

Bill Eases Penalty For Crack Cocaine Possession

by ARI SHAPIRO



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AP

Current law punishes people who possess crack, which is much cheaper than powder, 100 times more heavily than people who possess powder cocaine.

out in real life.

"The penalty for possession of a saccharin package worth of crack cocaine is a five-year mandatory minimum. And it goes up from there astronomically to where you're at a life sentence before you can bat an eye with crack cocaine," she said, "Whereas you have to have 5 kilos of powder cocaine, so it's literally 100 times more severe penalty for the same amount of drug."

A Change In Perception

Congress enacted these rules in the early 1990s, when crack was ravaging urban communities. In those days, Reggie Walton worked on drug policy in the first Bush administration. Back then he supported the sentencing disparity, but now he is a federal judge in Washington and feels differently.

"We believed it was a different chemical substance. We now know that's not the case," Walton said. "The reality is that crack cocaine and powder cocaine are the same chemical substance."

Walton has testified on this issue before Congress on behalf of the Judicial Conference. He says the sentencing disparity has had a huge impact on people of color.

"You have a large percentage of people who are Latino or African-American being locked up for crack cocaine convictions," he said.

The Right Balance

That's partly because crack is much cheaper than powder. Walton says he believes there will still be objections to the Senate bill from people who think crack and powder should be treated the same.

Scott Burns, executive director of the National District Attorneys' Association, says he thinks the bill

March 18, 2010

text size **A** **A** **A**

After more than a decade of debates, hearings and lobbying, the Senate has passed a bill to change the punishment for possession of crack cocaine.

The bill had strong support from both conservative Republicans and liberal Democrats. While the current law punishes crack users 100 times more heavily than powder cocaine users, the new Senate bill brings the 100-to-1 ratio down to 18-to-1.

In an interview, Cynthia Orr, president of the National Association of Criminal Defense lawyers, described how the 100-to-1 ratio plays

strikes the right balance.

"The political reality is there was going to be a reduction, and as opposed to 1-to-1, the district attorneys fully support the 18-to-1 disparity," Burns said.

Now the House must decide what to do. A House committee has already approved a bill that treats crack and powder identically. The full House could adopt the Senate's 18-to-1 sentencing ratio or push for the House bill with a 1-to-1 ratio.

Orr, of the criminal defense lawyers association, says she would prefer if crack were not treated 18 times more seriously than powder.

"There's a great frustration," she said. "But it's 80 percent less great a frustration than it has been in the past."

The Senate bill is "such an important move," she says. "I'm not going to diminish it in any way."

Orr says if the House passes the Senate bill and the president signs it into law, she will consider that a great day.

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Niroshan Singh (Bobbi24) wrote:

I reiterate, Americans focus on the most inane, banal issues. There are people going to bed hungry in America too (and that is focusing on one's own, right?), and people sleeping in cars but most Americans would rather focus on how biased things are instead of giving one another a helping hand.

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Edmund Singleton (edmundsingleton) wrote:

All the people in jail who use drugs should be set free and sent to hospital for treatment. But it is safe to say that those who make a living running jails will not like it to be so...

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c g (cdgraves) wrote:

"c g (cdgraves) w , you obviously never read antiquities you're an idi ot that just confused his @ss with an IQ."



Is this supposed to excuse our treatment Africans long after human slavery ended in the rest of the developed world?

Fri Mar 19 2010 00:10:34 GMT-0500 (Central Daylight Time)

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Andie Butler (andybu) wrote:

Niroshan this is America, really, most country's focus on thier own before they think of other countries. grow up!

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Ed Alonzo (boink) wrote:

Hey, wasn't Timothy Franz Geithner the guy who was standing behind Bill Clinton when he signed into law the removal of regulations from mortgages and comercial banks that brought down the economy?

Thu Mar 18 2010 18:28:40 GMT-0500 (Central Daylight Time)

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Mark Smiles (Really_happy) wrote:

Nia,

"I will rejoice when the day comes where black and brown drug users will be locked up equally with their Caucasion counterparts."

I think it is interesting what you just can't rejoice that people are locked up regardless of their color. You know rejoice they are locked up due to their character and not judge them by their skin color.

Thu Mar 18 2010 17:00:02 GMT-0500 (Central Daylight Time)

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Brian Hawkins (brianthawkins) wrote:

"We believed it was a different chemical substance. We now know that's not the case," Walton said. "The reality is that crack cocaine and powder cocaine are the same chemical substance."

Really? Did they not have analytical chemistry all the way back in the 1990s?

Thu Mar 18 2010 16:51:45 GMT-0500 (Central Daylight Time)

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Niroshan Singh (Bobbi24) wrote:

I still can't believe it....Americans are a piece of work. People are dying of hunger in this world, female genocide is taking place in Africa, people in Haiti still don't have a decent place to live or potable water, cyclone damage is being assessed in Fiji, men and women are dying in Afghanistan and Iraq, children are being blown up (among adults) by suicide bombers.....and the only thing you NOTICE is the racial disparity in jail time between 2 groups of cocaine addicts? In the overall scheme of the needs in this world....racial disparity in jail time is at the very bottom of "important" issues. Grow up!

Thu Mar 18 2010 16:23:26 GMT-0500 (Central Daylight Time)

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e black (eblack) wrote:

The Senate is ridiculous! I'm writing my House Representative to urge him to support ONLY equal sentencing law for crack and powder cocaine. Any disparity in the law is discriminatory and baseless!

Thu Mar 18 2010 16:10:03 GMT-0500 (Central Daylight Time)

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Mark Smiles (Really_happy) wrote:

This is great news, I was waiting for this to happen so I could go do some crack.

Thu Mar 18 2010 15:34:12 GMT-0500 (Central Daylight Time)

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