RONALD SULLIVAN LAW, PLLC

Ronald S. Sullivan Jr.

June 21,2023

The Honorable Merrick B. Garland
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Re: U.S.A. v Watson, 1:23-cr-0082 (EK) (EDNY)

Dear General Garland:

I represent Mr. Carlos Watson in the above-styled matter. As newly retained counsel on the case, my research led me to some troubling data, which I share in this letter. Summatively, Bureau of Prisons ("BOP") data since 2019 show that the three prosecutors in charge of Mr. Watson's case, from the Eastern District of New York ("EDNY"), have a grossly disparate charging record as regards racial minorities charged with white-collar crimes. Indeed, BOP data show that although Whites represent a plurality of the Brooklyn population, these prosecutors only charged Whites in 6% of 193 white-collar cases since 2019. Blacks, by contrast, represent only 27% of the Brooklyn population, but these prosecutors charge Blacks with a whopping 51% of white-collar crimes in the EDNY. Below is a graphic that shows the distribution of charging decision for white-collar cases in the EDNY:

	Population	Criminal Cases
White	35%	6%
Black	27%	51%
Hispanic	19%	25%
Asian	14%	13%

Based on the foregoing, and as described more fully below, we respectfully request that the Department of Justice investigate the EDNY's charging practices in white-collar cases to determine whether race bias or animus plays a role in the grossly disparate results, as described above. Indeed, these results are several standard deviations beyond what one might expect from any random group of Assistants who prosecute white-collar cases.

The BOP data clearly show that Whites are grossly disproportionately benefited by these charging decisions, while Blacks are disproportionately burdened. The data are particularly egregious considering the uncontested fact that Whites commit white-collar crimes with a

(202) 313-8313
rsullivan@ronaldsullivanlaw.com

1300 I Street NW, Suite 400E
Washington, DC 20005

greater frequency than Blacks. *See* LaBrie, Rachel, White-Collar Crime: Diversity and Discrimination in Sentencing (2022). Clearly, Whites disproportionately benefit – by a wide margin – from these AUSA's charging decisions. My client, Mr. Watson, is a black man, charged with a white-collar crime and is unconstitutionally burdened by these disparate charging decisions.

Equal justice under law is not, and cannot be, just an empty phrase. Rather, the values that animate these words are the very pillars that support our legal system. The public should believe, and evidence should support, that the accused is treated without fear or favor, affection or ill-will. This can hardly be the case where the charging decisions in EDNY reflect strong bias in favor of white citizens and equally strong bias against black citizens.

For all the foregoing reasons, we respectfully request a Department of Justice investigation into the disparate charging decisions reflected in the BOP data.

Sincerely,



Ronald S. Sullivan Jr.
counsel to Carlos Watson

cc: Hon. Lisa Monaco