

# The **EQUAL Act (H.R. 1693)** Will Eliminate the 35-year-old Disparity in Cocaine Sentencing

Our sentencing laws treat crack cocaine offenses 18 times more severely than powder cocaine offenses, but there is no scientific proof supporting discriminating between the two drugs. This sentencing disparity is a significant driver of mass incarceration in the U.S. and disproportionately affects poor people and minorities. The U.S. Senate has the opportunity to pass the Eliminating a Quantifiably Unjust Application of the Law (EQUAL) Act and significantly improve fairness, proportionality, and racial justice within the federal criminal legal system. The EQUAL Act would finally end the federal sentencing disparity between crack cocaine and powder cocaine offenses.

## THE EQUAL ACT:

### ***Is a critical step in enhancing public safety and improving racial justice within the criminal justice system***

- The federal sentencing disparity between crack and powder cocaine has devastated communities of color and poor neighborhoods across the country and contributed to mass incarceration in the U.S.
- The current 18-to-1 disparity is not grounded in science; crack and powder cocaine are two forms of the same drug, and one is no more harmful than the other.
- Roughly 90% of individuals incarcerated for crack offenses at the federal level are Black, which reflects one of the worst racial injustices in federal law.
- It's time for the Senate to act. In 2010, Congress passed the Fair Sentencing Act, which reduced the original 100-to-1 disparity to 18-to-1, and, in 2018, passed the First Step Act, which made this change retroactive. Following overwhelming House passage of the EQUAL Act in September 2021, the Senate now has the opportunity to push forward this vital reform.

### ***Has broad, bipartisan support of House and Senate Republicans and Democrats alike, alongside law enforcement and community leaders across the country***

- In September 2021, the EQUAL Act passed the House of Representatives with an overwhelming, bipartisan vote of 361 to 66.
- In March 2022, national polling of likely midterm voters revealed that support for the bill exceeds 70% across the ideological spectrum, with majorities of Republican and strong conservative voters voicing support.
- The bill now awaits action in the Senate where it has been endorsed by 11 Democrats and 11 Republicans.

***Endorsing Organizations.***

- The legislation has support from groups across the political spectrum, including the National District Attorneys Association, ALEC Action, American Civil Liberties Union, Americans for Prosperity, Americans for Tax Reform, Association of Prosecuting Attorneys, Black Public Defender Association, Catholic Prison Ministries Coalition, Center for American Progress, Digital Liberty, Dream Corps JUSTICE, Drug Policy Alliance, Due Process Institute, Families Against Mandatory Minimums Fair Trials, Faith and Freedom Coalition, Federal Public and Community Defenders, FreedomWorks, Innocence Project, Jesuit Conference, Major Cities Chiefs Association, National Association for Public Defense, National Association of Criminal Defense Lawyers, National Legal Aid & Defender Association, Prison Fellowship, R Street Institute, Right on Crime, Sentencing Project, Taxpayers Protection Alliance, and Tzedek Association.