

July 21, 2021

Senator Dick Durbin
Chairman, Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, DC 20510

Senator Cory Booker
717 Hart Senate Office Building
Washington, DC 20510

Dear Senators Durbin and Booker:

Treatment Alternatives for Safe Communities (TASC) writes to express our strong support for H.R. 1693/S. 79, the *Eliminating a Quantifiably Unjust Application of the Law Act (EQUAL Act)*, introduced by Sens. Cory Booker (D-NJ) and Dick Durbin (D-IL) and Reps. Hakeem Jeffries (D-NY), Bobby Scott (D-VA), Kelly Armstrong (R-ND), and Don Bacon (R-NE). We commend you for your leadership and vision in introducing the *EQUAL Act* to finally put an end to the federal crack cocaine and powdered cocaine sentencing disparity, which has ravaged communities of color across the country.

The *EQUAL Act* will eliminate the sentencing disparity created by Congress in 1986 in the treatment of crack and powdered cocaine offenses, even though these substances are two forms of the same drug. As a result of that law, five grams of crack cocaine carried the same mandatory minimum prison sentence as 500 grams of powdered cocaine—an extreme 100 to 1 disparity. Without question this policy, created at the height of the War on Drugs, was meant to disproportionately impact Black and Brown bodies.

The research is clear - effects of punitive approaches to substance use disorders have targeted communities of color. Criminal records hamper the education, employment, and housing opportunities for individuals, reinforcing the cycle of poverty and severely restricting opportunities for upward mobility. By passing the *EQUAL Act* and reducing over-incarceration in federal prisons, Congress would free up resources for evidence-based treatment for substance use disorders.

TASC has seen firsthand how the penalty disparity between crack and powder cocaine has devastated communities of color for decades. Eighty-one percent (81%) of individuals convicted of crack cocaine offenses in 2019 were Black,¹ while historically sixty-six percent (66%) of crack cocaine users have been white or Hispanic.² In 2010, the *Fair Sentencing Act* reduced the sentencing disparity from 100 to 1 to 18 to 1, and in 2018 the *First Step Act* made these changes retroactive. This retroactive application has helped 3,363 people serving crack cocaine

¹ U.S. Sentencing Comm'n, Powder Cocaine Trafficking Offenses (FY19), https://www.ussc.gov/sites/default/files/pdf/research-and-publications/quick-facts/Crack_Cocaine_FY19.pdf

² Palamar, Joseph J et al. "Powder cocaine and crack use in the United States: an examination of risk for arrest and socioeconomic disparities in use." *Drug and alcohol dependence* vol. 149 (2015): 108-16. doi:10.1016/j.drugalcdep.2015.01.029

sentences with an average sentence reduction of approximately six years. Ninety-one percent (91%) of those who received reductions were Black.³

For more than four decades, TASC, Inc. has advocated for individuals and families affected by substance use and mental health conditions. We provide direct services, policy solutions, and consulting to give people and communities the tools they need to achieve positive and lasting change. Across Illinois and nationally, TASC applies our expertise in individualized care and broad-scale solutions to promote public health, examine the impact of public policies, and encourage initiatives that safely divert people out of the justice system and into care in the community.

With TASC's commitment to justice and equity, we strongly support the *EQUAL Act*. Disparities in sentencing have devastated Black and Brown communities for far too long and the time is past due for Congress to act. Thank you for your leadership and we stand ready to help in these efforts.

Yours in service,


Joel K. Johnson
President and CEO



³ U.S. Sentencing Comm'n, First Step Act of 2018 Resentencing Provisions Retroactivity Data Report (Oct. 2020), <https://www.ussc.gov/sites/default/files/pdf/research-and-publications/retroactivity-analyses/first-stepact/20201019-First-Step-Act-Retro.pdf>.