

# VIEWPOINTS



## JUST LIKE THE ENERGIZER BUNNY

Our national debt just keeps growing and growing and growing ...

## NO MORE EMPTY NESTS

The 'Boomerang Generation' comes home.

## A MOVING EXPERIENCE

Upgrade will oust Falmouth merchants.

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### COMMENT >>

JESS RIGELHAUPT

## PRISON EPIDEMIC HASN'T RESULTED IN SAFER STREETS

**T**HE CURRENT political debates in the lead up to the 2012 presidential election should focus our attention on the need to reconsider prisons and criminal justice policy. The United States is the largest jailer in the world. With more than 2.3 million people behind bars, it has an unrivaled incarceration rate. One in 100 adults is locked up: The incarceration rate is 750 per 100,000 residents.

The second highest incarceration rate is in Russia at 628 per 100,000, and not a single other Western industrial nation has a rate of more than 148 per 100,000. We imprison people at a rate five times higher than comparable Western industrial nations. The country has 5 percent of the world's population and 25 percent of the people in jail or prison. Is this a form of American exceptionalism that we want to continue?

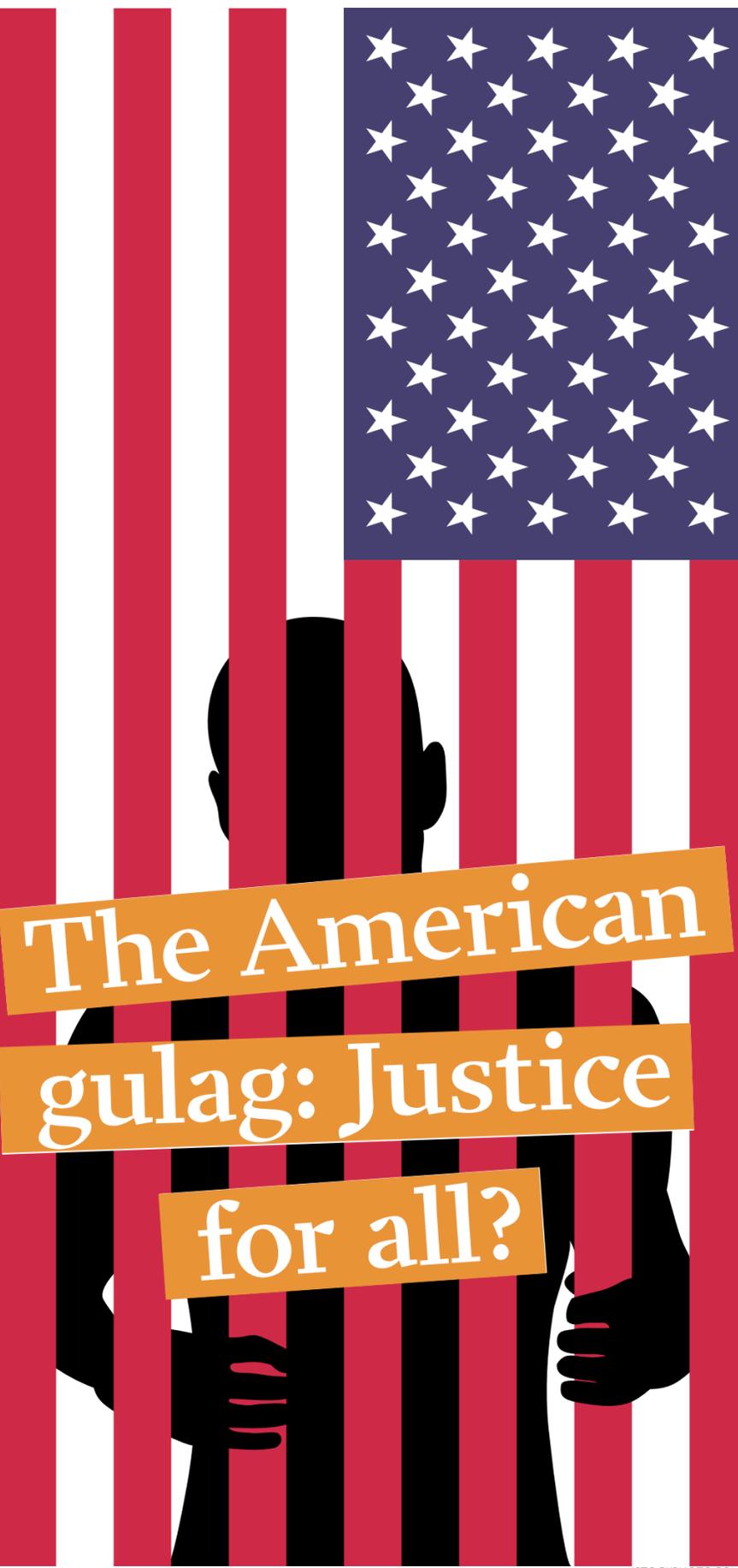
At a time when the size and role of government are being debated, we need to question whether mass incarceration is wise policy and a good use of taxpayer dollars. More important is that we think about how mass incarceration threatens democracy and equality, two ideas central to our country.

Although social scientists have long recognized the prison epidemic, there has been a growing number of voices across the political spectrum calling for a review of mass incarceration. In 2007, Sen. Jim Webb (D—Va.) conducted a hearing on the rise of the prison population and the economic and social costs of mass incarceration. After another hearing in 2009, Sen. Webb introduced the National Criminal Justice Commission Act to form a bipartisan commission to analyze the criminal justice system. Sen. Webb reintroduced the bill in 2011 with bipartisan support and Re-

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Jess Rigelhaupt is an assistant professor of history and American studies at the University of Mary Washington.

## MASS INCARCERATION >> WE'RE NO. 1



### COMMENT >>

FAYE S. TAXMAN AND DANIELLE S. RUDES

## THERE ARE FAR BETTER WAYS TO FIGHT CRIME

**FAIRFAX**—For more than 30 years, the primary mechanism for crime fighting in the U.S. has focused on building and expanding the capacity of our prison systems—a phenomenon visible at federal, state, and local government levels (with more cells and larger budgets). As scientists, we can spout endless grim statistics—the U.S. incarcerates more people per capita than any other country, including Russia and China; 1 in 23 American adults 18 to 65 years old is on probation or parole; 1 in 28 children has a parent behind bars; and a male born today is likely to be involved in the justice system at alarming rates, including 1 in 3 African-Americans, 1 in 6 Hispanics, and 1 in 13 Caucasians.

This translates into a runaway incarceration system that does not deter criminal behavior. Scientists have confirmed the themes of James Cagney movies that incarceration creates “schools for learning criminal behavior.”

Single bullet, “get tough” policies have propelled the number of crimes that are eligible for incarceration, as well as increased sentence lengths. Crimes like driving on a suspended license, shoplifting goods worth \$50, not paying speeding tickets or parking violations, or bouncing a check qualify for incarceration. While we think that incarceration with longer sentences is the simple solution, the overuse and reliance on prison and jail has reduced the effectiveness of it. Incarceration consumes resources that could be spent on schools, health care, parks, and roads. A more effective prevention policy would include:

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Faye S. Taxman and Danielle S. Rudes are professors at George Mason University. They run the Center for Advancing Correctional Excellence. Taxman has a new book with Steven Belenko (Temple University) on implementing evidence-based practices in corrections.



### BEYOND WORDS >>

LINDA WHITE

## Strengthened by God: The miracle of birth is His testament

**T**EN TINY fingers, 10 little toes, a perfect bow mouth, reddish sandy hair . . . a little boy with a big name entered the world on March 10.

Ezekiel James Chappell joined his mom and dad and big sister, Noelle, in Newport News, planting smiles on the faces of four grandparents, three uncles, an aunt, and a host of other relatives and friends far and near.

Two things struck me as we waited for Zeke's big entrance: The first, was the absolute miracle of new life. After the births of three kids, two grandchildren, and a myriad of nieces and nephews and others, I still never lose the wonder of God's hand in it. “For you formed my inward parts,” wrote the psalmist, “you knitted me together in my mother's womb. I praise you, for I am fearfully and wonderfully made.”

The second, was the universality of the experience. With us in the maternity wing were a mix of people: many members of a large, gregarious black family, a white family that included the heavily tattooed young uncle of the newborn, and, in the room next to my daughter's, a black mom and her 9-year-old daughter. Feelings of elation and wonder at the birth of a child, and an instinct to protect and nurture—these emotions transcend race, social status, and other demographic designations.

This is a tender time of year. Near my Fauquier County home, new Black Angus calves lie sunning themselves

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## THIS IS A CRISIS: WITHOUT PRISON REFORM, THE VERY FABRIC OF OUR NATION IS AT RISK

**WASHINGTON**—We find ourselves as a nation in the midst of a profound, deeply corrosive crisis that we have largely been ignoring at our peril. The scope of the problem is vast: We have 5 percent of the world's population but 25 percent of the world's known prison population. More than 7 million Americans are incarcerated, on probation, or on parole; 2.27 million Americans are in prison—five times the world's average incarceration rate. At the same time, two-thirds of Americans say there is more crime today than a year ago.

The disintegration of our criminal justice system, day by day and year by year, and the movement toward mass incarceration—with very little attention being paid to clear standards of prison administration or meaningful avenues of re-entry for those who have served their time—are dramatically affecting millions of lives. They are draining billions of dollars from our economy, destroying notions of neighborhood and family in hundreds of communities across the country, and—most importantly—not making our country a safer or a fairer place.

### COMMENT >>

SEN. JIM WEBB

It is in the interest of every American, in every community

across this land, that we thoroughly re-examine our entire criminal justice system in a way that allows us to interconnect all of its different aspects when it comes to finding proper approaches and solutions to each component part. I am convinced that the most appropriate way to conduct this examination is through a presidential-level commission, tasked to bring forth specific findings and recommendations for the Congress to consider and, where appropriate, enact.

Since first introducing the National Criminal Justice Commission Act in 2009, my office has worked tirelessly to build the case for reform with groups from across the philosophical and political spectrum. Through these efforts, we have won the support of more than 100 organizations, including the

National Association of Evangelicals, Prison Fellowship, the National Sheriffs' Association, the Fraternal Order of Police, the International Association of Chiefs of Police, the Sentencing Project, and the NAACP.

Many of these organizations, including a recent delegation of faith leaders and law enforcement representatives, have met with their elected representatives to voice support for the bill. We need to take a comprehensive look at our criminal justice system. As a nation, we can spend our money more effectively, make our communities safer, reduce the prison population, and create a fairer system.

It is time to take stock of what is broken and what works, and modify our criminal justice policies accordingly.

## RIGELHAUPT: A new Jim Crow era has resulted from the 'war on drugs'

FROM PAGE D1

publican co-sponsorship, and it has not as yet been passed.

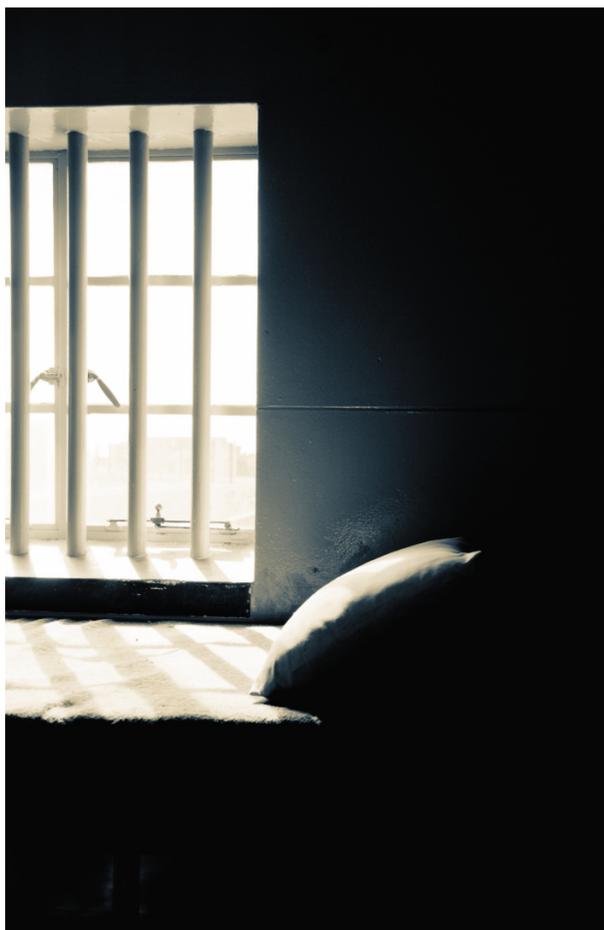
Brian Walsh, a senior legal research fellow at the Heritage Foundation, testified in favor of forming the commission. In 2011, Grover Norquist, head of Americans for Tax Reform, joined NAACP President Benjamin Jealous in a discussion on prison spending. Although the two disagreed on numerous points, Norquist concluded that reforms are needed and said, "When taxpayer activists look at it, we say, let's not waste money on prisons and the judicial system, if it's not getting us safer streets and safer cities."

Norquist's comments and social scientific studies indicate the need to disaggregate crime and mass incarceration. Allen J. Beck, deputy director of the Bureau of Justice Statistics, explained in 2007, "The growth wasn't really about increasing crime but how we chose to respond to crime."

### GETTING TOUGH

Beginning in the mid-1970s, legislators implemented "tough on crime" policies that created longer sentences, mandatory minimums, and new prison sentences for drug violations. Then, the U.S. launched a "war on drugs" in 1982, at a time of declining drug use. The war on drugs is often thought to be a response to the crack cocaine epidemic, but it preceded the horrible problems crack cocaine caused for users and people around them. The war on drugs—increased drug arrests, convictions, and prison sentences—is the central factor in mass incarceration. More than half of new prison sentences to state prisons between 1985 and 2000 were for drug offenses.

The U.S. spends more than \$70 billion a year on corrections without clear evidence of the benefits. Marc Mauer, director of the Sentencing Project, notes that the growth of prisons and prisoners has not had a dramatic effect on crime rates. Between 1960 and 1990 the United States, Germany, and Finland had comparable crime rates, while Finland decreased its incarceration



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rate and Germany held its rate steady. The incarceration rate in the U.S., conversely, quadrupled.

### ALARMING STATISTICS

The war on drugs and mass incarceration have exacerbated longstanding forms of racial inequality. Michelle Alexander, professor of law at Ohio State University and author of "The New Jim Crow," argues that this combination of events have formed a "system of racialized social control that functions in a manner strikingly similar to Jim Crow." More than half of prisoners are African-American and 19 percent are Latino, which is significantly out of proportion to the population of the country. Some of the statistics are alarming: One in 30 men ages to 20 to 34 is incarcerated, but one in nine black men in that age group is behind bars. More than half of young African-American men in major cities are under the control of the criminal justice sys-

tem or have criminal records.

The racial disparities in mass incarceration are troubling, especially because they have little connection to crime rates. The major cause of prison growth has been the war on drugs, and it has disproportionately affected people of color. Yet drug use and drug selling rates are similar across racial lines. One government study has shown that white youths are a third more likely to have sold illegal drugs than African-American youths. "Although the majority of drug users and dealers nationwide are white," Alexander explains, "three-fourths of all people imprisoned for drug offenses have been black or Latino."

Why is there such a disparity? The war on drugs has been fought in urban communities of color. Despite reliable data that shows drug use (which would logically include drug selling) is highest in rural America, the war on drugs has not been fought on this terrain. Urban com-

munities of color have borne the brunt of America's failed war on drugs and the subsequent effects of mass incarceration.

The problems of mass incarceration do not end at the prison walls. There are 7.3 million people under correctional control above and beyond the 2.3 million behind bars. A person labeled a criminal can lose citizenship rights. Mass incarceration has led to increased political disenfranchisement for African-Americans: One in seven African-American men has lost the right to vote, and in some states that rate is one in four.

In addition, the Census Bureau counts prisoners as residents of the jurisdiction in which they are incarcerated. Through redistricting mass incarceration has provided increased political power to largely white and rural regions where prisons are built. Many states bar felons from jury service for life; Alexander estimates that 30 percent of African-American men have a lifetime ban from jury service. A criminal record can legally exclude a person from public benefits, including educational, food, and housing assistance.

### DEMOCRACY THREATENED

Mass incarceration threatens the country's fiscal health, our democracy, and our belief in equality. We must end it. We need to think beyond prisons as economic development. We need to stop investing taxpayer dollars in failed policies and failed institutions. Ending mass incarceration can better focus investment in institutions—schools, early childhood education, drug and alcohol treatment, housing and job programs—that are vital to America's future and more effectively address social problems.

A good start would be the passage of Sen. Webb's legislation for a bipartisan commission to study the problem of mass incarceration.

Grounded in his views on love and forgiveness, Dr. Martin Luther King Jr. explained that systems of inequality rely on "conscientious blindness" and indifference. There are alternatives to prisons, and we cannot be indifferent to ending mass incarceration.

## WHITE: A crusade against life: We must not rationalize abortion

FROM PAGE D1

in the fields. Nesting birds twitter in forests and bright-green, new leaves are beginning to burst from branches. It's an early spring, but Easter is just one week away, Easter, with its promise of new life and assurance of hope.

Jaded from constant contact with the news, I still flinch at what looks to me like a crusade against this gift of life. President Obama, who would fund Planned Parenthood at the rate of nearly \$1 million a day, can't find the money to continue the "snowflake babies" program (\$1.9 million per year). Snowflake babies are fertilized, frozen embryos, which, when allowed to develop, grow into adoptable human beings. There are at least 50,000 of them waiting; already nearly 2,000 have been born and adopted.

I see Mr. Obama, who once voted against a measure to allow nurses to aid babies who survive abortions, as the anti-life crusader in chief. He promised former Rep. Bart Stupak (D-Mich.) two years ago that his signature health care reform package would not include federal funding for abortion. That pledge has been abandoned.

In fact, we'll all be paying for these life-ending procedures. According to experts on the Hill, the new government-authorized health care "plans will collect a \$1 abortion surcharge from each premium payer." While Obama rightfully mourned the recent, tragic death of young Trayvon Martin in Florida, he apparently has no sympathy for the nearly 2,000 black babies killed by abortion every day in this country—a disproportionate number, based on total population.

### IT DOESN'T STOP HERE

The attacks on life don't stop at abortion. In March a couple in Oregon was awarded \$2.9 million in a "wrongful birth" lawsuit. Deborah and Ariel Levy told a court they would have aborted their daughter, Kalanit, had they known she'd be born with Down syndrome. (The disabled are so inconvenient.) They should have waited: Ten years from now, that "wrongful birth" might be dealt with differently.

Medical "ethicists" Alber-

to Giubilini and Francesca Minerva have published a paper in the Journal of Medical Ethics calling for "after birth abortion" in cases where a newborn poses a burden, economic or emotional, on a family. "Actual people's well-being could be threatened," they write, "by the new child (even if healthy), requiring energy, money, and care which the family might happen to be in short supply of." (Who isn't plagued with a lack of energy, money, and care on the birth of a child?)

Empowering the anti-life juggernaut requires two strategies. The first is to dehumanize the target. Thus, unborn babies become "fetuses"; unwanted children threaten the happiness of "actual people"—just as slaves were "three-fifths of a man" to rationalize slavery. Second, God, the Author of life, must be ignored.

This dismissal of God isn't too hard in the short run. In fact, some 20,000 atheists gathered in Washington last weekend to proudly declare their unbelief. That doesn't bother me: None of them was around 2,000 years ago to witness what happened around Jerusalem. Plenty of others were and saw the resurrected Christ. We have their testimonies—and the witness of our own changed lives.

Sometimes, though, even those of us who embrace God pretend he's irrelevant. But when, through this practical atheism, we reduce our vision to the material, the pragmatic, the what-works-now (or what makes me happy now), we become blind to wonder. As Blake wrote, we see "with not through the eye." That's so shortsighted.

"Ezekiel," I'm told, means "strengthened by God." I trust he will be. I hope he catches the vision for a multidimensional life, in which a God who says he is love became a man to save his people, in which the beauty of spring and the birth of a baby is a testimony to his glory, in which happiness is not confined to this world, but explodes into the next with unfathomable joy. Go for it, Zeke. It's the best life.

Linda J. White is assistant editorial page editor of The Free Lance-Star.

## TAXMAN: Lock 'em up, throw away the key? Try day fines, community service instead

FROM PAGE D1

More drug and alcohol treatment, including rarely used medications to reduce crime and its costs. Those involved in the justice systems have four times the problems with drug and alcohol abuse than most adults. Few get access to treatment. Both driving while intoxicated and various forms of possession or possession with intent to distribute illicit drugs remain the highest arrest categories. The criminal justice system pays little attention to substance abusers.

In Virginia and elsewhere, the recession has resulted in fewer available substance-abuse treatment services than ever before: Fewer offenders on probation or parole can access these services. Virginia has nearly extinguished the use of drug treatment courts, even though studies show that these courts are effective in reducing crime. Treatment is four times as effective as sanctions (prison), and sanctions often produce the opposite of the intended effect by increasing crime.

Additionally, we need to increase our use of effective treatments such as medications for opiate/heroin addicts or alcoholics. These are rarely used today. Medications for substance abusers (just like for high blood pressure, cardiac, and other chronic diseases) and thera-

peutic treatments yield better outcomes and have a greater likelihood of repairing brain functioning. Treating offenders will reduce prison and probation rolls by nearly 30 percent.

### STUDENTS MUST GRADUATE

End the school-to-prison pipeline. Preventing high school dropouts—only 70 percent of those in high school graduate; in some places it is as low as 40 percent—will reduce crime and the long-term demand for prison beds.

We must focus our attention on children who do not read or write at grade level long before high school—failure in school contributes to other life failures. The Children's Defense Fund reports that about 8 of every 10 African-American and Hispanic fourth-graders and nearly 6 out of every 10 Caucasian fourth-graders cannot read at grade level. Within our juvenile justice system, many youths face this and additional educational challenges. Nearly one-half (48 percent) of youth in the juvenile justice system do not read or have math capabilities at their grade level, and nearly one-third have learning disabilities.

Efforts to improve primary and middle school education are part of a national effort to reduce criminal behavior—students who are successful



Preventing high school dropouts, by focusing on children who do not read or write at grade level, can reduce crime.

in school are less likely to become criminals in later life. Prevention effort should be part of any crime control strategy and should replace our efforts at increasing law enforcement or prison beds.

### COMMUNITY CORRECTIONS

We must look at options that restore our communities. The prevention of criminal behavior is more likely to occur in families and communities than in prison. Family interventions are effective for adults and youth, yet they are seldom provided in the justice system. Expanding family interventions is a win-win situation. Similarly, there is a need to provide treatments for criminal thinking, gang involve-

ment, and other criminal subculture issues. These services are also rarely provided.

The mass incarceration era has expanded the criminalization of many inappropriate behaviors to reduce disorder in our communities. Typical "broken windows" offenses such as graffiti, public-nuisance offenses, etc., are mostly eligible for incarceration. Nearly 30 percent of individuals in the justice system could be handled by two punishments: day fines (providing financial penalties appropriate to one's income) and community service (providing labor to clean up, build, and contribute to safer, cleaner communities).

Both are underutilized. It is hard to believe that in the U.S. where capitalism is strong we do not use fines effectively. Take driving while intoxicated—the fines for first offenses are generally the same as those of the 1980s (around \$300). Experiments in the 1990s found day fines a cost-effective tool for low-level offenses. Imagine if Martha Stewart had to pay a fine of \$1 million dollars (instead of her five-month prison sentence and \$30,000 fine). What could communities struggling with tight budgets do with an extra million?

The same for Lindsay Lohan, who costs taxpayers hefty sums for her recycling through jail—whereas a fine of \$1 million would pay the cost of providing Betty Ford-type drug treatment for 1,000 women with drug problems and would equally satisfy our demand to punish. A fine-intensive system provides a capacity to expand treatments for those who can not afford it but are in the justice system, yielding long-term benefits for individuals and communities.

Similarly, building Habitat for Humanity houses, cleaning playgrounds and communities, cleaning rivers, and other efforts to remove disorder in communities are also strategies to repay society for the harms from criminal behavior. Fines and community service meet two

of the criteria for standards of deterrence: They are swift (can happen quickly) and they are certain (certain offenses can be lined up to result in these actions).

### A SCIENTIFIC TOOLKIT

Use science, not rhetoric. Most crime control and prevention policy does not follow scientific knowledge about effective ways to reduce crime and offending. The toolkit of what we can do in the community is endless. Science has defined crime prevention and control evidence-based practices, but few of these are in practice in today's correctional, probation, or treatment organizations. The Virginia Department of Corrections has a number of initiatives to provide effective crime control (see [gmuace.org](http://gmuace.org) or [crimesolutions.org](http://crimesolutions.org)).

However, grim statistics of the mass incarceration era will continue unless the public, politicians, and communities recognize that incarceration should not be the preferred punishment. Ridding our communities of the maladies that breed crime must be a priority. If we recognize that prisons produce criminal behavior, then investing in community options should define our crime control strategy. Restoring community order is a goal that really matters.