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Think Piece
Crack, Congress and the Million Man March
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The 10th anniversary of the Million Man March also marks the 10th anniversary of a missed opportunity to dramatically reduce the number of African Americans in prison.

Bill Clinton, jokingly referred to as the “first black president,” could have made the decisive difference a decade ago by remedying one of the most notorious illustrations of disparity in the criminal justice system – the singling out of crack cocaine offenders for harsher punishment than powder cocaine offenders.

This sentencing law treats possession of just five grams of crack cocaine (the weight of five packets of sweet and low) the same as the trafficking of 500 grams of powder cocaine (about the weight of a one pound bag of sugar). In other words, one receives the same five year mandatory sentence for 5 grams of crack as for 500 grams of powder. But because powder cocaine can very easily be converted to crack, to punish crack cocaine offenses at a quantity ratio 100 times greater than its original powder form, is irrational.

Despite prevalent stereotypes, the majority of documented crack users are white. The “war on drugs,” however, has been primarily fought in inner-city black communities. This law enforcement policy has caused a disproportional number of low-level black drug abusers to be herded to prison under the crack laws, serving unreasonably harsh sentences.

On October 16, 1995, not coincidentally the day of the Million Man March, then President Clinton eloquently appealed for “fairness and equality” in a riveting address on race relations on a college campus, in which he stressed the need to “root out racism” from the criminal justice system.

Ironically, two days after that speech, the justice and equality that a million black men had marched to the steps of the Capitol to demand, was deferred. Congress voted against equalizing the quantities for the sentencing of crack and powder cocaine offenses.

This vote was suspect because lawmakers rejected the wisdom of their own bipartisan Sentencing Commission, which had meticulously researched and analyzed cocaine and federal sentencing policy over a

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two-year period. The Commission had come to the unanimous conclusion that the sentences for crack cocaine were too great and must be changed. Shamefully, out of over 500 recommendations submitted by the expert Commission since its inception, this was the first one Congress chose to ignore.

The ball was then in Mr. Clinton's court. Congressional Black Caucus members pointedly appealed to the president to eradicate the disparity in cocaine sentencing. This was the first "test," they declared, in the wake of the Million Man March, to prove he would "root out" unjust policies and practices. A coalition of civil rights groups at that time declared that eliminating this unjust law would have been "as easy as the stroke of a pen." Unfortunately, Mr. Clinton failed to turn his eloquently delivered words on race relations into deeds, instead siding with the congressional majority and disregarding rationally based reform. And prisons continued to be built – and filled – throughout the 1990s.

Ten years have come and gone. Nearly a million black people are now in prison – largely because the harsh crack cocaine laws have remained unchanged. Politics, however, must not continue to drive sentencing policy. Now is the time for progressives and conservatives to join together to rectify the missed opportunity of the past. Congress must listen to the advice of its own Sentencing Commission, which concluded that revising this one law "would better reduce the gap [in sentencing between African Americans and other racial groups], and it would dramatically improve the fairness of the federal sentencing system."

During the past decade the historic Million Man March has spawned several other national marches, including this past weekend's Millions More Movement, pulling together not just men, but women, youth, and families as well. But the continuation of harsh and irrational sentencing laws is tearing these very families apart. These laws have thrust unprecedented numbers of women into the criminal justice system, subsequently terminating parental rights to their children. They have resulted in the warehousing of youth for prison terms at the beginning of their adulthood, creating in the process an epidemic of physical, mental, and public health issues. And those who manage to return to communities at the conclusion of decades-long sentences are confronted with staggering barriers to successful reintegration into society, oftentimes causing renewal of the same harmful cycles that put them in prison in the first place.

It is time that crack cocaine laws change. Policymakers must have the courage to rationally reform them, and to directly confront issues of racial disparity. Perhaps the Millions More Movement can be the beginning of a grassroots catalyst that encourages those on Capitol Hill and in the White House to mend this "crack" in our justice system.

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