

Issues of crack cocaine assignment

Law



Joshua Forte 9/27/2011 Group 2 Assignment #4 Unjust Punishments & "The Case of Crack Cocaine" Unjust punishments can occur because of sentencing disparities and wrongful convictions. Current prison populations show a higher population of African Americans and Hispanic men leading some to believe that a sentencing disparities caused by racial prejudices and discrimination are the causes. Sentencing disparities occur when offenders with similar criminal histories who have committed the same offense receive much different penalties.

Data has shown that Hispanics and African Americans have received harsher punishments compared to whites for similar crimes. Wrongful convictions occur when an innocent person is found guilty by either plea or verdict. The development of DNA testing has increased the number of people convicted by juries and later exonerated by science. In 2004 congress passed the Justice for All Act which implemented funds for DNA testing on a backlog of over 300, 000 rape kits and other crime-scene evidence. In 1986 the drug crack was a major story in the news.

Feeding off the crack fear, Congress pass the Anti-Drug Abuse Act which made the possession of 5 grams or more of crack a mandatory 5 year prison sentence. The impact of this law led to a steep rise in the number of drug offenders in prison. In 1993 a study showed that 88.3 percent of men locked up in prison for crack were African American. In 1991 a Minnesota court ruled that a state law treating crack more harshly was unlawfully discriminatory against African Americans. In 2010, Obama signed into law the Fairness in Sentencing Act (<http://www.chocolatecity.com/2010/08/03/obama-signs-crack-cocaine-versus-cocaine-powder-law/>). This law changes what was known as <https://assignbuster.com/issues-of-crack-cocaine-assignment/>

the 100: 1 sentencing ration, which means it would take 100 grams of cocaine to receive the same punishment that someone with 1 gram of crack would receive, to an 18: 1 ratio. Many saw the 100: 1 ration as discriminatory. Crack is typically used by poor African Americans and Hispanics. Cocaine is typically used by white middle and upper class. I think changing the law was a good thing, but I feel a 1: 1 ratio where punishment is the same for both drugs would be