

July 17, 2013

The Honorable Patrick Leahy
437 Russell Senate Office Building
United States Senate
Washington, DC 20510

The Honorable Rand Paul
124 Russell Senate Office Building
United States Senate
Washington, DC 20510

Dear Senators Leahy and Paul:

We, the undersigned, are current and former federal judges, prosecutors, law enforcement officers, and others, all with substantial professional experience within the criminal justice system and personal dedication to its efficient operation. We are writing to express support for S. 619, the Justice Safety Valve Act of 2013, your bipartisan legislation to limit the negative effects of federal mandatory minimum sentencing laws by providing for greater judicial discretion.

Our nation's violent crime rate has dropped to its lowest level in a generation. We believe that this outstanding achievement is the result of many factors and policies, including smarter policing strategies and a greater reliance on severe punishment for violent offenders. At the same time, we agree with Attorney General Eric Holder's recent statement that, "Too many people go to too many prisons for far too long for no good law enforcement reason." 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.

As Congress looks for ways to improve upon recent gains in public safety, we believe that the reforms in S. 619 would prove very valuable. The bill would authorize federal courts to impose a prison sentence below the mandatory minimum in cases where the minimum is not necessary to protect the public, the defendant is not likely to re-offend, and in other situations where the minimum is unwarranted. Under your legislation, dangerous criminals will continue to receive lengthy prison sentences. For lower-level offenders facing a mandatory minimum sentence, however, courts will be given the power to impose a shorter sentence. For example, a nonviolent drug seller facing a 10-year mandatory minimum might instead receive a sentence of seven or eight years if a court determines, after considering all the relevant facts, that the 10-year sentence is inappropriate and would punish the street seller more harshly than his more culpable co-defendants. In drug cases, for example, a court might determine that a shorter prison term combined with mandatory drug treatment would be more likely to prevent an individual from re-offending.

Some of us believe that mandatory minimum sentencing laws can serve an important purpose by helping prosecutors convince defendants to plead guilty. Securing pleas from clearly guilty defendants saves the government time and money that could be better spent on prosecuting more criminals. By not repealing mandatory minimums completely, S. 619 leaves this leverage intact for prosecutors. A defendant who chooses to take his chances at

trial is far from guaranteed a below-minimum sentence should he lose. Thus, the defendant's incentive to strike a deal will remain if your bill is enacted.

We also support your bill because 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. This is especially true in the current budget climate. We think public safety will be improved if limited government resources are targeted on prosecuting and incarcerating violent and repeat criminals.

We appreciate your effort to improve our nation's criminal justice system with your modest but important reform of federal sentencing law. Please do not hesitate to call on any of us if we can be of assistance as Congress considers your legislation.

Sincerely,

Signatories as of July 17, 2013:

Elizabeth Ainslie

Assistant United States Attorney, Eastern District of Pennsylvania (1979-1985).

Lee Altschuler

Chief Assistant United States Attorney, Silicon Valley Division, Northern District of California (1993-1998); Assistant United States Attorney, Northern District of California (1983-1993).

Shirley Baccus-Lobel

Assistant United States Attorney, Northern District of Texas (1971-1985); Trial Attorney, United States Department of Justice (1971-1977).

Lourdes G. Baird

Judge, United States District Court for the Central District of California (1992-2005); United States Attorney, Central District of California (1990-1992); Assistant United States Attorney, Central District of California (1977-1983).

William G. Bassler

Judge, United States District Court, District of New Jersey (1991-2006).

Rebecca A. Betts

United States Attorney, Southern District of West Virginia (1994-2001); Assistant United States Attorney, Southern District of West Virginia (1977-1994).

Frank O. Bowman III

Assistant United States Attorney, Southern District of Florida (1989-1996); Special Counsel to the United States Sentencing Commission (1995-1996); Trial Attorney, United States Department of Justice, Criminal Division (1979-1982).

James S. Brady

United States Attorney, Western District of Michigan, (1977-1981).

Michael R. Bromwich

Inspector General, United States Department of Justice (1994-1999); Associate Counsel, Office of Independent Counsel for Iran/Contra (1987-1989); Assistant United States Attorney, Southern District of New York (1983-1987).

Arthur L. Burnett, Sr.

Magistrate Judge, United States District Court, District of Columbia (1969-1975 and 1980-1987); Assistant United States Attorney, District of Columbia (1965-1969); Trial Attorney, United States Department of Justice, Criminal Division (1958-1965).

A. Bates Butler III

United States Attorney, District of Arizona (1980-1981); First Assistant United States Attorney, District of Arizona (1977-1980).

Barry Coburn

Assistant United States Attorney, District of Columbia (1985-1990).

W. J. Michael Cody

United States Attorney, Western District of Tennessee (1977-1981).

Robert J. Del Tufo

United States Attorney, District of New Jersey (1977-1980).

W. Thomas Dillard

United States Attorney, Northern District of Florida (1983-1987); Assistant United States Attorney, Eastern District of Tennessee (1967-1976 and 1978-1983); Magistrate Judge, United States District Court, Eastern District of Tennessee (1976-1978).

Edward L. Dowd

United States Attorney, Eastern District of Missouri (1993-1999); Assistant United States Attorney (1979 -1984).

Bruce J. Einhorn

United States Immigration Court Judge (1990-2007); Special Prosecutor and Chief of Litigation, United States Department of Justice, Office of Special Investigations (1979-1990).

Kobie Flowers

Trial Attorney, United States Department of Justice, Criminal Section (2000-2004).

Nancy Gertner

Judge, United States District Court, District of Massachusetts (1994-2011).

John J. Gibbons

Chief Judge, United States Circuit Court of Appeals for the Third Circuit (1969-1990).

Jonathan L. Goldstein

United States Attorney, District of New Jersey (1974-1977); Assistant United States Attorney, District of New Jersey (1969-1974).

Daniel F. Goldstein

Assistant United States Attorney, District of Maryland (1976-1982).

Steven Gordon

Assistant United States Attorney, District of Columbia (1975-1986).

Marcos D. Jimenez

United States Attorney, Southern District of Florida (2002-2005); Assistant United States Attorney, Southern District of Florida (1988-1992).

Jo Ann Harris

Assistant Attorney General, United States Department of Justice, Criminal Division (1993-1995); Member, United States Sentencing Commission, Ex Officio (1994-1995); Executive Assistant United States Attorney (1982-1984), Senior Assistant United States Attorney, Southern District of New York (1981-1982); Chief, Fraud Section, Criminal Division, United States Department of Justice (1979-1981); Deputy Chief, Criminal Division, Southern District of New York (1978-1979); Assistant United States Attorney, Southern District of New York (1974-1978).

Bruce R. Heurlin

Assistant United States Attorney, District of Arizona (1974-1986); Trial Attorney, United States Department of Justice, Criminal Division, (1972-1974).

Erlinda O. Johnson

Assistant United States Attorney, District of New Mexico (2000-2006).

Nathaniel R. Jones

Judge, United States Court of Appeals for the Sixth Circuit (1979-2002); Assistant United States Attorney, Northern District of Ohio (1962-1968).

Scott R. Lassar

United States Attorney, Northern District of Illinois (1997-2001).

Laurie L. Levenson

Assistant United States Attorney, Central District of California (1981-1989).

Kenneth J. Mighell

United States Attorney, Northern District of Texas (1977-1981); Assistant United States Attorney, Northern District of Texas (1961-1977).

Jane W. Moscowitz

Assistant United States Attorney, Southern District of Florida (1982-1987); Assistant United States Attorney, District of Maryland (1978-1982).

Jerome F. O'Neill

United States Attorney, District of Vermont (1973-1981).

Stephen M. Orlofsky

Judge, United States District Court, District of New Jersey (1996-2003); Magistrate Judge, United States District Court, District of New Jersey (1976-1980).

Mark Osler

Assistant United States Attorney, Eastern District of Michigan (1995-2000).

A. John Pappalardo

United States Attorney, District of Massachusetts (1992-1993); Assistant United States Attorney, District of Massachusetts (1981-1992).

H. James Pickerstein

Chief Assistant United States Attorney, District of Connecticut (1974-1986); United States Attorney, District of Connecticut (1974); Acting United States Attorney, District of Connecticut (1973-1974); Trial Attorney, United States Department of Justice (1970-1972).

Redding Pitt

United States Attorney, Middle District of Alabama (1994-2001).

Richard J. Pocker

United States Attorney, District of Nevada (1989-1990); Assistant United States Attorney, District of Nevada (1985-1989); Captain, United States Army Judge Advocate General's Corps (1981-1985).

Sidney Powell

Assistant United States Attorney, Western District of Texas, Northern District of Texas and Eastern District of Virginia (1978-1988).

James H. Reynolds

United States Attorney, Northern District of Iowa (1976-1982).

Stephen H. Sachs

United States Attorney, District of Maryland (1967-1970); Assistant United States Attorney, District of Maryland (1961-1964).

William S. Sessions

Director, Federal Bureau of Investigation (1987-1993); Judge, United States District Court, Western District of Texas (1974-1987), Chief Judge (1980-1987); United States Attorney, Western District of Texas (1971-1974).

Neal R. Sonnett

Assistant United States Attorney, Chief of Criminal Division, Southern District of Florida (1967-1972).

David J. Stetler

Assistant United States Attorney, Northern District of Illinois (1979-1988).

Robert W. Tarun

Executive Assistant United States Attorney, Northern District of Illinois (1982-1985); Assistant United States Attorney, Northern District of Illinois (1976-1982).

Paul R. Thomson, Jr.

United States Attorney, Western District of Virginia (1975-1979); Assistant United States Attorney, Western District of Virginia (1972-1975).

Joshua Treem

Assistant United States Attorney, District of Maryland (1973-1978).

Scott Turow

Assistant United States Attorney, Northern District of Illinois (1978-1986).

Atlee W. Wampler III

United States Attorney, Southern District of Florida (1980-1982); Miami Strike Force, Attorney-In-Charge, Organized Crime & Racketeering Section, United States Department of Justice (1975-1980).

Morris "Sandy" Weinberg, Jr.

Assistant United States Attorney, Southern District of New York (1979-1985).

James J. West

United States Attorney, Middle District of Pennsylvania (1985-1993).

William D. Wilmoth

United States Attorney, Northern District of West Virginia (1993-1999); Assistant United States Attorney, Northern District of West Virginia (1977-1980).