

April 29, 2015

The Honorable Charles E. Grassley
Committee on the Judiciary
U.S. Senate
Washington, DC 20510

The Honorable Patrick J. Leahy
Committee on the Judiciary
U.S. Senate
Washington, DC 20510

The Honorable Bob Goodlatte
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

The Honorable John Conyers
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

RE: Interfaith leaders support Smarter Sentencing Act

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

As faith leaders, we are writing to express our support for the Smarter Sentencing Act (S. 502/H.R. 920). This bipartisan legislation will advance more proportionate accountability, limit dangerous prison overcrowding, reunite broken families, and save resources that can better be used for protecting victims and preventing crime.

The aim of the criminal justice system should be to restore all parties impacted by crime. For people convicted of crime, restoration requires proportionate accountability for the harm caused to victims and communities. Sadly, our current sentencing scheme undermines the justice system's legitimacy by imposing disproportionate punishment, particularly for drug offenses. As a result, our federal prison system warehouses too many people for an unjustly long period of time, while hamstringing the state's ability to invest in services for affected victims and communities.

In 1986 when Congress passed the first Anti-Drug Abuse Act that created much of today's mandatory minimum drug sentences, it created the five-year mandatory minimum for what it called "serious" traffickers or the managers of the retail level drug trade. The ten-year mandatory minimum was set for "major" traffickers who were considered the manufacturers or the heads of organizations who are responsible for creating and delivering very large quantities.¹ Unfortunately, as time has passed the level of culpability of the average federal drug defendant does not equate to these function levels first described by Congress. Indeed, according to research from the U.S. Sentencing Commission that analyzed drug trafficking cases sentenced in

¹ United States Sentencing Commission, "Report to the Congress: Cocaine and Federal Sentencing Policy," (2002) at pg 6-7, available at: http://www.ussc.gov/sites/default/files/pdf/news/congressional-testimony-and-reports/drug-topics/200205-rtc-cocaine-sentencing-policy/200205_Cocaine_and_Federal_Sentencing_Policy.pdf.

federal courts during fiscal year 2013, 93% of defendants did not play a leadership or management role in their offense.²

Leaving disproportionate drug sentences unchecked is a threat to public safety. Since 1980, the federal prison system's population and cost has significantly expanded because of excessive mandatory minimum sentences for drug offenses. In 1980, the federal prison system incarcerated 25,000 people. Today, its population is over 209,000 and prisons operate at 128 percent of capacity. The federal Bureau of Prisons now consumes \$6.85 billion, or roughly one-fourth of the Department of Justice's budget. Prison overcrowding makes it difficult to operate effective faith-based and other rehabilitation programs that are proven to reduce recidivism and make our communities safer. In addition to this increased public safety risk and immense financial cost, there is an intangible expense paid by family members, particularly children, who must cope with the pain and burden of having a loved one incarcerated for far too long.

The Smarter Sentencing Act will help address these issues by reducing the mandatory minimum sentences for drug offenses, slightly expanding eligibility for the federal safety valve, and applying the Fair Sentencing Act to people currently incarcerated. The legislation does not reduce the maximum penalties and will still allow sentencing enhancements to be applied for more culpable behavior such as playing a leadership role or possessing a weapon.

As faith-based organizations, we witness the human cost of disproportionate punishment firsthand as we visit those who are in prison, care for their families, and provide a support network for formerly incarcerated men and women who have returned to our communities. We long for a justice system that comprehensively reflects restorative justice principles. We believe the Smarter Sentencing Act is an important step toward that goal and we urge you to allow your committees to deliberate and vote on this critical bipartisan reform. Thank you.

Sincerely,

African American Ministers In Action
African Methodist Episcopal Church, Social Action Commission
Alliance of Baptists
American Baptist Home Mission Societies
Bread for the World
Christian Community Development Association
Church of the Brethren, Office of Public Witness
Church of Scientology National Affairs Office
Clapham Group
Crossroad Bible Institute
Disciples Justice Action Network
Evangelical Lutheran Church in America
Exodus Foundation.org
Faith & Freedom Coalition

² United States Sentencing Commission, "2013 Sourcebook of Federal Sentencing Statistics" (2013) at Tbl. 40, available at: <http://www.ussc.gov/sites/default/files/pdf/research-and-publications/annual-reports-and-sourcebooks/2013/Table40.pdf>.

Family Research Council
Frederick Douglass Foundation
Friends Committee on National Legislation
Healing Communities USA
Jesuit Conference of Canada and the United States
Justice Fellowship/Prison Fellowship Ministries
Mennonite Central Committee U.S. Washington Office
Mission Year
National Advocacy Center of the Sisters of the Good Shepherd
National Council of Churches of Christ, USA
National Religious Campaign Against Torture
NETWORK, a National Catholic Social Justice Lobby
Rhode Island State Council of Churches
Salvation Army National Headquarters
Samuel DeWitt Proctor Conference
Sisters of Mercy of the Americas – Institute Justice Team
Sojourners
T'ruah: The Rabbinic Call for Human Rights
Union for Reform Judaism
United Church of Christ, Justice and Witness Ministries
United Methodist Church, General Board of Church and Society