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Asian Americans Advancing Justice |
AAJC

President and CEO
Maya Wiley

November 27, 2024

President Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Ave NW
Washington, DC 20500

Dear President Biden,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 240 national organizations to promote and protect the civil and human rights of all persons in the United States, and the undersigned organizations, we write to urge you to secure your legacy by generously exercising your clemency authority. Acting broadly on clemency will help to recognize the power of rehabilitation and second chances, and it will advance racial justice by rectifying unjust and inequitable sentences.

It is no secret that over the past five decades, U.S. criminal-legal policies have driven an increase in incarceration rates that is unprecedented in this country's history and unmatched globally. Currently, the United States imprisons or supervises nearly 5.5 million people, making it a world leader in incarceration.¹ The racial inequities rooted in slavery and discrimination that permeate every aspect of our lives are likewise present in our criminal-legal system. The Bureau of Prisons (BOP) reports that nearly 39 percent of its current population is Black² and 29.1 percent is Hispanic,³ an enormous disparity given that both groups combined represent only about one third of the nation's population.⁴ In 2017, the U.S. Sentencing Commission found that Black people in BOP custody were more likely to have been convicted of an offense carrying a mandatory minimum penalty than any other group.⁵ Hispanic and Black people account for a majority of those convicted with an offense

¹ "Correctional Populations in the United States, 2022-Statistics Table." *Bureau of Justice Statistics*. May 2024. https://bjs.ojp.gov/document/cpus22st_sum.pdf; "States of Incarceration: The Global Context 2024." *Prison Policy Initiative*. June 2024. <https://www.prisonpolicy.org/global/2024.html>.

² "Inmate Statistics: Inmate Race." *Federal Bureau of Prisons*. Updated Nov. 9, 2024. https://www.bop.gov/about/statistics/statistics_inmate_race.jsp.

³ "Inmate Statistics: Inmate Ethnicity." *Federal Bureau of Prisons*. Updated Nov. 9, 2024. https://www.bop.gov/about/statistics/statistics_inmate_ethnicity.jsp.

⁴ Hispanics make up 19.5% of the U.S. population, while Black people make up 13.7%. "United States QuickFacts." *U.S. Census Bureau*. Updated July 1, 2023. <https://www.census.gov/quickfacts/fact/table/US/PST045219>.

⁵ "An Overview of Mandatory Minimum Penalties in the Federal Criminal Justice System." *United States Sentencing Commission*. Jul. 2017. Pg. 53.

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carrying a drug mandatory minimum,⁶ despite the fact that White and Black people use illicit substances at roughly the same rate, and Hispanic people use such substances at a lower rate.⁷ The commission study also showed that Black people were the least likely to receive relief from mandatory minimum sentences compared to White and Hispanic people.⁸ Finally, the review found racial disparities in the application of mandatory minimum penalties: 73.2 percent of Black people convicted of a federal offense received a mandatory minimum sentence, compared to 70 percent of White people and 46.9 percent of Hispanic people.⁹ There is no question that racial disparities persist in our criminal-legal system, undermining the very foundation of justice in our country.

As of November 14, 2024, you have granted 25 pardons and 132 commutations. By contrast, President Trump granted 144 pardons and 94 commutations, President Obama granted 212 pardons and 1,715 commutations, and President Bush granted 189 pardons and 11 commutations.¹⁰ With a robust exercise of clemency, you will firmly cement a legacy of dedication to racial justice and equity. We believe that you have an enormous opportunity in front of you through clemency to address these racial disparities in our system and our nation's history of long criminal sentences. Your clemency actions during your presidency demonstrate your commitment to second chances and rehabilitation, and of course, the Obama-Biden clemency initiative was historic and set a high bar for justice and mercy. You now have the chance to build your own legacy and to be a leader among your predecessors in utilizing this powerful authority.

We urge you to prioritize clemency in the last days of your administration and help bring people home for the holidays. If you have any questions, please feel free to contact Chloé White, senior policy counsel, justice, at white@civilrights.org.

Sincerely,

The Leadership Conference on Civil and Human Rights
The A. Philip Randolph Institute
The Advocates for Human Rights
American Civil Liberties Union (ACLU)

https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2017/20170711_Mand-Min.pdf [hereinafter "Mandatory Minimums Overview"].

⁶ "Mandatory Minimum Penalties for Drug Offenses in the Federal Criminal Justice System." *United States Sentencing Commission*. Oct. 2017. Pg. 25. https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2017/20171025_Drug-Mand-Min.pdf.

⁷ "Results from the 2018 Nat'l Survey on Drug Use and Health: Detailed Tables." *Substance Abuse and Mental Health Service Administration*. 2018. Table 1.23B. <https://www.samhsa.gov/data/sites/default/files/cbhsq-reports/NSDUHDetailedTabs2018R2/NSDUHDetailedTabs2018.pdf>.

⁸ "Mandatory Minimums Overview" at 40.

⁹ *Ibid.* at 7.

¹⁰ "Clemency Statistics." *U.S. Department of Justice*. Last accessed Nov. 14, 2024. <https://www.justice.gov/pardon/clemency-statistics>.

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American Humanist Association
American-Arab Anti-Discrimination Committee (ADC)
The Bail Project
Bend the Arc: Jewish Action
Brennan Center for Justice
Buried Alive Project
Campaign for the Fair Sentencing of Youth
Center for American Progress
The Center for Constitutional Rights
Center for Criminal Justice Reform, University of Baltimore School of Law
Coalition on Human Needs
Defending Rights & Dissent
Dēmos
Disability Rights Education & Defense Fund
Dream.org
Drug Policy Alliance
Equal Justice Society
Equality California
Fair and Just Prosecution
Federal Public and Community Defenders
FWD.us
Gibson-Banks Center for Race and the Law, University of Maryland Carey School of Law
Hip Hop Caucus Education Fund
Human Rights Watch
Immigrant Legal Resource Center
Impact Fund
Japanese American Citizens League
Jewish Council for Public Affairs
Justice Policy Institute
Juvenile Law Center
Lawyers' Committee for Civil Rights Under Law
Multifaith Initiative to End Mass Incarceration
NAACP
NAACP Legal Defense and Educational Fund, Inc.
National Action Network
National Association of Criminal Defense Lawyers
National Association of Social Workers
National Black Child Development Institute (NBCDI)
National Black Justice Collective
National CAPACD
National Disability Rights Network (NDRN)
National Legal Aid & Defender Association
National Network for Arab American Communities

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National Urban League
NETWORK Lobby for Catholic Social Justice
People's Parity Project
Prison Policy Initiative
Robert F. Kennedy Human Rights
The Sentencing Project
Service Employees International Union (SEIU)
Sojourners
Southeast Asia Resource Action Center (SEARAC)
Southern Poverty Law Center
T'ruah: The Rabbinic Call for Human Rights
Terence Crutcher Foundation
Tzedek Association
United Church of Christ
Vera Institute of Justice
Voice of the Experienced
Voters of Tomorrow
Worth Rises