

Law and Order: The Politics of Crime and Punishment in America

By Brian K. Pinaire

To analyze issues of crime and punishment through a political lens is to contemplate how politics affects and is affected by the individuals, interests, and institutions that constitute the criminal justice system in the United States. It is to consider everything from how and why crimes occur to how and why criminalization is perhaps perpetuated because it serves the interests of those with something to gain; it is to evaluate how adjudicative and punitive institutions are devised and deployed to respond to violations of the social contract; and it is to explore how a society balances its sometimes conflicting aspirations toward freedom and fairness with commitments toward safety and stability.

This essay offers a bibliographic review of sixty books published since 2000 on these and other themes related to criminal justice. These works, mostly academic in nature and primarily university press productions, do not constitute the universe of publications dealing with crime or punishment, to be sure, but they do effectively represent the range of issues related to criminal justice in the United States since the start of the new century. In order to provide this sort of wide-ranging introduction, certain parameters were required. No handbooks or encyclopedias are considered below, for example, nor are formal textbooks or fictional accounts. The focus here is primarily single-authored works by scholars and advocates working in

the fields of political science, law, sociology, history, and criminology.

Following this introduction, the essay proceeds in a more or less chronological fashion (i.e., as an arrestee would) through the criminal justice system. It begins with an overview section, "The Politics of Crime and Punishment," that introduces the reader to a host of pervasive and perpetual political issues in this domain. Next, "Enforcement and Investigation" includes works dealing with policing tactics, forensics, and wrongful prosecutions. This is followed by sections titled "Adjudication," "Capital Punishment," "Corrections," and "Reentry and Recidivism." Finally, the essay concludes with a discussion of ten useful websites for readers looking for more information on the various topics explored in the books.

The Politics of Crime and Punishment

IN ONE OF THE FEW BOOKS CONSIDERED in this essay that casts an eye beyond the United States, *Harsh Justice*, James Whitman asks a straightforward but multifaceted question: what is going on in the United States, especially as compared to punitive practices in Europe (specifically France and Germany)? Whitman asks both why the United States with its Western liberal tradition has arrived at such a comparatively Draconian position and why it is that Americans' general distrust of government does not translate into a milder punishment by the state. He contends that the United States is harsh because of its cultural susceptibility toward degradation, i.e., a general impulse to inflict more serious punishments that degrade fellow citizens, and that this susceptibility can be traced to what Alexis de Tocqueville referred to as the absence of an "aristocratic element" in America. Whereas Europeans have responded to a tradition of rigid hierarchy with an increasing inclination to resist degradation, the opposite phenomenon has occurred in the United States—evidenced more than anything by the fact that 25 percent of the world's prisoners (but only 5 percent of the world's population) reside in America.

Another work comparing the U.S. experience to the experiences of other countries is *The Culture of Control*. David Garland's theoretically rigorous analysis of contemporary crime control argues that the similarities in the recent experiences of the United States and the

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United Kingdom are a function of what he terms “late modernity,” or social and cultural changes that have organized social relations since 1970. In particular, Garland’s work probes issues of how features of this phase of modernity in the United States and the UK have, in conjunction with the free market and the conservative politics that prevailed in both locales in the 1980s, shaped contemporary crime control arrangements. Garland persuasively argues that “control” has become the pervasive assumption, animating the changes on the ground and rationalizing the reconstitution of social arrangements.

A final book examining broader trends in the politics of crime and punishment in the United States and beyond is Loïc Wacquant’s *Punishing the Poor*. This study, while freighted with dense sociological jargon, informs, and perhaps upsets, readers’ conceptions of the penal state in the United States and other countries that have been “subjected to the ‘reforms’ fostered by neoliberalism.” More generally, *Punishing the Poor* is not a study of particular penal policies or principles, but rather an examination of the remaking of

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the state as a “political project” in order to advance the interests and forces of hegemonic market ideologies in the United States and the western European and Latin American nations that have “more or less slavishly followed its lead.” In Wacquant’s construction then, the prison is a core political institution that epitomizes the “paradox of neoliberal penalty”—that is, where the state applauds and even relishes in its efficiency in managing crime and punishment while at the same time asserting its impotence on the economic front, and thus (falsely) validating the “twin historical-cum-scholarly myths of the efficient police and the free market.”

In a similar ideological spirit as Wacquant’s work, *The Rich Get Richer and the Poor Get Prison*, now in its ninth edition, by Jeffrey Reiman and Paul Leighton provides even more evidence, statistical data, and argumentation to support the thesis first proffered in 1979. The “success” of the criminal justice system is precisely its failure to actually reduce crime, while simultaneously making it appear as if criminal activity is inextricably linked to poverty. This way of viewing crime and punishment in the United States is referred to as the “Pyrrhic defeat theory,” because the authors contend that those in power benefit from the status quo and, hence, “win” when others (e.g., the poor, disenfranchised, and alienated) lose.

Moving to works that focus only on the United States, Ted Gest, former newspaper and magazine journalist, draws upon his experiences and interviews with policy makers in *Crime and Politics*, a book that asks how crime policy became federalized and whether or not this is a positive development. Gest’s book is divided into two parts: the first half of the book describes the general process whereby crime and punishment went from being

a largely state and local issue before the 1970s to a centerpiece, and central piece of exploitation, in national political campaigns, party platforms, and congressional mandates. In the second part, Gest draws upon the framework previously established and examines the increasingly active role of government, inflamed political rhetoric, and underexamined reasoning that accompanied debates over the war on drugs, gun rights, sentencing policies, and increased numbers of police officers, for example.

In his immensely engaging work on contemporary U.S. culture, Jonathan Simon’s *Governing through Crime* explores

how everyday life came to be dominated by fear and the notion that any given citizen is a potential criminal. In what is in some ways a biography of the war on crime, Simon’s analysis finds that political leaders emerging from the 1960s eschewed the New Deal model of governance in favor of an approach geared not toward governing crime per se, but rather governing through crime. What Simon means is that crime became the lodestar orienting the governing elite and facilitating the reconfiguration of authority evident over the past three decades: emboldening executives (presidents, but especially governors) to become increasingly more involved in a wide array of issues and implications of crime; encouraging the adoption of “crime” as a category to paper over legislation with ulterior motives; and putting the judiciary in a defensive position because predicates of adjudication—process, procedure, and rights—are (or can be portrayed as) insufficiently attentive to the public’s need to be kept safe from throngs of potential offenders. Beyond this, Simon explores how the implications of this culture of fear extend into the family, where parents are “drafted as an extension of law enforcement,” into the public schools where the administrative models are increasingly mechanistic, authoritarian, and susceptible to criminal justice sloganeering (e.g., “zero tolerance” and “accountability”), and into the workplace, which has embraced modes of surveillance historically associated with crime-fighting and military initiatives.

Lisa Miller’s *The Perils of Federalism* shows how federalism shapes group interests regarding criminal law and crime policies, how it greatly influences the agenda-setting aspect of the policy process, and how it ultimately engenders representational biases in U.S. politics because highly active single-issue interests often find success in the political sphere at the state and national levels while multi-issue organizations, addressing the diffuse concerns of localities, are often mobilized out of the process. Miller demonstrates how federalism shapes the representation of group interests within and across various policy locales. For example, policy efforts passed on behalf of those most affected by gun violence, the poor and racial minorities in urban settings, tend to be thwarted by organized interest groups at the state and national levels of government.

The phenomenal reduction in crime rates during the 1990s has presented a particularly intriguing puzzle of sorts. Many theories have been proposed—some tying the drop to the booming economy, others linking it to the very policies of mass incarceration criticized in other books—but in *The Great American Crime Decline*, Franklin Zimring explains that neither of these, nor any other single cause, can account for this development. Why the rate of reported crimes in the United States dropped for nine straight years starting in 1991 will remain something of a mystery because so many of the explanatory variables are simultaneously present (i.e., rates of imprisonment go up, while the economy improves, use of crack cocaine decreases, and there are more police on the streets). By comparing the United States to other countries (specifically, Canada) and by focusing on what he calls the “natural experiment” of New York City, Zimring concludes that even rather superficial changes in politics and policy can, and did, lead to drastic reductions in reported crime, meaning that serious efforts in this way do not require the sort of wholesale structural changes that many assume are a prerequisite to any meaningful decline in criminal activities.

In the second edition of *The Cycle of Juvenile Justice*, Thomas Bernard and Megan Kurlychek continue to advance their well-argued position that consistent and sensible juvenile justice policy can only be accomplished by breaking the existing cycle and learning from, rather than romanticizing, the past. They identify a three-stage cycle: first, there is a (real or imagined) sense among the public that juvenile crime rates are inordinately high, higher than in the “good old days”; second, there is a general conception that present policies have failed to address the problem and, in fact, have made matters worse; third, there is a push for “reform” of these policies in an effort to reduce juvenile crime. Juvenile crime rates fluctuate over time, as do rates for offenders in other age categories. As this would suggest, they eventually rise again; when they do, the cycle starts again. And, as they demonstrate, it has repeated in this fashion for over two hundred years.

Another work tracking crime rates over time is *American Homicide*, Randolph Roth’s remarkable historical examination

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of murder in the United States. Beginning his analysis as far back as sixteenth-century Europe, Roth’s work draws upon rich archival sources as well as comprehensive statistics from a selection of American states and counties to explore why murder rates are so high in the United States, but even more importantly why these rates have fluctuated so much since colonial times. Traditional explanations for an abnormally high murder rate in the United States (in per capita terms and as compared to other Western democracies) are excessively general (e.g., diminished value of life, subculture of violence, insufficiently punitive consequences, or depressed economic conditions), but Roth’s review of homicide rates throughout U.S. history leads him to conclude that higher murder rates are most consistently correlated with less faith in government and governmental institutions.

Turning to works that focus more specifically on the role of race in the politics of crime and punishment, Doris Marie Provine’s *Unequal under Law* is animated by a basic question: does the United States have a “fully functioning democracy, based on equal respect for all members,” or does it remain a “racial state where opportunities are hierarchically organized to benefit some groups at the expense of others”? In this context, Provine wonders whether the congressional response to crack cocaine in the 1980s amounts to evidence of a “racialized social system” whereby an

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individual’s racial category determines his/her placement in the economic, social, and political order. While the federal statute that famously established the 100:1 ratio between sentences for cocaine versus crack has recently been amended, Provine’s detailed historical discussion of how that law came to be is a first-rate study of the various ways that the law perpetuates inequality. Numerous books and popular accounts demonstrate the impact of the drug war on racial minorities, but *Unequal under Law* is distinguished for its rich account of the “first” drug war (i.e., Prohibition) and its often-overlooked racial motivations. Of note as well is Provine’s chapter on the ostensibly race-neutral language of the law that maintains the bias of the past, albeit in a coded and arguably more pernicious form.

Nate Blakeslee’s *Tulia* tells the story of a notorious roundup of suspected drug dealers in the west Texas town of Tulia in 1999. By the time the authorities finished the sweep, one-fifth of the black male residents of the town had been jailed, all of whom were accused of selling cocaine to the same (corrupt, readers later learn) undercover officer. As their cases proceeded through the courts, however, with some defendants receiving sentences into the hundreds of years, national attention began to focus on the fact that in most cases it was the officer’s uncorroborated testimony that singlehandedly secured the convictions, even while his own credibility and the biography

that he had carefully cultivated began to fall apart. Eventually, national legal advocacy and political interest groups came to the defense of the poor, powerless, and disenfranchised who, if *Tulia* is in any way representative, are all too often victimized by the prejudices, ambitions, and purported pursuit of public safety that regularly commandeered criminal justice systems in the United States. *Tulia* is a depressing tale in many ways, although readers might also see it as an indication, in the end, of justice being served.

Finally, Michael Seigel's superb edited collection, *Race to Injustice*, includes essays by prominent scholars exploring the myriad political issues and implications associated with the Duke lacrosse rape case. A woman who had been hired to perform a striptease claimed to have been sexually assaulted by three players at a party sponsored by members of the Duke University lacrosse team in 2006. The accuser eventually admitted that she had made up the story, and the prosecutor was disbarred for various ethical breaches, including withholding exculpatory evidence from the defense. If nothing else, the saga presents a compelling "teaching moment" for learning about the politics of crime and punishment, particularly with respect to prosecutorial discretion and pressures, racial tensions, class biases, media frenzies, and shoddy investigatory procedures. The essays included in this collection do a fine job of fleshing out these and other themes.

Enforcement & Investigation

IN *THE FBI: A HISTORY*, RHODRI JEFFREYS-Jones tells the story of the Federal Bureau of Investigation in the context of broader historical currents. Readers may find that the book is a bit scattered, but as a revisionist account *The FBI* is generally successful in bringing to light the agency's complicated and oftentimes unflattering history regarding race in the United States. The book is notable for reaching back before the conventionally understood founding of the bureau in 1908 to reveal the role of federally vested law enforcement officers working in a variety of capacities in the American South during Reconstruction,

specifically those assigned to investigate and infiltrate the burgeoning Ku Klux Klan, America's first official terrorist threat. In the same critical spirit, Jeffrey-Jones carries the analysis forward well over a hundred years to address the bureau's present role in the domestic front of the War on Terror.

Another book exploring law enforcement at the federal level is Louie McKinney's *One Marshal's Badge*, which tells the story of McKinney's service with the U.S. Marshals Service from 1968 to 1994. This work demonstrates that the service, while smaller than the FBI, for example, still has broader arrest powers than any other law enforcement agency and makes more arrests than all other federal agencies combined. McKinney's own biography is the lens through which the agency is discussed, including accounts of individual escapades involving, for example, mobsters, John Hinckley Jr., and protected witnesses, although his larger focus is the service's vast and generally underappreciated role in enforcing federal laws and interests (e.g., protecting judges, pursuing fugitives, and engaging with Interpol in matters of global concern).

Academics do not usually have the opportunity to interact directly with criminal activity "in the streets," but in *Cop in the Hood*, sociologist Peter Moskos writes of his time spent patrolling the Eastern District of Baltimore on the midnight shift. His account, managing to be both first person and scholarly at the same time, is rooted in his discipline's long tradition of participant observation. Readers will appreciate the candor, vernacular, and depth that distinguish this work from other studies of policing, because Moskos is able to illuminate the political implications of the seemingly intractable social problems he encounters on a nightly basis while connecting them to policies over the course of the last generation, both within Baltimore and beyond.

Another book recounting life as a law enforcement officer—this one more formally a memoir than Moskos's work—is Edward Conlon's *Blue Blood*. Conlon, drawing upon his own experiences in the New York Police Department, as well as those of his father, grandfather, and great-grandfather (all of whom were members of the NYPD), begins his story with an account of his time

walking the beat in the South Bronx during the Giuliani administration. Over the course of 500-plus pages, he contemplates the evolution of the NYPD within the larger municipal network and structures of government and vividly illustrates the internal mechanics and machinations of the NYPD. Readers interested in a candid and insightful first-person perspective will appreciate this work, but those looking for a more scholarly work will be dissatisfied with the book's lack of notes and references, as well as the general disengagement from the academic literature on policing.

In insightful and readable prose, *Good Cop, Bad Cop* by Milton Heumann and Lance Cassak examines the controversial practice of racial profiling, particularly as practiced by law enforcement agents along the nation's interstates. While profiling and racial profiling are often conflated, Heumann and Cassak do an expert job of disentangling the concepts and demonstrate how profiling—that is, employing the behavioral sciences to respond to crimes—morphed into racial profiling, or the explicit and at times exclusive use of race as a factor in proactively discouraging criminal activity. While other works on profiling delve into one or the other of these domains, *Good Cop, Bad Cop* is distinguished for addressing both and for adroitly melding court opinions, social science studies, and various primary sources to offer a frank discussion of the challenges confronted by both motorists and police officers.

In his comprehensive examination of the evolution and adaptation of the second largest police department in the United States, Wesley Skogan's *Police and Community in Chicago* addresses the daunting question of whether or not "community policing" can live up to its promises in the Windy City. Drawing on over a decade's worth of research, Skogan's analysis offers the first assessment of what he refers to as a "social experiment" in action. The implications of the city's efforts in this regard are profound for several reasons. Community policing requires, as the name suggests, engagement with the community, meaning that the people whom the police are to protect are involved with the process of policing itself. But, as Skogan implies in

the book's subtitle (*A Tale of Three Cities*), Chicago is really three cities: one white, one black, and one brown, each of which has its own history with and expectations of the police department. Skogan takes on the task of examining the extent to which the program has succeeded, just over ten years into its existence. The lessons of this book are compelling and should be instructive to citizens and officials alike, especially given Chicago's thorough incorporation of the "broken windows" theory of law enforcement (described below), first sketched out in James Q. Wilson and George Kelling's famous article in *The Atlantic*, "Broken Windows: The Police and Neighborhood Safety."

Bernard Harcourt's *Illusion of Order* takes on what he refers to as the "false promise" of the "broken windows" approach, which is essentially the idea that a broken window in a community is a symbol of societal decay and an invitation to additional deterioration, leading petty offenses such as panhandling to eventually beget more serious crimes if left unchecked. Harcourt critically examines the order-maintenance approach that in most locales grew out of the broken windows theory (e.g., prosecuting turnstile jumpers and squeegee men in New York City in the 1990s) and argues that its techniques of policing are generally not effective in large part because the theory itself is unsound. Worse, Harcourt argues, the logic and application of broken windows policing strategies shows many of the same features as its alternative, incapacitation (he refers to them as "twins"), in the sense that both approaches conceive of individuals in terms of propensities to commit crimes, which leads to assumptions that offenders are habitual and that disorderly individuals are an impending threat (and must be arrested). Ultimately, Harcourt argues, order maintenance is impractical, undertheorized, and lacking in evidence to support its claims. It is, in other words, an illusion.

Mark Kleiman's *When Brute Force Fails* begins with a fact explored in substantial detail in the books discussed below: namely, that the prison population in the United States has multiplied fivefold in the past few decades and that the nation's punitive strategy is not sustainable for a variety of

principled and practical reasons. Kleiman argues that it is possible to reduce both crime and punishment, essentially, by simply employing a more systematic and targeted approach to enforcement and prosecution. Rather than random severity, he contends that an apparatus is needed to guarantee swift and certain punishment for all offenders. In the same spirit, rather than dispersing law enforcement resources,

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agents should be more concentrated to address especially troublesome offenses/offenders, and more consistent, predictable, and anticipated enforcement of parole and probation conditions would afford greater opportunities for community corrections and hence diminish the recourse to incarceration for largely technical violations. To support his claims, Kleiman points to a host of pilot programs in cities large and small that have instituted practices generally consistent with these principles.

Richard Leo's *Police Interrogation and American Justice* is the best book available on an unfortunately understudied element of the U.S. criminal justice system: the interrogation phase of criminal investigations. In this work, which draws upon his extensive research on the topic, Leo argues that interrogation, as performed by police in the United States, is necessarily deceptive and fraught with manipulation. Police officers have devised elaborate charades and techniques for moving suspects toward confessions; some of them are famously violent (e.g., the "third degree") and others merely psychological (e.g., "good cop, bad cop"). Leo situates the development of these tactics in the context of changes in various criminal justice institutions and practices throughout the twentieth century, attending to the ways that departments have adapted to Supreme Court rulings (e.g., *Miranda v. Arizona*) as well as the relationship between interrogation practices and instances of "false confessions."

Many of Leo's themes in *Police Interrogation* are spelled out in even more dispiriting detail in his book *The Wrong Guys*, coauthored with Tom Wells. *The Wrong Guys* portrays the consequence of false confessions and the intimidation of suspects by law enforcement agents who force the facts to fit their suspicions. Exploring the case of the "Norfolk Four," Wells and Leo tell the story of how four members of the U.S.

Navy came to be the primary suspects in the rape and murder of a woman in Norfolk, Virginia. Especially fascinating is the authors' exploration of how, in the minds of the jurors, the coerced confessions compensated for the shockingly small amount of physical evidence even plausibly connecting the suspects to the crime scene, how the police and prosecutors exhibited tunnel vision throughout the case, and how the political sensitivity of the case led the men to remain in prison even after DNA evidence indicated the identity of the actual perpetrator.

Another book recounting justice gone terribly wrong is Jennifer Thompson-Cannino and Ronald Cotton's memoir, *Picking Cotton*, which tells the story of how Jennifer was raped at knifepoint while a college student in North Carolina in the 1980s. As she recounts in vivid detail, she studied her attacker's face intently for a sustained period of time, vowing to remember every element she could. But, as readers learn, the case was never as straightforward as Jennifer's diligent intentions and aspirations might suggest, especially as it exposed deep institutional problems common to police departments as well as the predictable tensions at work in a case with a white victim and a black suspect in the American South. Ronald Cotton was convicted for the assault and served almost a decade in prison before DNA evidence pointed to another inmate, Bobby Poole, as the attacker. Thompson-Cannino comes to understand the processes of mental contamination, own-race bias

in facial recognition, and unconscious transference that lead eyewitnesses to be sure they are right even when they are, unfortunately, very wrong.

Actual Innocence, by Barry Scheck, Peter Neufeld, and Jim Dwyer, offers harrowing accounts of justice gone wrong in criminal cases from the 1980s and 1990s. Scheck and Neufeld, cofounders of the Innocence Project in New York City, relay their experiences working to reverse convictions of those who are actually innocent but were wrongfully convicted, typically due to faulty eyewitness identifications, jailhouse informants, or woefully inadequate representation at trial. *Actual Innocence* presents numerous case study vignettes, followed by chapters discussing potential reforms; it is notable for its ability to portray complicated forensics issues in a readable, even riveting, form for lay readers.

In *Convicting the Innocent*, Brandon Garrett examines all 250 of the cases involving DNA exonerations since such forensic options came onto the scene in the late 1980s in order to understand what went wrong. He asks if anything can be learned from a systematic examination of the entire body of cases that ultimately revealed that innocent individuals had been prosecuted and had served, on average, thirteen years in prison. To answer this question, Garrett reviewed the transcripts in virtually every case, interviewed individuals involved, and examined common trends among cases. His approach outlines the general problems within the system (e.g., contaminated confessions, eyewitness misidentifications, and jailhouse informants), but it does so within the context of specific individuals' processions from prosecution to exoneration, making the book especially engaging. By the end of the book, readers will fully understand a disturbing point made early on—exonerations are actually serendipitous, even freakish events, relying on luck, committed advocates, and patience.

Simon Cole's *Suspect Identities* teases the reader a bit with its subtitle (*A History of Fingerprinting and Criminal Identification*) because its scope is well beyond any single forensic item. Rather, Cole's interest in this contemplative and deeply philosophical book is really the relationship between

identity and the body or, to put it more directly, how criminal investigations throughout history have attempted to identify individuals based on bodily features, how successful this has been, and what the implications are for such processes in what Cole calls the "Genetic Age." With historical allusions dating back centuries (e.g., the famous case of Martin Guerre in sixteenth-century France), Cole tells a fascinating story of how Western society has continually pursued "new" methods of identification (linking individual to body) in order to solve (or stem) crime; and in more modern times, how institutions have slowly adopted new modes and protocols only to have alternatives soon competing for attention and consequently calling into question the credibility of the predecessor.

Finally, George Thomas's *The Supreme Court on Trial* segues into the issues and institutions involved in the adjudication of matters in the criminal courts. Specifically, Thomas's work details wide-ranging flaws within the U.S. criminal justice system and offers intriguing remedies. Especially within state systems, he argues, mistakes are often made; thus, reasonable costs and revisions to policies and institutions to better protect the innocent should be undertaken. The book incorporates numerous current controversies and well-known historical examples, but Thomas situates his vignettes within a sophisticated analytical framework that, for example, also attends to the roots of various contemplations of truth in criminal law and procedure dating back to the Romans, moving through the Middle Ages, and into the American colonial era.

Adjudication

STEVE BOGIRA'S *COURTROOM 302* TAKES the reader "inside" an institution in the U.S. criminal justice system: the criminal courtroom in a high-volume courthouse in Chicago. Tracking several cases, controversies, and characters over the course of a year, Bogira's work is an engaging examination of the politics of crime and punishment. He addresses controversial cases, such as one involving a racially motivated beating, for example, as well as the more mundane sorts of drug and

prostitution episodes that typify entrenched recidivism. Bogira has a keen eye for the electoral implications of what happens in court, allowing him to set forth a series of broader cultural and institutional critiques.

Amy Bach's *Ordinary Injustice* is similar to *Courtroom 302*. Where Bogira trained his eyes on one courtroom in Chicago over the course of a year, however, Bach's work indicts state criminal courts in four locales: Greene County, Georgia; Troy, New York; Quitman County, Mississippi; and Chicago, Illinois. Each case study begins with one of the courtroom characters who are the focus of the section, and Bach's manner of bringing individuals and injustices to life makes the book an especially interesting work. Particularly thought provoking is the way that Bach ties the various vignettes together to argue that what makes these and other injustices "ordinary" is the fact that they indicate that legal (and political) personnel have become so accustomed to ineptitude and improprieties that they now fail either to notice or to care about the ways that state criminal trial courts fail U.S. citizens every day.

In *The American Jury System*, former public defender and now professor Randolph Jonakait draws upon his own experiences in the New York City criminal justice system as well as the wealth of scholarly legal sources to explain the significance of the role of the jury. While jury verdicts are often the basis for political jeremiads or histrionics, Jonakait finds that juries are actually quite rational, in both criminal and civil cases, and serve to invest ordinary citizens in the process that putatively works on their behalf. That said, Jonakait's work also includes a helpful amount of constructive criticism, pointing out a host of ways that members of a jury may be better informed, instructed, and supervised—with attention as well to the various legal, political, and societal impediments (e.g., extreme media attention, sensationalism, and voir dire procedures) that presently deter the institution from reaching optimum functionality.

A professor of history who was called for jury service on a criminal trial in New York City, D. Graham Burnett offers the reader an often-disturbing perspective on the significance of individual personalities and

procedures in his book, *A Trial by Jury*. The book begins with an overview of the crime, the charges (second-degree murder), and the cast of characters, including his fellow jurors. Burnett eventually ends up as the foreman for the group and recounts his experiences attempting to reason through the evidence as seen through eleven other and very different sets of eyes. While the book too often digresses (Burnett, for example, seems obsessed with recounting what he had for every meal), it is a compelling first-person account of what can take place inside the jury room. The book has much to say about the political significance of non-legal actors in the U.S. criminal justice system.

Finally, *American Juries* by Neil Vidmar and Valerie Hans draws upon the authors' extensive research on criminal and civil jury systems in the United States. Their work begins with an overview of the English origins of the jury system, discusses its transition from colonial times to the present, and concludes with an exploration of the process of composing a jury. Having outlined the historical roots and institutional parameters of the U.S. jury, the authors then spend the remaining two-thirds of the book putting the system "on trial," so to speak. They evaluate the individual and collective capacity of members to recognize or recollect facts; comprehend the law governing their charge; evaluate the evidence introduced in especially complicated or technical matters such as malpractice or product liability cases; wade through the complex terrain of capital punishment litigation; and settle upon appropriate amounts with respect to compensatory and punitive damages in especially high-profile civil suits. In the end, the authors give a verdict "strongly in favor of the American jury."

Capital Punishment

ATTENDING TO BOTH THE HISTORICAL AND political development of capital punishment in the United States, Stuart Banner's *The Death Penalty* covers much ground. Beginning with several engaging chapters exploring the range of capital crimes and the modes and manner of execution in America going back to the seventeenth century, Banner's work is notable for setting forth

larger themes drawn from a careful review of state archival materials and early records of crime and punishment in the colonies. Many books deal with the case law and public opinion regarding capital punishment in America, but for an exploration of the politics of death in America, Banner's work is the place to start.

In *When the State Kills*, Austin Sarat creatively organizes a host of previously published pieces to develop a position on the death penalty that he refers to as the "new abolitionism." Sarat's focus is on what state-sponsored killing both reveals and obscures with respect to the putative values and principles of the United States. In chapters that include, for example, interviews with jurors who sat for a capital case as well as conversations with dozens of death penalty lawyers from around the United States, *When the State Kills* provides the kind of first-person exposure that is often lacking in academic tracts. Even more compelling, albeit perhaps more controversial, are Sarat's chapters criticizing the political power of victims' rights groups and his argument that executions in the United States should be televised. His interest in the latter is not macabre; rather, his contention is that by withdrawing the spectacle from the public, those who oversee the politics of death have essentially insulated the public from the reality of state killing and have encouraged the ethos of revenge that fundamentally orients public opinion on the subject.

David Garland's project in *Peculiar Institution* is to describe and explain why capital punishment is precisely that: a "peculiar" institution in American society. In doing so, Garland does an excellent job of keeping the focus on the death penalty in its contemporary form, a sterile, antiseptic, and, relatively speaking, mundane procedure. Rather than dwelling on the pathologies of capital punishment, which other works do quite well, he addresses the "peculiarity" of capital punishment in the U.S. context by examining what gives it its unique staying power in a society that stands for a host of values that appear difficult to reconcile with state-imposed death. Attending to the moral certainties of death penalty supporters, for example, Garland exposes the fervor, the logics, and the deeply

felt commitments that keep executions so popular even in the "Age of Abolition," as Garland describes the modern era.

Another introduction to the broad spectrum of issues on each side of the debate over capital punishment in the United States is *Debating the Death Penalty*, edited by Hugo Bedau and Paul Cassell. This work, which grew out of a public symposium on the topic, includes both original and reprinted works by a range of important players involved in negotiating the law and politics of the death penalty in the United States today. They include federal appellate court judges Alex Kozinski and Paul Cassell; noted scholars such as Hugo Bedau; accomplished activists such as Bryan Stevenson and Stephen Bright; and former officials such as Governor George Ryan of Illinois. All books stemming from symposia tend to be awkward in their composition (here, for example, there are internal references to various comments spoken by other contributors), but the book is notable for the fairness of its scope and its refreshing balance, particularly given the combustible nature of the topic.

David Oshinsky's nominal focus in *Capital Punishment on Trial* is *Furman v. Georgia*, in which the U.S. Supreme Court found the death penalty unconstitutional as it was being applied in Georgia and, by implication, in other states; however, his analysis actually uses *Furman* as the starting point for a sustained discussion of the perennial issues dogging executions in the United States. The book delves into the deliberations among the justices, laying out the various objections noted by the jurists, but then traces these concerns through a consideration of the case that resuscitated the death penalty, *Gregg v. Georgia* (1976), as well as one of the more compelling cases to deal squarely with the issue of race in sentencing, *McCleskey v. Kemp* (1987). Finally, Oshinsky carries the story to the present, discussing the high Court's continuing forays into the politics of death, attending, for example, to the question of whether or not the Eighth Amendment permits the execution of minors, the mentally retarded, or those who may experience pain during lethal injections.

Thomas Walker's *Eligible for Execution* examines the immensely controversial issues involved in the trial of Daryl Atkins that eventually ended in the U.S. Supreme Court's ruling in *Atkins v. Virginia* (2002) that a "national consensus" existed to prevent capital punishment for the mentally retarded. The case of Daryl Atkins and his codefendant was in some ways straightforward. Both were found guilty of robbing and murdering Eric Nesbitt; the grayer areas of the case arose in the process of appeals, as Atkins's lawyers began to introduce mitigating factors meant to save their client's life. Specifically, IQ tests for Atkins revealed a score as low as fifty-nine, although this and other evaluations were vigorously disputed. Taking readers through the six-year process, Walker culminates with an in-depth exploration of the polarized opinions of the Supreme Court; the majority held that the execution of the retarded is "cruel and unusual punishment," while the dissenting justices vociferously criticized the Court for interjecting itself in a far-from-self-evident political (or even moral) question best left to the fifty states.

A memoir that humanizes the above themes in a very insightful way is David Dow's *The Autobiography of an Execution*. Dow, who has represented more than a hundred death-row clients, writes as an attorney torn among a variety of influences: he is a father and husband, who must insulate his family from the darker elements of his professional life; he is a Texan who is very much attuned to the culture and sentiments of the Lone Star State; but he is also a conscientious lawyer who essentially lives inside what former Supreme Court Justice Harry Blackmun referred to as the "machinery of death." With an array of themes present in this book, readers can choose their focus, but those captivated by the politics of crime and punishment will be drawn in by Dow's vivid depictions of the personalities, procedures, and practicalities that motor the death "machinery" in the state that executes more offenders than any other.

Finally, Sister Helen Prejean's *The Death of Innocents* develops further the themes set forth in her earlier work, *Dead Man Walking*. In *Innocents*, Prejean intends the play on words: the "death" of which she speaks does involve those who she asserts

were in fact "innocent," but her critique reaches outward to raise questions about "innocence" more broadly as she uses the narratives of two men executed by the state of Louisiana. Rich in description and impassioned in argument, the book relies on the two cases to shed light on a host of institutional imperfections that are more routine than random and that will give pause to even the most ardent supporters of capital punishment.

Corrections

TRAVIS PRATT'S SPARE BUT INSIGHTFUL *Addicted to Incarceration* explains the roots of America's alleged "addiction." Pratt illustrates how America became the nation that incarcerates more individuals than any other nation by connecting punitive policies to politicians' misuse and misconstruction of public opinion, attitudes that are notoriously difficult to measure and even more challenging to interpret. Along the way, Pratt debunks a host of myths about criminal justice in the United States and demonstrates how crime and punishment policies are vulnerable to manipulation and exploitation by political entrepreneurs in the public and private domains.

Ironies of Imprisonment by Michael Welch explores the various contradictions and biases of imprisonment in the United States. Working within the critical penological tradition, Welch begins with a sociohistorical examination of the emergence of the penitentiary, with particular attention to various institutional commitments to social rather than crime control. From here, *Ironies* applies its lens to the war on drugs, correctional health care policies, the relationship between the jailers and the jailed, capital punishment, ethnic profiling in the wake of the events of September 11, 2001, theories of deterrence, and finally the mentality of "prisonomics" that shapes governmental funding decisions.

Marie Gottschalk's *The Prison and the Gallows* explains why and how the United States has built what she calls a "carceral state," distinguished from the prison administration and imagination of other developed nations due to its immensity (with over two million people locked away

in jails or prisons for each of the last ten years), its fundamental and frequent use of degradation, and the staying power of the death penalty, despite extensive amounts of legal and social science literature demonstrating its procedural flaws. Many scholars have studied the scope and implications of mass incarceration, but Gottschalk's work explicates the political causes of the present penal condition, particularly the relative lack of opposition to increased incarceration while it was commencing. What she argues is that contemporary policies can actually be traced to well before the "start" of the prison boom in the 1970s and thus traditional explanations of a sudden change in culture are necessarily incomplete because they fail to reveal the institutional factors, provisions, and opportunities that were already present and that facilitated mass incarceration in its earliest stages.

Robert Perkinson writes a sweeping history of the rise of America's prison empire in *Texas Tough*. Perkinson interviews an array of prison administration officials, lawmakers, judges, guards, and inmates to explore the roots and particularly punitive nature of "corrections" in Texas, the state that is, as the book proclaims, "the most locked down" in the United States. While portions of Perkinson's book tell a story recounted in other works discussed in this essay, the analytical move he makes with this narrative and with these data makes this book worth considering. Perkinson argues that Texas prisons have effectively preserved the plantation model that oriented the southern economy for hundreds of years, resisting any intimations of rehabilitation (or "correction") and resting instead on retribution and profit making. What is more, Perkinson suggests, the correspondence of mass incarceration with the cause of civil rights in the United States was no coincidence, but rather a function of a larger punitive philosophy aimed at harnessing the force of the state to stifle political progress.

In a book that recounts elements of America's past that will be jarring to even the most jaded students of U.S. history, *Slavery by Another Name* by Douglas Blackmon describes the practice of "convict leasing" that emerged in the South after the Civil

War. Such an arrangement, wherein states “leased” those in their jails to corporations, notably railroad and mining companies, allowed for the states to profit from arresting and convicting more individuals, specifically black men, many of whom had been accused of violating the notoriously ambiguous “vagrancy” laws, and allowed business interests access to an expendable labor pool populated with workers who could be paid significantly less than freemen and made to suffer horrendous conditions. While Blackmon’s book is not about the criminal justice system per se, it warrants inclusion in this essay because it illustrates how even 150 years ago what would now be called the prison-industrial complex was immensely lucrative for those positioned to take advantage of the most vulnerable.

Michelle Alexander’s fascinating but ultimately saddening book, *The New Jim Crow*, offers a similar argument, particularly as she contends that the United States has not parted ways with its racial caste system; it has simply “redesigned” it. What this means, as Alexander persuasively documents, is that while there was once open discrimination based on race, that more blatant form has been jettisoned for a subtler but just as sinister approach that employs the justice system to label individuals of color as “criminals” and to therefore subject them to the same sorts of

Alexander notes that no other country in the world imprisons so many of its racial or ethnic minorities as does the United States.

discrimination that, were they directly based on race, would be patently illegal. Stated baldly, mass incarceration in the United States emerged as a wholesale, if not at the time obvious, project of racialized social control that, Alexander asserts, “functions in a manner strikingly similar to Jim Crow.” To wit, those convicted of felony offenses may not (depending on the state) vote or sit on a jury; they are often barred from certain types of employment; they may face challenges securing student loans and/or public housing; and they are confronted with a host of other stigmas that “mark”

them as an “other.” And a disproportionate number of those affected are black, allowing for the “legal” Jim Crow analogy. Indeed, Alexander notes that no other country in the world imprisons so many of its racial or ethnic minorities as does the United States, including a larger percentage of its black population than even that of South Africa at the height of apartheid. The indictments set forth in *The New Jim Crow* warrant skepticism, Alexander concedes, but ultimately her provocative claims are intended to begin a serious conversation about the various ways that the criminal justice system, whether willingly or unwillingly, perpetuates racial hierarchy.

Vanessa Barker takes on very important, but surprisingly understudied, questions in her book, *The Politics of Imprisonment*: what has been the role of individual American states in the process of mass incarceration, and why have certain states confounded this trend? States such as Louisiana, Texas, and Mississippi imprison 700-800 inmates per 100,000 population, while states like Maine and Minnesota have rates of 159 and 181, respectively. To address these questions, Barker focuses on three states (California, Washington, and New York), which had the same general problems as crime rates were rising in the 1960s and 1970s, but which devised very different policies in response. Ultimately, Barker

argues, variations in penal regimes are best explained by differences in democratic governance among states, especially political structures and collective action or agency, as well as the particularities of place, custom, and culture that render federalism meaningful in the United States.

One of the most salient examples of differences in state-level policy variation is the “three strikes and you’re out” legislation, which became law in California in 1994. In their book on the topic, *Punishment and Democracy*, Franklin Zimring, Gordon

Hawkins, and Sam Kamin examine the origins and implications of the law, and then provide a vast array of crime data drawn from the state’s larger cities in order to explore whether the putative effect on first- and second-time offenders was in fact evident. Zimring and his colleagues contemplate the law in a broader context, with an intriguing discussion of such legislation against the backdrop of the initiative process in general. In particular, the authors use the law as a lens through which to explore the larger question of the role of citizens’ preferences in the governance of punishment. The book is readable, important, and certainly the best single book-length study of the law.

Like many books published on incarceration in the United States, Joseph Hallinan’s *Going up the River* seeks to explore the root causes of the prison-industrial complex. However, unlike others that either focus on one prison or imagine prisons as an institution amid other political developments, Hallinan’s book is distinguished for the geographic breadth of his analysis. In the spirit of his subtitle (*Travels in a Prison Nation*), he moves about the country, visits prisons in at least eight states, and interviews prison officials, prison corporation executives, guards, scholars, and others who are involved in the administration of institutions. The book is fluid and compelling throughout, particularly due to the vignettes that Hallinan recounts in his comparisons among various maximum-security outfits, the way he situates the overall discussion in the context of the war on drugs, his discussion of the ongoing revisions to criminal sentencing guidelines, and the normative questions he poses about the growth of private firms dedicated to making prison administration more efficient and hence profitable.

Tara Herival and Paul Wright, editors of *Prison Profiteers*, include therein eighteen diverse essays all organized around the central question posed by the book’s subtitle: who makes money from mass incarceration? The first section of the book focuses on the political economy of prisons and explores, among other themes, the various financing schemes that facilitate new construction, the methods by which inmates are counted for purposes of apportionment, and the impact of new

institutions on local employment. In the second section, the editors arrange four essays that focus specifically on the private prison industry. Finally, the third section, "Making Out like Bandits," focuses on the economic gain enjoyed by various corporations, including those ostensibly committed to providing health care for inmates, those who profit from exorbitant rates for collect calls, and those who market weapons and protective gear for corrections officers.

Considering the economics of incarceration from a different vantage point, *The Big House in a Small Town* by Eric Williams provides a much-needed local dimension to understanding the politics of prisons in the United States. This study is distinguished for its methods and the richness of its data, because while criminologists tend to employ quantitative approaches in their studies, Williams's work is traditional ethnography. Focusing on the communities of and prisons within both Beeville, Texas, and Florence, Colorado, *Big House* successfully explores the dynamics that begat the institutions; the impact on local governance; the perspectives of community members braced for the promised economic developments; and finally the view of the "small town" as seen by the "big house," a perspective that is virtually never included in such studies.

Another perspective often overlooked is that of the individual charged with guarding the inmates. *Newjack* is Ted Conover's fascinating description of a year working as a corrections officer (CO) at New York's Sing Sing prison. A writer known for his earlier detailed depictions of the lives of hobos, among other under-studied populations, Conover brings the keen eye of an anthropologist to this account of life inside a maximum-security institution. As a participant-observer who took the position with the sole purpose of writing this book, Conover details his impressions of the prison's administration and his relationships with the inmates and other COs; he is refreshingly self-conscious about the changes to his own personae and his interactions with his family over the course of the year. But what distinguishes Conover's work from other first-person accounts of life on the inside is his inclusion of and frequent references to the array of scholarly materials on corrections and, most importantly, the

way that he situates his experiences into a larger context that illuminates the central issues of incarceration, including sentencing mandates, racial disparities, debates over prison management styles, the challenges of prisoner reentry, and fundamentally the very meaning of the concept of "corrections."

Finally, Bruce Western's influential *Punishment and Inequality in America* advances the provocative claim that the penal system in the United States is now so vast and encompassing that it is an "important part of a uniquely American system of social stratification." Over the course of seven chapters and a conclusion, Western develops this central theme, stressing that the prison boom of the 1980s and 1990s was as much a response to an upheaval in American race relations as it was a reaction to an increase in crime. It was in this era that disaffected working-class white voters increasingly turned to the Republican Party, which forged "tough on crime" mantras that were in many cases coded racial messages. The upshot of such political developments is spelled out well in Western's chapters dealing with the "consequences" of mass imprisonment, specifically, diminished wage and employment opportunities and disruptions to marital status and family relations in general. Meanwhile, Western explains, the prison boom itself cannot realistically account for any more than 10 percent of the dramatic reduction in crime that occurred throughout the 1990s, thus discrediting the central argument advanced by advocates of a "lock 'em up" approach to criminal justice. Perhaps its greatest impact is what it tells readers about the section to follow in this essay: what are the barriers to successful reentry, and why do some offenders (continue to) reoffend?

Reentry & Recidivism

JOAN PETERSILIA'S *WHEN PRISONERS COME Home* diagnoses a series of maladies afflicting the criminal justice system, particularly the impediments to the successful reintegration of ex-offenders. Beginning first with an overview of changes in state and federal sentencing policies over the past few decades, Petersilia explores the significance of longer, mandatory sentences and the implications of the diminished place for parole in the

options available to prison administrators. The brunt of the book draws upon the author's interviews with criminal justice officials that discuss the various prospects and problems with present prisoner reentry policies. Stressing that 93 percent of currently incarcerated prison inmates will eventually be released, Petersilia implores a shift away from retributive logics and toward more coherent and commonsense alternatives for reducing recidivism.

Marc Mauer and Meda Chesney-Lind's edited collection *Invisible Punishment* includes an excellent selection of sixteen chapters generally dedicated to exploring the collateral consequences of high rates of imprisonment in America. Such consequences are "invisible" punishments, because they are either state-imposed circumstances that exist outside an individual's official sentence per se (e.g., the loss of the rights to vote or serve on a jury) or they are of a broader societal nature, involving perhaps the stigma that is associated with a criminal record when seeking employment, establishing oneself in a community, or pursuing advanced education. The various essays highlight the consequences of mass imprisonment as a phenomenon since the 1980s, but a good portion of the book is also dedicated to exploring the underlying causes for this political development.

Drawing out many of the same themes as Petersilia's, Jeremy Travis's book *But They All Come Back* starts with the basic but often-overlooked premise that hundreds of thousands of individuals leave state and federal prisons every year, most of whom will return to incarceration within the three years. Reasons for this are varied, of course, but Travis presents a persuasive "reentry framework" for analyzing the challenges in this era of unprecedented mass incarceration. Especially valuable are the policy prescriptions following most chapters, as well as the discussion of primary principles for better positioning offenders to make a smooth transition back into the communities and commitments they knew prior to their convictions.

Developing this premise in a more specific fashion, Devah Pager's *Marked* provides rigorous insight and ample amounts of empirical data to demonstrate that the

policy shift to mass incarceration in the 1980s and 1990s seriously undercut the ability of ex-offenders to locate gainful employment. More specifically, Pager argues that the “mark” of a criminal record takes the form of a “negative credential,” specifically for young black men, the group most deprived of meaningful labor market options. Perhaps most compelling is Pager’s use of an experimental audit conducted in Milwaukee, Wisconsin, wherein matched pairs of young white and black men applied for various jobs. Even the most skeptical readers will be persuaded by the findings of this study and its underappreciated conclusions about the significance of stigma in social, economic, and political relations.

Jeff Manza and Christopher Uggen, the authors of *Locked Out*, have produced the best of a series of recent books on the issue of felony disenfranchisement. Accepting various federal constitutional commitments, the determination of who gets to vote and how they vote is largely a state issue, meaning that states have the capacity to restrict or even deny voting rights for those with felony records, for example. In a series of academic journal articles since 2002, Manza and Uggen have detailed the implications and even racist intentions of these restrictions. However, in their book, they develop these themes in greater detail and provide additional evidence drawn from interviews with ex-offenders who have been denied the ability to vote, as well as a sophisticated discussion of the impact of disenfranchisement policies on political participation.

Finally, Todd Clear’s *Imprisoning Communities* carries on an argument he and various colleagues have been making for many years now, namely, that high rates of incarceration destabilize informal social control in poor communities and lead to more not less crime. This notion, which Clear refers to as “coercive mobility,” runs counter to traditional arguments for incarceration, which suggest that incapacitated offenders cannot reoffend and that would-be offenders are deterred from committing offenses due to the prospect of being locked up. Rather, Clear marshals compelling evidence that concentrated incarceration exacerbates social problems and consequently worsens the crime problem in already heavily impacted

communities. There is a bit of a hodgepodge feel to the book, especially in the chapters reviewing a wide array of studies conducted over the past few decades, but this is offset by the insightful closing chapter that reviews a host of often unconventional arguments for how to remedy the various problems considered. Here, Clear comes full circle, animating the “call to action” he outlines in his introduction, and leaving readers with a clear sense of the political obstacles that have impeded efforts to address the tendencies toward mass incarceration that have prevailed in the United States for the last forty years.

Websites

THE WEBSITE OF THE FEDERAL BUREAU OF INVESTIGATION <<http://www.fbi.gov>>, the premier federal law enforcement agency, founded in 1908, describes the bureau’s commitment to, among other things, protecting the United States from domestic and international terrorist attacks, upholding criminal laws, preserving civil rights, combating public corruption, and providing leadership for state, local, and international partners. Visitors to the site can peruse the famous Most Wanted listings, which includes general offenders, as well as separate listings for most wanted terrorists, white-collar offenders, parents who have abducted children, and kidnapped children. Also included on the site are a helpful News tab with much recent information about crime and punishment, a Stats and Services section that affords viewers an ample amount of data culled from local and state law enforcement agencies, information on Scams and Safety, and even a link to Fun and Games, where users can read more about equipment, pretend to be an FBI “cryptanalyst,” and view Avatars that discuss what it is like being an agent.

The website of the federal judiciary, while providing information on civil as well as criminal matters, is a helpful resource for those interested in better understanding how the federal courts function and who the judges are who sit on the federal bench, as well as providing guidance for how to locate federal court decisions and actions. Of particular interest for readers of this essay is the Educational Resources section, which includes plenty of useful information, exercises, and

handouts under links titled Classrooms to Courtrooms, Constitution Resources, Courtroom Events, and Federal Court Basics.

The Bureau of Justice Statistics, a function of the Office of Justice Programs within the Department of Justice, is the U.S. government’s primary source for criminal justice statistics. Its stated mission is to compile, assess, and distribute information relevant to the criminal justice system, particularly data that shape the debates over local, state, and federal policies for addressing crime and construing punishment(s). Data, information on funding, key facts, and terms and definitions are provided for each of the following subtopics in its site’s drop-down menus: Corrections, Courts, Crime Type, Criminal Justice Data Improvement Program, Employment and Expenditure, Federal, Law Enforcement, and Victims.

The Innocence Project at the Cardozo University School of Law is a national litigation and public policy organization dedicated to both exonerating those wrongfully convicted and reforming the criminal justice system to prevent such injustices in the future. While there are now numerous “Innocence Projects” housed at law and journalism schools around the United States, this is the original organization, founded by Barry Scheck and Peter Neufeld in 1992. As of this writing, the project has successfully exonerated 271 individuals through DNA evidence, including seventeen inmates who served time on death row. Using the site’s excellent resources, viewers can read profiles of those exonerated, learn about the most common elements leading to wrongful convictions, and learn about reform efforts (including model legislation) going on in various states.

The Criminal Justice section of the American Bar Association (ABA) website provides numerous helpful materials for those interested in the politics of crime and punishment in the United States. Portions of the site are principally for ABA members, but scholars, activists, and other practitioners can take advantage of things such as the summaries of Supreme Court opinions involving criminal law; publications produced by section members; and reports compiled by the

ABA, including, for example, the much-anticipated comprehensive survey of collateral consequences in the fifty states.

The Sentencing Project works for fair and effective criminal justice administration by promoting reforms in sentencing practices and policies, as well as alternatives to incarceration and the various state-imposed impediments to successful reentry. On its site, users can find a clearinghouse of recently published literature on various criminal justice topics, as well as information for those interested in advocacy on behalf of various causes; it includes, for example, easily downloadable and printable PDF documents. Specific tabs offer an interface with information on Sentencing Policy, Incarceration, Racial Disparity, Drug Policy, Juvenile Justice, Felony Disenfranchisement, Women, and Collateral Consequences.

The Death Penalty Information Center (DPIC) is a nonprofit organization that conducts studies and consolidates information on all issues pertaining to capital punishment in the United States. An excellent resource for the public, especially scholars, journalists, and those with a hunger for data, maps, and easily digestible statistics, the DPIC website makes available its own reports, but also links to a host of published materials including books, academic journal articles, video and radio clips, and public opinion surveys. Also useful are the evenhanded and nonpartisan discussions of the history of capital punishment, the presently available methods of execution, Supreme Court case law dealing with the topic, and more particular issues and concerns such as arbitrariness, deterrence, juveniles, and those with mental deficiencies.

Those interested in learning about issues in the criminal justice system from a perspective focused on individual freedom should refer to the website of the American Civil Liberties Union. The ACLU describes itself as committed to working through courts, and in legislatures and communities, to defend individual rights and liberties; its recent activities in these domains are detailed under the Our Work tab. At the bottom of each page are links to stories dealing with Prisoners' Rights, Criminal Law Reform, and Capital Punishment, Racial Justice, and other issues.

Those interested in considering crime and punishment through a lens that is decidedly more conservative might scroll through stories, positions, and other resources at the website *Right on Crime*. One of the distinguishing features of this advocacy site is its specific attention to national discussion of "solutions" to various problems such as over-criminalization, juvenile justice, substance abuse, and parole and reentry issues. The rhetoric of the site is geared toward positions that are "smart on crime" rather than "tough" per se, meaning that one of the organization's stated ambitions, for example, is to protect taxpayers while still preserving public safety.

Finally, *Crime News Daily* is an excellent clearinghouse for current events stories dealing with crime and punishment in the United States. Users can scroll through approximately a dozen hyperlinked Top Crime Stories, which are updated throughout the day; they can also follow links to other sites with news on crime; they can click on particular topics (e.g., Arrested, Charged, Trials, and Headlines of the odd variety) for news pertaining to a certain theme; and they can collect information from a host of federal agencies (e.g., the FBI and the Drug Enforcement Agency).

Conclusion

LAW AND ORDER IN AMERICA IS MORE than just a reference to an addictive cable television program siring new spin-offs every year; it is a notion that signals a collective fascination with issues of crime and punishment. This essay has provided a framework for understanding the myriad political influences on and implications of criminal justice policies, practices, and proceedings, but it is concededly only a starting point. The problems explored above are pervasive for a reason: certainly they are deeply rooted, but just as importantly they are too often misunderstood. Only education can reverse this phenomenon, meaning that the process of investigation and the spirit of inquiry are a concerned citizen's best defense.

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