

December 20, 2013

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
435 Russell Senate Office Building
Washington, DC 20510

The Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary
135 Hart Senate Office Building
Washington, DC 20510

The Honorable Bob Goodlatte
Chairman
Committee on the Judiciary
2309 Rayburn House Office Building
Washington, DC 20515

The Honorable John Conyers
Ranking Member
Committee on the Judiciary
2426 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Leahy, Chairman Goodlatte, and Ranking Members Grassley and Conyers:

We are writing to voice our support for the Smarter Sentencing Act (S.1410/H.R.3382), a bill that advances more effective and just criminal sentencing without jeopardizing public safety.

The federal prison system has had extraordinary increases in scope and cost in the past several decades. Meanwhile, total state prison populations have decreased for the third year in a row, in part by employing probation and parole as a just and effective alternative to prolonged incarceration for nonviolent offenders. States are getting smart on crime, while the federal prison system is missing the mark, averaging an annual population increase of 3.2 percent each year over the past 10 years. The system is operating at nearly 140 percent of its capacity, making it more difficult to operate effective faith-based and other rehabilitation programs and increasing safety risks for corrections officials and prisoners. Further, prolonged incarceration often contributes to the disintegration of family structures, increases dependency on state aid, and reduces the economic viability of individuals, families, and communities, thus hindering their reintegration into society.

The ballooning prison population also comes at a severe fiscal price. Housing one federal prisoner costs approximately \$29,000 per year. The federal prison system budget now accounts for more than 25 percent of the Department of Justice's budget. We should be returning police power to the states, not expanding the federal prison system. Our scarce criminal justice dollars should be focused on victims' services, police, and prison cells for violent criminals and terrorists.

We affirm that crime causes harm at multiple levels of society and demands accountability. We also believe that just punishment should be proportionate to the harm caused to the crime victim and society, and should aim to restore the victim, offender, and community. Unfortunately, the prison system is unduly burdened with people serving lengthy sentences for committing

nonviolent crimes. Nearly half of the inmates filling our federal prisons are incarcerated for drug offenses. We must be good stewards of our limited federal criminal justice funding. This bipartisan bill is an incremental approach that aims to refocus resources on the most serious offenders and on crime prevention.

The SSA, which applies only to non-violent drug offenses, takes modest steps to improve current drug sentencing policy. First, the SSA lowers certain drug mandatory minimums, but does not lower the maximum sentences for these offenses. This approach allows proportionate minimum punishments to apply to nonviolent drug offenses, without lowering mandatory minimums for bodily harm and serious repeat offenders. Second, the SSA slightly broadens eligibility criteria for the federal “safety valve,” allowing judges to reduce sentences for certain non-violent drug offenders who fall into criminal history category two or less and who meet the other elements of the safety valve’s strict objective test.

Finally, the SSA allows certain inmates sentenced before the Fair Sentencing Act of 2010 took effect to petition for sentence reductions consistent with the Fair Sentencing Act, which reduced a decades-long sentencing disparity between crack and powder cocaine offenses. Upon unanimous approval of the Fair Sentencing Act by the Senate Judiciary Committee in 2010, then Ranking Member Jeff Sessions stated, “Through this change in the thresholds for mandatory minimum sentences, we will be able to achieve needed fairness without impeding our ability to combat drug violence and protect victims. This important bipartisan agreement would strengthen our justice system.” We believe the justice system would be strengthened further if Congress, rather than activist judges, took steps to allow inmates sentenced under the pre-Fair Sentencing Act sentencing regime to petition for sentence reductions. Federal courts successfully and efficiently conducted review of similar crack-related sentence reductions after 2007 and 2011 changes to the Sentencing Guidelines.

We desire a justice system that makes communities safer, respects victims, and transforms offenders. We ask you to take a step toward that goal, by supporting these reasonable and critical reforms. Thank you.

Sincerely,

Grover Norquist
President
Americans for Tax Reform

Ralph Reed
Chairman
Faith & Freedom Coalition

Michael A. Needham
CEO
Heritage Action for America

Craig DeRoche
President
Justice Fellowship/Prison Fellowship Ministries

Galen Carey
Vice President
National Association of Evangelicals

Eli Lehrer
President
R Street Institute

Marc Levin
Director, Center for Effective Justice
Texas Public Policy Foundation