

Statement for the Record

Bob Bushman

**Vice President, National Narcotic Officers' Associations'
Coalition**

**Hearing Before the Subcommittee on Crime, Terrorism, and Homeland
Security**

Committee on the Judiciary

United States House of Representatives:

**“Unfairness in Federal Cocaine Sentencing: Is it time to
Crack the 100 to 1 Disparity?”**

May 21, 2009

STATEMENT OF BOB BUSHMAN
VICE PRESIDENT, NATIONAL NARCOTIC OFFICERS' ASSOCIATIONS' COALITION
(NNOAC)
HOUSE JUDICIARY COMMITTEE
SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY
MAY 21, 2009

Chairman Scott and Congressman Gohmert, thank you for inviting me to share the views of the National Narcotic Officers' Associations' Coalition (NNOAC). My name is Bob Bushman and I have been a law enforcement officer in Minnesota for 30 years. I am Vice President of the NNOAC, which represents 44 state associations with more than 69,000 law enforcement officers nationwide.

The NNOAC has worked with this committee to support several critical public safety measures over the past decade, and we are pleased that many, including both the Byrne Justice Assistance Grant (JAG) Reauthorization Act and the Second Chance Act that were signed into law last year, have resulted from those collaborative efforts.

Technically, what our NNOAC members do is enforce the laws against crime and illegal drugs that legislative bodies, like Congress, put on the books.

In human terms, the people we represent are dedicated law enforcement officers. As we testify here today, many police officers, sheriff's deputies, and state and federal agents are working in neighborhoods throughout our country, protecting our communities from predators who profit greatly by selling and distributing poisons to our kids with the knowledge that these poisons will make them addicts, expose them to violence, and in some instances, even kill them. These predators purposely harm not only the user, but the user's family, and the community as well. And, in most instances, our members are the only ones that stand in their way.

I remember the devastation I saw in the 1980s and 90s as a cop working crack cases in our Twin Cities. It was unlike anything I or my partners had ever seen. The highest homicide rates most

cities have ever experienced occurred during the crack epidemic of the late 80s and early 90s. Our country experienced a painful “wake-up call” and acted decisively to get a handle on the problem. The crack trade was responsible for dramatic increases in violent crime and, consequently, it consumed police resources in many of our most urban areas. The negative impact on public safety was staggering. Drive-by shootings, gang wars and home invasions were common occurrences. Citizens – through their elected representatives and leaders – demanded tough measures to bring the situation under control. The current laws related to sentencing of crack offenders were a direct response to the desperate pleas of the law abiding citizens and their families, who became victims trapped in crime infested neighborhoods.

Drug problems have existed in our nation for a long time. Most people don’t realize that the height of drug addiction in this country occurred just after the Civil War when 1 in 200 Americans were addicted to drugs. During our lifetime, drug use peaked during the late 1970’s. Since the height of the crack epidemic, drug use – particularly cocaine use – has declined dramatically. I don’t think we hear this enough. If the incidents of AIDS or diabetes decreased as dramatically as drug use has, someone would be getting a Nobel Prize.

Yes, we continue to have a significant drug problem in this country. But we have made a huge difference in the past 20 years, due in part, to tough criminal sanctions that both prevent drug use and compel cooperation of individuals to take down drug distribution organizations.

Let me be clear - we understand the sensitivities around the issue of the 100:1 crack-powder disparity. We often work in environments where the law and those who enforce it are not respected, whether it’s because of perceived racial bias or some other reason. But we need you, our members of Congress, to understand what we as police officers, sheriff’s deputies and drug enforcement agents experience and work with every single day of our careers, and to understand that we are dedicated professionals who work hard to protect our citizens, no matter who they are, where they live, or what they believe.

We are caught in the middle on this issue. Our main concern is public safety – that is what we are hired and trained to do. But it is difficult to protect the citizens, especially those in the drug-

infested, high crime areas who need us most, when we cannot rid those neighborhoods of the ones who abuse them the most – drug dealers and gangs. We are criticized by some for not doing enough, and by others for being too aggressive in our prosecution of drug violators.

I can tell you that we view tough drug sentences as a very effective way of getting predators off the streets – we are talking about the dealers and profiteers, *not* the addicts and low-end users. As a matter of fact, many crack dealers do not use crack – they know the dangers of the drug. Mandatory sentences punish the dealers - the people who do the most damage to our communities.

As we talk about the violence associated with the crack cocaine trade, I ask you to remember that it isn't just driven by the dealer's desire to make money or the user's need to get money to purchase crack. Many violent crimes are committed by people who are under the influence of the drug itself, and unable to act rationally. Domestic violence and child abuse are common in crack riddled neighborhoods. Many police officers and I have spent our own money to purchase food to feed hungry kids who we found living in crack houses. And, as for those who label drug use or addiction as a "victimless crime", I still haven't found anyone who can explain to me how a crack baby isn't a victim.

We have been asked, repeatedly, over the past few years about our views on legislative proposals to reduce the crack-powder disparity. While we believe that the existing law has been a valuable tool in reducing the impact of crack on communities, we realize that it has also had a negative impact on some people's perception of law enforcement. So, while we agree that it is appropriate for Congress to review the law, we also believe that Congress should consider a solution to narrow the disparity between crack and powder cocaine that includes lowering the threshold quantity for powder cocaine. We do not believe the best approach is to dramatically increase the threshold amount of crack that triggers the minimum penalty.

Why should we continue to maintain tougher sentences for crack than for cocaine powder?

- Smoking crack leads to a sudden, short-lived high, causing an intense, immediate desire for more of it. Addiction to crack is quick – and powerful. Just last month, the director

of the National Institute on Drug Abuse, Dr. Nora Volkow, testified before the Senate Judiciary Committee that “research consistently shows that the form of the drug is not the crucial variable; rather it is the route of administration that accounts for the differences in its behavioral effects.”

- The violence associated with the crack trade and perpetrated by crack users is more prevalent than that associated with the cocaine trade; public safety is compromised. We have seen this happen in community after community. Part of it has to do with the turf wars – drug dealers and urban drug gangs fighting for control of an area and the customers it contains. Although much of the violence is dealer-on-dealer, innocent bystanders and, sometimes even entire neighborhoods, are often caught in the cross-fire. These are the citizens that we, as law enforcement officers, are sworn to protect. It’s difficult to protect our communities if we can’t remove those who are responsible for the crime and violence.
- Selling crack is more profitable than selling powder cocaine. If crack cocaine penalties are made equal to that of powder, there will be more incentive to sell crack and make bigger profits. While it is true that crack and powder cocaine have the same physiological effect on the brain, the negative impact on public safety, due to the violence associated with the crack cocaine trade alone, justifies a difference in penalties.

We often hear from advocates of drug decriminalization and legalization that “valuable law enforcement resources” are wasted on low-level drug offenders, and that the low thresholds for crack encourage this. I can assure you that state and local law enforcement across the country are not sitting around plotting how to go after users and addicts – we don’t have the time or resources to do that. Most of our anti-drug operations in the communities are in direct response to citizens’ pleas for help with problems that affect their daily lives and routines – quality of life issues. To the extent that we are dealing with low-level offenders, it is because they are committing other crimes to support their habit or because their actions, while they are under the influence of drugs, threaten the safety of the citizens in our neighborhoods.

As law enforcement professionals, we value the important roles that prevention and education programs play in helping people to avoid immersion into the criminal justice system in the first

place. The NNOAC supports, and is involved with, prevention and education programs around the country. But those who do become drug users or addicts need help and, in many cases, the criminal justice system is a gateway to their recovery. We are strong advocates of Drug Court Programs and we believe that they ought to be strengthened and expanded to mitigate the problems caused by drugs in our communities. In fact, our president, Ron Brooks, was just asked to join the board of the National Association of Drug Court Professionals.

We realize we cannot arrest our way out of the drug problem. But the threat of arrest, prosecution, and imprisonment are important components in deterring drug use, reducing crime and protecting our citizens from falling victim to violent and dangerous, predatory criminals.

I thank you again, Mr. Chairman and Congressman Gohmert for the opportunity to share our views. We look forward to working with this committee and Congress as we attempt to resolve the ongoing problems associated with drug trafficking, abuse and addiction. Just like you, we, too, hope to enhance the vitality of our communities and provide safe streets and stable neighborhoods for America's families in the years ahead.