



Legislation Text

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Res. No. 614

Resolution calling on the United States Congress to pass and the President to sign S.79/H.R.1693 117th Congress (2021-2022), known as the Equal Act of 2021.

By Council Members Lee, Hanif and Riley

Whereas, In 1986, Congress passed the Anti-Drug Abuse Act, which established a 100:1 sentencing disparity for crack and powder cocaine, as well as for the first time, mandatory minimum penalties triggered by particular amounts of cocaine; and

Whereas, Pursuant to 21 U.S. Code § 841, distribution of just 5 grams of crack carries a minimum 5-year federal prison sentence, while for powder cocaine, distribution of 500 grams, 100 times the amount of crack cocaine, carries the same sentence; and

Whereas, Recent studies by the United States Sentencing Commission have concluded that crack-cocaine is not appreciably different from powder-cocaine in either chemical composition or physical reactions in its users; and

Whereas, While reports indicate Whites are more likely to report lifetime cocaine use, inner city communities of color have been targeted as a result of national drug enforcement and prosecutorial policies and practices; and

Whereas, Advocates strongly believe that crack cocaine mandatory minimum sentences are an attack on the poor because they are more affordable for poor Americans, many of whom are African Americans, than powder cocaine, which is much more expensive and is typically used by wealthier white Americans; and

Whereas, Nationwide studies by the U.S. Sentencing Commission have revealed data showing more than 80% of defendants sentenced for crack offenses were African Americans, despite more than 66% of crack users being white and other than non-African Americans; and

Whereas, As African Americans have been the target of the vast majority of prosecutions under the Anti-Drug Abuse Act, racial disparities in sentencing have disproportionately led to longer sentences than powder users; and

Whereas, In 2010, Congress reduced the crack-to-powder ratio from 100:1 to 18:1 in the Fair Sentencing Act. S.79/H.R.1693, known as the Equal Act of 2021, sponsored by U.S. Senator Cory Booker and U.S. House Representative Hakeem Jeffries, seeks to eliminate the crack-to-powder disparity ratio entirely and guarantees that individuals who were convicted or given a sentence for a federal offense involving cocaine can be resentenced in accordance with the new law; and

Whereas, By eliminating the harsh sentencing punishments that currently disproportionately affect African American communities and severely restrict their opportunities, changing these sentencing guidelines would greatly assist African American communities; now, therefore, be it;

Resolved, That the Council of the City of New York calls on the United States Congress to pass and the President to sign S.79/H.R.1693 117th Congress (2021-2022), known as the Equal Act of 2021.

CMB
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