Race and the Drug War

Alexander Cockburn and Jeffrey St. Clair

from Counterpunch, June 15, 1999
http://www.counterpunch.org/1999/06/15/race-and-the-drug-war/
2,156 words
Paragraph numbers added for reference

1. It’s not often that one sees Charles “Bell Curve” Murray and Prof. Cornel West holding hands, nor Ahmet Ertegun and Reagan’s secretary of state, George Schultz, but there they all were along with hundreds of others from the U.S. and around the world, signing a double-page ad that ran in The New York Times on June 8, under the banner headline “We believe the global war on drugs is now causing more harm than drug abuse itself.”

2. Among the names were Lyndon Johnson’s attorney general, Nicholas Katzenbach former New York police commissioner, Patrick Murphy; San Francisco D.A. Terrence Hallinan; plenty of all the usual liberal suspects and such wellknown conservative members of the “legalize drugs” crowd as Milton Friedman. The ad was timed to coincide with the big United Nations special session on drugs, which ran from June 8-10. The text of the ad stated baldly that the drug war has been a disaster and the time has come for a “truly open and honest dialogue regarding the future of drug control policies (one in which fear, prejudice and punitive prohibitions yield to common sense, science, public health and human rights.”

3. The statements to which the signatories put their names are mostly unimpeachable common sense, as in “drug war politics impede public health efforts to stem the spread of HIV, hepatitis and other infectious diseases. Human rights are violated, environmental assaults perpetrated and prisons inundated with hundreds of thousands of drug law violators.” All true, and every phrase repeated, proven and doubly proven year after year.

4. So why does the drug war grind on, decade after decade, immune to reason, often grotesque in its hypocrisy? How can one listen without laughing to the solemn posturing of the U.S. government about the recent sting on Mexican banks for their washing of drug money, without a word about corresponding drug money-washing by U.S. banks? Small wonder Mexican politicians deride the Clinton administration for its double standard. Furthermore, many of the political veterans now putting their names to the big appeal to reason in the Times ad espoused, in their careers in government, exactly the policies they now denounce. George Schultz, for example, sat in the State Dept. during all the years when Reagan’s drug war was in full swing, while simultaneously turning an amazingly blind eye to the Contra-drug arms-shuttling overseen by the CIA. Another signatory, Lloyd Cutler, was White House counsel in the Carter administration, just at the moment it was giving the go-ahead to the CIA to pour arms and money into the hands of drug-trafficking Afghan mujahiddeen.

5. In other words, as so often in such appeals signed by government veteran snow returned to private life, there is a state agenda that, when they are servants of the state, they all find
themselves following. It’s just like former chiefs of the armed forces who retire into private life and denounce nuclear weapons. Nice, but a bit late in the day.

6. In all its hypocrisy and cruelty the drug war drags on because it serves an important repressive function that no state is eager to abandon. If its real, as opposed to its proclaimed purpose is recognized, the drug war “works.” And that purpose has never been the halting of production, shipment and consumption of drugs. Take a look at the history of drug wars over the past 150 years. These drug wars are either openly avowed or tacit enterprises that expand the drug trade, or they are pretexsts for social and political repression.

7. In the mid-19th Century the British fought two drug wars to force the Chinese to accept imports of opium from India. Nearly a century and a half later, as it contemplated intervention against the Soviet Union in Afghanistan, the Carter administration initiated the spending of covert billions on what was, if we view it realistically, another drug war, as one of President Jimmy Carter’s own advisers predicted. As he later recalled, David Musto, a White House member of the president’s council on drug abuse, told his boss that “we were going into Afghanistan to support the opium growers in their rebellion against the Soviets.” Covert U.S. military aid soared and so did Afghan opium production, tripling between 1979 and 1982. By 1982, on UN and DEA figures, the Afghan heroin producers (romanticized by U.S. politicians and press alike as “freedom fighters”) had captured 60 percent of the heroin market in Western Europe and the U.S. The heroin producers had of course the all-important asset of being anti-Communist, just like their drug-trafficking counterparts in Southeast Asia, also in receipt of U.S. support.

8. All the millions sent by the U.S. to Bolivia, Colombia and Mexico allegedly to battle drug lords have never made a dent in the drug trade. But they have helped Latin American armies and police crushing peasant insurrections and murdering labor organizers. The true political priorities were graphically underlined by the CIA’s Inspector General Fred Hitz, who disclosed to the U.S. Congress on March 16 of this year that in 1982 the Agency extracted from Reagan’s Attorney General William French Smith clearance that the CIA would not have to report any knowledge it might have of drug-dealing by CIA assets. This clearance was only fully rescinded in 1995.

9. Domestically, the “drug war” has always been a pretext for social control, going back to the racist application of drug laws against Chinese laborers in the recession of the 1870s when these workers we reviewed as competition for the dwindling number of jobs available. The main users, middle-class white men and women taking opium in liquid form as “tonics,” weren’t harassed. By 1887 the Chinese Exclusion Act allowed Chinese opium addicts to be arrested and deported. In the 1930s the racist head of the Bureau of Narcotics and Dangerous Drugs, Harry Anslinger, was renaming hemp as “marijuana” to associate it with Mexican laborers and claiming that marijuana “can arouse in blacks and Hispanics a state of menacing fury or homicidal attack.” By the 1950s Anslinger had pushed through the first mandatory drug sentences.

10. As so often, Nixon was helpfully explicit in his private remarks. H.R. Haldeman recorded in his diary a briefing by the president in 1969, prior to launching of the war on drugs: “[Nixon] emphasized that you have to face the fact that the whole problem is really the blacks. The key is to devise a system that recognizes this while not appearing to.”
11. So what was “the system” duly devised? On June 19, 1986, Maryland University basketball star Len Bias died from an overdose of cocaine. As Dan Baum put it in his excellent Smoke and Mirrors, The War on Drugs and the Politics of Failure, “In life, Len Bias was a terrific basketball player. In death he became the Archduke Ferdinand of the Total War on Drugs.” It was falsely reported that Bias had smoked crack cocaine the night before his death. In fact he had used powder cocaine and there was no link between this use and the failure of his heart, according to the coroner. Bias had signed with the Boston Celtics and amid Boston’s rage and grief Speaker of the House Tip O’Neill, a Boston rep, rushed into action. In early July he convened a meeting of the Democratic Party leadership: “Write me some goddamn legislation,” he ordered. “All anybody in Boston is talking about is Len Bias. They want blood. If we move fast enough we can get out in front of the White House.” In fact the White House was moving pretty fast. Among other things the DEA had been instructed to allow ABC News to accompany it on raids against crack houses. “Crack is the hottest combat-reporting story to come along since the end of the Vietnam war,” the head of the New York office of the DEA exulted.

12. All this fed into congressional frenzy to write tougher laws. House Majority Leader Jim Wright called drug abuse “a menace draining away our economy of some $230 billion this year, slowly rotting away the fabric of our society and seducing and killing our young.” Not to be outdone, South Carolina Republican Thomas Arnett proclaimed that “drugs are a threat worse than nuclear warfare or any chemical warfare waged on any battlefield.” The 1986 Anti-Drug Abuse Act was duly passed. It contained 29 new minimum mandatory sentences. Up until that time in the history of the Republic there had been only 56 mandatory minimum sentences. The new law had a death penalty provision for drug “king pins” and prohibited parole for even minor possession offenses. But the chief focus of the bill was crack cocaine. Congress established a 100-to-1 sentencing ratio between possession of crack and powder cocaine. Under this provision possession of five grams of crack carries a minimum five-year federal prison sentence. The same mandatory minimum is not reached for any amount of powder cocaine under 500 grams. This sentencing disproportion was based on faulty testimony that crack was 50 times as addictive as powdered coke. Congress then doubled this ratio as a so-called “violence penalty.”

13. There is no inherent difference in the drugs, as Clinton drug czar Barry McCaffery has conceded. The federal Sentencing Commission, established by Congress to review sentencing guidelines, found that so-called “crack violence” is attributable to the drug trade and has more to do with the setting in which crack is sold. Crack is sold on the street and powder cocaine is vended by house calls. As Nixon and Haldeman would have approvingly noted about the new drug law, it was transparently aimed at blacks, and is reminiscent of the early targeting of Chinese smoking opium rather than white ladies sipping away at their laudanum.

14. In 1995 the U.S. Sentencing Commission reviewed eight years of application of this provision and found it to be undeniably racist in practice. In 1994 for example, 84 percent of those convicted in federal courts of crack possession were black, while only 10 percent were white and 5 percent Hispanic. The disparity for crack trafficking prosecutions was even wider: 88 percent blacks, 7 percent Hispanic, 4 percent white. By comparison, defendants convicted for powder cocaine possession were 58 percent white, 26 percent black and 15 percent Hispanic. In Los Angeles in 1991 all 24 federal defendants in crack cases were black. The Sentencing
Commission recommended to Congress and the Clinton administration that the ratio should be 1-1 between crack and powder cocaine, arguing that federal law allows for other factors to be considered by judges in lengthening sentences (such as whether violence was associated with the offense). But for the first time in its history, Congress rejected the Sentencing Commission’s recommendation and retained the 100-to-1 ratio. Clinton likewise declined the advice of his drug czar and his attorney general and signed the bill.

15. One need only look at the racial make-up of federal prisons to the consequences of the 1986 drug law. In 1983 the total number incarcerated in federal state and local prisons and jails, was 660,800. Of those 57,975 (8.8 percent) were incarcerated for drug-related offenses. In 1993 the total prisoner population was 1,408,685 of which 353,564 (25.1 percent) were inside for drug offenses. The Sentencing Project, a DC watchdog group, found that the increase was far from racially balanced. Between 1986 and 1991 the incarceration rate for whites convicted on drug crimes increased by 106 percent. But the number of black males in prison for kindred offenses soared by a factor of 429 percent, and the rate for black women went up by 828 percent. The queen of the drug war, Nancy Reagan, said amid one of her innumerable sermons on the issue, “If you’re a casual drug user, you’re an accomplice to murder.”

16. In tune with this line of thinking, Congress moved in 1988 to expand the crimes for which the federal death penalty could be imposed. These included drug-related murders, and murders committed by drug gangs, which would allow any gang member to face the death penalty if one member of the gang was linked to a drug killing. The new penalties were inscribed in the Continuing Criminal Enterprises Act. Convictions under the Act were, between 1989 and 1996, 70 percent white and 24 percent black (90 percent of the times the federal prosecutors sought the death penalty it was against nonwhites, and of these 78 percent were black and the rest Hispanic. From 1930 to 1972 (when the U.S. Supreme Court found the federal death penalty unconstitutional) 85 percent of those handed down the death sentence were white. When it was reapplied in 1984, with the Anti-Drug Abuse Act, the numbers for black death penalty convictions soared.

17. So, to call for a “truly open and honest dialogue” about drug policy, as all those distinguished signatories in the advertisement requested, is about as realistic as asking the U.S. government to nationalize the oil industry or to require the top 10 U.S. banks to plow all their profits into urban revival. Essentially, the drug war is a war on the poor and the dangerous classes, here and elsewhere. How many governments are going to give up on that?