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THE POLITICS OF PRISON EXPANSION

by

Joseph Davey

A dissertation submitted to the Graduate Faculty in Political Science in partial fulfillment of the requirements for the degree of Doctor of Philosophy, The City University of New York

1997

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Abstract

THE POLITICS OF PRISON EXPANSION

by Joseph Davey

Advisor: Professor Frances Fox Piven

In the last two decades there has been an unprecedented increase in imprisonment in the United States. This expansion of imprisonment did not happen in other Western Democracies and, more importantly, it happened unevenly among the fifty states. Why was there such variation among the fifty states? Was it associated with increased rates of reported crime in each state? Are there socio-economic variables that are salient for prison growth?

The literature on the subject of variations in imprisonment patterns is limited. Three theories have been offered to explain the growth of imprisonment. The first could be called the "Durkheim-Blumstein" tradition, the second is the "Marxist-Rusche and Kirchheimer" tradition and a third is the "racial-bias" theory. The first argues that a society's crime rate determines its imprisonment rate; the second argues that economic factors are salient for imprisonment rates. The "racial-bias" theory suggests that the war-on-crime is really a war on African-Americans.

However, the increases in the levels of imprisonment cannot be explained completely by any one of these theories

alone, nor all them together. In this study the rate of imprisonment increase in the fifty states was correlated with the increase in the crime rate in those states. It was then correlated with six other socio-economic variables which researchers often associate with high imprisonment rates. The correlational coefficients were low enough to warrant further investigation of the causes of the variation.

Therefore, from a list of states that had high rates of increase in imprisonment, the state with an imprisonment rate increase greater than any of its neighbors was selected from six different regions of the U.S. The governor who had presided over the most rapid increase in the imprisonment rate in those states was identified. That governor's political views and rhetoric concerning crime and punishment were analyzed.

My hypothesis is that neither crime rates nor any other socio-economic variables are as important in explaining the variations in the rate of imprisonment expansion as is the "law and order" politics of individual governors. Moreover, while both formal and informal processes are at work in prison expansion, the informal processes may be the more significant.

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CHAPTER 1

THE PUZZLE OF IMPRISONMENT INCREASES

THE IMPRISONMENT EXPLOSION FROM 1972 TO 1992

Prisons in the United States contained around 196 thousand inmates in 1972. By 1992, the population exceeded 846 thousand (1). Jails in the U.S. experienced comparable growth during this period so that in the United States the combined incarceration rate per 100 thousand population in 1992 had risen to 504 (2), the highest incarceration rate in the world,(3) and more than 5 times the incarceration rate of every Western European nation (4)

This happened despite the fact that almost every knowledgeable observer of the criminal justice system agrees that incarceration is an expensive undertaking that probably does little to reduce crime. For example, a study by Isaac Ehrlich on the effects of incarceration estimated that if the time served by the average prison inmate were cut in half, we could expect no more than a 5 percent increase in serious offenses.(5) More recently, a study by the RAND Corp's Criminal Justice Program "showed that prevention programs were dramatically more effective in terms of cost per crime prevented" than the new 'three strikes laws' that seem to be so popular with political candidates. (6)

The annual cost of keeping an inmate in prison varies from state to state, but one authority has said that "a

inmate" (7) and a construction cost of \$70-100,000 per cell. State spending on correctional activities was \$1.3 billion (in unadjusted dollars) in 1972 (8) and by 1992, the last year for which figures are available, the cost was \$31.4 billion (9). Between 1980 and 1992, the per capita cost of corrections in the U.S. rose by 306.2 percent (10).

In 1996, there were over one and a half million people behind bars in the United States and the numbers continue to grow. There is something of a construction boom going on in prisons. The Federal government expects to construct 26 new federal prisons in 1996 while the states are constructing 95 new prisons. The total number of new beds being built is around 104,000 and the total cost of the construction is in the area of \$7 billion (11).

However, there may be even more rapid growth in controlling offenders through electronic monitoring and house arrest (known now as "CAMO", for Computer Assisted Monitoring of Offenders). According to one "CAMO" authority this type of social control "is in its infancy and may become the single most significant sentencing and correctional alternative of the twenty-first century. Currently, there may be as many as seventy thousand offenders under some form of CAMO control and this number may well triple by the year 2000"(12). Since the cost of CAMO is a fraction of incarceration (and in fact, frequently paid for by the offender) there is a great temptation to expand these programs.

The trend toward greater punitiveness appears to be not only growing but becoming more bi-partisan. President Clinton's current crime bill stiffens mandatory sentences, creates "trust funds" to build more prisons, allows juveniles to be treated as adults for purposes of criminal prosecution and extends the death penalty to 52 new crimes (13). Herbert Gans, who concentrates his research on poverty rather than crime policy, has noted the new bi-partisan attitude toward greater punitiveness. Gans recently observed that "policies to eliminate street crime and related threats to personal safety are as old as the hills, and in 1993 the Clinton administration set in motion a new spasm of increased punishments, longer prison sentences and prison building" (14).

The ultimate in punitiveness is the recent spate of "three strikes laws" which generally give sentences life in prison without possibility of parole for a third felony conviction. Jerome Skolnick has observed that these laws probably will "only serve to increase the public's fear of crime." (15) Others have noted the irony of getting tough with older criminals since the "three time losers are at the verge of aging out of crime, anyway" (16) and since they are at the tail end of their offending career the three strikes laws will do very little to reduce crime. Perhaps the epitome of the effect that three strikes laws will have was exemplified in a recent California case. "On March 2, 1995

Jerry Dewayne Williams , a California man who had four prior felony convictions, was sentenced to a term of 25 years to life for stealing a slice of pizza from some children" (17)

To put some perspective on the current trend toward greater punitiveness, there are more than five times as many individuals behind bars in the U.S. today as there were when Richard Nixon left office. If the sentencing policies that have brought about this glut of inmates can be justified, they must be justified by a showing that either the crime rate had increased so much that it became necessary to "do something" about it, or by demonstrating solid evidence that increasing incarceration reduces crime rates. A look at North and South Dakota may be informative in this area.

THE UNUSUAL TALE OF THE DAKOTAS

In 1991, criminologists James Austin and John Irwin compared the crime and imprisonment rates of North and South Dakota. (18) What they observed led me to the question raised by this dissertation. North and South Dakota have very similar rates of crime. The rate of crime reported to police is about 3% higher in South Dakota (19) than it is in North Dakota (in 1992, there were 2,903 index crimes per 100 thousand population in the North, and 2,998 in the South; the national average in 1992 was about 5200)

However, the rate of imprisonment in the two states is very different. In fact, South Dakota today has more than

three times as many prisoners per 1000 population as North Dakota. In other words, for every 1,000 crimes reported to police, South Dakota is more than three times more likely to incarcerate someone than North Dakota is.

This was not always the case. In 1972 it was also true that each state had roughly the same crime rate. (1,987 index crimes reported per 100,000 population in the North; 2,127 in the South.) However, in 1972 the rate of imprisonment in each state was much closer than it is today. (North Dakota had 28.8 inmates per 100 thousand population; South Dakota had 51)

In the last twenty years both states have increased their rate of imprisonment but they have done so at dramatically different rates. Between 1972 and 1992, South Dakota increased their imprisonment rate over 300 percent so that today the rate of imprisonment per 100 thousand population in South Dakota (208) more than triples that of North Dakota (67). What were the variables that are associated with the different rate of increase in incarceration in these two neighboring states? Why is it that, at least in the Dakotas, there does not seem to be any association between increases in the crime level and increases in the imprisonment rate? Does the experience in the Dakotas hold up in a fifty state dataset for the twenty years between 1972 and 1992? Do other social variables have salience for prison expansion?

To begin my inquiry, I looked at the rate of imprisonment per 100 thousand population for all fifty states and noted that there was significant variation, most of it along regional lines. (The South generally has the highest rates of imprisonment). Secondly, I noted that all fifty states experienced substantial increases in their imprisonment rate during this time period, but at very different rates. The difference in the rate of increase of imprisonment in the Dakotas was actually a lot less than the differences between many other states. In fact, as can be seen in FIGURE 1A, Delaware's rate of increase was 13 times the rate of increase in West Virginia.

My initial inquiry was to determine if this variation in the rate of increase in imprisonment was associated with the variation in the rate of reported crime in these states. First, I examined the data from the states with the highest and lowest rates of increase in imprisonment. FIGURE I:A lists the eight states with the highest increase in imprisonment and the eight states with the lowest. The former group averaged an increase of 462 percent in their rate of imprisonment and the latter group averaged an increase of just 110 percent.

Did one group have a significantly different rate of crime? The F.B.I.'s Uniform Crime Reports (UCR) is the only source of national crime data that is disaggregated on the state level. According to the UCR, the eight "highest increase

states" (shown in FIGURE I:A) have an average crime rate per 100 thousand population of 5,167. But the eight "lowest increase states" have an average of 4,823, which is only 7 percent lower. In other words, the initial impression from the data is that there does not seem to be much of an association between imprisonment increases and the overall crime problem. Like North and South Dakota, the sixteen states on the extreme ends of the imprisonment increase chart do not show much difference in crime rates.

If the problem of crime does not differ much from the states with the greatest prison expansion and the states with the smallest, then why did some states increase their imprisonment rate as much as thirteen times the increase in other states between 1972 and 1992? In other words, what has been the driving force behind prison expansion?

OVERVIEW

The literature in this field is limited. Generally, three theses have been advanced to explain variations in the use of prisons. Chapter 2 examines the work of Marxist theorists, "social control" theorists and theories on racial bias and imprisonment. Most of the research data that support these theories is dated and all three theories appear to leave many questions unanswered concerning the rapid expansion of imprisonment in recent decades.

In Chapter 3 the association between the increase in the rate of imprisonment and the increase in the rate of crime is examined. The assumption made in the "Durkheim-Blumstein thesis" that crime and imprisonment are closely associated is tested. Chapter 4 examines the correlational coefficients between imprisonment rate increases and several other social and economic variables. Are "the usual suspects" (i.e, poverty, race, drug arrests, homicide rates, unemployment) salient for growing rates of imprisonment?

Both Chapters 3 and 4 draw upon bivariate correlations of the increases in the rate of imprisonment per 100 thousand population in the fifty states between 1972 and 1992 and those variables that are suggested by the three theories in the literature. It is apparent from the data in these two chapters that the suspected social and economic variables offer, at best, an incomplete explanation of the variations in imprisonment expansion.

Chapter 3 provokes the question: How did the U.S. prison population more than quadruple in a 20 year period in the absence of any comparable changes in the crime rate, without prompting scholarly research into why and how it happened? Chapter 4 suggests that many of the socio-economic variables usually associated with high crime rates did not vary greatly between the states that rapidly increased the imprisonment rates and those that did not.

The role politics played in causing states to increase their imprisonment rates has been largely ignored in the literature. The most active researchers in this field, Zimring and Hawkins, discuss this issue and conclude: "Surprisingly little is known about the factors that influence the size of a prison system, or the degree to which the scale of imprisonment may be expected to change over time".(20)

Despite the fact that the cost of building and operating U.S. prisons has reached levels that would have been unimaginable two decades ago, the index of Journal of Political Economy lacks any reference to articles on the determinants of the scale of imprisonment.(21) Zimring and Hawkins refer to this problem by saying that "in the present state of knowledge there are no answers to questions of this kind and we can only speculate because the necessary research has not yet been done."(22)

There has never been a study on such things as "the election of a law and order state government"(24) or that government's influence on the state's prison population. Chapter 5 undertakes such a study by looking at the increases in imprisonment rates that are associated with the "law and order" politics of various governors, as well as the absence of such increases in contiguous states during the same period.

Taken together, Chapter 5 and 6 contain the crux of my argument. The importance of the positions taken concerning crime and punishment by governors is analyzed in Chapter 5.

The formal and informal processes that bring about rapid prison expansion is analyzed in Chapter 6. Chapter 7 discusses the probable future of prison expansion.

METHODOLOGY

This study seeks to examine a previously ignored variable in the explanation of prison expansion, that of politics. The subject of this study is the "law and order" politics of the governors who have presided over the largest expansion of the imprisonment rate in the recent past. I have compared the political rhetoric and policies regarding the problem of crime and punishment offered by these governors in the recent past and contrasted it to that of their counterparts in contiguous states. In so doing, I have sought to evaluate the role of politics in bringing about prison expansion.

a. Why Governors?

There is no question that many political leaders other than governors can influence the rate of imprisonment. Public opinion polls indicated that the public's awareness of the crime and drug problem escalated quickly after President Bush launched his "war-on-drugs". By drawing the attention of the voters to the crime problem, political leaders at any level can arouse fear that will translate into greater public demands for harsher penalties.

However, it is my argument that state political leaders most significantly influence the growth in imprisonment rates. Even when the crime rate, or changes in the crime rate over time, or other socio-economic variables are similar in two comparable states, differences in the growth of imprisonment in those two states can still be enormous. My argument is that the differences among the states in the rate of prison expansion are rooted in the political atmosphere in the state regarding the appropriate treatment of criminal offenders.

Federal, city and county government have little to do with state prisons. These prisons are built, operated and funded by state governments and they contain inmates who have violated state penal codes. Moreover, so much discretion is generally given to criminal justice officials in their dealings with offenders that their attitude concerning the value of imprisonment can be very important in determining the number of individuals sent to prison in a state.

This study contends that this attitude of criminal justice officials toward the use of imprisonment can be strongly influenced by the views expressed by political leaders. A governor who wants to encourage a Draconian approach to the problem of crime can send out a "law and order" message to the minions of the state criminal justice system and expect a quick response. For instance, parole officers can instantly toughen their policies regarding when to "violate" parolees and return them to prison for minor

infractions. Probation Officers ordinarily need judicial approval to incarcerate a probationer, but the discretion they exercise in this regard is also significant. Deputy D.A.s can take a harder line in negotiating pleas; judges can opt for the harsher sentencing options given them by the law. Police officers can exercise their discretion and make the formal arrest instead of giving a warning.

Part of the argument made here is that rapid prison expansion does not necessarily require formal legislative changes. While formal changes in things such as the state penal code or prison construction authorization can contribute to a long-term growth of imprisonment rates, "informal" policy changes regarding the exercise of discretion over the treatment of offenders can very quickly impact the rate of imprisonment in a state. Since that "discretion" can be significantly influenced by the political rhetoric of "law and order" governors, the rhetoric of these governors is worth analyzing and contrasting with the rhetoric of their counterparts in neighboring states. It may be that these governors actually believe their own rhetoric concerning "law and order" campaigns, but there is no question that whether they believe it or not, as a political strategem it has been remarkably useful.

b. Which Governors?

The U.S. Justice Department has been keeping records of the rate of imprisonment per 100 thousand population in each of the fifty states since 1972. In order to determine if there is an identifiable association between the increase in the rate of imprisonment in state prisons and the political views of governors, the first task is to identify states that had very dramatic growth in imprisonment rates. Since there are pronounced "regional differences" in the use of imprisonment, it is advisable to select different regions of the country for analysis. From these different regions, those states with the biggest increases can be singled out from the Justice Department records and contrasted with comparable states in the same region.

FIGURE I:B shows the 25 states with imprisonment increases between 1972 and 1992 which were above the national median; FIGURE I:C has those below the median. By identifying states from the same region with substantial variation in imprisonment rate increase, it may be possible to locate causes of imprisonment increase while holding constant regional, demographic, social and economic variables.

CHART I below lists six "high increase states" from six different regions of the nation and six contiguous states which can serve as "control states". The regions chosen for this study are the Northeast, the Middle Atlantic, Appalachia, the South, the Midwest and the West. From each of these

regions, a state was chosen which showed the highest rate of increase in imprisonment and a contiguous state with a lower rate than any of the other neighbors.

Since the growth of imprisonment rates in these "high increase states" appears, in every case, to come in "episodic spurts" over the twenty years, rather than in a steady, even increase, it is possible to find the four year period wherein the most rapid growth was recorded and, obviously, to identify the governor who presided over that growth. Each of the states selected would have had five gubernatorial administrations during the twenty year's between 1972 and 1992. The governor chosen should be the one who presided over the biggest increase in the rate of inmates per 100 thousand population.

For example, Kentucky had five gubernatorial terms between 1972 and 1992. The first governor presided over an increase in imprisonment rates of about 11 per 100 thousand population during the four years of his term. Another Kentucky governor saw an increase of 5 per 100 thousand; a third saw about 20 and a fourth about 22. But between 1988 and 1992, the increase in imprisonment in Kentucky was 115 per 100 thousand population.

Therefore, it would be reasonable to compare the political views concerning crime and punishment of the governor who presided over that increase and compare those views to those of his or her counterpart in a low-growth,

demographically comparable, contiguous state such as West Virginia.

Another example is Delaware. The increase in Delaware's imprisonment rate was 690 percent over the twenty year period. The largest increase during any single gubernatorial administration came during the rule of Governor Michael Castle between 1985 and 1989. The increase of 68 inmates per 100 thousand population was the biggest increase in Delaware's imprisonment rate of any of the five gubernatorial administrations between 1972 and 1992.

In New Hampshire the rate of imprisonment grew every year between 1972 and 1992, for a total increase of 125 inmates per 100 thousand population. However, in one four year period, under the Governorship of Judd Gregg, the growth was 54 inmates per 100 thousand. Moreover, in neighboring Maine, during the contemporaneous governorship of John McKernan, the rate of imprisonment remained completely unchanged. Gregg, as we shall see, was a strong advocate of "law and order"; McKernan was not.

In addition to the "high-increase" states of New Hampshire, Delaware and Kentucky, the states of South Carolina, Missouri and Arizona show the highest rate of increase in imprisonment in their respective region during the 1972 to 1992 period. Therefore, the analysis here will be of the gubernatorial administrations which presided over the largest four-year increase in imprisonment in these states

between 1972 and 1992 and contemporaneous gubernatorial administrations in contiguous, "low-increase" states.

Specifically, the states and the years involved can be seen in CHART I below. The specific governors who occupied the statehouse in each of these states during this period can be seen in CHART II.

CHART I

REGION -----	HIGH GROWTH STATE -----	LOW GROWTH STATE -----	TIME PERIOD -----
NEW ENGLAND	NEW HAMPSHIRE	MAINE	1989-1993
MIDWEST	MISSOURI	KANSAS	1989-1993
THE SOUTH	SOUTH CAROLINA	NORTH CAROLINA	1988-1992
MID-ATLANTIC	DELAWARE	MARYLAND	1985-1989
APPALACHIA	KENTUCKY	WEST VIRGINIA	1986-1990
THE WEST	ARIZONA*	AZ NEIGHBORS (CALIFORNIA, UTAH, NEVADA AND NEW MEXICO)	1987

As an afterthought, I was curious to see if any differences could be found in growth rates between the state with the highest and the state with the lowest rate of imprisonment. In the last year for which the information is available, the state with the highest rate of imprisonment in

the U.S. was Louisiana and the state with the lowest rate was North Dakota. Therefore, the Louisiana governor who presided over the most rapid increase in imprisonment is compared to the contemporaneous North Dakota governor, even though there are marked demographic, social and economic differences between the two states.

CHART II

STATE -----	GOVERNOR -----	TERM -----	INCREASE IN IMPRISONMENT RATE -----
New Hampshire	Judd Gregg	1989-93	+54
Maine	John McKernan		+00
Missouri	John Ashcroft	1989-93	+75
Kansas	Joan Finney		+06
South Carolina	Carroll Campbell	1986-90	+42
North Carolina	James G. Martin		-02
Delaware	Michael Castle	1985-89	+68
Maryland	William Schaeffer		+06
Kentucky	Wallace Wilkinson	1987-91	+99
W. Virginia	Gaston Caperton		+09
Arizona*	Evan Mecham	1987	+39
CA, UT, NV, NM, CO, ID			average +11
Louisiana	Buddy Roemer	1988-92	+116
North Dakota	George Sinner		+11

* In the case of Arizona, the Governor was impeached after just 14 months of his term. Nonetheless, in that brief period Arizona experienced an unprecedented growth of imprisonment. Because the time period of the comparison is short, I have compared Arizona's prison growth with all of its neighbors.

FIGURE I:A

**STATES WITH HIGHEST INCREASES IN IMPRISONMENT RATES
BETWEEN 1972 AND 1992:**

PERCENTAGE INCREASE IN:

	IMPRISONMENT RATE	UCR RATE
Delaware	690%	4848
Alaska	535%	5569
New York	432%	5858
Arizona	430%	7028
Louisiana	423%	6546
New Hampshire	420%	3080
Vermont	401%	3410
Massachusetts	400%	5002
	-----	-----
AVERAGE	462%	5167

**STATES WITH LOWEST INCREASES IN IMPRISONMENT RATES
BETWEEN 1972 AND 1992:**

PERCENTAGE INCREASE IN:

	IMPRISONMENT RATE	UCR RATE
West Virginia	55%	2609
North Carolina	82%	5802
Oregon	105%	5820
Georgia	110%	6405
North Dakota	130%	2903
Nebraska	140%	4324
Washington	150%	6172
Minnesota	150%	4590
	-----	-----
	110%	4828

FIGURE I:B

**25 STATES WITH HIGHEST INCARCERATION INCREASE
BETWEEN 1972 AND 1992**

**% INCREASE IN
INCARCERATION**

1. DE	690
2. ALASKA	435
3. IL	435
4. AZ	430
5. NY	430
6. LA	423
7. NH	420
8. VT	401
9. MA	400
10. RI	370
11. MT	355
12. OH	350
13. CT	349
14. MI	340
15. HI	325
16. ARK	325
17. ID	320
18. MO	320
19. SD	305
20. CA	305
21. NJ	301
22. SC	300
23. MS	295
24. AL	294
25. PA	293

average increase 368%

(Adapted by Joseph Dillon Davey from The Sourcebook of Criminal Justice Statistics 1993)

FIGURE I:C

**25 STATES WITH LOWEST IMPRISONMENT RATE INCREASE
BETWEEN 1972 AND 1992**

**% INCREASE IN
INCARCERATION**

26. WI	290
27. NV	270
28. NM	253
29. IA	251
30. IN	235
31. OK	228
32. KS	225
33. CO	215
34. KY	210
35. VA	207
36. WY	200
37. TN	185
38. UT	185
39. MD	175
40. ME	162
41. TX	153
42. FL	155
43. MN	150
44. WA	150
45. NE	140
46. ND	130
47. GA	110
48. OR	105
49. NC	82
50. WV	55

average increase 175%

(Adapted by Joseph Dillon Davey from The Sourcebook of Criminal Justice Statistics 1993)

FIG 1:D HIGH INCREASE STATES

		% INCREASE IN:	
		Imprisonment	UCR
1.	DE	690	7
2.	ALASKA	435	24
3.	IL	435	52
4.	AZ	430	18
5.	NY	430	38
6.	LA	423	93
7.	NH	420	54
8.	VT	401	54
9.	MA	400	21
10.	RI	370	5
11.	MT	355	43
12.	OH	350	35
13.	CT	349	42
14.	MI	340	4
15.	HI	325	32
16.	ARK	325	119
17.	ID	320	16
18.	MO	320	29
19.	SD	305	40
20.	CA	305	5
21.	NJ	301	31
22.	SC	300	80
23.	MS	295	137
24.	AL	294	126
25.	PA	293	43
		-----	-----
average increase		368%	46%

(Adapted by Joseph Dillon Davey from The Sourcebook of Criminal Justice Statistics 1993)

FIG 1:E LOW INCREASE STATES

	% INCREASE IN:	
	Imprisonment	UCR
26. WI	290	46
27. NV	270	6
28. NM	253	36
29. IA	251	56
30. IN	235	45
31. OK	228	74
32. KS	225	56
33. CO	215	6
34. KY	210	44
35. VA	207	39
36. WY	200	48
37. TN	185	94
38. UT	185	34
39. MD	175	34
40. ME	162	51
41. TX	153	83
42. FL	155	55
43. MN	150	29
44. WA	150	31
45. NE	140	64
46. ND	130	46
47. GA	110	109
48. OR	105	15
49. NC	82	118
50. WV	55	81

average increase	175%	52%

(Adapted by Joseph Dillon Davey from The Sourcebook of Criminal Justice Statistics 1993)

Chapter 1 Notes

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CHAPTER 2

REVIEW OF THE LITERATURE ON IMPRISONMENT GROWTH

The literature in this area offers three currents of thought on the subject of changing incarceration levels. One suggests a "constancy of punishment" (1) and has been referred to as "the Durkheim-Blumstein perspective".(2) In this view, the criminal law and the legal process are seen as reactive in punishing individuals in relation to the amount of crime that occurs. As we shall see from the data on crime and imprisonment, this view is, at best, just a partial explanation of the changes in the last three decades.

The second view can be considered a Marxist perspective. One observer notes that "conflict theorists have suggested that incarceration rates are influenced by the fluctuating needs of dominant elites to maintain social control".(3) Marxist theorists assert that punishments are meted out in relations to changes in levels of economic inequality. However, this perspective, also, is very difficult to reconcile with recent changes.

A third perspective has recently been summarized by Michael Tonry. It suggests that the rapid increases in imprisonment levels in the recent past is an outgrowth of the war-on-drugs which is, in fact, a thinly disguised war on African-Americans. As we shall see, while there is no doubt

A. MARXIST PERSPECTIVE

It has been argued that "there is no Marxist theory of deviance".(4) Marx himself, of course, said very little about the subject of crime and never advanced a theory concerning the severity of penal practices. (5). The earliest appearance of a Marxist view was in Punishment and Social Structure (1939) by Georg Rusche and Otto Kirchheimer, which has been called "the landmark Marxist account of the nexus between the economy and social control".(6)

Rusche and Kirchheimer offer an historical analysis from the end of the 16th century to the 1930s and say that it was the labor market demands and conditions that governed the use of imprisonment during that time. They outline the history of penal systems which they view as a series of epochs in which the different penal systems are said to be closely related to phases of economic development. By introducing the idea that imprisonment is a function of the larger social structure and not of crime, they thereby broke from traditional criminal justice theory by saying that the societal response to crime is not a simple consequence of crime.(7)

A. RESEARCH ON THE RUSCHE AND KIRCHHEIMER THEORY:

Numerous researchers have argued that unemployment rates predict increases in incarceration, independent of increases

in crime.(8) In 1978 Dario Melossi noted that Rusche and Kirchheimer had been ignored for many years and wrote of the "rediscovery of the classic".(9) A decade later Melossi expanded on this theme in The State of Social Control where he concluded that imprisonment was in fact used to establish the discipline and management of labor.

David Greenberg did a series of studies between 1975 and 1981 based on Rusche and Kirchheimer's work. Greenberg offered an interpretation of changes in the size of prison populations according to which "the oscillatory behavior of imprisonment rates is attributed to oscillations in unemployment".(10) He later concluded "when the supply of labor is high relative to demand, this perspective would suggest that the rate of imprisonment would be increased, with the goal of taking excess labor off the market".(11) Greenberg's interpretation of Rusche and Kirchheimer does not explain why business interests would accept the needless removal from the market of a supply of "excess labor" whose continued freedom would presumably help keep wages down, but his work does support the idea that high unemployment rates will presage high incarceration rates.

Rusche and Kirchheimer's theory was also examined by Adamson (1984) who found that "with an increase in the surplus labor force, prisoners were treated more as threats, and,

consequently, prison industry was de-emphasized and punishments became more severe".(12) Moreover, Inverarity (13) found that several recent empirical studies of imprisonment trends in the United States and Western Europe confirm Rusche and Kirchheimer's thesis that unemployment affects imprisonment directly when crime is held constant, although other factors were also significant. Inverarity concluded: "Our results confirm a variety of previous investigations that link rates of unemployment directly to prison admissions".(14)

More recently, Chiricos and Delone (1992) conducted an extensive review of studies on the issue. The results from 44 empirical studies were systematically assessed. The evidence suggested that, independent of the effects of crime, labor surplus is consistently and significantly related to prison population and prison admissions. Moreover, the 44 studies reviewed produced a total of 262 estimates of the labor surplus-punishment relationship.(15) Chiricos and Delone also concluded that the consistency and significance of the relationship of labor surplus to punishment is remarkably strong and it is clear that the state's punitive apparatus plays a direct and significant role in the control of surplus labor.(16) However, as we shall see, much of the data relied upon by Chiricos and Delone was very dated and more recent data raise serious questions about their conclusions.

B. OTHER MARXISTS RESEARCHERS

Two other books that appeared in the 1970s were said to provide Marxist accounts of the function of imprisonment in capitalist societies in the 20th century. Richard Quinney's Class, State and Crime: On the Theory and Practice of Criminal Justice (1977) and Andrew Scull's Decarceration: Community Treatment and the Deviant- A Radical View (1977). There is, however, an interesting difference in the conclusions reached by these two authors.

The prediction from Quinney is that as the crisis of capitalism deepens, imprisonment of the surplus population will be increasingly resorted to by the state. A significant decrease in the purchasing power of average wages over the last twenty years (17) may be the kind of "crisis" that Quinney suggested would lead to the rapid expansion of incarceration rates.

However, Scull took a very different view. Scull concludes that as the fiscal crisis of the state worsens, the cost of incarceration will become more oppressive and states will resort to community treatment instead of more prisons. Today state budgets everywhere are being strained to the breaking point by the cost of incarceration and the recent addition of "three strikes" laws may prove Scull's prediction right. In other words both could be correct: the increase in inequality prompts the expansion of confinement facilities; the cost of these facilities produces a crisis that leads to

the need for alternative controls; the kind of electronically monitored house arrest that has expanded rapidly in the last five years in the United States replaces incarceration for the non-dangerous property offender. The cost of such programs is so minimal that their widespread use could resolve the conundrum suggested by Quinney and Scull.

2. DURKHEIM-BLUMSTEIN PERSPECTIVE

Zimring and Hawkins argue that the "Durkheim-Blumstein" episode of scholarly interest in this subject was limited to a handful of studies conducted between 1973 and 1986, primarily by Alfred Blumstein of Carnegie-Mellon and his various co-authors. (18) Blumstein called his work "an important extension and significant modification of the perceptions of Durkheim"(19) although others would question Blumstein's claimed connection to Durkheim and suggest that Blumstein's work "derived from no obvious precursors in empirical criminological scholarship or social theory." (20) Blumstein et al linked their hypothesis of the stability of punishment to Emile Durkheim's writings on crime and punishment. (21)

Durkheim's theories on deviant behavior and the societal response to deviance included a number of different themes. At one point he would argue that punishment served an independent function in bonding individuals together in their condemnation of deviance, and thereby strengthened social bonds. It is

possible, therefore, that Durkheim might view the current explosion of imprisonment in the U.S. as an attempt to strengthen social bonds that appear to be under severe assault from the frenetic pace of social change.

From another perspective, he believed that increasing levels of punishment was a rational and predictable outcome of increasing deviance. It was this latter perspective that Blumstein claimed he was expanding on and "significantly modifying" to explain varying levels of incarceration between different societies and over different periods of time.

Blumstein relies on Durkheim's discussion of penal sanctions which was first set forth in his essay "The Evolution of Punishments" (1900). Durkheim wrote that "the penal system was ultimately a function of the moral beliefs of society"(22) and he summed up the relationship between punishment and crime in these words: "Since punishment results from crime and expresses the manner in which it affects the public conscience, it is in the evolution of crime that one must seek the cause determining the evolution of punishment".(23) It is this relationship between crime levels and punishment levels with which Blumstein begins.

Blumstein, of course, was not the only one to make this assumption. The idea that incarceration levels are an outgrowth of crime levels is suggested by all "social control" criminologists. These theorists take the position that any increase in incarceration in a nation is generally the natural

response to an increase in the rate of crime. (See Wilson, 1977, Gordon, 1991, Murray, 1984, Meade, 1986, Jacob, 1981, Van den Haag, 1975, Gibbon, 1992).

However, Blumstein et al seem to be the only researchers to do an in depth analysis of this assumption. Blumstein's thinking on this subject goes through an interesting evolution and ultimately he acknowledges that his conclusion about the stability of punishment levels was incorrect. Nonetheless, it is worth briefly reviewing his earlier findings, if only because the literature in this area is so limited.

Blumstein believed there was a homeostatic or self-regulating punishment process. For instance, in 1973, Blumstein and Cohen concluded: "In a given society during a relatively stable period, there is a balance of forces that maintains the rate of punishment fairly constant".(24) In other words, when crime rates are "stable", the rate of incarceration will remain "stable". In later research, however, Blumstein and Cohen fine tuned their theory by suggesting that it might be that even when the level of crime changes, the level of punishment and the imprisonment rate per capita remains stable.(25)

In 1979, Blumstein and Moitra studied 47 states from 1926 and 1974. They found "that almost half were trendless, i.e., stationary and that the trends in the remainder were small, i.e., less than 2 percent of the mean years in all cases". The authors concluded that these findings were

consistent with the general homeostatic process in that the phenomenon "appears to hold reasonably well across a wide variety of independent, albeit related jurisdictions" (26) However, Blumstein would later question the conclusions in this study(27) and, as we shall see below in the "Evaluation of the Literature", by 1995 Blumstein would reject his earlier conclusion that the rate of incarceration in a society tends to remain stable. (28)

Of course, the idea that crime rates determine incarceration rates is widely believed. Conflict theorists like Box and Hale also accept the view that increasing prison populations is an expected result of increasing crime. They argue that the important role that the preservation of order plays in the accumulation of capital may simply be an unintended consequence of the intentional efforts of government officials to reduce crime and disorder. They concede that increasing punishment serves to shore up class domination in times when power relations are potentially threatened, but they reject the suggestion that there is a conspiracy between state managers and capitalists to protect power relations. Rather, preservation of class domination is viewed by Box and Hale as an unintended consequence produced by an aggregate of persons making common sense decisions in the face of economic and political upheaval. In other words, a dramatic increase in reported crime is naturally going to lead to an increase in incarceration.(29)

3. RACIAL BIAS THEORY

There has been a good deal of research into the role of racism in the criminal justice system, and especially in the area of sentencing convicted offenders. The rate of incarceration of black males in the U.S. is 3,370 per 100 thousand, compared to 681 per 100 thousand in South Africa.(30) In other words, all other things being equal, a black South African who migrates to the U.S. increases his chances of winding up behind bars five-fold. Were he to move to California, it may even be worse. One recent study showed that of all the black males in their twenties who are currently living in California, those who are either in prison, jail, probation or parole constitute 40 percent of the total.(31)

Michael Tonry has recently summarized these efforts in his work, Malign Neglect. After reviewing the extensive efforts to explain the role of racism in criminal sentencing, Tonry concludes that "the evidence seems clear that the main reason that black incarceration rates are substantially higher than those for whites is that black crime rates for imprisonable crimes are substantially higher than those for whites"(32).

However, even allowing for the higher rates among African-Americans of crimes for which prison sentences are likely to be given, Tonry concludes that there still is strong

evidence of racial bias influencing the growth of prisons. His analysis of the data concerning arrests and convictions suggests that the African-American proportion of the prison population that one should expect in a completely unbiased system of justice, is around 40 percent. Then why is the present prison population in the United States actually over fifty percent African-American? Tonry's answer is racial prejudice.

The war-on-drugs has resulted in a changing complexion in the prison population. The percentage of inmates who are African American has grown rapidly and dramatically since the war-on-drugs began. And the political leaders who declared that war had to have known that the results would be what they have been. Tonry argues that, unlike their white counterparts, the patterns of operation employed by ghetto drug dealers make them very vulnerable to street sweeps by narcotics officers. When police are pressured by political forces to show some drug arrests, the urban street corner is where they are most likely to look for suspects. The result is that blacks are far more likely to be arrested for drugs than are whites.

Consider the numbers found by the Sentencing Project. Of all drug users in the United States, 13 percent are black. But blacks make up 35 percent of all arrests for drugs; 55 percent of all convictions for drugs; and 74 percent of all prison sentences for drugs.

Clearly, the war-on-drugs has adversely and disproportionately impacted on African-Americans. However, since, as we shall see, drug offenders presently account for less than one fourth of the total prison population, we cannot explain the quadrupling of the rate of imprisonment as an outgrowth of drug policy alone.

4. EVALUATION OF THE LITERATURE

In 1995, an examination of the data on incarceration levels challenge the Rusche/Kircheimer, the Durkheim-Blumstein, and the Tonry-race theory. Changes in reported crime rates, or rates of unemployment, or drug policies, offer necessary but insufficient explanations of the expansion of the prison population.

For instance, the Rusche/Kircheimer theory was generally supported by the work of Dario Melosi, but even he acknowledged that the numbers involved suggested that imprisonment plays a symbolic role rather than a functional role in regulating labor, since the number of inmates are such a small fraction of workers. Likewise, the work of Chiricos and Delone is exhaustive and very persuasive in its support of Rusche/Kircheimer, but their data is in some places limited and in other places dated. Of the 44 studies, 14 come from England and Wales; 6 are limited to a single state and 18 are limited to a specific region in the United States.

The 6 remaining studies did cover all fifty states but the most recent of these was published in 1981 with data ending in the late 1970s. It is inconceivable that the relationship of unemployment and incarceration rates that Chiricos/Delone report on would remain as strong after the massive growth of prisons in the last fifteen years.

Blumstein and his co-authors' perspective of incarceration does not hold up much better than Rusche/Kircheimer's when we look at current figures on incarceration. In fact, other researchers have questioned both Blumstein's understanding of Durkheimian theory (33) and his interpretation of his own data.(34)

When Blumstein and Cohen originally advanced their hypothesis, the imprisonment rate in the United States and several western nations had been remarkably stable over a long period of time. The changes made in the seventies and eighties would contradict their conclusions. Blumstein was dealing with data up to around 1980. Zimring and Hawkins say that the events of the following decade impeach the worth of Blumstein's view. Specifically, "the theory of the constancy of imprisonment ...has been put to a serious strain in the rates of imprisonment in the 1980s." (35)

In fact, Blumstein himself acknowledges this. In 1980 Blumstein recognized that certain political decisions can significantly impact on incarceration rates, independent of crime rates. "Major changes in penological thinking and

policy", he wrote, may result in an "increase in incarceration associated with that policy" (36)

Later, in talking about the "significant growth of 40 percent in the U.S. imprisonment rate from 1971 to 1978" Blumstein suggests that "it is entirely possible that American society is becoming inherently more punitive and is moving to a new, higher level of 'stable punishment'".(37)

By 1995 Blumstein would look at the figures and appear to abandon his original argument. "The fifty-year period from the early 1920s to the early 1970s", Blumstein writes, "was characterized by an impressively stable incarceration rate averaging 110 per 100,000 of general population...and the 1993 incarceration rate of 351 per 100,000 was over three times the rate that had prevailed for the earlier fifty years. The nation had entered a new regime in which prison populations kept climbing as a replacement for the previous stable punishment policy."(38)

The rate of incarceration since 1993 has continued to increase. With the recent introduction of "three strikes and you're out" laws throughout the country, further increases are inevitable. No theory that presumes stable imprisonment rates can explain what is presently going on.

In 1996, Jacobs and Helms correlated U.S. prison admissions between 1950 and 1990 with several social variables. They found that national crime rates are a weak predictor of prison admissions, that the national unemployment

rate was "statistically insignificant" in predicting prison admissions but that "out-of-wedlock births consistently explain imprisonment rates after these children reach 17-21 years of age".(39) However, Jacob and Helms use nationally aggregated figures - as all of their predecessors had done - and they offer no explanation of why the variation from state to state in prison expansion is so great while the variation in the rate of out-of-wedlock-births do not vary greatly.

In Chapter 3 and 4 we shall see the results of correlational analysis dealing with the association between imprisonment growth and crime, as well as imprisonment growth and other social variables.

Chapter 2 Notes

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CHAPTER 3

THE UNUSUAL RELATIONSHIP BETWEEN CRIME AND IMPRISONMENT:

ARE CRIME RATES SALIENT FOR IMPRISONMENT INCREASES?

IMPRISONMENT RATES AND CRIME RATES: ARE THEY ASSOCIATED?

Different states use imprisonment in very different ways. The variation of "imprisonment rates" among the 50 states is about seven and a half to one. In 1992, the range went from a high of 486 inmates per 100 thousand population in South Carolina to a low of 67 per 100 thousand population in North Dakota.(SEE FIGURE 3:A) As Zimring and Hawkins phrased it: "There is in fact more diversity in rates of imprisonment among the cross section of American states than one finds when a comparison is drawn across the whole of Western Europe. The countries in Europe with the greatest diversity provide less contrast than the ten to one ratio noted in the U.S." (1).

Like their rate of imprisonment, the fifty states also show a marked variation in their rate of reported crime. In fact, the extent of the difference in crime rates among the states is more than three to one. According to the Uniform Crime Reports, the state with the highest rate of reported crime in 1992 was Florida with 8,358 offenses per 100 thousand population. The lowest rate of reported crime that year was in

the state of West Virginia, which had just 2,609 offenses per 100 thousand population.(SEE FIGURE 3:A)

As we have seen, there are many who intuitively associate the variation in crime rates with the variation in imprisonment rates. Therefore, Florida's imprisonment rate of 355 would be compared to West Virginia's rate of imprisonment of just 92 and the intuitive assumption that there is a relationship between crime and imprisonment would seem to be supported. However, this relationship is clearly lacking in other areas.

Recall, for instance, the unusual case of the Dakotas. We saw that South Dakota and North Dakota have very similar rates of crime. But the rate of imprisonment in the two states is very different, even though in 1972 the rate of imprisonment in each state was close. Between 1972 and 1992, South Dakota increased their imprisonment rate over 300 percent so that today their rate of imprisonment more than triples that of North Dakota and the crime rate remains virtually identical. Is it the crime level in a state that determines the imprisonment rate? Does the experience in the Dakotas hold up in a fifty state dataset for the twenty years between 1972 and 1992?

The relationship between crime rates and imprisonment rates also disappears when we compare states like Ohio and New Mexico. Ohio's crime rate (4,665) is far lower than New Mexico's (6,434) but it's imprisonment rate (347) is almost

double that of New Mexico.(197). Utah, on the other hand, has a much higher crime rate (5,658) than Virginia, (4,298) but Utah has less than half the rate of imprisonment (146) of Virginia.(327)

In other words, sometimes states with high crime rates also have high rates of imprisonment; and sometimes they do not. While examples of confluence between crime and imprisonment rates can be found in the data, there are glaring exceptions to this rule that are apparent throughout the data. Do states with high rates of crime generally have high rates of imprisonment? Or is the relationship capricious?

EARLIER RESEARCH

Until recently the assumption that the imprisonment rate in a given state was associated with the crime rate in that state was intuitively assumed but rarely tested. The problem with both official and unofficial crime statistics are well known.(2) Research data on imprisonment was at a very primitive level prior to the surge in the crime rate in the sixties and the enormous surge in federal spending on criminal justice research. Even such commonplace information like the number of prisons that were operated in the United States was difficult to find prior to the sixties.

So attempts to do a correlation between levels of crime and imprisonment nationwide have been very rare. Many studies were limited to a single state or a small group of states, or

sometimes to different regions of the country. The implicit assumption among most commentators on the subject of crime and prisons was the common sense view that prison populations in a given state are a reflection of the crime level in that state.

However, Zimring and Hawkins (1991) studied the relationship between crime and imprisonment nationwide and they concluded: "It seems clear that levels of imprisonment in the U.S. vary widely both over time and from state to state. It is evident also that these variations are largely independent of variations in either crime rates or the provisions of penal codes."(3)

FIGURE 3:A shows the data necessary for a bivariate correlation between the 1992 imprisonment rate and the 1992 U.C.R. rate for each of the fifty states. As is shown in Appendix A, that comparison yielded a reasonably strong correlation coefficient of .5678. Moreover, this correlation has gotten much stronger since 1972, yet this correlation still leaves a good deal to be explained. The amount of reported crime in a given state is far from perfect as a predictor of the level of imprisonment in that state. Other factors must be at work. For example, the imprisonment rate is also strongly related to the proportion of the population that is black.

Numerous researchers have made the argument that incarceration rates seem to reflect differences in the laws

and legal cultures of different areas, and differences in the harshness of local policies regarding punishment.(4) So perhaps it should not be surprising that high crime rates are not a foolproof predictor of high imprisonment rates. But what of the more central question asked here, viz., do changes in rates of crime predict changes in the rate of imprisonment? If the crime rate increases in a given state, will that predict an increase in the imprisonment level?

CHANGES IN IMPRISONMENT RATES AND CRIME RATES: ARE THEY ASSOCIATED?

My interest is not in explaining differences among the states in incarceration rates, but in the variation among the fifty states in the increase in those rates. As we have seen, the variation between the highest and lowest crime rates is a little over three to one. (Florida and West Virginia) How about the variation in the changes in crime rates?

The data indicate that the rate of reported crime increased in every state during the 1972-92 period, but once again the rate of increase varied widely. While the average increase in the rate of reported crime in each state for this period was 49 percent, the increase varied from a low of 4 percent in Michigan and a high of 137 percent in Mississippi.(SEE FIGURE 3:B)

How do these crime rate increases compare with imprisonment rate increases? The increase in imprisonment rate

in these two states was slightly above the national average, Mississippi increased by 295 percent while Michigan increased 340 percent. (SEE FIGURE 3:B) So while the ratio of crime rate increase between Michigan and Mississippi is 34 to 1, (134% and 4%), the differences in the rate at which they increased their imprisonment rate is minuscule (and in the opposite direction).

The ratio of the variation among the fifty states in the increase in the imprisonment rate between 1972 and 1992 is close to 13 to 1, with Delaware and West Virginia at the extremes. What happened in these states to explain these divergent increases?

As we have seen, it is commonly assumed that the sequence leading to prison overcrowding begins with an increase in "the crime rate." The increase in the rate of reported crime is presumed to result in an increase in felony convictions and more prison sentences. This sequence, however, is not apparent in the crime and prison statistics for the two decades following 1972.

The data indicate that every state showed an increase in their incarceration rate between 1972 and 1992. The average increase was around 250 percent from 93 to 330 per 100 thousand population nationwide. But, the range of variation in increases in incarceration rates went from 55 percent in West Virginia to 690 percent in Delaware. Moreover, the

variation is not limited to a few extremes on each end (see FIGURE 3:B).

Zimring and Hawkins used national aggregate statistics to examine the correlation between crime increases and imprisonment increases. When they found little association between national crime rates and national rates of imprisonment, they limited their measurements to just violent crime - the kind that is more likely to result in a prison term. Again the association was weak.

They then experimented with different lag times. If crime increased, it might be a year or two before it would be reasonable to expect an imprisonment increase. They found that "the correlation between the degree of increase in index crime in one year during the period and changes in the rates of imprisonment during the next calendar year is in fact negative: $-.29$ (5). In other words, something other than changes in the crime rate was influencing the growth of imprisonment.

Since Zimring and Hawkins, others have studied the relationship between crime increases and the imprisonment increases that lead to overcrowded conditions. Their conclusions have generally been that "...there is little support for the crime-causes-overcrowding hypothesis". (6) In 1995, a study by Alfred Blumstein concluded that the crimes of murder, robbery and burglary "did not increase dramatically between the 1970s and the mid-1990s, thereby making it very

unlikely that the growth in prison population was a consequence of growing crime rates" (7) So Zimring and Hawkins appear to have support for their conclusions.

However, it is possible that Zimring and Hawkins had missed something by using national figures in their analysis of the relationship between crime and imprisonment rates. Could it be that by aggregating the crime and imprisonment rate data on a national level, as they did, or by relying on specific examples such as Virginia and Utah, Zimring and Hawkins had concealed a significant relationship?

In that part of their study where they rely on national data, they risk the overaggregation problem of relying on mean averages (illustrated by the sad story of the statistician who drowned in a lake that was on average only three inches deep). In theory, their aggregate analysis could hide polar differences between some states with rapid growth of both crime and imprisonment and others with none.

In other words, when a comparison is made of changes in national crime rates and national imprisonment rates, and no association is apparent, could it be that there is actually a hidden association between crime and imprisonment? For instance, assume that the national crime rate does not change in a given year but the imprisonment rate goes up. Nationally aggregated figures would suggest that there was no association between the two. This is what Zimring and Hawkins found.

However, it is possible that some states may have had a substantial increase in crime and a very high increase in the rate imprisonment, while other states had a substantial decrease in crime and no change in their imprisonment rate. In the aggregate, then, we would expect to see a stable crime rate and a climbing imprisonment rate. Hence, no association between the two. Such figures would conceal a hidden association between crime and imprisonment rates.

It is possible that this hidden association would become apparent by taking the 25 states with the highest increases and comparing that to the 25 states with the lowest increases. Consider FIG.3:C. Do the "high increase states" that invested in more prisons, show less of an increase in crime than the "low increase states" over the twenty years between 1972 and 1992? Since the National Crime Survey does not disaggregate their data on a state level, a comparison of each state's "reported" crime in the Uniform Crime Reports must be relied upon. A comparison of the 25 states with high increases in imprisonment with the 25 states with a low increase, shows that the increase over the 20 years in reported crime was slightly higher in the states that had low increases in imprisonment.

If the data were disaggregated into a fifty state data set, over the twenty year period, would the association between increases in crime and increases in imprisonment seen in FIG C and FIG D continue? In other words, if there were a

correlation between the level of crime rate increase in each of the fifty states and the corresponding increase in the level of imprisonment, it should show up in a bivariate correlation between the two variables in each of the fifty states.

In FIGURE 3:B contains the data for a bivariate correlation of the imprisonment increase and the changes in reported crime for each of the fifty states. It should reveal whether or not there is in fact an association between the two. But, as can be seen in Appendix A, the correlation between the increase in reported crime (CRIMINCP) and the increase in imprisonment for the fifty states over twenty years (PRISINCP) is actually a $-.2685$ correlational coefficient with $p = .059$. In short, a rising crime rate evidently has a negative impact on the growth of incarceration.

This result is so counter-intuitive that it seems worth further analysis. As can be seen in Appendix A, a multiple regression analysis of the increase in the crime rate (CRIMINC) and the increase in the imprisonment rate (PRISINCP) is consistent with the bivariate correlation. Since the Standard Error of the Beta (SE B) of CRIMINC is actually higher than B, we can conclude that it is a very poor predictor of PRISINCP.

This association between imprisonment increases and crime increases is close to the $-.29$ found by Zimring and Hawkins in

their analysis of lagged national data. Clearly, rising crime rates are an inadequate predictor of rising imprisonment rates. Something else was the driving force in the imprisonment increases from 1972 to 1992.

Could it have been an increase in homicide rates? Homicide is both the most accurately counted of all felonies and the crime most likely to result in imprisonment. Homicide rates vary widely among the states from a high of 20.3 per 100 thousand population in Louisiana to a low of 1.6 per 100 thousand population in Maine. Is there an association between high homicide rates and high increases in imprisonment rates?

FIGURE 3:E shows the average homicide rate for 1993 in the 25 states with the highest increase in imprisonment. FIGURE 3:F shows the same figure for the 25 states with the lowest rate of increase. The rate for the low increase states is almost 20 percent lower than the rate for the high increase states. Could the increase in imprisonment be connected to changes in the homicide rate? Probably not.

First of all, the rate of homicide nationwide did not change very much between 1972 and 1992, a little over 9 per 100 thousand population for both years. The rate peaked in 1980 at 10.2 per 100 thousand, whereas the biggest imprisonment increases start around 1984. Secondly, the U.C.R. shows one thousand five hundred serious offenses for every one homicide and homicide only accounts for a small proportion of all prison admissions. In 1993, for instance, of all those

admitted to state prisons, just 3.5 percent were sentenced for homicide.(8) These numbers strongly suggest that the variations in homicide rates cannot explain variations in imprisonment rates. In Chapter 4, we will see correlational analysis of imprisonment rate increases and homicide rates that further supports this conclusion.

CONCLUSION

We have seen that the correlation coefficient between the increases in imprisonment and the increase in crime is $-.2685$ and it would therefore be unreasonable to explain a state's prison expansion simply as a reaction to the crime problem. This point was made by a study done for the U.S.Department of Justice in 1991.

Robyn Cohen of the Bureau of Justice Statistics studied the recent imprisonment increases per reported crime and concluded that "in 1970, only 23 people were incarcerated for every 1000 reported index crimes. Commitment probability increased steadily throughout the 1980s, reaching 43 per 1000 crimes by 1990, an increase of 72 percent between 1980 and 1990. Similarly, while 196 of every 1,000 adults arrested for serious crimes were incarcerated in 1980, the rate rose to 392 per 1000 by 1990." (9)

In other words, while crime rates per 1000 population were not increasing,(10) imprisonment rates per 1000 crimes were increasing. Moreover, state variations argue that this

was an outgrowth of policy decisions made in each of the fifty states. What social variables in each of the states is associated with the differing punishment policies? Chapter 4 considers some of the "usual suspects".

FIGURE 3:A IMPRISONMENT AND CRIME RATE 1992;

imprisonment rate		UCR rate	imprisonment % increase
1. SC	486	5893	30
2. LA	484	6546	423
3. OK	459	5431	228
4. NV	448	6203	270
5. MI	413	5610	340
6. AZ	409	7020	430
7. AL	407	5268	294
8. DE	390	4848	690
9. MD	381	6224	175
10. GA	365	6405	110
11. FL	355	8358	155
12. OH	347	4665	350
13. NY	340	5858	430
14. TX	344	7057	153
15. ARK	340	4761	325
16. CA	339	6671	305
17. MS	327	4282	295
18. VA	327	4298	207
19. ALA	327	5569	435
20. MO	311	5097	320
21. NC	290	5802	82
22. NJ	290	5064	301
23. IL	271	5765	435
24. CT	268	4848	439
25. KY	274	3223	210

FIG 3:A (CONTINUED)

imprisonment rate		UCR rate	imprisonment % increase
26.CO	256	5958	215
27.IN	242	4686	235
28.TN	234	5135	185
29.KS	238	5319	225
30.WY	226	4575	200
31.ID	209	3996	320
32.SD	208	2998	305
33.PA	207	3392	293
34.WA	192	6172	150
35.NM	197	6434	253
36.MT	180	4596	355
37.OR	174	5820	105
38.WI	176	4319	290
39.RI	170	4578	370
40.HI	164	6112	325
41.MA	161	5002	200
42.NH	160	3080	420
43.IA	160	3957	251
44.NE	151	4324	140
45.VT	151	3410	401
46.UT	146	5658	185
47.ME	121	3523	162
48.WV	92	2609	55
49.MN	85	4590	150
50.ND	67	2903	130

FIGURE 3:B INCREASE IMPRISONMENT AND CRIME RATE 1972-92

percentage increase in:
imprisonment U.C.R.

1.	DE	690%	7%
2.	ALASKA	435	24
3.	IL	435	52
4.	AZ	430	18
5.	NY	430	38
6.	LA	423	93
7.	NH	420	54
8.	VT	401	54
9.	MA	400	21
10.	RI	370	5
11.	MT	355	43
12.	OH	350	35
13.	CT	349	42
14.	MI	340	4
15.	HI	325	32
16.	ARK	325	119
17.	ID	320	16
18.	MO	320	29
19.	SD	305	40
20.	CA	305	5
21.	NJ	301	31
22.	SC	300	80
23.	MS	295	137
24.	AL	294	126
25.	PA	293	43

FIG 3:B (CONTINUED)

percentage increase in:
imprisonment U.C.R.

26. WI	290	46
27. NV	270	6
28. NM	253	36
29. IA	251	56
30. IN	235	45
31. OK	228	74
32. KS	225	56
33. CO	215	6
34. KY	210	44
35. VA	207	39
36. WY	200	48
37. TN	185	94
38. UT	185	34
39. MD	175	34
40. ME	162	51
41. TX	153	83
42. FL	155	55
43. MN	150	29
44. WA	150	31
45. NE	140	64
46. ND	130	46
47. GA	110	109
48. OR	105	15
49. NC	82	118
50. WV	55	81

(Adapted by Joseph Dillon Davey from The Sourcebook of Criminal Justice Statistics 1993)

FIG.3:C 25 STATES WITH HIGHEST INCARCERATION INCREASE
BETWEEN 1972 AND 1992

		% INCREASE IN	
		IMPRISONMENT	UCR
1.	DE	690	7
2.	ALASKA	435	24
3.	IL	435	52
4.	AZ	430	18
5.	NY	430	38
6.	LA	423	93
7.	NH	420	54
8.	VT	401	54
9.	MA	400	21
10.	RI	370	5
11.	MT	355	43
12.	OH	350	35
13.	CT	349	42
14.	MI	340	4
15.	HI	325	32
16.	ARK	325	119
17.	ID	320	16
18.	MO	320	29
19.	SD	305	40
20.	CA	305	5
21.	NJ	301	31
22.	SC	300	80
23.	MS	295	137
24.	AL	294	126
25.	PA	293	43
		-----	-----
average increase		368%	46%

(Adapted by Joseph Dillon Davey from The Sourcebook of Criminal Justice Statistics 1993)

FIGURE 3:D

**25 STATES WITH LOWEST IMPRISONMENT RATE INCREASE
BETWEEN 1972 AND 1992**

	% INCREASE IN INCARCERATION	UCR
26. WI	290	46
27. NV	270	6
28. NM	253	36
29. IA	251	56
30. IN	235	45
31. OK	228	74
32. KS	225	56
33. CO	215	6
34. KY	210	44
35. VA	207	39
36. WY	200	48
37. TN	185	94
38. UT	185	34
39. MD	175	34
40. ME	162	51
41. TX	153	83
42. FL	155	55
43. MN	150	29
44. WA	150	31
45. NE	140	64
46. ND	130	46
47. GA	110	109
48. OR	105	15
49. NC	82	118
50. WV	55	81

average increase	175%	52%

(Adapted by Joseph Dillon Davey from The Sourcebook of Criminal Justice Statistics 1993)

FIG 3E

		% INCREASE IN			
		Imprisonment	UCR	hom rate	drug arrests
(high increase states)					
1.	DE	690	7	5.0	334
2.	ALASKA	435	24	9.0	101
3.	IL	435	52	7.4	101
4.	AZ	430	18	8.6	383
5.	NY	430	38	13.3	683
6.	LA	423	93	20.3	309
7.	NH	420	54	2.0	162
8.	VT	401	54	3.6	86
9.	MA	400	21	3.9	254
10.	RI	370	5	3.9	281
11.	MT	355	43	3.0	129
12.	OH	350	35	6.0	91
13.	CT	349	42	6.3	571
14.	MI	340	4	9.8	297
15.	HI	325	32	3.6	325
16.	ARK	325	119	10.2	256
17.	ID	320	16	2.9	175
18.	MO	320	29	11.3	269
19.	SD	305	40	3.4	61
20.	CA	305	5	13.1	839
21.	NJ	301	31	5.3	600
22.	SC	300	80	10.3	430
23.	MS	295	137	13.5	178
24.	AL	294	126	11.6	188
25.	PA	293	43	6.8	233
average increase		368%	46%	7.7	293

(Adapted by Joseph Dillon Davey from The Sourcebook of Criminal Justice Statistics 1993)

FIG 3F

% INCREASE IN				
	Imprisonment	UCR	hom	drug arrests
(low increase states)				
26. WI	290	46	4.4	192
27. NV	270	6	10.4	560
28. NM	253	36	8.0	220
29. IA	251	56	2.3	116
30. IN	235	45	7.5	110
31. OK	228	74	8.4	284
32. KS	225	56	6.4	223
33. CO	215	6	5.8	228
34. KY	210	44	6.6	315
35. VA	207	39	8.3	285
36. WY	200	48	3.4	121
37. TN	185	94	10.2	241
38. UT	185	34	3.1	190
39. MD	175	34	12.7	599
40. ME	162	51	1.6	187
41. TX	153	83	11.9	366
42. FL	155	55	8.9	506
43. MN	150	29	3.4	126
44. NE	140	64	3.9	253
45. WA	150	31	5.2	220
46. ND	130	46	1.7	66
47. GA	110	109	11.4	272
48. OR	105	15	4.6	346
49. NC	82	118	11.3	376
50. WV	55	81	6.9	88
average increase	175%	52%	6.2	259

(Adapted by Joseph Dillon Davey from The Sourcebook of Criminal Justice Statistics 1993)

Chapter 3 Notes

1. Zimring and Hawkins, Scale of Imprisonment, 150.
2. Wesley G. Skogan, "Measurement Problems in Official and Survey Crime Rates," Journal of Criminal Justice 3: 17-32.
3. Zimring and Hawkins, Scale, 220
4. See, for example, Carol A. Kizziah, The State of the Jails in California; Report #1: Overcrowding in the Jails (Sacramento, CA: Board of Corrections, State of California); John Klofas, "The Jail and the Community," Justice Quarterly 7 (1990): 69-104; Wayne N. Wells, Henry N. Pontell, Mathew C. Leone, and Patrick Kinkade, "Jail Overcrowding: An Analysis of Policy Makers Perception," Justice Quarterly 7 (1990): 341-370.
5. Zimring and Hawkins, Scale, 122.
6. Wayne N. Welsh, "Jail Overcrowding and Court Ordered Reform," in Visions for Change: Crime and Justice in the Twenty-First Century, ed. Roslyn Muraskin and Albert R. Roberts (Upper Saddle River, NJ: Prentice Hall, 1996), 201.
7. Blumstein, "Prisons", 391, 396.
8. Sourcebook, 1994, 552.
9. Robyn Cohen, Prisoners in 1990 (Washington, D.C.: Bureau of Justice Statistics, 1991), 2.
10. Joseph Dillon Davey, "Crime In America Is Less Than You Think," Human Rights 21, no. 2 (Spring 1994).

CHAPTER 4

SOCIO-ECONOMIC VARIABLES: ARE THE "USUAL SUSPECTS" SALIENT FOR IMPRISONMENT INCREASES?

WHAT ARE THE "USUAL SUSPECTS"?

We began with the assumption that there are essentially three leading explanations for the increase in imprisonment. First, what we called the "Durkheimian-Blumstein" thesis, suggested that crime rates predict imprisonment rates. However, a bivariate correlation between the changes in the rate of crime (CRIMINCP) and imprisonment (PRISINCP) suggests that not only is there a weak relationship between these two variables, but it is (as Zimring and Hawkins had earlier found using nationally aggregated data) a negative relationship.

In short, the figures show that the increase in the rate of imprisonment in each of the fifty states between 1972 and 1992 has a coefficient of correlation with an increase in the reported crime rate of $-.2685$. It appears that whatever the reason for the sudden increase in imprisonment, reported crime rates in the Uniform Crime Reports - essentially the exclusive source of crime statistics for the media and the public - does not have much explanatory power. It was not an increase in crime that resulted in increased imprisonment but an increase in the proportion of reported crimes that resulted in a sentence of imprisonment, as Robyn Cohen pointed out.

However, this increasing punitiveness was very unevenly spread among the states. As we have seen from the charts in Chapter 3, the ratio of the highest to lowest rate of increase in the imprisonment rate between 1972 and 1992 was over 13 to one, with almost as many states over the average increase as were under it. So what social variables, other than crime rates, might be salient for the very pronounced differences in imprisonment rate increases?

As was seen in Chapter 1, Michael Tonry has argued that the recent growth of imprisonment is an outgrowth of racist criminal justice policies. As Tonry sees it, part of the reason for the disproportionate number of black inmates is their high rate of violent crime and part of the reason is that blacks were the target of the "war on drugs". So, it should be useful to ask whether or not there is a correlation between the rate of increase in a state's prisons and the proportion of that state's population that is black, the rate of drug arrests and the rate of homicide.

In addition to the "Durkheim-Blumstein" thesis and the Tonry-race thesis, we saw in Chapter 1 that Rusche and Kirchheimer advanced a Marxist perspective regarding this problem. They argued that economic factors had determined imprisonment levels and that prisons were used as a weapon in class conflict. It would therefore be useful to do a correlational analysis between imprisonment increases in the fifty states and rates of poverty, unemployment

and average income.

In recent years demographers have become more influential in explaining the rise and fall of crime rates. Demographers have long known that the "crime prone age group" of 14 to 24 year olds are disproportionately criminal. The "baby boomers" consisted of 76 million individuals born between 1946 and 1964. These "baby-boomers" started reaching the "crime prone age" in 1960 and the predictable "boom" in crime rates did not surprise demographers. It might also be useful, therefore, to add a final correlational analysis comparing the proportion of youth in a state with its increase in imprisonment level. Therefore, the independent variables which I have correlated with a states increase in imprisonment rate are as follows:

A. RUSCHE-KIRCHEIMER VARIABLES:

POVERTY: The average inmate in U.S. prisons is far more likely to have lived in poverty at some time in his or her life than non-inmates. I measured the percentage of the population in each state that lived under the poverty level.

UNEMPLOYMENT: As we have seen, it is an article of faith among many researchers in the field that unemployment levels impact on imprisonment levels. I compared the unemployment rates of each state.

INCOME: While Rusche-Kircheimer did not associate relative wealth of a society with imprisonment rates, some researchers have suggested that the expense of prison is

actually a luxury that only wealthy states can afford. Therefore, I compared the average per capita income of each of the 16 states.

B. TONRY VARIABLES

RACE: Since African-Americans make up a disproportionate number of the inmates in the nations prisons, I measured the percent of each states population that was African-American.

HOMICIDE RATE: Since homicide is both the most accurately counted of all crimes and the one most likely to result in a prison sentence, I measured the homicide rate of each state.

DRUG ARRESTS: To what extent did the "war-on-drugs" explain the rapid increase in imprisonment?

C. DEMOGRAPHIC VARIABLE:

AGE: A state with an unusually young population may well be expected to have higher rates of imprisonment. I compared the percentage of the population of each state that was under 18 years of age.

3. CORRELATIONAL ANALYSIS

A. STATES ON EXTREME ENDS

If the states with the highest and the lowest changes in imprisonment rates were contrasted, would the contrast reveal an association between imprisonment changes and the suspected

social variables? FIGURE 4:A shows the rate of change for the eight states with the greatest increase in imprisonment rates (they had an average increase of 462%) and the eight states with the lowest increase in imprisonment rates (average increase: 110%). Would the suspected social variables be salient for differences in rates of imprisonment change?

As can be seen from FIGURE 4:B, there were no surprising differences in the group of states with the highest or lowest increase in imprisonment for any of the variables. The high increase states had a 17 percent higher average income and an 11 percent lower rate of poverty, notwithstanding a 14 percent higher rate of unemployment. There were no differences in age distribution in the 16 states and this variable was discarded in the fifty state dataset.

However, the states with the highest imprisonment increases do show about a 12 percent higher percentage of blacks in their population, which would tend to support the Michael Tonry thesis that the "war on drugs" is in fact a war on African-Americans.(1) Tonry argued that since police find it easier to make their quota of drug arrests in ghettos, any policy to get tough on drugs necessarily meant that more blacks would be imprisoned. Tonry's theory would seem to be corroborated by a study done by the Sentencing Commission which found that while blacks make up 12 percent of the population and 13 percent of drug users, they account for 35 percent of all drug arrests, 55 percent of all drug

convictions and 74 percent of all prison sentences for drug offenses. (2)

Moreover, drug arrests also appear to be significantly different in the two sets of states. The high increase states had an average of 289 arrests per 100 thousand population, while the low increase states had just 218. (We will examine the role of the drug war on prison expansion in Chapter 6)

On the other hand, Tonry acknowledges that higher rates of violence in the black community should be expected to result in higher rates of imprisonment in states that have a high percentage of black residents. In 1993, for instance, 51 percent of all homicide victims in the U.S. were black (3) and the correlational analysis in Appendix A shows a strong relationship between the black population and homicide rates. (It was .8270 in 1972 and .7849 in 1992)

Moreover, homicide is both the offense most likely to lead to a sentence of imprisonment as well as the most accurately counted of all criminal offenses. Therefore, a comparison of homicide rates between these two sets of extreme states might prove fruitful.

While the high increase states do show a higher rate of homicide, both sets of states have an average homicide rate that was below the 9.3 per 100 thousand average for all states in 1992. Furthermore, of all prison admissions in the U.S. only about 3.5 percent are for homicide. It is unlikely, therefore, that varying homicide rates can explain the

differences in imprisonment rate increases for these 16 states.

B. FIFTY STATE DATASET

Clearly, none of these variables are very salient for differences in imprisonment changes when comparing the averages of the 16 states on the extreme ends. Still, it could be possible that a bivariate correlation of all fifty states could show a significant association. If the changes in imprisonment rate in each of the fifty states are correlated with each of the "usual suspects", will there be any coefficients that stand out? Appendix A and B report the correlational analysis measuring the association between the increase in the rate of imprisonment and sixteen other variables.

Some general observations can be drawn from the data gathered here, some expected and others difficult to understand. For instance, it is predictable that states that had a high rate of imprisonment in 1972 would see a smaller rate of increase in imprisonment rate during the next two decades. This, of course, should be expected inasmuch as a high base requires a greater number to change the rate than would a low base. Therefore, the rate of imprisonment in 1972 (PRISON72) and the increase in the imprisonment rate (PRISINCP) show a negative association of $-.3852$. In other

words, states with high rates in 1972 generally increased their rate more slowly than states with a low rate in 1972.

A surprising association exists between economic factors and drug arrests. There is a powerful association (.5291) between the rate of drug arrests (DRUG92) and per capita income(INCPC92). Moreover, there is a negative association of $-.1858$ between drug arrests and the rate of poverty (POV92).

These correlations between drug arrests and wealth/poverty probably suggest that wealthy states have the resources to indulge themselves in the luxury of massive numbers of arrests for drug use, as well as greater drug consumption, while the poorer states have fewer arrests and less consumption. Since there are an estimated 12 million users of hard drugs, it is likely that all states have an ample supply of drug users to draw upon to fill whatever drug arrests quotas they may set for themselves.

What of the variables suggested by the work of Rusche and Kirchheimer and Michael Tonry?

Tonry's Variables

The correlational analysis shown in Appendix A and B strongly suggest that states with high rates of crime, high rates of homicide and high rates of African Americans are, as would be expected, also states with high rates of imprisonment. The respective correlations were .5678 between crime and imprisonment, .6097 between homicide rates and

imprisonment and .5118 between rates of African Americans and imprisonment.

However, is there an association between a state's black population, a state's homicide rate or a state's rate of drug arrests and an increase in the rate of imprisonment?

The fifty American states vary in their percentage of black population from less than one percent in Iowa to over 35 percent in Mississippi. The association between a large black population in the 1990 Census (BLACK90P) and the rate of reported crime (UCR92) is only .1806. However, the association between the black population and the rate of imprisonment (PRISON92) is a significant .5118. In other words, states with a large percentage of blacks do not necessarily have a high rate of crime, but they do have a high rate of imprisonment.

What of changes in imprisonment rates? Did states with a higher proportion of blacks in their population experience a higher rate of imprisonment increase?

As Appendix A shows the coefficient of correlation between BLACK90P and PRISINCP was just .0799, hardly a significant association. Given the increase between 1972 and 1992 in the proportion of inmates nationwide that are black, it is surprising that a high proportion of African Americans in a state's population is not more salient for imprisonment rate increases. It may be that with over 30 million African Americans and approximately half a million African Americans

in prison, every state has an ample pool of Blacks in their population to draw upon to increase their prison population.

What about the rate of drug arrests? Did "the war on drugs" explain the increase in imprisonment? There is no doubt that far more drug offenders are being incarcerated today than in the past, but can we explain the variation in the rate of increase from one state to the next by different levels of drug arrests per capita? The correlation between the rate of drug arrests (DRUG92) and the growth of the imprisonment rate (PRISINC) is a very weak .0692 and it is clear that the "war on drugs" explains very little about the variation in the increases in imprisonment.

Do homicide rates or the increase in homicide rates explain the variation in imprisonment growth? The rate of homicide in a state (HOM92) may be salient for rate of imprisonment in that state, but it is not salient for the change in the imprisonment rate over time. The correlation between the homicide rate and the imprisonment increase was an insignificant .0567. Moreover, the correlation between the increase in homicide rates (HOMINC) and the increase in imprisonment (PRISINCP) is an insignificant .1498.

In short, there is little support for the theory that the variation in the growth in imprisonment is related to race, drugs or homicide rate, although the level of imprisonment at any given time is related to the black proportion of the population.

Rusche-Kircheimer's variables

An interesting and somewhat expected association is evident in the wealth of a state and its imprisonment increase. Prisons are expensive. It should not come as a surprise, then, that wealth and poverty would have some explanatory power for imprisonment increases. The role of financial resources in a state and imprisonment increases is apparent both in the correlation of average per capita income (INCPC92) and imprisonment (.2777) as well as the negative association between imprisonment increases and poverty, -.1355. Here, we are probably dealing with a "facilitating variable" as opposed to a causal variable. In other words, wealth did not cause an increase in imprisonment rate, but the availability of resources seems to have made prison expansion possible.

But Rusche-Kircheimer (and others) have suggested that there is a strong association between poverty and unemployment and increases in the rate of imprisonment. The data found here does not support this thesis. The relationship between the unemployment rate (VAR 10) and the increase in imprisonment (VAR 1) was only .1964. So a state's rate of unemployment, notwithstanding the predictions of Rusche and Kircheimer, has very little explanatory power in predicting the rate at which imprisonment will increase.

In addition, the percentage of the population that lives below the poverty line (VAR 9) and the increase in

imprisonment rate (VAR 1), was actually a negative figure, i.e., $-.1400$. In short, whatever does explain the variation in the growth of prisons, it is not poverty or unemployment.

CONCLUSION

All this leaves us with the following question: If the uneven increase in imprisonment in the fifty states over the twenty years studied cannot be explained by variations in the crime rate or the other socio-economic-demographic "usual suspects", then what does explain the variation?

Chapters 5 and 6 look at some political factors that may be relevant.

FIGURE 4:A

**STATES WITH HIGHEST INCREASES IN IMPRISONMENT RATES
BETWEEN 1972 AND 1992:**

**PERCENTAGE INCREASE IN
PRISON INMATES PER 100,000 POPULATION**

Delaware	690%
Alaska	535%
New York	432%
Arizona	430%
Louisiana	423%
New Hampshire	420%
Vermont	401%
Massachusetts	400%

AVERAGE	462%

**STATES WITH LOWEST INCREASES IN IMPRISONMENT RATES
BETWEEN 1972 AND 1992:**

**PERCENTAGE INCREASE IN
PRISON INMATES PER 100,000 POPULATION**

West Virginia	55%
North Carolina	82%
Oregon	105%
Georgia	110%
North Dakota	130%
Nebraska	140%
Washington	150%
Minnesota	150%

	110%

(Adapted by Joseph Dillon Davey from The Sourcebook of Criminal Justice Statistics 1993)

FIGURE 4:B

A COMPARISON OF STATES WITH A HIGH INCREASE IN IMPRISONMENT RATES
AND STATES WITH LOW INCREASES:

SEVEN SOCIAL VARIABLES

HIGH INCREASE STATES

	percent blacks	average income (x \$1000)	% below pov lev	rate of unemploy	%under 18	hom rate	drug arrest
De	16.8	15.8	8.7	5.2	24.5	5.0	334
Al	4.0	17.6	9.0	7.0	31.3	9.0	101
N.Y.	15.9	16.5	13.0	5.2	23.7	13.3	683
AZ	0.3	13.4	15.7	5.3	25.0	8.6	383
LA	30.8	10.6	23.3	6.2	30.3	20.3	309
N.H.	0.7	15.9	6.4	5.7	25.1	2.0	162
VT	0.4	13.5	9.9	4.9	25.4	3.6	86
MA	4.9	17.2	8.9	6.0	22.5	3.9	254
avg	9.2	15.0	11.8	5.68	25.9	8.2	289

LOW INCREASE STATES

	percent blacks	average income (x \$1000)	% below pov lev	rate of unemploy	%under 18	hom rate	drug arrest
W.V.	3.1	10.5	19.7	8.3	24.7	6.9	88
N.C.	21.9	12.8	13.0	4.0	24.2	11.3	376
OR	1.6	13.4	12.4	5.5	25.4	4.6	346
GA	29.9	13.6	14.	5.4	26.6	11.4	272
N.D.	.5	11.0	14.4	4.0	27.4	1.7	66
NE	3.6	12.4	11.1	2.1	27.1	3.9	253
WA	3.0	14.9	10.9	4.8	25.9	5.2	220
MN	2.1	14.3	10.2	4.8	26.6	3.4	126
average	8.2	12.8	13.3	4.86	25.9	6.05	218

(Adapted by Joseph Dillon Davey from The World Almanac of the United States)

FIGURE 4:D FIFTY-STATE DATASET: CORRELATION BETWEEN INCREASES BETWEEN 1972 AND 1992 IN IMPRISONMENT RATES (PRISINCP) AND:

(variable)	(correlational coefficient)
1. % of population that is black (BLACK92)	.0799
2. homicide rate (HOM92)	.0567
3. rate of crime (UCR92)	-.0194
4. increase in the homicide rate (HOMINC)	.1498
5. rate of imprisonment in 1972 (PRISON72)	-.3852
6. increase in crime rate (CRIMINCP)	-.2685
7. average per capita income (VAR 8)	.2841
8. % population below poverty level (VAR 9)	-.1400
9. unemployment rate (VAR 10)	.1964
10. rate of drug arrests (VAR 11)	.0680

Chapter 4 Notes

1. Michael Tonry, Malign Neglect (New York: Oxford University Press, 1995), 19.
2. Louis Freedberg, "New Jump in Rate of Incarceration for Black Males," The San Francisco Chronicle, 5 October 1995, 1.
3. Sourcebook, 1994, 338.

CHAPTER 5

THE "LAW-AND-ORDER" GOVERNORS AND THEIR COUNTERPARTS

CRIME AND POLITICS

It is my argument that the political views of U.S. governors concerning the proper reaction to criminal offenders should be considered one of the most significant factors in interstate variations in the rate of imprisonment. Nonetheless, researchers in public policy have done very little analysis in this area. "Crime has become Public Enemy Number 1", according to a recent Time essay, and "a bigger concern to most people than joblessness or the federal deficit." (1) How is it that crime could have become such a public obsession when, as can be seen in the National Crime Survey, the crime rate hit a peak in 1979 and has been falling ever since?

Why is it that a recent nationwide poll showed that "89% of those surveyed think crime is getting worse..." (2) when even inflated figures in the "reported crime" of the FBI's Uniform Crime Reports is showing significant annual decreases? For example, in 1980 the UCR rate was 5,950 per 100 thousand population and in 1993 the rate was 5,482 (3).

In referring to the public's perspective on the contemporary problem of crime in the United States, The Nation has recently editorialized: "Rarely has political consensus strayed so far from the facts". (4) In other words, there are

very few examples where the public view of a social problem is less justified by the realities of the situation than the subject of crime in the nineties.

The answer to this enigma lies, at least in part, in the political exploitation of public confusion and fear of crime. This exploitation has come in the form of the innumerable "law and order" campaigns that have been waged for almost three decades - from the mid-sixties when the first of the baby boomers entered the "crime prone age group" and, predictably, sent crime rates spiraling upward.

One recent study of this problem found that an examination of every crime story covered by Time, Newsweek, and U.S. News and World Report from 1956 to 1991, concluded "that 'media amnesia' has allowed each new anti-crime crusade to be portrayed as if the preceding ones had not happened." (5) These crusades have been of enormous value to some political candidates. The voters may feel an ill-defined malaise with the way things are going, and still be unable to articulate the causes of this malaise. As Stuart Scheingold has argued: "Criminals provide a convenient target for the anger that is widely felt, but is not quite appropriate to express, with respect to unwelcome changes in race relations, employment opportunities and homelessness." (6)

It has been generally assumed that the beneficiaries of the "law and order" campaigns have been conservative Republicans. However, it has been recently argued that no

political candidate is safe ignoring the crime issue and that every "candidate for public office in the United States this year is unwilling to challenge the prevailing rhetoric and talk reality on crime and punishment." (7) In other words, what was once the exclusive province of conservative Republican political candidates is now more widespread. Concludes one editor: "Both parties now go by the once Republican equation that 'soft on crime' adds up to liberal loser." (8) Despite objections that "the Constitution should not be used to score political points" that came from White House advisors, the Clinton administration proposed a "victims rights Amendment" in the 1996 campaign in order to respond to Republican initiatives in the area of "tough-on-crime". (9)

It was not always the case that political candidates felt it mandatory to take a position on crime. The political benefits of taking a tough "law-and-order" position has become increasingly apparent over the past couple of decades. As it has evolved, the get-tough rhetoric has become both more strident and more bi-partisan. Perhaps the best example of this evolution is the direction taken by the party presidential platforms of the recent past on the issue of crime.

PARTY PRESIDENTIAL PLATFORMS

The party platforms created for the Presidential campaigns of the past two decades have contrasted sharply on the issue of "law and order". The Republican platform has

unfailingly taken the hard line on crime, and encouraged state officials to follow suit. "The most effective weapon against crime", their 1980 platform argued, "are state and local agencies." (10)

In regard to legal reforms that each party considered necessary, the difference was pronounced. In 1984 the Republicans would include in their platform: "The Republican anti-crime agenda: oppose furloughing criminals; re-establish the death penalty, reform the exclusionary rule to prevent the release of the guilty on technicalities, reform cumbersome habeas corpus procedures, implement preventive detention." (11) The Democrats, on the other hand, suggested different reforms for the problem of crime: "We must eliminate elements like unemployment and poverty that foster the criminal atmosphere". (12)

The Republican call for a "war on drugs" was reflected in every recent party platform. In 1976, they were already calling for mandatory minimum sentences for drug offenders (13) and they repeated the call in 1980. (14) In 1984 the platform called for a "dramatic increase in the penalties for narcotic offenses" (15) and in 1988 they were demanding both the death penalty for drug traffickers (16) and an "expanded military role in stopping traffickers." (17)

Beyond the death penalty, the platform for the first time came up with specific, Draconian suggestions which many states would later implement. Drug dealers, in the view of the

platform, were "domestic terrorists" who deserved capital punishment. But, for the first time, drug users were also targeted by the platform.

"User accountability for drug usage is long overdue", said the platform. "Conviction for any drug crime should make the offender ineligible for discretionary assistance, grants, loans and contracts. We urge states to suspend eligibility for a drivers license to anyone convicted of a drug offense." Many states would take their cue from these suggestions. And the widespread use of drug-testing was introduced with the line: "We will require federal contractors and grantees to establish a drug-free work place".(18)

The Democrats were somewhat more sanguine in their approach to drugs. "We should make every useful diplomatic, military, educational, medical and law enforcement effort necessary..." stated the Democratic platform of 1988, "and it should include comprehensive programs to educate our children at the earliest ages on the dangers of alcohol and drug abuse, readily available treatment and counseling for those who seek to address their dependency".(19) So the solution to the problem of drugs for the Democrats of 1988 was education, prevention and drug treatment; for the Republicans, it was increased law enforcement pressure and government harassment of drug users.

On the subject of guns, the parties took predictable paths. The Republicans consistently "oppose federal

registration of firearms. Mandatory sentences for commission of armed felonies are the most effective means to deter abuse"(18) while the Democrats would "support tough restraints on snubnosed handguns" in 1984, and the "enforcement a ban on "cop killer" bullets" in 1988.(19a)

The Republicans demonstrate a remarkable faith in the ability of government agencies, such as courts, to resolve the problem of crime. The Democrats appear to be hopeful that courts can at least render justice. The platform for the Republicans in 1980 argues: "The existence and application of strong penalties are effective disincentives to criminal actions. Yet these disincentives will only be as strong as our court system's willingness to use them."(20) On the other hand, the Democrats in 1984 suggest: "Our courts should not be attacked for failing to eliminate the major social problem of crime - courts of justice were not designed to do that."(21)

Prison sentences were also discussed by the Republican platforms, which reasoned that "the best way to deter crime is to increase the probability of detection and to make punishment certain and swift. Republicans advocate sentencing reform and secure, adequate prison construction."(22) By 1988, the platform would demand "an end to crime" and what they called "an historic reform of toughened sentencing procedures for federal courts to make the punishment fit the crime."(23) The Democrats thought that sentencing reform should include "diversion programs for first and non-violent offenders" as

well as "reform of the sentencing process so that offenders who commit similar crimes receive similar penalties".(24)

The stark contrast between the parties in their platform planks concerning crime begins to disappear in the 1992 election. Perhaps Republican success in exploiting the issue brought the Democrats closer to the "law and order" position. The Willie Horton issue that haunted Michael Dukakis in 1988 may have made it clear how politically dangerous it was to appear soft on crime. Certainly, the message was not lost on numerous Republican gubernatorial candidates.

These national political platforms may well have contributed to the increase in the U.S. prison inmates between 1972 and 1993 as the "law and order" theme in national politics inevitably colored state level politics. Moreover, while national party platforms may have pointed the way, the implementation of prison expansion would be left to those officials directly involved in the operation of state prisons, namely, state governors.

Seven of these governors, six of them Republicans, presided over extraordinary increases in the imprisonment rate in their state. I will examine their views of crime and punishment and then compare them with their counterparts in contiguous states.

STATE	GOVERNOR	INCREASE IN IMPRISONMENT RATE PER 100,000 POP.	% INC.	
1. New Hampshire	Judd Gregg	1989-93	+54	+72%
Maine	John McKernan		+00	0
2. Missouri	John Ashcroft	1989-93	+75	+31%
Kansas	Joan Finney	1990-94	+06	+03%
3. South Carolina	Carroll Campbell	1986-90	+42	+39%
North Carolina	James G.Martin		-02	-02%
4. Delaware	Michael Castle	1985-89	+68	+26%
Maryland	William Schaeffer		+06	+02%
5. Kentucky	Wallace Wilkinson	1987-91	+99	+70%
W.Virginia	Arch Moore/Gaston Caperton		+09	+11%
6. Arizona	Evan Mecham	1987	+39	+14%
CA,UT,NV and NM		average	+06	+03%
7. Louisiana	Buddy Roemer	1988-92	+116	+34%
North Dakota	George Sinner		+11	+19%

NEW HAMPSHIRE AND MAINE**1989-1993**

Governor Judd Gregg served four years as Governor of New Hampshire. During that time (1989-93) the inmate population of the state increased from 93 inmates per 100 thousand population to 160. During the same four years, next door in Maine, Governor Jock McKernan presided over an inmate population that remained unchanged.

Specifically, on the first day of 1989, New Hampshire had 103 inmates, and Maine had 116 inmates, per 100 thousand population. Four years later, Maine still had 116 inmates per 100 thousand population but Judd Gregg's New Hampshire now had 157 inmates per 100 thousand population, an increase of 52 percent.

The crime rate is relatively low in both New Hampshire and Maine, about two thirds the national average, and their violent crime rate ranks 49th and 50th in the nation.(24a) During this time period the overall rate of reported crime fell in both states by about the same percent. (SEE FIG 6A) New Hampshire experienced a 12 percent drop in reported crime; Maine saw an 11 percent drop.

The demographics of the two states are very similar; the economic and social problems are not very different. Why was there such a difference in the use of prisons between 1989 and

1993? It is my argument that the answer lies in the public posture of the state's chief executive officers.

NEW HAMPSHIRE

Judd Gregg's political career seems to have been designed to demonstrate the consistently reactionary positions that would justify the editorial opinion that "Judd Gregg is devoutly conservative..."(25) As a new member of the U.S.Senate in 1995, for instance, Gregg went out of his way to become part of the Newt Gingrich inner circle. When "Gingrich held one of his regular meetings with the cadre of loyalist representatives who would be the core of his conservative band", Gregg was always there.(26) Gregg's major positions as a freshman Senator were to cut the capital tax rate and reduce cuts in defense spending. (27)

Earlier in his career, as Governor of New Hampshire, Gregg demonstrated similar political leanings. He made constant calls for broad changes in education, state financial support to attract business, and an end to over-regulation of business.(28) In his first year as Governor, Gregg proposed a 9 percent cut in state spending on education,(29) in order to keep down taxes, despite a massive increase in the cost of maintaining an expanding prison population.

He "promised that he would not let a sales tax or income tax slip into the state"(30) and would later brag that "taxes in New Hampshire are the lowest in the country." (31) "As

Governor, he vetoed three bills that would remove the state's 1848 anti-abortion laws from the books..."(32) and promised he would not support the Freedom of Choice Act.(33) In a dispute involving the separation of church and state, "Gregg argued that the President of Keene State College should be fired because she moved a prayer service off campus at the state supported college".(34)

It is clear from the U.S. Department of Justice Data that during Governor Gregg's term the inmate population grew dramatically, even though the crime rate was falling. The reason for this increase in imprisonment was not because of an increase in crime but because of an increase in the rate of imprisonment per crime.

One veteran administrator in the New Hampshire prison system stated at the end of Gregg administration that "the recently revised laws that require minimum sentences [has resulted] in young offenders being imprisoned much longer than before..."(35) He went on to argue that "you've got a lot of young kids up there doing time for almost nothing...at least 200 are serving time for driving stuff".(36) The voters of New Hampshire may have been led to believe that their prisons were being filled with murderers and rapists, but their prison administrators would speak of the inmates that were sent to them for "driving stuff".

Judd Gregg's approach to the problem of drugs best exemplifies his "law and order" perspective. As a Congressman

in 1987, Gregg wrote an article for the Congressional Digest about the solution to the problem of drugs. Consistent with the philosophy of the Republican national platform, it was surveillance and law enforcement that he stressed over education and treatment as the solution to the drug problem. Gregg argued that every federal agency head should drug test their employees and thereby set an example for others to follow. (37)

Gregg viewed the problem as less a social crisis, than a law enforcement problem.(38) Despite the fact that under Gregg's administration New Hampshire prisons lacked the funds to do any kind of drug and alcohol treatment for inmates (39), Governor Gregg was able to find special funds to provide additional investigation of drug use in high schools. (40)

Gregg's call for punitive judges is very similar to that of the Republican national platforms call for punitive judges. In addition to Gregg's outspoken support for the Clarence Thomas appointment to the Supreme Court (41), he also called for trial court judges who would "get tough" on crime. When Governor Gregg was criticized for nominating New Hampshire judges who were "not up to snuff", his reaction was that "they are strong judges who, when they make a decision, are definitive" and "when someone is found guilty of a crime, these judges don't hesitate to effectively mete out justice." (42)

When Judd Gregg left the New Hampshire state house to accept his seat in the U.S.Senate, he left behind many problems for the prison system. "With the state facing a growing inmate population, the Legislature must fund a master plan for correctional facilities..." said the Commissioner of Correction at that time. He noted that there were serious problems with "expanding prison populations and the siting and funding of new facilities".(43)

In order to relieve overcrowding in the prisons, corrections officials began using electronically monitored home confinement to ease overcrowding in New Hampshire prisons.(44) In addition, Gregg's successor found it necessary to give the Attorney General authority to set up an early release program to ease overcrowding at state prisons. (45) Before leaving office, Judd Gregg did create a 500 bed minimum security prison called "Camp Success" which would offer steady work to 150 local workers and he saved \$20 million by converting an old school building rather than building from scratch.(46)

Despite the fact that New Hampshire went through a ten year prison renovation and expansion program,(47) the flood of inmates sentenced to New Hampshire prisons under Gregg's leadership would still overwhelm the system by the time he left office. Gregg's "law and order" approach led to serious problems in New Hampshire prisons as the crowding and

understaffing grew steadily worse. By 1991, the newspapers would be filled with horror stories about the prisons.

For example, when two inmates were murdered in a New Hampshire prison, the press questioned how an inmate could be stabbed 40 times before correctional officers reached him. (48) While the prison officials took the position that they could not make public the number of inmates per officer because of "security reasons" (49), it was estimated that as many as "280 inmates may be watched over by as few as two or three officers..."(50) These conditions lead to a strike by the inmates toward the end of Gregg's term.(51)

The conditions in the New Hampshire prisons grew inevitably worse as the chief executive of the state insisted on tougher sentences and cuts in state spending. Gregg loved to boast how "New Hampshire remains the lowest taxed state in the country, with the lowest cost of government in the country..." (52)

Gregg prided himself in the cutbacks on expenses for state employees, including the elimination of state paid health care for its employees. (53) But the restrictions on prison staffing were not without cost. "Prison inmates have flooded U.S.District Court in Concord with more than 250 law suits against New Hampshire State Prison over the past 7 years." Included in complaints were failure of officers to protect prisoners from violence from other prisoners; interrupted access to visits; crowded and inhumane conditions.

"What has changed," said a prison spokesman, "is allegations that prisoners feel unsafe, that they are being abused by prison staff and assaulted by other prisoners" (54) And inside the prisons "inmates and staff have said that the overcrowded prison is routinely understaffed and that is a contributing factor to the violence." (55)

MAINE

During the same four years that Governor Judd Gregg was increasing the prison population of New Hampshire by 52 percent, John McKernan was serving as Governor of Maine. On the day that Gregg was sworn into office, Maine had an inmate population of 116 per 100 thousand population - actually higher than the 93 in New Hampshire. However, four years later, when New Hampshire had increased its prison population to 160, Maine continued to have just 116 inmates per 100,000. Why did this happen? The answer lies in a comparison of Governor Judd Gregg and Governor John McKernan.

The crime rates in Maine and New Hampshire are very low by national standards. The national average of roughly 5600 serious offenses per 100,000 population is far greater than the 3523 in Maine and the 3080 in New Hampshire. During the 1972-1992 period Maine and New Hampshire saw an increase in rate of reported crime that was very similar- 51 percent in Maine and 54 percent in New Hampshire. Both Gregg and McKernan are Republicans, but that is where the similarity ends.

Governor Gregg was a "law and order" governor; John McKernan was not.

"During McKernan's first term in Congress he aligned himself with the Republican's congressional left wing, voting against the President 50 percent of the time", (56) which ultimately "attracted charges from the political right the he is "an ultra liberal". (57) McKernan's position on crime and drugs is the direct opposite of the "law and order" governors. One of his major concerns about the crime problem is his support for gun control laws, a position that is not popular in rural Maine. (58)

The "war-on-drugs" was not something that McKernan pursued with the same enthusiasm as Judd Gregg. During his gubernatorial campaign his opponents pointed out that while serving as a State Senator in Maines legislature McKernan had provided a key vote that kept alive a measure to decriminalize marijuana. (59) It is possible that his view of the "war" was influenced by the fact that, according to the Maine Times, McKernan was "...the only gubernatorial candidate to admit to having tried marijuana. (60)

Political realities would eventually catch up with McKernan and he would move toward the conservatives in his party. "With speculation about the 1986 Gubernatorial race focused on him, McKernan gradually began to swing to the right"...coming out "for such uncharacteristic causes as a statewide ban on pornography and the death penalty". (61)

However, he would never come close to the "law and order" advocacy of his counterpart in New Hampshire and during his four years as governor Maine's imprisonment rate would experience no increase at all.

MISSOURI AND KANSAS

1989-1993

On the first day of 1989 Kansas and Missouri had virtually identical rates of imprisonment per 100 thousand population. Kansas had 232; Missouri had 236. Four years later Kansas had increased their rate by 6 inmates and Missouri had increased theirs 75. Their crime rate remained very similar. So between 1989 and 1993 the imprisonment rate in Missouri increased about twelve and a half times faster than the increase in next door Kansas. The crime rate in Missouri is about 2 percent higher than the rate in Kansas, and there was very little difference in the changes in the crime rate in each state between 1989 and 1993. Why did the rate of imprisonment increase so much faster in Missouri? My answer lies in the political figures that presided over each of these states during that time.

MISSOURI

On the day that John Ashcroft was sworn in as Governor of Missouri in 1985, there were 175 inmates per 100 thousand

population. When he left office eight years later, there were 311 inmates per 100 thousand population, an increase of almost 80 percent. However, it was in his second term, from 1989 to 1993, that the larger increase occurred. In that term Ashcroft presided over an increase of 75 inmates per 100 thousand population. In Kansas, the increase in prison population during this same four years was just 6 per 100 thousand. Missouri's UCR rate in 1993 was 5095; Kansas was 4995.

When John Ashcroft finished his second term as Governor of Missouri and ran successfully for the U.S. Senate, an editorial summarized his accomplishments by writing: "Ashcroft's eight years will be most remembered as a time of wholesale cuts in key state services, nearly \$1 billion in reductions..."(62) But that editor did not discuss spending on Missouri prisons.

In his 8 years, Gov. Ashcroft invested \$115 million in prison construction, building four new prisons and expanding four more.(63) The prison expansion was so rapid that the Department of Corrections actually leased cells to other states prior to the expansion of the Missouri prison population.(64) But the "build and fill" prophecy of prison expansion critics soon came true as the "law and order" atmosphere influenced criminal justice officials. Missouri prisons quickly reached a point where they were unable to lease out cells to other states and not long after that the problem of overcrowding began to appear.

The method of financing Missouri prisons did involve a unique approach to imprisonment programs. A private developer built and owns the new prisons; Missouri leases and operates the prisons under a 30 year lease. Ashcroft claimed that "this financing package freed an estimated \$50 million to fund other state obligations".(65)

However, while Missouri was willing to greatly increase public funds for housing offenders, government housing was not for everyone. Even while approving prison construction, Ashcroft vetoed a state housing assistance bill and was sharply criticized by advocates of the homeless and low-income families. (66)

Under Ashcroft, new laws embodying tough sanctions for offenders were passed and increased capacity for law enforcement to fight crime.(67) The net effect was a rapid expansion of the rate of Missouri imprisonment. The total case load for Department of Corrections grew from 25,000 to 43,000 during Ashcroft tenure.(68) State prison funding increased from \$87 million to \$208 million (139 percent) during Governor Ashcroft's administration and the number of guards went from 1400 to 2700.(69)

State spending on colleges and universities dropped compared with that of other states and Missouri fell to 47th place in per capita funding of higher education.(70) However, Ashcroft would later boast that he had demonstrated his concern for college students in passing a new law that gave a

prison term of not less than 10 years for people distributing controlled substances near colleges or universities.(71)

The St. Louis Post-Dispatch once argued that in the nationwide "war on drugs" Governor John Ashcroft's voice had been one of the "shrillest".(72) Indeed, most of his second inaugural address apparently concerned the topics of drugs and pornography (73), both red meat subjects for the "law and order" right.

Ashcroft's second term would begin with the re-introduction of the death penalty in Missouri (74) (although they would modernize the process by authorizing the Department of Corrections to use lethal injections for executions).(75) The death penalty was also provided for in an omnibus anti-drug bill that authorized the death penalty for drug-related murders. Ashcroft claimed that "he recognized the need to fight drugs with the latest and best law enforcement strategies"(76) and under the Ashcroft administration, anti-drug funding grew from \$19 million dollars in 1985 to \$93 million in 1993. (77)

Editorials warned of the "hysteria" in some of Ashcroft's drug proposals (78) including the proposal to deny bail to drug offenders, a proposed law that would punish pregnant women who used alcohol or drugs (79), the stationing of police officers in public high schools to combat drug use,(80) the outlawing of "street gangs", (81) and the revoking of the driver's license of anyone convicted of possessing drugs -

regardless of whether or not they were in a car at the time they were caught.(82)

Ashcroft slashed the budget for treatment of drug abusers and "in addition to the cuts to the Division of Alcohol and Drug Abuse, Ashcroft vetoed funding for two separate residential treatment programs for children whose primary problems are abuse and neglect."(83) Moreover, the Kansas City Star would editorialize that "recent budget cuts included substandard welfare benefits, overcrowded prisons and the virtual dismantling of traditional mental health programs".(84)

Aside from cutting public spending, Ashcroft also shifted spending from programs that might reduce the demand for drugs to programs that would almost certainly have no impact. For instance, while everyone agrees that pregnant drug addicts can do great harm to their fetus, the question of what to do about them is disputed. But everyone agrees that medical attention is an important part of the solution.

A pregnant woman with a drug problem might ask herself where to find help in Ashcroft's Missouri. Certainly not from a medical doctor. Ashcroft legislation turned all doctors into police informers by "mandating physician identification of alcohol and drug abuse in pregnant women."(85) Why seek out prenatal medical care if you will only be turned into the police?

Many of Ashcroft's proposed reforms in drug laws were stopped by the Missouri legislature (86) which found them too extreme. But many of his proposals for increasing police powers in dealing with drugs were more successful in the legislature. For example, Governor Ashcroft signed legislation granting full search and seizure powers to the Highway Patrol. (87) And at Ashcroft's urging, "the General Assembly authorized the use of electronic surveillance for gathering evidence of drug-related felonies." (88) Ashcroft also boasts about how he provided the Missouri Highway Patrol undercover officers with "buy money" for undercover operations and encouraged the patrol to purchase high-tech infrared equipment to help officers locate indoor-cultivation operations. (89)

The last year for which Missouri imprisonment figures are available is 1993, the year John Ashcroft spent his first year as a U.S. Senator. In 1993, the rate of imprisonment fell for the first time since 1979. It may be that the atmosphere in the Missouri criminal justice system was beginning to change and the "get-tough" hysteria that characterized Ashcroft's Missouri was abating. In any case, more inmates were released from state prisons than were admitted.

KANSAS

During most of the Ashcroft administration, Joan Finney served as Governor of Kansas. Finney is a Democrat who was elected in the heavily Republican Kansas after serving as

state treasurer for twenty years.(90) She alienated the voters by opposing the death penalty which the polls showed was widely popular among Kansans. When the state legislature sent her a death penalty bill, she refused to sign it. (91) In speaking to a group of voters about her overall view of crime, Governor Finney stated: "Bigger jails and stiffer penalties are not the solution". We need to bring families together so young people do not turn to drugs and crime".(92)

To emphasize her perspective, she singled out a state parole officer for a special award after he had demonstrated a humane and progressive approach to drug and alcohol rehabilitation for his parolees. (93) In addition, she proposed funding for AIDS education and establishing early intervention services centers(94) and she urged the adoption of "Operation Immunize" statewide program to vaccinate every child under two years.(95)

If all of these positions did not endear Finney to the electorate, it appears that the issue of gaming amongst Native Americans may have been a final straw. She touched off a storm of controversy when she signed compacts with four Kansas tribes approving gaming.(96) It would authorize gambling casinos to be set up by tribes of Native Americans in Kansas. The Attorney General, at the direction of the Republican dominated legislature, sued Finney over the tribe's gaming compact and lost.(97)

Finney's approval rating was estimated to be around 25 percent when she approached re-election.(98) She announced her retirement from politics amidst much criticism (99) but has recently announced her candidacy for the Senate seat abandoned by Robert Dole.

THE CAROLINA'S

North and South Carolina have a great many social, economic, political and demographic similarities. The crime rate is almost identical, less than 5 percent difference. On the last day of 1985, the imprisonment rate per 100 thousand population was also very similar, specifically, South Carolina had 294 inmates per 100 thousand population and North Carolina had 254. Four years later there was a dramatic difference in the imprisonment rate. South Carolina had increased its imprisonment rate by about 42 percent to a level of 415 per 100 thousand and North Carolina had actually reduced their rate to 250, despite the fact that during these years there was a considerable amount spent on new prison construction.

Reported crime rates had increased in both states during this four years, but the increases were very similar and the rate of crime differed very little at anytime during these four years.(See Fig 6.A) The social and economic problems of both states remained largely the same. Drug use had shown similar patterns in each state. The only event that is likely

to explain this sudden change in imprisonment rates was the election of Carroll Campbell as Governor of South Carolina.

SOUTH CAROLINA

Political leaders who make use of popular prejudices and promises in order to gain power are often referred to as "demagogues". The term has haunted Carroll Campbell's entire political career. On April 27, 1990 a murderer was executed in South Carolina. Governor Campbell had refused to commute his sentence and the media had given the story a lot of attention. On the day before the execution, the Governor called a press conference on the steps of the statehouse where he proclaimed "crime prevention week" and presented the proclamation to the family of the murder victim. (100)

It may or may not have consoled the family; it certainly did not hurt the image of the "law and order" governor. It was political theater of the kind Campbell's long time friend and adviser, Lee Atwater, had always promoted.(101) Atwater, the George Bush political adviser largely responsible for the "Willie Horton campaign", knew well the value of exploiting the voter's fear of crime.

Among many Democrats, the perception of Carroll Campbell has always been that he "plays on the worse fears in people, that he takes advantage of people's prejudices over a whole range of issues".(102) Campbell began his political career in 1970 when he served as spokesman for "The Citizens to Prevent

Busing Committee" after the U.S. 4th Circuit Court of Appeal ordered school segregation to end immediately in South Carolina. It was said at the time that Campbell had "demagogued the busing issue for personal political gain"(103) when he lead a an anti-busing protest to the state house.(104)

Political opponents would charge over the next twenty years that in that busing protest Campbell's speeches helped inflame racial disturbances throughout the state.(105) Although it was said at the time that he had "exploited highly volatile and emotional issues", (106) it nonetheless launched his political career as a state senator.

In 1978 Campbell ran successfully for the House of Representatives against a Democratic candidate who was Jewish. Campbell's campaign polled voters in his district asking how they felt about having "a Jewish immigrant" represent them in Congress. (107) The results of the poll were then released to the press by an obscure third candidate. Campbell admits that he conducted the poll (108) but denies having provided the poll results to the other candidate.(109)

In 1986, Campbell ran for Governor. Only one other Republican had ever been elected Governor of South Carolina in the 20th century (110) and two months before the election Campbell was trailing in the polls.(111) The race card had been good for Campbell in the past and it would prove useful for him again.

The Confederate flag flew over the state house in South Carolina and Blacks had long complained that it was a symbol of the state's one time dedication to slavery. Sensing that his opponent wanted to avoid the issue, Campbell announced proudly that he would keep "the flag flying because it is part of our heritage".(112) He would carry a large majority of the white vote, but the polls indicated that in the Fall of 1985, he was still trailing in the race. He needed another issue.

Pollsters said that the voters believed Campbell's Democratic opponent would do a better job on education and the environment, but that Campbell would be tougher on crime. (113) Campbell played to his strength. According to the Atlanta Journal, Campbell "drove home his tough talk on drugs by taking a much-publicized urinalysis and requiring the same of his campaign aids, promising that such tests would be standard in his administration".(114)

His opponent refused to participate in what became known as the "jar wars". However, when his opponent railed that Campbell's exploitation of the issue was "McCarthyism", it was viewed by political observers as a mistake, said since "most of the voters don't remember who Mccarthy is"(115) In response to criticism of his "jar wars" technique, Campbell argued: "The only people who ought to worry about a drug test are people who have to worry about how they are going to come out on it" (116) In a close election, Carroll Campbell became

the second Republican Governor of South Carolina in this century.

Over the next four years, South Carolina would increase the percentage of its population that was imprisoned by over 42 percent.(117) Under Campbell, the population of state juvenile penal institutions would more than double.(118) Campbell took pride in this and when running for re-election he would brag about how much tougher South Carolina had become on crime and drugs under his leadership.(119)

Drug policy was indeed toughened under Campbell. During his administration, South Carolina began using mandatory minimum prison terms and no-parole sentences.(120) Laws dealing with drugs and schools were dramatically changed under the Campbell administration. Although the self-styled "education governor" was a disappointment to South Carolina teachers who saw their salaries fall to 38th in the nation.(121) (and wound up suing Campbell), Campbell himself believed he had done a great deal to improve South Carolina schools.

For instance, he signed a new law increasing penalties for possessing drugs in school from 30 days to a year (122) and signed another bill containing harsher penalties for drug offenses committed within a half mile of schools; eg. 10 years for sale of cocaine (123) and also allowing 15 year old offenders to be treated as adults. Under Campbell, the policy changed in prosecutor's offices concerning the prosecution of

mothers despite the fact that the AMA and the American Academy of Pediatrics opposed the policy and said that courts and police have no business going after pregnant women.(124)

A policy to charge women using drugs during pregnancy with child abuse and murder if the baby dies was put into effect under Campbell.(125) Prosecutors in Greenville and Charleston began vigorously pursuing criminal child neglect charges against women whose babies were born with traces of drugs in their system.(126)

The Omnibus Drug Act gives drug traffickers the death penalty, makes it easier for police to seize trafficker's property and creates whole new categories of illegal drugs. (127) "The drug legislation which is stuffed with new offenses and penalties to help police and prosecutors fight illegal drugs" was said to be focused at the "casual user".(128) It allows police to seize vehicles "intended" for use in drug trafficking" (129) and "gives prosecutor's offices 20 percent of the take in drug seizures".(130)

Campbell was unequivocal in his support for using police to eliminate the problem of drug abuse, which he viewed as a moral failure. He argued that: "We must emphasize individual accountability and responsibility. Offering excuses for irresponsible personal behavior is going to encourage irresponsible personal behavior".(131) He would later suggest that "the word will get out before long that this is not a place for people to come who want to sell drugs, and if they

do, they'll be dealt with harshly".(132) He took great pride in the "Governor's RAID Team" which he credited for the rapid increase in drug arrests during his administration..(133)

NORTH CAROLINA

Governor James G. Martin served as governor of North Carolina from 1985 till 1992. The demographics of North Carolina are similar to South Carolina, and the crime rate in the two states differ by less than 5 percent. Nonetheless, when James G. Martin took over as Governor in 1985 there were 254 inmates per 100,000 population and four years later there were only 250 per 100 thousand. Why did the imprisonment rate expand rapidly in South Carolina and drop in North Carolina?

Martin was just the second Republican to become Governor of North Carolina in this century.(134) Democrats often refer to him as "one of the most level headed governors we have had".(135) He was a chemist by training and a professor by trade, teaching at Davidson College. (136)

The extraordinary thing about Martin is that he did not preside over a large increase in prison inmates, but he did preside over a prison construction program that was unprecedented. "In March, 1986, as part of a 10 year plan to reduce prison crowding he called for \$203 million to expand the system by 10,000 beds".(137)

There is an expression used about prison construction that says imprisonment grows because we "build and fill". Even

James E. Roark, executive director of North Carolina Center on Crime and Punishment warned Governor Martin that "if there is any lesson from other states, it's if you build prisons, you will fill them".(138) But in the absence of a "law and order" governor, that apparently did not happen in North Carolina.

In July, 1990 the papers reported that "since 1985, North Carolina has spent about \$200 million on prison construction - but all of that money has gone toward alleviating crowded prisons by providing more room for about the same number of inmates."(139)

Martin continued to show an interest in prison construction and he "spearheaded a \$200 million prison bond referendum approved by the voters in 1990"(140). Thus, Martin saw a prison system that was badly overcrowded and did what needed to be done to alleviate that problem. The new prisons that were built under Martin's leadership were filled with the same inmates who were already serving time, rather than by the drug users and property offenders who were being added to prison populations elsewhere.

But when James Martin left office in 1992, North Carolina had 269 inmates per 100 thousand population, just 15 more than when he had come to office eight years earlier. Despite a massive prison building program that would improve conditions for inmates, Martin's administration would average an increase of the imprisonment rate of less than 1 percent per year.

DELAWARE AND MARYLAND**1985-1989**

Between 1985 and 1989, while Delaware was increasing its imprisonment rate by 68 inmates per 100 thousand population, neighboring Maryland would increase it's rate from 285 to 291, or less than one tenth Delaware's rate of increase. The difference in the crime rate in the two states is not unusual and the drug problem is very similar between the two neighbors. The differences in the political views concerning "law-and-order" issues held by the governors who served in each state were very substantial.

DELAWARE

In 1985, Michael Castle began his first term as governor of Delaware. On December 31, 1984, the eve of his inauguration, Delaware had 263 inmates per 100 thousand population. Eight years later when Castle left office there were 390 inmates per 100,000 population, an increase of 127 inmates per 100 thousand population. During Castle's first term the increase of 68 inmates per 100,000 population was the biggest increase during any of the gubernatorial administrations in Delaware between 1972 and 1992.

Delaware's political culture has always been on the conservative side. (More than half of the Fortune 500 companies are incorporated in Delaware). (141) In fact, when Thomas Carper replaced Castle in the state house, he was the

first Democrat to be elected governor of Delaware in 20 years.(142) But the former deputy Attorney General Michael Castle introduced a "law and order" atmosphere in Delaware that had not existed up until his election.

In discussing his "tough on crime" positions, Castle stated: "once a crime has been committed, I believe that you cannot be too tough". (143) When critics pointed out that during Castle's eight years in office there had been a rapid increase in the school drop out rate, Castle bragged that his term had also witnessed a very rapid increase in the imprisonment rate.(144)

In fact, the imprisonment rate increase had been so dramatic that all four of the candidates for the job of replacing Castle as Delaware's governor (including the Republican candidate) promised in their campaign literature that they would either reduce the level of imprisonment or, at least, find alternatives to further incarceration.(145)

What Castle left behind in Delaware when he left for his seat in the House of Representatives (where he would become a signer of the "Contract With America") was a state which was, in his words, "a bad place to commit a crime".(146) For instance, Delaware remains one of the few states that still provide the option of hanging as a means of capital punishment (147) and during Castle's administration a bill that would have introduced public whipping as a punishment for drug offenders was debated by the Delaware legislature.(148)

Moreover, Delaware has numerous methods of cutting the cost of dealing with criminals (149), one of which is the practice of using inmate labor to build the prisons.(150)

As Governor, Castle pumped money into the court system to deal with rising case loads and pushed for legal changes that would make procedural reforms to speed justice.(151) Castle signed a bill that made hearsay evidence admissible in some cases; and extended the statute of limitations in other cases.(152) But while these changes may evidence a "get tough" approach to crime, they were of minor significance in determining Delaware's expansion of imprisonment. Castles new drug laws were not insignificant in that regard.

As a former law enforcement official, Castle believed that social problems like drugs could be cured by the criminal law. Even as a Congressman, Castle would advocate more money for interdiction of the supply of drugs, the redeployment of military forces to the war on drugs, and less spending on drug treatment and prevention. (153)

As governor, Castle introduced and signed into law some of the nation's harshest mandatory minimum sentences for drug violation.(154) These laws would lead to an unprecedented crowding of the Superior Court docket which wound up overflowing with criminal cases, mostly drug prosecutions. (155) Editorials at the end of Castle's term would cite these drug laws as being directly responsible for the imprisonment expansion. Said one: "Delaware's growing prison population was

an outgrowth of harsh mandatory minimum sentences for drug violations which Castle signed into law."(156)

Castle may be the quintessential example of the "law and order" political figure who benefitted from the crime issue. At the time that he finished his eight years as governor and won election to Congress, Castle was widely considered by the media to be "one of the most successful elected officials in state history".(157)

MARYLAND

The Governor in Maryland during this time was Democrat William Schaeffer, a moderate who had served for 15 years as Mayor of Baltimore where his redevelopment efforts made the city a national urban success story".(158) Unlike some of his counterparts, Schaefer did not have much need to carefully watch the polls before making policy decisions. He came into office with an enormous mandate,(159) having won his election with a record margin of 82 percent of the vote.(160)

He was viewed as a big spender who steered state aid to the poor and homeless, economic development of the cities, and "support from the wealthier subdivisions to the poorer". He argued that "inequality means we all pay for the dropouts, the prisons, the juvenile delinquency, the teen pregnancy".(161) During his first two years in office, it was said of him that "the poor became his constant companions. He mentions them in nearly every speech".(162)

On the subject of crime, William Schaefer could not have been more different than his colleague in Delaware. While Governor Castle of Delaware was saying that he did not believe it was possible to be "too tough on criminals", Governor Schaefer, just a few miles away was quoted as saying: "I happen to be a proponent of when a person served their time, you give them a break." (163) Schaefer's primary interest in crime legislation seems to have been banning assault guns (164) and he regularly received the opposition of the NRA. (165)

Moreover, while it is true that in his first two years, he built new prisons; (166) and had the state take over Baltimore jail and expand its capacity, the result was to relieve overcrowding rather than increase capacity. (167) In fact, after a visit to one prison, Schaefer was so appalled at the conditions he found that he ordered it closed immediately. (168) On another occasion, Schaefer demonstrated unusual patience during a prison riot and his restraint was credited for peacefully resolving the riot. (169)

Schaefer's primary interest in criminal sentencing was to double the number of convicted defendants sentenced to community service doubled; to get tough on domestic violence; to increase gun control and to crack down on dead beat dads and drunk drivers. (170)

In addition, Schaefer is given credit for computerizing law enforcement information systems (171) and he was widely

praised for taking an approach to the drug problem that demonstrated "compassion". (172)

**KENTUCKY AND WEST VIRGINIA
1987-1991**

Kentucky and West Virginia have a good deal in common in terms of social, economic and political problems. Both have very low crime rates and low rates of imprisonment. Kentucky has a crime rate of 3223 UCR offenses per 100 thousand population; West Virginia is at 2609. During the four years from 1988 and 1992 both states experienced an almost identical increase in the reported crime rate of roughly 8 percent. But the increase in the imprisonment rate was significantly different.

In the period between 1972 and 1992, both states increased their rate of imprisonment by less than the national average of 250 percent. But between 1988 and 1992 the rate of increase in imprisonment was very different in the two states. West Virginia increased its imprisonment rate by about 7 percent; Kentucky increased by 70 percent.

While the total increase in the rate of imprisonment in Kentucky between 1972 and 1992 was just 172 per 100 thousand population, an increase of 99 occurred in one four year period. That was under the Wallace Wilkinson administration. As Kentucky was increasing its prison population by 99 inmates per 100,000 population between 1987 and 1991, the

prison population in neighboring West Virginia grew by just 8 inmates per 100,000 population. Demographically and culturally the two states are quite similar. The social and economic systems are similar and the problems confronting the two states are very similar. Then why such a disparity in the growth of imprisonment ?

KENTUCKY

Wallace Wilkinson was elected governor of Kentucky when the rate of imprisonment was 142 per 100 thousand population. Four years later, Kentucky had a prison population that was at 241 inmates per 100 thousand population. The increase was the largest by far of the five administrations during the 1972-1992 period and amounted to a 76 percent increase in four years.

Wallace Wilkinson was a wealthy businessman with no political experience when he ran for Governor in 1987.(173) During his administration he would make substantial cuts in the state budget (174) . Minority groups complained that during the Wilkinson administration the percentage of minorities in the state work force fell.(175) In regard to crime, Wilkinson introduced a bill that lowered the level of intoxication necessary for a drunk driving conviction (176) and a bill that would remove a license for those convicted of drunk driving. And it is widely believed that the most

significant achievement of the Wilkinson administration was the introduction of the lottery to Kentucky. (177)

But it was in the "war-on-drugs" that Wilkinson demonstrated his "law and order" credentials. He was especially eager in his war on marijuana. Wilkinson proudly announced a new effort to fight marijuana growers by finding and destroying marijuana and prosecuting those who grow it. He announced that \$3.9 million would be spent on the plan in order to show that "it is absolutely unacceptable to grow marijuana in Kentucky and it is going to be extremely hazardous to those who attempt to do that".(178)

In the same announcement he stated that Medicaid funding would be halted in Kentucky for substance abuse treatment at children's facilities because the state did not have enough money. It was estimated that the treatment cost around \$2 million per year.(179)

WEST VIRGINIA

Governor Arch Moore served three terms as governor of West Virginia. His last two years of service came in 1987 and 1988 and contemporaneous with the first two years of Wallace Wilkinson's administration. He was defeated for re-election by Gaston Caperton who served from 1989 to 1993.

During the 1987-1991 period West Virginia saw an increase in reported crime of 8 percent and an increase in the rate of

imprisonment of 7 percent. Neither governor advocated prison expansion or a "get tough" approach to crime.

Arch Moore served as the democratic governor of West Virginia from 1969 to 1977, and he was elected again in 1985. Moore made substantial efforts at reforming the state's education system (180) but the state was in desperate financial condition and his plans were thrown off track.(181) The West Virginia prison system was in such a deplorable state that the inmates held in a state prison that had been built before the Civil War rioted on News Years Day, 1986 and three people were killed. (182) Nonetheless, Moore kept the institution open and functioning.

It may be suggested that Arch Moore was reluctant to expand the prison population of West Virginia because he anticipated the day he would become part of that expansion. Moore was himself sentenced to five years for taking kickbacks from a contributor who was allowed to get illegal refunds from the state's Black Lung Fund.(183) His popularity with the voters, however, helped him come close to being re-elected even after his indictment.(184) He ultimately returned \$750,000 of the money he had received to the state (185) but Moore lost in a close race against Gaston Caperton in his bid for an unprecedented fourth term. (186)

When Gaston Caperton was elected Governor of West Virginia the state had a \$500 million deficit. On the day he left office West Virginia had just a \$35 million deficit.

Caperton passed the largest tax hike in history (187) and was known for his attempt to cut bureaucracy. (188) Editorials gave Caperton credit for cutting government spending, paying off the state's debt, and punishing government mismanagement. (189) But editorials also said that Caperton paid a price for pledging not to raise taxes and then raising them as soon as he took office. (190)

Caperton took greatest pride in his efforts for education. Gasper Caperton pledged to revitalize the state's educational system because he believed that education was the key to redirecting the economy. (191) He pressured the West Virginia legislature to increase spending on education, but met with limited success. (192) Caperton is remembered in West Virginia for his school building drive as well as his attempt to cut the state bureaucracy. (193) His sweeping reorganization package was aimed at the state's declining college and university system. (194)

By the end of his term, Caperton would boast that he had wiped out the state's deficit, created jobs and put a computer in every elementary classroom in the state. (195) Even Time magazine would acknowledge that "Governor Gaston Caperton has introduced an innovative health cost-containment plan for state employees, initiated a radical restructuring of the state's education system and arranged for payment of the state's debt". (196) Unlike his counterpart in nearby Kentucky,

he did very little that would expand the rate of imprisonment in West Virginia.

ARIZONA

AND CALIFORNIA, UTAH, NEVADA AND NEW MEXICO 1987

In Arizona between 1972 and 1992, the biggest single increase in the number of prison inmates came during the 1987-1991 period. This is problematic for my purposes here because there were two individuals who served as Governor of Arizona during this period. Governor Evan Mecham was elected in 1986 and took office in January, 1987. He was impeached and driven from office about fourteen months later and he was replaced by the Secretary of State, Rose Mofford.

However, while the total increase in inmates was greater during this four year period than any other gubernatorial administration during the 1972-1992 period, the increase under Mecham was by far the most dramatic.

While the three years of Mofford administration averaged an increase of 22 inmates per 100 thousand population, in 1987, during the one year of the Mecham administration, the increase was 39 per 100 thousand. In no other year between 1972 and 1992 was there an increase of inmates per capita that was anywhere close to 39. (The closest was 25 in 1982)

Arizona is bordered by five western states. The average increase of inmates per 100 thousand population for these five states in 1987 was 7 per 100 thousand population. California

increased their prison population by 19; Utah, by 2; Nevada actually decreased by 15; and New Mexico increased by 20. As a percentage increase that translates into an increase in of 8 percent for California, 1 percent for Utah, 12 percent for New Mexico and minus 3 percent for Nevada. Arizona's increase of 39 inmates per 100 thousand population amounted to a 14 percent of its prison population.

GOVERNOR EVAN MECHAM

Evan Mecham was the first governor impeached in 59 years. (197) He had angered a large part of the voters by canceling the state holiday to honor Martin Luther King, although he would later claim that he was motivated by the cost to the state of such a holiday. (198) The legislature impeached Mecham shortly before a recall election could be held. His impeachment for "high crimes and misdemeanors" came as a result of his diverting the funds intended for his inauguration to help out his failing Pontiac dealership. (199)

Mecham argued that the pressure for him to resign came from "militant liberals and homosexuals" (200) and one of Mecham's supporters compared the investigation of the governor to the trial and passion of Jesus Christ. (201) In the years following his impeachment he would remain active in political fringe groups heading a white supremacist organization called "Constitutionalists Networking Center"

(202) and founding a political party called CURE - "Constitutionally Unified Republic for Everyone." (203)

Governor Mecham is a good example of how one individual can set an attitude throughout the minions of criminal justice officials which results in the rapid increase of imprisonment. Even though Mecham did not have enough time to preside over an extensive prison building program, his very presence in the state house was enough to bring about a rapid increase in imprisonment levels.

A "law and order" governor can lead a legislative reform of penal codes and sentencing policies, or a massive investment in prison facilities. Both moves can ultimately result in a substantial increase in imprisonment. But quite aside from these long-term projects, a governor can almost instantly create a "law and order mood" among police, prosecutors, parole officers, probation officers, judges and parole boards that can also bring about a substantial increase.

These individuals exercise enormous discretion over individuals involved in crime and can quickly implement a punitive approach to the crime problem. Such appears to have been the case during Evan Mecham's ill-fated 14 month regime.

The extremism of Mecham's political views was well known to the Arizona voters when he was elected. "Mecham supported and was supported by members of the John Birch society...(204) and is on record as stating "that President Eisenhower

supported socialist policies..."(205) Mecham argued that "federal policies regarding education, homosexuals, welfare programs and separation of church and state were the same symptoms that lead to the fall of the Roman Empire."(206) Early on in his administration his derogatory remarks angered blacks, homosexuals, women, journalists, legislators and politicians. He cost the state millions in revenue from canceled conventions and companies deciding not to locate in Arizona.(207) He also argued that the U.S. may have become "too much of a democracy".(208)

Mecham's election to the state house created a "get tough" on crime atmosphere. In his book, Mecham claims that the greatest achievement of his ill-fated administration was his success at "persuading the Legislature to pass stronger criminal laws and to match federal dollars for funding stronger law enforcement to combat drugs..." (209) Even editorials that were critical of Mecham conceded that he "has succeeded in beefing up that state's drug abuse prevention efforts". (210) However, the speed with which Arizona prisons grew under Mecham clearly demonstrates that he did a lot more than just toughen existing laws. Mecham created an atmosphere of encouragement to those who favor greater punitiveness in the handling of criminals.

Even mainstream Arizona Republicans would launch a campaign to fight a takeover by the new conservative group led by televangelist Pat Robertson and Evan Mecham. (211) But the

"law and order" advocates in the Arizona criminal justice system would take great solace from Mecham's view of crime and share in his view that "America's eventual moral collapse will again prove that any society that will not protect itself from moral decay will be destroyed by it".(212)

Apparently, the governors of Arizona's neighboring states of California, Nevada, Utah and New Mexico did not perceive the same level of "moral decay" and did not send the same "get tough" message to their criminal justice system.

LOUISIANA AND NORTH DAKOTA

1988-1992

The state with the highest rate of imprisonment is Louisiana; the state with the lowest is North Dakota. While there are polar differences between these two states, it may be interesting to examine the administration that presided over the most rapid growth in Louisiana and compare it to the contemporaneous administration in North Dakota.

In Louisiana between 1988 and 1992 there had been an increase in the imprisonment rate of 116 inmates per 100 thousand population; in North Dakota the increase was 11. However, the significance of this difference is lessened when we look at the percentage increase. Louisiana increased its rate of imprisonment by 34 percent; North Dakota had an

increase of 19 percent. While North Dakota continued to have a low rate of crime and Louisiana continued to have high rate of crime, both states experienced roughly similar increases in their reported crime rate during this four years.

The most apparent reason for this difference in the increase in imprisonment rates was the political views of the governors who served these two states between 1988 and 1992.

LOUISIANA

The day that Buddy Roemer took over as Governor of Louisiana in 1988, the state prisons had 346 inmates per 100 thousand population. During the Roemer administration, a four year period in which crime both nationwide and in Louisiana remained relatively stable, the Roemer administration presided over a 34 percent increase in the size of the inmate population, a larger increase than any other modern Louisiana gubernatorial administration. At the end of his four year term, there were 462 inmates per 100 thousand population in Louisiana, the highest in the nation.

By the time of Roemer's reelection campaign he could confidently promise the voters that, as "a law and order candidate", he would "lead the Legislature in creating the toughest crime package in America".(213) There were few who would question his credentials for making such a claim.

Roemer had rushed into the race for governor in the final three weeks of the campaign, gaining major newspaper

endorsements and showing well in a widely televised multicandidate debate.(214) Roemer knew he was getting into a very difficult job, and he faced it with little in the way of a mandate. (He took office even though a majority of voters opposed him and won with a plurality) (215)

How did a state that "was on the verge of bankruptcy"(216) in 1988 and saw painful cut backs in many state agencies, find the money to expand their prison population so dramatically? Roemer knew that upon taking office he was destined to "implement a drastic austerity program designed to severely curtail social services." (217) As one of his first official acts, he "asked the legislature to give him authority to cut state departments in economically depressed Louisiana".(218) He almost immediately proposed a budget that would reduce state aid to schools by nearly 20 percent (219) and would later propose the closing of half the state's public colleges in order to balance the state's budget.(220) Ultimately, Roemer would " cut 16,000 people from the state's 75,000 person payroll over four years..."(221)

While others would write of Buddy Roemer that "he has assembled power that makes Huey Long look like a piker", (222) he would go further. Commending on his own power in Louisiana Roemer states: "I am the most powerful Governor in America".(223)

Buddy Roemer set a "law and order" atmosphere in the state of Louisiana that would have a pronounced impact on its

approach to imprisonment. While a member of Congress, Roemer had frequently voted with the Reagan White House and provoked the wrath of Democratic leadership on more than one occasion.(224) By the time Roemer announced that he was switching parties and running as a Republican, the Times-Picayune claimed that the "very conservative congressman had voted with Reagan republicans more than any other House Democrat."(225)

During his first term as governor Roemer would demonstrate a consistent "law and order" philosophy. By his second year as Governor, Roemer "addressed a joint session of the House and Senate and pointed to continued budget pressures and to some areas that should be given more money, including state police, corrections and anti-drug initiatives." (226) Roemer himself claimed that his investment in prisons was forced upon him by federal court orders which compelled the state to reduce overcrowding. (227) Moreover, a crime panel which he had appointed had concluded that more money had to be spent on Louisiana's prison system.(228)

During his administration, Roemer provided special funds to New Orleans to fight crime,(229) signed a bill giving prosecutors extraordinary powers to get into bank accounts of suspected drug offenders,(230) and, after four other states had refused permission to build a new federal prison, Roemer volunteered a site in Louisiana for that purpose.(231)

Perhaps Roemer's most unusual demonstration of his commitment to "law and order" came with the exercise of the governor's power to commute sentences. Gilbert Rideau is an inmate in Louisiana's prison system who acquired a measure of renown by publishing a newspaper about prison life. After serving some thirty years, Rideau was recommend for parole by the governors pardon board. Roemer refused to follow the recommendation and grant clemency (232) and Rideau remains in prison.

The following year the Board again recommended clemency for an inmate by requesting that the governor commute the man's death sentence to life without possibility of parole. Dalton Prejean killed a man when he was a minor and was given the death penalty. As Time magazine saw it: "Prejean was remorseful and semi-retarded, with partial brain damage and a history of abuse as a child. He was also a black juvenile convicted by an all white jury".(233) Because of his youth at the time of the crime the pardon board recommended that the governor commute.

Roemer refused.(234) In an unusual twist, Roemer phoned Prejean just an hour before his execution and informed him that his execution would be good for society, then called the media to inform them of the conversation. Prejean was executed.(235) The Governor's public image for being "tough on crime" reached legendary proportion at a time when "acts of

clemency have become a rarity in a political environment that rewards unflinching toughness."(236)

Even the Times-Picayune editorial cautioned Roemer to tone down his law and order rhetoric, like his call for "chain gangs for prisoners", which, the editorial claimed, were "just too harsh for the people Roemer needs to attract after runoff".(237) In addition, Roemer promised to call out the National Guard to patrol the streets of New Orleans and conduct drug raids (238), describing the problems of that city as more like a "war" than a "crime problem". (239) But it was the image of himself as a "crime warrior" that had proven so politically successful for Roemer, and not something he would lightly give up.

NORTH DAKOTA

When George Sinner took office as governor of North Dakota in 1988, the state had an imprisonment rate per 100 thousand population of just 57. When he left office four years later, the rate had grown to 68, remaining the lowest in the nation. In Louisiana, the rate had grown by 116 inmates per 100 thousand population during this 4 years; in North Dakota it had grown 11 per 100 thousand population. Clearly, North Dakota does not believe in imprisonment as a cure for social ills.

Sinner, an ex-seminarian who was said to place his emphasis on human services and education,(240) was required to

make an immediate \$21 million reduction in the state budget as soon as he took office.(241) His second budget reflected a large increase in spending with the lion's share going to human services.(242) His final budget called for another increase of \$150 million.(243)

Editorials said of Sinners style that his greatest fault was that he did not realize that "good government is usually poor politics".(244)

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UMI

CHAPTER 6

HOW THE PRISON POPULATION GREW

One of the oddities of the U.S. prison system is the way in which it is funded and utilized by different governments. More than 90 percent of all inmates are in prisons that are owned and operated by state governments. (The other ten percent are either in federal or privatized institutions.) "Prisons in the US` are paid for at the state level of government out of state correctional budgets, but prison populations are determined by the number of prisoners referred by local officials and the lengths of sentences imposed at the local level".(1) Those who use the service of prisons, are not the ones who have to worry about paying for the service. Therefore, every day there are countless offenders prosecuted by locally elected prosecutors and sentenced to state prison by locally elected judges who have little or no concern about how those prisons are funded.

We have seen in earlier chapters that every state had an increase in their rate of imprisonment per crime reported between 1972 and 1992, with a national average of around 250 percent increase, but within that framework there was enormous variation from one state to the next. We also saw that the social variables that are frequently associated with imprisonment - rate of reported crime, homicide, poverty, percent of population that is African-American, rate of

unemployment, age of the population, drug arrests - were not very good predictors of increases in imprisonment rates. Still, some states increased imprisonment rates thirteen times more than others.

The process through which rates of imprisonment were increased between 1972 and 1992 show many similarities from one state to the next. They also show some unusual variations. Here we will examine various theories for how prisons grow. We will analyze the "build and fill" theory of prison expansion as well as the impact of political patronage. The rather considerable influence of the "war on drugs" will also be examined as will the impact on imprisonment rates attributable to formal penal code reform. Finally, we will look at the effect of changing political attitudes toward crime and punishment on the "informal processes" that help determine imprisonment levels.

"BUILD AND FILL"

There is one school of thought that argues that the very existence of prison capacity automatically leads to increases in levels of imprisonment. That is, new cells never stay empty very long. Therefore, according to this theory, even a needless increase in prison capacity will inevitably increase the number of inmates. There is, in effect, a kind of "Parkinson's Law that suggests that the prison population will simply expand to fill available capacity". (2)

This perspective was best summed up by a Justice Department study done by Kenneth Carlson that concluded "new space finds its own occupants".(3) Specifically, Carlson stated: "As a matter of history, this study has found that state prison populations were more likely to increase in years immediately following construction than at any other time, and that the increase in the number of inmates closely approximate the change in capacity".(4) That study suggested that the increase in imprisonment was not immediate, but that "there was a two year lag time between the construction of a cell and its being filled.(5)

New prison construction is almost always in response to some kind of "crisis" situation precipitated by years of growing overcrowding. Sometimes the crisis is touched off by violent, well-publicized prison riots that call attention to deplorable conditions. More often, prison conditions are brought to the attention of federal courts and result in court orders concerning the conditions in existing prison facilities. It is well known that "after Attica in 1971...no region of the country has been unaffected by federal, and occasionally state, court orders to eliminate substandard conditions of confinement..." (6)

However, the court orders to alleviate overcrowding, (or, in the absence of court orders, prison construction bond issues) ordinarily come only after the overcrowding problem has become acute. The process of creating the overcrowding is

generally a gradual evolution that begins long before prison construction proposals.

Clearly, the presence of empty, state of the art prison facilities can encourage a criminal court judge to incarcerate a defendant who may otherwise get probation. But, in some cases, new prisons are built and there is very little subsequent change in the imprisonment rate as the new cells are used simply to replace the old ones. And much of the growth in imprisonment rates happens long before any new prison construction.

An increase in a state's rate of imprisonment does not necessarily require the construction of new prisons. There are many ways in which the inmate population of a state can grow without building new prisons. For those interested in "getting tough on crime", substantial increases in the imprisonment rate can be achieved long before any new construction begins. These changes can either be an outgrowth of formal legislative changes dealing with sentencing, or achieved through informal measures, which are, in my view, more often the most significant influence.

If the number of sentenced inmates increases before new construction begins, where do the new inmates go? State officials have taken numerous approaches to this problem. For instance, prison administrators can decide on their own to use gymnasiums as dormitories, thereby increasing capacity. Correctional authorities can authorize double-celling and

thereby double their capacity in one move. "Triple-celling" has become commonplace and the idea of "warm-bed shifts", wherein one bed is used in shifts by two inmates has actually been discussed in some states.

Inmates can be shipped out to other states where cells have been rented by the sending state; or sentenced inmates can be held in unused county jail cells. Abandoned military bases can be quickly converted into prison facilities by executive order. Minimum security facilities can be upgraded to medium or maximum security and the minimum security inmates transferred to newly purchased hotels and motels. It is only after all of this emergency space has been exhausted that the over-crowding reaches "crisis" levels and the state is compelled to begin construction of new facilities.

It is therefore possible for a governor to build no new prisons and still preside over a massive increase in imprisonment rates. Evan Mecham served just 14 months as governor of Arizona, not nearly long enough to launch a prison construction program. However, during his tenure, there was an unprecedented increase in the number of inmates in that state, unmatched by far by any previous administration or any of the four contiguous states.

James G. Martin, on the other hand, presided over the construction and opening of a major prison expansion in North Carolina. During Martin's eight years as governor, however, there was almost no increase in the imprisonment rate. While

Martin modernized North Carolina's prisons, he did not greatly increase their capacity, nor preside over a growth in the rate of imprisonment. Therefore, increasing the number of prison buildings will not necessarily lead to an increase in the rate of imprisonment, nor, will the increase in the rate of imprisonment always result in the addition of new prison buildings. What other factors are the most significant for increasing growth in imprisonment rates?

POLITICAL PATRONAGE

One study of prison construction noted the political implications of advocating expanded prison construction. "Local jobs and future political loyalties", they concluded, "are created by floating big construction contracts for new prisons and jails".(7) So political leaders, that study concluded, may be able to find advantages in proposing large prison expansion projects.

In 1996, there is something of a construction boom going on in prisons. The Federal government is constructing 26 new prisons; the states are constructing 95 new prisons. The total number of new beds being built is around 104,000 and the total cost of the construction is in the area of \$7 billion.(8) There has never been a study of the amount of P.A.C. money that comes from either the construction companies that receive these prison building contracts or the construction unions that benefit from the many jobs involved. A third political

force, the unions of correctional officers that will run the prisons, has also been ignored by researchers.

Recent media reports, however, have referred to a growing amount of patronage in this area (9) and to the growing number of small towns that are actively competing with one another to attract new prisons to their area.(10) Moreover, a study by the Edna McDonnell Clark Foundation on the "current prison-building binge" analyzed the impact of the "corrections-industrial complex" and raised the question of political patronage.(11)

However, trying to explain the prison boom in terms of political largesse is trying to explain a variation with a constant. First of all, there has always been patronage to be dispensed through large state construction contracts - it is not something that began in the last two decades. Secondly, assuming that the temptation of patronage is equally present in all states, why would half the states expand prisons at over twice the rate of the other half? And why would some states expand prisons at thirteen times the rate of others? Patronage may be a necessary component of explaining recent prison expansion, but it is certainly not a sufficient explanation.

THE INFLUENCE OF THE "WAR ON DRUGS"

The "war on drugs" has probably not changed the pattern of drug use in the United States very much but it has had a

significant impact on prisons. In 1981, the percentage of new inmates admitted to state prisons who were drug offenders was 7.7 percent. By 1989, it had become 29.5 percent and the number of prison commitments for drug offenses grew 6 fold, from 11,487 in 1981 to 87,859 in 1989. (12) By 1992, of all new admissions to state prisons, over 30 percent were for drug offenses. (13)

However, because drug offenders generally stay less time in prison than other offenders, on any given day in 1996 the percentage of inmates who are serving time for drug offenses is probably less than 25 percent. Therefore, the "war on drugs" can account for a part of the overall increase in imprisonment, but certainly not all of it. And, of course, the question remains, why did some states wage a "war-on-drugs" so much more vigorously than others? Clearly, it is not because of a lack of drug offenders in any state. There is no state which, today, has any kind of shortage of drug offenders.

The most responsible estimates are that there are 40 to 50 million people who still use an illegal drug at least once a year. There are about 18 to 35 million regular marijuana users in the US, five to ten million cocaine users and five million heroin users.(14) Despite the billions of dollars spent on the "war-on-drugs", the National Institute on Drug Abuse estimates that at best we are incarcerating one eighth of the country's hard- core cocaine and heroin abusers.(15) Therefore, even an exponential increase in incarceration of

drug offenders would still affect only a very small percentage of all users. Even with an estimated 300,000 drug offenders in prisons and jails nationwide, probably less than 1 percent of all drug offenders are behind bars. It is reasonable to assume that in every state there is a virtually endless supply of drug offenders for criminal justice officials to draw from to continue prison expansion.

Consider the data in FIG 5A and FIG 5B. The 25 states with the high rate of increase in imprisonment had an average of 293 drug arrests per 100 population in 1992. In the 25 states with the low increases, the rate was 259, or 11 percent lower. Moreover, since a virtually endless number of drug arrests can be made by police in any state, the question remains, with or without a "war-on-drugs", why was there such variation in imprisonment rate increases among the fifty states?

INMATE INCREASES THROUGH POLITICAL ATMOSPHERE

- a. formal measures: penal code reform
- b. informal measures: discretion in criminal justice

It is my argument that it is the political leaders and the impact they have on a states atmosphere that leads to increases in imprisonment rates. In turn, rapid increases in imprisonment rates lead to the kind of overcrowding that touches off the "crisis" that winds up in prison construction programs. These changes are typically reflected in both the

formal and the informal processes of dealing with crime. While the informal processes can be the more important of the two and involve numerous minions of the criminal justice system, the formal processes usually involve reform of sentencing laws in the penal code.

A. Formal Measure: Penal Code Reforms

Each state's penal code is subjected to dozens of proposed "reforms" every year and, even though most die in sub-committees, many are passed into law. The "law and order" attitude which drives the increase in sentence severity is an outgrowth of the political environment. Members of "sentencing commissions" can take a lenient, progressive view of punishment in their reports to state legislatures; or they can take a "get-tough" view and urge Draconian reforms. They do not make their judgements unaffected by the prevailing political winds.

Legislators, reviewing the recommendations of these commissions, can read polls that show a growing fear of crime that would make the "get-tough" approach politically popular, or they can read criminological treatises that conclude that prison expansion does little good to reduce crime. In recent years, however, the "treatises" have been largely ignored in favor of studies that show again and again that "soft-on-crime" is the political kiss of death.

Despite the fact that the United States has had the most severe penalties of any industrialized nation for a long time, (16) during the two decades sentences have become even more severe. The early part of these changes were detected by one study that concluded in 1978. Herbert Jacob and his colleagues conducted an extensive study of legislative reforms in criminal law over the 31 year period from 1948 to 1978. Jacob studied the changes made by state legislatures and city councils across the U.S. during this period.

In summarizing their findings he stated: "All levels of government responded to the crime problem by passing new laws. Sometimes they decriminalized certain behavior but more often they enlarged the scope of prohibited behavior and increased the penalties that could be levied against the offenders. The most significant legislation was passed during the last years of our study. This legislation removed, reduced, or eliminated the discretion that judges and parole authorities had previously exercised over the length of the sentence that convicts had to serve."(17)

The pattern Jacob and his colleagues recognized would increase during the decade following Jacob's study. Specifically, state after state would pass determinate sentencing laws and, for a steadily increasing number of offenses, these sentences would become mandatory.

1. mandatory sentencing

Many state's have enacted "mandatory sentence" laws in the past two decades. The laws took discretion away from judges and parole boards and mandated jail or prison time for a wide variety of offenses. As early as 1983, forty-three states had mandatory prison sentences for one or more violent crimes and twenty-nine states and the District of Columbia required imprisonment for some narcotic offenses.(18)

The constitutionality of one type of mandatory sentence was challenged in a Texas case where a defendant had been convicted of a third property offense. Two of the offenses had involved the improper use of a credit card and the third involved a bad check. Although the total amount of the three offenses involved only \$228 and no violence was involved, the Texas court was required under a mandatory sentence law to give the defendant life in prison. January 26, 1997

The appeal of this sentence was based on the argument that this Draconian sentence was a violation of the due process clause and the cruel and unusual punishment clause of the eighth amendment. The U.S. Supreme Court upheld the constitutionality of the law, finding that it was possible for the defendant to make parole in twelve years.(19)

A final point about mandatory sentences should be made. It is widely believed that these laws explain the explosion in prison populations. Criminologist Diana Gordon, for instance, argued that manditoriness has had a significant impact on both

the likelihood of imprisonment and on sentence length.(20) However, recent research has cast some doubt on all this. P.J. Langan, a statistician for the Bureau of Justice Statistics, did a detailed analysis of prison populations in 1974 and 1986. (21) Langan found that offense distributions documented in the 1974 and 1986 inmate surveys were essentially unchanged.

In other words, the chances of a prison sentence following arrest have risen for all types of offenses between 1973 and 1986, not just for those targeted by mandatory prison sentence laws - sex offenses, violent offenses, drug offenses and weapons offenses. Violent offenses and other offenses targeted by mandatory sentencing laws have not grown as a percentage of prison admissions, as was expected when the mandatory sentences were passed.

2. determinate sentencing

The practice of "indeterminate sentencing" was begun in the early fifties in California. Most of the other states followed suit. In the mid-seventies California dropped indeterminate sentencing for a more determinate form known as "presumptive sentencing". This change attracted widespread attention both in popular media and in scholarly journals.

Soon afterward, many other states began considering similar reforms.(22) Criminologist Jay Livingston points out: "As the public's belief in rehabilitation of prisoners

declined, state legislatures and the federal government as well began to move toward fixed or determinate sentences." (23)

The change from indeterminate to determinate sentencing meant that the time an individual is sentenced to will be determined by the nature of his or her crime as opposed to his or her behavior once they have been incarcerated. A burglar who might receive "one to five" years in prison under an indeterminate sentencing system, may receive three years flat time under a determinate system. Under indeterminate sentencing laws the exact length of confinement is typically determined not by a judge at the time of sentencing but by parole and prison officials based on their judgement of the speed of the person's rehabilitation process while in prison. (24)

Determinate sentences can be fixed by legislators. Of course, there exists in this situation the opportunity for legislators to find some political advantage in showing their constituents how "tough on crime" they can be. One legislator in California went so far as to introduce a bill that would provide the death penalty for thirteen year olds.

It has been suggested that the new determinate sentences will increase the amount of time served by the average inmate. (25) There are, however, others who have argued that under the indeterminate system prisoners will actually serve more years than they did with specific term sentences. (26) Still others have concluded that there probably is no

difference in the average time served under a determinate or indeterminate system. (27) Langan's study supports this third position. He concluded that the length of the average sentence did not change between 1973 and 1986 - a time period during which states were abandoning indeterminate sentences for determinate sentences.

3. probation and parole

Another common explanation for the increase in the imprisonment rate is the idea that probation has been severely cut back in recent years. Diana Gordon argued to the contrary that while imprisonment rates have increased, the growth in non-prison penalties is even greater. (28) Moreover, Joan Pertersilia found that in California the number of probationers has increased even faster than the number of prisoners.(29) Actually, both sides of this debate appear to have some merit. The use of probation as a sentence has been cut back, but there are still more probationers today than ever before. In 1970 "slightly more than half of all offenders sentenced to correctional treatment were placed on probation".(30)

By 1987, 26 percent of persons convicted of a Crime Index offense was given probation alone. Another 22 percent were given jail time and probation.(31) Nonetheless, even with a smaller percentage of defendants being given probation, the increase in the overall volume of arrests, prosecutions and

convictions resulted in a record 2.52 million state and federal probationers in 1990.(32)

According to Langan, the nation's probation population increased by 96 percent between 1974 and 1986.(33) Parole has also gone through major changes but again those changes do not appear to have increased the prison population. In 1977, nearly 72 percent of those discharged from prison exited as a result of a parole board decision; in 1985, 43 percent of those released were by a parole board decision.(34)

Finally, despite the reduction in the percentage of inmates who are granted parole in many states, it should be noted that there are more people on parole today than ever before. The rate of persons on parole per 100,000 adult residents in 1979 was 138; by 1990 it was 287.(35) Since 1980 rates of growth in probation caseloads have been similar to rates of prison population growth.(36) Today, three out of every four offenders under correctional control are currently supervised in the community. (37) As we shall see, the amount of legally authorized discretion over probationers and parolees that is exercised by criminal justice personnel can have a significant impact on rates of imprisonment.

B. Informal Processes: Discretion in Criminal Justice

The most important influence on the rapid expansion of prisons in the United States during the last two decades appears to be informal changes in the system of criminal

justice, changes that grow out of a new attitude toward punishment. The amount of discretion exercised by the street level bureaucrats in the criminal justice system is a major, driving force in the increase in rates of imprisonment. Long before legislators change penal codes or the public votes on prison bond issues, the number of inmates can be substantially increased by a much more informal process. Researchers have shown little interest in this area, possibly because of the difficulties with empirically measuring the process.

It is indeed rare that a governor or a legislature will announce that tax dollars are going to be spent on constructing new prison space, just in case the new cells should one day become needed. Prison construction almost always follows critical overcrowding. The decision to increase the number of inmates in a prison system is most often made by a great many, low-level apparachiks in a subtle, evolving process.

In other words, the data suggests that the initial problem of prison overcrowding grows out of a change in attitude among the minions of the criminal justice system who make the millions of decisions about prison use. So much of prison use depends upon decisions of these individuals that a 1992 study of the problem concluded that "the resulting pattern is so decentralized and disaggregated that no individual or level of government feels responsible for determining prison population policy".(38)

For instance, will a trial court judge exercise his discretion to give a convicted offender a prison sentence or probation? A long sentence or a short one? Where the legislature has taken away the discretion with a mandatory sentencing system, the question becomes will the judge find the defendant guilty beyond a reasonable doubt in a case where the judge feels the sentence is unfair and inappropriate? Will he find the defendant guilty of a lesser included offense - perhaps a misdemeanor- in order to avoid an unfair sentence? In fact, so many judges are now refusing to even handle drug cases that impeachment proceedings against them have been discussed in Congress.(39)

It is not only the criminal court judge who decides to send an individual to prison. It is the prosecutor who decides to accept a guilty plea to a lesser charge in exchange for a sentence of probation. Or a short jail stay. What is the political atmosphere that makes the deputy district attorney reject a plea bargain and decide to ask for a long prison sentence of a convicted felon; or, for that matter, decides to prosecute the case in the first place, rather than, say, dismiss the case in exchange for an agreement to join a drug therapy program.

What view will probation officers take about the behavior of their probationers? And what recommendation will the probation officer make when writing a pre-sentence report?

Will parole boards grant early release to inmates or return them for another year of prison?

Consider the case of parolees sent back to prison at the discretion of their parole officers. Keep in mind that for every inmate in the U.S. today, there are three others under correctional control in the community, either on probation or parole.(40) Parole officers can return a parolee for technical violations of parole, such as missing meetings, or they can wait until there has been some serious transgression. Much is left to their discretion, and the impact should not be underestimated. The percentage of all prison admissions is severely impacted by the policies of parole officers.

For instance, Todd Clear's study found a most surprising figure in regard to parole violations. "Over half the admissions in some states", Clear found, "are revocations of probation or parole".(41) Moreover, the National Corrections Reporting Program found that in 1992 of the 415,000 state prison commitments, over 127,000 were parole revocations. In California, in a very short period of time, the percentage of parolees who were sent back to prison went from under 20 percent to over 60 percent. This was not an outgrowth of changed behavior of parolees so much as it was a changed approach taken by the California parole officers in the political atmosphere of the 1980s. These are numbers that can have a serious impact on the rate of imprisonment for a state.

The same political atmosphere that causes probation and parole officers to take a lenient or harsh view of minor violations of parole will also influence Deputy District Attorney judgements about plea bargains and probation officers writing pre-sentence reports for criminal court judges. For that matter, that same political atmosphere will influence every police officer faced with the choice of making an arrest or overlooking a minor offense.

There are about 600 thousand police officers in the United States. They routinely make discretionary decisions about when to make an arrest and when not to. (One study found that there is one arrest made for every five "arrest situations")(42) Most of these decisions involve low level offenses that will most often not lead to anything more than probation. But they clog the system. When probation case loads are too overcrowded to add any more probationers, most will be released by the court with a fine. But others will be incarcerated, further adding to the overcrowding problem.

POLITICAL INFLUENCES IN PRISON GROWTH

Alfred Blumstein has concluded that in the last couple of decades "control over sanction policy [came] out of the criminal justice system into the open political arena, and opened the door for changes in legislation and in practice that have contributed to the uncontrolled growth of prison populations that characterized the late 1970s and the

1980s".(43) Those changes in "legislation and practice" were the consequences of changing political attitudes toward crime.

Moreover, Zimring and Hawkins concur with Blumstein when they say: "The major explanation of the prison population expansion of the 1980s is the change in policy rather than a change in the population or in the character of crime"(44) and that "...the major influence on future prison population movements will be the direction of changes in the severity of penal policy". (45) Unfortunately, changes in "penal policy" are also more and more dependent on political pressures, and less and less dependent upon rational analysis of social scientists or even criminal justice professionals.

Alfred Blumstein puts it simply: "It would be most desirable to find ways to take the issue of punishment policy out of the rabid political arena, where the conditions under which the debate occurs can lead to the enactment of much irresponsible policy". (46) All of these discretionary decisions about the fate of criminal offenders are made in a political atmosphere that can change rapidly. Zimring and Hawkins speculate that "a get-tough executive attitude with an emphasis on accountability may lead to more diligent and efficient performance on the part of criminal justice agencies".(47)

This appears to be what happened in the states I have studied. In these states, the evidence strongly suggests that it was the political atmosphere created by a state's chief

executive - and the impact of that atmosphere down the line to the minions of criminal justice professionals, which most significantly increased a states rate of imprisonment. The attitude toward punishment taken by the million or so personnel in the criminal justice system can change very rapidly and have dramatic effects on the rate of imprisonment in a given state.

The influence of a governor in the process of increasing imprisonment rates does not seem to be an outgrowth of his legal authority to authorize either prison construction or penal code reform. It appears to lie more in his or her attitude toward punishment - an attitude conveyed to the people who exercise discretion over the lives of criminal offenders.

It is the argument here that in the states where the executive created an atmosphere of "law and order", prison populations exploded. In the states where the atmosphere was less intemperate, the populations grew slowly. And this happened with little regard to new prison construction. A good example of this is North and South Carolina.

As we have seen in chapter 5, on the last day of 1985, the imprisonment rate per 100 thousand population was very similar on these two states. Four years later there was a dramatic difference in the imprisonment rate. South Carolina had increased its imprisonment rate by about 42 percent and North Carolina had actually reduced their rate somewhat.

Reported crime rates had increased in both states during this four years, but the increases were very similar and the rate of crime differed very little at anytime during these four years.(See Fig 6.A) The social and economic problems of both states remained largely the same. Drug use had shown similar patterns in each state. The only event that is likely to explain this sudden change in imprisonment rates was the election of Carroll Campbell as Governor of South Carolina and the election of James G. Martin as governor of North Carolina.

James G. Martin built far more prison cells than Governor Campbell, but he did not increase the rate of imprisonment. Martin was also a Republican but one which Democrats often referred to as "one of the most level headed governors we have had".(48) Under Martin, North Carolina actually spent a great deal of money on prison improvements and modernization. But there was almost no increase in the rate of imprisonment. In July, 1990 the papers reported that "since 1985, North Carolina has spent about \$200 million on prison construction - but all of that money has gone toward alleviating crowded prisons by providing more room for about the same number of inmates."(49)

As governor of South Carolina, Carroll Campbell actually had very little authority to mandate anything, let alone a massive increase in the imprisonment rate. The states leading newspaper has observed that "it has never been a secret that South Carolina was a weak governor state"(50) and that

"almost every other state has given its governor more authority than South Carolina has".(51) For at least 70 years studies have urged that South Carolina "give its governor more power to run the state so that the people know who is in charge. But the South Carolina legislature has kept much of the power for itself with the rest doled out to the 123 part-time boards and commissions that oversee state agencies."(52)

If his legal authority was as circumscribed as this all suggests then how can the rapid prison growth be attributed to anything his office did during that first four years? The answer is in the attitude toward punishment that a governor can convey.

Campbell sent an extraordinarily tough "law and order" message to the South Carolina criminal justice system. The view that crime and drug abuse was an outgrowth of social problems was dismissed out of hand by Campbell. He argued that it was all simply attributable to "moral failure". "We must emphasize individual accountability and responsibility.", he argued. "Offering excuses for irresponsible personal behavior is going to encourage irresponsible personal behavior".(53)

His attitude was getting tough would "send a message" and the problem would go away. Said the governor about his Draconian suggestions: "Maybe the word will get out before long that this is not a place for people to come who want to sell drugs, and if they do, they'll be dealt with

harshly".(54) His message was not lost on South Carolina's criminal justice personnel.

In other words, Martin's North Carolina improved prison facilities, but in the absence of the kind of "law and order" rhetoric that came from the statehouse in South Carolina, Martin's North Carolina, even with new prison facilities saw no growth in imprisonment rates. Specifically, between January 1, 1986 and January 1, 1990 while the state of South Carolina saw its imprisonment rate per 100 thousand population grow from 294 to 416; North Carolina, during the same period saw its imprisonment rate per 100 thousand actually drop from 254 to 250.

What did the citizens of South Carolina get in return for this enormous investment in prisons? What does the current research indicate about the social costs and benefits of increasing imprisonment rates? Chapter 7 examines this question.

FIG 6A

		% INCREASE IN			
		Imprisonment	UCR	hom rate	drug arrests
(high increase states)					
1.	DE	690	7	5.0	334
2.	ALASKA	435	24	9.0	101
3.	IL	435	52	7.4	101
4.	AZ	430	18	8.6	383
5.	NY	430	38	13.3	683
6.	LA	423	93	20.3	309
7.	NH	420	54	2.0	162
8.	VT	401	54	3.6	86
9.	MA	400	21	3.9	254
10.	RI	370	5	3.9	281
11.	MT	355	43	3.0	129
12.	OH	350	35	6.0	91
13.	CT	349	42	6.3	571
14.	MI	340	4	9.8	297
15.	HI	325	32	3.6	325
16.	ARK	325	119	10.2	256
17.	ID	320	16	2.9	175
18.	MO	320	29	11.3	269
19.	SD	305	40	3.4	61
20.	CA	305	5	13.1	839
21.	NJ	301	31	5.3	600
22.	SC	300	80	10.3	430
23.	MS	295	137	13.5	178
24.	AL	294	126	11.6	188
25.	PA	293	43	6.8	233
average increase		368%	46%	7.7	293

(Adapted by Joseph Dillon Davey from The Sourcebook of Criminal Justice Statistics 1993)

FIG 6B

% INCREASE IN				
Imprisonment		UCR	hom	drug arrests
(low increase states)				
26. WI	290	46	4.4	192
27. NV	270	6	10.4	560
28. NM	253	36	8.0	220
29. IA	251	56	2.3	116
30. IN	235	45	7.5	110
31. OK	228	74	8.4	284
32. KS	225	56	6.4	223
33. CO	215	6	5.8	228
34. KY	210	44	6.6	315
35. VA	207	39	8.3	285
36. WY	200	48	3.4	121
37. TN	185	94	10.2	241
38. UT	185	34	3.1	190
39. MD	175	34	12.7	599
40. ME	162	51	1.6	187
41. TX	153	83	11.9	366
42. FL	155	55	8.9	506
43. MN	150	29	3.4	126
44. NE	140	64	3.9	253
45. WA	150	31	5.2	220
46. ND	130	46	1.7	66
47. GA	110	109	11.4	272
48. OR	105	15	4.6	346
49. NC	82	118	11.3	376
50. WV	55	81	6.9	88

average increase	175%	52%	6.2	259

(Adapted by Joseph Dillon Davey from The Sourcebook of Criminal Justice Statistics 1993)

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CHAPTER 7

THE SOCIAL VALUE OF PRISON EXPANSION

A study on the reasons for the variation in the increases in the rate of imprisonment among the fifty states inevitably raises the question of the effect on future crime rates of increasing imprisonment rates. While my task here has been to examine the causes for the marked differences among the different states regarding the investment of tax dollars in prisons, it seems appropriate to at least briefly examine the research on what social benefits are yielded by that investment. Do more prisons lower crime rates? What is the experience in other nations? What does the research conclude about the cost and benefits of prisons?

WHY DO IMPRISONMENT RATES VARY OVER TIME AND PLACE TO PLACE?

Some observers have traced much of the growth in prisons in the United States to a growing crisis in authority which confronted the nation in the 1960s. They argue that "diminished confidence by voters in the nation's leaders created a threat to some politicians and an opportunity for others who could convince voters that they were capable of re-establishing the moral order." (1) A "law-and-order" political theme seemed to promise the voters a return to the "old days" of social stability and safe streets.

In 1973, even before the campaign for "law and order" got underway, conservative social critic James Q. Wilson would write: "The United States has, on the whole, the most severe set of criminal penalties in its lawbooks of any advanced Western nation".(2) Nonetheless, the punitive sentencing policies in the United States became drastically more punitive during the next two decades.

By 1985, forty-six of the fifty states reported rates of imprisonment which were the highest that they had experienced in a century.(3) But, as we have seen in this study, the most dramatic increases would come after 1985. The bottom line is this: in 1973 there were about 325 thousand people behind bars for criminal offenses in the jails and prisons of United States. In 1996 there are more than 1.6 million people behind bars.

As we have seen above, the incarceration rate of 538 per 100 thousand population in the U.S. today is unmatched anywhere in the Western world. However, when we compare punishment for violent crime, incarceration rates are relatively similar in the United States and the other O.E.C.D. nations. Homicide, assault, robbery and rape receive relatively similar treatment in all Western Democracies.

It is when we come to punishing property offenses that a real gap is apparent. Perhaps even more significant is the fact that when we compare incarceration rates between the United States and the other O.E.C.D. nations, it becomes clear

that as the type of property crime being compared becomes less severe, i.e., lower amounts stolen) the disparity in punishments between the United States and other common law nations increases both with respect to the propensity to incarcerate and the length of time served.(4)

Most importantly, however, for this discussion, is the fact that the dramatic changes in sentencing patterns observed in the United States during the last two decades do not parallel the sentencing trends in other Western nations.(5) Despite similarities in patterns of crime rates, no other O.E.C.D. nation saw anything like the prison expansion in the United States. The figures clearly demonstrate that only the United States had what could be called an explosion of imprisonment during this time. and that "explosion" happened very unevenly among the fifty states.

A. COMPARING AMERICAN AND EUROPEAN CRIME RATES

Notwithstanding the widespread belief that the United states crime problem is unique in the world, the truth is that U.S. uniqueness is more apparent than real. The similarities in the rates of crime - other than homicide - among the O.E.C.D. nations means that it is reasonable to compare the imprisonment policies in the U.S. with the other Western democracies.

In 1995, James Lynch of American University and the Bureau of Social Science Research writes: "Newly available

data on the prevalence of crime cross-nationally and some of the analyses of these data can make cross-national comparisons more useful in informing policy. First, these data indicate that the United States is not the most crime ridden of industrial democracies. The fact that the United States does not differ from other common law nations with respect to minor violence and serious property crime casts doubt on global indictments of the United States as having a criminal culture."(6)

In that same work, James Q. Wilson writes: "...any serious discussion of crime must begin with the fact that, except for homicide, most industrialized nations have crime rates that resemble those in the United States. All the world is coming to look like America".(7) However, when it comes to prisons, there is nowhere that "looks like America".

B. COMPARING AMERICAN AND EUROPEAN IMPRISONMENT RATES

Emile Durkheim argued that the punishment of crime was an important social function because it reinforced social values and helped hold society together. He went on to suggest that if a society ever managed to eliminate very serious offenses then it would turn to less serious offenses to punish. It was the process of punishment - "the degradation ceremonies" - that gave the individual a sense of shared values.

It just might be that in today's United States, society is willing to punish less serious offenses out of the

frustration felt by it's inability to eliminate the more serious ones. The failure to deal successfully with persistently high homicide rates may be causing us to lash out vehemently at drug users and car thieves. Public attitudes toward further punitiveness seems to be an outgrowth of some irrational, moral panic. Or in the words of Zimring and Hawkins, "As long as there is a crime rate, one can consider the public demand for additional [prison] capacity to be unlimited".(8)

The human species apparently includes within it a small percentage of sociopaths and predators who victimize others, frequently in a compulsive and uncontrollable manner which they themselves may not understand. No one would disagree that these individuals must be restrained in some fashion. So, the "argument against prisons" is really an argument against the excessive use of prisons. And when a society more than quadruples the proportion of it's population that is incarcerated in a two decade period, that argument needs to be re-examined.

The imprisonment rate in other Western Democracies helps to give some perspective to the U.S. rates. As Lynch concluded: "The U.S. has the highest per capita rates of incarceration of any industrialized democracy."(9) Other cross-cultural studies of crime show that "overall victimization rates in the United States are nearly identical to those in Canada, Australia and the Netherlands. Yet our

incarceration rates are four times that of Canada, nearly six times that of Australia, and an astonishing ten times that of the Netherlands."(10)

Criminologists Michael Tonry has asked: "Why is the U.S. government, alone among the governments of the major English-speaking countries, claiming that harsh law-and-order policies will decrease crime rates?"(11) The question raised in this chapter is why is that belief so asymmetrically distributed among neighboring states?

There is a difference in the patterns of imprisonment use which is worth noting. As Lynch explains: "Prison use in the United States is not radically different from that in other industrialized nations for serious violence; but the propensity to incarcerate and time served in the United States is greater than in other nations for property and drug offenses."(12) In other words, when it comes to "petty offenses", the U.S. propensity for punishments that are Draconian by European standards, increases dramatically. And there is evidence that this situation has eluded public perception.

It would appear that the public in the U.S. is largely unaware of how many "petty offenders" are being held in the nation's prisons. A recent study on the seriousness of the crimes for which prison inmates are serving time in the U.S. is informative. As part of the study a poll was taken. It was called "National estimate of the severity of crimes committed

by persons admitted to state and federal prisons". The poll was done to determine what kinds of crimes the respondents considered to be "very serious crimes", "serious crimes", "moderate crimes" and "petty crimes". The researchers then compared the respondents characterization of crimes to the offenses for which the nation's inmates were imprisoned. They found that 52 percent of inmates were serving time for what the poll indicated were considered "petty crimes"; 29 percent were imprisoned for "moderate crimes" and only 14 percent for "serious crimes" and 4 percent for "very serious crimes".(13)

Twenty years ago, prison advocate James Q. Wilson "argued the case for more prison construction on the ground that 'since society clearly wishes its criminal laws more effectively enforced...this means rising prison populations perhaps for a long period'".(14) It is unlikely that there has ever been a period when society did not want to have "its criminal laws more effectively enforced". But with an estimated 40 million users of illegal drugs in the United States, imprisonment is clearly not the answer to the "effective enforcement of criminal laws". And the U.S. is the only nation that is trying to imprison away its drug problem. Prisons elsewhere are more likely to be reserved for serious predators.

THE SOCIAL VALUE OF IMPRISONMENT

The social value of imprisonment is a subject that very often provokes strong opinions that are based on robust,

ardent intuition but little information. As Blumstein has pointed out, "there remains a controversy between those who contend that prison makes criminals better and those who believe it makes them worse." (15) It should be borne in mind that this dispute is far from resolved.

The political ideology of the debate over prison usage runs along well defined fault lines. Most simply put: "In the ideological division which is pervasive in the field of crime control, conservatives favor the construction of more prisons while liberals favor policies designed to reduce the number of prisons." (16) President Bush's Attorney General succinctly stated one side of the argument when he said: "The choice is clear, more prison space or more crime". (17)

Given the exorbitant cost of running prisons in the United States (perhaps as much as \$40 billion this year) how is it possible that economists have not provided a cost-benefit analysis of imprisonment? Recent years have seen some efforts in this direction. "Only in the last two decades" writes one authority on imprisonment, "has serious attention been paid by economists and other scholars to questions regarding ...the cost effectiveness of punishments." (18) Becker explained this neglect among fellow economist as attributable to the fact that crime was "too immoral to merit any scientific attention". (19) But with the growing political strength of the "correctional-industrial complex" perhaps the time has come for more attention to this area.

A. ARGUMENTS IN FAVOR OF PRISONS

There are differences of opinion among criminologists about the social value of imprisonment. The Hobbesian view of human nature taken by some criminologists leads them inevitably to conclude that severe punishment is the only thing that will decrease crime; others argue that the threat of imprisonment has a minimal impact on criminal behavior and that imprisonment itself may actually increase the likelihood of future criminality in the released offender.

Traditionally, criminologists have explained the social benefits of imprisonment in four general areas, viz., revenge for the victim, rehabilitation of the offender, deterrence of future criminal behavior by the offender and others and the incapacitation of the offender during the time that he or she is imprisoned. The research into these areas has become too extensive to do anything more than summarize it here.

"Revenge" has a social value that is better debated by philosophers than by public policy analysts. It may be that the "degradation ceremonies" of which Durkheim wrote actually do have some effect in strengthening a sense of shared values. But this benefit to society is too nebulous to try to calculate in our analysis.

"Rehabilitation" has a long and irregular history. The numerous attempts at prisoner rehabilitation are over two centuries old in the United States with little consensus on what works. In recent decades there has been little public

confidence in the ability of any professionals to force fundamental behavioral change upon an unwilling offender. (see Martinson, 1974) Some have argued that "the loss of confidence in rehabilitation has contributed significantly to the growth in prison populations." (20)

There are few experts in the field today who argue that the social value of prison lies in the benefits that may come from either revenge or rehabilitation. Most often today prison advocates argue that imprisonment can bring down crime rates in two ways: first the threat of punishment is thought to "deter" potential offenders; and secondly, the holding of inmates "incapacitates" the individual from victimizing society, at least for the period of imprisonment.

"Deterrence" is ordinarily discussed in terms of "specific deterrence" and "general deterrence". The former refers to the influence that punishment will have on a specific individual's future behavior; the latter refers to the influence that punishment will have on the rest of the community. Criminologist Jay Livingston maintains that "the results of studies on specific deterrence have consistently failed to show large deterrent effects". (21) The high rate of recidivism among individuals who have already been imprisoned suggests that "specific deterrence" is very limited.

What about "general deterrence? The extent to which the threat of imprisonment can reduce crime rates through "general deterrence" is a matter of some dispute. As we shall see, the

evidence seems to favor those who oppose the expansion of imprisonment.

B. ARGUMENTS AGAINST PRISONS

1. failure of "deterrence"

In 1978, Alfred Blumstein et al published Deterrence and Incapacitation: Estimating the Effects of Criminal Sanctions on Crime Rates, a study that argued that where punishment is severe and certain, crime rates tend to be lower than where punishment is less severe and certain.(22) Since the "intellectual history of deterrence was astonishingly short" (23), this study was frequently cited as undergirding of the argument that imprisonment could reduce crime rates by both deterring crime among potential criminals and incapacitating or restraining convicted offenders, at least temporarily. But, as with other deterrence research, this study did not unequivocally endorse the idea that prison reduced crime and Blumstein's critics have suggested that "deterrence has turned out to be very difficult to demonstrate conclusively." (24)

Some conservative researchers, such as Charles Murray, disagree. Murray conducted a study in 1986 which concluded that incarcerating juvenile offenders would reduce the rate at which they engaged in crime.(25) However, in general, the correlations that have been found between increasing imprisonment and falling crime rates have been weak. One reason for this apparent lack of deterrence might be that

criminals are not aware of the arrest rates, the conviction rates or the length of sentences they risk and therefore conduct themselves without regard to the possibility of being caught and punished. In any case, demonstrating the deterrent effect from increasing imprisonment has been very difficult.

One major review of deterrence research concluded that a connection between imprisonment and increases or decreases in crime could not be demonstrated.(26) Some others have found that the effect on crime rates of increasing imprisonment is minuscule.(27) After examining all the current research in this area, Livingston states: "My own conclusion is that prison is not much of a specific deterrent".(28)

And some have suggested that higher imprisonment rates may actually increase overall crime rates by making those incarcerated even more of a threat to society upon their release.(29) In the aggregate, the argument goes, a million parolees from prison are, in the long run, more likely to commit additional offenses than a million comparable offenders who served their time on probation and thereby avoided the harmful influence of prison life.

A third perspective on this question is that we just do not know whether or not higher imprisonment rates will result in lower crime rates.(30) In a study that stretched over 30 years, Herbert Jacob and his colleagues concluded that despite extensive research on the subject, a direct link between

increased imprisonment and lower crime rates has never been empirically established.(31)

The well respected study by Isaac Ehrlich cited above concluded that at best we could expect a five percent increase in the crime rate if every inmate's sentence was suddenly cut in half. In 1996, Michael Tonry examined the research on the deterrent effect of prisons around the world. His conclusion: "On the real-world question of whether increases in penalties significantly reduce the incidence of serious crimes, the consensus conclusion of governmental advisory bodies in many countries is maybe, a little, at most, but probably not."(32)

In an detailed review of the existing research on deterrence and incapacitation, Elliott Currie concluded: "The limits of imprisonment to reduce crime are understood in principle by most serious criminologists, of whatever ideological stripe". He argued that criminologists on the Left, Right and Center "generally acknowledge that only a fraction of serious crime can be prevented by increased imprisonment."(33)

If Currie is right, then why have researchers like Murray and Blumstein argued that imprisonment can reduce crime? Currie concludes that "those who argue for more rigorous efforts at deterrence and incapacitation through harsher sentences and more prison cells base that argument on the premise that there is little else we can do that will have much effect on crime".(34)

In their 1995 work, Incapacitation, Zimring and Hawkins argued that there was no longer much serious discussion about the deterrent or rehabilitative benefits of imprisonment and that "the decline of the rehabilitative ideal as a paradigm justifying imprisonment created a vacuum that incapacitation has quickly filled".(35) If today's leading paradigm that justifies imprisonment is incapacitation, we can ask: How much crime is prevented by "incapacitating" an offender through imprisonment?

2. illusory benefits of "incapacitation"

Zimring and Hawkins have noted that "the amount of scholarly attention devoted to the incapacitation process has been minimal".(36) Nonetheless, they go on to argue that if we assume that the incarcerated individual would have persisted in committing crime, then "greater amounts of imprisonment must prevent crime and the only question at issue is the extent of that preventive effect".(37) And a second issue is the cost of that preventive effect.

A year after Blumstein et al published Deterrence and Incapacitation, another study of incapacitation in Ohio concluded that if every one - juvenile and adult - convicted of any felony in Ohio had been incarcerated for five years, violent crime could have been reduced somewhere between 17 and 28 percent. However, since such a sentencing policy (referred to as "collective incapacitation") would involve massive

incarceration, it was estimated that the Ohio rate of imprisonment would have to see a 500 percent increase in order to accommodate the new arrivals. (38) To put this in perspective, a national increase of 500 percent in the today's correctional budget of 42 billion dollars would cost about \$250 billion per year in increased prison costs.

Regardless of cost, this "collective incapacitation" would probably only bring a reduction in certain types of crime. Burglary, for example, may well be reduced by removing a highly active burglar from a neighborhood. But what about a non-career criminal who has a spontaneous violent encounter? How much crime would be prevented by his incarceration?

A study by Jacqueline Cohen suggests that "collective incapacitation" may not only be costly, it may offer limited benefits. In her study of criminals in Washington, D.C., Cohen concluded that if a life-in-prison sentence were imposed on everyone convicted of assault for a second time, the aggravated assault rate in Washington would decrease by just 3.3 percent.(39) Obviously, the cost of this minor increase in protection offered by collective incapacitation would be staggering.

In the early eighties, the idea of "selective incapacitation" seemed to offer a solution to the problem of cost. Researchers sought out ways of identifying those offenders who were likely to persist in criminal activities and weed them out from those likely to mend their ways.

In 1982, researchers from the RAND Corporation claimed to have devised a method of doing just that. By applying complex screening criteria to convicted offenders, the RAND study maintained that they could distinguish between those who would be "high rate offenders" and those who would be "low rate offenders" in the future. The study claimed that selective incapacitation could be used as a basis for sentencing criminals and could reduce robbery by 20 percent with no increase in the prison population.(40)

However, critics have pointed out that this would require an ability to accurately predict which offenders would commit future crimes and which would not, something we do not do very well. Moreover, when this RAND method was applied to two other samples of inmates, its benefits were reduced by half.(41) While "selective incapacitation" is still being studied, "the problems associated with successfully identifying high rate offenders have not diminished over the years since selective incapacitation was a major policy focus".(42) Predicting criminal behavior can be a tricky business.

In Chapter 1, we saw how criminologists James Austin and John Irwin compared crime and imprisonment rates in each state during the 1980s and found no firm correlation. South Dakota's imprisonment rate was three times that of neighboring North Dakota, for example, but crime in both states rose and fell at roughly the same rate.(43)

More importantly, the reported crime rate in South Dakota was only 3 percent higher than that of North Dakota. So where was the benefit from incapacitating all those South Dakotans? Why was the rate of crime not significantly lower in a state which "incapacitated" its offenders at a rate that was three times that of its neighbor to the north?

In an extensive study of the recent crime and imprisonment data nationwide, Todd Clear concluded: "Punishment has increased inexorably over the last two decades, but it must be fully faced that from year to year, crime rates have sometimes increased, sometimes decreased, and sometimes have not changed much".(44)

One of the most respected scholars in the field, Norval Morris, reviewed Zimring and Hawkin's 1992 study of prison growth in California and called it a "devastating refutation of the prison-building path...accepted by those whose simple view is that crime can be imprisoned away..."(45)

Yet another researcher in the field, using 1995 statistics, tried in vain to find a connection between changes in crime rates and changes in imprisonment rates and concluded that "increases in incarceration rates were not driven by comparable increases in crime."(46) In one of the most comprehensive studies on imprisonment use in the United States, Todd Clear would conclude: "The argument that punishment changes produce crime changes is not supported by

these data...The increase in punishment did not produce a commensurate reduction in the amount of crime".(47)

The National Academy of Science's Panel on Understanding and Control of Violent Behavior in 1993 asked "what effect has increasing the prison population had on violent crime?" And answered "apparently very little".(48) In his 1996 work, Sentencing Matters, Michael Tonry points out that this panel was initiated at the request of Ronald Reagan's Department of Justice and funded by both the Reagan and Bush administration. He concluded that this was not "irrelevant" and that this panel was "an establishmentarian body bearing the imprimatur of Conservative Republican administrations".(49) It would appear that there is growing consensus among scholars about the limits of incapacitation.

C. IMPRISONMENT GROWTH AND CRIMES RATES IN THE NINETIES

The recent decrease in the rate of reported crime in the U.S., coming as it has at a time when the rate of imprisonment has rapidly quadrupled, has caused many commentators in the press to assume that the latter has been caused by the former. The suggestion that the massive increases in incarceration during the eighties may be responsible for the encouraging crime statistics of the nineties is worth addressing.

Obviously, there must be ~~some~~ criminal offenses avoided by imprisoning large numbers of offenders. However, the evidence we shall see suggests that, unfortunately, the number

of offenses avoided is probably quite small and the nature of the offenses prevented are primarily non-violent property crimes.

Consider the crime of homicide. In 1972 there were 9.0 homicides per 100 thousand population in the U.S., at a time when there were 325 thousand offenders behind bars. In 1992, with more than a million additional offenders behind bars, the homicide rate was 9.4 per 100 thousand. Would it have been even higher had we not quadrupled the rate of imprisonment? No one knows for sure, but most scholars in the field doubt it.

The rate of drug offenses also seem unaffected by imprisonment growth. Studies of drug offenses show a pattern of massive increases in the rate at which drug offenders are incarcerated and a simultaneous decrease in the market price of drugs attributable to an increase in their supply. For instance, between 1984 and 1988, New York State tripled the number of drug dealers sent to prison - from 1,376 to 4,089. Yet during this same period, cocaine became even cheaper and easier to buy.(50) It would appear that the drugs that are not sold by the incarcerated drug dealer will be sold anyway by the person who took his place after his arrest. But will the paroled drug dealer pose a greater danger of more serious offenses than he would have had he not been caught? The truth is, a stay in prison rarely builds character.

Alfred Blumstein has spent his entire career studying the social impact of prisons and was the author of the 1978 study

referred to above which gave some support to the idea of deterrence and incapacitation. In 1995, however, Blumstein would point out: "There has been a massive growth in the prison populations between the mid-1970s and the mid-1990s, with no demonstrated strong effect on crime rates".(51)

James Q. Wilson - most well known advocate of prison expansion through the seventies and eighties - conceded in 1995: "Very large increases in the prison population can produce only modest reductions in crime rates. Doubling the prison population probably produces only a 10 to 20 percent reduction in the crime rate."(52) Wilson also dismisses the argument that the recent explosion in the prison population resulted in the reduction in crime. "It would be foolhardy" wrote Wilson in 1995, "to explain the drop in the crime rate by the rise in imprisonment rates."(53) (Even John DiIulio, a Princeton criminologists often quoted for his support of the increasing punitiveness, has written that the liberal argument that "prisons don't pay" is probably closer to the truth than the conservative argument that "prisons pay".(54)

In 1995, Zimring and Hawkins published Incapacitation: Penal Confinement and the Restraint of Crime. This study concentrates on the increased imprisonment rate in California in the eighties and the decrease in the rate of crime. They utilize four different mathematical models to evaluate the relationship between imprisonment increases and falling crime rates and conclude that "for those brave enough to project a

single aggregate total from the numbers", it may be that California managed to avoid around 15 percent of the 1990 crime volume through incapacitation. (55)

However, even if it is true that this amount of avoidance was attributable to prison growth, it required the growth of imprisonment from the 1980 population of 20,000 to 135,000 a decade later - an increase of 115,000 inmates.(56) At an estimated \$25,000 per year per inmate, the cost of the increase is in the area of 2.8 billion dollars per year.

Obviously, any price is probably worth paying if the rate of homicide can be reduced. But Zimring and Hawkins found that "...90 percent of the crime reduction occurred in burglary and larceny, while evidence for significant prevention was weak to negligible for robbery, homicide, assault and auto theft". (57)

Moreover, the authors cannot be certain that the relationship actually exists at all. After explaining that the decrease in burglary was primarily among those under 18 while the increase in the imprisonment of burglars was of those over 18, they suggest that "...this is the opposite pattern of what we would expect if the additional incapacitation were the major cause of the crime reduction".(58) They conclude that "the evidence that the additional restraint was the primary cause of the noted crime reduction is much more equivocal than first appeared"(59) and that "the mystery surrounding the

decline in California crime should provoke more detailed examination of the data".(60)

My own research on the question of the association between increases in crime rates and the increases in imprisonment rates showed a low correlational coefficient. But, would the states that increased imprisonment significantly over a twenty year period, experience lower rates of crime increase than the states that did not?

In order to test this, I divided the fifty states into the 25 which increased their imprisonment rate less than the median increase (an average of 175 percent) and the 25 which increased at a rate above the median.(average 368 percent) Consider FIG.7:a and 7:B. The "high increase states" that invested in more prisons, actually do show less of an increase in crime than the "low increase states" over the twenty years between 1972 and 1992.

However, the numbers offer little solace to those who would suggest prison as a way of significantly impacting crime. A cost-benefit analysis of these figures suggests the futility of imprisonment as a means of addressing the crime problem. While increasing their imprisonment rate by an average of 368 percent between 1972 and 1992, the "high increase states" managed to keep the increase in the reported crime rate down to 46 percent. At the same time, the "low-increase states" increased their imprisonment rate by just 175

percent and saw their reported crime rate increase by 52 percent.

If the "low-increase states" had followed the same policies as the "high-increase states and increased their imprisonment rate by 368 percent instead of 175 percent, they would have imprisoned approximately 189 thousand more offenders than they in fact did. In other words, if just 25 states increased their number of prisoners by an additional 189 thousand inmates (about as many as all the prison inmates nationwide in 1972) then perhaps we could have expected that the reported crime rate in those 25 states would have grown at approximately 46 percent instead of 52 percent. And that, of course, is true only if we assume that the increase in reported crime was attributable solely to factors that would have been removed by increased imprisonment.

If massive imprisonment growth has a limited effect on crime rates, how can we explain the fact that the crime rate has fallen from its peak in 1979?

It is possible to overstate the demographic explanation of crime increases in the sixties but it is very misleading to ignore it. In all societies throughout history a very disproportionate amount of serious crime has been committed by people under twenty-five. For example, in one recent year in the United States, the proportion of the population that was in the "crime prone age group" of 14 to 24 was approximately 21 percent. But the FBI reported that of all the people

arrested for one of the "index" felonies in the U.S., almost 74 percent were in this age group.(61) In other words, about a fifth of the population committed three fourths of the serious crime. What would happen to overall crime rates if this crime prone age group were to grow rapidly in a short period of time? The baby-boom that followed World War II saw 76 million live births in the 18 year period from 1946 to 1964.(62) In 1960 the first of this "boom" began turning fourteen and entering the crime prone age group in overwhelming numbers.

By adding up the number of live births reported in Statistical Abstract and assuming the same rate of death for each cohort, we can estimate that in 1960, there were 29.8 million individuals in the crime prone age group. By 1970, that figure had grown to 41.9 million. In other words, the group responsible for almost three fourths of all serious crime suddenly grew by more than 40 percent during the 1960's. With this kind of demographic pattern, it would have been something of a miracle if serious crime had not increased substantially during the sixties.

This crime prone age group would decrease by 18 percent between 1980 (40.6 million) and 1990 (33.4 million).(63) This allowed demographers in the 1970s to predict that the United States should see a very significant decrease in the crime rate during the eighties, with or without changes in the rate of imprisonment.

CONCLUSION

This dissertation explored the reason for the rapid expansion of the prisons in the United States between the years of 1972 and 1992. That expansion averaged over 250 percent in the fifty states during this two decade period and there was marked variation between the rate of growth in different states.

The three leading theories dealing with prison growth did not offer very satisfying explanations for the contemporary prison expansion. The Blumstein/Durkheim theory, the Marxist Rusche-Kircheimer theory and the Racial Bias theory were all examined to evaluate their relative explanatory strength.

The intuitive association of rising crime rates and rising rates of imprisonment was examined in Chapter 3. Social control theorists, such as Alfred Blumstein, claiming to find support in Durkheimian theory, argued that prisons would grow as a natural reaction to growing crime rates. However, when Blumstein himself looked at the data on imprisonment expansion during the recent past, he reconsidered and largely rejected his earlier findings. This awakened my interest in the association between crime and imprisonment rates.

Other researchers in this field had already concluded that the association of increases in the rate of crime and the rate of imprisonment was small. But their research was aggregated on a national level. However, none of the research in this area included a bivariate correlation of the increase

in the crime rate and the increase in the imprisonment rate increase on the state level. When the data was disaggregated to a state level to see if the variation in the increase in crime was associated with the variation in the imprisonment rate of each state, the coefficient of correlation remained low enough to be considered, at best, just a partial explanation of prison expansion.

The crime which is most likely to result in a prison sentence is homicide. In 1992, the rate of homicide varied from a low of 1.6 per 100 thousand in Maine to a high of 20.3 in Louisiana. Despite all this, the correlation coefficient for homicide rates and increases in imprisonment rates was just .05. Clearly, something other than high homicide rates was responsible for the variation in the growth of imprisonment rates.

The Marxist theory of Rusche-Kircheimer suggests that prison growth is an outgrowth of economic conditions. However, the correlational coefficients between the growth of the imprisonment rate in a state and economic conditions in that state did not reveal a very strong association between the two.

Correlating the growth of the rate of imprisonment with the proportion of the population living below the poverty level yielded a coefficient of just .15; the correlation coefficient for the prison expansion rate and the unemployment rate was .19. However, when it came to the correlation between

the average income in a state and their rate of imprisonment growth, the coefficient was higher than for any of the other variables, namely .30. While still not a very strong association, it may suggest that prisons are a luxury that can only be indulged by wealthier states.

The "race bias theory", most recently espoused by Michael Tonry, was also examined. Tonry suggested that patterns of drug selling in ghetto areas were such as to make blacks an easy target for police arrests. Therefore, argues Tonry, the "war on drugs" would inevitably result in a massive increase of blacks going to prison. When the growth of the imprisonment rate in the fifty states was correlated with both the percentage of the population that was African American and the rate of drug arrests per 100 thousand population the association was very weak. The correlation between the growth of imprisonment rates the percent of the population that was black was just .07. Moreover, the correlation of drug arrest rate and growth of imprisonment was an even lower, .06. While Tonry's theory does seem on its face to have logical merit, and while the proportion of inmates being admitted to prisons that are either black or drug offenders has grown quickly, the low correlations suggest that imprisonment expansion is not associated with a high rate of drug arrests or African American population.

These findings left largely unanswered the original question. Why did some states increase the imprisonment rate

so much more rapidly than others? Over the two decades, the variation in the rate of increase in imprisonment from the highest to the lowest state was 13 to one. Certainly, some of this variation can be explained by the socio-economic variables we have examined, but there must be other factors at work. It is my thesis that one major factor was the "the law and order" politics of governors in various states.

Seven "law and order" governors were identified based on the rate of increase in imprisonment during their administration. Their views on crime and punishment were analyzed and compared to their counterparts in contiguous states. The evidence gathered suggests that where a state elected an advocate of punitive policies concerning crime, there was a rapid increase in the rate of imprisonment without regard to changes in the crime rate. In contiguous states where governors advocated less punitive policies, the rate of imprisonment did not expand.

Moreover, we found evidence that the expansion came through both formal and informal processes, and that the informal processes may actually play a more significant role. When an individual who advocates a strong "get tough on crime" policy gets elected governor, the informal message sent to the street level bureaucrats of the criminal justice system can have an immediate effect on prison expansion.

The continuation of the kind of prison expansion that has been seen in the recent past would appear to be very probable.

Advocacy of further prison growth appears to be winning more bi-partisan support as Democrats learn the political popularity of "law and order" platforms. (All but one of the seven "law and order" governors studied here were Republicans) Prison construction programs in 1996 are bigger than ever and "three strikes laws" appear to be growing in popularity.

The cost of prison expansion in terms of broken families or lost opportunities for education or job training is difficult to measure. The moral or emotional damage done to the individual incarcerated in penal institutions cannot be measured. But the cost of keeping an inmate in prison and the cost of building that cell can be measured and the cost has increased in the United States to a point where the dubious benefits of further imprisonment expansion should be reconsidered.

Herbert Jacob, looking at what he called "the politics of prison expansion" claimed that this is something about which "we know very little, in large part because it has long been ignored both by political scientists and by criminologists specializing in corrections." (65) Jacob concluded that there had never been a study on such things as "the election of a law and order state government" and its influence on prison population. (66) Hopefully, the analysis of the politics of these seven "law-and-order" governors will offer a beginning of such a study.

FIG 7:A

		% INCREASE IN			
		Imprisonment	UCR	hom rate	drug arrests
(high increase states)					
1.	DE	690	7	5.0	334
2.	ALASKA	435	24	9.0	101
3.	IL	435	52	7.4	101
4.	AZ	430	18	8.6	383
5.	NY	430	38	13.3	683
6.	LA	423	93	20.3	309
7.	NH	420	54	2.0	162
8.	VT	401	54	3.6	86
9.	MA	400	21	3.9	254
10.	RI	370	5	3.9	281
11.	MT	355	43	3.0	129
12.	OH	350	35	6.0	91
13.	CT	349	42	6.3	571
14.	MI	340	4	9.8	297
15.	HI	325	32	3.6	325
16.	ARK	325	119	10.2	256
17.	ID	320	16	2.9	175
18.	MO	320	29	11.3	269
19.	SD	305	40	3.4	61
20.	CA	305	5	13.1	839
21.	NJ	301	31	5.3	600
22.	SC	300	80	10.3	430
23.	MS	295	137	13.5	178
24.	AL	294	126	11.6	188
25.	PA	293	43	6.8	233
average increase		368%	46%	7.7	293

(Adapted by Joseph Dillon Davey from The Sourcebook of Criminal Justice Statistics 1993)

FIG 7:B

% INCREASE IN				
Imprisonment		UCR	hom	drug arrests
(low increase states)				
26. WI	290	46	4.4	192
27. NV	270	6	10.4	560
28. NM	253	36	8.0	220
29. IA	251	56	2.3	116
30. IN	235	45	7.5	110
31. OK	228	74	8.4	284
32. KS	225	56	6.4	223
33. CO	215	6	5.8	228
34. KY	210	44	6.6	315
35. VA	207	39	8.3	285
36. WY	200	48	3.4	121
37. TN	185	94	10.2	241
38. UT	185	34	3.1	190
39. MD	175	34	12.7	599
40. ME	162	51	1.6	187
41. TX	153	83	11.9	366
42. FL	155	55	8.9	506
43. MN	150	29	3.4	126
44. NE	140	64	3.9	253
45. WA	150	31	5.2	220
46. ND	130	46	1.7	66
47. GA	110	109	11.4	272
48. OR	105	15	4.6	346
49. NC	82	118	11.3	376
50. WV	55	81	6.9	88

average increase	175%	52%	6.2	259

(Adapted by Joseph Dillon Davey from The Sourcebook of Criminal Justice Statistics 1993)

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A P P E N D I C E S

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A P P E N D I X 1

UNIFORM CRIME REPORTS FROM 1960 TO 1992

Estimated number and rate (per 100,000 inhabitants) of offenses known to police

By offense, United States, 1960-92

Number of offenses	Total Crime Index ^a	Violent crime ^b	Property crime ^b	Murder and non- negligent man- slaughter	Forcible rape	Robbery	Aggra- vated assault	Burglary	Larceny-theft	Motor vehicle theft
1960	3,384,200	288,460	3,095,700	9,110	17,190	107,840	154,320	912,100	1,855,400	328,200
1961	3,488,000	289,390	3,198,600	8,740	17,220	106,670	156,760	949,600	1,913,000	336,000
1962	3,752,200	301,510	3,450,700	8,530	17,550	110,860	164,570	994,300	2,089,600	366,800
1963	3,109,500	316,970	2,792,500	8,640	17,650	116,470	174,210	1,086,400	2,297,800	408,300
1964	4,564,600	364,220	4,200,400	9,360	21,420	130,390	203,050	1,213,200	2,514,400	472,800
1965	4,739,400	387,390	4,352,000	9,960	23,410	138,690	215,330	1,282,500	2,572,600	496,900
1966	5,223,500	430,180	4,793,300	11,040	25,820	157,990	235,330	1,410,100	2,822,000	561,200
1967	5,903,400	499,930	5,403,500	12,240	27,620	202,910	257,160	1,632,100	3,111,600	659,800
1968	6,720,200	595,010	6,125,200	13,800	31,670	262,840	286,700	1,858,900	3,482,700	783,600
1969	7,410,900	661,870	6,749,000	14,760	37,170	298,850	311,090	1,981,900	3,888,600	878,500
1970	8,098,000	738,820	7,359,200	16,000	37,990	349,860	334,970	2,205,000	4,225,800	928,400
1971	8,588,200	816,500	7,771,700	17,780	42,260	387,700	368,760	2,399,300	4,424,200	948,200
1972	8,248,800	834,900	7,413,900	18,670	46,850	376,290	393,090	2,375,500	4,151,200	887,200
1973	8,718,100	875,910	7,842,200	19,640	51,400	384,220	420,650	2,565,500	4,347,900	928,800
1974	10,253,400	974,720	9,278,700	20,710	55,400	442,400	456,210	3,039,200	5,262,500	977,100
1975	11,292,400	1,039,710	10,252,700	20,510	56,090	470,500	492,620	3,265,300	5,977,700	1,009,600
1976	11,349,700	1,004,210	10,345,500	18,780	57,080	427,810	500,530	3,108,700	6,270,800	966,000
1977	10,984,500	1,029,580	9,955,000	19,120	63,500	412,610	534,350	3,071,500	5,905,700	977,700
1978	11,209,000	1,085,550	10,123,400	19,560	67,610	426,930	571,460	3,128,300	5,991,000	1,004,100
1979	12,249,500	1,208,030	11,041,500	21,460	76,390	480,700	629,480	3,327,700	6,601,000	1,112,800
1980	13,408,300	1,344,520	12,063,700	23,040	82,990	565,840	672,650	3,795,200	7,136,900	1,131,700
1981	13,423,800	1,361,820	12,061,900	22,520	82,500	592,910	663,900	3,779,700	7,194,400	1,087,800
1982	12,974,400	1,322,390	11,652,000	21,010	78,770	553,130	669,480	3,447,100	7,142,500	1,062,400
1983	12,108,600	1,258,090	10,850,500	19,310	78,920	506,570	653,290	3,129,900	6,712,800	1,007,900
1984	11,881,800	1,273,280	10,608,500	18,960	84,230	485,010	685,350	2,984,400	6,591,900	1,032,200
1985	12,431,400	1,328,800	11,102,600	18,980	88,670	497,870	723,250	3,073,300	6,926,400	1,102,900
1986	13,211,900	1,489,170	11,722,700	20,610	91,460	542,780	834,320	3,241,400	7,257,200	1,224,100
1987	13,508,700	1,484,000	12,024,700	20,100	91,110	517,700	855,090	3,236,200	7,499,900	1,288,700
1988 ^c	13,923,100	1,566,220	12,356,900	20,680	92,490	542,970	910,090	3,218,100	7,705,900	1,432,900
1989	14,251,400	1,646,040	12,605,400	21,500	94,500	578,330	951,710	3,168,200	7,872,400	1,564,800
1990	14,475,600	1,820,130	12,655,500	23,440	102,560	639,270	1,054,860	3,073,900	7,945,700	1,635,900
1991 ^d	14,872,900	1,911,770	12,961,100	24,700	106,590	687,730	1,092,740	3,157,200	8,142,200	1,661,700
1992	14,438,200	1,932,270	12,505,900	23,760	109,060	672,480	1,126,970	2,979,900	7,915,200	1,610,800
Rate per 100,000 inhabitants ^e										
1960	1,887.2	160.9	1,726.3	5.1	9.6	60.1	86.1	508.6	1,034.7	183.0
1961	1,906.1	158.1	1,747.9	4.8	9.4	58.3	85.7	518.9	1,045.4	183.6
1962	2,019.8	162.3	1,857.5	4.6	9.4	59.7	88.6	535.2	1,124.8	197.4
1963	2,180.3	168.2	2,012.1	4.6	9.4	61.8	92.4	576.4	1,219.1	216.6
1964	2,388.1	190.6	2,197.5	4.9	11.2	68.2	106.2	634.7	1,315.5	247.4
1965	2,449.0	200.2	2,248.8	5.1	12.1	71.7	111.3	662.7	1,329.3	256.8
1966	2,670.8	220.0	2,450.9	5.6	13.2	80.8	120.3	721.0	1,442.9	286.9
1967	2,989.7	253.2	2,736.5	6.2	14.0	102.8	130.2	826.6	1,575.8	334.1
1968	3,370.2	298.4	3,071.8	6.9	15.9	131.8	143.6	932.3	1,746.6	393.0
1969	3,680.0	328.7	3,351.3	7.3	18.5	148.4	154.5	984.1	1,930.9	436.2
1970	3,984.5	363.5	3,621.0	7.9	18.7	172.1	164.8	1,084.9	2,079.3	456.8
1971	4,164.7	396.0	3,768.8	8.6	20.5	188.0	178.8	1,163.5	2,145.5	459.8
1972	3,961.4	401.0	3,560.4	9.0	22.5	180.7	188.8	1,140.8	1,993.6	426.1
1973	4,154.4	417.4	3,737.0	9.4	24.5	183.1	200.5	1,222.5	2,071.9	442.6
1974	4,850.4	461.1	4,389.3	9.8	26.2	209.3	215.8	1,437.7	2,489.5	462.2
1975	5,298.5	487.8	4,810.7	9.6	26.3	220.8	231.1	1,532.1	2,804.8	473.7
1976	5,267.3	467.8	4,819.5	8.8	26.6	199.3	233.2	1,448.2	2,821.3	450.0
1977	5,077.6	475.9	4,601.7	8.8	29.4	190.7	240.0	1,418.8	2,729.9	451.9
1978	5,140.3	497.8	4,642.5	9.0	31.0	195.8	262.1	1,434.6	2,747.4	460.5
1979	5,565.5	548.9	5,016.6	9.7	34.7	218.4	286.0	1,511.9	2,999.1	505.6
1980	5,950.0	596.6	5,353.3	10.2	36.8	251.1	298.5	1,684.1	3,167.0	502.2
1981	5,858.2	594.3	5,263.9	9.8	36.0	258.7	289.7	1,649.5	3,139.7	474.7
1982	5,603.6	571.1	5,032.5	9.1	34.0	238.9	289.2	1,488.8	3,084.8	458.8
1983	5,175.0	537.7	4,637.4	8.3	33.7	216.5	279.2	1,337.7	2,868.9	430.8
1984	5,031.3	539.2	4,492.1	7.9	35.7	205.4	290.2	1,263.7	2,791.3	437.1
1985	5,207.1	556.6	4,650.5	7.9	37.1	208.5	302.9	1,287.3	2,901.2	462.0
1986	5,480.4	617.7	4,862.6	8.6	37.9	225.1	346.1	1,344.6	3,010.3	507.8
1987	5,550.0	609.7	4,940.3	8.3	37.4	212.7	351.3	1,329.6	3,081.3	529.4
1988 ^c	5,664.2	637.2	5,027.1	8.4	37.6	220.9	370.2	1,309.2	3,134.9	582.9
1989	5,741.0	663.7	5,077.9	8.7	38.1	233.0	383.4	1,276.3	3,171.3	630.4
1990	5,820.3	731.8	5,088.5	9.4	41.2	257.0	424.1	1,235.9	3,194.8	657.8
1991 ^d	5,897.8	758.1	5,139.7	9.8	42.3	272.7	433.3	1,252.0	3,228.8	659.0
1992	5,660.2	757.5	4,902.7	9.3	42.8	263.6	441.6	1,168.2	3,103.0	631.5

See notes on next page

A P P E N D I X 2

NATIONAL CRIME SURVEY FROM 1973 TO 1992

Estimated number and rate (per 1,000 units of each respective category) of personal and household victimizations

By type of victimization, United States, 1973-92^a

(Number of victimizations in thousands. Rates for personal crimes per 1,000 persons age 12 and older; rates for household crimes per 1,000 households.)

	Type of victimization													
	Personal crimes							Household crimes						
	Total personal crimes	Crimes of violence			Crimes of theft			Total household crimes	Burglary	Larceny	Motor vehicle theft			
		Total	Rape ^b	Robbery	Assault	Aggravated	Simple					Total	Personal larceny	With contact
Number of victimizations	Total	Rape ^b	Robbery	Total	Aggravated	Simple	Total	With contact	Without contact	Total household crimes	Burglary	Larceny	Motor vehicle theft	
1973	20,322	5,351	156	1,108	4,087	1,655	2,432	14,971	504	14,466	15,340	6,459	7,537	1,344
1974	21,399	5,510	163	1,199	4,148	1,735	2,413	15,889	520	15,369	17,012	6,721	8,933	1,358
1975	21,867	5,573	154	1,147	4,272	1,831	2,641	16,294	524	15,770	17,400	6,744	9,223	1,433
1976	22,118	5,599	145	1,111	4,344	1,895	2,648	16,519	497	16,022	17,199	6,663	9,301	1,235
1977	22,835	5,902	154	1,083	4,664	1,738	2,926	16,933	461	16,472	17,480	6,765	9,418	1,297
1978	22,991	5,941	171	1,038	4,732	1,708	3,024	17,050	549	16,501	17,421	6,704	9,352	1,365
1979	22,541	6,159	192	1,116	4,851	1,769	3,082	16,382	511	15,871	18,708	6,885	10,630	1,393
1980	21,430	6,130	174	1,209	4,747	1,707	3,041	15,300	558	14,742	18,822	6,973	10,468	1,381
1981	22,445	6,582	178	1,381	5,024	1,796	3,228	15,863	605	15,258	19,009	7,394	10,176	1,439
1982	22,012	6,459	153	1,334	4,973	1,754	3,219	15,553	577	14,976	17,745	6,663	9,705	1,377
1983	20,560	5,903	154	1,149	4,600	1,517	3,083	14,657	563	14,095	16,441	6,063	9,114	1,264
1984	19,810	6,021	180	1,097	4,744	1,727	3,017	13,789	530	13,259	15,733	5,643	8,750	1,340
1985	19,297	5,823	138	985	4,699	1,605	3,094	13,474	523	12,951	15,567	5,594	8,703	1,270
1986	18,750	5,515	130	1,009	4,376	1,543	2,833	13,235	536	12,699	15,368	5,557	8,455	1,356
1987	19,371	5,796	148	1,046	4,602	1,587	3,014	13,575	509	13,066	15,966	5,705	8,788	1,473
1988	19,966	5,910	127	1,048	4,734	1,741	2,993	14,056	489	13,567	15,830	5,777	8,419	1,634
1989	19,690	5,861	135	1,092	4,634	1,665	2,969	13,829	543	13,287	16,127	5,352	8,955	1,820
1990	18,984	6,009	130	1,150	4,729	1,601	3,128	12,975	637	12,338	15,420	5,148	8,304	1,968
1991	19,472	6,587	174	1,203	5,210	1,634	3,575	12,885	497	12,389	16,025	5,187	8,702	2,136
1992	18,832	6,621	141	1,226	5,255	1,849	3,406	12,211	485	11,726	14,817	4,757	8,101	1,959
Rate														
1973	123.6	32.6	1.0	6.7	24.9	10.1	14.8	91.1	3.1	88.0	217.8	91.7	107.0	19.1
1974	128.1	33.0	1.0	7.2	24.8	10.4	14.4	95.1	3.1	92.0	235.7	93.1	123.8	18.8
1975	128.9	32.8	0.9	6.8	25.2	9.6	15.6	96.0	3.1	92.9	236.5	91.7	125.4	19.5
1976	128.7	32.6	0.8	6.5	25.3	9.9	15.4	96.1	2.9	93.2	229.5	88.9	124.1	16.5
1977	131.2	33.9	0.9	6.2	26.8	10.0	16.8	97.3	2.7	94.6	228.8	88.5	123.3	17.0
1978	130.5	33.7	1.0	5.9	26.9	9.7	17.2	96.8	3.1	93.6	223.4	86.0	119.9	17.5
1979	126.4	34.5	1.1	6.3	27.2	9.9	17.3	91.9	2.9	89.0	235.3	84.1	133.7	17.5
1980	116.3	33.3	0.9	6.6	25.8	9.3	16.5	83.0	3.0	80.0	227.4	84.3	126.5	16.7
1981	120.5	35.3	1.0	7.4	27.0	9.6	17.3	85.1	3.3	81.9	226.0	87.9	121.0	17.1
1982	116.8	34.3	0.8	7.1	26.4	9.3	17.1	82.5	3.1	79.5	208.2	78.2	113.9	16.2
1983	107.9	31.0	0.8	6.0	24.1	8.0	16.2	76.9	3.0	74.0	189.8	70.0	105.2	14.6
1984	103.2	31.4	0.9	5.7	24.7	9.0	15.7	71.8	2.8	69.1	178.7	64.1	99.4	15.2
1985	99.4	30.0	0.7	5.1	24.2	8.3	15.9	69.4	2.7	66.7	174.4	62.7	97.5	14.2
1986	95.6	28.1	0.7	5.1	22.3	7.9	14.4	67.5	2.7	64.7	170.0	61.5	93.5	15.0
1987	98.0	29.3	0.8	5.3	23.3	8.0	15.2	68.7	2.6	66.1	173.9	62.1	95.7	16.0
1988	100.1	29.6	0.6	5.3	23.7	8.7	15.0	70.5	2.5	68.0	169.6	61.9	90.2	17.5
1989	97.8	29.1	0.7	5.4	23.0	8.3	14.7	68.7	2.7	66.0	169.9	56.4	94.4	19.2
1990	93.4	29.6	0.6	5.7	23.3	7.9	15.4	63.8	3.1	60.7	161.0	53.8	86.7	20.5
1991	95.3	32.2	0.9	5.9	25.5	8.0	17.5	63.1	2.4	60.6	166.4	53.9	90.4	22.2
1992	91.2	32.1	0.7	5.9	25.5	9.0	16.5	59.2	2.3	56.8	152.2	48.9	83.2	20.1

A P P E N D I X 3

RATE OF IMPRISONMENT BY STATE FROM 1973 TO 1993

Rate (per 100,000 resident population) of sentenced prisoners in State and Federal Institutions on December 31

By region and jurisdiction, 1973-93

Region and jurisdiction	Rate per 100 000 resident population																				
	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993
United States, total	97.8	103.6	113	123	129	135	136	139	153	170	179	188	200	216	228	244	271	292	310	330	350
Federal institutions, total	10.9	10.6	11	13	13	12	10	9	10	10	11	12	14	15	16	17	19	20	22	26	28
State institutions, total	86.8	93.0	102	111	116	123	126	130	144	160	167	176	187	201	211	227	253	272	287	305	322
Northeast	60.4	63.4	70	73	77	82	84	87	103	115	127	136	145	157	169	186	215	232	248	261	272
Connecticut	54.2	47.6	59	62	53	70	69	68	95	114	114	119	127	135	144	146	194	238	263	268	320
Maine	43.8	50.4	60	57	61	53	58	61	71	69	75	72	83	106	106	100	116	118	123	121	116
Massachusetts	34.3	38.4	42	46	48	49	50	56	65	77	79	84	88	92	102	109	122	132	143	161	154
New Hampshire	34.8	27.1	31	30	26	32	35	35	42	47	50	57	68	76	81	93	103	117	132	150	157
New Jersey	73.5	71.6	77	78	78	74	76	76	92	107	136	138	149	157	177	219	251	271	301	290	301
New York	71.4	78.5	89	90	108	114	120	123	145	158	172	187	195	216	229	248	285	304	320	340	354
Pennsylvania	55.0	56.9	60	56	56	65	67	68	78	88	98	109	119	128	136	149	169	183	192	207	216
Rhode Island	43.2	48.7	41	53	56	56	63	65	72	82	92	92	99	103	100	118	146	157	173	170	172
Vermont	40.3	51.5	51	64	57	76	62	67	76	84	72	74	82	81	91	98	109	117	124	151	154
Midwest	62.8	69.0	84	95	108	104	105	109	121	130	135	144	161	173	184	200	225	239	255	273	282
Illinois	50.3	55.9	73	87	95	96	95	94	113	119	135	149	161	168	171	181	211	234	247	271	294
Indiana	63.4	57.5	73	79	80	82	98	114	138	152	164	165	175	181	192	202	217	223	226	242	250
Iowa	49.0	51.6	63	66	70	70	72	86	88	93	92	97	98	98	101	107	126	139	144	160	174
Kansas	60.6	63.5	76	91	97	98	95	106	116	129	152	173	192	217	233	232	227	231	238	226	
Michigan	86.8	94.6	119	137	151	162	163	163	165	162	159	161	196	227	259	298	340	366	388	413	414
Minnesota	36.0	35.1	42	41	44	49	51	49	49	50	52	52	56	58	60	64	71	72	78	85	92
Missouri	79.4	88.0	92	105	111	116	113	112	131	147	162	175	194	203	218	236	269	287	305	311	308
Nebraska	66.0	67.9	80	93	83	80	71	89	104	99	91	95	108	116	123	129	141	140	145	151	153
North Dakota	24.9	20.7	27	26	30	21	19	28	33	47	51	54	55	53	57	62	62	67	68	67	70
Ohio	71.9	86.9	107	117	120	122	125	125	139	160	155	174	194	209	219	243	279	289	324	347	365
South Dakota	34.9	37.0	49	70	76	74	77	88	97	109	115	127	146	160	160	143	175	187	191	208	216
Wisconsin	47.2	56.4	65	71	72	73	73	85	93	96	102	105	113	119	126	130	138	149	157	176	166
South	128.3	135.0	150	161	169	181	196	188	201	224	225	231	236	248	255	266	292	316	333	355	380
Alabama	104.5	110.3	121	83	94	144	141	149	183	215	243	256	267	283	307	300	328	370	394	407	431
Arkansas	82.2	99.6	102	115	111	115	132	128	143	166	179	188	195	198	227	230	261	277	317	340	327
Delaware	57.1	76.1	100	118	120	173	181	183	208	250	273	263	281	311	326	331	333	323	344	390	394
District of Columbia	324.2	289.2	326	334	330	303	433	426	467	531	558	649	738	751	915	1,078	1,132	1,148	1,201	1,207	1,149
Florida	132.5	137.9	183	211	221	223	220	200	224	261	235	242	247	272	255	278	307	336	344	355	384
Georgia	173.3	191.4	204	225	224	216	224	219	220	247	259	254	251	265	282	281	300	327	342	365	387
Kentucky	89.4	91.7	100	107	106	97	105	99	114	110	127	128	133	142	147	191	222	241	262	274	274
Louisiana	108.3	127.7	126	120	152	184	190	211	216	251	290	310	308	316	346	370	396	427	462	484	522
Maryland	144.0	155.0	169	192	198	193	187	183	218	244	277	285	279	280	282	291	323	348	366	381	383
Mississippi	75.5	91.8	103	91	67	110	141	132	177	210	211	229	237	249	256	277	293	307	330	327	361
North Carolina	183.9	207.2	210	214	234	223	240	244	248	255	233	246	254	257	250	249	250	265	269	290	305
Oklahoma	120.4	108.5	114	133	129	146	147	151	169	201	212	236	250	288	296	323	361	381	416	459	506
South Carolina	130.1	158.4	198	230	239	243	237	238	251	270	276	284	294	324	344	369	416	451	473	486	498
Tennessee	84.2	90.9	109	114	127	134	151	153	171	173	187	154	149	157	156	157	213	207	227	234	250
Texas	146.6	140.6	154	167	176	189	195	210	210	237	221	226	226	228	231	240	257	290	297	344	385
Virginia	107.9	105.1	110	126	142	157	158	161	165	177	177	185	204	215	217	230	263	279	311	327	346
West Virginia	60.8	57.3	65	71	67	63	66	64	80	77	83	82	89	77	77	78	84	85	83	92	92
West	8.6	93.9	84	91	92	99	101	105	119	139	152	166	176	197	214	234	256	277	287	299	319
Alaska	56.3	57.1	56	63	75	127	133	143	170	194	219	252	288	306	339	355	361	348	345	327	446
Arizona	81.0	97.0	118	125	129	146	139	160	184	209	223	247	256	268	307	328	350	375	396	409	430
California	96.7	105.6	81	85	80	88	93	98	114	135	150	162	181	212	231	257	283	311	318	339	364
Colorado	77.5	79.4	80	87	89	93	90	96	92	108	109	104	103	115	145	174	207	209	249	256	262
Hawaii	37.3	38.6	42	39	44	57	58	65	77	88	103	124	134	142	141	136	142	150	153	164	192
Idaho	54.6	65.5	71	82	87	91	92	87	99	107	121	127	133	144	144	157	180	190	205	209	234
Montana	43.5	45.6	50	73	81	87	96	94	104	114	104	121	136	135	147	158	165	176	183	190	192
Nevada	134.9	130.3	136	156	187	204	224	230	245	301	354	380	397	447	432	452	438	444	439	448	434
New Mexico	66.4	80.7	86	105	126	123	112	106	100	126	142	133	144	154	174	180	178	196	191	197	206
Oregon	74.7	88.3	108	122	122	117	122	120	124	146	157	170	165	176	200	215	235	223	228	174	166
Utah	44.7	46.1	54	60	64	69	68	64	73	77	77	84	98	108	110	115	137	142	149	146	157
Washington	77.1	86.2	96	109	118	122	113	106	125	148	155	156	156	147	134	124	142	162	182	192	197
Wyoming	76.6	73.9	80	87	98	102	95	113	117	135	138	143	148	168	190	199	216	237	237	226	238

A P P E N D I X 4

DATA ON SOCIAL VARIABLES IN "POLITICS OF PRISON EXPANSION"

- VARIABLE 1: THE PERCENTAGE INCREASE IN THE IMPRISONMENT RATE IN THAT STATE BETWEEN 1972 AND 1992
- VARIABLE 2: THE PERCENTAGE INCREASE IN THE UNIFORM CRIME RATE IN THAT STATE BETWEEN 1972 AND 1992
- VARIABLE 3: THE IMPRISONMENT RATE PER 100,000 POPULATION IN 1972
- VARIABLE 4: THE IMPRISONMENT RATE PER 100,000 POPULATION IN 1992
- VARIABLE 5: THE UCR CRIME RATE FOR 1972
- VARIABLE 6: THE UCR CRIME RATE FOR 1992
- VARIABLE 7: PERCENTAGE OF POPULATION THAT IS AFRICAN-AMERICAN
- VARIABLE 8: AVERAGE PER CAPITA INCOME
- VARIABLE 9: PERCENTAGE OF THE POPULATION THAT IS LIVING BELOW THE POVERTY LEVEL
- VARIABLE 10: THE UNEMPLOYMENT RATE
- VARIABLE 11: RATE OF DRUG ARRESTS PER 100,000 POPULATION
- VARIABLE 12: HOMICIDE RATE
- VARIABLE 13: POPULATION IN 1990
- VARIABLE 14: POPULATION IN 1970
- VARIABLE 15: PERCENTAGE POPULATION THAT IS AFRICAN-AMERICAN IN 1970
- VARIABLE 16: HOMICIDE RATE IN 1972
- VARIABLE 17: AVERAGE PER CAPITA INCOME IN 1970

* COLUMN ONE REPRESENT THE FIFTY STATES IN THE ORDER OF THE INCREASE IN IMPRISONMENT RATE BETWEEN 1972 AND 1992.

1. DELAWARE
2. ALASKA
3. ILLINOIS
4. ARIZONA
5. NEW YORK
6. LOUISIANA
7. NEW HAMPSHIRE
8. VERMONT
9. MASSACHUSETTS
10. RHODE ISLAND
11. MONTANA
12. OHIO
13. CONNECTICUT
14. MISSISSIPPI
15. HAWAII
16. ARKANSAS
17. IDAHO
18. MICHIGAN
19. SOUTH DAKOTA
20. CALIFORNIA
21. NEW JERSEY
22. SOUTH CAROLINA
23. MISSISSIPPI
24. ALABAMA
25. PENNSYLVANIA
26. WISCONSIN
27. NEVADA
28. NEW MEXICO
29. IOWA
30. INDIANA
31. OKLAHOMA
32. KANSAS
33. COLORADO
34. KENTUCKY
35. VIRGINIA
36. WYOMING
37. TENNESSEE
38. UTAH
39. MARYLAND
40. MAINE
41. TEXAS
42. FLORIDA
43. MINNESOTA
44. NEBRASKA
45. WASHINGTON
46. NORTH DAKOTA
47. GEORGIA
48. OREGON
49. NORTH CAROLINA
50. WEST VIRGINIA

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	var000001	var000002	var000003	var000004	var000005	var000006	var000007	var000008
1	690.00	7.00	49.30	390.00	4523.00	4848.00	16.80	16.80
2	436.00	24.00	61.00	327.00	4478.00	6569.00	4.00	17.60
3	436.00	62.00	60.40	271.00	3791.00	6785.00	14.80	16.20
4	430.00	16.00	76.90	409.00	6933.00	7028.00	3.00	13.40
5	430.00	38.00	64.00	340.00	4231.00	6868.00	16.80	16.60
6	423.00	93.00	92.20	484.00	3382.00	6546.00	30.80	10.60
7	420.00	64.00	30.80	160.00	1991.00	3080.00	.80	16.90
8	401.00	64.00	30.00	161.00	2204.00	3410.00	.30	13.90
9	400.00	21.00	32.10	161.00	4107.00	6002.00	4.90	17.20
10	370.00	6.00	36.10	170.00	4563.00	4578.00	3.80	14.90
11	356.00	43.00	39.60	180.00	3206.00	4696.00	.30	11.20
12	350.00	36.00	77.20	347.00	3439.00	4986.00	10.80	13.40
13	346.00	42.00	69.30	288.00	3403.00	4848.00	6.30	20.10
14	340.00	4.00	93.90	413.00	6383.00	6810.00	13.90	14.00
15	326.00	32.00	38.80	164.00	4612.00	6112.00	2.40	16.70
16	326.00	119.00	80.40	340.00	2186.00	4761.00	16.90	10.60
17	320.00	16.00	49.60	209.00	3420.00	3996.00	.30	11.40
18	320.00	29.00	74.70	311.00	3933.00	6097.00	11.40	12.90
19	306.00	40.00	61.00	208.00	2127.00	2996.00	.40	10.80
20	306.00	6.00	63.90	339.00	6413.00	6679.00	7.40	16.40
21	301.00	31.00	72.40	290.00	3640.00	6084.00	13.40	16.70
22	300.00	80.00	121.20	486.00	3264.00	6893.00	29.80	11.80
23	296.00	137.00	63.10	327.00	1806.00	4282.00	36.60	9.60
24	294.00	126.00	103.60	407.00	2326.00	6268.00	26.20	11.40
25	293.00	43.00	62.60	207.00	2389.00	3382.00	9.10	14.00
26	290.00	46.00	44.90	176.00	2960.00	4319.00	6.00	13.20
27	270.00	6.00	121.20	446.00	6860.00	6203.00	6.60	16.20
28	263.00	36.00	66.70	197.00	4723.00	6434.00	1.90	11.20
29	251.00	66.00	46.60	180.00	2431.00	3967.00	1.70	12.40
30	236.00	46.00	72.80	242.00	3231.00	4666.00	7.80	13.10
31	226.00	71.00	139.70	459.00	3106.00	5431.00	7.40	11.60

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	var00001	var00002	var00003	var00004	var00005	var00006	var00007	var00008
32	225.00	56.00	73.50	236.00	3404.00	6319.00	5.70	13.30
33	215.00	6.00	61.30	256.00	5563.00	6666.00	4.00	14.80
34	210.00	44.00	89.50	274.00	2233.00	3223.00	7.10	11.10
35	207.00	39.00	106.30	327.00	3061.00	4296.00	16.80	16.70
36	200.00	48.00	75.70	226.00	3062.00	4575.00	.80	12.30
37	185.00	94.00	61.90	234.00	2846.00	6135.00	15.90	12.20
38	185.00	34.00	51.20	146.00	4206.00	5866.00	.80	11.00
39	175.00	34.00	139.30	361.00	4626.00	6224.00	24.90	17.70
40	162.00	51.00	46.30	121.00	2320.00	3623.00	.40	12.90
41	163.00	83.00	136.00	344.00	3639.00	7057.00	11.90	12.90
42	155.00	55.00	139.30	355.00	5376.00	6356.00	13.60	14.80
43	150.00	29.00	34.50	85.00	3554.00	4690.00	2.10	14.30
44	140.00	64.00	62.80	151.00	2626.00	4324.00	3.80	12.40
45	130.00	46.00	28.80	67.00	1967.00	2903.00	2.80	11.00
46	110.00	109.00	174.30	365.00	3051.00	6405.00	.50	13.60
47	105.00	15.00	84.40	174.00	5046.00	5620.00	26.90	13.40
48	82.00	116.00	169.90	290.00	2659.00	5602.00	1.80	12.80
49	55.00	61.00	59.10	92.00	1435.00	2809.00	21.90	10.50
50	50.00	31.00	77.10	192.00	4706.00	6172.00	3.00	14.90

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	var00009	var00010	var00011	var00012	var00013	var00014	var00015	var00016
1	8.70	6.20	334.00	6.00	.86	.55	14.10	6.90
2	9.00	7.00	101.00	9.00	.86	.30	.86	9.60
3	11.90	6.10	101.00	7.40	11.43	11.11	12.76	6.60
4	16.70	6.30	363.00	8.60	3.86	1.77	2.90	7.30
5	13.00	6.20	663.00	13.30	17.99	16.23	11.89	11.00
6	23.60	6.20	309.00	20.30	4.21	3.64	29.31	13.20
7	6.40	6.70	162.00	2.00	1.10	.74	.33	1.70
8	9.90	4.80	86.00	3.60	.66	.44	.46	1.70
9	8.90	6.90	264.00	3.90	6.01	6.66	3.10	3.70
10	9.80	6.70	261.00	3.90	1.00	.96	2.80	1.30
11	16.10	6.70	129.00	3.00	.80	.89	.26	2.60
12	12.60	6.60	91.00	6.00	10.64	10.66	9.14	7.60
13	6.60	6.00	671.00	6.30	3.26	3.03	6.97	3.20
14	13.10	7.60	297.00	9.80	6.11	4.67	10.27	8.30
15	8.30	2.70	326.00	3.60	1.10	.77	2.60	6.60
16	19.10	6.80	266.00	10.20	2.36	1.92	16.30	10.40
17	13.30	6.60	176.00	2.90	1.00	.71	.33	3.60
18	13.30	6.70	269.00	11.30	9.29	6.67	9.90	11.00
19	16.90	3.60	61.00	3.40	.70	.67	.36	1.20
20	12.60	6.60	639.00	13.10	29.70	19.96	7.00	6.60
21	7.60	4.90	600.00	6.30	7.73	7.16	10.70	6.60
22	16.40	4.70	430.00	10.30	3.46	2.69	30.40	16.60
23	26.20	7.40	176.00	13.60	2.67	2.21	36.90	16.40
24	16.30	6.70	186.00	11.60	4.04	3.44	26.20	14.10
25	11.10	6.30	233.00	6.60	11.66	11.79	6.60	6.00
26	10.70	4.30	192.00	4.40	4.69	4.41	2.90	2.60
27	6.40	6.70	660.00	10.40	1.20	.49	6.70	13.60
28	20.60	6.20	220.00	6.00	1.61	1.01	1.90	11.10
29	11.60	4.20	116.00	2.30	2.77	2.62	1.10	1.70
30	10.70	6.30	110.00	7.60	6.64	6.19	6.60	6.00
31	16.70	6.60	264.00	6.40	3.14	2.66	6.70	7.60

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	var00009	var00010	var00011	var00012	var00013	var00014	var00015	var00016
32	11.50	4.30	223.00	6.40	2.47	2.24	4.70	4.00
33	11.70	4.90	228.00	6.80	3.29	2.20	3.00	8.30
34	19.00	6.80	316.00	6.60	3.60	3.21	7.10	9.80
35	10.20	4.20	285.00	8.30	6.18	4.64	18.60	9.80
36	11.90	5.20	121.00	3.40	.45	.33	.61	4.10
37	15.70	5.20	241.00	10.20	4.87	3.92	15.80	11.20
38	11.40	4.20	190.00	3.10	1.72	1.05	.19	2.90
39	8.30	4.80	599.00	12.70	4.78	3.92	17.80	12.60
40	10.80	5.20	187.00	1.80	1.22	.99	.21	3.20
41	18.10	6.10	386.00	11.90	16.98	11.19	12.60	12.30
42	12.70	6.90	606.00	8.90	12.93	6.78	16.30	12.70
43	10.20	4.80	128.00	3.40	4.37	3.80	.09	2.40
44	11.10	2.10	253.00	3.90	1.57	1.46	2.70	2.90
45	14.40	4.00	66.00	5.20	4.86	3.40	.21	4.20
46	14.70	6.40	272.00	1.70	.64	.62	.38	1.30
47	12.40	6.80	346.00	11.40	6.47	4.68	25.90	18.60
48	13.00	4.00	376.00	4.80	2.84	2.09	1.20	6.60
49	19.70	8.20	88.00	11.30	6.62	6.08	22.20	13.60
50	10.90	4.80	220.00	6.90	1.79	1.74	3.80	6.10

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	ver00017
1	4483.00
2	4603.00
3	4492.00
4	3631.00
5	4714.00
6	3068.00
7	3745.00
8	3311.00
9	4340.00
10	3941.00
11	3498.00
12	3982.00
13	4871.00
14	3768.00
15	4662.00
16	2889.00
17	3280.00
18	4166.00
19	3124.00
20	4467.00
21	4636.00
22	2963.00
23	2696.00
24	2913.00
25	3943.00
26	3794.00
27	4462.00
28	3117.00
29	3749.00
30	3762.00
31	3360.00

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	var00017
32	3841.00
33	3839.00
34	3104.00
35	3853.00
36	3798.00
37	3082.00
38	3228.00
39	4281.00
40	3272.00
41	3576.00
42	3882.00
43	3848.00
44	3794.00
45	4022.00
46	3120.00
47	3318.00
48	3894.00
49	3218.00
50	3047.00

A P P E N D I X A

*** MULTIPLE REGRESSION ***

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Equation Number 1 Dependent Variable.. PRISINCP

Multiple R .48891
R Square .23903
Adjusted R Square .18941
Standard Error 109.90974

Analysis of Variance

	DF	Sum of Squares	Mean Square
Regression	3	174551.36219	58183.78740
Residual	46	555686.95781	12080.15126

F = 4.81648 Signif F = .0053

----- Variables in the Equation -----

Variable	B	SE B	Beta	T	Sig T
PRISON72	-1.733684	.481660	-.503907	-3.599	.0008
BLACK70P	2.000443	1.837247	.152249	1.089	.2819
BLACKINC	-.068750	.037348	-.249339	-1.841	.0721
(Constant)	397.292856	40.189633		9.885	.0000

	PRISINCP	PRISON72	PRISON92	BLACK70P	BLACK90P	BLACKINC
PRISINCP	1.0000 (50) P= .	-.3852 (50) P= .006	.3083 (50) P= .029	.0378 (50) P= .795	.0799 (50) P= .581	-.1572 (50) P= .276
PRISON72		1.0000 (50) P= .006	.7002 (50) P= .000	.3538 (50) P= .012	.3405 (50) P= .016	-.2602 (50) P= .068
PRISON92			1.0000 (50) P= .	.4961 (50) P= .000	.5118 (50) P= .000	-.3261 (50) P= .021
BLACK70P				1.0000 (50) P= .	.9853 (50) P= .000	-.2558 (50) P= .073
BLACK90P					1.0000 (50) P= .	-.2165 (50) P= .131
BLACKINC						1.0000 (50) P= .

HOM72	-.0640 (50) P= .659	.4601 (50) P= .001	.5418 (50) P= .000	.8270 (50) P= .000	.8191 (50) P= .000	-.1895 (50) P= .187
HOM92	.0567 (50) P= .696	.4031 (50) P= .004	.6097 (50) P= .000	.7668 (50) P= .000	.7849 (50) P= .000	-.1678 (50) P= .244
HOMINC	.1498 (50) P= .299	-.2755 (50) P= .053	-.1970 (50) P= .170	-.2939 (50) P= .038	-.2781 (50) P= .051	.0505 (50) P= .728
UCR72	.1734 (50) P= .229	.1702 (50) P= .237	.3332 (50) P= .018	-.0934 (50) P= .519	-.0455 (50) P= .754	-.0320 (50) P= .826
UCR92	-.0194 (50) P= .894	.5675 (50) P= .000	.5678 (50) P= .000	.1733 (50) P= .229	.1806 (50) P= .209	-.1419 (50) P= .326
CRIMINCP	-.2685 (50) P= .059	.4015 (50) P= .004	.1816 (50) P= .207	.4484 (50) P= .001	.3714 (50) P= .008	-.1423 (50) P= .324
	HOM72	HOM92	HOMINC	UCR72	UCR92	CRIMINCP
PRISINCP	-.0640 (50) P= .659	.0567 (50) P= .696	.1498 (50) P= .299	.1734 (50) P= .229	-.0194 (50) P= .894	-.2685 (50) P= .059
PRISON72	.4601 (50) P= .001	.4031 (50) P= .004	-.2755 (50) P= .053	.1702 (50) P= .237	.5675 (50) P= .000	.4015 (50) P= .004
PRISON92	.5418 (50) P= .000	.6097 (50) P= .000	-.1970 (50) P= .170	.3332 (50) P= .018	.5678 (50) P= .000	.1816 (50) P= .207
BLACK70P	.8270 (50) P= .000	.7668 (50) P= .000	-.2939 (50) P= .038	-.0934 (50) P= .519	.1733 (50) P= .229	.4484 (50) P= .001
BLACK90P	.8191 (50) P= .000	.7849 (50) P= .000	-.2781 (50) P= .051	-.0455 (50) P= .754	.1806 (50) P= .209	.3714 (50) P= .008
BLACKINC	-.1895 (50) P= .187	-.1678 (50) P= .244	.0505 (50) P= .728	-.0320 (50) P= .826	-.1419 (50) P= .326	-.1423 (50) P= .324
HOM72	1.0000 (50) P= .	.8368 (50) P= .000	-.5261 (50) P= .000	.2222 (50) P= .121	.4069 (50) P= .003	.2205 (50) P= .124

HOM92	.8368 (.50) P= .000	1.0000 (.50) P= .	-.1657 (.50) P= .250	.2261 (.50) P= .114	.4215 (.50) P= .002	.2282 (.50) P= .111
HOMINC	-.5261 (.50) P= .000	-.1657 (.50) P= .250	1.0000 (.50) P= .	-.1056 (.50) P= .465	-.2332 (.50) P= .103	-.1107 (.50) P= .444
UCR72	.2222 (.50) P= .121	.2261 (.50) P= .114	-.1056 (.50) P= .465	1.0000 (.50) P= .	.7595 (.50) P= .000	-.6549 (.50) P= .000
UCR92	.4069 (.50) P= .003	.4215 (.50) P= .002	-.2332 (.50) P= .103	.7595 (.50) P= .000	1.0000 (.50) P= .	-.0549 (.50) P= .705
CRIMINCP	.2205 (.50) P= .124	.2282 (.50) P= .111	-.1107 (.50) P= .444	-.6549 (.50) P= .000	-.0549 (.50) P= .705	1.0000 (.50) P= .

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Number of valid observations (listwise) = 50.00

Variable	Mean	Std Dev	Minimum	Maximum	N
BLPCT92	9.51	9.25	.30	35.50	50
CRIMINCP	48.96	33.23	4.00	137.00	50
DRUGP92	276.52	171.25	61.00	839.00	50
HOMP92	7.25	3.94	1.60	20.30	50
INCPC92	13.61	2.35	9.60	20.10	50
POP70	4045.02	4331.83	300.00	19950.00	50
POP90	4954.76	5654.93	453.00	29700.00	50
POVP92	12.99	4.22	6.40	25.20	50
PRISINCP	271.86	123.47	15.00	690.00	50
PRISP72	75.70	35.48	28.80	174.30	50
PRISP92	267.18	109.16	67.00	486.00	50
JCRP72	3573.32	1206.23	1435.00	6413.00	50
JCRP92	5086.96	1227.16	2609.00	8358.00	50
JNEMP92	5.33	1.13	2.10	8.20	50

	BLPCT92	CRIMINCP	DRUGP92	HOMP92	INCPC92	POP70	POP90	POVP92	PRISINCP	PRISP72
BLPCT92	1.0000 (50) P= .	.5875 (50) P= .000	.3159 (50) P= .025	.5745 (50) P= .000	-.0415 (50) P= .775	.1705 (50) P= .236	.1450 (50) P= .315	.3906 (50) P= .005	.0915 (50) P= .527	.6208 (50) P= .000
CRIMINCP	.5875 (50) P= .000	1.0000 (50) P= .	-.1852 (50) P= .198	.2282 (50) P= .111	-.5018 (50) P= .000	-.1128 (50) P= .435	-.1135 (50) P= .432	.6054 (50) P= .000	-.2623 (50) P= .066	.4015 (50) P= .004
DRUGP92	.3159 (50) P= .025	-.1852 (50) P= .198	1.0000 (50) P= .	.4218 (50) P= .002	.5291 (50) P= .000	.4655 (50) P= .001	.5294 (50) P= .000	-.1858 (50) P= .196	.0692 (50) P= .633	.4271 (50) P= .002
HOMP92	.5745 (50) P= .000	.2282 (50) P= .111	.4218 (50) P= .002	1.0000 (50) P= .	-.0726 (50) P= .616	.4299 (50) P= .002	.4530 (50) P= .001	.4974 (50) P= .000	.0566 (50) P= .696	.4031 (50) P= .004
INCPC92	-.0415 (50) P= .775	-.5018 (50) P= .000	.5291 (50) P= .000	-.0726 (50) P= .616	1.0000 (50) P= .	.2679 (50) P= .060	.2467 (50) P= .084	-.7686 (50) P= .000	.2777 (50) P= .051	-.0375 (50) P= .796
POP70	.1705 (50) P= .236	-.1128 (50) P= .435	.4655 (50) P= .001	.4299 (50) P= .002	.2679 (50) P= .060	1.0000 (50) P= .	.9627 (50) P= .000	.0215 (50) P= .882	.0808 (50) P= .577	.0768 (50) P= .596
POP90	.1450 (50) P= .315	-.1135 (50) P= .432	.5294 (50) P= .000	.4530 (50) P= .001	.2467 (50) P= .084	.9627 (50) P= .000	1.0000 (50) P= .	.0496 (50) P= .732	.0079 (50) P= .957	.1584 (50) P= .272
POVP92	.3906 (50) P= .005	.6054 (50) P= .000	-.1858 (50) P= .196	.4974 (50) P= .000	-.7686 (50) P= .000	.0215 (50) P= .882	.0496 (50) P= .732	1.0000 (50) P= .	-.1355 (50) P= .348	.2424 (50) P= .090
PRISINCP	.0915 (50) P= .527	-.2623 (50) P= .066	.0692 (50) P= .633	.0566 (50) P= .696	.2777 (50) P= .051	.0808 (50) P= .577	.0079 (50) P= .957	-.1355 (50) P= .348	1.0000 (50) P= .	-.3811 (50) P= .006
PRISP72	.6208 (50) P= .000	.4015 (50) P= .004	.4271 (50) P= .002	.4031 (50) P= .004	-.0375 (50) P= .796	.0768 (50) P= .596	.1584 (50) P= .272	.2424 (50) P= .090	-.3811 (50) P= .006	1.0000 (50) P= .
PRISP92	.6965 (50) P= .000	.1816 (50) P= .207	.4927 (50) P= .000	.6097 (50) P= .000	.0904 (50) P= .532	.1752 (50) P= .224	.1980 (50) P= .168	.2411 (50) P= .092	.3088 (50) P= .029	.7002 (50) P= .000
JCRP72	-.0933 (50) P= .519	-.6549 (50) P= .000	.5561 (50) P= .000	.2261 (50) P= .114	.4869 (50) P= .000	.2235 (50) P= .119	.3085 (50) P= .029	-.3112 (50) P= .028	.1660 (50) P= .249	.1702 (50) P= .237

A P P E N D I X B

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- - Correlation Coefficients - -

VAR00001 VAR00008

VAR00001 1.0000 .2841
(50) (50)
P= . P= .046

VAR00008 .2841 1.0000
(50) (50)
P= .046 P= .

- - Correlation Coefficients - -

VAR00001 VAR00009

VAR00001 1.0000 -.1400
(50) (50)
P= . P= .332

VAR00009 -.1400 1.0000
(50) (50)
P= .332 P= .

- - Correlation Coefficients - -

VAR00001 VAR00011

VAR00001 1.0000 .0680
(50) (50)
P= . P= .639

VAR00011 .0680 1.0000
(50) (50)
P= .639 P= .

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- - Correlation Coefficients - -

VAR00001 VAR00010

VAR00001 1.0000 .1964
(50) (50)
P= . P= .172

VAR00010 .1964 1.0000
(50) (50)
P= .172 P= .

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