



Foundation for Safeguarding Justice

October 11, 2018
For Immediate Release

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POLL: THREE OUT OF FOUR AMERICANS OPPOSE SENTENCING/PRISON “REFORMS” THAT LOWER PENALTIES FOR DRUG TRAFFICKING

WASHINGTON—A new survey of American adults, commissioned by the Foundation for Safeguarding Justice (FSJ), confirms that Americans overwhelmingly oppose sentencing and prison and “reforms” that would reduce federal criminal penalties for drug traffickers and allow the early release of prisoners to “home confinement.” Three out of four Americans surveyed (74 percent) said that they oppose proposals that reduce penalties for criminals involved in the trafficking of heroin, fentanyl, and similar drugs.

Two-thirds (66 percent) of the survey respondents also said that they would think less highly of their Congressional representatives for supporting a proposal that would (1) reduce penalties for trafficking in those drugs and (2) allow convicted drug traffickers and other criminals to be released to home confinement before completing their sentences. Only 14 percent of survey respondents think that the federal government is too tough in its handling of drug trafficking, while three out of four (76 percent) think that the federal government is either not tough enough (51 percent) or about right (25 percent) in its current handling of drug traffickers.

These numbers come as advocates for criminal leniency push to weaken the federal criminal justice system and reduce prison time for drug traffickers who have helped to fuel America’s drug overdose epidemic.

The FIRST STEP Act, H.R. 5682, under consideration in the Senate, would permit the early release of drug traffickers serving time in federal prison, with the remainder of their sentence spent under “home confinement.” The version of the bill that was rushed through the House of Representatives in May 2018 would eliminate current restrictions on early release and expand the use of home confinement. Experts have criticized home confinement as too easily permitting drug traffickers to continue their illicit activities while at home and still serving their sentence. Proponents of the FIRST STEP

Act also favor the across-the-board reduction of drug trafficking sentences for repeat drug traffickers.

Law enforcement organizations have soundly rejected these proposals, noting their endangerment to law-abiding Americans and the additional leverage they would provide to criminal gangs and drug cartels. This new survey confirms that the American people share the same concerns. Read more about the problems with the proposed reforms [here](#).

Public opposition to criminal leniency is deep across the American population and holds true regardless of race, gender, or party affiliation, the FSJ survey results (detailed below) show. The survey results represent an objective barometer of public opposition to criminal leniency for drug traffickers, in sharp contrast to the skewed results of a recent Kentucky poll touted by criminal leniency advocates. The poll suffered from methodological defects because of its design to reach a certain result, rather than gauge public opinion. Read more about why the Kentucky poll numbers are invalid and methodologically unsound [here](#).

Detailed Results from Foundation for Safeguarding Justice Survey

- When asked whether they would support or oppose a proposal to reduce federal government penalties for traffickers in heroin, fentanyl, and similar drugs:
 - o 87 percent of Republicans said they would oppose such a proposal, while only nine percent said they would support it;
 - o 70 percent of Democrats said they would oppose such a proposal, while only 22 percent said they would support it;
 - o 73 percent of Independents said they would oppose such a proposal, while only 17 percent said they would support it;
 - o 77 percent of white respondents, 71 percent of African Americans, and 64 percent of Hispanics said they would oppose such a proposal. Only 16 percent of white respondents, 18 percent of African Americans, and 24 percent of Hispanics said they would support such a proposal;
 - o 74 percent of females and 73 percent of males said they would oppose such a proposal, while only 17 percent of females and 19 percent of males said they would support it.
- Similarly consistent results were obtained when respondents were asked whether they would think more or less highly of their congressional representatives for supporting a proposal that would (1) reduce penalties for trafficking in heroin, fentanyl,

and similar drugs, and (2) allow drug traffickers and other criminals to be released to home confinement before completing their prison sentences:

- o 82 percent of Republicans, 60 percent of Democrats, and 62 percent of Independents said they would view their congressional representatives less highly for supporting such a proposal, while only 8 percent of Republicans, 24 percent of Democrats, and 22 percent of Independents said they would view their congressional representatives more highly;
 - o 69 percent of whites, 66 percent of African-Americans, and 56 percent of Hispanics said they would view their congressional representatives less highly for supporting such a proposal, while only 17 percent of whites and 23 percent each of African Americans and Hispanics said they would view their congressional representatives more highly.
- General attitudes toward the federal criminal justice system were consistent with more specific views, with only slim minorities believing the federal government is too tough in its handling of drug trafficking:
 - o 88 percent of Republicans believe the federal government is either not tough enough (65 percent) or about right (23 percent) in its handling of drug trafficking, while only six percent think the federal government is too tough;
 - o 75 percent of Democrats believe the federal government is either not tough enough (46 percent) or about right (29 percent) in its handling of drug trafficking, while only 18 percent think the federal government is too tough;
 - o 73 percent of Independents believe the federal government is either not tough enough (47 percent) or about right (26 percent) in its handling of drug trafficking, while only 15 percent think the federal government is too tough;
 - o 80 percent of whites believe the federal government is either not tough enough (55 percent) or about right (25 percent) in its handling of drug trafficking, while only 12 percent think the federal government is too tough;
 - o 78 percent of African-Americans believe the federal government is either not tough enough (49 percent) or about right (29 percent) in its handling of drug trafficking, while only 15 percent think the federal government is too tough;
 - o 71 percent of Hispanics believe the federal government is either not tough enough (43 percent) or about right (28 percent) in its handling of drug trafficking, while only 20 percent think the federal government is too tough;

- o 77 percent of females and 75 percent of males believe the federal government is either not tough enough (53 percent of females, 49 percent of males) or about right (24 percent of females, 26 percent of males) in its handling of drug trafficking, while only 13 percent of females and 15 percent of males think the federal government is too tough.
- When survey respondents were informed that greater judicial discretion over criminal sentencing of drug traffickers, as opposed to sentencing imposed by mandatory minimums, often results in lower sentences for defendants trafficking in heroin, meth, fentanyl and similar drugs, only 28 percent favored giving judges more discretion. The majority (61 percent) said they opposed giving judges that leeway. Democrats opposed more judicial discretion by close to 2 to 1 (57 percent to 33 percent). Republicans opposed it by more than 4 to 1 (77 percent to 17 percent).

The survey, conducted from September 13-16, 2018, interviewed 1,004 American adults, and was administered by ORC International, a nationwide polling firm. Full study results and methodology are available [here](#).

The Foundation for Safeguarding Justice, which commissioned the survey, is dedicated to protecting the Constitution of the United States of America, upholding the Rule of Law, promoting public safety and order, and guaranteeing due process and full and fair justice for all. The Foundation is committed to rigorous research and analysis that advances the principles of justice, safety and the public good and their equal application and impartial enforcement by prosecutors, public safety officers and the courts.