



BREAK THE CHAINS

Communities of Color and the War on Drugs
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TEN THINGS TO KNOW ABOUT CRACK-POWDER COCAINE SENTENCING DISPARITY

1. Crack cocaine and powder cocaine are different forms of the same drug and according to the National Institute on Drug Abuse have the same effects on the brain and nervous system.
2. More than 80% of the defendants sentenced for federal crack cocaine offenses are African American, despite the fact that more than 66% of crack users are white or Hispanic. Additionally, the federal laws were intended to punish major traffickers but local street-level crack cocaine sellers represent the vast majority of federal prosecutions.
3. The 100:1 sentencing disparity between crack cocaine and powder cocaine offenses was based in part, on myths claiming, for example, that crack cocaine caused violent behavior or that it was instantly addictive. Since then, copious amounts of documented evidence and extensive analysis by the United States Sentencing Commission (USSC) have revealed that many of these assertions were not supported by sound data and were exaggerated or simply false.
4. The fiscal cost to taxpayers has been tremendous – there have been major increases in law enforcement expenditures, prison population and length of time served at the expense of commensurate spending on education, health care and community development.
5. Federal sentencing laws punish not just those who sell drugs, but also a wide range of people who help or merely associate with those who sell drugs. For example, a woman in a relationship with someone engaged in selling crack cocaine can be sentenced to a long mandatory sentence based on her sharing a home where drugs are sold or stored regardless of her personal knowledge or participation in any drug transactions
6. The cumulative effects of these sentencing and law enforcement practices have had a devastating impact on poor communities of color. It has taken a generation of men and women out of their communities away from their families for long periods of time and after release these returning citizens face post-conviction sanctions that create barriers to successful reentry.
7. Despite increased law enforcement focus on cocaine, cocaine purities are as high as they were at the height of the crack cocaine era. Moreover, the street prices of crack and powder cocaine have remained the same over the past decade demonstrating that the strenuous efforts to target cocaine dealing has had little impact on supply and overall distribution.
8. Most states have not adopted the federal cocaine sentencing disparity which indicates they believed their existing laws were adequately protecting public safety and addressing cocaine abuse.
9. There are existing mechanisms in federal sentencing law to address aggravating factors associated with some drug crimes such as gun violence, harm to others and sales to minors or pregnant women, you do not need the sentencing disparity to address those concerns.
10. The difference in drug purity levels that trigger mandatory minimums for crack cocaine vs methamphetamine offenses means that we are treating offenses involving an equally addictive drug more benignly than we treat crack offenses, further exacerbating racial bias and unfairness in our drug laws.