

September 20, 2022

The Honorable Charles E. Schumer
Majority Leader
United States Senate
322 Hart Senate Office Building
Washington, D.C. 20510

Dear Leader Schumer:

On behalf of the undersigned organizations, representing New York's leading civil rights and criminal justice organizations, we write to urge you to include the Eliminating a Quantifiably Unjust Application of the Law (EQUAL) Act. (S. 79, H.R. 1693) in the National Defense Authorization Act and pass it swiftly. Earlier this year, we were greatly heartened as you clearly laid out that the EQUAL Act is a priority and convened a press conference in New York to voice your ardent support. As you said then, "This bill is long overdue, but its time has come." We agree that this reform is decades overdue and that now is the time to finally end this unjust disparity.

Indeed, last November and in February of this year, we wrote to ask you to move the EQUAL Act through the Senate "by any means necessary." Since then, the House of Representatives included the EQUAL Act in its version of the National Defense Authorization Act ("NDAA", H.R. 7900), passed on July 14. This is the second time the House has passed the EQUAL Act. A year ago this month, the House passed the bill with an overwhelming bipartisan floor vote of 361 to 66, with 143 Republicans voting in favor of the legislation.

The final NDAA is now being negotiated in the Senate. We now write specifically to request that you work to keep the EQUAL Act in the final version of the NDAA that you send to the President's desk. The clock on this year's legislative calendar is running out, and too many lives, specifically Black and brown people, are eagerly awaiting the relief this critical bill would provide. We understand that Senator Chuck Grassley (R-IA) is opposed to the EQUAL Act, despite the bill having 11 Republican cosponsors – more than enough to clear the Senate floor on its own. One person's objection cannot stand in the way of justice. The NDAA provides an existing, expeditious, and efficient manner for you to ensure this bill get passed and we respectfully request that you do everything within your power to ensure the EQUAL Act becomes law as part of the NDAA.

The EQUAL Act would finally and fully end the racially biased federal sentencing disparity between crack cocaine and powder cocaine offenses, a pernicious vestige of the War on Drugs that has targeted hundreds of thousands of Black New Yorkers and has had a devastating effect on communities of color throughout the state and the country. This arbitrary, punitive policy did not curb the use or sale of crack cocaine in New York, but rather created obvious and harmful racial disparities. The bill is sponsored in the Senate by Senators Cory Booker (D-NJ), Dick Durbin (D-IL), and Rob Portman (R-OH), who are joined by yourself and an even balance of Republicans and Democrats totaling 22 cosponsors.

Your voice has been particularly impactful both in New York state and at the federal level by making criminal justice and racial justice a legislative priority for you and the Democratic party. Your steadfast support of criminal justice reform has been integral to advancing marijuana and other drug sentencing reforms that will make our justice system fairer and more equitable.

We now ask that you redouble your commitment to the EQUAL Act by sending it to the President's desk this year, whether through the NDAA or any other vehicle that receives a vote on the Senate floor. Without your leadership, this landmark legislation will fall by the wayside -- an unacceptable outcome for the thousands of individuals and families awaiting relief. Please prioritize the EQUAL Act by including it in the NDAA and help us make history by ending an extraordinarily unjust racial disparity.

Sincerely,

Beautiful Heart Ministries
Bronx Defenders
Center for Community Alternatives
Citizen Action – NY
Dream.Org
Drug Policy Alliance
FAMM
Incarcerated Nation Network, Inc.
Innocence Project
Data Collaborative for Justice at John Jay College
Justice Action Network
Ladies of Hope Ministries, Inc.
Legal Aid
Make the Road NY
NAACP New York Conference
New York State Association of Criminal Defense Lawyers
REFORM Alliance
Vera Institute of Justice
Youth Represent