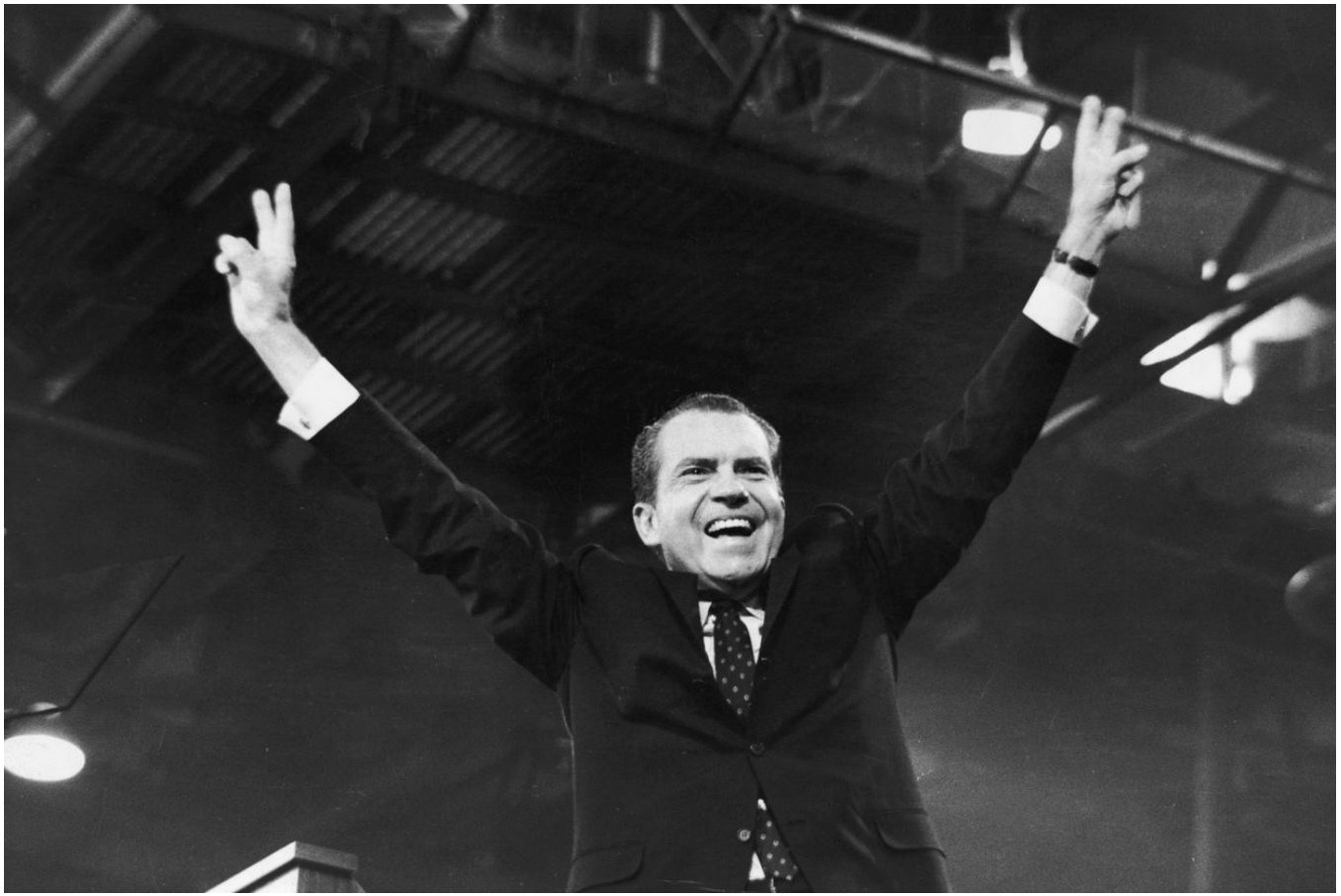
Session 4

Nixon's War on Drugs
October 10, 2018



Richard Nixon gives the 'V' for victory sign after receiving the presidential nomination at the Republican National Convention, August 1968, in Miami, Fla.

Washington Bureau/Getty **(http://www.msnbc.com/msnbc/nixon-40th-anniversary-order-the-watergate-break)**

In this session we'll trace the evolution of drug usage and crime which led to Nixon's War on Drugs, declared in 1971, which would define the politics of the drug war for the next forty years. This section borrows heavily from David Courtwright's Dark Paradise (https://www.amazon.com/Dark-Paradise-History-Addiction-America/dp/0674005856/ref=sr_1_5?s=books&ie=UTF8&qid=1530709976&sr=1-5&keywords=dark+paradise+in+books) and Dan Baum's Smoke and Mirrors (https://www.amazon.com/Smoke-Mirrors-Drugs-Politics-Failure/dp/0316084468/ref=sr_1_6?s=books&ie=UTF8&qid=1530710020&sr=1-6&keywords=smoke+and+mirrors) .

Postwar Heroin Resurgence

It took several years after World War II for heroin usage to restart in America. As late as 1947, the head of a police drug squad would call Detroit "a clean town with respect to narcotics." However, in the late 1940's Lucky Luciano rebuilt his heroin distribution empire, starting with the diversion of European pharmaceutical heroin which was distributed by the American Mafia to New York city and other major cities such as Chicago, Los Angeles and Detroit. Between 1947 and 1950 Federal narcotics arrests doubled, from 2,827 to 5,522. Arrest statistics indicated that most of the heroin users were new addicts, not former junkies restarting their habits. In addition, most were young, in their teens and twenties, and many were black or Hispanic. In 1935 blacks made up 13.5% of those arrested for violating federal narcotics laws, however most of these arrests were in the Northern cities where as many as 30% of the addicts were black. Following the war, the percentage of black arrests skyrocketed; by 1957 blacks comprised about 77 percent of Chicago's arrested addicts and 20 percent of its population. In Detroit in the early 1930s only one out of every four addicts who came to official notice was black; by 1951, it was four out of five.

In New York and Los Angeles, whites comprised a minority of the addict population, while blacks and Hispanics comprised the majority. As Courtwright says, *"By the mid-1950s the modal addict profile was that of a young black man (four out of five users were male) in his twenties. The child of migrants from the South, he had been born in a northern slum neighborhood hood in the early 1930s, and had begun using heroin in his late teens, most likely in 1949 or 1950, the peak years of the postwar epidemic. Though of normal intelligence, he had not completed high school and had poor job prospects. Unmarried and irreligious, he had smoked marijuana before sniffing heroin, which he had learned about from his friends. He may originally have been a member of a street gang, but, once addicted, he left it. Boppers-gang members ready for a fight-had a sensible disregard of the addict's reliability, and he had little use for rumbles and other "kid stuff." He now associated with other junkies who taught him, among other things, that mainlining was a more efficient way of using adulterated heroin. He quickly became a full-fledged member of a deviant, stratified subculture that revolved around acquiring and shooting heroin, had its own language and code, and was at once mutually supportive and exploitative. ("Never trust a junkie" was more than a prejudice of the straight world.) He obtained money by working odd jobs and by crime, developing a specialty or "main hustle" like burglary. Sooner or later he would encounter the police and, perhaps, medical authorities. Black*

admissions to the Lexington and Fort Worth hospitals, about 10 percent of the patients in the mid-1930s, shot up to 40 percent in the mid-1950s."

What accounts for the rise of this subculture? The children of migrants or immigrants often did not have deep social roots in the new environment of the big city slum. Job prospects were poor. And inner city heroin users had role models to look up to. The local drug distributors were often blacks who flaunted their wealth. And the leading jazz and popular artists of their day were often heroin addicts (https://rateyourmusic.com/list/headphonian/jazz_artists_who_were_heroin_addicts/). Lennie Bruce, Miles Davis, Stan Getz, John Coltrane, Ray Charles, Bill Evans, and Sonny Rollins all used heroin for some period of time. Many leading and lesser jazz artists took it up in an attempt to emulate the great Charlie Parker (https://nypost.com/2017/02/05/charlie-parkers-heroin-addiction-helped-make-him-a-genius/), but ended up discovering that Parker was a genius in spite of, not because of the heroin. "I watched him line up and take down eleven shots of whiskey, pop a handful of bennies, then tie up, smoking a joint at the same time," Hampton Hawes, an awestruck young pianist recalled (https://books.google.com/books?id=VxUuPa3cnLMC&printsec=frontcover&dq=dark+paradise&hl=en&sa=X&ved=0ahUKEwjsy_vE5eDcAhXBmq0KHaZTBYwQ6AEIKTAA#v=onepage&q=hawes&f=false). "He sweated like a horse for five minutes, got up, put on his suit and a half hour later he was on the stand playing strong and beautiful."

Billie Holiday (https://en.wikipedia.org/wiki/Billie_Holiday) was another leading jazz artist who was also a heroin addict. Billie grew up in a broken home with a largely absent mother. When Billie was 13 she and her mother moved to New York and they both became prostitutes. That childhood experience may have predisposed Billie to drugs; by age 25 she was using intravenous drugs and drinking heavily. Despite heavy drug use and a series of abusive husbands, Billie Holiday was a popular jazz artist. That popularity irked Harry Anslinger, head of the Bureau of Narcotics and he instructed his agents to arrest and probably frame her. As Johann Hari relates (https://www.politico.com/magazine/story/2015/01/drug-war-the-hunting-of-billie-holiday-114298_Page4.html), Holiday was indignant. "Imagine if the government chased sick people with diabetes, put a tax on insulin and drove it into the black market, told doctors they couldn't treat them," she wrote in her memoir, "then sent them to jail. If we did that, everyone would know we were crazy. Yet we do practically the same thing every day in the week to sick people hooked on drugs." In the end, Anslinger won; Holiday died in 1959 at age forty-four, after being arrested and undergoing forced detox while handcuffed to a hospital bed.

Another reason for inner city drug use was attraction to the junkie lifestyle. Mark Gilman and Geoffrey Pearson (https://link.springer.com/chapter/10.1007/978-1-349-11451-1_7) explain that *"in their justly celebrated paper from New York in the late 1960s, 'Taking Care of Business', Ed Preble and James Casey (1969) set the life of the street addict in a different light. The day-to-day*

lifestyle of a heroin user, as they described it, is one which involves a hectic flurry of hustles and economic exchanges, requiring considerable resourcefulness, economic dexterity and entrepreneurial skill and commitment. When not searching for money or drugs to start the day, the heroin user was trying to avoid the police, looking for a safe place to 'get off', searching again for more money and the next bag, in an endless cycle of activity. Being a daily heroin user, according to Preble and Casey, was a job of work, a kind of work, moreover, which was seven days a week with no rest days. Even so, the street addict had a spring in his step in the more usually down-trodden streets of the ghetto. He had a business appointment to meet, had maybe just missed it. Life was a frantic whirl of friendship and enmity, business and loafing, winners and losers."

The resurgence of heroin use among inner city blacks did not go unnoticed by Congress, which passed the Boggs Bill of 1951 and the Narcotics Control Act of 1956 **(http://druglibrary.org/schaffer/Library/studies/nc/nc2_7.htm)** . These bills were innovative in several ways. First of all, they introduced harsh mandatory minimum sentencing, including the death penalty **(https://fas.org/sgp/crs/misc/R43749.pdf)** for a heroin sale to a minor:

Possession	**Minimum sentence**
First offense	2 years
Second offense	5 years
Third and subsequent offense	10 years
Fine	$20,000

Sale	Minimum sentence
First offense	5 years
Second offense	10 years
Sale to minor by adult	10 years

Secondly, most marijuana violations were treated the same as heroin or cocaine. The justification for this was the “stepping stone” hypothesis: that although marijuana was in and of itself innocuous, its use often led to harder drugs. This represented a change from Anslinger’s reefer madness campaign in the 1930’s when marijuana was portrayed as leading inevitably to violence and insanity. Twenty-eight states passed legislation mirroring the Federal legislation or increasing penalties. Civil commitment statutes, providing mandatory institutional treatment followed by parole, also proved popular. A dozen states went further, declaring addiction itself a criminal offense. Prosecutors no longer needed drugs or paraphernalia to convict; needle marks would suffice, at least until 1962, when the Supreme Court overruled laws that overtly criminalized addiction.

David Courtwright described the impact of the tough new laws: “There were so many good people who got busted in that decade between '55 and '65 that didn't deserve it," Hampton Hawes recalled. "Friends of mine who were caught in the same dragnet as me and tried to fight it got twenty years ... I pleaded guilty and got a dime"-(10 years.) Marijuana convictions could be just as devastating. One Dallas judge meted out 15 years to a stripper for possession. It was her first offense.

The new laws did seem to tighten the market for heroin and reduce the incidence of new addicts. Courtwright traces the decline in new cases of addiction to 1950 as word of the dangers of heroin started getting out. Nevertheless, what started out as a new wave of addiction seems to have been halted; by 1959 Courtwright estimates the number of American addicts to be around 120,000.

The 1960’s: Civil Rights, Hippies and LSD

The 1960’s was a decade of change. Civil rights, Vietnam, and the counterculture **(https://en.wikipedia.org/wiki/Counterculture_of_the_1960s)** transformed and polarized America to an extreme degree. By the end of the

decade Richard Nixon would win the White House by capitalizing and promoting this polarization, of which one manifestation was his war on drugs. I've looked for explanations of the rise of the counterculture and found none that are wholly satisfying. Why did the Civil Rights movement start when it did? Why did the baby boomers completely reject the values of their parents? Part of it might have been that the baby boomers grew up in a completely different society from their parents; America in the 1950's and 1960's was rich and powerful; the Greatest Generation by contrast grew up during the Depression. The FDA's approval of the Pill in 1960 certainly changed perceptions of women's rights and sexuality. The assassination of JFK and the Vietnam war were traumas which convinced many young people that America was on the wrong path. Many young people flouted their contempt of their parents' values by taking drugs, especially marijuana and LSD. In 1966 Timothy Leary, a researcher at Harvard who had become captivated by the potential of psychedelic drugs spoke to a generation of disaffected youth when he urged them to Turn on, tune in, and drop out **(https://en.m.wikipedia.org/wiki/Turn_on,_tune_in,_drop_out)** .

Psychedelic drugs, including psilocybin mushrooms **(https://en.wikipedia.org/wiki/Psilocybin)** and peyote cactus **(https://en.wikipedia.org/wiki/Peyote)** have a long history among native cultures, who have used the experience to reinforce tribal spiritual belief systems. LSD is a derivative of lysergic acid, which is produced by the ergot fungus **(https://en.wikipedia.org/wiki/Ergot)** which grows on grains and whose effects have been suggested as an explanation for the Salem witch hysteria **(https://www.sausd.us/cms/lib5/CA01000471/Centricity/Domain/457/hysteria%20or%20psychedlics.pdf)** . LSD was synthesized by Albert Hoffman, a chemist at Sandoz Laboratories in Switzerland who accidentally dosed himself in 1943. In 1949 Sandoz started marketing the drug in the United States for psychiatric purposes. There were over 1,000 studies of the drug during the 1950's, many of which showed intriguing potential. One study on alcoholics **(https://en.wikipedia.org/wiki/History_of_lysergic_acid_diethylamide#Psychiatric_use)** who were unable to quit drinking showed that after 12 months half of the subjects had not taken a drink, a success rate which has not been duplicated by any other means. Alcoholics Anonymous co-founder Bill Wilson **(https://www.theguardian.com/science/2012/aug/23/lsd-help-alcoholics-theory)** believed LSD to have tremendous potential for alcoholics, but the AA movement was firmly against it. During the Korean War, the CIA launched a mind control program named MK-ULTRA **(https://en.wikipedia.org/wiki/Project_MKUltra)** in order to duplicate the effects of North Korean brainwashing. The project, which ran from 1953 to 1973 involved not only funding LSD research at a variety of universities, but also administering the drug to unwitting subjects in hospitals, brothels and in the military. With the large scale exposure of the drug to thousands of test subjects it was perhaps inevitable that it would slip the bounds of overt and covert research and become a counterculture drug. There is even slim anecdotal evidence that President Kennedy **(https://mangu.tv/did-jfk-drop-lsd/)** tried the drug and was inspired toward detente with the Soviets. LSD was criminalized in 1968 and most research stopped soon after.

Drug use was not an exclusive among the counterculture; it was widespread throughout America in the 1950's and 1960's. Ethanol consumption per capita (https://vinepair.com/articles/americas-consumption-beer-wine-spirits-since/) started climbing in 1960 and grew 40% over the next two decades; it was the era of the three martini lunch (https://en.wikipedia.org/wiki/Three-martini_lunch). 42% of adults smoked tobacco in 1965, as opposed to 17% today. Librium and Valium (https://www.nytimes.com/2012/09/30/sunday-review/valium-and-the-new-normal.html) were sold by the billions in the 1960's, mass marketed by Arthur Sackler (http://www.prescriptionaddictionradio.com/blog/from-the-34-show-withdrawal-addiction-death-and-destruction-the-sackler-family), whose brothers forty years later would apply the same techniques to marketing Oxycontin, with devastating results. By the 1970s, one American woman in five over the age of 18 was taking tranquilizers for at least part of the year and upwards of 2 million women were physically addicted to them. Amphetamines were widely prescribed for weight loss and Courtwright estimates that half of pharmaceutical production of amphetamines and barbiturates were diverted to the black market.

The Heroin Epidemic of the late 1960's

During the 1960's the Baby Boomers were exposed to a lot of **anti-drug propaganda** (https://www.youtube.com/watch?v=Git-04Ny-WY). Alana Anderson, a child custody officer, graduated from college in 1969. "My generation was told that marijuana caused acne, blindness, and sterility (https://news.gallup.com/poll/6331/Decades-Drug-Use-Data-From-60s-70s.aspx)," she said. "It was a scare tactic rather than an education tactic." Many of the messages were deliberately inaccurate. A widely promoted 1968 scientific paper warned that LSD caused chromosomal damage (http://www.psychedelic-library.org/grofchro.htm#back1); what wasn't mentioned was that in the same in-vitro study, aspirin caused as much damage as LSD. When young people tried drugs and found that the propaganda was false, they rejected all warnings from their parents. This was unfortunate, as the lack of concern coupled with an upsurge in the amount of heroin from Southeast Asia led to a new heroin epidemic in the late 1960's. According to Courtwright, a 1974 study showed that one million young American men had tried heroin and a third of them had gone on to become addicts. While half these new addicts were black or Hispanic, half were white, often from suburban backgrounds. In Grosse Pointe, an affluent suburb of Detroit, 4% of residents aged 15-19 had tried heroin by 1970, and 37% of those had gone on to become addicted. The number of heroin addicts in the U.S. jumped from 120,000 in 1959 to around 634,000 by 1970. This represented a rate of 3.09 addicts per thousand people, comparable to 4.59/1000 in the 1890's and close to 6/1000 opiate addicts today. In the late 1960's roughly half of the heroin addicts lived in New York City. Most of the addicts turned to crime to support their habits, the men turning to petty theft, and the women supporting themselves and sometimes their partners through prostitution. As in Lucky Luciano's cribs in the 1930's, opiates were the

perfect drug to make turning tricks tolerable. "I could forget about what I was doing," one prostitute recalled. "I didn't give a damn about anything. I just felt good." Some addicts turned to dealing drugs in order to support their habit; Courtwright estimates that 70% of heroin dealers were addicts themselves.

Nixon's Political Strategy

"President 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."
H.R. Haldeman to his diary

"You want to know what this was really all about?" John Erlichman asked **(https://harpers.org/archive/2016/04/legalize-it-all/)** *with the bluntness of a man who, after public disgrace and a stretch in federal prison, had little left to protect. "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."*

While running for President in 1968, Richard Nixon couldn't use the Vietnam War as a strong campaign issue; half of the country was for it and half was against it. So Nixon talked about a "secret plan" both to withdraw from the war and win it. He called it "Peace with Honor." Nixon's political brilliance came in realizing that many Americans were afraid of the turmoil in America: the race riots in the inner cities, the anti-war protesters, the counterculture youth who had rejected their parents' values. For most of the 1960's the Democrats had viewed social problems through the lens of inequality. The Great Society programs tried to eliminate poverty and racial injustice by spending money on health, education and welfare. The Democrats viewed heroin addiction as a symptom of society's failures: racism, alienation and lack of opportunity. LBJ had formed a commission under Under Secretary of State Nicholas Katzenbach to study crime. Its recommendation was to spend more money: "Warring on poverty, inadequate housing and unemployment is warring on crime. Medical, psychiatric, and family counseling services are services against crime. More broadly and importantly, every effort to improve life in America's inner cities is an effort against crime." Katzenbach even recommended the government stop enforcing drug laws; "The application of these laws often tends to discriminate against the poor and subcultural

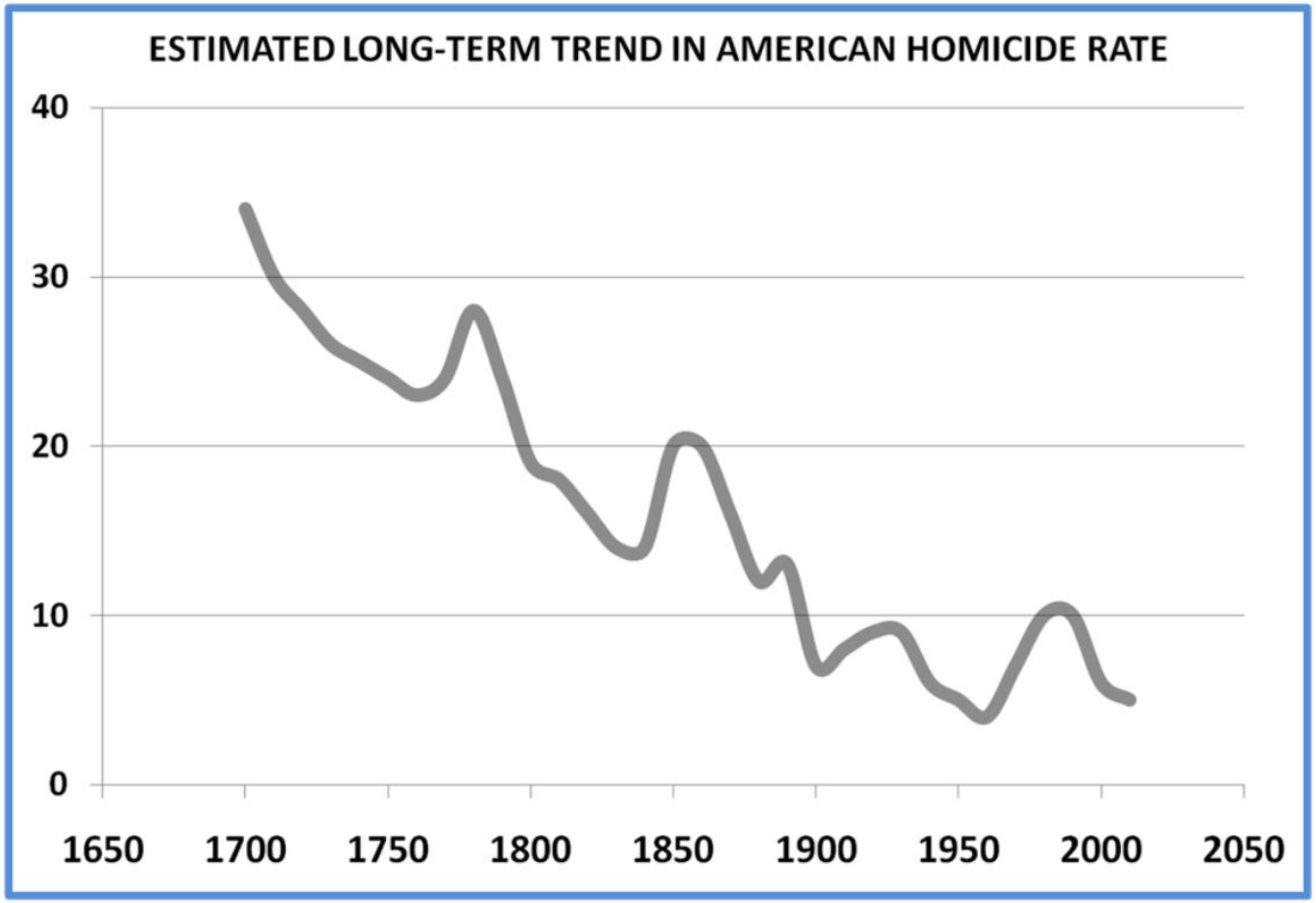
groups in the population so that poverty becomes a crime." This was a bridge too far for most white voters, a majority of which told pollsters in 1967 that efforts to end racial inequality were "moving ahead too fast." Richard Nixon knew how his silent majority voters were feeling. In a 1967 Reader's Digest article he wrote, "Our opinion leaders have gone too far in promoting the doctrine that when a law is broken, society, not the criminal, is to blame." The country should stop looking for the "root causes" of crime and put its money instead into increasing the number of police. America's approach to crime must be "swift and sure" retribution. "Immediate and decisive force," Nixon said, "must be the first response." Nixon harnessed the anger that the typical suburban voter felt toward the blacks and anti-war protesters and hippies. While the Democrats wanted billions more to rehabilitate the criminals and urban poor, Nixon would crack down on these bad people. Nixon found that this message resonated well throughout the country. As he wrote Dwight Eisenhower during the primaries, "I have found great audience response to this [law and order] theme in all parts of the country, including areas like New Hampshire where there is virtually no race problem and relatively little crime." As Nixon approached the election, he conflated the public's fear of inner city violence with their fear of pot smoking hippies and promised a war on drugs. "As I look over the problems in this country, I see one that stands out particularly: the problem of narcotics." Drugs "are among the modern curse of the youth, just like the plagues and epidemics of former years. And they are decimating a generation of Americans." Half of all crime in New York, Nixon insisted, was committed by drug addicts. Since the Federal government had no jurisdiction over local crime, Nixon promised that his administration would "accelerate the development of tools and weapons" to fight illegal drugs: a tripled Customs Service, more federal drug agents, massive assistance to local police, and anti-drug operations abroad. "I believe in civil rights," Nixon concluded. "But the first civil right of every American is to be free from violence, and we are going to have an administration that restores that right in the United States of America."

Crime Wave

Although most suburban voters were unaffected by it, Nixon was correct that the nation was in the middle of a crime wave. Between 1960 and 1969 the murder rate increased 43%, the burglary rate increased 94% and the robbery rate increased by 147% **(http://www.disastercenter.com/crime/uscrime.htm)** . Some of this was indeed attributable to the late 1960's heroin epidemic. Courtwright recounts that in the District of Columbia, addicts accounted for nearly half of all jail prisoners; in Los Angeles, four-fifths of all burglary arrests.

However, the rise in drug use does not fully explain the crime wave of the 1960's. The U.S. homicide rate reversed a long term trend, rising from 1960 to 1980 and subsequently falling back, despite the fact that the current opioid epidemic is worse than that of the

1960's:



http://blogs.berkeley.edu/2010/06/16/a-crime-puzzle-violent-crime-declines-in-america/ **(http://blogs.berkeley.edu/2010/06/16/a-crime-puzzle-violent-crime-declines-in-america/)**

In Session 8 we'll take a closer look at the relationship between drugs, incarceration and crime.

1970 Comprehensive Drug Abuse Prevention and Control Act

An official from the White House Office of Management and Budget told a House committee that as long as heroin was a problem that was isolated to the ghetto "it was a problem we could live with."

In 1969 Nixon took office and following up on his election promises, he proposed the Comprehensive Drug Abuse Prevention and Control Act **(https://en.wikipedia.org/wiki/Comprehensive_Drug_Abuse_Prevention_and_Control_Act_of_1970)**, which Congress passed in 1970. This was the most major piece of drug legislation since the Harrison Act in 1914. The Harrison Act and 1937 Marihuana Tax Act and their subsequent amendments were based on the Federal government's power of taxation. The 1970 Comprehensive Drug Abuse Prevention and Control Act used the interstate commerce clause to criminalize possession or sale of drugs, even drugs like marijuana which might not pass state boundaries. The Act tightened up control of legal pharmaceuticals, requiring the pharmaceutical industry to keep records to help prevent illicit diversion of legal pharmaceuticals. Controlled substances were divided into five schedules (or classes) on the basis of their potential for abuse, accepted medical use, and accepted safety under medical supervision. Substances in Schedule I which include heroin, marijuana and various hallucinogens are deemed to have a high potential for abuse, no accredited medical use, and a lack of accepted safety. Morphine and cocaine are found on Schedule II. From Schedules II to V, substances decrease in potential for abuse. Despite the classification of marijuana as Schedule I, and perhaps due to the use of the drug among suburban youth, the Act eliminated mandatory sentencing for marijuana and lowered the maximum penalty for possession of an ounce of marijuana to one year in jail and a $5,000 fine, with the option of probation or a conditional discharge at the judge's discretion.

Politics of Drug Enforcement

"Narcotic suppression is a very sexy political issue. It usually has high media visibility. Parents who are voters are worried about narcotics. They listen to a politician when he talks about drug suppression just as they seem to tune him out when he makes speeches about the energy problem. Therefore, the White House often wants to be involved in narcotics problems even when it doesn't need to be. For example, the Feds went into street enforcement partly in response to the obvious political mileage to be gained."

Former White House domestic policy advisor John Ehrlichman, in testimony to the Senate Subcommittee on Investigations, July 18, 1976

In the spring of 1970, John Ehrlichman invited a number of television producers to a conference to encourage them to highlight the dangers of drugs in their scripts. By the summer of 1970, shows such as Mannix, the Mod Squad, General Hospital, and Love American Style were incorporating villainous pushers and drug abusing teenagers into their scripts. Magazines such as Time

Magazine were soon publishing essays such as “Kids and Heroin: the Adolescent Epidemic” despite the fact that there was no evidence of an adolescent heroin epidemic. Time Magazine based their fears on a dubious assertion “If a young person smokes marijuana on more than ten occasions, the chances are one in five that he will go on to more dangerous drugs.” Soon parents all over America were frightened. By May of 1971 an opinion survey showed that 23 percent of Americans believed that drugs were the country’s number one problem, up from 3% in 1969. In a 1971 speech before Congress, Nixon said that heroin addicts steal over $2 billion worth of property per year to support their habits. At the time, government statistics showed that the value of all property stolen in the U.S. through burglaries, robberies or theft totaled only $1.3 billion. Not to be outdone, Senator George McGovern said in a Senate speech that junkie theft totaled $4.4 billion. Senator Charles Percy claimed that “The total cost of drug-related crime in the United States today is around $10 billion to $15 billion.” Scaremongering was good politics.

In 1972 President Nixon set up a new drug fighting agency, the Office of Drug Abuse Law Enforcement, or ODALE. He borrowed agents from the Bureau of Dangerous Drugs (formerly the Federal Bureau of Narcotics) and Customs. These agents worked with state and local police to execute highly visible raids on small time drug dealers in various cities around the country. In the grand scheme of things it had no effect on suppression of narcotics, but it was a highly visible message that the President was on the side of law and order.

Marijuana

Nixon realized that with marijuana being such a visible issue his administration would have to take a stand, and his inclination was to be tough on the issue. In May 1971, Nixon was fuming over a review in his morning news of Harvard psychiatrist Lester Grinspoon’s book Marijuana Reconsidered **(https://www.bostonglobe.com/metro/2018/04/28/legendary-psychiatrist-and-marijuana-advocate-still-wonders-about-harvard-professorship/7UBEbWBedoW44gKHpFhLGI/story.html)**, in which Grinspoon made a passionate case for legalization. “I have concluded,” Grinspoon would later write, “that marijuana is a relatively safe intoxicant which is not addicting, does not in and of itself lead to the use of harder drugs, is not criminogenic, and does not lead to sexual excess.” The real harm, he added, was “the way we as a society were dealing with people who use it,” referring to the incarceration of marijuana users. Nixon fumed. “Every one of the bastards that are out for legalizing marijuana is Jewish,” Nixon ranted in a conversation captured by the Oval Office recording system **(https://www.youtube.com/watch?v=0093Tqu8n2E&feature=youtu.be)**. “What the Christ is the matter with the Jews? . . . I suppose it’s because most of them are psychiatrists.” “I want a goddamn strong statement on marijuana,” the distinctive voice on the tape growls. “I mean, one on marijuana that just tears the ass out of them.”

Nixon decided to put together a blue ribbon commission to study the marijuana problem and make recommendations. In 1972 the Chairman of the National Commission on Marijuana and Drug Abuse, Raymond Shafer, a Republican leader and former Governor of Pennsylvania, delivered its report, titled Marihuana, A Signal of Misunderstanding **(https://babel.hathitrust.org/cgi/pt?id=mdp.39015015647558;view=1up;seq=5)**. The Commission determined that health effects of marijuana were minimal; there was no physical dependence and the psychological dependence among heavy marijuana users was similar to cigarette dependence. The Commission dismissed the theory that using marijuana was a gateway to stronger drug usage. The Commission concluded that marijuana was a problem to society because it was a symbol of the rejection of cherished values. *"Our youth cannot understand why society chooses to criminalize a behavior with so little visible ill effect or adverse social impact. These young people have jumped the fence and found no cliff. And the disrespect for the possession laws fosters a disrespect for law and the system in general. On top of this is the distinct impression among the youth that some police may use the marihuana laws to arrest people they don't like for other reasons, whether it be their politics, their hair style or their ethnic background."* In effect the Commission was telling Nixon that the drug wasn't the problem, the war on the drug was. The Commission recommended that Federal and State laws be changed so that possession in private for personal use would no longer be an offense and distribution in private of small amounts for small remuneration would no longer be an offense.

Nixon was not swayed by the facts. His instincts as a politician were to exploit divisions within society, not to heal them. Nixon told reporters "I read it and it did not change my mind." None of the major news magazines reported on the Commission's findings. For a time Nixon's policy attracted critics from the right as well as the left. It was not only liberals like anthropologist Margaret Mead that called for marijuana legalization, but also conservative groups and leaders such as the American Bar Association, Milton Friedman, Secretary of State George Shultz, and even William F. Buckley. But Nixon's instincts proved durable. Nearly half a century later Attorney General John Ashcroft would be directing the DEA to raid medical marijuana providers.

Methadone

As a savvy politician, Nixon recognized that in order to appeal to the most voters he would have to show a compassionate side to his drug policy in addition to his tough law and order stance. He got that opportunity with methadone maintenance **(https://www.drugabuse.gov/sites/default/files/pdf/partb.pdf)**. Methadone is a morphine derivative like heroin, but one which has a much longer half life in the body, 24 hours or more. In the mid-1960's researchers in New York city **(https://www.ncbi.nlm.nih.gov/books/NBK64157/#_A82732_)** recognized that methadone would be an excellent drug for opioid maintenance because it can be taken orally once per day, it causes minimal euphoria, it eliminates cravings for heroin or other opiates,

and it prevents withdrawal, without requiring escalating dosages. Studies showed that heroin addicts who went to a methadone clinic once per day and drank a dose of methadone mixed in Tang orange drink, could hold down a job and otherwise function in society. With a success rate of 60-90% **(https://csam-asam.org/methadone-treatment-issues)** and an annual cost of $2,000/year, methadone treatment seemed like a solution to addict crime and a compassionate counterweight to Nixon's get tough rhetoric. In 1970 the Nixon White House plucked Jerome Jaffe, a liberal Democrat from relative obscurity running an Illinois methadone clinic and promoted him to be the nation's first Drug Czar, tasked with setting up methadone clinics nationwide. Within two years Jaffe had set up 400 federally funded methadone clinics nationwide, serving 73,000 heroin addicts. 1973 was the zenith of heroin maintenance efforts. Soon afterward, Nixon's focus would shift to the Watergate scandal. The DEA was always philosophically opposed to the idea of maintenance. "It legitimizes opiate addiction in our society, tends to make it acceptable and respectable," a DEA official told Richard Nixon. "It maintains a large nucleus of drug addicts from which addiction will proliferate."

The FDA classified methadone as an investigational drug and put in place regulations to ensure providers' programs met scientific standards. In 1974 the Narcotic Addict Treatment Act gave the Justice Department control over who dispensed methadone and under what conditions. These restrictions guaranteed that methadone would never reach more than a quarter of the nation's addicts. *"Methadone maintenance is, indeed, a highly effective treatment for a complex, notoriously recidivist, socially destructive and frequently lethal illness," summed up Robert Newman, the physician who oversaw its expansion in New York City in the early 1970s. "Nonetheless it remains a pariah, rejected by physicians, elected and appointed government officials, and the public at large. To the extent it is tolerated at all, its ability to save lives and benefit society is severely limited by the unique constraints which are imposed on its use."*

Drug Suppression Efforts

Just as Nixon consolidated the legal framework for drug suppression under the 1970 Comprehensive Drug Abuse Prevention and Control Act, he also consolidated the Federal bureaucracy for fighting the drug wars. LBJ had moved the Federal Bureau of Narcotics from the Treasury Department to the Justice Department in response to the Republicans' get tough rhetoric. In 1973, Nixon consolidated the Federal Bureau of Dangerous Drugs, the Office of Drug Abuse Law Enforcement, and the drug interdiction efforts of the Customs Department into the Drug Enforcement Administration. Both parties of Congress funded major increases in the Federal drug control effort. Funding for enforcement rose from $43 million in FY1970 to $292 million in FY1974. Concurrently, the budgets for prevention (research, education, training, and methadone treatment) rose from $59 million to $462 million over same period. The

Federal government was clearly taking the lead in tackling the drug problem. In 1970, the government ramped up the funding for the Law Enforcement Assistance Administration, a program designed to give Federal assistance to local law enforcement from $75 million/year to $500 million per year. Suddenly the Federal government had an enormous presence in local police departments everywhere. And in 1971 Nixon **cut a deal with the government of Turkey to ban cultivation of opium (https://canvas.harvard.edu/courses/41939/files/6222910/download?wrap=1)**  **(https://canvas.harvard.edu/courses/41939/files/6222910/download?wrap=1)** in exchange for $35 million payment. The massive Federal effort halted the heroin epidemic of the late 1960's:

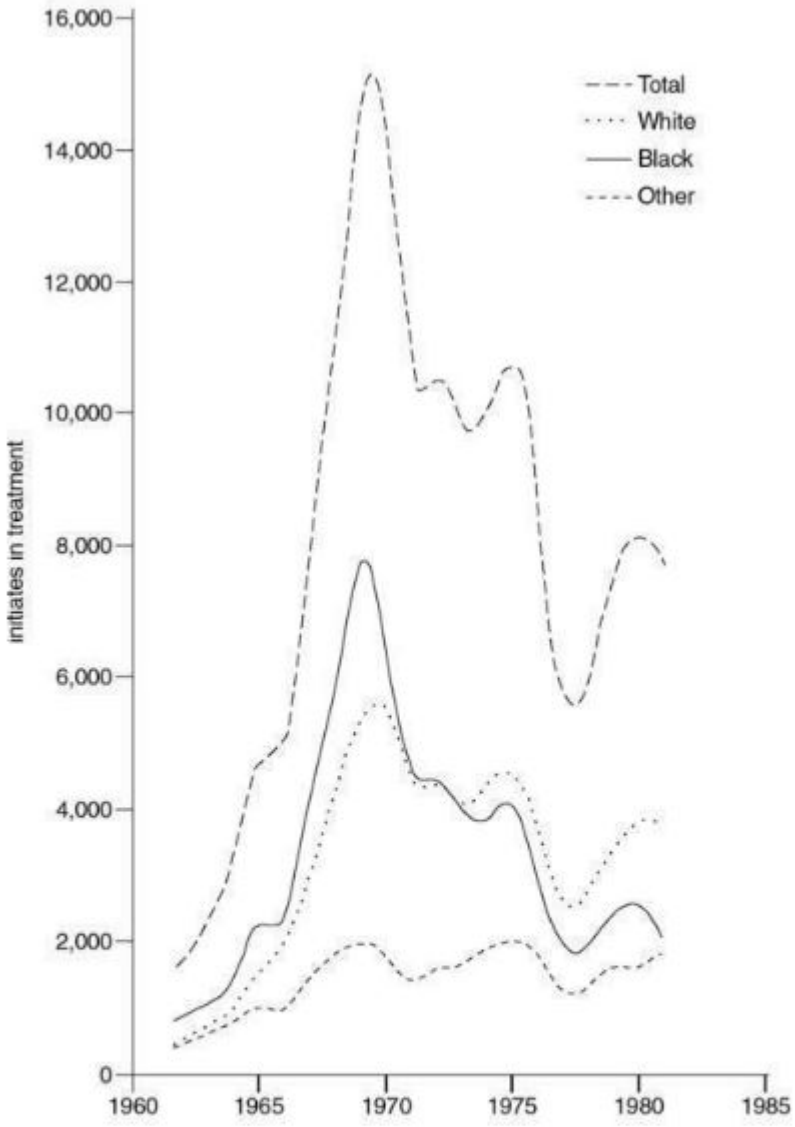


Figure 12 Year of first use for heroin addicts entering treatment, 1977 through 1981. Totals for the last two years, 1980 and 1981, are corrected for treatment lag. Note that year of first use is not always the same as the year of addiction, which may take some time to develop, and that regional patterns vary, with coastal cities typically peaking before inland cities. (See DuPont, "Rise and Fall of Heroin Addiction," 66.) Source: U.S. Department of Health and Human Services, National Institute on Drug Abuse, *Epidemiology of Heroin: 1964–1984*, 30, 39.

From Courtwright, Dark Courtwright, Dark Paradise

G.I. Junkies and Rat Park

As we saw last session, there was an epidemic of heroin use in Vietnam, with at least 30,000 addicts, or 10 percent of the troops physically addicted to heroin by 1971. The White House realized they had a potentially massive problem on their hands and the Drug Czar Jerome Jaffe took action, ordering the Pentagon to implement mandatory urinalysis of all troops scheduled to return stateside and putting those who tested positive through detox prior to returning stateside. To everyone's surprise, in the 12 months following their return to the U.S., while half of the returnees used marijuana and 10% had used opiates, only 1% became readdicted to heroin ten months after their return to stateside and 75% of those beat their addiction over the next two years **(http://www.rkp.wustl.edu/VESlit/RobinsAddiction1993.pdf)** . These are remarkable success rates for such a pernicious problem as heroin addiction. What accounts for these results? The study's authors feel that the rate of drug use in Vietnam was a response to the availability of heroin and the lack of alternative recreation. When these servicemen re-entered American society, they were able to refocus on their careers, friends and family and found giving up heroin to be relatively easy.

In the late 1970's a Canadian addiction researcher named Bruce Alexander conducted some experiments with rats which might shed light on the Vietnam results. He noted that rats held in isolated laboratory cages preferred to drink water laced with morphine over regular tap water. However when he built a large wooden structure, called Rat Park **(http://brucekalexander.com/articles-speeches/rat-park/148-addiction-the-view-from-rat-park)** , that housed many rats of both sexes and included exercise wheels and hiding areas, the presumably happy rats just drank the tap water and avoided the morphine water. Furthermore when he moved previously isolated rats who were addicted to morphine to Rat Park, they voluntarily went through physical withdrawal and avoided the morphine water. The analogy to Vietnam is that when soldiers were shipped to a foreign land and exposed to Vietcong trying to kill them in a hostile jungle, they were stressed out and readily took up heroin. And when they returned to the U.S. and a lower stress environment, they readily gave it up. Whether or not this is a useful explanation, the fact is that the G.I. Junkie heroin epidemic that the Nixon White House feared never came to pass.

We'll look more at the science of addiction 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