



OP-ED COLUMNIST

Prisons of Our Own Making

By ROSS DOUTHAT
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If you're a governor with presidential aspirations, you should never, under any circumstances, pardon a convict or reduce a sentence. That's the lesson everyone seems to have drawn from the dreadful case of Maurice Clemmons, an Arkansas native who murdered four Lakewood, Wash., police officers over Thanksgiving weekend — nine years after Mike Huckabee, then governor, commuted his sentence and the Arkansas parole board set him free.



Susan Etheridge for The New York Times

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The surge in crime rates, which lasted until the early 1990s, was driven by a variety of factors — the demographic bulge created by the baby boom, the crisis of authority in the late '60s, and the heroin and crack epidemics that followed. But it was abetted by a softheaded liberalism that emphasized rehabilitation to the exclusion of retribution and deterrence. (Across the Great Society era, as crime rates started to take off, America's prison population actually went down.)

The case of Willie Horton remains the exemplary instance of rehabilitative folly. In 1986,

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Even before Clemmons was shot dead the following Tuesday by Seattle police officers, a chorus of pundits had declared Huckabee's presidential ambitions all but finished. His prospective 2012 rivals — Mitt Romney, Tim Pawlenty and Sarah Palin — hastened to suggest that they never *considered* issuing a pardon while governor. And even observers sympathetic to Huckabee's decision (Clemmons's original 108-year sentence was handed down when he was only 16, and for burglary and robbery, not murder) tended to emphasize its folly. Joe Carter, who handled rapid-response for Huckabee's 2008 campaign, [acknowledged](#) that the "prudent tactic would have been to simply refuse to grant any leniency — ever."

This calculus has recent American history as well as crude political logic on its side. Without conservative lawmakers willing to "err on the side of punishing" ([as Palin put it](#) after the Clemmons shooting), America might still be swamped by the crime wave that engulfed the country in the 1960s and '70s.

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a furlough program in Michael Dukakis's Massachusetts enabled Horton to commit rape and battery midway through what was supposed to be a life sentence for murder. Liberals remember the Horton story, which Republicans used to derail Dukakis's presidential bid, as an example of right-wing race-bating. But they rarely recall the damning details — from Dukakis's veto of a bill exempting first-degree murderers from furloughs (it would “cut the heart out of efforts at inmate rehabilitation,” he claimed), to the self-parodic way his administration responded to the tragedy. (“Don't forget that Mr. Horton had nine previous successful furloughs,” Dukakis's secretary of human services told the press.)

There are superficial resemblances, much cited in the last two weeks, between the Horton case and the tragic parole of Maurice Clemmons. But the political context is completely different. The age of furloughs is long gone. For a generation now, conservatives, not Dukakis-style liberals, have been making policy on crime. They've built more prisons, imposed harsher sentences and locked up as many lawbreakers as possible.

Their approach has worked. The violent crime rate has been [cut by nearly 40 percent](#) since its early-1990s peak. The murder rate is [at its lowest point](#) since Lyndon Johnson was president.

Yet the costs of this success have been significant: [2.3 million Americans are behind bars](#). Our prison system tolerates gross abuses, including [rape on a disgraceful scale](#). Poor communities are warped by the absence of so many fathers and brothers. And every American community is burdened by [the expense of building and staffing](#) enough prisons to keep up with our swelling convict population.

Mass incarceration was a successful public-policy tourniquet. But now that we've stopped the bleeding, it can't be a permanent solution.

This doesn't require a return to the liberal excuse-making of the '60s and '70s. Nor does it require every governor to issue frequent pardons. (A capricious mercy doesn't further the cause of justice.)

Instead, it requires a more sophisticated crime-fighting approach — an emphasis, for instance, on making sentences swifter and more certain, even as we make them shorter; a system of performance metrics for prisons and their administrators; a more stringent approach to probation and parole. (“[When Brute Force Fails](#),” by the U.C.L.A. public policy professor Mark Kleiman, is the best handbook for would-be reformers.)

Above all, it requires conservatives to take ownership of prison reform, and correct the system they helped build. The Democrats still lack credibility on crime policy. Any successful reform requires the support of the law-and-order party.

To their credit, [some Republican lawmakers](#) (many of them religious conservatives) are already hard at work on this issue.

But the case of Maurice Clemmons may cast a long shadow over conservative politics, frightening politicians away from even the most sensible reforms — lest they wake up to a tragedy, and find themselves assigned the blame.

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