

Huge rise in prisoners serving life sentences in the US

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One out of every 11 persons in the federal and state prison systems in the US is serving a life sentence, four times the number of “lifers” in 1984. A total of 127,677 inmates in 2002/2003 were in prison for life, up from fewer than 70,000 in 1992.

According to a May 2004 report by the Sentencing Project, a Washington, D.C., research and advocacy group, average time served by those sentenced to life in prison has also gone up, from 21.2 years in 1991 to 29 years by 1997. The study authors emphasize that “In contrast to popular imagery which sometimes portrays lifers as serving short prison terms, the average life sentence today results in nearly three decades incarceration.”

The authors of “The Meaning of ‘Life’: Long Prison Sentences in Context” note that the increased number of life sentences and the systematic lengthening of time served took place even as violent crime declined by 40 percent during the 1990s.

The decades-long increase in the frequency and duration of life sentences accompanied a rise in the rate of incarceration and numbers imprisoned in the US. There were 1.3 million prison inmates in the US in 2000, up from just 218,000 in 1974. The US is number one in the world in the rate of incarceration of its citizens, with 702 out of every 100,000 people incarcerated in state and federal prisons or in jails across the nation. More than 2 million people are now in prison or jail in the US, a record number.

While the US accounts for just 5 percent of the global population, 25 percent of the world’s prisoners are in American prisons and jails. Included among these prisoners are more than 3,600 death row inmates.

Though the vast majority of countries have abandoned capital punishment, the US has carried out more than 700 executions over the last quarter-century. The report’s authors say the increased number of death penalty cases in the US has led to greater pressure across the board for more severe punishments, including more convictions leading to life sentences.

The “get tough on crime” climate in the US has led to state legislatures and governors mandating changes in sentencing laws and policies. Increasingly stringent and often mandatory sentencing guidelines, “truth in sentencing” laws that increase time served requirements before the inmate can appear before a parole board, and cutbacks in the number of parole releases were the immediate causes of the increase in the number of life sentences and the longer duration of time served.

In California and New York, these changes have brought the proportion of prisoners serving life sentences to about one in every five inmates. Four states have no inmates serving life without parole, though one them, Texas, holds the second largest number of people on death row in the nation.

Throughout the US prison system, the concept of rehabilitation, which until the 1960s was accepted prison policy at least in theory, is being systematically replaced by a system based on punishment and retribution.

Life sentences of an indeterminate length, such as “15 years to life”

leave the actual length of the inmate’s sentence to be decided by a parole board. The inmate’s “good conduct” and evidence of rehabilitative efforts, such as participation in counseling, a drug program, or programs leading to further education or work skills, can ultimately determine the inmate’s release date.

Release of a prisoner incarcerated under a sentence of life without parole or “without possibility of parole” must be based on unusual circumstances. The required pardons or commutations are granted only on rare occasions.

In 1982, one of every six people sentenced to life was serving a sentence without parole. By 2003, the proportion had increased to one in four. During the 1990s, the growth of persons in this category rose 170 percent. In six states—Illinois, Iowa, Louisiana, Maine, Pennsylvania, and South Dakota—and in the federal system, all life sentences are without parole. Though mechanisms for release exist, the presumptive sentence is that offenders will never be released.

A general trend among governors to drastically scale back commutations and pardons is exemplified by the record of Democrat Gray Davis, former governor of California. During his term in office he turned down all but 8 of the 294 murder cases that had been approved for parole by the California parole board. The board based its reviews on a prisoner’s progress and made the recommendation in cases that included both prisoners sentenced to life and those sentenced to a lesser term. A constitutional challenge to Gray’s “no parole” policy was rejected by the California Supreme Court.

A separate category of US prison inmates falls into a category designated “virtual lifers.” These are people serving consecutive sentences expected to last the person’s natural life. In 2000, an estimated 27.5 percent adult prisoners were serving 20 years or more, and 121,000 inmates were over age 50, twice the number of a decade earlier.

The US criminal justice system has been rocked in recent years by numerous cases of wrongly convicted individuals being saved from a death sentence after unjust convictions were brought to light. In 2000, then-Governor George H. Ryan of Illinois instituted a moratorium on the death penalty following a string of revelations of wrongful convictions in capital cases.

Criminal cases that result in life sentences are as vulnerable to unjust convictions as those that result in death sentences. For example, DNA evidence and the work of the Innocence Project have led to the exoneration of a number of people sentenced to death in the US and to the release of 38 prisoners serving life terms. A recent report from the University of Michigan estimated the number of innocent persons in prison for all offenses to likely number in the thousands.

Inexperienced and underpaid attorneys are part of a system of “systematic failures and ‘assembly-line’ justice that virtually assures erroneous conviction,” according to the authors of “The Meaning of Life.” Yet, since the US Supreme Court’s *Strickland* decision of 1984, inadequate attorney representation is seldom reviewed and almost never

reversed.

Though 70 percent of those serving life sentences are in prison for murder convictions, the composition of this segment of the prison population is changing due to the increased frequency of life sentences for drug crimes and cases that do not involve violent offenses. Around 5,000 people are serving a life sentence for a drug offense, 2,000 in the federal prison system. In California, half of the 7,335 people incarcerated for drug offenses under an infamous “three strikes” law were incarcerated for simple drug possession.

The “war on drugs,” which preceded the “war on terror” as a justification for ramping up domestic and foreign repression, has taken its toll in human lives. There are 200 persons rotting in Michigan prisons under the state’s “650 Lifer” law for selling 650 grams of cocaine or heroin, in some cases a first offense. Originally adopted in 1978, the law was changed seven years ago to allow the possibility of parole, yet only a handful of persons have been released.

A recent high-profile example of the “three strikes and you’re out” law in California, under which any felony following two previous “strikes” can result in a life term in prison, is the case of Leandro Andrade. His third strike involved theft of children’s videotapes worth \$153 intended as Christmas gifts for his nieces. In affirming the conviction, the US Supreme Court upheld the California law in 2003, and Andrade is now serving a sentence of 50 years to life. Almost 60 percent of California’s three strikes cases involve nonviolent offenses in which the courts hand down sentences of 25 years to life.

A total of 5,000 people in the US are in prison for life solely for property crimes. Here the full force of the judicial system is unleashed against challenges to the order of wealth and privilege that fall in the category of criminal offense. The \$20,000 and upwards spent each year to house criminals is considered a carrying charge for terrorizing the entire working class into submission.

It is safe to say that none of the high-profile property crimes charges brought against corporate swindlers, such as those at Enron, is likely to lead to a life sentence for the well-heeled perpetrators who stole millions from the public.

A number of chilling stories of individuals ground underfoot by the “get tough” policies of the US criminal justice system are featured in the report. They testify to a justice system where a worker can wake up one day to find him- or herself locked up for life, their guilt being their personal vulnerability and their exposure to the unfortunate life circumstances so common in the US.

Once such category is battered women. A conservative estimate finds 800 to 2,000 battered women who killed their abusers are in prison in the US. In California, one study of 42 convicted survivors found only 2 received determinate sentences. Six of them received sentences of life without parole.

The practice of emptying mental health facilities, gutting treatment options for the mentally ill, and then putting them in prison when they commit infractions of the law is a national scandal that has taken root in many states. About one in five (or 23,500 “lifers”) is suffering from a mental illness, compared to one in six of the general prison population. For whatever the initial “crime,” a life sentence represents a decision to punish in prison rather than provide treatment according to mental health principles.

Once incarcerated, the mentally ill find themselves in unbearable conditions in prison, subject to brutal treatment from guards for behaviors related to their mental illness and prey to harassment from other inmates. Last October, Human Rights Watch made a scathing criticism of the conditions for the mentally ill in US prisons.

Two recent cases highlight the increased use of adult sentences for juveniles. Twelve-year-old Lionel Tate received a life term in Florida after killing a six-year-old playmate in what his defense contended was overly

vigorous play wrestling. Ultimately, his conviction was overturned, and in 2004 Tate agreed to a three-year prison term plea, which permitted his immediate release from prison.

The case of Tate and of Nathaniel Abraham, the Pontiac, Michigan, child convicted of a shooting that occurred when he was 11 years old, demonstrates the profound shift that is occurring in the treatment of juveniles. Judge Eugene Moore of Michigan, who presided over Abraham’s trial, voiced a critique of life sentences for juveniles. Nevertheless, Michigan has 146 persons serving life without parole for crimes committed when they were 14 to 16 years old.

The United Nations’ Convention on the Rights of the Child (1989) expressly opposes life sentences for anyone less than 18 years of age. Though there is no nationwide data on inmates currently serving life sentences who were convicted when they were children, 40 states and the District of Columbia changed their laws between 1992 and 1995 to make it easier to try children as adults in criminal court.

Elsewhere, it has been reported that in 2000 the UN Committee on Torture condemned the US prison system for subjecting inmates to years with no direct physical or visual contact with another human. Twenty-five thousand prisoners have been condemned to solitary confinement, a form of cruel and unusual punishment, in the infamous “supermax” prisons built over the last decade in 30 US states.

As a whole, “The Meaning of Life” contains important information of which the general public is hardly aware, and highlights yet another component of the growing list of police-state methods employed by US authorities. The authors of the study make no attempt to explain the social causes of criminal acts committed in the intensely polarized society of twenty-first century America or of the growing repression they describe.

The intensifying climate of repression in the prisons parallels the unprecedented onslaught on workers’ wages and on social and working conditions over the past quarter century. The wealth and poverty gap has grown to a yawning chasm. While a few individuals amass fabulous wealth, countless cases of ordinary lives of quiet desperation unexpectedly and even violently punctuated by individual acts of rage have become a regular feature of the US landscape.

The facts revealed in this report have serious implications for the US working class. The horrific methods displayed in the photos taken of guards in US-controlled prisons in Iraq are simply an extension of the atmosphere of repression systematically cultivated over decades in the domestic US prison system.

“The Meaning of ‘Life’: Long Prison Sentences in Context,” can be accessed at: www.sentencingproject.org.



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