

Pamela S. Karlan, THE KENNETH AND HARLE MONTGOMERY PROFESSOR OF PUBLIC INTEREST LAW, spoke of courage, collaboration, and the Supreme Court when she delivered the keynote address at Stanford Law School's May graduation ceremony. "In a lawyer, courage is a muscle. You develop courage by exercising it. Sitting on the fence is not practice for standing up," the 2009 recipient of the John Bingham Hurlbut Award for Excellence in Teaching told the crowd. • Mohith Julapalli '09 (MS '03), co-president of the graduating class, presented the award to Karlan; the inaugural Dean's Award for Excellence in Service to Stanford Law School to classmate Tamika Butler '09; and the 2009 Staff Appreciation Award to Chidel Onuegbu, associate director of student affairs. • Larry Kramer, the Richard E. Lang Professor of Law and Dean, delivered the traditional charge to the class. Kramer cited the current economic crisis and the approval of controversial interrogation techniques used in the war on terror as examples of why it is imperative for lawyers to care about what is right, as well as what is legal. • "We live in a time, and it hasn't always been like this, when questions of what is right are increasingly and all too easily merged into questions of what is legal," Kramer said. "Life is filled with choices and some of them are hard. And you'll need to make them by yourself and for yourself. You can consult with others, you can ask for advice. But in the end, your choices will be your own, and the most you can do—the most you must do—is to take a moment, check your gut and be sure you are being honest with yourself." To see photos from graduation, go to www.stanfordlawyer.com.



POINT OF VIEW

**California Prisons:
The Cost of Ignorance**

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gerial and technological means of doing so, if space and time to undertake these measures permit. But the California situation presents some special problems. The riots in Chino took place in the ironically named "reception center" in the facility. At any time, a large fraction of prisoners are in open double- and triple-bunked dormitories where new prisoners live while awaiting long-term designation (think 600 high school students sleeping and hanging around for weeks in the gym). These reception centers can be a managerial nightmare. The physical environment is very hard to secure and, worse yet, their populations are often a chaos of inflow and outflow. Under California's unusual parole laws, many new prisoners are parole violators returned to prison for conduct that might be new crimes or so-called administrative violations of various behavioral conditions of parole (i.e., missing a rehab session or changing residence without permission). These revokees who come back to the re-

ception centers might actually be released from prison without ever entering a cell block. Other new inmates who are in for a longer time might stay extra months in the reception center because no cell block space is available. Those released directly from the reception center too often come right back to prison in a few weeks because of new offenses or violations. Under these circumstances, the most able and fair-minded prison administrator finds it difficult to provide security and order, and it is sometimes the prison riot that provides public confirmation of that difficulty.

And now let us return to the gang problem. It is a tragic fact that gangs sort themselves out by race or ethnicity. Until a few years ago, the prison was the last remaining place in our society where deliberate racial segregation was legally tolerated. Then the Supreme Court ruled that under the Equal Protection Clause prisons no longer could be such an exception. The Court has given California a window of time to take all feasible measures to eliminate race-based segregation, but translating that mandate into a sensible system is a daunting legal and administrative challenge.

Meanwhile, just as in-prison gang rivalries continue when inmates are released to their home cities, so the behavioral effects of overcrowding that explain riotous outbreaks within prison can exacerbate the individual behavioral problems that offenders often exhibit after release, if the correctional system is just an "in-out-in" warehouse without any provision for reentry guidance. And, ironically, the much-decried lack of any reentry counseling or preparation prisoners get before release is itself a function of overcrowding: Even in the rare instances where prisons have staff or resources for such programs, the physical spaces in which these programs might be conducted have often been given over to overflow prison beds.

Prison riots, though less frequent and far less deadly than in the past, are a problem demanding attention on their own. But as research on the contemporary prison riot evolves, it will also serve as a lever for policymakers to understand the ills of the U.S. correctional system more generally. **SL**

Petersilia and Weisberg are faculty co-directors of the Stanford Criminal Justice Center. To view a video of the Center's recently hosted panel on prison overcrowding, go to www.stanfordlawyer.com.