

Remarks of Julie Stewart
Congressional Black Caucus Community Reinvestment Task Force
Rethinking Federal Sentencing Policy 25th Anniversary of the Sentencing Reform Act
June 24, 2009

Hello, my name is Julie Stewart, and I am the President and Founder of Families Against Mandatory Minimums. I started FAMM 18 years ago after my brother was convicted of growing marijuana and sentenced to five years in federal prison without parole.

Back then, I would never have guessed I would be here today with such a distinguished group of speakers and organizations. In particular, I'd like to thank our hosts, the Congressional Black Caucus and Harvard Law School, for acknowledging the importance of this issue and hosting this symposium. A special thanks also goes to Bernard Moore from Congressman Danny Davis' office for coordinating all the moving pieces.

There are a lot of friendly faces in the room today, and that's good, because I come to speak to you as a friend and a partner in the movement to reform our nation's sentencing laws. We at FAMM believe we have reached a critical moment in this effort --- not a critical moment in the sense that our every dream is waiting around the corner to be realized. We are optimistic, of course, that someday they will be. And we know we are on the right side of history. But we are at a critical moment now that requires not necessarily that we WIN, but that we TRY to win.

Already today, I have heard a lot of good speakers making all the right arguments about the need for sentencing reform, especially with regard to mandatory minimums. We know that judges across the country have been bravely speaking out against mandatory sentences for years.

What's new today is that the calls for reform are now coming from all quarters. During the last campaign, President Obama noted that his predecessor, President Bush, had expressed skepticism about imposing long sentences for first-time drug offenders.

Candidate Obama then said, "I agree with the President. The difference is, he hasn't done anything about it. When I'm President, I will. We will review these sentences to see where we can be smarter on crime and reduce the blind and counterproductive warehousing of non-violent offenders."

I am delighted to hear Attorney General Holder reinforce that message today – that the President wants to make good on his promise of reviewing sentencing policies.

The timing is ideal. Twenty-odd years of talking about a sentencing system gone awry has gotten through to the American people. Two recent polls – one conducted by an independent firm last summer for FAMM, and another that came across my desk today from the National Council on Crime and Delinquency – confirm that the public gets it.

- More than three-quarters of Americans (78 percent) agree that Courts, not Congress, should determine an individual's sentence.
- Almost 60 percent (59 percent) of those polled said they oppose mandatory minimums for nonviolent offenders.
- And – for the Members of Congress in the audience – take note: the poll also found that 57 percent said they would vote for a candidate for Congress who supported elimination of mandatory minimums for non-violent crimes. In other words, it is safe to vote for sensible sentencing policies.

State legislators are already doing that. In New York, the nation's oldest mandatory minimums, the notorious Rockefeller drug laws, were almost entirely repealed this Spring. While legislators in Minnesota, Connecticut, Ohio, Rhode Island, Massachusetts, New Jersey, Nevada and Michigan, to name a few, are either considering or have passed mandatory sentencing law reforms.

The list of reform-minded states is certain to grow. More than a few states are scurrying to cut costs by freeing some inmates. But trying to fix over-incarceration on the back end of the problem is extremely short-sighted. Fortunately, it seems more and more states are trying to do a better job of getting it right at the beginning.

So now sentencing reform is supported by the President of the United States, federal and state judges across the country, a growing number of state governors and legislatures, and a majority of the American public.

This is why I said we are at a critical moment. It seems to me that the world's most deliberative body needs to stop deliberating and ACT. Note that I said ACT not succeed – although that is ideal. We don't know how votes on various proposals might come out but I think this is the moment to find out. Losing a vote isn't failure – but not trying is.

The people behind all of us here today – those who turn out to vote for the Members present, others who are incarcerated or donate their time, money and talents to our organizations – want to know we are fighting for change. Rather than negotiate with ourselves or let the fear of political repercussion convince us to wait any longer, we should align ourselves with the majority of Americans that support reform. Let's make the opponents of reform work to stop us.

It's time for us to demonstrate the courage of our convictions. That's what Congress did in 1970 when it voted to repeal the so-called Boggs Act and its punitive mandatory minimum sentences for drug offenses. And – again, for the Members present – Every incumbent Senator save one, and all but a handful of House Members, who supported the Boggs Act repeal, were re-elected And none of those defeated appear to have lost for any reason related to their vote.

The water is warm, it's time to jump in.

Congressman Scott and Congresswoman Waters have already demonstrated leadership in introducing bills to reform and repeal mandatory sentencing. For the sake of the thousands of Americans deprived of their liberty for years longer than justice dictates and society requires; for their families who write to FAMM every week in the hope that reform will soon become reality and their loved ones will soon be home; let us find out where the rest of Congress stands on sensible sentencing policies.

Thank you.