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[Strange Bedfellows](#)

By Jessica Pupovac

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Unlikely allies are changing the politics of crime in America.

If anyone had told Ana Yáñez-Correa, a blunt-talking campaigner for prison reform in Texas, that she would some day find common cause with Marc

Levin, she would have cut short the conversation with a skeptical laugh.

Levin heads the Center for Effective Justice at the [Texas Public Policy Foundation](#), an Austin, Texas-based think tank known for its staunch advocacy of free-market solutions to policy challenges. On the surface, a more unlikely meeting of political minds is hard to imagine.

“A lot of the positions that (Levin’s) group holds are things that I don’t subscribe to,” admits Yáñez-Correa, executive director of the [Texas Criminal Justice Coalition](#), an organization that defends the rights of offenders and their families.

But for the past five years, the working alliance between the two has helped changed the face of crime and punishment in Texas—once one of the country’s most hard-line “lock’em-up-and-throw-away-the-key” states.

Their joint lobbying in the Texas capital convinced state legislators to pass a set of reforms over the past five years that have expanded substance abuse treatment programs, bolstered community-passed mental health programs for felons and increased services for people on parole—all of which were once derided by hard-liners as efforts to coddle criminals.

“She’s just obviously a great advocate, but also a wonderful person,” said Levin. “We may come from different ideological backgrounds, but we both have the same goals in terms of public safety, reforming offenders, restoring victims and controlling costs.”

What’s even more remarkable is that such strange-bedfellow partnerships are no longer exceptions.

Common Cause

Across the nation, people who once stood firmly on opposing sides of the “tough-on-crime/soft-on-crime” argument are finding they have a lot more in common than they once assumed. And these new alliances may prove the key to a long-overdue change in how the country deals with crime.

A [bill](#) proposed by Virginia Democratic Senator Jim Webb to reform America’s criminal justice system is winning bipartisan backing in the Senate and House of Representatives. The bill would create a bipartisan commission to examine every aspect of the U.S. criminal justice system and, where necessary, recommend reforms. It’s picking up strong support from an eclectic mix of liberals, conservatives, libertarians and the religious right.

“Criminal justice reform is increasingly not a right or left issue, or a conservative or liberal issue,” said Mary Price, general counsel for Families Against Mandatory Minimums ([FAMM](#)), a D.C.-based organization that has been working for sentencing reform almost 20 years. “That’s because some of the excesses we are all concerned about in the system are equal-opportunity offenders.”

Perhaps. But what may really be driving the change is something even more fundamental: money.

As the high costs of the nation’s corrections systems begin to squeeze states already reeling from the fiscal crisis, a number of conservatives and their Republican business allies have been taking a second look at anti-crime policies that were once popular with their constituents.

Money, for instance, was key to the turnaround in Texas. In 2007, the state’s Legislative Budget Board projected that the state’s Department of Criminal Justice would need to build at least 17,000 new prison beds over the next five years to keep pace with a projected increase of prisoners—at a staggering cost of \$1.3 billion.

That was not only unacceptable to fiscal conservatives, but made little rational sense to the “anti-big government” crowd. Levin was able to demonstrate to his allies that an increasing body of criminological research suggested that locking more offenders behind bars has not only been a waste of taxpayer money but has had little effect on public safety.

Indeed, according to a recent [report](#) issued by the Texas Public Policy Foundation, from 2007 to 2008, Texas’ incarceration rate fell 4.5 percent, while the state saw a 5 percent drop in murders, a 4.3 percent drop in robberies and a 6.8 percent decline in forcible rapes. The number of parolees convicted of a new crime, meanwhile, declined by 7.6 percent, despite an increase in the number of parolees.

One in 100 Americans Behind Bars

Nonetheless, so-called “tough on crime” policies are still the status quo across the country, and have turned America into a symbol both of the ineffectiveness of mass incarceration and deep racial disparities in the treatment of offenders. With five percent of the world’s population, U.S. jails hold 25 percent of the world’s inmates. According to a 2008 [report](#) by the Pew Center on the States, one in 100 American adults are behind bars—about 1.6 million people. For African-Americans adults, the ratio, starkly, increases to one in 15.

That has in turn helped drive groups as diverse as Focus on the Family, Prison Fellowship Ministries, the National Association for the Advancement of Colored People and the American Civil Liberties Union into unexpected allies on the issue of criminal justice reform.

In 2009, the presidents of two national groups with long and deep roots in the conservative movement, Grover Norquist of Americans for Tax Reform and David Keene of the American Conservative Union, publicly announced their opposition to mandatory sentencing laws, reinstated by Congressional leaders in 1984, as a key component of former President Ronald Reagan’s War on Drugs. Although Keene and Norquist maintained they spoke for themselves, and not their organizations, it was clear that something new was afoot.

In an interview, Norquist – a former Reagan adviser — explained that the criminal justice system’s ability to prevent crime through programs that reduce recidivism should concern taxpayers as much as the rising costs. “At the end of the day,” he observes. “(Taxpayers) live in the same society that people returning from prison live in.”

And there is also a larger, moral, question about whether our justice system itself provides “justice.” That question has preoccupied an increasing number of those on the religious right, who believe the current system’s emphasis on punishment leaves little room for redemption.

“Offense to Christian Morality”

Pat Nolan, Vice President of Prison Fellowship Ministries, a prisoner support and advocacy organization founded by Charles Colson, a former aide to President Richard Nixon who was imprisoned following the Watergate scandal, argues that the current treatment of prisoners “offends our Christian morality.”

Nolan, a former California legislator who served 25 months in federal prison on racketeering charges during the 1990s, has become a key lobbyist for sentencing and prison reform. “All human beings have worth and are created by God with human dignity that needs to be respected,” says Nolan who, like Colson, considers himself a born-again Christian.

The support of groups like the Prison Fellowship has been crucial to passage of landmark federal legislation, such as the Prison Rape Elimination Act of 2003 and the Second Chance Act of 2008. Both bills represented a break with the hardline stance that had been a cornerstone of U.S. policies for more than two decades.

On the state level, criminal justice reform continues to remain an uphill battle. In many states, efforts to change sentencing law or reduce prison populations can be—and often are—derailed by a headline-grabbing crime that fuels public outrage.

That’s why the third leg of this emerging coalition—the business community—has become increasingly crucial.

In Illinois, where “soft on crime” accusations threaten to derail the current governor’s bid for re-election, [Metropolis 2020](#), an arm of the Commercial Club of Chicago, which brings together Chicago’s political and economic elite, has lent its funding and political clout to a growing movement for criminal justice reform. The organization and its allies have already succeeded in opening the country’s first comprehensive drug treatment prison, overhauling the state’s risk assessment and re-entry system and enacting [Redeploy Illinois](#), a program that is transferring state monies away from juvenile prisons and into smaller, community-based treatment programs. By providing local organizations with funding to keep kids in their home communities, judges have a way to provide them with treatment without shipping them off to a state juvenile prison. Already, about 400 young people have stayed out of prison through the program.

Paula Wolff, senior executive at Metropolis 2020 who served as administration program director to former Republican Governor James Thompson, says that the business community’s involvement has been key to the program’s success.

“(Business leaders) bring...discipline to thinking about the policy solutions and how to change behaviors by using financial incentives,” she said in an interview with *The Crime Report*. “I don’t think that in most kinds of public policy there is that business discipline.”

Business and Crime

Wolff credits a number of economic arguments with getting business leaders in Chicago on board. For one thing, businesses find it hard to thrive when urban crime rates go up. Making matters worse, she said, Illinois’ 51 per cent recidivism rate has turned the state’s prison system into “a giant, platinum revolving door,” squandering money that could otherwise be spent on more productive programs, including education and employment training for prisoners.

The result, she argues, is that re-entering prisoners become a “drag on the economy and work force” instead of contributing to the tax base.

Similar coalitions of fiscal conservatives and business leaders are building in states such as Florida, Kentucky and California. “The conversation is starting, but its gong to be an ongoing process,” said Bryan T. Sunderland, spokesperson for the Kentucky Chamber of Commerce. “It’s going to take more study and hopefully we’ll be able to address it in 2011, which will be a non-election year for legislators.”

“There’s not just the emotional argument of prisoner rights activists or victims rights groups,” said Sarah Hubbard, vice president of Government Relations at the Detroit Regional Chamber. “There is a legitimate need to be business-like about this question because it has a significant cost and a significant impact on state spending and the state culture.”

Meanwhile, Texas’ experience has gone a long way towards convincing other states to take the political risk of criminal justice reform. The savings achieved by the abandonment of expensive new prison-building projects have converted Texas legislators into effective national champions for reform.

State Representative Jerry Madden (R-Plano), the former chair of the Texas’ House Committee on Corrections and a close ally of Levin and Yáñez-Correa, has been traveling the country speaking to other legislators and conservative groups about Texas’ success.

“Nobody can say Texas is soft on crime – ever,” says Yáñez-Correa. “(But) because of the leadership of Rep. Madden and others, we have a list of people who get it now, who...are putting their careers on the line because they understand that it’s not only the right thing to do; it is going to save money and it’s going to save lives.”

Michigan Parole Reform

Meanwhile, business-supported reforms in Michigan have helped to reverse decades of continued prison growth. The state’s prison population has declined by more than 6,000 in the past three years, thanks in large part to an overhaul of the parole system that has increased the number of parole board members and ensured fairer hearings for prisoners, as well as provided new support for re-entry programs to stem the state’s high recidivism rate. Most observers credit the support of prominent Michigan business and civic associations for helping Democratic Governor Jennifer Granholm to push through the changes.

According to Craig Theil of the [Citizen’s Research Council of Michigan](#), the impetus was provided by the state’s budget crisis, which struck long before many other states due to the decline of the auto industry, which in turn sharply cut state revenues.

“As long as the budget could support [a large corrections budget], there wasn’t much scrutiny of the policies driving the growth,” he says. But when increased corrections spending forced cuts in education, human services and other programs vital to rebuilding the state’s economy, business groups in particular “saw the writing on the wall,” Theil added.

Some academics remain skeptical about business motives for supporting change. Alan Mobley, a public affairs and criminal justice professor at San Diego State University believes the business community’s newfound interest in criminal justice reform might be a harbinger of calls for increased privatization of prisons.

“Having the private sector taking an interest now, on a larger scale, would suggest that they are wearing two hats—one as concerned citizens and another as people looking to make a profit,” says Mobley.

Indeed, many of the proposals on criminal justice issues advanced by chambers of commerce and other business groups around the country include recommendations that are sure to find opposition on the left. Prison privatization, for instance, is a key element of proposals submitted by chambers in Kentucky and Michigan.

Meanwhile, the new alliance of strange bedfellows continues to gather momentum—and recruits. This month, the Heritage Foundation, a conservative think tank, jointly published with the National Association of Criminal Defense lawyers, a professional association that works for the protection of civil rights and is considered to be left-leaning, a scathing report criticizing the “over-criminalization” of federal law.

And in Virginia, one of the state’s most “tough on crime” legislators, Republican Rep. Robert Bell, recently pushed through a bill that is likely to revolutionize that state’s parole system. Modeled after Hawaii’s [Project HOPE](#), which sends low-level parole violators to jail for two to three days rather than sending them back to prison for months or even years, the program has reduced the number of parole violators in prison in as well as cut the overall recidivism rate. It will go into effect in Virginia in July.

Bell’s support is significant because it shows that many hardliners have become skeptical of current criminal justice practices, and are paying increasing attention to alternatives, says Michael Thompson, president of the Thomas Jefferson Institute, a Virginia-based, free-market think tank. “We’ve created a system that doesn’t accomplish what we hope to accomplish.”

Mary Price of FAMM welcomes the fact that minds on both sides are starting to open up.

But she recognizes that it will still require heavy political lifting. More work needs to be done, she says to convince legislators “that they can be smarter on criminal justice practices without sacrificing their jobs.”

Will it be enough?

As the U.S. heads into what looks like an even more rancorous-than-usual period of electioneering this fall, with issues ranging from health care to tax policy and war-fighting high on the agenda, specialists and observers will be watching closely to see whether the crime issue that polarized American politics for so many years serves as a new force for consensus.

Jessica Pupovac is a Chicago-based freelance reporter.

Photo by [Richard.Asia](#) via Flickr.

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