

CRIME AND PUNISHMENT

Everyone knows that Harvard is difficult to get into. And everyone is right: in an average year over 20,000 hopeful young men and women apply, about 1800 are admitted and only about 1600 actually join the student body.

The other elite campuses are just as difficult as Harvard. In fact, anyone admitted to a university has every right to be proud.

There is, however, a national institution that is considerably more difficult to get into than Harvard, Yale or UCLA. Admission is not based on scholastic ability or affirmative action. It is based primarily on luck, requires no special skills and isn't a source of pride for most of the graduates.

The institution I have in mind is prison. Let me say it again: it is more difficult for a criminal to serve prison time than for a high school graduate to get into Harvard.

Wait a minute, you'll say, this doesn't make sense. Are you implying that all criminals – well, OK most criminals - don't serve time after they do the crime? That the candidates for district or state attorney offices who say that they have a 90% to 98% conviction rate are lying? That serving time is a matter of bad luck, rather than unavoidable punishment by a just and lawful society?

Yes, I do. And here are the facts from a non-political and totally credible expert, professor John J. Dilulio of Princeton, U. of Pennsylvania and other universities, a prominent scholar and distinguished author.

There are about 40 million crimes committed in the U.S. yearly. About 11 million of those are violent – robberies, murders, assaults, muggings, etc. These 11 million crimes result in 640,000 arrests – about 5% of the total. Of these about 180,000 go to trial and result in 165,000 convictions – and just like that you get the 90% - 95% conviction rate claimed by the ambitious prosecutors trying to get elected.

Only 100,000 or so of the convicted criminals go to prison and most serve less than half of the time they are sentenced to!

Just to make sure, here are the numbers again: 11,000,000 violent crimes = 640,000 arrests = 180,000 trials = 165,000 convictions = 100,000 thugs jailed. Put another way, a violent criminal has one chance in 110 to ever go to jail! Pretty good odds as compared to Harvard – there each applicant has one chance in 12 to get in.

Ninety percent of all convictions result from agreements between prosecution and defense in which 3 or 4 crimes are plea bargained down to just one crime, usually the least serious one. This often results in probation or a sentence to time already served. But even if they have to serve time, criminals are often out after serving less than half of their sentences.

An especially egregious example of this is the current scandal in Los Angeles County where the recently re-elected sheriff, Lee Baca, has over a period of 4 years released over 140,000 prisoners after serving as little as 10% of their sentence; L.A. prisons did not have enough room to hold them in conditions mandated by the courts.

A typical criminal will commit a dozen or so violent crimes during the year before being caught and 60% or so of criminals serving time have a previous criminal record and will commit crimes after being released. In 1950, the average time actually served for a serious crime was 50 days. By 1990 it was down to just 10 days – I have no statistics for what it is now.

About 20 years ago I was running a textile business in downtown L.A. Two guys broke through a door of our warehouse and were helping themselves to the merchandise. I confronted them, gun in hand, cuffed them to the wall and called the police. The cop was reluctant to arrest them.

“Did they take anything?” he asked.

“No,” I said, “they didn’t have a chance”.

“Well, then they were just trespassing – I can take them away but the sergeant will let them go,” he said.

He explained that the sergeant had to determine if this was a crime that would stand up in court and that, in most cases, he would release the detainees. If he kept them, the cases would be transmitted to the D.A.’s office where the lawyers

would determine if there was a chance at a conviction – if all the legalities were observed, if all witnesses would show up, if the crime was serious enough – and most would be let go. The remainder went to trial and after their weeding out the 90+% conviction rate was pretty much assured.

I talked the cop into taking the two guys to the station. About 15 minutes later I saw them go by our door. They stopped, looked in, smiled, waved and walked away.

My only consolation was that while they wouldn't go to prison, chances are that they wouldn't go to Harvard either.