

Paulette Brown
President

AMERICAN BAR ASSOCIATION

321 North Clark Street
Chicago, IL 60654-7598
(312) 988-5109
Fax: (312) 988-5100
abapresident@americanbar.org

October 19, 2015

The Honorable Charles Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

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

Re: S. 2123 (the Sentencing Reform and Corrections Act of 2015)

Dear Chairman Grassley and Ranking Member Leahy:

On behalf of the American Bar Association (ABA), I write to express our support for S. 2123, the Sentencing Reform and Corrections Act of 2015, and to urge members of the Senate Judiciary Committee to promptly approve the bill without weakening amendments.

We strongly commend Chairman Grassley and Senator Durbin for leading remarkable bipartisan negotiations that included Senators Cornyn, Whitehouse, Lee, Graham, Leahy, Booker, Scott and Schumer; the result is a worthy reform consensus on complex and difficult sentencing and corrections issues. While S. 2123 is a compromise that does not go as far as the ABA would prefer in overhauling federal sentencing policy, it takes a number of important steps forward to reduce reliance on mandatory minimum sentences for low-level drug offenders and to improve fairness and the achievement of justice in the federal system.

Over the last 30 years, the United States has come to rely on its criminal justice system and lengthy prison terms more than any other nation. With just 5% of the world's population, the U.S. holds nearly a quarter of the world's prisoners, including one-third of all women incarcerated worldwide.

The federal prison population has increased nearly 800% since 1980 and more than doubled since 1994, with spending up 1700% over that period, and federal prisons are currently operating at 131% of capacity. This is due in significant degree to the proliferation of mandatory minimum sentences. Nearly half of all federal prisoners are serving sentences for nonviolent drug crimes.

Experience has shown that mandatory minimums have not only contributed to the vast increase in the nation's incarceration rate, but have exacerbated the levels of racial disparity in the criminal justice and correctional systems. African Americans and Latinos make up about three-quarters of the federal prison population while representing only

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about one-third of the nation's population. The U.S. Sentencing Commission has reported that mandatory minimum sentences are imposed on people of color at similarly disproportionate rates. This bill offers substantive revisions to the federal sentencing system that will help reduce our reliance on lengthy prison terms for low-level offenses, lessen the disparate impact of federal sentencing policies on African Americans and Latinos, and change direction away from policies that are unsustainable.

The ABA supports provisions in S. 2123 to narrow the applicability of some drug-related mandatory minimums and reduce others; to expand "safety-valve" authority; and to apply certain reductions retroactively, including those enacted in Fair Sentencing Act of 2010, in qualified cases. While we are disappointed by the inclusion of two new mandatory minimum sentencing provisions in the bill, we believe that S. 2123 will, overall, create a more just sentencing system than the one currently in place. Enactment will help focus prosecutorial and correctional resources on offenders who commit serious crimes that pose the greatest risk to public safety and will permit more sentencing flexibility for low-level, nonviolent offenders whose role and culpability will now receive more careful and balanced consideration by sentencing judges.

The ABA also supports new provisions in the bill to expand recidivism-reducing prison programs that allow participating prisoners to earn credits toward early supervised release and the expansion of "compassionate release" for elderly, terminally ill prisoners. We further support provisions to end federal juvenile life without parole, to ban juvenile solitary confinement, and to permit juveniles to obtain expungement of certain criminal records.

We commend the bipartisan sponsors of the Sentencing Reform and Corrections Act of 2015 for proposing significant and positive sentencing and corrections reforms. We urge members of the Judiciary Committee to support S. 2123 so that it may soon be considered by the full Senate and enacted into law.

Sincerely,

A handwritten signature in black ink, appearing to read "Paulette Brown", with a long horizontal flourish extending to the right.

Paulette Brown

cc: Members of the Senate Committee on the Judiciary