

January 26, 2023

The Honorable Richard Durbin  
Chair  
Senate Judiciary Committee  
224 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Lindsey Graham  
Ranking Member  
Senate Judiciary Committee  
224 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Chair Durbin and Ranking Member Graham:

Thank you for your strong support of the Eliminating a Quantifiably Unjust Application of the Law Act or “EQUAL Act” last Congress. We write today to urge you to schedule a mark-up for the EQUAL Act as soon as it is reintroduced. We believe that moving the bill early this year will help prevent the same disappointing fate the bill suffered last Congress.

The arguments for passing the EQUAL Act are clear. There is no scientific justification for the sentencing disparity between crack and powder cocaine-related offenses. Crack and powder are simply two forms of the same drug. Punishing crack offenses more harshly does nothing to enhance public safety. It does, however, contribute greatly to racial disparities in the federal prison population. Approximately 90 percent of people incarcerated for crack offenses are Black. In Fiscal Year 2020, nearly 77 percent of people sentenced for crack cocaine offenses were Black. The EQUAL Act would bring the federal justice system more in line with the vast majority of states that do not punish crack and powder cocaine differently.

Last Congress, the EQUAL Act was one of only a few pieces of legislation to enjoy clear bipartisan support. The House of Representatives passed the bill in September 2021 with an overwhelmingly bipartisan vote of 361-66. The Senate version of the bill enjoyed the support of more than 60 senators, but never received a vote in committee or on the floor. To ensure this strong bipartisan bill reaches President Biden’s desk, we urge you and your committee to begin work on this urgent piece of legislation immediately.

Thank you for your consideration of our views.

Sincerely,

FAMM  
ALEC Action  
Americans for Tax Reform  
Association of Prosecuting Attorneys  
Dream.org  
Drug Policy Alliance  
Due Process Institute  
Human Rights for Kids  
Justice Action Network  
Major Cities Chiefs Association  
National Association of Criminal Defense Lawyers

National Basketball Social Justice Coalition

National District Attorneys Association

National Urban League

Parole Illinois

Prison Fellowship

R Street Institute

Restore Justice (Illinois)

Right On Crime

The Buckeye Institute

The Sentencing Project