Defending Justice Endnotes

Introduction, pp 1-12
Overview, pp 15-41
The Rise of the Tough on Crime Movement, pp 43-68
Criminalizing the Reservation and Movements for Sovereignty, pp 69-72
Faith and Religion, pp 93-124
Women and Reproductive Rights, pp 125-148
“War on Terrorism” and Immigrants, pp 149-174
Youth, pp 175-196
Victims’ Rights, pp 197-214
Profits from Incarceration, pp 215–226
Securing a Conservative Infrastructure, pp 227-240
Organizing Advice, pp 241-252
Introduction, pp 1-12


7 Ibid., p. 8.


9 Ibid., 10-11.

10 Ibid., 11.

11 Ibid., 53.

12 Ibid., 55-56.


Overview, pp 15-41
1. http://www.prisonfellowship.org
6. Ibid., 1.
8. Ibid., 173.
18. Unitarianism emerged as a theological tendency before the name itself was formalized.
Chicago: The University of Chicago Press.

22 Martin, op. cit., p. 6.


25 Ibid., p. 62.

26 Greven, op. cit., p. 199.

27 Lakoff, op. cit., p. 201.

28 Ibid., p. 203.

29 Ibid.

The Rise of the Tough on Crime Movement, pp 43-68


11 M. Katz, The Undeserving Poor: From the War on Poverty to the War on Crime (New York: Pantheon, 1989). Katz and others show that the focus on the alleged n=misbehaviors of the poor has been central to their reconstruction as an undeserving underclass. See also H. Gans, The War Against the Poor (New York: Basic Books, 1995); L. Morris, Dangerous Classes: The Underclass and Social Citizenship (New York: Routledge, 1994); and S. Schram, Words of Welfare: The Poverty of Social Science and the Social Science of Poverty (Minneapolis: University of Minnesota Press, 1995).


Praeger, 1994), 70).


20 R. Bayer, “Crime, Punishment and the Decline of Liberal Optimism.”


24 E. Epstein, *Agency of Fear*.

25 D. Baum, *Smoke and Mirrors*.

26 Only when faced with “exigent circumstances”—a situation in which a suspect may have concealed a weapon or been able to easily destroy evidence—were law enforcement agents permitted to seize evidence without a warrant. See J. D. Davey, *The New Social Contract: America’s Journey from the Welfare State to the Police State* (Westport, Conn.: Praeger, 1995).


30 Ibid., 107.

31 However, Bertram et al. (Drug War Politics: The Price of Denial) point out that although Presidents Ford, Carter, and (later) Clinton did not emphasize the crime and drug issues, neither did they attempt to reverse the expansion of the criminal justice system or issue any fundamental challenge to the logic of the wars on crime and drugs. Drug law enforcement budgets, for example, continued to increase and reached $855 million by 1980 (Bertram et al., 110). The fact that criminal justice institutions continued to expand during these times of relative political quiet, they argue, reveals the ability of those bureaucracies with law enforcement responsibilities to influence the political agenda:

a. When Presidents such as Nixon, Reagan and Bush [Sr.] wanted to escalate drug enforcement, this drug control apparatus provided them with a form basis and allies….But even during times of relative calm… the drug control bureaucracy has
exerted pressures to sustain and even expand the drug war (Bertram et al., 126).


42 D. Baum, *Smoke and Mirrors*, 145.


44 D. Baum, *Smoke and Mirrors*, 221.


47 Ibid., 217.


50 Ibid.


54 Windelsham, Politics, Punishment and Populism, 50. Windelsham further argues that ultimately, the Congressional Black Caucus’s main accomplishment was to sustain funding for prevention efforts, minimal as it was.


56 Windelsham, Politics, Punishment and Populism, 68.

57 H. Idelson, “Tough Anti-crime Bill Faces Tougher Balancing Act,” Congressional Quarterly Weekly Reporter, January 29, 1994, 171-173. A small group of liberal Democrats in the Senate did propose an alternative package aimed at improving police training, abolishing mandatory sentences statutes, and tighten gun restrictions. Members of the Congressional Black Caucus also criticized this proposed legislation, especially its rejection of the Racial Justice Act, which would have allowed defendants to use evidence of racial bias to challenge their death sentences. Neither of these efforts was ultimately successful.


61 Windelsham, Politics, Punishment and Populism.


64 Ibid.


69 Ibid.


Defending Justice Endnotes and Citations


77 The Harrison Narcotics Act of 1914 established federal authority to prosecute the use and sale of certain psychoactive drugs.

78 In 1912 the first international Opium Convention meets at The Hague, and recommends various measures for the international control of the trade in opium. Subsequent Opium Conventions are held in 1913 and 1914.

79 In 1914 the U.S. Congress adopted the Harrison Narcotics Act, the first federal law to impose registration and record keeping requirements on the production and sale of opiates and cocaine. The Harrison Act was the implementation of the Hague Convention of 1912, which called upon signatories to enact domestic legislation controlling narcotics supplies and distribution.

80 "Colored students at the Univ. of Minn. partying with female students (white), smoking (marijuana) and getting their sympathy with stories of racial persecution. Result pregnancy. Two Negroes took a girl fourteen years old and kept her for two days under the influence of marihuana [sic]. Upon recovery she was found to be suffering from syphilis" Inciardi, J. A. *The War on Drugs: Heroin, Cocaine, Crime, and Public Policy* (Palo Alto, Calif.: Mayfield Publishing Company, 1986).


85 Ibid.

86 Ibid. According to Harcourt (“Reflecting on the Subject”), the number of complaints of police brutality received by the New York City Civilian Complaint Review Board rose from 3,580 in 1993 to 5,550 in 1997.


Criminalizing the Reservation and Movements for Sovereignty, pp 69-72


6 Ibid.


8 Ibid.


10 Ibid.

11 U.S. Commission on Civil Rights, 68.

12 U.S. Commission on Civil Rights, 68.

13 U.S. Commission on Civil Rights, 68.


15 Ibid.


17 See http://www.uscourts.gov/ttb/jan04ttb/vi/.


19 Families Against Mandatory Minimums, “Understanding Booker and Fanfan: Federal sentencing guidelines are advisory, but mandatory minimums still stand.” See
Surveillance of Justice

Endnotes and Citations

12


27 Cited in Peterman, “Indian Tribal Sovereignty.”


29 Smith, “Why Indians are Second Class Citizens.”.

30 Ibid.

31 Cited in Peterman, “Indian Tribal Sovereignty.”

32 Ibid.


35 Ibid.

36 Ibid.


41 Shortridge, “Sovereignty and Civil Rights.”

Defending Justice Endnotes and Citations
42 See, for example, CERA and Upstate Citizens for Equality.
Faith and Religion, pp 93-124

1 Andrea Lee Smith, “Bible, Gender and Nationalism in American Indian and Christian Right Activism.” PhD dissertation, Department of History of Consciousness, University of California, Santa Cruz, 2002, 91-92

2 Smith, “Bible, Gender and Nationalism,” 92


5 Ibid.


7 Colson, “A Worldview that Restores.”

8 Prison Fellowship, “About Prison Fellowship.”


11 Prison Fellowship, “About Prison Fellowship.”


20 Prison Fellowship, “Angel Tree Fact Sheet.”

21 Prison Fellowship, “Angel Tree Fact Sheet.”

23 Prison Fellowship, “Introduction to Angel Tree.”


25 Prison Fellowship, “Prison Fellowship’s Prison Programs.”


28 Ibid.


30 Smith, “Bible, Gender and Nationalism,” 106.


32 Smith, “Bible, Gender and Nationalism,” 106

33 Ibid.


35 Smith, “Bible, Gender and Nationalism,” 106.


37 Smith, “Bible, Gender and Nationalism,” 106.


45 Colson, Life Sentence, 189.

46 David Carlson, “The Face of Justice, A Note from the Editor,” http://www.pfm.org,
(accessed March 18, 2004).

47 Ibid.

48 Smith, “Bible, Gender and Nationalism,” 136-137.

49 Smith, “Bible, Gender and Nationalism,” 144.

50 Smith, “Bible, Gender and Nationalism,” Ch. 2, “Set the Prisoners Free: The Christian Right and the Prison Industrial Complex.”

51 Ibid.

52 Ibid.

53 Ibid.

54 Ibid.

55 Ibid.

56 Ibid.


64 Colson, Changed Hearts, 31.

65 Charles Colson, Life Sentence (Grand Rapids: Fleming H. Revell, 1979), 18, 64, 85, 109, 248, 256.

66 Colson, Life Sentence, 84.

67 Colson, Life Sentence, 116.


Defending Justice Endnotes and Citations


72 Roy Maynard, “By Man Shall His Blood Be Shed,” World, March 16, 1996, 17. Interestingly, however, World ran another article arguing that the war on drugs was a bust.


75 As William Boggess, an evangelical ex-inmate, notes, while conversion to Christ was central to his change in life, the system still conspired to prevent him from being effective in changing the lives of other prisoners. “I ran afoul of ‘the system’ which is setup to punish and not to rehabilitate.”


83 Colson, Life Sentence, 117.

84 Colson, Life Sentence, 18, 57, 85, 292, 188.

85 Colson, Life Sentence, 279.


87 Phillip Hammond and James Hunter, “On Maintaining Plausibility: the Worldview of Evangelical College Students,” Journal for the Scientific Study of Religion 23 (3) 1984, 221-238. Phillip Hammond and James Hunter argue that the processes of education have the tendency to shift the religious beliefs of evangelicals, noting that even the process of education in evangelical institutions generally tend to convert evangelicals into non-evangelicals. Of course, this study was conducted before the full force of the fundamentalist takeover of the Southern Baptist Convention was felt, in which many of the more liberal professors in these prominent evangelical educational institutions were fired and replaced by hardcore fundamentalists.


89 Cleaver, “Soul on Grace,” 37.


92 Ibid.


95 See “The Muslim Program” on the Nation of Islam website at [http://www NOI.org/program.html](http://www.NOI.org/program.html).


99 Alex Todorovic, “They Call themselves Five Percenters, the Department of Corrections calls them Trouble,” See [http://www scpronet .com/point/9604/p06.html](http://www scpronet .com/point/9604/p06.html).


111 Daly, “Charitable Choice,” 3.


113 Daly, “Charitable Choice,” 6.

114 Wilayto, “The Bradley Foundation.”
115 Wilayto, “The Bradley Foundation.”


117 Wilayto, The Bradley Foundation.


121 Daly, “Charitable Choice,” 3.


123 Wilayto, “The Bradley Foundation,”

124 Wilayto, “The Bradley Foundation”

125 Wilayto, “The Bradley Foundation,”

126 Daly, “Charitable Choice,” 5.

127 Daly, “Charitable Choice,” 5.
Women and Reproductive Rights, pp 125-148


5 May, 97.

6 Smith, “Better Dead than Pregnant,” 123-46; Lawrence, “The Indian Health Service.”

7 May, 97.


9 Smith,142; see also Lawrence.

10 May, 58.


15 This figure is based on the 23 states for which Allard could obtain data.

16 Ibid.


29 Gumbel, “America’s New Family Values.”


32 Gumbel, “America’s New Family Values.”


35 Stryker, “Cracking Down.”

36 Gumbel, “America’s New Family Values.”
37 Lynn Paltrow quoted in Gumbel.
38 Gumbel, “America’s New Family Values.”
39 Yeoman, “Surgical Strike.”.
40 Stryker, “Cracking Down.”
42 An advertisement in the Columbia Daily Spectator offered $50,000 to a woman with a height of at least five feet seven inches and SAT scores of at least 1300. (Quoted in Rebecca Mead, “Eggs for Sale,” The New Yorker, August 9, 1999.
43 Quoted in “Mothers Paid to Stop Having Children,” Marie Claire, December, 1998.
44 Katha Pollitt, “‘Fetal Rights’: A New Assault on Feminism,” The Nation, March 26, 1990, 410-11.
51 Rachel Roth, Making Women Pay, 194.
52 Ibid., generally.
53 Ibid., chapter 2.
“War on Terrorism” and Immigrants, pp 149-174


2 Natsu Taylor Saito, “For ‘Our’ Security: Who is an ‘American’ and What is Protected by Enhanced Law Enforcement and Intelligence Powers?” *Seattle Journal for Social Justice* 2(1)(2003): 24. In November 2003 the Supreme Court granted certiorari for the limited purpose of deciding whether federal courts have jurisdiction in such cases, and in June 2004 held that the Guantánamo detainees and those deemed “enemy combatants” inside the United States have a right to challenge their designation before a judge or other “neutral decision-maker.” Thus, the Court has confirmed that the judiciary has some responsibility to review the government’s actions, at least acknowledging the role assigned it under the Constitution. Federal courts now have the opportunity to decide whether they will invoke the plenary power doctrine [that gives Congress and the Executive authority] or its “military necessity” equivalent to avoid ruling on the substantive issues of law. In *Rasul v. Bush* and *Al Odah v. Bush*, the Court held that the Guantánamo detainees have a right of access to U.S. courts. In *Hamdi v. Rumsfeld*, the Court said Hamdi has the right to contest his designation as an “enemy combatant” in federal court. In *Rumsfeld v. Padilla*, the Court said that Padilla should have filed in the federal district court in South Carolina, where he is being held, rather than in New York, so he will have to refile his legal challenge. Based on the Hamdi case, however, it seems likely that the Court would find that he has a right to contest his indefinite detention. See Linda Greenhouse, “Justices Affirm Legal Rights of ‘Enemy Combatants’; Access To Courts; Ruling Applies to Those Held Either in U.S. or at Guantánamo,” *New York Times*, June 29, 2004.


7 Ibid., 24.


10 Dunn, *The Militarization of the U.S.-Mexico Border*. For additional information about border enforcement, see the website of the Transactional Records Access Clearinghouse, Syracuse University [http://trac.syr.edu](http://trac.syr.edu).


18 Ratner, “Moving Towards a Police State.”


21 Ibid., 162.


26 Ibid., 109.

27 Ibid., 153.

28 Ibid., 150.

29 Ibid., 152.


31 Ibid.

32 Ibid., 69.


35 Kathryn Casa, “Operations TIPS, the Terrorism Information and Prevention System,” July 2002


Youth, pp 175-196


4 Ibid., 18-81.


7 Mike Males, “Criminalization of Youth,” Unpublished manuscript on file at PRA, 1.

8 Ibid., 4-5.

9 Ibid., 5.

10 Jane Twomey, “Media Fuels Fear about Youth Crime; Perception: If Juvenile Crime is at its Lowest Level in Decades, why do so Many Americans Believe Otherwise?” *Baltimore Sun*, May 13, 2001, 1C.


12 Martha Shirk, “Disaster in Making: Crack Babies Start to Grow Up,” *St. Louis Post-Dispatch*, 18 September 18, 1990, 1A.


16 Drew Humphries, *Crack Mothers, Pregnancy, Drugs, and the Media* (Columbus: Ohio State University Press, 1999), 21, 42-47.


18 Ana Teresa Ortiz and Laura Briggs, “The Culture of Poverty, Crack Babies, and Welfare Cheats,”
19 Humphries, Crack Mothers, 42.


21 Ortiz and Briggs, 39.

22 Ibid., 47.


26 Bennett, Dilulio, and Walters, 26.


29 Bennett, DiIulio, and Walters, 27.


33 Ibid., 338-9.

34 Ibid., 93.

35 Ibid.


47 Ibid., 373.


50 Ibid., 16.

51 Ibid., 13.

52 Ibid., 15.


58 Ibid.


65 Ibid.

66 Ibid.


Victims’ Rights, pp 197-214

10 Ibid, 7.
14 Elias, *Victims of the System*, 3-4.
17 Weed, *Certainty of Justice*, 22-25.
18 Freinkel and Smith, *Adjusting the Balance*, 19.
22 Ibid.
25 Ibid.
26 Ibid.
27 Ibid.
31 Ibid.
34 Dubber, *Victims in the War on Crime*, 3.
35 Dubber, *Victims in the War on Crime*, 5.
36 Dubber, *Victims in the War on Crime*, 5-6.
39 Ibid.
40 Ibid.
Profits from Incarceration, pp 215–226


5 Macallair, “Prisons: Power Nobody Dares Mess With.”


7 Ibid.

8 Institute of Governmental Studies, “Hot Topic.”


13 Walters, “Some Things Never Change.”

14 *San Diego Union-Tribune*, “Deal with the Governor.”


16 CCPOA, “In the Beginning.”

17 Institute of Governmental Studies, “Hot Topic.”


33 Ibid.
34 Ibid.
35 Ibid.
Securing a Conservative Infrastructure, pp 227-240


7 Kiger, Hidden Agendas, pp. 5-10.

8 Kiger, Hidden Agendas, pp. 11-14.


11 The Washington Legal Foundation is also a conservative public interest law firm that emphasizes the free market. Its advisory board includes (or has included) Ted Olson (George W. Bush’s solicitor-general, who was his lawyer in the Florida ballot case against Al Gore), Haley Barbour (former chair of the Republican National Committee), Former Governors Tommy Thompson (R-WI), George Allen (R-VA), and William Weld (R-MA), Dick Thornburgh (George Bush’s attorney-general), and Rep. Tom Campbell (R-CA). See Derk Arend Wilcox, The Right Guide: A Guide to Conservative, Free-Market, and Right-of-Center Organizations (Ann Arbor, MI: Economics America, 2000), pp. 343-344.

12 See the section “A Brief History of CIR” on its website. http://www.cir-usa.org/history.html.


18 On some of George W. Bush’s earliest nominees who are neither moderate nor centrist see the People
for the American Way website


21 See the press release by Nan Aron, President of the Alliance for Justice, criticizing the Bush Administration for excluding the ABA. http://www.afj.org/jsp/news/abarelease.html.


23 Ibid. The report also notes that while Clinton appointed more non-White and female judges than all of his predecessors combined, his appointments did not necessarily restore the ideological balance in the judiciary as most of his nominees were moderate centrists.
Organizing Advice, pp 241-252

4 Id. See also, Kathryn Watterson, WOMEN IN PRISON: INSIDE THE CONCRETE WOMB 194-199 (rev. ed. 1996) (documenting how the work of reformists concerned with the sexual and physical abuse of women in co-ed prisons eventually led to the creation of multiple federal and state prisons ad county jails for women).