

July 17, 2013

The Honorable Robert C. Scott
1201 Longworth Office Building
United States House of Representatives
Washington, DC 20515

The Honorable Thomas Massie
314 Cannon House Office Building
United States House of Representatives
Washington, DC 20515

Dear Representatives Scott and Massie:

We, the undersigned, are current and former federal judges, prosecutors, law enforcement officers, and others, all with substantial professional experience within the criminal justice system and personal dedication to its efficient operation. We are writing to express support for H.R. 1695, the Justice Safety Valve Act of 2013, your bipartisan legislation to limit the negative effects of federal mandatory minimum sentencing laws by providing for greater judicial discretion.

Our nation's violent crime rate has dropped to its lowest level in a generation. We believe that this outstanding achievement is the result of many factors and policies, including smarter policing strategies and a greater reliance on severe punishment for violent offenders. At the same time, we agree with Attorney General Eric Holder's recent statement that, "Too many people go to too many prisons for far too long for no good law enforcement reason." Mandatory minimum sentencing laws are chiefly responsible for this wasteful use of prison space because they fail to distinguish between violent, serious criminals and low-level, nonviolent offenders.

As Congress looks for ways to improve upon recent gains in public safety, we believe that the reforms in H.R. 1695 would prove very valuable. The bill would authorize federal courts to impose a prison sentence below the mandatory minimum in cases where the minimum is not necessary to protect the public, the defendant is not likely to re-offend, and in other situations where the minimum is unwarranted. Under your legislation, dangerous criminals will continue to receive lengthy prison sentences. For lower-level offenders facing a mandatory minimum sentence, however, courts will be given the power to impose a shorter sentence. For example, a nonviolent drug seller facing a 10-year mandatory minimum might instead receive a sentence of seven or eight years if a court determines, after considering all the relevant facts, that the 10-year sentence is inappropriate and would punish the street seller more harshly than his more culpable co-defendants. In drug cases, for example, a court might determine that a shorter prison term combined with mandatory drug treatment would be more likely to prevent an individual from re-offending.

Some of us believe that mandatory minimum sentencing laws can serve an important purpose by helping prosecutors convince defendants to plead guilty. Securing pleas from clearly guilty defendants saves the government time and money that could be better spent on prosecuting more criminals. By not repealing mandatory minimums completely, H.R. 1695 leaves this leverage intact for prosecutors. A defendant who chooses to take his

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