



Janet Murguía
President and CEO

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February 14, 2008

Dear Senator:

On behalf of the National Council of La Raza (NCLR) – the largest national Hispanic civil rights and advocacy organization in the U.S. – I write to express our support of the “Drug Sentencing Reform and Cocaine Kingpin Trafficking Act of 2007” (S. 1711) introduced by Senator Joseph Biden (D-DE). This legislation corrects more than 20 years of erroneous sentencing practices affecting mainly minorities in this country.

Contrary to popular belief, the fact that Latinos and other racial and ethnic minorities are disproportionately disadvantaged by sentencing policies is not because minorities commit more drug crimes, or use drugs at a higher rate, than Whites. Instead, the disproportionate number of minority drug offenders appears to be the result of a combination of factors, including the current disparity in federal sentences for crack versus powder. Currently, the federal crack cocaine law requires that a person convicted of distributing or possessing five grams of crack cocaine is subject to a five-year mandatory minimum prison sentence; conversely that same person would get a five-year sentence for distributing (not possessing) 500 grams of powder cocaine. If convicted of distributing 50 grams of crack cocaine, a person is subject to a ten-year mandatory minimum, while it will take 5,000 grams of powder cocaine to receive the same mandatory sentence.

NCLR supports S. 1711 because it eliminates the threshold differential between crack and powder sentences. Given that crack is derived from powder cocaine, and that crack and powder cocaine have exactly the same physiological and pharmacological effects on the human brain, equalizing the ratio 1:1 is the only fair solution to eradicating the disparity.

In addition, NCLR urges Congress to resist proposals that would lower the powder thresholds to achieve equalization between crack and powder. According to data from the U.S. Sentencing Commission, reducing the powder threshold would have a disproportionate, negative impact on the Latino community. NCLR believes that the only proper way of equalizing the ratio is by raising the crack threshold to the levels of powder, not by lowering the powder threshold that triggers the mandatory minimum sentences.

NCLR applauds Senator Biden for his leadership on this bill, and recommends the approach of this legislation because it is the only way to return to this nation’s commitment to the principle of equality under the law. If you have any questions, please contact my staff member Angela Arboleda, Director of Civil Rights and Criminal Justice Policy, at (202)776-1789 or at aarboleda@nclr.org.

Sincerely,

A handwritten signature in cursive script that reads 'Janet Murguía'.

Janet Murguía
President and CEO

Regional Offices: Atlanta, Georgia • Chicago, Illinois • Los Angeles, California • New York, New York
Phoenix, Arizona • Sacramento, California • San Antonio, Texas • San Juan, Puerto Rico