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The Opinion Pages

Ruining Lives With Criminal 'Justice'

By **DOUG DEASON** JULY 30, 2015

DALLAS — WHEN President Obama visited El Reno federal prison in Oklahoma on July 16, he lamented that America's prisons were filled with "young people who made mistakes that aren't that different than the mistakes I made." Many are there, he said, because they didn't have the resources "to survive those mistakes."

I am a Republican businessman, and President Obama and I do not see eye to eye on most issues. But I agree with him on the inequities of the criminal justice system. I learned about it firsthand. Like many 17-year-olds, I did something stupid. It was 1979, and I threw a party at the home of neighbors while they were out of town. (Their son had given me a key.) The party got out of hand, ultimately getting the attention of the police. I was charged with felony burglary.

My actions were wrong and irresponsible. They could also have ruined my life, affecting my ability to go to college or even get a job.

But unlike many in my situation, I was able to fight the charge. I ultimately pleaded guilty to a misdemeanor criminal trespass charge — a significant step down from felony burglary. My punishment included a six-month probationary sentence and a fine. When my probation was complete, my youthful indiscretion was expunged from my record. I was given a second chance.

Yet others aren't always so lucky. Too many Americans who make similar mistakes wind up imprisoned, impoverished and incapable of rejoining society or leading a fulfilling life. This is especially true for minorities, who so often lack the resources and the opportunities I had. For too many, the criminal justice system can lead to even greater injustice.

Because of this, my family has resolved to fight for change. Given a second chance, I have been blessed to become a successful investor in numerous ventures, including real estate, technology, entertainment and energy. My success has given me the opportunity to work with the Texas State Legislature and the governor's office over the past year to pass a bipartisan "second chances" bill — a bill to help people who make mistakes like the one I made in 1979.

The legislation allows some first-time criminals who commit low-level, nonviolent offenses to petition the courts for nondisclosure of their records to the general public. This offers them a legal pathway to mark "no" on job and loan applications that ask if they have ever committed a crime. Gov. Greg Abbott signed the bill on June 20; it will go into effect on Sept. 1.

Thankfully, others have been fighting the reform battles for much longer than I have. One example is the decades-long grass-roots movement to "ban the box" — a reference to the criminal-record check box at the bottom of many employment applications. Regardless of whether you believe the government should make this question illegal, it certainly makes less and less sense in a nation where as many as 100 million people have some criminal record. For this reason, companies like Walmart, Home Depot and Koch Industries have eliminated it from their applications in recent years.

At my family's company, we have made it a policy to hire qualified nonviolent criminals in the businesses we manage. It doesn't matter to us if you made a mistake earlier in life — it matters to us whether you can do your job and do it well. In fact, from a business perspective, we believe it would harm our ability to find talented individuals if we rejected those who made a mistake that put them on a collision course with the criminal justice system. And given my own history, wouldn't it be hypocritical for me to judge prospective employees based on their criminal record?

Whether in city halls, state capitals or Washington, lawmakers should begin the long process of identifying and reforming the laws that have made America such an over-criminalized country.

They can start by revisiting “mandatory minimum” sentences for nonviolent lawbreakers. These policies often force criminals into unnecessarily lengthy prison terms that are wholly inappropriate for their crimes. This has greatly contributed to the explosion in the federal prison population, which has risen to 208,000 from 25,000 over the past 35 years.

Yet, at the same time, it’s not clear that imprisoning so many people has lessened crime. One expert interviewed by Pew Charitable Trusts argued that this spike in the prison population has accounted only for between 10 and 25 percent of the drop in crime over the past 20 years.

Politicians should also trim the ever-lengthening list of federal and state crimes. Over the past 25 years, the number of federal crimes alone has grown to roughly 5,000. Moreover, a growing number of nonviolent crimes lack adequate intent requirements. Absent this important and longstanding aspect of criminal law, Americans of all walks of life can commit crimes they never knew existed.

This weekend, I will join Charles Koch, David Koch and several hundred other business leaders at the Freedom Partners membership meeting, where I will speak about criminal justice reform. The Kochs and I firmly believe this is an important part of our efforts to give everyone — especially the least fortunate — the best shot at a better life. Years ago, I made a mistake and got a second chance. Every American should be able to say the same thing.

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A version of this op-ed appears in print on July 30, 2015, on page A23 of the New York edition with the headline: Ruining Lives With 'Justice'.