

Remarks by Chair Carlton W. Reeves

Public Hearing of the United States Sentencing Commission

Thurgood Marshall Federal Judiciary Building

July 19, 2023

Good morning! I am the Chair of the United States Sentencing Commission, Carlton W. Reeves, and I welcome you all to this hearing. 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. I want to thank all of my fellow Commissioners for their extensive contributions, their spirit of

collaboration, and their dedication to our work. I am honored to be sitting among such esteemed colleagues.

We are also joined by Commission employees, some of whom are in this room, many of whom are not. They have done the research. They have drafted the policies. They have set up this room. And they have done so, so much else to make this hearing possible. On behalf of the Commissioners and the public, I thank all of our agency's staff for the amazing work they do every single day.

When preparing these remarks, I thought about what Congress said is the Commission's "most important" mission:<sup>1</sup> to "establish sentencing policies and practices for the federal criminal justice system" that meet specific criteria.<sup>2</sup> Our policies must "provide certainty *and fairness*" in sentencing, including by "avoiding unwarranted sentencing disparities." And our

---

<sup>1</sup> S. Rep. No. 225, 98th Cong., 2d Sess. 38, 52 (1984).

<sup>2</sup> 28 U.S.C. § 991.

policies are supposed to reflect “advancement in knowledge of human behavior as it relates to the criminal justice process.”

The purpose of today’s hearing speaks to our core mission of crafting sentencing policy that is *fair* and evidence-based. In May, we *unanimously* voted to create policies that will change how criminal history affects the sentences of defendants. Reflecting the latest research on effective criminal justice practices, these policies will ensure defendants receive more just and evidence-based sentences in the years to come. Now, we must decide whether people incarcerated under the old policies should get a chance to have their sentences revised in line with our new one. In other words, today’s testimony will help us decide whether to apply our criminal history amendments to the sentencing guidelines retroactively.

Congress has told us to make this decision by “examining a wide spectrum of views.”<sup>3</sup> To that end, we asked the public to

---

<sup>3</sup> S.Rep. 98-225 at 159-60.

provide us with their input. We received hundreds of comments from senators, judges, lawyers, religious leaders, doctors, professors, advocates, victims, families, and incarcerated people. Those comments are posted on our website, as are the videos and transcripts of the hearings we conducted on these amendments. I encourage members of the public to read these comments and watch our prior hearings. When those persons spoke to the Commission, they were heard.

We heard them say this decision on retroactivity is our chance to “correct past wrongs and address the systemic disparities that have plagued our society for far too long.”<sup>4</sup> We heard them say our decision must weigh the needs of “victims and survivors.”<sup>5</sup> And we heard them say our decision can “injec[t] hope into the lives of those whom will be eligible.”<sup>6</sup>

---

<sup>4</sup> Comment from Mouaz Allababidi, Jun. 12, 2023.

<sup>5</sup> Letter to the Sentencing Commission on Retroactivity, Victims Advisory Group, Jun. 22, 2023 (internal quotation marks omitted).

<sup>6</sup> Comment from Timothy Suckow, Jun. 12, 2023.

Today, these comments will be buttressed by testimony from a distinguished group of individuals. To all who are speaking with us today, I promise that your extensive journeys and preparations will be worth it. When you speak to the Commission, you will be heard. And you will be read, too, as your testimony will be available for the public to access on our website, [www.USSC.gov](http://www.USSC.gov).

Finally, I want to give our witnesses and the public some insight into how we Commissioners will make our decision about retroactivity. Many of the witnesses speaking today will talk about the costs of any decision we make. Let me reassure you: we take pains to consider *all* these costs. We consider the time judges and their staffs will have to expend dealing with filings for reduced sentences. We consider the additional resources expended on re-entry and supervision. But we also consider the financial costs of continuing to incarcerate someone, which stands at roughly \$44,000 per person per year

with the BOP – which is \$40,000 more than the annual cost of supervision, and which increases year after year after year.<sup>7</sup> And we consider a cost that has little to do with docket sizes or dollars and cents: the moral price of incarcerating someone for longer than is necessary. As my former colleague Judge George Hazel so aptly put it, “Liberty is the norm; every moment of incarceration should be justified.”<sup>8</sup> Whatever decision the Commission makes on retroactivity, I promise that it will reflect every cost, every benefit, and every perspective we hear about today.

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

---

<sup>7</sup>The most recent advisory from the Administrative Office of the United States Courts, dated August 27, 2021, provides the following annual cost data: BOP Facilities (\$44,258); Community Correction Centers (\$35,761) and Supervision by Probation Officer (\$4,454.00).

<sup>8</sup> United States v. Faison, No. GJH-19-27, 2020 WL 815699, at \*1 (D. Md. Feb. 18, 2020).

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 the weather isn't the only thing "hot" today . . . your microphones are, too! 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.