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Life without parole
The story of Liam Q.
by Jens Soering

In 1981, at the age of 17, my friend Liam Q. did what many adventurous Kansas farm boys do: he joined the U.S. Navy to see the world. His test scores marked him for further training in a technical specialty, but Liam wanted to steer an aircraft carrier, so the navy made him a helmsman. Even today he gets excited when describing the delicate maneuvers required for a ship-to-ship resupply in rough seas.

As every sailor knows, shore leave is the most dangerous part of any cruise. This turned out to be true for Liam. At the naval base in Norfolk, Virginia, he fell in love with an older woman and was convicted of shooting her husband. In 1983, at the age of 19, he embarked on a different kind of cruise: a life sentence "up the river."

Liam was a typical murderer in two respects: he was young, and he knew his victim. Most homicides are committed not by strangers, but by young people who lash out at friends or family. These acts are often difficult to comprehend; they frequently are attributable to a confusing mixture of youthful angst, raging hormones, alcohol and drugs.

In those days, lifers entering the prison system were given a fairly standard orientation speech by their counselors. "Son, I know life seems hopeless right now," they were told, "but I am here to tell you that there is light at the end of the tunnel. If you keep your nose clean and don't break the rules—and if you do something to improve yourself while you're in here—then you can expect to leave this place one day. You're going to come up for parole for the first time 15 years from now, and of course you're not going to make it. But there's a good chance you'll make it on your third or fourth parole attempt, when you've served 18 or 19 years, if you can show the parole board that you've changed. So you can make it through this life sentence if you'll try."

That speech is no longer being given to fresh fish like Liam in many places today, because parole was abolished in a number of U.S. states during the 1990s and educational programs behind bars have been severely cut back.

But before we examine the shifting tides of correctional philosophy, let us spend a few moments to consider the old-fashioned, much-maligned, now vanishing parole system under which Liam began his sentence. What should strike us immediately is that it rewarded individuals for individual performance—the essence of applied conservative social theory. By contrast, consider the modern no-parole system, under which prisoners must serve a predetermined number of years—or, in the case of lifers like Liam, their entire lives—regardless of whether they better themselves or not. This is a case of one-size-fits-all bureaucratic thinking—individual differences, performance and initiative are sacrificed to the system.

Fortunately for Liam, parole still existed when he entered the Virginia Department of Corrections in 1983. Thus he began his life sentence with some version of the prison counselor's speech above, with light at the end of a very long tunnel.

At first, he ignored that distant hope completely. Prison affords a variety of opportunities to indulge despair, including every kind of drug imaginable, homebrewed alcohol, the tattoo subculture, situational

homosexuality, gambling in its many forms, and the Dungeons & Dragons subculture. Liam fell prey to some of these dubious delights, as the Celtic tattoos on his biceps still attest. Since he could see no future, his present descended into near-total darkness.

Then, some years into his sentence, Liam ran across *The Autobiography of Benjamin Franklin*—and his life changed. Across a 200-year divide, Ben Franklin, the archetypal American self-made man, persuaded a hopeless, young, life-sentenced convict that anyone could bootstrap his way out of misery. All it took was consistent hard work and the relentless pursuit of knowledge. Much like other inmates who read the Bible and find Jesus, Liam had discovered a good book and a savior. And Liam actually practiced what Franklin preached. One week at a time, Liam strove to acquire each of Franklin's 13 virtues, like thrift and prudence. Once he completed the list, he began anew, repeating the cycle four times annually. Liam followed this program for years.

A central feature of Franklin's philosophy was the importance of lifelong learning, whether the subject be new agricultural methods or the nature of electricity. While Liam did not go so far as to fly a kite in a thunderstorm, he did enroll in a four-year apprenticeship program as an electrician. His evenings were spent at community college classes, then still widely available and free of charge. After earning his degree, he studied Spanish, mathematics, physics and the real estate business through mail-order texts paid for by family members. Later he taught other prisoners these subjects at night—for a small gratuity, of course, since his mentor, Franklin, was also an astute entrepreneur. For fun and relaxation Liam learned how to crochet and cross stitch, on the principle that no skill is too humble for a true Renaissance man.

Around this time in the late 1980s, the first few computers began to filter into the correctional system. Prison administrators had little use for or interest in these strange new devices, but Liam was entranced by them. He ordered yet more textbooks through the mail and soon was in a position to explain to staff members how to operate their PCs. In the prison's maintenance department, where Liam had been working as a fully qualified electrician, the civilian supervisors made him their on-site information technology specialist, and he streamlined and computerized all processes from the ordering of spare parts to the scheduling of work orders. Word spread, and soon security staff started coming to him for help, too.

In the penitentiary, guards usually reward inmates for such extraordinary services with packs of cigarettes, bags of sugar (to brew "mash"), hardcore pornography or even drugs. The only payment Liam wants is more time on the computer, so he can keep on refining his skills.

Because Liam became particularly adept at desktop publishing, a reform-minded warden asked him a few years ago to manage and edit a quarterly newsletter for the inmate population. Liam turned this into his version of *Poor Richard's Almanack*, a compendium of practical advice ("how to avoid athlete's foot in penitentiary showers") and editorials on the power of positive thinking ("it's all about the choices we make"). The newsletter's banner would have made Ben Franklin proud: "To Encourage—To Inform—To Educate—To Inspire."

But for the past two years, Liam's energy for bootstrapping has been lagging. His newsletters appear less frequently. When I asked him recently to write down some aphorisms of Franklin's, he chose this one: "He that lives upon hope will die fasting." Having followed Franklin's gospel of perpetual self-improvement for more than two decades, Liam is discovering that there are some holes so deep that no amount of self-improvement can lift you out.

The promise Liam's prison counselor made in 1983—that he could expect to be paroled after 19 years if he could demonstrate change—was broken in 2002. At this writing, Liam is in the 25th year of his incarceration, and there is no realistic prospect of release—ever. So he is slowly slipping back into the state of complete despair in which he began his life sentence.

What has brought Franklin's most faithful disciple so low? Parole abolition, also known as "truth in sentencing," is a criminal-justice fad that swept the nation in the mid-1990s. Forty states enacted truth-in-sentencing statutes, which require felons to serve as much as a full 85 percent of their prison terms without any chance of parole; life sentences now truly mean life. At the time this sounded like a good, conservative, law-and-order response to crime. The Violent Crime Control and Law Enforcement Act of 1994 offered prison construction grants and other financial incentives to states that passed truth-in-sentencing bills. Virginia's Republican governor (and later U.S. senator) George Allen was among the first to take the bait, abolishing parole in 1995. Now, the Virginia Department of Criminal Justice Services reports, "a large number of violent offenders are serving two, three or four times longer under truth-in-sentencing than criminals who committed similar offenses under the parole system."

The no-parole policy technically applies only to those offenders sentenced after the passage of the truth-in-sentencing statute. For a so-called old-law prisoner like Liam, the possibility of parole still exists in theory. But the Virginia parole board and its counterparts across America took careful note of the signs of the times—board members are political appointees—and dramatically cut back the number of discretionary discharges. In Virginia, for instance, the parole grant rate for all eligible male convicts typically ranges around 2.9 percent. The figure for lifers is close to 0 percent.

By virtually eliminating parole even for those life-sentenced inmates who are technically still eligible, Virginia is merely following a strong nationwide trend. The Sentencing Project reports that U.S. penitentiaries held 127,677 lifers in 2004, of whom only a few dozen are paroled each year. In California, with the nation's largest prison system, a federal district court found in 2005 that the parole board "operated under a sub rosa policy that all murderers [typically serving life terms] be found unsuitable for parole." According to the *New York Times*, "The United States has created something never before seen in its history and unheard of around the globe: a booming population of prisoners whose only way out of prison is likely to be inside a coffin."

The Bureau of Justice Statistics has determined that lifers released prior to 1995 have the lowest recidivism rate of any group of offenders—less than one-third the rate of property or drug offenders, for instance.

One simple but important reason that lifers on parole pose such a low risk is their age: even before truth-in-sentencing, virtually no lifers were released until they reached their late 30s. By that time, they had aged out of their crime-prone years, explains Virginia's attorney general Robert F. McDonnell: "Most serious crimes are committed by people between the ages of 18 and 32."

If abolishing parole for lifers does not make America's streets appreciably safer, what can explain the continuing popularity of this policy? That question has many answers: a punitive (as opposed to restorative) concept of justice, fear of crime, ignorance of criminological statistics, unfamiliarity with actual lifers like Liam, displaced aggression and frustration, and so on. What is often overlooked, however, is the role of money.

When the truth-in-sentencing concept was invented in the early 1990s by the American Legislative Exchange Council, it received massive federal support, making parole abolition its most successful legislative venture ever. On the committee that created the model statute sat representatives of the Corrections Corporation of America (CCA), one of the leading private prison operators in the nation.

Taxpayers see the \$63 billion-a-year correctional system as another expensive government bureaucracy; each convict is an additional financial burden. Companies like CCA, on the other hand, see jail and prison budgets as a recession-proof goldmine; every inmate is worth \$22,650, the annual per capita cost of incarceration. With 2.3 million convicts in the U.S., the money-making opportunities are extraordinary.

Beyond the CCA, the economic boon goes farther. Building the physical infrastructure to house this population affords \$4.3 billion annually. Feeding convicts is the key to Aramark Correctional Services' success. The world's third-largest food services company provides a million meals a day to inmates in 1,500 private and government-operated facilities. Managing prison infirmaries is a business worth \$2 billion per annum to Correctional Medical Services and Prison Health Services. Providing telephone services to convicts earns AT&T, Verizon, Sprint and others \$1 billion a year. Putting inmates to work in factories and call centers behind walls generates another \$1.5 billion worth of goods and services annually.

The financial incentive to keep lifers like Liam in prison is especially great. These men and women inevitably develop age-related medical problems as they grow old, raising their annual per capita cost of incarceration to \$69,000. Once again, taxpayers may see this as bad news, but companies see a \$69,000-a-year inmate as a cash cow.

Consider all the special, additional requirements of elderly convicts: wheel-chair accessible dormitories, hip replacement surgery, low sodium and diabetic diets, etc. Is it any wonder that prisoners aged 55 and over are one of the fastest growing demographic groups in the correctional population? By 2025, one in four inmates will be elderly—a bonanza for the prison industry. Already 35 states have built so-called geriatric prisons, and 29 have even set up end-of-life units. In all likelihood, that is where Liam will die a few decades from now.

Ironically enough, the best hope of help that inmates like Liam may have comes from someone who once worked hard to enact truth-in-sentencing: Mark L. Earley, the former Republican attorney general of Virginia and current president of Prison Fellowship Ministries (PFM). During his ten years as state senator and four as attorney general, Earley spent most of his time "working on how to put more people in jail and keeping them there longer," he said in a speech at the Washington Convention Center. "I really pretty much had the view that prisoners were at the end of the line—that if you were in prison, you had no hope, you'd made a mess of your life, and it was better for me that you were there, because my family could be safe."

But Earley's attitude changed when he joined PFM following his 2001 defeat in Virginia's gubernatorial election. Riding his Harley-Davidson motorcycle from penitentiary to penitentiary to hold worship services, he met some of the men and women affected by truth-in-sentencing and similar policies. "I've seen an awful lot of prisoners that committed crimes in their late teens, early 20s," Earley told the *Virginian-Pilot*. "What happened was a terrible act of misguided youth. . . . Now they're in their 40s or 50s and they shouldn't be in prison any more." Earley gives newspaper interviews and appears on public television to lobby for change. "After a significant period of the sentence is served," he asks, "should we provide some opportunity for a look back?"

Jens Soering's book *The Convict Christ: What the Gospel Says About Criminal Justice* (Orbis, 2006) won first prize in the "social concerns" category in the 2007 Catholic Press Association Awards.

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