

President
Martin Pinales
Cincinnati, OH

PRESIDENT ELECT
Carmen D. Hernandez
Washington, DC

FIRST VICE PRESIDENT
John Wesley Hall, Jr.
Little Rock, AR

SECOND VICE PRESIDENT
Stephen R. Glassroth
Montgomery, AL

TREASURER
Cynthia Hujar Orr
San Antonio, TX

SECRETARY
Lisa M. Wayne
Denver, CO

PARLIAMENTARIAN
Jim E. Lavine
Houston, TX

IMMEDIATE PAST PRESIDENT
Barbara E. Bergman
Albuquerque, NM

DIRECTORS

Chris Adams
Atlanta, GA

James A. H. Bell
Knoxville, TN

Steven D. Benjamin
Richmond, VA

Donald A. Bosch
Knoxville, TN

Blair G. Brown
Washington, DC

Daniel J. Dodson
Jefferson City, MO

Joshua L. Dratel
New York, NY

David A. Elden
Los Angeles, CA

Steven J. Feldman
Pleasantville, NJ

Todd Foster
Tampa, FL

William R. Gallagher
Cincinnati, OH

Robert J. Hooker
Tucson, AZ

Michael J. Iacopino
Manchester, NH

Richard S. Jaffe
Birmingham, AL

Wm. O. "Bill" James, Jr.
Little Rock, AR

Rick Jones
New York, NY

Elizabeth Kelley
Cleveland, OH

Mark J. Mahoney
Buffalo, NY

J. Cheney Mason
Orlando, FL

William D. Massey
Memphis, TN

E. G. "Gerry" Morris
Austin, TX

William H. Murphy, Jr.
Baltimore, MD

Ellen S. Podgor
Atlanta, GA

Barry J. Pollack
Washington, DC

Maria H. Sandoval
San Juan, PR

Mark Satawa
Southfield, MI

Marvin E. Schechter
New York, NY

Gail Shifman
San Francisco, CA

Alan Silber
Newark, NJ

Theodore Simon
Philadelphia, PA

Penelope S. Strong
Billings, MT

Dwight Thomas
Atlanta, GA

Jennifer Thompson
Nashville, TN

Deja Vishny
Milwaukee, WI

William T. Whitaker
Akron, OH

Christie N. Williams
Dallas, TX

C. Rauch Wise
Greenwood, SC

William P. Wolf
Chicago, IL

Vicki Young
San Francisco, CA

EXECUTIVE DIRECTOR
Norman Reimer



NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

February 20, 2007

Office of the General Counsel - Rules Unit
Bureau of Prisons
320 First Street NW
Washington, D.C. 20534

**RE: Proposed Rule re: Reduction in Sentence For Medical Reasons
28 CFR Parts 571 and 572**

To Whom It May Concern:

The National Association of Criminal Defense Lawyers (NACDL) is the preeminent organization in the United States advancing the mission of the nation's criminal defense lawyers to ensure justice and due process for persons accused of crime or wrongdoing. A professional bar association founded in 1958, NACDL's 13,000 direct members — and 30,000 affiliate members from 92 state, local, and international organizations — include private criminal defense lawyers, public defenders, active U.S. military defense counsel, law professors and judges committed to preserving fairness within America's criminal justice system.

Through this letter, we join in the comments submitted separately today by the American Bar Association, the Federal Defenders and Families Against Mandatory Minimums concerning the Bureau of Prisons' proposed limitations on the exercise of its authority under 18 U.S.C. § 3582(c)(1)(A)(i). The Bureau's Central Office processes applications for relief pursuant to this provision on behalf of less than one-tenth of one percent of federal prisoners each year. Accordingly, in terms of administrative efficiency, nothing is to be gained through diminution of the agency's ability to petition courts on behalf of individual prisoners in appropriate circumstances. However, much may be lost needlessly in terms of serving legitimate penological interests.

Given the importance of this issue, the suggested departure from established practices, and the potential abdication of vested statutory responsibility, we ask that a hearing(s) be held regarding the rule change. We also ask that the Bureau publish for the administrative record those studies and reports that support or otherwise pertain to the purported need for modification, as well as any non-confidential written materials (*i.e.*, letters, memoranda, electronic mail) by agency staff and/or between agency and Department of Justice personnel regarding this issue.

Respectfully submitted,

/s/ Todd Bussert

**Todd A. Bussert
Co-Chair, Corrections Committee**