

War on Drugs and Racial Mass Incarceration

Final Paper

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War on Drugs provided a profound effect on the American criminal justice system, specifically related to mass incarceration. Policies and anti-drug campaigns used by the Nixon, Reagan, and George H.W. Bush administrations furthered America's incarceration crisis by creating emphasis on more arrests, convictions, and imprisonment for all individuals that participated in any level of illegal drug trading. Under the Clinton administration, the Omnibus Violent Crime Control and Law Enforcement Act of 1994 aided in furthering this pattern. Reports depicted that harsher sentences were given out for crack instead of crack cocaine, which contributed to racial disparities within enforcement. Unfortunately, African Americans are more likely to be profiled, targeted, arrested, convicted, and imprisoned than their white counterparts. The crack epidemic within the United States was an outpour of crack cocaine in major cities in the United States between the early 1980s and the early 1990s. Consequently, crime and violence increased as a result of the backlash within the form of tough crime policies. This paper will examine the racial disparities as a result of the War on Drugs with racial mass incarceration as the ultimate consequence. There will be recommendations to impact and implement positive changes and social implications will be examined and addressed as a result of the War on Drugs.

Background

Cocaine hydrochloride also known as powdered cocaine is a major cash crop for South American countries, especially in Colombia. Up until the 1960s, society obtained little to no knowledge and the demand for the product was limited. Due to the increased desire for cocaine, Colombian trafficking organizations such as the Medellin Cartel initiated an operation in order to import cocaine from South America into the United States market. Cocaine was imported through the sea, as well an air route through the Caribbean and the South Florida coast.

Trafficking organizations managed all operations, which included the conversion, packaging, transportation, and the distribution of cocaine within the United States. The crack epidemic in the United States of America was a surge of crack cocaine, which was used in major cities all over the United States during the period of the early 1980s and the early 1990s. The term “crack” initially appeared in the New York Times on November 17, 1985. In a year, over one thousand press articles were released about the upcoming drug. During the early 1980s, the bulk of cocaine was first shipped to the United States and into the ports of Miami from Colombia. Cocaine was trafficked throughout the Bahamas and Dominican Republic (United States Drug Enforcement Administration, n.d.). Consequently, an outpour of cocaine powder within the islands caused the price to decrease by 80 percent (United States Drug Enforcement Administration [DEA], n.d.). Due to the decreased price for the illegal product, drug dealers were forced to convert the cocaine powder to “crack,” which was a solid smokeable style of cocaine that potentially could be sold in a smaller quantity and to more people. Fortunately for drug dealers, it was a cheaper and more simple production, ready for usage, and extremely profitable for dealers to produce. In the early 1980s, reports of the drug surfaced in Los Angeles, Oakland, San Diego, Miami, Houston, New York, and in the Caribbean (United States Drug Enforcement Administration [DEA], n.d.).

During the early stages, crack possessed higher purity than street powder. Around 1984, cocaine powder was available on the street on an average of fifty-five (55) percent purity for one hundred (100) each gram which is equivalent to \$246 in 2019 (United States Drug Enforcement Administration [DEA], n.d.). Crack sold for an average of purity levels at eighty (80) plus percent for the same price (United States Drug Enforcement Administration [DEA], n.d.). New York, Chicago, Los Angeles, San Francisco, Philadelphia, Baltimore, Houston, and Detroit were

all major cities that obtained dosages of crack that could be possessed for as little as \$2.50, which is equivalent to \$6 as of 2019 (United States Drug Enforcement Administration [DEA], n.d.).

In 1971, President Richard M. Nixon coined the phrase “War on Drugs” but in actuality, the agreement was not a coherent entity nor a true war. It was a “succession of executive” sponsored domestic and transactional punitive campaigns spanning the postwar era through today (Murch, 2015, p.164). Los Angeles applied unequal militarization by focusing solely on African American and Latino neighborhoods in the South Central area of the city. Due to the geographic application of force, this meant that specific populations were at a higher risk due to their age, race, and location. The California Department of Corrections prison population rose from 19,623 in 1977 to 162,000 in 2000 with 40 percent of the population being from Los Angeles and 70 percent from Southern California (Murch, 2015). In 1990, drug offenses were 34 percent of new admissions to California prisons and 25 percent of detainees in the Los Angeles County Jail, which obtained the world’s largest urban prison population (Murch, 2015). Unfortunately, the incarceration effects were not equal. Multiple studies revealed alarming racial disparities of mass incarceration due to the “War on Drugs”, and California led within this trend nationally. By the year 2000, the combination of African Americans and Latinos were more than 64 percent of the whole population of the California Department of Corrections (Murch, 2015); however, African Americans were approximately 7 percent of California’s general population, but only accounted for 31 percent of the state’s inmates (Murch, 2015).

United States drug laws are written neutrally, but forced in a system that is pervasively biased. The United States is a country that emphasizes “equal rights for all” yet one out of every three African American individuals who are in their twenties are placed in prison, jail, probation,

or parole. African Americans account for 13 percent of all drug users; however, 35 percent of African Americans are arrested for drug possession and 55 percent of African Americans are convicted for drug possessions, and 74 percent of them are sent to prison (Small, 2001). In seven states, between 75 and 90 percent of African Americans are accounted for drug offenders that are sent to prison (Small, 2001). In approximately fifteen states, African American men are sent to prison for drug offense at a rate that is 20 to 57 times greater than White males (Small, 2001). Unfortunately, the arrests and the media convey the misconception that drug usage by African American males is at a higher rather than White males. This serves as a justification for racial profiling. Contrary to the misconception portrayed by the media, “the typical cocaine user is a white male, a high school graduate employed full time and living in a small metropolitan area or suburb” (Sklar, 1995). The government has counted that 24 million Americans, mostly white, has used marijuana, cocaine, or another illicit drug (United States Sentencing Commission, 1995: SS-SB).

Analysis

Different crime policies played a significant role on the war on drugs. The war on drugs originated during Nixons administration and continued with Reagans administration. Statistically speaking, Caucasians are sentenced differently from African Americans on drug charges. Supreme Court cases through the late 1990s and the early 2000s impacted the war on drugs sentencing in a significant manner.

Nixon Administration

There were anti-drug policies that was implemented by the United States government within the 1970s. President Nixon’s aide, John Ehrlichman expressed the rigid legislation on drugs that started under Nixon’s administration that negatively affected the lives of African

Americans. During the period of Nixon's presidency, Congress passed the Comprehensive Drug Abuse Prevention and Control Act of 1970 which is known as Title II the Controlled Substance Act (Courtwright, 2004). This Act included a combination of prior federal anti-drug policies under one legislation and marijuana was placed in the most restrictive class. President Richard Nixon was persistent in his action to attack drug usage in America through the implementation of the Drug Enforcement Agency. The purpose of the Drug Enforcement Agency was to enforce drug related laws as well as regulations. Within the 1970s, unbridled policies and practices under the Nixon Administration that authorized unfair treatment of African Americans that were critical later in President Reagan's harming of African Americans through the criminal justice system.

"You want to know what this was really all about? The Nixon campaign in 1968, and the Nixon White House after that had two enemies: the antiwar left and black people. You understand what I'm saying. We knew we couldn't make it illegal to be either against the war or Black, but by getting the public to associate the hippies with marijuana and blacks with heroin, and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course, we did" (St. John & Lewis, 2019).

During the duration of President Nixon's term, the United States dealt with a heroin epidemic. In Washington, DC, there were 15 times as many heroin addicts than there were in the entire population of England (Forman, 2018). President Nixon appointed the Special Action Office for Drug Abuse Prevention which was led by Jerome Jaffe to provide free synthetic options to heroin in the style of government regulated methadone (Barber, 2016). The methadone

program was established to wean addicts off of heroin. The program was implemented in order to prevent addicts from engaging in crime in order to keep up their addiction; however, due to the program, the presence of policing within the communities were increased. President Nixon's program was seen as a modern day black oppression (Forman, 2018).

Reagan Administration

Twenty-eight counts of individuals that were incarcerated on nonviolent drug offenses rose from 50,000 in 1980 to more than 400,000 by 1997 (Blumstein & Beck, 1999 pp.11-16). The Anti-Drug Abuse Act of 1986 is responsible for the increase of individuals behind bars. The act advocates for minimum penalties for cocaine related charges dependent upon the quantity and style of drug, and the differences between crack and powder cocaine. Particularly, there was a minimum sentence of five (5) years for being in possession of five (5) grams of crack which aided in increased rates of incarceration of African Americans for nonviolent drug offenses (Newman, 2016). The requirements for the pure, more expensive, and least accessible style of the cocaine, would require one to be in possession of 500 grams to activate the five year minimum sentence. During that period, most of the crack users were African American and most of the cocaine users were White (Chappell & Maggard, 2007). There were racial disparities that occurred during sentencing in order to punish African American drug users more severe than their white counterparts, while targeting a substance predominately used by African American individuals. President Ronald Reagan ramped up the War on Drugs from 1981. Reagan's Administration implemented multiple policies that aimed to decrease drug related violence by implementing fixed and extended prison sentences.

Reagan continued to demonstrate his racial behavior privately behind closed doors through conversations with his peers. "To see those, those monkeys from those African

countries-damn them, they're still uncomfortable wearing shoes!” (St. John & Lewis, 2019). The conversation illustrates racist intentions and language by policy makers who aid in the trajectory of disproportionate rates of racial mass incarceration in the United States. President Ronald Reagan ramped up the War on Drugs from 1981. President Ronald Reagan ramped up the War on Drugs from 1981. Reagan’s administration Implemented multiple policies that aimed to decrease drug related violence by implementing fixed and extended prison sentences.

Consequently, the War on Drugs was responsible for sentencing laws and increased policing throughout predominantly African American communities. This resulted in a disproportionate number of African Americans sentenced to prison (St. John & Lewis, 2019). The amount of individuals in the United States correctional system grew at an alarming rate during the period of 1980 and 2016. The amount of individuals that were in prison increased by 356 percent, a 303 percent increase within the amount of individuals within jail, a 297 percent increase in individuals on parole, and a 229 percent increase in individuals on probation (St. John & Lewis, 2019). In 2019, approximately 2.3 million individuals are incarcerated within the United States where as one out of five persons are incarcerated for a drug charge (St. John & Lewis, 2019). Forty percent of individuals that are incarcerated are African Americans; however, African Americans account for 13 percent of the United States’ population (St. John & Lewis, 2019).

Anti-Drug Abuse Act of 1986

The Anti-Drug Abuse Act of 1986 was a law pertaining to the War on Drugs that was passed by the United States Congress and signed by President Ronald Reagan. As a result of this act, the federal supervised release system shifted from a rehabilitative system into a punitive system. The Anti Drug Abuse Act of 1986 provided provision for a one-hundred-to one

sentencing ratio of powder cocaine to crack cocaine (Beaver, 2010). This ratio illustrated that the penalty for a charge that involved between five or ten grams of crack cocaine was equivalent to the sentence for a crime that consisted of five hundred or one thousand grams of powder cocaine. The structure of the Anti Drug Abuse Act of 1986 has resulted in racial disparities within sentencing due to African Americans being charged more often with crack cocaine offenses than Caucasians that are instead indicted for powder cocaine possessions (Beaver, 2010). Consequently, there is a split between the United State courts of appeals relating to the meaning of the Act and the policy behind the penalty scheme.

If a person possessed five grams of cocaine, the same five year sentence as five hundred grams of powder cocaine, consequently, the one-hundred-to-one ration of powder cocaine to cocaine base during sentencing; however, if low level crack cocaine defendants are prone to being punished severely, the average sentence for a person found guilty in possession of twenty-five grams of powder cocaine is fourteen months, in contrast, a defendant found guilty of being in possession of less than twenty-five grams of crack cocaine is likely to be printed to an average of sixty-five months (Beaver, 2010). Unfortunately, the one-hundred-to-one ratio impacts African Americans due to crack cocaine being disproportionately used by African Americans in comparison to Caucasians (Vagins & McCurdy, 2006) and as a result of the lower pricing of crack cocaine it makes the drug more prevalent in inner cities (Sargent, 1983). During 1995, approximately a decade after the act was implemented, the Los Angeles Times reported that no white defendant was charged with a crack cocaine offense within federal courts in Los Angeles, Boston, Denver, Chicago, Miami, Dallas, or in the seventeen states courts (Weikel, 1995). In 2000, less than six percent of crack cocaine offenders were white and more than eighty percent of the defendants were African American (U.S. Sentencing Common Specific Report to

the Congress: Cocaine and Federal Sentencing Policy, 2002). Ultimately, for every ten African Americans charged for crack cocaine possession, one Caucasian defendant is charged with a crime which involves crack cocaine (United States Sentencing Commission, n.d.). Racial disparity sentencing increased due to African American drug offender's greater chances of being sentenced to prison than a Caucasian drug offender, because of the predetermined average quantities that consisted of a drug offense. The valued amount of crack cocaine a defendant is charged with is fifty-two grams which automatically leads to a statutory ten year sentence (Beaver, 2010); however, the valued amount of powder cocaine is 340 grams that is insufficient and does not warrant a prison sentence (Beaver, 2010). Ultimately, it does not warrant a prison sentence due to racial factors because the defendant is Caucasian.

Omnibus Violent Crime Control and Law Enforcement Act of 1994

The Violent Crime Control and Law Enforcement Act of 1994, also referred to as the 1994 Crime Bill or the Biden Law, was an Act of Congress that manages crime and law enforcement. It is the largest crime bill within the history of the United States and obtains 356 pages that provided for new peace officers, \$9.7 billion within funding for prisons and \$6.1 billion in funding for prevention programs that were designed to have impactful input from experienced officers. The bill was sponsored by United States Representative Jack Brooks in Texas (Brooks, 1994). Congress then passed the bill and the law was signed by President Bill Clinton. Due to the 101 California Street shooting, the 1993 Waco Siege and other violent crime cases, the Act enlarged as a federal law in multiple ways. The most notable session was the Federal Assault Weapons Ban. Other aspects of the Act provided significant expansion among the federal death penalty banning new classes of individuals from possessions firearms, and multiple new crimes that defined statutes in relation to hate crimes, sexual crimes, and gang

related crimes. The 1994 Crime Bill possesses positive provisions for domestic violence and sexual assault; however, this bill is responsible for exacerbating the racial disparities margins within the criminal justice system (Brooks, 1994).

The Crime Bill's Federal Death Penalty Act allowed the usage of the death penalty for 60 new federal offenses which includes certain drug offenses that are not related to homicide. During the five years after the bill's passage, 74 percent of inmates with death penalty recommendations from prosecutors were people of color; 44 percent of the inmates were African American and 21 percent were Hispanic (Shannon, 2019). Racial disparities within capital punishment still occur today. The death penalty is more likely to be advocated for when the victim of the crime is white rather than African American despite the fact that African American males are more likely to be victims of homicide. African Americans and Hispanic people account for 31 percent of the United States population; however, 53 percent of African Americans and Hispanics account for death row inmates at 41 percent and 11 percent, respectively (Shannon, 2019).

The Crime Bill advocates for the Three-Strike Law; The Three-Strike Law imposes an automatic life sentence for individuals convicted of specific felony offenses if they already have two prior convictions on their record. Many states followed and enacted the Three Strike Law and consequently this resulted in alarming incarceration rates specifically for African and Latino Americans. In 2016, seventy-eight percent of Americans that are serving life sentences within federal prison are people of color (Shannon, 2019). For example, in California, African Americans were 12 times more likely than a white individual to be incarcerated under the Three-Strike Law. Additionally, prior to the Three Strike Reforms Act of 2012 (Shannon, 2019)

African Americans accounted for an estimate of three quarters of individuals who were sentenced to life in prison in Maryland, Mississippi, and Louisiana.

United States v. Armstrong (1996)

Christopher Lee Armstrong as well as other individuals were indicted on federal law charges of conspiracy to possess with intent to distribute more than 50 grams of crack cocaine. Armstrong was monitored by the Federal Bureau of Alcohol, Tobacco, and Firearms (ATF) and was indicted and arrested. Armstrong filed a motion for dismissal due to allegedly being selected for prosecution because he was African American. The district court granted the order; the court ordered that the government provide statistics on cases that were similar within the last three years; however, the government did not comply with the order and then dismissed the case. This was proof that racial disparity played a part in Armstrong being indicted. Otherwise, it would have not been more of an egregious assignment to prove that individuals of a different race were not prosecuted.

Armstrong was significant in that the court held that individuals cannot be prosecuted solely based on race. Once this issue was raised, the prosecutor had the burden to prove that other similarly situated defendants were prosecuted as well. In the Armstrong case, the prosecutor failed to produce that list. The Court said the burden was not on Armstrong to produce that list. That is why his case was ultimately dismissed.

Kimbrough v. United States (2007)

In the case of *Kimrough v. United States*, sentencing researchers and legal scholars conducted a research to study in order to analyze and identify the impact of the sentencing process with a focal point on deciding whether the decisions that were made based on unwarranted disparity. Derrick Kimbrough was indicted in September 2004 by the federal

government of Virginia and was brought up on four (4) drug related charges: conspiracy to distribute both crack and powder cocaine; possession with the intent to distribute approximately more than fifty (50) grams of crack cocaine, possession with the intent to distribute powder cocaine, and the possession of a firearm while in the commission of drug trafficking. Kimbrough pleaded guilty on all charges and faced a sentence of up to fifteen (15) years and life in prison (Kimbrough v. United States). Unfortunately, the sentencing guidelines for Kimbrough were so high due to the fact he was in possession of crack and powder cocaine. If Kimbrough was only in the possession of cocaine, his sentence would most likely have ranged from ninety-seven (97) to one-hundred six (106) months (Kimbrough v. United States). The Fourth (4th) Circuit Court of Appeals decided to vacate the sentence and remand for future proceedings. In reliance on previous opinions, the appellate court stated that any sentence that does not meet the guidelines range were considered unreasonable if the sentence is based on policy disagreement considering that crack cocaine offenses are convicted more severe than powder cocaine charges. Kimbrough's case illustrated the disproportionate and unjust impact that crack cocaine guidelines have in the sentencing process.

Gall v. United States (2007)

Brian Gall, a student at the University of Iowa, became acquaintances with Luke Rinderknecht in which Gall got involved with selling ecstasy. During the period of seven (7) months, Brian Gall made over \$30,000.00 selling the drug ecstasy. Gall left the drug conspiracy and started a legitimate business. Federal agents were able to track him down, he turned himself in later pleading guilty to conspiracy to distribute a controlled substance. The United States advocated for a sentence of thirty months in prison which was the minimum sentence within the range of the federal sentence guidelines.

Due to the mitigating conditions of the case, the judge made a decision to depart from the federal sentencing guidelines and impose a sentence of thirty-six (36) months probation. The United States Court of Appeals for the Eighth Circuit denied the sentence as being unreasonable. The Eighth Circuit stated that although sentencing guidelines are not mandatory, sentences that are outside of the range must surpass a presumption of unreasonableness; however, the sentences vary due to different guidelines and must be justified depending on the totality of the circumstances of each case. The Eighth Circuit decided that the district court made an error by using Brian Gall's youth as a determining factor by putting emphasis on Gall's rehabilitation and by downplaying the severity of the crime. Since Gall withdrew from the conspiracy before having any knowledge of being under investigation by the federal government, he received a more lenient sentence. Gall received a more lenient sentence due to his withdrawal because in the court's position, he was an amenable candidate to rehabilitation.

The Eighth Circuit abandoned and remanded the sentence. The court took into account that the district court did not have reason for the sentence within the variation of the sentencing guidelines range. Due to Gall's probation only sentence being in effect, which was a total downward departure from the federal sentencing guidelines, the court decided that it had to be reasoned by "extraordinary circumstances" in which, his case did not reflect those circumstances. Shortly after, the Supreme Court listened to Gall's case to obtain clarification on how the lower federal courts should sentence him outside of the federal sentencing guidelines. The significance surrounding Gall's case is all federal judges are free to sentence a defendant according to what they believe is the proper and more reasonable sentence for a defendant.

Recommendations

Statistics show that there are more white drug users in the United States of America than there are African-American drug users; yet, there are more African-Americans crowding correctional facilities due to drug charges than their white counterparts. The War on Drugs is considered to be the modern day Jim Crow. In order to help reduce the impact of the war on drugs, individuals should have access to free resources that assist with more of a holistic approach such as therapy and/or work study programs. Illicit drugs should also be legalized in order to help reduce the amount of crime and violence that occurs. This could potentially be the beginning of breaking the generational curse of drug abuse.

Legalization of Drugs

The discussion of the legalization of drugs is an extremely debatable topic that discusses morality, public welfare, and justice; moreover, there should be a differentiation between advocating for the usage of drugs and their legalization. The consumption of drugs should not be advocated for, but their legalization should be advocated for. The definition of legalization means that it would be legal to use, sell, buy, manufacture, and/or distribute drugs. To the contrary, it would be legal to partake in using, selling, buying, manufacturing, and/or distributing drugs.

The alcohol prohibition era is proof of the necessity for legalizing drugs; it demonstrates that prohibition does not work. In 1919, the Eighteenth Amendment was ratified and banned the transportation, manufacture, and sale of alcohol (Block & Obioha, 2012 pp.110). Due to the prohibition of alcohol, the government's spending increased in relation to drug prevention. The prohibition also increased health risk and crime due to the consumption of alcohol. The Bureau of Prohibition initially spent \$4 million to about \$14 million annually during this period (Block

& Obioha, 2012 pp. 110). Due to the laws of legal usage of alcohol were prohibited and the regulations on the quality of alcohol was abandoned. To substitute for the risk of selling and purchasing alcohol, alcohol was produce tremendously more potent and in turn, it increased the prices. In some cases, there was over 150 percent increase in alcohol's potency which contributed to health hazards in individuals who drank (Levine & Reinerman, 2006). During the period of 1925 and 1930, crimes in correspondence to the Prohibition increased by 1,000% (Block & Obioha, 2012).

America's war on drugs is responsible for the violence and murders that occur in the United States. The violence that occurs within the United States can be attributed to the illegality of drugs that relate to the systematic and economic causes. Illegal drugs creates an equivalent black market that encourages criminal behavior. The Office of National Drug Control Policy reports, that drug trafficking aids in violence due to competition in the drug market for customers. Drug disagreements are not handled within the court system; therefore, drug dealers deal with their issues on the streets which usually results in a murder in order to settle the feud. Due to the violence as a result of drugs, sometimes, innocent bystanders are either killed and/or injured because they get caught in the crossfire from an ongoing street war.

If the government decided to legalized drugs, it is possible that the homicide rates will decrease tremendously and maybe the amount of drug dealers would decrease as well. If cocaine, heroin, and marijuana is legalized, it would be produced by the usual sources. Drug laws would be enforced by the criminal justice system which would allow drug disagreements to be disputed in the court system. Portugal has a liberal drug policy for example, in 2001, Portugal legalized the usage and possession of marijuana, heroin, cocaine, and other illegal drugs. Portugal's government decided not to incarcerate and overpopulate their prison system. Instead, Portugal

rehabilitates their offenders. As a result of rehabilitation within Portugal's system, they have reduced the number of deaths and infections because of drug usage (Block & Obioha, 2012). Drug dealers are prosecuted for distributing drugs; in contrast, drug users are brought to a committee, which decides if the individual should be recommended for treatment, a fine, or no jail time at all (Block & Obioha, 2012). After five years of implementing the humane drug policy, Portugal saw a decrease in the amount of street drug overdose deaths which went from 400 to 290 annually. The amount of HIV cases as a result of a heroin, cocaine, and any other drug(s) decreased from approximately 1,400 in 2000 to an estimate of 400 in 2006 (Vastag, 2009). Legalizing drugs could potentially reduce crime, make the communities a bit safer and persuade drug addicts to seek help.

Rehabilitation for Drug Offenders

Typically, individuals who are in possession of drugs are sometimes users. Usually, when one is in possession of a drug, their next step is usually an admission into the criminal justice system and some are convicted and sentenced to prison. There are some addicts that enter into jail and are released shortly thereafter. The drugs are confiscated by law enforcement and the addict is expected to go back onto the streets and not use again. Unfortunately, that is not the case. Drug addicts do not need prison time, they are in dire need of rehabilitation. The drug addict needs a proper detox physically and mentally in order to be weaned off an illegal drug or substance.

Correctional facilities in the United States should be centered more toward rehabilitating while individuals are imprisoned. Talk therapy and free rehabilitation should also be provided to those who were once drug addicts or are currently drug addicts. Talk therapy and rehab could potentially help a person rewire their brains psychology. This would help reduce depression and

anxiety which is what leads most individuals to drug usage in order to “escape” from their everyday problems. Most individuals do not take the initiative to attend therapy and/or rehab due to financial circumstances. There should be work study programs implemented for drug offenders in order to gradually reintegrate the individual back into society. This would help reduce the amount of crime, drug usage, recidivism within society.

Social Implications

Imprisonment was not the only consequence as a result of the war on drugs. The war on drugs affected the African American communities in a significant negative manner. Families were torn apart and separated for years, maybe even decades due to harsh sentences. The war on drugs is seen as a modern day Jim Crow due to all the privileges that African Americans lose once they are convicted felons. Lastly, African American communities suffer from increased violence within their communities.

Effects of Mass Incarceration on Communities of Color

The United States has made progress racially; moreover, the United States is still an insidious racial nation as well as economically. People in African American communities are incarcerated at a disproportionate rate which has been occurring since the early 1980s. Indigent people in African American communities have a large amount of felons that are removed from the neighborhoods and these same individuals return back to these neighborhoods once they have been releases from state prison and paid their debt to society. Due to the population churning, this is referred to as, “coercive mobility” by criminologists. Although, the intentions of legislatures, judges, police officers, and prosecutors to protect society and communities, there is a belief that coercive mobility has unintended consequences of increased crime and victimization.

Changes during the period of increased massive incarceration place individuals of color at a disadvantage when entering into the criminal justice system. For example, the initial federal sentences for crack cocaine charges which was sold and used by African American people heavily received a sentence 100 times more severe than one who uses or sell powder cocaine which was used or sold heavily by Caucasians (Crutchfield & Weeks, 2015).

The essential question should be, how much of higher minority incarceration is a result of differential involvement within criminal behavior in contrast to a biased criminal justice system. Also, how much of the higher levels of incarceration of African Americans and Latinos is warranted by higher levels of crime and what amount is unwarranted. Unfortunately, for less serious crime, the percentage of unwarranted racial disparity is increased. Racial disparity is displayed through the amount of drug imprisonments that result from the War on Drugs.

In the United States, approximately 13 percent of drug users and sellers are African Americans (Crutchfield & Weeks, 2015). Approximately 17 percent are from different Latino groups and 65 percent are Caucasian drug users or sellers (Crutchfield & Weeks, 2015); yet, over 50 percent of individuals who are imprisoned for drug charges are African American (Crutchfield & Weeks, 2015). In a study by the group Human Rights Watch discovered that African American males are sentenced on drug charges at a rate that is 13 times more than a Caucasian male (Crutchfield & Weeks, 2015). Ultimately, African Americans and Latinos are more likely to be arrested due to the fact their activities occur in open, public drug markets in contrast to the dealings of Caucasians.

As a result of racial segregation and discriminatory behaviors by real estate agents, African American families located to lower income inner city communities. Unfortunately, this led to crack affecting African American neighborhoods more than others. A research study was

conducted in 2018 and it was discovered that the crack epidemic still possess long-run consequences for crime which aids in the doubling murder rates of young African American males right after the start of the epidemic, and the murder was 70 percent higher one (1) year later after crack's arrival in the black communities (Evans et al, 2018). According to research, it is estimated that eight percent of the murders that occurred in the 2000s is a consequence to the long-term effects of the emergence of the crack era in which murder rates were elevated for young African American males which displays the alarming gap of life expectancy between African American males and White males (Evans et al., 2018).

The distribution of crack cocaine usage and distribution started to rise in cities that were socially and economically in chaos. Distribution of crack cocaine was a way for individuals who were poor to move up and prosper economically within the drug market; yet, selling or using "crack cocaine" came at a very high cost and it still does today. Many African American families were torn apart due to being incarcerated because of this product or due to a mother or father becoming addicted to crack. African American children are represented in juvenile and family court cases which has been a trend since the War on Drugs has started (Bell et al., 2005). There was a study that displayed the divide in drug arrests and affirmed it statistically, mostly marijuana arrests, where African Americans with no prior arrests (0.9%) in one previous arrest (4.3%) are nearly twice as likely to be sentenced than their white counterparts (0.4%) and (2.3%) (Golub et al., 2007). Children today now sell drugs as a source of income because they are introduced to it by their parents as the "family business" or selling drugs is appealing because it is a fast and lucrative business. The crack rock has affected black communities from generation after generation.

Collateral Consequences

The majority of offenders who are released from prison after paying their debt to society are individuals who struggle to reintegrate back into society. Collateral consequences are the after effects that are present after one has served their sentence. These damages occur due to law and social practices. Some of the oppressive consequences occur under legal denials of social benefits such as: public housing access, welfare benefits, college loans and grants, the right to vote, the right to live or work within certain areas (such as school zones), and requires one to register with local authorities (depending on the charges). The legislations were implemented to punish convicted felons due to violating the social contracts within the belief that convicted felons should not have access to the things that the good of the broader community has. Not having access to these benefits hinders one who is released from prison from taking a legitimate path which increases the chances of recidivism.

War on Drugs Impact on Children with Incarcerated Parents

The War on Drugs and its accompanying “lock’em up and throw away the key” policies account for mass incarceration within the United States as well as the emotional and psychological pain children suffer from as a result of losing a parent(s) to a substantial prison sentence. The United States Bureau of Justice Statistics displayed that by 2007, over 53 percent of the 1.5 million people within, the United States correctional facilities were parents of minor children; moreover, there are 1.7 million minor children with an incarcerated parent (Allard, 2012). During the period between 1986 and 1999, state prisons number of women incarcerated for drug offenses increased by 888% (Allard, 2012). There is significant and lasting pain that is documented that adolescents experience when a parent is lost due to death or divorce; however,

there is less acknowledgment from the system when a child loses their parent to a lengthy prison sentence.

A child's parent being incarcerated undermines the child's sense of stability and security due to the sudden removal of a parent without a explanation. The long term effects of a parent's sudden absence can produce a level of anger from the child towards others. Additionally, a parent who is involved in criminal behavior could predispose their children to a life of crime which creates a perpetual cycle. Although a parent might have not managed an intact household, it is possible that the parent aided in the their child's well being. Ethnographic work within this vicinity, implicates that non-residential minority fathers frequently make informal contributions to their children such as, buying toys, buying diapers, and babysitting which promotes emotional support (Allard, 2012).

When mothers are imprisoned, families are often separated. Siblings may be sent to live with immediate family members and/or friends or displaced within the foster care system. Older children may also feel the obligation to take care of younger siblings. Sometimes, older children feel the need to drop out of school in order to work for income to provide. In contrast, children may resort to a life of crime in order to supplement the household income. Since the United States is not a rehabilitative system, it is more likely that one's parent will continue the cycle of going in and out of prison. The "in and out" of parents who are in the system hinders a child to develop a sense of safety. Children become hesitant of building a stable relationship with their parents out of fear of being disconnected again.

War on Drugs Modern Day Jim Crow

The War on Drugs has equally destroyed the Fourth Amendment which intentions are to eliminate law enforcement's authority to search and arrest. Drug crimes usually do not have witnesses or individuals that come forward to assist law enforcement. In order to cut down on drug crimes, law enforcement resort to tactics such as: wiretapping, surveillance, undercover operations, and bribing informants. The United States is massively incarcerating African American males at a rate estimated four times the rate of incarceration of African American males within South Africa under apartheid (Haney & Zimbardo, 1998, p.714). With the amount of African American men in prison (792, 000), it is equivalent to the amount of males that were enslaved in 1820 (Boyd, 2001). Due to the current uptrend of the drug war fueling an expansion of prison populations, if this continues, the United States will incarcerate an amount of African American males as the ones who were forced into bondage at slavery's peak season back in 1860.

Unfortunately, the War on Drugs provides continuity episodes of the African American's community horrific past. Slaves were in bondage to plantations in which they could not escape and now African American men are imprisoned and deprived of their freedom. African American males between the ages of 20 and 29, one in three are under the ruling of the criminal justice system (Chaiken, 2000, p.14). The political effect of felony disenfranchisement laws became apparent within the 2000 presidential election. In Florida, lower drug offenses that are nonviolent drug possession are counted as a felony (Boyd, 2001); yet, regardless if it is a low level or high level drug charge without any jail time, felons lose their right to vote forever. In the year 2000, the outcome of Florida's vote in the presidential race voting changed the trajectory of the presidential race. Additionally, more than 200,000 African American males - 31% of all

African Americans in Florida could not vote in that election, as well as future elections (Boyd, 2001). If former felons would have been able to vote and exercise their right, there would have been a reason for recount in that election and possibly, the outcome may have been different.

Initially, the right to vote as a slave was nonexistent, although every slave was accounted for as $\frac{3}{5}$ (60%) of a person solely for representation purposes only. Currently, 13 percent of all African American males - 1.4 million are disenfranchised within the United States (Boyd, 2001). Over, ten states have disenfranchised more than 20 percent of African American citizens (Blumenson & Nielsen, 1998). The War on Drugs exposes the United States to the same harm that Jim Crow provided with the equivalent economic and ideological underpinnings of slavery within itself. Just like Jim Crow reacted to the emancipation by pushing back the new rights of African Americans, the drug war is a reciprocation of institutions and oppression just as the plantation. Like slavery and the Jim Crow era, the drug war accumulates alarming levels of support.

The brutal circumstances of slavery was equivalent to economic and paternalistic circumstances. Jim Crow put up a façade of separated, but equal treatment all while African Americans endured daily lynchings and all forms of discrimination. Although, the war on drugs pretends to be in placed for morality and the safety of children, it promotes racial injustice. African Americans are not using more drugs than Caucasian individuals; in fact, Caucasians and African Americans usage of drugs at almost equal rates (U.S. Department of Health & Human Services, Substance Abuse and Mental Health Services Administration, 1999). There are five times as many Caucasians as there are African Americans within the United States and the majority of drug usage comes from Caucasian individuals. Moreover, African Americans are sentenced to state prisons at a rate that is 13.4 times higher than Caucasian individuals (Boyd,

2001). In the few states outside of the Old Confederacy, African Americans account for 90% of drug inmates and is likely to be incarcerated 57 times more than Caucasians for a drug offenses.

Due to the war on drugs policies, Congress moved in the direction to close the doors of education to African Americans. Under The Higher Education Act of 1998, any drug conviction eliminates or delays one's federal education assistance which includes loans and work study programs (Boyd, 2001). Fifty-five percent of individuals that are convicted of drug offenses are African Americans and due to this law not affecting the wealthy individuals this law does not apply to them, this policy aims at poorer minorities (Boyd, 2001). Smoking marijuana and/or getting caught means risking forfeiting financial aid and having to leave college in which one will not earn their education.

During slavery times, slaves were intentionally kept illiterate and uneducated. "Learning would spoil the best nigger in the world. Now, said [the master], "if you teach that nigger (speaking of myself) how to read, there would be no keeping him. It would forever unfit him to be a slave. He would at once become unmanageable, and of no value to his master" (Douglass, 2001).

The health of African Americans was targeted on the plantation and through the Jim Crow era and it is still under attack due to the war on drugs. AIDS is one of the leading cause of death for younger African Americans and Latinos; yet, African Americans only account for a small portion of the population, but make up 41 percent of United States citizens with AIDS (Boyd, 2001). African American and Latino women combined represent less than 25 percent of all United States women; however, they account for over 75 percent of AIDS cases amongst the women in the United States (Boyd, 2001). Sixty-five, percent of African American females is HIV positive due to contracting the disease because of sharing a needle (Centers for Disease

Control and Prevention, 2000). Majority of democracies have imposed harm reduction policies, which includes needle exchange programs in order to reduce the spread of AIDS and other blood transmitted diseases. The United States drug policies barred funding for clean needles. For example, New Jersey will apprehend anyone that attempts to provide clean injection material while using private funds (Boyd, 2001). Unfortunately, the policies that are implemented are aimed at the minority population within the United States.

Conclusion

African American individuals have encountered discrimination at all aspects of the United States criminal justice system. Due to the policies that were initially implemented, African American are at risk of being stopped, searched, arrested, convicted, and sentenced harshly and stuck with a lifelong criminal record that has consequences long after an individual has served their sentence. In particular, African American people are incarcerated due to drug violations. The “war on drugs” has created debates in regards to legislation policies such as mandatory minimum penalties and stop-and-frisk searches, which has caused controversy on whether or not these policies have been aimed at minorities. The impact of the “war on drugs” created racial disparities that involved arrests, prosecution, and rehabilitation. In addition to the racial disparities within the criminal justice system, the “war on drugs” has created senseless violence within the African American communities. Ultimately, the war on drugs has left the African American communities in shambles from a generational standpoint.

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