

Dear Judge Perry,

The St. Louis Post-Dispatch published an open letter to you from Tony Messenger suggesting that Steve Stenger serve four years behind bars for his crimes. I disagree. The Probation Office of your US District Court has been a leader in sentencing alternatives under the direction of recently retired Doug Burris. That course of action is a better alternative if St. Louis wants to continue do its part to fix the harm that 50 years of mass incarceration has wrought on America. *USA v. Stenger* is the right case for implementation of community confinement sentencing for non-violent offenders.

I have met Stenger. In January, I accepted his appointment to head the St. Louis County Charter Commission. Mr. Stenger made no demands of me and gave me no direction.

Understand, Your Honor, my suggestion that Mr. Stenger be sentenced to “home confinement/supervised release” “intermittent incarceration” has nothing to do with Stenger personally. As this story unfolds, we will continue to be offended by what amounts to corruption in government, but like Martha Stewart, Stenger is unlikely to be a danger to anyone or to re-offend. That is why alternative sentencing is appropriate.

Vengeance by incarceration is expensive and ineffective. In reality, the US Bureau of Prisons will not flog or waterboard Mr. Stenger in revenge for his crimes. It will house him in the most minimum of penal facilities, a federal prison camp, at the cost of roughly \$30,000 taxpayer dollars per year.

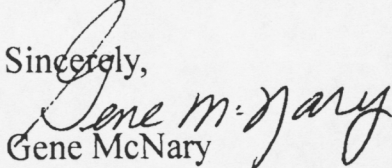
I urge you to embrace the incarceration reform principles embodied in the recently-passed First Step Act, which seeks to get – and keep – non-violent, low-risk offenders out of the prison system. A coalition of Republicans and Democrats, liberals and conservatives passed First Step based on a series of scientific studies that showed that mass incarceration causes more crime than it stops and that the expense of mass incarceration has done a great disservice to the taxpayers of this country. I refer the Court to the DOJ’s 2014 Mass Incarceration Study, the Colson Report, and the tremendous success enjoyed by this Court’s own cost-effective US Probation Office.

In short, the federal incarceration pros do not want the Steve Stenger-types to take up space in a penal system that struggles to provide rehabilitation to those who can benefit from the BOP's education, training, and counseling programs. If deterrence and rehabilitation are important factors, our community would be better served by putting Mr. Stenger on supervised release with home confinement or intermittent incarceration.

Sentencing guidelines and past judicial practices confirm the efficacy of restitution by community service. Mr. Stenger can pay his debt to society and come to grips with all that he has lost and dishonored by ladling soup in one of St. Louis' homeless shelters or working as part of a crew cleaning debris from a semi-abandoned north side neighborhood. This is far more effective and helpful to the community.

The First Step Act is clear in its call to incarcerate offenders for the minimum amount of time and for the greater use of halfway houses and home confinement. We, as a country, are beginning to understand that it serves no purpose to drive offenders deeper and deeper into despair and degradation. Much more important are the opportunities to make amends and to reform and rehabilitate one's character. Restitution and rehabilitation are the objectives. The taxpayers have already suffered from governmental corruption wrought by the Stenger Administration. Please help St. Louis lead the way toward enlightened corrections reform.

Sincerely,


Gene McNary

Mr. McNary is a former St. Louis County Public Defender, Prosecutor, and four-term County Executive. He served as head of the INS under Pres. George H. W. Bush and as head of the County Gaming Commission. He presently serves as chairman of the County Charter Commission.