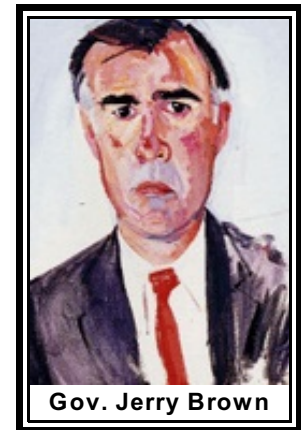


# MEET THE NEW BOSS

Lincoln's famous observation, "You can fool all the people some of the time, you can even fool some of the people all of the time, but you cannot fool all of the people all the time," has been proven countless times since his untimely death. One of human history's unavoidable lessons is that people, for all of our great gifts and potential, often prefer to believe in things that defy reality. People invariably want to hear that those they elect are watching out for their interests and can solve the problems that affect them. Professional politicians, *i.e.*, those who have made their careers in elective office, understand this; and many have prospered by simply telling people what they want to hear. Because crime has always been a hot button issue in California, virtually all politicians talk "tough on crime" in election years. It's what they do the rest of time that matters.

California Governor Jerry Brown is a case in point. Elected to his first political office in 1969, with virtually no experience in the private sector, Brown has spent the last 42 years either in elected office or running for elected office. As Governor (1975-1983), Brown signed the Inmates Bill of Rights, vetoed the death penalty, opposed the Crime Victims' Bill of Rights and appointed his Secretary of Agriculture and former public defender Rose Bird as Chief Justice of the California Supreme Court. During his tenure, violent crime in California increased by 40%. To give him cover on the crime issue, Brown noisily signed the bipartisan "Use a Gun go to Prison" law and a bipartisan election-year measure increasing the sentence for forcible rape. But, as with other governors, the best indicator of Brown's views about law enforcement was his judicial appointments, especially to the appellate and Supreme Court. He packed the courts with activists. Chief Justice Bird and her two Brown-appointed Supreme Court colleagues created such havoc for law enforcement that, in an unprecedented 1986 vote, Californians denied all three confirmation for a second term.



After failed runs for President in 1976 and 1980 and losing the race for U. S. Senate in 1982 and President again in 1990, Brown got himself elected Mayor of Oakland in 1999, campaigning as a crime fighter to an electorate which had apparently forgotten his record as governor. During his eight years on the job, Mayor Brown announced at least a dozen progressive sounding anti-crime initiatives, while violent crime in Oakland rose by 32% and homicides doubled.

In 2007, Brown ran for state Attorney General, promising to enforce the death penalty and keep habitual criminals behind bars. He did neither. Not one murderer was executed during Brown's tenure as Attorney General, and when opportunities to speed California's endless appeals process presented themselves, Brown was nowhere to be found. Last year, a group of mental health professionals reported that between 2008 and 2010 some 20,000 sexually violent predators were released from prison without the psychiatric screening required under California law. When asked by victim advocate Mark Klaas to intervene, Attorney General Brown declined to get involved.

Last year, Californians once again put their faith in Jerry Brown, accepting his promise to solve the state's many problems while protecting the public from crime. In the four months since he took office, Jerry Brown has made it clear how he intends to address the crime issue this time around.

In early April , the Governor signed into law a 423-page Public Safety Realignment measure which requires counties to keep thousands of criminals convicted of nonviolent felonies in local jails or community rehabilitation programs. The measure, which passed both houses of the legislature without a committee hearing, promises to provide counties with funding to offset the cost of this realignment.

California implemented a similar program in 1965 when Governor Pat Brown signed into law the Probation Subsidy Act, which provided counties with the 2011 equivalent of \$24,000 for each non-violent felon retained locally. The effect of lowering the consequences for supposedly non-violent criminals was a 216% increase in violent crime over the next 15 years. The homicide rate increased 300% over the same period. Hundreds of thousands of innocent Californians were murdered, raped, beaten, and robbed while the state was attempting to identify and rehabilitate nonviolent criminals. By 1982, with the adoption of the Victims' Bill of Rights, the voters announced that they had had enough. That measure, and several others that followed, reinstated real consequences for crime and removed many of the court-induced barriers to effective law enforcement, caused a dramatic reduction in crime, which California has maintained for more than a decade.

Now, 29 years later, the Legislature has decided to try this experiment again and Governor Jerry Brown is leading the way.

On April 29 the Sacramento Bee reported that Governor Brown is allowing 82% of convicted murderers eligible for parole to be released from prison. In Brown's first four months in office, this amounted to 106 murderers. For comparison, Governor Schwarzenegger allowed 27% of eligible murderers to be paroled, while Governor Davis allowed only 2.4%. Remarkably a Brown spokesperson said that the Governor is basing his parole decisions on public safety and a court ruling that requires evidence of future dangerousness to deny parole. Michael Satris, a lawyer who represents life-sentenced murderers, called Brown's record a "complete reversal."

While some may not be willing to accept that this means that the new Governor Brown is abandoning his promise to protect the public from criminals, let me suggest that in reality California has been fooled again.

Michael Rushford  
*President & CEO*  
Criminal Justice Legal Foundation