

Remarks by Chair Carlton W. Reeves

Public Hearing of the United States Sentencing Commission

**Thurgood Marshall Federal Judiciary Center
February 23, 2023**

Good morning! I am the Chair of the United States Sentencing Commission, Carlton W. Reeves, and I welcome you all to the first public hearing of my tenure as Chair. I thank each of you for joining us, whether you are in this room with us or attending via livestream. I have the honor of opening this hearing with my fellow Commissioners. To my left, we have Vice Chair Claire Murray, Vice Chair Laura Mate, and Commissioner Candice Wong. To my right, we have Vice Chair Luis Felipe Restrepo, Commissioner Claria Horne Boom, and Commissioner John Gleeson. We are also joined by *ex-officio* Commissioner Jonathan Wroblewski and *ex-officio* Commissioner Patricia Cushwa.

We are also joined by Commission employees, some of whom are in this room, many of whom are not. No matter where they are working right now, each one of our employees played an essential role in making this day possible. This Commission may have lacked a quorum of Commissioners for years, yet it has never lacked people who care about our mission and the pursuit of fairness in our criminal justice system.

I speak on behalf of all of our Commissioners when I say, to every person in our agency: What you do is important. What you do is seen and appreciated, by all of us. Without you, our work cannot get done. Please join me in applauding the Commission's employees, who we appreciate so very much.

Finally, I want to thank those who are providing us with comments on our proposed amendments to the sentencing guidelines. Today and tomorrow, we will be hearing from an esteemed group of individuals providing us with testimony in person. The discussion today will focus on the proposed

amendment on Compassionate Release. Tomorrow's hearing is dedicated two topics: the proposed amendment on Sex Abuse of a Ward; and the proposed amendment on Acquitted Conduct.

Today and tomorrow, I promise that your extensive journeys and preparations will be worth it. When you speak to the Commission, you will be heard.

Yet there are many commenters who are not here today; nor will they be here tomorrow. Many of them gave us their thoughts through our new online portal. You can find it at www.USSC.gov. It is simple. It is easy. And it is effective. I urge anyone who cares about our work to submit a comment through the portal before the March 14th deadline. When you speak to the Commission, you will be heard.

So far, we have received over 1,500 comments. Some are from federal judges. Some are from Senators. About 90% are from currently incarcerated people. It does not matter if you sit in the halls of Congress or at the desk of a prison library. When

you speak to the Commission, you will be heard. Let me explain why.

Congress gave this Commission what it called “extraordinary powers and responsibilities” to improve the “fairness and effectiveness of Federal criminal justice as a whole.” To make sure those powers were used by policymakers of “the highest quality,” Congress created rules to ensure Commissioners reflected a “diversity of backgrounds.”¹ Looking beside me, it is clear those procedures have worked.

We were nominated and confirmed in an overwhelmingly bipartisan spirit. As you can see, some of us are men. Most of us are women. We are Black, White, Asian, and Latino. Some were born into citizenship. One of us applied for and earned that citizenship. Some of us have served as prosecutors. Some of us have served as public defenders. We are from Iowa, Kentucky, Maryland, New Jersey, and New York. One of us is from the

¹ S.Rep. 98-225 at 160.

home of the NFC Championship team: Philadelphia. One of us is from the home of two players on that team: Yazoo City.

While we recognize and celebrate our diversity, we acknowledge its limits. I think of an observation Commissioner Boom made at last month's meeting, about the gaps in our knowledge – and the need for us to fill those gaps with expertise and data. The more I have thought about Commissioner Boom's remark, the more I find myself in agreement with it.

We Commissioners have seen the criminal justice system as attorneys, policy makers and advocates. Some of us have had family members and close friends who have suffered as victims. But we have not seen the criminal justice system as doctors. As correctional employees. As public health professionals. As academics. As scientists. And, we certainly have not felt the criminal justice system as an incarcerated person.

I think about the gaps in our knowledge as they apply to the amendments we will be discussing today. As

Commissioners, we have overseen prison officials, but we have not been their wards. We have acquitted others of conduct, but we have never been acquitted. We have never stood before a judge and jury, praying that the system has worked as promised. We have granted compassionate release from federal prison, but we have never had to apply for it.

Congress recognized our limited perspectives by telling us to do our work by “examining a wide spectrum of views.”² It has told us to amend guidelines “in consideration of comments and data” we receive.³ And Congress has told us to create federal sentencing policy that reflects the “advancement in knowledge of human behavior as it relates to the criminal justice process.”⁴

As Chair, I take these duties seriously (and so do my colleagues). Doing justice, searching for truth, demands nothing less. The Commission’s policies need to reflect not just our

² S.Rep. 98-225 at 159-60.

³ 28 U.S.C. § 993(o).

⁴ 28 U.S.C. § 991(b)(1)(C).

perspectives, but your research, your data, and your experiences. When you speak to the Commission, you will be heard because you must be heard.

We Commissioners have a great deal of listening to do. Today, we will be taking testimony on proposed amendments regarding compassionate release. Tomorrow, we will be taking testimony on proposed amendments on sexual abuse of a ward and acquitted conduct. And we will have a second set of hearings on March 7th and 8th to receive testimony on our other proposed amendments.

Panelists, you will each have five minutes to speak. We have read your written submissions. Your time will begin when this light turns green. You have one minute left when it turns yellow, and no time left when it turns red. If I cut you off, please understand I am not being rude as we have so much to cover today and tomorrow and a limited time to hear from everyone.

For our audio system to work, you'll need to speak closely into the microphones. And always presume those microphones are "hot" . . . so be warned . . . when you speak to the Commission's mics, you will be heard!

When all panelists have finished speaking, Commissioners may ask you questions. I am certain they will do so. Thank you for joining us. I look forward to a very productive hearing.