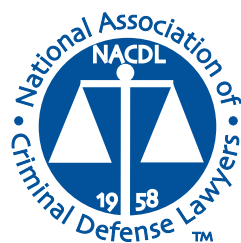


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May 28, 2014

Re: Smarter Sentencing Act, S. 1410

Dear Senator,

The National Association of Criminal Defense Lawyers (NACDL) writes to express strong support for S. 1410, the Smarter Sentencing Act. Introduced by Senators Durbin (D-IL) and Lee (R-UT), this bi-partisan legislation targets the fundamental causes of prison overcrowding and ballooning prison costs without jeopardizing public safety. NACDL, along with our nearly 10,000 members of private criminal defense lawyers, public defenders, active U.S. military defense counsel, law professors and judges committed to preserving fairness within America's criminal justice system, encourage you to support the Smarter Sentencing Act.

The “tough on crime” years that began in the 1980s have given way to a bi-partisan “smart on crime” approach. A quick look at some facts and statistics easily explains why. Federal prisons now count nearly 219,000 as inmates, an almost unbelievable 790 percent increase over a federal prison population of 25,000 in 1980 that translates to an operational overcapacity of nearly 40 percent. Half of that population is made up by those serving sentences for drug offenses. During that same time period the cost of federal incarceration has increased by more than 1100 percent and now totals nearly a quarter of the U.S. Department of Justice’s (DOJ) total annual budget.

DOJ itself has called spending on federal prisons “unsustainable” and a threat to public safety, continuing that, “[I]f . . . we do not reduce the prison population and prison spending, there will continue to be fewer and fewer prosecutors to bring charges, fewer agents to investigate federal crimes, less support to state and local criminal justice partners, less support to treatment, prevention and intervention programs, and cuts along a range of other criminal justice priorities.”

If enacted, the Smarter Sentencing Act would:

- modestly expand the existing “safety valve,” which allows judges to sentence below the mandatory minimum, to a greater number of non-violent, low-level drug offenders;

- reduce, but not repeal, mandatory minimum sentences for certain drug offenses such that 20, 10, and 5 year mandatory minimums become 10, 5, and 2 year minimums, respectively (which, according to a study by the Urban Institute, would lead to a savings of nearly \$2.5 billion over a 10 year period);
- allow individuals sentenced under the former overly harsh and racially disparate crack cocaine laws to petition the courts for a reduced sentence consistent with the bipartisan Fair Sentencing Act, which was enacted in 2010; and
- require DOJ and other agencies to develop an online inventory of all criminal laws and regulations, their penalties, and the intent necessary for a violation.

In addition, the Smarter Sentencing Act will focus funding on areas of need by requiring that DOJ report as to how reduced expenditures on federal corrections and costs savings resulting from the legislation will be used to increase investment in law enforcement and crime prevention, and help recidivism, thereby increasing the effectiveness of criminal justice spending.

By enacting the incremental reforms contained in the Smarter Sentencing Act, we can reduce an unsustainable prison budget, address prison overcrowding, increase inmate and corrections officer safety, keep our communities safe, and ensure that the criminal justice system is working efficiently and fairly. NACDL asks you to join with nearly 100 organizations including faith groups, civil rights and advocacy groups, conservative entities, and law enforcement, corrections, and victim's advocates groups in supporting the Smarter Sentencing Act.

Sincerely,

A handwritten signature in black ink, reading "Jerry J. Cox". The signature is fluid and cursive, with the first name "Jerry" and last name "Cox" clearly legible.

Jerry J. Cox
President, NACDL