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CARDIN CALLS FOR AN END TO RACIAL DISPARITY IN DRUG SENTENCING GUIDELINES

“Our judicial system must not perpetuate biases against minority populations”

Washington - U.S. Senator Benjamin L. Cardin (D-MD), a member of the Senate Judiciary Committee, today called the sentencing disparity between crack cocaine and powder cocaine a civil rights injustice that unfairly punishes minorities. Senator Cardin made his remarks during a hearing of the Judiciary Crime and Drugs Subcommittee entitled *“Restoring Fairness to Federal Sentencing: Addressing the Crack-Powder Disparity.”*

“There is no excuse for breaking the law by using and/or selling illegal drugs of any kind. The American drug epidemic is a serious problem that we must address, but our drug laws must be smart, fair and rational,” said Senator Cardin. **“The current law is a civil rights injustice. It disproportionately affects minorities and has contributed to the enormous growth in the prison population. It also misdirects limited federal resources on low-level individuals instead of targeting major traffickers. We must eliminate this gross disparity.”**

The Department of Health and Human Services has consistently shown that the number of drug users generally reflects the relative racial and ethnic proportion of the national population, meaning that whites, blacks and Latinos use drugs at relatively similar rates. However, in 2006, statistics show that whites constituted 66 percent of those using crack cocaine but only 8.8 percent of those sentenced under federal crack cocaine laws. Blacks constituted a disproportionate 82 percent of those sentenced under federal crack cocaine laws.

According to the *Journal of the American Medical Association*, “cocaine in any form produces the same physiological and subjective effects.” However, the initial assumptions about crack and powder cocaine – two forms of the same drug – were that crack had unique properties that made it instantly addictive. As such, under current law it takes 100 times more powder cocaine than crack cocaine to trigger the five and ten year mandatory minimum sentences. Additionally, crack cocaine is the only drug with a five year mandatory minimum for simple possession. The maximum sentence for simple possession of any other drug –like powder cocaine or heroin – is one year in prison. We now know that these initial assumptions about crack and powder cocaine, simply, are not true.

“It is imperative that our drug laws keep pace with the latest available scientific information or their effectiveness will be skewed and individual rights will be compromised,” said Senator Cardin.

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