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Asian Americans Advancing Justice |
AAJC

President and CEO

Maya Wiley

December 12, 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. We celebrate your historic commutations of the sentences of those on CARES Act home confinement and encourage you to do more. We hope that you will focus on getting people out of prison, particularly those who remain incarcerated despite changes in the law. Continuing to grant a large numbers of clemency petitions will help to recognize the power of rehabilitation and second chances, as well as 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

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. 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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group.⁵ Hispanic and Black people account for a majority of those convicted with an offense 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 December 12, 2024, you have granted 65 pardons and over 1600 commutations, resulting in allowing recipients to spend over 542 years with their communities rather than in prison. By contrast, President Trump granted 144 pardons and 94 commutations (resulting in 1,367 years in the community rather than prison), President Obama granted 212 pardons and 1,715 commutations (resulting in 19,787 years in the community rather than prison), 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 continue 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,

⁵ “An Overview of Mandatory Minimum Penalties in the Federal Criminal Justice System.” *United States Sentencing Commission*. Jul. 2017. Pg. 53. 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 Dec. 12, 2024. <https://www.justice.gov/pardon/clemency-statistics>; “Clemency Recipient List.” *The White House*. Dec. 12, 2024; S “With the Stroke of a Pen: A Primer on Presidential Clemency.” *FWD.us*. Oct. 2024. Pg. 9. <https://www.fwd.us/wp-content/uploads/2024/10/Presidential-Clemency-Primer.pdf>.

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The Leadership Conference on Civil and Human Rights
The A. Philip Randolph Institute
The Advocates for Human Rights
American Civil Liberties Union (ACLU)
American Federation of State, County & Municipal Employees (AFSCME)
American Friends Service Committee
American Humanist Association
American-Arab Anti-Discrimination Committee (ADC)
Autistic Self Advocacy Network
Autistic Women & Nonbinary Network
The Bail Project
Bend the Arc: Jewish Action
Black Alliance for Justice Immigration
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
Clearinghouse on Women's Issues
The Coalition for Justice, Peace, and Equality
Coalition on Human Needs
Defending Rights & Dissent
Dēmos
Detention Watch Network
Disability Rights Education & Defense Fund
Dream.org
Drug Policy Alliance
Equal Justice Society
Equal Justice USA
Equality California
Fair and Just Prosecution
Federal Public and Community Defenders
Feminist Majority Foundation
Friends Committee on National Legislation
FWD.us
Gibson-Banks Center for Race and the Law, University of Maryland Carey School of Law
Haitian Bridge Alliance
Hip Hop Caucus Education Fund
Human Rights-Racial Justice Center (H2RJ)
Human Rights Watch
Immigrant Defense Project

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Immigrant Legal Resource Center
Impact Fund
Innocence Project
Interfaith Alliance
Japanese American Citizens League
Jewish Council for Public Affairs
Just Solutions
JustLeadership USA
Justice Policy Institute
Juvenile Law Center
LatinoJustice PRLDEF
Law Enforcement Action Partnership
The Law Office of Habekah B. Cannon, PLLC
Lawyers' Committee for Civil Rights Under Law
Lawyers for Good Government
Legal Action Center
LULAC
Matthew Shepard Foundation
Mommieactivist and Sons
Multifaith Initiative to End Mass Incarceration
Muslim Public Affairs Council
NAACP
NAACP Legal Defense and Educational Fund, Inc.
Nathaniel R. Jones Foundation
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 Conference of Black Lawyers (NCBL)
National Council for Incarcerated and Formerly Incarcerated Women and Girls
National Council of Churches
National Disability Rights Network (NDRN)
National Lawyers Guild
National Lawyers Guild DFW Chapter
National Legal Aid & Defender Association
National Network for Arab American Communities
National Organization for Women
National Women's Law Center
National Urban League
National Youth Justice Network
NETWORK Lobby for Catholic Social Justice

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People's Parity Project
Pittsburgh Human Rights City Alliance
Prison Policy Initiative
Reentry Coalition of Northwest Ohio
Reproaction
Robert F. Kennedy Human Rights
ROOT Legal
The Sentencing Project
Service Employees International Union (SEIU)
Shriver Center on Poverty Law
Sojourners
Southeast Asia Resource Action Center (SEARAC)
Southern Coalition for Social Justice
Southern Poverty Law Center
T'ruah: The Rabbinic Call for Human Rights
Terence Crutcher Foundation
Texas Civil Rights Project
Tzedek Association
U.S.-Canada Human Rights Cities Alliance
Ubuntu Institute for Community Development
Union for Reform Judaism
United Church of Christ
Vera Institute of Justice
Voice of the Experienced
Voters of Tomorrow
Worth Rises