



October 25, 2021

RE: Support and pass bipartisan crack cocaine sentencing reform - EQUAL Act, S. 79

Dear Senator:

On September 28 the House of Representatives voted overwhelmingly, 361 to 66, to finally end the federal sentencing disparity between crack cocaine and powder cocaine offenses. Now the Senate has the opportunity to pass the Eliminating a Quantifiably Unjust Application of the Law (EQUAL) Act and significantly improve fairness, proportionality, and racial justice within the federal criminal legal system. The Justice Roundtable and its undersigned coalition partners urge you to support this critical sentencing reform legislation and ask Senate leaders to prioritize the EQUAL Act for an immediate floor vote.

Mandatory minimums have plagued communities for too long and there is a weak relationship between high incarceration rates and low crime rates for drug offenses. This month marks the 35th anniversary of the passage of the Anti-Drug Abuse Act of 1986, which created the harsh mandatory minimum sentences for drug offenses, including the 100:1 disparity for crack and powder cocaine offenses that triggered a 5-year mandatory minimum sentence for selling 5 grams of crack cocaine versus 500 grams of powder cocaine. The law accelerated the War on Drugs and the prosecution and incarceration of Black Americans.

These extreme federal penalties persisted despite an abundance of evidence from the medical and scientific community that there is no difference between the two forms of the substance that would justify the sentencing disparity. The result was one of the most unjust and unfair sentencing practices created in the U.S. In 2010, a unanimous Senate approved the Fair Sentencing Act which ended the five-year mandatory minimum for possession of five grams of crack and increased the amount of crack required for a mandatory sentence. The changes reduced the crack to powder cocaine sentencing disparity from 100:1 to 18:1.

While this isn't the final step in addressing the harm caused by mandatory minimums for drug offenses, this legislation will offer sentencing relief to thousands of people in federal prisons and

reduce some of the overwhelming burden of the War on Drugs on Black Americans. The EQUAL Act would also bring the federal justice system more in line with the vast majority of states that do not punish crack and powder cocaine differently.

We commend Senators Cory Booker (D-NJ), Dick Durbin (D-IL), Rob Portman (R-OH), Rand Paul (R-KY), Thom Tillis (R-NC), and Patrick Leahy (D-VT) for their bipartisan collaboration in championing this urgent bill.

We ask that you co-sponsor this legislation, and urge that the EQUAL Act be passed immediately.

For questions, please contact the Justice Roundtable's sentencing reform working group co-chairs: Nkechi Taifa, Nkechi@thetaifagroup.com, Aamra Ahmad, aahmad@aclu.org, or Kara Gotsch, kgotsch@sentencingproject.org.

Sincerely,

A Little Piece Of Light
AIDS Alabama
American Civil Liberties Union
Black & Pink National
The Braxton Institute
Brennan Center for Justice at NYU School of Law
CAN-DO Foundation
Church of Scientology National Affairs Office
CURE (Citizens United for Rehabilitation of Errants)
Defending Rights & Dissent
Dream Corps JUSTICE
Drug Policy Alliance
FAMM
Federal Public and Community Defenders
Healing Equity and Liberation (HEAL) Organization
Health in Justice Action Lab
Human Rights Watch
Innocence Project
Justice Action Network
Justice Strategies
Law Enforcement Action Partnership
The Leadership Conference on Civil and Human Rights
Legal Action Center

Life for Pot
National African American Drug Policy Coalition
National Association of Criminal Defense Lawyers
National Center for Lesbian Rights
National Council for Incarcerated and Formerly Incarcerated Women and Girls
National Council of Churches USA
National Council on Alcoholism and Drug Dependence, Maryland chapter
National HIRE Network
National Urban League
National Viral Hepatitis Roundtable
NETWORK Lobby for Catholic Social Justice
R Street Institute
The Sentencing Project
Students for Sensible Drug Policy
Transgender Law Center
Treatment Action Group
Treatment Alternatives for Safe Communities (TASC)
Tzedek Association
Vera Institute of Justice
Washington Office on Latin America (WOLA)