

DRUG POLICY ALLIANCE

Reason. Compassion. Justice.

Ethan A. Nadelmann
Executive Director

Ira Glasser
President

February 7, 2008

ATTN: Judiciary Staffer

Dear Senator:

The Drug Policy Alliance urges you to co-sponsor and support Senator Biden's **Drug Sentencing Reform and Cocaine Kingpin Trafficking Act** of 2007 (S.1711), which would eliminate the 100-to-1 crack/powder cocaine sentencing disparity. The crack/powder disparity has devastated black communities and undermined public safety by encouraging federal law enforcement agencies to target low-level offenders instead of major crime syndicates. S.1711 would reprioritize federal law enforcement resources towards major traffickers, reduce racial disparities in the criminal justice system, and save taxpayer money.

When the crack/powder disparity was enacted into law in the 1980s, crack cocaine was believed to be more addictive and more dangerous than powder cocaine. Copious amounts of research, including a recent study by the U.S. Sentencing Commission, have shown that the myths first associated with crack cocaine, and the basis for the harsher sentencing scheme, were erroneous or exaggerated.ⁱ For over two decades, powder cocaine and crack cocaine offenders have been sentenced differently, even though scientific evidence, including a major study published in the Journal of the American Medical Association, has proven that crack and powder cocaine (two forms of the same substance) have similar physiological and psychoactive effects on the human body.ⁱⁱ

The crack/powder disparity has accomplished two things: it has devastated black communities and wasted federal resources. **Even though two-thirds of crack cocaine users are white, more than 80% of those convicted in federal court for crack cocaine offenses are African American.**ⁱⁱⁱ Moreover, two-thirds of those convicted have only a low-level involvement in the drug trade. **Less than 2% of federal crack defendants are high-level suppliers of cocaine.**^{iv} Taxpayer money should be spent wisely, and concentrating federal law enforcement and criminal justice resources on arresting and incarcerating low-level, largely nonviolent offenders has done nothing to reduce the problems associated with substance abuse.

The Drug Policy Alliance joins with countless criminal justice, social justice, religious and public health organizations and substance abuse treatment providers in calling for an end to this sentencing disparity. The best bill in the Senate is Senator Biden's Drug Sentencing Reform and Cocaine Kingpin Trafficking Act. This bill completely eliminates the crack/powder sentencing disparity by increasing the quantities of crack cocaine it takes to generate a mandatory minimum sentence to equal the current levels of powder cocaine. It also increases penalties for major cocaine kingpins, allocates additional resources to the Departments of Justice, Treasury, and

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Homeland Security for the investigation and prosecution of kingpins, and establishes a grant program to provide substance abuse treatment to people in prison.

Momentum is building in the House too. Congresswoman Sheila Jackson-Lee (D-TX) and Congressman Chris Shays (R-CT) have introduced a companion bill to S. 1711 (H.R. 4545). Congressman Charlie Rangel (D-NY) has introduced a similar bill to eliminate the crack/powder disparity (H.R. 460). Congressman Bobby Scott (D-VA) has introduced legislation that would not only eliminate the disparity but also eliminate mandatory minimum sentences for crack and powder cocaine offenses (H.R. 5035).

You and your staff will have an opportunity to learn more about this important issue at upcoming hearings. The Senate Judiciary Committee's Crime and Drug Subcommittee will be holding a hearing on Tuesday, February 12, 2008. The House Judiciary Committee's Crime, Terrorism, and Homeland Security Subcommittee will be holding a hearing later in February.

We urge you to stand up for both racial justice and public safety by co-sponsoring and supporting the Drug Sentencing Reform and Cocaine Kingpin Trafficking Act. This bill will right a 20-year wrong.

Sincerely,



Bill Piper
Director of National Affairs

ⁱ US Sentencing Commission, Special Report to Congress: Cocaine and Federal Sentencing Policy. (Washington, DC: US Sentencing Commission, May 2007).

ⁱⁱ The Sentencing Project, "Federal Crack Cocaine Sentencing," July 2007.

ⁱⁱⁱ US Sentencing Commission, Special Report to Congress: Cocaine and Federal Sentencing Policy. (Washington, DC: US Sentencing Commission, May 2007).

^{iv} Ibid.

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Dear Representative:

The Drug Policy Alliance urges you to eliminate the 100-to-1 crack/powder cocaine sentencing disparity. This disparity has devastated black communities and undermined public safety by encouraging federal law enforcement agencies to target low-level drug law offenders instead of major crime syndicates. There are three bills pending in the House that would eliminate the crack/powder disparity, reprioritize law enforcement towards major drug traffickers, and save taxpayer money: the **Fairness in Cocaine Sentencing Act** (H.R. 5035), the **Drug Sentencing Reform and Cocaine Kingpin Trafficking Act** (H.R. 4545), and the **Crack-Cocaine Equitable Sentencing Act** (H.R. 460).

When the crack/powder disparity was enacted into law in the 1980s, crack cocaine was believed to be more addictive and more dangerous than powder cocaine. Copious amounts of research, including a recent study by the U.S. Sentencing Commission, have shown that the myths first associated with crack cocaine, and the basis for the harsher sentencing scheme, were erroneous or exaggerated.ⁱ For over two decades, powder cocaine and crack cocaine offenders have been sentenced differently, even though scientific evidence, including a major study published in the *Journal of the American Medical Association*, has proven that crack and powder cocaine (two forms of the same substance) have similar physiological and psychoactive effects on the human body.ⁱⁱ

The crack/powder disparity has accomplished two things: it has devastated black communities and wasted federal resources. **Even though two-thirds of crack cocaine users are white, more than 80% of those convicted in federal court for crack cocaine offenses are African American.**ⁱⁱⁱ Moreover, two-thirds of those convicted have only a low-level involvement in the drug trade. **Less than 2% of federal crack defendants are high-level suppliers of cocaine.**^{iv} Taxpayer money should be spent wisely, and concentrating federal law enforcement and criminal justice resources on arresting and incarcerating low-level, largely nonviolent offenders has done nothing to reduce the problems associated with substance abuse.

Congressman Charlie Rangel (D-NY) has introduced the Crack-Cocaine Equitable Sentencing Act (H.R. 460), which would eliminate the crack/powder disparity by raising the amount of crack it takes to trigger a federal mandatory minimum sentence to equal that of powder cocaine. Congresswoman Sheila Jackson-Lee (D-TX) and Congressman Christopher Shays (R-CT) have introduced the Drug Sentencing Reform and Cocaine Kingpin Trafficking Act (H.R. 4545), which would eliminate the crack/powder disparity and establish a grant program to provide substance abuse treatment to people in prison. Congressman Bobby Scott (D-VA) has introduced the

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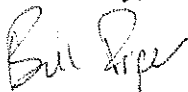
President

Fairness in Cocaine Sentencing Act (H.R. 5035), which would not only eliminate the crack/powder disparity but also eliminate mandatory minimum sentences for crack and powder cocaine offenses and authorize more money for drug courts (H.R. 5035). Momentum is building in the Senate too. There are three Senate reform bills, but only one that completely eliminates the disparity (S. 1711).

You and your staff will have an opportunity to learn more about this important issue at upcoming hearings. The Senate Judiciary Committee's Crime and Drug Subcommittee will be holding a hearing on Tuesday, February 12, 2008. The House Judiciary Committee's Crime, Terrorism, and Homeland Security Subcommittee will be holding a hearing later in February.

We urge you to stand up for both racial justice and public safety by co-sponsoring and supporting the Fairness in Cocaine Sentencing Act, the Drug Sentencing Reform and Cocaine Kingpin Trafficking Act, and the Crack-Cocaine Equitable Sentencing Act. These bills would right a 20-year wrong.

Sincerely,



Bill Piper

Director of National Affairs

¹ US Sentencing Commission, Special Report to Congress: Cocaine and Federal Sentencing Policy. (Washington, DC: US Sentencing Commission, May 2007).

² The Sentencing Project, "Federal Crack Cocaine Sentencing," July 2007.

³ US Sentencing Commission, Special Report to Congress: Cocaine and Federal Sentencing Policy. (Washington, DC: US Sentencing Commission, May 2007).

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