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U.S. Conservatives: We're Leading Criminal Justice Reform

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By Ted Gest

In a surprise turnaround, the American right has declared that it is leading the nation's criminal justice reform efforts.

Dozens of conservatives gathered yesterday in Washington, D.C., to assert that they are spearheading changes in state laws that will bring down the prison population, simultaneously saving tax money and bringing down the recidivism rate.

Former House Speaker Newt Gingrich called the session a "turning point," saying that conservatives now realize that their drive in the 1980s and 1990s for long prison terms has had the "unexpected consequence" of imprisoning too many non-violent offenders.

Gingrich was the opening speaker at the first national "leadership summit" organized by the Texas-based organization called Right on Crime, which assembled an impressive array of prominent speakers.

Besides Gingrich, they included former Attorney General Edwin Meese, longtime conservative activists Richard Viguerie and David Keene, and former California legislator Pat Nolan, who announced he is heading a new Center for Criminal Justice Reform at the American Conservative Union Foundation.

Many speakers yesterday credited as an inspiration for their thinking the late Charles "Chuck" Colson, the first member of the Richard Nixon administration to be incarcerated for Watergate-related charges. Colson later converted to Christianity and founded the non-profit Prison Fellowship.

The Texas group, part of the Texas Public Policy Foundation, proclaimed that its "innovative, revolutionary approach to addressing the challenge of reforming our inefficient criminal justice system is making great strides, with more than 30 states already initiating their own reform efforts based on our model."

Indeed, it was Texas in 2007 under conservative Gov. Rick Perry that avoided \$2 billion in potential prison construction and operating costs by creating what it called a justice reinvestment package that expanded drug courts and various alternative-to-prison treatment programs, both for halfway house residents, and probationers.

In a video message to the conference, Perry boasted that his traditionally tough-on-crime state now has its lowest crime rate since 1968, even while it has closed prisons and brought down its incarceration total to the lowest in five years.

Also starring at yesterday's event was a state not historically known for its criminal-justice leadership: Mississippi.

In March, Gov. Phil Bryant signed a reform package that mirrors the one in Texas, reserving prison space for violent and serious offenders and increasing access to non-prison programs for other convicts. The changes are estimated to save at least \$266 million over the next decade.

Speaking to the summit yesterday, Mississippi Lt. Gov. Tate Reeves said state leaders recognized that they could not sustain much longer a 48 percent increase in the state corrections budget since 2005. State Rep. Andy Gipson said legislators decided that "what we were doing in Mississippi wasn't working," adding that "we saw no clear benefit to public safety" by spending so much on prisons.



Former House Speaker Newt Gingrich (Image via Right on Crime)

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The conference heard similar reports in video messages from Georgia Gov. Nathan Deal and South Dakota Gov. Dennis Daugaard, and was presented with summaries of successful reform efforts in other states, including Alaska, Idaho, Kansas, Kentucky, Ohio, Pennsylvania, and South Carolina.

Much of yesterday's discussion involved more-efficient use of public funds, but conservatives insisted that their concern about helping former inmates successfully re-enter society was just as important in their thinking.

Viguerie recalled his own "law and order" thinking, going back to the 1950s, advocating a "lock 'em up and throw away the key philosophy."

He asserted that advocates on the left took "very extreme positions" on crime issues, leading conservatives to overreact and help enact practices like "three strikes and you're out" and mandatory minimum sentences.

Now, Viguerie agrees that "the system is clearly broken."

David Keene, a recent president of the National Rifle Association, agreed that "treating people humanely" is a primary principle of modern conservative thought on criminal justice. The large total of public resources spent on prisons indicates that "a lot of money has been thrown at a problem in a way that makes the problem worse."

Conservative leaders weren't the only participants at the session, which was held in the Ronald Reagan Building. The Pew Charitable Trusts' Public Safety Performance Project, a bipartisan effort, was represented with several staff members and its leader, Adam Gelb, who said that public opinion across party lines supports the reforms advocated by Right on Crime.

Gelb said polling commissioned by Pew has established that there is "broad public support" for criminal justice reform, with large majorities believing that public safety can be assured even with a smaller prison population and that the length of a prison sentence is not as significant as the idea that a former prisoner may be less likely to commit another crime as a result of rehabilitation programs.

Liberals welcome conservative support for measures that reduce prison populations but they would contest the idea that conservatives invented modern criminal justice reform.

Last year, the American Civil Liberties Union and other liberals joined in a report contending that their original conception of "justice reinvestment" had largely failed to divert money saved by smaller inmate totals to services for minority communities where many of the ex-prisoners live. (Coverage in The Crime Report can be seen at <http://www.thecrimereport.org/news/inside-criminal-justice/2013-04-is-justice-reinvestment-as-good-as-it-looks>.)

Also, some key states where prison populations have dropped were not part of yesterday's conservative narrative.

New York State, for example, cut its inmate totals without using the Texas justice reinvestment model, and California's prisoner reduction--the nation's most dramatic--has come about as the result of court orders.

It is not clear, either, that the conservative thinking represented yesterday has penetrated to the federal level. Three key Republican U.S. Senators this month expressed opposition to bills that essentially would do for the growing federal prison population what Texas, Mississippi and other states have done with their sentencing practices.

Gingrich said yesterday that the right will not give up easily on its new criminal justice program, predicting that the campaign will "flourish over the next 20 years."

Ted Gest is president of Criminal Justice Journalists and Washington bureau chief of The Crime Report. He welcomes comments from readers.