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Merle Haggard Could Easily Have Died In San Quentin

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Country music legend Merle Haggard died last week. With his 38 No. 1 hits on the U.S. country charts, a hand in creating the signature “Bakersfield sound” and a significant influence on the 1970s’ “outlaw country” movement, Haggard’s influence on country music is immense.

But it almost didn’t happen. As a teenager and a young man, Haggard was in and out of juvenile detention centers and prisons, eventually finding himself at San Quentin, where he saw Johnny Cash perform in 1958.

Haggard saw fellow inmates go to the gas chamber and played in the prison band, thanks to inspiration from Cash. He decided to turn his life around. He got his GED, maintained a steady job in prison and was released from San Quentin in 1960.

But if he were in the California prison system now, that probably would not happen. Haggard’s death wouldn’t be mourned in obituaries around the country. It would be registered in a prison ledger.

Despite being a bastion of left-wing policies, California has a shockingly draconian prison system. It has the highest number of life-sentenced prisoners—approximately 40,000, or one-quarter of the nation’s total. That number has quadrupled since 1992, and one in three prisoners in California (three times the national average) is serving a life sentence.

That might make sense if California had a disproportionately high number of dangerous violent criminals. But the main reason for California’s shockingly high number of life sentences is the 1994 “three-strikes law.” The law mandates a sentence of 25 years to life upon the conviction of a felony, *any* felony, for defendants with two or more prior “serious” crimes.

This may sound like a good idea on its face, and it sounded like a good idea to 72 percent of California voters in 1994. But in reality the consequences have been to explode California’s prison population, with people serving unnecessary and immoral life sentences.

In 1997, Norman Williams was sentenced to life in prison for his third strike, stealing a floor jack from a tow truck. His previous two strikes? Burglarizing an apartment that was being fumigated (the stolen goods were then robbed from him at gunpoint) and stealing two hand drills and other tools from an art studio (he was confronted by the owner and dropped everything and ran).

Williams was a hapless criminal, but he hardly deserved life in prison. Thanks to an enterprising district attorney, he was released from prison early. Yet half of those still serving life sentences under the California law were convicted of a third felony that was not violent or serious.

Young Merle Haggard had a long rap sheet, and he could easily have been a victim of the bizarre and unpredictable three-strikes law. As a teenager, he committed a number of minor offenses, including thefts that could have been construed as “violent” by a district attorney who decided to pursue the most severe sentence.

In 1957, he tried to rob a roadhouse and was sent to prison. After trying to escape, he was sent to San Quentin.

In the '60s, Haggard released a series of trailblazing country albums, so Ronald Reagan, then the governor of California, pardoned him and expunged his record. Thus, the precise details of Haggard's crimes are hard to come by.

Whether the crimes would be considered “violent” under the terms of the law is as much a question of which district attorney prosecuted his case as it is a question of law. That's just another problem with removing sentencing discretion from judges; it basically gives it to district attorneys by allowing them to choose which charges to pursue.

The rates of three-strikes convictions vary wildly around the state and even between seemingly similar cases. In “Mama Tried,” Haggard sang that he “turned 21 in prison, doin' life without parole.” That wasn't quite true, but had California's three-strikes law existed then, and had he upset the wrong district attorney, it is not a stretch to imagine Merle Haggard dying in prison for his crimes.

Many of Haggard's best songs were about the redemption he sought and found in prison. In “I Could Have Gone Right,” he sings that he “fell in with the wrong crowd and the wrong crowd led me on. But I could have gone right just as easy as I went wrong.”

Those words are true of many currently serving life in prison for crimes no more serious than Haggard's. Not only do three-strikes laws lock people up for minor offenses, essentially turning a possibly productive citizen into a lifelong ward of the state, but they haven't been shown to lower crime either.

Moreover, a 2009 report by the California auditor estimated that the 43,500 inmates incarcerated under the three-strikes law will cost the state \$19 billion in additional expenses.

America currently has the largest prison population in the world: 25 percent of all prisoners on the planet. We lock up people more readily, and for longer sentences, than any society in history.

Three-strikes laws are only part of the reason, but reforming California's sentencing law could help return people to society who don't deserve to spend their lives in jail.

Plus, we might get a future Merle Haggard out of it.

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