

Dear President Joseph R. Biden Jr.,

You were elected on what the Marshall Project termed, “the most progressive criminal justice platform of any major party candidate in generations.” Already, in your first month in office, you have repeatedly demonstrated your eagerness to follow through on key promises. Now, you have an opportunity to make additional planks of that platform a reality through your choice of United States Attorneys. Specifically, to create a more just, humane, and compassionate criminal justice system, you must elevate committed reformers to these powerful roles, not the same tough-on-crime prosecutors and corporate law attorneys who helped to construct our current broken order.

The nation’s 93 United States Attorneys are the local face of the federal government’s criminal legal system. Within their respective regional jurisdictions, each is responsible for criminal enforcement on issues ranging from civil rights and police misconduct, to white collar crime and drug charges, with significant discretion over what to prioritize with their limited resources. In addition to deciding who to pursue, these officials control how harshly defendants will be punished via charging criminal offenses or enhancements that carry draconian mandatory minimum sentences and significant prison time, as well as plea agreements (far and away the most common resolution to federal criminal cases). It is little wonder that, at his confirmation hearing, Attorney General nominee Merrick Garland chose to quote Supreme Court Justice Robert Jackson’s observation that, “The prosecutor has more control over life, liberty, and reputation than any other person in America.”

Unfortunately, many U.S. Attorneys have misused that power by focusing their energies on punitive enforcement of low-level crimes while turning a blind eye to corruption and corporate wrongdoing. Many, notably, have pursued that agenda despite contrary prosecutorial guidance from the Attorney General.

You have made concrete promises to make the country’s criminal justice system less cruel and more just. U.S. Attorneys have the power to make many of those commitments -- from avoiding the charging of offenses that trigger mandatory minimums in drug offenses, to more vigorously pursuing cases of police misconduct -- a reality. There is, however, little reason to believe that these offices will advance your agenda without a change in leadership.

Rather than drawing on the same tough-on-crime prosecutors and corporate law attorneys who have overwhelmingly controlled U.S. Attorneys’ offices for decades, you should look to new sources of talent. A burgeoning movement of reform-minded state and local prosecutors offers one such source. Public defenders, who have experience with the U.S. Attorneys’ offices from the other side, would make similarly excellent candidates. No matter their backgrounds, all should be demonstrably committed to the agenda you have laid out and ready to put in the hard work to make it a reality.

As you lead this nation where too many people are incarcerated, a disproportionate amount of whom are Black and Brown, bold action is needed to reform the prosecutorial arm of our

criminal justice system. Changing the culture of U.S Attorney offices will be a necessary step on this road toward equity and justice. And as president, you hold the power to work with Democratic representatives and criminal justice leaders to select U.S Attorneys capable of delivering fair sentencing, rearranging prosecutorial priorities and rooting out misconduct. Anything less will replicate a broken system rife with cruelty, racial disparities and injustice.

Signed,

Americans for Financial Reform

CADBI: Coalition to Abolish Death By Incarceration.

Constitutional Accountability Center

Demand Justice

Drug Policy Alliance

Equal Justice Society

Fair and Just Prosecution

Fix Democracy First

Friends of Safehouse

Government Accountability Project

Greenpeace US

Just Future Project

Health in Justice Action Lab, Northeastern University School of Law

Hearts on a Wire

Mainers for Accountable Leadership

National Association of Social Workers

Our Revolution

People Demanding Action

People's Parity Project

Philadelphia Participatory Research Collective

Philadelphia Overdose Prevention Network

Progress America

Project Blueprint

Project On Government Oversight

Represent Justice

Revolving Door Project

StoptheDrugWar.org

Students for Sensible Drug Policy

Tzedek Association

The Sentencing Project

Vera Institute of Justice

X-Lab