



Crack sentencing timeline

1986

In establishing mandatory minimum sentences, Congress sets different penalties for powder cocaine and for crack, a "cooked" version of powder cocaine, because they believe there is more harm associated with crack cocaine than with powder cocaine. As a result, a defendant convicted of selling 500 grams of powder cocaine or five grams of crack receives a five-year sentence; for five kilos of powder cocaine and 50 grams of crack, the penalty is 10 years. The difference in powder and crack penalties is commonly referred to as the 100:1 ratio between the drugs.

1988

Congress makes mere possession of crack cocaine punishable by a five-year prison sentence, making crack the only drug to carry a federally mandated minimum sentence for simple possession.

1995

The U.S. Sentencing Commission responding to a 1993 request from Congress, releases a report on crack and powder cocaine and submits a guideline amendment to Congress to change the crack ratio to 1:1 at the current level of powder cocaine. Congress rejects the amendment and asks for another solution.

1996

The Journal of American Medical Association releases a study that concludes that crack and powder cocaine are the same drug and crack penalties should be changed.

1997

The U.S. Sentencing Commission, responding to Congress's request, provides another solution: lower crack penalties and raise powder cocaine penalties. Former President Bill Clinton supports the recommendation, but no action is taken on it.

1998

Former Sen. Spencer Abraham (R-Mich.) introduces a bill to make powder cocaine penalties harsher while leaving crack sentences the same. The bill dies. Rep. Charles Rangel (D-N.Y.) introduces a bill to make crack penalties the same as those for powder cocaine. The bill dies.

1999

Sen. Abraham and Rep. Rangel reintroduce their bills. Both bills die.

2001

Rep. Rangel reintroduces his bill to make crack penalties the same as powder. The bill dies. Newly elected President George W. Bush suggests that crack and powder cocaine penalties should be the same.

2002

Senators Jeff Sessions (R-Ala.) and Orrin Hatch (R-Utah) introduce a bill to address disparity between crack and powder cocaine penalties by lowering crack penalties and raising powder penalties. The bill dies but sets an important precedent of Republican support for addressing the disparity in federal cocaine sentencing laws. The U.S. Sentencing Commission releases a new report on cocaine that concludes that the 100:1 ratio between the two forms of cocaine is not appropriate. It recommends that Congress change the five-year mandatory minimum threshold quantities to at least 25 grams and the 10-year threshold quantity to at least 250 grams. The recommendation is not acted upon.

2004

Although the U.S. Sentencing Commission failed to address cocaine sentencing policy in its guideline recommendations to Congress in 2004, its report, "Fifteen Years of Guidelines Sentencing," stated that "[r]evising the crack cocaine thresholds would better reduce the [sentencing] gap than any other single policy change, and it would dramatically improve the fairness of the federal sentencing system."

2005

Rep. Roscoe Bartlett (R-Md.) introduces a bill to equalize the triggering quantity for the mandatory minimum sentences for cocaine offenses at the crack cocaine levels (five grams of powder or crack cocaine would result in a 5-year sentence and 50 grams a 10-year sentence.) The bill died in subcommittee.

2006

The U.S. Sentencing Commission again expresses interest in reviewing the crack and powder cocaine sentencing disparity and holds a public hearing. Top prosecutors and law enforcement officers testify that crack cocaine dealers are at the lowest end of the cocaine distribution chain, with the most serious cocaine trafficking occurs almost solely in powder cocaine. The commission fails to include any mention of a guideline proposal on correcting the disparity in crack and powder cocaine sentencing in its 2006 guidelines recommendations. A bipartisan group led by Sen. Jeff Sessions (R-Ala.) introduces a bill to decrease the 100:1 sentencing disparity between crack and powder cocaine to 20:1, which would have benefited some defendants convicted of crack offenses but resulted in longer sentences for some defendants convicted of powder cocaine offenses.

2007

The U.S. Sentencing Commission holds special public hearings on crack and powder cocaine sentencing and is expected to issue recommendations to Congress on addressing the disparity between the two forms of the drug.