

MEMORANDUM

TO: Chairpersons - ABA Sections, Divisions, Committees

FROM: Stephen Saltzburg, Chairperson
ABA Kennedy Commission

SUBJECT: ABA Kennedy Commission Open Hearing - Friday, February 6, 2004

DATE: January 20, 2004

The American Bar Association's Justice Kennedy Commission will hold open hearings on Friday, February 6, 2004 during the Association's Midyear Meeting in San Antonio, Texas. The Commission was appointed by ABA President Dennis Archer to examine issues raised by United States Supreme Court Justice Anthony Kennedy in his historic speech at the ABA Annual Meeting Opening Assembly on August 9, 2003. ABA entities are welcome to have a representative testify at the hearings.

Currently, the Commission is scheduled to hear from various panels in the Nueces Room of the Hyatt Regency Hotel from 9:00 am - 1:00 pm on February 6. A schedule is enclosed. However, the Commission will accommodate witnesses from any ABA entity, and will also be available between 2:00 pm - 5:00 pm. Written statements in advance of oral testimony is encouraged.

The Commission is considering those issues raised in Justice Kennedy's August 9 speech. They include: (1) Whether the use of mandatory minimum sentencing at the state and federal levels should be repealed; (2) Whether sentencing guidelines have unduly limited judicial discretion in sentencing and require revision; (3) Why more than 65 percent of our 2.1 million prison population are people of color and more than 20 percent are Hispanic; (4) Whether prison conditions encourage rehabilitation and reentry after prison or promote recidivism and require revision; and (5) Whether the pardon process at the state and federal levels should be reinvigorated. The Commission will issue a report at the August 2004 ABA Annual Meeting.

If your entity is interested in participating in the hearing or would like to submit written comments for the Commission's consideration, please contact Tom Smith, Director, ABA Criminal Justice Section, 740 15th Street, NW, Washington, DC 20005 (phone: 202/662-1510; fax: 202/662-1501 e-mail: tcsmith@staff.abanet.org).

/SS

Enclosure