

## Bridge of Voices

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# BRENNAN CENTER FOR JUSTICE

at New York University School of Law

## NEW REPORT: Increased Incarceration Had Limited Effect on Reducing Crime for Over Two Decades

### *Nobel Laureate Hails “Groundbreaking” Study*

**New York, N.Y.** – Since 1990, increased incarceration had a limited impact on reducing crime nationwide, concludes a [new report](#) from the Brennan Center for Justice at NYU School of Law. In *What Caused the Crime Decline?*, a team of economic and criminal justice researchers examine over 40 years of data, gathered from 50 states and the 50 largest cities. Among the report’s new findings:

**Incarceration:** Increased incarceration had some effect, likely in the range of 0 to 10 percent, on reducing crime in the 1990s. Since 2000, however, increased incarceration had a negligible effect on crime.

**State Success:** A number of states, including California, Michigan, New Jersey, New York, and Texas, have successfully reduced their prison populations while crime continues to fall.

**Other Factors:** Increased numbers of police officers, some data-driven policing techniques, changes in income, decreased alcohol consumption, and an aging population played a role in the crime decline. In particular, the report finds CompStat is associated with a 5 to 15 percent decrease in crime. The report also includes new information on the effects of unemployment, the death penalty, and other theories on crime.

During the 25 years since 1990, incarceration rates have exploded – almost doubling in size – and added about 1.1 million additional people behind bars. During that same time, crime rates have been cut almost in half. Using an economic model that accounts for the diminishing returns of extremely high levels of incarceration and includes the latest 13 years of data, the report bolsters past research suggesting increased incarceration had little impact on crime rates, but finds an even smaller impact on crime.

“Some have argued that despite the immense social and economic costs of America’s mass incarceration system, it has succeeded at reducing crime,” said report co-author **Dr. Oliver Roeder**. “The data tells a different story: if reducing crime is the end goal of our criminal justice system, increased incarceration is a poor investment.”

“This report amplifies what many on the left and the right have come to realize in recent years: mass incarceration is not working. It simply isn’t necessary to reduce crime,” said **Inimai Chettiar**, director of the Brennan Center’s Justice Program and author of the executive summary. “The prison explosion has been very expensive. A better use of public resources would be improving economic opportunities, supporting 21st century policing practices, and expanding treatment and rehabilitation programs, all of which have proven records of reducing crime without incarceration’s high costs.”

“This groundbreaking empirical analysis from the Brennan Center shows that, on examination, the easy answers do not explain incarceration’s effect on crime,” wrote **Dr. Joseph E. Stiglitz**, a Nobel laureate in economics and University Professor at Columbia University, in the foreword. “This report presents a rigorous and sophisticated empirical analysis performed on the most recent, comprehensive dataset to date.”

Brennan Center for Justice at NYU School of Law | 161 Avenue of the Americas, 12th Floor | New York, NY 10013

## US teenage lifers - children sentenced to jail forever

(Supreme Court decision on juveniles due in June)

Sidney Morning Herald January 25, 2015 **Andrew Purcell**

(Sidney Moring Herald continued – “children sentenced to jail forever”-) John Pace spent his last day of freedom at the house in West Philadelphia that he shared with his mum, his six brothers and four sisters. It was September 18, 1985. In the early evening, he set out for his friend's place. He was seventeen years old. His friend's mother ran a speakeasy in her flat on the council estate at 56<sup>th</sup> Street and Arch, where there was always beer and marijuana to be had and Run DMC, Slick Rick or LL Cool J playing on the stereo. After buying some Valium, Pace settled in for a night of getting stoned and listening to rap music. On his way home, at around three in the morning, he spotted another man walking alone on Arch Street and decided to mug him. Robbing someone would impress his crew, and he was short of money. Although he wasn't much of a fighter and had never committed a violent crime, he carried a rubber cosh. He can't remember the struggle, except that it didn't last long before a police car pulled up. He didn't have time to steal anything, and his victim, Randolph Baldwin, only had some leftovers in a brown bag anyway. When the cop shone a torch in his face, Pace was so drunk he didn't try to run. Baldwin was on the ground, knocked unconscious by a blow to the head. He died ten days later.

In February 1986 Pace pled guilty to second degree murder, in the mistaken belief that he would be out of prison in fifteen years. The sentencing judge handed down the only punishment that Pennsylvania law allowed: life imprisonment with no possibility of parole. Unless the United States Supreme Court intervenes, or the Governor of Pennsylvania grants him clemency, Pace will die behind bars.

The USA is the only country in the world that sentences children to life without parole. Although plenty of other countries, including Australia, the UK and France, have life sentences for juveniles tried as adults, they are subject to review, on the understanding that even the gravest debts to society incurred by adolescents can eventually be repaid.

"The propriety of the sentence is, in many ways, uniquely American," says Bryan Stevenson, founder of the Equal Justice Initiative. "We are much more comfortable with this idea that somebody is permanently irredeemable or beyond rehabilitation, or that they have forfeited forever their right to be free." Around 2,500 people are serving strict life terms for offences committed before they were old enough to vote, serve on a jury, or legally buy cigarettes.

In Pennsylvania, criminal homicide is excluded from juvenile law. Last October, a ten-year-old was charged with murder, in the adult system, after reportedly confessing to killing a ninety-year-old woman. There are around five hundred people locked up indefinitely for youthful crimes in the state – more than anywhere else. Many of them are housed at Graterford prison. After corresponding with Pace for months, I visited him there one day in December.

On my way in, a guard, mistaking me for a lawyer, said: "Are you going to get Mr Ligon out of here? It's ridiculous that he's here." Joe Ligon is the longest-serving Pennsylvania lifer of all. In February 1953, at the age of fifteen, he ran with a gang that stabbed two people dead. It's doubtful that he was personally responsible for either murder. But later the same year, he pled guilty and was sentenced to life in prison. He has been there ever since. "If you come in here at a young age, you can get stuck in a certain place," Pace told me, hinting that Ligon has been irreparably damaged by his fifty-one years and counting in jail. "That's what long-term incarceration can do."

It would be hard to spend more than a few minutes with Pace, now 46, without concluding that some young killers deserve a second chance and that rehabilitation is possible, even in a system that is primarily set up to contain and to punish. He has led a chapter of the Prison Literacy Project, run a law clinic for fellow lifers and been an instructor at an Inside-Out program that pairs prisoners with college students. His father, his mother and three of his brothers have died during his time in jail, but his relentlessly positive outlook does not allow him to consider that he may never be released. "I know it's going to happen," he said. "There is something inherently wrong with the stance that children are incapable of changing."

In the last decade, the American legal system has recognized that children tried as adults for serious offences merit special treatment. In a landmark **2005 decision, Roper v Simmons**, the Supreme Court ruled that juveniles cannot be sentenced to death because, by their nature, they are less culpable than adults. Teenagers are less able to assess risks and consequences and more susceptible to peer pressure, noted Justice Anthony Kennedy, in his majority opinion. "From a moral standpoint, it would be misguided to equate the failings of a minor with those of an adult, for a greater possibility exists that a minor's character deficiencies will be reformed," he wrote.

**Five years later, in Graham v Florida**, the court held that the Eighth Amendment to the US Constitution also prohibits life without parole sentences for minors who commit crimes other than murder, citing emerging neuroscience showing that adolescent brains are not yet fully developed, particularly in areas associated with impulse control.

"What the court has said is that kids are fundamentally different, that their unique characteristics as children have to be accounted for, and that our harshest of punishments are not appropriate." says Jody Kent Lavy, director of the Campaign for Fair Sentencing of Youth. **In 2012, in Miller v Alabama**, the justices took a step further towards this conclusion – and potentially towards freeing men like John Pace.

Pace spent the morning of June 25, 2012 watching cable news alone in his cell. For weeks, his fellow lifers had been passing round transcripts of the oral arguments in Miller v Alabama, trying to discern which way the court would rule, but now that an announcement was due, the tension in the day room was too much to bear. The news that mattered was delivered in passing: by a 5-4 majority, the justices had ruled that, even for homicide, mandatory sentences of life without parole may not be imposed on juveniles.

Pace rushed out of his cell. "It was such an elation. I had done twenty-seven years and finally the courts acknowledged it." There were prisoners dancing on the block. Men who had known nothing but prison their whole adult lives discussed where they would stay when they got out and what they were most looking forward to, as if the court had declared them free to go. More than two years later almost all are still incarcerated.

Post-Miller v Alabama, any case where prosecutors seek life without parole for a juvenile must be treated like a death penalty case, with the higher standard of defense counsel and lengthy appeals process that implies. The defendant's age must be considered, along with a list of potential mitigating factors, designed to ensure that the punishment is reserved for the most horrendous crimes and the most irredeemable sociopaths. The ruling did not say what to do with men like Pace, though, who made their one unimaginably costly mistake long ago. **Nine state supreme courts have ruled that Miller v Alabama should be applied retroactively and begun to re-sentence the prisoners it applies to. Five others, including Pennsylvania, have held that it should not.**

**In December 2014, the US Supreme Court agreed to hear a case, Toca v Louisiana, that should decide whether the Miller decision will be back-dated.** If it goes the same way as Simmons, Graham and Miller, all of which were 5-4 decisions carried by the Supreme Court's liberal minority, plus Justice Kennedy, all five hundred of Pennsylvania's teenage lifers, and another fifteen hundred across the USA, will need to be re-sentenced – not just worthy candidates like Pace but rapists, torturers, child abusers and cop killers too.

At present, only mandatory life without parole sentences are banned for minors – more than twenty states still offer judges the option, and in others, new minimum sentences of between twenty and forty years have been introduced for juvenile killers. In states that have begun reviewing old life sentences, many defendants are being re-sentenced to life without parole. The Governor of Iowa simply commuted the sentences of all affected prisoners to a minimum of sixty years, regardless of their crime or the extent of their rehabilitation.

Only six states have abolished the sentence entirely. One reason it persists is that prosecutors are reluctant to lose a bargaining chip. Threatened with a strict life term, twenty years can seem like a good deal to a teenager charged with murder, whether he's guilty or not.

In September, Pope Francis will visit Pennsylvania. When the trip was announced, last July, the Campaign for Fair Sentencing of Youth sent a letter to the juvenile lifers in the state. One side was printed with an appeal to the pontiff, asking him to come to Graterford prison. The other was left blank for prisoners to write a personal message.

Pace wrote about a recurring dream he used to have, in which the streets of Philadelphia became the corridors of a prison as he walked along them. The Pope said he was "deeply moved" by the letters, and in October he called for life imprisonment to be abolished and said that adult criminal penalties should not apply to children.

"I haven't had that dream for a while," says Pace. "There used to be a time when I would wake up and think: 'When is this going to be over with? When is enough enough?' But now I'm optimistic that juvenile lifers are going to get that opportunity."



**Although the Supreme Court's ruling is expected by June, he knows better than to expect miracles/**

<http://www.smh.com.au/national/us-teenage-lifers--children-sentenced-to-jail-forever-20150124-12ioox.html>

(left) Bryan Stevenson, founder of the Equal Justice Initiative which is campaigning against sentencing children to life without parole with singer songwriter Alicia Keys whose "We Are Here" group are supporting their work. Photo: *eji.org* (**Equal Justice Initiative**; 122 Commerce St., Montgomery, Alabama 36104; Phone: 334-269-1803; email: [contact\\_us@eji.org](mailto:contact_us@eji.org))

## FFUP Notes

A long time and much water has passed under and over the bridge since our last newsletter June 2014. Last July the Center for Investigative Journalism published its articles on WCI and since that time FFUP and prisoners close to her have had a difficult time. We continue our work as that is our only choice and here Bridge of Voices steps out as boldly as is tolerated at this time. There is much good news along with the bad and we will concentrate here on the good and the paths we see becoming clearer before us.

First FFUP has internet now, donated by WISDOM members- this has been a boon, for our weekly trips to the library in town were both time consuming and ineffective. For one, on page 9 you will see a list of downloaded articles and legal manuals. These are available on our new web [www.secondchancewi.blogspot.com](http://www.secondchancewi.blogspot.com) or through our main web, [www.prisonforum.org](http://www.prisonforum.org), for those who have friends and family able to print and send from the web. For those without family resources, contact FFUP and we will do what we can. We are also tremendously grateful for the donation of duplex printer which we bought through a firm that helped us solve our decade old problem of getting repairs when we use refurbished (cheaper) ink. So we are set for regular newsletters for years ahead. Soon we will be putting out a special "old law" edition and are planning a legal newsletter. With the new guy on the block, "Our Community" the hope is that many need niches will finally be filled.

For those in segregation throughout the prison system, please know that awareness of your plight grows daily. FFUP has been working with a law firm for several months and the first stages of passing information, gathering documents and looking at the awesome breadth of the problems is done. Now the firm is researching the law to find the cases etc, that will allow a class action to win- a class action that has many subclasses and includes all the maximum seg units. What they are attempting has not been done before and I ask for your patience. We are grateful and hopeful and have been impressed with this firm's seriousness and

level of awareness. What they come up with, FFUP will support and I have asked repeatedly, and they consented, that prisoner litigators who have been involved in seg suits, be consulted. Besides the class action lawsuit, there is a continuing preliminary US DOJ investigation of WCI segregation going on. Note this is only preliminary. The situation in Wisconsin is mirrored in many other states and as entrenched systems go, the healing push must come from the outside. We hope to help with that push.

Finally, we are well aware of the new 303 rules and the stopping of the indigent stamps in two prisons. All complaints and letters are thoroughly reviewed and information passed to many parties, whether you hear from me or not. We are all also interested in changes you see.

WISDOM continues to grow and mature, has split up into 10 groups. We will include their summaries as they come in to us. In this newsletter is a summary from the leader of the compassionate release group which continues to work with FFUP in opening up that avenue for prisoners. Another very fine effort is a seg cell model which is erected at different sites around Madison. Visitors come and sit in this exact replica and imagine they are in your shoes- very effective.

Our efforts still concentrate on PAROLE FOR OLD LAW PRISONERS however, and the PETITION to Secretary Wall to change the PAC rules. Several pages of this newsletter will be devoted to this issue and I ask you to alert your families to this effort. A special newsletter will deal exclusively with the parole campaign and will be out soon. And again, we plan to be putting out regular newsletters and again, welcome your writings.

## **Old law prisoners: PLEASE send the enclosed summary and information below to your families**

With Wisconsin millions of dollars in debt and awareness of the failures of the prison boom growing, this is the time to push for release of the almost 3000 old law prisoners still entombed in WI prisons. Almost no one knows about old law prisoners and that needs to change. There is a WISDOM group that is working on educating the public on the general old law issues while FFUP and prisoners have been working on a petition to present to DOC Secretary Wall that would change the rules that govern the parole commission. Statute 227 allows citizens to petition the government for rule changes and the DOC is in charge of the rules for the parole commission. The rules now are so vague that they allow the prisoners to be held year after year for reasons that have nothing to do with his or her readiness. We do believe that with enough support from families of prisoners and with the ongoing education campaign of WISDOM, we can pry the door open by end of 2015 for those old law prisoners who are ready for release.

OLD LAW PRISONERS: Please help us get touch with your loved ones for we need people to sign the online petition, help us put out fliers and contact legislators and write the DOC Secretary. There will be just 12 people signing the legal petition/proposal which is 23 pages long but there will be an online supporting petition and one circulating by paper all can sign. We are looking for those who can spend some time with this. Our next newsletter will be devoted exclusively to campaign materials for renewed parole for old law prisoners and will go to old law prisoners. Also, if you have family members who would like to receive it by email or regular mail, have them let us know. (see below)

### **Concerned citizens, families and friends of prisoners: WHAT YOU CAN DO:**

1. Sign the online petition at [secondchancewi.blogspot.com](http://secondchancewi.blogspot.com) or [prisonforum.org](http://prisonforum.org).
2. The online petition will support the legal petition, which requires 5 signers. In this legal petition, FFUP is aiming for 12 signers. If you would like to be one of these, let us know.
3. Email us at [pgswan@aol.com](mailto:pgswan@aol.com) or call (608)536-3993 to help strategize and spread the word. We are also going to legislators so all help is needed.
4. Help us by putting out petitions and fliers.(contact us for materials 608-536-3993; [pgswan3@aol.com](mailto:pgswan3@aol.com) )
5. Go to [prisonforum.org](http://prisonforum.org) or [secondchancewi.blogspot.com](http://secondchancewi.blogspot.com) and check out some of the profiles of parole ready Wisconsin inmates ready and waiting to go home
- 6) You can read the full proposal we are sending to DOC secretary Wall on our web or contact us for a copy

### **Find out more about this effort, FFUP's prisoner advocacy, parole and segregation issues by contacting:**

FFUP (Forum for Understanding Prisons)

c/o Peggy Swan; 29631 Wild Rose Drive; Blue River, WI 53518; Web: [www.prisonforum.org](http://www.prisonforum.org); or new blog [www.secondchancewi.blogspot.com](http://www.secondchancewi.blogspot.com) ;608-536-3993; [pgswan3@aol.com](mailto:pgswan3@aol.com)

### **For general prison reform issues contact:**

WISDOM, 11x15 Campaign

3195 S Superior St, Suite 310; Milwaukee, WI 53207

Phone: (414) 831-2070; Organizer: **David Liners**; [David.liners1@gmail.com](mailto:David.liners1@gmail.com)

## Summary of proposal to change rules governing parole For Wisconsin's nearly 3000 old law prisoners

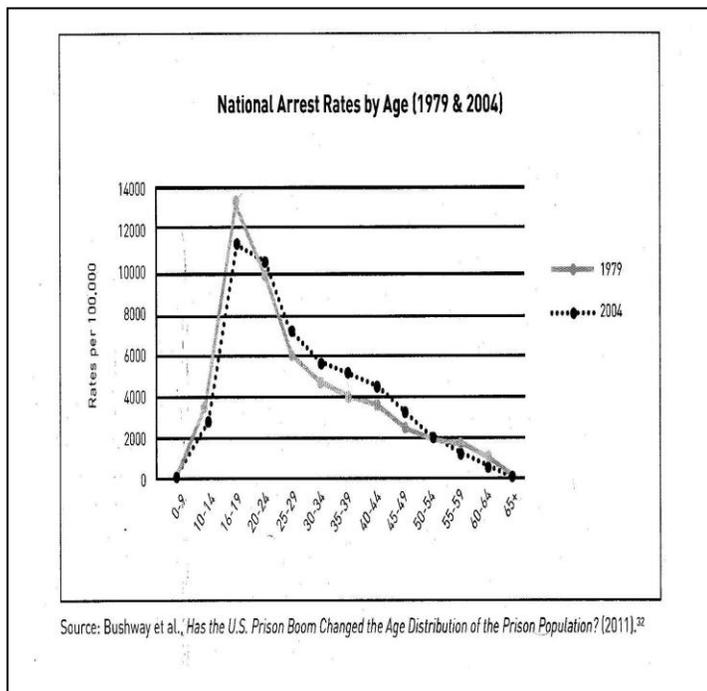
Using Statute 227, which allows citizens to bring a petition for rule changes to the government, we, citizens of Wisconsin, are proposing changes to the rules that govern the parole commission in its dealings with old law prisoners. There are almost 3000 parole eligible inmates stuck in a system that no longer works and now with budget shortfalls and rising costs health care of these aging prisoners, it is at last time to do the right and wise thing. We propose rules that replace the subjective and arbitrary nature of the present rules with clear, achievable criteria that also allow testimony for and against parole of the applicant. We believe that the majority of these inmates are truly ready for release and that our rules will allow for their safe release while holding back those among them who are not rehabilitated.

Old law prisoners are those prisoners who were convicted of crimes committed before 1999. At that time, the law mandated that prisoners served a minimum of 25% of their sentence and the judges gave long sentences knowing that under this system release would not happen without rehabilitation. The prison population was around 7000 then, there were lots of program and Pell Grants and many inmates not only rehabilitated themselves through the programming but got college degrees. Most prisoners were released under this system shortly after they served 25 % of their sentence.

All this stopped in 1994 with a federal bill that funded the prison boom, built WI Supermax , made laws harsher and changed our system to Truth-in-Sentencing(TIS). And the prison population went from 7 thousand to 22 thousand while treatment programs and schooling were cut. The old law prisoners, still governed by the 25% law, were swept into the same basket as TIS inmates and they are still being made to serve full sentences. So a 18 year old boy going to prison in 1985 who was told by the judge that he is going to get 40 years because the judge wants him out in ten, is still in prison 30 years later.

Here are points to remember about old law prisoners

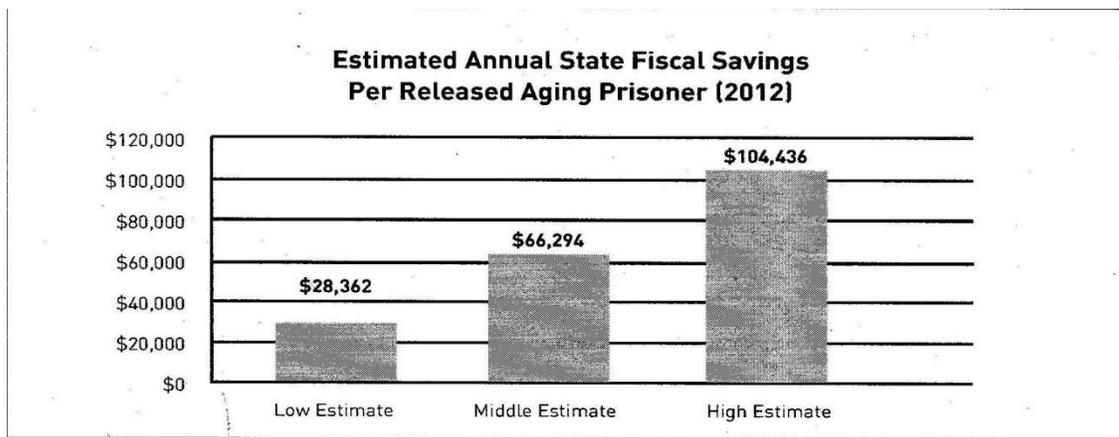
- 1) All committed their crimes before 1999 and are over 30 years old. There are over 1000 WI prisoners over 55years old.
- 2) Study after study shows that crime drops precipitately after age 30- it is down to zero after age 60.



3) Most of Wisconsin's Old law prisoners spent years in prison before program cuts were made and many have college degrees and much training which is being wasted. Most are eager to have a chance to give back to society and have much to offer. Most have become mature in prison, have learned how to focus and try to teach the younger TIS inmates how to achieve self control. They have all served their sentence and deserve a second chance.

4) Each prisoner costs the state's taxpayers between 35 and 103 thousand a year, depending on health care needs. Throughout the nation there is a "crisis of the elderly" in our prisons because these prisoners age, their health care costs go up and there is no funding of health care for prisoners- no Medicare or Medicaid, no SS or SSI. All comes out of the state taxpayer's pocket. IN Wisconsin we are cutting schools and universities, all service and the DOC because of budget shortfalls.

- 5) Parole costs between 1200 and 5000 a year, again depending on health. The savings per released prisoner is between 23 thousand and 100 thousand a year, again depending on health care needs. And the ironic fact is that the exorbitant costs of health care in prison does not secure good care, for prisons are set up for the healthy and are brutally inadequate for the infirm.



Source: ACLU State Fiscal Impact Analysis (2012).

IN our proposal we show that no laws need to be changed. The system of almost no parole is maintained through confusing, contradictory and/or unwritten rules. Wisconsin wanted to receive the federal funding to build its prison system and it had to keep “violent offenders” in and all old law prisoners, violent or not were treated the same. Common reasons given for no parole are: unwritten rules like- you have to be in minimum to be released or you have to be on work release first or have a 12 month defer. These are not in the statutes or the PAC rules. The long list of subjective criteria for judging “enough time served for punishment” is what is used most to keep old law prisoners in year after year. Incomplete programming is 2<sup>nd</sup> in line for the most used reason for no release and this is brought about because programming is unavailable, or there is too long a waiting list or one branch okays transfer to prison where programming is and another denies. Our rules will fix this and allow parole for those ready. These men and women need to be back with their friends, families, their children. As a society we will be feeling the ramifications of our present period of over incarceration for years to come. It is time to end it now. Enough waste of money. Enough waste of lives.

#### **Here is a summation of our proposals.**

They are expanded into the existing PAC rules in the proposal itself, but these are our proposals goals.

- 1) For inmates sentenced for crimes committed prior to December 31<sup>st</sup>, 1999, the mandated 25% of their sentence shall be considered sufficient time for punishment. Afterwards, release on parole shall be granted, absent substantive extenuating circumstances, based on conduct and accomplishments while incarcerated.
- 2) If parole is not granted, the Parole Board must state in written detail the specific requirements an eligible inmate must meet to be granted parole. This cannot contain a catch-all provision that might allow the decision-maker to base his or her decision on a factor of which the inmate has no control such as “insufficient time for punishment” or “seriousness of the crime”. Also, availability of programs and prison overcrowding cannot be a factor. A prisoner can be paroled from any prison and working outside the prison before release, although laudable, is not a prerequisite for release.
- 3) The Department of Corrections and Community Supervision shall provide parole eligible inmates access to the programs/facilities necessary to complete the requirements for their parole release within 90 days of denial of parole for reasons of programming. If this is not possible due to current conditions and the inmates has not received program due to not being offered at his institution or because he was in conditions where it was not allowed ( example some administrative confinement situations) the inmate will be allowed to take the programming in the community, or the requirement will be waived.
- 4) The Parole Board shall have the widest possible view of the prisoner. In addition to allowing victims and victim advocates to testify at the hearing, prisoners shall be able to invite family members and advocates. Also, the prisoners shall be allowed to submit letters of recommendation by WIDOC staff and WIDOC volunteers who have worked with him/her. Staff and community members who are against the release shall be allowed to speak.
- 5) The decision whether to release an inmate shall be made based on testimony at the hearing and documents in the prisoner’s file only and the prisoner shall be able to view and contest contents of his/her file beforehand.

For full petition (20 pages) including rule change proposals in full go to [www.prisonforum.org](http://www.prisonforum.org) or email [pgswan3@aol.com](mailto:pgswan3@aol.com)

## Compassionate Release is part of the WISDOM 11x15 Campaign.

Beginning with December of 2014, the WISDOM 11x15 Campaign is now organized into 10 issues committees. I will tell you a little about one of them, the Compassionate Release Committee.

We have had two state-wide conference calls and are still getting organized. So far we have representatives from Milwaukee, Madison, Manitowoc and Wausau on the call.

We are currently supporting compassionate release applications submitted by FFUP, CURE and WISDOM for three old law inmates seeking "extraordinary circumstances release". We are requesting to meet with each of the three wardens involved, to follow up on the applications and to see that everything that needs to be included in these applications is in place. We will ask what the warden is looking for in a quality application as they review them. We have written to Kathleen Nagle, Chair of the Parole Commission to clarify the same concerns. We will see if they will respond. We felt this is the best way to learn first hand what the challenges and roadblocks are to gaining compassionate release.

And we have begun to put together a list of nursing facilities that will consider accepting inmates approved for release, with any restrictions that may apply. We have two nurses on our committee which is helpful in making these contacts. Following through on these initiatives will be our first action steps.

What we need now is for families, friends or significant others of inmates who are seeking compassionate release to join us. We want to share their stories (your stories) and we invite them to be part of our monthly conference call. We feel this is the most important learning that can help set our course of action for 2015. The call is held for an hour, from 6 to 7 pm on the first Tuesday of the month. If you can, share this information. Interested persons should contact Joyce Ellwanger, Chair of the WISDOM Compassionate Release Committee. Joyce is in Milwaukee. Her email address is: [joyce.ellwanger@gmail.com](mailto:joyce.ellwanger@gmail.com). Mail can be sent to Joyce at the WISDOM Office, 3195 S. Superior St., Suite 313, Milwaukee, WI 53207.

[HTTP://BIGTHINK.COM/IDEAFEED/REVENGE-CAUSES-PSYCHOLOGICAL-HARM-TO-THE-AVENGER/IDEAFEED](http://bigthink.com/ideafeed/vengeance-causes-psychological-harm-to-the-avenger/ideafeed)

## Revenge Causes Psychological Harm to the Avenger

by ORION JONES

Success, they say, is the best revenge. By displaying personal triumph, you can simultaneously shame the behavior of your aggressor and still do well for yourself.

This kind of thinking appears as moral sophistication. It moves us beyond Moses' famous dictum of "an eye for an eye" — intended to improve upon the disproportionate tribal vengeance that ruled his day — and the standard of "proportional response" that guides nations in conducting so-called just wars.

Alas, a very real psychological toll is taken on those who practice vengeance-through-success, according to Glen O. Gabbard, a clinical professor of psychiatry at Baylor College of Medicine in Houston. When our relationships and behavior are shaped by a desire for satisfaction against a specific person or event, he says, we fall into the same traps as someone seeking outright revenge.

Columbia University Professor of Buddhism Robert Thurman takes the reasoning one step further in his Big Think interview. The concept of loving one's enemy is not a slavish attitude, but one that displays fierceness and toughness as a path toward healing:

*"If you go around nursing hatred and vindictiveness and how to get back at [an enemy], you're hurting yourself. Hopefully if you love your enemy, you have no enemy. But when you oppose that person, you can have tough love; you can have fierce compassion. When they sense that you're doing it because you want their betterment, because it's not good for them to be mean to you and so on, then it has a little different edge to it."*

When people seek revenge, either by taking direct action against the person who wronged them, or by pretending as though they were not affected by the wrong, it not only fails to prevent future harm, but it also adversely affects the revenger.

What victims really want from the person who wronged them, according to studies conducted in the US and Europe, is a sense of genuine remorse along with a sincere apology. When they don't get this, or skip straight to exacting revenge, the result is psychological and social suffering

**“The criminalization of poverty is a lucrative business, and we have replaced the social safety net with a dragnet.” Bonnie Kerness, American Friends Service Committee Prison Watch (quakers)**

Below are 2 excerpts from the Truthout website, which was introduced to me by a WISDOM member. The Articles go beyond what is known to the general public. The first article below is excerpted from an interview with Bonnie Kerness of the American Friends Service Committee Prison Watch. She is a long struggler against the system of solitary confinement in our country. They put out an excellent “Survival manual” for segregation prisons, put together by other seg prisoners and also have much material on our county’s political prisoners.

The second, excerpt from another long detailed article, is a series on the prison industrial complex and their moves to see that we do not get wiser. Most the Truth out articles remind us strongly about what those of us who want to see real change are up against. Again, all articles are available in full at FFUP or at [www.truth-out.org](http://www.truth-out.org).

***From Prison Profiteers Are Neo-Slaveholders and Solitary Is Their Weapon of Choice***

Monday, 18 March 2013 10:56 By [Chris Hedges](#), [Truthdig](#) | Op-Ed

<http://www.truth-out.org/news/item/15170>

“There are no former Jim Crow systems,” Kerness said. “The transition from slavery to [Black Codes](#) to convict leasing to the Jim Crow laws to the wars on poverty, veterans, youth and political activism in the 1960s has been a seamless evolution of political and social incapacitation of poor people of color. The sophisticated fascism of the practices of stop and frisk, charging people in inner cities with ‘wandering,’ driving and walking while black, ZIP code racism—these and many other de facto practices all serve to keep our prisons full. In a system where 60 percent of those who are imprisoned are people of color, where students of color face harsher punishments in school than their white peers, where [58 percent](#) of African [American] youth ... are sent to adult prisons, where women of color are 69 percent more likely to be imprisoned and where offenders of color receive longer sentences, the concept of colorblindness doesn’t exist. The racism around me is palpable.”

“The 1960s, when the last of the Jim Crow laws were reversed, this whole new set of practices accepted by law enforcement was designed to continue to feed the money-generating prison system, which has neo-slavery at its core,” she said. “Until we deeply recognize that the system’s bottom line is social control and creating a business from bodies of color and the poor, nothing can change.” .....

The bodies of poor, unemployed youths are worth little on the streets but become valuable commodities once they are behind bars: “People have said to me that the criminal justice system doesn’t work,” Kerness said. “I’ve come to believe exactly the opposite—that it works perfectly, just as slavery did, as a matter of economic and political policy. How is it that a 15-year-old in Newark who the country labels worthless to the economy, who has no hope of getting a job or affording college, can suddenly generate 20,000 to 30,000 dollars a year once trapped in the criminal justice system? The expansion of prisons, parole, probation, the court and police systems has resulted in an enormous bureaucracy which has been a boon to everyone from architects to food vendors—all with one thing in common, a paycheck earned by keeping human beings in cages. The criminalization of poverty is a lucrative business, and we have replaced the social safety net with a dragnet.”

Prisons are at once hugely expensive—the country has spent some \$300 billion on them since 1980—and, as Kerness pointed out, hugely profitable. Prisons function in the same way the military-industrial complex functions. The money is public and the profits are private. “Privatization in the prison industrial complex includes companies, which run prisons for profit while at the same time gleaning profits from forced labor,” she said. “In the state of New Jersey, food and medical services are provided by corporations, which have a profit motive. One recent explosion of private industry is the partnering of [Corrections Corporation of America](#) with the federal government to detain close to 1 million undocumented people. Using public monies to enrich private citizens is the history of capitalism at its most exploitive.” Bonnie Kerness, American Friends Service Committee Prison Watch

**Short excerpt from long article: Prison Industries: "Don't Let Society Improve or We Lose Business"**

Thursday, 26 April 2012 10:20 By [Dina Rasor](#), [Truthout](#) | News Analysis

(Image: [Jared Rodriguez / Truthout](#)) One out of every 100 people in the United States [is imprisoned](#). Even though we are 5 percent of the world’s population, we have 25 percent of the prisoners in the world. We are number one in the world in the number of people we imprison - we even beat China. A normal reaction to this situation would be to try to reform our laws, our judicial system - including sentencing - our prison system and our society so that we would not have the disconcerting distinction of being the number-one jailer in the world.

Instead, in the past decade, there has been a movement to privatize more and more of our state and federal prisons to save money (which has not materialized) and ease overcrowding under the pressure of the courts. This has led to a wide world of influence peddling, self-dealing and lobbying while preying on a captured group of people to fill prison beds. Just as I have feared that privatizing the logistics of war will encourage private war-service industries to lobby for a hot war or long occupation to keep their industries viable, there has emerged a group of prison industries, state and federal legislators, and other players who will continue to benefit from our disgraceful ranking as the world’s largest warden.

There are two very large and influential prison companies in the United States who are manipulating the system to make sure they have plenty of business: The GEO Group (formerly Wackenhut) and Corrections Corporation of America (CCA). In the first part of this two-part series, I will explore The GEO Group's influence peddling; next week, I will look at CCA.

If you have any doubt in your mind that improving society and lowering the number of prisoners in our country (normally considered a worthy social goal) is a threat to the prison industry business, all you need to do is to read about that concern in The GEO Group's 2011 annual [report](#):

*In particular, the demand for our correctional and detention facilities and services and BI's [a prison industry company Geo acquired in 2011] services could be adversely affected by changes in existing criminal or immigration laws, crime rates in jurisdictions in which we operate, the relaxation of criminal or immigration enforcement efforts, leniency in conviction, sentencing or deportation practices, and the decriminalization of certain activities that are currently proscribed by criminal laws or the loosening of immigration laws. For example, any changes with respect to the decriminalization of drugs and controlled substances could affect the number of persons arrested, convicted, sentenced and incarcerated, thereby potentially reducing demand for correctional facilities to house them. Similarly, reductions in crime rates could lead to reductions in arrests, convictions and sentences requiring incarceration at correctional facilities. Immigration reform laws which are currently a focus for legislators and politicians at the federal, state and local level also could materially adversely impact us.*

This is an industry that needs misery, long sentences, rounded-up undocumented immigrants and increasing crime to flourish. In order to keep the prison beds filled, The GEO Group and others have paid out millions of dollars to lobbyists, federal and state legislators, and governors to allow our immigration problem to go unsolved, to make sure that no drugs are decriminalized and that an ineffective War on Drugs continues, and to make certain that long term prison sentences, like California's three-strikes-and-you're-imprisoned-for-life laws, keep a steady flow of revenue and profits flowing to their shareholders. They are also hoping that our national drop in crime is just a temporary trend.

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**Families and Prisoners: some resources:** available ( most are free download ) on our new blog at [www.secondchancewi.blogspot.com](http://www.secondchancewi.blogspot.com) or out main web: [www.prisonforum.org](http://www.prisonforum.org) /or contact [pgswan3@aol.com](mailto:pgswan3@aol.com); 29631 Wild Rose Drive, Blue River, WI 53518; 608-536-3993.

### **General Materials**

- 1) **meditation pamphlet**, writing by a prisoner for prisoners, especially for those in seg
- 2) **Survival Manual** put out by American Friends Service Committee ( Quakers) written by seg prisoners for seg
- 3) **Outfits that are publishing books for prisoners.** We will feature some of the books you have published here once permission is given both are legit, founded and run by ex –inmates.
  - 1) Book by Crooks
  - 2) Prisons Foundations

### **Legal materials**

- 1) **Beginners guides to prison litigation** put together by prisoner litigators-well recommended for starters
  - a) Badger Law Guide and Badger guide to Beginning Case Law
  - b) BluePrint
- 2) **Lawyers Handbook**= How to bring a federal lawsuit to challenge the violation of your rights in prison  
Center for constitutional Rights and National Lawyers Guild 2010 158 pages
- 3) **Federal Rules of Civil procedure with forms**/ Printed for the use of the committee on the judiciary/house of representatives
- 4) **Social security Disability application forms**
- 5) **Wisconsin Innocent Project Application Forms**
- 6) **Guide to APPELLATE PROCEDURE for the SELF-REPRESENTED** /Clerk of the Wisconsin Supreme Court and Court of Appeals 39 pages
- 7) **ACLU know your rights pamphlets**
- 8) **Templates: Motion for sentence credit, motion for sentence modification, jail custodian affidavit form; legislative complaint form**

Next two: not on our site- go to their web:

- 9) **COLUMBIA HUMAN RIGHTS LAW REVIEW; “ Jailhouse lawyers manual”** 36 chapters, available to prisoners for purchase for 30 dollars, also available free as download on their site: **google name or paste this into computer:** <http://www3.law.columbia.edu/hrlr/jlm/toc/>
- 10) **BEST:PLN Jailhouse Layers manual** 4th Edition,\$39.95 ; Paperback, 960 pages. By John Boston and Daniel Manville. Prison Legal News; P.O. Box 1151;Lake Worth, FL 33460



.IN future issues we will feature excerpts from the WUWM series: **Project Milwaukee: Black men in Prison**. Many of the stories are personal and we will first get permissions to run them and will start here with excerpts from study on the disparity of Marijuana sentencing.

### Special Report: Black men bear the brunt of unequal enforcement of marijuana laws (this runs many pages, full report available)

August 11, 2014 by [Edgar Mendez](#)

Wisconsin leads the nation in terms of racial disparity in the prison system, according to a [study by the Employment and Training Institute at the University of Wisconsin, Milwaukee](#).

The state's 12.8 per 100 incarceration rate for black males is almost double the national average and three percentage points higher than the state with the second-highest disparity (Oklahoma), the study found. Most of the offenses are drug-related, and two-thirds of the prisoners are from six ZIP codes representing the poorest neighborhoods in Milwaukee. The hardest hit of those areas is 53206 on the North Side. Nearly 4,000 men this neighborhood were in prison or had done time between 2000 and 2010, the study found.

Legislators have long known that racial profiling is a problem in the state. Gov. Tommy Thompson established a task force on racial profiling in 1999, which released a report in 2000. His successor, Gov. Jim Doyle, commissioned [another report](#) in 2008, which made dozens of recommendations, including better data tracking and sharing, education on cultural competency, alternative justice programs, and improved methods to track progress related to racial disparities. Though drugs and drug abuse were mentioned frequently as areas to be addressed, neither report recommended changes in drug-related laws.

### Legalizing marijuana

Representative Goyke, whose district covers part of Milwaukee, said Wisconsin legislators need to work on parity in the sentencing structure for marijuana possession and other offenses. Last year, he introduced legislation that would make the fourth conviction for marijuana possession — rather than the second — a felony, putting it on par with operating a vehicle while intoxicated.

State Rep. Mandela Barnes, whose 11<sup>th</sup> District is located in Milwaukee, introduced a bill that would have made any marijuana possession charge involving 25 grams or less a municipal offense. The legislation failed, not surprisingly, according to Barnes, since the majority of legislators don't represent areas with a significant minority population. "As long as [legislators] see it as an inner-city Milwaukee issue, a black and brown issue, the less likely they are going to take action on it," said Barnes, who is a member of the 2014 Legislative Council on the Review of Criminal Penalties.

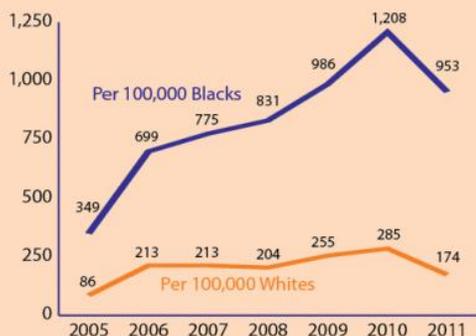
**Uneven Enforcement** : Police have the authority to issue a ticket or a warning instead of making an arrest for marijuana possession, according to Margaret Johnson, racial disparity practice coordinator at the Wisconsin State Public Defender's Office. In Milwaukee, a first offense marijuana possession charge for less than 25 grams is a citation, but all subsequent arrests are sent to the District Attorney's office for prosecution, said Lt. Mark Stanmeyer of the Milwaukee Police Department. Police have no alternative other than to make an arrest, Stanmeyer said.

But, in Dane County, home of the flagship University of Wisconsin campus, police are known to look the other way when college students are found with marijuana, Johnson said, adding that it's the same in the Milwaukee suburbs.

Racial disparity in marijuana arrests is a key contributor to racial disparity in incarceration. Possession of marijuana was among the most frequent crimes charged in the state between 2011-2013 and most of the cases originated in Milwaukee, according to data provided by the [Wisconsin Office of the Director of State Courts](#).

In Wisconsin, blacks are six times as likely to be charged with possession than whites, the fourth highest disparity in the nation, behind neighboring states Iowa, Minnesota and Illinois. In Milwaukee County, where nearly 70 percent of the state's African Americans live, 4.7 blacks are arrested for marijuana possession for every one white, according to the ACLU, which examined data from 2001 through 2010. FBI statistics show that in the City of Milwaukee, blacks were 5.5 times more likely to be arrested for marijuana possession than whites in 2011, the most recent year for which data are available.

**City of Milwaukee Marijuana Possession Arrests by Race, 2005-2011**



Source: FBI/Uniform Crime Reporting Data and U.S. Census Data.

Notes: Data represent arrests by the Milwaukee Police Department as reported to the FBI/UCR. The FBI/UCR does not report arrest data for Latinos, which likely results in an over-reporting of white arrests.

Graphic by Jim McGowan