

Fairer sentencing

by The San Diego Union-Tribune

For 20 years, America has been sending drug offenders in possession of crack cocaine to jail at considerably higher rates than those who possess powdered cocaine. Possession of five grams of crack cocaine, an amount equal to five packets of sugar substitute, landed a person in jail for a minimum of five years. It took 100 grams of powder cocaine to earn a five-year sentence. Also, last year 82 percent of crack defendants were black. Nearly 80 percent of powder cocaine defendants were white.

When the disparate sentencing laws were passed by Congress in 1986, it was believed by most Americans that crack cocaine was different from and more powerful than powdered cocaine; that it was instantly addictive; that it was a direct cause of violent crime; and that harsh sentencing laws would imprison and deter major traffickers. The tough laws received nearly universal backing.

In 2006, the director of the National Institute of Drug Abuse testified that the "pharmacological effects of cocaine are the same, regardless of whether it is in the form of cocaine hydrochloride or crack cocaine."

Citing a study in the Journal of the American Medical Association to back up this claim, the U.S. Sentencing Commission proposed that sentences for crack cocaine possession be reduced from an average of 10 years, one month, to eight years, 10 months. Under law, Congress could have blocked this reduction, as it has in the past. But recognizing the unfairness, it allowed the proposal to become law.

Next week if Congress does not act, these changes will apply retroactively, affecting more than 19,500 crack offenders. In fairness, that would be the right thing to do.

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