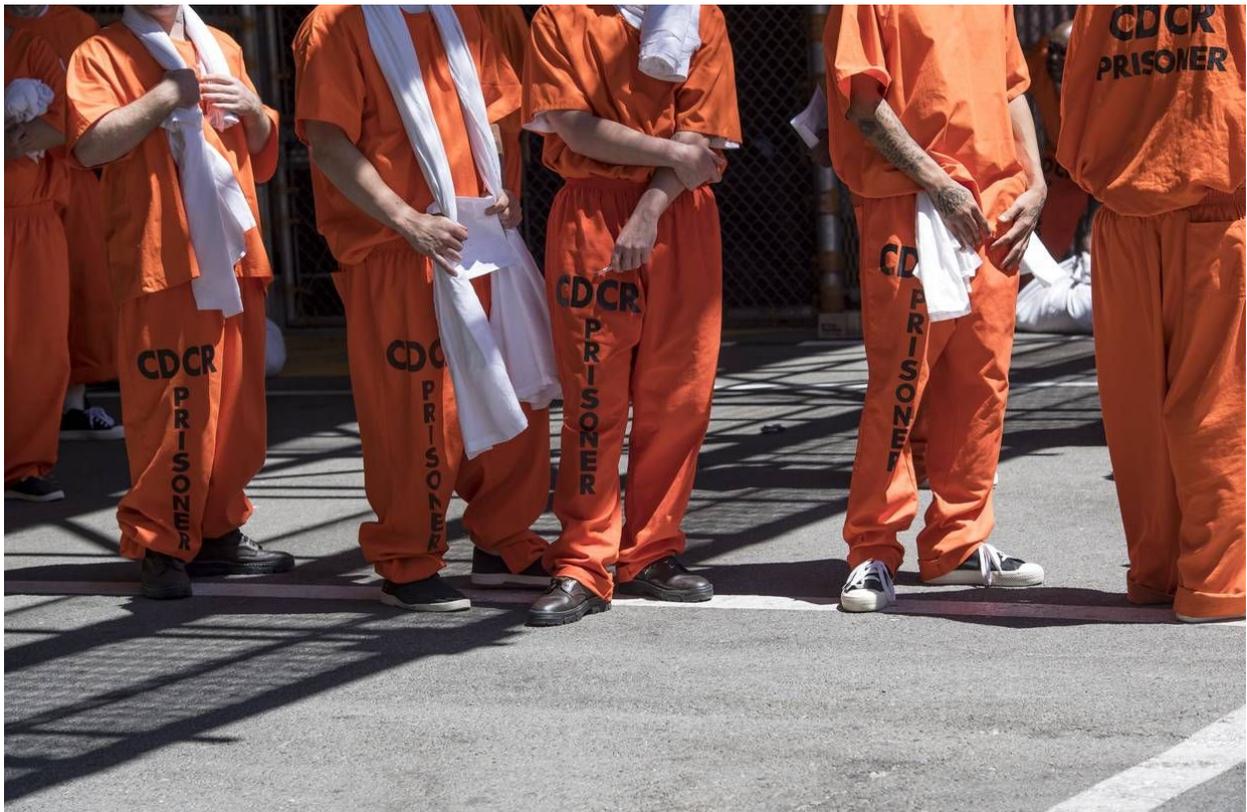


# US SENATE

MetroWest Model United Nations 2020

## Incarceration





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## **I. Letter from the Chair**

Dear Delegates,

Welcome to the first Annual MetroWest Model United Nations Conference. In the United States Senate, delegates will be tasked with mapping out criminal justice reform for the various problems in the American incarceration system. The committee will focus primarily on the causes of United States' high incarceration rate (as ranked internationally), specifically on historical and socioeconomic factors such as the War on Drugs and racial inequality within the prisoner population. Delegates will also focus on solutions to decrease recidivism and solve the states' disunity on capital punishment. Delegates should approach the committee with both their state's views and a goal toward diplomacy and agreement keeping in mind to respect different ideologies.

My name is Adora Lei and I am a senior at the Ashland High School and your chair for the committee! In addition to Model UN, I'm a board officer of the Robotics Club and of our school's National Honors Society. I love to watch horror movies, listen to podcasts about philosophy, and grab food with friends. This will be my first time chairing a committee, and I am really looking forward to the experience. The topic of incarceration has always fascinated me and I cannot wait to hear your lively debate!



Below is a background guide with preliminary information on the topic of American incarceration rates and the disagreement among the causes and solutions approaching it. I hope you will also conduct your own research with external sources, especially concerning your state senator's opinion and please remember to approach this issue with a humanitarian viewpoint.

Any position papers should be sent to my email, [leiado@ashland.k12.ma.us](mailto:leiado@ashland.k12.ma.us) by 2/2/2020.

If you have any questions or concerns, please do not hesitate to email me. I am available to help you with parliamentary procedure or in your research for your debate and I am looking forward to meeting all of you in February!

Adora Lei  
Chair of the Incarceration U.S. Senate Committee  
[leiado@ashland.k12.ma.us](mailto:leiado@ashland.k12.ma.us)

### **Award Criteria**

Delegates are expected to act cordially and diplomatically to the problem at hand. Participation in moderated/unmoderated caucuses, as well as resulting resolutions is highly encouraged. The opinions of the Chair and Director will play an important role in selecting those who receive awards (Verbal Commendation, Honorable Mention, Outstanding Delegate, Best Delegate). Please be respectful and considerate of the different opinions at hand.

If you are a beginner in Model UN, do not worry! Please consider taking risks and participate in debate even if you are scared at first! We would much rather appreciate a shaky, impromptu speech rather than a solidly prepared one read off a paper. Model UN is meant to be fun and adventurous so please step out of your comfort zone and delve into the wonderful world of debate!



## II. Senate Description

“The United States Senate is the upper chamber of the United States Congress, which, along with the United States House of Representatives—the lower chamber—comprises the legislature of the United States.”

There are currently 100 senators in the U.S. Senate equally representing all 50 states. Regardless of size or population, each state thus has two senators who serve six-year terms. Only one-third of the Senate’s seats are filled with each election while longer Senate terms typically facilitate stability and continuity due to the lessened immediate pressure of public opinion.

The presiding president of the Senate is the vice president of the United States, therefore the current officer is Mike Pence. Elected at the beginning of each Congress by members is a conclusion of which political parties will control the Senate and the House of Representatives. Currently, the Republicans are in control of the Senate (with Democrats controlling the House of Representatives) and the Majority Leader is Mitch McConnell and Minority Leader is Chuck Schumer who act as spokesmen for their parties’ positions on issues in order to create unanimous agreements by which the Senate limits the amount of time for debate and divides between the parties.

In addition, the Senate has the exclusive authority to approve or to reject presidential nominations to executive and judicial officers, to provide or to withhold its advice and consent to treaties, and to try impeachments. It ratifies treaties by a two-thirds supermajority vote and confirms the appointments of the President by a majority vote.



### **III. Statement of Problem**

The United States is one of the most powerful leading world countries. With the highest GDP and incredible influence in international policy and economy, the US has become a beacon for modernization and improved standards of living.

However, despite having a population of 327 million which composes only 5% of the global population, the U.S. has nearly 25% of the world's prison population. With more than 2.2 million of its people in prison or in jail, the US average incarceration rate is about 716 per 100,000 citizens, a number that sparks concern especially due to it trumping rates in countries like China or Mexico. While the country progresses with its laws and institutions, incarceration has actually increased by more than 500% in the last 40 years, tainting the country's image. Twice as many people are actually in local jails while awaiting trial than in the entire federal prison system. Additionally, 1 in 9 people in prison now serve a life sentence, with nearly a 1/3 of whom sentenced to life without parole. Overall, the cost of these high incarceration rates also burden the average taxpayer with the prison and jail system costing \$80 billion a year.

#### **Racial Inequality:**

With these large statistics, another concern is the race inequality within prisoner populations. Despite being only 37% of the US population, more than 60% of the people in prison are people of color. Overall, African Americans face the highest incarceration rates of any race in the US. Black men are six times more likely to be incarcerated as white men while Hispanic men, another prominent racial group in prison populations, are more than twice as



likely to be incarcerated as white men. Some states with the highest rate of African American (male and female) incarceration are Oklahoma, Wisconsin, Vermont, Iowa, and Idaho. Evoking much discussion, the disbalance of race in prisons is actively debated. Some argue that the disparity in rates is due to black and minority Americans being more likely to commit violent and property crimes, although the data is often associated with racist ideologies. Other studies and research (such as from David Cole's *No Equal Justice: Race and Class in the American Criminal Justice System*) explain that socioeconomic factors are more importantly at play due to disadvantaged neighborhoods experiencing higher rates of crime, regardless of its racial composition. In this, poverty and low-income living is the main indicator of the crime rate. Forming out of recent years and the rise of the Black Lives Matter movement is also the popular argument that racial bias from police is to blame for the increased arrest and conviction rates. Attributing the disparity to discriminatory associations of racial groups, majorly minority groups, with violence and aggression, many argue that the racial assumptions made by law enforcement influence the areas of traffic stops or drug searches which impact black youth and black and hispanic arrest rates most significantly, especially in New York's "stop and frisk" tactics.

## **War on Drugs**

While incarceration is an incredibly large modern problem, the history of the US is also impactful on the current day issues. Since 1971 when President Richard Nixon called for a war on drugs, the sentencing policy changes toward a shift of "tough on crime" era has continued with its growth in incarceration. The U.S. has changed from 40,900 people incarcerated for drug offenses to 452,964 in 2017. 1/3 of the incarcerated population is actually serving time for drug



charges while in 2015, 1.3 million arrests were made for possession. While some argue that incarcerating drug-related offenses is essential in lowering substance misuse rates, others argue that it is linked with increased overdose mortalities, especially in opioid overdose deaths, and is negligible on public safety.

## **Recidivism**

Outside of jail and prison, the high rates of recidivism has contributed to a cycle of crime and reincarceration. About 600,000 prisoners are released each year, however, during their incarceration, 10-20% of inmates suffer from serious mental illness which some argue as a major debilitating factor in rehabilitation. There are also nearly 50,000 federal, state, and local legal restrictions that make reintegration into society even more difficult, where many prisoners find life impossible to return to with a lack of financial support and job opportunities. According to a 2005 Bureau of Justice Statistics study, about 76.6% of tracked prisoners were rearrested within five years of their release. The problem of people returning to prison is also arguably exacerbated by the length of sentences, which by being longer, has forced returning prisoners to struggle to a modernized society that is different from the world they had previously left.

## **Death Penalty**

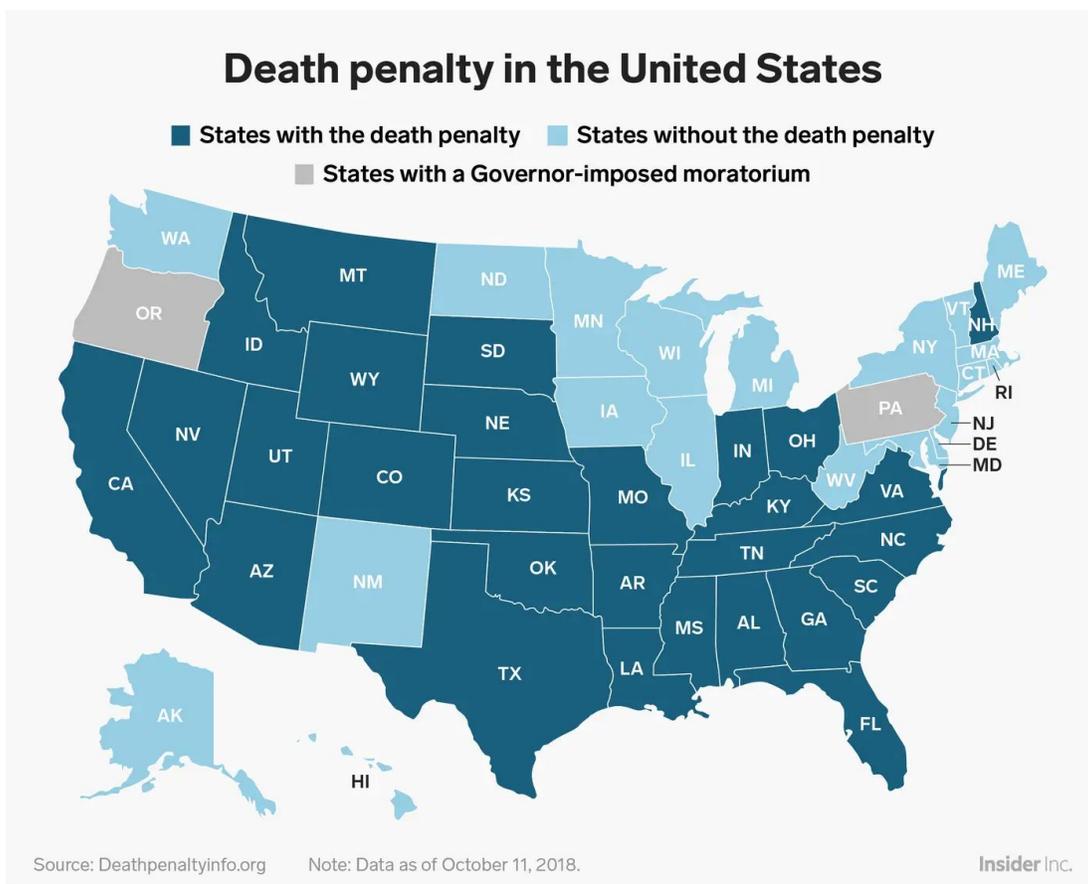
Of course, with the debate about incarceration, the existence of the death penalty and capital punishment hangs over the American prison system. According to the NAACP Legal Defense and Educational Fund, there were 2,656 inmates on death row as of July 1, 2019. Despite its reinstatement in the 1976 decision *Gregg v. Georgia* and historic support, gallup polls



show that about 2 out of 5 Americans oppose the death penalty in the current age. About 60% of those surveyed said they had preferred life without parole sentences over death penalty.

Regardless of citizen support, the death penalty is still very much alive and existent in the US.

Twenty-nine states currently have the death penalty while Oregon, Pennsylvania, California have been recent states to issue a governor-imposed moratorium on capital punishment. The debate over whether it is within the constitutional right of the state to issue the death penalty sees differing sides argue the morality of executions and whether rehabilitation is possible with certain crimes. It has been an age-old argument with both sides conflicting on matters of life and death.



*Shyanne Gal/Business Insider (as of October 11, 2018)*



### **Additional Factors**

Of course, with a discussion as broad and detailed as American incarceration, other factors that have not been delved into are just as important in research and analysis. The argument for shifting resources to formulate prevention programs especially among youth development emphasizes the impact of delinquency on adult incarceration. As well, others highlight the importance of updating genetic records especially in older cases in which the failure of DNA tests to produce accurate data has resulted in innocent citizens incarcerated. Overall, many other additional factors should also be researched to fully evaluate the causes and effects of incarceration.

### **Important Reforms**

The US prison population has actually stabilized in recent years despite its years of growth. Declining crime rates is evident from the previous booms but the political and legislative policy changes have influenced this change. For example, California voters had passed Proposition 47 in 2014 which reclassified specific low-level property and drug crimes from felonies to misdemeanors and then reinvesting the money saved into prevention programs. Congress had also in 2010 passed the Fair Sentencing Act which reduced disparity in sentencing between crack and powder cocaine offenses. Recently, the 2019 Fair Step Act was a groundbreaking bi-partisan legislation that promoted criminal justice reform that was passed to help decrease recidivism, provide incentives for success, change sentencing and confinement, and other justice reforms. Opposed only by a few Republican senators, the bill was significant in



shifting the US to altering the current incarceration state.

#### **IV. Bloc Positions**

Research is very important and delegates are urged to delve into the views of their respective senators as well as their state's opinion. To aid delegates in the committee, below are rough outlines of states that have been in support and in opposition of criminal justice reform and the death penalty:

##### **Criminal Justice Reform** *(referenced from votes for the First Step Act)*

**States in support:** California, Colorado, Connecticut, Delaware, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Minor Outlying Islands, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin

**States in opposition:** Alabama, Alaska, Arizona, Arkansas, Florida, Idaho, Louisiana, Nebraska, South Dakota, Wyoming



### **Death Penalty**

**States with capital punishment:** Alabama, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Wyoming

**States without capital punishment:** Alaska, Connecticut, Delaware, Hawaii, Illinois, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Rhode Island, Vermont, Washington, West Virginia, Wisconsin

**States containing a moratorium on capital punishment:** California, Colorado, Oregon, Pennsylvania



## **V. Questions to Consider**

1. What are the causes of US incarceration rates? Examining the arguments of systemic racism, poverty and socio-economic trendlines, the war on drugs and drug-related offenses, recidivism, and other possible factors, how does your senator view the root(s) of the problem to be?
2. What should be done to reform the criminal justice system to prevent high incarceration rates? If so, what should the focus be on? Should there be drastic change at all?
3. To what extent do states have the constitutional and moral right to implement the death penalty? Should it be abolished?



### Works Cited

Cipriano, Andrea, and Justice News. "Recidivism Rates 'Unacceptably High,' Says Sessions."

*The Crime Report*, 10 Apr. 2018,

[thecrimereport.org/2018/04/09/recidivism-rates-unacceptably-high-says-sessions/](http://thecrimereport.org/2018/04/09/recidivism-rates-unacceptably-high-says-sessions/).

"Criminal Justice Facts." *The Sentencing Project*,

[www.sentencingproject.org/criminal-justice-facts/](http://www.sentencingproject.org/criminal-justice-facts/).

Gal, Shayanne. "Washington State's Supreme Court Just Tossed out Its Death Penalty - Here

Are the States That Still Have the Power to Execute Prisoners." *Business Insider*, Business

Insider, 11 Oct. 2018,

[www.businessinsider.com/states-with-the-death-penalty-america-2018-3](http://www.businessinsider.com/states-with-the-death-penalty-america-2018-3).

"How Does Mass Incarceration Affect Communities?" *CCANO*, 10 Dec. 2019,

[www.ccano.org/blog/how-mass-incarceration-affects-communities/](http://www.ccano.org/blog/how-mass-incarceration-affects-communities/).

"Legislation." *U.S. Congressman Hal Rogers*, [halrogers.house.gov/legislation](http://halrogers.house.gov/legislation).

"Mass Incarceration." *American Civil Liberties Union*,

[www.aclu.org/issues/smart-justice/mass-incarceration](http://www.aclu.org/issues/smart-justice/mass-incarceration).

Nellis, Ashley, and Nicole D. Porter. "The Color of Justice: Racial and Ethnic Disparity in

State Prisons." *The Sentencing Project*, 14 June 2016,



[www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons/](http://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons/).

Padilla, Mariel. "6 Figures That Tell the Story of the Death Penalty in America." *The New York Times*, The New York Times, 17 Dec. 2019,

[www.nytimes.com/2019/12/17/us/death-penalty-USA-stats.html?auth=link-dismiss-google1tap](http://www.nytimes.com/2019/12/17/us/death-penalty-USA-stats.html?auth=link-dismiss-google1tap).

Pearl, Betsy. "Ending the War on Drugs: By the Numbers." *Center for American Progress*,

[www.americanprogress.org/issues/criminal-justice/reports/2018/06/27/452819/ending-war-on-drugs-numbers/](http://www.americanprogress.org/issues/criminal-justice/reports/2018/06/27/452819/ending-war-on-drugs-numbers/).

Porter, Nicole D. "Shadow Report to the United Nations on Racial Disparities in the United States Criminal Justice System." *The Sentencing Project*, 31 Aug. 2013,

[www.sentencingproject.org/publications/shadow-report-to-the-united-nations-human-rights-committee-regarding-racial-disparities-in-the-united-states-criminal-justice-system/](http://www.sentencingproject.org/publications/shadow-report-to-the-united-nations-human-rights-committee-regarding-racial-disparities-in-the-united-states-criminal-justice-system/).

"The Most Powerful Countries in the World." *U.S. News & World Report*, U.S. News & World Report, [www.usnews.com/news/best-countries/power-rankings](http://www.usnews.com/news/best-countries/power-rankings).

"The U.S. Senate." *U.S. Capitol Visitor Center*,

[www.visitthecapitol.gov/about-congress/us-senate](http://www.visitthecapitol.gov/about-congress/us-senate).

Wyler, Grace. "The Mass Incarceration Problem in America." *Vice*, 26 July 2014,

[www.vice.com/en\\_us/article/59a45x/the-mass-incarceration-problem-in-america](http://www.vice.com/en_us/article/59a45x/the-mass-incarceration-problem-in-america).