



Written by [Becky Akers](#) on December 2, 2009

## Clemmons' Clemency

During his decade as governor of Arkansas, the Huckster famously commuted convicts' sentences almost as [frequently as he raised taxes](#); one of his beneficiaries just as famously [killed four cops](#) at a coffee-shop in Washington State. That has pundits from various wards of the political bughouse blaming Huck since, but for him, Maurice Clemmons would presumably still rot in jail while the cops would still write tickets and leech off our taxes. With his back against the wall, our compassionate conservative coughed up a verity from the "so-what-else-is-new" category: "[...one of the realities you have](#) to confront is the criminal justice system is far from perfect, and in this case it failed miserably on all sides."

Bingo — though we can amend Huck's comment to say that imprisoning criminals fails miserably in all cases. It's as dehumanizing and senseless as it is inefficient and expensive. Anyone who loves liberty must hate prisons, especially their current incarnation, because they exponentially increase the State's power while impoverishing taxpayers. No wonder [Leviathan builds more and more cells while criminalizing innocuous behavior](#).

Governments have maintained prisons since antiquity. But they were usually little more than holding pens for captives on their way to execution or other retribution. "Gradually," however, "[imprisonment became an](#) accepted punishment for crimes [sic] such as poaching, vagrancy and debt" in Tudor England. Forcibly idling debtors with incarceration rather than allowing them to work and repay what they owed was just the sort of lunacy rulers adore, so it jumped the Atlantic to America.

You might hope that states with Founding Fathers in residence would understand government's considerable limitations — namely, its utter incompetence and corruption. But no. In 1790, Philadelphia turned a jail on Walnut Street into "[what has been called](#) 'the first American penitentiary, if not the first one in the world...'" Structurally, the building resembled modern prisons: rather than the customary single room housing everyone from trembling debtors to sadistic killers, Philly's prison boasted a "pattern of outside cells, with a central corridor" to isolate and confine individuals. And its goal was the modern prison's as well: "penitentiary" comes from the word penitence, which reformers fondly assumed inmates would show while government rehabilitated them. Few seem to have realized that





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transforming a man's heart and life is God's business, not the State's.

Meanwhile, prison also guarantees that criminals' victims fall prey a second time as government taxes them to house and feed the crooks who hurt them. Wouldn't compelling a thief to replace what he stole, or a vandal to restore what he ruined, make much more sense? Even rapists and murderers could at least partially compensate their victims or families rather than live out their lives on our dime.

Yet restitution almost never figures in the American judicial system. And it's easy to see why: the power to punish grants enormous authority to the State. Government directly controls every aspect and detail of [2,293,157 prisoners'](#) lives — and most aspects and details of an additional [5 million](#) who are on probation or parole. Shamefully, the [American Leviathan cages more people than any other](#) in the world — even such oppressive regimes as China (actually, North Korea probably wins this horrific contest, but its demented [dictators refuse to release statistics](#)).

The shame grows when we investigate inmates' ethnicity: overwhelmingly black. Nor does the argument, "Well, they break more laws than white people do, so of course more of them are imprisoned" hold water. Let's look at "drug offenders," who account for about [19 percent of prisoners in state custody and 53 percent](#) of those in federal. The [Drug Policy Alliance Network reports](#), "Although African Americans comprise only 12.2 percent of the population and 13 percent of drug users, they make up 38 percent of those arrested for drug offenses and 59 percent of those convicted of drug offenses... The higher arrest rates ... do not reflect a higher abuse rate in these communities but rather a law enforcement emphasis on inner city areas where drug use and sales are more likely to take place in open-air drug markets..."

Government classifies drug users as "non-violent offenders." (We might more accurately call them political prisoners since the State doesn't incarcerate them for actual crimes like theft or murder but simply because they disobey politicians' decrees.) And here again Leviathan can't get it right. It jails these folks who threaten nothing but their own health while freeing sociopaths like Maurice Clemmons.

Prison first devoured Maurice in 1989 when he was 18 years old for "[aggravated robbery, burglary, robbery and two counts of theft of property...](#) A year later, he was convicted of burglary, theft of property and possession of a firearm..." His sentences added up to 108 years - but he served just 11 before Huckabee commuted the rest.

Prisons are notorious for turning good men bad and bad men worse. Maurice was merely stealing as a teen, but he emerged from prison a sexual predator battling insanity: he was once "[accused of gathering](#) his wife and young relatives around at 3 or 4 in the morning and having them all undress. He told them that families need to 'be naked for at least 5 minutes on Sunday,' a Pierce County sheriff's report says. 'The whole time Clemmons kept saying things like trust him, the world is going to end soon, and that he was Jesus,' the report says." He was most recently jailed "on a pending charge of second-degree rape of a child." The [Seattle Times dryly notes](#) that his "record also stands out for the number of times he has been released from custody despite questions about the danger he posed."

Might things have been different had the courts simply required an adolescent robber to restore his loot, with an additional percentage to compensate his victims for the inconvenience? *Sans* prison, Maurice might not have descended into madness, nor abused a child as other inmates likely did him.

Family and friends helped Maurice elude the cops for two days after his vengeance at the coffee-shop. Now, with Maurice dead at another cop's hands, Leviathan turns its foul attention on these folks. "They're going to pay for it," [promised Ed Troyer](#), chief propagandist — sorry, spokesman for the Pierce



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County Sheriff's Department. "They're guests of ours."

Yep. So was Maurice.



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