

The Honorable Mitch McConnell
United States Senate
Washington, DC 20510

The Honorable Paul Ryan
United States House of Representatives
Washington, DC 20515

The Honorable Harry Reid
United States Senate
Washington, DC 20510

The Honorable Nancy Pelosi
United States House of Representatives
Washington, DC 20515

November 16, 2016

RE: Pass Sentencing Reform Legislation this Year

Dear Majority Leader McConnell, Speaker Ryan and Minority Leaders Reid and Pelosi:

One year ago judiciary committees in the Senate and House of Representatives worked in an exemplary bipartisan fashion to pass sentencing reform legislation that would ease the excessive and racially disparate mandatory minimum sentences for federal drug offenses. The resulting legislation, the Sentencing Reform and Corrections Act (S. 2123) in the Senate and the Sentencing Reform Act (H.R. 3713) in the House are critical first steps to ensuring a fair and proportional federal criminal justice system. The undersigned organizations endorse these bills and urge you to bring floor votes on sentencing reform during the lame duck session.

Our diverse organizations represent millions of people committed to criminal justice reforms grounded in fairness, equity, compassion, and respect for human dignity. We applaud the bipartisan consensus that has emerged during the 114th Congress on sentencing legislation. We believe ending the year without final passage of these thoughtfully deliberated and measured reforms would be a terrible missed opportunity.

Indeed, six years ago Congress approved the Fair Sentencing Act to reduce the 100 to 1 crack cocaine disparity in sentencing that excessively punished low-level offenses and overwhelmingly impacted African Americans. The sentencing legislation currently pending in Congress would correct a devastating oversight in the law that left many thousands of people serving outdated sentences in federal prison for crack cocaine because they committed their crime before the law's enactment. Forcing these people and their families to wait any longer for a review of their sentence and possible freedom is unconscionable.

In 1986 when Congress passed the first Anti-Drug Abuse Act that created much of today's mandatory minimum sentences for drugs, 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 Over time we have seen that 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 federal courts during fiscal year 2013, 93% of defendants did not play a leadership or management role in their offense.²

In states across the country elected officials have also taken a hard look at their broken criminal justice systems and recognized the need to address the rising costs of incarceration. Many states have changed their laws to focus incarceration on people who present that greatest threat to public safety. S. 2123 and H.R. 3713 take the first step to addressing some of these same concerns in the federal system.

The country and Congress are at an important moment in time. Your desire may be to focus on the road ahead but it is critical to complete the important unfinished business of the last two years as well. Good bipartisan work on criminal justice reform includes legislation not just on sentencing, but also corrections, juvenile justice, and reentry. All these measures deserve your attention as the 114th Congress comes to an end and we urge you to act quickly to pass reform.

Our commitment to a fair criminal justice system will continue next year and we look forward to collaborating with as you act now and in the future.

Sincerely,

African American Ministers In Action
Aleph Institute
Alliance of Baptists
American Baptist Home Mission Societies
American Civil Liberties Union
Bend the Arc Jewish Action
Bread for the World
Campaign for the Fair Sentencing of Youth
Church of the Brethren, Office of Public Witness
Church of Scientology National Affairs Office
CURE (Citizens United for Rehabilitation of Errants)
Disciples Center for Public Witness
Drug Policy Alliance
Evangelical Lutheran Church in America
Exodus Foundation
Faith Action Network - WA state

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/drugtopics/200205-rtc-cocaine-sentencing-policy/200205_Cocaine_and_Federal_Sentencing_Policy.pdf.

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>.

Friends Committee on National Legislation
The Jesuit Conference of Canada and the United States
Jewish Council for Public Affairs
Leadership Conference for Civil and Human Rights
Life for Pot
National Action Network
National Center for Lesbian Rights
National Center for Transgender Equality
National Council of Churches
National Religious Campaign Against Torture
The Sentencing Project
T'ruah: The Rabbinic Call for Human Rights
Union for Reform Judaism
United Methodist Church - General Board of Church and Society