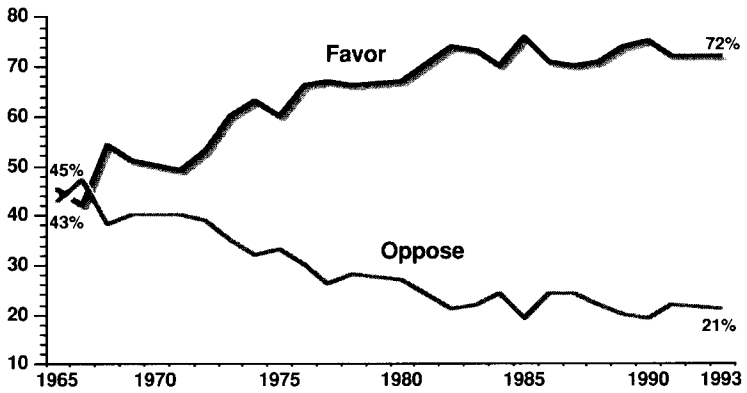
Crime and Punishment: America Changes Its Mind

By George Pettinico

In Singapore on May 5, 1994, Michael Fay, an American teenager, was caned for the crime of vandalizing cars. At first glance, one might expect that the proud citizens of the United States would be completely outraged by the thought of an American youth being systematically beaten by authorities in a foreign land. Historically, this would have been the most likely public reaction. In 1994, however, after decades of rising crime and violence throughout the nation, Americans have lost their tolerance for lawbreakers—no matter who or where they are. Their tolerance is so low, in fact, that in a May 1994 survey, a majority of Americans polled *approved* of the caning of the American teenager in Singapore, even when informed that this beating would most likely physically scar the youth for life.[1] Examining the broader picture, recent public opinion data clearly manifest that Americans are fed up with crime, so much so that most favor swift and harsh punishment for criminal offenders in the place of any attempt at rehabilitation or forgiveness. While two decades ago Americans overwhelmingly believed it was a society's duty to reform criminals and give them a second chance, today the public strongly feels wrongdoers should be effectively and severely punished for their crimes.

Figure 1
Growing Support for the Death Penalty



Question: "Do you favor or oppose the dealth penalty for persons convicted of murder?"

Note: Gallup data (1965 - 1971) "Are you in favor of the death penalty for persons convicted of murder?" NORC data (1972 - 1993) "Do you favor or oppose the death penalty for persons convicted of murder?"

Crime: Out Of Control

For the past several months Americans have regularly listed crime and violence as the number-one problem facing the nation, far surpassing worries over the economy or health care.[2] Despite the many government and community initiatives launched during recent years to reduce crime, most Americans see no improvement. In a 1993 poll asking respondents if they felt crime was increasing or decreasing in their areas, only 5% felt it was decreasing, a full 93% felt crime was either increasing or staying the same.[3] The media's extensive coverage of crime, especially the most brutal and horrific cases, have heightened the public's fear and anger over this issue to a near frenzy. When asked in January of this year, "How often do you see reports of violent crime on television?" 68% of respondents replied "almost every day."[4] Only 12% of the public is exposed to such reports "less than several times a week." As a result of this endless onslaught of crime coverage by the media, most people's attitudes towards crime are shaped more by the press than by personal experience. When asked in the same poll, "Are your feelings about crime based more on what you read, see and hear in the media or more on what you, your family and your acquaintances experience personally in your community?" 65% said the media, while only 21% felt real life experiences were most influential.

Although the media have played an important role in raising the public's awareness of lawlessness, crime in America is far from a media-created phenomenon. Government statistics support the image of a nation which has overwhelmingly lost the war against crime. For instance, in 1960 there were 161 reported violent crimes per 100,000 people. By 1992, the figure had jumped to 758 per 100,000—a rise of over 350%.[5] Arrests for violent crimes perpetrated by youths, perhaps the most disturbing development in criminal activity, have risen by 91% since 1970.[6] Of course, throughout our history America has often experienced periods of intense violence. Certainly, the anti-black violence in the post-Civil War south and the lawlessness of the western frontier quickly come to mind. Yet, Jesse Jackson effectively illustrated how the current crime wave surpasses even these shameful eras of the past when he stated that currently more African Americans are killed by one another *each year* than died during the *entire history* of lynching.[7]

Something is terribly wrong when a modern, civilized nation must confront statistics like these. The American public is demanding an end to this violence, and

surveys show that they believe swift and harsh punishment is the most appropriate and effective means to these ends.

From Rehabilitation to Punishment

Two decades ago, America was imbued with the belief that criminals could be, and in fact should be, rehabilitated and given every opportunity to start a new life. The corrections system, according to this view, was not meant to be a place of punishment but, instead, a place of education, job training and psychological counseling. The American people, in the early 1970s, strongly supported this view. In a 1971 Roper poll which asked Americans what they personally believed should be the main purpose of prisons, 76% of the respondents felt "the main purpose of prisons is to keep criminals separate from society until they can be rehabilitated and returned to society." Only 15% felt "the main purpose of prisons is to punish criminals and keep them away from the rest of society." Two decades of rising crime and violence have completely reversed the public's view regarding the purpose of the "corrections" system. Over the 1970s, 1980s and 1990s, ideas of rehabilitating criminals have steadily lost support, in favor of swift and harsh punishment (see Figure 2). The current result of this trend can be seen in a September 1993 *Los Angeles Times* national survey which asked people where government should make a greater effort—trying to "rehabilitate criminals who commit violent crimes" or "punish and put away criminals who commit violent crimes." Sixty-one percent opted for punishment, while only 25% favored rehabilitation. Clearly, the American public has changed its mind on this topic. [8]

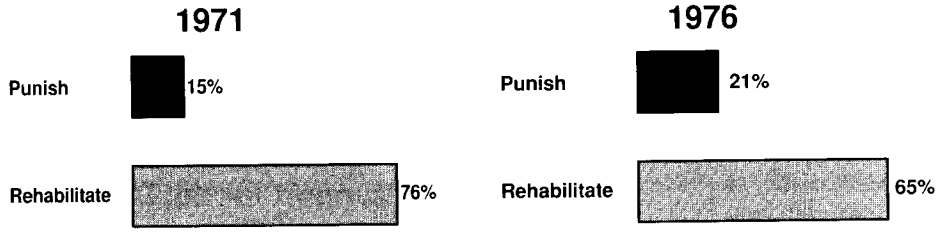
Increasing support for the death penalty also manifests the public's turn away from attempting to reform wrongdoers and toward amply punishing them. Capital punishment, most agree, is a penalty of retribution, certainly not one of rehabilitation. As trend data from Gallup and the National Opinion Research Center's General Social Survey (NORC-GSS) show, support for the death penalty for convicted murderers has increased substantially over the past two decades, from 42% in 1966 to 72% in 1993 (see Figure 1). Further trend data from the NORC-GSS offers a third piece of evidence displaying the public's increasingly punitive attitude towards crime. In 1972, the first year of the survey, when the public was asked, "In general, do you think the courts in [your] area deal too harshly or not harshly enough with criminals?" 66% felt courts did not deal harshly enough with criminals. This is certainly already a high amount of dissatisfaction with a lenient criminal justice system. Yet, a decade later (1982), the response to the same question shows a whopping 86% declaring the courts to be not harsh enough. Every year since then, with only one exception, over 80% of the public has steadily chosen the "not harsh enough" response to this question. Very few topics in the realm of public opinion show over 80% of the American public to be in agreement. A stable consensus seems to have been reached on this issue.

Finally, we move from trend data to some anecdotal evidence. In the early 1970s, prison riots were a serious problem nationwide. A Roper poll in October of 1971 asked the public how they felt this phenomenon should be handled, "Since the recent outbreak of riots in prisons around the country, there has been a lot of talk about what to do about the prison problem. I'm going to read you some statements about what might be done and for each one would you tell me whether you agree or disagree or have no real opinion about it?" Ninety-two percent of the respondents felt "rehabilitation and job training should be greatly increased for prisoners," 76% felt "the guards should be more understanding and humane," 67% felt "food, recreation and living conditions in prisons should be improved," and 56% believed "prisoners should be permitted to have their families visit them in private apartments within prison on occasional weekends." While the above statements were strongly supported by the public, more punitive options were decisively rejected. For example, only 33% felt "there should be more and tougher guards in prisons," and only 21% believed "there should be greater use of solitary confinement in prisons."

A February 1994 survey by Peter D. Hart Research presents a very different public. This poll dealt not with prison riots but with how to deal with convicted drug offenders. Less than half (49%) of the respondents voiced agreement when asked "Would providing drug treatment programs in prisons make a major difference in reducing drug-related crime?" Yet, over three-

Figure 2

Is the Primary Task of Prisons to Punish Criminals or Rehabilitate Them?



Source: Surveys by the Roper Organization, October 18-27 and March 20-27, respectively.

Note: For the full question text, see Endnote 12.

quarters (77%) agreed when asked "Would imposing mandatory prison sentences for drug-dealers make a major difference in reducing drug-related crime?" Americans in 1994 have lost the rehabilitative mindset which they religiously supported over two decades ago.

The public currently supports a hard-line approach to crime control because they believe it will be effective. When asked earlier this year, "Which one of the following do you think would be more *effective* in reducing crime—more education and training to create better economic opportunities, or better law enforcement and stricter punishment?" a strong majority (58%) chose the latter option, while only 29% selected the more "liberal," socio-economic solution.[9] Further, a February 1994 CBS poll asked people if they felt a "three strikes and you're out" plan (sentencing people convicted of three violent crimes to life in prison without parole) would help reduce crime, 71% said it would. The parole program, of course, is based upon the idea of reforming criminals and reintroducing them into society. The public's overwhelming support of legislation which denies parole to an entire class of offenders manifests their intense disillusionment with this central tenet of rehabilitation.

After twenty years of rising violence and lawlessness, Americans have replaced a "turn the other cheek" attitude of rehabilitation and second chances with one more in line with the age-old "eye for an eye" perspective stressing retribution and just punishment.

Demographics of the Debate

A demographic analysis was performed on the 1993 *Los Angeles Times* national survey which asked the public "Where does government need to make a greater effort these days: in trying to rehabilitate criminals who commit violent crimes or in trying to punish and put away criminals who commit violent crimes?" With only one exception, solid majorities in all demographic groups currently support a policy of punishing criminals rather than rehabilitating them.

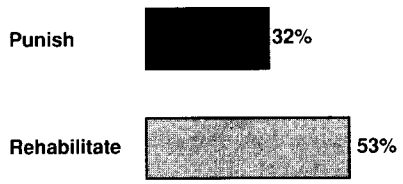
Examining various educational groups, the strongest preference for punishment over rehabilitation comes from those who have not completed high school (66%/18%). On average, support for the punitive approach dwindles as one's level of education increases. College graduates manifest the lowest support for the hard line approach (53%/31%), yet they still show majority approval for punishment, with less than one-third opting for rehabilitation. An analysis of age groups shows that as one gets older, one's belief in the "eye for an eye" approach to criminal justice increases. Roughly two-thirds of Americans over sixty want criminals punished; only 21% of this group think rehabilitation deserves any increased effort. The age group least supportive of the punitive option is those aged 18-29, yet they too show solid majority approval for punishment over rehabilitation (57%/33%).

Where one lives certainly affects one's attitude towards the purpose of corrections. Americans who live in large cities, the very people who directly experience the most criminal activity, strongly favor punishing wrongdoers (61%/28%). Americans residing in suburbs of large cities show a slightly more punitive attitude (64%/27%). Those most removed from violence and crime, small town residents, display more mixed feelings (53% punishment, 26% rehabilitation, 10% both).

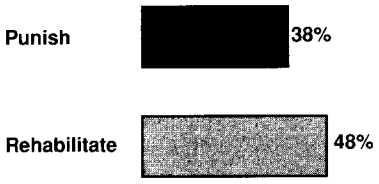
Both men and women overwhelmingly favor a punitive approach towards criminals. Of the two, men are slightly more supportive of punishment in the place of rehabilitation (65%/24%), but women are not far behind (57%/26%). The largest difference between demographic categories occurs among ethnic/racial groups. Whites, by far, are the most adamantly pro-punishment (65%/22%). Hispanics, as a group, are less one-sided, yet still register majority approval for punishment (56%/24%—with a significant 12% saying they "don't know"). The most interesting case occurs among African Americans, who appear to be evenly divided on the issue (46% favor punishment/45% favor rehabilitation). Government statistics show that blacks are the most common victims of violent crime, yet they also constitute almost half of the prison population.[10] Hence, it seems reasonable that this group would be very divided on this issue.

Government Tries To Catch Up

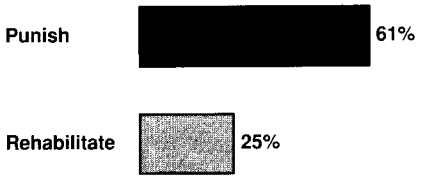
Politicians are attempting to "catch up" to American public opinion on this matter. However, in a nation where the



Source: Survey by the Roper Organization, March 29-April 5.



Source: Survey by the Gallup Organization, June 8-11.



Source: Survey by the *Los Angeles Times*, September 25-28.

average prison term for a convicted murderer is less than seven years, there is certainly a long way to go before the reality of our criminal justice system matches the punitive desires of the public.[11] Yet, Americans are demanding that their government adequately punish offenders in an attempt to restore, at least in part, the rights of liberty and safety that the law-abiding public feels it has lost. As a result, politicians from both parties, from cities and suburbs, and from all regions of the nation are scrambling to establish a tough position regarding crime. This summer the Congress passed, for the fifth time since 1984, a major crime reduction bill, which included more money for police officers and prisons, as well as a "three strikes and you're out" provision for federal crimes. At least thirty states are also examining the "three strikes" legislation for their criminal justice systems (as of July 1, eleven states have already instituted the law), with supporters including the conservative Republican governor of California, Pete Wilson, as well as the liberal Democratic Mario Cuomo of New York.

Simply put, Americans are fed up. They see crime rising all around them and, at the same time, they see a criminal justice system that, in their view, is far too lenient, lax and forgiving. In response, the public is demanding a stress on retribution over rehabilitation, long prison terms over early release, increased use of the death penalty, and placing the safety of society over the happiness of the incarcerated. Two decades ago, the public was intensely concerned with the rights and well-being of offenders. Now, however, when it comes to criminals, it appears that the American people have run out of cheeks to turn.

Endnotes:

[1]Fifty-one percent felt the punishment was appropriate, 43% felt it was too harsh (Hart & Teeter survey, April 30-May 3, 1994).

[2]See surveys conducted by the *LA Times*, January 15-19, 1994; Princeton Survey Research Associates, March 16-21, 1994; CBS News/*NY Times*, April 21-23, 1994; Louis Harris & Associates, May 23-26, 1994; Yankelovich Partners, June 15-16, 1994; Gallup, July 15-17, 1994.

[3]Louis Harris & Associates, June 24-29, 1993.

[4]*LA Times* poll, January 15-19, 1994.

[5]Kathleen Maguire, Ann L. Pastore, & Timothy J. Flanagen, eds., *Sourcebook of Criminal Justice Statistics 1992*, US Department of Justice, Bureau of Justice Statistics (Washington, DC: USGPO, 1993), p. 357.

[6]FBI, US Office of Juvenile Justice and Delinquency Prevention (in Ted Gest et al., "Violence in America," *US News & World Report*, January 17, 1994, p. 26). Author's note: Many academics and other observers believe such law enforcement statistics reflect not rising crime rates but rather stable crime rates, with the higher figures resulting from the increasing effectiveness of the police in uncovering crimes and also the increasing percentage of citizens willing to report crimes to authorities. This school of thought believes the National Crime Victimization Study, an annual personal survey of the population asking people if they have been victimized by crime in the past year, provides a more accurate measure of criminal activity (For the pros and cons of each method, see George Cole, "Making Sense of Crime Statistics," *Public Perspective*, Vol. 4, No. 3, 1993). The NCVS shows violent crime to have held generally steady since 1973.

[7]Ted Gest et al., p. 24.

[8] Scholars who study the criminal justice system have undergone a similar transformation. From the Progressive Era to the mid-1960s, most academic writing focused upon what was termed the "medical model" of dealing with criminals. During these decades, scholars believed that prisons should be rehabilitative communities which stress treatment and therapy, "...society is not protected unless prisoners are returned more efficient, more honest and less criminal than when they went in." (Benjamin Frank, "The American Prison: The End of An Era," *Federal Probation*, #43 (Sept. 1976); see also Karl Menninger, *The Crime of Punishment* (New York: Viking, 1969). As occurred within the general public, from the 1970s to the present the idea of rehabilitating criminals has been increasingly viewed as futile and/or unjust, and a turn towards retribution, or "just desserts" as the new model is called, has taken place. As Andrew von Hirsch wrote, "Someone who infringes the rights of others...does wrong and deserves blame for his conduct. It is because he deserves blame that the sanctioning authority is entitled to chose a response that expresses moral disapproval: namely, punishment." (Andrew von Hirsch, *Doing Justice* [New York: Hill & Wang, 1976], p. 49. See also James Q. Wilson, "Lock 'Em Up and Other Thoughts On Crime," *New York Times Magazine*, March 9, 1982).

[9]Hart & Teeter Research Companies, April 30-May 3, 1994 (Author's emphasis).

[10]Kathleen Maguire et al. For victimization rates, see p. 248. For prisoner demographics, see p. 613.

[11]Ibid, p. 656.

[12]**Roper question:** There are different opinions about the main purpose of prisons. Which one of the statements...comes closest to expressing *your point of view* on prisons? a) the main purpose of prisons is to punish criminals and keep them away from the rest of society, or b) the main purpose of prisons is to keep criminals separate from the rest of society until they can be rehabilitated and returned to society. **Gallup question:** In dealing with those who are in prison, do you think it is more important to punish them for their crimes, or more important to get them started "on the right road?" ***Los Angeles Times* question:** Where does government need to make a greater effort these days: in trying to rehabilitate criminals who commit violent crimes or in trying to punish and put away criminals who commit violent crimes?

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