

Further Background

Q. What exactly did the Sentencing Commission do?

The Sentencing Commission actually took 2 steps that if adopted would result in drastically reducing the penalties for crack.

First, the Commission recommended that Congress eliminate the differential treatment of crack and cocaine powder by amending the current mandatory minimum statute for crack.

Second, the Commission promulgated an amendment of the sentencing guidelines to treat crack and cocaine powder alike under the guidelines, regardless of whether Congress first revised the statutory minimum penalties.

It is the second step that this legislation would prevent from occurring.

If Congress adopted these 2 recommendations, some offenses now subject to a 5 year or 10 year mandatory minimum prison term would potentially result in a sentence involving no required prison term at all.

Furthermore, by not disapproving of the Sentencing Commission's guideline recommendation through this legislation, a tenth of a gram of crack could make the difference between a guideline sentence of a halfyear of imprisonment (or probation with conditions of confinement) and a five-year mandatory minimum term. Moreover, many sentences that would have been well above the mandatory minimum levels, base on quantity would be reduced to the mandatory minimum.

The result would be that we would be greatly decreasing the cost of business for crack dealers.

Crime - Crack

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

October 30, 1995

STATEMENT BY THE PRESIDENT

Today I reject United States Sentencing Commission proposals that would equalize penalties for crack and powder cocaine distribution by dramatically reducing the penalties for crack. The Sentencing Commission would also reduce the penalties for money laundering by combining the guidelines on money laundering with those on transactions in unlawfully acquired property. I am opposed to both of these changes.

Since I took office, my Administration has fought to stop drug abuse and to stamp out the crime and violence that are its constant companions. We are battling drug traffickers at every level of their networks -- from the very top to the very bottom.

The Cali Cartel, which pumped drugs into America with seeming impunity, is now on the run. We have intensified our efforts to work with drug producing countries to stop drugs from coming into the United States and to capture major drug traffickers. We told criminals convicted time and again for serious violent crimes or drug trafficking that from now on, it's three strikes and you're out. And we established the death penalty for drug kingpins, because they should reap what they sow.

We are putting 100,000 police officers on America's streets. We banned assault weapons because America doesn't want drug dealers to be better armed than police officers. We are helping schools to rid themselves of guns, and we are also helping schools to prevent teenage drug use by teaching children about the dangers of drugs and gangs. And we support schools who test student athletes for drugs.

All of this is beginning to work. For the first time in a very long time, crime has decreased around the country. But we cannot stop now. We have to send a constant message to our children that drugs are illegal, drugs are dangerous, drugs may cost you your life -- and the penalties for dealing drugs are severe. I am not going to let anyone who peddles drugs get the idea that the cost of doing business is going down.

Trafficking in crack, and the violence it fosters, has a devastating impact on communities across America, especially inner-city communities. Tough penalties for crack trafficking are required because of the effect on individuals and families, related gang activity, turf battles, and other violence.

Current law does require a substantial disparity between sentences for crack as compared to equal amounts of powder cocaine. Some adjustment is warranted, and the bill I am signing today, S. 1254, directs the Sentencing Commission to undertake additional review of these issues and to report back with new recommendations.

Furthermore, the sentencing structure should reflect the fact that all crack starts as powder. When large-scale cocaine traffickers sell powder with the knowledge that it will be converted into crack, they should be punished as severely as those who distribute the crack itself. I have asked the Attorney General to immediately develop enforcement strategies to bring about this result. As I said before, we are going after drug traffickers at every level of their networks.

THE WHITE HOUSE,
October 30, 1995.

S. 1254 -- the Administration's Crack Sentencing Guidelines Legislation

Questions and Answers

Q. Why does the Administration oppose the Sentencing Commission's guideline recommendation on crack sentencing?

A. We are concerned that the equalization of the penalties for crack and cocaine powder trafficking does not reflect:

- * the significant differences between the two;
- * the impact crack has had on our communities;
- * and the effect a drastic change in penalties would have on deterring those who traffic in this dangerous drug.

Q. What's the point of sending this back to the Sentencing Commission -- isn't the President just punting a political hot potato?

A. The Sentencing Commission's recommendations will go into effect on November 1 unless the President signs this legislation beforehand.

The President is saying this to the Sentencing Commission -- "I disagree with your recommendations; I want you to go back, work with my Attorney General, and come back in May with sentences that treat crack distribution more harsher than powder cocaine, but I also want sentences that ensure that we treat a high-level powder cocaine distributor as severely as street-level crack distributors."

Q. Why doesn't the President propose legislation that would increase the sentences for cocaine -- won't that reduce the disparity in the current sentencing system?

A. The President wants the Sentencing Commission, working with the Attorney General, to have the opportunity to reexamine their recommendations and return with sentences that still reflect his concern with crack distribution.

In the mean time, the President is also asking the Attorney General to begin working immediately with United States Attorneys to make sure that high-level power cocaine distributors are prosecuted for what they know they are doing -- selling powder cocaine that is ending up as crack on our streets.

Crack is a more dangerous drug than powder cocaine; the President believes that the sentencing structure should reflect this in some way. But a high-level drug distributor who knows his powder cocaine is ending up as crack vials on the street, should be punished for what he is doing -- pushing crack.

Q. Isn't crack and cocaine powder effectively the same drug?

A. Crack is more psychologically addictive than cocaine powder. The Administration's conclusions about the harmful effects of crack as compared to cocaine powder are virtually the same as those reached by the Sentencing Commission. Indeed in its report to Congress on this issue, the Sentencing Commission concluded that:

"[T]he higher addictive qualities associated with crack combined with its inherent ease of use can support a higher ratio for crack over powder."

Furthermore, as the Sentencing Commission itself stated:

"crack dealers generally tend to have a stronger association with systemic violence and are more likely to possess weapons than powder cocaine dealers."

Q. Doesn't the current penalty structure discriminate against African-Americans?

A. The President has recently spoken, as you know, of his concern with the number of young African-Americans who enter the criminal justice system. That is an issue he will continue to address. But reducing crack cocaine sentences is not the solution to that problem. Instead, reduced sentences for crack trafficking would ignore the devastation this drug has cause so many communities and victims across the country. A crack dealer could only interpret it one way -- the cost of business is going down, keep pushing.

The legislation he signs today includes an amendment by Senator Kennedy that was unanimously accepted in the Senate, which instructs the Sentencing Commission to undertake a review and report back to Congress its findings and recommendations on what sentencing structure can both provide the penalties needed by law enforcement but also ensure that our drug enforcement laws and policies are fair.

Money Laundering

Q. Why are you disapproving of the money laundering guideline?

A. The Commission recommended amendments to the money laundering guidelines that would substantially lower the penalties for many serious money laundering offenses.

As the President has stated, we are committed to combatting the drug networks at every level -- from top to bottom -- and he believe they need to be sentence severely at each level. Money laundering statutes are an essential law enforcement weapon in convicting high-level drug traffickers.

When the President recently spoke before the U.N., he stated that he was directing our government to identify and put on notice nations that tolerate money laundering. He does not believe that we should be reducing money laundering penalties at home while we are working to catch drug traffickers attempting to hide their ill-gotten gains overseas..

S. 1254 -- the Administration's Crack Sentencing Guidelines Legislation

Questions and Answers

Q. Why does the Administration oppose the Sentencing Commission's guideline recommendation on crack sentencing?

If the Administration did not propose this legislation and the Congress had not passed it, then the Sentencing Commission's recommendation's would go into effect on November 1.

We are concerned that the equalization of the penalties for crack and cocaine powder trafficking does not reflect the significant differences between the two, the impact crack has had on our communities, and the effect a drastic change in penalties would have on deterring those who traffic in this dangerous drug.

Q. Isn't crack and cocaine powder effectively the same drug?

Crack is more psychologically addictive than cocaine powder. The duration of effect is shorter for crack than cocaine powder. Duration of effect is significant because it is related to dependency -- because of the short but intense nature of the euphoria induced by crack, the user is more likely to administer the drug frequently and in binges.

The Administration's conclusions about the harmful effects of crack as compared to cocaine powder are virtually the same as those reached by the Sentencing Commission, which itself concluded: "[T]he higher addictive qualities associated with crack combined with its inherent ease of use can support a higher ratio for crack over powder."

Furthermore, as the Sentencing Commission itself stated, "crack dealers generally tend to have a stronger association with systemic violence and are more likely to possess weapons than powder cocaine dealers."

Q. Doesn't the current penalty structure discriminate against African-Americans?

Federal prosecution efforts in all areas reflect an intent to direct federal resources toward the greatest criminal problems devastating our communities. Race should never be a factor in our decision-making.

The legislation as passed by Congress also instructs the Sentencing Commission to undertake a review and report back to Congress its findings and recommendations on what sentencing structure can both provide the penalties needed by law enforcement but also ensure that our drug enforcement laws and policies do not differentiate based on race.

Q. What exactly did the Sentencing Commission do?

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If Congress adopted these 2 recommendations, some offenses now subject to a 5 year or 10 year mandatory minimum prison term would potentially result in a sentence involving no required prison term at all.

Furthermore, by not disapproving of the Sentencing Commission's guideline recommendation through this legislation, a tenth of a gram of crack could make the difference between a guideline sentence of a halfyear of imprisonment (or probation with conditions of confinement) and a five-year mandatory minimum term. Moreover, many sentences that would have been well above the mandatory minimum levels, base on quantity would be reduced to the mandatory minimum.

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