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Over 100 persons in Philadelphia have been killed by criminals under the prison cap. Moreover, the citizenry has understandably lost confidence in the criminal justice system's ability to protect them. And the criminal, on the other hand, has every reason to believe that the system can do anything about it, if anything.

All of this would be bad enough if it were the only kind of criminally under the prison cap. Indeed, a different Federal judge recently found that conditions in Philadelphia's oldest and most decrepit—Homesley Prison—met constitutional standards.

These murderous early releases are the result of a consent decree entered into by the prior mayoral administration from which the current administration has been unable to extricate itself.

Finally, in addition to massive judicial interventions in State prison systems, we also have frivolous inmate lawsuits. The Civil Rights Act of 1980, a result of this litigation also ties up enormous resources. Thirty-three States have estimated that Federal inmate lawsuits cost them at least $54.5 million annually. The National Association of Attorneys General have conceded that the litigation to conclude that nationwide the costs are at least $113.3 million. Since, according to the last Justice Department data, only 2.5 percent of these suits are dismissed without the inmate receiving any form of relief, the vast majority of the $81.3 million being spent is attributable to non-meritorious cases.

Mr. President, in my opinion this is all wrong. People deserve to keep their tax dollars or by having them spent on programs they approve. They deserve better than to have their money spent, on keeping prisoners in conditions some Federal judges feel are desirable (although not required by any provision of the Constitution or any law).

And they certainly don't need it spent on defending against frivolous prisoner lawsuits.

And convicted criminals, while they must be accorded their constitutional rights, deserve to be punished. I think virtually everybody believes that, while these people are in jail they should not be tortured, but they also should not have all the rights and privileges the rest of us enjoy, and that their lives should, on the whole, be describable by the old concept known as hard time.

The legislation I am introducing today will return sanity and State control to our prison systems. It will do so by limiting judicial remedies to prison cases and by limiting frivolous prisoner litigation.

First, we must curtail interference by the Federal courts themselves in the orderly administration of our prisons. This is not to say that we will not have any court relief available for prisoner suits, only that we will try to restrict it to cases where it is needed while curtailting its destructive use.
Most fundamentally, the proposed bill treats those who have been found guilty of a statutory violation. For prospective relief (such as regulating food temperatures) unless the order is necessary to correct violations of individual prisoners’ Federal rights. It also requires that the relief be narrowly drawn and be the least intrusive means of protecting the federal rights. And it directs courts to give substantial weight to any adverse impact on public safety or the operation of the criminal justice system caused by the relief.

No longer will prison administration be turned over to Federal judges for any reason, except that States will be able to run prisons as they see fit unless there is a constitutional violation. And no longer will attorneys be allowed to charge high fees for their services in a prison.

The bill also prohibits prisoners who have filed three frivolous or obviously meritless cases for a prison to file any more unless they are in imminent danger of severe bodily harm.

In conclusion, the bill must be calculated at an hourly rate no higher than that set for court-appointed counsel. And up to $25 per hour, the court orders the plaintiff's fee to go toward payment of the prisoner's attorneys' fees.

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