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An Opening for Bipartisanship on Prison Reform

Most federal inmates are not violent offenders, and prison costs are projected to reach \$6.9 billion in fiscal 2014.

By Newt Gingrich And Pat Nolan

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Congress returns to Capitol Hill this week, but there's little reason to expect substantial legislation between now and the November election. In one policy area, however, Congress can and should act now: reforming the federal prison system.

Half of all federal inmates are incarcerated for drug offenses, not violent crimes. The federal prison population, currently 216,381, according to the Federal Bureau of Prisons, is expected to increase by 5,400 in fiscal years 2013-14. Prison costs are projected to reach \$6.9 billion in fiscal 2014, up from \$4.4 billion in 2001. The Justice Department's inspector general said in a 2013 performance report that the costs are "unsustainable" and are squeezing out spending for the Federal Bureau of Investigation, federal prosecutors, counterterrorism agencies and other crime-fighting efforts.

States are facing the same cost explosion. Prisons are the second-fastest-growing item in state budgets—second only to Medicaid, according to research conducted by the Pew Center on the States. Several states have passed meaningful reforms, including expanding drug courts to order mandatory drug treatment programs, increasing funding for drug and mental-health treatment, and limiting costly prison beds to violent and serious repeat offenders. These state reforms passed in part thanks to conservative support.

Right on Crime, a national organization founded in 2010 that we both belong to, is helping spread the word that backing sensible and proven reforms to the U.S. criminal-justice system is a valuable conservative cause.

On a panel at the annual Conservative Political Action Conference in March in National Harbor, Md., Texas Gov. [Rick Perry](#) explained how reform worked in his state. In 2007, Texas scrapped plans to build more prisons, putting much of the savings into drug courts and treatment. The results have been impressive: Crime in Texas is at the lowest rate since 1968. The number of inmates has fallen by 3%, enabling the state to close three prisons, saving \$3 billion so far. What inspired the reform, Gov. Perry said, was this: "Being able to give people a second chance is really important. That should be our goal. The idea that we lock people up, throw them away, never give them a chance at redemption is not what America is about."

In 2010, South Carolina followed Texas' example, toughening penalties for violent criminals while creating alternatives to incarceration for nonviolent offenders. These included providing community

drug treatment and mental health services for lower-level lawbreakers—mostly drug and property offenders—who made up half of the state's prison population. South Carolina also increased funding for more agents to supervise offenders in the community. Three years later, the prison population has decreased by 8%, and violent offenders now account for 63% of the inmate population. South Carolina's recidivism rates also are much improved and the state has closed one prison.

Other states—Ohio, Georgia, Oklahoma, Kentucky, Missouri, Pennsylvania and Mississippi—have adopted similar reforms. As is so often the case, the states are showing the way. Congress should apply these common-sense reforms to the federal prison system.

The reforms have developed in the states, as conservatives tend to prefer. But now that there is proof that prison reform can work, the debate has gone from an ideological discussion to evidence-based changes that can be applied to the federal system.

Republican Sens. John Cornyn and [Ted Cruz](#), who have seen the benefits firsthand in Texas, have been joined by Republican Senate colleagues such as [Rob Portman](#), [Marco Rubio](#), Mike Lee, Jeff Flake and [Ron Johnson](#) in backing one or more prison-reform bills. Two bills, the Recidivism Reduction and Public Safety Act (S. 1675) and the Smarter Sentencing Act (S. 1410) have already passed the Senate Judiciary Committee and await action by the full Senate.

In the House, Republican Reps. Jason Chaffetz, Raúl Labrador, Trey Gowdy and others are backing similar legislation.

This push for reforming the federal prison system has support on the other side of the aisle as well. Such liberal stalwarts as Sens. Dick Durbin, Patrick Leahy and Sheldon Whitehouse, and Reps. John Conyers, Tim Scott and Jerrold Nadler have signaled their backing.

On Tuesday, the House Subcommittee on Crime, Terrorism and [Homeland Security](#) will hear from witnesses who are experts on state reforms. With luck, their testimony will provide even more impetus for Congress to take advantage of the unusually strong bipartisanship in the air on Capitol Hill and fix a criminal-justice system badly in need of repair.

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