

City University of New York (CUNY)

CUNY Academic Works

Publications and Research

John Jay College of Criminal Justice

2013

Restoring College Education to the Nation's Prisons

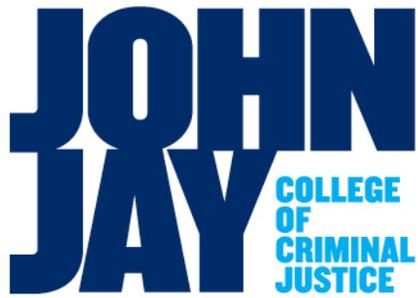
Jeremy Travis
CUNY John Jay College

[How does access to this work benefit you? Let us know!](#)

More information about this work at: https://academicworks.cuny.edu/jj_pubs/95

Discover additional works at: <https://academicworks.cuny.edu>

This work is made publicly available by the City University of New York (CUNY).
Contact: AcademicWorks@cuny.edu



Restoring College Education to the Nation's Prisons:

Assessing the Prospects for Change

Keynote Address

By

Jeremy Travis

President

John Jay College of Criminal Justice

At a Conference on

Education for All: Improving Educational Access

in Correctional Facilities and Beyond

hosted by

The Department of Education and the Ford Foundation

April 29, 2013

United States Institute for Peace, Washington, D.C.

Thank you for the kind introduction.

I was pleased to accept this invitation from Doug Wood to come to speak to you this morning. I am honored that you would ask me to deliver these opening remarks at this historic conference. I truly believe this conference is historic. If we step back from this day and take a longer view, we are now witnessing, I believe, the beginnings of a movement that will lead to the restoration of college education in our nation's prisons.

Before you dismiss this prediction as unfounded optimism, let me reassure you I am acutely aware of the obstacles ahead. I know there are many reasons to be cautious, even pessimistic, and to discount my assessment as viewing a near empty glass as almost full. Yes, I know it has been a long time since 1994 when the Violent Crime Control and Law Enforcement Act of that year eliminated Pell grants to support prison-based college education. For those of us who support such programs, these two decades have seemed like a lonely journey in the wilderness. Yes, I am acutely aware that, notwithstanding the best efforts of a generation of reformers, our nation has continued to build its prison population to record levels, now nearly five times the incarceration rate of 1972, the first year on the road to the reality that some scholars call "mass incarceration."

Yes, I can also view our incarceration policies through the lens of race, agree with Michelle Alexander that our new reality of punishment resembles the New Jim Crow, and wonder whether, after our shameful experience with slavery, contract convict labor, Jim Crow, and residential segregation following the Great Migration, this latest chapter in racial exclusion under the color of law is merely a continuation of America's version of original sin. Yes, I recognize that, of all the prison-based services that have been defunded, inadequately funded, or outright banned, perhaps a college education for people convicted of serious crimes is the most difficult prison-based service for which to garner public and political support. Why, as our politicians remind us, should the people in prison get the benefit of a publicly funded education when those who have not violated the law have to pay tuition, and for our poorest young people the dream of college is not only deferred but beyond reach?

Yet, notwithstanding these solid grounds for caution, I think we have reasons to be optimistic – and even more, reasons to think the tide has turned and we will see college education restored to our prisons in the coming years. Let me try to convince you.

The most obvious evidence of momentum is the collection of people in this room. Let's start with the philanthropic community. I had the honor of being invited to a meeting hosted by the Ford Foundation in September 2011 and was stunned by what I saw. In that room were the nation's leading foundations in the education field, co-hosting, with the leading foundations in the justice reform field, a meeting of educators working in prisons – and the federal Department of Education, represented by an Assistant Secretary, Brenda Dann-Messier – to talk about the best way to mount a national demonstration project on prison-based college education. Our host, of course, was the Ford Foundation – led by an experienced expert in education reform, Doug Wood, joined by his colleague Darren Walker, with his deep knowledge about community development and workforce development, and inspired by Ford's President, Luis Ubinas who told a moving story of the difficulty his brother faced in returning from prison.

Also in the room were other leaders in education reform – the Bill and Melinda Gates Foundation, the Lumina Foundation – who stated clearly that their mission to reach those Americans who were denied access to education would be incomplete if they did not find a way to reach those in prison. Also there was the Sunshine Lady Foundation, which has been a pioneer in supporting prison-based education programs. And rounding out the line-up was the Open Society Foundations, which has an impressive history of supporting innovative approaches to poverty, justice reform, and overcoming social exclusion. Finally, the experts they convened were the right experts – folks like Max Kenner at Bard Prison Initiative that has been doing inspirational work, Dean Todd Clear of Rutgers, and our New York colleague Vivian Nixon from the College and Community Fellowship who has an impressive track record of success with formerly incarcerated students that few can match.

I have been around the foundation world for many years and have never been to a meeting like this before. I have worked, with some success, to raise money for research on prisons and prisoner reentry and know how skittish the foundation world has been to fund this kind of work. But that day was different. And the results are impressive. A consortium of foundations has now supported the Pathways From Prison to Post Secondary Education demonstration project,¹ to be managed by my good friend Fred Patrick at the Vera Institute of Justice, in New Jersey, North Carolina, and a third state to be named soon. Now I recognize that people might think this demonstration program is inadequately funded, that there should be more participating states, and I speak for my colleagues from New York when I say I wish we had been chosen. But the larger point is this: we are now witnessing a policy conversation we have not seen before at the national level, centered on this question: “What does it take to implement college education programs in our prisons?” And this powerful idea will now be discussed in foundation board rooms, governors’ offices, meetings of corrections commissioners, editorial boards, legislative oversight committees, and other influential public and private forums. Let’s celebrate the role our foundation colleagues have played in bringing a powerful idea back into our public discourse. Their backing speaks volumes about a shift in the public receptivity to our mission.

A second reason to be optimistic is the active leadership of the federal government. Those of us who have been engaged in these issues for a long time know that leadership has not been lacking here – on the contrary, John Linton, the Director of the Office of Correctional Services at the Department of Education, has been a hero for many of us in his persistence and expertise. But what is different now is the breadth and depth of the federal role. Last fall the Department of Education hosted a “summit” on correctional education, with attendees from across the spectrum of education, reentry and corrections. These participants engaged in cross-sector, solutions-oriented discussions on juvenile and adult correctional education. Following the summit, the Vera Institute of Justice has committed to convene follow up meetings with leaders interested in adult educational issues. Last year, the Department of Education released a publication entitled *A Reentry Education Model*,² then released two RFP’s to support reentry-focused educational programs. Earlier this month, the DOE office hosted a webinar bringing together experts from the field and local practitioners to discuss several emerging community

¹ Vera Institute of Justice (2013). Pathways From Prison to Post Secondary Education Project. (retrieved from the World Wide Web on April 29, 2013: <http://www.vera.org/project/pathways-prison-postsecondary-education-project>).

² U.S. Department of Education (2012). A Reentry Education Model. (retrieved from the World Wide Web on April 25, 2013: <http://www2.ed.gov/about/offices/list/ovae/pi/AdultEd/reentry-model.pdf>).

college correctional and reentry education models. We should be grateful for the leadership of Education Secretary Arne Duncan, and in particular Assistant Secretary Brenda Dann-Messier, in placing the Department of Education at the cutting edge of this movement.

Over my career I have had occasion to watch carefully the power of the federal government to shift the nation's thinking on difficult issues. We are of course aware of the government's influence through federal grants, and through regulatory reform, and of course through legislation and executive orders. But in many ways the most powerful role the government plays is by supporting new ideas – or, in this case, giving support for the re-engagement of an old idea. With four years ahead, and a solid record in the four years past, this administration has the potential to change the conversation, to re-frame the question. Now we ask, “Why should we offer college education to those incarcerated?” Our goal should be to ask a new question: “Given our country's values – our belief in the autonomy of the individual, the power of the American dream, the transformative potential of learning, and the possibility of a second chance for those who have violated the law – on what basis would we NOT offer college education to those incarcerated?”

The third reason to be optimistic is that the ground has shifted on the larger issue of the role of prisons in our society. As I talk with policy makers, criminal justice practitioners, elected officials, academics and informed citizens, I get a sense – and perhaps you share this experience – that, as a nation, we now realize that something is profoundly amiss with our approach to imprisonment as a response to crime. Certainly the fiscal crisis following the recession has focused the mind of government leaders and many states are struggling to find ways to reduce prison costs. Certainly the low crime rates we now enjoy have taken crime issues off the front burner in our electoral politics. But I think there is a larger, deeper, more profound shift occurring now. I think we are now coming to terms with the enormity of what we have done – the harms we have caused – by quintupling the rate of incarceration in the past generation.

Michelle Alexander's book, *The New Jim Crow*, is a harbinger of this new awareness. When in our lifetime have we seen a serious, scholarly, book on criminal justice policy make the best-seller list of the New York Times and stay there for 57 weeks? Professor Alexander's book has sold 255,000 copies!³ Most academics would be over the moon with book sales over 2,000. On a deeper level, the policy ground has shifted. We now have a group of serious conservative policy experts – including Grover Norquist, William Bennett and Marc Levin – who have created a group called “Right on Crime” that argues, among other things, that our current expenditures on prisons cannot be justified in terms of cost-effectiveness. Conservative columnist George Will recently wrote a powerful piece opposing solitary confinement because it violated conservative prohibitions against excessive government control.⁴ And just this week I read that David Keene, President of the National Rifle Association, has thrown his support behind proposals developed by the Oregon Public Safety Commission to reduce the prison

³ Personal email correspondence with Diane Wachtell and Christy Johnson at The New Press on April 25, 2013.

⁴ George Will (2013). When Solitude is Torture. (retrieved from the World Wide Web on April 25, 2013: http://articles.washingtonpost.com/2013-02-20/opinions/37198669_1_solitary-confinement-supermax-prison-suicides).

population and reform mandatory minimum sentences. If the NRA supports these ideas then the ground has truly shifted.⁵

Other forces have contributed to this new national stance on incarceration. The Supreme Court decision in *Plata* holding that conditions in California's prisons violated the Constitution and the court-ordered sharp decrease in that state's prison population – without the feared crime wave – has shown that we can reverse course. The frequent news of yet another innocent person released from prison by the efforts of Barry Scheck and Peter Neufeld of the Innocence Project reminds the public that this system we have created is highly imperfect.

I am not objective on this matter, but I would assert that the fifteen years of the reentry movement has also contributed to this new national stance on our penal policies. Launched by Attorney General Janet Reno in 1999, framed by President George W. Bush in his eloquent 2004 State of the Union Address and embodied in the historic Second Chance Act with its remarkable bipartisan support, the reentry movement has demonstrated how leadership at the national level can focus attention on the compelling life challenges faced by our fellow citizens who have been held in our nation's prisons only to return home.⁶ This movement has been given an impressive jolt of energy with the strong leadership of Attorney General Eric Holder, the impressive commitment of other cabinet secretaries who participate in the Federal Interagency Reentry Council, and the expert coordination of Amy Solomon of the Office of Justice Programs.

This federal leadership is indispensable to our efforts to turn the tide. At the most profound level, the reentry movement has allowed the country to reframe an age-old challenge to our justice system – how do we prepare people for the inevitable return home? Embracing this challenge elevates our discourse as we pursue a justice system that is simply more humane, more focused on the individual and more respectful of the dreams and challenges experienced by formerly incarcerated individuals, their families and their communities. By requiring us to confront these issues, the reentry movement raises deep questions about the wisdom of our decision to incarcerate someone in the first place, or our decision to deprive a fellow citizen of his liberty for so long.

If you agree with me that the time for reform is now, and that we are poised to garner unprecedented federal support for college education programs in prison, then the question is how to make the convincing argument, how to mobilize the political forces that will make this dream a reality. You may be surprised to learn that I recommend we NOT rely solely on criminal justice arguments to make our case. Of course it is important that we cite research showing that participation in education programs has been associated with reductions in recidivism ranging from 7 percent to 46 percent.⁷ We should also point out that an investment of \$962 in academic education can save \$5,306 in future criminal justice costs.⁸ Of course we should also point out that a restoration of Pell grants for incarcerated students does not represent a significant federal investment. When Pell grants for prisoners were eliminated in

⁵ David Keene (April 25, 2013). Public Safety Reform Needed. (StatesmanJournal.com, retrieved from the World Wide Web: http://www.statesmanjournal.com/apps/pbcs.dll/article?AID=2013304250016&nclick_check=1).

⁶ Jeremy Travis (2007) on Reflections on the Reentry Movement. (Federal Sentencing Reporter, Vol. 20, No. 2, pp. 84–87).

⁷ Gerald G. Gaes (2008). *The Impact of Prison Education Programs on Post-Release Outcomes*. (Paper presented at the Reentry Roundtable on Education, John Jay College of Criminal Justice, New York, March 31).

⁸ Steve Aos, Marna Miller, Elizabeth Drake (2006). *Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates*. Olympia: Washington State Institute for Public Policy).

1994, this funding was only \$34 million, representing less than 1/10 of 1 percent of all Pell grants, which then totaled \$5.3 billion.⁹ So, on a pragmatic level, the arguments for college education as a low-cost program that could enhance public safety are very strong. (I have developed these arguments more fully in a 2011 speech at the Graduate Center of the City University of New York.)¹⁰ But these arguments have not carried the day – and, I believe, will not carry the day.

But to close the deal – to take advantage of this unique moment in our history – I would like to suggest that we develop a robust independent argument for restoration of Pell grants and other government support for higher education in prisons. This argument must be based in the classic American value that our society benefits from an educated citizenry capable of making contributions to our economy and our democracy. In essence, we must extend our argument for public education to include those denied an education because they are in prison. How would we construct such an argument? We would begin by noting that, in the words of a 2004 report of the Department of Education, “the most educationally disadvantaged population in the United States resides in our nation’s prisons.”¹¹ The next building block in the argument is to note the paucity of educational programs in those prisons, particularly at the college level. Then, using the power of the reentry framework, we add the observation that large numbers of people leave prison without adequate educational opportunities to address those deficits. Then we add the long-term perspective, noting that we are living in a country with a larger number of people who have served time in prison, a group of our fellow citizens who face a high risk of marginalization, low contributions to their families and communities, and enduring stigma. Let’s call this a public education argument with a reentry twist. We then ask, “Is this reality consistent with our nation’s values?”

In constructing this argument I don’t mean to overlook the difficult challenges we face in program implementation. We must figure out the linkages between the award of academic credits for prison-based courses and a continuous program of study back in the community. In this respect I applaud the work of my colleagues at John Jay – Ann Jacobs, Baz Dreisinger, and Bianca van Heydoorn – and our Prison-to-College Pipeline project for explicitly embracing this challenge. We must also ensure that the front door to our nation’s universities is a welcoming, open door, not a hostile, closed door when a student with a criminal record comes to enroll. Similarly, we must figure out how to harness the power of technology to increase both the quality and accessibility of prison-based education. But these are simple problems compared to the tougher challenge of marshaling political support to reverse course.

In thinking about the larger argument I propose, we must quickly recognize that there is a missing link in our logic chain. We should be able to argue – but can’t now because of a paucity of evidence – that the introduction of college-level education will significantly and demonstrably enhance the individual contributions of the formerly incarcerated to our society. We have a

⁹ Daniel Karpowitz, Max Kenner, (2001). *Education as Crime Prevention: The Case for Reinstating Pell Grant Eligibility for the Incarcerated*. (New York. Retrieved from the World Wide Weg on February 3, 2011: http://www.bard.edu/bpi/images/crime_report.pdf).

¹⁰ Jeremy Travis, (2010). Rethinking Prison Education in the Era of Mass Incarceration. (Keynote address delivered at the University Faculty Senate conference on Higher Education in the Prisons, The Graduate Center, City University of New York).

¹¹ Steven Klein, Michelle Tolbert, Rosio Bugarin, Emily Forrest Cataldi, Gina Tauschek (2004). *Correctional Education: Assessing the status of prison programs and information needs*. (Department of Education, Office of Safe and Drug-Free Schools).

general empirical understanding of the value of an education – to enhance earnings, promote civic engagement, support strong families – but we do not have a research base on those dimensions of prison-based education. If we want to downplay research on recidivism – which I argue we should – we need to elevate research documenting the inherent value of education to the meaning of citizenship in our society. This gap in our knowledge presents a real challenge to the research community and those who fund their research. The national demonstration projects will help fill this gap, but much more research must be done. And I predict that this research will show that the level of educational attainment – and impact on the life-course – measured among incarcerated students will far outweigh any other group of students.

In closing, I am suggesting that our policy argument, and political strategy, be grounded in an educational vision for our country. To make this argument we need the community represented in this room – the community of educators – to argue that we must include incarcerated students among our student populations. In particular, we need public universities to include funding for incarcerated students in their budget proposals to state legislatures. We are fortunate that prominent national foundations, the U.S. Department of Education, and the Federal Interagency Reentry Council, now so clearly view prison-based college programs as part of the nation's education agenda. The more we argue that an educated citizenry is important for the future of our country, and include our fellow citizens who are sentenced to prison in that statement, the stronger the chance that we will see funding for these programs restored. But we need your help in building a compelling argument. In short, now is the time to get to work, now is the time for this conference to get started.

I am so pleased to be with you this morning, to share the sense of momentum that you and others have created. I wish you a successful conference, and a successful movement.