THE WAR ON DRUGS

UNFAIR PUNISHMENT
A DECADES-LONG STRUGGLE
RACISM AND LAW ENFORCEMENT
A COMPASSIONATE APPROACH

BY MADISON MOORE
In 2017, Allen Russell was arrested in his Mississippi home for possessing a small amount of marijuana. Though the consequence for possessing that amount is only up to three years in prison, and/or a $3,000 fine, Russell was sent to jail for the rest of his life. Prosecutors cited previous nonviolent burglary charges as grounds to paint him as a habitual offender, dooming him to an unfairly harsh sentence. In 2021, Russell’s appeal to have his sentence commuted was rejected.

Since 2012, eighteen states have legalized recreational marijuana. Yet, between 1996 and 2015, more than sixty people were given life sentences for nonviolent marijuana charges, the majority of whom continue serving those sentences today. How did the United States get here? How did the number of Americans incarcerated for drug offenses jump from around 41,000 in 1980, to nearly 431,000 in 2019? Why are Black men six times as likely to be incarcerated than white men, and Latinos 2.5 times as likely? And what’s coming next?

The War Begins

In 1971, President Richard Nixon declared a “War on Drugs,” claiming that drug abuse was “public enemy number one.” The year before, Nixon had also passed the Controlled Substances Act, which categorized and called for the regulation of drugs, specifically targeting substances that had gained recreational popularity in the 1960s: marijuana, LSD, heroin, and MDMA.

From there, Nixon increased federal funding for drug-control agencies, proposed mandatory prison sentencing for drug crimes,
and, in 1973, created the Drug Enforcement Administration (DEA) to specifically police illegal drug use. Then, in 1980, the War on Drugs got even stricter. President Ronald Reagan and his wife, Nancy Reagan, reupped the focus on drug abuse both legislatively and culturally. Public support of these policies came largely alongside increased media coverage and public worry about the growing rates of crack cocaine use in the first half of the decade.

While Nancy ran a “Just Say No” campaign to highlight the dangers of drug use in schools across the country, the president worked to pass new drug laws. The most impactful of these would be the 1986 Anti-Drug Abuse Act, which established mandatory minimum prison sentences for certain drug offenses and which continues to guide sentencing laws today.

These mandatory minimum sentencing laws featured a massive gap between amounts of crack and of powdered cocaine needed to result in the same minimum sentence. Crack and cocaine are the same substance consumed differently, but about 80% of crack users at the time were Black, while white people were more likely to use powder cocaine. Five grams of crack led to a mandated five-year sentence, while it took five hundred grams of powder cocaine to result in the same penalty. So, while a white user may have been carrying more of the same illegal substance, a black user was much more likely to be incarcerated for it, widening the racial disparity in incarceration rates.

**POLITICAL MOTIVES**

The racist implications of the War on Drugs were immediately apparent through these policies, but in 1994, Nixon’s political motives were brought explicitly to light. Nixon’s domestic policy chief, John Ehrlichman stated that the Nixon campaign for reelection had had two enemies: “the antiwar left and Black people.” He continued: “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, [the Nixon administration] could disrupt those communities. […] Did we know we were lying about the drugs? Of course we did.”

While it eventually became politically beneficial to begin softening drug laws in the late 2000s and 2010s as public opinion shifted, politicians in the 1980s and 1990s continued to manipulate the issue of drug use as an excuse to persecute communities of color and get reelected. President Bill Clinton (1993–2001) upheld many of the Reagan administration’s policies, including rejecting a U.S. Sentencing Commission recommendation to eliminate the sentencing disparity between crack and powder cocaine. The George W. Bush administration (2001-2009) aggressively focused on marijuana use, starting a campaign to promote student drug testing and escalating the militarization of drug law enforcement.

**RACIST POLICING AND MASS INCARCERATION**

Through the escalation of the War on Drugs, police across the United States gained the power to radically harm vulnerable communities. When the DEA was formed, it was given a budget of less than $75 million for 1,470 agents. Today, the DEA has almost five thousand agents operating under a budget of $2.03 billion.

The number of people arrested for drug possession has tripled
They’re spending so much money on these prisons to keep kids locked up. They don’t even spend a fraction of that money sending them to college or some kind of school.

—Aaron Hinton, activist and community organizer

Many activists argue that today’s police departments are very similar to military forces, using advanced weapons and armor and responding to crimes with excessive violence.

since 1980, and the U.S. prison population grew over 900% from 1971 to 2016. The U.S. incarcerates more people than any other country in the world.

Almost 80% of people serving time for a federal drug crime are Black or Latino, while the number rests at 60% people of color (POC) for state prisons. These disparities can be directly traced back to the War on Drugs: POC account for 70% of all people convicted of charges with a mandatory minimum sentence.

LASTING EFFECTS
Over more than forty years, the War on Drugs failed to reduce or stop widespread drug use across the United States. Instead, these policies have left a legacy of harm across the decades. Though it’s no surprise policies constructed by racist political motives failed to reduce harm, devastating impacts continue today for a variety of reasons.

In 2014, 80% of drug arrests were for possession only. In 2018, 20% of the incarcerated population were in jail for a one-time drug charge. The focus on petty criminals and low-level offenses continues to disrupt communities and provide an avenue of power for the police, but fails to reduce widespread drug use or availability across the US.

The War on Drugs has cost an estimated one trillion dollars. In 2015, the federal government spent around $9.2 million each day to incarcerate people on drug-related charges. Instead of using these funds to support legislation that has been empirically proven to reduce drug use, like rehabilitation or treatment, the U.S. continues to pour money into institutions that maintain the status quo.

Mass incarceration also has a disastrous and heartbreaking human toll. With each incarceration, families are separated, addictions remain untreated, and previously incarcerated people are freed into a world where they can’t find work or support. In fact, incarceration is linked to increased mortality rates. Individuals released from
prison are thirteen times more likely to die than the general population. The leading cause of death for these people is overdose.

Even in most states where marijuana is now legal, former felons are barred from opening dispensaries and legally selling weed. So, even when they are released from prison for marijuana-related crimes, they are out of a path to economic prosperity as the state economy booms around a legal drug trade.

**OPPOSING THE WAR ON DRUGS**
The Drug Policy Alliance (DPA) is a leading advocate for reversing the effects of the War on Drugs to make room for more effective and harm-reducing policy. Harm reduction works in direct opposition to punitive drug policies—it acknowledges that all people, including drug users and dealers, are humans who deserve dignity and humanity in finding care and treatment. The DPA prioritizes overdose death prevention, repairing the effects of racist enforcement and incarceration, overall public health drug education, and removing the stigmas against drug users and dealers that continue to prevent compassionate approaches to addiction.

The Black Lives Matter (BLM) movement shares many goals related to the reduction of harm caused by the War on Drugs. BLM fights for the reduction of violence against Black people by police and other punitive institutions, defunding the police, ending mass incarceration, and creating space for Black joy and personhood.

Public opinion on drug use has also changed significantly over the past fifty years. At the height of the War on Drugs in September of 1989, 64% of Americans saw drug abuse as the country’s most important problem. But in less than a year, that percentage would drop below 10%. By 2004, it had dropped to 1%. Today, as demonstrated by the high number of states legalizing marijuana and growing pushes for decriminalization, Americans are more and more supportive of recreational drug use. In 2020, the state of Oregon even passed legislation that makes small amounts of nearly all drugs, including cocaine, heroin, LSD, and methamphetamine, punishable by only a civil citation and a small fine.

Even law enforcement and legislators are publicly recognizing the failure of the War on Drugs. Neill Franklin, a retired Baltimore police officer who ran drug task forces through his career now believes that drug cases should be handled by doctors and therapists: “It does not belong in our wheelhouse,” Franklin said.

**TREATING DRUG ADDICTION**
Drug addiction and overdose remain issues with high human tolls. Over the past twenty years, the opioid epidemic has become a public health emergency with millions of people suffering from opioid addiction. In 2019, more than seventy thousand people died from drug overdose. But despite the complete failure of the War on Drugs, organizations across the country have developed programs proven to help reduce drug use by treating addiction as a medical issue instead of a criminal one.

At around 3,500 drug treatment courts, judges send drug users to rehabilitation programs

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**THE DEBATE**

**SHOULD PEOPLE INCARCERATED FOR MARIJUANA CHARGES BE RELEASED WITH CLEAN RECORDS?**

**YES**
- Many people in jail for marijuana were unfairly punished through racist enforcement and broken systems
- Removing people from the prison-industrial complex will save billions of taxpayer dollars
- Legal marijuana can provide a path to economic prosperity for previously convicted people

**NO**
- People in jail for marijuana use broke the law before it was changed
- Marijuana is not legal at the federal level, so state legalization should not affect people in federal prisons
- Marijuana is still a harmful drug, even if it is legal in some places
SHOULD ALL DRUG USE BE DECRIMINALIZED?

**YES**
✓ Criminalization has not been shown to reduce drug use
✓ Enforcement of criminal drug laws is not done equitably
✓ People are more willing to seek rehabilitation if there is no risk or fear of criminal punishment

**NO**
✗ Decriminalization may lead to aggressive advertising campaigns that bring more people into using drugs (like with alcohol)
✗ Increased accessibility to dangerous drugs could lead to more deaths and addictions
✗ Without fear of criminal punishment, more people might try dangerous drugs

The debate

Drug court participants were also less likely to seek educational, employment, or financial aid after their program.

More generally, federal programs that provided affordable health insurance also increased general access to addiction treatment. Similarly, cities that provide drug users with naloxone, an opioid overdose reversal drug, have seen a significant reduction in fatal overdoses. Syringe access programs that provide people with clean injection tools have significantly reduced blood-borne diseases, with Washington state seeing an 80% decrease in new diagnoses of hepatitis B and C. Some cities around the world have even begun opening supervised injection facilities (SIFs) where people can inject drugs under medical supervision. SIFs can then connect people with treatment and social services while reducing overdoses and blood-borne diseases. One SIF in Vancouver, Canada, saw a 35% reduction in overdose fatalities in

In drug rehabilitation programs, people are able to receive counseling and therapy to help them avoid slipping back into using drugs.
the surrounding area and a 30% increase of people entering addiction treatment.

So, while the harmful impact of punitive drug criminalization will continue to affect the U.S., and specifically marginalized communities, for generations, shifts to decriminalize drug use and support people affected by addiction can make an impact to decrease the harm caused by both drugs and policy.

**WHAT YOU CAN DO**
The War on Drugs isn’t going to end overnight, but there are plenty of things you can do to help move things in a positive direction.

- **Read** reliable news sources to stay informed about the latest developments in drug laws and policing.
- **Protest** when you think laws are unfair. Nonviolent protests are an American tradition and one of the most common ways to make your voice heard.
- **Avoid** using drugs, and encourage friends to do the same. Drug use can lead to a wide range of health issues and other consequences.
- **Support** friends or family members struggling with addiction. Encourage them to seek treatment.
- **Write** or **call** your elected officials to let them know what you think should be done about drug laws and racist policing.
- **Vote**, when you are old enough! With few exceptions, you can’t vote until you’re 18, but in many states you can register at 16 or 17, and you’ll be all set when 18 rolls around.

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**Taji Chesimet**
When Taji Chesimet was 19, he founded **Raising Justice** in Portland, Oregon. The organization is youth-led, and its members seek to be the last generation to experience racial oppression. They work for this goal in three ways: policy & advocacy, grassroots organizing, and public safety training.

**Baila Salifou**
Baila Salifou, 19, studies drug addiction as a public health issue. As a member of the **School-Based Health Alliance Youth Advisory Council**, Baila is focused on removing stigmas associated with both mental health and drug addiction. She believes that by encouraging other young people to address discrepancies in healthcare and understand the medical and scientific causes of addiction, that youth can help repair that damage done by the War on Drugs.

**Foyin Dosunmu**
Foyin Dosunmu, 19, led a Black Lives Matter protest through her hometown of Katy, Texas when she was just 17. Then, she founded **Katy4Justice**, a local organizing group that aims to see change specifically within its own community. The group fights for racial justice, and also works to provide community members with a place to get legal support, come together, and share experiences. “It doesn’t take much,” she said, “all you have to do is want to see change in your community and gather people who want to do the same.”
DOUBLE STANDARDS

1. What is this cartoon trying to say about the legalization of marijuana?
2. Who profits most from legalized marijuana? Why is or isn’t this fair to people who sold weed illegally?
3. Why might people have different attitudes toward legal weed stores and people who sell the same drugs illegally? Is this fair?

NOW IT’S YOUR TURN TO MAKE GREAT DECISIONS

1. What benefits, if any, do strict drug laws have for society?
2. How would you like to see the government change its approach to the War on Drugs?
3. **YOUR STORY:** Have you ever been treated unfairly by police or other authority figures based on your race or appearance? How did it make you feel?

KEY WORDS & TERMS

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