

Drugs/  
Crack  
THE WHITE HOUSE  
WASHINGTON

10/13/97

Rahm/Bruce/ELENA —

PER MY COMMENTS TO BRUCE  
+ ELENA — AND IN CASE  
YOU MISSED THIS, RAHM —  
ATTACH IS AN OP-ED  
THAT MCGEELEY SENT  
TO THE DC TIMES.

DOJ WAS FURIOUS BECAUSE  
THEY'VE SPENT WEEKS  
PURSUING A QUIETER,  
MORE SUBTLE STRATEGY.

You

**BARRY MCCAFFREY 64**

## War on drugs and stereotypes

**W**ould you close your eyes for a second, envision a drug user, and describe that person to me? This question appeared in a survey, the results of which were published in 1993 in the Journal of Alcohol and Drug Education. Ninety-five percent of respondents pictured a black drug user while only 5 percent imagined other racial groups.

The truth is: Most drug users in the United States are white. African-Americans constitute only 13 percent of current drug users. Before falsely stigmatizing any minorities, we should bear in mind that more whites than blacks use both forms of cocaine — crack and powder — according to the 1993 National Household Survey on Drug Abuse. Cocaine is a problem that afflicts the entire country.

The controversy over federal sentencing disparities between the two forms of cocaine contributes to racial tension. At present, federal

laws pertaining to crack cocaine are 100 times more severe than for powder cocaine. As a result of the 1986 Anti-Drug Abuse Act, a five-year minimum prison sentence is required for anyone possessing five grams of crack or 500 grams of powder cocaine.

By comparison, simple possession (no distribution intended) of small quantities of powder cocaine — on the part of first-time offenders — is only a misdemeanor punishable by no more than a year in prison. Because crack cocaine is less expensive and more common in inner cities, harsher punishment for crack has been interpreted as discrimination against blacks.

The current federal sentencing policy has produced disproportionately severe punishment for African-Americans. According to the most recent figures, African-Americans constitute 15 percent of cocaine users. However, 38 percent of those charged with powder cocaine violations, and 88 percent of those convicted of crack cocaine

charges, are black.

For crimes involving 50 to 150 grams of cocaine, crack defendants received median sentences of 128 months compared to 18 months for powder. Since nearly all cocaine is smuggled into our country and transported over state lines in powdered form, the federal sentencing disparity has produced long incarceration for low-level crack dealers rather than for international, interstate, and wholesale traffickers.

Attorney General Janet Reno and I reviewed the U.S. Sentencing Commission's proposals on cocaine. In response, we recommend that relative to federal mandatory sentences, the ratio for cocaine be changed to 25 grams for crack and 250 grams for powder. In other words, crack should be treated as 10 times worse than powder — not 100 times worse, as is currently the case. This difference would reflect the greater addictive potential of crack (which is smoked) compared to powder (when snorted) and the importance of targeting mid- and

high-level traffickers as opposed to small-scale dealers.

Our second recommendation is that mandatory minimums be abolished for simple crack possession. Among all controlled substances, crack is the only one with a federal mandatory minimum sentence for a first offense of simple possession.

Federal drug enforcement efforts should target drug distribution chains, particularly interstate and international traffickers. Federal agencies should also target midlevel dealers when they can provide information about drug distribution organizations.

Lower-level



Illustration by Rob Neighbors/LA Times Syndicate

crack dealers should be prosecuted by state and local authorities.

Our recommendations are based on the conclusion that we can't incarcerate our way out of the drug problem. Last year, our country's prison population grew by 55,796 to a record 1,182,169 inmates in federal and state systems. In the decade between 1985 and 1995, the number of prisoners with drug offenses as their most serious crime increased from 38,900 to 224,900—an upsurge of 478 percent!

The proposed changes in federal sentencing policy reflect our continuing belief that incarceration is appropriate for drug traffickers, violent criminals, and repeat offenders. These recommendations also embody our conviction that the best thing to do with non-violent drug users is to get them off drugs so they can start productive lives.

We need to be smart, not soft, on crime.

Barry McCaffrey is director of the White House Office of National Drug Control Policy.