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To put it quite simply, I live the reality of these laws everyday. I am a prisoner of the War on Drugs; I have basically grown up in Federal Prison. That nine years of my life have been spent behind bars away from my family, society, the world. All for no more than a few grams of crack cocaine is a very heavy burden, of which I believe the world has no comprehension or exposure. Now, I don't think that I am somehow undeserving of punishment, I broke the law, there is consequence. But as a kid no older than most students on campus with you today, even those ardently in support of incarceration measures could agree that the current drug sentences are more punitive than corrective.

I attempted to keep my thesis narrowed to the history and human results of the drug war, this is why I chose the introduction that I did. Though the drug war as we know it really began in the early 1970s, the root and causes run much deeper into American racial views and attitudes of a darker era in our country. It is my hope that I was able to subordinate blame or victimhood as we have a shared responsibility in the current narrative. While at the same time emphasizing the true cost and human toll of the racial disparities in the War on Drugs. My goal is to allow my readers to assess whether the severe impact of drug law enforcement on blacks is justifiable and scrutinize the drug war's goals, methods, results, and aftereffects.

THE WAR ON DRUGS IN AMERICA IS A WAR ON MINORITY COMMUNITIES

For more than Forty years, the United States of America has declared war on the most voiceless, vulnerable, and historically villified of its citizens. starting in 1970 under president Richard Nixon's administration "The Comprehensive Drug Abuse Prevention and Control Act of 1970."Was implemented "The Return to Law and Order Strategy," has become a bane to communities of color, transforming them into battlefields where campaigns and operations are waged. Many people assume that the drug war was launched in response to the crisis caused by crack-cocaine in inner-city neighborhoods. This view holds that the racial disparities in drug convictions and sentences, as well as the rapid explosion of the prison population, reflect nothing more than the government's zealous-but-benign efforts to address rampant drug crime in poor minority neighborhoods. This view, while understandable, given the sensational media coverage of crack in the 1980s and 1990s, and the constant stream of misinformation pretaining to today's incarceration rates, is simply wrong. While it is true that the publicity surrounding crack cocaine led to a dramatic increase in funding for the drug war (as well as to sentencing polices that greatly exacerbated racial disparities in the incarceration rates.) It remains also true that rates of drug use in America have stayed the same over the last forty years.

THE HISTORY OF RACISM IN CRIMINAL PUNISHMENT

That black people have been punished more severely for violating the same law as whites is not a new phenomenon. A dual system of criminal punishment based on racial discrimination can be traced back to the time of slavery. In order to understand the role that racism has played in enacting the penalty enhancement for using crack cocaine, one must first take note of America's history of racially tainted criminal laws, particularly drug laws. Race has often served as a significant contributing factor to the enhancement of penalties for crime. In the 20th century, the Harrison Act of 1914, the first law to prohibit distribution of cocaine and heroin, was passed on the heels of overblown media accounts depicting heroin-addicted black prostitutes and criminals in the cities. (Musto 123). The author of the Act, Representative Francis Harrison, moved to include coca leaves in the bill, "since [the leaves] make Coca-Cola and Pepsi-Cola, and all those things are sold to Negroes all over the South." (Musto 46). At one point the bill appeared to be facing defeat until Dr. Hamilton Wright, the American delegate to the Hague Opium Conference of 1911-1912, submitted an official report in which he warned Congress of the drug habits that "threat[ened] to creep into the higher social ranks of the country." (Heller 29).

The images of narcotics and black rebellion in the South and images of black addicts involved with white women were central to the hysteria that motivated legislative enactments. Heller's report amplified and personalized by the news media and photographs, help to shape public opinion regardless of the factual basis.

True or not, the black man as an addict became a destructive, inaccurate stereotype. Prior to the civil rights era, Congress repeatedly imposed severe criminal sanctions on addictive substances once they became popular with minorities. Historically, the constituency has combined to influence Congress to impose even more draconian sanctions for use of narcotics once they start to cross cultural lines. The Marijuana Tax Act was signed into law on August 2, 1937, after a successful media campaign orchestrated by Hatty J. Anslinger, then commissioner of the Treasury Department's Bureau of Narcotics. Using the media as his forum, Anslinger graphically depicted the alleged insane violence which he claimed resulted from marijuana use. The reasons that hemp was also included in this law are disputed. The F.B.N. agents reported that fields with hemp were used as a source for marijuana dealers. Other authors claim that the legislation was passed in order to destroy the hemp industry, largely as an effort of businessmen Andrew Mellon, Randolph Hearst, and the Du Pont Family. With the invention of the decorticatior, hemp became a very cheap substitute for the paper pulp that was used in the newspaper industry. Hearst felt that this was a threat to his extensive timber holdings. "Mellon, Secretary of the Treasury and the wealthiest man in America, had invested heavily in the Du Pont family's new synthetic fiber, nylon, which was also being outcompeted by hemp." (Peet, Preston 55).

Crack cocaine eased into the mainstream of the drug culture about 1985 and immediately absorbed the media's attention. Between 1985 and 1986, over 400 reports had been broadcast by the networks. Media accounts of crack-user horror stories appeared daily on every major channel and in every major newspaper. Many of the stories were racist. As despite the statistical data that whites were prevalent among crack users, rare was the interview with a young black person who had avoided drugs and the drug culture, and rarer was any media association with whites and crack. (Shoemaker). Images of young black men daily saturated the screens of the nations televisions. These distorted images branded onto the public mind and the minds of legislators that young black men were solely responsible for the drug crisis in America. The media created the stereotype of a crack dealer as a young black male, unemployed, gang affiliated, gun toting, and a menace to society. Legislators used these media accounts as informational support for the enactment of the crack statue. Congress reacted irrationally and arbitrarily, the evolution of the 100 to 1 crack powder ratio mandatory minimum sentencing was a direct result of a frenetic Congress that was moved to action based on racial animus. The prospect of black crack dealers migrating to the white suburbs led the legislators to reflexively punish crack violators more harshly than their white, suburban, powder cocaine dealing counterparts.

According to a U.S.A. Today, July 23, 1993 at 1A report which investigated the racial disparity caused by the "100

reduced the quantity of drugs saturating the nation. In the United States in 2010 there is a greater amount of cocaine available than in 1980 and it is cheaper. Small time dealers grow like dandelions and are immediately and easily replaced, which further establishes the authority of drug kingpins and dilutes the resources available to curtail kingpin drug dealers.

According to the market approach, crack cocaine can be distributed in small packets at low unit prices. Crack is no cheaper than cocaine powder because cocaine is the essential product of crack. But all forms of cocaine are available today in greater quantity and at lower prices than a few years ago. Poor and powerless black people are vulnerable to every form of exploitation. Drugs flow into their communities because of desperate economic need meeting rare economic opportunity. There is little other enterprise for these people to turn to in pursuit of the American Dream except the narcotics industry, which is a rare "equal opportunity employer" without concern for educational requirements or previous work performance. Unlike their white counterparts, poverty of blacks brings their illegal activity into open areas that is both annoying to the public and easily targeted by police. It is quite easy for police to sweep them off the street like grains of sand, only to be replaced by tides of unemployed youths. The more sensible course is to direct resources to attack the source of crack: powder cocaine. As sad as it may sound, and as much as the country feels discomfort in the pointing out, if young white males were being incarcerated at the same rate for the same lengths as young black males, the Congress would be encouraged to respond with more creative and effective ways to wage the

drug war. The uproar from their constituencies would be deafening, and politicians would be moved to action much more quickly. As when Congress took a similar approach in "The Combat Methamphetamine Epidemic Act of 2005." Congresspersons realized that they could not return home to their districts having supported legislation that would disproportionately affect whites, "their sons or daughters, with decades long mandatory minimum sentences." Congress directed the Attorney General to report semiannually on the measures taken "to give priority...[to importation of] substantial quantities of methamphetamine..." The three measures- 1. raising the mandatory minimum drug quantity triggers; 2. setting a floor for unreviewed drug prosecutions; and 3. publishing comparative enforcement data for each federal district; will dramatically increase the effectiveness of federal drug enforcement. (Sterling 11). Greater Main Justice Department oversight was required in order to pass this legislation, insuring that low-level methamphetamine offenders (i.e. whites) are not subjected to over harsh mandatory minimums and are steered towards drug courts.

In federal prison there are many prisoners serving ten-year or longer sentences for possessing with the intent to distribute 50 grams or less of crack. They are usually between 18-40 years of age and about 90 percent are black. Their absence in these numbers, if continued, threatens the continuity and progression of the black race in America. The efforts involved in the detection, arrest, prosecution, and conviction of these petty drug peddlers consumes so much of law enforcement's time and so many of the dollars of the criminal justice system that it makes it more impossible, to really stop the cancerous

growth of drugs. That huge numbers of young petty drug dealers are serving long mandatory minimum sentences using precious prison bed space that would be better reserved for the housing of violent repeat offenders "the persons society need to be protected from most of all." Confirms the de facto practice's of today which portray the poor and undereducated black-youths as criminals who must be imprisoned forever. Thousands of young black men, many with no prior criminal record, have had their lives destroyed in the flower of their manhood because of these Jim Crow practice's. With the successes of the Civil Rights Era still echoing in the ears of the country, it is true that growing numbers of blacks have entered mainstream America. The numbers of teachers, scientists, business leaders, and entertainers, has grown tremendously. There are now black actresses and athletes beloved by millions, generals, judges, politicians, respected by their peers. And yes, the President of the United States of America is of African-American decent. But this is the bright part of the story, the part that allows the country to turn a blind eye to the gross injustice perpetuated in the guise of "Law and Order." Abandoning those classified as undesirable and dangerous, to overcrowded underfunded prisons which lack the ability to prepare the incarcerated for any future outside of the permanent status of second-class citizenship that being branded a convicted felon consigns one to. This country embraced the omnibus remedies which include lengthy incarceration, speedy trials, and supposed appropriately severe prison sentences to deter crime. While ignoring the root causes of crime, such as poverty, racism, unemployment, and poor education.

The two most important factors in the elimination of drug usage, violence, and crime are EDUCATION and JOBS. But the unfortunate truth for those prisoners of the "War on Drugs" is that the jobs created have all been in support of the Prison Industrial Complex. "Local and state law enforcement agencies get rewarded for the sheer numbers of drug arrests. While federal drug forfeiture laws allow local law enforcement officials to keep 80 percent of the cash, cars, and homes that they seize from suspected drug offenders, granting to law enforcement a direct monetary interest in the profitability and longevity in the drug war. The building and staffing of prison in rural America has provided more than one million jobs for the residents of those areas." (Alexander 5). Private U.S. corporations have also started to sign contracts for the building and staffing of cost saving institutions that warehouse prisoners at a profit. Prisoners serve as a low cost workforce in the war on terror effort, making uniforms, tank cables, helmets, furniture, tents, et cetera, all for pennies a day. Work that a union member would be paid no less than sixteen to twenty dollars hourly. According to retired General Barry McCaffrey, former director of the Office of National Drug Control Policy, "the nation's war on drugs has propelled the creation of a vast drug gulag."

The racially disproportionate nature of the war on drugs is not just devastating to black Americans. It contradicts faith in the principles of justice and equal protection of laws that should be the bedrock of our constitutional democracy; counterproductive collateral consequences of the drug war expose and deepen racial animus and continue to weaken the

country, while at the same time belying its promise as a land of equal opportunity. These actions also undermine faith among all races in the fairness and efficacy of the criminal justice system.

On July 28, 2010 the House passed legislation reducing the two-decades-old sentencing disparity between crack and powder cocaine offenses. The Senate passed an identical bill in March 2010 and the legislation is now heading to President Obama, who supports the reform effort. This is a historic day, with House Republicans and Democrats in agreement that U.S. drug laws are too harsh and must be reformed. The tide is clearly turning against the failed war on drugs. Before the changes, a person with just five grams of crack received a mandatory sentence of five years in prison. That same person would have to possess 500 grams of powder cocaine to earn the same punishment. This discrepancy, known as the 100 to 1 ratio, was enacted in the late 1980s and was based on myths about crack cocaine being more dangerous than powder. Scientific evidence, including a major study published in the Journal of the American Medical Association, has proven that crack and powder cocaine have identical physiological and psychoactive effects on the human body. Advocates pushed to totally eliminate the disparity but ultimately a compromise was struck to reduce the 100 to 1 disparity to 18 to 1. However, this change in law is not retroactive and the fate of tens of thousands of federal crack offenders remains unknown.

President Barack Obama on Tuesday August 3, 2010 signed a bill reducing the disparity between federal mandatory sentences for convictions for crack cocaine and the powder form of the drug.

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