

April 24, 2013

The Honorable Patrick Leahy, Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Chairman Leahy:

We are writing to thank you for your leadership in introducing, with Senator Rand Paul, S. 619, the Justice Safety Valve Act of 2013. We believe that the bill, if enacted, would protect public safety; provide fairer, more proportional sentences for nonviolent offenders; reduce federal prison overcrowding; and save taxpayers money.

Mr. Chairman, we know you understand how serious the problem of skyrocketing federal corrections costs is. The federal prison population and its attendant costs are rising at an “unsustainable” rate, according to U.S. Justice Department officials. According to a recent report by the Congressional Research Service, federal mandatory minimum sentencing laws are a leading driver of our unsustainable federal prison population and budget growth.

Last August, you brought this issue to the Judiciary Committee’s attention at a hearing you called on how rising prison budgets were forcing cutbacks in other, more effective anti-crime strategies. As we spend more to keep people locked up, we have less to spend on the kinds of programs that evidence has shown work best to keep crime rates down. That means less money for federal law enforcement, less aid to state and local law enforcement, less funding for crime prevention programs and prisoner reentry programs.

Our long-standing belief that common-sense sentencing reforms could reduce federal spending without jeopardizing public safety was confirmed when Attorney General Eric Holder said in a recent speech, “Too many people go to too many prisons for far too long for no good law enforcement reason.” We were gratified that the top law enforcement official in the nation recognizes that our country has become too reliant on prisons and jails to protect public safety.

Attorney General Holder also said that the Department of Justice was committed to working with leaders in Congress “to address unwarranted sentencing disparities; and – where appropriate – to explore ways to give judges more flexibility in determining certain sentences. ... Statutes passed by legislatures that mandate sentences, irrespective of the unique facts of an individual case, too often bear no relation to the conduct at issue, breed disrespect for the system, and are ultimately counterproductive.” We wholeheartedly agree.

You have spoken forcefully about the need for Congress to rethink our federal mandatory minimum laws. We are grateful that you have now gone a step further with the introduction of the Justice Safety Valve Act of 2013. Your bill will enable Congress and the Justice Department to save scarce federal resources by giving judges greater flexibility to impose individualized and proportionate sentences in more cases. Your legislation will prevent severe injustices, such as when two offenders with very different culpabilities get the same sentence. We believe this is a

sensible reform that will protect public safety while preventing unjust sentencing outcomes and saving money.

We hope you will schedule a hearing on S. 619 soon, and we stand ready to work with you to build support for its enactment.

Sincerely,

ACLU (American Civil Liberties Union)
AdvoCare, Inc. (MD and VA)
American Probation and Parole Association
Blacks in Law Enforcement of America
Campaign for Youth Justice
Charles Hamilton Houston Institute for Race & Justice at Harvard Law School
CitiWide Harm Reduction (NY)
Colorado Criminal Justice Reform Coalition
Criminon New Life DC
Drug Policy Alliance
Drug Policy Forum of Hawai'i
Drug Policy Forum of Texas
Efficacy (CT)
The Constitution Project
FAMM (Families Against Mandatory Minimums)
FedCURE
Friends Committee on National Legislation
Human Rights Defense Center
Human Rights Watch
International CURE
Justice Fellowship/Prison Fellowship Ministries
LA County HIV Drug & Alcohol Task Force
Leadership Conference on Civil and Human Rights
Mark Osler, Prof. of Law, Univ. of St. Thomas (MN)
NAACP
Nashville Peace and Justice Center
National African American Drug Policy Coalition, Inc.
National Association of Criminal Defense Lawyers
National Association on Alcohol, Drugs and Disability
National Association of Evangelicals
National Black Law Students Association
National Legal Aid & Defender Association
National Organization for Women
NETWORK, A National Catholic Social Justice Lobby
A New PATH (Parents for Addiction Treatment & Healing)
The November Coalition

Open Society Policy Center
Partnership for Safety and Justice (OR)
The Real Cost of Prisons Project
Remove Intoxicated Drivers
Safe Streets Arts Foundation (DC)
Sensible Colorado
The Sentencing Project
StoptheDrugWar.org
Substance Abuse and Addiction Recovery Alliance (SAARA) of Virginia, Inc.
Treatment Communities of America
United Church of Christ/Justice and Witness Ministries
U.S. Dream Academy