

Response to the Expert Report of Shawn D. Bushway in

Houser et al. v. Pritzker

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In his expert report of October 28, 2013, Dr. Shawn Bushway used data from the National Longitudinal Study of Youth 1997 (NLSY97) to estimate racial disparities in the prevalence of arrest at age 26 in a sample of U.S. youth born 1980 to 1984. The prevalence of arrest is the probability that an individual has ever been arrested. The prevalence of arrest can be distinguished from the incidence of arrest which is based on the number of arrests for an individual at a given point or over a given period of time.

The Bushway Report argued that the NLSY97 was superior to counts of arrests in official records for inferring the prevalence of arrests generated from an FBI background check in the applicant pool for employment at the U.S. Census Bureau (Bushway Report, p. 7). The NLSY97 data can be used to estimate the prevalence of arrests while the official counts can only indicate the incidence of arrests. The Bushway Report claims the low racial disparity in the NLSY97 is due to its measurement of the prevalence, rather than the incidence, of arrests (Bushway Report, p. 17).

In this response, I review the social science research and conclude that the NLSY97 analysis has limited relevance for inferring the pattern of arrests in the Census applicant pool. I give three reasons:

1. Racial disparities in self-reported crime and arrest data are commonly found to be lower than in official records. It is chiefly the difference between official records and self-reports, not the difference between the prevalence and incidence of arrests, that accounts for the low racial disparity in the NLSY97.
2. The Census applicant pool includes people aged from 18 to over 70, but the NLSY97 analysis examines arrest records from survey respondents only to age 26.

3. The Census applicant pool includes people born from 1940 to 1992 but the NLSY97 analysis includes only those born 1980 to 1984.

1. Official Arrest Records v. Self-Reports in the NLSY97

The NLSY97 relies on respondents' responses to survey questions asking if they have been arrested since the last interview. The Report asserts that the self-report data is superior to annual counts of official records of arrests to infer the distribution of official arrest records in the Census applicant pool. However, racial disparities in self-reported police contact are well known to be much smaller than racial disparities in police contact from official records (Weis 1986). Whereas official records from police and the courts indicate a high prevalence of arrest among minorities compared to whites, surveys tend to indicate a low prevalence.

In a classic study of self-reported crime and police contact, Hindelang, Hirschi, and Weis (1981, p. 157) write that "race is an important correlate of official delinquency" [in police records] but is "a weak correlate of self reported delinquency." After reviewing studies in which racial disparities in self-reported crime and police contact are lower than the disparities in official records, they show that when survey responses can be checked against police records, blacks are much more likely to under-report police contact than whites (Hindelang, Hirschi, and Weis 1981, Table 8.7). Similar discrepancies between official and self-report crime data are shown by Huizinga and Elliott (1986). Elliott (1995) also observes that arrest records can also include significant error that can add to the discrepancy between self-reports and official arrest data.

The Report attributes differences in racial disparity between the NLSY97 and official arrest records to differences between the incidence and prevalence

Table 1. Racial disparities in the prevalence of the arrest from official records and from self-reports in the NLSY97.

Study	Comparison	Arrest Prevalence(%)		Racial Disparity
		Minority	Majority	
<i>Studies using official arrest records</i>				
Wolfgang, Figlio, and Sellin (1972)	Nonwhite/white boys to age 18	50.2	28.6	1.8
Blumstein and Graddy (1982)	Nonwhite/white males to age 55	51.0	14.0	3.6
Tillman (1987)	Black/white males to age 30	65.5	33.9	1.9
	Black/white females to age 30	29.6	10.1	2.9
<i>Study using self-reported arrest</i>				
Bushway Report, Table 4	Af. Am./white males to age 26	54.4	42.2	1.3
	Af. Am./white females to age 26	21.4	22.5	1.0

Note: Disparity is measured by the ratio of the prevalence of arrest in the minority group to prevalence of arrest in the majority group.

of arrest, not to the low level of racial disparity typical of self-report data. When the incidence of arrest is measured from a single wave of the NLSY97, African Americans are found to be 1.74 times more likely to have been arrested than non-African Americans. The disparity in the prevalence of arrests is only 1.15.¹

Table 1 compares racial disparity in the prevalence of arrest from three classic studies, to racial disparity calculated from the NLSY97. In each of these cases, researchers are using official arrest records to measure the same quantity as the Bushway Report—the prevalence of arrest. Here, then, a key difference between the Bushway Report and alternative estimates of racial disparity is not the difference between prevalence and incidence but the difference between self-reports and official records.

¹The high disparity for incidence but low disparity for prevalence is discussed in the Bushway Report at pp. 17 and 18. The racial disparities for incidence and prevalence were calculated from Tables 1 and 3 of the Bushway Report. According to Table 3 of the Report, the incidence of arrest in Wave 13 of NLSY97 is 7.8% for African Americans and 4.5% for non-African Americans. The prevalence of arrest from Table 1 of the Report is 37.9% for African Americans and 33.0% for non-African Americans.

Racial disparity in the prevalence of arrest in Table 1 is measured by the ratio of the prevalence of arrest in the minority group to the prevalence of arrest in the majority group. Wolfgang, Figlio, and Sellin (1972) studied police rapsheets for boys in Philadelphia born in 1945. Nonwhite boys in the Philadelphia sample were 80 percent more likely to have recorded police contacts than white boys. Blumstein and Graddy (1982), cited in the Bushway Report, combined the Philadelphia data with arrest records from Washington DC. They found that nonwhite males were more than three times more likely to have an arrest record by age 55 than white males. Tillman (1987), also cited in the Bushway Report, studied arrests in California for those born in 1956. His analysis focused on adult arrests to age 30. Tillman (1987) reports that the prevalence of arrest is nearly twice as high for black males than white males. Black females at age 30, in the California data, are three times more likely to have been arrested than white females. In all these studies of the prevalence of arrest, large racial disparities are found in official arrest records.

Table 1 also summarizes the racial disparity in arrest prevalence based on self report data analyzed in the Bushway Report. For males, the black-white ratio is 1.3, and for females the black-white ratio is 1.0. In short, the NLSY97 shows much weaker evidence of the disparity in arrest prevalence than other studies of arrest prevalence using official arrest records. As in many other studies of survey data, the small racial disparity in the NLSY97 is likely due to the use of self-report data.

In the deposition of December 11, 2013, Dr. Bushway was asked about the under-estimation of racial disparity in arrests in self-report data. Dr. Bushway had previously written about this (Bushway 1998, p. 462) and cited the work of Weis (1986) and Grogger (1992) who also reported under-

estimates of racial disparity in survey data. At deposition, Dr. Bushway described the audio computer-assisted self-interview method (called ACASI) used by the NLSY97 on its arrest questions. Dr. Bushway called the method as “the recognized best way of getting access to that data in a self-reported way” (Bushway deposition, p. 139, lines 12–14).

The key question is whether ACASI can produce accurate estimates of the racial disparity in arrest. If one racial group answers survey questions less accurately than another, ACASI would improve estimates of racial disparity if the method reduced errors most among those whose responses were least accurate. For example, Weis (1986) found that black males tend to under-report their prior arrests in surveys compared to official records. ACASI could improve estimates of racial disparity if it improved the accuracy of arrest reports particularly among black males. Dr. Bushway states there has been no verification of the NLSY97 survey responses with official arrest records (Bushway deposition, p. 140, lines 8 to 13). Thus it remains unclear whether ACASI has improved estimates of racial disparity and, as the Bushway Report concludes, racial disparities in the prevalence of arrest in the NLSY97 are small, just as they are in other self-report data.

The Bushway Report, in footnote 12, cites two papers on the ACASI method: Tourangeau and Smith (1996) and Turner et al. (1998). Tourangeau and Smith (1996) does not study the effects of interview methods for white and minority survey respondents. Turner et al. (1998) have relatively large samples of black and Hispanic respondents in their comparison of the ACASI method to a self-administered questionnaire with paper and pencil. Turner et al. (1998) studied the effects of ACASI with a survey that asked questions about sexual behaviors, drug use, and violence. While ACASI yielded higher reported rates of certain sexual behaviors, drug use, and violence, the effects

of the method did not vary significantly for race or ethnic groups (Turner et al. 1998, 870).

In short, we have no research indicating that the interview methods of the NLSY97 can improve estimates of racial disparity. The small amount of evidence provided in the Bushway Report, the Turner et al (1998) study, suggests ACASI does not disproportionately affect survey responses for any specific racial group. While the NLSY97 methods may be the best available, there is no evidence that they will solve the well-known problem of the underestimation of racial disparities in the prevalence of arrest in self-report data. Moreover, racial disparity in the prevalence of arrest in the NLSY97 is much lower than other figures based on official arrest records.

2. Age and the NLSY97 Analysis

The Bushway Report calculates the number of NLSY97 survey respondents reporting an arrest by age 26 (Bushway Report, Table 1). The Report does not state the age at which the earliest arrests are recorded but the data and method is similar to that of Brame et al. (2012). Brame et al. (2012) calculate the prevalence of arrest for NLSY97 respondents over a 19-year period from age 8 through 26. This age range in the NLSY97 limits the Report in several ways.

For 10 years of the 19-year period for which arrest data is collected, survey respondents are aged under 18 and may be less likely to be recorded in the FBI database used by the Census. To use juvenile arrests in the NLSY97 to infer racial disparities in adult arrests in the Census applicant pool, we must assume that racial disparities in juvenile and adult arrests are equal. The difference in racial disparity in arrests between juveniles and adults can be estimated with data reported by Blumstein and Graddy (1982). Blumstein

and Graddy (1982, Table 1) report the probability of a first-time arrest for each year of age from 6 to 55, for white and nonwhite males in large cities. These probabilities can be used to calculate racial disparity in the prevalence of arrest for juveniles, under age 18, and for adults, aged 18 up to age 55. In the Blumstein-Graddy data, the racial disparity for adults is 21 percent higher than the racial disparity for juveniles (a nonwhite/white ratio of 3.94 for adults, and 3.26 for juveniles). This example is not definitive, but it does illustrate that racial disparities in arrest prevalence for juveniles and adults cannot be assumed to be equal without additional empirical support.

The Bushway Report does include some adult arrests but only to age 26. Footnote 15 of the Report indicates that the median age of the Census applicant pool is 42. The Report acknowledges that the availability of data only to age 26 may prevent the accurate estimation of racial disparities in arrest prevalence in the Census applicant pool. To meet this concern, the Report provides another analysis of the prevalence of arrest at age 20 (Bushway Report, footnote 22, p. 17) for comparison to prevalence by age 26. The disparity by age 20 is found to be nearly equal to the disparity by age 26. This is unsurprising, however, because estimates of arrest prevalence to age 20 and age 26 are based on much of the same data: arrest prevalence from age 8 to age 20.

Even if the Bushway Report analyzed only adult arrests, arrest prevalence to age 26 would only be informative about arrest prevalence to age 50 or older, say, if we assume disparities in arrest are equal across all ages. If, for example, the chances of getting arrested for the first time declines more quickly for whites than for blacks after age 26, then the NLSY97 analysis would understate the racial differences in the prevalence of arrest in the Census applicant pool.

The Report provides no information about the probability of first-time arrest beyond age 26, so at least 70 percent of the Census applicant pool falls outside the NLSY97 analysis.² Is the racial disparity in the probability of a first-time arrest equal across ages? There is no specific research literature on this question, but again the data from Blumstein and Graddy (1982) provides an indication of the instability of racial disparities in arrest for different age groups. For each year of age we can calculate the racial disparity as the non-white/white ratio in the probability of a first-time arrest. Putting aside years when the white arrest rate is estimated to be zero (and the nonwhite/white ratio is infinite), nonwhites are .2 to 18 times more likely to be arrested for the first time than whites, depending on age. For example, in the Blumstein-Graddy data, nonwhites are 2.3 times more likely than whites to be arrested for the first time at age 15, but 3.0 times more likely to be arrested for the first time at age 30. As above, this study is not offered as conclusive evidence. Given variability in the racial disparities in first-time arrest across ages, the Blumstein-Graddy data illustrate the dangers of assuming—as the Bushway Report does—the stability of racial disparities in arrest well beyond the limits of the available data.

In sum, because most arrests in the NLSY97 analysis are juvenile arrests and may be less likely to be included in the FBI database used in the Census background check, and because we have little detailed knowledge about the stability of racial and ethnic disparities in arrests beyond age 26, the NLSY97 analysis is likely to have limited relevance for inferring the prevalence of arrest in the Census applicant pool.

²The Report indicates the Census Bureau's non-supervisory test was taken by 3,886,921 applicants, 2,740,519 (70.5 percent) of whom were aged over 29 years (Bushway Report, p. 9).

3. Birth Cohort and the NLSY97 Analysis

The NLSY97 survey respondents were all born from 1980 to 1984. Footnote 15 of the Bushway Report indicates that most of Census's applicant pool were born from 1940 to 1992.³ To infer the disparity in arrest prevalence among Census applicants from the NLSY97 assumes that the disparity is constant across birth cohorts and equal to the disparity in the 1980–1984 birth cohort.

Few if any studies systematically study variation in racial and ethnic disparities in arrest prevalence across birth cohorts, so it is impossible to know if the Report's assumption is reasonable.⁴ Cohort differences in racial disparities of arrest prevalence depend partly on patterns of criminal behavior and partly on patterns of law enforcement. Research indicates large changes in law enforcement over the last three decades.

In particular, arrest rates for drug offenses climbed greatly for blacks from 1979 to 1989 but not significantly for whites. In 1975, blacks were less than twice as likely to be arrested for drugs than whites. By 1989, blacks were about 4 times more likely to be arrested for drugs (FBI Uniform Crime Reports, "Age-Specific Arrest Rates and Race-Specific Arrest Rates for Selected Offenses 1965-1992"). After 1989, as the NLSY97 respondents were coming of age, the racial disparity in drug arrest rates were falling (FBI Uniform Crime Reports, "Age-Specific Arrest Rates and Race-Specific Arrest Rates for Selected Offenses 1993-2001").⁵

These trends in the racial disparity in drug arrests do not provide con-

³Footnote 15 of the Bushway Report shows that most applicants taking the non-supervisory test were aged 18 to 69 in 2010.

⁴One exception may be Tracy, Wolfgang, and Figlio (1990) who report some figures for two cohorts of Philadelphia boys

⁵Fluctuations in the racial disparity in drug arrest rates is reviewed by (Western 2006).

clusive evidence that the racial disparity in arrest prevalence varies across cohorts but they do illustrate changes in law enforcement that yield changes in criminal justice contact for blacks and whites in different historical periods. In this context, the Report's assumption that the racial disparity in arrest prevalence is equal for all birth cohorts is unlikely to be satisfied.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "B. Western", with a long horizontal flourish extending to the right.

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December 23, 2013

References

- Blumstein, Alfred and Elizabeth Graddy. 1982. "Prevalence and Recidivism in Index Arrests: A Feedback Model." *Law and Society Review* 16:265–290.
- Brame, Robert, Michael G. Turner, Raymond Paternoster, and Shawn D. Bushway. 2012. "Cumulative prevalence of arrest from ages 8 to 23 in a national sample." *Pediatrics* 129:21–27.
- Bushway, Shawn D. 1998. "The Impact of an Arrest on the Job Stability of Young White American Men." *Journal of Research in Crime and Delinquency* 35:454–479.
- Elliott, Delbert S. 1995. "Lies, Damn Lies and Arrest Statistics." Address for the Sutherland Award, American Society of Criminology Meetings, Boston, MA.
- Grogger, Jeff. 1992. "Arrests, Persistent Youth Joblessness, and Black/White Employment Differentials." *Review of Economics and Statistics* 74:100–106.
- Hindelang, Michael J., Travis Hirschi, and Joseph G. Weis. 1981. *Measuring Delinquency*. Beverly Hills, CA: Sage.
- Huizinga, David and Delbert S. Elliott. 1986. "Reassessing the reliability and validity of self-report measures." *Journal of Quantitative Criminology* 2:293–327.
- Tillman, Robert. 1987. "The Size of the "Criminal Population": The Prevalence and Incidence of Adult Arrest." *Criminology* 25:561–579.
- Tourangeau, Roger and Tom W. Smith. 1996. "Asking Sensitive Questions: The Impact of Data Collection Mode, Question Format, and Question Context." *Public Opinion Quarterly* 60:275–304.
- Tracy, Paul E., Marvin E. Wolfgang, and Robert M. Figlio. 1990. *Delinquency Careers in Two Birth Cohorts*. London, UK: Plenum Press.

- Turner, C.F., L. Ku, S.M. Rogers, L.D. Lindberg, J.H. Pleck, and F.L. Sonenstein. 1998. "Adolescent Sexual Behavior, Drug Use, and Violence: Increased Reporting with Computer Survey Technology." *Science* 280:867–873.
- Weis, Joseph G. 1986. "Issues in the measurement of criminal careers." In *Criminal Careers and "Career Criminals"*, edited by Alfred Blumstein, Jacqueline Cohen, Jeffrey Roth, and Christy A. Visher, volume 2. Washington, DC: National Academy Press.
- Western, Bruce. 2006. *Punishment and Inequality in America*. New York: Russell Sage Foundation.
- Wolfgang, Marvin E., Robert M. Figlio, and Thorsten Sellin. 1972. *Delinquency in a Birth Cohort*. Chicago, IL: University of Chicago Press.

Qualifications, Prior Testimony, and Compensation

Federal rules require that expert reports include a statement of qualifications, including all publications in the last ten years, a list of all other cases in which, during the previous 4 years, the witness testified as an expert at trial or by deposition, and a statement of the compensation to be paid for the study and testimony in the case

Qualifications

I am Professor of Sociology and the Daniel and Florence Guggenheim Professor of Criminal Justice Policy at Harvard University. I am also the Director of the Malcolm Wiener Center for Social Policy at the John F. Kennedy School of Government at Harvard. I have been conducting research on racial and educational disparities in the criminal justice system and its social economic consequences over the last 15 years. This research has been federally supported by the National Institutes of Health, the National Science Foundation, and the National Institute of Justice as well as several foundations including the Russell Sage Foundation, the Jett Foundation, and the Spencer Foundation.

Prior publications in the last ten years:

Western, Bruce and Christopher Muller. 2013. "Mass Incarceration, Macro-sociology and the Poor." *Annals of the American Academy of Social and Political Science*..

Western, Bruce and Jake Rosenfeld. 2012. "Workers of the World Divide" *Foreign Affairs* 91:88–99.

Western, Bruce. 2011. "Poverty Politics and Crime Control in Europe and America." *Contemporary Sociology* 40:287–288.

Pager, Devah and Bruce Western. 2012. "Identifying Discrimination at Work: The Use of Field Experiments." *Journal of Social Issues* 68:221–237.

Western, Bruce, Deirdre Bloome, Benjamin Sosnaud, and Laura Tach. 2012. "Economic Insecurity and Social Stratification." *Annual Review of Sociology* 38:341–359.

- Bloome, Deirdre and Bruce Western. 2011. "Cohort Change and Racial Differences in Educational and Income Mobility." *Social Forces* 90:375–395.
- Western, Bruce and Jake Rosenfeld. 2011. "Unions, Norms, and the Rise in US Wage Inequality." *American Sociological Review* 76:513–537.
- Geller, Amanda, Irwin S. Garfinkel, and Bruce Western. 2011. "Paternal Incarceration and Support for Children in Fragile Families." *Demography* 48:25–47.
- Grusky, David, Bruce Western, and Christopher Wimer (eds.). 2011. *The Great Recession*. New York: Russell Sage Foundation.
- Loury, Glenn and Bruce Western. 2010. *Daedalus* 139(3). Guest editors of special issue on "The Challenge of Mass Incarceration."
- Western, Bruce. 2006. *Punishment and Inequality in America*. New York: Russell Sage Foundation.
- Patillo, Mary, David Weiman, and Bruce Western (eds.). 2004. *Imprisoning America: The Social Effects of Mass Incarceration*. New York: Russell Sage Foundation.
- Wildeman, Christopher and Bruce Western. 2010. "Incarceration in Fragile Families." *Future of Children* 20:181–202.
- Western, Bruce and Becky Pettit. 2010. "Incarceration and Social Inequality." *Daedalus* 8–19.
- Western, Bruce and Deirdre Bloome. 2009. "Variance Function Regressions for Studying Inequality." *Sociological Methodology* 39:293–326.
- Pager, Devah, Bruce Western, and Bart Bonikowski. 2009. "Discrimination in Low-Wage Labor Markets." *American Sociological Review* 74:777–779.
- Western, Bruce, Deirdre Bloome, and Christine Percheski. 2008. "Inequality Among American Families with Children, 1975 to 2005." *American*

Sociological Review 73:903-920.

Western, Bruce, Meredith Kleykamp, and Jake Rosenfeld. 2006. "Did Falling Wages and Employment Increase U.S. Imprisonment?" *Social Forces* 84:2291–2312.

Western, Bruce and Becky Pettit. 2005. "Black-White Wage Inequality, Employment Rates, and Incarceration." *American Journal of Sociology* 111:553–578.

Lopoo, Leonard M. and Bruce Western. 2005. "Incarceration and the Formation and Stability of Marital Unions." *Journal of Marriage and the Family* 67:721–734.

Western, Bruce and Meredith Kleykamp. 2004. "A Bayesian Change Point Model for Historical Time Series Analysis." *Political Analysis* 12:354–374.

Pettit, Becky and Bruce Western. 2004. "Mass Imprisonment and the Life Course: Race and Class Inequality in U.S. Incarceration." *American Sociological Review* 69:151–69.

Lynch, Scott and Bruce Western. 2004. "Bayesian Predictive Checks for Nonstandard Models." *Sociological Methods and Research* 32:301–335.

Western, Bruce. 2011. "Poverty Politics and Crime Control in Europe and America." *Contemporary Sociology* 40:287–288.

Western, Bruce. 2010. "Retrenching Civil Rights: Mass Imprisonment in America." Pp. 144–154 in *The Next Twenty-Five Years*, edited by David Featherman, Martin Hall, and Marvin Krislov. Ann Arbor, MI: University of Michigan Press.

Pager, Devah, Bruce Western, and David Pedulla. 2009. "Employment Discrimination and the Changing Landscape of Low-Wage Labor Markets." *University of Chicago Legal Forum* 2009:317–344.

Devah Pager, Bruce Western, and Naomi Sugie. 2009. "Sequencing Disadvantage: Barriers to Employment facing Young Black and White Men

with Criminal Records.” *Annals of the American Academy of Social and Political Science* 623:195–213.

Western, Bruce and Christopher Wildeman. 2009. “The Black Family and Mass Incarceration.” *Annals of the American Academy of Social and Political Science* 621:221–242. Reprinted in the *Kansas Law Review*, 2009.

Western, Bruce. 2008. *From Prison to Work: A Proposal for a National Prisoner Reentry Program*. Hamilton Project Discussion Paper 2008-16. Washington DC: Brookings Institution.

Western, Bruce. 2007. “The Prison Boom and the Decline of American Citizenship.” *Society* 44:30–37.

Guetzkow, Josh and Bruce Western. 2007. “The Political Consequences of Mass Imprisonment.” Pp. 228–242 *Remaking America: Democracy and Public Policy in an Age of Inequality*, edited by Jacob Hacker, Suzanne Mettler, and Joe Soss. New York: Russell Sage Foundation.

Western, Bruce. 2007. “The Penal System and the Labor Market.” Pp. 335–359 in *Barriers to Re-Entry? The Labor Market for Released Prisoners in Postindustrial America*, edited by Shawn Bushway, Michael A. Stoll, and David F. Weiman. New York: Russell Sage Foundation.

Western, Bruce. 2007. “Mass Imprisonment and Economic Inequality.” *Social Research* 74:509–32.

Western, Bruce. 2007. “Introduction to *Society of Captives*.” *Society of Captives*, by Gresham Sykes. Princeton, NJ: Princeton University Press.

Uggen, Christopher, Sara Wakefield, and Bruce Western. 2005. “Work and Family Perspectives on Reentry.” Pp. 209–244 in *Prisoner Reentry and Crime in America*, edited by Jeremy Travis and Christy Visser. New York: Cambridge University Press.

Western, Bruce, Meredith Kleykamp, and Jake Rosenfeld. 2004. “Crime, Punishment, and American Inequality.” Pp. 771–796 in *Social Inequality*, edited by Katherine Neckerman. New York: Russell Sage

Foundation.

Western, Bruce, Len Lopoo, and Sara McLanahan. 2004. "Incarceration and the Bonds Between Parents in Fragile Families." Pp. 21–45 in *Imprisoning America: the Social Effects of Mass Incarceration*, edited by Mary Patillo, David Weiman, and Bruce Western. New York: Russell Sage Foundation.

Western, Bruce. 2011. "The Social Consequences of Incarceration." *Reason* July.

Western, Bruce. 2010. "Decriminalizing Poverty." *The Nation* 291:12–13.

Western, Bruce. 2008. "Criminal Background Checks and Employment Among Workers with Criminal Records." *Criminology and Public Policy* 7:1201–1205.

Western, Bruce. 2008. "Reentry: Reversing Mass Imprisonment." *Boston Review* July–August.

Western, Bruce. 2004. "Politics and Social Structure in *The Culture of Control*." *Critical Review of International Social and Political Philosophy* 7:33–41.

Western, Bruce. 2003. "Lawful Re-entry." *The American Prospect* December: 54–56.

Expert Testimony in the Last Four Years

In 2011 I provided an expert's report in the case of *Hudson v. First Transit*, filed in the U.S. District Court in the Northern District of California.

Compensation

This report was prepared at an hourly rate of \$500.