



ACTION ALERT

DATE: May 29, 2018
TO: Concerned Parties
FROM: Hilary O. Shelton, Director, NAACP Washington Bureau

U.S. HOUSE OF REPRESENTATIVES PASSES “FIRST STEP” PRISON REFORM LEGISLATION

**BILL NOW GOES TO THE U.S. SENATE; WE MUST URGE ALL SENATORS TO INCLUDE
COMPREHENSIVE SENTENCING REFORM AS A CRUCIAL PART OF THE PACKAGE**

THE ISSUE:

On May 24, 2018, the U.S. House of Representatives passed H.R. 5682, the *FIRST STEP Act*. The intent of this legislation is to bring some humanity to the way in which many federal prisoners are treated, and to alleviate prison overcrowding by potentially allowing some prisoners who have completed rehabilitation and established themselves as no longer being a threat to society to be released from jail.

While the NAACP genuinely appreciates some of the provisions in this legislation – including the prohibition on shackling pregnant women and mandating that prisoners be housed no more than 500 miles from their family – this bill should not be mistaken for what we desperately need in our nation to alleviate our problems associated with over-incarceration and the stark disproportionality of racial and ethnic minorities who are in prison or jail today. We need to reform our sentencing and incarceration structure; we need to reevaluate who goes to jail, for what reason, and for how long. It is a difference between who goes to prison and how long they are incarcerated and reforming how they are treated when they are there. H.R. 5682, the *FIRST STEP Act* addresses prison reform but does not address sentencing reform at all.

Furthermore, a careful review of H.R. 5682, the *FIRST STEP Act* reveals that it may, in fact, result in some people staying in prison longer and it may exacerbate the racial and ethnic disparities of those who are incarcerated. H.R. 5682 categorically excludes entire groups of people from receiving early-release credits; this in turn will undermine efforts to reduce prison overcrowding and threaten public safety. Such exclusions can also weaken the incentive to participate in recidivism-reduction programming. H.R. 5682 also gives broad authority to the Attorney General and would rely upon implementation by this Administration. Despite assurances to the contrary, this Administration has failed to take any active steps to improve the justice system, has dismantled existing protections, and has shown outright hostility to people of color and other historically marginalized communities.

In the past 35 years, the federal government has added an estimated 2,000 new crimes to the books, while the federal imprisonment rate has grown by an astounding 518%. During the same period, annual spending on the federal prison system rose 595%, from \$970 million to more than \$7 billion in 2018. This is money which could go toward public education, transportation, health care, public safety, or a number of other urgent needs. Furthermore, the population of federal prisoners does not reflect the make-up of our country. Racial and ethnic minorities represent almost 60% of the prison population; despite the fact that African Americans comprise just under 13% of the overall U.S. population, we are almost 40% of all federal prisoners.

H.R. 5682 now goes to the Senate for consideration. While there are a number of bills to address over-incarceration, the only one which has been approved of by the Senate Judiciary Committee is S. 1917, the *Sentencing Reform and Corrections Act*. While this legislation does tackle the problem of sentencing reform, it is also woefully inadequate. We have urged the Senate to include a number of provisions, including curtailing the ballooning number of federal regulatory crimes; eliminating federal criminal penalties for simple drug possession in state jurisdictions. We also need to advocate promoting targeted sentencing of drug offenders, ensuring that violent and career criminals and crime leaders and organizers are held accountable while restoring judicial discretion to criminal court judges by eliminating mandatory minimum sentences.

We must urge the congress to produce genuine sentencing reform, and let them know that we are fully aware that prison reform and sentencing reform, while both necessary, are not the same thing.

More...

THE ACTION WE NEED YOU TO TAKE:

Contact your Representative and both your Senators **and URGE THEM TO ENACT GENUINE SENTENCING REFORM.** To contact your Senators and Representative, you may:

✓ **Make a Phone Call:**

Call your Senators and your Representative in Washington by dialing the Capitol Switchboard and asking to be transferred to your Senators'/Congressman's offices. The switchboard phone number is **(202) 224-3121** (see message section, below).

✓ **Write a Letter**

To write letters to your Senators, send them to:

The Honorable (name of Senator)
U.S. Senate
Washington, D.C. 20510

To write a letter to your Representative, send it to:

The Honorable (name of Representative)
U.S. House of Representatives
Washington, D.C. 20515

**A SAMPLE
LETTER IS
ATTACHED**

✓ **Send a Fax**

If you would like to send a fax, call your Senators' or Representative's offices (through the Capitol switchboard) and ask for their fax numbers (you can use either the attached sample letter or the message box, below).

✓ **Send an E-Mail**

To send an e-mail to your Senators, go to www.senate.gov; click on "*Find Your Senators*". Look up your Senators by state; go to their web sites for e-mail addresses. To send an e-mail to your Representative, go to www.house.gov, and click on "Find Your Representative" (on the right hand side of the screen) and enter your zip code. This should take you to a screen that identifies who your Representative is and how to get in touch with him or her.

REMEMBER TO CONTACT BOTH YOUR SENATORS!!!!

THE MESSAGE

- We need to address who is incarcerated and for how long as well as how they are treated when they are there. They are two distinct issues;
- The federal prison population in 2016 was nearly 7 times larger than what it was in 1980; in 2018, we spent over \$7 billion on federal prisons. This is money which could go toward public education, transportation, health care, public safety, or a number of other urgent needs.
- Racial and ethnic minorities are vastly over-incarcerated; despite the fact that African Americans make up just under 13% of the entire U.S. population, we make up almost 40% of federal prisoners;
- The huge increase in incarcerated Americans has not only dramatically strained budgets and available resources, but it has also ruined lives, destroyed families, decimated entire communities and resulted in many people questioning the fairness of our nation's criminal justice system.

THANK YOU FOR YOUR ATTENTION TO THIS IMPORTANT MATTER!!!

If you have any questions, call Hilary Shelton at the Washington Bureau at (202) 463-2940.

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Sample Letter

(date)

The Honorable _____
United States Senate / House of Representatives
Washington, D.C. 20510 / 20515

RE:

Dear Senator / Representative _____;

As your constituent, I strongly urge you to work hard toward the enactment of genuine sentencing reform legislation. The huge increase in incarcerated Americans has not only dramatically strained budgets and available resources, but it has also ruined lives, destroyed families, decimated entire communities and resulted in many people questioning the fairness of our nation's criminal justice system. Furthermore, the racial disparities in who is sentenced to prison and for how long is demonstrative of the dire need for sentencing reform.

I am aware of the fact that the U. S. House of Representatives passed H.R. 5682, the *FIRST STEP Act* on May 24, 2018, and while this bill does contain some much-needed prison reform measures, it does not address a reform of the current sentencing structure which we so badly need. In the past 35 years, the federal government has added an estimated 2,000 new crimes to the books, while the federal imprisonment rate has grown by an astounding 518%. During the same period, annual spending on the federal prison system rose 595%, from \$970 million to more than \$7 billion in 2018. This is money which could go toward public education, transportation, health care, public safety, or a number of other urgent needs. Furthermore, the population of federal prisoners does not reflect the make-up of our country. Racial and ethnic minorities represent almost 60% of the prison population; despite the fact that African Americans comprise just under 13% of the overall U.S. population, we are almost 40% of all federal prisoners.

We need to look at who is incarcerated and for how long if we are going to truly address our overcrowded prisons. We need to pursue proposals such as curtailing the ballooning number of federal regulatory crimes; eliminating federal criminal penalties for simple drug possession in state jurisdictions; and promoting targeted sentencing of drug offenders, ensuring that violent and career criminals and crime leaders and organizers are held accountable. This will enable us to effectively address our nation's problem with over-incarceration, and if done right, it will lower the crime rate as well.

Prison reform and sentencing reform, while both necessary, are not the same thing. We can and should pursue both tracks. Please contact me in the very near future to let me know what you are going to do about this very serious problem and what I can do to help you.

Sincerely,

(sign and print your name and
remember to include your address)

***Remember to contact your
Representative and BOTH
your Senators.***