



Statement of the American Civil Liberties Union

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*Press Conference on
the Safe, Accountable, Fair, and Effective (SAFE) Justice Act*

**held on
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I am Michael Macleod-Ball, Acting Director of the ACLU's Washington Legislative Office.

I'd like to first acknowledge Reps. Sensenbrenner and Scott for their work in offering up the SAFE Justice Act and, more importantly, their leadership over the years for criminal justice fairness and reform. We need only look back five years to the Fair Sentencing Act, where they both played leading roles in reducing the sentencing disparities between crack and powder cocaine – disparities that had a disproportionately negative impact on people of color.

ACLU has also been at the forefront of the fight against over-incarceration. We have launched the Campaign for Smart Justice, the goal of which is to reduce prison populations by 50% over the next five years. Legislation must focus on eliminating or reducing the severity of some of the laws and policies that have created an unfair, unjust, and unsustainable federal criminal justice system that disproportionately impacts poor people of color. Any federal reforms must meaningfully address the primary drivers of dangerous overcrowding and the unmanageable costs associated with the federal prison system.

The system desperately needs reform. Recent studies have concluded that mandatory minimum sentences, particularly for drug offenses, are the leading contributor to our burgeoning federal prison population. The human and economic costs of mandatory minimum sentencing are staggering. In 2011, the U.S. Sentencing Commission found that mandatory minimum sentences disproportionately impact communities of color and that African Americans

received relief from mandatory minimum sentences *least* often, compared with Whites and Hispanics.

Furthermore, the federal prison population has exploded from approximately 25,000 in FY1980 to over 208,000 today. The BOP budget has doubled over the past decade, reaching its current level of \$7.2 billion in the President's FY16 budget request, approximately 25 percent of the overall DOJ budget. The SAFE Justice Act will address both the costs of federal prisons and the causes for so many people ending up in prison.

The concepts in this bill are in line with the principles we support as we work to reduce prison populations – especially non-violent offenders. We look forward to reviewing the legislative language. But even with ideal language, the job will not be complete even if this bill races through Congress. So, for example, we are pleased that Rep. Scott has re-introduced the bipartisan Smarter Sentencing Act to reduce excessive incarceration and racial bias. The bipartisan principles to be embodied in the SAFE Justice Act should build momentum for change and result in significant and lasting criminal justice reforms – and serve as a launching pad for even greater reform to come.