

3. Mathabane draws on personal experience. Do you find this evidence impressive, or of no weight, or somewhere in between? Explain.
4. Does Mathabane recognize possible objections to his proposal? If so, where? What objections can you think of?
5. Evaluate Mathabane's final paragraph as the concluding paragraph to an argument. If you think he should have said something else, write the paragraph that you think he should have written. If, on the other hand, you think the paragraph is effective, explain to a reader *why* it is an effective ending.
6. If you disagree with Mathabane, draft a letter of about 250 words telling him why you disagree. If you agree with him, draft a letter to the principal of the elementary school that you attended, explaining why you think he or she should consider Mathabane's proposal. (In your letter you will have to summarize the proposal, but keep the summary down to a sentence or two.)

Two Debates for Analysis

"Three Strikes"—Two Views

Mario Cuomo

Mario Cuomo, during his last term as governor of New York, proposed a "three strikes" crime law in his 1994 State of the State message. This essay, along with the opposing essay by Mimi Silbert, was published in The New York Times, 29 January 1994.

Harsh, Sure, But Fair

Violence has shattered the order of our civilized life like a bullet through the living room window. In response, political leaders across the country have offered a spectrum of tough new laws. One in particular has gained attention everywhere. In New York, we call it "three strikes and you're in." It would put those convicted of three violent felonies behind bars for life, with no possibility of parole.

Nearly 30 states are considering some version of this law, and President Clinton in his State of the Union address proposed such a measure for violent Federal offenses. In all its many variations, the idea has received widespread support, and on both sides of the political aisle.

It is imperative that we act forcefully to help the American people regain their basic sense of security, and a well-formulated "three strikes" law can be part of the answer. But we should not give in to the appeal of a solution with a snappy name and a gratifying harshness,

94
only to create a rigid law that won't do much good or will come back to bite us with unintended costs or consequences.

The merits of the law are clear, so long as it is carefully written to focus on the worst offenders. Studies by criminologist Marvin Wolfgang and others have shown that 15 percent of offenders account for 85 percent of personal-injury offenses. A "three strikes" law would give us a heavy hammer to use against these career criminals. The law would not only protect us from the most violent criminals, it would surely have a powerful deterrent effect. While it will be years before we can know the full effects of "three strikes" laws, for many prisoners not even execution is more frightening than the idea of spending the rest of their lives behind bars.

Despite the strength of the "three strikes" idea, others have raised legitimate questions about its consequences. One objection is that the law would not affect enough criminals to do any good. In 1992, of 25,000 offenders imprisoned in New York State, only 286 were sentenced as three time violent offenders. Thus a "three strikes" law would have kept "only" 286 murderers, rapists, armed robbers and other violent felons off our streets.

If that number seems small, imagine the public outcry if we announced that instead of locking these felons up for life, we intended to release that many. If a "three strikes" law prevented only one rape, one murder, one assault, it would have been worth the trouble to pass the legislation.

Other critics suggest that the law will cost too much money by producing long and expensive trials. Experience tells us that most violent crime is committed by relatively young people and that even repeat felons tend to get less violent as they get older. Thus, the argument goes, we would be spending money to incarcerate people who would eventually cease to pose much of a threat.

But the number of potential cases is relatively small, so the criminal justice system could absorb the consequences of appeals and delays without difficulty, especially since the alternative—releasing these offenders on parole—would likely result in more arrests and trials for future offenses.

More importantly, all too many incorrigible offenders never drop their violent behavior, and our criminal justice system doesn't provide an adequate way to keep them off our streets. Surely we can afford the price of incarceration—even for a life term—if it means protecting our citizens from serious harm and pervasive fear.

Certainly, no single proposal will end violence in our society. To stop the tide of violent crime, we will need to take aggressive steps on many fronts—tough gun control, tough law enforcement, tough love and a society that offers young people real economic opportunity. But a "three strikes" law can be part of an intelligent, comprehensive answer to one of the most urgent problems of our time.

Topics for Critical Thinking and Writing

1. In paragraph 4 Cuomo says that "for many prisoners not even execution is more frightening than the idea of spending the rest of their lives behind bars." Do you think he should have supported this assertion, for instance with a reference to a statistical study? Or do you think it is self-evident and in need of no support? Explain your position.
2. List the arguments that Cuomo offers *against* his own position. How satisfactory are his responses to each? What other significant arguments, if any, can you think of against his position?
3. How would you characterize Cuomo's tone? Smug? Earnest? Or what? (Your response may require more than one word, of course.) Specify passages that seem to you to establish his overall tone.
4. Read the next argument, by Mimi Silbert, and then—in so far as you can put yourself into Cuomo's mind—write his response to her. (Probably you will assume that she has not convinced him. If you do find her argument compelling, you may want to assume that Cuomo too is convinced—in which case you will write an essay in which he sets forth reasons for abandoning his earlier position.)

Mimi Silbert

Mimi Silbert is president of the Delancey Street Foundation in San Francisco, an organization that helps felons to help themselves. This essay, paired with the preceding essay by Mario Cuomo, originally appeared in The New York Times, 29 January 1994.

The Need to Change

At ten years old, Albert had already distinguished himself as the youngest member of his barrio gang. Recruited into gang life by his mother, he sold drugs diligently and remained loyal to his gang as he was shipped from one foster home to another during his mother's various prison terms.

Like many children, Albert had a dream. He dreamed of being in San Quentin Prison by his 18th birthday. He missed by a year. Albert went to San Quentin at 19, by which time he had been arrested for 27 armed robberies and fathered two children. He returned to prison several times for drug sales, robbery and burglary.

One glance at Albert's record would convince anyone that he was incorrigible, a career criminal and a menace to society. Had "three strikes and you're out" been a law then, Albert would have gone to prison for life.

Instead, today Albert is a polite, well-dressed gentleman with a mild and courteous demeanor. At 36, he has been crime-free, drug-

free and violence-free for many years. He works as a plumber and substitute teacher, pays his taxes and worries about his children's schooling.

Our justice system works in extremes. Either we excuse the criminal ("poor Albert had no mommy or daddy") and put him back on the streets, or we give up on him ("bad Albert is a menace"), lock him up and throw away the key. As with any extremes, these work for only a few.

A few criminals can turn themselves around with only a hand and a hug; most cannot. A few criminals need to be in prison forever; most do not. For most, we need a tightly structured community to control criminals, hold them responsible, get them off drugs and alcohol and teach them to be decent citizens.

In the past 23 years, 10,000 former felons, including Albert, have turned their lives around in just such a community. The Delancey Street Foundation in San Francisco is the nation's largest self-help organization for felons and drug addicts. It accepts no government funds and has no paid staff. The entire organization is run by its residents; the foundation supports itself primarily through a number of training schools, which provide vocational skills and generate the organization's income.

In today's climate, it's fashionable to reject such an approach as "soft on crime." But life here is anything but soft; new residents long for prison, where virtually nothing is expected of them. Prisoners are not required to work, confront their problems or change. Taxes pay for everything, drugs are easy to come by, and the daily routine can consist of watching television and pumping iron. Fights and gangs are considered normal.

At Delancey Street, on the other hand, Albert had to live cooperatively with others, learn to read, admit responsibility for the harm he caused, earn his keep and make restitution to society. Not everyone here succeeds, of course, but most do: graduates include realtors, contractors, a deputy sheriff and even a member of the San Francisco Board of Supervisors.

Every person "three strikes and you're out" puts behind bars would cost the taxpayers about \$1 million (assuming a 35-year stay), and that is only the direct cost of building the cell and caring for the prisoner. We will also pay to support their children on welfare. Every person at Delancey Street costs the taxpayers nothing, and residents learn to care for their own children and pay their own taxes.

If building more prisons made our streets safe, it would merit a large investment. But it has failed to do so. In the last decade, California's prison population has increased 400 percent, its corrections budget 500 percent, yet violent crime is up 40 percent. No credible study concludes that more imprisonment means less crime.

We are no longer dealing with a few bad apples. Too many people are now too many generations into criminal behavior. Prison will not deter them, because they do not consider the consequences of their actions. They have been inculcated by abuse, violence and poverty at every level. This does not excuse their behavior; it intensifies the need to change it.

The only tough and smart response to crime is to break the cycle of it. The more responsible and productive people we can build now, the fewer prisons we will have to build later.

Topics for Critical Thinking and Writing

1. Silbert's first four paragraphs form an introductory unit. Do you think they make an effective beginning for her argument? Explain.
2. In paragraph 11 Silbert cites statistics from California: the prison population is up, the budget for corrections is up, and yet violent crime is also up. *Why* does she offer these statistics? Assuming the truth of the statistics, how do you interpret them?
3. What are Silbert's basic arguments (her reasons for taking the position she takes)? To what degree do you find her reasons convincing? Does she take sufficient account of opposing arguments? Explain.
4. In her final paragraph Silbert suggests that we need to "build" people who are "responsible and productive." Presumably, this means offering educational programs of various sorts—ranging perhaps from better kindergartens to counseling and vocational training for ex-convicts. Do you agree with Silbert? If you do, would you agree that taxes must be raised to support such programs? Explain.
5. Imagine that you are Silbert and that you have just read Mario Cuomo's essay. Write a letter from Silbert to Cuomo.
6. Examine paragraph 6 and comment on its rhetoric, sentence by sentence. Does the first sentence of the paragraph strike you as effective? *Why*, or *why* not? The second? The third?

Censoring Creativity—Two Views

These two opposing essays, by Michael Kinsley and Barbara Ehrenreich, appeared in *Time* magazine. The essays concern *Cop Killer*, a song by Ice-T, a rapper—but of course the issue of censorship goes beyond the particular work in question.

When the song was released on Ice-T's album, *Body Count* (1992), some people argued that since it seemed to urge the hearers to murder police, Time Warner should have refused to publish it. On the other hand, defenders argued that it was an artistic representation of what has come to be called "black rage."