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President Joseph R. Biden
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Dear President Biden,

On behalf of the Congressional Black Caucus, I write to ask you to prioritize using your clemency power in the final months of your presidency to address persistent racial disparities in the federal prison system, provide a meaningful second chance to many people, and safely reduce the federal prison population.

Currently, there are over 158,000 people serving federal prison sentences, making the federal system the largest in the country. Thousands of people—many of them mothers, uncles, sisters, sons, and grandparents—are serving prison terms that would be much shorter if they were sentenced today. Many have already spent decades in prison and are nearing or past the age of retirement. Black communities, in particular, are disproportionately impacted by federal incarceration: Despite Black people making up only 14% of the population, they make up nearly 40% of the federal prison population.

You have a meaningful opportunity to prioritize the commutation of sentences for individuals serving disproportionately long prison terms, particularly those who would receive significantly shorter sentences or have access to early release if they were sentenced under current law and practice. These include the thousands of people whose sentences would be shorter if certain changes in the First Step Act were applied retroactively or the crack-powder cocaine sentencing disparity was eliminated, as well as people who have spent decades in prison but are ineligible to apply for compassionate release based solely on when they were sentenced.

A broad use of your clemency power would build on the success of the Obama Clemency Initiative, which resulted in nearly 1,700 sentence commutations and almost 20,000 years in combined sentence reductions. Your recent clemency grants—including recent pardons for individuals convicted of marijuana possession—have advanced the promise of equal justice. Yet, there remains a pressing need to extend these efforts to reduce prison terms and allow people to come home sooner.

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Taking bold action on clemency will not only further your legacy and provide relief to those left behind by recent reform efforts, but also address historical racial disparities in federal sentencing, particularly in drug cases.

Recent experience with efforts to reduce lengthy federal sentences demonstrates that clemency can be a powerful tool to reduce federal prison sentences without compromising public safety. Studies of recent legislative changes and retroactive applications of changes to the Federal Sentencing Guidelines that led to early releases from federal prison all share similar successful results, with no difference in the recidivism rates between people who were released early and those who served their full sentences. Indeed, a study showed that the almost 30,000 people released from federal prison early under the First Step Act had significantly lower rates of recidivism than those released before the law took effect.

In addition to the clear evidence that we can reduce our federal prison population without compromising public safety, it is increasingly apparent that an overwhelming majority of likely voters across the political spectrum believe it is important to reduce the jail and prison population in the United States. With the stroke of a pen, you can harness this support, reunite families, and give people a meaningful opportunity to contribute to their communities. For many of these Americans who were slighted by our criminal justice system, this will be their only opportunity to return home and rebuild their lives. As your term ends, I sincerely hope you will use your clemency power to advance racial justice and demonstrate the power of second chances.

Thank you for your leadership and commitment to justice.

A handwritten signature in black ink, appearing to read "Steven Horsford". The signature is fluid and cursive, with a large initial "S" and "H".

U.S. Representative Steven Horsford (NV-04)
Chair, Congressional Black Caucus