



## How Unlikely Allies Can Roll Back America's Prison Boom

**David Dagan**, Niskansen Center

**Steven M. Teles**, Johns Hopkins University

To many liberal critics, America's swollen prisons have grown like a rapacious weed – one entirely immune to efforts to hack it back. The growth of incarceration seems inexorable and irreversible, driven by a combination of cynical politics, racial inequalities, and lobbying by corporations, unions, and towns that profit from the prison business.

These self-reinforcing dynamics are very real, but they are not cause for despair. In fact, there is reason to hope that the political momentum is turning against our over-reliance on cuffs and cages. The U.S. prison population declined each year from 2009 through 2012, and the number of new inmates admitted to state and federal prisons has reached a 12-year low. States from Texas to New York have taken aggressive steps to curb their prison populations, and even the U.S. Congress is entertaining sweeping reforms. There is no more important force in this reversal of political fortunes than the willingness of conservatives to take a more critical look at our prison system.

### Conservatives Take a Fresh Look at Crime and Punishment

The conservative movement is fundamentally rethinking the usefulness and social implications of mass incarceration. Sweeping reforms have already occurred in conservative strongholds such as Georgia and North Carolina; and a hard-hitting right-wing lobbying organization, the American Legislative Exchange Council, has dumped tough-on-crime recommendations from the 1990s and now endorses incarceration-reducing laws. National-level changes are championed by Tea Party stalwarts such as Senators Mike Lee of Utah and Rand Paul of Kentucky, while conservative advocates ranging from Grover Norquist to Newt Gingrich call for a greater focus on rehabilitation and opportunity.

New attitudes and actions by conservatives matter because the right previously set a draconian tone in public debates. Although Democrats and Republicans alike raced to enact longer sentences and build more prisons in the 1980s and 1990s, conservatives drove the project. To reverse the prison boom, it's essential that conservatives continue to open up political space for elected officials to debate new measures without fear of being written off as "soft on crime."

### It's Not Just about Money

Skeptics argue that conservatives' newfound openness to alternatives is nothing more than grudging recognition that taxpayers can no longer afford to build and service more prison cells. Fiscal arguments are often made, but not all recent shifts on the right can be attributed to reduced public revenues. One of the recent landmark reforms was enacted in Texas in 2007, before the economic downturn and at a time when the state enjoyed a healthy surplus.

February 28, 2014

<https://scholars.org>

Deeper ideological changes are at work here. As the 21st-century conservative movement has moved further right, it has become ever more critical of government operations across the board. Many in the rising generation of conservatives view prisons and the military with the same suspicion they apply to public education and social insurance. Ironically, the further right many people in the Republican orbit move, the more they create opportunities for building strange-bedfellow coalitions on issues where sizeable numbers of Democrats also oppose state overreach.

Social and political trends have also neutralized much of the venom that coursed through crime politics. Sharp drops in the crime rate have eased public jitters to the point that the issue has fallen off the list of topics surveys identify as the nation's "most important issue." Threats of terrorism have drawn attention away from street crime, which has also become less of a partisan issue. During the 1990s, President Bill Clinton made a concerted effort to persuade the public that Democrats, too, could crack down on scofflaws. Such moves have made it less credible and useful for Republicans to play the "tougher-on-crime" card. The opportunity created by these trends was seized by a savvy alliance of conservative insiders who have worked to rebrand prison reform as a genuinely right-wing issue. A campaign dubbed "Right on Crime" brings together Christian evangelicals who emphasize the humanity and redemptive potential of prisoners, and libertarians who criticize government's inefficient and even oppressive tendencies. Now that conservative reformers are engaged, new possibilities have opened for left-right efforts.

### **What's Next for Prison Reform?**

Churches may be able to further cross-partisan alliances for bold prison reform. As increasing numbers of evangelicals get involved in prison ministries, they see up close the treatment of the men and women they are ministering to. This could provide the emotional glue for a strategic alliance with black churches to push for alternatives to incarceration. Such a religious coalition would substantially accelerate the reform project.

Further progress in reducing sentences and finding alternatives to prison for nonviolent offenders will require delicate balancing acts. Reformers operating on the left and the right must find occasions to work together without tainting their standing with fellow partisans. If left-wing activists are dismissed as acquiescing in marginal reform and "institutionalizing mass incarceration," or if right-wing activists are accused of coddling criminals, the potential for powerful, ongoing strange-bedfellows alliances could well be lost.

Reformers from both sides must be prepared to take less than all they want. Liberals may have to accept invasive court-monitored supervision with electronic devices and paternalistic rehabilitation programs. Conservatives may have to agree to much greater taxpayer funding for beefed-up parole and rehabilitative services. Shrinking and fixing the vast American prison system will be a long, hard slog. That's all the more reason for reformers to be open to building the cross-partisan alliances that represent the best chance for steady progress.

**Read more in David Dagan and Steven M. Teles, "Locked In? Conservative Reform and the Future of Mass Incarceration." *The ANNALS of the American Academy of Political and Social Science* 651, no. 1 (2014): 266-276.**