

THE CONSTITUTION PROJECT



Safeguarding Liberty, Justice & the Rule of Law

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Former Federal Judges and Prosecutors Back Changes to Mandatory Minimum Sentences

TCP's Sloan: "Common sense legislation lets judges set aside one-size-fits-all standards"

WASHINGTON, D.C. -- In a letter organized by The Constitution Project, a group of former federal judges and prosecutors is urging Congress to adopt bipartisan legislation designed to relieve the nation's overcrowded prisons by granting courts greater flexibility to consider sentences below the federal mandatory minimum. According to a recent report from the Congressional Research Service, federal prisons are operating at 38 percent over capacity, endangering prison guards and inmates alike.

"Mandatory minimum sentencing laws are chiefly responsible for this wasteful use of prison space because they fail to distinguish between violent, serious criminals and low-level, nonviolent offenders," wrote more than 50 former federal law enforcement officials in a [letter delivered](#) earlier today to Senators Rand Paul (R-KY) and Patrick Leahy (D-VT), the cosponsors of the [Justice Safety Valve Act of 2013](#).

"This common sense legislation lets judges set aside the current one-size-fits-all standards, thereby allowing them to do what is best for public safety by tailoring sentences to fit individual circumstances. Legislators from across the ideological spectrum should follow the lead of its sponsors and support it," said Virginia Sloan, president of The Constitution Project (TCP), a legal watchdog group.

Among those signing the letter are Judge William S. Sessions, former director of the FBI; Michael Bromwich, former Inspector General of the Department of Justice; and Frank O. Bowman III, former special counsel for the United States Sentencing Commission. Bowman was also a reporter for TCP's Sentencing Committee, which urges greater [sentencing discretion](#) for federal judges.

The Paul-Leahy bill (S. 619) would authorize federal judges to impose a prison sentence below the statutory mandatory minimum in cases in which a lower sentence will not jeopardize public safety, the judge determines the defendant is unlikely to become a repeat offender, and in other circumstances in which the minimum sentence is unwarranted, such as an offender's limited role in a crime or other mitigating factors.

The former federal judges and prosecutors note in their letter that the legislation leaves in place minimum sentencing laws, which they say can help persuade clearly guilty defendants to accept plea bargains, saving the government time and money on unnecessary trials.

However, they write, "we believe that the money wasted on keeping nonviolent and nonthreatening offenders locked behind bars for years longer than necessary could be better spent on anti-crime programs that actually will enhance public safety."

A copy of the letter with the full list of signatories is available at www.constitutionproject.org.

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[About The Constitution Project](#)

Created out of the belief that we must cast aside the labels that divide us in order to keep our democracy strong, The Constitution Project (TCP) brings together policy experts and legal practitioners from across the political spectrum to foster consensus-based solutions to the most difficult constitutional challenges of our time. TCP seeks to reform the nation's broken criminal justice system and to strengthen the rule of law through scholarship, advocacy, policy reform and public education initiatives. Established in 1997, TCP is based in Washington, D.C.



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