

Slate: Throw the Book at Them

Should prisons offer degree-granting courses to convicted felons? An influential conservative voice says yes.

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This past Saturday, 53 inmates at Eastern Correctional Facility, a maximum-security prison in upstate New York, were awarded college diplomas as part of the Bard Prison Initiative, a program that enables convicted felons to take courses and earn degrees while incarcerated. Among the graduates were newly minted experts in advanced math, literature, and social studies who had written senior papers with titles like “The Artistic Excursions of Thomas Hardy” and “Combinatorial Game Symmetry: Encountering the Odd Multiple of K.” As they walked across the stage in the prison auditorium, their olive-green uniforms concealed under flowing robes, family members and friends cheered from their seats. Guards assigned to monitor the event stood by chewing gum and listening to their burbling walkie-talkies.

At one point, a young man who has been incarcerated since he was 16 on a second-degree-manslaughter conviction delivered a speech about how profoundly his life had changed when he was accepted into the Bard program five years into his sentence. He quoted Dostoevsky, whom he called his favorite storyteller, saying that “the degree of civilization in a society can be judged by entering its prisons.” At the end of his remarks, he broke into a sob as he addressed his father, who was sitting in the audience alongside his mother and two siblings. “I’m sorry I have dishonored our family. I’m sorry for having put you through such unbearable pain,” the man said. “But today, let us smile. We have cried too long.”

That moment may have been the emotional climax of the morning’s proceedings. But what distinguished Saturday’s ceremony from the 11 others that the Bard Prison Initiative (BPI) has staged since its founding in 1999 was less about emotion and more about politics. It concerned the day’s commencement speaker: Instead of a bleeding-heart liberal with a history of agitating for criminal justice reform, the person who addressed the inmates this morning, and received an honorary degree alongside them, was Cardinal Timothy Dolan, the Archbishop of New York, and one of the most influential conservative figures in the state.

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Dressed in a crimson cassock and a traditional biretta hat, the Cardinal gave an impassioned speech that the leaders of BPI hope will be a turning point for the

historically divisive politics surrounding college-in-prison programs. With the help of the Cardinal, BPI's executive director Max Kenner says, conservative politicians—the Catholics among them, especially—could become more comfortable with supporting such programs, which have been shown to significantly reduce recidivism, improve prison safety, and save money.

The idea of providing free higher education to inmates has long been met with fierce opposition from conservative leaders. Last year, when New York Gov. Andrew Cuomo floated a plan to support privately funded college-in-prison programs like BPI with state money, it was condemned by a chorus of politicians and quickly dropped from his proposed budget. “It is simply not fair to ask hardworking taxpayers to pay for college for convicted criminals when they struggle to put their own children through college,” one Republican Congressman from New York was quoted as saying at the time.

It was an argument familiar to anyone who remembers the mid-1990s, when then-Texas Sen. Kay Bailey Hutchison helped to effectively shut down college-in-prison programs all over the country by successfully pushing the Clinton Administration to make inmates ineligible for federal Pell Grants. These grants, which were previously available to anyone who wanted to go to college but could not afford it, had been the lifeblood of postsecondary correctional education in America: Before 1995, when the new rule was passed, the country was home to roughly 350 college-degree programs for prisoners; 10 years later, that number had dwindled to just 12. “Some convicts have figured out that Pell Grants are a great scam,” Hutchison said at the time. “ ‘Rob a store, go to jail, and get your degree.’ ”

On Saturday, Cardinal Dolan struck a very different note: “To those who think that human fate is determined,” he said, “that a change in life’s direction is impossible—that a situation like a prison, that can lead to hopelessness and further degradation—that such a plight makes intellectual growth, a search for wisdom, a desire to improve ... impossible, I say, ‘Let them come to Eastern Correctional! Let them see Bard College at work in these walls!’ ”

At a moment when criminal justice reform seems to be attracting allies from across the ideological spectrum—the likes of Rand Paul, Grover Norquist, Newt Gingrich, and the Koch Brothers have come out in support of measures that would make the American prison system less punitive—Cardinal Dolan’s endorsement of so-called postsecondary correctional education could be the beginning of a shift in how politicians on the right think about the potential for correctional facilities to actually rehabilitate inmates. This is a man with great reserves of credibility among conservatives, after all—as the nation’s most prominent Catholic bishop, he has spoken out forcefully against gay marriage and abortion—and also someone with a demonstrable interest in the messy world of lay politics. (Last year, in the wake of Eric Garner’s death, he hosted a summit at his

Madison Avenue mansion devoted to healing the rift between the NYPD and the public that was attended by Mayor Bill de Blasio, Al Sharpton, and local religious leaders.)

The fact that a prominent Christian leader visited a prison and spoke with compassion to its inmates is, in itself, not surprising: Cardinal Dolan has been making such visits for several years, delivering homilies and leading inmates in prayer. But his appearance at Eastern over the weekend was different, according to Max Kenner from BPI, because the statement he was there to make was, in many ways, secular.

“Archbishops and cardinals go to prisons all the time, but they do it in a pastoral function,” Kenner told me. “This was much more of a political function.”

“When you show up in a pastoral way, you show up to a mass, you talk to your congregants about your faith,” he added. “What happened on Saturday was different than that, partly because it’s a political issue, but partly because of the substance.” While a commitment to education and care for people in prison are both central to the Catholic mission, Kenner said, “it’s qualitatively different for a person, especially one who is as politically engaged as Dolan is, to come to a prison and serve a function that isn’t explicitly religious.”

Several prison reform advocates not involved in BPI echoed the point that Cardinal Dolan’s decision to publicly support the concept of college-in-prison could have an impact on the political climate surrounding the issue.

“One way to encourage policy-makers to reconsider their position on criminal justice policy is to appeal to their morals,” said Glenn Martin, who founded the recidivism-reduction organization JustLeadershipUSA after serving six years in prison for armed robbery. “A person like the Cardinal reminding Americans, reminding New Yorkers, that we have a moral obligation to forgive people, to engage in redemption and transformation—I think it’s important, because our current criminal justice system doesn’t have the moral underpinnings that we should have as a country that believes in second chances.”

Even the most fervent opponents of college-in-prison can get on board with the idea of second chances, at least in theory. Reached by phone yesterday, Kay Bailey Hutchison, who ran for governor of Texas in 2010, told me she has never had a problem with the general concept of educating prisoners, as long as it doesn’t take money away from hardworking families who need the help to send their law-abiding kids to college. Though her campaign against giving Pell Grants to convicted criminals caused some

27,000 incarcerated students around the country to lose their funding, Hutchison said her motivation for pursuing the legislation was narrowly centered around how the programs were funded, not the programs themselves.

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“Anything we can do to help people who have made a mistake get a second chance is a good idea,” Hutchison said. She added that she would even support using public funds at the state level to fund college-in-prison programs. “I think it’s the right thing for a state to do ... It’s in their interest, in many respects.”

Hutchison’s remarks are in line with what prison reformers believe is the open-and-shut case for college-in-prison programs, which have been decisively shown to reduce recidivism rates, thus making streets safer, prisons less crowded, and the correctional system less of a burden for taxpayers. According to a 2013 study by the RAND Corporation that analyzed 30 years of prior research, inmates who took classes as part of correctional education programs were 43 percent less likely to land back in prison than those who did not. Among the 500 or so students who have enrolled in the Bard Prison Initiative since it began, the recidivism rate is just 4 percent; the analogous number for the overall prisoner population in New York State is 40 percent. (For more statistics on the effects of prisoner education on recidivism, read this 1997 paper from the Journal of Correctional Education.)

The belief that prisons should be helping inmates prepare for life on the outside, and encouraging them to develop skills instead of merely punishing them, has been spreading on the right, said Heather Rice-Minus, a senior policy analyst at the Justice Fellowship, a Christian organization that was founded by former Nixon aide Chuck Colson to promote criminal justice reform.

“It’s been really fascinating to see over time that figures like Chuck and others in the faith community, others in the conservative community, have really been able to have an impact on [people’s] rethinking their positions on this,” said Rice-Minus. Earlier this week, she noted, Justice Fellowship hosted a meeting of faith leaders on the topic of restorative justice that drew attendees from conservative groups like the Heritage Foundation, the American Enterprise Institute, Focus on the Family, and the Family Research Council. “I think what we’re seeing,” Rice-Minus said, “is that the faith community as well as conservative leaders stepping forward is giving more political cover for people to step away from the ‘tough on crime’ idea and to think about a more restorative approach.”

It's worth noting that Cardinal Dolan may not follow through on his appearance at Eastern Correctional Facility with any active lobbying in support of programs like BPI. That said, he is planning on having Max Kenner as a guest on his Sirius XM radio show on Tuesday, and the blog post he wrote about his visit to the prison reads as an enthusiastic, unqualified endorsement. (Due to scheduling conflicts, the Cardinal was not available for an interview this week.) On Saturday, he carried himself more like a friendly uncle than the eminent, potentially influential leader that he is. Joking about the gray, ugly weather that the New York area had woken up to that morning, he asked the family members in the crowd, many of whom had driven to the prison from places like the Bronx, Brooklyn, and Flushing, not to blame him for the snow. "I'm in sales, not management," he said.

Whether the Cardinal will prove more capable of influencing the political climate than the actual one remains to be seen. But the fact that he has waded in to the extent that he already has is significant on its own.