Am J Crim Just
DOI 10.1007/s12103-017-9395-5

The "Tough on Crime" Competition: a Network Approach to Understanding the Social Mechanisms Leading to Federal Crime Control Legislation in the United States from 1973–2014

John A. Shjarback[1] · **Jacob T. N. Young**[2]

Received: 4 January 2017 / Accepted: 26 April 2017

Abstract The increase in punitive sentiment in America over the last four decades is frequently attributed to changes in criminal justice policies and programs. While scholars have studied the impact of legislation and policy on justice system outcomes, less attention has focused on the role of political actors in legislative bodies who are largely responsible for enacting criminal justice legislation. The current study addresses this gap by examining the social organization of federal crime control policy in the U.S. Congress over a forty-two year period (1973–2014). Drawing from research on social network mechanisms, we examine whether crime control legislation was more politically attractive relative to other legislative topics, and whether Democrats and Republicans pursue these policies by working together or competing against each other. Our results provide novel insight into the mechanisms that contributed to the punitive movement at the federal level.

Keywords Social network analysis · Crime control · Congress · Homophily · Mechanism · Exponential random graph model

Introduction

State and federal criminal justice systems have become increasingly punitive in the last four decades. The federal prison population grew by over 700% during a thirty-year

✉ John A. Shjarback
jshjarback@utep.edu

[1] Department of Criminal Justice, University of Texas at El Paso, 500 West University Ave., El Paso, TX 79968, USA

[2] School of Criminology and Criminal Justice, Arizona State University, 411 N. Central Avenue, Suite 600, mail code 4420, Phoenix, AZ 85004, USA

Published online: 19 May 2017

period: from 24,252 in 1980 to 208,118 in 2009 (The Sentencing Project, 2012). Much of this growth has not been due to rises in the crime rate, but instead can be attributed to changes in criminal justice policies and practices (see Western, 2006). For one, laws have enhanced the severity of criminal penalties, leading to longer prison sentences for certain crimes. A prime example of these changes in the law, particularly in the federal system, is the increasing number of mandatory minimum terms of incarceration for drug offenders (Tonry, 1995).

Although criminologists have sought to identify the precise mechanisms responsible for the growth in the American criminal justice system, especially the rise in the prison population, answers pertaining to the underlying processes as well as the "big picture" remain elusive (see, e.g., Barker, 2009; Campbell, Vogel, & Williams, 2015; Gottschalk, 2006; Jacobs & Jackson, 2010, Lynch, 2010 for exceptions at the state level). While scholarship has examined the consequences of sentencing policy on incarceration rates (e.g., King, Mauer, & Young, 2005; Mauer, 2001; Stemen, Rengifo, & Wilson, 2006), little research has focused on the structure of legislative activity giving rise to crime policy. Understanding how changes in sentencing policy drove burgeoning incarceration rates is certainly a start. However, according to Frost and Clear (2012: 622), "To fully understand the *causes* of mass incarceration, we need an account of the forces behind the punitive turn that generated those sentencing policies" (emphasis in original).

Politics is one particular force that plays a paramount role in criminal justice policy. Justice system policies and practices are affected by laws, which are, in turn, influenced by politics. Laws and politics are inherently related since laws are the consequence of political processes. A number of scholars have examined politics for answers regarding the increasing levels of punitiveness in our justice system during the last several decades (Beckett, 1997; Campbell & Schoenfeld, 2013; Miller, 2008; Tonry, 2004). In contrast to the view that politicians simply act in *response* to the demands of their constituents, research indicates that politicians have been *proactive*, helping to influence public opinion and sentiment regarding crime and punishment (see Beckett, 1997; Roberts, 1992). Moreover, Western (2006) observed that state prison populations significantly varied over time based on the political affiliation of their respective governors. Imprisonment rates indeed grew faster in states under Republican governorship (see also Jacobs & Jackson, 2010). Again, the focus on legislation and policies, while important, is only part of the story.

In order to gain a more comprehensive understanding of the increase in justice system punitiveness, it is imperative to assess the mechanisms that gave rise to crime control legislation. The purpose of the current study is to examine the behavior of actors regarding crime control legislation from 1973 to 2014. Using data gathered from the Library of Congress' digital archives, we construct a network of sponsorship and cosponsorship of "Crime and Law Enforcement" bills that have become law from 1973 to 2014.[1] Our aim is to investigate the relational mechanisms that generated the amplification of justice system legislation during this time period. It is worth noting

[1] Readers may question our decision to focus on the federal system as opposed to crime control legislation at the state level. We took this approach simply because the federal system data were freely available through the Library of Congress' digital archives. We are unaware of any databases or central locations where these types of measures (e.g., sponsorship and co-sponsorship of bills) are available at the state level.

that the rise in punitive sentiment is much broader than changes in incarceration, but also includes efforts such as increasing juvenile transfers to adult systems, sex offender registration laws, and the mandatory collection of DNA from violent offenders.

This research provides a novel inquiry into the properties of crime control legislation. Specifically, we examine whether crime control oriented bills were unique in the sense that there was no "pro-criminal" sentiment to offset "tough on crime" sentiment (see Tonry, 2004). Put simply, did crime control legislation bring members of both parties together as sponsors and cosponsors on the same bills or was the proliferation of these types of bills the result of a competition between Democrats and Republicans over which party could appear tougher on crime? To address this question we begin by detailing the changing nature of the federal government's, specifically Congress', participation in the criminal justice policy arena over time.

The Rise of a New Paradigm of Crime and Justice in America

In the United States, the federal government has traditionally practiced a "hands off" approach to crime control, largely deferring those responsibilities to state and local jurisdictions (Beale, 1996; Marion, 1994; Richman, 2006). State and local governments possessed almost exclusive authority and autonomy in dealing with crime-related issues during most of the nineteenth century and the first half of the twentieth century. Even in areas where Congress was allocated power and control, such as the federal courts and sentencing, the legislative body delegated near-absolute discretion to judges and parole officials (Hatch, 1993). It was not until the 1960s that the crime problem and the proposed strategies to address it became a leading issue at the national level-a period Campbell and Schoenfeld (2013) refer to as "destabilization" or the unsettling of the criminal justice policy status quo.

The federal government's involvement in crime control changed markedly during the 1964 presidential election. Citing concern over the breakdown of law and order, due to the rise in urban crime and civil rights and antiwar protests, Republican candidate Barry Goldwater ran on a law and order platform while making "violence in our streets" a primary focus of his campaign (Beckett, 1997; Marion, 1994; Richman, 2006). At the root of this focus was the emphasis that the federal government has the responsibility to protect individuals through legislative action. In his acceptance speech for the party's nomination at the Republican National Convention, Goldwater (1964) put forth a new narrative regarding crime in the United States:

> The growing menace in our country tonight, to personal safety, to life, to limb and property, in homes, in churches, on the playgrounds, and places of business, particularly in our great cities, is the mounting concern, or should be, of every thoughtful citizen in the United States. Security from domestic violence, no less than from foreign aggression, is the most elementary and fundamental purpose of any government, and a government that cannot fulfill that purpose is one that cannot long command the loyalty of its citizens. History shows us - demonstrates that nothing - nothing prepares the way for tyranny more than the failure of public officials to keep the streets from bullies and marauders.

The publicity and media attention from the election elevated the issue of crime from a state/local concern to a national problem. However, the viability of crime as a political topic was not limited to the Republican Party, as newly elected president Lyndon Johnson recognized the traction that his opponent had received on the crime issue. After winning election, Johnson made crime a top priority in his administration, creating the President's Commission on Law Enforcement and Administration of Justice in 1967, the purpose of which was to evaluate the current status of the American criminal justice system. The Commission's final report made over two hundred specific recommendations, a number of which had called for an increased effort on the part of the Federal government to become more involved in the oversight and response to crime (President's Commission on Law Enforcement and Administration of Justice, 1967).

Federal intervention was not limited to the executive branch as Congress also increased its involvement in the justice system by introducing more crime-related legislation. For example, the Law Enforcement Assistance Act (LEAA) of 1965 established the Office of Law Enforcement Assistance, which started to fund state and local crime control efforts at unprecedented amounts (Richman, 2006). The LEAA channeled over $700 million a year into the criminal justice system (see Walker, 1993). Efforts such as these helped to institutionalize crime control as a priority of the Federal government.

Beginning with the 1964 presidential election, and continuing throughout subsequent elections, a new era of crime control developed at the federal level, spurring politicians and government officials to take a more active role in controlling criminal behavior. Campbell and Schoenfeld (2013) characterized the next few decades as eras of "emergent and high crime politics", whereby politicians used crime control to advance their position for political gain by defining the "crime problem" as ineffective justice system response. Overall, the politicization of crime, as well as the public expectations that subsequently accompanied it, served as a catalyst for the dramatic expansion of the criminal justice system.

Congressional Power over Crime Control

Beginning in the late 1960s and the early 1970s, Congress became instrumental in creating laws and policies geared towards crime control. Although federal legislation directed toward crime did occur prior to the 1960s (e.g. Harrison Act of 1914; Volstead Act of 1919), congressional activity in the realm of crime control prior to the 1960s was utilized in an extremely limited fashion. Since the late 1960s, it is Congress – not necessarily the president (Simon, 2007) – who has arguably been the most influential actor in the federal government regarding changes in the criminal justice system. The U.S. Constitution assigns Congress the authority to define crimes and to determine the degree and method of punishment (Hatch, 1993). Additionally, the view that the president initiates legislation and that Congress simply reacts to these cues has long been refuted (Wise, 1991). Richard Nixon's presidency illustrates this point. Adhering to a neoclassical approach to crime that critiqued liberal "permissiveness", Nixon set out to increase the penalties for crime and the likelihood of conviction in order to curb the appetites/impulses of potential offenders (Beckett, 1997; Matusow, 1984). But Nixon found himself with little Republican support in Congress and, therefore, was unable to influence legislation that reflected his ideology on crime control (Cronin, Cronin, & Milakovich, 1981). Congress sets an agenda, initiates debate on criminal

justice-related topics, and ultimately decides whether to enact anticrime legislation (Anderson, 1990; Marion, 1994).

The U.S. Congress affects crime control policy in two primary ways. Both are federal efforts but their impacts sometimes move beyond crime control at the national level to reach state and local criminal justice systems. The first is through the passing of bills that directly address changes in the law. A few examples of these types of congressional bills that have been enacted since the early 1970s include: increasing penalties for certain types of offenses (e.g., mandatory minimums; "three strikes" laws), the revamping of federal sentencing via the creation of the U.S. Sentencing Commission, altering bail procedures to allow for the preventative detention of "dangerous" offenders, and the broadening of criminal and civil forfeiture statutes. In addition to creating new laws, Congress uses the power of the federal purse to reach into the crime control efforts of state and local governments. The legislative body decides whether to extend money and appropriations to state/local jurisdictions. Congress has also been able to induce states into adopting certain criminal justice-related policies. For instance, the Violent Crime Control and Law Enforcement Act of 1994 granted funding to the states, provided that the recipients in turn adopt specific "truth-in-sentencing" policies also used by the federal government (Reitz, 1996).

The Power of Political Influence

The role of public opinion in crime control policy has been widely debated. Public opinion is certainly important and can have long-term effects on policymakers. For example, the democracy-at-work thesis (see Cullen, Clark, & Wozniak, 1985) posits that increasing anxiety on the part of citizens engenders politicians and government officials to take action on the crime problem. Put differently, the thesis states that policies will reflect the desires of voters and citizens at large. If a representative form of government truly exists then, theoretically, elected leaders should respond to their constituents. Yet, while some argue that crime control initiatives are simply a response to public concern about rising fear of crime and victimization, there is strong evidence to the contrary.

A growing body of literature suggests that social problems like crime and drug use are socially constructed by government officials/politicians (e.g., Kappeler, Blumberg, & Potter, 1994; Scheingold, 1991). Beckett (1997) investigated the impact of political discourse on popular attitudes from the 1960s to the 1990s, finding that political initiatives were consistently associated with influencing subsequent levels of public concern about crime across the three decades under study. By contrast, the reported incidence of actual crime was not related to whether the public identified crime as the nation's most important problem. This suggests that citizens' perceptions of social problems (e.g., crime/victimization, drug use) are shaped more by how politicians frame these issues, rather than actual rates of crime.

Research on the public's concern about crime undermines the democracy-at-work thesis and the idea that legislative action is a reaction to the concerns of constituents. Crime was not a salient issue prior to 1964 and public concern about the nation's crime problem was quite low when Goldwater began his law and order campaign (Stinchcombe et al., 1980). Moreover, fewer than 2% of Americans polled in 1982, the same year President Reagan first declared the "War on Drugs", identified drugs as the country's most important problem (Roberts, 1992). In June of 1993, at a time just

before Congress began its legislative debate over anticrime legislation, only 7% of those Americans polled viewed crime as the nation's most important problem. That percentage had increased to 30% in December of 1993 and a record high of 54% in August of 1994, in large part due to the vast attention media sources gave to the issue (Beckett, 1997). It is important to note that this growing public perception of the crime problem during the 1990s was occurring at the same time that data from the Uniform Crime Reports and the National Crime Victimization Surveys showed a decrease in most types of offending (Zimring, 2006).

In sum, research indicates that politicians and governments can, and do, influence public perception of crime. As a consequence, supporting legislation to address the "crime problem" becomes a viable and incentivized political strategy for individual members of congress and for parties. Once popular sentiment about crime is shaped and public fear of crime/victimization has been heightened, politicians and legislative bodies can use these situations for their own entrepreneurial or opportunistic goals (Gest, 2001; Richman, 2006). Political hopefuls and/or members of Congress are often eager to display their commitment to toughness by promising to enact policies that enhance deterrence, retribution, and public safety.

A Network Approach to Understanding Crime-Control Legislation

Politics is a network phenomenon (McClurg & Lazer, 2014) as interactions between political actors are intrinsically relational. Relations between political actors can be characterized in a variety of ways, from sharing friendship or support to membership in a common organization. A number of researchers have called for the greater use of social network analysis in the evaluation of legislative outcomes, as a growing body of evidence supports the conclusion that network structure influences political behaviors (e.g., Rolfe, 2012; Sinclair, 2012). This research emphasizes explanatory concepts that can only be operationalized within a network framework. Moreover, a network approach explicitly recognizes that the decisions made by political actors are not independent of the social context in which the decisions occur. As a consequence, empirical examination of political behavior must take into account this non-independence across units, or risk violation of crucial assumptions (e.g. independent units in a regression model). Building on this research, we adopt a network approach to examine the social organization and relational mechanisms generating federal crime control legislation in the United States Congress.

Network Analysis and Legislative Bodies

One of the most prominent areas of research employing a network perspective in political science focuses on legislatures. Scholarship has viewed legislative bodies as institutions that organize decision-makers as well as social spaces where social relationships can be built (e.g., Victor & Ringe, 2009; see also McClurg & Lazer, 2014). The use of social network analysis to study legislative organizations and decision-making dates back to the early to mid 1900s (e.g., Routt, 1938; Patterson, 1959) where early attempts to analyze connections between legislators defined a "tie" as two actors' agreement on roll call votes (i.e., whether they voted similarly on a given bill) (Rice, 1927; Truman, 1959). This method, however, has received criticism, as it is now believed to describe

legislators' ideologies as opposed to a social relationship between them (Poole & Rosenthal, 1991). Instead, scholars have proposed a new way of examining a meaningful link between two lawmakers – sponsorship and cosponsorship of congressional bills.

Fowler's (2006a, 2006b) pioneering work from this perspective "links" members of the U.S. Congress together via their presence on bills, making the case that such methods provide a rich source of information about the social network between legislators. Each bill that is brought before Congress must have a point of origin, a sponsor who proposes the prospective legislation. Since the mid-1930s in the Senate and 1967 in the House of Representatives, members of Congress have had the opportunity to express support for a piece of legislation by becoming a cosponsor on the sponsor's bill (Campbell, 1982). A given legislator represents a node in the network, and a tie can be formed between each sponsor and his/her cosponsor(s) on a piece of legislation (Fowler, 2006b). Ties can also be created between all of the cosponsors on a given bill. Fowler (2006a, 2006b) has mapped the entire sponsor/cosponsor network of Congress from 1973 to 2004. However, he argues for a more refined approach by looking at legislation in more specific areas. We embrace this suggestion and integrate work from political science by providing a network analysis of sponsorship and cosponsorship of crime control oriented bills.

In order to gain a more comprehensive understanding of the increase in justice system punitiveness, it is imperative to assess the mechanisms that gave rise to crime control legislation. Accordingly, the current study adopts a network approach to examine the social organization of federal crime control policy in the United States Congress over a forty-two year period (1973–2014). Using data gathered from the Library of Congress' digital archives, we construct a network of sponsorship and cosponsorship of "Crime and Law Enforcement" bills that have become law from 1973 to 2014. In this section, we develop hypotheses based on two properties of networks (i.e. centrality and homophily).

Centrality and Legislative Attractiveness

Was crime control legislation more politically attractive relative to other legislative topics? If crime control legislation were a politically viable topic, then we would expect more individuals to propose and sign this type of legislation. From a network perspective, this outcome would be reflected in a different degree centrality for crime control vs. criminal justice related but not necessarily crime control oriented bills (i.e., "non-crime control bills").[2] In this sense, politicians would be expressing a tendency to preferentially select crime control legislation over non-crime control legislation. In other words, the network is expected to show a tendency for a particular type of bill to have more ties (i.e. sponsors) than non-crime control bills. This leads us to hypothesis 1: *crime control legislation is more likely to have participants signing on as cosponsors than non-crime control legislation.*

Party Homophily/Heterophily

Did the Democratic and Republican parties pursue these crime control policies by working together, or did the parties compete with each other to enact more crime

[2] This distinction is operationalized and discussed in more detail in the measures section.

control oriented legislation? In addition to preferential selection of crime control bills, the manner in which parties cooperated or competed to pass crime control legislation may shed light on the rise of punitive legislation. From a network perspective, the tendency for connections to occur among similar nodes more frequently than connections among dissimilar nodes is known as *homophily* (Lazersfeld & Merton, 1954) and has been well researched across a variety of networks (see McPherson, Smith-Lovin, & Cook, 2001 and Rivera, Soderstrom, & Uzzi, 2010 for reviews). Homophily in the network of sponsorship and cosponsorship is more complex because signers are not directly connected. Rather, they are connected through their shared signing of legislation. As such, homophily represents the tendency for signers of the same "type" (in this case political party) to sign particular legislation.

If parties are homophilous in signing behavior, it means that they are more likely to sign legislation that other members of their party sign. If this was the case, then it would suggest that parties do not collaborate on legislation and we would expect a structure consistent with the following hypothesis 2a: *parties are homophilous with regard to legislation*. In this structure, both parties would be proposing bills, but the sponsor and cosponsor(s) on a given bill would be comprised of members of the *same* political party. By contrast, parties may *cooperate* by signing legislation together. The tendency for nodes of different "types" to form connections is referred to as heterophily. A heterophilous network, with respect to party, would suggest that both parties *are* working together to pass the same bills and we would expect a structure consistent with the following hypothesis 2b: *parties are heterophilous with regard to legislation*.

As the hypothesized structures above are more complicated than prior work on homophily/heterophily in criminology (e.g. Young, 2011), we illustrate the structures that constitute the micro-foundations of hypothesis 2a and 2b in Fig. 1. In the top-left and bottom-left panels, crime control legislation is more likely to be sponsored. That is, members in the Senate and House of Representatives are more likely to cosponsor crime control legislation relative to non-crime control legislation. However, in the top-left panel, both parties are collaborating on the same bills to pass legislation (heterophily). By contrast, in the bottom-left panel, the parties are both more likely to try and pass crime control legislation, but go about it through different bills. That is, Democrats are more likely to sign bills with other democrats and the same holds for Republicans. This structure is homophilous with respect to party. The two networks on the right (i.e. top-right and bottom-right) are identical in regard to heterophily vs. homophily, but crime control bills are no more likely to be sponsored. In other words, Democrats are more likely to sign bills with other democrats and the same holds for Republicans, but there is not a preferential selection of crime control bills.

Methods

Data

The current study utilizes data based on information gathered from the Library of Congress' digital archives, which can be freely and publicly accessed online via "http://beta.congress.gov/". The digital archives provide information on sponsorship

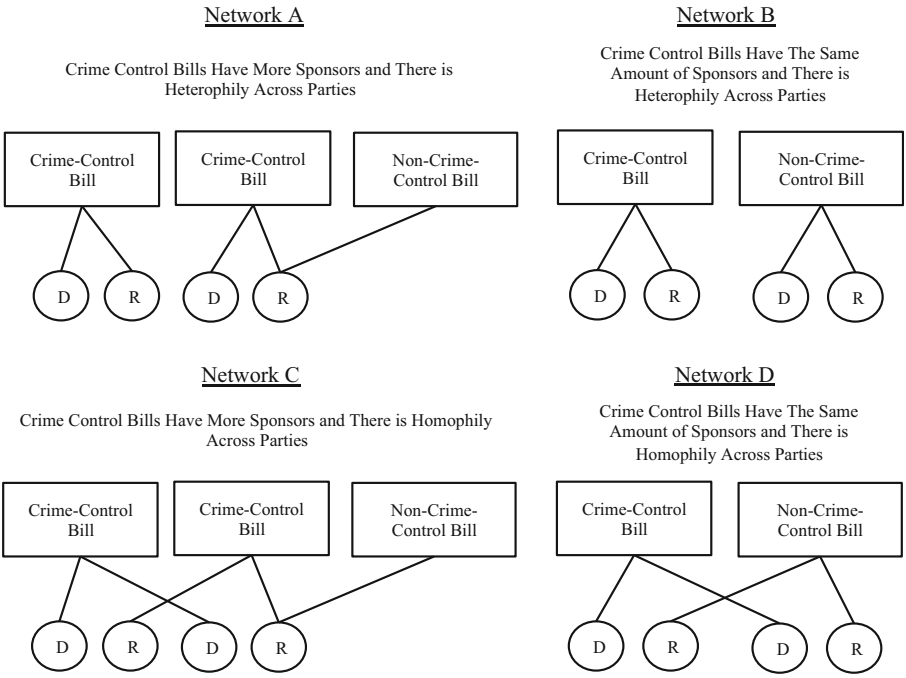


Fig. 1 Configurations of Types of Bills and Party Signing. ("D" indicates "Democrat" and "R" indicates "Republican")

and cosponsorship of all bills introduced by either the Senate or the House of Representatives since 1973–1974 – the 93rd Congress. We would have liked to go further back in time, perhaps to 1964 and even beyond. However, 1973 was the first year that the digital archives provides metadata and member profiles of each senator and house representative. Bills in the archives are categorized by subject (e.g., "Taxation"; "Transportation and Public Works"). For this study, only bills falling under the category titled "Crime and Law Enforcement" were selected for inclusion. This approach is in line with Fowler's (2006a, 2006b) recommendation to examine more specific types of legislation with a fine-grained analysis. A total of 251 crime and law enforcement-related bills have been signed into law from 1973- 1974 (93rd Congress) to 2013–2014 (113th Congress). Thirty of the 251 bills did not include any cosponsors. Following previous work (e.g., Fowler, 2006a), these 30 bills without cosponsors were omitted from the network, leaving a total of 221 bills.[3] Table 1 presents a few examples of the tough on crime bills enacted in our sample along with a description of the sponsorship and cosponsorship relations.

The network of sponsorship is the primary dependent variable in the analysis. The network is *two-mode* in that there are two partitions (i.e. sponsors and bills) where connections occur only between partitions, not within partitions (i.e. sponsors are not directly connected) (see Borgatti & Everett, 1997).[4] The first mode represents the

[3] Upon examination, we were unable to detect any differences between the 30 bills without cosponsors and 221 bills in the network.

[4] For the fixed vertex set V, the two-mode network is the union of two disjoint subsets A and B, $m = |A|$, $n = |B|$ such that the adjacency matrix is nXm. That is, sponsors (n) of bills (m).

Table 1 Examples of "Tough on Crime" Legislation

Bill	Brief Description	Sponsor and Cosponsors
House.3355 (93–94) Violent Crime Control and Law Enforcement Act of 1994	Largest crime bill in U.S. history; funding to hire 100,000 new police officers, $9.7 billion in funding for prison construction	S: Jack Brooks (D) CS: 2 Democrats
House.1240 (95–96) Sex Crimes Against Children Prevention Act of 1995	Amended sentencing guidelines to increase punishment severity for sex offenses against children and child pornography	S: Bill McCollum (R) CS: 7 Republicans
Sen.1254 (95–96) A Bill to Disapprove of Amendments to the Federal Sentencing Guidelines Relating to Lowering Crack Sentences…	Did not approve the U.S. Sentencing Commission's amendment to equalize the penalties for crack and power cocaine quantities for trafficking and possession	S: Spencer Abraham (R) CS: 9 Republicans; 1 Democrat
House.4472 (05–06) Adam Walsh Child Protection and Safety Act of 2006	Created a national sex offender registry; created civil commitment provisions	S: James Sensenbrenner Jr. (R) CS: 32 Republicans; 5 Democrats

S sponsor, *CS* cosponsors, *D* Democrat, *R* Republican

congressmen and congresswomen who were sponsors and/or cosponsors on any of the 221 bills. A total of 1304 unique actors in the network appeared in the first mode. The second mode represents the 221 bills to which the individual actors were either sponsors or cosponsors. The two-mode network is necessarily undirected since actors can only sign legislation and there is not inherent directionality. Since bills in the House of Representatives cannot be signed by senators while they are in the House, and visa versa, we examine bills in the House and bills in the Senate separately. This provides two networks for analysis: bills in the House of Representatives and bills in the Senate. From 1973- 1974 to 2013–2014 the House passed 120 bills and the Senate passed 101.

Measures

Bill Type A review of the 221 "Crime and Law Enforcement" bills in the sample revealed differences between those that were unequivocally directed towards crime control efforts (e.g., increasing the severity of punishments for certain crimes) as opposed to those that were criminal justice-related but not necessarily crime control oriented (i.e., other criminal justice legislation). Each bill was thoroughly examined to determine whether it was concerned with crime control (coded "crime control") or not (coded "non-crime control").[5] As previously discussed, there are two primary ways that Congress has impacted crime control: directly through new laws and indirectly through funding and grant money. One example of the bills included in the network representing the direct method is the Adam Walsh Child Protection and Safety Act of 2006 (House of Representatives #4472). This bill

[5] Summaries as well as the full text for each bill are provided on the "beta.congress.gov" website. Additionally, Appendix 2 provides a categorization of all crime control and non-crime control bills.

amended the federal criminal code, imposing a 10-year prison term for those sex offenders who failed to register themselves in notification databases. In addition, the Computer Crime Enforcement Act (2000) (House of Representatives #2816) is a good example of bills representing the indirect method (i.e., funding/appropriations). This bill provided funding to state/local law enforcement agencies in order to assist them in their efforts of combating computer crime.

On the other hand, the Federal Law Enforcement Dependents Assistance Act of 1996 (Senate #2101) is a prime example of the bills that were coded as "non-crime control." This bill provides educational assistance to children who have had a parent killed in the line of duty. However, this piece of legislation does not directly influence crime control efforts. Upon a careful reading of each bill in the sample, bills were only coded "crime control" if they explicitly addressed an impact on crime control efforts through either one of the two aforementioned methods. Of the 221 crime and law enforcement-related bills signed into law from 1973-1974 to 2013–2014, 149 were coded as "crime control" (68%) and 72 were coded as "non-crime control" (32%). All bills in the sample we treated equally. While some pieces of legislation have impacted the system more than others, we view the idea of weighting the enacted bills as being a subjective process. There are no quantitative scales or rules to provide guidance in an effort to attach certain "weights" to particular bills.

Party Membership Membership in party was recorded for each congressperson. Over the period, there were 1304 unique signers of bills. There are 710 (54%) Democrats, 594 (46%) Republicans.[6]

Analytic Approach

Exponential Random Graph Models

We examine the sponsorship of legislation using the exponential-family random graph model (ERGM) (Frank & Strauss, 1986; Holland & Leinhardt, 1981; Robins, Pattison, Kalish, & Lusher, 2007; Snijders, Pattison, Robins, & Handcock, 2006). ERGMs specify network configurations to explain the formation of social structure through localized substructures (Lusher, Koskinen, & Robins, 2013). For example, a dense network may be created through a process of reciprocity between two individuals (a network configuration). This local process is hypothesized to produce a global network structure. That is, the ERGM framework is used to test whether an observed network was generated through a local process relative to a network where ties form at random, allowing statistical inference for and simulation of complex structures. An extensive literature exploring and discussing the model class exists (Wasserman & Pattison, 1996; Snijders et al., 2006; Robins et al., 2007) and examples using criminological topics are also available (e.g. Young, 2011).

[6] There were 4 Independents over the period. They are excluded from analysis here due to insufficient size to generate stable estimates of model parameters.

Conventional ERGM analyses examine an n X n sociomatrix where n represents individuals. In these cases, inference regarding the probability of a tie between two individuals is modeled as a function of network configurations among individuals (e.g. density, reciprocity, transitivity). However, more complex network structures can be examined by extending ERGMs to bipartite networks. In this case, the probability of ties between individuals and bills is modeled as an n X m matrix where n represents the number of individuals and m represents the number of bills. In general, a bipartite network space contains all possible *(n,m)* combinations and can be represented by a random variable Y_{ij}, where $Y_{ij} = 1$ if there is a tie between actor i from the node set n and event j from the node set m and $Y_{ij} = 0$ if there is not a tie. An observed value of the random variable Y_{ij} is denoted as y_{ij}. The ERG model formulates the probability of observing a set of ties as the n X m matrix $\mathbf{Y}$ given a set of actors, events, and their attributes as:

$$P(\mathbf{Y} = y \mid n \text{ actors}, m \text{ events}) = \frac{\exp\left(\sum_{k=1}^{K} \theta_k z_k(y)\right)}{c} \tag{1}$$

The $zk(y)$ terms represent model covariates, which are any set of K network statistics calculated on y and hypothesized to affect the probability of this network forming. The θ coefficients determine the impact of these statistics and are estimated from the data. The denominator c is a normalizing constant that constrains the probabilities to sum to 1. Eq. (1) can be reexpressed as the conditional log-odds (logit):

$$\text{logit}\left(P\left(Y_{ij} = 1 \mid n \text{ actors}, m \text{ events}, \; Y^{c}_{ij}\right)\right) = \sum_{k=1}^{K} \theta_k \delta z_k(y) \tag{2}$$

where Y^{c}_{ij} denotes all dyads other than Y_{ij}, and $\delta zk(y)$ is the amount by which $zk(y)$ changes.when Y_{ij} is toggled from 0 to 1. The logit formulation clarifies the interpretation of the θ vector: if forming a tie increases zk by 1, then ceteris paribus the log-odds of that tie forming increase by θ. The inclusion of Y^{c}_{ij} in the conditional reflects the mutual dependence of ties. As such, Eq. (2) describes a *dyadic dependence* model because tie formation is endogenous to the model. This property distinguishes the model from a traditional logistic regression model because the network is not simply the outcome of nodal attributes (Koehly, Goodreau, & Morris, 2004). Research shows that for dyadic dependence models the likelihood is poorly estimated by maximum likelihood (Geyer & Thompson, 1992; Handcock, Robins, Snijders, Moody, & Besag, 2003) and particularly for bipartite graphs (Wang, Sharpe, Robins, & Pattison, 2009). However, Markov chain Monte Carlo (MCMC) provides a means of approximating the likelihood (Snijders, 2002) with the important implication that a sample of networks can be simulated from the algorithm (Hunter, Goodreau, & Handcock, 2008). For this study models are estimated and simulated using the *ergm* (Handcock, Hunter, Butts, Goodreau, & Morris, 2003) package (http://www.statnetproject.org) in R (http://www.r-project.org). Diagnostics of MCMC estimates showed convergence of the Markov Chain and sufficient mixing. Diagnostic plots are available from the authors upon request.

ERG Model Specification

Node Factor Effects To test Hypothesis 1 we will examine whether crime control bills are more likely to be sponsored relative to non-crime control bills. This type of effect is referred to as a node-factor effect because it reflects the count of ties for all bills with a particular attribute value. In analyses of one-mode networks (e.g. adolescent friendships), popularity is often used to measure this property of a network. There is an analog here, but we are capturing the tendency for a particular type of bill, crime control oriented legislation, to have more ties (i.e. cosponsors) than non-crime control bills. A positive coefficient would indicate that there are more ties to crime control oriented legislation, relative to non-crime control, than we would expect if the connections in the graph occurred at random. To control for differences across parties, we also include a node factor effect for Republicans (where Democrats are the referent category). A positive coefficient would indicate that Republicans are more likely to sign legislation, relative to Democrats, than we would expect if the connections in the graph occurred at random.

Two-Star Configurations To test Hypotheses 2a and 2b, we use a particular network configuration referred to as a two-star (Wang, 2013) structure where a bill S is linked to actors i and k. The ERGM framework allows for testing whether i and k are more likely to be sponsors of the bill if they are of the same type. The model examines the mixing matrix for all two-star structures centered on the second mode (i.e. bills). This term counts all two-stars in which the first mode nodes (i.e. signers) are homophilous in the sense that they all share the same value of an attribute (i.e. party). A different statistic is created for each party and for each bill type (i.e. crime control vs. non-crime control). This means there are six parameter estimates (4 for homophily and 2 for heterophily): Democrats are homophilous for each bill type, Republications are homophilous for each bill type, and each bill type is heterophilous. A positive homophily estimate would indicate that a Republican is more likely to sign a bill if there is another Republican signing the bill, relative to a Democrat signing the bill. This would provide support for hypothesis 2a. A positive heterophily estimate would indicate that a Republican is more likely to sign a bill if there is a Democrat signing the bill. By contrast, a negative heterophily estimate would indicate that a Republication is less likely to sign a bill if there is a Democrat signing the bill. These different network configurations, though complex, allow precise examination of the social organization of party homophily or heterophily in legislation.

Signing Eligibility Sponsorship of legislation requires that a particular congressional member have the ability to sign legislation (i.e. be in office). Not all members were in office for the entire period, and therefore were not in a position to sign legislation that occurred prior to their entry to office or after their exit. This means that cosponsorship of any given bill would be impossible for a large share of the total set of members (e.g., a billed passed in 1978 and a member first elected in 2000). This is a common feature of network data and is usually accounted for by "structural zero treatment" in which additional information regarding the inability of a node to form a tie is added to the model. We account for this "time not in congress" by constructing a matrix where a 1 indicates that the congressperson was not able to sign a bill and a 0 indicates that they

were eligible to sign a bill. This matrix is added to the model as a covariate and fixed at negative infinity to adjust for the fact that a member of congress could not sign bills that occurred prior to, or after, their tenure in office.

Results

Figure 2 shows the cumulative passage of crime control and non-crime control bills by the House of Representatives and the Senate for each congress over the time periods. The plot for the House shows that over the period of study, crime control bills became more frequent than non-crime control bills. A similar pattern is observed for the Senate, but it is not as pronounced. The figure also illustrates the amplification of crime control oriented bills that became law over time. We see a general increase in the frequency with which both the House and the Senate sponsored successful legislation with each successive decade. Appendix 1 shows the networks for the House of Representatives and Senate. Due to the density of both graphs, it is difficult to visually detect any particular structural biases. As a consequence it is necessary to model the generative mechanisms of the network using a statistical approach. We now examine whether these hypotheses are supported using exponential random graph models.

Table 2 shows the log-odds coefficients for models predicting sponsorship in the House and Senate, respectively. The terms in each model can be interpreted in the same way as a logistic regression where the coefficient indicates the probability that the dependent variable

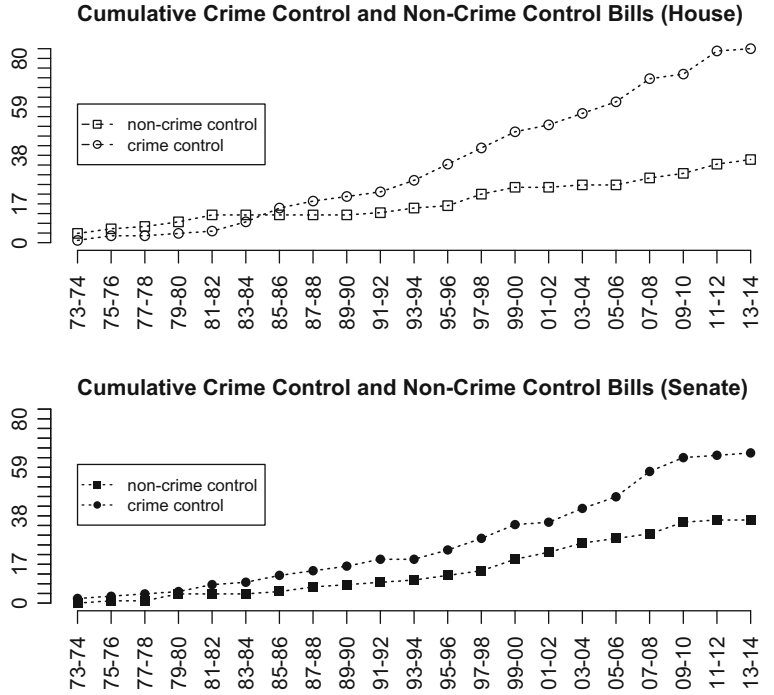


Fig. 2 Cumulative Crime Control and Non-Crime Control Bills Passed by House and Senate

Table 2 Exponential Random Graph Models for House and Senate Sponsorship of Legislation (Markov Chain Monte Carlo Estimates with Standard Errors in Parentheses)

	House	Senate
Coefficient		
Density	−4.559***	−3.942***
	(0.075)	(0.188)
Node Factor Effects		
Signing by Republican	0.031	−0.004
	(0.051)	(0.086)
Crime-Control Bills	0.296***	0.054
	(0.071)	(0.190)
Two-Star Homophily Effects		
Non Crime-Control Democrat	0.012	0.022
	(0.016)	(0.033)
Crime-Control Democrat	0.021***	0.056***
	(0.001)	(0.016)
Non Crime-Control Republican	0.011	0.045
	(0.020)	(0.043)
Crime-Control Republican	0.026***	0.072**
	(0.002)	(0.023)
Two-Star Heterophily Effects		
Non Crime-Control Democrat to Republican	0.003	−0.002
	(0.016)	(0.036)
Crime-Control Democrat to Republican	−0.002	0.001
	(0.0018)	(0.019)

**$p < .01$, ***$p < .001$

takes the value of 1 (i.e., a sponsorship tie occurs) for a specified unit change in the independent variable. Using the coefficient for the density, (i.e., −4.559), the probability of a tie between actor *i* and bill *S* in the House is $e^{-4.559} / 1+ e^{-4.559} = 0.010$, indicating that 1% of the ties that could have occurred (i.e. all actors sponsoring all bills) were observed. Similarly, the probability of a tie between actor *i* and bill *S* in the Senate is $e^{-3.942} / 1+ e^{-3.942} = 0.019$, indicating that slightly less than 2% of the ties that could have occurred (i.e. all actors sponsoring all bills) were observed. Using the density as a base, we can examine how characteristics of the bills and/or actors modify the probability of a tie being observed, relative to a random graph.

Recall that hypothesis 1 stated that: crime control legislation is more likely to be signed than non-crime control legislation. Beginning with the House, the node factor effect for crime control bills is 0.296, indicating that the probability of observing a tie if the bill is a crime control bill is $e^{-4.559+0.296} / 1+ e^{-4.559+0.296} = 0.014$, a 40% increase in the probably of a tie (i.e. [0.014–0.010]/0.010). Note that this effect does not reflect the greater volume of crime control bills shown in Fig. 2 as the model takes into account the frequency distribution of crime control and non-crime control bills. Rather, it indicates that, relative to non-crime control bills,

crime control bills were more likely to be signed in the House. Examining the same effect for the Senate shows no significant difference from a random graph. In other words, a tie is not more likely to occur in the Senate if the bill is a crime control bill, relative to a non-crime control bill. Overall, these results provide mixed support for our first hypothesis.

Hypothesis 2a stated that parties are homophilous with regard to legislation, whereas hypothesis 2b stated that parties are heterophilous with regard to legislation. As discussed above, a statistic is created for each combination of the mixing matrix for type of bill (i.e. crime control vs. non-crime control) and party affiliation (i.e. Democrat vs. Republican). Results bearing on these hypotheses are also shown in Table 2. Beginning with the homophily effects in the House, the table indicates that a crime control bill that already has 1 Democrat signer is more likely to be signed (i.e. form an edge) if the second actor is also a Democrat. Specifically, the probability of observing two Democrats signing the same crime control bill is $e^{-4.559+0.021} / 1+ e^{-4.559+0.021} = 0.011$, a 10% increase in the probability of a tie (i.e. [0.011–0.010]/0.010). A similar result is reported for House Republicans in that a crime control bill that already has 1 Republican signer is more likely to be signed (i.e. form an edge) if the second actor is also a Republican. Specifically, the probability of observing two Republicans signing the same crime control bill is $e^{-4.559+0.026} / 1+ e^{-4.559+0.026} = 0.011$, a 10% increase in the probability of a tie (i.e. [0.011–0.010]/0.010).

Interestingly, for non-crime control bills there is no significant difference from a random graph for party homophily. In other words, there is evidence of homophily for crime control bills, but there does not appear to be a similar preference for non-crime control bills. Further, the estimates are stronger for party preference among the crime control bills relative to the non-crime control bills. In comparing the heterophily coefficients, we see no evidence that Republicans and Democrats preferred cross-party collaboration or that these types of structures were avoided. The effects for heterophily are very small and not significantly different from zero, indicating that signing is mainly homophilous.

The results for the Senate also support hypothesis 2a. Specifically, the probability of observing two Democrats signing the same crime control bill is $e^{-3.942+0.056} / 1+ e^{-3.942+0.056} = 0.020$, a 5.2% increase in the probably of a tie (i.e. [0.020–0.019]/0.019) under this network configuration. Results for Republicans also point toward homophily in that the probability of observing two Senate Republicans signing the same crime control bill is $e^{-3.942+0.072} / 1+ e^{-3.942+0.072} = 0.021$, a 10.5% increase in the probably of a tie (i.e. [0.021–0.019]/0.019). Overall, these results reported in Table 1 provide support for hypothesis 2a that parties are homophilous with regard to legislation.

Conclusion

The changing nature of the criminal justice system and its subsequent growth over the last four decades has attracted the attention of a number of academics (e.g.,

Garland, 2001; Tonry, 2004). Research has shown that the unprecedented rise in the U.S. prison population during this time period was largely driven by changes in criminal justice laws, policies, and practices (Western, 2006). Greater use of mandatory minimum terms as well as longer prison sentences, the abolishment of indeterminate sentencing and parole systems, and "truth in sentencing" policies are a few examples of the contributing factors leading to a 700% increase in the Federal Bureau of Prisons' inmate population from 1980 to 2009 (The Sentencing Project, 2012). Yet, empirical work has primarily focused on the consequences of legislation and policy on justice system outcomes, leaving what accounted for the punitive political sentiment that generated those policies and legislation as a lingering question (Frost & Clear, 2012).

Following the lead of criminologists who have previously explored the connection between politics and crime policy (e.g., Beckett, 1997; Western, 2006), in addition to integrating research from political science (e.g., Fowler, 2006a, 2006b), the current study sought to address this gap by examining the social organization and relational mechanisms between members of the U.S. Congress that led to the amplification of crime control legislation during a forty-two year period (1973–2014). Two main research questions were addressed. First, did crime control legislation become politically attractive relative to other legislative topics, such as criminal justice-related but not necessarily crime control oriented legislation (i.e., non-crime control)? Second, did crime control legislation bring members of both parties together as sponsors and cosponsors on the same bills (i.e. heterophily) or was the proliferation of these types of bills the result of political competition between Democrats and Republicans over which party could appear tougher on crime (i.e. homophily)?

In regard to the first research question, there is partial support that crime control bills that became law were more politically "attractive" than non-crime control bills. This was evidenced by more members of Congress signing on to become cosponsors of crime control legislation as a demonstration of political support. However, this pattern only held for bills originating in the House of Representatives. Members in the House more were likely to "join the party", so to speak, by showing support for crime control legislation as well as portraying their stance on this particular political issue. By becoming a sponsor or a cosponsor on a crime control bill, legislators send a clear signal to both their fellow congressmen/women and their constituents regarding their position on crime control. Based on our findings, it is possible that these shows of support and political messages to constituents in favor of crime control legislation were particularly important for members of the House of Representatives since these politicians are more localized, being drawn from much smaller (in terms of population and geography) congressional districts as opposed to the Senators being voted in by citizens of entire states.

Moving to the second research objective, the findings identify the specific manner in which crime control legislation was signed into law. Successful crime control oriented bills (i.e., those that were passed) were not the result of Democrats and Republicans coming together on the same pieces of legislation (i.e., heterophily). Rather, the observed patterns of bill sponsorship and cosponsorship were more characteristic of a

competition between the two political parties (i.e., homophily). Stated simply, both Democrats and Republicans in the House of Representatives as well as the Senate contributed to the punitive turn of crime policy, with each party passing their own crime control oriented bills.

Our modeling strategy (i.e. exponential random graph models) allows us to draw inferences about the local processes of actors in the network that generated the observed signing networks in Congress. As emphasized above, the decisions made by political actors are not independent of the social context in which the decisions occur. As a consequence, empirical examination of political behavior must take into account this non-independence across units, or risk making inaccurate inferences. By adopting a social network approach, our results highlight that the processes of sponsoring and cosponsoring crime control oriented bills contain structural biases generated by two social mechanisms: preferential pursuit of crime control policy and competition between parties to pass such legislation. Our approach provides novel insights into the processes that contributed to the punitive movement at the federal level.

Our findings demonstrate that Congress played a pivotal role in crafting the crime policy arena after the 1960s. Since then, crime control has become institutionalized as priority of the federal government, specifically for Congress, and an agenda for political actors. The current study demonstrates that the examination of crime policy cannot be divorced from politics, underscoring the importance of interdisciplinary research. Criminologists can learn a great deal from political scientists, especially in terms of what is currently known about the behavior of political actors and legislative bodies. The motivations of political actors, particularly in regard to using crime control policy for entrepreneurial goals, certainly need to be given more scholarly attention. Understanding how institutionalized narratives about crime control create opportunities for political actors is a fruitful area for future research. This is especially true since a number of "irrational criminal justice policies" have been established and sustained over time with little evidence of success and questionable theoretical foundations (Mears, 2010, pg. 7). Our findings suggest that, although some policies may seem irrational from an empirical standpoint, the behavior of political actors creating such policies appears rational when contextualized from a network perspective.

Although such motivations among political entrepreneurs may raise concerns among academics, this process may work similarly if efforts to get "smarter" on crime, through criminal justice reforms, become politically viable. At the federal level, such processes are already operating, as bipartisan congressional activity to reverse criminal justice policy has increased. For example, in July 2014, Senator Rand Paul (Republican-Kentucky) sponsored the REDEEM Act (2014) (Senate #2567). This bill proposes a number of reforms, including allowing some nonviolent criminals as well as juveniles to seal their criminal records. Two democrats, Corey Booker (New Jersey) and Kirsten Gillibrand (New York), have joined Rand Paul and signed on as cosponsors. Moreover, Dagan and Teles (2016) have argued that Conservatives have pivoted away from "get-tough" ideology, as a response to

Tea-Party members reframing crime-control as government overreach. The declining value of "get-tough" may be an additional avenue by which "get-smart" legislation increases in light of recent barriers to bipartisan cooperation in Congress. Future research examining the structure of sponsorship and signing may shed light on the social mechanisms that facilitated or impeded the development of a "get smart" on crime movement.

Our findings also direct future research toward examining congressional behavior in lieu of an apparent shifting narrative surrounding crime in the United States. Increases in crime may bring back the "law and order" perspective that created the "tough on crime" agenda of the 1960s in the first place. For example, the theme for the first night of the Republican National Convention was "Make American Safe Again". If the 2016 presidential election was any indication, this rhetoric appeared to resonate with a non-trivial and vocal portion of the country. Moreover, according to a recent Gallup poll (Gallup, 2016), concern about crime and violence has increased over the last two years. Though the "tough on crime" position became less of a wedge issue during the 90s as Democrats mimicked Republican behavior (Dagan & Teles, 2016), a resurgence surrounding concerns over immigration may generate political capital and create a new wedge issue.

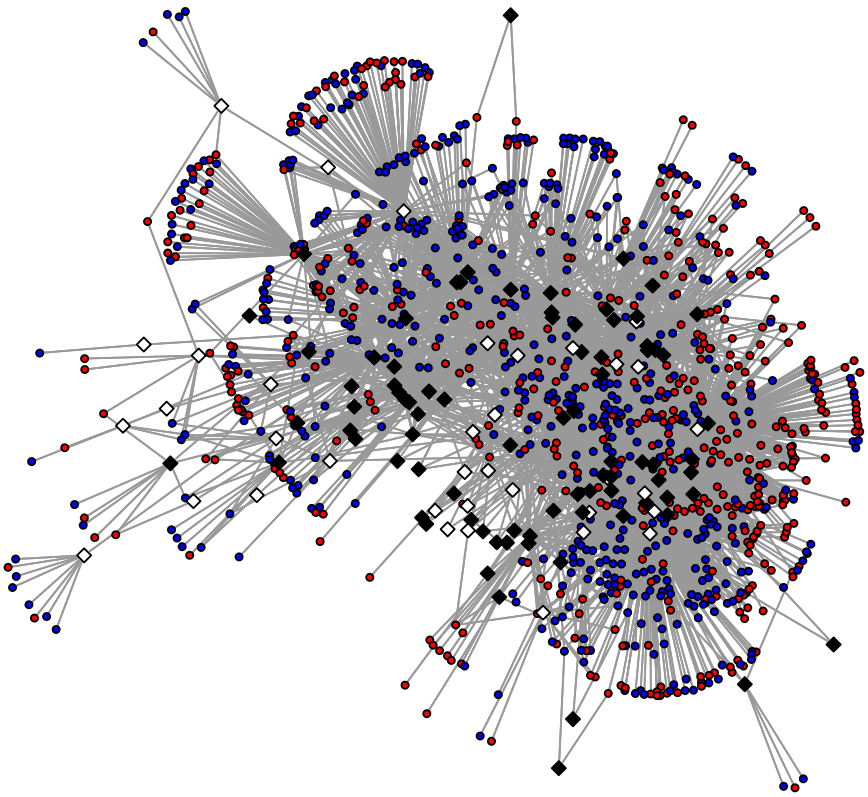
This study has several limitations worth noting. First, we only examined differences in structure and relational mechanisms between crime control oriented and non-crime control bills falling under the "Crime and Law Enforcement" category. A case can be made to compare the differences between crime control legislation with bills falling under other categories, such as "Commerce" or "Energy". However, the process of gathering data from the Library of Congress' digital archives and then configuring it in an appropriate format compatible with network analysis software (i.e., "R") is a tremendous undertaking. Furthermore, it is unclear what additional knowledge might be gained from such an effort above and beyond what was found among the crime control and criminal justice related but not necessarily crime control legislation displayed here. Understanding whether the structure of bill signing in "Commerce" legislation, for example, is different than the structure of bill signing in "Crime and Law Enforcement" legislation may be an insightful empirical investigation, but it is beyond the scope of the current study.

Moreover, we only created a network of successful legislation (i.e., those bills that were eventually signed into law). The Library of Congress' digital archives provides information on every bill that has been introduced on the floor of the Senate or the House of Representatives since 1973–1974. Future research may examine why most bills are never passed compared to the relatively few cases where they are, and whether there are identifiable features of bills that pass. For example, do the network structures and relational mechanisms differ between successful versus unsuccessful bills? These questions, however, were not central to our research objectives and were beyond the scope of the current study. Thus, we were exclusively concerned with those pieces of legislations that became law and had tangible effects on crime policy.

In sum, laws, policies, and practices have had a dramatic impact on the criminal justice system over the last four decades. Although criminologists have sought to identify the precise mechanisms responsible for the growth in the American criminal justice system, especially the rise in the prison population, answers pertaining to the underlying processes as well as the "big picture" remain elusive. This study seeks to address this gap in research and suggests that future research should continue to investigate the underlying processes and antecedent mechanisms that gave rise to these crime control oriented laws and policies. Overall, our findings are an important first step in shedding insight into the "forces behind the punitive turn" (Frost & Clear, 2012, pg. 622) in the United States and the institutional processes that led Congress to "get tough" on crime.

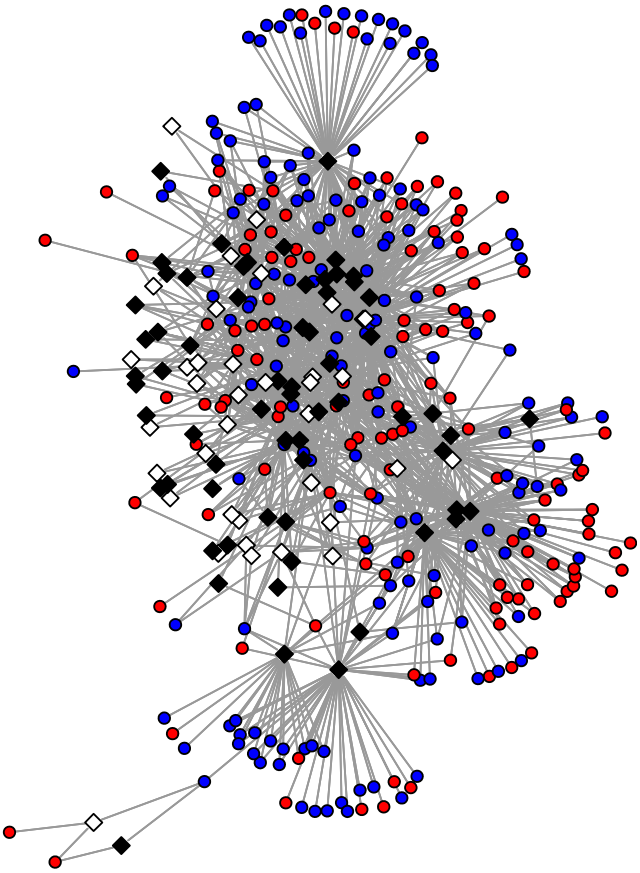
Appendix 1

A: Plot of 1013 Signers of 120 Bills in the House of Representatives



Democrats = Blue; Republicans = Red; CC Bills = Black; NCC Bills = White

B: Plot of 291 Signers of 101 Bills in the Senate



Democrats = Blue; Republicans = Red; CC Bills = Black; NCC Bills = White

Appendix 2

Table 3 Categorization of Crime Control and Non-Crime Control Bills

CC	CC	CC	CC	NCC	NCC
S.754 (73–74)	S.821 (73–74)	H.8152 (73–74)	H.5727 (75–76)	H.7352 (73–74)	H.9281 (73–74)
H.6799 (75–76)	S.2212 (75–76)	S.1682 (77–78)	S.241 (79–80)	H.10840 (73–74)	H.15461 (73–74)
H.2538 (79–80)	S.923 (81–82)	S.907 (81–82)	S.2420 (81–82)	H.9915 (75–76)	S.2757 (75–76)
H.6454 (81–82)	S.422 (83–84)	H.2173 (83–84)	H.3635 (83–84)	H.13899 (75–76)	H.5864 (77–78)
H.548 (83–84)	H.5846 (83–84)	S.49 (85–86)	S.1236 (85–86)	H.1301 (79–80)	S.961 (79–80)

Table 3 (continued)

CC	CC	CC	CC	NCC	NCC
H.3132 (85–86)	H.3511 (85–86)	S.1818 (85–86)	H.3837 (85–86)	H.4712 (79–80)	S.1790 (79–80)
H.4718 (85–86)	H.4745 (85–86)	H.4952 (85–86)	H.1163 (87–88)	S.2441 (79–80)	H.4469 (81–82)
S.794 (87–88)	S.1851 (87–88)	H.3911 (87–88)	H.4445 (87–88)	H.6254 (81–82)	H.6976 (81–82)
H.498 (89–90)	H.1048 (89–90)	S.993 (89–90)	S.3266 (89–90)	S.2414 (85–86)	S.1822 (87–88)
S.893 (91–92)	S.1002 (91–92)	S.1766 (91–92)	H.4542 (91–92)	S.2361 (87–88)	S.248 (89–90)
H.5716 (91–92)	H.175 (93–94)	H.1025 (93–94)	H.1237 (93–94)	S.1963 (91–92)	H.5862 (91–92)
H.3355 (93–94)	H.4922 (93–94)	H.1240 (95–96)	S.735 (95–96)	S.24 (93–94)	H.1189 (93–94)
H.2317 (95–96)	S.1136 (95–96)	S.1254 (95–96)	H.3166 (95–96)	H.5102 (93–94)	H.2803 (95–96)
S.1675 (95–96)	H.3525 (95–96)	H.3680 (95–96)	H.3723 (95–96)	S.1507 (95–96)	S.2101 (95–96)
H.4137 (95–96)	S.191 (97–98)	S.493 (97–98)	H.1493 (97–98)	H.624 (97–98)	H.924 (97–98)
S.813 (97–98)	H.1756 (97–98)	H.1847 (97–98)	H.3494 (97–98)	H.2070 (97–98)	S.1605 (97–98)
H.3633 (97–98)	S.2022 (97–98)	H.3811 (97–98)	S.2235 (97–98)	H.3565 (97–98)	S.1976 (97–98)
H.4151 (97–98)	H.764 (99–00)	S.768 (99–00)	H.1791 (99–00)	H.4309 (97–98)	S.704 (99–00)
H.1887 (99–00)	H.2130 (99–00)	S.1455 (99–00)	H.2816 (99–00)	H.1658 (99–00)	H.1800 (99–00)
S.1865 (99–00)	S.1898 (99–00)	H.4640 (99–00)	H.4827 (99–00)	S.1235 (99–00)	H.2780 (99–00)
S.2924 (99–00)	S.3045 (99–00)	H.2215 (01–02)	H.2621 (01–02)	S.1638 (99–00)	S.1769 (99–00)
H.3162 (01–02)	S.3044 (01–02)	S.151 (03–04)	S.3 (03–04)	S.2413 (99–00)	S.22 (01–02)
H.1731 (03–04)	H.1997 (03–04)	S.1194 (03–04)	S.1301 (03–04)	S.1888 (01–02)	S.2431 (01–02)
H.3348 (03–04)	H.3632 (03–04)	S.1947 (03–04)	S.2195 (03–04)	H.218 (03–04)	S.459 (03–04)
H.5107 (03–04)	H.32 (05–06)	S.1998 (05–06)	H.4472 (05–06)	S.1280 (03–04)	S.1435 (03–04)
S.2167 (05–06)	H.4709 (05–06)	S.3693 (05–06)	S.3880 (05–06)	S.1683 (03–04)	S.1368 (05–06)
S.4042 (05–06)	H.6344 (05–06)	H.6338 (05–06)	H.137 (07–08)	S.1395 (05–06)	H.1593 (07–08)
S.231 (07–08)	S.431 (07–08)	H.923 (07–08)	H.1199 (07–08)	S.2304 (07–08)	H.6045 (07–08)
S.863 (07–08)	S.888 (07–08)	S.1276 (07–08)	H.2517 (07–08)	H.6083 (07–08)	S.3641 (07–08)
H.2640 (07–08)	S.1738 (07–08)	H.3480 (07–08)	S.2135 (07–08)	S.1132 (09–10)	S.1289 (09–10)
H.4120 (07–08)	H.5057 (07–08)	H.5938 (07–08)	H.6353 (07–08)	S.1421 (09–10)	S.1789 (09–10)
S.3218 (07–08)	S.3294 (07–08)	S.3598 (07–08)	S.3605 (07–08)	S.3397 (09–10)	H.5566 (09–10)
S.386 (09–10)	S.1147 (09–10)	H.2923 (09–10)	S.1472 (09–10)	H.5809 (09–10)	S.1103 (11–12)
S.1749 (09–10)	S.2950 (09–10)	H.4748 (09–10)	S.3998 (09–10)	H.2944 (11–12)	H.6189 (11–12)
H.347 (11–12)	H.514 (11–12)	H.2076 (11–12)	H.3801 (11–12)	H.6620 (11–12)	H.6671 (11–12)
H.4119 (11–12)	H.4223 (11–12)	H.5949 (11–12)	H.6014 (11–12)	H.3092 (13–14)	H.3190 (13–14)
H.6029 (11–12)	H.6063 (11–12)	S.3642 (11–12)	S.47 (13–14)		
H.3626 (13–14)					

CC Crime Control, *NCC* Non-Crime Control, *S* Senate, *H* House of Representatives; Congressional Year in Parentheses

References

Adam Walsh Child Protection and Safety Act of 2006, H.R. 4472, 109th Cong. (2006). Retrieved from http://beta.congress.gov/bill/109th-congress/House-bill/4472.

Anderson, J. E. (1990). *Public policymaking: An introduction*. Boston: Houghton Mifflin.
Barker, V. (2009). *The politics of imprisonment: How the democratic process shapes the way America punishes offenders*. New York: Oxford University Press.
Beale, S. S. (1996). Federalizing crime: Assessing the impact on the federal courts. *The Annals of the American Academy of Political and Social Science, 543*(1), 39–51.
Beckett, K. (1997). *Making crime pay: Law and order in contemporary American politics*. New York: Oxford University Press.
Borgatti, S. P., & Everett, M. G. (1997). Network analysis of 2-mode data. *Social Networks, 19*(3), 243–269.
Campbell, J. E. (1982). Cosponsoring legislation in the US Congress. *Legislative Studies Quarterly, 7*(3), 415–422.
Campbell, M. C., & Schoenfeld, H. (2013). The transformation of America's penal order: A historicized political sociology of punishment. *American Journal of Sociology, 118*(5), 1375–1423.
Campbell, M. C., Vogel, M., & Williams, J. (2015). Historical contingencies and the evolving importance of race, violent crime, and region in explaining mass incarceration in the United States. *Criminology, 53*(2), 180–203.
Computer Crime Enforcement Act, H.R. 2816, 106th Cong. (2000). Retrieved from http://beta.congress.gov/bill/106th-congress/House-bill/2816.
Cronin, T. E., Cronin, T. Z., & Milakovich, M. E. (1981). *The U.S. versus crime in the streets*. Bloomington: Indiana University Press.
Cullen, F. T., Clark, G. A., & Wozniak, J. F. (1985). Explaining the get tough movement: Can the public be blamed? *Federal Probation, 49*(2), 16–24.
Dagan, D., & Teles, S. M. (2016). *Prison break: Why conservatives turned against mass incarceration*. Oxford: Oxford University Press.
Federal Law Enforcement Dependents Assistance Act of 1996, S. 2101, 104th Cong. (1996). Retrieved from http://beta.congress.gov/bill/104th-congress/senate-bill/2101.
Fowler, J. H. (2006a). Connecting the congress: A study of cosponsorship networks. *Political Analysis, 14*(4), 456–487.
Fowler, J. H. (2006b). Legislative cosponsorship networks in the US house and senate. *Social Networks, 28*(4), 454–465.
Frank, O., & Strauss, D. (1986). Markov graphs. *Journal of the American Statistical Association, 81*, 832–842.
Frost, N. A., & Clear, T. R. (2012). New directions in correctional research. *Justice Quarterly, 29*(5), 619–649.
Gallup (2016). In U.S., concern about crime climbs to 15-year high. Retrieved from http://www.gallup.com/poll/190475/americans-concern-crime-climbs-year-high.aspx.
Garland, D. (2001). *The culture of control: Crime and social order in contemporary society*. Chicago: University of Chicago Press.
Gest, T. (2001). *Crime and politics: Big government's erratic campaign for law and order*. New York: Oxford University Press.
Geyer, C. J., & Thompson, E. A. (1992). Constrained Monte Carlo maximum likelihood for dependent data. *Journal of the Royal Statistical Society, 54*, 657–699.
Goldwater, B. (1964). Acceptance speech. 28th Republican National Convention. Retrived from http://www.washingtonpost.com/wp-srv/politics/daily/may98/goldwaterspeech.htm.
Gottschalk, M. (2006). *The prison and the gallows: The politics of mass incarceration in America*. New York: Cambridge University Press.
Handcock, M.S., Hunter, D., Butts, C.T., Goodreau, S.M., & Morris, M. (2003). statnet: An R package for the statistical modeling of social networks. Web page http://www.csde.washington.edu/statnet.
Handcock, M.S., Robins, G., Snijders, T., Moody, J., Besag, J. (2003). Assessing degeneracy in statistical models of social networks, Center for Statistics and the social sciences. Working paper no. 39.
Harrison Act of 1914, Pub. L. No. 63–223, 38 Stat. 785.
Hatch, O. G. (1993). The role of congress in sentencing: The United States sentencing Commission, mandatory minimum sentences, and the search for a certain and effective sentencing system. *Wake Forest Law Review, 28*(1), 185–198.
Holland, P. W., & Leinhardt, S. (1981). An exponential family of probability distributions for directed graphs. *Journal of the American Statistical Association, 76*, 33–50.
Hunter, D. R., Goodreau, S. M., & Handcock, M. S. (2008). Goodness of fit of social network models. *Journal of the American Statistical Association, 103*, 248–258.
Jacobs, D., & Jackson, A. L. (2010). On the politics of imprisonments: A review of systematic findings. *Annual Review of Law and Social Science, 6*(1), 129–149.

Kappeler, V. K., Blumberg, M., & Potter, G. W. (1994). *The mythology of crime and criminal justice*. Prospect Heights: Waveland Press Inc..

King, R., Mauer, M., & Young, M. (2005). *Incarceration and crime: A complex relationship*. Washington, D.C.: The Sentencing Project.

Koehly, L. M., Goodreau, S. M., & Morris, M. (2004). Exponential family models for sampled and census network data. *Sociological Methodology, 34*, 241–270.

Lazersfeld, P. F., & Merton, R. K. (1954). Friendship as social process: A substantive and methodological analysis. In M. Berger (Ed.), *Freedom and control in modern society* (pp. 18–66). New York: Van Nostrand.

Lusher, D., Koskinen, J., & Robins, G. (2013). *Exponential random graph models for social networks: Theory, methods, and applications*. Cambridge: Cambridge University Press.

Lynch, M. (2010). *Sunbelt justice: Arizona and the transformation of American punishment*. Stanford: Stanford Law Books.

Marion, N. E. (1994). *A history of federal crime control initiatives: 1960–1993*. Westport: Praeger Publishers.

Matusow, A. J. (1984). *The unraveling of America: A history of liberalism in the 1960s*. New York: Harper & Row, New York.

Mauer, M. (2001). The causes and consequences of prison growth in the USA. *Punishment & Society, 3*(1), 9–20.

McClurg, S. D., & Lazer, D. (2014). Political networks. *Social Networks, 36*(1), 1–4.

McPherson, J. M., Smith-Lovin, L., & Cook, J. (2001). Birds of a feather: Homophily in social networks. *Annual Review of Sociology, 27*(1), 415–444.

Mears, D. P. (2010). *American criminal justice policy: An evaluation approach to increasing accountability and effectiveness*. Cambridge: Cambridge University Press.

Miller, L. (2008). *The perils of federalism: Race, poverty, and the politics of crime control*. Oxford: Oxford University Press.

Patterson, S. C. (1959). Patterns of interpersonal relations in a state legislative group: The Wisconsin assembly. *Public Opinion Quarterly, 23*(1), 101–109.

Poole, K. T., & Rosenthal, H. (1991). Patterns of congressional voting. *American Journal of Political Science, 35*(1), 228–278.

President's Commission on Law Enforcement and Administration of Justice. (1967). *The challenge of crime in a free society*. Washington, D.C: US Government Printing Office.

REDEEM Act, S. 2567, 113th Cong. (2014). Retrieved from http://www.congress.gov/bill/113th-congress/senate-bill/2567.

Reitz, K. R. (1996). The federal role in sentencing law and policy. *The Annals of the American Academy of Political and Social Science, 543*(1), 116–129.

Rice, S. A. (1927). The identification of blocs in small political bodies. *American Political Science Review, 21*(3), 619–627.

Richman, D. (2006). The past, present, and future of violent crime federalism. *Crime and Justice, 34*(1), 377–439.

Rivera, M. T., Soderstrom, S. B., & Uzzi, B. (2010). Dynamics of dyads in social networks: Assortative, relational, and proximity mechanisms. *Annual Review of Sociology, 36*(1), 91–115.

Roberts, J. V. (1992). Public opinion, crime, and criminal justice. In M. Tonry (Ed.), *Crime and justice: A review of research* (pp. 99–180). Chicago: University of Chicago Press.

Robins, G., Pattison, P., Kalish, Y., & Lusher, D. (2007). An introduction to exponential random graph (p*) models for social networks. *Social Networks, 29*(2), 173–191.

Rolfe, M. (2012). *Voter turnout: A social theory of political participation*. Cambridge: Cambridge University Press.

Routt, G. C. (1938). Interpersonal relationships and the legislative process. *The Annals of the American Academy of Political and Social Science, 195*(1), 129–136.

Scheingold, S. A. (1991). *The politics of street crime: Criminal process and cultural obsession*. Philadelphia: Temple University Press.

Simon, J. (2007). *Governing through crime: How the war on crime transformed American democracy and created a culture of fear*. New York: Oxford University Press.

Sinclair, B. (2012). *The social citizen: Peer networks and political behavior*. Chicago: University of Chicago Press.

Snijders, T. A. B. (2002). Markov chain Monte Carlo estimation of exponential random graph models. *Journal of Social Structure, 3*(2), 1–40.

Snijders, T. A. B., Pattison, P. E., Robins, G. L., & Handcock, M. S. (2006). New specifications for exponential random graph models. *Sociological Methodology, 36*(1), 99–153.

Stemen, D., Rengifo, A., & Wilson, J. (2006). *Of fragmentation and ferment: The impact of state sentencing policies on incarceration rates, 1975–2002*. Washington, D.C.: Final Report to the US Department of Justice.

Stinchcombe, A. L., Adams, R., Heimer, C. A., Scheppele, K. L., Smith, T. W., & Taylor, D. C. (1980). *Crime and punishment in America: Changing attitudes in America*. San Francisco: Jossey-Bass.

The Sentencing Project (2012). The expanding federal prison population. Retrieved from http://www.sentencingproject.org/detail/publication.cfm?publication_id=342&id=156.

Tonry, M. (1995). *Malign neglect: Race, crime, and punishment in America*. New York: Oxford University Press.

Tonry, M. (2004). *Thinking about crime: Sense and sensibility in American penal culture*. New York: Oxford University Press.

Truman, D. (1959). *The congressional party: A case study*. New York: Wiley.

Victor, J. N., & Ringe, N. (2009). The social utility of informal institutions: Caucuses as networks in the 110th U.S. house of Representatives. *American Politics Research, 37*(5), 742–766.

Volstead Act of 1919, Pub. L. No. 66–66, 41 Stat. 305.

Walker, S. (1993). *Taming the system: The control of discretion in criminal justice, 1950–1990*. New York: Oxford University Press.

Wang, P. (2013). Exponential random graph model extensions: Models for multiple networks and bipartite networks. In D. Lusher, J. Koskinen, & G. Robins (Eds.), *Exponential random graph models for social networks* (pp. 115–129). New York: Cambridge University Press.

Wang, P., Sharpe, K., Robins, G. L., & Pattison, P. E. (2009). Exponential random graph models for affiliation networks. *Social Networks, 31*(1), 12–25.

Wasserman, S., & Pattison, P. E. (1996). Logit models and logistic regressions for social networks: I. An introduction to markov graphs and *p**. *Psychometrika, 60*(3), 401–425.

Western, B. (2006). *Punishment and inequality in America*. New York: Russell Sage.

Wise, C. R. (1991). *The dynamics of legislation: Leadership and policy change in the congressional process*. San Francisco: Jossey-Bass.

Young, J. T. N. (2011). How do they "end up together"? A social network analysis of self-control, homophily, and adolescent relationships. *Journal of Quantitative Criminology, 27*(3), 251–273.

Zimring, F. (2006). *The great American crime decline*. New York: Oxford University Press.

John A. Shjarback is an Assistant Professor in the Department of Criminal Justice at the University of Texas at El Paso. He received his doctorate in Criminology and Criminal Justice from Arizona State University. His research interests include policing and criminal justice policy. His recent work has been published in *Policing: An International Journal*, *Police Quarterly*, and the *Journal of Criminal Justice*.

Jacob T.N. Young is an Assistant Professor in the School of Criminology and Criminal Justice at Arizona State University. He received his doctorate in Sociology from the University of Washington. His research examines how social structure affects the diffusion and accuracy of information in networks and the consequences on behavior. His recent work has been published in *Criminology*, *Justice Quarterly*, *Journal of Quantitative Criminology*, *Social Problems*, and Slate Magazine.