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Asian Americans Advancing Justice |
AAJC

President and CEO

Maya Wiley

December 9, 2024

The Honorable Charles Schumer
Senate Majority Leader
S-230, The Capitol
Washington, DC 20515

Dear Leader Schumer,

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 the prompt confirmation of two commissioners to the U.S. Sentencing Commission (“USSC” or “Commission”) before their terms expire, and this Congress ends, at the close of the year.

Time is of the essence, and the Senate must confirm these commissioners for the USSC to maintain a full slate of commissioners. From January 2019 until August 2022, the USSC lacked a voting quorum, which rendered it unable to update the Sentencing Guidelines because of new statutes, new data, or new reforms, even as Congress and the courts enacted new criminal laws and set new precedents, respectively. There is still a need for the USSC to update the Sentencing Guidelines and address its backlog. Without a full slate of commissioners, this task may be nearly impossible. The lack of a full slate of commissioners could also lead to another situation where the Commission would fail to reach a voting quorum. Without the requisite number of commissioners, the Commission simply cannot do its job, thereby threatening people’s liberty and undermining the promise of equality and justice for all.

As you know, 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. For example, the Bureau of Prisons reports that nearly 39 percent of its current population is

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>.

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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

The Sentencing Commission plays an essential role in the criminal-legal system by promulgating the Sentencing Guidelines and policy statements and conducting critical research about federal sentencing. Through its work, the Commission shapes both individual sentences as well as the composition of the entire federal prison population. Its function is crucial to working toward addressing the racial disparities in our federal criminal-legal system and administering a fair and equitable system.

The Sentencing Commission must have a full complement of commissioners to fulfill its critical function. We urge the Senate to reconfirm these commissioners before the close of the current Congress. Thank you for considering our views. 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
Autistic Women & Nonbinary Network
Buried Alive Project
Equality California
Federal Public & Community Defenders
Juvenile Law Center
Law Enforcement Action Partnership
Lawyers' Committee for Civil Rights Under Law
Mommieactivist and Sons
NAACP
NAACP Legal Defense and Educational Fund, Inc.
National Action Network
National Association of Criminal Defense Lawyers
National Organization for Women
National Urban League
National Youth Justice Network
The Sentencing Project
Vera Institute of Justice
World Without Genocide

² "Inmate Statistics: Inmate Race." *Federal Bureau of Prisons*. Updated Nov. 30, 2024. https://www.bop.gov/about/statistics/statistics_inmate_race.jsp.

³ "Inmate Statistics: Inmate Ethnicity." *Federal Bureau of Prisons*. Updated Nov. 30, 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>.

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