



July 26, 2010

Dear Representative:

**RE: ACLU Urges “YES” Vote on H.R. 5143, the National Criminal Justice Commission Act of 2010**

On behalf of the American Civil Liberties Union (ACLU), a non-partisan organization with more than a half million activists and members and 53 affiliates nationwide, we urge you to support H.R. 5143, the National Criminal Justice Commission Act of 2010, which was introduced by Representative Delahunt and will be voted on under the suspension calendar on Tuesday. The measure would create a bipartisan commission tasked with examining the nation’s criminal justice system and offering reform recommendations in a number of important areas including sentencing policy, rates of incarceration, law enforcement, crime prevention, substance abuse, mental health treatment, corrections and re-entry.

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Americans expect and deserve a criminal justice system that is fair and effective in achieving justice. When the system repeatedly fails to meet these goals, Americans come to regard the system with distrust and suspicion. Our Constitution is meant to safeguard against government abuses of power. But all too often, the rights of those involved in the criminal justice system are compromised or ignored. Data continues to demonstrate pervasive racial and socioeconomic disparities and an overreliance on incarceration to address nonviolent offenses.<sup>1</sup> Bureau of Justice Statistics figures indicate that annual spending on costs associated with corrections, including incarceration, total nearly \$69 billion.<sup>2</sup> Additionally, according to a 2008 report by the non-partisan Pew Center on the States, for the first time in U.S. history, more than one in every 100 adults in America is either in prison or jail<sup>3</sup>. These costs - both human and fiscal - reflect the enormous need to reject policies based on emotional responses to crime and to support evidence-based policies shown to help lower crime rates while protecting fundamental constitutional rights.

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<sup>1</sup> Human Rights Watch, *Decades of Disparity* (March 2, 2009), available at [http://www.hrw.org/sites/default/files/reports/us0309web\\_1.pdf](http://www.hrw.org/sites/default/files/reports/us0309web_1.pdf)

<sup>2</sup> U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Direct expenditures by criminal justice function, 1982-2006, available at <http://www.ojp.usdoj.gov/bjs/glance/tables/exptytab.html>

<sup>3</sup> Pew Center on the States, Public Safety Performance Project, *One in 100: Behind Bars in America 2008* (February 28, 2008), available at [http://www.pewcenteronthestates.org/uploadedFiles/8015PCTS\\_Prison08\\_FINAL\\_2-1-1\\_FORWEB.pdf](http://www.pewcenteronthestates.org/uploadedFiles/8015PCTS_Prison08_FINAL_2-1-1_FORWEB.pdf)

At a time when our federal government has delayed addressing many of the significant problems facing our criminal justice system, creative and innovative solutions are being devised by the states. Pennsylvania and Washington are allowing credit on time served for participating in rehabilitation programs. Kansas implemented graduated sanctions for those who commit minor parole violations, thereby cutting parole revocation in half. This has resulted in a significant decrease in the prison population and been accompanied by a reduction in the number of parolees who are committing new crimes. New York is dramatically reforming the Rockefeller drug laws to eliminate many mandatory minimum sentences and restoring discretion to trial court judges. The changes are expected to save hundreds of millions of dollars while the state provides more treatment to help cure people of their addictions.

A national consensus is emerging that the current system is not sustainable. Prison populations are too large; re-entry challenges are too severe; recidivism rates are too high. While we believe adequate grounds exist right now to implement substantive reform, we also recognize the value in conducting a comprehensive review in an attempt to achieve bipartisan consensus on the best course for true reform. Passage of H.R. 5143 is an important step toward this goal and we urge your support of this important bill.

Sincerely,

A handwritten signature in black ink, reading "Laura W. Murphy". The script is fluid and cursive, with the first name "Laura" being the most prominent.

Laura W. Murphy  
Director, Washington Legislative Office

A handwritten signature in black ink, reading "Jennifer Bellamy". The script is fluid and cursive, with the first name "Jennifer" being the most prominent.

Jennifer Bellamy  
Legislative Counsel