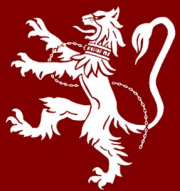




PEA  MUN

Chairs:  
Serena Cho,  
Alan Liu

Co-Chair:  
Sara Kopunova

# Specialized Committee II

## U.S. Prison Reform and Government Intelligence Agencies

PEAMUN VIII  
October 30, 2016

Dear Delegates,

Welcome to PEAMUN VIII! The two of us—Serena Cho and Alan Liu—will be chairing, alongside Sara Kopunova. The topics under discussion for this committee are:

- I. Prison Reform
- II. Government Intelligence Agencies

First and foremost, we would like to express our excitement in having this prestigious committee with all of you. We hope you will find this Background Guide useful as it serves to introduce you to the topics for this committee. It is not meant to replace further research, and so we highly encourage you to explore in-depth your assigned country's policies, as well as use the bibliography to further your knowledge on these topics. A fundamental foundation to understanding the issues with prison reform and government intelligence agencies is having kept in touch with the news as well as possible, as well.

This committee will take place in the boundaries of the Specialized Committee. Each delegate is assigned a current government official, activist, or nonprofit organization who/that has taken a stance on the issues at hand.

If you have any questions concerning your preparation for the Committee or the Conference itself, feel free to contact the chairs Serena Cho or Alan Liu at [schol@exeter.edu](mailto:schol@exeter.edu) or [aliu2@exeter.edu](mailto:aliu2@exeter.edu), respectively.

Sincerely,  
Serena Cho, Chair  
Alan Liu, Chair

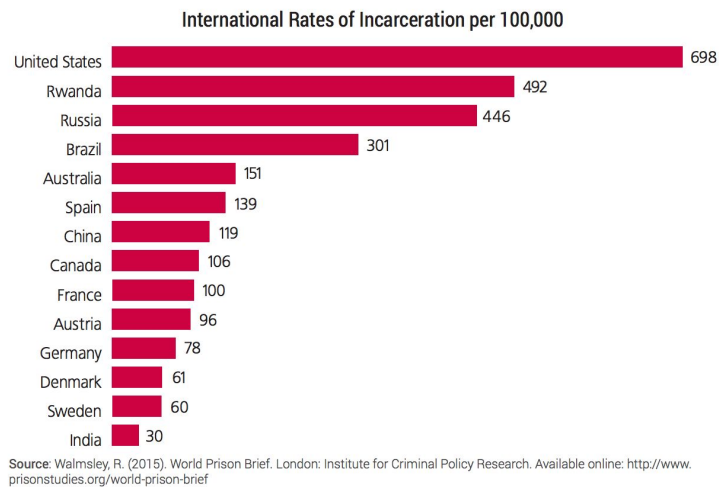
### **Topic A: Prison Reform**

#### **Topic Background**

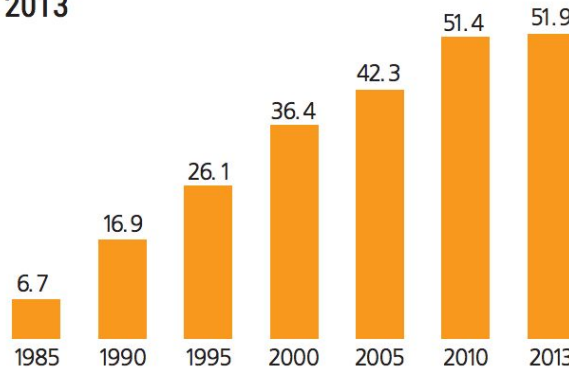
According to the Oxford bibliography, mass incarceration refers to the current American experiment in incarceration, which is defined by comparatively and historically extreme rates of imprisonment. The issue also revolves around the concentration of imprisonment among young, African American men living in disadvantaged neighborhoods, such as inner-city slums.

As statistics above convey, mass incarceration is a systemic problem affecting millions of Americans, especially African Americans and the poor. Following are some essential themes and topics in understanding prison reform in America:

- Over-incarceration



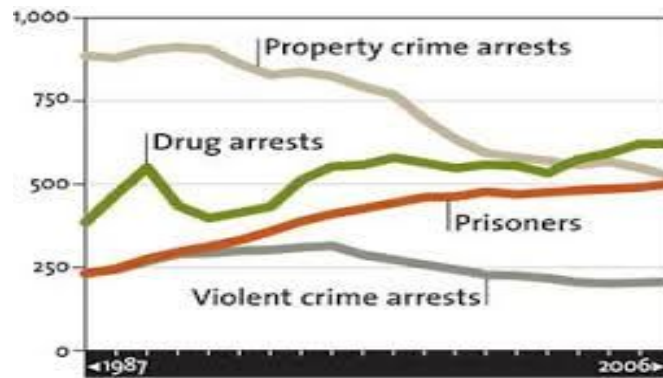
**State Expenditures on Corrections in Billions, 1985-2013**



Source: National Association of State Budget Officers (1985-2013). *State Expenditure Report Series*. Washington, DC: National Association of State Budget Officers.

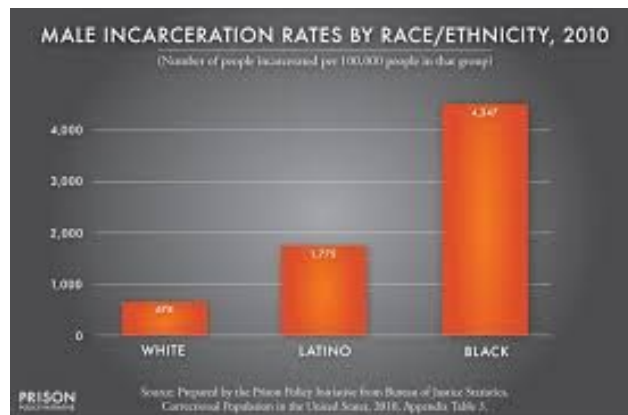
America, the land of the free, has earned the disturbing reputation as the world's leading jailer. With over 2.3 million Americans behind prison bars today, we now hold 25 percent of the world's inmates, despite representing just 5 percent of the world population. The "tough on crime" politics of the 80s and the 90s, as well as the emergence of the moral majority in the Reagan era fueled the explosion in incarceration rates.

- *War on Drugs*



Although there is some level of disagreement over the causes of mass incarceration, many identify President Reagan and Nixon's war on drugs as the main catalyst in the drastic rise of prison population in the last thirty years. Announcing drugs as "public enemy number one," both presidents instituted tough-on-crime policies such as mandatory minimums. As demonstrated by the graph above, despite property crimes and violent crimes decreasing since the late 1980s, the prison population has multiplied as the number of drug arrests increased. Today, one out of five prisoners are locked up for nonviolent drug-related offense. Specifically, most incarcerated youth, over 7200, are convicted of nonviolent crimes.

- Racialized social control



Misguided drug laws and draconian sentencing requirements have produced profoundly unequal outcomes for communities of color. Although rates of drug use and selling are comparable across racial and ethnic lines, blacks and Latinos are far more likely to be criminalized for drug law violations than whites. The prison-industrial complex is the biggest contributors to racialized disenfranchisement today.

- Bail Reform

Currently, US jails hold more than 730,000 people awaiting trials for alleged crimes. While some head to trial in a reasonable amount of time, many, like Jerry Heartfield,

remain in pretrial detention for months or years, often because they simply cannot afford bail.<sup>1</sup> In addition to inflicting severe economic, physical and emotional hardship, prolonged pretrial detention denies millions of people vital constitutional rights.

When an individual is convicted, a court can permit release without bail, set a bail amount or order pretrial detention. Bail can be used to prevent flight risk and to protect the public from additional crimes the defendant might commit before trial. But bail decisions disproportionately hurt people of color, the poor and the disabled. Not only do African Americans more often receive higher bail or mandatory pretrial detention, because they are disproportionately poor, setting higher bail for them increases the likelihood that they will be unable to pay for release. Today, 39 percent of all pretrial detainees in New York City are in custody because they cannot afford bail.

- **Prison Conditions**  
Overcrowding, violence, sexual abuse, and other conditions pose grave risks to prisoner health and safety, violating their constitutional rights. Mistreatment of prisoners based on race, sex, gender identity, or disability remains common.

### **Past Action**

- **Legislative Reform**  
Prison reform have been a bipartisan agenda across racial and ideological lines. The Sentencing Reform and Corrections Act (S. 2123) and the Sentencing Reform Act of 2015 (H. R. 3713) have passed out of the Senate and House of Judiciary Committees respectively and earned support from a bipartisan group of elected officials, the White House, and advocacy organizations.
- **Activists and NGOs**  
Activists and NGOs have continuously advocated for prison reform. Many activist organizations, such as the Fortune Society, LCCR, or the ACLU work with prisoners from trial to rehabilitation.

### **Further Research**

#### *Guiding Questions*

1. How does mass incarceration affect the area/population/etc you represent?
2. What have you said and done that indicates your position on mass incarceration and prison reform?

#### *Research Sources*

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<sup>1</sup><http://www.theatlantic.com/national/archive/2015/08/the-retrial-of-a-texas-man-imprisoned-despite-his-overt-urned-conviction/401876/>

- The New Jim Crow, Michelle Alexander
- The Sentencing Project: <http://www.sentencingproject.org/issues/incarceration/>
- Brennan Center for Justice:  
<https://www.brennancenter.org/issues/ending-mass-incarceration>
- [http://www.feministes-radicales.org/wp-content/uploads/2010/11/Angela-Davis-Are\\_Prisons\\_Obsolete.pdf](http://www.feministes-radicales.org/wp-content/uploads/2010/11/Angela-Davis-Are_Prisons_Obsolete.pdf)

## **Topic B: Government Intelligence Agencies**

On December 4, 1981, former President Ronald Reagan signed Executive Order 12333, entitled “United States Intelligence Agencies.” Since that day, the United States has boasted its own intelligence community (now consisting of 17 different agencies) under a rather dull, self-explanatory name — United States Intelligence Community (I.C.). The I.C. is tasked with managing domestic affairs, performing espionage, and contributing to military planning, among a slew of other commitments. James Robert Clapper Jr., a retired lieutenant general of the U.S. Air Force, runs the show as Director of National Intelligence (DNI), and reports directly to President Barack Obama.<sup>2</sup> The Office of the Director of Intelligence (ODNI) coordinates the actions of the other 16 organizations in the intelligence community.<sup>3</sup>

The goal of the I.C. is ultimately to “protect the United States of America,” according to its website. It sounds easier than it actually is. To do so, the I.C. focuses on “an ever-expanding range of issues, from terrorist financing to drug trafficking, from climate change and environmental issues to foreign technology threats and nuclear proliferation.”<sup>4</sup>

Near the end of his first term in office, on August 27, 2004, President George W. Bush supplemented Reagan’s executive order with one of his own — Executive Order 13355, “Strengthened Management of the Intelligence Community.”<sup>5</sup> The seven sections were labeled as follows: Strengthening the Authority of the Director of Central Intelligence; Strengthened Role in National Intelligence; Strengthened Control of Intelligence Funding; Strengthened Role in Selecting Heads of Intelligence Organizations; Strengthened Control of Standards and Qualifications; Technical Corrections; and General Provisions. Essentially, Bush outlined the authority of the Director of Central Intelligence and his or her role in guiding and developing the I.C., as well as the responsibilities of each individual agency.

Bush later made further amendments to Executive Order 12333 on July 30, 2008, most notably strengthening the role of the DNI, among other changes.<sup>6</sup>

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<sup>2</sup> <https://www.dni.gov/index.php/about/leadership/director-of-national-intelligence>

<sup>3</sup> <https://www.intelligencecareers.gov/icmembers.html>

<sup>4</sup> <https://www.intelligencecareers.gov/>

<sup>5</sup> <https://www.gpo.gov/fdsys/pkg/FR-2004-09-01/pdf/04-20051.pdf>

<sup>6</sup> <http://fas.org/irp/offdocs/eo/eo-13470.htm>

The balance between liberty and security is one that has been debated upon by the American public, constantly shifting as terrorism — manifesting itself in attacks on Charleston, San Bernardino, Dallas, Nice, and Brussels, to name a select few from the numerous instances that have plagued the United States and the world — instigates fear into people's hearts.

Computer analyst and whistleblower Edward Snowden, former contractor for the U.S. government, prioritized liberty. Now living in temporary asylum in Russia, Snowden worked at Dell and the CIA before taking a job at the NSA in 2013. A few months later, in May, he flew to Hong Kong—the people of which he described as having “spirited commitment to free speech and the right of political dissent”—after leaving the aforementioned job; in June, he leaked thousands of top-secret NSA documents that exposed the U.S. government intelligence agency's extensive internet and phone surveillance.<sup>7</sup>

“I'm willing to sacrifice [my former life] because I can't in good conscience allow the U.S. government to destroy privacy, internet freedom, and basic liberties for people around the world with this massive surveillance machine they're secretly building,” Snowden told *The Guardian* while in exile from the United States.

The issue of government intelligence agency overreach will no doubt play a significant role in the 2016 Presidential election; it certainly was in the preliminary stages, while caucuses and primaries were still running.

Following the wake of the San Bernardino attack, Republican senator Ted Cruz, a staunch conservative, berated his fellow party members who supported the return of mass telephone surveillance.

At the Heritage Foundation, which is based in the nation's capital, Cruz said, “On the right, there are some who have called for resurrecting the government bulk data collection that existed under the Patriot Act [but] more data from millions of law abiding Americans is not always better data.”

He added, “Hoarding tens of billions of records of ordinary citizens did not stop Fort Hood, it didn't stop Boston, it didn't stop Chattanooga, it didn't stop Garland and it failed to detect the San Bernardino plotters.”<sup>8</sup>

Cruz was a co-sponsor of the USA Freedom Act (see “Past Action” section).

On a smaller, perhaps more relatable scale, the issue of surveillance cameras has roused debate. According to an April 2013 New York Times/CBS News Poll, most Americans — an astounding 78 percent — prefer having surveillance cameras in public places, than not.<sup>9</sup> At least superficially, it seems as though they prioritize their safety over their privacy and their civil liberties.

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<sup>7</sup> <https://www.theguardian.com/world/2013/jun/09/edward-snowden-nsa-whistleblower-surveillance>

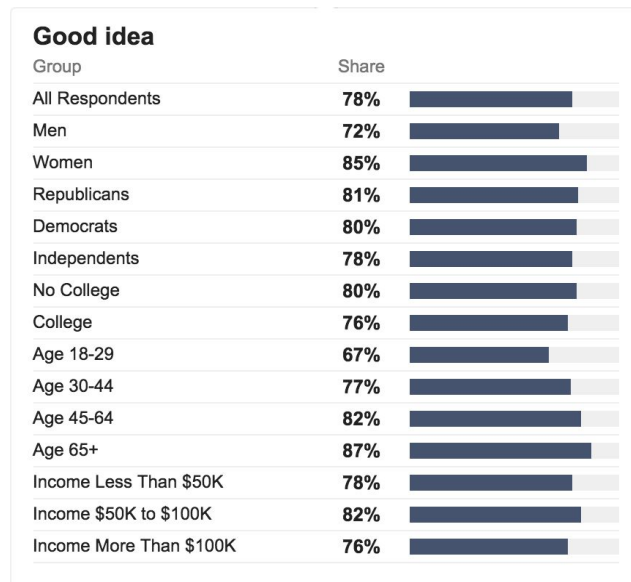
<sup>8</sup> <https://www.theguardian.com/us-news/2015/dec/10/ted-cruz-nsa-surveillance-san-bernardino>

<sup>9</sup> <http://nyti.ms/17XFDuU>

Some people think installing video surveillance cameras in public places is a good idea because they may help to reduce the threat of terrorism. Other people think this is a bad idea because surveillance cameras may infringe on people's privacy rights. What do you think?



10



11

For more context, see the footnoted link for the two screenshots above. Over the course of five days, 965 people were asked a total of 17 questions. Topics ranged from Barack Obama's handling of his job as President, to concern about terrorism, and more specifically, the Boston bombings.

Interestingly enough, one of the questions asked was, "As a result of LEGAL immigration into the United States, do you think the threat of terrorism against the United States has increased, decreased, or stayed the same?" Forty-nine percent of respondents answered, "increased," while a comparable forty-one percent of respondents answered, "stayed the same." Perhaps, in the minds of the public peoples, the encroachment of certain liberties is becoming more permissible as instances of life-threatening terrorism increase.

In its efforts to fight terrorism, do you think the U.S. government has gone too far in restricting people's civil liberties, or has it not gone far enough, or has the balance been about right?



## Guiding Questions

1. How does xenophobia play into the debate between liberty and security?

<sup>10</sup> <http://www.nytimes.com/interactive/2013/03/05/us/catholics-poll-graphic.html>

<sup>11</sup> <http://www.nytimes.com/interactive/2013/03/05/us/catholics-poll-graphic.html>



2. Should the government have the power to sacrifice a nation's core values in order to better protect the people living under its influence?
3. How do party alliances and afflictions affect this conversation? What sort of barriers does it place on political action?

### **Further Research**

[https://en.wikipedia.org/wiki/United\\_States\\_Intelligence\\_Community](https://en.wikipedia.org/wiki/United_States_Intelligence_Community)

<https://www.washingtonpost.com/news/wonk/wp/2013/08/29/your-cheat-sheet-to-americas-secret-intelligence-budget/>

<http://www.heritage.org/research/reports/2002/04/breaking-down-intelligence-barriers-for-homeland-security>

<http://fas.org/irp/offdocs/int006.html>