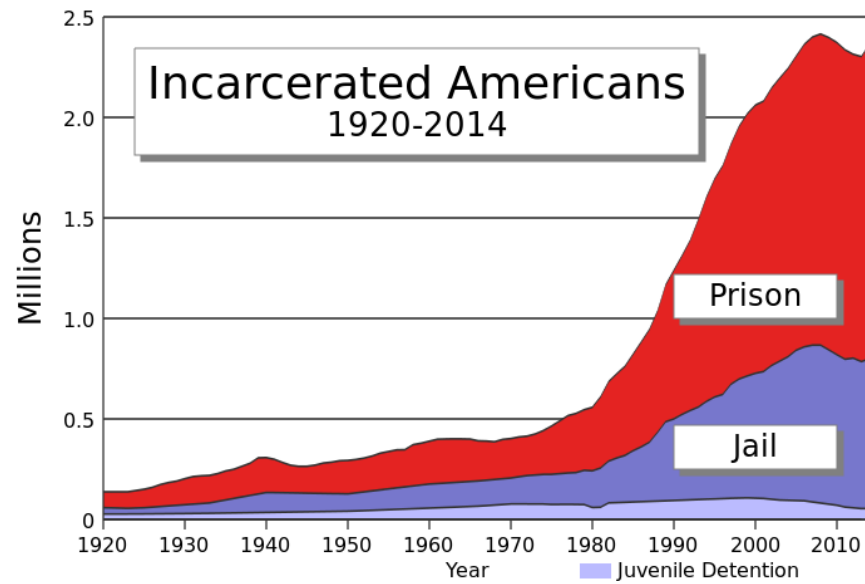


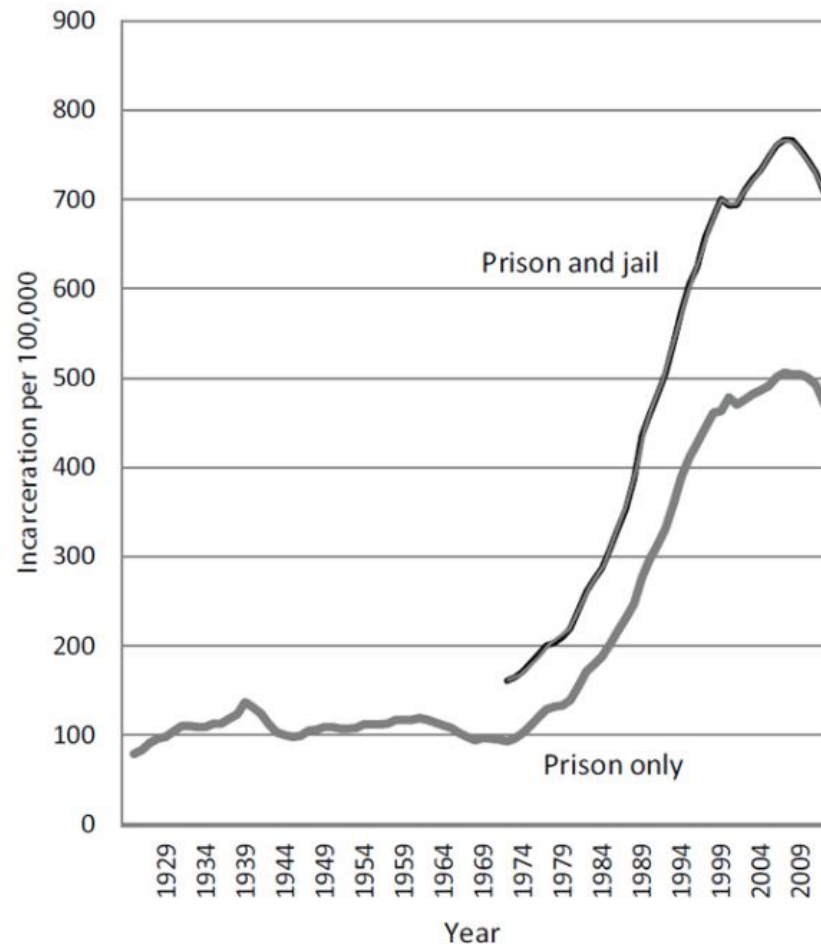
Session 7

The Prison Industrial Complex

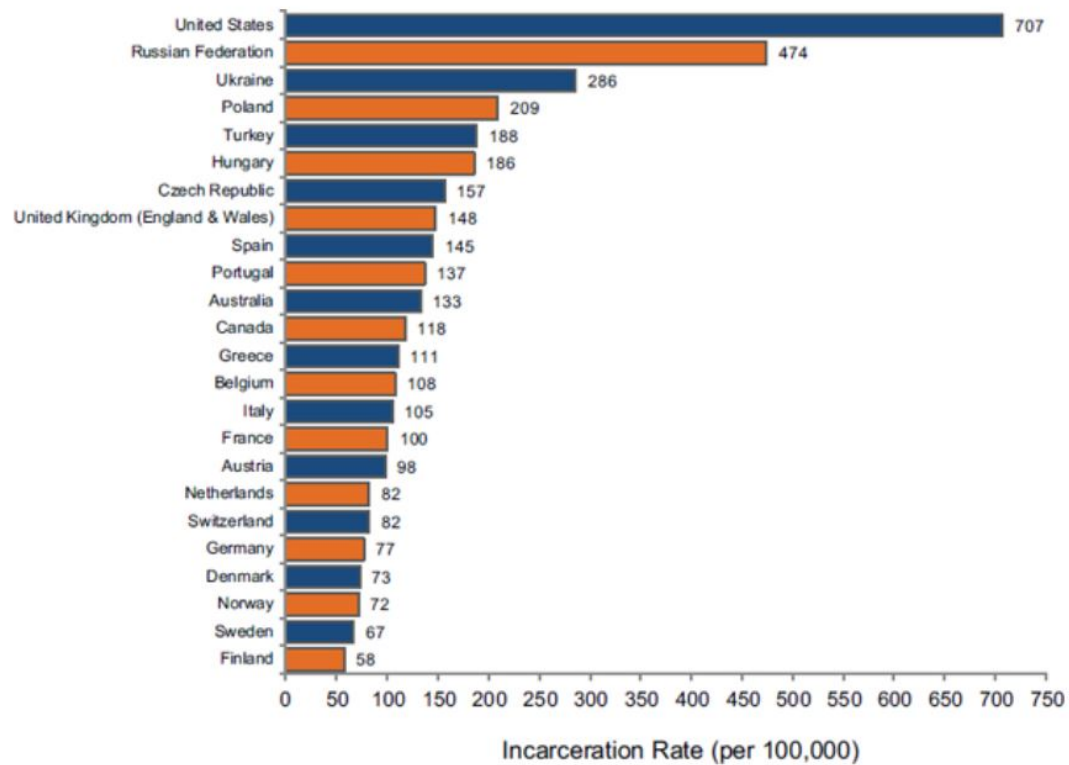
October 31, 2018



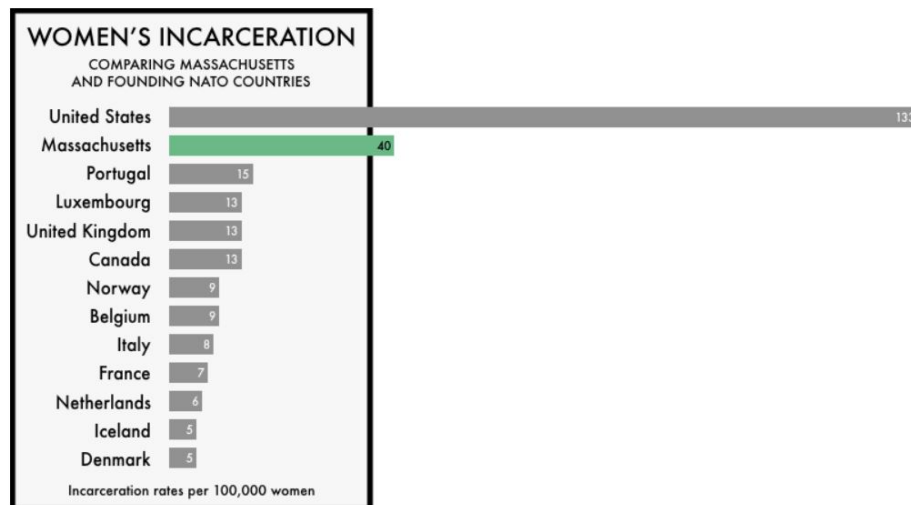
https://en.wikipedia.org/wiki/Incarceration_in_the_United_States [. \(https://en.wikipedia.org/wiki/Incarceration_in_the_United_States\)](https://en.wikipedia.org/wiki/Incarceration_in_the_United_States)



<https://www.nap.edu/read/18613/chapter/4#35> [_ \(https://www.nap.edu/read/18613/chapter/4#35\)](https://www.nap.edu/read/18613/chapter/4#35)



<https://www.nap.edu/read/18613/chapter/4#36> [_ \(https://www.nap.edu/read/18613/chapter/4#36\)](https://www.nap.edu/read/18613/chapter/4#36)




Compare another state:
 or compare *just the U.S. with its peers.*

[_ \(https://www.prisonpolicy.org/global/women/2018.html\)](https://www.prisonpolicy.org/global/women/2018.html)


<https://www.prisonpolicy.org/global/women/2018.html> [_ \(https://www.prisonpolicy.org/global/women/2018.html\)](https://www.prisonpolicy.org/global/women/2018.html)

Starting with the passage of Richard Nixon's [Controlled Substances Act](https://en.wikipedia.org/wiki/Controlled_Substances_Act) [_ \(https://en.wikipedia.org/wiki/Controlled_Substances_Act\)](https://en.wikipedia.org/wiki/Controlled_Substances_Act) in 1970, America entered into a bold new experiment in [mass incarceration](https://en.wikipedia.org/wiki/Incarceration_in_the_United_States) [_ \(https://en.wikipedia.org/wiki/Incarceration_in_the_United_States\)](https://en.wikipedia.org/wiki/Incarceration_in_the_United_States). The United States, with 4.4% of the world's population, now has 22% of the world's prisoners, an [incarceration rate higher than any other country](https://en.wikipedia.org/wiki/List_of_countries_by_incarceration_rate) [_ \(https://en.wikipedia.org/wiki/List_of_countries_by_incarceration_rate\)](https://en.wikipedia.org/wiki/List_of_countries_by_incarceration_rate). In this and the next session we'll track the evolution of this policy, the political, economic and racial incentives for mass incarceration, and the impact of this policy, both on drug use as well as on poor minority populations.

In 1973, the National Advisory Commission on Criminal Justice Standards and Goals, a commission sponsored by the Justice Department, issued a [large report](https://canvas.harvard.edu/courses/41939/files/6224217/download?wrap=1) [_ \(https://canvas.harvard.edu/courses/41939/files/6224217/download?wrap=1\)](https://canvas.harvard.edu/courses/41939/files/6224217/download?wrap=1)  [_ \(https://canvas.harvard.edu/courses/41939/files/6224217/download?wrap=1\)](https://canvas.harvard.edu/courses/41939/files/6224217/download?wrap=1) with recommendations of national goals, standards, and priorities for reducing crime in America. In their section on the corrections system, the commission said "The American correctional system today appears to offer minimum protection for the public and maximum harm to the offender. The system is plainly in need of substantial and rapid change." The commission recommended that sentencing be standardized and that no offenders be given greater

than a 5 year sentence unless he be in a category of persistent, professional or dangerous offenders due to the fact that shorter sentences seemed to be associated with reduced recidivism. The commission recommended that drunks and drug addicts be given treatment instead of correctional punishment. And the commission suggested that juvenile facilities be phased out and no new adult correctional facilities be built. These policy suggestions were clearly in line with the liberal wing of social science which used evidence to suggest that crime was a result of the root causes of poverty, poor education and poor job prospects. This was the underlying premise of Lyndon Johnson's Great Society programs. In the words of Stephen Sondheim's West Side Story, the punks were [depraved on account they're deprived](https://www.lyricsfreak.com/w/westside+story/gee+officer+krupke_20545160.html) [_ \(https://www.lyricsfreak.com/w/westside+story/gee+officer+krupke_20545160.html\)](https://www.lyricsfreak.com/w/westside+story/gee+officer+krupke_20545160.html).

There was some adoption of the liberal view on drugs. Nixon's 1972 National Commission on Marijuana and Drug Abuse had recommended decriminalizing marijuana and during the 1970's [ten states](http://www.slate.com/articles/news_and_politics/explainer/2001/02/which_states_have_decriminalized_marijuana_possession.html) [:\(http://www.slate.com/articles/news_and_politics/explainer/2001/02/which_states_have_decriminalized_marijuana_possession.html\)](http://www.slate.com/articles/news_and_politics/explainer/2001/02/which_states_have_decriminalized_marijuana_possession.html): Alaska, California, Colorado, Nebraska, New York, North Carolina, Maine, Minnesota, Ohio, and Oregon, decriminalized marijuana possession, although Oregon and Alaska reversed their policies in the 1980's.

However, much of white America, who felt that civil rights progress had moved too far, too fast, and were bewildered and angered by the riots in the inner cities, were in a more retributive mood. During Nixon's 1968 run for the presidency he said "If the conviction rate were doubled in this country, it would do more to eliminate crime in the future, than a quadrupling of the funds for any governmental war on poverty." The conservative viewpoint was that personal depravity, rather than social failings, was the root cause of crime. In 1975 James Q. Wilson, a Harvard professor of government, published a New York Times article called [Lock 'em Up](https://canvas.harvard.edu/courses/41939/files/6224220/download?wrap=1) [_ \(https://canvas.harvard.edu/courses/41939/files/6224220/download?wrap=1\)](https://canvas.harvard.edu/courses/41939/files/6224220/download?wrap=1)  [_ \(https://canvas.harvard.edu/courses/41939/files/6224220/download?wrap=1\)](https://canvas.harvard.edu/courses/41939/files/6224220/download?wrap=1). In the article he noted that much crime was committed by incorrigible repeat offenders and society would be better off giving them long prison sentences. Nelson Rockefeller, a former liberal governor of New York who harbored presidential aspirations, shifted right and led the passage in 1973 of the [Rockefeller Drug Laws](https://en.wikipedia.org/wiki/Rockefeller_Drug_Laws) [_ \(https://en.wikipedia.org/wiki/Rockefeller_Drug_Laws\)](https://en.wikipedia.org/wiki/Rockefeller_Drug_Laws). These laws mandated minimum sentences of 15 years to life in prison for possession of four or more ounces of marijuana, cocaine, heroin or morphine, or sale of two or more ounces, even for first offenders. In 1978 the state of Michigan one upped New York by passing a law mandating life in prison for possession or sale of 1.4 pounds or more of marijuana, cocaine, heroin or morphine. In New York state the prison population grew by a factor of five, from [14,400 in 1974](http://plagueofprisons.com/research/journalofurbanhealth1.pdf) [to 70,700 in 2002](http://plagueofprisons.com/research/journalofurbanhealth1.pdf) [_ \(http://plagueofprisons.com/research/journalofurbanhealth1.pdf\)](http://plagueofprisons.com/research/journalofurbanhealth1.pdf). The percentage of offenders who were

imprisoned for drug offenses went from 10% to 45% between 1980 and 1990. 94% of the inmates convicted under the Rockefeller Drug Laws were black or Hispanic, even though they made up only 33% of the state population. During the 1970's the Rockefeller Drug Laws had no effect on either crime or addiction rates in New York State. Nevertheless, two-thirds of Americans polled thought they were a good idea.

During the 1970's the focus on drugs took a back seat to economic concerns as the oil price shock led to stagflation and high unemployment. After being released from prison, Nixon's domestic policy advisor, John Ehrlichman, testified before Congress regarding the drug war: *"I think there is a genuine hypocrisy in all of this,"* he said. *"The people in the federal government are just kidding themselves and the people when that say we have mounted a massive war on narcotics when they know darned well the massive war they have mounted on narcotics is only going to be effective at the margins. If they don't know it, they ought to know it. Maybe we can use the money some other way."* Even future Vice-President Dan Quayle said in 1977, *"Congress should definitely consider decriminalizing possession of marijuana ... We should concentrate on prosecuting the rapists and burglars who are a menace to our society."* One of President Carter's early policy positions in 1977 was for [decriminalizing marijuana](https://en.wikipedia.org/wiki/Cannabis_policy_of_the_Jimmy_Carter_administration#Decriminalization) (https://en.wikipedia.org/wiki/Cannabis_policy_of_the_Jimmy_Carter_administration#Decriminalization), replacing imprisonment with small civil fines. Given this permissive atmosphere it is perhaps not surprising that marijuana use [peaked in the late 1970's](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4629476/) (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4629476/>) among high school students, with half of high school seniors reporting pot usage in the past month and 9% smoking pot every day. As Dan Baum recounts in his book [Smoke and Mirrors, The War on Drugs and the Politics of Failure](https://www.amazon.com/Smoke-Mirrors-Drugs-Politics-Failure/dp/0316084468/ref=sr_1_1?ie=UTF8&qid=1532359237&sr=8-1&keywords=smoke+and+mirrors+the+war+on+drugs+and+the+politics+of+failure) (https://www.amazon.com/Smoke-Mirrors-Drugs-Politics-Failure/dp/0316084468/ref=sr_1_1?ie=UTF8&qid=1532359237&sr=8-1&keywords=smoke+and+mirrors+the+war+on+drugs+and+the+politics+of+failure), the DEA was threatened by talk of marijuana legalization, since the number of pot smokers was orders of magnitude larger than heroin or cocaine users. DEA administrator Peter Bensinger told reporters that he wanted to see federal penalties for marijuana increased. *"The American Cancer Society confirms that marijuana represents a more serious cancer threat than cigarettes"*, he said. This was news to the American Cancer Society which said that while they had no policy on marijuana and cancer, they were interested in marijuana for treatment of cancer pain.

The Reagan Years

During the 1970's the American incarceration rate increased about a third, from 150 to 200 people per 100,000 population. But Ronald Reagan's landslide election in 1980 signaled a sharp rightward shift to activist conservative principles. Upon his appointment in 1981,

David Stockman, Director of the Office of Management and Budget, started dismantling the old social programs of the 1960's. Richard Nixon had championed methadone treatment in cities across America, with capacity for 100,000 addicts. In the 1982 budget Stockman stopped all federal funding for methadone, replacing it with block grants to states to do as they wished. In addition, [large cuts were made to poverty programs](https://www.irp.wisc.edu/publications/focus/pdfs/foc52b.pdf) [_ \(https://www.irp.wisc.edu/publications/focus/pdfs/foc52b.pdf\)](https://www.irp.wisc.edu/publications/focus/pdfs/foc52b.pdf): child nutrition down 9.4%, welfare down 17.5%, social service block grants down 17.8%, food stamps down 19.1% and employment training down 46.2%. At the same time, the enforcement side of drug-abuse policy enjoyed spending increases: the Coast Guard up 44%, the FBI's drug budget up 33%, the federal prison system up by 33% and the DEA by 17%.

On October 14, 1982, Reagan gave a [major speech declaring his war on drugs and organized crime](http://www.presidency.ucsb.edu/ws/index.php?pid=43127) [\(http://www.presidency.ucsb.edu/ws/index.php?pid=43127\)](http://www.presidency.ucsb.edu/ws/index.php?pid=43127) which outlined the conservative view of the failed social programs of the previous decades. *"This rise in crime, this growth of a hardened criminal class, has partly been the result of misplaced government priorities and a misguided social philosophy. At the root of this philosophy lies utopian presumptions about human nature that see man as primarily a creature of his material environment. By changing this environment through expensive social programs, this philosophy holds that government can permanently change man and usher in an era of prosperity and virtue. In much the same way, individual wrongdoing is seen as the result of poor socioeconomic conditions or an underprivileged background. This philosophy suggests in short that there is crime or wrongdoing, and that society, not the individual, is to blame.*

But what has also become abundantly clear in the last few years is that a new political consensus among the American people utterly rejects this point of view. The increase in citizen involvement of the crime problem and the tough new State statutes directed at repeat offenders make it clear that the American people are reasserting certain enduring truths—the belief that right and wrong do matter, that individuals are responsible for their actions, that evil is frequently a conscious choice, and that retribution must be swift and sure for those who decide to make a career of preying on the innocent."

Reagan laid the blame for crime and drugs on organized crime: *"For many years, we have tolerated in America, not just in the illegal and highly dangerous drug traffic but in many other areas, a syndicate of organized criminals whose power is now reaching unparalleled heights. The personal suffering they cause to our society in human and fiscal terms, the climate of lawlessness that its very existence fosters, has made this network of professional criminals a costly and tragic part of our history.*

Today, the power of organized crime reaches into every segment of our society. It is estimated that the syndicate has millions of dollars of assets in legitimate businesses. It controls corrupt union locals. It runs burglary rings. It fences for stolen goods, holds a virtual

monopoly on the heroin trade. It thrives on illegal gambling, pornography, gun-running, car theft, arson, and a host of other illegal activities.”

And Reagan laid out a series of measures to federalize drug and crime enforcement and increase spending on incarceration.

The Comprehensive Crime Control Act of 1984


For all of Reagan’s tough talk, the Feds had a problem. Almost all crime, including drug crime was policed by local and state police whose cases went to local and state courts, not federal courts. The [Comprehensive Crime Control Act of 1984](https://en.wikipedia.org/wiki/Comprehensive_Crime_Control_Act_of_1984) (https://en.wikipedia.org/wiki/Comprehensive_Crime_Control_Act_of_1984) provided ingenious incentives for local police to turn cases over to federal jurisdiction. The [Sentencing Reform Act](https://en.wikipedia.org/wiki/Sentencing_Reform_Act) (https://en.wikipedia.org/wiki/Sentencing_Reform_Act) section of the Comprehensive Crime Control Act abolished parole for federal prisoners, meaning they would have to serve their full sentence, and established a [Sentencing Commission](https://en.wikipedia.org/wiki/United_States_Sentencing_Commission) (https://en.wikipedia.org/wiki/United_States_Sentencing_Commission) in the Justice department which established *“fairness and certainty in sentencing by confining judicial discretion within a relatively narrow range.”* (http://www.slate.com/articles/news_and_politics/jurisprudence/2004/06/no_mercy.html) Not only did Federal judges lose the ability to factor in extenuating circumstances in sentencing, but the mandatory sentences were harsher than judges had been giving. Local and state police, who prided themselves on how long they could lock up criminals, now had incentives to refer the case to a federal prosecutor who they could count on to be tougher than the local prosecutors.

Civil Asset Forfeiture

A more important incentive for federal jurisdiction is [civil asset forfeiture](https://en.wikipedia.org/wiki/Civil_forfeiture_in_the_United_States) (https://en.wikipedia.org/wiki/Civil_forfeiture_in_the_United_States). Asset forfeiture was a part of the 1970 Racketeer Influenced and Corrupt Organizations Act which allowed federal officials to seize cash and property from organized crime rings which were convicted under the RICO statute. The brilliance of the 1984 law was to allow the Feds to seize cash and property from individuals without their having to be convicted of a crime. As Michelle Alexander writes in [The New Jim Crow](https://www.amazon.com/New-Jim-Crow-Incarceration-Colorblindness/dp/1595586431/ref=sr_1_1?s=books&ie=UTF8&qid=1533850925&sr=1-1&keywords=the+new+jim+crow) (https://www.amazon.com/New-Jim-Crow-Incarceration-Colorblindness/dp/1595586431/ref=sr_1_1?s=books&ie=UTF8&qid=1533850925&sr=1-1&keywords=the+new+jim+crow), *“Property or cash could be seized based on mere suspicion of illegal drug activity, and the seizure could occur without notice or hearing, upon an ex parte showing of mere probable cause to believe that the property had somehow been “involved” in a crime. The probable cause showing could be based on nothing more than hearsay, innuendo, or even the paid, self-serving testimony of someone with interests clearly adverse to the property owner. Neither the owner of the property nor anyone else need be charged with a crime,*

much less found guilty of one. Indeed, a person could be found innocent of any criminal conduct and the property could still be subject to forfeiture. Once the property was seized, the owner had no right of counsel, and the burden was placed on him to prove the property's "innocence." Because those who were targeted were typically poor or of moderate means, they often lacked the resources to hire an attorney or pay the considerable court costs. As a result, most people who had their cash or property seized did not challenge the government's action, especially because the government could retaliate by filing criminal charges—baseless or not."

In 1989, police at Houston's Hobby airport searched the luggage of [Ethel Hylton](https://axiomamuse.wordpress.com/2010/09/20/rico-the-war-on-drugs-and-asset-forfeiture/) [\(https://axiomamuse.wordpress.com/2010/09/20/rico-the-war-on-drugs-and-asset-forfeiture/\)](https://axiomamuse.wordpress.com/2010/09/20/rico-the-war-on-drugs-and-asset-forfeiture/) because a drug sniffing dog alerted at her suitcase. They found no drugs but they did find and seize \$39,100 in cash, money she had received from an insurance settlement and her life savings, accumulated by working as a hotel housekeeper and hospital janitor for more than 20 years. Even though she could document the source of all her cash through bank records and pay slips, she never got it back.

Civil Asset Forfeiture allows police to collect far more than they would in ordinary fines or penalties. As described in a New Yorker article entitled [Taken](https://www.newyorker.com/magazine/2013/08/12/taken?reload=true) [\(https://www.newyorker.com/magazine/2013/08/12/taken?reload=true\)](https://www.newyorker.com/magazine/2013/08/12/taken?reload=true) (alternative link [here](https://canvas.harvard.edu/courses/41939/files/6232695/download?wrap=1) [\(https://canvas.harvard.edu/courses/41939/files/6232695/download?wrap=1\)](https://canvas.harvard.edu/courses/41939/files/6232695/download?wrap=1)  [\(https://canvas.harvard.edu/courses/41939/files/6232695/download?wrap=1\)](https://canvas.harvard.edu/courses/41939/files/6232695/download?wrap=1)), an elderly couple, 68 year old Mary Adams and her 70 year old husband Leon who was suffering from pancreatic cancer lost their West Philadelphia home to the police after their 31 year old son who lived there was accused of selling \$60 worth of marijuana to a confidential informant. Another example given was a police raid on a monthly social event at the Contemporary Art Institute of Detroit where forty officers in black commando gear stormed the event, kicked the patrons to the ground, and confiscated all their cars, demanding \$1,000 per car to get them back. The infraction was an old speakeasy law combined with lack of a permit for after hours drinking.

Many civil asset forfeitures are conducted in conjunction with routine traffic stops. Police will threaten to detain the drivers unless they agree to a vehicle search. When the search is conducted, any cash found is seized. In this fashion a small town in Florida collected [\\$8 million from motorists](http://articles.orlandosentinel.com/1992-06-14/news/9206131060_1_seizures-kea-drug-squad) [\(http://articles.orlandosentinel.com/1992-06-14/news/9206131060_1_seizures-kea-drug-squad\)](http://articles.orlandosentinel.com/1992-06-14/news/9206131060_1_seizures-kea-drug-squad) on I-95. The presence of any amount of cash by itself, with no drugs or other contraband, can be considered [evidence of criminal activity](https://www.fear.org/FEARintro.html) [\(https://www.fear.org/FEARintro.html\)](https://www.fear.org/FEARintro.html). While the original RICO intent of asset forfeiture was to go after organized crime kingpins, most victims of civil asset forfeiture are poor people who have no recourse for a legal fight, or for which the legal costs would exceed the forfeiture. A report entitled [Policing for Profit](http://ij.org/report/policing-for-profit-first-edition/part-i-policing-for-profit/) [\(http://ij.org/report/policing-for-profit-first-edition/part-i-policing-for-profit/\)](http://ij.org/report/policing-for-profit-first-edition/part-i-policing-for-profit/) noted that in

20,000 cases of cash forfeiture in Virginia over 12 years the median amount taken was \$700. Over the same period Virginia took 6,800 vehicles with an average value of less than \$6,000. The median value of seizures in Cook County Illinois was \$1,000 and only [\\$192 in Philadelphia](https://psmag.com/news/jeff-sessions-brings-back-suspended-asset-forfeiture-program) [_ \(https://psmag.com/news/jeff-sessions-brings-back-suspended-asset-forfeiture-program\)](https://psmag.com/news/jeff-sessions-brings-back-suspended-asset-forfeiture-program)_, suggesting the program consisted of little more than shaking down local hoodlums.

Civil Asset Forfeiture can create perverse incentives in drug enforcement. In [one case](https://www.fear.org/FEARintro.html) [_ \(https://www.fear.org/FEARintro.html\)](https://www.fear.org/FEARintro.html)_, an agency explained that they preferred not to get search warrants when raiding large drug dealers, *"Because that would just give us a bunch of dope and the hassle of having to book him (the suspect). We've got all the dope we need in the property room, just stick to rounding up cases with big money and stay away from warrants."* In another case an agency waited until a drug dealer had sold a large shipment of drugs so that they could collect the cash received.

The size of asset forfeiture programs has grown tremendously. The [Justice department](https://www.justice.gov/afp) [_ \(https://www.justice.gov/afp\)](https://www.justice.gov/afp) collections grew from [\\$27 million in 1985](https://www.washingtonpost.com/sf/investigative/2014/09/06/stop-and-seize/?utm_term=.817e2f531978) [_ \(https://www.washingtonpost.com/sf/investigative/2014/09/06/stop-and-seize/?utm_term=.817e2f531978\)](https://www.washingtonpost.com/sf/investigative/2014/09/06/stop-and-seize/?utm_term=.817e2f531978) to around \$1.5 billion per year today, although non-drug cases like Madoff and JP Morgan, can swell that amount to [\\$4.5 billion per year](https://www.washingtonpost.com/news/wonk/wp/2015/11/23/cops-took-more-stuff-from-people-than-burglars-did-last-year/?utm_term=.e31a8e5a6c3f) [_ \(https://www.washingtonpost.com/news/wonk/wp/2015/11/23/cops-took-more-stuff-from-people-than-burglars-did-last-year/?utm_term=.e31a8e5a6c3f\)](https://www.washingtonpost.com/news/wonk/wp/2015/11/23/cops-took-more-stuff-from-people-than-burglars-did-last-year/?utm_term=.e31a8e5a6c3f)_. The DEA has collected [\\$3.2 billion over the past 10 years](https://www.washingtonpost.com/news/wonk/wp/2017/03/29/since-2007-the-dea-has-taken-3-2-billion-in-cash-from-people-not-charged-with-a-crime/?utm_term=.d5004f688e3c) [_ \(https://www.washingtonpost.com/news/wonk/wp/2017/03/29/since-2007-the-dea-has-taken-3-2-billion-in-cash-from-people-not-charged-with-a-crime/?utm_term=.d5004f688e3c\)](https://www.washingtonpost.com/news/wonk/wp/2017/03/29/since-2007-the-dea-has-taken-3-2-billion-in-cash-from-people-not-charged-with-a-crime/?utm_term=.d5004f688e3c) through civil asset forfeiture, half of the seizures being for [less than \\$8,800](https://www.washingtonpost.com/sf/investigative/2014/09/06/stop-and-seize/?utm_term=.817e2f531978) [_ \(https://www.washingtonpost.com/sf/investigative/2014/09/06/stop-and-seize/?utm_term=.817e2f531978\)](https://www.washingtonpost.com/sf/investigative/2014/09/06/stop-and-seize/?utm_term=.817e2f531978)_.

While the 1984 Federal law jump started the civil asset forfeiture process and cooperation with Federal authorities, who return 80% of forfeiture proceeds shared with them back to the local police, most states have passed their own forfeiture laws, and 26 states now allow law enforcement to keep 100% of seized assets:

Table 1 Proceeds Distributed to Law Enforcement

0%	Indiana, Maine, Maryland, Missouri, North Carolina, North Dakota, Ohio, Vermont
50%	Colorado, Wisconsin
60%	Connecticut, New York
63%	Oregon
65%	California
75%	Nebraska
80%	Louisiana, Mississippi
85%	Florida
90%	Illinois, Minnesota, New Hampshire, Rhode Island, Texas
95%	South Carolina
100%	Alaska, Alabama, Arkansas, Arizona, Delaware, Georgia, Hawaii, Idaho, Iowa, Kansas, Kentucky, Massachusetts, Michigan, Montana, Nevada, New Jersey, New Mexico, Oklahoma, Pennsylvania, South Dakota, Tennessee, Utah, Virginia, Washington, West Virginia, Wyoming

<http://ij.org/report/policing-for-profit-first-edition/part-i-policing-for-profit/> [\(http://ij.org/report/policing-for-profit-first-edition/part-i-policing-for-profit/\)](http://ij.org/report/policing-for-profit-first-edition/part-i-policing-for-profit/)

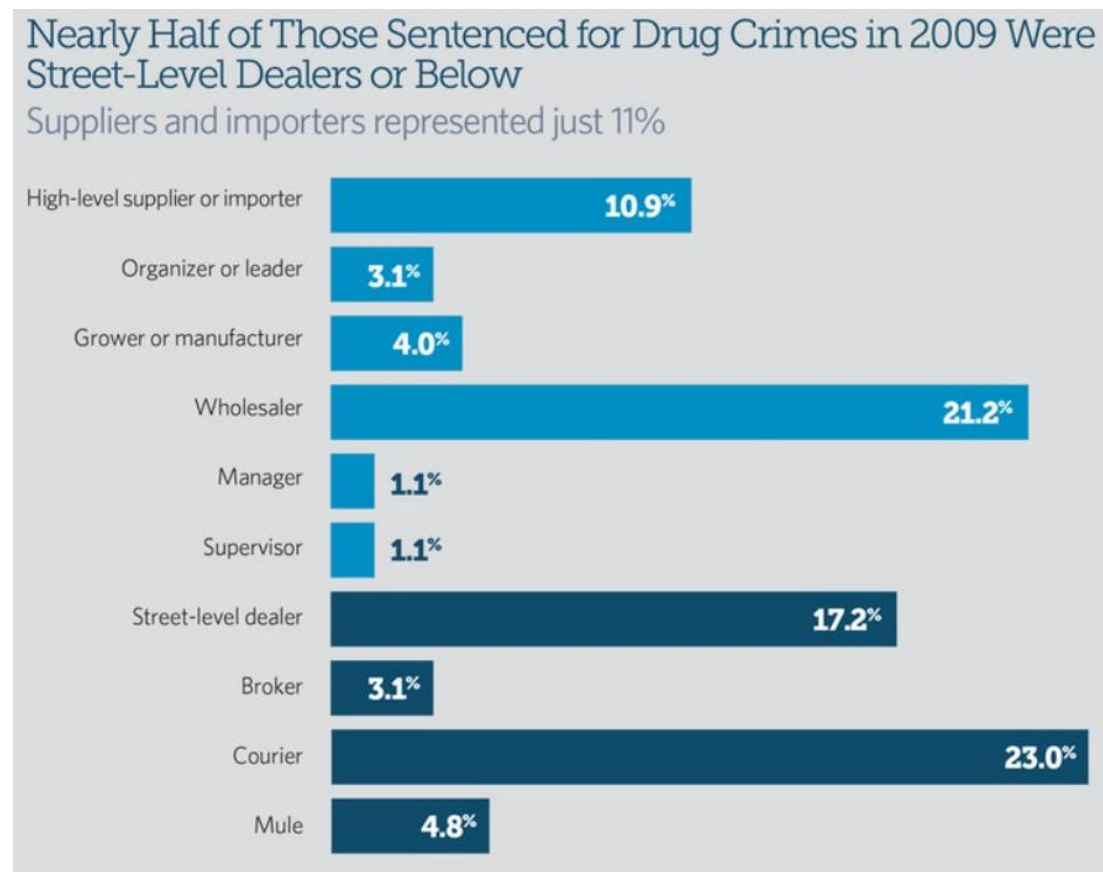
Since the Department of Justice now shares on the order of \$450 million per year with states, it is reasonable to assume that the total amount of civil asset forfeiture (federal plus state) may approach \$1 billion/year. This is a significant incentive to skim the profits from the illicit drug industry as well as to seize money from innocent people. Criminologist John Worrall surveyed 770 police managers and executives and found that almost 40 percent of respondents agreed or strongly agreed with the statement that [civil forfeiture is “necessary as a budget supplement”](http://ij.org/report/policing-for-profit-first-edition/part-i-policing-for-profit/). [\(http://ij.org/report/policing-for-profit-first-edition/part-i-policing-for-profit/\)](http://ij.org/report/policing-for-profit-first-edition/part-i-policing-for-profit/) Under the Obama administration in 2015 Attorney General Eric Holder halted the federal civil asset forfeiture program due to corruption concerns. Last year Attorney General [Jeff Sessions reinstated it](https://psmag.com/news/jeff-sessions-brings-back-suspended-asset-forfeiture-program/). [\(https://psmag.com/news/jeff-sessions-brings-back-suspended-asset-forfeiture-program/\)](https://psmag.com/news/jeff-sessions-brings-back-suspended-asset-forfeiture-program/).

The Crack Epidemic and Public Panic

President Reagan's war on drugs and Nancy Reagan's [Just Say No](https://en.wikipedia.org/wiki/Just_Say_No) [_ \(https://en.wikipedia.org/wiki/Just_Say_No\)](https://en.wikipedia.org/wiki/Just_Say_No) campaign started during a period of declining drug use and public apathy toward the problem. Marijuana usage peaked in 1979 and began a long decline thereafter. In a long running [Gallup poll](https://www.albany.edu/sourcebook/pdf/t212012.pdf) [_ \(https://www.albany.edu/sourcebook/pdf/t212012.pdf\)](https://www.albany.edu/sourcebook/pdf/t212012.pdf) which asked Americans for their opinion of the most important problem facing the country, the problem of drugs did not even register for the years between 1979 and 1984. However, stories about the [crack cocaine epidemic](https://en.wikipedia.org/wiki/Crack_epidemic) [_ \(https://en.wikipedia.org/wiki/Crack_epidemic\)](https://en.wikipedia.org/wiki/Crack_epidemic) began to be picked up by the media in 1985. The number of articles pertaining to illegal drugs referenced in the Reader's Guide to Periodical Literature went from an average of 40 per year in the early 1980's to [103 in 1985 and 280 in 1986](http://www.druglibrary.org/special/goode/drugpanic.htm) [_ \(http://www.druglibrary.org/special/goode/drugpanic.htm\)](http://www.druglibrary.org/special/goode/drugpanic.htm), a seven fold jump. Night after night on the evening news lurid stories were featured showing SWAT teams raiding crack houses. In the Gallup poll, the problem of drug abuse went from 2% of the respondents in 1985 to 27% by 1989. In August 1989, President Bush characterized drug use as "the most pressing problem facing the nation," and the nation listened. In a 1989 New York Times/CBS poll, [64% of respondents](http://www.druglibrary.org/special/goode/drugpanic.htm) [_ \(http://www.druglibrary.org/special/goode/drugpanic.htm\)](http://www.druglibrary.org/special/goode/drugpanic.htm) named drug abuse as the most important problem facing the country. The media created a panic which fed on itself; there were many reports that a generation of [crack babies](https://en.wikipedia.org/wiki/Prenatal_cocaine_exposure) [_ \(https://en.wikipedia.org/wiki/Prenatal_cocaine_exposure\)](https://en.wikipedia.org/wiki/Prenatal_cocaine_exposure) would grow up to be mentally disabled; these reports were later shown to be false. The drug panic soon died down and was replaced by economic concerns; by 1991 the drugs issue was noted by only 8% of respondents in the Gallup poll. But during the crisis, politicians outdid each other to see who could be tougher on drugs. In June 1986, Ed Koch, then mayor of New York City, urged the death penalty for any drug dealer convicted of possessing at least 2.2 pounds of either cocaine or heroin. Two months later, Mario Cuomo, governor of New York State, regarded as a more temperate politician than Koch, called for a life sentence for anyone convicted of selling three *via/s* of crack—at that time, a quantity of the drug which sold on the street for \$50. In September, during the debates over a new federal drug bill, Claude Pepper, a Florida representative said cynically, "Right now, you could put an amendment through to hang, draw, and quarter" drug dealers. "That's what happens when you get an emotional issue like this," he added.

The legislative results of this hysteria were the **Anti-Drug Abuse Acts of 1986** [_ \(https://en.wikipedia.org/wiki/Anti-Drug_Abuse_Act_of_1986\)](https://en.wikipedia.org/wiki/Anti-Drug_Abuse_Act_of_1986) and **1988** [_ \(https://en.wikipedia.org/wiki/Anti-Drug_Abuse_Act_of_1988\)](https://en.wikipedia.org/wiki/Anti-Drug_Abuse_Act_of_1988). One of the key features of the 1986 act was a minimum sentence of 5 years without parole for possession of 5 grams (about 1/100 of a pound) of crack cocaine. The bill gave the same sentence for 500 grams of powdered cocaine (about a pound). The reason for the sentencing disparity was that crack appeared in the inner cities and was thought to be disproportionately used by blacks, while the more expensive powdered cocaine was used by whites. In addition, because it was inhaled rather than absorbed, crack delivered a bigger high and was therefore considered to be more addictive. The 1988 Act followed up by applying mandatory minimum sentences to drug trafficking conspiracies, not just actual transactions and decreasing the amount of crack possession required for a 5 year mandatory minimum sentence from 5

grams to 3 and 1 gram for a second or third conviction. As discussed in a [Congressional Report on Drug Enforcement](https://fas.org/sgp/crs/misc/R43749.pdf) (<https://fas.org/sgp/crs/misc/R43749.pdf>) the mandatory minimum sentences originally proscribed by the Sentencing Commission and then increased by Congress are responsible for the fact that half of the people incarcerated in Federal prison are there for drug offenses, mostly drug trafficking. Half of these convictions are of low level traffickers, most of which are drug addicts trying to make enough money to support their habit.



<https://www.attn.com/stories/2981/war-on-drugs-prison->

[graphs](https://www.attn.com/stories/2981/war-on-drugs-prison-graphs) [_ \(https://www.attn.com/stories/2981/war-on-drugs-prison-graphs\)](https://www.attn.com/stories/2981/war-on-drugs-prison-graphs)

Willie Horton, Bill Clinton and Superpredators

In the 1988 presidential election, the Bush campaign and their associated political action committee accused Mike Dukakis, Governor of Massachusetts of being soft on crime for allowing [Willie Horton](https://en.wikipedia.org/wiki/Willie_Horton) [_ \(https://en.wikipedia.org/wiki/Willie_Horton\)](https://en.wikipedia.org/wiki/Willie_Horton), a convicted murderer to escape from a weekend prison furlough. During the escape, Horton attacked a couple, binding and knifing the man and raping the

woman. The Bush campaign played the [weekend passes ad](https://www.youtube.com/watch?v=lo9KMSSEZ0Y) [_ \(https://www.youtube.com/watch?v=lo9KMSSEZ0Y\)](https://www.youtube.com/watch?v=lo9KMSSEZ0Y) over and over to devastating effect. A black man raping a white woman has been an archetype of white fears since the southern Reconstruction Era and the message was well received. Bush won in a landslide.

By the time Bill Clinton gained the White House in 1992, the Willie Horton moral had been fully absorbed by the Democratic Party. The old Great Society approach to social problems was dead. Democrats would now compete with Republicans in retributive social policies.

During the 1992 election, candidate Bill Clinton flew back to Arkansas to oversee the execution of [Ricky Ray Rector](https://en.wikipedia.org/wiki/Ricky_Ray_Rector) [_ \(https://en.wikipedia.org/wiki/Ricky_Ray_Rector\)](https://en.wikipedia.org/wiki/Ricky_Ray_Rector), a mentally disabled black man. After the execution Clinton remarked, "I can be nicked a lot, but no one can say I'm soft on crime." Once elected, Clinton led the legislative effort for the [Violent Crime Control and Law Enforcement Act of 1994](https://en.wikipedia.org/wiki/Violent_Crime_Control_and_Law_Enforcement_Act_of_1994) [_ \(https://en.wikipedia.org/wiki/Violent_Crime_Control_and_Law_Enforcement_Act#Federal_Death_Penalty_Act\)](https://en.wikipedia.org/wiki/Violent_Crime_Control_and_Law_Enforcement_Act#Federal_Death_Penalty_Act). This is the largest crime bill in the history of the United States and provided funding for 100,000 new police officers, \$9.7 billion in funding for new prisons, and \$6.1 billion in funding for new prevention programs designed to keep at risk young people away from gangs and the drug trade. One of the conditions for states to receive the funding for new prisons was that they scale back early parole and [adopt sentencing policies requiring that inmates serve more time in prison](http://articles.latimes.com/2001/feb/19/news/mn-27373) [_ \(http://articles.latimes.com/2001/feb/19/news/mn-27373\)](http://articles.latimes.com/2001/feb/19/news/mn-27373). On one hand the bill actually [reduced sentences for federal drug crimes](https://www.nytimes.com/2016/04/10/opinion/campaign-stops/unlocking-the-truth-about-the-clinton-crime-bill.html) [_ \(https://www.nytimes.com/2016/04/10/opinion/campaign-stops/unlocking-the-truth-about-the-clinton-crime-bill.html\)](https://www.nytimes.com/2016/04/10/opinion/campaign-stops/unlocking-the-truth-about-the-clinton-crime-bill.html) by exempting first-time, nonviolent drug offenders from the onerous "mandatory minimum" penalties created under earlier administrations. On the other hand, the bill included Bill Clinton's signature [three strikes and you're out provision](https://en.wikipedia.org/wiki/Three-strikes_law) [_ \(https://en.wikipedia.org/wiki/Three-strikes_law\)](https://en.wikipedia.org/wiki/Three-strikes_law), which required mandatory life in prison sentence for someone convicted of three felonies. This policy, which was subsequently adopted in 28 states was designed to permanently lock up repeat offenders, but has often been applied against first time offenders with three separate felony charges. During Clinton's tenure federal funding for public housing fell by [\\$17 billion](http://www.justicepolicy.org/news/8992) [_ \(http://www.justicepolicy.org/news/8992\)](http://www.justicepolicy.org/news/8992) (a 61 percent reduction) while federal funding for corrections rose by \$19 billion (an increase of 171 percent). Federal and state prison populations [soared under Clinton](http://articles.latimes.com/2001/feb/19/news/mn-27373) [_ \(http://articles.latimes.com/2001/feb/19/news/mn-27373\)](http://articles.latimes.com/2001/feb/19/news/mn-27373); the number of federal prisoners more than doubled, with 60% of those serving time in federal prison sentenced to drug offenses. Clinton rejected a U.S. Sentencing Commission recommendation to eliminate the [disparity between crack and powder cocaine sentences](http://www.drugpolicy.org/issues/brief-history-drug-war) [_ \(http://www.drugpolicy.org/issues/brief-history-drug-war\)](http://www.drugpolicy.org/issues/brief-history-drug-war) and rejected the advice by Health Secretary Donna Shalala to end the federal ban on funding for syringe access programs in order to reduce the spread of AIDs and hepatitis among intravenous drug users. During Clinton's eight-year tenure, the total population of federal and state prisons combined rose by 673,000 inmates--235,000 more than during Reagan's two terms. In contrast to Reagan's rhetoric about fighting organized crime, Clinton recognized that much of the crime in the inner city was perpetrated by youths in gangs. But just as

Donald Trump called for the death penalty for the five innocent juveniles convicted in the [Central Park jogger case](https://en.wikipedia.org/wiki/Central_Park_jogger_case#Accusations_by_Donald_Trump) (https://en.wikipedia.org/wiki/Central_Park_jogger_case#Accusations_by_Donald_Trump), [Hillary Clinton](https://www.youtube.com/watch?v=j0uCrA7ePno) (<https://www.youtube.com/watch?v=j0uCrA7ePno>) and others labeled street youth as superpredators, with “no conscience or empathy” and warned that unless they were locked up there would be [“a blood bath of violence”](https://www.nytimes.com/2014/04/07/us/politics/killing-on-bus-recalls-superpredator-threat-of-90s.html) (<https://www.nytimes.com/2014/04/07/us/politics/killing-on-bus-recalls-superpredator-threat-of-90s.html>) that would soon wash over the land. Their fears and paranoia were unfounded; as it turns out the concern about an increasing youth crime wave was almost entirely due to a reclassification of juvenile fights into aggravated assaults and in 1997 [youth crime was below 1980 levels](https://www.nytimes.com/1998/12/10/us/guns-blamed-for-rise-in-homicides-by-youths-in-80-s.html?action=click&module=Search®ion=searchResults%230&version=&url=http%3A%2F%2Fquery.nytimes.com%2Fsearch%2Fsite%2Fsearch%2F%3Faction%3Dclick%26contentCollection%3DN.Y.%2520%252F%2520Region%26region%3DTopBar%26module%3DSearchSubmit%26pgt%3Darticle%23%2Fsuperpredator%2Fsince1851%2Fallresults%2F1%2Fallauthors%2Foldest%2F) (<https://www.nytimes.com/1998/12/10/us/guns-blamed-for-rise-in-homicides-by-youths-in-80-s.html?action=click&module=Search®ion=searchResults%230&version=&url=http%3A%2F%2Fquery.nytimes.com%2Fsearch%2Fsite%2Fsearch%2F%3Faction%3Dclick%26contentCollection%3DN.Y.%2520%252F%2520Region%26region%3DTopBar%26module%3DSearchSubmit%26pgt%3Darticle%23%2Fsuperpredator%2Fsince1851%2Fallresults%2F1%2Fallauthors%2Foldest%2F>). Clinton’s policies also helped to ensure that convicts that did their time would not easily reenter society. He [prohibited drug felons from public housing](http://www.justicepolicy.org/news/8992) (<http://www.justicepolicy.org/news/8992>), even disallowing them to stay with relatives, and he put a permanent lifetime ban on any drug felon from ever receiving welfare or food stamps.

Militarization of the Police

Prior to 1981, the military was prohibited from enforcing domestic policies within the United States under the post civil war era [Posse Comitatus Act](https://en.wikipedia.org/wiki/Posse_Comitatus_Act). (https://en.wikipedia.org/wiki/Posse_Comitatus_Act) That law was weakened by Ronald Reagan with the passage of the [Military Cooperation with Civilian Law Enforcement Agencies Act](https://en.wikipedia.org/wiki/Military_Cooperation_with_Civilian_Law_Enforcement_Agencies_Act) (https://en.wikipedia.org/wiki/Military_Cooperation_with_Civilian_Law_Enforcement_Agencies_Act), which allowed cooperation in counter-drug operations, civil disturbances, counter-terrorism and other operations. This cooperation was greatly strengthened in 1996 with the Department of Defense’s [1033 Program](https://en.wikipedia.org/wiki/1033_program) (https://en.wikipedia.org/wiki/1033_program), which allowed the Pentagon to transfer new or surplus military gear to civilian police with priority given to counter-drug and counter terrorism operations. The Department of Defense operates the 1033 Program through the Defense Logistics Agency’s (DLA) Law Enforcement Support Office (LESO), whose motto is “from warfighter to crimefighter.” As [Michelle Alexander](https://www.amazon.com/New-Jim-Crow-Incarceration-Colorblindness/dp/1595586431/ref=sr_1_2?ie=UTF8&qid=1532454153&sr=8-2&keywords=the+new+jim+crow) (https://www.amazon.com/New-Jim-Crow-Incarceration-Colorblindness/dp/1595586431/ref=sr_1_2?ie=UTF8&qid=1532454153&sr=8-2&keywords=the+new+jim+crow) recounts, “between January 1997 and October 1999, the agency handled 3.4 million orders of Pentagon equipment from over eleven thousand domestic police agencies in all fifty states. Included in the bounty were “253 aircraft (including six- and seven-passenger airplanes, UH-60 Blackhawk and UH-1 Huey helicopters, 7,856 M-16 rifles, 181 grenade launchers, 8,131 bulletproof helmets, and 1,161 pairs of night-vision

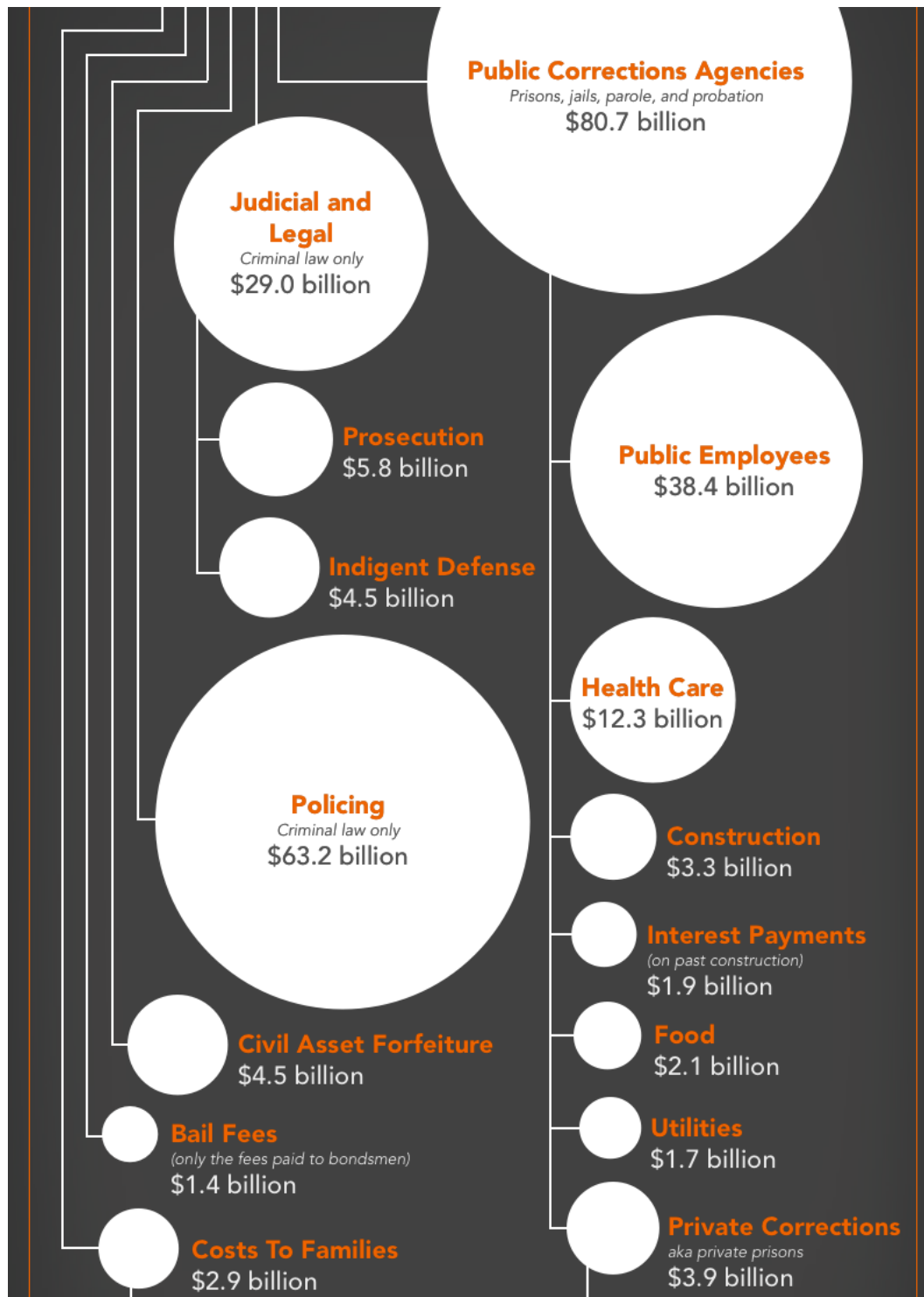
goggles." "I was offered tanks, bazookas, anything I wanted," said [Nick Pastore, former Police Chief of New Haven](https://www.nytimes.com/1999/03/01/us/soldiers-of-the-drug-war-remain-on-duty.html) [_ \(https://www.nytimes.com/1999/03/01/us/soldiers-of-the-drug-war-remain-on-duty.html\)](https://www.nytimes.com/1999/03/01/us/soldiers-of-the-drug-war-remain-on-duty.html)_. "I turned it all down, because it feeds a mind-set that you're not a police officer serving a community, you're a soldier at war."

The 1033 Program has dramatically changed the nature of community policing to more of a war effort, which was documented in a study by the ACLU called [The War Comes Home](https://www.aclu.org/sites/default/files/field_document/jus14-warcomeshome-text-rel1.pdf) [_ \(https://www.aclu.org/sites/default/files/field_document/jus14-warcomeshome-text-rel1.pdf\)](https://www.aclu.org/sites/default/files/field_document/jus14-warcomeshome-text-rel1.pdf)_. The value of property transferred through the program went from \$1 million in 1990 to \$324 million in 1995 and to nearly \$450 million in 2013. The number of SWAT (Special Weapons and Tactics) team raids has grown from 3,000 in the mid-1980's to 45,000 in the mid 2000s. 80% of small towns now have SWAT teams, and they are seldom used for anti-terror or hostage rescues; 62% of SWAT raids are used for drug searches. Between 1/3 and 2/3 of SWAT raids find no contraband whatever. Two thirds of these drug searches are no-knock raids, where police use battering rams to force entry without warning, often in the early morning hours. This can lead to devastating consequences when men pick up golf clubs or rifles to defend their family against armed intruders and are shot on sight. At least [81 civilians](https://www.nytimes.com/interactive/2017/03/18/us/forced-entry-warrant-drug-raid.html) [_ \(https://www.nytimes.com/interactive/2017/03/18/us/forced-entry-warrant-drug-raid.html\)](https://www.nytimes.com/interactive/2017/03/18/us/forced-entry-warrant-drug-raid.html) were killed in such raids from 2010 to 2016; half were black or Hispanic. Many victims were innocent; a small baby in Georgia suffered severe injuries when a [flash-bang grenade was tossed into its playpen](https://www.nytimes.com/interactive/2017/03/18/us/forced-entry-warrant-drug-raid.html) [_ \(https://www.nytimes.com/interactive/2017/03/18/us/forced-entry-warrant-drug-raid.html\)](https://www.nytimes.com/interactive/2017/03/18/us/forced-entry-warrant-drug-raid.html)_. Family pets are often shot; one dog was burned to death after officers forced it back into a house which had been set afire by tear gas canisters. Such acts of cruelty are common and perhaps even necessary during wartime given the imperative of dehumanizing the enemy. But the ability of fully armored police to threaten civilians, as we saw during the [Ferguson protests](https://www.youtube.com/watch?v=KUdHlatS36A) [_ \(https://www.youtube.com/watch?v=KUdHlatS36A\)](https://www.youtube.com/watch?v=KUdHlatS36A)_, just adds to the frustration of poor inner city residents who feel that the war on drugs is often a war on them. Contrast the Ferguson police military attempt to impose order against [Bobby Kennedy's plea for calm](https://www.youtube.com/watch?v=GoKzCff8Zbs) [_ \(https://www.youtube.com/watch?v=GoKzCff8Zbs\)](https://www.youtube.com/watch?v=GoKzCff8Zbs) in Indianapolis following the assassination of Martin Luther King.

The Prison Industrial Complex

The growth in mass incarceration is not just a consequence of federal policy; there is an army of private industry and their lobbyists who profit from the growth in prisons.







<https://www.prisonpolicy.org/reports/money.html> [_ \(https://www.prisonpolicy.org/reports/money.html\)](https://www.prisonpolicy.org/reports/money.html)

One of the most effective lobbying organizations for the prison industry is the [American Legislative Exchange Council](https://en.wikipedia.org/wiki/American_Legislative_Exchange_Council) [_ \(https://en.wikipedia.org/wiki/American_Legislative_Exchange_Council\)](https://en.wikipedia.org/wiki/American_Legislative_Exchange_Council), or ALEC, a nonprofit organization of conservative state legislators and private sector interests. Established in 1973, ALEC has written many of the state laws which have led to mass incarceration on the state level including truth in sentencing and three strikes laws. The two largest private prison operators, Corrections Corporation of America (now CoreCivic) and Wackenhut Corrections Corporation, whose combined revenues exceeded \$2.9 billion in 2010 have given lavishly to ALEC not just with money but also in [drafting tough on crime legislation during the 1990's](http://sentencingproject.org/wp-content/uploads/2016/01/Too-Good-to-be-True-Private-Prisons-in-America.pdf) [_ \(http://sentencingproject.org/wp-content/uploads/2016/01/Too-Good-to-be-True-Private-Prisons-in-America.pdf\)](http://sentencingproject.org/wp-content/uploads/2016/01/Too-Good-to-be-True-Private-Prisons-in-America.pdf). ALEC claims that 1,000 state bills based on their model legislation are drafted every year and 20% are enacted. Another ALEC contributor is food service provider Aramark, who has been accused of serving [prison food with maggots in it](https://www.prisonlegalnews.org/news/2015/dec/2/aramarks-correctional-food-services-meals-maggots-and-misconduct/) [_ \(https://www.prisonlegalnews.org/news/2015/dec/2/aramarks-correctional-food-services-meals-maggots-and-misconduct/\)](https://www.prisonlegalnews.org/news/2015/dec/2/aramarks-correctional-food-services-meals-maggots-and-misconduct/). Providing telephone service to inmates is another lucrative service. Companies compete by promising to share revenue with private as well as public prisons and pay for it by jacking up the rates. [CenturyLink](https://www.theverge.com/a/prison-phone-call-cost-martha-wright-v-corrections-corporation-america) [_ \(https://www.theverge.com/a/prison-phone-call-cost-martha-wright-v-corrections-corporation-america\)](https://www.theverge.com/a/prison-phone-call-cost-martha-wright-v-corrections-corporation-america), one of many [communications companies who are members of ALEC](https://www.huffingtonpost.com/bruce-kushnick/telecom-sleaze-alec--its_b_7194138.html) [_ \(https://www.huffingtonpost.com/bruce-kushnick/telecom-sleaze-alec--its_b_7194138.html\)](https://www.huffingtonpost.com/bruce-kushnick/telecom-sleaze-alec--its_b_7194138.html) guarantees a minimum commission of \$55 per month per prisoner to the state of Alabama. ALEC has also been active in drafting [legislation allowing corporations to exploit prison labor](https://www.thenation.com/article/hidden-history-alec-and-prison-labor/) [_ \(https://www.thenation.com/article/hidden-history-alec-and-prison-labor/\)](https://www.thenation.com/article/hidden-history-alec-and-prison-labor/). With hourly wages between \$0.10 and \$1.15, and no health insurance, prison labor has proven irresistible to [such corporations as](https://en.wikipedia.org/wiki/Prison%E2%80%93industrial_complex#Prison_labor) [_ \(https://en.wikipedia.org/wiki/Prison%E2%80%93industrial_complex#Prison_labor\)](https://en.wikipedia.org/wiki/Prison%E2%80%93industrial_complex#Prison_labor) Whole Foods, McDonald's, Target, IBM, Texas Instruments, Boeing, Nordstrom, Intel, Wal-Mart, Victoria's Secret, Aramark, AT&T, BP, Starbucks, Microsoft, Nike, Honda, Macy's and Sprint. ALEC has helped corporations and states [bypass federal New Deal era laws](#)

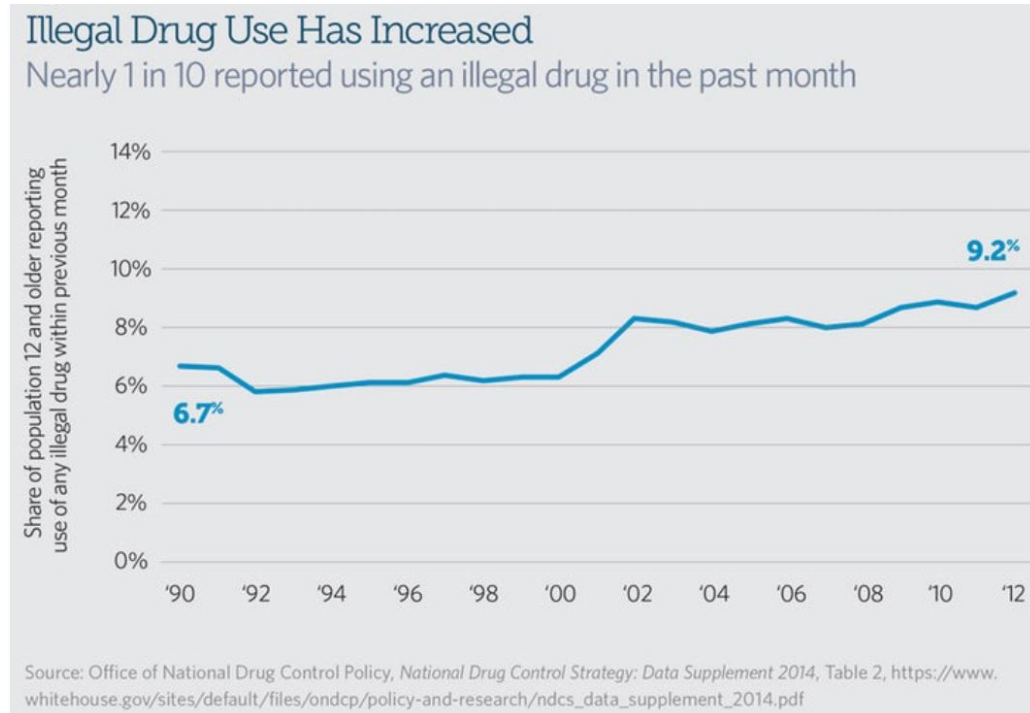
<http://www.havenscenter.org/files/Thompson.NewLaborForm.pdf>) which require corporations to pay inmates minimum wage and prohibit sale of prison factory goods across state lines. And exposing workers to toxic chemicals in industries such as electronics recycling is not a problem since workers cannot appeal to state health authorities. The problem is not just in the private sector; public sector police and correctional officer unions also play a lobbying role. In California over the last few decades, the [correctional officers union](https://www.nytimes.com/2015/05/03/opinion/sunday/ross-douthat-our-police-union-problem.htm) (<https://www.nytimes.com/2015/05/03/opinion/sunday/ross-douthat-our-police-union-problem.htm>) first lobbied for a prison-building spree and then, well-entrenched, exercised veto power over criminal justice reform.

The money made in the domestic prison system pales in comparison to the money the Defense Department spends. In 2007 Raytheon, Lockheed Martin, Northrup Grumman, Arinc, and Blackwater were awarded a [\\$15 billion five year contract in support of counter-narcoterrorism](https://washingtontechnology.com/articles/2007/09/10/five-to-vie-for-counternarcoterrorism-work.aspx) (<https://washingtontechnology.com/articles/2007/09/10/five-to-vie-for-counternarcoterrorism-work.aspx>).

Is it Worth It?

Has the investment in money and human lives been worth it? Since Nixon declared the war on drugs the U.S. jail and prison population has grown from 350,000 to 2.3 million. The growth in incarceration has been driven by drugs: [65% of prison inmates](https://www.centeronaddiction.org/newsroom/press-releases/2010-behind-bars-ii) (<https://www.centeronaddiction.org/newsroom/press-releases/2010-behind-bars-ii>) have a substance abuse addiction; another 20% were under the influence of alcohol or other drugs at the time of their crime, committed their offense to get money to buy drugs, or were incarcerated for an alcohol or drug law violation. The scale of the drug war has been immense. The DEA has grown from 1,470 agents and an annual budget of \$75 million in 1973, to over [9,000 employees and a budget of \\$2.0 billion in FY2014](https://fas.org/sgp/crs/misc/R43749.pdf) (<https://fas.org/sgp/crs/misc/R43749.pdf>). Since 1986, 80% of the federal anti-drug budget has been oriented toward supply reduction.

Yet, the poppy and coca crop eradication efforts in places like Afghanistan and Columbia have been a failure. A recent [United Nations report states](https://www.unodc.org/wdr2018/prelaunch/WDR18_Booklet_2_GLOBAL.pdf) (https://www.unodc.org/wdr2018/prelaunch/WDR18_Booklet_2_GLOBAL.pdf) that we are facing a potential supply-driven expansion of drug markets, with production of opium and manufacture of cocaine at the highest levels ever recorded.



<https://www.attn.com/stories/2981/war-on-drugs-prison->

[graphs](https://www.attn.com/stories/2981/war-on-drugs-prison-graphs) [_ \(https://www.attn.com/stories/2981/war-on-drugs-prison-graphs\)](https://www.attn.com/stories/2981/war-on-drugs-prison-graphs)

The massively increased penalties seem not to have deterred people from drug use; the rate of illegal drug use has risen 37% in the past two decades. Thomas Feiling, author of [Cocaine Nation: How the White Trade Took Over the World](https://www.amazon.com/Cocaine-Nation-White-Trade-World-ebook/dp/B00M9Z3V1Y/ref=sr_1_1?ie=UTF8&qid=1532462704&sr=8-1&keywords=cocaine+nation) (https://www.amazon.com/Cocaine-Nation-White-Trade-World-ebook/dp/B00M9Z3V1Y/ref=sr_1_1?ie=UTF8&qid=1532462704&sr=8-1&keywords=cocaine+nation), asked Orange County Judge James Gray who he thought benefited from the war on drugs. *“I have five groups. The first is the big-time drug dealers. They’re making billions of dollars a year, tax-free. The second is law enforcement, who are in effect paid huge tax money to fight the first group. It’s unbelievable, but the good guys and the bad guys have a mutual interest in the perpetuation of the status quo. The third group that is winning is the politicians, who talk tough about the war on drugs—which gets them elected and re-elected. The fourth group is those in the private sector who make money from increased crime—the people that build and staff prisons, the people that sell burglar alarms and security services. There’s big money in all of that. And the fifth group is the terrorists, because almost all of the primary funding for terrorism around the world comes from the sale of illegal drugs.”*

Feiling also mentioned a survey of 22,000 chiefs of police in the United States conducted in 2004 found that 67 percent of them believed that their drug enforcement efforts ‘have been unsuccessful in reducing the drug problem’, and 37 percent of them called for a

‘fundamental overhaul’ of those policies. *‘If you get them off by themselves, about 80 percent of cops will agree that it ain’t working and that we need to do something else,’ Rusty, the former Department of Corrections narcotics officer told me. ‘But they can’t stand up and say that because it would be political suicide.’*

If there is a silver lining to mass incarceration it may be that the rates of all crime have dropped substantially in America. The murder rate decreased 52% between 1980 and 2015. We’ll take a look at that, as well as the impact of mass incarceration on minorities in America in the next session.

Preparation

Please read the text above and click through the hyperlinks and read whichever of them look interesting. Please email me with any questions or topics that you would like to discuss in class. Please send the email no later than the day before class, to

ocurme@gmail.com (<mailto:ocurme@gmail.com>).

Additional Resources

List resources