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LDF Media
212-965-2200 / media@naacpldf.org

**LDF Highly Commends Department of Justice Policy to Eliminate Disparities
Between Crack and Powder Cocaine Sentences**

Today, Attorney General Merrick Garland announced that the United States Department of Justice (DOJ) is instituting a new charging policy that will seek to end sentencing disparities in cases that involve crack-cocaine or powder cocaine and requires federal prosecutors to follow additional procedures before charging mandatory minimums, among other changes.

In response to this policy change, [Legal Defense Fund](#) (LDF) President and Director-Counsel Janai Nelson issued the following statement:

“We highly commend Attorney General Garland on advancing his commitment to end the racially inequitable sentencing disparities between crack and powder cocaine cases and for providing important guidance on when federal prosecutors can charge mandatory minimums. This policy is critically overdue, and it follows decades of law enforcement officials targeting Black communities with policies that result in Black Americans receiving harsher sentences and fueling mass incarceration. The disparity—which was originally 100:1 and decreased to 18:1 in 2010—has had tremendously harmful consequences for the lives of Black people, their families, and communities. The alleged basis for the sentencing disparity has long been debunked as lacking any basis in science or penal policy. While the DOJ’s charging policy does not undo the ongoing crisis of disproportionate and lengthy incarceration of Black people resulting from past sentencing disparities, it helps to ensure that these ills will not be visited upon the next generation of Black and Brown people.

“The action taken by Attorney General Garland today is an important and laudable exercise of authority and delivers on an important promise, but we also need Congress to codify the elimination of the crack and powder cocaine sentencing disparities through the EQUAL Act and to make this change retroactive to address the ongoing unjust incarceration of thousands of Black and Brown people based on these discriminatory policies. We also call upon President Biden to use his clemency and pardon power to grant relief to people who are currently serving sentences under the inequitable sentencing ratio. We look forward to working with Congress and the DOJ to further address these and other racially discriminatory criminal legal policies.”

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Founded in 1940, the [Legal Defense Fund](#) (LDF) is the nation’s first civil rights law organization. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the Legal Defense Fund or LDF. Please note that LDF has been completely separate from the National Association for the

Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights.