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MARJORIE R. ESMAN
EXECUTIVE DIRECTOR

March 10, 2008

Attorney General Buddy Caldwell
PO Box 94005
Baton Rouge, LA 70804

OPEN LETTER CONCERNING COCAINE SENTENCING

Dear Mr. Caldwell:

In response to your statement of March 4, 2008, we want to correct some misunderstandings about the disparities between crack and powder cocaine. While violent offenders must be kept off the streets, it is important to understand the facts in determining who those violent offenders are, and to enforce our laws fairly and equally. Unfortunately, the misconceptions about crack cocaine have led to unfair policies and practices

When crack emerged as a problem in the 1980's, it was widely believed to be more dangerous than other forms of cocaine. This has been shown to be untrue. Current research indicates that crack and powder cocaine have the same effects on the body, and crack users are no more likely than cocaine users to become violent. In fact, on four separate occasions, the U.S. Sentencing Commission has recommended changes to the cocaine sentencing guidelines because there is no medical or legal basis for the sentencing disparity.

The real problem with harsher treatment of crack under the law is the way it targets African-Americans, who are more likely to use crack than powder. Recent data that indicates that African-Americans make up 15 percent of the country's drug users, yet they make up 37 percent of those arrested for drug violations, 59 percent of those convicted, and 74 percent of those sentenced to prison for a drug offense.

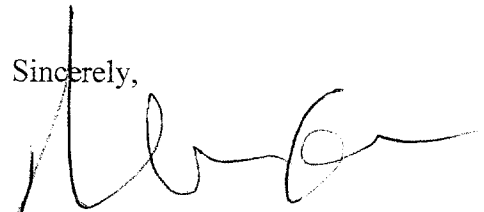
Simply put, if you're a black person using drugs in the U.S. today, you're five times more likely to go to jail than if you're a white person using drugs. More than 80 percent of the people sentenced for crack offenses are African-American, despite the fact that more than half the people using the drug are white or Hispanic.

African-Americans are not only punished more, but punished more severely. Since 1986, when the current sentencing law went into effect, prison sentences that black people get for drug crimes have increased to the point where black people are likely to end up doing twice as much time as white people for nearly identical offenses.

Since we now know that crack and cocaine have similar properties and cause similar social and physical harms, there is no rational reason to treat crack users more harshly than powder cocaine users. Because these policies have a devastating impact on the African-American population – putting parents behind bars, breaking up families and destroying people's chances of future employment - it is essential to revisit the outdated myths about crack, and to treat it as what it is: simply another form of cocaine.

Violent criminals of all kinds must be kept off the streets. Those addicted to dangerous drugs need treatment, rehabilitation and assurance of a smooth return to society in a way that will minimize the likelihood of further drug use. But the punishment must fit the crime, and with overwhelming evidence that crack is no more dangerous than cocaine powder, there is no longer any justification for treating crack offenders differently from other cocaine offenders. We hope that you will use your office as Attorney General to ensure fair treatment for all of the people of Louisiana, regardless of race or skin color.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marjorie R. Esman', with a long horizontal flourish extending to the right.

Marjorie R. Esman

Executive Director