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## Criminal Justice Issues and Prisoners' Rights

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How the Candidates Stack Up on Mass Incarceration and Criminal Justice Reform

by [Katie Rose Quandt](#) | November 10, 2015

As prison issues and criminal justice reform become increasingly popular items on the nations political agenda, the 2016 presidential candidates are getting in line. Most have shifted their prison policies toward reform in recent years (or months), and almost all say they support basic reforms like reduced mandatory minimums for nonviolent drug offenders.

Nonetheless, headlines proclaiming the candidates [United in Call to Alter Criminal Justice System](#) are vastly oversimplifying. We looked through each candidates legislation, campaign promises, speeches, essays, and comments to the media to assess where they really stand on prison reform.

*Democrats*

### Hillary Clinton

Hillary Clinton has been outspoken on criminal justice reform recently, tackling overincarceration in her [first policy speech](#) as a candidate. However, her history on the issue [is complex](#): As a young lawyer, she advocated for prisoners rights and defended accused rapists and murderers, but as First Lady, she endorsed and supported her husbands Crime Bill. In one [damning 1994 speech](#), she called for more and tougher prison sentences for repeat offenders, arguing we need more prisons to keep violent offenders for as long as it takes.

Clinton [did not introduce](#) any criminal justice reform legislation as a senator. She did [co-sponsor a bill](#) in 2007 that would have lessened the crack/powder cocaine sentencing disparity, although she opposed making the reform retroactive. Last month, as part of a marked [shift to the left](#), Clinton spoke [in favor](#) of retroactive crack sentencing reform. She now acknowledges that her husbands crime bill contributed to mass incarceration by going [further than it needed to](#), and this fall she [stopped accepting](#) donations from private prison groups. Clinton has not yet laid out a detailed plan for addressing mass incarceration. On her website, she [promises](#) to pursue alternative punishments, reform mandatory minimum sentences for low-level offenses, and end private prisons, and an [essay](#) she wrote for the Brennan Center for Justice this spring mentions probation reform and drug diversion programs. In October, Clinton told Black Lives Matter activists that shes [working on](#) a more comprehensive criminal justice plan.

### Bernie Sanders

Sen. Bernie Sanders maintained a far more progressive stance than Clinton during the early days of the War on Drugs: In 1991, he opposed ending Pell Grants for prisoners and criticized harsh crime prevention legislation with [typical Sanders passion](#). However, criminal justice experts are [hesitant to praise](#) his record over the ensuing decades: One Vermont prison reform advocate told *The Atlantic* that Sanders has never taken direct action on criminal justice that I know of, and I havent heard anything from him about dealing with it here in our home state.

This fall, Sanders met with criminal justice experts to get a better handle on the issues, and recently [introduced legislation](#) that would eliminate privately run federal prisons and reintroduce federal parole. He is a [cosponsor](#) on the Smarter Sentencing Act, and his campaign [calls for](#) federal parole, better prisoner education and training, and an end to the over-incarceration of nonviolent offenders.

### Martin OMalley

On the detailed [criminal justice section](#) of his website, Martin OMalley proposes a host of prison reforms: limiting solitary confinement to the most serious in-prison offenders and banning its use for juveniles; eliminating the crack/powder cocaine sentencing disparity; reforming mandatory minimums and ending them completely for low-level drug offenses; and improving in-prison job training, education, and reentry programs.

The *Baltimore Sun*, however, pointed out many discrepancies between OMalleys current progressive criminal justice platform and his zero-tolerance policies as mayor of Baltimore and governor of Maryland. As governor, he had a no-parole-for lifers policy, and [vetoed a bill](#) that would have granted inmates with two drug felonies (at the time, a 10-year mandatory minimum) the chance to apply for parole

after five years.

*Republicans*

## **Donald Trump**

Donald Trump seems incapable of separating criminal justice and prison issues from immigration. When asked about prison reform, he usually talks about the number of immigrants or Latinos in U.S. prisons. He was a [vocal supporter](#) of Kates Law, legislation that would impose a mandatory minimum of five years for any previously deported immigrant who illegally reenters the country, effectively increasing the [federal prison population](#) by an estimated 28 percent.

On *Morning Joe* in August, [Trump said](#) that to curb violence in our cities, we have to get a lot tougher on violent crime and let the police do their job the way they know how to do it. Although he has [supported drug legalization](#) for decades, *POLITICO* has written that his general tough-on-crime stance could [push the rest of the GOP field](#) back to the right, undoing some of the recent bipartisan progress.

## **Ben Carson**

Its tougher to nail down Ben Carsons position on prison reform since he has never held political office, but his comments on the issue have not been promising. The closest thing he has to a prison issue on his [website](#) is Keep Gitmo Open. This summer, [he claimed](#) that prisons have such comfortable accommodations, prisoners dont want to leave. And in a meeting with community leaders in Baltimore in May, his answer for how to address mass incarceration was to keep people away from drugs by [improving the economy](#). Although Carson did tell Glenn Becks website, *TheBlaze*, that state and federal prison overcrowding [is a problem](#), and that he supports alternatives to prison for low-level drug offenders, he also called the proposed cuts to mandatory minimums in the [Smarter Sentencing Act](#) not-so-smart.

## **Marco Rubio**

In an [essay](#) for the Brennan Center, Sen. Marco Rubio sounds somewhat hesitant to move away from the War on Drugs, writing of the great successes we have had in restoring law and order to Americas cities since the 1980s drug epidemic, and noting that any reductions in sentences for drug crimes should be made with great care. Rubio and his Leadership PAC [received \\$62,500](#) from GEO Group, one of the largest private prison companies, between 2009 and 2014. His campaign site makes no mention of criminal justice and he is the only major candidate currently in the Senate who is not a cosponsor of the Smarter Sentencing Act.

## **Ted Cruz**

As then-ranking member of the Senate Judiciary Committee, Sen. Ted Cruz [questioned witnesses](#) at a hearing last year on the use of solitary confinement. He mentioned people in prisons inherent dignity as human beings, and one of his comments during the hearing may give insight into own uncertainty on the issue: Many people would think that solitary confinement, particularly for an extended period of time, is not an appropriate punishment for relatively minor infractions, but could well be a necessary tool for the most violent inmates.

Cruz wrote on overcriminalization in an [essay](#) for the Brennan Center collection, but focused more on federal overreach and the size of the U.S. code than injustice. He writes, Although there is nothing wrong in principle with mandatory minimums, they must be carefully calibrated. In October, when the Senate Judiciary Committee [marked up a bill](#) that would reduce some federal mandatory minimums, Cruz [proposed an amendment](#) to prevent the bill from retroactively applying to currently incarcerated people (it was not adopted). He then voted against the bill, [earning the disapproval](#) of the Koch brothers. He also [criticized Sen. Harry Reid](#) for blocking Kates Law, a bill that would have added around 60,000 federal inmates by instating five-year mandatory minimums for deported immigrants who illegally return to the United States. He is, however, a [cosponsor](#) of the Smarter Sentencing Act.

## **Jeb Bush**

Jeb Bush does not have a history of criminal justice reform. While campaigning for Florida Governor in 1994, he [promised](#) to ensure inmates serve 85 percent of their sentences and to emphasize punishment over therapy for juvenile offenders. The following year, he [wrote](#) that our criminal justice system is also an obvious target for privatization. [As governor](#), Bush increased some mandatory minimums for juveniles, fought making sentences more lenient for nonviolent offenses, and opposed diverting drug offenders away from prison. His appointed prison chief [became embroiled](#) in a bribery scheme. GEO Group has [donated \\$100,000](#) to his Super-PAC.

Like many once tough-on-crime politicians, Bush has toned down his message a bit. He does not outline any criminal justice plans on his campaign site, but has said overincarceration [can harden](#) low-level offenders into more serious criminals. His main prison reform talking point is that he opened the countrys [first faith-based prison](#) in Florida in 2004. As governor, he also signed an [executive order](#) to promote the hiring of ex-offenders.

## **Carly Fiorina**

Like Carson, Carly Fiorina has no political record to examine on prison reform issues. She acknowledges that the high U.S. incarceration rate indicates a need for reform, although she may not have a well-developed understanding of prison issues. She stated in a presidential debate that two-thirds of people behind bars are [locked up for nonviolent drug crimes](#) a commonly cited myth that is only true for federal prisoners, not the (much larger) state prison population. Fiorina says drug addiction [should not be criminalized](#), and often mentions her daughter, who struggled with drug abuse for years before her death in 2009. Fiorina did also [tell the Valley Patriot](#) that it is quite clear that we do not apply the laws equally, and that there are too many people for whom mandatory sentences are applied unevenly. She does not mention incarceration on her campaign site.

## **John Kasich**

John Kasich has a mixed record on criminal justice and prison reform. As Governor of Ohio, he signed legislation that [allows judges](#) to divert some low-level offenders into rehabilitation programs, and [signed an executive order](#) that banned the box by removing questions about criminal background from state civil service applications. He is a vocal supporter of better [mental health and drug addiction](#) treatment in prisons. However, the first instance of a state prison being sold to a private company happened in Ohio [under Kasichs watch](#) in 2011. The deal was brokered by the Kasich-appointed director of corrections a man who had previously worked as managing director of the private prison company CCA. Within two years, the sold-off prison was [failing miserably](#). This summer, again under Kasich, Ohio announced [plans to sell](#) off a second prison.

Kasichs [mixed record](#) goes back further: Toward the end of his time as a U.S. Representative, he voted no on a bill to cut funding for violent offender imprisonment and truth-in-sentencing, but yes on a bill to help states improve their juvenile justice programs. His [only mention](#) of prison reform on his website is a call to help people in prison overcome addiction.

### **Rand Paul**

Rand Paul has a pretty solid record of working against mass incarceration. His REDEEM Act, co-introduced in March with Cory Booker, aimed to [tightly restrict](#) the solitary confinement of juveniles. His website [outlines](#) other bills he has sponsored that would increase judges [sentencing discretion](#), restore federal [voting rights](#) to nonviolent offenders, and [reclassify](#) small possession charges as misdemeanors.

As the *Washington Post* [points out](#), Pauls criminal justice concerns seem more genuine than political. He has introduced legislation with Democratic senators, compares mass incarceration [to segregation](#), and evokes concepts of fairness and redemption even when addressing the most conservative audiences. His [Brennan Center essay](#) urged readers to remember the lives that have been and continue to be impacted by these flawed policies. In addition to concerns of fairness, prison reform fits into Pauls libertarian agenda of small government and personal freedom, and he [considers prison reform](#) fiscally conservative. When Hillary Clinton gave a speech on ending mass incarceration in May, Pauls office [released a press release](#) saying, We welcome her to the fight.

### **Mike Huckabee**

The only instance of the word incarceration on Huckabees campaign site is his call for the release of Kim Davis. In his [Brennan Center essay](#), he says he supports drug courts and sentencing reform for drug users (but not drug dealers), but argues that the ultimate reason people are in prison is their lack of personal character, as evidenced by the self-centered who will break the law and violate the moral code of society. In October, Huckabee raised concerns when he [agreed with a talk show host](#) who asked whether nonviolent offenders should be punished Old Testament-style (pay back your debts or be forced to work them off in a prison work camp).

### **Chris Christie**

Gov. Chris Christies [criminal justice plan](#), which is modeled after Camden, N.J., proposes bail reform, improved job training for people in prison, and reintegration reform. As governor, [Christie supported](#) diverting drug addicts into treatment, signed [bail reform](#), and signed a law in August that severely [restricts solitary confinement](#) for juveniles and makes solitary confinement data subject to open records law. His [Brennan Center essay](#) also focuses on bail reform. He considers the War on Drugs [a complete failure](#), and in his second inaugural address, called for reforms to the way drugs are punished because every life has value.

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by [Juan Moreno Haines](#)

October 25, 2022

by [Solitary Watch Guest Author](#)

October 13, 2022

by [Vaidya Gullapalli](#)

September 29, 2022

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Given last nights events in Paris I would like to learn their opinion on these articles and how they would manage such concerns going forward.

NPR Article:

French Prisons Prove To Be Effective Incubators For Islamic Extremism

Excerpt:

More than half the people in French prisons today are Muslim and that has made it easy for radical Islamists to target new recruits.

The U.S. problem that you have with high rates of Afro-American and Hispanics populating the prisons seems to be like now we have a high rate of Muslims living in the prisons, says Laila Fathi, a Muslim activist in Paris who lives in the 19th arrondissement, not far from the housing projects where Cherif and Said Kouachi grew up. The problems are similar.

As CNN also reports

Denmark attacks underscore links between criminal gangs and extremism

By Tim Lister and Paul Cruickshank

Mon February 16, 2015

Excerpt:

There is a closer nexus between immigrant criminal gangs and violent extremists in Denmark than anywhere else, says Magnus Ranstorp of the Swedish National Defence College. This interface makes violent extremists more dangerous as they are able to switch between roles and skill-sets and have easier access to illicit weapons on the underground market.

<http://www.npr.org/sections/parallels/2015/01/22/379081047/french-prisons-prove-to-be-effective-incubators-for-islamic-extremism>

Camp Bucca: The US prison that became the birthplace of Isis Nine members of the Islamic States top command did time at Bucca.

Excerpt:

Camp Bucca provided a unique setting for both prisoner radicalization and inmate collaboration and was formative in the development today's most potent jihadist force.

In all, nine members of the Islamic States top command did time at Bucca.

The hardened radicals were the professors, the other detainees were the students, and the prison authorities played the role of absent custodian.

Former prison commander James Skylar Gerrond wrote on Twitter in July,

Many of us at Camp Bucca were concerned that instead of just holding detainees, we had created a pressure cooker for extremism.

From the ashes of what former inmates called an al-Qaeda school, rose the Islamic State.

<http://www.independent.co.uk/news/world/middle-east/camp-bucca-the-us-prison-that-became-the-birthplace-of-isis-9838905.html>

Isis: the inside story

One of the Islamic States senior commanders reveals exclusive details of the terror groups origins inside an Iraqi prison right under the noses of their American jailers. Report by Martin Chulov

[http://www.theguardian.com/world/2014/dec/11/-sp-isis-the-inside-story?CMP=share\\_btn\\_tw](http://www.theguardian.com/world/2014/dec/11/-sp-isis-the-inside-story?CMP=share_btn_tw)

Excerpt:

If there was no American prison in Iraq, there would be no IS now. Bucca was a factory. It made us all. It built our ideology.

Several senior American officers who ran detention operations have admitted that the prisons had an incendiary effect on the insurgency. For us it was an academy, Abu Ahmed said, but for them the senior leaders it was a management school. There wasn't a void at all, because so many people had been mentored in prison.

While watching the reporting on the Paris bombing a few facts made me think of a book that I had read over a decade ago.

I have to admit I am fearful for members of my family living in Europe and find this event sickening but sadly predictable.

Not surprisingly at least four of the Paris attackers were sons of Algerian immigrants that had run together in a criminal street gang. It is also not surprising, given the history of the two countries, that these men also carried a grudge. Nor was it a surprise to me, or the authorities, that there is a growing nexus between street criminals and such radicals.

Now the parallel between France and the US lies in events of the 1960s. One might wish to watch the movie The Battle of Algiers, to understand the French connection. Pardon the pun.

Our own social revolution also came to a boil in the 60s. One example that I like to sight in regards to the prison system is George Wallace's Inaugural Address on January 14, 1963 following his election for Governor of Alabama which contained this infamous phrase segregation now, segregation tomorrow, segregation forever.

Wallace wasn't referring to, Administration Segregation, (a prison disciplinary solitary confinement unit), but he might as well have been, because the atmosphere in which Wallace and others like him fostered is indirectly responsible for the formation of race based prison

gangs whose members now fill these units.

The ease with which criminals have taken to militant extremism in other countries, and what they have done when they returned home from the Middle East battle-trained, is a major concern of authorities here and abroad sworn to protect the public.

The book which I mentioned above is *The Last Night of a Damned Soul* a novel written by an Algerian author named Slimane Benaissa about a young man from a moderate Muslim family in the Bay Area who is radicalized by spiritual leaders and takes part in plotting a terrorist attack.

The novel concludes with these words of warning:

The modern world which is defined by rationality can prevail only through rational means. If it has to incorporate irrational behaviors just to take control of the situation, one can only wish it luck, for the solution is not to fight violence, but to eradicate the causes that created the violence in the first place.

So which solution will these presidential candidates choose?

To all those damned souls lured by ISIS hype. Id like to share this quote albiet too late.

Remembering our time of total commitment to a set of dogmas that we now find pathetic, we tend to wear wry smiles.

Perhaps it is not too much to say that in these violent times the kindest, wisest wish we have for the young must be:

We hope that your period of immersion in group lunacy, group self-righteousness, will not coincide with some period of your countrys history when you can put your murderous and stupid ideas into practice.

If you are lucky, you will emerge much enlarged by your experience of what you are capable of in the way of bigotry and intolerance. You will understand absolutely how sane people, in periods of public insanity, can murder, destroy, lie, swear black is white.

Prisons We Choose to Live Inside by Doris Lessing.

Why is Chris Christie listed last, since he seems to have the best grasp on incarceration issues, problems and possible solutions?

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