

the statutes de novo, which means they took it up on the round without looking to the federal district court's details, then went on to state that we need not engage in a detailed discussion of the appellants constitutional challenge because we recently stated, in United States v. Clarey (phonetic), we rejected the argument that the 100 to 1 ratio violates the equal protection clause, rejecting the influence that Congress or the sentencing commission acted with discriminatory purpose in enacting Section 841, guidelines Section 2(d)1.1. Then it goes on to cite United States v. Maxwell, rejecting an equal protection challenge to correct penalties of the sentencing guidelines. This copy... a copy of the opinion is available that anyone... for anyone that wants to read it. I was willing, though, in the discussions that we had in the committee, to reevaluate that... this issue. And the argument was made that this should be equalized, that we should have the same penalties for individuals that are convicted of selling and distributing. This isn't... these particular sentences are aimed at the distributors, the sellers of crack cocaine as well as powder cocaine and not the use of the illegal drug. And I was willing though to say, fine, we'll equalize them out and we'll put the harsher penalties on the individuals that are using powder cocaine. And I supported the amendment in the committee and I support the committee amendment as it's currently before the body, and I believe that this deals with the problem of the equalization of the two, and in my opinion deals with Senator Chambers' concerns, I don't know if it does or not, but dealt with... seemed to satisfy Senator Lindsay's concerns in that the penalties are equal to those involved in selling or distributing crack cocaine or powder cocaine. So I support the committee amendment.

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

SENATOR CHAMBERS: Mr. President, members of the Legislature, for the record, I did state, although not in as much detail as Senator Abboud, that the local district judges opinion was appealed and an appellate court reversed him saying that the sentencing guidelines could stand. So I wasn't trying to pull a fast one. But what Senator Abboud did not deal with, and I'm going to read from an article dated May 11th, which would have just been seven days ago. And the headline is, "Crack Offenders Get Delays and Hope for Less Prison Time", from the Omaha World-Herald, as I said, May 11th, from page 22. And this is