

WASHINGTON, DC – Congressman Robert C. “Bobby” Scott, Chairman of the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security, issued the following statement on passage of S. 1789, the Fair Sentencing Act of 2010:

“Today, S. 1789, the Fair Sentencing Act of 2010, historic bipartisan legislation, was passed by the House of Representatives. This bill will reduce the 100-to-1 sentencing disparity between crack and powder cocaine in federal law to 18-to-1.

“Under current law, it takes only 5 grams of crack cocaine to trigger a 5-year mandatory minimum sentence, but for powder cocaine it takes 500 grams to trigger the same 5-year mandatory minimum sentence. S. 1789 moves the threshold amount of crack for a 5-year mandatory minimum sentence from 5 grams to 28 grams and makes a similar reduction to an 18-to-1 ratio for the ten-year mandatory minimum.

“Studies have shown that there are no pharmacological differences between crack and powder cocaine. Yet, crack offenders are serving extremely long sentences, while people who have committed more serious drug offenses, or serious violent crimes, are serving shorter terms. Kemba Smith, a college student in my Congressional District who had a very minor role in a crack conspiracy involving her boyfriend who was a drug dealer, was sentenced to 24 and 1/2 years and served 7 years before her sentence was commuted by President Clinton.

“And the higher penalties for very small amounts of crack have the bizarre effect of punishing those lower in the drug distribution chain much more severely than the drug kingpins in the chain who distribute the larger amounts of powder from which the crack is produced.

“The differences in penalties for crack and powder cocaine also have a disparate racial impact. More than 80% of people convicted in federal court for crack offenses are African American, while only 27% of those convicted of powder cocaine offenses are African American.

“Although I think the fairest approach would be to totally eliminate the disparity between crack and powder cocaine, the bill we passed today represents substantial progress toward that goal.

“I would like to thank Senator Durbin and Senator Sessions, as well as their colleagues on both sides of the aisle, for developing this successful bi-partisan compromise. I would also like to thank House Majority Whip Jim Clyburn for his tenacious efforts to get the bill scheduled for action in the House this week. And, I would like to thank House Judiciary Committee Chairman John Conyers, Rep. Sheila Jackson Lee, Rep. Maxine Waters, Rep. Mel Watt and Rep Charles Rangel for their long-standing dedication to addressing this unfairness between crack and powder cocaine penalties.

“Further, I would like to thank the advocates and organizations that have worked tirelessly for many years to reform the federal crack cocaine law such as Wade Henderson, Nancy Zirkin and Lisa Bornstein from The Leadership Conference on Civil and Human Rights, Nkechi Taifa from The Open Society Policy Center, Laura Murphy and Jennifer Bellamy from the ACLU, Julie Stewart and Jennifer Stitt from Families Against Mandatory Minimums, Marc Mauer and Kara Gotsch from The Sentencing Project, Jasmine Tyler from the Drug Policy Alliance, Hilary Shelton with the NAACP and Bruce Nicholson with the American Bar Association.”

#