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February 8, 2018

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The Honorable Charles E. Grassley
United States Senate
Chairman, Committee on the Judiciary
135 Hart Senate Office Building
Washington, DC 20510

The Honorable Dianne Feinstein
United States Senate
Ranking Member, Committee on the Judiciary
331 Hart Senate Office Building
Washington, D.C. 20510

RE: Support for Sentencing Reform and Corrections Act, S. 1917

Dear Chairman Grassley and Ranking Member Feinstein:

I am writing to share Human Rights Watch's endorsement of the Sentencing Reform and Corrections Act, which has been scheduled for consideration in the Senate Judiciary Committee this month. This legislation would create meaningful reforms to federal criminal justice system, aiming to reign in draconian sentencing laws that contravene the imperative under human rights law for proportionate sentencing while also improving prison reentry programming. Passage of S. 1917 would be a key step toward reducing the nation's federal prison population in favor of improving public safety, providing greater proportionately in sentencing, and reducing excessive costs.

The Sentencing Reform and Corrections Act seeks to reduce mandatory minimums, address sentencing disparities, and break down barriers that prevent people with criminal records from being successful upon release. Its passage would be an important milestone in the fight for rights-respecting criminal justice reforms in the United States.

While this bill does not eliminate [mandatory minimum sentencing](#),¹ and includes a counterproductive provision to enhance penalties for fentanyl, it will modestly reduce the numbers of federal drug offenders who can receive mandatory minimum sentences. By increasing the opportunity for judicial discretion, S. 1917 will slightly curb federal prosecutors' power to threaten and impose extremely long sentences that are disproportionate to the offense and threaten the right to trial, as Human Rights Watch



HRW.org

¹ Human Rights Watch, *Nation Behind Bars: A Human Rights Solution*, May 6, 2014, https://www.hrw.org/sites/default/files/related_material/2014_US_Nation_Behind_Bars_0.pdf.

documented in our 2013 report, [An Offer You Can't Refuse](#).² The bill will also improve reentry programs for people who are returning to their communities and families.

Across the country, many states have adopted similar approaches to sentencing and reentry reform. Despite fears that these reforms would threaten public safety, most states have [enjoyed](#) both lower rates of incarceration and lower rates of crime.³

The bill would also provide for the [retroactive application](#) of the Fair Sentencing Act of 2010, which reduced the sentencing disparity between crack and powder cocaine and sought to correct the vastly longer sentences imposed, mostly on African Americans, for crack cocaine convictions.⁴ Almost a decade later, thousands remain in prison, sentenced under the 100:1 crack/powder sentencing disparity despite the passage of the Fair Sentencing Act. Providing retroactive relief would bring the US in compliance with human rights standards requiring people already sentenced under old, unfair laws have a chance to benefit from new sentence reductions.

Human Rights Watch believes Congress should pass these incremental, carefully-crafted bipartisan reforms quickly. Basic fairness, actual justice, and the fundamental rights of thousands of criminal defendants hang in the balance.

If you would like to discuss these important issues further, please do not hesitate to contact me at tylerj@hrw.org or at 202.612.4343.

Sincerely,



Jasmine L. Tyler

Advocacy Director, US Program

² Human Rights Watch, *An Offer You Can't Refuse: How US Federal Prosecutors Force Drug Defendants to Plead Guilty*, December 5, 2013, <https://www.hrw.org/report/2013/12/05/offer-you-cant-refuse/how-us-federal-prosecutors-force-drug-defendants-plead>.

³ Pew Charitable Trusts, "Most States Cut Imprisonment and Crime," November 10, 2014, <http://www.pewtrusts.org/en/multimedia/data-visualizations/2014/imprisonment-and-crime>.

⁴ Human Rights Watch, "Human Rights Watch comments to the US Sentencing Commission on retroactivity of proposed amendments to the Drug Quantity Table," July 7, 2014, <https://www.hrw.org/news/2014/07/07/human-rights-watch-comments-us-sentencing-commission-retroactivity-proposed>.