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Editorial

Reviewing Criminal Justice

America's criminal justice system needs repair. Prisons are overcrowded, sentencing policies are uneven and often unfair, ex-convicts are poorly integrated into society, and the growing problem of gang violence has not received the attention it deserves. For these and other reasons, a bill introduced last week by Senator Jim Webb, Democrat of Virginia, should be given high priority on the Congressional calendar.

The bill, which has strong bipartisan support, would establish a national commission to review the system from top to bottom. It is long overdue, and should be up and running as soon as possible.

The United States has the highest reported incarceration rate in the world. More than 1 in 100 adults are now behind bars, for the first time in history. The incarceration rate has been rising faster than the crime rate, driven by harsh sentencing policies like "three strikes and you're out," which impose long sentences that are often out of proportion to the seriousness of the offense.

Keeping people in prison who do not need to be there is not only unjust but also enormously expensive, which makes the problem a priority right now. Hard-pressed states and localities that reduce prison costs will have more money to help the unemployed, avert layoffs of teachers and police officers, and keep hospitals operating. In the last two decades, according to a Pew Charitable Trusts report, state corrections spending soared 127 percent, while spending on higher education increased only 21 percent. Meanwhile, as governments waste money putting the wrong people behind bars, gang activity has been escalating, accounting for as much as 80 percent of the crime in some parts of the country.

The commission would be made up of recognized criminal justice experts, and charged with examining a range of policies that have emerged haphazardly across the country and recommending reforms. In addition to obvious problems like sentencing, the commission would bring much-needed scrutiny to issues like the special obstacles faced by the mentally ill in the system, as well as the shameful problem of prison violence.

Prison management and inmate treatment need special attention now that the Prison Litigation Reform Act has drastically scaled back prisoners' ability to vindicate their rights in court. Indeed, the commission should consider recommending that the law be modified or repealed.

Mr. Webb has enlisted the support of not only the Senate's top-ranking Democrats, including the majority leader, Harry Reid, but also influential Republicans like Arlen Specter, the ranking minority member on the Judiciary Committee, and Lindsey Graham, the ranking member of the crime and drugs subcommittee.

There is no companion bill in the House, and one needs to be written. Judging by the bipartisan support in the Senate, a national consensus has emerged that the criminal justice system is broken.

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