

July 7, 2014

Judge Patti B. Saris, Chair
United States Sentencing Commission
One Columbus Circle, N.E., Suite 2-500
Washington, D.C. 20002

RE: Faith community supports retroactive application of amendment to lower drug sentencing guidelines

Dear Judge Saris:

Since 1980, the federal prison population has grown an astounding 800%, and half of the current population is incarcerated for a drug offense, comprising about 100,000 people. As a community of faith organizations concerned about the harmful impact of excessive federal sentences, particularly for drug offenses, we urge the U.S. Sentencing Commission to support full retroactivity of Amendment 3, the “drugs minus two” amendment to the drug sentencing guidelines.

We applaud the Commission’s commitment to reviewing and adjusting the sentencing guidelines it oversees in order to improve fairness for defendants and prisoners, as well as to address dangerous overcrowding in the Bureau of Prisons. The Commission’s decision to lower the sentencing guidelines for new defendants facing federal drug charges is an important first step in limiting racial disparity in sentencing and crafting a sentencing system that is proportional. However, those in prison serving sentences under the current guideline system also are in need of relief and deserve an opportunity to have their sentences revisited.

According to commission analysis, approximately 51,000 people currently incarcerated for a drug offense may be eligible for a substantial sentence reduction averaging 23 months if the “drugs minus two” amendment is made fully retroactive. Each case would be subject to judicial review and judges would have an opportunity to consider conduct while in prison and reject individuals who may be a threat to public safety.

Recent history tells us that large-scale retroactivity reviews have been enormously successful. Individuals released early under the 2007 crack cocaine sentencing guideline amendment had rates of recidivism that were consistent, and even slightly lower, than those released after having served their full sentence.

The reform you are now considering is long overdue and presents an important and rare opportunity to address a flawed sentencing system that for many years required sentences over and above the mandatory minimum sentences that Congress approved. We believe that the Commission’s history of approving retroactivity for sentencing guideline

amendments for similarly situated prisoners in 1993, 1995, 2007 and 2011 is an important and commendable precedent. Fairness requires that continued practice.

We thank you for your consideration of our comments.

Sincerely,

African Methodist Episcopal Church
Alliance of Baptists
American Baptist Churches USA
The Center for Church and Prison, Inc.
Church of Scientology National Affairs Office
Community of Christ
Conference of Major Superiors of Men
Criminon
Crossroad Bible Institute
Disciples Justice Action Network
Evangelical Covenant Church
Friends Committee on National Legislation
Mar Thoma Church, Diocese of North America and Europe
Mennonite Central Committee U.S. Washington Office
National Advocacy Center of the Sisters of the Good Shepherd
National Council of Churches
National Religious Campaign Against Torture
Sisters of Mercy - Institute Justice Team
Sojourners
Union for Reform Judaism
United Church of Christ, Justice and Witness Ministries
United Methodist Church, General Board of Church and Society
U.S. Jesuit Conference