



November 21, 2018

The Honorable John Cornyn
517 Hart Senate Office Bldg
Washington, DC 20510

The Honorable Ted Cruz
404 Russell Senate Office Bldg
Washington, DC 20510

RE: Texas support for the First Step Act

Dear Senators Cornyn and Cruz:

As Texans, we are getting pretty accustomed to our state leading the nation, whether it is in creating jobs, achieving energy independence, or in improving our criminal justice system to deliver more public safety at a lower cost to taxpayers. Now, Washington D.C. has another opportunity to learn from the Texas experience by passing the First Step Act, which would bring some of the reforms that have cut crime and costs in Texas to the federal prison system. We hope you will join us in supporting this important legislation that received 360 votes in the House, including the entire Texas GOP delegation and all but two of the entire Republican Caucus.

The First Step Act is supported by numerous stakeholders in business, faith-based communities, and the conservative movement. And in his State of the Union Speech, again at a White House Summit on May 18th, and most recently at a press conference on November 14th, President Trump called for federal prison reform, and it is now within our grasp. Our friend, former Governor and now Energy Secretary Rick Perry explained it best in 2015:

“During my leadership as governor, Texas shut down three prisons, and we saved taxpayers \$2 billion. When I left office, Texas had the lowest crime rate in our state since 1968. My administration started treatment programs and drug courts for people who wouldn’t be served well by sitting behind bars. We made sure our parole and probation programs were strong. Most of all, we evaluated prisons based on whether they got results. Did an ex-offender get locked up again? Did he get a job? Is he paying restitution to his victims? In Texas, we believe in results.”

We have seen the benefits of this approach in the Lone Star State, which continued to accrue since Governor Perry left office. In 2007, Texas was at a crossroads as it faced building more than 17,000 new prison beds that were projected to be needed. Instead, policymakers adopted reforms that expanded drug courts and mental health treatment. It cleared backlogs for treatment programs behind bars that had waiting lists of many months. Such programs are often a condition of release even after approval by the Parole Board. This enabled more people in prison to be good candidates for parole, leading to higher parole rates and thousands fewer new crimes by parolees. Meanwhile, the parole system implemented graduated sanctions and incentives, and restored the chaplain program so parolees could connect with churches and other religious congregations, rather than gangs.

In 2011 Texas doubled down on reforms by enacting a policy allowing those in state jails to earn time by completing programs, such as educational, vocational and treatment interventions, that are correlated with reduced recidivism. Since then, thousands of individuals confined in state jails have earned up to 20 percent off their sentences as a result of being incentivized in this way.

The results speak for themselves. Texas has closed 8 prisons and achieved a reduction of more than 20% in its incarceration rate. **Most importantly, over the last decade, Texas has seen its crime rate fall by more than 30%, reaching its lowest level since 1967.**



Turning to the federal prison system, the First Step Act would help ensure those leaving federal prison are less of a danger than when they arrived. While there is an element of luck in our daily lives, those of us who do not live in prison generally experience a connection between the efforts we expend and the results we experience. By allowing many of those in prison to earn time by completing programs proven to reduce recidivism, and expanding the availability of such programs, the First Step Act would enable the federal prison system to gain from what Texas has learned.

Of course, the First Step Act recognizes that not everyone behind bars should be eligible for a reduction. Had Osama bin Laden not met justice courtesy of America's finest and ultimately been placed in federal prison, he certainly should not have received any such opportunity. So the First Step Act appropriately excludes the most serious offenses such as terrorism from earning credits through completing programming. Here in Texas, since we began our reforms in 2007, we have seen the prison population go from 60% nonviolent offenders to 60% violent offenders, so we know a thing or two about making sure we lock up those we are afraid of.

The First Step Act includes many other important reforms, such as ensuring pregnant women in federal prisons are not shackled during childbirth, and that prisoners are – whenever practical and safe – kept within 500 miles of their families, thereby promoting visitation and successful reentry.

The debate now focuses on including limited sentencing reforms similar to those enacted in many conservative states. As a result of these reforms, conservative states have ensured that higher-level operators in criminal conspiracies are severely punished with long prison terms while street-level bit players are punished with the mechanism most appropriate for the situation. We must be tough on those bent on poisoning our communities, so too must we be intelligent about how we punish. Thank you for your consideration. Should you have any questions, please contact Derek Cohen of the Texas Public Policy Foundation at dcohen@texaspolicy.com.

Sincerely,

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(list of signatories at time of printing)