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EDITOR'S NOTES

In early 2013, the prospect of federal statutory sentencing reform got a surprising boost when Senators Patrick Leahy and Rand Paul came together to propose The Justice Safety Valve Act of 2013. Not long thereafter, another pair of Senators not known for agreeing on much, Richard Durbin and Mike Lee, proposed another statutory sentencing reform bill known as The Smarter Sentencing Act. Though the particulars of these bills differ, they both demonstrated that leading Democrats and leading Republicans are seriously interested in significant reform of modern federal sentencing laws.

In August 2013, Attorney General Eric Holder brought more good news for those eager for major reforms of the federal sentencing system. In a lengthy speech at the American Bar Association's annual meeting, Holder made an array of comments that made him sound more like a fierce critic of the federal criminal justice system than its formal leader. Among other notable claims, he described some federal mandatory minimum prison terms as "excessive" and "draconian" and said "they oftentimes generate unfairly long sentences." He asserted that "people of color often face harsher punishments than their peers," and he more broadly lamented that "too many Americans go to too many prisons for far too long, and for no truly good law enforcement reason." He indicated an eagerness to work with Congress on sentencing reform proposals, and he issued a memorandum to federal prosecutors setting out new Justice Department charging policies intended to reduce the application of mandatory minimum prison sentences to certain nonviolent, low-level drug offenders.

This Issue of *FSR* explores the new momentum for federal sentencing reform reflected in these important recent legislative and executive developments. This Issue not only includes commentary about these specific developments, but also provides additional materials presenting a wider and varied perspective on what these developments may mean (and may not mean) for the future of the modern federal sentencing system. The Issue encourages readers to consider and reflect on the reality that, even as a general consensus develops around the view that long prison sentences are not fair or effective if applied too frequently to less serious and nonviolent offenders, tangible and consequential statutory reforms are often easier to discuss than to deliver.



Please send articles and editorial correspondence to:

Publication Manager
Federal Sentencing Reporter
E-mail: berman.43@osu.edu

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Federal Sentencing Reporter Directory

Volume 18 (October 2005–June 2006)

- No. 1 *The State of Blakely in the States*
- No. 2 *Defense Perspectives on the Post-Booker World*
- No. 3 *Taking Stock a Year After Booker*
- No. 4 *Sentencing at the Supreme Court*
- No. 5 *Toward Real Reform: The Constitution Project Recommendations; Model Federal Sentencing Guidelines*

Volume 19 (October 2006–June 2007)

- No. 1 *Victims and Sentencing I: Victim Impact Evidence, the Crime Victims' Rights Act and Kenna*
- No. 2 *Victims and Sentencing II: Beyond the CVRA*
- No. 3 *Claiborne & Rita: Reasonableness Review in the Supreme Court*
- No. 4 *Information-based Sentencing Analysis*
- No. 5 *Assessing Crack-Cocaine and Mandatory Minimum Sentencing Provisions*

Volume 20 (October 2007–June 2008)

- No. 1 *Learning from Libby*
- No. 2 *Prisoner Reentry*
- No. 3 *White-Collar Sentencing*
- No. 4 *Debates and Realities Surrounding Crack Retroactivity*
- No. 5 *American Criminal Justice Policy in a "Change" Election*

Volume 21 (October 2008–June 2009)

- No. 1 *Thoughts for the U.S. Sentencing Commission*
- No. 2 *Sex Offenders: Recent Developments in Punishment and Management*
- No. 3 *ABA Roundtable on "Second Look" Sentencing Reforms*
- No. 4 *On the Shoulders of Giants*
- No. 5 *"Fast-Track" Sentencing*

Volume 22 (October 2009–June 2010)

- No. 1 *Decreasing Incarceration in the Federal System*
- No. 2 *Booker at Five*
- No. 3 *State of Emergency: The California Correctional Crisis*
- No. 4 *Common Problems and Different Solutions*
- No. 5 *Judicial Discretion: A Look Forward and a Look Back Five Years After Booker*

Volume 23 (October 2010–June 2011)

- No. 1 *Life Without Parole*
- No. 2 *Criminal Justice Policy Two Years After the Change Election*
- No. 3 *The Fair Sentencing Act and Its Legal Aftermath*
- No. 4 *Advice for the U.S. Sentencing Commissioners*
- No. 5 *Sentencing and Social Science*

Volume 24 (October 2011–June 2012)

- No. 1 *Sentencing Within Sentencing*
- No. 2 *Federal Child Pornography Sentencing*
- No. 3 *Considering Costs and Other Data*
- No. 4 *Prisoner Rights and Habeas Corpus: Assessing the Impact of the 1996 Reforms*
- No. 5 *The Post-Booker Advisory Guidelines: Problem or Solution?*

Volume 25 (October 2012–June 2013)

- No. 1 *Tracking TRAC's New Sentencing Data*
- No. 2 *Right to Assistance of Counsel: New Developments, Open Questions*
- No. 3 *Risk, Sentencing & Reform*
- No. 4 *Realigning California Corrections*
- No. 5 *Examining the U.S. Sentencing Commission's Latest Federal Sentencing Reports*