epidemic as a health crisis and less as a 'lock 'em up and throw away the key' problem."



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3. Discuss this, from TWW team member Mary Sells: "[This news makes] me think of how and if we might overreact: punishment that is greater than the crime, a slap in the face is met with a gunshot as reply.

Latent prejudice is pointed to in this story as the possible cause of applying stricter punishment, yet I think we all have issues within us, sore spots, that cause us to -- perhaps -- overreact. I think that is the basis of PTSD diagnosis, a previous experience which causes a current reaction bigger than is needed? How does faith help us be honest with ourselves and be open to our own need for healing?

Responding to the News

If possible, ask someone who was incarcerated following a low-level drug offence to describe the experience and offer his or her opinion regarding the Sessions directive.

Prayer

Give us, O Lord, your wisdom in the judgments we must make as part of our life together. May your wisdom also inform our public policies. In Jesus' name. Amen.

Other News This Week

Ransomware Exploits Vulnerable Computers Worldwide

In the News

A little over a week ago, a cyber-attack known as WannaCry shut down computers in more than 150 nations, infecting at least 300,000 systems worldwide.

Banks, telecommunications firms, shipping companies, businesses, utilities and government agencies were unable to access records all over Europe and elsewhere. Non-emergency patients were turned away from Britain's health providers as hospital administrators and security experts scrambled to find solutions to the problem; 1,000 computers in Russia's interior ministry were frozen.

In China, some students could not access their final papers and drivers could not use electronic systems to pay for fuel at gas stations; more than 100 systems were disrupted in the Andhra Pradesh police department in India; South Korean movie theaters had trouble playing trailers.

WannaCry (also called WannaCrypt or WannaCryptor) is a form of "ransomware" that hacks into victims' computers, infecting them with "Trojan horse" viruses or worms that encrypt user files, rendering them inaccessible to owners. Then the attackers seek to extort a ransom of \$300 in bitcoins from victims, holding the data hostage until victims pay a fee for decryption of their files.

If the user refuses to pay the ransom within three days, the charge doubles to \$600. If a week goes by without payment, WannaCry threatens to delete all the user's encrypted files.

As of this writing, victims have paid less than \$60,000 in ransom Bitcoin, a new form of online currency. It is assumed that much more would have been paid had not the virus been stopped in its tracks.



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Experts speculate that victims have been slow to pay the ransom demanded by the hackers for various reasons: unfamiliarity with Bitcoin and how to exchange regular currency with the digital cryptocurrency; efforts to unlock data without resorting to paying extortion; and the timing of the attack, which occurred last Friday and may not have been discovered immediately by victims.

Last Saturday, 22-year-old British security technician Marcus Hutchings, who goes by the online "handle" of "MalwareTech," discovered a domain name hidden in the virus' code, which he purchased, unwittingly throwing a "kill switch" that slowed down the propagation of the WannaCry virus.

Microsoft President and Chief Legal Officer Brad Smith alleged that the National Security Agency (NSA) had the intelligence gathering technology originally, but lost it to a group called Shadow Brokers with ties to Russia; Shadow Brokers dumped the hacker tools in April, giving WannaCrypt access to the code needed to launch the cyberattack.

At Monday's press briefing, Tom Bossert, assistant to the president for homeland security and counterterrorism, denied that the NSA had developed or leaked the technology, saying that "culpable parties, potentially criminals of foreign nation states" were likely responsible for the ransomware. Russian cybersecurity company Kaspersky Lab suggested that WannaCry may be connected to North Korean hackers.

Smith compared the theft of this intellectual property to "the U.S. military having some of its Tomahawk missiles stolen." Even though this round of cyberattack was nipped in the bud, experts warn that we should expect more sophisticated and dangerous attacks from hackers in the future and take prudent steps to protect computer systems.

More on this story can be found at these links:

[WannaCry: Everything You Need to Know About the Global Ransomware Attack. BGR](#)
[How One Simple Trick Just Put Out That Huge Ransomware Fire. Forbes](#)
[WannaCrypt Ransomware Attack Should Make Us Wanna Cry About Our Vulnerability. CNN](#)
[Ransomware Attacks Computer Networks Around the Globe. NPR](#)

The Big Questions

1. What are some of the things that could lock up our lives and cause our love for God and concern for others to freeze up? What can we do to prevent our spiritual lives from freezing up?
2. Where might you be vulnerable due to lack of adequate security measures to protect you when you are tempted to sin?
3. What functions as "backup" to protect you in your spiritual life when the enemy attacks?
4. Is there anything that is a kind of "kill switch" you can throw when under spiritual attack?
5. What does it take to form a vigilant attitude so that we don't "rest on our laurels" after resisting one temptation, so that we are always prepared to meet the next security challenge when the enemy attacks again?



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Confronting the News With Scripture and Hope

Here are some Bible verses to guide your discussion:

Ephesians 6:10-11

Finally, be strong in the Lord and in the strength of his power. Put on the whole armor of God, so that you may be able to stand against the wiles of the devil. (For context, read 6:10-20.)

In this passage, Paul describes the kind of spiritual armor we need to protect ourselves from the schemes of the devil. We learn that our strength comes from God, and not from ourselves. Above all, we must rely on God in our spiritual struggles. We also discover that we need the whole armor of God. We must pay heed to every piece of armor, lest the enemy finds an area of vulnerability to exploit, so as to defeat us.

Among the pieces of armor we need are the belt of truth, the breastplate of righteousness, the shoes of the gospel of peace, the shield of faith, the helmet of salvation, the sword of the Spirit which is the word of God, and praying in the Spirit for one another, specifically that God would give us boldness to declare the good news of salvation through the death and resurrection of Jesus Christ

Questions: Which pieces of the armor of God have you already put on? Which are you apt to forget? How can you be sure you are fully armed for spiritual battle, so the enemy cannot gain a beachhead from which to expand operations in your life and gain an advantage that could hinder you in your spiritual growth?

Psalms 119:9, 11

How can young people keep their way pure? By guarding it according to your word. ... I treasure your word in my heart, so that I may not sin against you. (For context, read 119:1-11.)

Philippians 4:6-7

Do not worry about anything, but in everything by prayer and supplication with thanksgiving let your requests be made known to God. And the peace of God, which surpasses all understanding, will guard your hearts and your minds in Christ Jesus. (For context, read 4:4-9.)

Two essential tools Christians need to protect themselves against the evil one are God's word and prayer. The first involves listening for God's voice, trusting his promises and obeying his commands, and the second is developing a relationship with God through dialogue and spending time together.

Living according to God's word enables us to do what is right in God's eyes, and "[r]ighteousness guards one whose way is upright, but sin overthrows the wicked," according to Proverbs 13:6.

When worry and anxiety tie us up in knots, we're instructed to pray with thanksgiving. Notice the "guarding" function of the peace of Christ! It's a military image, but it can easily be translated to a computer metaphor. The peace of Jesus Christ guards us, protects us from the malware of sin that threatens us.



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Questions: When has recalling a passage of scripture helped you resist temptation and avoid sin? When has prayer and thanksgiving brought peace in place of worry?

Matthew 24:42-44

[Jesus said,] "Keep awake therefore, for you do not know on what day your Lord is coming. But understand this: if the owner of the house had known in what part of the night the thief was coming, he would have stayed awake and would not have let his house be broken into. Therefore you also must be ready, for the Son of Man is coming at an unexpected hour." (For context, read 24:36-51.)

If people had known when the WannaCry attackers would strike, presumably they would have been vigilant and stayed alert to prevent them from gaining access to their personal data. But because they did not expect the attack and did not prepare adequately for it, they were vulnerable when it came and suffered loss.

Jesus warned that wars, famines, natural disasters and persecution would all increase before his return, yet people would still be caught unprepared, just as their ancestors were in the days of Noah. Instead of heeding the warning to flee from the coming flood into the ark God provided as a way of escape, "they were eating and drinking, marrying and giving in marriage, until the day Noah entered the ark, and they knew nothing until the flood came and swept them all away" (24:38-39).

Jesus then gives an illustration of what it takes to be prepared for his return, which he compares to the return of a master who will hold his servant accountable for how he treated his fellow servants while the master was away (24:45-51). Being prepared means to do the work to which we have been called, to treat others fairly and kindly, using the master's resources to provide for their needs, and not for personal gain or self-aggrandizement.

Questions: What do we need to do to avoid the flood of judgment upon sin? What is the Christian's parallel to Noah's ark, and how do we "enter" into that ark God provides to save us from death? How can we "keep awake" spiritually so that we are ready for Christ's return?

John 17:11-12, 15

And now I am no longer in the world, but they are in the world, and I am coming to you. Holy Father, protect them in your name that you have given me, so that they may be one, as we are one. While I was with them, I protected them in your name that you have given me. I guarded them ... I am not asking you to take them out of the world, but I ask you to protect them from the evil one. (For context, read 17:10-15.)

The night Jesus was betrayed, he prayed for his disciples and for us, knowing that we would face some dark days. He described his role as our protector and guard (which fits well with his role as our good shepherd who fiercely defends his flock against spiritual predators and thieves, described in John 10).



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Every time we pray the Lord's Prayer, asking God to "deliver us from evil," we are agreeing with Jesus' prayer in this passage, asking God to protect us from the evil one.

Twice Jesus speaks about protecting his followers "in your name that you have given me." In Matthew 1:21-23, at Jesus' birth, he receives two names: Jesus, meaning "God saves," and Emmanuel, meaning "God with us."

Questions: What does it mean to know that as you pray the Lord's Prayer, you are echoing the words of Jesus? What does it mean to you to know that Jesus interceded for us (and with the Spirit still intercedes, according to Romans 8:26-27 and 34), asking specifically that our heavenly Father not take us out of the world, but protect us from the evil one? How do the names of Jesus and Emmanuel protect us?

Mark 10:42-45

So Jesus called them and said to them, "... whoever wishes to become great among you must be your servant, and whoever wishes to be first among you must be slave of all. For the Son of Man came not to be served but to serve, and to give his life a ransom for many." (For context, read 10:35-45.)

Even more scary than losing digital records of information is the possibility that our very lives may be stolen by sinister forces. The malware called sin infects all of us, and we cannot be free of it unless an expert gets it out of our system

James and John were infected with the virus of pride and visions of glory that threatened to lock up their lives and bring their spiritual development to a screeching halt. They wanted Jesus to elevate them to top spots in his new administration when he took over as the new king of Israel.

Jesus patiently explains that his followers don't live to exalt themselves, but rather to lift others up, following his example of service and self-sacrifice. This foreshadows what Jesus will do on the cross to free lives are locked and encrypted by sin by paying the ransom permanently, and doing a total system reboot to keep them clean and secure forever.

While "MalwareTech" provided a solution to protect some people from the WannaCry virus, even he couldn't restore data others had already lost. The ransom that Jesus paid on the cross redeems more than our data; it restores our whole lives.

Questions: How is the ransom Jesus paid like or unlike the ransom people pay to rescue their data from the WannaCry attackers?

If you were enslaved by a human trafficker, mercilessly beaten and tormented, and a police officer offered to take your place if the abuser would agree to set you free, ultimately sacrificing his life in the exchange, how do you think you would feel toward the one who gave himself as a ransom for you? How would your life change because of that experience?

How does the knowledge that Jesus gave his life a ransom for you change how you now live?



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For Further Discussion

1. In 1927, a man named Asibi, a West African native, was stricken with the deadly disease, yellow fever. Not many people survived this dreaded disease. However, Asibi lived. Somehow his body had conquered the disease. Asibi's blood contained the antibodies from which to begin to develop a successful vaccine.

Today, doctors and drug companies have developed an efficient vaccine against yellow fever, and their cure has saved the lives of untold numbers of people around the world. Each dose of vaccine can still be traced back to one original blood sample -- that of Asibi. Of him, it could justifiably be said that one man's blood saved the lives of millions. It's easy to see how this relates to the death of Jesus on the cross. The blood of one man has saved countless others.

How is the blood of Jesus like the blood of Asibi? How is it even better?

2. Consider the classic [Seven Deadly Sins](#).

- Envy - the desire to have an item or experience that someone else possesses
- Gluttony - excessive ongoing consumption of food or drink
- Greed or Avarice - an excessive pursuit of material possessions
- Lust - an uncontrollable passion or longing, especially for sexual desires
- Pride - excessive view of one's self without regard to others.
- Sloth - excessive laziness or the failure to act and utilize one's talents
- Wrath - uncontrollable feelings of anger and hate toward another person

Which of these gives you the most trouble? Has that changed over time, and if so, how? How does your faith help you combat these temptations?

Responding to the News

You may wish to sing one of the following hymns or a similar praise song exalting God our defender:

[O Worship the King](#)

[O God, Our Help in Ages Past](#)

[We Rest On Thee](#)

[A Mighty Fortress Is Our God](#)

Or, select a hymn focusing on Christ our ransom, such as:

[How Deep the Father's Love for Us](#)

[Here Is Love, Vast as the Ocean](#)

[God, What a Faith-Filled Mystery](#)

[I Will Sing of My Redeemer](#)

[Ten Thousand Thanks to Jesus](#)

Prayer (Suggested by 2 Timothy 4:18 and 2 Thessalonians 3:3)

Faithful God and Father of our Lord Jesus Christ, strengthen us and guard us from the evil one. Rescue us from every evil attack and save us for your heavenly kingdom. To you be the glory forever and ever. Amen.

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