

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,

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National Center for Transgender Equality

The Aleph Institute

Celebrities For Justice

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#cut50

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