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Congress of the United States
House of Representatives
Washington, DC 20515-4209

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(U.S. HELSINKI COMMISSION)

The Honorable Barack Obama
President of the United States of America
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Obama:

I have urged you on numerous occasions to make greater use of your executive clemency power. With the passage of time since our last discussion, the need for you to issue a significant number of commutations has only increased. For individuals currently serving unjust sentences, each passing day that they remain confined is another day that they unfairly pay the price for the mistaken policies of the past. I encourage you to be mindful of Dr. King, who spoke so movingly more than 50 years ago to "remind America of the fierce urgency of now" because "Now is the time to make justice a reality for all of God's children." I respectfully suggest that nothing is more fiercely urgent now than restoring the liberty of all those unjustly imprisoned.

I applaud the steps your Administration has already taken to expand the use of clemency, including the appointment of Deborah Leff as Pardon Attorney, who seems genuinely dedicated to the cause of justice. I also appreciate the clemency initiative announced by the Department of Justice (DOJ) and hope that it will bring significant results. However, I am concerned that its guidelines are needlessly restrictive and that many deserving offenders will not qualify under its rigid standards. Despite the progress your Administration has made, these measures remain too limited to fully confront the scope of the problem as many thousands of individuals deserving of your compassion remain deprived of their liberty with no hope in sight.

In particular, justice demands that anyone sentenced prior to passage of the Fair Sentencing Act of 2010 who would be free by now if they had been sentenced under the current law should be released. There is no justification for the continued confinement of individuals serving sentences that have now been found void against public policy.

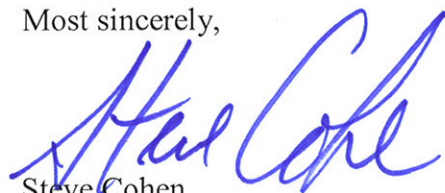
Going forward, I also hope that you will consider needed reforms to the clemency process to take the burden and decision-making power away from the DOJ. As I suggested in my letter to you of June 18, 2013 a new commission should be established to review the sentences of all current prisoners and recommend worthy candidates for release, including broad classes of offenders whose sentences no longer align with national policies or values. I commend your attention to the attached op-ed piece recently published in the Washington Post by Rachel E. Barkow and Mark Osler, which calls on you to create an independent commission to evaluate clemency applications. According to press reports, your first White House Counsel, Greg Craig, made a similar proposal when he was in your Administration.

The current clemency process is far too cumbersome and suffers from an inherent conflict of interest since the same Justice Department that prosecutes offenders is also responsible for recommending their release. A much better solution would be to create an independent clemency commission. By requiring a balanced membership composed of experts in the field, you could ensure that you receive only the best and unbiased advice when making such an important decision.

Too many presidents have waited until the closing days of their Administration to use their power of executive clemency, and even then only a relatively limited number of deserving people have been granted a reprieve. With the holiday season upon us, there is no better time to deliver justice to all those who deserve your compassion. After taking this immediate action, I also urge you to reform the clemency process by creating an independent clemency commission to better serve you and future presidents as you consider candidates for pardon and commutation. I am including my previous correspondence with you on the need to significantly increase the number of commutations and some opinion pieces I have published, which more fully describe the issues at stake. I would be happy to discuss this further at your convenience and stand ready to assist you in any way that I can.

As always, I remain,

Most sincerely,



Steve Cohen
Member of Congress