



WASHINGTON BUREAU · NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE
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February 13, 2008

Members
U.S. House of Representatives
Washington, DC 20515

via fax

**RE: NAACP SUPPORT FOR LEGISLATION ELIMINATING THE
CRACK / POWDER COCAINE SENTENCING DISPARITY**

Dear Representative;

On behalf of the National Association for the Advancement of Colored People (NAACP), our nation's oldest, largest and most widely-recognized grassroots civil rights organization, I strongly urge you to co-sponsor and support H.R. 4545, the *Drug Sentencing Reform and Cocaine Kingpin Trafficking Act of 2007*. This legislation would restructure the sentencing range for a conviction of crack cocaine possession and bring the current disparate sentencing range in line with that for powder cocaine.

The tremendous disparity in the punishment for possession of crack cocaine and powder cocaine is unjust, racially disparate and undermines the authority of the 14th Amendment, which guarantees equal protection under the law from disproportionate punishment. Furthermore, the current 100 to 1 quantity ratio has had a disproportionate and devastating impact on the African American community. Everyone seems to agree that crack cocaine use is higher among Caucasians than any other group: most authorities estimate that more than 66% of those who use crack cocaine are white. Yet in 2006, 82% of those sentenced under federal crack cocaine laws were African American. When you add in Hispanics, the percentage climbs to above 96%.

Under current law, a person convicted of possessing 5 grams of crack cocaine is facing a mandatory minimum sentence of 5 years in jail; while an individual convicted of possessing 499 grams of powder cocaine may face a misdemeanor charge and a maximum sentence of one year behind bars. This is especially unjust in light of the fact that pharmacologically, crack and powder cocaine are identical drugs.

Elimination of the unjust 100 to 1 quantity ratio between crack cocaine and powder cocaine would be the first step toward restoring to judges the discretion to impose fair, informed and responsible sentences. I therefore urge you again, in the strongest terms possible, to support and work for the enactment of legislation to completely eliminate the sentencing disparity between crack and powder cocaine convictions and for the restoration of fairness in our legal

system. Please contact me as soon as possible and let me know what I can do to help you ensure that this unfair policy is repealed.

The NAACP also supports legislation introduced by Congressman Robert "Bobby" Scott (VA) and Charles Rangel (NY) which would eliminate the 100 to 1 federal disparity between crack and powder cocaine sentencing. Congressman Scott's bill (H.R. 5035, *The Fairness in Cocaine Sentencing Act of 2008*) would eliminate federal mandatory minimum sentences for cocaine offenses, regardless of the drug's form, as well as provide funding for federal and state drug courts. Congressman Rangel's legislation (H.R. 460, the *Crack-Cocaine Equitable Sentencing Act of 2007*) would also eliminate the federal crack and powder cocaine disparity.

Thank you in advance for your attention to the NAACP position. Should you have any questions or comments, please do not hesitate to contact me at my office at (202) 463-2940.

Sincerely,

A handwritten signature in black ink, appearing to read "Hilary O. Shelton". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Hilary O. Shelton
Director