

# NOLAN: Reform means fairness

## House vote would end disparity in crack sentencing

By Pat Nolan

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The [House of Representatives](#) may have an opportunity to address the unfairness of the current 100-to-1 disparity between crack- and powder-cocaine sentencing. I hope the House joins the [Senate](#) in passing S. 1789, which would dramatically reduce the disparity in punishments between crack- and powder-cocaine offenses.

This is not a harebrained liberal scheme to set loose a horde of drug traffickers on the streets. Instead, it is a chance to correct an imbalance in our sentencing laws and is co-sponsored by some of the most conservative members of the [Senate](#), including Republican [Sen. Tom Coburn](#), a physician from Oklahoma, and Republican Sens. [Jeff Sessions](#) and [John Cornyn](#), former attorneys general of Alabama and Texas, respectively.

They know that the current disparity in sentences for cocaine is horribly unjust, and they and their Democratic colleagues have acted to correct a mistake made by [Congress](#) in 1986. That mistaken policy mandates a 10-year minimum sentence for a drug dealer with only a candy-bar-size amount of crack. Yet if the dealer were selling powder cocaine, he would have to have a briefcase full of powder cocaine to receive that same 10-year sentence. The law clearly is unjust. A unanimous [Senate](#) voted to reform the disparity in March. The House should follow suit next week and send the bill to President [Obama](#).

This disparity was passed in 1986 and based largely on the assertion that crack cocaine was more dangerous than powder cocaine, that it was instantly addictive and that it caused violent behavior. Since then, copious scientific evidence and [U.S. Sentencing Commission](#) analysis have shown that these assertions, which were not supported by sound data, were exaggerated or even false. The disparity has resulted in a hugely disproportionate number of black Americans being sentenced under this mandatory-minimum law. Although the intent was not to single out one racial demographic over another, the impact of these laws amounted to discrimination.

The harsh crack penalties have fallen mostly on low-level cocaine offenders, many with no previous criminal history. According to an analysis by the Criminal Justice Policy Foundation, just 7 percent of federal cocaine cases are directed at high-level traffickers. Instead, federal authorities squander huge amounts of resources on small cogs in the cocaine distribution network: One-third of all federal cocaine cases involve an average of 52 grams - the weight of a candy bar. This is a terrible misuse of the time and talent of federal law enforcement and prosecutors. Plus, it has clogged the federal courts with cases that can be handled easily by the states. If we are to stop the flood of cocaine coming into the country, federal law enforcement should be focused on high-level traffickers.

After nearly 25 years of experience with this penalty scheme in place, we know that, contrary to what the sponsors of the original law believed, crack cocaine is not more dangerous than powder. Not only does the disparity between the two drugs lack scientific basis, it harms communities and drains law enforcement resources. That is why S. 1789 is supported by the Federal Law Enforcement Officers Association, the National District Attorneys Association and the International Union of Police Associations. It also is supported by religious groups such as my own organization, Prison Fellowship, as well as the National Association of Evangelicals and CitizenLink of Focus on the Family. In addition, many conservative leaders, such as David Keene, chairman of the American Conservative Union; Grover Norquist, president of Americans for Tax Reform; former Rep. J.C. Watts; and former U.S. attorney and former head of the Drug Enforcement Administration Asa Hutchinson support this reform.

Despite the substantial cost to taxpayers and society, the crack-powder ratio has resulted in no real impact on the cocaine trade - and has diverted precious federal resources from stopping drug kingpins to chasing after low-level local offenders. The truth is that crack cocaine dealers are at the lowest end of the cocaine distribution chain. These small dealers are easily replaced with other young people gullible enough to think they can get rich quickly dealing crack.

For these reasons, [Congress](#) needs to fix the disparity. The bill approved by the [Senate](#) earlier this year would reduce the 100:1 powder-crack disparity to just 18:1. It would eliminate the five-year mandatory minimum for simple crack possession. Finally, it would address concerns about violence associated with crack use by recommending a guideline increase for drug crimes involving violence.

Our federal laws should reflect our shared values - values that include liberty, equality and compassion. Enactment of the reform bill pending in the House would advance all of these values. It would put an end to excessive deprivations of freedom; it would treat drug offenders equally, and it would demonstrate compassion for those who commit minor offenses yet deserve a second chance to fulfill their responsibilities to family and community.

Leaders in the [Senate](#) showed remarkable integrity when they put partisan differences aside and embraced this responsible sentencing reform in March. We hope House leaders, including our own Virginia Rep. Eric Cantor, the House minority whip, will join them in addressing this injustice and support S. 1789.

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