

# Newsweek

## Once, The Clintons Favored Mass Incarceration

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Democrats are not yet ready to unify behind Hillary Clinton. Last week, Bill Clinton got into a row with activists from Black Lives Matter over his 1994 Crime Bill.

With criminal justice reform regarded as an urgent priority, that 1994 measure is being held up in Democratic circles as a reason to view the Clintons with suspicion.

Back in 1994, it was popular to be “tough on crime,” so that’s where the Clintons positioned themselves. They were not alone. Democratic leaders in the Congress, such as Joe Biden and Charles Schumer, spearheaded the effort to get an anti-crime bill enacted.

As the months passed, the original bill started to snowball into a gigantic omnibus measure. Members of Congress angled to attach their pet projects to the bill because they knew that when the whole package came up for a vote, most everyone would go along even if they did not support everything in it.

By the end of the process, the bill was a monstrosity of pork barrel politics. Time’s political columnist Joe Klein dubbed the 1994 Crime Bill a “garbage barge.”

The Crime Bill maddens today’s BLM activists because it earmarked \$7.9 billion in grants to the states for the building of prisons. To be eligible for the funds, states had to meet certain conditions. The idea was to encourage the states to embrace the stricter policies found in the federal system, which had abolished parole and limited good time credits for prisoners, which allow well behaved inmates to earn an earlier release date.

Many states were eager to do just that. During the 1990s, America was building a new prison every week, on average. And as soon as those facilities opened up, they were soon operating beyond their original design capacity.

Many of the prisoners were young minority men, nonviolent drug offenders who were serving mandatory minimum sentences.

By 2000, there was growing concern about the enormity of America’s prison system. Today there is angst all across the political spectrum over “mass incarceration.”

Thousands and thousands of minority men have been locked up. And when they get released, as most prisoners will be, their criminal record makes it very difficult to secure a job and join the mainstream economy.

More and more people are coming to realize that the so-called “war on drugs” has not stopped people from using drugs. What it has done is wreak havoc on Black America.

To their credit, many progressives admit that the lock’ em up policies that are responsible for today’s mass incarceration were supported by both Republicans and Democrats.

Writing in the February edition of The Nation, Michelle Alexander, author of The New Jim Crow, says, “Bill Clinton presided over the largest increase in federal and state prison inmates of any president in American history.... When Clinton left office in 2001, the United States had the highest rate of incarceration in the world.”

It should be noted that libertarians have been sounding the alarm about such trends for many, many years. A 1994 Cato Institute study titled Prison Blues said that over the preceding 15 years, “American elected officials have required prisons to engage in a bold social experiment. The historical prison policy—incarceration of violent criminals—has been replaced with a policy of using prisons mainly to punish drug offenders with increasingly severe, mandatory terms in increasingly overcrowded prisons.”

Cato’s Handbook for Congress in 1995 urged lawmakers to call off the drug war and to repeal the Clinton Crime Bill.

Tragically, members of Congress were bent on escalating its drug war policies. Only now, 20 years later, are policymakers coming around to the idea of sentencing reform and how to disentangle themselves from failed drug war policies.

The Clintons have known for some time that they’ve been out of sync with their political base on matters pertaining to criminal justice. Last year, Bill admitted that his prison-building policies “overshot the mark” and that there are “too many people in prison for too long.”

Hillary has tried to sound like a reformer, saying, “We need a true national debate about how to reduce our prison population while keeping our communities safe.”

Such throwaway lines are not nearly enough for BLM activists. For them (and others too), support for the 1994 Crime Bill is the political equivalent of Hillary’s vote to support the Iraq war: It was a key indicator of policy judgment—and the Clintons failed the test.

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