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Jail time

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THERE WAS A TIME--let's say 40 years ago--when Republicans and Democrats in Congress could work together for the good of the country. Apparently, that time is long gone.

Let's take, for example, criminal justice. In 1964, GOP presidential candidate Barry Goldwater chided Democrat Lyndon Johnson for not doing enough for public safety. Johnson won the election by a landslide, but took Goldwater's prompt and established The President's Commission on Law Enforcement and the Administration of Justice, headed by then-Attorney General Nicholas Katzenbach. The panel took 18 months, studied public safety at all levels, and then made recommendations. Among the results? The 911 system we take for granted today.

Sen. Jim Webb has been trying to replay that idea, proposing a bill to establish a National Criminal Justice Commission. This blue-ribbon panel would review the entire U.S. criminal justice system top to bottom and has the support of groups as diverse as the Heritage Foundation and the ACLU.

Mr. Webb has some pretty good reasons for thinking it's time for a study. For example:

The U.S. has 5 percent of the world's population, but 25 percent of its prisoners.

The number of incarcerated drug offenders has risen 1,200 percent since 1980.

There are four times as many mentally ill people in prison as there are in mental hospitals.

We spend \$68 billion every year keeping people behind bars.

Post-incarceration programs are haphazard and ineffective, and recidivism rates are high.

The dysfunctional administration of criminal justice in this country is all the more dangerous because organized and international crime is seeping in: There are more than 1 million gang members in this country, and Mexican cartels currently operate in 230 U.S. communities.

For all these reasons, Mr. Webb believes we need "a major nationwide recalculation on who goes to prison and for how long, and of how we address the long-term consequences of incarceration." The commission he envisions would include members appointed by the president and leaders of both parties, as well as representatives from state and local governments and other interested parties. It would meet for 18 months, and then present its findings to the American people.

Speaking to a reporter shortly after he introduced the original bill in 2009, Mr. Webb said, "I heard from Justice [Anthony] Kennedy of the Supreme Court, from prosecutors, judges, defense lawyers, former offenders, people in prison, and police on the street. All of them have told me that our system needs to be fixed, and that we need a holistic plan of how to solve it."

The first time Mr. Webb introduced it a couple of years ago, the bill passed the House on a voice vote, then stalled in the Senate. Last week, his idea was brought up again. But on Thursday, Senate Republicans blocked it.

Why? Sen. Kay Bailey Hutchison, R-Texas, said the commission was "an overreach." Oklahoma Republican Tom Coburn invoked federalism, saying, "We have no role unless we're violating human rights or the U.S. Constitution to involve ourselves in the criminal court system or penal system in my state or any other state."

Perhaps these arguments emanate from a strong sense that the federal government has grown way too large. There's some truth in that. But what Mr. Webb is proposing is a *study*, not a mandate. Can we do nothing from a Washington perch any more?

The bill's defeat is all the more frustrating because all of the major stakeholders in criminal justice--including the American Bar Association, police and sheriffs associations, Prison Fellowship, The Sentencing Project, and many others--support Mr. Webb's idea.

Fortunately, Mr. Webb was "born fighting." Speaking of Thursday's Senate vote, he told Politico, "We're not done." That's good. Because at some point, ideology must yield to Congress' prime directive: Solving the nation's problems. The statistics show our criminal justice system is out of balance. It's time to take a look at how to change that.

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