

Legislation
**Reduces Crack
Cocaine
Inequality**

*Quarter-century-old law
subjected tens of thou-
sands of Blacks to long
prison terms for crack
cocaine convictions*

The Black Voice News

SAN BERNARDINO



A 1986 law passed to stem rampant crack cocaine use, had the effect of giving crack cocaine offenders the same jail sentence as someone who possessed 100 times the same amount of powder cocaine. New legislation narrows that ratio to 18 to one.

By Chris Levister

Addressing what both Democrats and Republicans agreed was a quarter-century old injustice in drug sentencing, Congress passed historic legislation that reduces the inequity between mandatory sentencing for crack and powder cocaine. The law many considered blatantly racist has subjected tens of thousands of Blacks to long prison terms for crack cocaine convictions while giving far more lenient treatment to those, mainly whites, caught with the powder form of the drug.

The Obama administration has called the sentencing disparity "fundamentally unfair".

The law was enacted in 1986, when crack cocaine use was rampant and often associated with violent crime. Under its terms, a person convicted of possessing an amount of crack equal to the weight of two pennies resulted in a mandatory minimum sentence of five years. In order to receive a similar sentence, possessing chemically similar powder cocaine, one would have to be carrying the

CRACK

Continued from Front Page

weight of 200 pennies or 100 times the amount of cocaine.

The new law narrows that ratio to about 18 to 1. It also eliminates the five-year mandatory minimum for first-time possession of crack. The changes represent the first time since the Nixon administration enacted the law that Congress has repealed a mandatory minimum sentence. The changes will not apply retroactively.

"For Congress to take a step toward saying 'we have made a mistake and this sentence is too severe' is really remarkable," said Virginia Sloan, president of the Constitution Project. In studies of sentencing practices, the group has referred to crack cocaine mandates as a "poster child for the injustices of mandatory sentencing."

The old law imposed mandatory minimums on crack cocaine largely based on its method of preparation (prepared with - with ammonia or baking soda), which is often sold in crystals.

"Whether you crunch it, munch

it, snort it, shoot it or toot it, it's still a controlled substance." That's Kim Carter Founder and Executive Director of Time for Change Foundation, a San Bernardino sober living organization that provides reentry services to women who are homeless, ex-offenders and recovering from physical and substance abuse.

The Congressional Budget Office estimates the new measure will save the federal prison system about \$42 million over the next five years. 80 percent of those convicted of crack cocaine offenses are Black. Carter says the sentencing inequity has been particularly devastating to the Black community.

The sentencing disparity "has disproportionately filled our prisons with young Black and Latino drug users." Motivated by her own experiences as a former incarcerated woman Carter cited figures that Blacks serve almost as much time for drug possession offenses - 58.7 months - as whites do for violent offenses - 61.7 months.

"Besides the fact that African American men are incarcerated 14 to 15 times more than whites, since the war on drugs began in the 1980s

we've seen nearly an 800 percent increase in the rate of incarceration for African American women," said Carter.

"Not only are parents removed from their children and families for long periods of time, upon release they face a vicious cycle of secondary punishment denial of jobs, public housing and other basic social services and benefits. The impact on the Black family has been devastating."

Texas representative Lamar Smith, the top Republican on the Judiciary Committee was the only lawmaker to speak out against the bill during the House debate.

"Why are we coddling some of the most dangerous drug traffickers in America?" Smith argued passage could increase drug violence to the same levels as the 1980s, when crack cocaine was rife.

Carter says while the new legislation is monumental the measure does not go far enough.

"Because it still treats crack and powder cocaine differently. There can be no real justice until there is equity in cocaine sentencing."