

THE MYTH OF OVER-INCARCERATION

by Michael Rushford

For at least the last 15 years, liberal academics, civil rights groups, and most of the American media have been waging a campaign to convince the public that the criminal justice policies implemented in the 80s and 90s that increased prison sentences for violent and habitual criminals were a spectacular failure, having little or no impact on crime while wasting hundreds of millions of dollars and systematically targeting minorities. The term “incarceration nation” has been used to describe the United States since the International Centre for Prison Studies released its first World Prison Brief,¹ which ranked the U. S. as having the highest incarceration rate in the world. That announcement was embraced by anti-sentencing groups, such as the American Civil Liberties Union (ACLU), The Sentencing Project, and the NAACP. It was parroted without analysis by virtually every major news outlet in the world, including all three major U. S. television networks and newspapers such as The New York Times, The Washington Post, the Los Angeles Times, the Chicago Tribune, and The Dallas Morning News.²

Among the claims made repeatedly in the anti-incarceration narrative are: the U. S. has only 5% of the world’s population but nearly 25% of its prisoners, and more than half of all prisoners are serving time for nonviolent drug offenses with blacks most likely to be incarcerated. An often-quoted 2014 report by Human Rights Watch claims that “tough-on-crime” laws adopted since the 1980s have filled U. S. prisons with mostly nonviolent offenders.³

President Barack Obama has become the most prominent leader in the movement. Last July, he told the NAACP, “In too many places, black boys and black men, and Latino boys and Latino men, experience being treated different under the law,” claiming his assertion wasn’t “anecdote” or “barber shop talk,” but instead backed by data. “The real reason our prison population is so high,” he said is because America has “locked up more and more nonviolent drug offenders than ever before.”⁴ Apparently responding to those claims, in early November the President authorized the early release of 6,000 drug offenders from federal prison, one of the largest one-time releases of federal inmates in U. S. history.⁵

For many Americans who do not have personal experience as a crime victim or in law enforcement, this narrative may be persuasive. But, in reality, the effort to end so-called mass incarceration is political. Those demanding alternatives to incarceration, from the President on down, are using half-truths, inaccurate statistics, and outright lies to undo sentencing policies that have spared millions of Americans from becoming crime victims.

Much can be learned by following the money. The International Centre for Prison Studies (“The Centre”) receives significant support from the Open Society Foundation, which is funded by ultra-liberal billionaire George Soros.⁶ The introduction to The

Centre's most recent World Prison Population List admits that it does not have accurate information about prisoners in several countries, including China, and that for the U. S. it includes inmates in local jails, although this data is often unavailable in some other countries.⁷ This suggests that The Centre's estimate will always disfavor the U. S., which holds thousands of minor offenders for a day or two in local jails and honestly reports its inmate population, while the Centre estimates that China's oppressive regime with 1.3 billion people, and regimes in South Africa, Korea, and the Middle East, have fewer inmates per capita.

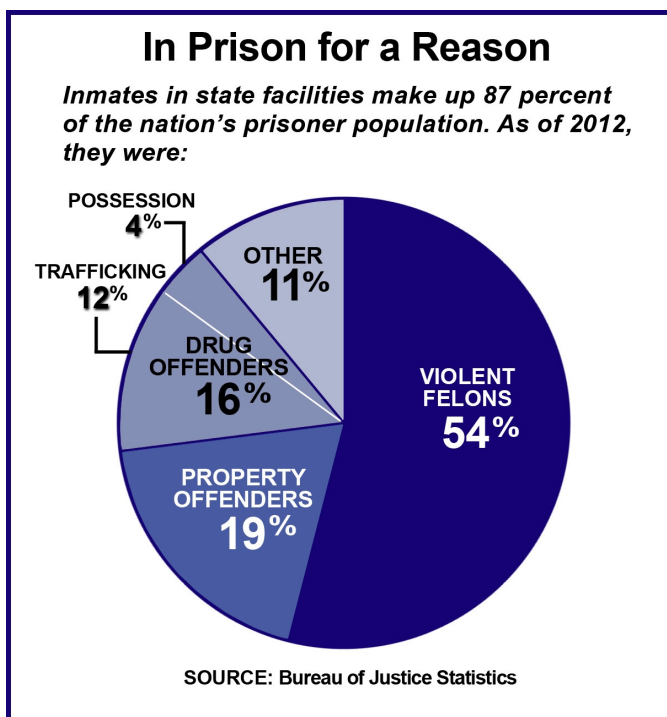
A leading advocate for reduced sentencing in the U. S. is the American Civil Liberties Union. Last November, the ACLU partnered with Soros' Open Society Foundation with combined contributions of over \$5 million to convince California voters to pass Proposition 47, which redefined several felonies, including firearm theft, as misdemeanors.⁸ Days after that measure was adopted, the Open Society Foundation contributed \$50 million to the ACLU to campaign for sentencing reductions throughout the United States.⁹

So who is in U. S. prisons and why are so many behind bars?

U. S. Department of Justice (DOJ) figures indicate that inmates in state prisons, which house 87% of all criminals, are there for mostly violent crimes: 54% of inmates are serving sentences for violent crimes, 19% for property crimes, and 16% are drug offenders of which the vast majority are dealers. Almost all inmates, particularly property and drug offenders, received a plea bargain, meaning they agreed to plead guilty to lesser crimes than they actually committed.

In federal prisons, which house 13% of U. S. inmates, 30.3% are violent criminals, while 10.8% committed property crimes, 9.1% immigration crimes, and 48.3% drug crimes.

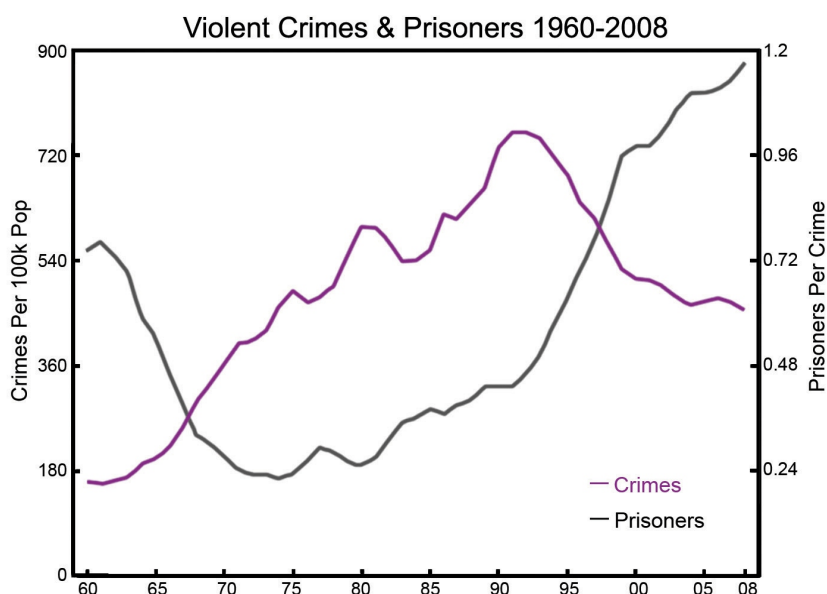
Because most violent and property crimes are prosecuted by the states and drug trafficking is both a state and federal crime, the percentage of drug offenders in federal prisons is higher than for state prisons. A study by the Urban Institute found that 99.5% of drug offenders in federal prisons are dealers.¹⁰ The race of drug dealers varies by the drugs they sell—88% of the crack cocaine dealers are black, 54% of the powder cocaine



dealers are Latino, and 48% of the methamphetamine dealers are white—and almost all of them received a plea bargain.¹¹

The reason that there are more blacks and Latinos in state and federal prisons is because they commit more crimes than other races. For example, while blacks make up roughly 13% of the U. S. population, DOJ statistics indicate that they accounted for 52.5% of homicide offenders from 1980 to 2008. The offending rate for blacks was almost eight times higher than whites, and *the victim rate was six times higher*. Most homicides were intraracial, with 84% of white victims killed by whites, and 93% of black victims killed by blacks.

The chart helps to explain why the U. S. incarceration rate is high. During our nation’s last flirtation with soft sentencing in the 1960s, as sentences dropped, violent



crime skyrocketed. By the 1980s, the public demanded sentencing increases and violent crime plummeted. While academics continue to debate the impact that sentencing increases had on crime, University of Texas Professor of Public Affairs William Spelman, a Harvard-educated opponent of tough sentencing, grudgingly attributes the increased sentences with 27% of the drop in crime.¹² Even that arguably low number amounts to nearly

3 million fewer violent crime victims between 1992 and 2014, including almost 40,000 fewer murder victims.¹³ Many of the so-called nonviolent felons who were kept on the streets by compassionate sentencing policies of the 60s and 70s evolved into violent criminals by the time America came to its senses. The large U. S. prison population over the past 20 years is part of the price the nation paid for that compassion, along with several million innocent crime victims.

Releasing drug dealers and other so-called nonviolent criminals back into U. S. communities and keeping them there with reduced sentences is already disproportionately hurting the very population that President Obama and anti-sentencing advocates claim to be helping: urban blacks.

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Endnotes:

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