

January 26, 2023

The Honorable Richard Durbin
Chair
Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Lindsey Graham
Ranking Member
Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chair Durbin and Ranking Member Graham:

Thank you for your strong support of the Eliminating a Quantifiably Unjust Application of the Law Act or “EQUAL Act” last Congress. We write today to urge you to schedule a mark-up for the EQUAL Act as soon as it is reintroduced. We believe that moving the bill early this year will help prevent the same disappointing fate the bill suffered last Congress.

The arguments for passing the EQUAL Act are clear. There is no scientific justification for the sentencing disparity between crack and powder cocaine-related offenses. Crack and powder are simply two forms of the same drug. Punishing crack offenses more harshly does nothing to enhance public safety. It does, however, contribute greatly to racial disparities in the federal prison population. Approximately 90 percent of people incarcerated for crack offenses are Black. In Fiscal Year 2020, nearly 77 percent of people sentenced for crack cocaine offenses were Black. The EQUAL Act would bring the federal justice system more in line with the vast majority of states that do not punish crack and powder cocaine differently.

Last Congress, the EQUAL Act was one of only a few pieces of legislation to enjoy clear bipartisan support. The House of Representatives passed the bill in September 2021 with an overwhelmingly bipartisan vote of 361-66. The Senate version of the bill enjoyed the support of more than 60 senators, but never received a vote in committee or on the floor. To ensure this strong bipartisan bill reaches President Biden’s desk, we urge you and your committee to begin work on this urgent piece of legislation immediately.

Thank you for your consideration of our views.

Sincerely,

FAMM
ALEC Action
Americans for Tax Reform
Association of Prosecuting Attorneys
Dream.org
Drug Policy Alliance
Due Process Institute
Human Rights for Kids
Justice Action Network
Major Cities Chiefs Association
National Association of Criminal Defense Lawyers

National Basketball Social Justice Coalition
National District Attorneys Association
National Urban League
Parole Illinois
Prison Fellowship
R Street Institute
Restore Justice (Illinois)
Right On Crime
The Buckeye Institute
The Sentencing Project