

# PURSUING MEANINGFUL SENTENCING REFORM

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January 12, 2005

The Honorable Arlen Specter,  
Chairman  
The Honorable Patrick Leahy,  
Ranking Member  
Committee on the Judiciary  
United States Senate

The Honorable James Sensenbrenner, Jr.,  
Chairman  
The Honorable John Conyers, Jr.,  
Ranking Member  
Committee on the Judiciary  
United States House of Representatives

Dear Senators and Representatives:

In October 2004, the Supreme Court heard arguments in two cases – *U.S. v. Booker* and *U.S. v. Fanfan* – that challenge the constitutionality of the federal sentencing guidelines. Today, the Court issued its ruling that a key component of the federal sentencing guidelines is unconstitutional. It is now up to Congress to decide whether to pursue meaningful sentencing reform, as many states have done, or more costly and unfair sentencing policies.

A growing number of judges, scholars, and practitioners have questioned the wisdom of federal mandatory sentencing laws. Many cases have demonstrated that mandatory sentences often result in expensive and unjust incarceration. The Supreme Court decision on sentencing presents Congress with an opportunity to reform the complex, rigid and harsh federal sentencing system.

We, the undersigned organizations, write to encourage you to consider two key issues in regard to any legislative action in this area:

1. In order to create a sensible, long-term sentencing policy, Congress should avoid the temptation to create a “quick fix.” There is no real quick fix, and seeking an end run around the important issues could have unintended negative consequences. A proposal to allow much longer sentences while retaining current restrictions on judicial discretion to mitigate punishment (the so-called “Bowman fix”) should be rejected.

2. In order to have punishments that fit the crimes committed, Congress must closely evaluate the past 20 years of sentencing policy and the broader implications of those policies. Mandatory minimum sentences and other problems should be fixed in the process.

In closing, we urge you to work toward meaningful sentencing reform. Congress must strike an appropriate balance among competing goals, and must do so carefully and with

meaningful participation from all of the affected parties, including the judiciary, the Sentencing Commission, criminal justice practitioners (including community and institutional corrections), academic experts, victims, and the public at large.

It would be a grave mistake to pass sentencing legislation without a careful analysis of the current state of federal sentencing, the growing problems surrounding the federal criminal justice and prison systems, and the implications that will flow from a legislative response to the Court's decision.

Sincerely,

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