

A Cracked System - A Deep Dive Into the History of Unequal Drug Sentencing

By Taylor Irish

When you think of crack, I'm willing to bet you think about the 80s and the hysteria that came with the so-called 'crack baby epidemic.' But did you know that 500 grams of crack - aka crack-cocaine - once received the same sentence as 5 grams of cocaine? That essentially means that the sentencing ratio was 100:1.

I know what you're thinking... how does that even make any sense? I've gotta say I've been asking myself that same question for years.

[The history of cocaine](#) dates way back to indigenous communities in the Amazon Rainforest and Andes mountains back in the mid-1800s. However, crack wasn't introduced to the drug scene until around the mid-1980s.

It's important to note that crack and cocaine are essentially the same drugs, they are just made and consumed differently.

Cocaine - commonly referred to as 'coke' - comes in a powdered form that is derived from the coca plant. Crack, on the other hand, comes in the form of 'rocks.' This is achieved by taking powdered cocaine and combining it with water and typically baking soda. When boiling all of these substances together, a solid shape of rock is formed - offering an entirely different way to ingest the substance.

When crack first came onto the scene, the country didn't know what to think or how to react.

"Anytime a new drug comes on the scene, people say the most egregious things about it," said Meg Churschiel, Criminology Professor at High Point University. "And when you have no information to contrast that or to weigh it against, people believe it."

Things took a turn when Len Bias, a University of Maryland basketball player overdosed. The media mistakenly spread the word that the drug that killed him was crack cocaine when it was really just cocaine that the player overdosed on.

Only a couple of weeks after his death, Congress passed the Anti-Drug Abuse Act of 1986. This set in motion the very first mandatory minimum sentences that would be triggered by specific quantities of crack and cocaine. On top of that, Congress established tougher sentences for individuals who used or possessed crack over its powdered form - creating the 100:1 ratio.

"It was a fascinating thing because there were a lot of assumptions made at that time," said John Norton, the Communications Manager at [Families Against Mandatory Minimums](#) (FAMM).

“The thing that was always ironic... was that the users were very diverse. It’s not like it was something that only black people were using. Many white, Hispanic and Asian people used it as well but there was this huge focus on the African American community,” said Norton.

Dr. Kimya Dennis is a former criminology professor and current advocate and activist. She created the organization 365 Diversity - an establishment dedicated to discussing diversity and improving the education surrounding diversity in schools and other institutions.

Dr. Dennis is not only a renowned criminologist, sociologist and community advocate - she’s also a black woman. Instead of talking to just white criminologists who know the subject but not the reality of the systemic racism rooted in the criminal justice system, I knew it was crucial to speak with someone who knew first hand how sentencing disparities like the 100:1 came to be.

“When we talk about the issues of crack cocaine, we have to have that full idea of what really is the foundation of the United States of America,” said Dennis.

What Dr. Dennis was referring to was a foundation that is based on racism and built on the backs of people of color.

Dennis is originally from Baltimore - a city with a large black population that has gotten the unfortunate stereotype of high rates of violent crimes and heavy policing.

“It’s very much connected to race, socioeconomic status and health and all that ties into the issues of the crack cocaine epidemic as well,” said Dennis.

When I first learned of this disparity, I was getting my undergraduate degree in Journalism and Criminal Justice. I remember taking a criminology class with Meg Chrusciel and gasping when she told me about the disparity. I raised my hand and asked how a disparity like this would even come to be - I will never forget her answer.

“Crack is seen as a poor man’s drug. Many people assume that ‘poor’ is a synonym for ‘black,’ which we know is not true. Cocaine on the other hand is more costly and is seen as the drug of choice for rich white men,” said Chrusciel.

A common theme I noticed through every individual I interviewed was the general consensus that racism is a critical factor in sentencing within the criminal justice system.

Dr. Dennis pointed out another crucial factor to examine and understand in the criminal justice system as a whole - why individuals commit crimes.

“We also have to understand the difference between instrumental crimes and expressive crimes,” said Dennis.

Expressive crimes are done as a reaction to something like anger or frustration. Instrumental crimes are committed for explicit reasons that are deemed a necessity to an individual - like selling drugs in order to make enough money to survive.

And the fact of the matter is, most individuals who sell drugs don't actually do them. Among those individuals who sell and/or use drugs, are a variety of races. In fact, black Americans and white Americans use drugs at similar rates. However, black individuals are [2.7 times more likely](#) to be arrested for a drug-related offenses in comparison to a white individual.

Matthew Charles was one of those individuals who partook in instrumental crime in order to survive. He's also a black man, which as we know in this country, is always a dangerous thing to be.

Charles grew up in a small town in North Carolina. He had a physically and verbally abusive alcoholic father who didn't set a great example for him. He never used drugs himself but he said he grew up around it for years. It wasn't until his adulthood after leaving the army, that he decided to join the business with his neighborhood friends.

"It was strictly for money purposes to pay for the things that I needed," Charles said on why he decided to enter the business.

Charles spent many years collecting a criminal record but most of his crimes were done in order to survive - he didn't know any other way to survive than the life he had been living.

When he was only 30 years old, Charles was arrested for selling 216 grams of crack cocaine. He was caught because he unknowingly was selling to an informant - which I'm sure didn't help his case.

Charles was ultimately given a 35-year sentence due to the 100:1 ratio. For context, as of 2016, [1 in 25 violent offenders](#) served 20 years or more before their initial release. That means that 3.6 percent of violent offenders served less time or equal to Charles who committed a non-violent drug crime.

Despite being slapped with an over-the-top sentence, Charles said that he spent in prison gave him a lot of time to reflect on his life and overall values.

"I pretty much felt regret... I hated that I had entered into that lifestyle and I wish I would have made better choices, not just then but overall during the course of my life," Charles said.

While Charles was in prison he found peace in religion. He says that if it wasn't for religion, he would still be a "hard and rigid person."

This is hard for me to imagine because Charles has the brightest smile and kindest eyes I've ever seen. He's overly polite and respectful, which is why I have a tough time painting the picture of who he was before being thrown in prison for a decent chunk of his life.

"I really didn't care about myself, let alone anybody else. It wasn't until Christ entered into my heart that I started to look at things completely differently," Charles said.

This is a reality for many individuals in prison and plays a key role in something that isn't talked about enough - redemption.

"People change for a variety of reasons," Charles said. "Some people just age out of crime, some people have a spiritual encounter with God and feel compelled to change, and some people just realize that they're missing their children growing up."

Charles is living proof that every human being should deserve a chance at redemption, but when the Anti-Drug Abuse Act was passed, redemption wasn't even an option.

"There was this whole concept that because there was so much drug crime and violence, it was creating these super predators who couldn't be reformable," Norton said.

In 2010, things started to look like they may actually be heading in the right direction when the [Fair Sentencing Act \(FSA\)](#) was passed. This bill reduced the sentencing disparity between crack and cocaine from the previous 100:1 to 18:1.

This wasn't enough though - especially for people like Charles who were still in prison serving their 100:1 sentence.

Charles did end up getting a second chance at redemption though, but not because of the FSA. He was released from prison in 2016 after a judge reduced his sentence due to commendable rehabilitation.

But only a year and a half later, Charles was sent back to prison due to 'an error in his release.' A prosecutor appealed the issue of his release and he unfortunately won. This meant Charles 35 year sentence would be reinstated - aka he would have to serve the remaining 10 years he never finished.

Despite having a job, a church home, a place to stay, and a new track record of good behavior - none of it mattered in the eyes of the 'law.'

Imagine having a taste of freedom after years of paying for a mistake you made in order to survive. Imagine losing half your life, getting a second chance, and then getting it ripped right out from underneath you.

“I knew that I deserved to be held accountable for my actions, but this time I didn’t feel like the judgement was right,” Charles said. “I was heartbroken at the fact that they weren’t able to look at my rehabilitation.”

When Charles went back into prison, he somehow managed to keep a positive mindset because he was truly a changed man. No matter how close to the edge life may have pushed him, he wasn’t going to revert back to his old ways - that’s something I truly admire.

It wasn’t until December 21, 2018 that Charles’ endless faith finally paid off.

The First Step Act - which stands for ‘Formerly Incarcerated Reenter Society Transformed Safely Transitioning Every Person’ - was signed into law by former President Trump.

The bill has several rules and can apply to several different types of incarcerated individuals. In Charles’ case, the bill had a provision that applied the [Fair Sentencing Act](#) retroactively across the board.

This is what ultimately led to Charles’ immediate, and **final** release.

A call came for Charles the first week of January 2019. It was his attorney who told him with pure joy that he was officially coming home.

When Charles officially came back home for good, he was offered to come and meet the individuals from Congress who essentially helped pass the Fair Sentencing Act.

“It was nice being able to share my story and show that I’m not an anomaly. There are several people that are incarcerated for similar charges but have changed for the better - just like me,” Charles said.

Charles says that it was nice to be able to speak with the legislators that helped pass the law and show them the real world impact that the bill has on people.

“I believe it’s important that we let legislators see how the law affects people - whether it be positive or negative,” Charles said.

Charles is a man with a big bright smile and a southern drawl that immediately pulls you in. As I spoke with him, I couldn’t help but be in awe of the man he had become after all the trauma he went through.

He was kind, empathetic, and it was clear he valued his faith and his newfound role as advocate.

Since being released from prison in 2019, Charles has made a completely new life for himself. He works for FAMM now and he is the Tennessee State Director of Policy.

Everyday, he gets up and fights for people who are going through exactly what he went through. Talk about coming full circle.

While Charles story is certainly heart warming and inspiring - it just further deepend my curiosity. I now understand how we got here, but where do we go from here?

"We're at the finish line here," Norton said. "Congress is gonna adjourn at the end of this month and it'll be a new Congress. So if they don't pass what is the equal act now, then they're gonna have to start all over again."

[The Equal Act](#) (Elimination a Quantifiably Unjust Application of the Law Act) essentially puts the sentencing at a one to one, aka equal level. The bill passed in the House of Representatives last year with 361 votes.

Now, Charles, Norton and I eagerly await to see how the senate votes on the act that will finally end years of unfair and unequal sentencing.

"If we get to the finish line... about 7,500 people who have been in jail languishing because of the old sentencing laws, will be able to come home," Norton said.

Unfortunately, my curiosity didn't end there. I know I should have been satisfied with the answer I received - the Equal Act will finally end this unjust way of sentencing. But what if it doesn't pass? And if it does pass, will things really be different? Will judges be more lenient or will they use their discretion to continue to hand out harsher sentences despite no longer being required to do so?

"I always tell people - when good changes are made, the moment people go to sleep, the changes are reversed," Dr. Dennis said.

Dr. Dennis continued by saying, "No matter how progressive the action may be, it's unrealistic to assume that now nothing bad will happen. That's just not the reality of how humans exist."

While the take may seem negative, Dr. Dennis went on to explain that we should always have hope, we should just be realistic about it.

"When addressing the problem of crime... focus on your local issues," Dr. Dennis said. "Don't be one of those people who get so disappointed with humanity. Do your research to find genuine organizations you can either donate to or volunteer at."

While Charles eagerly awaits the results of the Senates decision on the Equal Act, he continues to be the advocate he was clearly born to be.

“I’m able to help with changing bad laws or trying to get them [Congress] to look at addressing the forms of rehabilitation or alternatives incarceration as opposed to just locking them up and throwing them away,” Charles said.

Before our conversation ended, I thanked Charles for being so open and honest with me. I also thanked him for the incredible work he is doing. His response and his big bright smile have left me feeling hopeful that things really may change if we keep working together as one.

“I appreciate you,” Charles said. “I’m just glad that we’re able to get more people to hear about it and are interested in seeing this change occur.”