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OPINION

Righting a Wrong from War on Drugs

Pass Equal Act to fix a broken justice system

In the aftermath of the 2020 election, many Black and brown voters remained hopeful that the Biden Administration and the new congress would live up to promises made on the campaign trail to reform our broken criminal justice system. Many voters of color and progressive voters, in particular, pressed presidential candidates on everything from policing to sentencing.

Statistics show that for decades Black and brown people have received harsher sentences due to the differences in how crack and powder cocaine offenses were viewed in the eyes of the law. Now a major piece of legislation is on the verge of being passed, the EQUAL Act of 2021.

The EQUAL Act, also known as the Eliminating a Quantifiably Unjust Application of the Law Act, was passed by the House at the end of September. On the Senate side, it has yet to receive a final vote but does have bipartisan support with Senators Cory Booker (D-NJ), Dick Durbin (D-IL), Rob Portman (R-OH), Rand Paul (R-KY), Thom Tillis (R-NC), and Patrick Leahy (D-VT) who are together co-sponsors of the legislation in that chamber.

Senator Booker has said of the need to pass the legislation, "this critical piece of legislation that will help right the wrongs of our nation's failed War on Drugs and reform our broken criminal justice system."

The 2020 election happened against the backdrop of intense reflection on the history of race, justice, and injustice in America. Advocates for reform have encouraged legislators to consider the im-



BY DEJARION ECHOLS

fact of race on how this nation's laws have been applied.

"After the murder of George Floyd, it was obvious that we as a country needed to work harder to stamp out racial discrimination in our justice system. Eliminating the crack-powder disparity, which has disproportionately and unfairly harmed Black families, was an obvious target ... We hope the Senate acts quickly to remove this 35-year-old mistake from the criminal code," said Kevin Ring, president of FAMM, a criminal justice reform nonprofit.

The Supreme Court was recently asked to weigh in on such sentencing disparities in the case of Tarahrick Terry, who was convicted of and pled guilty to possession of 'crack cocaine' and asked that his prison sentence be reduced because of the First Step Act retroactively applying the Fair Sentencing Act. But the Court found that Terry was convicted of something that did not dictate a mandatory minimum and therefore he could not be resentenced.

Justice Sonia Sotomayor in her concurring opinion that, "While the Fair Sentencing Act of 2010 and First Step Act of 2018 brought us a long way toward eradicating the vestiges of the 100-to-1 crack-to-powder disparity, some people have been left behind."

The American Bar Association also makes a strong point about those left behind and others who could be impacted if the Senate doesn't follow the House's lead, "legislators continue to back a harsh opioid policy that has - and will continue to - produce similar racial disparities as did the original sentencing scheme for crack cocaine."

If The EQUAL Act is ultimately passed by the Senate and signed into law by President Biden then Tarahrick Terry and countless others like him could have another shot at reducing their sentences.

That's because the act makes it so that a sentencing court could order a reduced sentence for any defendant sentenced for a crack cocaine offense retroactively. As the Supreme Court often says, it's up to Congress to change laws that people think unfair. So it's now up to the Senate to make sure that crack cocaine offenses — which tend to impact more people of color — don't have an unjust impact. That goes a long way towards making the positive change people counted on.

I encourage everyone to reach out to your U.S. Senators to urge them to pass this important piece of legislation today.

Editor's note: Dejarion Echols was released from a Texas prison in June after receiving a 10-year mandatory minimum term for possession with intent to distribute crack cocaine and an additional 10-year mandatory minimum term for possession of a firearm during the commission of a drug trafficking crime. When he was sentenced, the judge objected to the mandatory requirements saying, "This is one of those situations where I'd like to see a congressman sitting before me."

Kwanzaa

CONTINUED FROM FRONT

The Soul Restoration Project is a series of residences at the Albina Arts Salon overseen by jazz pianist, composer and Portland State University professor Darrell Grant. The project serves as a laboratory to explore how art can activate and renew historically Black civic spaces. Support comes from Vanport Mosaic, the Oregon Community Foundation and others.

Grant is scheduled to present A Space for Black American Music: A Series of Jazz Talks, beginning on Monday, Dec. 27, from 4:30 p.m. to 5:30 p.m., continuing for the same hour each day through Wednesday, Dec. 29. Footage from prior performances will be shared. Both in-person and live-stream screening tickets are available for \$8-15 with proceeds supporting future programming at the Albina Arts Salon.

NAACP Rejects Police Meeting

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more than body cameras to be a first-person witness to ongoing injustice with impunity. We want investment in our communities. We want an end to qualified immunity.

"We want real community influence, not after the fact input, to police negotiations, police accountability, and police transparency. We do not see the Portland Police Association in sync with the vision and priorities of the NAACP Portland 1120-B Branch and do not see what a 'conversation' would accomplish at this time," the statement said.

NAACP representatives said they will agree to a sit down with the union when the police officers begin "to actively act as vanguards of public safety rather than the guardians of the status quo."

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