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ISSUE UPDATE



NAACP VICTORY

DATE: July 29, 2010
TO: Concerned Parties
FROM: Hilary O. Shelton, Director, Washington Bureau

NAACP-SUPPORTED LEGISLATION TO REDUCE CRACK COCAINE / POWDER COCAINE SENTENCING DISPARITIES PASSES U.S. HOUSE AND SENATE

***CRUCIAL BILL REDUCING SENTENCING DISPARITY FROM 100:1 TO 18:1 IS
HISTORIC FIRST STEP TOWARD ELIMINATING RACIALLY DISCRIMINATORY
SENTENCING DISPARITIES***

THE ISSUE

On Wednesday, July 28, 2010, the U.S. House of Representatives passed, by a unanimous voice vote, S. 1789, the *Fair Sentencing Act of 2009* which would reduce the mandatory minimum sentence for a federal conviction of crack cocaine possession from 100 times that of people convicted of carrying the drug in powdered form to 18 times the sentence. This compromise legislation passed the United States Senate late in the evening of Wednesday, March 17, 2010, by unanimous consent (without a recorded vote); it will now go to President Obama for his signature.

The NAACP supports this legislation as an important first step toward completely eliminating this racially discriminatory sentencing disparity.

The NAACP appreciates all of the hard work that has gone into this legislation, as well as the fact that it is the first time Congress has moved to reduce any mandatory minimum sentence. The NAACP also recognizes and appreciates that everyone involved in the negotiations seems to agree that the current 100:1 sentencing disparity has had a hugely unfair and racially discriminatory impact on racial and ethnic minority Americans. The NAACP will continue, however, to push for complete elimination of the disparities between crack and powder cocaine sentencing.

Everyone seems to agree that crack cocaine use is higher among Caucasians than any other group: most authorities estimate that more than 66% of those who use crack cocaine are white. Yet in 2006, **82%** of those convicted and sentenced under federal crack cocaine laws were African American. When you add in Hispanics, the percentage climbs to above 96%. Since enactment of this law, over 23 years ago, the 100 to 1 ratio has had a devastating and disproportionate impact on the African American and Hispanic communities. Because of the mandatory minimum jail sentence for those convicted of possession of 5 grams of crack cocaine or more, people of color are being put in prisons at much higher rates than their Caucasian counterparts, and the judges have no discretion to mitigate the sentence for first-time or nonviolent offenders or special circumstances.

It is estimated that if passed as written, the legislation reducing the sentencing disparity from 100:1 to 18:1 will result in 4,000 fewer Americans being in jail in 10 years.

This is a huge victory for the NAACP; as an elimination of the sentencing disparity has been a priority for us for a long time. In addition to working independently and in coalition in favor of eliminating this particular mandatory minimum sentence, the NAACP has testified before Congress and the U.S. Sentencing Commission on this issue on many occasions.