

Obama Will Take 'Executive Action' to Reduce Prison Population

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(CNSNews.com) - Congress can pass legislation giving judges more discretion in the sentencing of prisoners, but President Obama "also has the ability to take executive action" to commute the sentences of "low-level" drug offenders -- and that's just what he plans to do, Deputy Attorney General James Cole told the New York State Bar Association annual meeting on Thursday.

"A little over a month ago, the President commuted the sentences of eight men and women who were sentenced under severe -- and out of date -- mandatory minimum sentencing laws," Cole said.

"But the President's grant of commutations for these eight individuals is only a first step. There is more to be done, because there are others like the eight who were granted clemency. There are more low-level, non-violent drug offenders who remain in prison, and who would likely have received a substantially lower sentence if convicted of precisely the same offenses today. This is not fair, and it harms our criminal justice system.

"To help correct this, we need to identify these individuals and get well-prepared petitions into the Department of Justice. It is the Department's goal to find additional candidates, who are similarly situated to the eight granted clemency last year, and recommend them to the President for clemency consideration."

Although commutation of sentence is an "extraordinary remedy that is rarely used," that's about to change.

Cole said the Justice Department wants state bar associations to "assist potential candidates for executive clemency" by "assembling effective and appropriate commutation petitions."

He described qualified clemency candidates as non-violent, low-level drug offenders who were not involved in gang or cartel activity; first-time offenders; and those without an extensive criminal history.

Qualified candidates should have a "clean record in prison," not pose a threat to public safety and face life or "near-life" sentences that are "excessive under current law."

The goal is to give these prisoners "a fresh start," Cole said.

The expanded use of clemency is necessary to alleviate what Cole described as the "crushing" federal prison population," which has increased 800 percent over the past 30 years and currently totals nearly 216,000 inmates, more than half of whom are drug offenders. The federal prison system currently operates at 33 percent over capacity system-wide, Cole said.

"Every dollar we spend at the Department of Justice on prisons -- and last year we spent about \$6.5 billion on prisons -- is a dollar we cannot spend supporting our prosecutors and law enforcement agents in their fight against violent crime, drug cartels, public corruption, financial fraud, human trafficking, and child exploitation, just to mention a few. In other words, if we don't find a solution to the federal prison population problem, public safety is going to suffer."

Cole noted that commutations are not pardons, exonerations, or forgiveness. They reduce the length of the sentence, putting former convicts back into society.

In addition to getting low-level drug offenders out of prison, the Justice Department also is focused on "reentry" programs that prepare inmates for life on the outside.

"We cannot simply release more than half a million people back into society -- some of whom have limited skills and inadequate education -- and expect that, on their own, they will be able to put their lives together, obtain jobs paying a livable wage, obtain housing, and become supportive and productive members of their community," Cole said.



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