

## Expeditious House Passage of Crack Reform Legislation

July 15, 2010

The Honorable Nancy Pelosi  
Speaker  
U.S. House of Representatives  
U.S. Capitol  
Washington, DC 20515

Dear Speaker Pelosi:

As organizations committed to ensuring fairness in our justice system, **we applaud your long-standing commitment to ending the sentencing disparity between crack and powder cocaine-related offenses.** This disparity has perpetuated perceptions of unfairness and misdirected federal enforcement resources by focusing on low-level participants in the drug trade, as opposed to the pursuit and prosecution of high-level traffickers. In March the Senate unanimously approved legislation (S. 1789) to reduce this egregious disparity from the 100:1 to an 18:1 quantity ratio. Although the complete elimination of this unjust disparity is the correct solution, our diverse groups strongly believe enactment of this reform bill at this time represents an historic opportunity to begin to address the inequality created in federal sentencing law nearly a quarter of a century ago. Accordingly, **we strongly urge that you move this vital bill through the House as expeditiously as possible.**

Upon introducing S. 1789, the Fair Sentencing Act, Senator Richard Durbin stated, “Those of us who supported the law establishing this disparity had good intentions. We followed the lead and advice of people in law enforcement. We wanted to address this crack epidemic that was spreading fear and ravaging communities. But we have learned a great deal in the last 20 years. We now know the assumptions that led us to create this disparity were wrong.” Indeed, Vice President Biden, who helped draft the law in 1986 creating the 100:1 disparity, has stated, “Each of the myths upon which we based the disparity has since been dispelled or altered.” While the justifications for the disparity have disappeared, the grossly lengthy sentences remain and are devastating, especially for the African American community. Although the majority of crack cocaine offenders are white, 80 percent of those convicted of federal crack offenses are African American. This racially discriminatory application of the law and the impact of this policy is not consistent with our nation’s commitment to equal justice under the law.

A bipartisan coalition in the Senate, led by Senators Richard Durbin and Jeff Sessions, were able to put partisan politics aside and secure unanimous approval of legislation to address the unjust crack-powder disparity. Upon passage of S. 1789, Senator Sessions, Ranking Member of the Senate Judiciary Committee, stated, “[t]his compromise achieves important fairness in drug sentencing while striking a responsible balance between efforts to reduce penalty thresholds and the need to combat the higher level of violence associated with the trafficking and distribution of crack.” His endorsement was echoed by numerous law enforcement organizations, including the

National District Attorneys Association, the National Association of Police Organizations, the International Union of Police Associations, and the Federal Law Enforcement Officers Association. They all now call upon the House to pass this legislation as well, joined by the National Association of Evangelicals, Prison Fellowship, and dozens of former prosecutors and judges.

The above voices are not alone in calling for the passage of this compromise measure. The White House and the Attorney General agree that S. 1789 is the best opportunity we currently have to improve sentencing fairness. Mr. Holder has stated that the bill “makes progress toward achieving a more just sentencing policy while maintaining the necessary law enforcement tools to appropriately punish violent and dangerous drug traffickers.” Organizations such as ours realize that while not completely eliminating the disparity, the Senate-passed bill will shave nearly 30 months off of sentences, and will impact about 3000 cases a year, at a savings of \$42 million between 2010-2015. Moreover, 40 years have passed since Congress has repealed a mandatory minimum sentence, as this legislation does for the simple possession of five grams of crack cocaine, bringing simple possession for crack in line with simple possession of powder cocaine and all other drugs.

We respectfully and strongly urge you to make these reforms a reality by determining the best method that will ensure swift and unfettered movement of this bill through the House. Our organizations stand ready to assist the process of bringing added fairness and confidence to the nation’s federal drug sentencing policies.

Sincerely,

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