

June 5, 2014

The Honorable Harry Reid
U.S. Senate
522 Hart Senate Office Building
Washington, DC 20510

Dear Senator Reid:

We are writing to urge you to advance the Smarter Sentencing Act (S. 1410), a bipartisan, bicameral bill that promotes more effective and just criminal sentencing without reducing public safety.

Advancing this reasonable reform this year is both warranted and necessary. As conservatives, we are deeply concerned about the federal prison system's size and cost, which have grown enormously since 1980. Federal prisoner costs now consume about 30 percent of the Department of Justice's budget. Federal prisons operate at nearly 140 percent of their capacity, a condition that makes prisons less safe and less rehabilitative places and leads to recidivism. Instead of returning police power to the states, we are expanding the federal criminal justice system, its reach, and its costs. Requiring lengthy prison terms for nonviolent drug crimes has fueled this growth. Half of all federal inmates – more than 100,000 people – are incarcerated for drug offenses. Crime is undeniably serious and demands accountability. But just punishments must be proportionate to the harm caused to victims and society, and they should also restore victims, offenders, and communities. Our limited criminal justice dollars are used most effectively when focused on assisting victims and police, and when we reserve prison cells for violent offenders and terrorists.

The Smarter Sentencing Act (SSA) is a modest, incremental approach that impacts only nonviolent drug offenses and does not repeal any mandatory minimum sentences. The SSA reduces the length of mandatory minimum sentences for nonviolent drug offenses by half. Over time, this will reduce prison growth and costs to manageable levels. Long mandatory minimum terms are preserved for drug offenses that result in serious bodily injury or death. The bill also gives judges limited, clearly-defined discretion to sentence low-level, nonviolent drug offenders with negligible criminal records below the mandatory minimum term. Finally, the SSA allows certain inmates sentenced before the effective date of the Fair Sentencing Act of 2010 to petition for sentence reductions consistent with that law. The Fair Sentencing Act, which Congress passed unanimously, reduced an unjustifiable sentencing disparity between crack and powder cocaine offenses. The SSA does not let anyone serving a sentence under the old law get a reduction automatically – courts must do an individualized review and approve each request before a reduction can be granted, thus protecting public safety.

The federal prison population has increased by 3.2 percent annually over the past decade. In contrast, total state prison populations continue a three-year decline, partly because states are using just, effective, cost-saving alternatives like probation and parole to save expensive prison beds for violent offenders. Crime has continued to decline in states that have used these alternatives or reduced or reformed mandatory minimum sentences for nonviolent offenders. A recent poll revealed that 63 percent of Americans think this sentencing reform trend is a good thing. Nationwide, these reforms recognize that lengthy prison sentences for nonviolent offenders can actually be harmful: prolonged incarceration destroys family unity, increases reliance on government aid, hinders reintegration into society, and stunts the economic growth of individuals and families. In short, states and the public are getting smart on crime, and the federal government should, too.

The need for this legislation's moderate but positive improvements is urgent, and we respectfully ask you to advance the Smarter Sentencing Act as soon as possible. Thank you for considering our views.

Sincerely,

Jonathan Bydlak
President
Coalition to Reduce Spending

Galen Carey
Vice President
National Association of Evangelicals

Craig DeRoche
President
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David Keene
Former chair, American Conservative Union; current opinion editor, *The Washington Times*

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Eli Lehrer
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Michael Needham
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Grover Norquist
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Americans for Tax Reform

David Williams
President
Taxpayers Protection Alliance