

For Immediate Release
November 29, 2016
Contact: Matthew Miller, 202-783-0277, mmiller@vianovo.com

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.

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

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

Nkechi Taifa
Convener, Justice Roundtable; Advocacy Director for Criminal Justice, Open Society Foundations

Marc Schindler
Executive Director, Justice Policy Institute

Eric Sterling
Executive Director, Criminal Justice Policy Foundation

Amy Ralston Povah
President, CAN-DO Foundation

Jason Hernandez
Founder, Crack Open the Door

Beth Curtis
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
Senior Lecturer on Law, Harvard Law School; former Judge, U.S. District Court of Massachusetts

Raquel Aldana
Associate Dean for Faculty Scholarship & Professor of Law, McGeorge School of Law, University of the Pacific

Sahar Aziz
Professor of Law, Texas A&M School of Law

Tamar R. Birckhead
Visiting Clinical Professor of Law, Yale Law School

Stephen B. Bright
Harvey Karp Visiting Lecturer in Law, Yale Law School

Carol A. Brook, on behalf of the Federal Defender Program for the Northern District

of Illinois

Ann Cammett

Professor of Law; Director, Family Law Practice Clinic; CUNY School of Law

Gabriel J. Chin

Edward L. Barrett Chair & Martin Luther King Jr. Professor of Law, UC Davis School of Law

Carol Chomsky

Professor of Law, University of Minnesota Law School

Beth Colgan

Assistant Professor of Law, UCLA Law School

Jennifer Daskal

Associate Professor, American University Washington College of Law

Angela J. Davis

Professor of Law, American University Washington College of Law

Maurice R. Dyson

Professor of Law, Thomas Jefferson School of Law

Ingrid Eagly

Professor of Law, UCLA Law School

Malcolm M. Feeley

Claire Sanders Clements Dean's Professor of Law, University of California, Berkeley School of Law

Bernadette Hartfield

Georgia State University College of Law, Retired

Bernard E. Harcourt

Isidor and Seville Sulzbacher Professor of Law, Professor of Political Science, and Director, Columbia Center for Contemporary Critical Thought, Columbia Law School

Paula C. Johnson

Professor of Law, Syracuse University College of Law

Lisa Kerr

Assistant Professor, Queens Law

Justin D. Levinson

Professor of Law, University of Hawaii at Manoa William S. Richardson School of Law

Erik Luna
Amelia D. Lewis Professor of Constitutional & Criminal Law, Sandra Day O'Connor College of Law, Arizona State University

Sara Mayeux
Assistant Professor of Law, Vanderbilt Law School

Tracey L. Meares
Walton Hale Hamilton Professor of Law, Yale Law School

Daniel S. Medwed
Professor of Law and Faculty Director of Professional Development, Northeastern University School of Law

Binny Miller
Professor of Law and Co-Director, Criminal Justice Clinic, American University Washington College of Law

Eric J. Miller
Professor of Law, Loyola Law School

Tom Nolan
Associate Professor and Program Director, Criminology & Criminal Justice Graduate Program, Merrimack College

Mark Osler
Professor and Robert and Marion Short Distinguished Chair in Law, University of St. Thomas School of Law

Sunita Patel
Practitioner-in-Residence, Civil Advocacy Clinic, American University Washington College of Law

Ira P. Robbins
Professor of Law, American University Washington College of Law

Michael Romano
Lecturer in Law, Stanford Law School

Katheryn Russell-Brown
University of Florida, Levin College of Law

Cathy Lisa Schneider

Associate Professor, School of International Service, American University

Joanna C. Schwartz
Professor of Law, UCLA School of Law

Lara Schwartz
Professorial Lecturer, American University School of Public Affairs

Robert J. Smith
Director, Fair Punishment Project, Harvard Law School.

Ronald S. Sullivan Jr.
Clinical Professor of Law and Director, Criminal Justice Institute, Harvard Law School

Carol S. Steiker
Henry J. Friendly Professor of Law and Faculty Co-Director, Criminal Justice Policy Program, Harvard Law School

Anna VanCleave
Associate Research Scholar in Law, Arthur Liman Public Interest Program Director, and Lecturer in Law, Yale Law School

Carlos A. Williams
Federal Defender, Southern District of Alabama Federal Defenders

*Academic institutional affiliations are provided for identification purposes only.