



# Leadership Conference on Civil Rights

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Wade J. Henderson

February 14, 2008

## Support Fair and Rational Sentencing by Eliminating the Sentencing Disparities between Crack and Powder Cocaine

Dear Representative:

On behalf the Leadership Conference on Civil Rights (LCCR), the nation's oldest, largest, and most diverse civil and human rights coalition, we urge you to eliminate the sentencing disparities between crack and powder cocaine. In the wake of recent changes to the federal sentencing guidelines and recommendations by the U.S. Sentencing Commission (USSC), several worthy reform bills have been introduced in Congress and we urge you to support them. There is substantial bipartisan recognition that the mandatory minimum statute treating one gram of crack cocaine the same as 100 grams of powder cocaine must be corrected and only Congress can do so.

The Crack Cocaine Equitable Sentencing Act of 2007 (H.R. 460), introduced by Rep. Rangel (D-NY), and the Drug Sentencing Reform and Cocaine Kingpin Trafficking Act of 2007 (H.R. 4545), introduced by Rep. Jackson Lee (D-TX) and Rep. Shays (R-CT), call for rational reform of crack cocaine penalties. These proposals also begin the process of shifting the federal law enforcement focus from low-level street sellers toward higher-level traffickers. They eliminate the disparity in federal sentencing for crack versus powder cocaine offenses, without a shift in the current powder cocaine penalty. They also bring crack sentencing inline with powder cocaine, as well as with all other drugs, by applying mandatory minimums only to dealers and not those convicted of simple possession.

The Fairness in Cocaine Sentencing Act of 2008 (H.R. 5035), introduced by Rep. Scott (D-VA), also represents an important step toward fair and rational drug sentencing. The bill includes the reintroduction of probation into the system to allow for limited discretion in individual cases where officials are confident that an offender has been rehabilitated. We applaud and support the bill as an important first step toward fair and rational sentencing for all drug offenses.

Attention to reform of crack cocaine sentences has gained momentum over the past several months. The U.S. Supreme Court has upheld the USSC's guidelines, further highlighting the need for reform. Indeed, President Bush recently commuted the prison sentence of an individual convicted of a crack offense who had served 15 years of his 19 year sentence. A change in the mandatory minimum crack statutes, however, can only occur legislatively. Eliminating the 100 to 1 disparity is long overdue.

"Equality In a Free, Plural, Democratic Society"

Hubert H. Humphrey Civil Rights Award Dinner • May 14, 2008



We ask that you co-sponsor H.R. 460, H.R. 4545, and H.R. 5035 and expeditiously end these gross injustices in our system of justice. If you have any questions, please contact Nancy Zirkin, at (202) 263-2880 or David Goldberg, Senior Counsel, at (202) 466-0087, regarding this or any other issue.

Sincerely,

Wade Henderson  
President & CEO

Nancy Zirkin  
Executive Vice President