

**NLWJC - Kagan**

**DPC - Box 011 - Folder 030**

**Crime - Prison Reform**

THE WHITE HOUSE

March 14, 1997

EK  
Dennis  
Tom F. > FYI  
BR

Hon. John L. Kane, Jr.  
United States District Court  
1929 Stout Street  
Denver, Colorado 80294-3586

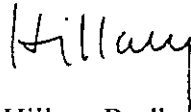
Dear John:

Thank you for your letter which was sent to me through the kindness of our friend, Jim Lyons. I apologize for the delay in responding.

I understand your frustration with the current system, and appreciate the time and attention you have devoted to finding solutions. I have forwarded a copy of your letter to Bruce Reed, Assistant to the President for Domestic Policy, for his consideration. Thank you for sharing your proposal with me.

With best regards, I remain

Sincerely yours,



Hillary Rodham Clinton

cc: Jim Lyons  
✓ Bruce Reed

UNITED STATES DISTRICT COURT

DISTRICT OF COLORADO  
UNITED STATES COURTHOUSE  
1929 STOUT STREET  
DENVER, COLORADO 80294-3586  
(303) 844-6118

JOHN L. KANE, JR.  
SENIOR JUDGE

January 6, 1997

Hillary Rodham Clinton, Esq.  
The White House  
1600 Pennsylvania Avenue  
Washington, D.C.

Dear Hillary,

I am beginning my twentieth year as a federal judge with increasing frustration over our criminal justice system. I realize there are no simple solutions and that changes must be made incrementally. I have an idea for one such step, improving conditions for imprisoned women and their children, which could be implemented with minimal start-up cost and result in significant long-term savings. My primary concern, however, is healing a failed system which destroys families and spawns further criminality.

The quest for equal rights and treatment for women has its darker side. Although women constitute fewer than 6% of prisoners nationwide, the new sentencing laws have had a disproportionate effect on women and their children. From 1980 to 1990, the male prison population increased by 112% and the female population by 202%. Approximately 90,000 women were incarcerated in local jails, state prisons and federal correctional facilities in 1989, when women constituted 9.5% of the confined population. What is the reason for this explosion in the number of female prisoners?

Like males, most women prisoners are poor and non-white. The largest percentage of them are sentenced for drug related offenses. Imprisonment for drugs weighs much more heavily on women as a result of the new sentencing laws. Most women are used as "mules," carriers of drugs for their male companions. Of those crimes not directly connected to drugs, most are the product of domestic violence and abuse. Because the new sentencing laws are facially gender neutral, the female prison population has skyrocketed. Before mandatory sentencing came into vogue, the overwhelming majority of convicted women were placed on probation.

There is a hidden cost to imprisoning women. When a woman is incarcerated, local or state government is often required to take charge of her children. Foster care for each child costs about \$20,000 per year. Obviously, and especially in single parent,

poverty level families, imprisoning the mother destroys the family unit. The resulting increase in criminality of the children exacts a cost none dare calculate.

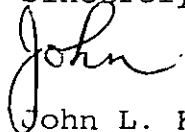
To address this problem, we could create a federal correctional institution, perhaps at one of the closed defense department facilities or a vacant college campus, where women could bring their children with them. The facility could be operated along the lines of an Israeli kibbutz, possibly with staff supplemented by young volunteers. The children would be cared for and their mothers would learn child raising skills without having to be separated from them. Those children old enough to attend school could do so at the institution and their mothers could participate in that process. Mothers could also attend classes and receive job training.

This respite from the stresses of "life on the streets" would preserve the family unit, reduce recidivism and, just maybe, break the cycle of illegitimacy, poverty, crime and violence. We as a nation devote an enormous amount of money and effort providing failed businesses with a fresh start. A significantly lesser amount could be directed to providing a fresh start to families, with returns reaped over the course of generations.

I would be pleased to pursue this idea with you or anyone to whom you might refer it. It is possible to have a criminal justice system that works instead of one that causes more harm than good to its most vulnerable subjects. Unless we take steps such as this one, I am afraid we will continue to throw rocks at the sunrise.

With every good wish, I am,

Sincerely,



John L. Kane, Jr.