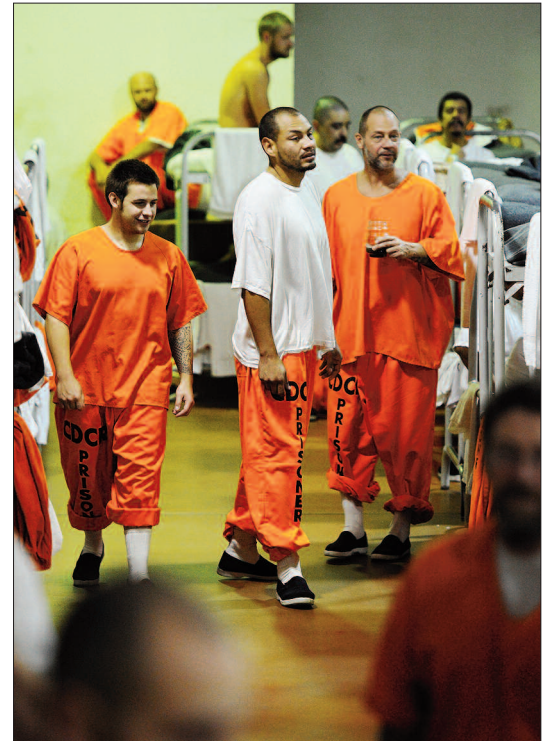


## Downsizing Prisons

*Should nonviolent inmates be incarcerated?*

**B**udget crises are forcing states to re-examine the cost of maintaining their prison and jail systems, which incarcerate more than 2 million people, the biggest national prison population in the world. Politicians are divided on whether states should downsize their prison populations by changing parole policies and liberalizing some criminal laws, such as those governing drug offenses. Proponents of downsizing, including conservative Republicans such as potential GOP presidential hopeful Newt Gingrich, argue that states have been putting too many low-risk offenders in prison. They contend that expanding alternatives to incarceration would reduce prison costs and lower crime rates. But many prosecutors point to a sharp drop in crime in recent years as evidence that prison works. Lowering incarceration rates, they contend, would put society at greater risk of rising criminal activity — and eventually, rising costs to imprison a new wave of offenders.



*Overcrowded Chino State Prison in California uses a gymnasium as a dormitory. Last year federal judges ordered the state to reduce its prison population. Now the U.S. Supreme Court is deciding whether judges can order inmates released from prisons where crowding endangers prisoners and staff.*

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# Downsizing Prisons

BY PETER KATEL

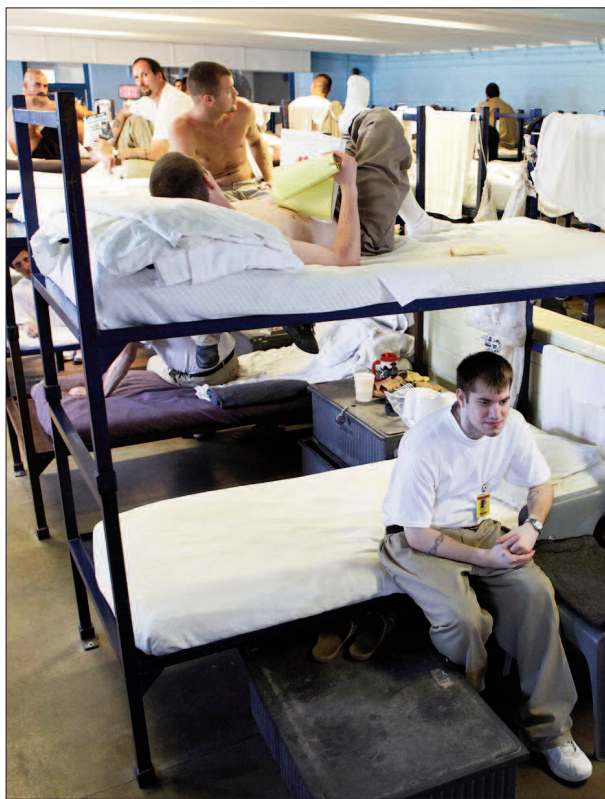
## THE ISSUES

Public defender Larry A. Landis has spent his career pleading with politicians to reconsider laws that send thousands of low-level offenders to prison.

“I understand if you lock up a rapist, you prevent rapes,” says Landis, who has directed the Indiana Public Defender Council for 33 years. But locking up low-level drug dealers is different, he says, because the market for drugs is endless. “Somebody still wants to buy, so you’re not preventing anything. Why waste resources on incarcerating them? Use those resources to invest in additional monitoring, supervision or treatment or law enforcement.”

Landis’ argument didn’t catch on with Indiana officials. But the recession has made the case where his persuasive powers failed. In Indiana and nearly two dozen other states, serious budget shortfalls have accelerated a long-simmering debate over whether courts and juries are putting too many people behind bars and whether releasing some nonviolent criminals would endanger public safety. Indeed, some states already have begun downsizing prisons.

The catalyst is an estimated \$175 billion gap between revenue and spending over the next two years for the 50 states and an annual tab of about \$50 billion in prison expenses.<sup>1</sup> Those expenses grow, in part, out of tough-on-crime measures enacted in Indiana and other states over the past three decades. The United States incarcerates more people than any other country — about 1.3 million in state prisons, 767,620 in city and county jails, and 205,000 in federal custody. And with



AP Photo/Michael Conroy

*A crowded dormitory at Indiana's Plainfield Correctional Facility reflects the 41 percent rise in the state's prison population in the past decade — and corresponding drain on the state's budget. Like Indiana, other states around the nation are considering reducing prison populations to cut costs.*

about 40 percent of inmates released from state prisons returning behind bars within three years, critics — including some high-profile conservatives — say the investment is not paying off.<sup>2</sup>

“This is an unsustainable trend,” Rep. Frank R. Wolf, R-Va., said at a Feb. 11 press conference, citing “the financial and social cost and impact it has on our nation.” As chairman of the House Appropriations Committee’s Subcommittee on Commerce, Justice, Science and Related Agencies, Wolf is pushing states to revise their sentencing, prison and parole policies.

In Indiana, where lawmakers face a revenue gap of \$1.3 billion, Republican Gov. Mitch Daniels — a potential presidential candidate — is backing legislation that would effectively

divert many nonviolent offenders, including those convicted of low-level drug offenses, from prison.<sup>3</sup>

“We are imprisoning, in our most expensive spaces, more people for relatively minor, nonviolent offenses, like low-level property and drug violations, than most other states,” Daniels wrote last month in the conservative *National Review* magazine. “Some of our guests are not with the state corrections system long enough for any rehabilitation, substance-abuse counseling or job training to take place.”<sup>4</sup>

Skeptics sometimes agree that certain sentencing laws should be revised, but they warn that big changes carry a price tag. “Drastic reductions would be penny-wise and pound-foolish,” says Kent Scheidegger, legal director of the Criminal Justice Legal Foundation, a Sacramento-based organization that intervenes in criminal and civil

lawsuits on the side of crime victims and prosecutors. “You’re going to impose great costs on people when you increase the number of crimes committed, which would be a consequence of wholesale releases.” (See “*At Issue*,” p. 233.)

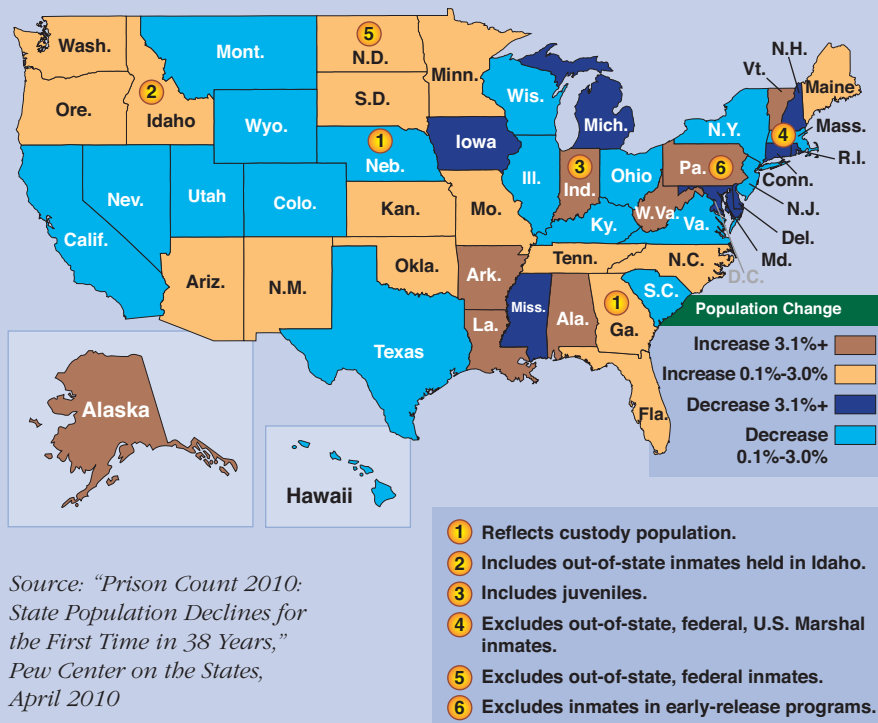
Advocates of prison downsizing emphasize that their proposals center on diverting nonviolent offenders from prison into alternatives such as drug courts, which allow offenders to remain free and work and live under tight supervision while getting treatment. Advocates also argue that some inmates, especially drug users, could be released into supervised programs without endangering public safety.

States that face mass releases, advocates say, are those that continue to

## Prison Populations Decline in 26 States

*Inmate counts declined in slightly more than half the states in 2009. Rhode Island had the sharpest decline, more than 9 percent. Indiana had the biggest increases, more than 5 percent.*

**Percent Change in State Prison Populations, 2009**



Source: "Prison Count 2010: State Population Declines for the First Time in 38 Years," Pew Center on the States, April 2010

fill prisons beyond capacity. The U.S. Supreme Court is now considering whether to uphold an order in California that could free tens of thousands of inmates. (See "Current Situation," p. 230.) "If you talk to any corrections directors across the country, the thing that terrifies them the most is having their state turning into California," says Michael Thompson, director of the Council of State Governments (CSG) Justice Center, a public-safety policy group that actively supports downsizing.

CSG has teamed up with the Pew Charitable Trusts' Public Safety Performance Project to spur the downsizing trend by researching sentencing, parole and probation laws and rules at the invitation of policymakers in nearly two dozen states.<sup>5</sup>

Both groups are working closely with Wolf, who exemplifies a shift in thinking about criminal-justice policy on the political right. Another sign of a new conservative approach is Right on Crime, a campaign led by former House Speaker Newt Gingrich, R-Ga., (another possible presidential candidate), who also advocates alternatives to incarceration for nonviolent offenders. (See sidebar, p. 228.)

Though the state fiscal crisis has created a wider audience for the conservative critique of incarceration-oriented policies, the shift in thinking actually began some years ago, when states began revising drug laws to divert low-level offenders from prison. Rising costs were already a factor, but so was a decline in crime rates under way since 1994. The violent-crime rate

plummeted 39 percent in 2000-2009, from 27.9 to 17.1 per 1,000 people. Property crime dropped 28.5 percent during the same period, from 178.1 to 127.4 per 1,000 households.<sup>6</sup>

Incarceration advocates argue that crime fell because more offenders were locked up.

In Arizona, Bill Montgomery, the prosecutor for Maricopa County (Phoenix), said during a February debate at Arizona State University, "If we incarcerate the right people, crime will fall."<sup>7</sup>

But in Texas, which like Arizona is famous for its law-and-order tradition, legislators made prison-downsizing moves in 2007, even before the budget crisis hit. They expanded drug-treatment programs and other alternatives to prison while ensuring better supervision of parolees in order to reduce the number of recidivists — people returning to prison because they re-offended. As a result, the prison population dropped by 1,125 between 2008 and 2010 instead of expanding by more than 5,000 as previously projected. Other states, including Kansas and New Hampshire, took similar steps.<sup>8</sup>

In financially strapped Indiana, Gov. Daniels, along with state House and Senate leaders, the state attorney general and the chief justice of the state Supreme Court, asked CSG and Pew to study crime and prison data to pinpoint ways to reduce recidivism and cut costs.<sup>9</sup>

The two organizations found that Indiana's prison population had skyrocketed 41 percent since 2000, to 28,000 — roughly triple the 13 percent increases in Wisconsin and Ohio. In 2009, 55 percent of incoming prisoners had been convicted of drug or property crimes. "If existing policies remain unchanged, Indiana's prison population will continue to grow rapidly," Pew and CSG reported in December.<sup>10</sup>

Indiana's tough drug and theft laws are a major reason for the state's sharp rise in inmates. Indiana mandates prison sentences of six to 20 years

for people convicted of selling less than 3 grams (0.1 ounce) of cocaine, and 20 to 50 years for those selling more than 3 grams. Most states attempt to distinguish between small-time drug sellers and high-level traffickers, the CSG and Pew said. Likewise, most states classify thefts of small value as misdemeanors, but in Indiana all thefts are felonies.<sup>11</sup>

The legislation that Daniels is backing would redefine drug and property crimes according to amounts of drugs and value of goods. But the bill is under attack from prosecutors, who have pushed through an amendment that would effectively cancel any savings on prison expenses realized from changing the crime laws.

Still, public defender Landis is heartened at the budget-driven change in the political climate. Politicians understand, he says, that they can continue prison spending at the present rate only by sacrificing spending on education and health programs. “Daniels does get it,” Landis says. “He’s a fiscal conservative — he can count.”

### Can states afford to maintain their current prison populations?

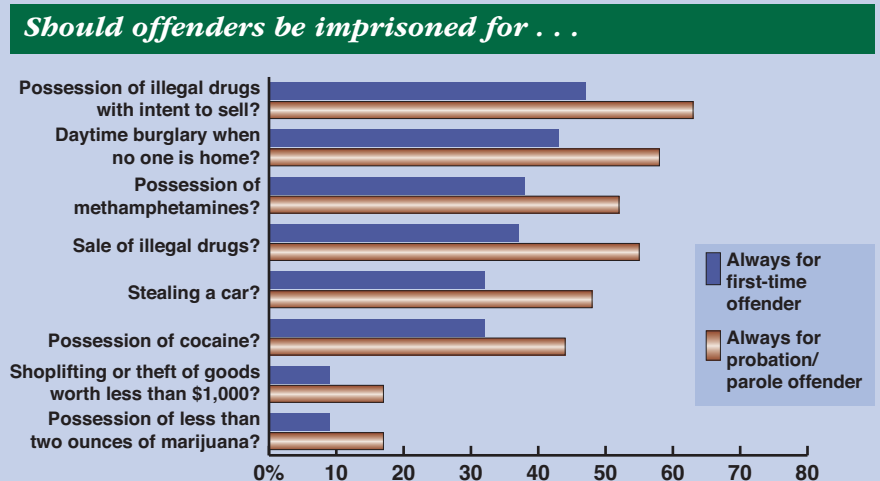
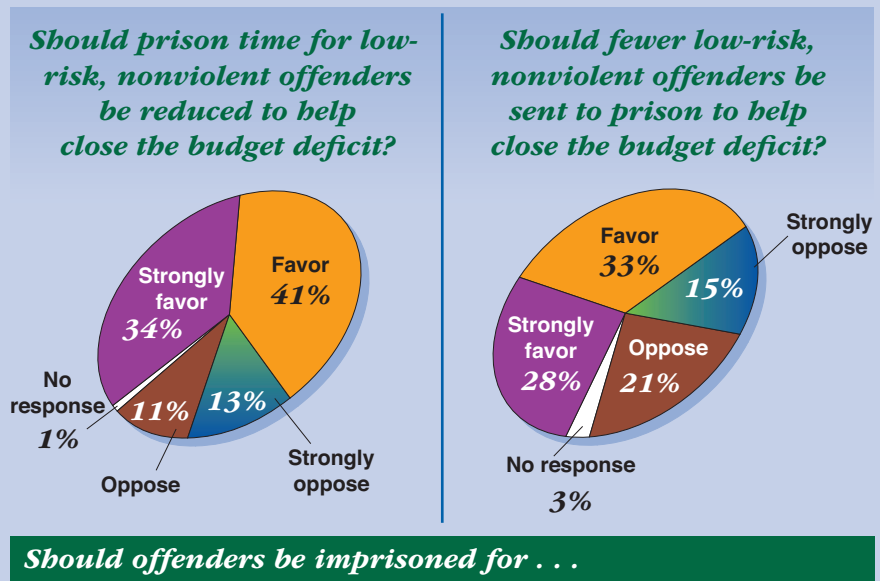
By all accounts, the fiscal crisis gripping state governments is the single biggest reason some states are planning or actively considering reducing their prison populations.

The vast expansion in prison-system spending made prisons an inevitable target for savings. From 1985 to 2010, spending on prisons grew 674 percent, to \$52.95 billion, according to the Vera Institute of Justice, a research and advocacy organization in New York.<sup>12</sup>

And states are now spending about \$50 billion a year on prisons — \$1 in every \$14 of “discretionary” spending, according to the Pew Center on the States. Yet critics question what state taxpayers are getting for their money. Nationwide, they point out, about 40 percent of people released from prison return within three years.<sup>13</sup>

## Most Americans Favor Less Prison Time for Low-Risk, Nonviolent Offenders

To cut prison expenses and trim government deficits, three-fourths of Americans favor reducing prison terms for low-risk, nonviolent offenders already serving time. Most also favors sending fewer such offenders to prison in the first place, especially if they committed minor crimes and haven’t been in trouble in the past.



Source: “National Research of Public Attitudes on Crime and Punishment,” Public Opinion Strategies, September 2010; Bill McInturff, et al., “Key findings from a national survey of 1,200 registered voters conducted March 7-14, 2010,” Pew Center on the States, March 2010

To be sure, many states have been de-emphasizing prison as the only approach to dealing with crime. Drug courts began winning wide acceptance in the 1990s as an alternative to im-

prisonment for low-level drug offenders. Nonetheless, sentencing laws and probation-parole policies remained rooted in the hard-line policies of the 1980s, so prison populations kept growing.

## DOWNSIZING PRISONS

Indeed, it wasn't until January 2010 that the overall prison population registered a decline — the first in 38 years. Even so, the number of prisoners kept growing in 24 states.<sup>14</sup> (See map, p. 220.)

Advocates of decreasing imprisonment credit the recent recession with making state officials more receptive to their message. "I've worked on reform for 14 years," says Pat Nolan, vice president of the Prison Fellowship, a Christian ministry that helps prepare prisoners for release. "I always said it shouldn't be money that drives reform. However, I find that because budgets are tight, it has opened peoples' minds."

A former California legislator who served 29 months in federal prison for corruption, Nolan says the budget emergencies that most legislatures are facing have forced lawmakers to "really look at what the bang for the buck is for taxpayers." That process, he says, raises the question, "Is there a way to hold lower-level offenders accountable and turn their lives around" — without sending them to prison?

Scheidegger of the Criminal Justice Legal Foundation is skeptical that prison spending is a problem in need of urgent attention. "Corrections is actually a small sliver of state budgets," he says, citing data that show prison systems account for 3.4 percent of total state expenditures.<sup>15</sup>

"Corrections is not driving the budget crises of the states," Scheidegger says. "You could reduce corrections spending to zero and states would still be in the hole."

Advocates of prison alternatives argue that the expenditure data Scheidegger cites don't tell the whole story, however. For one thing, they point out, when federal funds

and more prisons will bring less and less reduction in crime."

The bottom line, Gelb says, is that prison systems can't take increased funding for granted. "The burden of proof has shifted to where policymakers and taxpayers are demanding the best possible results from public dollars," he says.

But James Pasco, executive director of the Fraternal Order of Police — the country's main union for law-enforcement officers — argues that focusing on prison costs misses the most important issue. "The question is whether we can afford to let prisoners out," he says. "Unless there's been some horrible miscarriage of justice, they're all in prison because they did something wrong. It's certainly not a one-size-fits-all solution, but the vast majority of people who go to prison should go to prison."

Pasco, a former Bureau of Alcohol, Tobacco, Firearms and Explosives agent, acknowledges that prison-system growth isn't a positive development. "But what goes wrong goes wrong well before inmates become clients of the state," he says. "The failures occur well before the judicial system and penal system get involved. People become inclined by economics, upbringing and environment to become criminals long before police arrest them. Don't blame law enforcement and the penal system for problems that were created in the seminal years of a child's life."

### **Are too many nonviolent offenders sent to prison?**

Much of the argument over incarcerating nonviolent offenders centers on drug offenses, which often don't involve direct physical harm to another person. Neither, generally, do theft, burglary and "white collar" crimes.



*Indiana Gov. Mitch Daniels is among Republican officials who support cutting expenses by diverting many nonviolent offenders, including those convicted of smalltime drug crimes, from prison into alternative programs. Indiana faces a \$1.3 billion revenue shortfall.*

www.in.gov/gov/photo.htm

are excluded from the expenditure totals, prison systems account for an average of 7.2 percent of state general funds.<sup>16</sup>

"Prison spending has skyrocketed over the past quarter-century," says Adam Gelb, director of Pew's Public Safety Performance Project. "While there's no question that increased incarceration has contributed to the drop in crime, the research shows we have passed the point of diminishing returns, where more

Amid the states' budget crises, the debate has taken on new urgency. In New Hampshire, a 2010 "justice reinvestment" law limits sentences for nonviolent crimes to no more than 20 percent above the minimum requirement.<sup>17</sup>

And even before the budget crisis, the Kansas legislature passed a law in 2007 designed to cut recidivism, with provisions that reduce prison sentences for good behavior and expand parole and probation programs. As a result, the prison population remained virtually flat instead of increasing by a projected 700 inmates. (Budget cuts to programs designed to help ex-prisoners reintegrate into society have pushed recidivism back up, writes Joan Petersilia, co-director of the Stanford University Criminal Justice Center.)<sup>18</sup>

But not everyone agrees that violence should be the sole criterion to determine whether an offender is sent to prison or gets probation.

Moreover, the proliferation of drug courts — 2,038 as of July 2009, the most recent figure available — and similar programs for the mentally ill (about 175 courts nationwide) and veterans (about 50) has expanded the options to jail or prison.<sup>19</sup>

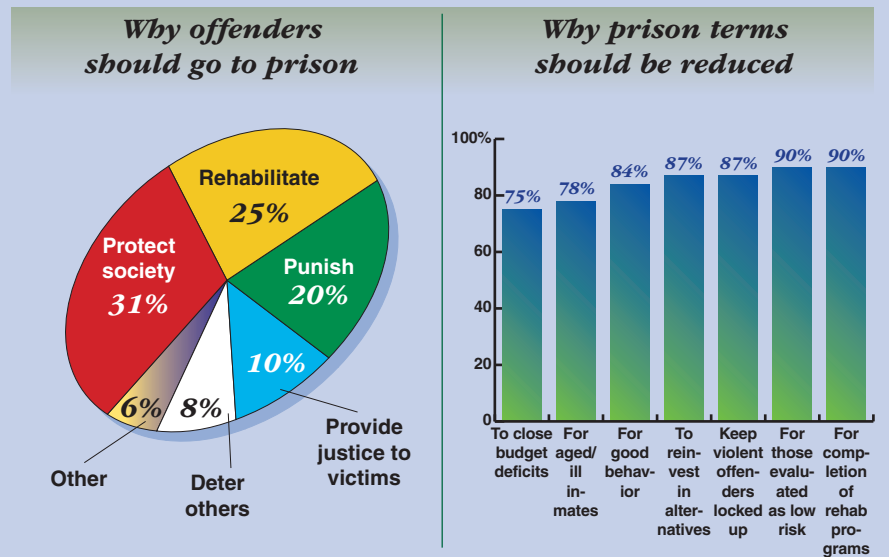
These alternative programs have tended to make state prison inmates precisely the sorts of dangerous offenders for whom prison was designed, some prosecution-oriented advocates argue.

Scheidegger of the Criminal Justice Legal Foundation argues that statistics on the offenses for which state inmates were imprisoned may be misleading. An offender may have physically harmed someone in committing a drug crime, for instance, but be sentenced on the drug offense alone after a deal with prosecutors, he says.

"Ninety percent of prisoners go in under plea bargains," says Scheidegger. "Those who did not have a violent offense as the offense of commitment are not necessarily nonviolent. Dropping the

## Views Vary on Incarceration

*An overwhelming majority of Americans support reduced prison time for inmates who, for example, are ill or have been evaluated as low risks to society. Using prison expenditures to reduce government deficits also has strong backing. Nearly a third believe the primary reason to send offenders to prison is to protect society, while 20 percent regard punishment as the main reason.*



Source: "National Research of Public Attitudes on Crime and Punishment," *Public Opinion Strategies*, September 2010; Bill McInturff, et al., "Key findings from a national survey of 1,200 registered voters conducted March 7-14, 2010," *Pew Center on the States*, March 2010

strongest charge is usually part of a plea bargain." And nonviolent offenders may be incarcerated because they have a record of violence, he says.

But Indiana public defender Landis says that in his experience, plea bargains haven't followed the pattern Scheidegger laid out. "We don't break down too many crimes that are violent to a nonviolent offense," says Landis. A plea bargain might, for instance, lower a charge of rape with serious bodily injury to rape plain and simple, he says. But rape by definition is a violent act. "You would never," he says, "call that pleading out to a nonviolent crime."

An offender's record of past offenses inevitably influences the sentencing process, Landis acknowledges. But "you ought to do the time for the

crime," he says, referring to a defendant's current case, "not for the crime you already did the time for."

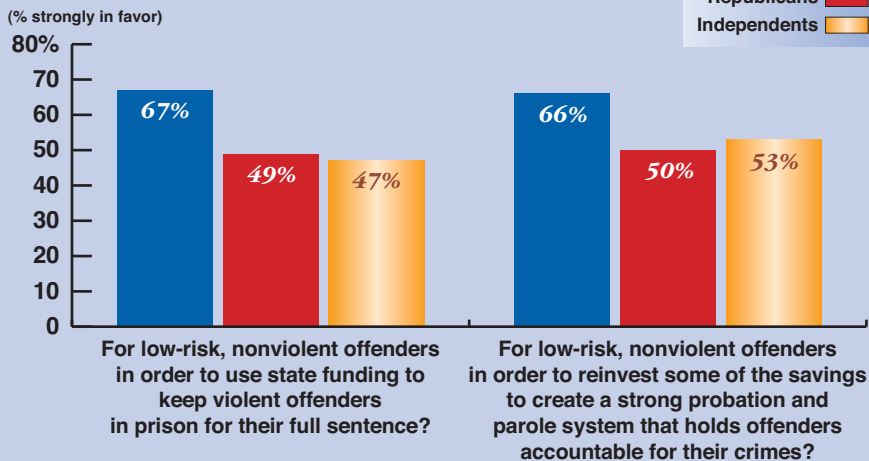
While the philosophical argument about who belongs behind bars is complex, an even more complicated question is whether defendants whose crimes indisputably didn't involve violence should be sent to prison.

In Missouri, Supreme Court Chief Justice William Ray Price Jr. has declared that his state imprisons too many nonviolent offenders. But Stanley Cox, Missouri House Judiciary Committee chairman, disagrees. "There is a class of lawbreakers who by their own intention and design have become such a threat — not a violent threat, but a threat — to society that it is better to incarcerate them," says Cox.

## Prison Downsizing Gets Bipartisan Support

*Two-thirds of Democrats and half of Republicans strongly favor reducing prison time for low-risk, nonviolent offenders so states can use the savings to keep violent criminals behind bars and make probation and parole systems work better.*

### Should prison time be reduced . . .



Source: Bill McInturff, et al., “Key findings from a national survey of 1,200 registered voters conducted March 7-14, 2010,” Pew Center on the States, March 2010

Cox, a Sedalia Republican and former state prosecutor, adds, “It is false to believe that prisons, certainly in this state, are filled with people who end up there because they committed one nonviolent offense. That is absolutely not true. The people who fill our prisons, including these nonviolent offenders, are people who just never took the breaks they were offered. They offended, were placed on probation, and re-offended multiple times.”

But Philadelphia District Attorney R. Seth Williams told the Commerce, Justice, Science and Related Agencies Subcommittee on Feb. 11 that “people who commit the most crimes over and over are people who commit low-level property crimes. We don’t need to send so many people who are nonviolent — through mandatory sentences — to prison.”

Williams also argued that high levels of recidivism by nonviolent offenders show evidence of system fail-

ure as much as individual shortcomings. “Where did society fail that person?” he asked. “What can we do to teach that person to be a barber or a cobbler or an auto mechanic or some real job?” Once they’re trained, he said, “We won’t see them again.”

### Can diversion programs substitute for imprisonment?

The idea that prison can do more harm than good to some offenders isn’t new. The first innovative alternative to imprisonment for one category of low-level offenders was launched in 1989, even as get-tough laws were filling prisons nationwide: Miami-Dade County’s drug court.<sup>20</sup>

The popularity of the idea among prosecutors and judges as well as defense lawyers seemed to show a growing consensus that imprisonment wasn’t suitable — or cost-effective — for low-level drug crimes.

“We know that drug courts are central to reducing drug abuse and to keeping communities safe,” Assistant Attorney General Laurie O. Robinson of the U.S. Justice Department’s Office of Justice Programs said last year in announcing more than \$75 million in grants to drug courts. “Our National Institute of Justice recently released preliminary findings from its five-year, multisite evaluation of adult drug courts. The early analysis shows that after six months, and again after 18 months, drug-court participants reported less drug-related and criminal activity.”<sup>21</sup>

Nevertheless, even as drug courts spread nationwide, state prison and jail populations continued — until 2009 — to grow.

Now, pretrial diversion programs that follow the drug-court template are attracting new attention. The focus in some states is on whether eligibility standards should be expanded.

In Arizona, for example, only people charged with crimes not classified as “dangerous” — that is, those not charged with felonies — are eligible. “Our suggestion is simply to open up availability of those programs — for example, to get rid of the bar that anyone who has a previous felony conviction can’t be a part of that program,” Arizona State University law professor Carissa Byrne Hessick said during a February debate on sentencing-law recommendations made by students under her direction. The group calculated that expanding eligibility would reduce recidivism by 20 percent.<sup>22</sup>

Under present law, Hessick said, “if 20 years ago you were convicted of a Class 6 felony” — the lowest-ranking felony crime in Arizona — “and you live a completely law-abiding life, and you have a subsequent minor felony conviction, a nonviolent property offense, you are not eligible for pretrial diversion,” she said. “That seems completely crazy. Lots of other jurisdictions are much more sensitive and nuanced



looking at the types of felonies people have committed and . . . the amount of time that's passed." <sup>23</sup>

But Montgomery, the Maricopa County prosecutor, responded that Arizona's prison inmates weren't suitable for diversion. "Even in the recommendations set forth" in the law school group's report, he said, "if you've been convicted of a violent offense, you probably aren't a candidate for diversion. If you committed repeat felonies, you probably aren't a candidate for diversion. I agree."

Montgomery cited data showing that only 5.8 percent of Arizona state prisoners could be classified as non-violent first offenders. "Sixty-two percent of those are drug traffickers," he said. "What kind of treatment are you going to give a drug trafficker? The kind of treatment they're getting right now. You bring drugs into Arizona, which is the main thoroughfare for drugs into the United States, you're going to go to prison."

Gelb, of Pew's public-safety project, argues that technological advances and better data on supervision programs make alternatives to prison — as well as parole — more effective and safer for the public. "Programs can include day-reporting centers, where you have to be somewhere under correctional supervision or the authorities know where you are and what you've been up to," he says. And rapid-result tests immediately show whether a program participant has taken drugs.

Diversion also enables offenders to make victim-restitution payments and meet their family responsibilities. "If you want victims to be restored, and to ensure that child-support payments are made, people should be out in the community working, rather than incapacitated," Gelb says.

Scheidegger argues, though, that diversion programs have been oversold. "Sometimes, when used with great caution," they can serve their purpose, he says. "Often not. When

people talk about treatment instead of incarceration, they often fail to understand that the hammer of incarceration may be necessary to keep the person in treatment."

Drug courts have been effective, Scheidegger acknowledges, but not as effective as some claim. (A report by the Sentencing Project, an advocacy and research organization that favors alternatives to incarceration, cautioned that data on drug-court results are mixed.) <sup>24</sup> "There are a lot of loose claims about effectiveness," Scheidegger says. "We need to be careful and have rigorous evaluation of whether programs work or not." ■

## BACKGROUND

### Rising Crime

In the postwar 1950s, the nation's crime rate stayed basically flat, and the biggest worries for police and prosecutors centered not on drug trafficking or adult violence but on juvenile crime. <sup>25</sup> But that began to change in the 1960s.

From 1960 onward, violent-crime began a virtually unbroken 30-year climb, according to the FBI's Uniform Crime Reports (UCR). In 1962, the violent-crime rate stood at 162.3 per 100,000 people. By 1992, it had risen more than fourfold to 757.7 per 100,000. <sup>26</sup>

That three-decade trend included a dramatic phase in which the rate doubled from 200.2 per 100,000 to 401 per 100,000 over only seven years, 1965-1972. <sup>27</sup>

"In 1963, the first wave of the postwar Baby Boom generation reached the age of seventeen, which meant that the oldest Boomers were entering their prime crime-committing years," wrote Mark A. R. Kleiman, an influential professor of public policy at the

UCLA School of Public Affairs. "Age-specific crime rates soared, perhaps because the sheer size of the Boomer generation made it less responsive to its elders. . . . Rising crime rates, like the unholy trinity of sex, drugs, and rock-'n'-roll, partly reflected the greater rebelliousness enabled by the Boomers' greater numbers" <sup>28</sup>

But other experts have argued that growing disrespect for government authority, a breakdown in parental control and growing drug use don't definitively explain the crime surge. <sup>29</sup>

Long-term studies — what social scientists call "longitudinal" research — face a basic obstacle when it comes to crime, wrote sociologist and crime expert Gary LaFree, then a University of New Mexico professor, now director of the Homeland Security Department's National Consortium for the Study of Terrorism and Responses to Terrorism at the University of Maryland.

"It is seldom possible to gather more than 50 years' worth of annual data," he wrote. "UCR [Uniform Crime Reports] data extend back to 1930 but are less complete before 1960 and are extremely incomplete before World War II. . . . How would our conclusions about crime trends differ if we had a usable crime series that extended back 100 years?" <sup>30</sup>

Since the late 1970s, some crime experts, led by Mark Fishman, a Brooklyn College sociology professor, have argued that growing media attention to crime effectively encouraged police to act more aggressively — consequently generating higher arrest numbers, which in turn fed the perception of rising crime. "Expressions of popular outrage about crime are more closely related to shifts in the quantity and tone of crime-related media and political discourse about crime than to the volume of crime in society," sociology professors Katherine Beckett of the University of Washington and Theodore Sasson of Middlebury College wrote in 2004. <sup>31</sup>

## Law and Order

However accurate that analysis may be, there's no question that media and politicians by the late 1960s were focusing on crime as never before. In 1966, *U.S. News & World Report*, then a politically conservative weekly, published a chart of crime in cities: "Five Serious Crimes Every Minute Now . . . A murder every hour . . . a rape every 23 minutes . . . a burglary every 27 seconds . . . a car stolen every minute." An FBI official drove home what seemed to have been the feature's main point: "Too much foolish sentimentalism on the part of judges, probation officers, and others is bringing injurious results."<sup>32</sup>

The term that summed up that view was "law and order." In the context of the times, it was often viewed as directed squarely at urban blacks and an increasingly rebellious generation of college youth.

By the late '60s, massive antiwar demonstrations included confrontation-minded protesters. Police were growing more confrontational themselves. An infamous clash took place at the Democratic presidential convention in Chicago in 1968, when demonstrators who flooded into the city were greeted by aggressive police. Five days of angry demonstrations followed, with tear-gas attacks and charges by baton-

wielding police, resisted violently by some protesters.<sup>33</sup>

Meanwhile, intensifying mutual hostility between police and residents of black inner-city neighborhoods across the country exploded in dozens of major clashes throughout the late 1960s. The first nine months of 1967 saw 164 disturbances, eight of them major. A Senate subcommittee that studied 75 outbreaks in 1967 counted 83 deaths, more than 80 percent of them in Newark, N.J., and Detroit. And in



AFP/Getty Images/Pool

*A chilling sign on the wall in a crowded dormitory at California's Chino State Prison bluntly warns inmates about the response they face if a riot occurs. Built for 85,000 inmates, California prisons held 147,000 inmates late last year. Earlier in 2010 the population peaked at about 170,000.*

1966, the subcommittee counted 21 clashes.<sup>34</sup>

Conservative politicians expressed outrage. "Who is responsible for the breakdown of law and order in this country?" former Vice President Richard M. Nixon asked in a 1966 guest editorial in *U.S. News*, as he was gearing up for his 1968 presidential cam-

paign. Answering his own question, he pointed to then-U.S. Sen. Robert F. Kennedy, D-N.Y., for having said "there is no point in telling Negroes to obey the law." But Kennedy had made the remark in the context of arguing that the law "has almost always been used against" inner-city residents. Nixon also cited academics who encouraged civil disobedience to oppose segregation.<sup>35</sup>

By 1968, when Nixon was actively campaigning, he made a major issue of crime in general. If the rate of major crimes maintained its current course, he wrote, the numbers of rapes, robberies and other crimes would double by the end of 1972.<sup>36</sup>

Nixon's insistence that crime grew out of a breakdown of social order helped him win the White House. On the other burning issue of the day — the Vietnam War — voters didn't see much difference between him and his Democratic opponent, Vice President Hubert Humphrey, historian Michael W. Flamm of Ohio Wesleyan University wrote. "By contrast," he added, "they saw a significant difference between the candidates on law and order — and by a decisive

margin favored the conservative position."<sup>37</sup>

## Filling the Prisons

Nevertheless, crime continued to rise after Nixon's election.<sup>38</sup>

*Continued on p. 229*

# Chronology

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## **1960s** *Rising crime rates become a political issue*

**1962**

Violent-crime rate stands at 162 per 100,000 people, a rate that will rise steadily for the next three decades.

**1963**

First post-World War II baby boomers (those born in 1946) reach age 17, beginning phase of life when risk of criminal activity is highest.

**1968**

Conservative politicians call major disturbances in black inner-city neighborhoods and antiwar protests around the country a breakdown of law and order. . . . Richard M. Nixon makes crime a major issue during presidential campaign.

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## **1980s-1990s**

*Responding partly to crack-cocaine epidemic, politicians toughen sentencing laws.*

**1980**

Parole violations account for 17 percent of prison admissions.

**1986**

Congress mandates far heavier sentences for crack-cocaine offenses than crimes involving powder cocaine.

**1989**

As crack boom fuels crime in cities, *Los Angeles Times* names Washington nation's "murder capital."

**1990**

Rate of imprisonment for drug offenses rises five-fold to 10 per 100 arrests, up from two in 1980.

**1992**

Violent crime rate stands at 758 per 100,000 people.

**1996**

Drug arrests increase to 700 per 100,000 adults, up from 300 in 1980.

**1997**

More than one-fifth of prisoners about to be released have served five years or longer, compared with 13 percent in 1991.

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## **2000s** *Prison populations continue to rise as crime rates fall, provoking new debate over sentencing and parole policies.*

**2000**

Parole violations account for 35 percent of incoming prisoners. . . . President Bill Clinton pardons or commutes sentences of 21 individuals serving mandatory minimum sentences for drug convictions.

**2001**

Imprisonment rate for drug offenses rises more than 930 percent since 1980; but in same period incarceration rate for robbery increases 66 percent, murder 201 percent and sexual assault 361 percent.

**2003**

U.S. Supreme Court Justice Anthony M. Kennedy criticizes mandatory-minimum sentences. . . . State and federal prison population stands at 1.4 million, up from 200,000 three decades earlier.

**2006**

Over past two years, 22 states have changed sentencing laws and policies, in many cases to send low-level drug offenders to treatment programs or other prison alternatives.

**2007**

Texas, known for tough crime and sentencing laws, expands prison alternatives in effort to lower inmate population. . . . U.S. Supreme Court effectively frees federal judges from adhering to sentencing guidelines, a decision affecting many drug cases.

**2010**

Panel of federal judges orders California to release an estimated 34,000 prisoners (by prohibiting prison system from holding a population exceeding 137.5 percent of prisons' design capacity) on grounds that severe overcrowding poses health risk. . . . U.S. Supreme Court holds hearing on California's appeal of order. . . . California prison population is 147,000 though built for capacity of 85,000. . . . Gov. Arnold Schwarzenegger proposes using prison funds for higher-education system.

**2011**

*January* — Indiana Republican legislator proposes plan to overhaul state's criminal-sentencing system and reduce prison population . . . plan endorsed by Republican Gov. Mitch Daniels but opposed in part by state prosecutors who criticized sentencing-law provisions in it. . . . Prominent Republican Newt Gingrich and prisoner-rehabilitation activist Pat Nolan announce "Right on Crime," campaign by political conservatives to expand alternatives to prison.

*February* — Gov. Rick Scott, R-Fla., proposes firing prison employees in effort to balance state budget. . . . Rep. Frank Wolf, R-Va., vows to press state governors to consider overhauling prison and sentencing policies.

*April-June* — Supreme Court decision expected in California case on whether federal judges can order inmates released from overcrowded prisons.

## Conservatives Seek to Put Fewer in Prison

*“Privately, many Republicans have felt for years that we’ve gone overboard.”*

When conservative Republicans start arguing that the United States locks up too many offenders, it seems fair to conclude that the national debate over crime and punishment has entered a new phase.

Newt Gingrich, a former House speaker who helped mastermind the 1994 Republican takeover of Congress and now seems poised for a presidential run, is working with other conservatives to promote a new campaign called Right on Crime.<sup>1</sup>

The Web-based effort puts a conservative spin on arguments that have been circulating for years among liberal critics of the criminal-justice system’s emphasis on imprisonment. “There is an urgent need to address the astronomical growth in the prison population, with its huge costs in dollars and lost human potential,” Gingrich said in a *Washington Post* op-ed column he wrote with Pat Nolan, vice president of the Prison Fellowship, a Christian ministry that aids prisoners.

“We spent \$68 billion in 2010 on corrections — 300 percent more than 25 years ago. The prison population is growing 13 times faster than the general population. These facts should trouble every American.”<sup>2</sup>

The Right on Crime campaign operates as a unit of the Center for Effective Justice of the Texas Public Policy Foundation, a conservative think tank and advocacy organization in Austin. Marc Levin, the center’s director, lobbies for measures that provide alternatives to prison in Texas and elsewhere. Among his clients: the American Legislative Exchange Council, a network of conservative state lawmakers.

“States do need to look at sentencing reform and look at strengthening parole/probation systems,” Levin says. “It’s not necessarily bad for people to be in prison if they’re murderers or rapists. But we’ve got nearly 20,000 in for drug possession [in Texas]. We’ve identified over 5,000 that don’t have prior felony convictions.”

Gingrich and Nolan call Right on Crime a “seismic shift in the legislative landscape.”<sup>3</sup> Whether that’s an exaggeration or not, there’s no question that Right on Crime has rallied a group

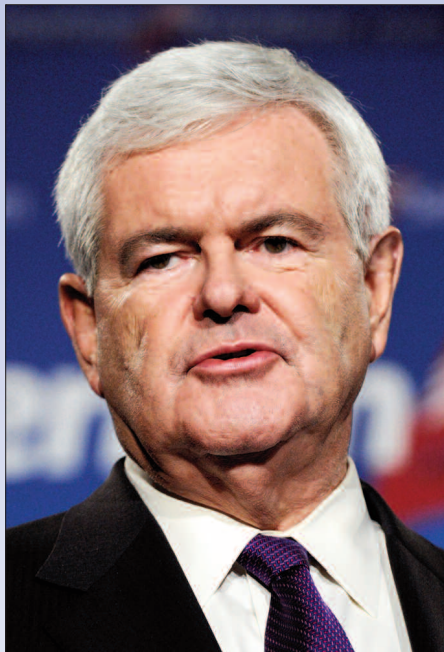
of well-known Republicans with no history of sympathy for people put behind bars.

They include former Attorney General Edwin Meese III, who served in the Reagan administration; William J. Bennett, who served as drug czar under President George H. W. Bush; Asa Hutchinson, U.S. Drug Enforcement Administration chief under President George W. Bush; Richard Viguerie, a veteran conservative Republican campaign strategist; David Keene, former longtime chairman of the American Conservative Union, and others.<sup>4</sup>

The campaign doesn’t speak for everyone on the conservative and law-enforcement side of arguments over crime policy. At a February debate at Arizona State University law school, Bill Montgomery, prosecutor in the Phoenix region’s Maricopa County, rejected the thesis presented in the Gingrich-Nolan column. “When we talk about reform, let’s talk about areas where we need to increase sentences,” Montgomery said.<sup>5</sup>

But the Prison Fellowship’s Nolan, who has been lobbying his fellow conservatives on crime policy for years, says the Right on Crime campaign does reflect a growing sentiment on that side of the political divide. “Privately, many Republicans have felt for years that we’ve gone overboard” on criminal sentencing, he says. “But they felt like lonely sentinels. Right on Crime lets them see they’re not alone and also gives cover to Democrats, who’ve been accused of being soft on crime.”

— Peter Katel



Getty Images/Ethan Miller

*Former House Speaker Newt Gingrich launched the Right on Crime campaign to seek alternatives to imprisonment.*

<sup>1</sup> Katarzyna Klimasinska, “Newt Gingrich to decide this month on 2012 presidential bid,” Bloomberg News, *The Washington Post*, Feb. 13, 2011, [www.washingtonpost.com/wp-dyn/content/article/2011/02/13/AR2011021301456.html](http://www.washingtonpost.com/wp-dyn/content/article/2011/02/13/AR2011021301456.html); “Right on Crime,” [rightoncrime.com](http://rightoncrime.com).

<sup>2</sup> Newt Gingrich and Pat Nolan, “Prison reform: A smart way for states to save money and lives,” *The Washington Post*, Jan. 7, 2011, [www.washingtonpost.com/wp-dyn/content/article/2011/01/06/AR2011010604386.html](http://www.washingtonpost.com/wp-dyn/content/article/2011/01/06/AR2011010604386.html).

<sup>3</sup> *Ibid.*

<sup>4</sup> “Statement of Principles,” Right on Crime, undated, [www.rightoncrime.com/the-conservative-case-for-reform/statement-of-principles/](http://www.rightoncrime.com/the-conservative-case-for-reform/statement-of-principles/).

<sup>5</sup> “Sentencing Reform Debate: Feb. 14, 2011,” Arizona State University, Sandra Day O’Connor College of Law, [http://online.law.asu.edu/Events/2011/Sentencing\\_Reform\\_Debate/](http://online.law.asu.edu/Events/2011/Sentencing_Reform_Debate/).

Continued from p. 226

Federal and state lawmakers began enacting tougher sentencing laws, and prison populations began to soar. In 1973, the state and federal prison population stood at about 200,000. Thirty years later, in 2003, the number of people behind bars (excluding jail inmates) had grown more than sevenfold to 1.4 million.<sup>39</sup>

What drove the surge? Jeremy Travis, president of the John Jay College of Criminal Justice, showed that one trend stood out: The imprisonment rate for drug offenses soared by more than 930 percent between 1980 and 2001.<sup>40</sup>

By comparison, the incarceration rate for robbery increased 66 percent; murder, 201 percent; and sexual assault, 361 percent.<sup>41</sup>

At the simplest level, more people were imprisoned for drugs because more people were arrested for drugs. Arrests increased from 300 per 100,000 adults in 1980 to 700 per 100,000 in 1996.<sup>42</sup>

That period included the peak years of the crack cocaine craze. It hit numerous U.S. cities beginning in the mid-1980s, provoking a wave of violence among dealers and users of the cheap, potent and addictive form of cocaine. Many of both were black, a function of the product's low price and the relative ease of setting up street-sale operations in inner cities. In 1989, Washington became the national "murder capital," the *Los Angeles Times* reported, with a homicide rate that had more doubled in less than 15 months.<sup>43</sup>

In Washington and elsewhere, prosecutors and judges hit back. People arrested for drug crimes were imprisoned at a far greater rate than before. In 1980, for every 100 drug arrests, two people had gone to prison for drug crimes. By 1990, the rate had risen fivefold, to 10 incarcerations per 100 drug

But the crack boom began tapering off in 1989.<sup>47</sup> What's more, it wasn't the sole cause of the imprisonment surge. Criminologists Alfred Blumstein, at Carnegie Mellon University, and Allen J. Beck, at the Justice Department's Bureau of Justice Statistics, concluded that only 22 per-



*Judge Jack Burchard congratulates a graduate of the drug-court program in Okanogan County, Wash. The program offers felony drug and alcohol offenders a chance for rehabilitation through a rigorous, year-and-a-half-long program.*

AP Photo/The Wenatchee World/Don Seabrook

cent of the 1990-1996 growth in imprisonment came from increased crime. "The criminal justice system had simply become much more punitive, sending a higher percentage of people to prison relative to the number of arrests made by police," Travis wrote.<sup>48</sup>

And once they entered prison, they stayed there longer. In 1997, according to another study Travis cited, 21 percent of prisoners about to be released reported having served five years or longer — nearly double the 13 percent who had served five

years-plus in 1991.<sup>49</sup>

A major increase in parole revocations also fueled the prison boom. In 1980, parole violators accounted for 17 percent of prison admissions. By 2000, 35 percent of incoming prisoners had been returned to prison for violating parole conditions.<sup>50</sup>

## **Pendulum Swings Back**

As the 21st century got under way, at least some of the trends that had driven up imprisonment seemed to be reversing. Crime rates were falling, the crack boom had faded and the financial and social costs of large-scale imprisonment were attracting critical attention. And questions of racial imbalances in the

# Hawaii Seeks to Keep Probationers From Returning to Prison

*“We should be sending . . . the people we are afraid of or won’t stop stealing.”*

Officials in Hawaii are trying to keep felony offenders from violating their parole and returning to prison. Project HOPE (Hawaii’s Opportunity Probation with Enforcement) was conceived by state trial judge Steven Alm, a former career prosecutor who served a term as U.S. attorney.<sup>1</sup> Alm’s law-enforcement experience made him skeptical about the value of prison for drug and property offenders.

“You don’t want to send a 20-year-old who’s driving a stolen car and has a little dope on him when he’s caught to prison,” he told *The Atlantic* magazine. “He’s not going to come out better. I belong to the school of judge-thought that says we should be sending to prison the people we are afraid of, or who won’t stop stealing.”<sup>2</sup>

But when he took his new post in 2004, Alm found himself facing a mountain of probation-officer reports about felony offenders who kept using illegal drugs — especially methamphetamine. They continued their drug use despite risking being sent to prison to serve their full terms — as much as 10 years.

In reality, the risk was slight. Under the way Hawaii’s probation system actually worked, probation officers, overloaded with cases, recommended prison only for probationers who had committed a long string of violations.

Alm reasoned that that system was a recipe for failure. Probationers had little reason to reorder their lives, and those with unmanageable drug habits weren’t going to benefit from imprisonment. Instead, he devised a system in which pro-

bationers who were admitted to his experimental program had to report daily to learn if they’d be drug-tested that same day.

If they failed, they were sent immediately to jail for two days. That sanction fulfilled the terms of a talk that Alm gave to each participant: “Every time you miss a meeting with your probation officer, every time you test dirty, every time you don’t show up for treatment, there’s going to be a sanction: You’re going to spend some time in jail, right away. You’ll be arrested on the spot. If you don’t come in, a police officer will come to get you, and the sanction will be tougher.”<sup>3</sup>

In effect, wrote Mark A.R. Kleiman, a professor at the UCLA School of Public Policy, Alm was putting into practice a thesis that holds that “swift and certain punishment” outweighs severe punishment. “Severity is incompatible with swiftness and certainty,” Kleiman wrote. “The more severe a sentence is the more reluctantly it will be imposed and the more ‘due process’ — and therefore more time — it will require.”<sup>4</sup>

A Justice Department-funded evaluation of Alm’s brainchild found that 13 percent of HOPE participants tested positive for drugs, compared with 46 percent of participants in a conventional probation arrangement. The arrest rate for new crimes was 21 percent for HOPE participants and 47 percent for the control group. HOPE now manages about 1,500 probationers.<sup>5</sup>

Alm’s work, as well as articles in the *Wall Street Journal* and *The New York Times*, aroused considerable interest

prison population were getting renewed attention.<sup>51</sup>

In his final weeks in office in December 2000, President Bill Clinton used his executive authority to pardon or commute the sentences of 21 people serving lengthy “mandatory minimum” sentences for drug convictions. Seventeen of those pardons had been requested by Families Against Mandatory Minimums, a Washington-based advocacy group founded in 1991.<sup>52</sup>

Federal judges had been criticizing mandatory minimum sentences, especially in drug cases, since the 1990s. “I think you’d have a hard time finding any judge who supports them,” David A. Sellers, spokesman for the Judicial Conference of the United States, the policymaking body for federal judges, said in 1991.<sup>53</sup>

Judges kept up the pressure in the first decade of the new century. One of them sat, and still sits, on the highest court in the land. “In too many cases, mandatory minimum sentences are unwise and unjust,” U.S. Supreme Court Justice Anthony M. Kennedy told the American Bar Association in 2003.<sup>54</sup>

In 2004, ruling in a widely reported case, Judge Paul G. Cassell, a conservative jurist on the U.S. District Court in Utah, wrote that the 55-year sentence he’d been required by law to impose on a low-level marijuana dealer who had carried a firearm, but didn’t brandish or fire it, was “simply irrational.”<sup>55</sup>

By 2007, a noticeable shift was occurring. The U.S. Supreme Court effectively freed judges from sentencing guide-

lines that required longer sentences in crack cocaine cases than in powdered cocaine cases. Mandatory minimum sentences remained in effect, but the guidelines — which focused on the facts of a case, such as the quantities of drugs that a defendant sold — didn’t bind judges, the court ruled.<sup>56</sup>

The U.S. Sentencing Commission then decided that federal prisoners could request sentence reductions if they had been convicted under the toughened drug laws of the 1980s — including the crack-versus-powder differential.<sup>57</sup>

Moreover, at least 22 states enacted sentencing changes between 2004 and 2006, including diversion of low-level drug offenders to treatment programs and other prison alternatives. Some of the states also softened mandatory

among experts looking for ways to cut prison populations without appearing to coddle lawbreakers.<sup>6</sup> A congressional bill last year to encourage other states to test HOPE-style programs was never enacted.<sup>7</sup> But HOPE remains on the radar.

Jeffrey Rosen, a George Washington University law professor and influential writer on legal affairs, cites an estimate by Todd Clear, now dean of Rutgers University's School of Criminal Justice, that not sending probationers and parolees to prison for technical violations — along with backing off of harsh sentencing practices implemented in the 1980s and '90s — could reduce the national prison population by 50 percent.<sup>8</sup> About 5 million adults are on probation or parole nationwide.<sup>9</sup>

Even if Clear's estimate is overly optimistic, experts argue that Alm has made a valuable contribution by introducing a kind of humane common sense to the probation system. His talk to project participants ends on a simple but evidently effective note: "You are a grown-up, and it's time for you to take responsibility for your own actions. I hope I don't have to see you again. Good luck."<sup>10</sup>



Judge Steven Alm, a former prosecutor in Hawaii, launched Project Hope to help keep drug offenders from returning to prison.

ty for your own actions. I hope I don't have to see you again. Good luck."<sup>10</sup>

— Peter Katel

<sup>1</sup> The details of the program are described by Mark A.R. Kleiman, *When Brute Force Fails: How to Have Less Crime and Less Punishment* (2009), pp. 34-40; and Graeme Wood, "Prison Without Walls," *The Atlantic*, September 2010, [www.theatlantic.com/magazine/archive/2010/09/prison-without-walls/8195/](http://www.theatlantic.com/magazine/archive/2010/09/prison-without-walls/8195/).

<sup>2</sup> Quoted in Wood, *ibid.*

<sup>3</sup> Quoted in Kleiman, *op. cit.*, pp. 38-39.

<sup>4</sup> *Ibid.*, p. 3.

<sup>5</sup> Angela Hawken and Mark Kleiman, "Managing Drug Involved Probationers With Swift and Certain Sanctions: Evaluating Hawaii's HOPE," National Institute of Justice, Dec. 2, 2009, p. 64, [www.ncjrs.gov/pdffiles1/nij/grants/229023.pdf](http://www.ncjrs.gov/pdffiles1/nij/grants/229023.pdf).

<sup>6</sup> Mark Schoofs, "Scared Straight . . . by Probation," *The Wall Street Journal*, July 24, 2008, [www.state.hi.us/jud/pdf/WSJ%20HOPE%20article.pdf](http://www.state.hi.us/jud/pdf/WSJ%20HOPE%20article.pdf); Jeffrey Rosen, "Prisoners of Parole," *The New York Times*, Jan. 8, 2010, [www.nytimes.com/2010/01/10/magazine/10prisons-t.html?\\_r=1&page-wanted=all](http://www.nytimes.com/2010/01/10/magazine/10prisons-t.html?_r=1&page-wanted=all).

<sup>7</sup> H.R. 4055, 111th Congress, [govtrack.us/congress/bill.xpd?bill=h111-4055](http://govtrack.us/congress/bill.xpd?bill=h111-4055).

<sup>8</sup> Rosen, *op. cit.*

<sup>9</sup> Lauren E. Glaze, "Correctional Populations in the United States, 2009," Bureau of Justice Statistics, December 2010, p. 2, <http://bjs.ojp.usdoj.gov/content/pub/pdf/cpus09.pdf>.

<sup>10</sup> Kleiman, *op. cit.*, p. 39.

Studio 3 Photographics

minimum-sentencing laws. The Sentencing Project reported a "newly emerging bipartisan movement for change occasioned by a renewed focus on evidence-based policies and concern about fiscal realities."<sup>58</sup> ■

## CURRENT SITUATION

### Releasing Inmates

State officials and criminal-justice professionals across the country are

awaiting a U.S. Supreme Court decision this spring or early summer on whether federal judges can order inmates released from prisons that are so overcrowded they endanger the health of everyone within their walls.<sup>59</sup>

California prisons, which were built to hold 85,000 inmates, were holding about 147,000 late last year, down from a peak of about 170,000 — or 200 percent of capacity — earlier in 2010, a lawyer for the state told the high court Nov. 30.<sup>60</sup>

At the hearing, Justice Stephen G. Breyer cited a legal brief that reported horrific conditions spawned by overcrowding: prisoners "found hanged to death in holding tanks where observation windows are obscured with smeared feces, and dis-

covered catatonic in pools of their own urine after spending nights locked in small cages."<sup>61</sup>

But Justice Samuel A. Alito Jr. worried aloud about ordinary citizens if his fellow justices authorized release of tens of thousands of prisoners. Alito wasn't reassured when a lawyer representing prisoners forecast recidivism among released inmates of no more than 17 percent — in contrast to an overall state rate of 70 percent. "That means 3,000 are going to commit another crime," Alito said.<sup>62</sup>

Precisely how many prisoners might be released is uncertain. The issue came to the Supreme Court through a January 2010 decision by a panel of three federal judges. They ordered California to reduce the prison

# DOWNIZING PRISONS

population to 137.5 percent of capacity within 24 months. “Crowding is the primary cause of the constitutional inadequacies in the delivery of medical and mental health care to California inmates and . . . no relief other than a ‘prison release order’ . . . is capable of remedying these constitutional deficiencies,” the panel wrote.<sup>63</sup>

If the high court upheld that ruling in its entirety, an estimated 35,000 prisoners would be freed. But Justice Kennedy speculated that the Supreme Court could change the terms of release so that the population ceiling would be raised from 137.5 percent of capacity to 145 percent.

The state’s budget deficit, projected at \$2.5 billion this year, looms over the entire case. Chief Justice John G. Roberts Jr. told Donald Specter, the lawyer representing prisoners, that California officials were faced with losing authority to judges over how to manage state resources.

Specter responded, “The state has a choice. It can either incarcerate 140,000 prisoners in a system built for 80,000, or it can incarcerate . . . a lesser number. . . . The Constitution prevents the state from incarcerating somebody and then not providing them the basic medical care they need to . . . not die before their sentence is out.”<sup>64</sup>

## Legislative Wrangle

Debate over legislation to overhaul Indiana’s criminal-sentencing system shows that such proposals can

face tough sledding even with support from top political leaders.

Indiana’s legislation provides perhaps the clearest test of the political viability of prison downsizing proposals in tough-on-crime states. States such as Texas that have already carried out such changes are debating further ones. In other states, including Georgia, research is under way on how to reduce imprisonment. And in Florida, new Republican Gov. Rick Scott has devised his own approach — proposing to fire prison-system employees,



Getty Images/Scott Olson

*Inmates learn to weld at Illinois’ Sheridan Correction Center, which works to treat and rehabilitate men with felony alcohol and drug abuse-related offenses. State officials credit the program with reducing the recidivism rate of Sheridan inmates to 7.7 percent, versus nearly 69 percent for other Illinois inmates with similar offenses.*

cut pay to wardens, move as many as 1,500 prisoners to privately owned prisons, increase probation officers’ case-loads and use the estimated \$135 million in savings on programs designed to cut recidivism.<sup>65</sup>

The Indiana legislation would lower the number of people sent to prison, essentially by diverting nonviolent, smalltime drug and property-crime offenders to county jails and probation programs. In a “state of the state” speech to the legislature in January, Daniels said the legislation would ensure that “lawbreakers are incarcerated in a smarter way, one that match-

es their place of punishment to their true danger to society.”<sup>66</sup>

The result would be that the state could crack down harder on the “worst offenders” and save \$1 billion in prison system costs over the next several years, Daniels said. “Let’s seize this opportunity, without waiting,” he urged.<sup>67</sup>

The following month, Indiana Supreme Court Chief Justice Randall T. Shepard made his own pitch in his annual “state of the judiciary” speech. “Making sound decisions about which offenders must go to prison and which offenders may respond well to local alternatives,” he said, “makes all the difference for public safety, recidivism rates, employability of offenders and the dollars we spend on corrections.”<sup>68</sup>

But in February, prosecutors successfully pressed members of the state Senate’s Corrections, Criminal and Civil Matters Committee to add a provision that would effectively erase the projected cost savings. The provision would require prisoners convicted of serious, violent felonies to serve 85 percent of their sen-

tences — a change from present law that gives most inmates a chance to earn good-behavior credits that can cut sentences roughly in half.<sup>69</sup>

“Let’s spend some of those savings on keeping dangerous people in prison longer,” Steve Johnson, executive director of the Indiana Prosecuting Attorneys Council, told a reporter for *TribStar.com* of Terre Haute.<sup>70</sup>

The provision would seem consistent with Daniels’ vow that serious felons would be treated more harshly — but it would also gut the savings that have been a major selling point of the bill.

*Continued on p. 234*



# At Issue:

## *Can states afford to keep their prison spending at present levels?*



**KENT SCHEIDEGGER**  
*LEGAL DIRECTOR, CRIMINAL JUSTICE  
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WRITTEN FOR *CQ RESEARCHER*, MARCH 2011

“**n**ever waste a good crisis.” Recently, we have seen government financial difficulties being exploited to push through changes that would not have passed otherwise. In criminal justice, there is grave danger of a stampede that will make many ill-advised changes along with the few needed ones. It is already happening in California, and the price will be paid in the blood of innocent people.

We must not forget the past or condemn ourselves to repeat it. In the 1960s, American sentencing policy was greatly softened. We had boundless faith in experts who supposedly knew how to fix criminals. But when those much-touted rehabilitation programs were actually given close scientific scrutiny, none of them really worked. Crime rates soared. In the 1980s and '90s, we just locked up criminals to keep them off the street. Crime rates plunged. This is not a coincidence.

Today we are being asked again to believe the experts can fix criminals. We need not give up on rehabilitation, but we must demand proof, and we must subject the evidence to the closest scrutiny. There is an enormous amount of junk science afloat. For example, a 2005 study of studies of drug courts by the Government Accountability Office, the independent congressional watchdog group, found that less than a quarter of the evaluation studies met even minimal standards of methodological rigor.

Recent legislation in California shows what can happen when a financial crisis pushes a legislature to make major changes without due circumspection. The bill made some appropriate changes, but others are potentially disastrous. Time-off credits that inmates used to have to earn with work or good behavior are now awarded automatically, reducing the sentences of the hard-core incorrigibles the same as those actually trying to behave. We now have “non-revocable parole,” meaning parolees can do as they please. These ill-advised changes will have grave consequences.

Public safety is the primary function of state government, and corrections expenditures are only 3.4 percent of the states' total budgets. Recklessly freeing criminals is dereliction of government's primary duty and will not fix the budget problems.

We can and should re-examine sentencing policies and reduce excessive sentences, such as the notorious 100-to-1 ratio for crack versus powder cocaine. We need not and must not make rash reductions or accept on faith unproven alternatives. We should be especially wary of anyone claiming we would be “smart” to buy what they are selling. Every con man says that.



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WRITTEN FOR *CQ RESEARCHER*, MARCH 2011

**O**ne of government's few core responsibilities is public safety — protecting our rights to life and property and ensuring that liberty does not lead to license.

As conservatives, we rightly insist that government programs be evaluated on whether they produce the best possible results at the lowest possible cost. Corrections spending has become the second-fastest-growing area of state budgets — trailing only Medicaid. We must be tough on crime, but just as we hold offenders accountable for their actions, we must also hold the corrections system accountable for results.

Of course, prisons are crucial for incapacitating dangerous offenders and career criminals. However, they're not the best solution for every offender, particularly low-risk, nonviolent offenders who may harden while behind bars.

For example, a Maryland study found that nonviolent, low-level offenders who were sentenced to prison re-offended at a 22 percent higher rate than comparable offenders who entered an evidence-based probation supervision program. Similarly, research has demonstrated that drug courts enhance the public-safety return on our tax dollars by reducing substance abuse and related offending and increasing workforce participation.

Texas has proven that we can achieve a more cost-effective system that better protects citizens, restores victims and reforms wrongdoers. In January 2007, the state projected it would need another 17,000 prison beds, which would cost \$2 billion. However, a different path was taken.

Lawmakers heard from judges and prosecutors that alternatives were not available when needed. Long waiting lists meant offenders would be required to reside in county jails during the waiting period. As such, there was a powerful fiscal disincentive for local jurisdictions, which bear county jail costs, to wait for state-funded diversion program slots to open up. The incentives simply did not align with what is most cost-effective overall for taxpayers and public safety.

In lieu of new prisons, Texas lawmakers in 2007 adopted a \$241 million plan to strengthen probation and expand the capacity of alternative supervision and treatment programs. Today, Texas has 7,000 fewer inmates than the January 2007 state projection. This is partly because judges and prosecutors are choosing to redirect suitable offenders into the expanded alternatives and have greater confidence in probation, due to the increased state resources for smaller caseloads and closer supervision.

Most important, Texas has achieved a 10 percent crime reduction over the last several years and its lowest crime rate since 1973, proving both crime and incarceration can be reduced.

# DOWNIZING PRISONS

Continued from p. 232

“This I think smacks right in the face of everything we did this summer,” said one of the bill’s sponsors, Sen. Greg Taylor, D-Indianapolis.<sup>71</sup>

Indeed, prosecutors in January responded to Daniels’ call for change by opposing sentencing-law revisions at the heart of the bill. “There are all kinds of proposals on the table that reduce and reassign sentencing levels,” Shelby County prosecutor Kent Apsley said. “Some of them in my view are pretty extreme changes in the law and probably go too far.”<sup>72</sup>

Jane Jankowski, a spokeswoman for the governor, noted that the bill’s movement through the legislature has only begun. “This is just one step in the process,” she said.<sup>73</sup>

And Landis of the Indiana Public Defender Council noted that the bill still contains provisions for which he and his colleagues have been pushing. These would redefine theft of less than \$750 as

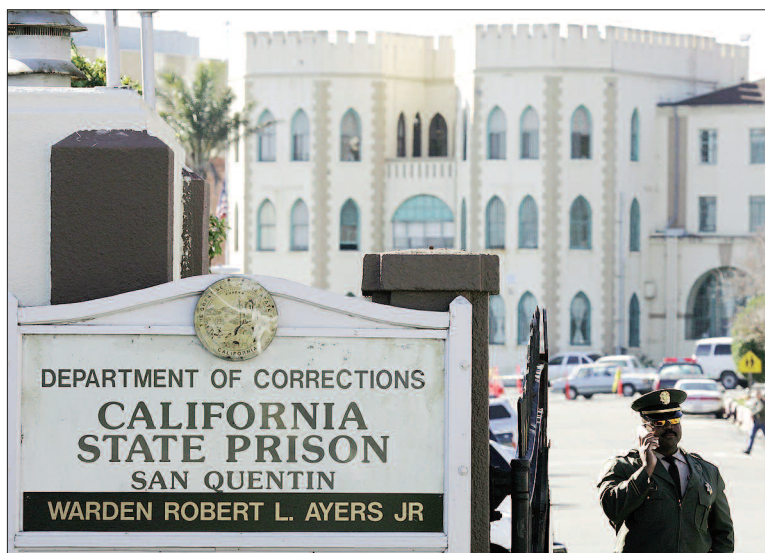
a misdemeanor instead of a felony and lower penalties for drug offenders convicted of selling small amounts of cocaine and methamphetamine.<sup>74</sup>

## Congressional Support

From his seat at the head of the powerful Commerce, Justice, Science and Related Agencies Subcommittee, Virginia Rep. Wolf is vowing to press the campaign to reorient crime and imprisonment policies across the country. At the Feb. 11 hearing, Wolf said he and the panel’s ranking

Democrat, Rep. Chaka Fattah, D-Pa., would write letters to all state governors and attorneys general outlining the potential financial and social benefits of reducing incarceration.

The point, Wolf said, is to “really do something rather than just talk about it.” He proposed making staff members from the Council of State Governments (CSG) and the Pew Charitable Trust’s Public Safety Performance Project available to governors interested in overhauling laws on imprisonment.



*Legendary San Quentin Prison overlooking San Francisco Bay was built for 3,082 men but has housed more than 5,000 inmates. In 2009 then-Gov. Arnold Schwarzenegger proposed selling the facility to help ease the state’s budget crisis.*

Getty Images/Justin Sullivan

In effect, the letters would extend a process of congressional encouragement that’s been under way for the past several years. In 2009, the subcommittee, then chaired by former Rep. Alan B. Mollohan, D-W.Va., held hearings on incarceration, recidivism and the obstacles faced by those who leave prison. The hearings led to a meeting on Capitol Hill in 2010 co-sponsored by CSG, Pew and the Justice Department’s Bureau of Justice Assistance. At the meeting, law enforcement officials and experts discussed ways to reduce imprisonment and cut recidivism.<sup>75</sup>

Nevertheless, despite the growing mountain of data on states’ criminal-justice policies, as well as changes already undertaken in some states, Wolf argued that interest in the topic is running ahead of action. “There’s been a lot of talk, and nothing really seems to make that much of a difference,” he said.

Wolf suggested that one reason could be confusion over the changes he advocates. “I want to make sure that people know we’re not talking about opening up the prison doors and allowing the dangerous people to get out.”

Former Virginia Attorney General Mark L. Earley, who appeared at the hearing as vice chairman of the Prison Fellowship, agreed that impression exists. “You’d be amazed at how often that’s the hurdle,” said Earley, a Republican. “When I testify before state legislators, that’s the hurdle I find I’m having to get over in the first 10 minutes.”

Even so, Earley said, “there is some political will” to re-examine prison policies. ■

## OUTLOOK

### Shifting Landscape

For one longtime advocate of sending fewer people to prison, the gradual overhauling of criminal-justice policies around the country gives hope of greater change.

“The changes being enacted now are mostly tinkering around the edges,” says Marc Mauer, executive director of the Sentencing Project. “In many states,

it involves moving people up for parole consideration by 60 or 90 days, or diverting some lower-level offenders to treatment rather than incarceration, but not confronting the sentencing and drug policies that have been driving up the prison population for several decades now.”

Nevertheless, Mauer says the climate clearly has shifted. “If you look at drug policy, there’s been a real change in thinking over the past decade, with a broad acceptance of treatment as an alternative to incarceration. And there’s a liberal-conservative consensus that you have to prepare people in prison better for their return to the community in order to reduce recidivism.”

Scheidegger of the Criminal Justice Legal Foundation, a veteran of crime-policy debates from a prosecution perspective, also sees the pendulum swinging. But, he says, “I don’t think we’ll go all the way back to where we were” in the 1960s. Back then, in his view, “sentencing went softer, and crime went up sharply — which is not entirely coincidental.”

Scheidegger sees the present shift from an imprisonment-oriented approach as likely to lose force as the budget crisis eases. “There are always financial problems, so that [cost] argument will always be made,” he says. “But as things improve and legislatures are not running scared to the extent they are now, we may get a better handle on the problem.”

But Nolan of the Prison Fellowship argues that the budget crisis could make more and more people skeptical of high-cost agencies such as prison systems — and prompt further demand for cuts in incarceration. Legislators and citizens are coming to realize, he says, that improving public safety doesn’t depend on sending an ever-increasing number of people to prison. “Some people say crimes drop where they’ve built more prisons,” he says, but he notes that New York, for one, has experienced a crime drop

even though the prison population has declined. It fell 2.8 percent between 2008 and 2009.<sup>76</sup>

“We want our people to live in safety, but we want their pocketbook as taxpayers protected,” Nolan says. In his legislative career, he says, “I was suspicious of every branch of government, but I turned a blind eye to [prisons].” That attitude, he suggests, is becoming less prevalent in statehouses.

But the Fraternal Order of Police’s Pasco argues that skepticism may be better directed at policies designed to release more prisoners on parole. “What you can’t lie about is the crime you committed, because you’ve been convicted,” he says. “But you can do lot of lying about what a good guy you are. Let 100,000 prisoners out, and see how many people get murdered.”

And moves to place more offenders on probation and parole coincide with budget cuts for police and other law-enforcement agencies, Pasco notes. The combination is a “recipe for disaster,” he says.

But Indiana public defender Landis argues that the budget crisis has obliged politicians to thoroughly re-examine what taxpayers are getting for prison spending. “The fiscal pressure is too great to continue with a mindless ‘lock ‘em up and throw away the key’ approach,” he says.

“The combination of the recession and cost issue,” Landis says, “has forced people to have an adult dialogue about punishment and to acknowledge that the law of diminishing returns does impact deterrence — you’re not buying any more deterrence if the sentence changes from five to 15 or 20 years.”

Thompson of the Council of State Governments’ Justice Center argues that the recession has strengthened the political alliance between conservatives and liberals that has been forming throughout the past decade. “We’ve got lightning in a bottle,” he says. “We’ve

got very conservative and liberal people coming together in this moment of crisis, saying, ‘We’ve got to do something different.’ ” ■

## Notes

<sup>1</sup> Robert Pear, “Governors Look for Means to Cope With Budgets,” *The New York Times*, Feb. 26, 2011, [www.nytimes.com/2011/02/27/us/politics/27governors.html?scp=26&sq=state%20budgets&st=cse](http://www.nytimes.com/2011/02/27/us/politics/27governors.html?scp=26&sq=state%20budgets&st=cse); Marshall Clement, *et al.*, “The National Summit on Justice Reinvestment and Public Safety,” Pew Center on the States, U.S. Bureau of Justice Assistance, Public Welfare Foundation, Feb. 8, 2011, pp. 2-3, <http://justicereinvestment.org/summit/report>.

<sup>2</sup> Lauren E. Glaze, “Correctional Populations in the United States, 2009,” Bureau of Justice Statistics, December 2010, p. 7, <http://bjs.ojp.usdoj.gov/content/pub/pdf/cpus09.pdf>; Clement, *et al.*, *ibid.*, p. 3.

<sup>3</sup> “Fifty States of Trouble,” *The Wall Street Journal*, Feb. 25, 2011, pp. A6-A7, [http://online.wsj.com/article/SB10001424052748703408604576164441153633876.html?mod=ITP\\_pageone\\_2#project%3Dstates\\_110224](http://online.wsj.com/article/SB10001424052748703408604576164441153633876.html?mod=ITP_pageone_2#project%3Dstates_110224).

<sup>4</sup> Mitch Daniels, “The Solution to Indiana’s High Prison Costs,” *National Review*, Jan. 19, 2011, [www.nationalreview.com/corner/257495/solution-indianas-high-prison-costs-mitch-daniels](http://www.nationalreview.com/corner/257495/solution-indianas-high-prison-costs-mitch-daniels); Jonathan Martin and Jim VandeHei, “Daniels: I’d have cash, support to win,” *Politico*, Feb. 10, 2011, <http://dyn.politico.com/printstory.cfm?uuiid=FCBD849E-0B66-4B6E-A5E4-80876379D43F>.

<sup>5</sup> The states: Alabama, Arizona, Arkansas, Connecticut, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Nebraska, Nevada, New Hampshire, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont, Virginia and Wisconsin. See “Work in the States,” Justice Center, Council of State Governments, undated, <http://justice-reinvestment.org/states>; “Work in the States,” Public Safety Performance Project, Pew Charitable Trusts, undated, [www.pewcenteronthestates.org/initiatives\\_detail.aspx?initiativeID=48884](http://www.pewcenteronthestates.org/initiatives_detail.aspx?initiativeID=48884).

<sup>6</sup> Jennifer L. Truman and Michael R. Rand, “Criminal Victimization, 2009,” U.S. Bureau of Justice Statistics, October 2010, pp. 2-3, <http://bjs.ojp.usdoj.gov/content/pub/pdf/cv09.pdf>; “Summary Findings,” U.S. Bureau of Justice Statistics, updated Feb. 28, 2011, <http://bjs.ojp.usdoj.gov/index.cfm?ty=tp&tid=3>.

<sup>7</sup> "Sentencing Reform Debate: Feb. 14, 2011," Arizona State University, Sandra Day O'Connor College of Law, [http://online.law.asu.edu/Events/2011/Sentencing\\_Reform\\_Debate/](http://online.law.asu.edu/Events/2011/Sentencing_Reform_Debate/).

<sup>8</sup> Clement, *et al.*, *op. cit.*, p. 58.

<sup>9</sup> Letter, State of Indiana, Office of the Governor, Jan. 4, 2010, [http://in.gov/gov/files/Press/010410\\_PEW\\_request\\_letter.pdf](http://in.gov/gov/files/Press/010410_PEW_request_letter.pdf).

<sup>10</sup> "Justice Reinvestment in Indiana," Justice Center, Council of State Governments, December 2010, [www.in.gov/legislative/interim/committee/reports/CCECDB1.pdf](http://www.in.gov/legislative/interim/committee/reports/CCECDB1.pdf).

<sup>11</sup> *Ibid.* For background, see the following *CQ Researcher* reports by Kenneth Jost: "Sentencing Debates," Nov. 5, 2004, pp. 925-948, and "Plea Bargaining," Feb. 12, 1999, pp. 113-136.

<sup>12</sup> "The Continuing Fiscal Crisis in Corrections," October 2010, Vera Institute of Justice, p. 4, [www.vera.org/download?file=3072/The-continuing-fiscal-crisis-in-corrections-10-2010-updated.pdf](http://www.vera.org/download?file=3072/The-continuing-fiscal-crisis-in-corrections-10-2010-updated.pdf). For background, see David Masci, "Prison Building Boom," *CQ Researcher*, Sept. 17, 1999, p. 801-824.

<sup>13</sup> Clement, *et al.*, *op. cit.*, p. 3.

<sup>14</sup> "Prison Count 2010," Pew Center on the States, April 2010, [www.pewtrusts.org/uploaded/Files/wwwpewtrustsorg/Reports/sentencing\\_and\\_corrections/Prison\\_Count\\_2010.pdf](http://www.pewtrusts.org/uploaded/Files/wwwpewtrustsorg/Reports/sentencing_and_corrections/Prison_Count_2010.pdf).

<sup>15</sup> "State Expenditure Report, Fiscal Year 2009," National Association of State Budget Officers, fall 2010, p. 57, [www.nasbo.org/LinkClick.aspx?fileticket=%2bPqn14oZw2I%3d&tabid=38](http://www.nasbo.org/LinkClick.aspx?fileticket=%2bPqn14oZw2I%3d&tabid=38).

<sup>16</sup> *Ibid.*, pp. 54, 58.

<sup>17</sup> Clement, *et al.*, *op. cit.*, pp. 65-66.

<sup>18</sup> *Ibid.*, pp. 60-61. See also Joan Petersilia, "Beyond the Prison Bubble," *Wilson Quarterly*, winter 2011, [www.wilsonquarterly.com/article.cfm?AID=1774](http://www.wilsonquarterly.com/article.cfm?AID=1774).

<sup>19</sup> "Drug Courts — Facts and Figures," *National Criminal Justice Reference Guide*, up-

dated Sept. 1, 2010, [www.ncjrs.gov/spotlight/drug\\_courts/facts.html](http://www.ncjrs.gov/spotlight/drug_courts/facts.html); Emma Schwartz, "Mental Health Courts," *U.S. News & World Report*, Feb. 7, 2008, [www.usnews.com/news/national/articles/2008/02/07/mental-health-courts](http://www.usnews.com/news/national/articles/2008/02/07/mental-health-courts);

"Justice for Vets," National Association of Drug Court Professionals, updated Feb. 14, 2011, [www.nadcp.org/JusticeForVets](http://www.nadcp.org/JusticeForVets). For background, see Marcia Clemmitt, "Combating Addiction," *CQ Researcher*, Feb. 9, 2007, pp. 121-144.

<sup>20</sup> "Drug Court's Holistic Approach," Miami Dade County Drug Court, undated, [www.miami drugcourt.com/index.php?option=com\\_content&view=article&id=44&Itemid=54](http://www.miami drugcourt.com/index.php?option=com_content&view=article&id=44&Itemid=54).

<sup>21</sup> "U.S. Departments of Justice and Health and Human Services Award Almost \$76 Million to Enhance Adult and Juvenile Drug Treatment Courts," Oct. 25, 2010, [www.ojp.usdoj.gov/newsroom/pressreleases/2010/OJP10145.htm](http://www.ojp.usdoj.gov/newsroom/pressreleases/2010/OJP10145.htm).

<sup>22</sup> Carissa Byrne Hessick, *et al.*, "Sentencing in Arizona: Recommendations to Reduce Costs and Crime," Sandra Day O'Connor College of Law, Arizona State University, Dec. 14, 2010, pp. 5-11, [www.law.asu.edu/News/CollegeofLawNews.aspx?NewsId=3007](http://www.law.asu.edu/News/CollegeofLawNews.aspx?NewsId=3007); "Sentencing Reform Debate," *op. cit.*

<sup>23</sup> Debate, *ibid.*

<sup>24</sup> Ryan S. King and Jill Pasquarella, "Drug Courts: A Review of the Evidence," The Sentencing Project, April 2009, [www.sentencingproject.org/doc/dp\\_drugcourts.pdf](http://www.sentencingproject.org/doc/dp_drugcourts.pdf).

<sup>25</sup> Douglas McDonald and Peter Finn, "Crime and Justice Trends in the United States During the Past Three Decades," Abt Associates (for National Institute of Justice, Department of Justice), Jan. 31, 2000, p. 3, [www.abtassociates.com/reports/CJTrendsThreeDecades.pdf](http://www.abtassociates.com/reports/CJTrendsThreeDecades.pdf).

<sup>26</sup> "Estimated crime in United States — Total, Violent crime," Uniform Crime Reporting, FBI, [www.ucrdatatool.gov/Search/Crime/State/RunCrimeStatebyState.cfm](http://www.ucrdatatool.gov/Search/Crime/State/RunCrimeStatebyState.cfm).

<sup>27</sup> *Ibid.*

<sup>28</sup> Mark A. R. Kleiman, *When Brute Force Fails: How to Have Less Crime and Less Punishment* (2009), pp. 8-9.

<sup>29</sup> Gary LaFree, "Declining Violent Crime Rates in the 1990s: Predicting Crime Booms and Busts," *Annual Review of Sociology*, 1999, <http://faculty.unlv.edu/mccorkle/Declining%20Violent%20Crime%20Rates%20in%2090s.pdf>.

<sup>30</sup> *Ibid.*, pp. 157, 164.

<sup>31</sup> Katherine Beckett and Theodore Sasson, *The Politics of Injustice: Crime and Punishment in America*, 2nd ed. (2004), p. 6.

<sup>32</sup> Quoted in Rick Perlstein, *Nixonland: The Rise of a President and the Fracturing of America* (2008), p. 113.

<sup>33</sup> Todd Gitlin, *The Sixties: Years of Hope, Days of Rage* (1993), pp. 326-336.

<sup>34</sup> "Report of the National Advisory Commission on Civil Disorders, Summary," 1968, [www.eisenhowerfoundation.org/docs/kerner.pdf](http://www.eisenhowerfoundation.org/docs/kerner.pdf); "Illinois Governor Otto Kerner," National Governors Association, [www.nga.org/portal/site/nga/menuitem.29fab9fb4add37305ddcbee501010a0?vgnextoid=4719224971c81010VgnVCM1000001a01010aRCRD](http://www.nga.org/portal/site/nga/menuitem.29fab9fb4add37305ddcbee501010a0?vgnextoid=4719224971c81010VgnVCM1000001a01010aRCRD); "Detroit Riot of 1967," *GlobalSecurity.org*, July 21, 2008, [www.globalsecurity.org/military/ops/detroit-1967.htm](http://www.globalsecurity.org/military/ops/detroit-1967.htm).

<sup>35</sup> Quoted in *ibid.*, p. 120; Kennedy quoted in Arthur M. Schlesinger Jr., *Robert Kennedy and His Times* (2002), pp. 780-781.

<sup>36</sup> Perlstein, *op. cit.*, p. 266.

<sup>37</sup> Michael W. Flamm, *Law and Order: Street Crime, Civil Unrest, and the Crisis of Liberalism in the 1960s* (2005), p. 10.

<sup>38</sup> *Ibid.*, p. 11.

<sup>39</sup> Jeremy Travis, *But They All Come Back: Facing the Challenges of Prisoner Reentry* (2005), pp. 22-23.

<sup>40</sup> *Ibid.*, p. 27.

<sup>41</sup> *Ibid.*

<sup>42</sup> *Ibid.*, p. 28.

<sup>43</sup> Bob Baker and Douglas Jehl, "Battling for Customers," *Los Angeles Times*, March 26, 1989, p. A1, [http://articles.latimes.com/1989-03-26/news/mn-939\\_1\\_crack-wars](http://articles.latimes.com/1989-03-26/news/mn-939_1_crack-wars).

<sup>44</sup> *Ibid.*

<sup>45</sup> Donna Leinwand, "Lawmakers consider lessening crack penalties," *USA Today*, March 12, 2007, [www.usatoday.com/news/washington/2007-03-11-crack-penalties\\_N.htm](http://www.usatoday.com/news/washington/2007-03-11-crack-penalties_N.htm).

<sup>46</sup> Michael Isikoff, "Crime Bill's Costs Worry U.S. Judges," *The Washington Post*, July 22, 1991, p. A1; Fox Butterfield, "With Cash Tight, States Reassess Long Jail Terms," *The New York Times*, Nov. 10, 2003, p. A1, [www.ny](http://www.ny)



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times.com/2003/11/10/us/with-cash-tight-states-reassess-long-jail-terms.html.

<sup>47</sup> Stephen J. Dubner and Steven D. Levitt, "Up in Smoke," Freakonomics (column), *The New York Times*, Aug. 7, 2005, www.nytimes.com/2005/08/07/magazine/WLN103706.html.

<sup>48</sup> Travis, *op. cit.*, pp. 29-39.

<sup>49</sup> *Ibid.*

<sup>50</sup> *Ibid.*, pp. 31-32.

<sup>51</sup> For background, see Peter Katel, "Prison Reform," *CQ Researcher*, April 6, 2007, pp. 289-312.

<sup>52</sup> Quoted in Libby Copeland, "Kemba Smith Granted the Gift of Freedom," *The Washington Post*, Dec. 23, 2000, p. C1.

<sup>53</sup> Quoted in Isikoff, *op. cit.*

<sup>54</sup> Quoted in Adam Liptak, "Long Term in Drug Case Fuels Debate on Sentencing," *The New York Times*, Sept. 12, 2004, p. A20.

<sup>55</sup> Quoted in Lynette Clemetson, "Judges Look to New Congress for Changes in Mandatory Sentencing Laws," *The Washington Post*, Jan. 9, 2007, p. A1.

<sup>56</sup> Richard B. Schmitt and David G. Savage, "Chipping at tough crack sentencing," *Los Angeles Times*, Dec. 30, 2007, p. A16; Judges seek leeway in prison sentences," David G. Savage, *Los Angeles Times*, Sept. 29, 2007, p. A12; "Annual Report 2007 — A Year of Historic Change," The Sentencing Project, May 2008, pp. 9-10; www.sentencingproject.org/doc/publications/Annual%20Report\_TSP\_2007.pdf.

<sup>57</sup> Richard B. Schmitt, "A federal sentencing panel reduces penalties in crack cocaine cases," *Los Angeles Times*, Dec. 12, 2007, p. A1.

<sup>58</sup> "Annual Report 2007," *op. cit.*, pp. 1, 13.

<sup>59</sup> The case is *Schwarzenegger v. Plata*, No. 09-133, Scotusblog, updated Dec. 3, 2010, www.scotusblog.com/case-files/cases/schwarzenegger-v-plata/?wpmp\_switcher=desktop.

<sup>60</sup> Adam Liptak, "Supreme Court Hears Arguments on California Prison Crowding," *The New York Times*, Nov. 30, 2010, www.nytimes.com/2010/12/01/us/01scotus.html.

<sup>61</sup> Quoted in *ibid.*

<sup>62</sup> Quoted in Lyle Deniston, "Argument recap: Jousting over prisoner release," Scotusblog, Nov. 30, 2010, www.scotusblog.com/?p=109686.

<sup>63</sup> *Ibid.*; "Order to Reduce Prison Population," Three-Judge Court, Civ S-90-0520 LKK JFM P, Jan. 12, 2010, www.cand.uscourts.gov/pages/405.

<sup>64</sup> *Schwarzenegger v. Plata, Supreme Court of the United States*, [hearing transcript], Nov. 30, 2010, pp. 72-74, www.supremecourt.gov/oral\_

## FOR MORE INFORMATION

**Bureau of Justice Statistics**, 810 Seventh St., N.W., Washington, DC 20531; (202) 307-0765; www.ojp.usdoj.gov/bjs. Compiles data on crime and prison trends.

**Center for Effective Justice**, Texas Public Policy Foundation, 900 Congress Ave., Suite 400, Austin, TX 78701; (512) 472-2700; www.texaspolicy.com/publications.php?cat\_level=99. Addresses justice and prison policies in Texas.

**Council of State Governments Justice Center**, 100 Wall St., 20th Floor, New York, NY 10005; (212) 482-2320; www.justicecenter.csg.org. Advises policymakers on how to increase public safety and strengthen communities.

**Criminal Justice Legal Foundation**, P.O. Box 1199, Sacramento, CA 95812; (916) 446-0345; www.cjlf.org. Seeks to balance rights of victims and the accused.

**HOPE Probation**; (808) 597-8835; www.hopeprobation.org. Hawaii program that aims to keep offenders on probation accountable.

**Public Safety Performance Project**, Pew Center on the States, 901 E. St., N.W., 10th Floor, Washington, DC 20004; (202) 552-2000; www.pewcenteronthestates.org/initiatives\_detail.aspx?initiativeID=31336. Helps states develop fiscally sound sentencing and corrections policies that protect public safety and keep offenders accountable.

**The Sentencing Project**, 514 10th St., N.W., Suite 1000, Washington, DC 20004; (202) 628-0871; www.sentencingproject.org. Advocates changes in incarceration policies and publishes research on the effects of sentencing laws.

**Vera Institute of Justice**, 233 Broadway, 12th Floor, New York, NY 10279; (212) 334-1300; www.vera.org/section3/section3\_1.asp. Conducts research and advocacy on alternatives to penal and criminal-justice policies.

arguments/argument\_transcripts/09-1233.pdf.

<sup>65</sup> Steve Bousquet, "Gov. Rick Scott's prison

overhaul plan hits resistance in Senate," *St.*

*Petersburg Times*, Feb. 10, 2011; Robert T. Gar-

rett, "Texas House budget writers urge prisons

to release more feeble inmates," *Dallas Morn-*

*ing News*, Feb. 10, 2011, www.dallasnews.com/

news/state/headlines/20110210-texas-house-

budget-writers-urge-prisons-to-release-more-

feeble-inmates.ece; Shannon McCaffrey, "Ga.

leaders back sentencing reform study," *The*

*Associated Press*, Feb. 16, 2011.

<sup>66</sup> "2011 State of the State Address," Gov.

Mitchell E. Daniels Jr., Jan. 11, 2011, www.in.gov/

gov/11stateofstate.htm.

<sup>67</sup> *Ibid.*

<sup>68</sup> "Burdened but Unbowed," Randall T. Shep-

ard, Feb. 21, 2011, http://indianacourts.us/

times/2011/02/burdened-but-unbowed/.

<sup>69</sup> Heather Gillers, "Daniels-backed prison re-

form is dealt a blow by prosecutors," *Indi-*

*anapolis Star*, Feb. 15, 2011, p. A1.

<sup>70</sup> Quoted in Maureen Hayden, "Prosecutors

seek sentencing reform to hit 'worst' criminals

hardest," *TribStar.com*, Feb. 14, 2011, http://trib

star.com/news/x532736510/Prosecutors-seek-

sentencing-reform-to-hit-worst-criminals-hardest.

<sup>71</sup> Quoted in Gillers, *op. cit.*, http://tribstar.com/

news/x532736510/Prosecutors-seek-sentencing-

reform-to-hit-worst-criminals-hardest.

<sup>72</sup> Quoted in Heather Gillers, "Prosecutors

group assails plan to cut prison sentences,"

*Indianapolis Star*, Jan. 19, 2011, p. A1.

<sup>73</sup> Quoted in *ibid.*

<sup>74</sup> *Ibid.*

<sup>75</sup> Clement, *et al.*, *op. cit.*, p. v, "Hearing Tes-

timony," Justice Center, Council of State Gov-

ernments, undated, www.justicereinvestment.

org/summit/report/testimonies.

<sup>76</sup> "Prison Count 2010," Pew Center on the

States," April, 2010, p. 2, www.pewtrusts.org/

our\_work\_report\_detail.aspx?id=57797.

# Bibliography

## Selected Sources

### Books

**Kleiman, Mark A. R.,** *When Brute Force Fails: How to Have Less Crime and Less Punishment*, Princeton University Press, 2009.

An influential UCLA public policy professor argues that more humane and effective alternatives to the imprisonment-oriented justice system are within reach.

### Articles

**Bousquet, Steve,** "Gov. Rick Scott's prison overhaul plan hits resistance in Senate," *St. Petersburg Times*, Feb. 10, 2011, [www.tampabay.com/news/politics/gubernatorial/gov-rick-scotts-prison-overhaul-plan-hits-resistance-in-senate/1150820](http://www.tampabay.com/news/politics/gubernatorial/gov-rick-scotts-prison-overhaul-plan-hits-resistance-in-senate/1150820).

The newly elected Republican governor wants politically controversial cost cuts in the prison system.

**Garrett, Robert T.,** "Texas House budget writers urge prisons to release more feeble inmates," *Dallas Morning News*, Feb. 10, 2011, [www.dallasnews.com/news/state/headlines/20110210-texas-house-budget-writers-urge-prisons-to-release-more-feeble-inmates.ece](http://www.dallasnews.com/news/state/headlines/20110210-texas-house-budget-writers-urge-prisons-to-release-more-feeble-inmates.ece).

A state that averted continued prison population growth is still trying to reduce prison spending.

**Gillers, Heather,** "Daniels-backed prison reform is dealt a blow by prosecutors," *Indianapolis Star*, Feb. 15, 2011, p. A1.

Legislation that would make major changes in Indiana sentencing law — as called for by Republican Gov. Mitch Daniels — faces opposition from prosecutors.

**Johnson, Alan,** "Treatment, not prison, now is looking good," *Columbus Dispatch*, Feb. 3, 2011, [www.dispatchpolitics.com/live/content/local\\_news/stories/2011/02/03/copy/treatment-not-prison-now-is-looking-good.html?sid=101](http://www.dispatchpolitics.com/live/content/local_news/stories/2011/02/03/copy/treatment-not-prison-now-is-looking-good.html?sid=101).

Legislation supported by leading politicians and judges would overhaul Ohio's sentencing laws and probation system.

**McCaffrey, Shannon,** "Ga. Leaders back sentencing reform study," *The Associated Press*, Feb. 16, 2011.

Republican Gov. Nathan Deal and other political and judicial leaders want a study of Georgia's criminal justice system.

**Murphy, Sean,** "GOP lawmakers paying price for tough-on-crime laws," *The Associated Press*, Feb. 1, 2011.

In Oklahoma and other states, some Republican legislators are now questioning policies that emphasized imprisonment.

**Petersilia, Joan,** "Beyond the Prison Bubble," *Wilson Quarterly*, winter 2011, [www.wilsonquarterly.com/article.cfm?AID=1774](http://www.wilsonquarterly.com/article.cfm?AID=1774).

The co-director of the Stanford University Criminal Justice Center argues for replacing incarceration-oriented laws and policies with great care, and a focus on sharply reducing recidivism.

**Pinckney, Darryl,** "Invisible Black America," *The New York Review of Books*, March 10, 2011, [www.nybooks.com/articles/archives/2011/mar/10/invisible-black-america/](http://www.nybooks.com/articles/archives/2011/mar/10/invisible-black-america/).

A review-essay by a writer specializing in race relations focuses on the consequences of racial imbalance in the criminal justice system.

**Wood, Graeme,** "Prison Without Walls," *The Atlantic*, September 2010, [www.theatlantic.com/magazine/archive/2010/09/prison-without-walls/8195/](http://www.theatlantic.com/magazine/archive/2010/09/prison-without-walls/8195/).

A journalist says electronic tracking could facilitate a safe reduction in the number of people behind bars.

### Reports and Studies

**Clement, Marshall, et al.,** "The National Summit on Justice Reinvestment and Public Policy — Addressing Recidivism, Crime and Public Spending," Council of State Governments, January 2011, <http://justicereinvestment.org/summit/report>.

The writers synthesize proposals to reduce imprisonment presented at a 2010 meeting in Washington.

**Fischer, Daryl R.,** "Prisoners in Arizona: A Profile of the Inmate Population," Arizona Prosecuting Attorneys Council, March 2010, [www.pcao.pima.gov/Docs/Prisoners%20in%20Arizona-033010.pdf](http://www.pcao.pima.gov/Docs/Prisoners%20in%20Arizona-033010.pdf).

A former Arizona prison research director presents data showing most inmates are imprisoned for violent crimes.

**Hessick, Carissa Byrne, et al.,** "Sentencing in Arizona: Recommendations to Reduce Costs and Crime," Sandra Day O'Connor College of Law, Arizona State University, December 2010, [www.law.asu.edu/News/CollegeofLawNews.aspx?NewsId=3007](http://www.law.asu.edu/News/CollegeofLawNews.aspx?NewsId=3007).

Law students led by a law professor present a case for expanding alternatives to imprisonments.

**Porter, Nicole D.,** "The State of Sentencing 2010: Developments in Policy and Practice," *The Sentencing Project*, February 2011.

An organization that advocates alternatives to imprisonment reports on changes in sentencing law and policy in every state.

**Western, Bruce, and Becky Pettit,** "Collateral Costs: Incarceration's Effect on Economic Mobility," Pew Charitable Trusts, 2010, [www.pewcenteronthestates.org/report\\_detail.aspx?id=60919](http://www.pewcenteronthestates.org/report_detail.aspx?id=60919).

Academics active in the prison-downsizing movement report on the economic consequences of large-scale imprisonment.

# The Next Step:

## *Additional Articles from Current Periodicals*

### ***Diversion Programs***

**Garrett, Robert T., "Breaking the Pattern of Prison,"** *Dallas Morning News*, Aug. 9, 2010, p. A1.

The uncertain future of Texas' diversion programs could cancel experiments that have been praised by criminal justice experts across the country.

**Markus, Don, "Maryland Halts Youth-Diversion Prison Programs,"** *The Washington Post*, Feb. 6, 2011, p. C10, [www.washingtonpost.com/wp-dyn/content/article/2011/02/05/AR2011020503751.html](http://www.washingtonpost.com/wp-dyn/content/article/2011/02/05/AR2011020503751.html).

Maryland has temporarily suspended its youth-diversion prison programs to evaluate their effectiveness.

### ***Nonviolent Offenders***

**Dankelson, Dean G., "Cost Savings Are a Myth,"** *St. Louis Post-Dispatch*, Sept. 30, 2010, p. A17, [www.stltoday.com/news/opinion/article\\_35984af0-469a-5970-82df-cbdd5dbb3c08.html](http://www.stltoday.com/news/opinion/article_35984af0-469a-5970-82df-cbdd5dbb3c08.html).

Contrary to popular belief, few first-time nonviolent offenders are sent to prison.

**Phillips Jr., Walter M., "Sensible Incarceration,"** *Pittsburgh Post-Gazette*, June 24, 2010, p. B7, [www.post-gazette.com/pg/10175/1067847-109.stm](http://www.post-gazette.com/pg/10175/1067847-109.stm).

Allowing nonviolent offenders to serve time in community corrections centers instead of state correctional facilities would help Pennsylvania reduce prison overcrowding and recidivism, says the chairman of the Pennsylvania Commission on Crime and Delinquency.

**Starace, Anthony F., "Significant Tax Savings in Redesigning Justice System,"** *Lincoln (Neb.) Journal Star*, Aug. 14, 2010, p. B5, [journalstar.com/news/opinion/editorial/columnists/article\\_44040e06-a685-11df-8a26-001cc4c002e0.html](http://journalstar.com/news/opinion/editorial/columnists/article_44040e06-a685-11df-8a26-001cc4c002e0.html).

Incarcerating a nonviolent drug offender costs taxpayers about \$30,000 annually, whereas placing an offender in a substance-abuse program costs \$3,000.

### ***Project HOPE***

**Essoyan, Susan, "Signs of HOPE,"** *Honolulu Star-Bulletin*, March 28, 2010.

An independent evaluation of Hawaii's HOPE strategy finds that it cuts the rate of new crimes by habitual offenders in half and helps them quit using drugs.

**Green, Rebecca S., "Judge's Probation Pilot in Limbo,"** *Fort Wayne (Ind.) Journal Gazette*, Nov. 14, 2010, p. 1C, [www.journalgazette.net/article/20101114/LOCAL03/311149872](http://www.journalgazette.net/article/20101114/LOCAL03/311149872).

An Indiana judge has crafted a probation program based on the success of Hawaii's HOPE program, but his failed reelection bid has made the plan's future uncertain.

**Marantz, Andrew, "Swift and Sure,"** *The Boston Globe*, March 21, 2010, [www.boston.com/bostonglobe/ideas/articles/2010/03/21/swift\\_and\\_sure/](http://www.boston.com/bostonglobe/ideas/articles/2010/03/21/swift_and_sure/).

Judge Steven Alm of Hawaii is using strict probation enforcement to fight crime.

### ***State Budgets***

**Brown, Robbie, and Kim Severson, "Enlisting Prison Labor to Close Budget Gaps,"** *The New York Times*, Feb. 25, 2011, p. A16, [www.nytimes.com/2011/02/25/us/25inmates.html](http://www.nytimes.com/2011/02/25/us/25inmates.html).

More states are using prison labor to combat cuts in federal financing and dwindling tax revenue.

**Dunkelberger, Lloyd, "State Weighs Prison Reform to Save Money,"** *Sarasota (Fla.) Herald Tribune*, Jan. 30, 2011, p. A1, [www.heraldtribune.com/article/20110130/ARTICLE/101301030/2055/NEWS?Title=State-weighs-prison-reform-to-save-money](http://www.heraldtribune.com/article/20110130/ARTICLE/101301030/2055/NEWS?Title=State-weighs-prison-reform-to-save-money).

Florida's get-tough policy on crime is set to collide with an austere budget and a conservative governor intent on saving the state money.

**Sanner, Ann, "Ohio Business Groups Offer State Budget Ideas,"** *The Associated Press*, Dec. 20, 2010, [www.drc.ohio.gov/web/Reports/Clips/Dec.21,2010.pdf](http://www.drc.ohio.gov/web/Reports/Clips/Dec.21,2010.pdf).

An Ohio business coalition supports finding ways to reduce the state's prison population in order to cut spending.

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#### **APA STYLE**

Jost, K. (2001, November 16). Rethinking the death penalty. *CQ Researcher*, 11, 945-968.

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Jost, Kenneth. "Rethinking the Death Penalty." *CQ Researcher*, November 16, 2001, 945-968.

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