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Louis Stokes, OH '69  
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Major R. Owens, NY '83  
Edolphus Towns, NY '83  
Alan Wheat, MO '83  
Charles A. Hayes, IL '83  
Mike Espy, MS '87  
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John Lewis, GA '87  
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## Congressional Black Caucus Congress of the United States

H2-344 House Annex #2  
Washington, D.C. 20515

202 - 226-7790

October 13, 1988

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Honorable Edward M. Kennedy  
U.S. Senate  
315 Russell Building  
Washington, D.C. 20510

Dear Senator Kennedy:

As members of the Congressional Black Caucus, we write to express our strong support for your decision to offer provisions of H.R. 4442, the Racial Justice Act, a bill introduced earlier this year by Rep. John Conyers, Jr., as an amendment to the death penalty section of the Senate drug bill.

We represent communities that are disproportionately plagued by drug abuse, and have been actively working to stop the growth of this problem. We are deeply disturbed, however, that some are using the Nation's current focus on drugs and street crime to enact controversial legislation, like the death penalty, which can only detract from unified efforts to mount a cohesive and comprehensive anti-drug strategy.

Members of the Congressional Black Caucus have studied with great care evidence spanning more than fifteen years of death sentences and executions in the United States. That evidence clearly indicates that race determines who will be sentenced to die as punishment and who will receive a sentence other than death. Factors such as the severity of the crime, whether a gun was used in the commission of the crime, or even the prior criminal history of the defendant, are not as relevant as the defendant's race when the death penalty is involved.

In light of last year's Supreme Court decision in McCleskey v. Kemp, in which the Court charged legislators with the responsibility of evaluating the evidence of race discrimination in the application of the death penalty, a number of members of Congress, including members of this Caucus, have cosponsored H.R. 4442, a bill designed to specifically address this concern. However, the House has not yet had the opportunity to act on this important legislation.

Honorable Edward M. Kennedy  
October 13, 1988  
Page 2

The Caucus is ready to help you in any way it can in building support for your amendment. Please do not hesitate to call on us if you think we can be of assistance. In addition, we urge you to conduct extensive debate on the other numerous constitutional, procedural, legal and moral issues raised by the death penalty proposal in the Senate drug bill.

Sincerely,

Mervyn Dymally  
Chairman