

SENATOR HALL: Thank you, Senator Lindsay. Senator Chambers, your light is next.

SENATOR CHAMBERS: Mr. President, members of the Legislature, this is an issue that I raised the last time that we had the crime bill because of the disparity in sentencing. Senator Lindsay has given a very good and clear and accurate statement about what federal judges have done. And since the federal sentencing commission has recommended changes in these drug laws, these sentencing laws which will become effective November 1st, unless Congress intervenes to stop them, judges in Nebraska and other states are giving postponements in sentencing to those people convicted of crack offenses. Judge Kopf in Nebraska said it's appropriate to grant these postponements to see if there can be a color blind application of the law when it comes to crack cocaine and powder cocaine because there is no essential difference whatsoever. So they are giving postponements to these convicted men because if the sentencing guidelines which have been changed by the commission are allowed to take effect November 1st, these men, and if they're women, will be given much lesser sentences than currently is the case. The judges themselves who are not sympathetic to drug dealers at all are offended because they see a patent injustice created in the law by the government itself. It was a federal judge in Omaha named by Senator Lindsay, he gave you his name, who first had the courage to say that he was not going to participate in these discriminatory sentencing patterns. And he imposed one that he thought would be fair. An appellate court said that can't be, that the sentencing guidelines are what have to be followed. But there developed such a level of discomfort among judges all over the country, and even some prosecutors that the federal commission that establishes sentencing said they have to do away with the distinction that had been made between these two. And it originally was made, not on any scientific or medical basis, but strictly because crack, when white people became aware of it, was something used by black people primarily. Eighty-eight percent of those convicted of crack possession, use or distribution are black. You flip the coin and it's roughly the same, except maybe there's a higher percentage with powder cocaine of white people who were convicted. They both are dealing with the same drug, cocaine. But because one form was used by black people, the white people in Congress said we're going to treat that as being 100 times more deadly, and it was not, and it was not. But the racism that is endemic to America came into play and at the federal