

Fact Sheet

U.S. vs. Blewett

- The sentencing disparity between crack and powder cocaine has no pharmacological or penological basis.
- Congress understood this and passed Fair Sentencing Act (FSA) in 2010 which shrank the disparity to 18:1. But this is still arbitrary and discriminatory – the ratio should be 1:1.
- Not applying the FSA retroactively would perpetuate a racially discriminatory regime. In May 2013, a 3-judge panel on the 6th circuit recognized this and sought to apply the FSA retroactively. This current case is before an en banc panel of 6th Circuit judges.
- 8,829 people convicted and sentenced for federal crack offenses would be eligible for a sentence reduction if the FSA were retroactive. 87.7% of these individuals – about 7,681 inmates – are African American.
- White Americans comprise more than 50% of crack users and less than 10% of federal convictions for crack offenses. African Americans comprise 32% of crack users and 82% of federal convictions for crack offenses. As of 2003, African Americans served nearly as much time in prison for a **drug offense** in the federal system (58.7 months) as whites did for **violent offense** (61.7 months).
- This disparity has tremendous implications for life after prison: individuals sentenced for nonviolent drug offenses are excluded from labor markets, disenfranchised, and face social stigma within their families and communities.
- Failing to apply the FSA retroactively “risks imputing a discriminatory purpose to Congress which was aware that the ratio lacked a penological justification and was discriminatory.” States have no legitimate interest in imprisoning people under this arbitrary & discriminatory sentencing regime.