



WASHINGTON BUREAU · NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE
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ACTION ALERT

DATE: October 1, 2007
TO: Concerned Parties
FROM: Hilary O. Shelton, Director, Washington Bureau

NAACP Calls for Passage of Legislation to End Racial Disparities in Cocaine Sentencing

THE ISSUE

As a result of federal law passed in 1986, there is a huge (100 to 1) disparity between the penalty for possession of crack cocaine and powder cocaine. Specifically, a person must possess **500 grams** of powder cocaine before they are subject to the same **mandatory** prison sentence (5 years) as an individual who is convicted of possessing just **5 grams** of crack cocaine (despite the fact that pharmacologically, these two drugs are identical). One of the effects of this legislation is that small-scale crack cocaine users are punished much more severely than powder cocaine users and their suppliers.

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%. Since enactment of this law, the 100 to 1 ratio has had a devastating and disproportionate impact on the African American and Hispanic communities. The fact that this law carries a mandatory minimum jail sentence also means that people of color are being put in prisons at much higher rates than their Caucasian counterparts, and the judges have no discretion to mitigate the sentence for first-time or nonviolent offenders or in special circumstances.

Opposition to the crack cocaine sentencing disparity and mandatory minimum sentences has been voiced by people as diverse as former Supreme Court Chief Justice William Rehnquist, the U.S. Sentencing Commission, the National Association of Criminal Defense Lawyers, and a host of civil rights leaders. Congress and the Administration, however, have not seen fit to correct this glaring injustice. Senator Joseph Biden (DE) has introduced legislation (S. 1711) to correct this arbitrary and unfair distinction between powder and crack cocaine sentencing, as has Congressman Charles Rangel (NY) (H.R. 460) who has for years been our champion on this issue.

More..

MEMBERSHIP IS POWER! JOIN THE NAACP TODAY.

For more information, call your local NAACP branch or visit www.naacp.org

THE ACTION WE NEED YOU TO TAKE:

Contact both your Senators and your Representative **and urge them to CO-SPONSOR S. 1711 / H.R. 460**. To contact your Senators or Representatives, you may:

✓ **Make a Phone Call:**

Call your Senators and your Representative in Washington by dialing the Capitol Switchboard and asking to be transferred to your Senator/Congressman's office. The switchboard phone number is **(202) 224-3121** (see message section, below).

✓ **Write a Letter**

To write a letter to your Senators, send it to:

The Honorable (name of Senator)
U.S. Senate
Washington, D.C. 20510

To write a letter to your Representative, send it to:

The Honorable (name of Representative)
U.S. House of Representatives
Washington, D.C. 20515



✓ **Send a Fax**

If you would like to send a fax, call your Senators' or Representative's office (through the Capitol switchboard) and ask for their fax numbers (you can use either the attached sample letter or the message box, below).

✓ **Send an E-Mail**

To send an e-mail to your Senators, simply go to www.senate.gov, click on Senators, then click on Contacting Senators (by name or by state). This selection will also help you to identify who your two Senators are.

To send an e-mail to your Representative, go to www.house.gov, and click on "write your representative." This will help you identify who your congressman is and how to contact him/her.

REMEMBER TO CONTACT BOTH OF YOUR SENATORS !!!!!

THE MESSAGE:

- ◆ 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.
- ◆ 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 and responsible sentences.

THANK YOU FOR YOUR ATTENTION TO THIS IMPORTANT MATTER

If you have any questions, call Hilary Shelton at the Washington Bureau at (202) 463-2940.

Date

The Honorable _____
U.S. House of Representatives / U.S. Senate
Washington, D.C. 20515 / 20510

Sample Letter

RE: CRACK COCAINE SENTENCING DISPARITIES

Dear Representative / Senator :

I am writing to let you know of my outrage at the unjust disparity between prison sentences for people convicted of crack and powder cocaine. Congressman Charles Rangel (NY) introduced the *Crack Cocaine Equitable Sentencing Act*, H.R. 460, and Senator Joseph Biden (DE) has introduced S. 1711, the *Drug Sentencing Reform and Cocaine Kingpin Trafficking Act of 2007* to correct this problem. As your constituent, I strongly urge you to co-sponsor this legislation.

The tremendous disparity in the punishment for possession of crack cocaine and powder cocaine is unjust 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 and responsible sentences. I therefore urge you again, in the strongest terms possible, to 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.

Sincerely,

(sign and print your name and address)

*Don't forget to contact your
Representative in the House and
BOTH your U.S. Senators!*