

Crack vs. Cocaine: Should Sentencing Be the Same?

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Abstract

This paper pertains to the topic of unfair prison sentencing of users in possession of crack cocaine versus cocaine. I will mainly focus on the disparity in sentencing for crack cocaine possession, and cocaine possession. I will discuss the origins of the original legislation, crack and cocaine effect, and changes that need to be implemented to right this wrong. This paper will also discuss the historical context of the cocaine and crack use, the population targeted by this legislation, and its contribution to the growing prison population. This topic does not get enough attention but deserves it. Individuals in possession of small amounts of crack get more time in prison than individuals in possession of a large amount of cocaine. Although the two drugs are very similar, they have different sentencing rates. They are both dangerous drugs, but one is viewed eviler than the others. There are many misconceptions that lead to crack sentencing rate being higher than cocaine's. Crack is said to have a more potent effect than crack. However, users can achieve the same high using different methods. The major differences between crack and cocaine are the extra ingredients in crack, the form of each substance, and the way they are taken. The new legislation passed by the Obama administration lessen the disparity, but it is still unequal.

Introduction

Cocaine has been around for thousands of years. It was not until the late 1850's, that a German chemist extracted cocaine from the Coca leaves. Soon after the extraction, the popularity of cocaine grew within the medical community (Drugfreeworld). Cocaine became a major ingredient in many medications at the time (Drugfreeworld). Cocaine was said to be helpful for anxiety, depression, and treating morphine addictions (Neurosoup, 2014). Cocaine's popularity rose in the 1900s. At the time, cocaine was not considered harmful; until it became associated

with African Americans. Before the controversy, cocaine was popular enough that the craters of Coca-Cola used it in their beverage (Neurosoup, 2014). Coca-Cola changed their formula because of pressure from the public. Sources claim the public outrage was invoked by headlines in southern newspapers like “negro cocaine fiends” were raping white women, the police powerless to stop them”; which prompted the white community to put pressure on the Coca-Cola company (Benson, 2015).

In the United States, it seemed like cocaine's popularity grew overnight. Cocaine became celebrity's choice of drug. Cocaine had grown in popularity, and the whole country was using it. Models, professional athletes, Wall Street bankers were all using Cocaine. Cocaine was considered a rich person's drug. Cocaine was used mostly by white people and the wealthy (Graves, 2010). People who could not afford cocaine turned to a cheaper alternative known as Crack Cocaine or Crack for short (Lucia Graves, 2011). “Crack cocaine is a free-based form of cocaine made by cooking cocaine powder, water, and baking soda until it forms a solid that can be broken down and sold in individual rocks (PBS)”. While it is not documented who invented crack, “Freeway” Rick Ross is accredited with introducing crack to the Los Angeles area and eventually nationwide (Weissmueller & Monticello, 2015). Crack is solid, which can be broken down into smaller pieces and sold to more people, plus it is cheaper (Drug Policy). Thus, drug dealers who sell Crack can make more profit than those who sell cocaine.

The laws created seem to target the poor and black communities more than the white and rich communities (Graves, 2010). There are more black people arrested for minor crack possessions, while white people usually get probation for cocaine possession (Graves, 2010). There is a huge disproportion in our legal system for drug sentencing. This disproportion dates all the way back to the Nixon era. Nixon raged a war against drugs and Ronald Reagan persuade

it even further after Nixon left office (Drug policy). Drugs were deemed bad and the people who sold drugs were even worse (Drug policy). Drugs were considered the main source of the damage in poor communities (Drug policy). The war on drugs was supposed to help these communities but it did more harm than good. While there were many other factors that contributed to these communities failing. The defunding of schools, people losing their jobs and economics all played a role in these community's failure, but they were overlooked (Drug policy). All public attention was directed towards drugs as the main cause of destruction (Drug policy). Because of the war on drugs, the United States prison population increased rapidly (DrugPolicy). When presented cases with minor drug offenses, judges were pressured to hand out harsh sentences because of this movement (Drug policy). Soon after, laws were created differentiating crack from cocaine and unfair sentencing occurred (Drug policy).

White people smoked and sold more crack than black people, but more black people were put in jail for crack possession (Drug policy). White people were selling and using as much as black people, but the black community was targeted more. Drug forces and police were more concerned with the projects and black neighborhoods, that they neglected to focus on the rich white neighborhoods. They put all their energy into raiding these poor neighborhoods but forgot about the rich ones. The poor black man was sentenced to decades in prison, while the white community continued to use crack and cocaine unbothered by the police. Before the new legislation was passed by the Obama administration, individuals in possession of 5 grams of crack would be charged with felony. Cocaine users had to be in possession of 500 grams to be charged with a felony. Now, individuals must be in possession of 28 grams of crack to be charged with a felony, while the threshold for Cocaine stays the same. The disparity was 100-to-1, now it is 18-to-1. The audience of this paper is the public, Congress, state senators, judges,

and lawyers. If more people know about this injustice, change can happen. With more support and a call for help sentencing can be equal. I was unaware that this problem was real. I knew nothing about the unbalanced sentencing happen to crack user and cocaine users. After researching and reading different articles on the subject I intrigued and disappointed. Something must be done; this unfair practice has been around for decades, and it has only increased the prison population. I want to know why the thresholds for possession of crack and cocaine are so different. 500 grams compared to 5 grams is extreme.

Research Question(s)

The main research question to address is should jail sentences be the same for individuals in possession of crack or cocaine? I am also curious about all drug possession charges being the same, and the idea of our legal system getting rid of mandatory sentencing. Instead of mandatory sentencing for possession charges, judges can weigh the charges and make fair punishment decisions

Importance

Our prisons are overflowing with nonviolent inmates. A lot of these inmates are in jail because of drug possession or drug-related charges. This legislation just increases America's prison population. America has the highest incarceration rate in the world, and this legislation contributes to the growth (Graves, 2010). Since 1996, over 73,000 crack offenders have been sentenced to prison (Graves, 2010). According to the United States Sentencing Commission Sourcebook of Federal Sentencing Statistics, about 5,000 to 6,000 are sentenced each year (Graves, 2010). In 2010, over a 1,000 people received a 5- year mandatory minimum sentence for crack, and over 2,000 people received a 10- year mandatory minimum sentence. Those

people received unnecessary long sentences, while individuals who use cocaine got reprimanded lightly. The time does not fit the punishment, and something must change.

While cocaine and crack are similar, they have some differences. Cocaine is usually snorted or injected, while crack is smoked (Drug policy). According to Rehab.com crack is more potent than cocaine. Cocaine is usually cut with a 45 percent of filler, while crack is cut by only 20 percent. Meaning the user does not need the same amount to achieve the same high (rehab). However, cocaine users can achieve the same high as smoking crack when cocaine is injected (Drug policy). They are both illegal substances, however, they hold different jail time if found in possession of a person. This unfair sentencing is not based on what is more potent it's based on old government thinking.

Before President Obama passed the reform, anyone in possession of 5 grams of crack would be charged with a felony (Graves, 2010). It takes possession of 500 grams of cocaine for a person to receive the same punishment (Graves, 2010). The new law reduces sentencing for minor drug offenses (Graves, 2010). Now for someone to be charged with a felony for possession of crack they would have to be in possession of 28 grams of crack (Lucia Graves). however, the possession charge for cocaine is still 500 grams (Graves, 2010). The ratio of disparity was 100 to 1 but now it is 18 to 1 (Graves, 2010). People now found in possession of crack will receive a fair sentencing. This improvement will save the prisons millions of dollars and help thousands of people (Graves, 2010). This reform is a great step in the right direction, but more must be done. This is a fight for the public, nothing will get done if nobody knows about it. For years, the government was fine with the sentencing ratio. If it was not for the Obama administration, there would not be any change in the legislation. There are advocates fighting for equal sentencing, but they can only do so much. There needs to be a bigger support to push things forward.

Literature Review

In this article, Beaver (2010) discusses the sentencing of crack cocaine in detail. The author discusses the present situation and the history leading up the sentencing structure. The author has a complete history on the topic of crack cocaine. The effects, chemical makeup and legislative break down are all included. The article is useful to my research topic because it has detail background information on crack cocaine. The main limitation of this article is the overly-extensive background given at the beginning of the article; thus, the beginning can overshadow the important information. This article will allow me to incorporate detail findings of crack cocaine and all counterparts involved in sentencing.

In this article, Berman (2011) discusses the new reform legislation and the effects of reform. The article highlights the unfair discrepancy caused by the old legislation. The author reviews the reform and the effects it will have on individuals in possession of crack cocaine. The article focuses on the new and old reform while pointing out the major problems that need to be dealt with. This article is useful to my research topic because it discusses problems caused by the first reform and how the problem is still prevalent with the new reform. The main limitation of this article is it does not compare crack and cocaine. It mainly discusses the policy and nothing else, thus I will have to use other sources to support my thesis. This article will not provide all the information I need for my paper; however, it will be useful in explaining major problems were caused by the old reform and how those problems affect the new reform.

In this article Lundahl, Lister, Ledgerwood, and Greenwald (2015) discuss the long-term effects of cocaine use on users. One of the consequences is depression because of the impulsive behavior. The authors conducted a study to prove that depression was a result of impulsive cocaine use. The study consisted of 108 cocaine users. The users answered questionnaires about

their usage. Users were also assessed for 14 days to determine their depression levels. They were scored on a scale from moderate to severely depressed. The article is useful for my research topic because it will help me demonstrate how cocaine affects its users. The main limitation of this article is that the study only focuses on one symptom caused by cocaine use. Thus, the authors should explore other effects of cocaine use such as debt and other major health issues. This article does not include enough information to fully depict an argument for me to use; however, it will be a good starting point for my argument.

In this Article Roth, Pakula, Macdonald and Martin (2014) conduct research to determine the reason individuals use cocaine or crack cocaine and alcohol. The authors conducted a study with 153 participants. They found for major reasons why individuals are using. Their research focuses on those individuals and the factors that cause them to use the drugs. This article will be useful to my research topic as I will demonstrate the reason for the use of the drugs. I will also compare the reasons individuals use cocaine and crack cocaine. The main limitation of this article is it focuses on why individuals use drugs but not what the outcome of using plays on these individuals lives, thus I will have to use other sources to prove my point. This article will help add more information to my paper, but I will have to find other sources to strengthen my argument.

In the article “The crack baby myth” the authors explain why crack babies are a myth. The author's analysis different studies of crack baby cases. They determine that there is no evidence that proves crack baby syndrome is real. They compared different controlled studies that questioned the crack baby myth. The author reveals that there are other factors that contribute to a child's complications than just mothers using crack cocaine. This article is useful to my research topic because it refutes claims of crack sentencing being high because of crack

babies. The main limitation of the article is there is no data present in the article, thus the authors should have included numerical data to demonstrate discrepancies. Without numerical data provided from the article I will have to research other data outcomes on the same topic; however, the information will help me prove that crack cocaine and cocaine should have the same sentencing rate.

Own Perspective

Although the new law does improve on the disparity it still is not fair. Crack and cocaine sentencing disparity is too large to ignore. The ratio should not be 18 to 1 it should be 1 to 1. The claims that crack is more addictive, influences dangerous behaviors or cause death can also be said for cocaine. These two substances have the same effect on a person (Gwynee, 2013). The crack baby myth being one of the biggest claims for the sentencing being harsher for crack has been found invalid. Mothers who use crack and have children have difficulties. However, those difficulties are not all related to the mother's crack use. Mothers are usually using more than one substance and consuming alcohol and smoking cigarettes. Many different factors contribute to the child's condition when born. The crack baby theory is a myth that is not true; mothers also use different illegal substance during their pregnancy. The main cause of the child's birth defect is not just crack when, so many different variables are present.

I believe the reform should affect people already in prison for crack possession. People already in prison for crack possession sentences will not be affected. However, there needs to be more done for those people. Their sentences should be adjusted accordingly to the new law. The reform will help people of possession in the future, but it should also help those already in the system. It is unfair for one person to get less time or barely any because the substance has a different name. Cocaine has been glamorized by the media that is deemed more acceptable than

crack. The media and public view snorting cocaine as cool but god help; you if you smoke crack. Both substances are dangerous, and one should not be glamorized over the other. Crack and cocaine should be associated with the same stigma.

As for the reform, there is no logical reason as to why crack sentences should be higher than those for cocaine. To make crack you must use cocaine. The activist must continue to fight for justice. It's very unsettling knowing that this punishment has been going on for years and has just recently received a reform. Because of this disproportion, we have countless of people in jail for nonviolent crimes. Many of those people in jail being minorities. The war on drugs has a lot to do with this disproportion. The war on drugs did more harm than good. This reform was creation is afflicted with the war on drugs. A result of the War on drugs was mandatory sentencing. Mandatory sentencing should be a thing of the past. Judges should decide how much prison time a person receives based on the circumstances; not the amount in their possession. If mandatory sentencing was not around there would be fewer people in our prison system. Our prison population has grown tremendously since the war on drugs era. It is time for the United States to create fair laws that will not punish one group more than the other.

Further Research

During the process of researching this topic, I have learned so much about the history of crack and cocaine sentencing deportation, and the government's involvement in mandatory sentencing. Going forward I would like to research more topics related to mandatory sentencing based on drugs. My purpose of researching mandatory sentencing related to drugs is to understand the creation and explore the effect it has on communities, families, and the prison system. America has the highest incarceration rate which could be related to mandatory sentencing. I want to learn more about its impact on the prison population. I want to dig deep

into the subject and get personal accounts. I want to know more about the people in prison because of mandatory sentencing and their life story. The legal system is a topic with many areas for exploration and this topic is a great step after researching crack and cocaine.

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