

Statement of
The Honorable Russ Feingold

United States Senator
Wisconsin
March 11, 2010

Statement of Sen. Feingold on S. 1789, the Fair Sentencing Act

I wanted to state for the record the reasons for my votes on S. 1789, the Fair Sentencing Act. I was a cosponsor of the bill that Sen. Durbin introduced to eliminate the disparity between the sentences given to individuals convicted of offenses involving crack cocaine and those involving powder cocaine. Under current law, a person found in possession of 50 grams of crack cocaine receives a 10-year mandatory minimum sentence, the same sentence as a person found in possession of 5,000 grams of powder cocaine. This 100-1 sentencing disparity is one of the greatest injustices in our criminal justice system today. It is a major contributor to the belief among many African Americans that the system is fundamentally unfair and biased against them. I have supported eliminating the disparity for years, and cosponsored then-Sen. Biden's bill on the same issue in the last Congress.

The amendment offered by Sen. Durbin, reflecting an agreement reached with Sen. Sessions and other Senators who had been opponents of the bill, creates an 18-1 sentencing disparity. I do not think there is adequate justification for maintaining even this reduced disparity, so I voted against the amendment. However, I voted for the bill, as amended, because both the reduced sentencing disparity and other provisions in the bill, particularly the elimination of a mandatory minimum sentence of five years in prison for simple possession of crack cocaine, represent an improvement over current law.