



# PROGRAM FOR PUBLIC CONSULTATION

## SCHOOL OF PUBLIC POLICY, UNIVERSITY OF MARYLAND

### AMERICANS ON SENTENCING REFORM - QUESTIONNAIRE -

**Fielded by:** Nielsen Scarborough  
**Sample Size:** 2,417 registered voters

**Fielding Dates:** July 10-23, 2018  
**Margin of Error:** +/- 2.0%

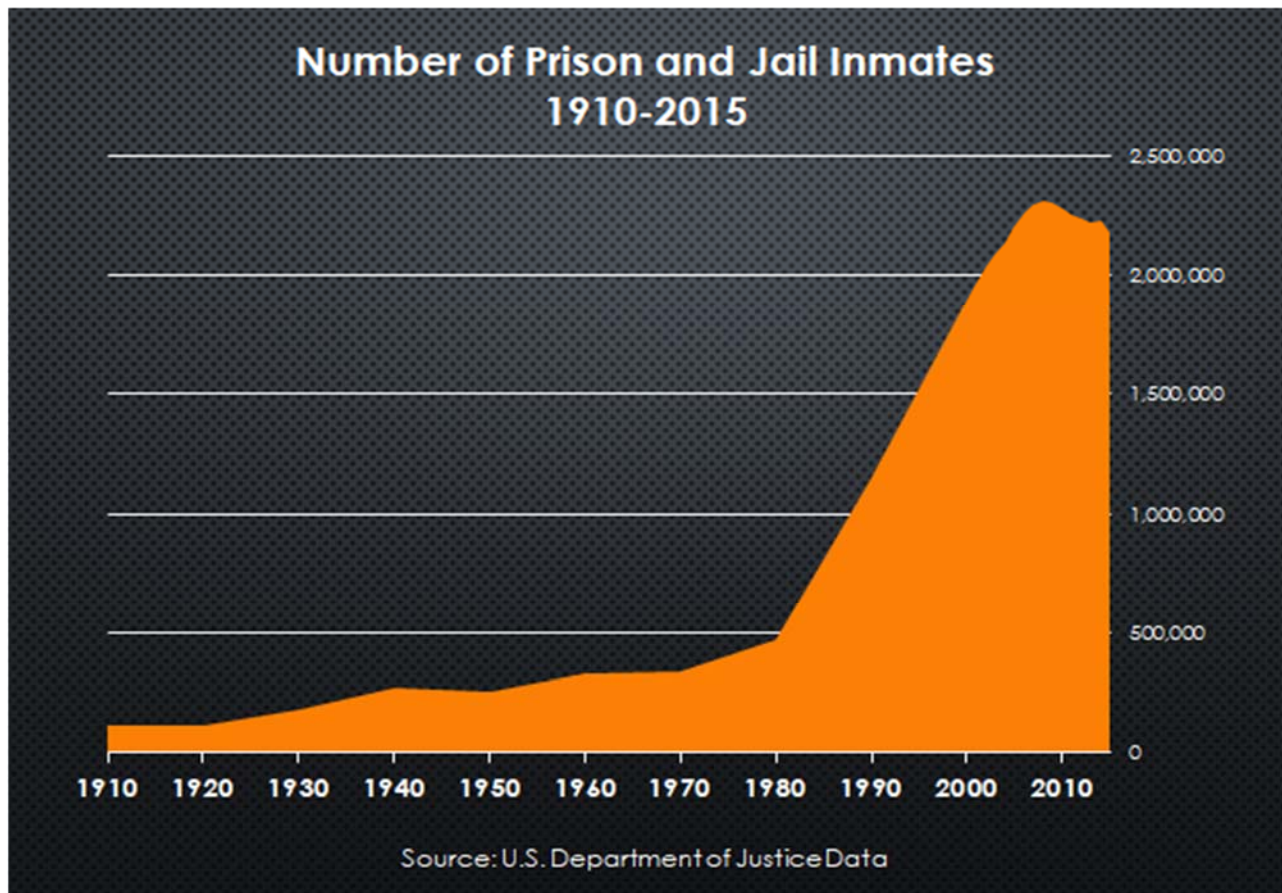
This survey asked respondents to look at some proposals for changes to federal policies on sentencing and imprisonment.

**[INTRO] \*Note: Text in Brackets was not presented to respondents**

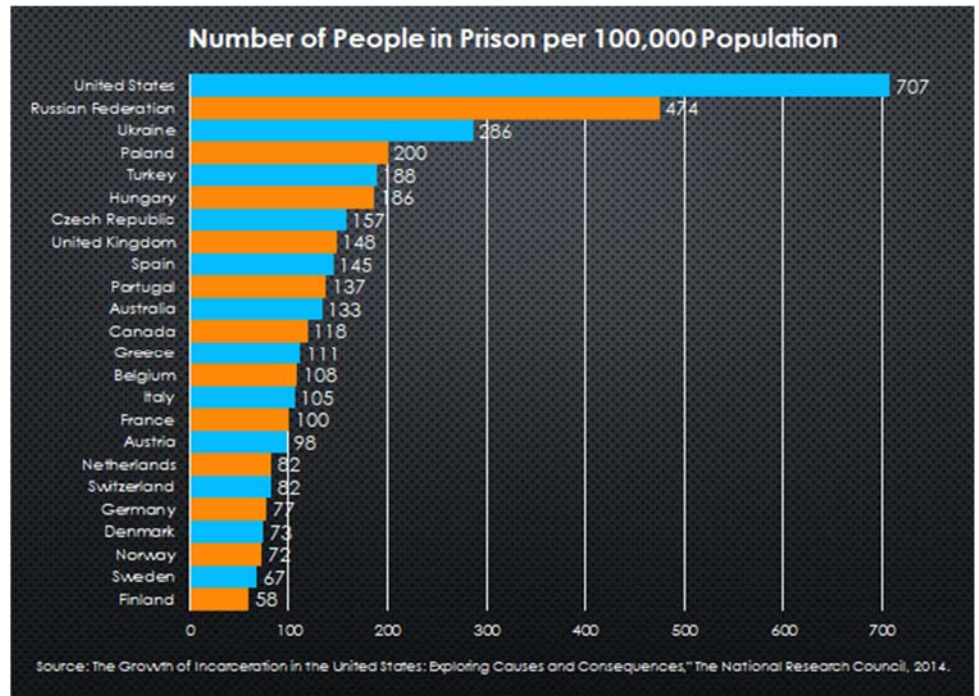
As you may know, there is a major debate these days about the number of Americans in prison. This debate has been prompted by the fact that the number of Americans in prison is historically high. As we will see, some people say this has gone too far, while others say it has contributed to the reduction in crime.

Here is some background:

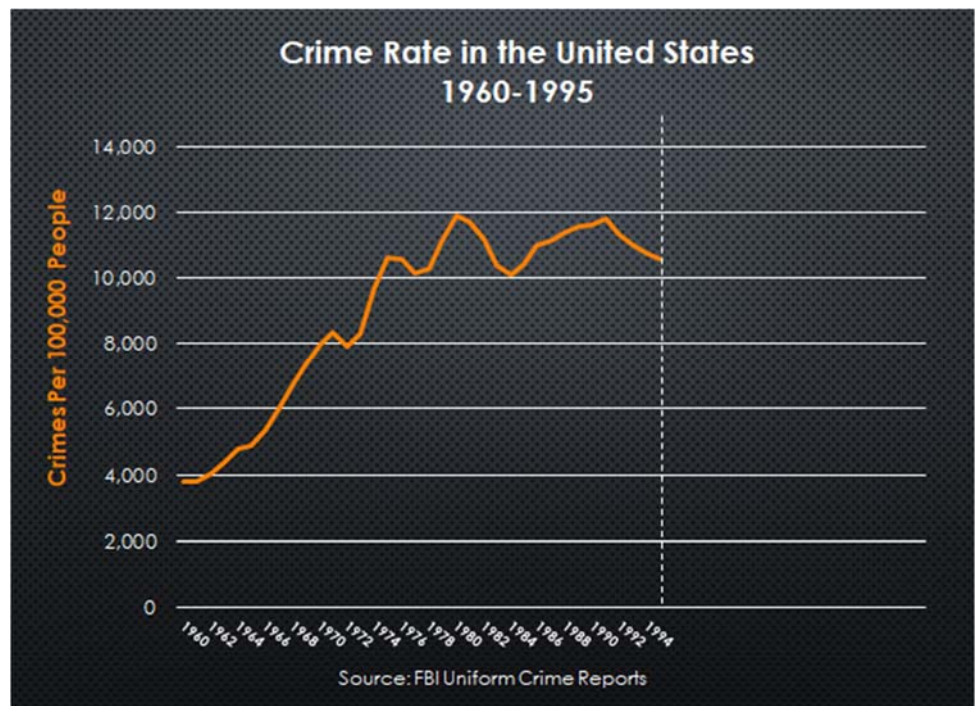
This increase in the number of people in prison and jails started in the 1980s. In 2017, there were around 2.2 million Americans in federal, state and local prisons--that is about 1% of the adult population.



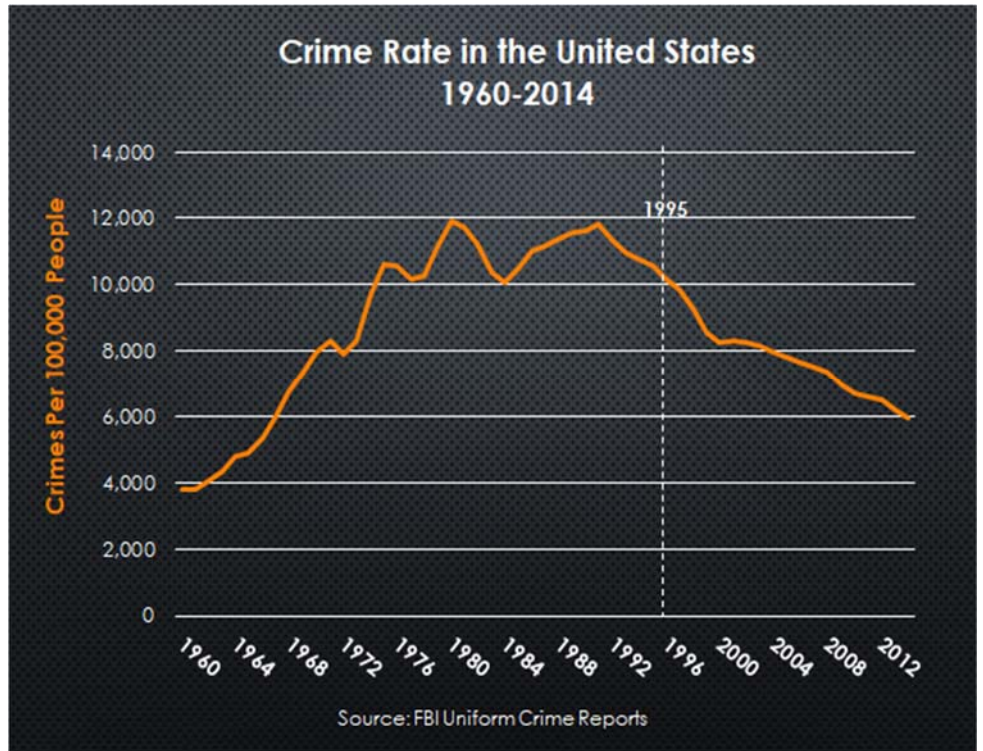
The level of imprisonment as a percentage of the population is also high compared to other developed countries.



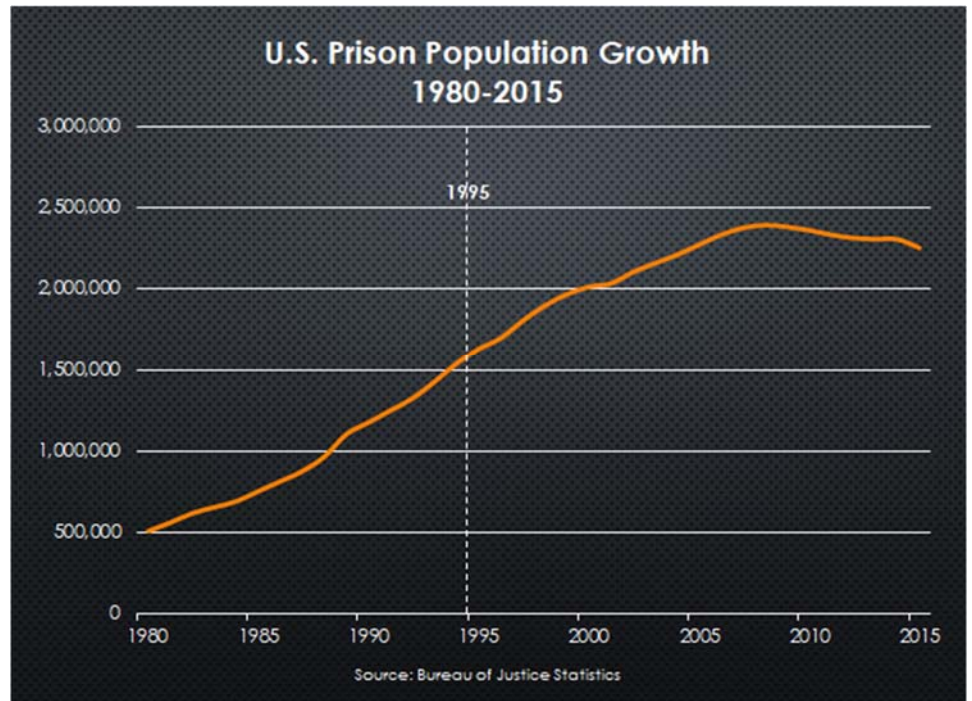
The increase in the number of people in prison that started in the 1980s was related to increases in crime, both violent and nonviolent in the 1970s, related to the crack epidemic that occurred at the time, as well as an increase in the number of young males in society.



Then in the 1990s the crime rate peaked and began to come down.



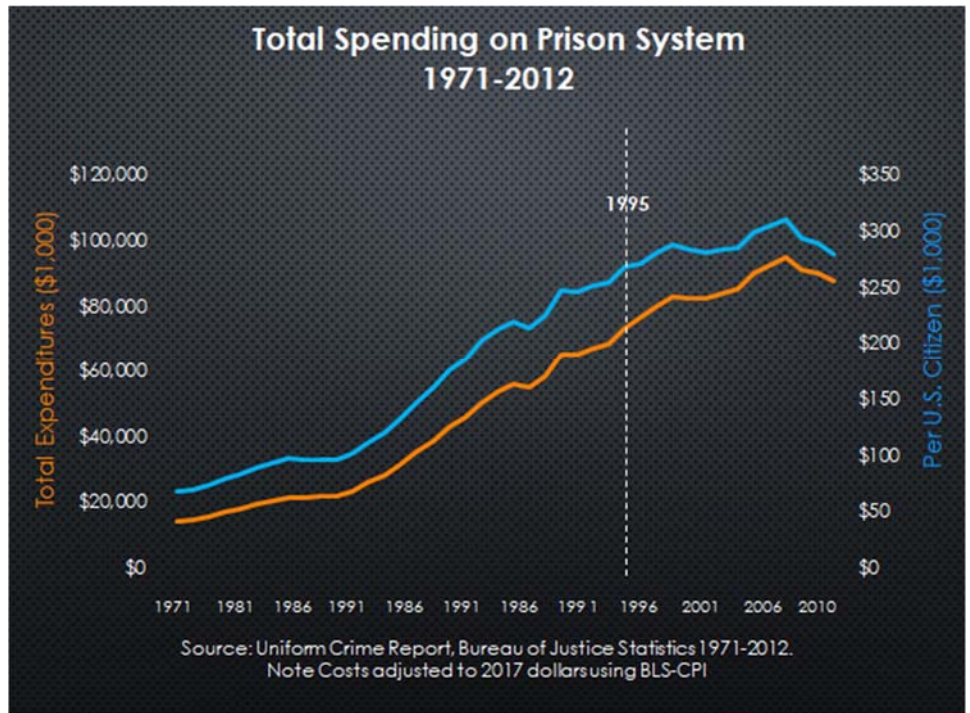
However, the increasing rate of imprisonment that started in the 1980s continued.



Spending on the prison system also continued to grow.

As mentioned, the fact that US rates of imprisonment have stayed historically high is controversial. Some people think it has gone too far, while others think it has contributed to the reduction in crime.

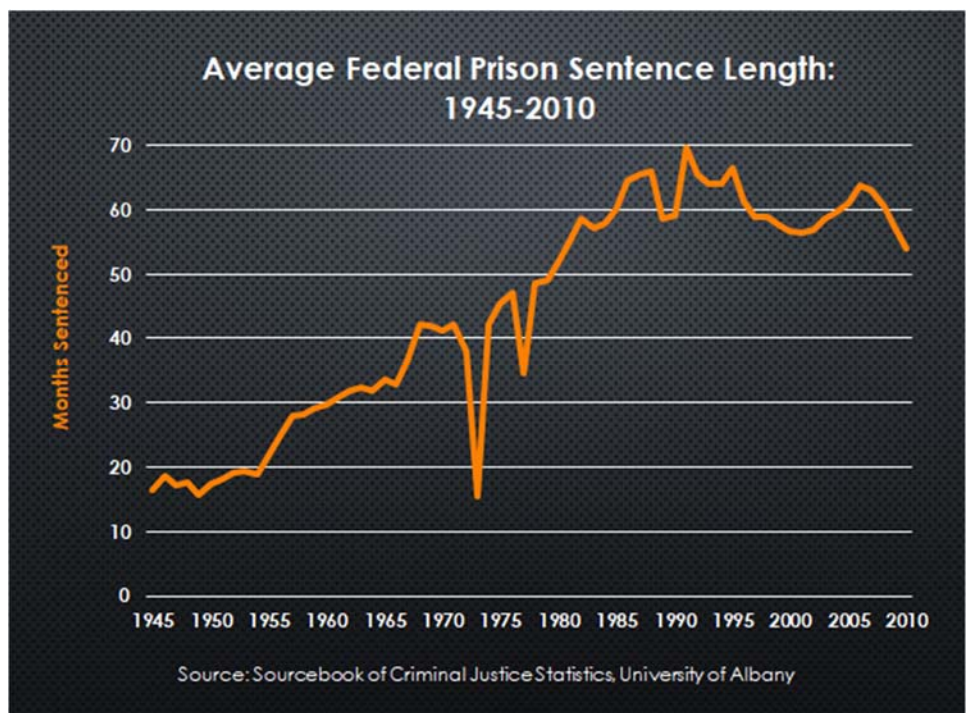
In a few moments we will ask you to evaluate some proposals in Congress for changing the way that sentencing is done in the federal justice system that would reduce the number of people in federal prisons. But first here is some background.



A major reason for the high rate of imprisonment is that during the period that crime rates were higher, a number of laws were passed that changed the way that sentencing was done at the federal and at the state level. This led to more people being imprisoned and to longer prison sentences.

These laws required minimum sentences for specific crimes that were longer than the average sentences before such laws were enacted. They also reduced the options for judges to grant parole or early release. Thus, the length of time people spent in prison increased.

To the right, you can see the increase in the length of federal prison sentences.



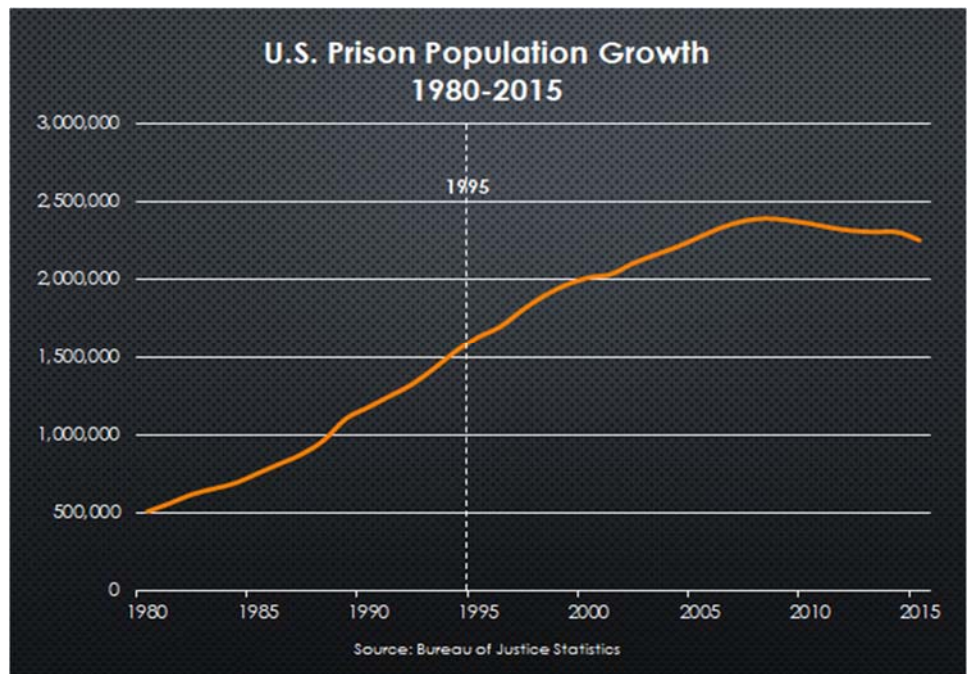
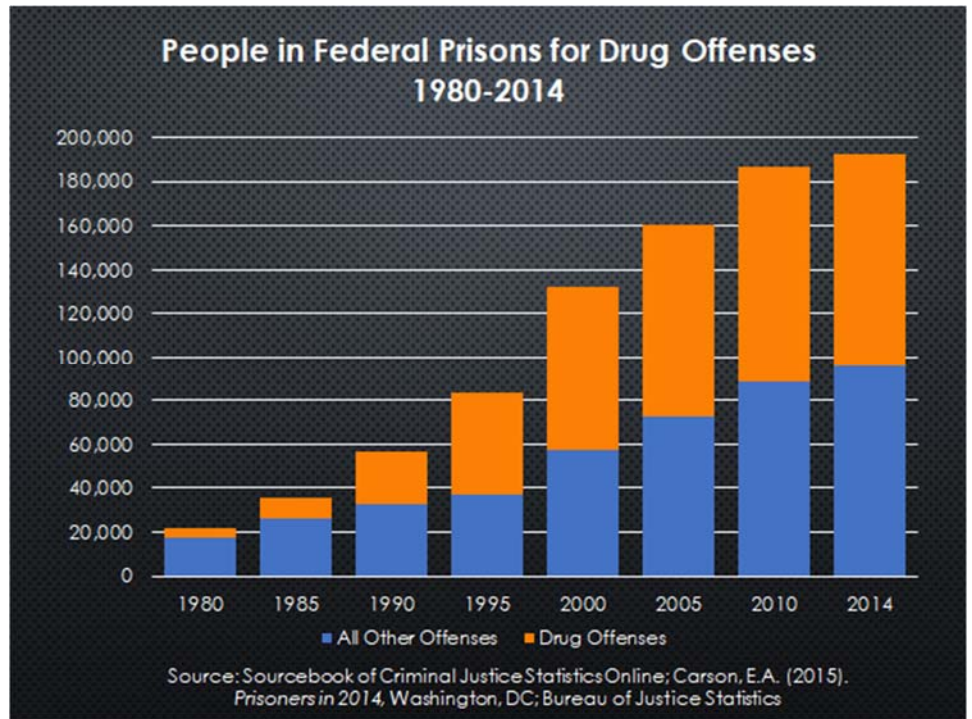
A major part of the increase in federal imprisonment has been an increase in arrests for the sale, trafficking or manufacturing of illegal drugs. Below you can see the growing portion of people in federal prisons on drug charges.

In light of these developments there have been a number of proposals in Congress to change the way that sentencing is done. The proposed change that would have the largest impact is to modify the laws that were passed during the period when crime rates were higher, called 'mandatory minimum' laws.

As mentioned, while previously judges had been given substantial discretion in sentencing, the new laws set 'mandatory minimum sentences' that required that the sentences be a certain minimum length. This minimum was also longer than average sentences before the new laws.

The new proposals currently being considered in Congress call for reducing federal mandatory sentencing requirements and giving judges more discretion, in setting sentences and granting early release.

With this discretion the judge can adjust sentences in light of the seriousness of the crime and their judgment of how much a defendant poses a risk to society. The kinds of things that a judge may consider is whether the person has a history of crimes, possessed a weapon at the time of the crime, were a leader in a joint criminal effort, and whether they fully cooperated with legal authorities. More broadly, the judge may consider whether the person is likely to repeat their offenses.



Here are some of the current federal mandatory minimum sentences and the proposals being considered in Congress for modifying them.

### **“One Strike”**

Currently, federal law requires a minimum 10 year prison sentence for a serious drug offense - the sale, trafficking or manufacturing of a significant amount of illegal drugs.

The proposal is to **lower the mandatory minimum sentence** for ‘one strike’ so that a judge could decide to **give a sentence of 5 years** in prison if certain requirements are met (e.g. no criminal history, no firearm involved), though the judge could still make it longer.

### **“Two Strikes”**

Current law requires a minimum 20 year sentence for a serious drug offense (sale, trafficking or manufacturing of a significant amount of illegal drugs) if the defendant has 1 prior federal drug conviction that resulted in at least a 1 year sentence.

The proposal is to **lower the minimum sentence to 15 years**, and to expand the prior convictions to include violent felonies that resulted in at least a 1 year sentence.

### **“Three Strikes”**

Currently, law requires life imprisonment for a serious drug offense (sale, trafficking or manufacturing of a significant amount of illegal drugs) if the defendant has 2 or more prior convictions for a federal drug offense.

The proposal is to **lower the minimum sentence to 25 years**, and to expand the prior convictions to include violent felonies that resulted in at least a 1 year sentence.

### **New ‘Courier’ Category**

Currently, someone whose role is limited to transporting or storing illegal drugs or the money related to drug deals is still subject to the mandatory minimum requirements so that, for example, one offense will result in a minimum sentence of 10 years.

The proposal is to create a new category for such cases, called ‘couriers,’ which would still be subject to punishment, but would not be subject to the mandatory minimums.

### **[General Arguments]**

We would now like you to consider a series of general arguments in favor of and against the proposals to change the laws requiring mandatory minimum sentences. In each case, you will be asked how convincing or unconvincing you find each argument.

### **[Current Laws Unjust]**

Q1. Here is an argument in favor of the proposal:

Our sentencing laws prevent judges from considering the specifics of cases, often times resulting in sentences that are much longer than the criminal deserves. Many judges complain that the straitjacket of mandatory sentencing laws forces them to give long sentences that they think are unnecessary and unjust. Justice requires considering the whole situation. For example, say a new father with no criminal record is desperate to get money to feed his children and falls prey to the temptation of some quick and easy money by participating in a drug deal. Putting him in prison for 10 years makes no sense for him, his family, or society. A repeat offender with a relapsing drug problem may need treatment and supervision, not life in prison.

How convincing or unconvincing do you find this argument?

	Very convincing	Somewhat convincing	Total convincing	Somewhat unconvincing	Very unconvincing	Total unconvincing	Ref. / Dk
<b>US-National</b>	45.9%	35.8%	<b>81.7%</b>	9.9%	6.5%	<b>16.4%</b>	1.8%
US-GOP	31.3%	42.4%	<b>73.7%</b>	14.2%	10.5%	<b>24.7%</b>	1.6%
US-Dems	61.8%	27.5%	<b>89.3%</b>	5.7%	3.6%	<b>9.3%</b>	1.4%
US-Indep.	38.5%	42.0%	<b>80.5%</b>	11.2%	5.5%	<b>16.7%</b>	2.9%
Very red	46.6%	32.8%	<b>79.4%</b>	11.1%	7.4%	<b>18.5%</b>	2.1%
Red	41.2%	41.8%	<b>83.0%</b>	8.5%	7.6%	<b>16.1%</b>	0.9%
Somewhat red	48.7%	34.6%	<b>83.3%</b>	8.7%	6.1%	<b>14.8%</b>	1.9%
Somewhat blue	40.4%	39.1%	<b>79.5%</b>	12.2%	7.2%	<b>19.4%</b>	1.1%
Blue	46.4%	36.2%	<b>82.6%</b>	9.3%	5.3%	<b>14.6%</b>	2.9%
Very Blue	51.6%	31.1%	<b>82.7%</b>	9.9%	5.8%	<b>15.7%</b>	1.6%

Q2. Here is a counter-argument:

Criminals need to know that if they break the law, they will face the full consequences of their actions. That certainty is a pillar of our criminal justice system, and acts as a deterrent to crime. If they believe that their sentences could get reduced, or that they could be released, they might be more likely to commit a crime. Before they committed their crimes, criminals knew the consequences of their actions and took that risk anyway; they should serve their time. It is also more just for everyone to get treated the same. It is not fair that one criminal gets a long sentence, while another who commits the same crime but has a sob story, should have a shorter sentence. This weakens our justice system.

How convincing or unconvincing do you find this argument?

	Very convincing	Somewhat convincing	Total convincing	Somewhat unconvincing	Very unconvincing	Total unconvincing	Ref. / Dk
<b>US-National</b>	21.6%	29.9%	<b>51.5%</b>	28.0%	20.1%	<b>48.1%</b>	0.4%
US-GOP	31.5%	36.6%	<b>68.1%</b>	23.4%	8.1%	<b>31.5%</b>	0.3%
US-Dems	12.6%	23.4%	<b>36.0%</b>	32.5%	31.1%	<b>63.6%</b>	0.3%
US-Indep.	22.4%	31.4%	<b>53.8%</b>	26.9%	18.6%	<b>45.5%</b>	0.8%
Very red	24.8%	28.8%	<b>53.6%</b>	25.4%	20.8%	<b>46.2%</b>	0.2%
Red	21.1%	30.4%	<b>51.5%</b>	28.7%	19.0%	<b>47.7%</b>	0.8%
Somewhat red	19.8%	30.7%	<b>50.5%</b>	27.9%	21.2%	<b>49.1%</b>	0.3%
Somewhat blue	22.9%	28.2%	<b>51.1%</b>	29.3%	19.1%	<b>48.4%</b>	0.5%
Blue	21.1%	32.9%	<b>54.0%</b>	26.2%	19.4%	<b>45.6%</b>	0.3%
Very Blue	20.1%	29.1%	<b>49.2%</b>	29.3%	21.3%	<b>50.6%</b>	0.2%

## [Gone Too Far]

Q3. Here is another argument:

It is understandable that, when crime rates went up, there was a move to crack down on crime and impose harsher sentences. But research shows that such harsh sentences simply overload our prison system. Keeping people in prison for long periods has been shown to increase the likelihood that people will commit more crimes when they are released. Think about it: one out of 100 American adults is in prison – far more than in any developed country. It is time to look more closely at our sentencing laws and ask whether some of the sentences we have been giving are longer than they need to be.

	Very convincing	Somewhat convincing	Total convincing	Somewhat unconvincing	Very unconvincing	Total unconvincing	Ref. / Dk
<b>US-National</b>	43.0%	35.3%	<b>78.3%</b>	13.2%	7.6%	<b>20.8%</b>	0.9%
US-GOP	26.4%	40.3%	<b>66.7%</b>	19.9%	12.9%	<b>32.8%</b>	0.5%
US-Dems	59.1%	29.5%	<b>88.6%</b>	7.4%	2.9%	<b>10.3%</b>	1.2%
US-Indep.	39.0%	39.0%	<b>78.0%</b>	13.4%	7.9%	<b>21.3%</b>	0.8%
Very red	42.7%	36.2%	<b>78.9%</b>	11.5%	9.0%	<b>20.5%</b>	0.6%
Red	36.6%	38.9%	<b>75.5%</b>	14.4%	8.8%	<b>23.2%</b>	1.3%
Somewhat red	44.2%	35.5%	<b>79.7%</b>	11.2%	8.5%	<b>19.7%</b>	0.6%
Somewhat blue	41.3%	33.3%	<b>74.6%</b>	15.3%	9.8%	<b>25.1%</b>	0.4%
Blue	45.6%	35.7%	<b>81.3%</b>	13.4%	4.8%	<b>18.2%</b>	0.5%
Very Blue	47.3%	32.0%	<b>79.3%</b>	14.0%	4.9%	<b>18.9%</b>	1.8%

Q4. Here is a counter argument:

Because crime rates have come down, this does not mean that we should ease up on sentencing. On the contrary: a key reason that crime rates have come down is that more criminals are behind bars. Clearly, the sentencing system we have is working and there is no reason to change it. Millions of people have not become crime victims, and we can all feel more secure. If we let criminals out earlier, they will be back on the streets committing more crimes.

	Very convincing	Somewhat convincing	Total convincing	Somewhat unconvincing	Very unconvincing	Total unconvincing	Ref. / Dk
<b>US-National</b>	19.4%	32.2%	<b>51.6%</b>	27.0%	20.7%	<b>47.7%</b>	0.7%
US-GOP	30.8%	40.6%	<b>71.4%</b>	21.6%	6.3%	<b>27.9%</b>	0.7%
US-Dems	9.9%	24.3%	<b>34.2%</b>	31.1%	33.9%	<b>65.0%</b>	0.8%
US-Indep.	18.4%	33.6%	<b>52.0%</b>	28.0%	19.3%	<b>47.3%</b>	0.6%
Very red	26.0%	32.0%	<b>58.0%</b>	20.1%	21.2%	<b>41.3%</b>	0.6%
Red	21.4%	33.9%	<b>55.3%</b>	25.3%	18.5%	<b>43.8%</b>	0.9%
Somewhat red	14.4%	33.4%	<b>47.8%</b>	33.4%	18.4%	<b>51.8%</b>	0.3%
Somewhat blue	22.8%	31.0%	<b>53.8%</b>	27.2%	17.8%	<b>45.0%</b>	1.2%
Blue	18.8%	35.0%	<b>53.8%</b>	25.2%	20.9%	<b>46.1%</b>	0.2%
Very Blue	13.1%	28.4%	<b>41.5%</b>	29.9%	27.3%	<b>57.2%</b>	1.3%



**[Cost]**

Q5. Here is another argument:

Besides the severe personal costs of overly-long sentences, we should not forget the great costs to society. On average, it costs more than \$30,000 a year to keep an inmate in prison. Currently, we spend over \$8 billion a year on federal prisons. Research studies have found that the lost productivity, the lost tax revenue, and other factors, cost society hundreds of billions of dollars per year. When families lose a breadwinner, it harms the whole family. Also, when people stay in prison a long time they lose their work habits and support networks, and spend more time with hardened criminals, all of which have been shown to increase the likelihood that they will go back to crime later, creating more costs for society.

	Very convincing	Somewhat convincing	Total convincing	Somewhat unconvincing	Very unconvincing	Total unconvincing	Ref. / Dk
<b>US-National</b>	42.8%	34.5%	<b>77.3%</b>	13.7%	8.1%	<b>21.8%</b>	0.9%
US-GOP	27.2%	37.0%	<b>64.2%</b>	21.2%	13.2%	<b>34.4%</b>	1.4%
US-Dems	58.4%	31.0%	<b>89.4%</b>	6.6%	3.5%	<b>10.1%</b>	0.6%
US-Indep.	38.0%	37.7%	<b>75.7%</b>	14.9%	8.7%	<b>23.6%</b>	0.7%
Very red	40.5%	34.7%	<b>75.2%</b>	12.9%	10.1%	<b>23.0%</b>	1.7%
Red	39.5%	35.8%	<b>75.3%</b>	14.7%	9.1%	<b>23.8%</b>	1.0%
Somewhat red	40.4%	38.5%	<b>78.9%</b>	13.6%	6.9%	<b>20.5%</b>	0.5%
Somewhat blue	43.7%	29.6%	<b>73.3%</b>	17.1%	8.9%	<b>26.0%</b>	0.7%
Blue	46.6%	33.5%	<b>80.1%</b>	12.6%	6.7%	<b>19.3%</b>	0.6%
Very Blue	45.9%	34.5%	<b>80.4%</b>	11.8%	7.2%	<b>19.0%</b>	0.6%

Q6. Here is a counter argument:

Sentencing criminals should not be simply assessed in economic terms. It is a question of upholding justice--and we cannot have justice on the cheap. Furthermore, the idea of trying to save money by cutting back on prison sentences is penny-wise and pound foolish--it can well lead to greater crime which will impose greater costs on society. While the Federal government might save money, the costs of more crime will be transferred to state and local police and communities. A firm and sustained response against crime is a good investment for society.

	Very convincing	Somewhat convincing	Total convincing	Somewhat unconvincing	Very unconvincing	Total unconvincing	Ref. / Dk
<b>US-National</b>	22.2%	31.6%	<b>53.8%</b>	25.0%	20.5%	<b>45.5%</b>	0.7%
US-GOP	34.5%	37.9%	<b>72.4%</b>	17.0%	9.7%	<b>26.7%</b>	0.9%
US-Dems	12.7%	25.2%	<b>37.9%</b>	32.5%	29.0%	<b>61.5%</b>	0.6%
US-Indep.	19.6%	33.5%	<b>53.1%</b>	24.0%	22.5%	<b>46.5%</b>	0.4%
Very red	26.2%	30.5%	<b>56.7%</b>	23.2%	17.8%	<b>41.0%</b>	2.3%
Red	26.2%	30.5%	<b>56.7%</b>	23.1%	20.0%	<b>43.1%</b>	0.2%
Somewhat red	21.2%	29.9%	<b>51.1%</b>	28.9%	19.9%	<b>48.8%</b>	0.2%
Somewhat blue	24.3%	34.1%	<b>58.4%</b>	22.0%	18.9%	<b>40.9%</b>	0.8%
Blue	20.2%	32.3%	<b>52.5%</b>	26.2%	21.2%	<b>47.4%</b>	0.1%
Very Blue	15.4%	32.8%	<b>48.2%</b>	26.3%	24.8%	<b>51.1%</b>	0.7%

## [No Threat to Society]

Q7. Here is another argument:

Studies have shown that many of the people in prison do not pose a real threat to society. Many did not commit violent crimes and yet got very long sentences because of rigid sentencing rules. Many were young and exercised poor judgement but have matured. Some have been in prison for decades and are simply too old or disabled to commit crimes. Judges should be able to assess whether such people should still be in prison.

	Very convincing	Somewhat convincing	Total convincing	Somewhat unconvincing	Very unconvincing	Total unconvincing	Ref. / Dk
<b>US-National</b>	50.0%	32.5%	<b>82.5%</b>	9.9%	6.7%	<b>16.6%</b>	0.9%
US-GOP	38.4%	37.0%	<b>75.4%</b>	13.1%	10.4%	<b>23.5%</b>	1.2%
US-Dems	62.3%	26.8%	<b>89.1%</b>	6.5%	3.4%	<b>9.9%</b>	0.9%
US-Indep.	44.6%	36.8%	<b>81.4%</b>	11.5%	6.6%	<b>18.1%</b>	0.4%
Very red	49.4%	32.5%	<b>81.9%</b>	10.1%	7.4%	<b>17.5%</b>	0.6%
Red	48.7%	32.2%	<b>80.9%</b>	11.4%	6.7%	<b>18.1%</b>	1.0%
Somewhat red	52.1%	32.2%	<b>84.3%</b>	8.3%	6.6%	<b>14.9%</b>	0.8%
Somewhat blue	45.7%	33.3%	<b>79.0%</b>	10.6%	10.0%	<b>20.6%</b>	0.4%
Blue	52.4%	34.6%	<b>87.0%</b>	8.0%	2.8%	<b>10.8%</b>	2.3%
Very Blue	50.0%	32.1%	<b>82.1%</b>	10.4%	7.0%	<b>17.4%</b>	0.5%

Q8. Here is a counter argument:

Our criminal justice system is not simply about whether people pose a threat to society. We have a legal system that, at its core, is about what is moral. When someone violates those rules, their punishment is about upholding and reasserting those principles. When we get lax and let people off too easily, this undermines the moral foundation of society itself.

	Very convincing	Somewhat convincing	Total convincing	Somewhat unconvincing	Very unconvincing	Total unconvincing	Ref. / Dk
<b>US-National</b>	17.7%	29.5%	<b>47.2%</b>	25.7%	26.6%	<b>52.3%</b>	0.6%
US-GOP	25.4%	38.8%	<b>64.2%</b>	24.0%	11.3%	<b>35.3%</b>	0.6%
US-Dems	10.5%	21.7%	<b>32.2%</b>	27.6%	39.7%	<b>67.3%</b>	0.5%
US-Indep.	18.6%	29.0%	<b>47.6%</b>	24.5%	27.1%	<b>51.6%</b>	0.7%
Very red	20.2%	28.9%	<b>49.1%</b>	23.2%	27.6%	<b>50.8%</b>	0.2%
Red	20.3%	30.2%	<b>50.5%</b>	24.2%	24.8%	<b>49.0%</b>	0.6%
Somewhat red	14.1%	31.4%	<b>45.5%</b>	29.1%	25.2%	<b>54.3%</b>	0.3%
Somewhat blue	22.1%	29.4%	<b>51.5%</b>	25.1%	22.0%	<b>47.1%</b>	1.5%
Blue	13.6%	33.5%	<b>47.1%</b>	27.4%	25.0%	<b>52.4%</b>	0.5%
Very Blue	16.3%	24.5%	<b>40.8%</b>	25.2%	33.5%	<b>58.7%</b>	0.4%

**[Discrimination]**

Q9. Here is another argument:

The whole trend toward mandatory sentences and over-incarceration has unfairly victimized African-Americans. Their communities have greater police presence, and although they use and sell drugs at the same rate as white people, they are almost three times as likely to be arrested on drug charges. More significantly, research shows that prosecutors are nearly twice as likely to pursue charges that carry mandatory minimum sentences for African-Americans as they are for white people who committed the same crime, resulting in longer sentences for African-Americans. The net effect is that the ratio of African-Americans in prison is far greater than their ratio of the population. Moving away from long mandatory sentences will help reduce these injustices.

	Very convincing	Somewhat convincing	Total convincing	Somewhat unconvincing	Very unconvincing	Total unconvincing	Ref. / Dk
<b>US-National</b>	35.8%	26.4%	<b>62.2%</b>	17.7%	19.3%	<b>37.0%</b>	0.8%
US-GOP	13.5%	24.5%	<b>38.0%</b>	26.5%	34.8%	<b>61.3%</b>	0.8%
US-Dems	57.2%	25.8%	<b>83.0%</b>	10.0%	6.5%	<b>16.5%</b>	0.4%
US-Indep.	31.1%	32.0%	<b>63.1%</b>	17.4%	17.9%	<b>35.3%</b>	1.7%

Very red	31.5%	24.1%	<b>55.6%</b>	18.0%	26.0%	<b>44.0%</b>	0.3%
Red	29.4%	28.2%	<b>57.6%</b>	20.2%	20.6%	<b>40.8%</b>	1.6%
Somewhat red	32.2%	30.5%	<b>62.7%</b>	16.6%	20.8%	<b>37.4%</b>	0.0%
Somewhat blue	34.6%	25.6%	<b>60.2%</b>	20.9%	18.5%	<b>39.4%</b>	0.4%
Blue	40.6%	25.5%	<b>66.1%</b>	16.5%	15.9%	<b>32.4%</b>	1.5%
Very Blue	46.9%	24.7%	<b>71.6%</b>	13.6%	14.2%	<b>27.8%</b>	0.6%

Q10. Here is a counter argument:

The reason that there are more African-Americans in prison is not because of racial bias, but because African-Americans commit more crimes. Mandatory minimums and a tough approach to criminal justice helps reduce crime and discourages African-Americans from pursuing a criminal lifestyle. Remember. African-American communities are major victims of African-American crime, so reducing crime in the first place is a service to those communities. If we want to reduce the number of African-Americans in prison, we should not weaken the criminal justice system.

	Very convincing	Somewhat convincing	Total convincing	Somewhat unconvincing	Very unconvincing	Total unconvincing	Ref. / Dk
<b>US-National</b>	23.7%	27.1%	<b>50.8%</b>	18.4%	30.0%	<b>48.4%</b>	0.8%
US-GOP	40.0%	34.7%	<b>74.7%</b>	15.7%	8.8%	<b>24.5%</b>	0.8%
US-Dems	10.6%	20.3%	<b>30.9%</b>	20.3%	48.5%	<b>68.8%</b>	0.3%
US-Indep.	21.3%	27.3%	<b>48.6%</b>	19.2%	30.1%	<b>49.3%</b>	2.0%

Very red	28.5%	28.8%	<b>57.3%</b>	16.1%	25.9%	<b>42.0%</b>	0.6%
Red	27.2%	30.1%	<b>57.3%</b>	18.9%	22.1%	<b>41.0%</b>	1.7%
Somewhat red	20.5%	31.1%	<b>51.6%</b>	17.9%	30.5%	<b>48.4%</b>	0.0%
Somewhat blue	25.7%	27.2%	<b>52.9%</b>	18.5%	27.8%	<b>46.3%</b>	0.8%
Blue	25.3%	22.1%	<b>47.4%</b>	18.5%	32.5%	<b>51.0%</b>	1.7%
Very Blue	15.3%	22.1%	<b>37.4%</b>	20.5%	41.9%	<b>62.4%</b>	0.2%

**[Undermines Enforcement]**

Q11. Here is another argument:

Long mandatory sentences can actually undermine the enforcement of laws--that's why many law enforcement professionals oppose them. A twice convicted felon who faces certain life imprisonment will be more likely to resist arrest--putting officers at greater risk--and to kill witnesses or attempt escapes. And keeping people in prison for long periods has been shown to increase the likelihood of repeating crimes. More limited sentences coupled with rehabilitation, job training and supervision after release are most apt to reduce crime.

	Very convincing	Somewhat convincing	Total convincing	Somewhat unconvincing	Very unconvincing	Total unconvincing	Ref. / Dk
<b>US-National</b>	34.4%	37.3%	<b>71.7%</b>	16.1%	10.9%	<b>27.0%</b>	1.3%
US-GOP	20.5%	38.7%	<b>59.2%</b>	21.3%	18.1%	<b>39.4%</b>	1.5%
US-Dems	46.1%	37.1%	<b>83.2%</b>	10.2%	5.6%	<b>15.8%</b>	1.1%
US-Indep.	35.1%	35.1%	<b>70.2%</b>	19.5%	8.8%	<b>28.3%</b>	1.5%
Very red	31.9%	36.4%	<b>68.3%</b>	15.6%	15.2%	<b>30.8%</b>	0.9%
Red	33.4%	33.4%	<b>66.8%</b>	16.0%	12.9%	<b>28.9%</b>	4.2%
Somewhat red	34.9%	37.5%	<b>72.4%</b>	15.5%	11.5%	<b>27.0%</b>	0.6%
Somewhat blue	30.9%	40.9%	<b>71.8%</b>	16.4%	11.1%	<b>27.5%</b>	0.8%
Blue	35.2%	40.7%	<b>75.9%</b>	16.1%	7.6%	<b>23.7%</b>	0.4%
Very Blue	38.8%	35.7%	<b>74.5%</b>	17.4%	7.2%	<b>24.6%</b>	0.9%

Q12. Here is a counter-argument:

Mandatory minimum sentences are an important law enforcement tool. They give the police and prosecutors the leverage necessary to secure the cooperation and testimony of low-level offenders against their more senior confederates. Because prosecutors can more effectively threaten defendants with a charge that could lead to a certain long sentence, they will be more willing to cooperate in an investigation and/or plead guilty to a lesser charge. Such tools are key for breaking the resistance of gang members and weakening organized crime.

	Very convincing	Somewhat convincing	Total convincing	Somewhat unconvincing	Very unconvincing	Total unconvincing	Ref. / Dk
<b>US-National</b>	19.5%	36.0%	<b>55.5%</b>	24.4%	19.2%	<b>43.6%</b>	0.9%
US-GOP	28.5%	42.4%	<b>70.9%</b>	20.1%	7.6%	<b>27.7%</b>	1.4%
US-Dems	12.2%	29.6%	<b>41.8%</b>	29.1%	28.6%	<b>57.7%</b>	0.5%
US-Indep.	18.5%	37.7%	<b>56.2%</b>	22.1%	20.9%	<b>43.0%</b>	0.8%
Very red	21.3%	39.8%	<b>61.1%</b>	21.2%	16.5%	<b>37.7%</b>	1.2%
Red	21.4%	38.6%	<b>60.0%</b>	22.6%	15.1%	<b>37.7%</b>	2.3%
Somewhat red	17.8%	38.1%	<b>55.9%</b>	25.9%	17.5%	<b>43.4%</b>	0.8%
Somewhat blue	22.7%	34.7%	<b>57.4%</b>	25.2%	17.2%	<b>42.4%</b>	0.2%
Blue	17.7%	33.9%	<b>51.6%</b>	29.4%	18.7%	<b>48.1%</b>	0.3%
Very Blue	16.7%	30.0%	<b>46.7%</b>	22.6%	30.3%	<b>52.9%</b>	0.5%

## [FINAL RECOMMENDATIONS]

Having considered these arguments, please give us your final recommendations on proposals being considered in Congress for modifying federal mandatory minimum sentences.

### ["One Strike"]

Q13. Current federal law states that a conviction for one serious drug offense must result in a minimum 10 year prison sentence. Serious drug offense includes the sale, manufacturing or trafficking of a significant amount of illegal drugs.

Do you favor or oppose a proposal to lower the mandatory minimum sentence for "one strike" so that a judge could decide to give a sentence of 5 years in prison, though the judge could still make it longer.

	Favor	Oppose	Ref. / Dk
<b>US-National</b>	82.9%	16.5%	0.5%
US-GOP	75.5%	24.1%	0.4%
US-Dems	89.9%	9.5%	0.6%
US-Indep.	81.9%	17.7%	0.4%
Very red	78.4%	21.1%	0.4%
Red	81.4%	17.0%	1.6%
Somewhat red	86.3%	13.7%	0.0%
Somewhat blue	81.5%	18.5%	0.0%
Blue	85.3%	14.5%	0.2%
Very Blue	84.8%	14.6%	0.7%

### ["Two Strikes"]

Q14. Current federal law states that someone who is convicted of a second serious drug offense be sentenced to 20 years in prison.

Do you favor or oppose the proposal to lower the mandatory minimum sentence for "two strikes" so that a judge could decide to give a sentence of 10 years in prison, though the judge could still make it longer?

	Favor	Oppose	Ref. / Dk
<b>US-National</b>	75.2%	23.5%	1.3%
US-GOP	66.4%	31.7%	1.9%
US-Dems	84.0%	15.0%	1.0%
US-Indep.	72.5%	26.9%	0.6%
Very red	71.7%	27.3%	1.0%
Red	72.9%	26.0%	1.0%
Somewhat red	78.5%	19.6%	1.9%
Somewhat blue	73.9%	25.4%	0.8%
Blue	74.9%	23.6%	1.5%
Very Blue	78.5%	20.0%	1.5%

### ["Three Strikes"]

Q15. Current federal law states that if someone commits three serious drug offenses, they must be sentenced to life imprisonment.

Do you favor or oppose the proposal is to lower the mandatory minimum sentence for “three strikes” so that a judge could decide to give a sentence of 25 years in prison, though the judge could still make it longer?

	Favor	Oppose	Ref. / Dk
<b>US-National</b>	70.1%	26.7%	3.2%
US-GOP	61.0%	34.1%	4.9%
US-Dems	79.7%	18.4%	1.8%
US-Indep.	66.1%	31.0%	3.0%
Very red	66.4%	30.1%	3.6%
Red	72.0%	25.9%	2.1%
Somewhat red	72.2%	23.9%	4.0%
Somewhat blue	67.2%	28.9%	3.9%
Blue	69.3%	28.2%	2.6%
Very Blue	72.8%	24.0%	3.2%

### [New Courier Category]

Q16. Currently, someone whose role is limited to transporting or storing illegal drugs or the money related to drug deals, is still subject to the mandatory minimum requirements so that, for example, one offense will result in a minimum sentence of 10 years.

Do you favor or oppose a proposal is to create a new category for such cases, called ‘couriers,’ which would still be subject to punishment, but would not be subject to the mandatory minimums for serious drug offenses?

	Favor	Oppose	Ref. / Dk
<b>US-National</b>	74.0%	24.7%	1.3%
US-GOP	64.2%	34.3%	1.5%
US-Dems	83.1%	15.5%	1.4%
US-Indep.	72.9%	26.7%	0.5%
Very red	69.8%	28.8%	1.4%
Red	76.4%	22.4%	1.1%
Somewhat red	74.9%	23.9%	1.2%
Somewhat blue	70.9%	28.8%	0.3%
Blue	76.0%	22.4%	1.5%
Very Blue	75.0%	23.1%	1.9%

### [Compassionate Release]

Here is another proposal that could reduce the number of people in federal prisons.

Currently, a significant number of prisoners are 60 years or older, terminally ill, or so ill that they need to be in an assisted living situation. It is also projected that, with current demographics, the number of prisoners in these categories will grow to 28% of the prison population by 2019.

Here is the proposal:

Judges would have the discretion to release from prison:

- prisoners who are 60 years or older and have served two thirds of their sentence; and
- prisoners who are terminally ill, or are so ill that they need to be in an assisted care facility

provided that:

- they have no prior convictions for a crime of violence, sex offense, terrorism offense, or espionage;
- they do not have a history of violence;
- they have never attempted an escape;
- their release from prison would lower costs for the government; and
- their release has been determined to pose no risk for society

Q17. Here is an argument in favor of this proposal:

First, let's be clear, older people and sick people rarely commit crimes. Second, this law requires careful vetting to ensure that the prisoners to be released do not pose a risk to society. Third, it should be recognized that keeping older people and sick people in prison is substantially more costly than keeping regular prisoners. But, above all, allowing early release for elderly and sick people is the compassionate thing to do. It gives them the time to reconnect with their families and live out their life with some dignity. For those with illness, especially a terminal illness, they will be able to get better and more loving care than they will get in prison.

	Very convincing	Somewhat convincing	Total convincing	Somewhat unconvincing	Very unconvincing	Total unconvincing	Ref. / Dk
<b>US-National</b>	46.7%	35.8%	<b>82.5%</b>	11.0%	6.2%	<b>17.2%</b>	0.3%
US-GOP	37.2%	40.1%	<b>77.3%</b>	13.7%	8.9%	<b>22.6%</b>	0.1%
US-Dems	55.7%	32.3%	<b>88.0%</b>	8.2%	3.6%	<b>11.8%</b>	0.2%
US-Indep.	44.7%	35.4%	<b>80.1%</b>	12.0%	6.9%	<b>18.9%</b>	1.1%
Very red	45.8%	34.4%	<b>80.2%</b>	10.7%	8.1%	<b>18.8%</b>	1.0%
Red	47.1%	36.3%	<b>83.4%</b>	11.4%	5.1%	<b>16.5%</b>	0.0%
Somewhat red	48.3%	35.4%	<b>83.7%</b>	10.9%	5.3%	<b>16.2%</b>	0.1%
Somewhat blue	40.5%	40.0%	<b>80.5%</b>	10.8%	8.0%	<b>18.8%</b>	0.6%
Blue	49.2%	36.6%	<b>85.8%</b>	8.5%	5.8%	<b>14.3%</b>	0.0%
Very Blue	48.6%	33.3%	<b>81.9%</b>	13.2%	4.7%	<b>17.9%</b>	0.1%

Here is an argument against this proposal:

Q18. We should not be making decisions to cut short people's sentences because they are old or sick. The criminal justice system is not about what is convenient or what saves money. It is about justice. If a certain crime warrants a certain sentence this does not change just because somebody grows old or sick. If we start making exceptions, this sends a bad signal to all criminals or would-be criminals about the certainty of the punishment they will face. Furthermore, convicted criminals who have been in prison for many years do not necessarily have a real support system anymore. Pushing them out the door when they are old and sick, just so we can save some money, is not necessarily the compassionate thing to do.

	Very convincing	Somewhat convincing	Total convincing	Somewhat unconvincing	Very unconvincing	Total unconvincing	Ref. / Dk
<b>US-National</b>	14.8%	33.3%	<b>48.1%</b>	26.9%	24.7%	<b>51.6%</b>	0.3%
US-GOP	19.0%	38.0%	<b>57.0%</b>	29.7%	13.1%	<b>42.8%</b>	0.1%
US-Dems	10.0%	29.1%	<b>39.1%</b>	24.8%	35.5%	<b>60.3%</b>	0.5%
US-Indep.	17.2%	33.5%	<b>50.7%</b>	25.9%	23.1%	<b>49.0%</b>	0.2%

Very red	19.6%	31.7%	<b>51.3%</b>	24.3%	23.7%	<b>48.0%</b>	0.7%
Red	14.5%	38.5%	<b>53.0%</b>	25.0%	21.9%	<b>46.9%</b>	0.0%
Somewhat red	12.4%	32.8%	<b>45.2%</b>	31.4%	23.4%	<b>54.8%</b>	0.0%
Somewhat blue	16.8%	34.7%	<b>51.5%</b>	24.3%	24.0%	<b>48.3%</b>	0.3%
Blue	10.2%	35.8%	<b>46.0%</b>	26.8%	26.4%	<b>53.2%</b>	0.7%
Very Blue	14.4%	26.4%	<b>40.8%</b>	30.5%	28.4%	<b>58.9%</b>	0.3%

### [FINAL RECOMMENDATION]

So now, when they have been determined to pose no risk to society, do you favor or oppose giving judges the discretion to release from prison:

Q19. Prisoners 60 years and older who have completed at least two thirds of their sentence.

	Favor	Oppose	Ref. / Dk
<b>US-National</b>	73.8%	25.4%	0.7%
US-GOP	66.8%	32.3%	0.9%
US-Dems	82.7%	16.7%	0.6%
US-Indep.	67.3%	32.1%	0.6%
Very red	70.2%	28.4%	1.3%
Red	76.7%	22.8%	0.5%
Somewhat red	78.1%	21.6%	0.3%
Somewhat blue	66.4%	32.7%	0.9%
Blue	74.9%	24.1%	1.1%
Very Blue	74.8%	24.9%	0.3%

Q20. Prisoners who are terminally ill.

	Favor	Oppose	Ref. / Dk
<b>US-National</b>	82.3%	16.9%	0.8%
US-GOP	78.6%	20.7%	0.7%
US-Dems	86.9%	12.0%	1.2%
US-Indep.	78.9%	20.8%	0.3%
Very red	80.7%	18.2%	1.1%
Red	81.7%	17.7%	0.6%
Somewhat red	85.3%	14.5%	0.2%
Somewhat blue	77.6%	20.7%	1.7%
Blue	82.3%	16.5%	1.2%
Very Blue	84.7%	14.8%	0.5%



Q21. Prisoner who are so ill that they need to be in some type of assisted living facility.

	Favor	Oppose	Ref. / Dk
<b>US-National</b>	81.3%	17.7%	0.9%
US-GOP	76.6%	22.3%	1.1%
US-Dems	85.8%	13.2%	0.9%
US-Indep.	80.6%	18.8%	0.6%
Very red	79.2%	19.7%	1.1%
Red	80.6%	19.1%	0.4%
Somewhat red	85.2%	13.9%	0.9%
Somewhat blue	77.9%	21.0%	1.1%
Blue	82.1%	16.3%	1.6%
Very Blue	82.3%	17.2%	0.6%

### [Pre-Release Custody]

Here is another proposal that would reduce the number of people in prison.

The Bureau of Prisons would have the option to allow selected prisoners to serve the last 10% of their sentences in their home or in a halfway house. While in their home or halfway house, they would be subject to monitoring, such as with an electronic ankle bracelet, and are required to remain in their home or halfway house, with exceptions for employment and other specified activities.

To be selected for this program the prisoner must:

- be evaluated as having a low to moderate risk of renewed criminal activity
- and, if moderate, the risk of renewed criminal activity must be assessed to have diminished during the period of the sentence.

Also, prisoners who participate in programs that reduce the risk of renewed criminal activity--such as drug/alcohol treatment, or employment training--will have a higher chance of being selected for the program.

Q22. Here is an argument in favor of this proposal:

If a prisoner poses little risk to society, and especially if the prisoner has made efforts to prepare themselves for civilian life through drug and alcohol treatment and employment training, it makes sense to let them serve the last 10% of their sentence in a monitored home situation. This helps them with the transition to complete freedom, creates a positive incentive for prisoners to prepare themselves for civilian life, and saves the government the substantial money it costs to keep these people in prison.

	Very convincing	Somewhat convincing	Total convincing	Somewhat unconvincing	Very unconvincing	Total unconvincing	Ref. / Dk
<b>US-National</b>	56.5%	32.7%	<b>89.2%</b>	6.3%	3.9%	<b>10.2%</b>	0.6%
US-GOP	44.4%	41.0%	<b>85.4%</b>	8.3%	5.9%	<b>14.2%</b>	0.4%
US-Dems	67.0%	26.0%	<b>93.0%</b>	4.3%	1.9%	<b>6.2%</b>	0.8%
US-Indep.	56.8%	31.6%	<b>88.4%</b>	6.6%	4.5%	<b>11.1%</b>	0.6%

Very red	54.7%	32.2%	<b>86.9%</b>	6.0%	5.4%	<b>11.4%</b>	1.6%
Red	56.1%	34.2%	<b>90.3%</b>	6.0%	3.6%	<b>9.6%</b>	0.0%
Somewhat red	60.3%	31.2%	<b>91.5%</b>	4.0%	3.9%	<b>7.9%</b>	0.6%
Somewhat blue	50.3%	37.0%	<b>87.3%</b>	8.0%	4.2%	<b>12.2%</b>	0.5%
Blue	55.5%	32.5%	<b>88.0%</b>	7.8%	3.9%	<b>11.7%</b>	0.3%
Very Blue	62.1%	28.9%	<b>91.0%</b>	6.1%	2.3%	<b>8.4%</b>	0.6%

Q23. Here is an argument against the proposal:

Shaving time off sentences weakens our justice system. We must always remember that we are dealing with people who have committed crimes. If our justice system decides that a certain sentence is the right punishment for a crime, later trimming them back by 10%, primarily to save money, signals a lack of resolve that all criminals and potential criminals will hear, weakening the deterrence to committing crimes.

	Very convincing	Somewhat convincing	Total convincing	Somewhat unconvincing	Very unconvincing	Total unconvincing	Ref. / Dk
<b>US-National</b>	10.7%	23.7%	<b>34.4%</b>	32.6%	32.1%	<b>64.7%</b>	0.9%
US-GOP	13.3%	30.9%	<b>44.2%</b>	37.4%	17.7%	<b>55.1%</b>	0.8%
US-Dems	8.4%	16.3%	<b>24.7%</b>	29.7%	44.7%	<b>74.4%</b>	0.9%
US-Indep.	10.9%	26.6%	<b>37.5%</b>	29.3%	32.2%	<b>61.5%</b>	1.1%

Very red	11.6%	24.6%	<b>36.2%</b>	30.3%	31.8%	<b>62.1%</b>	1.7%
Red	8.9%	25.1%	<b>34.0%</b>	38.2%	27.3%	<b>65.5%</b>	0.5%
Somewhat red	9.5%	25.2%	<b>34.7%</b>	35.9%	29.2%	<b>65.1%</b>	0.2%
Somewhat blue	13.3%	26.2%	<b>39.5%</b>	31.5%	28.1%	<b>59.6%</b>	0.8%
Blue	10.9%	20.5%	<b>31.4%</b>	32.6%	34.7%	<b>67.3%</b>	1.3%
Very Blue	10.9%	20.4%	<b>31.3%</b>	26.7%	41.1%	<b>67.8%</b>	0.8%

#### [FINAL RECOMMENDATION]

Q24. In conclusion, do you favor or oppose a proposal to give the Bureau of Prisons the option to allow selected prisoners to serve the last 10% of their sentence in a monitored home setting, provided that they pose a low to moderate risk that they will repeat their criminal activity?

	Favor	Oppose	Ref. / Dk
<b>US-National</b>	84.3%	14.6%	1.1%
US-GOP	79.0%	20.1%	0.9%
US-Dems	89.4%	9.6%	1.0%
US-Indep.	83.2%	15.0%	1.8%
Very red	81.0%	17.5%	1.5%
Red	86.4%	12.8%	0.8%
Somewhat red	87.0%	11.1%	1.9%
Somewhat blue	81.6%	18.3%	0.1%
Blue	84.7%	14.6%	0.7%
Very Blue	84.0%	14.3%	1.6%

**[If Respondent said they favored the Proposal in Q24, they were also asked Q24a.]**

Q24a. Would you favor or oppose allowing selected prisoners to serve the last 20% of their sentence in a monitored home setting, provided that they pose a low to moderate risk that they will repeat their criminal activity?

	Favor	Oppose	Ref. / Dk
<b>US-National</b>	64.1%	17.8%	2.4%
US-GOP	52.0%	24.1%	3.0%
US-Dems	75.0%	12.4%	1.9%
US-Indep.	63.4%	17.4%	2.5%
Very red	61.0%	17.2%	2.9%
Red	66.4%	17.9%	2.1%
Somewhat red	64.9%	19.3%	2.8%
Somewhat blue	58.0%	21.8%	1.8%
Blue	64.3%	17.9%	2.6%
Very Blue	69.5%	12.3%	2.2%

**[Juveniles Convicted as Adults]**

Here is another proposal that could reduce the number of people in prison.

First some background:

Some of the people in federal prison today were convicted for crimes they committed when they were juveniles i.e. less than 18 years old. Many of them were tried as adults and received long-term sentences, including life in prison.

Here is the proposal:

For prisoners who have been convicted as juveniles and have served at least 20 years in prison, federal judges will have the option to determine whether the prisoner still poses a threat to society, and to release them from prison and place them on 5 years of supervised release.

Factors to be considered in determining whether the prisoner poses a threat to any person or community include:

- the nature and circumstances of the crime,
- the age at which they were convicted,
- their behavior during their imprisonment,
- a report of rehabilitation or improvement by a licensed healthcare professional.

Q25. Here is an argument in favor of this proposal:

During the 1990s, in response to the increase in crime, there was a strong movement toward having juveniles tried as adults, which leads to longer prison terms. This was an overreaction, and one that primarily impacted young African-Americans. Many young people who commit crimes are not fully developed mentally and are susceptible to pressure from older criminals. They are not hardened criminals. If, after at least 20 years in prison, the courts determine that someone convicted as a juvenile does not pose a threat to the community, it is just and humane for the courts to be able to convert their prison sentence to five years of supervised release.

	Very convincing	Somewhat convincing	Total convincing	Somewhat unconvincing	Very unconvincing	Total unconvincing	Ref. / Dk
<b>US-National</b>	39.4%	38.5%	<b>77.9%</b>	12.4%	8.5%	<b>20.9%</b>	1.1%
US-GOP	25.0%	42.1%	<b>67.1%</b>	18.0%	13.6%	<b>31.6%</b>	1.4%
US-Dems	55.0%	32.9%	<b>87.9%</b>	7.8%	3.7%	<b>11.5%</b>	0.6%
US-Indep.	32.2%	44.3%	<b>76.5%</b>	12.1%	9.6%	<b>21.7%</b>	1.9%

Very red	38.6%	39.3%	<b>77.9%</b>	12.3%	8.8%	<b>21.1%</b>	0.9%
Red	33.8%	40.6%	<b>74.4%</b>	13.4%	10.5%	<b>23.9%</b>	1.6%
Somewhat red	38.0%	37.4%	<b>75.4%</b>	16.8%	6.1%	<b>22.9%</b>	1.6%
Somewhat blue	35.4%	43.0%	<b>78.4%</b>	10.7%	10.1%	<b>20.8%</b>	0.7%
Blue	45.2%	37.6%	<b>82.8%</b>	10.0%	7.1%	<b>17.1%</b>	0.2%
Very Blue	45.4%	33.3%	<b>78.7%</b>	10.9%	8.7%	<b>19.6%</b>	1.7%

Q26. Here is an argument against this proposal:

A crime is a crime, even if the person who committed it was very young at the time. The victim still suffers, even if the perpetrator is a juvenile. To uphold the principles of justice it is important for serious crimes to have serious consequences, irrespective of the age of the criminal. Furthermore, juveniles who commit crimes as juveniles often have a propensity for committing crime. Just because they have not gotten in trouble while they were in prison, this does not mean that they could not still have that propensity. We are taking a real risk for society to release these criminals into society.

	Very convincing	Somewhat convincing	Total convincing	Somewhat unconvincing	Very unconvincing	Total unconvincing	Ref. / Dk
<b>US-National</b>	16.3%	32.8%	<b>49.1%</b>	26.6%	23.6%	<b>50.2%</b>	0.7%
US-GOP	23.2%	39.5%	<b>62.7%</b>	26.8%	9.5%	<b>36.3%</b>	0.9%
US-Dems	9.6%	25.3%	<b>34.9%</b>	27.3%	37.3%	<b>64.6%</b>	0.5%
US-Indep.	17.9%	36.7%	<b>54.6%</b>	24.4%	20.1%	<b>44.5%</b>	0.9%

Very red	18.2%	34.7%	<b>52.9%</b>	22.4%	24.0%	<b>46.4%</b>	0.7%
Red	18.2%	35.0%	<b>53.2%</b>	26.9%	19.0%	<b>45.9%</b>	0.9%
Somewhat red	14.1%	33.8%	<b>47.9%</b>	28.0%	23.1%	<b>51.1%</b>	1.0%
Somewhat blue	16.8%	37.7%	<b>54.5%</b>	26.9%	18.5%	<b>45.4%</b>	0.2%
Blue	14.4%	31.3%	<b>45.7%</b>	27.9%	26.1%	<b>54.0%</b>	0.3%
Very Blue	16.9%	24.1%	<b>41.0%</b>	27.3%	31.1%	<b>58.4%</b>	0.6%

## [FINAL RECOMMENDATION]

Q27. So now do you favor or oppose this proposal:

For prisoners who have been convicted as juveniles and have served at least 20 years in prison, federal judges will have the option to determine whether the prisoner still poses a threat to society, and to release them from prison and place them on 5 years of supervised release.

	Favor	Oppose	Ref. / Dk
<b>US-National</b>	78.1%	20.9%	1.0%
US-GOP	68.3%	30.6%	1.2%
US-Dems	87.4%	11.8%	0.8%
US-Indep.	76.0%	22.5%	1.4%
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Very red	75.0%	24.7%	0.3%
Red	76.4%	22.4%	1.2%
Somewhat red	78.6%	19.2%	2.1%
Somewhat blue	73.3%	25.7%	1.0%
Blue	81.3%	18.3%	0.4%
Very Blue	82.8%	16.0%	1.2%

## [Equalize Crack and Powder Sentencing]

Another proposal that seeks to moderate sentencing is related to sentences for selling cocaine. In 1986, when there was an epidemic of crack cocaine, a law was passed that gave much more severe sentences for crack cocaine than for powder cocaine. In general, when someone is caught with a certain amount of cocaine, a larger amount will result in a longer sentence. The 1986 law required that, for sentencing purposes, a gram of crack cocaine would be treated as equivalent to 100 grams of powder cocaine. This law contributed to significantly longer sentences for crack cocaine.

In 2010, a new law was passed that moderated this ratio. Crack cocaine was still counted as equivalent to a greater amount of powder cocaine, but it was counted as 18 times more than the equivalent of powder cocaine instead of 100 times.

This law applied to all new cases, but it did not apply retroactively to cases before 2010. Thus there are now people in prison who would have completed their sentence under the counting-methods of the new law (18 to 1), but are still in prison under the counting-methods of the old law (100 to 1).

There is now a proposal to make the counting methods of the new law apply to the sentences from before the year 2010.

Q28. Here is an argument in favor of this proposal:

Treating crack cocaine as 100 times worse than powder cocaine is a holdover from a time when a 'crack epidemic' was feared. It was driven by false assumptions of crack's harmfulness: in fact, crack cocaine is no more or less addictive than powder cocaine. The epidemic has passed, but thousands of people are still in prison with greatly extended sentences. Furthermore, these unfair sentences have been mostly applied to African-Americans. While more white people use crack cocaine than black people, blacks are more likely to be sent to federal prison for it. Treating crack as equivalent to 18 times the amount of powder cocaine is still quite extreme. We should at least apply the principle equally for people who were sentenced before and after the year 2010.

	Very convincing	Somewhat convincing	Total convincing	Somewhat unconvincing	Very unconvincing	Total unconvincing	Ref. / Dk
<b>US-National</b>	45.6%	33.8%	<b>79.4%</b>	10.8%	8.2%	<b>19.0%</b>	1.6%
US-GOP	28.7%	38.5%	<b>67.2%</b>	17.2%	13.0%	<b>30.2%</b>	2.6%
US-Dems	61.9%	28.2%	<b>90.1%</b>	5.7%	3.4%	<b>9.1%</b>	0.9%
US-Indep.	41.7%	37.4%	<b>79.1%</b>	9.8%	9.8%	<b>19.6%</b>	1.3%

Very red	42.3%	36.2%	<b>78.5%</b>	10.8%	9.6%	<b>20.4%</b>	1.1%
Red	42.8%	32.4%	<b>75.2%</b>	10.8%	11.5%	<b>22.3%</b>	2.6%
Somewhat red	41.7%	35.3%	<b>77.0%</b>	12.8%	9.0%	<b>21.8%</b>	1.3%
Somewhat blue	43.3%	35.5%	<b>78.8%</b>	11.0%	9.6%	<b>20.6%</b>	0.7%
Blue	48.1%	33.6%	<b>81.7%</b>	10.1%	5.9%	<b>16.0%</b>	2.2%
Very Blue	55.8%	29.1%	<b>84.9%</b>	9.7%	3.5%	<b>13.2%</b>	1.8%

Q29. Here is an argument against the proposal:

Applying these reforms retroactively is unjust, will weaken confidence in our justice system and is costly. The individuals now in prison who were selling crack cocaine knew the consequences of their actions and yet acted anyways. They should be given the judicial consequences which we as a nation decided upon. Reducing these sentences retroactively would undermine the finality of court decisions. If criminals start to believe that all reforms are going to be applied retroactively they may see less risk in committing a crime. Furthermore, this would require significant resources to individually review the thousands of cases.

	Very convincing	Somewhat convincing	Total convincing	Somewhat unconvincing	Very unconvincing	Total unconvincing	Ref. / Dk
<b>US-National</b>	14.8%	26.5%	<b>41.3%</b>	28.0%	29.4%	<b>57.4%</b>	1.3%
US-GOP	21.0%	30.9%	<b>51.9%</b>	30.8%	15.5%	<b>46.3%</b>	1.8%
US-Dems	7.9%	22.7%	<b>30.6%</b>	25.3%	43.0%	<b>68.3%</b>	1.0%
US-Indep.	18.1%	26.7%	<b>44.8%</b>	28.4%	26.0%	<b>54.4%</b>	0.8%

Very red	18.6%	27.6%	<b>46.2%</b>	26.7%	26.0%	<b>52.7%</b>	1.2%
Red	16.3%	28.4%	<b>44.7%</b>	25.9%	27.4%	<b>53.3%</b>	2.0%
Somewhat red	12.9%	27.0%	<b>39.9%</b>	29.4%	29.7%	<b>59.1%</b>	1.0%
Somewhat blue	16.6%	28.1%	<b>44.7%</b>	26.8%	27.6%	<b>54.4%</b>	0.9%
Blue	10.2%	28.7%	<b>38.9%</b>	29.4%	30.4%	<b>59.8%</b>	1.3%
Very Blue	14.2%	19.4%	<b>33.6%</b>	29.3%	35.7%	<b>65.0%</b>	1.4%

### [FINAL RECOMMENDATION]

Q30. So, once again: Starting in 1986, sentencing guidelines counted an amount of crack cocaine as equivalent to 100 times that amount of powder cocaine. In 2010 this was changed so that crack cocaine would be counted as equivalent to 18 times the amount of powder cocaine. However, this law was not applied retroactively to sentences from before 2010.

Do you favor or oppose applying the new sentence guidelines to sentences from before 2010?

	Favor	Oppose	Ref. / Dk
<b>US-National</b>	74.2%	24.3%	1.5%
US-GOP	63.9%	34.3%	1.9%
US-Dems	84.3%	14.3%	1.4%
US-Indep.	71.4%	27.6%	1.0%
Very red	72.7%	26.7%	0.6%
Red	69.3%	28.5%	2.2%
Somewhat red	74.5%	23.6%	1.9%
Somewhat blue	72.5%	26.6%	0.9%
Blue	77.4%	20.0%	2.6%
Very Blue	79.1%	20.2%	0.7%

**[If Respondent said they favored the Proposal in Q30, they were also asked Q31.]**

Q31. Do you think that for sentencing:

	Counting crack cocaine as equivalent to 18 times the amount of powder cocaine is about right.	The ratio should be less than 18 times as much	Ref. / Dk
<b>US-National</b>	25.2%	45.6%	3.4%
US-GOP	28.9%	31.3%	3.6%
US-Dems	22.7%	58.3%	3.3%
US-Indep.	23.2%	45.0%	3.1%
Very red	25.9%	41.9%	4.9%
Red	23.3%	43.0%	2.9%
Somewhat red	29.4%	42.6%	2.4%
Somewhat blue	22.5%	46.5%	3.5%
Blue	25.4%	47.9%	4.1%
Very Blue	24.4%	51.8%	2.9%

Thank you so much for completing the survey! Your response is very valuable to us.