



**Congress of the United States
House of Representatives**

December 17, 2012

President Barack Obama
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Re: Request to Establish a Fair Sentencing Act Review Board to Review and Recommend Clemency for People Serving Sentences Based on the 100-to-1 Crack Cocaine Sentencing Disparity

Dear President Obama:

In 2010, Congress passed the Fair Sentencing Act (FSA), a historic piece of legislation that increased fairness in the sentencing of federal crack cocaine offenders in the United States. While that was an enormous achievement, not all crack cocaine offenders are able to benefit from the FSA's fairer, more reasonable punishments. The undersigned Members believe that your use of the constitutional pardon power can help remedy this defect.

We applaud your administration's ardent support for the FSA. The FSA reduced the 100-to-1 quantity ratio between crack and powder cocaine to a more reasonable 18-to-1 ratio, thereby reducing mandatory crack sentences. Your intervention is necessary, however, because the FSA's reforms to mandatory minimum sentences were not made retroactive, and thousands of federal prisoners continue to serve crack sentences based on the now-repudiated 100-to-1 ratio simply because they were sentenced before you signed the bill into law on August 3, 2010. Accordingly, we respectfully ask that you establish a process to review crack sentences that were based on the repudiated 100-to-1 punishment ratio and provide an appropriate commutation of sentences where it is clear that the 18-to-1 ratio would have been imposed and would have resulted in a lower overall sentence. One way to do it would be through an independent FSA clemency review board. Such a board would review cases of crack cocaine offenders who did not benefit from the FSA's reforms and recommend to you which among them should have their sentences commuted to reflect the FSA's fairer terms.

Using the presidential pardon power to commute these offenders' sentences to terms reflecting the new 18-to-1 ratio is fair, doable, and has a distinguished precedent. In 1974, President Gerald Ford established a clemency board to review the petitions of 21,000 people who committed draft-related offenses. President Ford's board reviewed each clemency request individually and had the option of recommending no sentence reduction. In just a year, 90 percent of the Ford board's petitions were favorably granted. Like the Ford board, a Fair

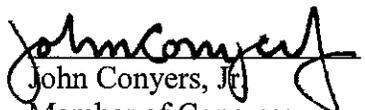
Sentencing Act clemency board could review cases individually, easily recalculate sentences using the FSA's 18-to-one ratio, and make recommendations for commutations.

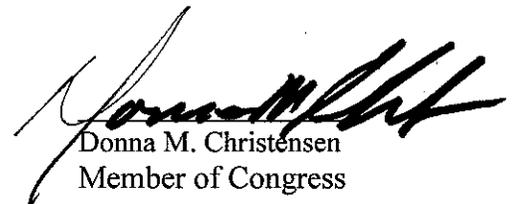
Historically, the clemency power has been used to heal national wounds and redress large-scale injustices. An FSA clemency board would allow for a swift, simple, and systematic review of pre-FSA cases. It would eliminate the remaining vestiges of an unjustifiable sentencing disparity between crack and powder cocaine offenders. Most importantly, it would increase public confidence in the justice system and in the pardon power.

Public support for the FSA was – and still is – strong. All three branches of government now agree that the 100-to-1 ratio was unjust and produced racial disparities. Mr. President, we hope that successful precedent will inspire you to use your pardon power to create an effective process to review and repair the discredited pre-FSA sentences that are still being served.

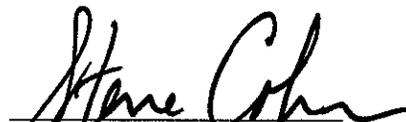
Sincerely,


Robert C. "Bobby" Scott
Member of Congress


John Conyers, Jr.
Member of Congress


Donna M. Christensen
Member of Congress

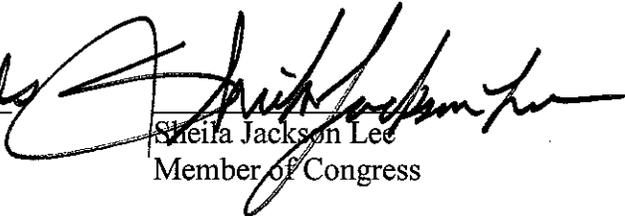

Hansen Clarke
Member of Congress

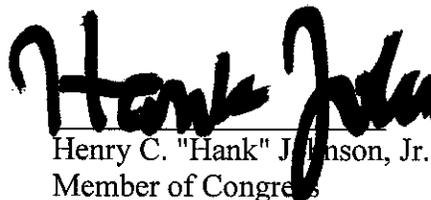

Steve Cohen
Member of Congress

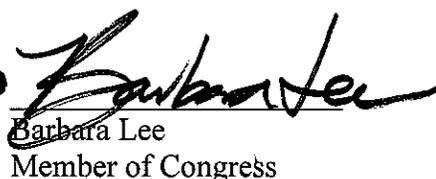

Elijah E. Cummings
Member of Congress

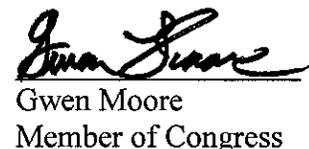

Danny K. Davis
Member of Congress


Donna F. Edwards
Member of Congress


Sheila Jackson Lee
Member of Congress

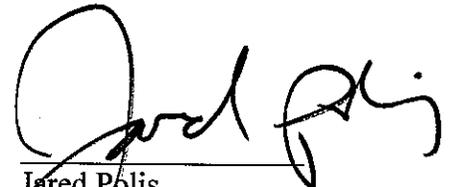

Henry C. "Hank" Johnson, Jr.
Member of Congress


Barbara Lee
Member of Congress

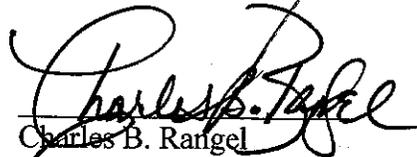

Gwen Moore
Member of Congress

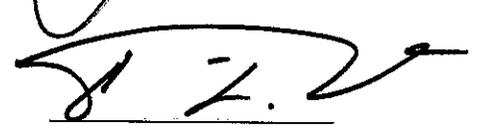

Jerrold Nadler
Member of Congress

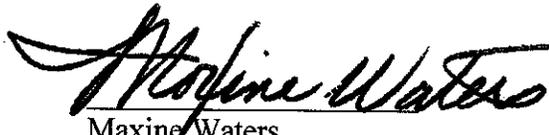

Eleanor Holmes Norton
Member of Congress

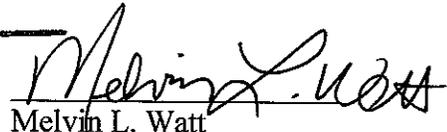

Jared Polis
Member of Congress

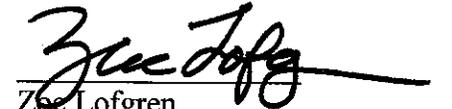

Mike Quigley
Member of Congress

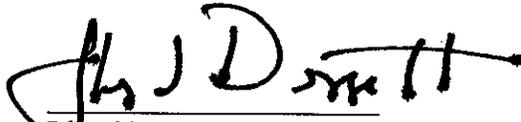

Charles B. Rangel
Member of Congress


Cedric L. Richmond
Member of Congress


Maxine Waters
Member of Congress


Melvin L. Watt
Member of Congress


Zee Lofgren
Member of Congress


Lloyd Doggett
Member of Congress