

September 23, 2009

Co-Sponsor H.R. 3245
“Fairness in Cocaine Sentencing Act of 2009”

Dear Representative:

Our diverse organizations strongly urge that you co-sponsor and support H.R. 3245, the “Fairness in Cocaine Sentencing Act of 2009.” This legislation, introduced by Subcommittee on Crime, Terrorism, and Homeland Security Chair Robert C. “Bobby” Scott (D-VA), was voted out of the full Judiciary Committee on July 29. The bill is straightforward and fair – removing language from the U.S. Code which differentiates between crack cocaine and powder cocaine – two forms of the same drug.

As the bill moves toward consideration by the full House of Representatives, it is essential that your voice for fairness be heard. Support for eliminating the disparity between crack cocaine and powder cocaine has gained unprecedented levels of support over the past year. In addition to the current Administration and the Department of Justice, prominent prosecutors and police chiefs from across the country are becoming increasingly vocal in their support for eliminating the disparity. Miami Police Chief John Timoney in his April 29 testimony before the Senate Judiciary Subcommittee on Crime and Drugs emphasized that the distinction between crack cocaine and powder cocaine defied logic from a law enforcement perspective saying, “It’s the same drug. It’s just manufactured differently.” Former U.S. Attorney for the Western District of Tennessee, Veronica Coleman-Davis testified before the House Subcommittee on Crime, Terrorism and Homeland Security that correcting this injustice “is not only consistent with good policy, but also good politics.” Before his recent retirement, Los Angeles Police Chief William Bratton also expressed his support for the complete elimination of the disparity.

During remarks at a national prosecutor’s conference in July, Attorney General Eric H. Holder, Jr. said, “[a]lthough some may seek to impose the ‘soft-on-crime’ label on anyone who speaks the truth about this issue, we all know that this egregious difference in punishment is simply wrong.” He went on to stress that “(t)he Department of Justice will never back down from its duty to protect our citizens and our neighborhoods from drugs or from the violence that too often accompanies the drug trade. But we must discharge this duty in a way that protects our communities as well as the public’s confidences in the criminal justice system.”

Elimination of the disparity between crack cocaine and powder cocaine sentences is not only fair, but would also save taxpayers money, a critical consideration in our current economic recession and accompanying steep budget deficits. Moreover, passage of H.R. 3245 would improve public safety and restore federal drug enforcement priorities by allowing low-level crack cocaine offenses to be punished under state, rather than federal, law - freeing the federal government to focus on high-level traffickers and dealers. As Attorney General Holder and others have noted, the current cocaine sentencing disparity erodes public confidence in our criminal justice system, particularly in minority communities, discouraging cooperation with law enforcement and influencing jury deliberations.

The window of opportunity is open now to finally rectify this grave injustice which has remained unresolved for nearly a quarter of a century. Co-sponsor H.R. 3245 today, the “Fairness in Cocaine Sentencing Act of 2009,” by contacting Jesselyn McCurdy, jesselyn.mccurdy@mail.house.gov, 225-

5727. The undersigned organizations thank you for your support of this important step towards fair and rational sentencing.

Sincerely,

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