

# THE CONSTITUTION PROJECT



*Safeguarding Liberty, Justice & the Rule of Law*

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## Former Judges and Prosecutors Back Reduced Sentences for Low-Level Drug Crimes

WASHINGTON, D.C. -- More than 40 former judges and prosecutors are backing efforts to reduce sentences for people convicted of low-level drug crimes, while still reserving harsher penalties for more serious offenders.

In a [letter](#) organized by The Constitution Project and delivered to the United States Sentencing Commission earlier today, the former government officials endorsed a proposed change in federal sentencing guidelines that would lower the base offense associated with various drug quantities involved in drug trafficking crimes. The amendment, which the sentencing commission [proposed](#) in January, would reduce sentences for about 70 percent of all drug trafficking offenders.

"The sentencing commission's modest proposed change is a small but important step in the right direction," said Virginia Sloan, president of the bipartisan legal watchdog group.

The officials' support for the change stems, in part, from the fact that it "would reduce applicable sentences by an average of 11 months, would have no negative impact on public safety and is a positive step towards controlling costs that will otherwise drain [Department of Justice] resources from other critical law enforcement activities," their letter said.

The federal prison population continues to grow, consuming more of the department's budget each year. As the former judges and prosecutors recognized, "federal spending for prisons has increased one hundredfold over the past thirty years, due in large part to the fact that nearly half of federal inmates are serving lengthy drug sentences." According to the sentencing commission, adoption of the proposal would reduce the federal prison population by 6,550 within five years.

The letter echoes sentiments U.S. Attorney General Eric Holder [expressed](#) during his testimony before the sentencing commission last week, where he observed that "[t]his straightforward adjustment to sentencing ranges -- while measured in scope -- would nonetheless send a strong message about the fairness of our criminal justice system."

The letter to the commission is the most recent example of support for sentencing reform from those with experience in prosecuting and trying criminal cases. Last year more than 100 former judges, prosecutors and law enforcement officials sent letters, also organized by The Constitution Project, to Senate leaders [expressing support](#) for two sentencing reform bills: the Justice Safety

Valve Act (S. 619) and the Smarter Sentencing Act (S. 1410). In January, the Senate Judiciary Committee approved the Smarter Sentencing Act with bipartisan support.

The sentencing commission sets recommended prison terms for federal crimes. Judges can impose higher or lower sentences, but they generally act within the guidelines. The proposed amendment would reduce the sentencing guidelines for drugs by two levels -- meaning, for example, that instead of a recommended sentence of 63 to 70 months for possession of certain quantities of drugs, the guidelines would recommend a sentence of 51 to 63 months.

In 2007, the sentencing commission adopted a similar revision to the guidelines for crack cocaine, which the letter notes, "created no statistical difference in recidivism between prisoners who served the pre-2007 crack sentences and those who were sentenced, post-2007, under the revised guidelines."

The commission is expected to act on its proposal in April.

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#### [About The Constitution Project](#)

*Created out of the belief that we must cast aside the labels that divide us in order to keep our democracy strong, The Constitution Project (TCP) brings together policy experts and legal practitioners from across the political spectrum to foster consensus-based solutions to the most difficult constitutional challenges of our time. TCP seeks to reform the nation's broken criminal justice system and to strengthen the rule of law through scholarship, advocacy, policy reform and public education initiatives. Established in 1997, TCP is based in Washington, D.C.*