

Comprehensive Examination

Criminal Justice Policy

August, 2016

Two questions. Answer both, but choose ONE part of the question to answer. Do not write about every topic; choose one topic from the list in each question.

Question #1

Gun regulation continues to be a topic of debate in the USA following the killing of 49 people in Orlando, Florida in June. Despite pressure to pass a bill limiting the sale of guns to people who the Federal Bureau of Investigation (FBI) have placed on terrorist “watch lists,” Congress has refused to take any action. In the year preceding the Orlando shooting, three other shootings were in the news (nine people attending a church Bible school in Charleston, SC; 14 people killed at an office party in San Bernardino, CA, two reporters shot during their TV broadcasts in SC) and the Sandy Hook elementary school massacre of schoolchildren in 2013 was regularly referenced.

In response to these shootings, the National Rifle Association, which is a powerful interest group involved in resisting gun regulation, has issued many public statements. Analyze ONE of the following statements, with reference to political theory, i.e., analyze *why* the speaker is saying this. That is, explain and critique the theory upon which the NRA speaker is relying. (You are not asked to give your opinion about the content of *what* the NRA speaker is saying.)

Statement #1: Colion Noir, a commentator and web series host for the NRA, said on his show that Obama and Hillary Clinton were exploiting the emotional toll of the shooting to influence tighter gun control policies. "They try to take advantage of people's ignorance about guns and their emotional response to horrible events to win votes and push an agenda that fosters an unhealthy dependence on the government," Noir said.

Statement #2: President Obama made a speech before the Orlando shooting occurred, supporting the bill then before Congress which would have prohibited any person on the FBI's terrorism watch list from buying a firearm. After the shooting, some members of Congress filibustered (shut down the Congress) until Republicans would agree to pass the bill, but they were unsuccessful. In its opposition to the bill, the NRA referred to this information:

“The watch list is secret and generated at the government’s discretion. It is not a list of people convicted of terrorism crimes. The list of about 450,000 people includes suspected members of al-Qaida and other terrorist organizations, terror financiers, terror recruiters and people who attended training camps. People’s names are added to and removed from the watch list every day” but they do not know it. (from the Associated Press, June 14, 2016.)

Statement #3: The Sandy Hook Elementary School shooter, who killed twenty children, four teachers, his mother and himself, was a young man named Adam Lanza. While a third-grader at Sandy Hook, he had been evaluated by the Yale Child Study Center and diagnosed with Asperger's syndrome and also obsessive-compulsive personality disorder. His mother refused to put him on medication, and by 8th grade she kept him home for home-schooling. Some of that schooling included shooting at a local gun range. Lanza used two of his mother's many guns to commit the massacre and suicide.

Congress responded by passing the Mental Health and Safe Communities Act, which requires states to send a federal agency the records of people who have been involuntarily committed to mental health facilities, so that background checks would prevent these people from buying guns. The NRA supported the bill because it had amendments stating that former hospitalization for mental disorders, or hospitalization in Veterans' Administration facilities for post-traumatic stress disorder, cannot automatically disqualify a person from buying a gun. Senator John Cronyn, who introduced the bill and is a strong supporter of the NRA, explained:

“Most people with mental illness will never be dangerous. However, there are certain factors based on observed behaviors that indicate a person is at greater risk for future violence. One of these is being involuntarily hospitalized. However, when a person is discharged, that means the mental health professionals agree that the person is fit to function as a law-abiding member of the community. That person should be permitted to buy a gun.”

Remember: choose ONE of these statements and analyze it with regard to the underlying political theory upon which it rests.

Question # 2

Incarceration in the United States is declining. In 2015, the incarceration rate dropped seven percent from the 2014 rate, a trend which began in 2012. Why?

Researchers have determined that 27 states have significantly reduced either their jail or prison populations, or sometimes both. But they did it in different ways, concentrating on different programs or legislative changes from various components of their criminal justice systems.

In *no more than two paragraphs*, discuss the underlying reasons that incarceration rates in the United States became much higher than those in other countries over the past forty years. Next, choose *one* response from the following list of justice system responses to mass incarceration and explain how that program or law works and why it could contribute to reduction in incarceration rates.

- Decriminalization of drug use
- Changing policies about police discretion to arrest
- Sentencing reform
- Bail reform