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Conservatives and criminal justice

Right and proper

With a record of being tough on crime, the political right can afford to start being clever about it

May 26th 2011 | FRANKFORT, KENTUCKY | from the print edition

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THE word commonly used to describe a politician who publicly announces he wants to send fewer criminals to prison is "loser". But back in February there was David Williams, president of Kentucky's Senate, speaking in favour of a bill that would do just that. The bill in question would steer non-violent offenders towards drug treatment rather than jail. It is projected to save \$422m over the next decade, and will invest about half those savings in improving the state's treatment, parole and probation programmes. Mr Williams, who believes Kentucky "incarcerates too many people at too great a cost," praised the bill for recognising "the possibility for forgiveness and redemption and change in someone's life". It passed the Republican-controlled Senate 38-0, and on May 17th Mr Williams went on to win the Republican nomination for governor.

Mr Williams and his Republican colleagues join the swelling ranks of conservatives who have taken up the cause of sentencing and prison reform. In February Nathan Deal, Georgia's Republican governor, announced a bill to create a council to recommend changes in how his state sentences criminals. On May 11th Oklahoma's Republican governor, Mary Fallin, signed a law expanding alternatives to jail for non-violent offenders. This follows similar measures in South Carolina and Texas, both of them conservative states with Republican governors.

Driving these reforms is a simple factor: cost. Over the past two decades, crime rates have fallen but prison populations have risen. More people have been jailed for more crimes—particularly non-violent drug-related crimes—and kept there longer. Pat Nolan, a former Republican legislator from California who served time in prison for racketeering and now works for Prison Fellowship, a prison ministry, laments that "we build jails for people we're afraid of, and fill them with people we're mad at."

And fill them America has. Over the past two decades, spending on prisons has grown faster than any segment of states' budgets except Medicaid. Between 1989 and 2009 prison spending in Kentucky grew by 340%. Georgia spends \$1 billion a year on corrections, despite spending less than the national average on each inmate.

Texas began tackling these problems in the last decade. In 2003 it started mandating probation rather than prison for first-time offenders caught with less than a gram of hard drugs. Two years later it gave the probation board more money to improve supervision and treatment programmes. In 2007, faced with predictions that it would need over 17,000 new prison beds by 2012, requiring \$1.13 billion to build and \$1.5 billion to operate, Texas allocated \$241m to fund treatment programmes. Since 2003 crime of many kinds has declined in Texas. Between 2007 and 2008, Texas's incarceration rate

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fell by 4.5%, while nationally the rate rose slightly. Both juvenile crime and the number of juveniles in state institutions have declined.

These reforms saved money. In slowing recidivism, they turned prisoners from tax burdens into taxpaying citizens. And they acknowledged something that tough-on-crime rhetoric has too long ignored: almost everyone in prison will eventually return to society. Better they return as good neighbours and productive citizens.

The fact that the reforms that produced these encouraging figures came from hang-em-high Texas, and not, say, hippie Vermont, has given them political as well as policy credibility. Grover Norquist, head of Americans for Tax Reform and a prominent supporter of an initiative called Right on Crime, which advocates criminal-justice reform from conservative ground, argues that "nobody's going to listen to Barney Frank" (a particularly liberal congressman) on these issues. Just as Richard Nixon could open relations with China without being thought soft on communism, so conservatives can push for sentencing reform without being considered soft on crime.

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