March 3, 2006

Inter-American Commission on Human Rights  
GSB Building of the Organization of American States  
1889 F Street N.W.  
Washington, D.C. 20006

Dear Commission:

I regret that I am unable to be present at today's hearing. I have to be in New York for a previously scheduled engagement. I am extremely pleased to know that this issue will be receiving the attention it so deserves. In 2002, 81.4% of those convicted of crack cocaine offenses in federal courts were Black men. Because African Americans serve substantially more time in prison for drug offenses than their white counterparts, black communities and families are directly affected by the disparity in sentencing and the mandatory minimum sentencing guidelines of the Controlled Substance Act. I feel very strongly that the current law is unfair and must be revisited in order to bring a sense of fairness to sentencing in Crack Cocaine cases.

Amnesia is always a dangerous thing. Back in 1986, Congress was frightened by the specter of crack cocaine leaving America’s inner cities and coming to the suburbs. So in an effort to protect America from the onslaught, Congress passed mandatory minimum sentences for drug possession and use. This took the discretion of sentencing out of the hands of judges. The legal minimum punishment for having powder cocaine became 100 times less than the punishment for having crack cocaine. Cocaine—crack as well as powder—did not overrun the country, but the damage was done.

That’s why I continue to sponsor bills that attempt to stop mandatory minimum sentencing for crack cocaine. And that’s why I’m supporting the “Cracked Justice” campaign, which launched here on Feb. 13. Several criminal justice organizations, including Families Against Mandatory Minimums and the Sentencing Project, are making sure federal mandatory drug sentences don’t reach their 21st birthday.

The issue is considered such a blatant human rights violation that the campaign was recently granted an audience from the Inter-American Commission on Human Rights. The March 3rd hearing will display to the world uniquely American contradictions that seem to be willfully forgotten by the mainstream media and by the three branches of government.

No one can justify the 100-to-1 ratio. Although there are larger numbers of documented white crack cocaine users, federal drug enforcement and prosecutorial practices have resulted in the so-called “War on Drugs” being targeted at inner city communities. This
has caused an overwhelming number of prosecutions and convictions coming from these communities, with African Americans disproportionately subject to the unreasonably harsh, crack cocaine penalties.

Clearly we are talking about different *neighborhoods* (cocaïne the choice for affluent white neighborhoods and crack for Black and Latino urban centers), not different *crimes*. Ironically, crack and cocaine have the same level of high, so the difference is literally cosmetic. “Tough on crime” rhetoric be damned, this discrepancy is both stupid and inconsistent with a civilized country. Congress should be considering how to make sure young people stay out of jail, not keeping legislation on the books that put more of them inside. Study after study shows that it costs less to rehabilitate and treat victims of drug abuse than it is to warehouse them, but that won’t sell well to Red State champions Bill O’Reilly, Rush Limbaugh or Sean Hannity.

I’ve been trying to do my part. I introduced my legislation on this issue—the Crack Cocaine Equitable Sentencing Act—in 1993. I introduced it again last year. It would both eliminate the mandatory five-year penalty for first-time possession of crack cocaine and equalize crack and powder cocaine offenses.

Can this battle be won under this administration and this Congress? Those of us in the thick of the fight don’t have the luxury of asking this question. Like Mrs. Parks and Mrs. King, I’m marching on ‘till either victory is won or I’m remembered well.

The law destroying the crack-cocaine disparity will be reality soon, and I believe with all my heart I’ll be there to see it signed. Now that Black History Month has come quickly to a close, I now understand more than ever that I owe this battle to those ancestors, old and new, who had much tougher fights than mine.

Sincerely,

CHARLES B. RANGEL

Member of Congress

CBR/lfm