

Obama Fights to Keep Black People in Jail

By [Margaret Kimberley](#)

Global Research, August 01, 2013

[Black Agenda Report](#) 31 July 2013

Region: [USA](#)

Theme: [Law and Justice](#)

The Obama administration is fighting a federal court ruling that would free the remainder of the mostly Black prison inmates convicted under now-defunct, viciously racially disparate crack cocaine laws. The First Black President and his Black attorney general are determined to keep "5,000 people in jail who have no reason to be there."

"Thousands of inmates, mostly black, languish in prison under the old, discredited ratio. Like slavery and Jim Crow laws, the intentional maintenance of discriminatory sentences is a denial of equal protection." - Sixth District Court of Appeals

If Barack Obama's ascendance to the oval office was worth a fraction of the importance which has been claimed, the president would do something to stop the human catastrophe of mass incarceration and the destruction it has wrought on black Americans. Instead he has officially given it his blessing. In a stunning decision, the Obama administration has made it quite clear where it stands. It stands with making certain that the president spends his two terms in office pleasing white people at the expense of black people.

Mass incarceration was the mechanism used to put black people back in their place after the civil rights movement. It was a perfect means of turning back the clock and diminishing or destroying the citizenship rights which were won after years of struggle. The war on drugs was the pretext for carrying out this plan and the hysteria fomented against crack cocaine created popular demand for draconian law enforcement measures. The United States then became the imprisonment capital of the world with black people paying a disproportionate price.

Under the 1986 Anti-Drug Abuse Act, the federal government officially established that one form of a drug would by statute be treated with greater severity than another form, a 100:1 degree of severity. For sentencing purposes, one gram of crack cocaine was treated like 100 grams of powdered cocaine and thereby established harsh mandatory minimum sentences in federal courts.

Those disparities were opposed from the very beginning by astute lawyers, civil libertarians and anyone savvy about the role that the criminal justice system has always played in imposing the harshest treatments on black people. Years of agitation brought relief in 2010 when Congress passed and President Obama signed the Fair Sentencing Act. The sentencing disparity didn't end however, it was merely reduced. The ratio went from 100:1 to 18:1. The legislation should have been called the Not Quite So Unfair Sentencing Act.

The 100:1 disparity existed for some 20 years before it was addressed and didn't undo the damage of two decades. What would happen to those who were sentenced between 1986 and 2010? According to the Sixth Circuit Court of Appeals, those persons ought to have the

opportunity for retroactive redress. This court noted that between 1988 and 1995 in seventeen states which included large cities such as Boston, Denver, Miami, Chicago, Los Angeles and Dallas, not one white person was tried under federal regulations for a crack cocaine related offense. In [US v Blewett](#) it ruled that the Fair Sentencing Act “should apply to all defendants, including those sentenced prior to its passage.” The court’s decision sounds reasonable and fair, but not to the Obama justice department, which is seeking to [overturn the ruling](#). In other words, the Obama administration is leaving 5,000 people in jail who have no reason to be there and they are doing it for the most cynical of motives.

The Obama apologists have ready-made excuses for any and all acts of evil-doing perpetrated by this administration. One of the favorite enabler rationales is that he isn’t just the president for black people, but for everyone. True, but he seems to never be the president for black people. We have no political victories to point to, no reason for happiness except outdated notions of race pride.

It is clear that Obama has chosen to side with white America against black America. There is no other explanation. He is a lame duck and no longer has to worry about re-election. He had a court decision which he could support and which gave him an easy out.

But there is no easy out when it comes to black people, criminal justice issues and the Obama administration. It seems that the protest slogans are true. We are all Trayvon Martin and must be prepared to face attack and even death and have no expectation of redress from the federal government. We are all Bradley Manning and must be willing to risk being hit with the sledge hammer of federal prosecution for any offense.

We are still being told that the term limited president can’t risk being identified with his most loyal supporters. White people must win, black people must lose and black people should just keep quiet about it all.

Of course the president notoriously parsimonious with pardons and commutations could change this situation with the stroke of a pen. He could [commute the sentences](#) of the 5,000 people still in federal prisons who were sentenced under the old rules. That will never happen and the unlucky people sentenced just weeks before the 2010 act was signed, are just victims of a “[cosmic roll of the dice](#).”

The hollowness of Obama mania has never been more clear cut than in this instance. When he first campaigned for the presidency in 2008 detractors were urged to be quiet and let him win because his feet could be held to the fire. No such flames were ever lit, and the Obamaphiles maligned anyone who didn’t go along with their cultish fixation.

The constitutional law professor president doesn’t care much about the constitution nor does the technically black man care about black people. The president is just the latest ambitious man who was able to make the right sales pitch to the right people and ended up becoming president as a result. There certainly isn’t any change for the people he could help but has chosen not to.

Margaret Kimberley’s Freedom Rider column appears weekly in BAR, and is widely reprinted elsewhere. She maintains a frequently updated blog as well as at <http://freedomrider.blogspot.com>.

Ms. Kimberley lives in New York City, and can be reached via e-Mail at

Margaret.Kimberley(at)BlackAgendaReport.com.

The original source of this article is [Black Agenda Report](#)
Copyright © [Margaret Kimberley](#), [Black Agenda Report](#), 2013

[Comment on Global Research Articles on our Facebook page](#)

[Become a Member of Global Research](#)

Articles by: **[Margaret Kimberley](#)**

Disclaimer: The contents of this article are of sole responsibility of the author(s). The Centre for Research on Globalization will not be responsible for any inaccurate or incorrect statement in this article. The Centre of Research on Globalization grants permission to cross-post Global Research articles on community internet sites as long the source and copyright are acknowledged together with a hyperlink to the original Global Research article. For publication of Global Research articles in print or other forms including commercial internet sites, contact: publications@globalresearch.ca

www.globalresearch.ca contains copyrighted material the use of which has not always been specifically authorized by the copyright owner. We are making such material available to our readers under the provisions of "fair use" in an effort to advance a better understanding of political, economic and social issues. The material on this site is distributed without profit to those who have expressed a prior interest in receiving it for research and educational purposes. If you wish to use copyrighted material for purposes other than "fair use" you must request permission from the copyright owner.

For media inquiries: publications@globalresearch.ca