



## United States Conference of Catholic Bishops

3211 FOURTH STREET NE • WASHINGTON DC 20017-1194 • 202-541-3000

WEBSITE: WWW.USCCB.ORG • FAX 202-541-3339

August 1, 2022

Dear Senator/Representative:

On behalf of the United States Conference of Catholic Bishops' Committee on Domestic Justice and Human Development and Ad Hoc Committee Against Racism, we write to you in support of the EQUAL Act (S. 79/H.R. 1693). The House approved an amendment to include this proposal as part of the National Defense Authorization Act and we encourage you to either maintain it on the NDAA or pass it as a stand-alone bill. The USCCB has long advocated in favor of less severe sentences for non-violent drug offenses, expressing our concerns regarding mass incarceration and racial disparities in the criminal legal system. We urge you to make a meaningful, if narrow, improvement in this regard by passing the EQUAL Act, which rectifies unnecessary and arbitrary differences in cocaine sentencing.

Although crack and powder cocaine are simply two forms of the same drug, crack cocaine is cheaper; therefore, it is more accessible than powder cocaine to persons experiencing poverty, many of whom are persons of color. As a result, mandatory minimum sentences established in 1986, penalizing distribution of 500 grams of powder cocaine with the same sentence as just 5 grams of crack cocaine - a 100:1 sentencing disparity - disproportionately incarcerated Black people. Even with the disparity having been reduced to 18:1 in 2010, now penalizing distribution of 500 grams of powder cocaine the same as 28 grams of crack cocaine, we cannot ignore the racial impact of current federal cocaine sentences when Blacks are more than three times as likely to be convicted for crack cocaine trafficking as for powder cocaine trafficking.

As pastors, the Catholic bishops understand concerns regarding recidivism, substance abuse, and overdoses; yet public safety is not served by excessively long sentences.<sup>1</sup> We believe these concerns would more effectively be addressed through programs that focus on root causes of crime through rehabilitation, treatment, education, literacy, and job-placement. As Pope Francis has said, "The scourge of drug-trafficking, that favours violence and sows the seeds of suffering and death, requires of society as a whole an act of courage...it is necessary to confront the problems underlying the use of these drugs, by promoting greater justice, educating young people in the values that build up life in society, accompanying those in difficulty and giving them hope for the future."<sup>2</sup>

Congress made incremental improvements in a bipartisan manner when it passed the Fair Sentencing Act of 2010, reducing the cocaine sentencing disparity. Later, both parties came together to pass the First Step Act of 2018, which the USCCB supported, and which made the reduction retroactive. We now urge you, once again, to unite in bipartisanship to do away with the cocaine sentencing disparity altogether and establish 1:1 sentencing guidelines, which would improve our legal system by making it more proportionate and just.

Sincerely,

Handwritten signature of Paul S. Coakley in black ink.

Most Reverend Paul S. Coakley  
Archbishop of Oklahoma City  
Chairman, Committee on Domestic Justice  
and Human Development

Handwritten signature of Shelton J. Fabre in black ink.

Most Reverend Shelton J. Fabre  
Archbishop of Louisville  
Chairman, Ad Hoc Committee  
Against Racism

<sup>1</sup> While a 2022 U. S. Sentencing Commission [report](#) concluded crack cocaine offenders released in 2010 were rearrested at higher rates than other drug trafficking offenders, the same report states this may be explained by age and prior criminal histories. Persons convicted of crack cocaine trafficking were of lower median and average age at sentencing when compared to others convicted of drug trafficking. Consistent with previous USCC recidivism studies, the report states, "the two indicators most clearly correlated with recidivism among drug trafficking offenders were criminal history and age." Therefore, the drug itself is not causative of recidivism.

<sup>2</sup> Pope Francis, Visit to St. Francis of Assisi of the Providence of God Hospital - V.O.T. (July 24, 2013).

[https://www.vatican.va/content/francesco/en/speeches/2013/july/documents/papa-francesco\\_20130724\\_gmg-ospedale-rio.html](https://www.vatican.va/content/francesco/en/speeches/2013/july/documents/papa-francesco_20130724_gmg-ospedale-rio.html)