



## **The Changing Racial Dynamics of the War on Drugs**

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**April 2009**

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This report was written by Marc Mauer, Executive Director, of The Sentencing Project. The author wishes to thank Katherine Beckett, Jonathan Caulkins, and William Sabol for helpful comments on a draft paper.

The Sentencing Project is a national non-profit organization engaged in research and advocacy on criminal justice policy issues.

The Sentencing Project is supported by the generosity of individual contributors and the following foundations:

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## OVERVIEW

For more than a quarter century the “war on drugs” has exerted a profound impact on the structure and scale of the criminal justice system. The inception of the “war” in the 1980s has been a major contributing factor to the historic rise in the prison population during this period. From a figure of about 40,000 people incarcerated in prison or jail for a drug offense in 1980, there has since been an 1100% increase to a total of 500,000 today. To place some perspective on that change, the number of people incarcerated for a drug offense is now greater than the number incarcerated for *all* offenses in 1980.

The increase in incarceration for drug offenses has been fueled by sharply escalated law enforcement targeting of drug law violations, often accompanied by enhanced penalties for such offenses. Many of the mandatory sentencing provisions adopted in both state and federal law have been focused on drug offenses. At the federal level, the most notorious of these are the penalties for crack cocaine violations, whereby crack offenses are punished far more severely than powder cocaine offenses, even though the two substances are pharmacologically identical. Despite changes in federal sentencing guidelines, the mandatory provisions still in place require that anyone convicted of possessing as little as five grams of crack cocaine (the weight of two sugar packets) receive a five-year prison term for a first-time offense.

At the state level, the most longstanding of the current generation of harsh drug laws are New York’s “Rockefeller” drug laws. Adopted in 1973, these laws call for a 15-year prison term for possession of four ounces of narcotics or sale of two ounces. Modest reforms to the law were enacted in 2004, and more substantial reform is likely to be signed into law this year.

The dramatic escalation of incarceration for drug offenses has been accompanied by profound racial/ethnic disparities. Overall, two-thirds of persons incarcerated for a drug offense in state prison are African American or Latino. These figures are far out