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Supreme Court, Sentencing Commission Send Strong Message On Crack Cocaine Sentencing

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Impetus Now On Congress to Continue Trend

The country is undoubtedly moving towards a historic consensus: Unfair sentencing level crack cocaine offenders have got to stop. The Supreme Court ruled decisively yesterday that judges are free to disagree with sentencing guidelines and in so doing note their opposition to the unjustifiably disparate treatments of powder and crack. The Sentencing Commission today echoed that sentiment, making retroactive the reduction of its sentencing recommendations and granting hope to thousands of disproportionately targeted by inflated crack penalties.

In a unanimous voice, the Commission today opened the door to criminal and racial justice. This measure makes a reported 19,500 – mostly Black – prisoners eligible for an average sentence reduction of two years. Every individual release or reduction is subject to review and the process will be staggered over 30 years – but \$1 billion in prison costs are spared and around 2,500 prisoners have served more than their fair share and will be released in the next year. I call on the courts to move swiftly with these requests to unify families left in shambles due to excessively punitive crack laws.

The Commission and the Court have done all they can. Now, it's our turn. The impetus is on Congress to end the sentencing inequity that slaps the same 5-year sentence for possessing 500 grams of powder as it does for 5 grams of crack. That's a 100-to-1 ratio – and an average difference of 40 months in jail time – for two drugs experts say are significant differences. Well, here's one significant difference: Over 80 percent of crack offenders are Black. Targeted by law enforcement, Blacks account for 38 percent of drug arrests and 59 percent of convictions, although they are only 13 percent of the population.

No one condones the suffering inflicted on society by drug abuse and crime, nor should we accept the needless devastation caused by disproportionately harsh drug laws. To paint a grim picture: 500,000 of this country's 2.2 million prisoners are locked up for crimes, the majority on petty charges with no history of violence or high-level drug offenses.

Fair drug sentencing would restore confidence in the criminal justice system and end the disparity that has left children fatherless and families broken. We cannot shortchange this, or future, generations and threaten our competitive standing in the global economy by ignoring failing schools, sky-high dropout rates, an unskilled workforce, poverty and hopelessness. We should not perpetuate injustice. Better yet, we simply cannot afford to.

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