"The ‘Three Strikes’ Policy Is An Error"

Craig B. Mousin
The "three strikes" policy is an error

The endearing captivation of the game of baseball in American culture stems, in part, from its timelessness and enduring hope that each spring training we may all start anew. Unregulated by time clocks, its metaphors spring to life in our daily lives. Unfortunately "three strikes and you're out," the sporty-sounding tagline for mandatory life sentences upon conviction of a third felony, has been taken from the playing fields and appropriated by political leaders hoping to appear tough on crime without seeking solutions to the problems that cause crime. Baseball purists know that there is always another game tomorrow or, as Chicagoans know all too well, next season. If our nation implements "three strikes and you're out" as national policy, however, the hope for tomorrow will be sacrificed to faulty logic, irresponsible behavior on the part of our elected leaders, and a desire to solve the problem by hiding it rather than addressing its root causes.

As a Christian, I cannot support this solution or understand how it coincides with my faith or the pragmatism of United States society. Building walls to hide the misallocation of resources or prop up an unjust society has never worked, is not working today, and according to our faith traditions, never will. Pharaoh's walls and laws could not keep the Hebrews from freedom when God participated in salvation history in the Exodus story. The Hebrew prophets long warned that just building higher or stronger walls could not stave off the consequences of injustice and eventual exile from Jerusalem. The Berlin Wall fell to a people yearning to be free. As we still try to build Berlin Walls around the Western democracies to keep out Haitians, Central Americans, or Turks, for example, we constantly see the futility of ignoring the increasing gulf between the resources possessed by a small minority of the planet and those possessed by the rest of the world.

Even within our own democracy, efforts to build more prisons and incarcerate those found guilty have failed to add any more security to the lives of our citizens. Although the explosion in prison growth and prison population within the United States in the last 20 years has failed to reduce crime, mandatory life sentences will also fail because they, too, ignore the causes of crime and instead represent one more futile attempt at building new domestic Berlin Walls to segregate and separate those of us who possess wealth from those we intend to mark criminal for life.

The evidence of that failure is hard to ignore. Neglected in the media stories fanning the flames for mandatory sentencing, the hard evidence is that increased incarceration will not make our society more just or safe. The United States already ranks as the country with the highest imprisonment rate in the world, as our prison population has multiplied four times over in the last 20 years. Despite that growth in prison population, the murder rate in the United States of about 10 per 100,000 in 1990 mirrors the 10 per 100,000 in 1930. Although over the last 20 years spending for criminal justice has increased by 600 percent—to almost $60 billion per year—many experts agree that there has been no corresponding impact on reducing crime or making our streets safer.

Witness crime-control experts, such as the Minnesota assistant commissioner of corrections, states, "There is no relationship between the

By the Rev. Craig B. Mousin, executive director of the Center for Church/State Studies at DePaul University College of Law and associate minister at Wellington Avenue United Church of Christ in Chicago.
incarceration rate and violent crime. We’re in the business of tricking people into thinking that spending hundreds of millions [of dollars] for new prisons will make them safe.” The American Bar Association’s Task Force on Crime reports: “There is no solid evidence to support the conclusion that sending more convicted offenders to prison for longer periods of time deters others from committing crime.” Similarly, the director of the Department of Corrections of Illinois warns: “No state has shown that locking up record amounts of people adds benefit to the society.” Building more prisons and legislating more mandatory sentences for longer periods of time have failed to work. It may work as a growth industry for those benefitting from prison construction and maintenance, but its ultimate goal of securing society has failed.

Locking people up for life sentences after a conviction for a third felony dehumanizes those convicted and all involved in supporting and maintaining such a system. Two elements of our Christian faith teach me that this proposed law cannot work. First, Christians are a people who believe in God’s power to transform humanity. The incarnation of Jesus and God’s promise of salvation teach us that God’s hope for humanity could not be obstructed by human sin. God’s hope prevents me from giving up and deciding that some individuals are beyond hope of transformation. I must leave that decision to God.

The news accounts of violence and mayhem in our streets suggest that the hope of transformation of our most vicious criminals is naive or hopeless. Yet our faith calls us to believe that God saves us despite the most tragic of times. The birth of Jesus was quickly followed by the slaughter of the innocents, and his death as a criminal on the cross reveals somber but realistic reminders that the hope of transformation is not sentimental nor meaningless in a world reeling from the killing fields and death in our own streets. God’s decision to participate in our faith history, despite our violence, calls us to hope that meaning can still be found for all humanity. Mandatory sentencing offers no hope. My faith calls me to reject such approaches to humanity.

Because “three strikes and you’re out” precludes the hope of transformation, it discourages the alternative search for solutions. Rehabilitation and improved access to education and opportunity will accomplish far more in reducing prison populations and recidivism. In Chicago, Illinois, 60 percent of felony charges currently involve possession and delivery of drugs while half of the defendants in the remaining felonies have used drugs or alcohol within the preceding 24 hours. New efforts at a drug-diversion program are providing encouraging results.

By offering drug-addicted criminal defendants treatment rather than jail, these pilot projects have saved the time and expense of trials and costly incarceration. In one project, 36 percent of the criminal defendants that went through the treatment program from July 1993 to February 1994 were not rearrested but subsequently found work and reestablished their homes. In a similar program sponsored by the Illinois state’s attorney’s office, 85 percent of the participants were not arrested within the following two years of completion of the program.

Mandatory sentences will allocate money to build more prisons and thus divert resources from treatment programs or even crime-prevention programs. The cost of incarcerating one person now exceeds $30,000 per year—more than the cost of one year at our best universities. Yet little of that cost provides education or drug-treatment programs. Even without the proposed laws in effect, the General Accounting Office reported that only 20 percent of state prisoners who need drug treatment actually receive treatment.

Some might ask (if my point is right about mandatory life sentencing): Aren’t we asking too much of the victim and his or her family? Should not the guilty serve time for their crimes? Responsibility is certainly an element in dealing with crime in our society, but a mandatory life sentence after three-felony convictions is not the solution. Faith teaches us forgiveness is part of life in community. Hannah Arendt, a Jew writing after the Holocaust, truly believed that forgiveness was essential to human freedom and that it occurred in the community.

Our current lack of care to treat and educate prisoners will diminish further should this become federal law and thus limit services for all of those in prison. If we continue to build these walls of separation, we are more likely than not to simply put more persons at risk for mandatory life sentences, while simultaneously increasing the risk of more crime.

By building more prison walls, we obstruct mercy by putting those condemned to life sentences outside of our lives and our memories. Jesus came to preach good news to the poor, proclaim release to the captives, give sight to the blind, set at liberty those who are oppressed, and proclaim the acceptable year of God (Luke 4:18-19). Mandatory life sentencing, with its discriminate impact on the poor and complete prohibition
on release of captives, encourages citizens to turn a blind eye toward the causes of crimes. And the continued oppression of all in our society seeking security through more prisons fails to proclaim that the realm of God is in our midst.

Let us not fall prey to the danger behind this sound bite but rather seek the acceptable year of God by proclaiming our opposition to mandatory life sentences and a reallocation of funds to solutions that truly encourage transformation of individuals and society.

---

**Feedback**

Each month, advance copies of Sounding Board are mailed to a representative sample of U.S. Catholic subscribers. Their answers to questions about Sounding Board and a balanced selection of their comments about the article as a whole appear in Feedback.

1. I support the “three strikes” mandatory-sentencing policy.
   - 28% agree
   - 61% disagree
   - 11% other

2. Mandatory life sentences will decrease the amount of crime.
   - 29% agree
   - 63% disagree
   - 8% other

3. I am in favor of building more prisons if necessary to house those convicted of three violent crimes.
   - 35% agree
   - 57% disagree
   - 8% other

4. The “three strikes” policy is a simplistic solution to a complex problem.
   - 75% agree
   - 17% disagree
   - 8% other

5. Education is the key to reducing crime.
   - 63% agree
   - 12% disagree
   - 25% other

6. Tax dollars would be better spent on early-education programs rather than on increasing jail sentences.
   - 76% agree
   - 8% disagree
   - 16% other

7. I will feel safer if the “three strikes” policy goes into effect.
   - 23% agree
   - 66% disagree
   - 11% other

8. We owe it to the victims of crime to have a “three strikes” policy.
   - 28% agree
   - 60% disagree
   - 12% other

9. Our country spends too much money building and maintaining prisons.
   - 68% agree
   - 26% disagree
   - 6% other

10. Supporting the “three strikes” policy goes against my Christian principles.
    - 51% agree
    - 41% disagree
    - 8% other

11. People who commit three felonies don’t deserve to participate in a free society.
    - 30% agree
    - 46% disagree
    - 24% other

12. It is my duty as a Christian to work to transform society, not give up on it.
    - 95% agree
    - 1% disagree
    - 4% other

13. It’s naive to believe that violent criminals can be rehabilitated.
    - 17% agree
    - 67% disagree
    - 16% other

14. Along with the Rev. Craig B. Mousin, I think mandatory life sentencing is inhumane and a strike against my faith.
    - 46% agree
    - 42% disagree
    - 12% other

U.S. CATHOLIC
The net effect of mandatory life sentencing would be:

Probably very little—but at least it will remove a few more of the criminal predators from our neighborhoods. That's a better percentage than the odds we have now. At least the victims of violent crimes would have a shred of hope that justice would prevail in the long run.

Name withheld
Chippewa Falls, Wis.

Showing that we love the offenders enough to set concrete limits on their behavior. The fear of a life sentence may help them control their desire for immediate gratification, which is at the root of many of the felonies committed today. Even though implementing the “three strikes” policy may cost more, in the long run I believe the number of repeat offenders will be reduced. Hopefully some of the additional prison space could be converted to educational and training facilities for at-risk young people.

Sue Sarles
Kewadin, Mich.

Condemning our society to viewing and accepting violence as a part of life and something that we can do nothing about!

Catherine Kopac
Clifton, Va.

Society has to do something to punish repeat offenders and violent criminals. We let off so many who have done horrible deeds. This may not be the answer, but it deserves a trial run. People have a right to feel safe in their homes, places of employment, and on the streets. Maybe this would help.

Name withheld
Wilmington, Del.

I think it would be an effective deterrent to the younger generation coming up. The current generation of criminals needs to be kept off the streets. In our area most of the crime is committed by repeat offenders or just-released parolees who have had no rehabilitation.

E. Ross
Greenacres, Fla.

The same as whipping an animal until the spirit is broken. We are all put upon the earth to support one another with patient endurance. We need more trained personnel to help rehabilitate prisoners. Also, proper screening should be done to keep first-time offenders separate from hardened persons so as to stop prisoner learning from prisoner.

Rosemary Badger
Milwaukee, Wis.

To insure that those in prison will no longer victimize innocent people. It may or may not deter further crimes by others, but those in prison are out of circulation.

John Woeppel
Corning, N.Y.

Warehousing nonviolent criminals for life; placing our priorities on punishment rather than rehabilitation; a loss to society of persons who could be helped in rehabilitation; and an ever-increasing burden on taxpayers. Since violent criminals do not consider being caught, there would be no decrease in violent crime. Increased tax money for incarceration would cut funding for education in jail and prison counseling. College educations in Michigan has been canceled in all but one prison.

Father Arthur E. Loveley, S.J.
Detroit, Mich.

Disastrous for the nation’s stability and rehabilitation programs. Mandatory life sentencing should be restricted only as an alternative to the death penalty. Capital punishment has no place in our country if we are to be considered as a nation “with liberty and justice for all.” Our Christian faith demands of us that we do to others what we would have them do to us. The “three strikes” policy is a cop-out of our legislators, a fallacious solution to avoid responsible action to a difficult problem. U.S. citizens expect more than a quick fix to our nation’s crime crisis.

Armand E. Guillet, S.C.
Pascoag, R.I.

A terrible drain on our resources because we would be keeping an aging population behind bars when they no longer pose a threat to us.

Sheila Lacouture
Randolph, N.J.

To reduce crime while we experiment with the education solution. Why let violent criminals roam our streets while we experiment with the education solution? Lock them up, cut out cable TV, and make them work or learn a trade while in prison so they can be productive while serving.
their life sentences. The experts can then continue with their theoretic experiments before the fact or with first-time offenders while the violent ones are locked up.

Ramon J. Kazanjian
Alexandria, Va.

A criminal with three strikes has nothing to lose. This policy could escalate more violent behavior and a hopelessness not only for the criminal but also for the society that was too lazy or unimaginative to implement alternatives to a criminal-justice system that obviously does not work.

Peggy Sookikian
Columbia, S.C.

I think the best way to treat repeat offenders is:

Continue to try to correct the environment that caused the problem in the first place. Stop giving to those who already have more than they need and start concerning ourselves on the governmental level with those who have little or nothing and are willing to commit crimes to get something they are entitled to. The conditions in our public-housing developments are shocking, and it is here that most of the crime begins. Less money for prisons, and more for education and better housing is the beginning of the answer to the problem.

Andrew W. Korts
Springfield, Ill.

To have more trained social workers to help repeat offenders. Not only does the offender need continued supervision, but their families do, also. We must start at a much earlier age of intervention since the breakdown of families and the loss of church influence have left many children without any sense of morals or good role models.

Edna S. Jensen
Racine, Wis.

Find ways to educate these individuals on what it is to be a victim of the crimes committed. I also think that continued counseling would be helpful. Volunteer hours and community service may provide an atmosphere for positive redirection.

Barbara LaRocque
Lock Haven, Pa.

Accept that incarceration failed in the first place.

More intense programs for rehabilitation, especially in relational and social skills, education, evangelizing, job skills, and responsibility, is essential. Crime should be punished with justice but also with the love, mercy, and compassion of Jesus to know the sin yet continually guide the sinner in the love and hope of resurrection.

Pat Crane
Milford, Mich.

For laypeople to become more involved in prison-outreach programs. It is good to have members of the clergy visiting the prisoners and attending to their spiritual needs, but for a prisoner to know that there are ordinary citizens who haven’t given up on him or her is a different and powerful message.

Rhonda Quisenberry
Covington, Ky.

To make the prisoners work not allow them to sit around on their butts. They should work toward repaying the victim(s). If we could get the prisoners, without escaping, to rebuild houses, the ghettos would no longer be ghettos but decent places to live.

Donna Ulinski
Langhorne, Pa.

“Three strikes you’re out” sounds like it will work at keeping innocent people from becoming victims—in the name of forgiveness. God can rehabilitate people inside of prison, too.

Colleen Donahue
Belle Mead, N.J.

Drug- and alcohol-abuse programs should be more available. So should literacy programs, GED classes to help those who have no education, psychological counseling, jobs, and skills training to help prisoners get work and housing when they leave prison.

Rita A. Jensen
Lawrence, Mass.

To leave sentencing in the hands of the judge who is in a better position to see the whole picture. In cases where felons have been convicted of three violent crimes, such as murder and rape, it may be appropriate for life sentences—but for drug possession or sale, no. Parole boards also play a major part in determining whether a three-time felon has amended his or her ways. Age and sickness also require tempering of a life sentence.

Francis C. LaVigne
Massena, N.Y.

U.S. CATHOLIC
Education, education, education! Throwing repeat offenders in jail is not the answer. What about drugs, guns, poverty—why not eliminate these things?  

Name withheld  
Lombard, Ill.

To offer the convicted three-time offender of a violent crime two inflexible alternatives: life imprisonment with no possibility of parole or pardon or execution—their option. We face increased crime because our criminal-justice system shakes its fist with the law, then wags its finger with the penalties.

Kenneth D. MacDonald  
Melrose, Mass.

To work on tougher rehabilitation after the first offense. That includes juveniles and addressing the issues in our society that promote crime. Once someone has become a repeat offender, it is harder to help that person.

Nora L. Maroney  
Fort Wayne, Ind.

To attempt rehabilitation in prison while imposing a just sentence—a sentence that fits the crime.

Name withheld  
Rapid City, S.D.

Mandatory entry into rehabilitation programs. After completion of these programs, supervised probation in a suitable environment.

Father James J. Doyle, C.S.C.  
Dalton, Pa.

Creating a justice system that fosters eventual capability of self-support, such as enforcing prison terms with home detention and supplying employment such as constructing new low-income housing, building parks, and repairing and building new schools. People that create something tend to treat it with more respect. This system saves costs and creates self-sufficiency.

Wendy C. Nessel  
New Hyde Park, N.Y.

and other drug addictions. They are easily able to continue their habits while incarcerated in an environment devoid of compelling incentives to change. Those that do request help are offered little more than detoxification, which does not address the lifestyle adjustments necessary to end many years of drug abuse and crime. Money spent on education, relevant job training, and effective addiction treatments would negate the perceived need for a “three strikes” policy by restoring healthy, productive persons to society the first time around.

Frances A. Kuebler  
Cambridge, Mass.

The “three strikes” policy is wrong because there are different degrees of felonies, so there needs to be room for different degrees of punishment. If it has already been proven, as Mousin says, that building more prisons and locking people up for life have not reduced crime, then let’s go to Plan B. Let’s reallocate more of our dollars to solutions that truly encourage transformation of individuals and society: education, rehabilitation, and opportunity for success.

Marybeth Joubert  
Plymouth, Minn.

If poverty and lack of education are the source of the problem, how do you explain that the Depression era was not full of violence? My childhood was spent in an unskilled, working-class neighborhood. We lived in small row homes, some not having indoor sanitary facilities. There were no food stamps, medicaid, WIC, subsidized housing, or subsidized utility bills. Graduating from high school was a significant accomplishment. The most violence in the neighborhood was breaking someone’s window.

Richard A. Bafford  
Macungie, Pa.

The problem exists in the treatment of children and adolescents who show early signs of social maladjustment, for whom the programs of care and treatment are inadequately financed. Money spent at this early stage will prevent later problems requiring much more money with less hope of successful rehabilitation.

Augustine Loes  
North Arlington, N.J.

Criminals should be required to pay for their care in prison. If criminals are wealthy, perhaps they should not only pay for the cost of their
incarceration but also contribute toward the construction of new or improved facilities and the education and rehabilitation of prisoners. If criminals are not wealthy, perhaps they should be given some type of employment to help pay for what they can. I believe all prisoners should be required to do some kind of useful work, as well as endeavor to attend some type of rehabilitation program. Prisoners should be treated fairly but not coddled.

Felicia Perna
Massapequa, N.Y.

I would like to see victims given as much attention and representation in court as criminals, especially when criminals appear before parole boards, victims should be notified. Records on prior felonies should be available to juries. Violent youthful offenders do not deserve special treatment.

Tom Monturo
Poughkeepsie, N.Y.

God is forgiving but also just. A person who commits a felony must take responsibility for the crime. Repeat offenders must realize that they are accountable for their acts. Moussin suggests that better education programs alone will solve the crime problem. I believe that is a simplistic point of view. Programs to promote education and to protect children from abusive parents, drugs, and alcohol are all needed, and for those who choose evil, greed, and violence, a penal system that keeps repeat offenders from society.

Robert Trainor
Herndon, Va.

Does anyone care or worry about the victims of vicious crimes? Since rehabilitation is not possible at this time, for whatever reason, are we to allow ourselves to be violated repeatedly for the sake of Christianity? I doubt that God would love me less if my major concern was to protect the innocent. Habitual criminals who cannot or will not be rehabilitated need to be removed from our society permanently!

Name withheld
Naperville, Ill.

I personally have had to change my lifestyle. I am wary when I go grocery shopping. I look around for suspicious people. I find myself asking: Who looks dangerous? How do I judge—by the way a person is dressed, the color of his or her skin? age? gender? I hate living this way. This is not a Christian response to life. I am called to love my brothers and sisters, not be afraid of them. There is now a security system in my home—a considerable expenditure. I think of frightened people who cannot protect themselves because they have no money. It sickens me to read statistics that indicate we taxpayers spend more on prisons than education, drug prevention, child protection, health care for the poor, and so on.

Barbara L. Scholtz
Jacksonville, Fla.

Seems to me we are becoming a throw-away society. Let's recycle people as well as goods. Just as our glass and cans go through a process of change—so, too, can human beings who are antisocial and angry.

Jane McCockell
Mt. Laurel, N.J.

I think tax dollars should go into education—both public and private. Quality education at an early age and up through high school can help reduce some acts of violence. Another medium that really has to be looked into is television. Our children see too much violence on television. Violence for some becomes real entertainment, the thing to do. We need to instill strong values and morals into our children at early ages without being overbearing. Children will model what they see and hear. We need to have stronger standards in place for all young people to witness and model their own lives after.

Name withheld
North East, Pa.

Our society seems more interested in vengeance than in working on solutions. What happens when the "three strikes" policy fails? Do we go to "two strikes and out" or the death penalty for repeat offenders? With mandatory sentences there is no room for extenuating circumstances. There is no room for mercy.

Marjorie Greenman
Ann Arbor, Mich.

(All comments used in Feedback must be signed, but we will withhold names on request. We regret that space limitations force us to condense letters and that many letters cannot be used at all. We try to reflect major opinion trends accurately. Our thanks to all who wrote. —The Editors)