

For Immediate Release  
November 29, 2016  
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**Citing Uncertainty of Next Administration's Commitment to Criminal Justice Reform, Broad Coalition of Criminal Justice Reform Advocates, Former Judges and Prosecutors, Legal Scholars Call On President to Expand Clemency Eligibility**

A broad coalition of criminal justice reform advocates, former judges and prosecutors, and legal scholars urged President Obama today to expand the number of people eligible for clemency by considering commutations for broad categories of non-violent offenders. The coalition, which includes the NAACP Legal Defense and Educational Fund, JustLeadershipUSA, the Sentencing Project, #cut50, and the musician and activist John Legend, cited uncertainty surrounding the next administration's commitment to criminal justice reform in urging President Obama to go beyond his current clemency initiative.

"While your administration continues to review individual petitions, we urge you to also determine that nonviolent offenders in certain extremely low-risk categories either deserve expedited review or should be granted clemency absent an individualized review," the group wrote in the letter. "With time running short on your time in office, these steps would be a way for you to deliver lasting change for thousands of deserving individuals and their families."

The group praised the president for his clemency initiative, through which he has commuted the sentences of over 1,000 incarcerated individuals, and urged him to consider several categories of individuals to whom he could grant sweeping commutations.

"With a stroke of your pen, you could change the lives of thousands of individuals and their families and write a legacy that will stand throughout history," the group wrote. "We do not know whether the next president will support clemency efforts or criminal justice reform. But we do know that until January 20, you alone have the power to deliver both mercy and justice to those who deserve it."

The full text of the letter is below.

November 29, 2016

The Honorable Barack Obama  
The White House  
1600 Pennsylvania Ave NW  
Washington, DC 20500

Dear Mr. President:

We have strongly supported your initiative to grant clemency to incarcerated individuals, and we applaud your efforts to review as many petitions as possible before you leave office. We know how important this issue is to you, and with time running short, we know your team is working overtime to commute the sentences of as many worthy individuals as possible.

However, in the interest of justice, we hope you will consider additional steps that would expand the number of individuals eligible for relief. While your administration continues to review individual petitions, we urge you to also determine that nonviolent offenders in certain extremely low-risk categories either deserve expedited review or should be granted clemency absent an individualized review. With time running short on your time in office, these steps would be a way for you to deliver lasting change for thousands of deserving individuals and their families.

For example, your administration could make sure that you have given consideration to all of the people who did not get the benefit of retroactivity under the Fair Sentencing Act in 2010, including those who filed late or did not file for clemency. The U.S. Sentencing Commission staff could identify these individuals and DOJ could use prison placement (to a camp – the lowest level of federal incarceration – or to a low or medium facility) as a surrogate for how an individual has behaved in prison. There is bipartisan agreement that pre-Fair Sentencing Act crack sentences are unjust and have disproportionately affected people of color, but there is no mechanism for addressing that injustice outside of clemency.

People who have received sentences in narcotic cases involving other drugs besides crack who through good behavior worked their way down to placement in a camp or low or medium facility could receive similar consideration. You could also give special priority to veterans and older individuals and could consider granting relief to individuals who have been labeled as career offenders who have only narcotics as a triggering offense, a group that the Sentencing Commission recently urged Congress to treat differently because of their lower rates of recidivism and less culpable conduct. Similarly, those individuals who have received double mandatory minimum sentences where the individual has only drug convictions are calling out for relief. As you have done with some individual petitions, you would not necessarily need to commute entire sentences, but could provide tiered relief to ensure people serving overly punitive sentences for drug crimes have the opportunity for release once they have paid a reasonable debt to society. Such relief could also be structured to ensure no drug offender except those convicted of the most serious kingpin cases serves a sentence of more than twenty years.

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Constitution envisions precisely this kind of corrective against undue severity in the law.

We do not know whether the next president will support clemency efforts or criminal justice reform. But we do know that until January 20, you alone have the power to deliver both mercy and justice to those who deserve it. We hope you will seize this opportunity.

Sincerely,

Glenn E. Martin  
Founder & President, JustLeadershipUSA

Sherrilyn Ifill  
President and Director-Counsel, NAACP Legal Defense and Educational Fund

Marc Mauer  
Executive Director, the Sentencing Project

Van Jones  
Co-founder of #cut50 & President of The Dream Corps

John Legend  
Musician and Activist, #FREEAMERICA

Brennan Center for Justice at NYU School of Law

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Life for Pot

David Borden  
Executive Director, StoptheDrugWar.org

Patricia Allard  
Justice Strategies

Breon Wells  
President & Founder, the Daniel Initiative

Rev. Ron Stief  
Executive Director, National Religious Campaign Against Torture

National Center for Transgender Equality

The Aleph Institute

Celebrities For Justice

Brittany Byrd & Jessica Jackson Sloan  
#cut50

Jasiri X  
Artist and Activist

Families for Justice as Healing

National Council For Incarcerated and Formerly Incarcerated Women and Girls

The Honorable Nancy Gertner  
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