Reshaping American Identity

American Identity in Reagan's War on Drugs, 1981-89

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Introduction

On March 19th, 2018, President Donald Trump officially proposed imposing the death penalty for certain drug dealers, arguing that "[i]f we don't get tough on the drug dealers, we are wasting our time. […] And that toughness includes the death penalty."[1] Public health experts quickly condemned this proposal, and argued that "it renews the failed rhetoric from the war on drugs in the 1980s,"[2] during which President Ronald Reagan was in office (1981-1989). That President Trump is using the same rhetoric and is arguing for a similar approach to combat America's 'drug problem' as President Reagan already did unsuccessfully four decades earlier, raises the question of what the motives behind those drug policies might be. Did the policies of the 1980s really fail, as the public health experts claim, or were they perhaps successful in achieving other goals than combatting the 'drug problem'? One thing the Reagan administration and the Trump administration have in common, is that both have been concerned with the concept of American nationhood. It is from that angle, that this research will try to explore the motives behind the Reagan administration's war on drugs. Specifically, this thesis will try to answer the question *to what extent the Reagan administration's war on drugs can be seen as a vehicle to sharpen American national identity along ethnoracial lines*. Doing so not only can get us insights for that particular part of American history, but it can reveal something more general about American society; which in turn might help us understand why such a 'failed' approach is now again being called for almost forty years later.

[1] Dan Merica, "Trump pushes death penalty for some drug dealers," *CNN*, March 19, 2018, https://www.cnn.com/2018/03/19/politics/opioid-policy-trump-new-hampshire/index.html.
[2] Wayne Drash, "Trump's death penalty plan for drug dealers a 'step backwards,' experts say," *CNN*, March 20, 2018, https://edition.cnn.com/2018/03/19/health/trump-death-penalty-drug-traffickers-reaction/index.html.

§A. Theoretical Framework

Academic debate surrounding the war on drugs

There has been ample debate surrounding the question of why the Reagan administration decided to escalate the country's war on drugs. The administration itself argued that drugs posed a major threat to public health and to public safety, and that a war on drugs was the appropriate way to combat those threats (see Chapter 1). Most scholars disagree however, and have presented a variety of other explanations.

Some have argued that the war on drugs was in essence a way to control the American public. Philosopher and historian Noam Chomsky for instance claims that "[i]n the United States the drug war is basically a technique for controlling dangerous populations internal to the country and doesn't have much to do with drugs."[3] Historian Jeremy Kuzmarov likewise claims that "the 'war on drugs' was part of a widescale ideological offensive designed to discredit and destroy the movements of the 1960s and to restore the climate of conformity and patriotism of the post-World War II era."[4] Sociologist Christian Parenti similarly holds that the war on drugs "has been about managing and containing the new surplus populations created by neoliberal economic policies, even when these populations are not in rebellion."[5]

Others have explained the war on drugs as a way to mask the ills of society. Besides Kuzmarov's previous claim that the war on drugs was used to discredit the movements of the 60s, he also argues that "drugs provided a convenient scapegoat, which deflected attention from the widening inequalities bred by deindustrialization, corporate downsizing, and the decline of Great Society liberalism."[6] Professor of criminal justice Steven Belenko takes this position as well, stating that the war on drugs "shifted the focus away from entrenched social and economic problems and a federal government loath to tackle difficult long-term, costly solutions to these problems."[7] Sociologists Craig Reinarman and Harry G. Levine combine the previous argumentations and claim that "'[t]he drug problem' served conservative politicians as an all-purpose scapegoat. They could blame an array of problems on the deviant individuals and then expand the nets of social control to imprison those people for causing the

[3] Noam Chomsky, "Drug Policy as Social Control," in *Prison Nation: The Warehousing of America's Poor*, eds. Tara Herivel and Paul Wright (Hoboken: Routledge, 2013), 57.
[4] Jeremy Kuzmarov, "The Crackdown in America: The Reagan Revolution and the War on Drugs," in *A Companion to Ronald Reagan*, ed. Andrew L. Johns (Oxford: John Wiley & Sons, Ltd, 2015), 238.
[5] Christian Parenti, *Lockdown America: Police and Prisons in the Age of Crisis* (London: Verso, 1999), 45.
[6] Kuzmarov, "The Crackdown in America," 252.
[7] Steven R. Belenko, *Crack and the Evolution of Anti-Drug Policy* (Westport: Greenwood Press, 1993), 156.

problems."[8] Communication researchers Jimmie L. Reeves and Richard Campbell agree, stating that "the war on drugs was, at root, a Reaganite project that expressed the New Right's basic response to social problems grounded in economic distress. […] [T]hat response is […] to treat people in trouble as people who make trouble."[9] Belenko also presents a political explanation when he argues that drugs "provided politicians with an enemy that no one could defend, and allowed them to act 'tough' against this enemy, a stance that they perceived as winning them votes."[10] Political scientist Cornelius Friesendorf as well sees this as an explanation, claiming that "[m]any politicians try to attract voters by promising to be 'tough on drugs.'"[11]

Friesendorf presents a foreign policy approach to explain the war on drugs as well, and argues that it was a way for the military to "[mitigate] the effects of budget cuts resulting from the end of the East–West conflict," and that "the US government has also had an important economic means for coercing other states to implement drug control measures: certification. […] Certification has been a powerful means for influencing the policies and politics of states such as Bolivia, whose economy is highly dependent on US aid."[12] Latin America experts Peter Watt and Roberto Zepeda likewise argue that "[i]n the post-Cold War world in which the ideological currency of the battle against 'Communism' has become virtually worthless, military spending to protect, enhance and promote the interests of free trade and the geopolitical interests of the US government would have been altogether unpalatable. Accordingly, the 'war on drugs' […] provided conveniently timed cover for the suppression of organised dissent."[13]

While acknowledging that various motivations may be at work in supporting the war on drugs, and without discarding the preceding arguments, this thesis takes the position as expressed by scholars such as political scientist David Campbell and professor of international relations Arlene B. Tickner; who present the reshaping of American identity as a lens with which to view the war on drugs. Campbell argues that "[a]n important dimension of the 'war

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[8] Craig Reinarman and Harry G. Levine, "The Crack Attack: Politics and Media in the Crack Scare," in *Crack in America: Demon Drugs and Social Justice*, eds. Harry Gene Levine and Craig Reinarman (Berkeley: University of California Press, 1997), 38.
[9] Jimmie L. Reeves and Richard Campbell, *Cracked Coverage: Television News, the Anti-Cocaine Crusade, and the Reagan Legacy* (Durham: Duke University Press, 1994), 73.
[10] Belenko, *Crack and the Evolution of Anti-Drug Policy*, 156.
[11] Cornelius Friesendorf, *US Foreign Policy and the War on Drugs: Displacing the Cocaine and Heroin Industry* (New York: Routledge, 2007), 13.
[12] Ibid., 11.
[13] Peter Watt and Roberto Zepeda, *Drug War Mexico: Politics, Neoliberalism and Violence in the New Narcoeconomy* (London: Zed Books, 2012), 199.

on drugs' is thus the portrayal – in a manner that replicates almost exactly the formulations of the Soviet threat in the early 1950s – of drugs' danger to the ethical boundaries of identity in terms of a threat to the territorial borders and sovereignty of the state."[14] Tickner likewise claims that "narcotics constitute one of the 'cognitive enemies' against which U.S. national identity has attempted to rebuild, albeit only partially, following the end of the Cold War. In this sense, drugs 'endanger' the U.S. way of life and social fabric, in the same way that the communist threat challenged that countries' values during the bipolar conflict."[15]

American identity

In arguing that the war on drugs has been waged in order to strengthen American identity, this thesis uses the concepts of American nationhood that historian Gary Gerstle has presented in his book *American Crucible: Race and Nation in the Twentieth Century*. There he identifies civic nationalism and racial nationalism as two forms of nationalism that both have served to shape American nation building for the better part of the twentieth century.[16] While civic nationalism constitutes "the American belief in the fundamental equality of all human beings, in every individual's inalienable rights to life, liberty, and the pursuit of happiness, and in a democratic government that derives its legitimacy from the people's consent," racial nationalism on the other hand "conceives of America in ethnoracial terms, as a people held together by common blood and skin color and by an inherited fitness for self-government."[17]

Gerstle argues that by 1970 however, "neither the civic nor racial traditions of American nationalism retained enough integrity to serve as rallying points for those who wished to put the nation back together."[18] According to Gerstle, Ronald Reagan determinedly tried to "revive affection for the American nation and to launch new nation-building projects" in the 1980s.[19] More specifically, Reagan "sought to restore American national pride and

[14] David Campbell, *Writing Security: United States Foreign Policy and the Politics of Identity* (Minneapolis: University of Minnesota Press, 1992), 210.
[15] Arlene B. Tickner, "U.S. Foreign Policy in Colombia: Bizarre Side Effects of the 'War on Drugs,'" in *Peace, Democracy, and Human Rights in Colombia*, eds. Christopher Welna and Gustavo Gallón (London: University of Notre Dame Press, 2007), 314.
[16] Gary Gerstle, *American Crucible: Race and Nation in the Twentieth Century*, (Princeton: Princeton University Press, 2002), 4.
[17] Ibid.
[18] Ibid., 10.
[19] Ibid.

power" through, among other things, "a coded rehabilitation of the racial nationalist tradition."[20]

In describing Reagan's "nationalist renaissance,"[21] Gerstle pays attention to Reagan's anticommunist and antifeminist stances to restore American national pride, as well as to his "discomfort with the presence of African Americans in his nation," and his intents to "rid the government of the remedies it had embraced to uproot racism." In underpinning that notion, Gerstle points out Reagan's opposition to "affirmative action and court-ordered school busing," as well as his attempts to "eliminate bilingual programs in the nation's schools, weaken the Voting Rights Act, affirm the right of whites to live in segregated neighborhoods, and allow private universities that excluded blacks and other minorities to maintain federal tax-exempt status."[22]

It seems that with that account however, one of the most important ways in which Reagan tried to support his racial nationalist renaissance is overlooked. This thesis will argue that Reagan's war on drugs – one of his most impactful legacies – must also be viewed in that regard. It will try to demonstrate that the war on drugs was waged not because of public health and public safety concerns, as argued by the Reagan administration; but that it was waged to strengthen American identity along the lines of racial nationalism instead. It will also argue that the way in which this was done was indeed through "a coded rehabilitation of the racial nationalist tradition," rather than through an explicit form of racism. By doing so, this thesis wants to further substantiate Gerstle's notion on the nation building attempts of Reagan, and simultaneously contribute to the academic debate on the war on drugs in general.

§B. Methodology

The main question posed in this research, to what extent the Reagan administration's war on drugs can be seen as a vehicle to sharpen American national identity along ethnoracial lines, can be answered in two steps. The first one is to inquire the war on drugs narrative that was presented by the administration itself. According to political scientist Jeffrey E. Cohen, the office of the presidency "bestows a credibility onto the speaker, such that the public listens to

[20] Ibid., 348.
[21] Ibid., 357.
[22] Ibid., 358.

all that presidents deem important."[23] Similarly, professor of communication Amos Kiewe argues that "presidents are image makers," and, as such, "seek the opportunity to define situations and construct the reality they want the public to accept."[24] The first chapter will show how the Reagan administration indeed constructed such a reality; one in which drugs were deemed as a threat to public health and public safety. By subsequently examining the ways in which public health and public safety were really under siege by the 'drug epidemic' – ostensibly the reasons to wage a war against it – we can make claims about the likeliness or unlikeliness that these were the real motives behind the war on drugs. Moreover, if they indeed were the concerns that led the administration to wage a war on drugs, then one would suspect to discover an approach that aimed to safeguard public health and public safety when reviewing the administration's handling of the war on drugs. Such a review of the administration's approach, then, will also be an important point of focus in the first chapter.

Having deconstructed the administration's discourse, chapter two will then be able to explore a different motive. According to sociologist James E. Hawdon a "president's policy rhetoric can help create a vision of reality that breeds widespread concern about an issue, hostility toward a group, and disproportionality. Policy rhetoric can provide the authority that is necessary to legitimate the public's belief that a threat from a moral deviant is real."[25] Indeed, by looking at the administration's war on drugs rhetoric and at the legislation that was championed and signed into law by President Reagan, most notably the 1986 *Anti-Drug Abuse Act*, the second chapter will look at how the Reagan administration began to scapegoat drug consumers, and started to implicitly racialize its construct of the drug offender. This chapter will subsequently examine how the administration then used that construct of the drug offender to try to unify the Americans deemed desirable in a contrast.

Maintained by the University of California, Santa Barbara, the *American Presidency Project* (APP) has consolidated all public papers, remarks, statements, and other forms of documents available of America's presidents. The APP's collection has made it possible to examine the Reagan administration's narrative surrounding the war on drugs, which was laid out during various addresses, speeches, or other public remarks made by President Reagan. Statistical information on drug consumption was readily available during the years of the Reagan administration through the *National Household Survey on Drug Abuse*, which surveyed American

[23] Jeffrey E. Cohen, "Presidential Rhetoric and the Public Agenda," *American Journal of Political Science* 39, no. 1 (Feb., 1995): 102.
[24] Amos Kiewe, *The Modern Presidency and Crisis Rhetoric* (Westport: Praeger, 1994), 16.
[25] James E. Hawdon, "The Role of Presidential Rhetoric in the Creation of a Moral Panic: Reagan, Bush, and the War on Drugs," *Deviant Behavior: An Interdisciplinary Journal* 22 (2001): 422.

citizens about various drug consumption related topics. These statistics have been an important source for examining the scope of America's 'drug problem.'

§C. Historical Context of the War on Drugs

Before examining the war on drugs of President Reagan, some historical context might be in order; both on the presence of drugs in American history, as well as on the wars on drugs. Throughout American history, illicit drugs have often been viewed as an external problem and have been associated with unpopular immigrant groups. Resentment of marijuana and resentment of Mexicans have gone hand in glove,[26] as have animosity for opium and animosity for the Chinese,[27] just as fears of cocaine went together with fears of African Americans.[28]

The role of the federal government in banning such substances began with the passage of the Harrison Act in 1914; legislation that banned opiates and branded drug users as criminals. Since then, numerous American presidents have declared a so-called war on drugs. Marijuana became criminalized in 1937, and under the Truman, Eisenhower, and Nixon administrations a wider variety of substances was criminalized, and penalties against drug consumption were hardened.[29]

President Reagan launched a new war on drugs as well. However, there exists no consensus as to when precisely he did this. Some scholars point to Reagan's announcement of federal initiatives against drug trafficking and organized crime on October 14, 1982.[30] Others view Reagan's State of the Union Address of 1983,[31] or the Comprehensive Crime Control Act of 1984 as the start.[32] Still others point to as late as 1986.[33] What is not in doubt, however,

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[26] David F. Musto, *The American Disease: Origins of Narcotic Control* (New York: Oxford University Press, 1999), 219.
[27] Ibid., 3.
[28] Ibid., 7.
[29] Michael Schaller, *Reckoning with Reagan: America and Its President in the 1980s* (New York: Oxford University Press, 1992), 84.
[30] Steven Wisotsky, *Beyond the War on Drugs: Overcoming a Failed Public Policy* (Buffalo: Prometheus Books, 1990), xviii; Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2010), 49.
[31] Nina M. Moore, *The Political Roots of Racial Tracking in American Criminal Justice* (Cambridge: Cambridge University Press, 2015), 200.
[32] Elizabeth Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* (Cambridge: Harvard University Press, 2016), 310.

is that the Reagan administration escalated the war on drugs, by expanding its scope, and shifting its focus away from prevention and treatment to enforcement instead.[34]

[33] Katherine Beckett, "Setting the public Agenda," *Social Problems* 41, no. 3 (1994): 443; Jonathon Erlen and Joseph F. Spillane, eds., *Federal Drug Control: The Evolution of Policy and Practice* (Binghamton, NY: Haworth Press, 2004), 218.
[34] Mathea Falco, "U.S. Federal Drug Policy," in *Substance Abuse: A Comprehensive Textbook*, eds. Joyce H. Lowinson, Pedro Ruiz, Robert B. Millman, and John G. Langrod (Philadelphia: Lippincott Williams & Wilkins, 2005), 23.

1 Deconstructing the Drug Discourse

In October 1982, in one of his radio addresses, President Reagan spoke to the nation to talk about his administration's drug policy. "We're making no excuses for drugs—hard, soft, or otherwise. Drugs are bad, and we're going after them. As I've said before, we've taken down the surrender flag and run up the battle flag. And we're going to win the war on drugs."[35] During the eight years that President Reagan was in office, his administration's crackdown on drugs, their consumers, and those involved in the industry, as well as the enormous amount of money that was spent thereon, were defended by projecting drugs as a major threat to society.[36] This project rested on two pillars: the administration claimed that drugs posed a major threat in terms of American public health; and, it asserted that drugs, by forming a primary cause of criminality, constituted a major threat to American public safety. A war on drugs, therefore, would supposedly be beneficial in protecting the health and safety of American citizens. These arguments, however, were mere pretenses to wage the war on drugs. This chapter will demonstrate how the Reagan administration presented public health as a motive in the war on drugs, while drugs in reality did not pose a threat to it; that instead, the war on drugs has actually harmed public health. Secondly, this chapter will do the same for public safety. It will show how the Reagan administration cited public safety as a war on drugs motive; before arguing that it overwhelmingly has been the war on drugs itself, rather than the substances, that has harmed public safety.

§A. Drug Consumption as a Public Health Threat

On various occasions the Reagan administration presented drug consumption as a public health threat. The president for instance expressed that it was important "to brand drugs such

[35] Ronald Reagan, "Radio Address to the Nation on Federal Drug Policy," October 2, 1982.
[36] Ronald Reagan was elected President on a party platform that called drug use "a murderous epidemic," and referred to drug abuse as "an intolerable threat" to society. Nina M. Moore, *The Political Roots of Racial Tracking in American Criminal Justice* (Cambridge: Cambridge University Press, 2015), 206.

as marijuana exactly for what they are—dangerous."[37] In 1983 President Reagan signed the National Drug Abuse Education Week Proclamation, while he remarked:

> No longer do we think of drugs as a harmless phase of adolescence. No longer do we think of so-called hard drugs as bad and so-called soft drugs as being acceptable. Research tells us there are no such categories, that the phrase 'responsible use' does not apply to drug experimentation by America's youth. And as far as the recreational use of drugs is concerned, I've never in my life heard a more self-serving euphemism by those who support drug use. There is nothing recreational about those children whose lives have been lost, whose minds have been ruined. If that's somebody's idea of recreation, it's pretty sick. Too often we've fallen into the trap of using nice, easy, pleasant, liberal language about drugs. Well, language will not sugar-coat overdoses, suicides, and ruined lives.[38]

The proclamation itself stated that "[d]rug abuse in the United States continues to be a major threat to the future of our Nation. Millions of our citizens are risking their health and their future by abusing drugs."[39] Nancy Reagan, who as first lady founded the "Just Say No" drug awareness campaign and was later described by the president as "the co-captain in our crusade for a drug-free America,"[40] joined her husband in spreading the public health narrative; stating that "young people between 15 and 24 have a higher death rate than 20 years ago. And alcohol and drugs are one reason for this."[41] In order to combat this public health threat, President Reagan presented a war on drugs as the solution, claiming: "[w]e can put drug abuse on the run through stronger law enforcement."[42] But to what extent did drugs really pose a threat to America's public health, and was waging a war on drugs the appropriate solution?

Scope of the issue

James A. Inciardi, founder and co-director of the *Center for Drug and Alcohol Studies* and professor of sociology and criminal justice, correctly notes that "[i]f anything has been learned

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37 Ronald Reagan, "Remarks on Signing Executive Order 12368, Concerning Federal Drug Abuse Policy Functions," June 24, 1982.
38 Ronald Reagan, "Remarks on Signing the National Drug Abuse Education Week Proclamation," November 1, 1983.
39 Ronald Reagan, "Proclamation 5123—National Drug Abuse Education Week, 1983," November 1, 1983.
40 Ronald Reagan, "Remarks on Signing the Anti-Drug Abuse Act of 1988," November 18, 1988.
41 Nancy Reagan, "Radio Address to the Nation on Federal Drug Policy," October 2, 1982; Other examples in which drugs was presented as a concern with regard to public health include claims that drugs were "poisoning the minds and bodies of our children," "Millions of our citizens are risking their health and their future by abusing drugs," and "Drugs hurt, drugs kill" respectively. Ronald Reagan, "Remarks at the Annual Members Banquet of the National Rifle Association in Phoenix, Arizona," May 6, 1983; Ronald Reagan, "Proclamation 5123—National Drug Abuse Education Week, 1983," November 1, 1983; Ronald Reagan, "Radio Address to the Nation on Teenage Drug Abuse," January 16, 1988.
42 Ronald Reagan, "Remarks on Signing Executive Order 12368, Concerning Federal Drug Abuse Policy Functions," June 24, 1982.

from the history of illicit drug use in the United States, it is that there are fads. Various drugs come and go, with their popularity constantly changing."[43] At the time of Reagan's war on drugs, cocaine was the 'drug of the moment.'[44] And although in that same year 54% of the American people said they did not know someone who had ever tried cocaine, an estimated 13.8% of Americans had in fact tried the substance at least once in their lifetimes.[45] Out of these all-time cocaine consumers, an estimated 2.83 percentage points used cocaine in the last 30 days, of whom only 1 percentage point had consumed the drug more than a hundred times in their lives.[46] It is important to stress that these statistics were known to the Reagan administration. As a matter of fact, the *National Household Survey on Drug Abuse* that published these statistics, fell under the jurisdiction of the Reagan administration, the U.S. Department of Health and Human Services specifically.

The actual numbers on cocaine consumption thus did not correspond with the popular narrative in which cocaine consumers were addicted that was portrayed during the 1980s, as for instance in the 1983 movie classic *Scarface*. In fact, one of the main findings of the 1982 survey was that "[o]f all youth who have ever tried cocaine, the majority say they have used it on just one or two occasions."[47] This trend continued among current consumers, of whom a majority said their use was "limited to one or two days out of the current month."[48] What is more, when taking into account the 1979 *National Household Survey on Drug Abuse*, the most recent survey prior to the 1982 edition, the war on drugs rhetoric becomes even more remarkable. As was explicitly reported as one of the main findings of the 1982 survey, past-month cocaine use in the 18-25 age group was "significantly lower,"[49] declining from 9.3% in 1979 to 6.8% in 1982.[50] These findings are of significant importance, because the 18-25 age group is the critical age group in determining future drug consumption as a whole; since most consumers start to consume in these years.[51] The decline of past-month

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[43] James A. Inciardi, "Beyond Cocaine: Basuco, Crack, and Other Coca Products," *Contemporary Drug Problems* (Fall 1987): 486-87.
[44] See for example *Time Magazine*'s July 6, 1981 cover, which features a cocktail glass full of cocaine along with the words: "High on Cocaine: A Drug with Status–And Menace." http://content.time.com/time/covers/0,16641,19810706,00.html.
[45] National Household Survey on Drug Abuse, "Public Release Codebook 1982," *United States Department of Health and Human Services, National Institutes of Health, National Institute on Drug Abuse* (1982): 50.
[46] Ibid., 51.
[47] Judith Droitcour Miller et al., "National Survey on Drug Abuse: Main Findings 1982," *National Institute on Drug Abuse (DHHS/PHS)* (1983): 43.
[48] Ibid., 44.
[49] Ibid.
[50] Ibid., 23.
[51] Duane McBride, Yvonne M. Terry-McElrath, and James A. Inciardi, "Alternative Perspectives on the Drug Policy Debate," in *Drug War Deadlock: The Policy Battle Continues*, ed. Laura E Huggins (Stanford: Hoover Institution Press, 2005), 155.

cocaine use in the 18-25 age group between 1979 and 1982, from 9.3% to 6.8%, in other words was a highly promising development, one that was known to the Reagan administration.

A government sponsored survey published in 1985 questioned high school seniors who had recently consumed cocaine, on whether they had ever tried to stop consuming the drug and found that they could not stop. Of this group of recent cocaine consumers, only 3.8% answered the question affirmatively.[52] One would however not suspect low figures like these, nor the promising decline in drug consumption among young adults between 1979 and 1982, when listening to Nancy Reagan. In contrast to these findings, she projected an image in which she presented drug consumption as an 'epidemic.' She stated:

> To everyone at home, I have to tell you that few things in my life have frightened me as much as the drug epidemic among our children. I wish I could tell you all the accounts I've heard—stories of families where lying replaces trust, hate replaces love; stories of children stealing from their mothers' purses; stories of parents not knowing about drugs, and then not believing that the children were on them, and finally not understanding that help was available. I've heard time and again of children with excellent grades, athletic promise, outgoing personalities, but who, because of drugs, became shells of their former selves.[53]

In 1985 a new type of cocaine was on the rise in the United States: crack cocaine. As with previous substances that had been the 'drug of the moment,' this cocaine derivative too was presented as an epidemic, first by the Reagan administration and then followed by the media (see Chapter 2). In cohort they shaped a narrative in which, as Inciardi describes it, "crack led the user almost immediately into the nightmare worlds of Charles Adams, Stephen King, and Rod Serling, from which there was little chance of return."[54] Indeed, according to a Drug Enforcement Administration special agent, "[w]hat makes crack different from all other drugs is the unbelievably quick potential for addiction. […] Heretofore the vast majority of teen-agers who experimented didn't get into trouble with drugs. Here, we see kids trying it and getting all screwed up."[55] The claim that "[h]eretofore the vast majority of teen-agers who experimented didn't get into trouble with drugs" was a rare moment of truth, but a confession that only served to portray this new drug of the moment as dangerous. A Florida homicide commander went even further, and called crack cocaine "the worst drug ever," claiming that

[52] Patrick O'Malley, Lloyd Johnston, and Jerald Bachman, "Cocaine Use Among American Adolescents and Young Adults," *NIDA Research Monograph* 61 (1985): 73.
[53] Nancy Reagan, "Radio Address to the Nation on Federal Drug Policy," October 2, 1982.
[54] Inciardi, "Beyond Cocaine," 484.
[55] Peter Kerr, "Anatomy of the Drug Issue: How, After Years, it Erupted," *New York Times*, November 17, 1986.

"[t]here is no such thing as a recreational crack cocaine user. They are all terribly addicted. Young people are willing to kill for it."[56] *Newsweek* published a cover story on crack cocaine, arguing that "[a]n epidemic is abroad in America, as pervasive and as dangerous in its way as the plagues of medieval times,"[57] in which it described crack cocaine as "intensely addictive."[58] *ABC* claimed the substance was "instantaneously addictive" and "the most dangerous drug known to man."[59] But here too, the narrative was not based on facts. Inciardi studied the consumption during a 90-day period among juvenile drug users, and noted on the substance of crack cocaine:

> [S]ome 92.5% of the sample subjects had used crack during the 90-day period prior to interview. Yet of these, almost two-thirds were not daily users. Moreover, even among most of those who reported smoking crack on a daily basis, use was generally in a social-recreational context limited to one or two "hits"–hardly an indication of compulsive and uncontrollable use. Although there were compulsive users of crack in the Miami sample, they represented an extremely small minority.[60]

Public health of course covers more than just the matter of addiction. With the consumption of drugs there exist the risks of overdosing or of having a medical reaction as well. According to the *New York Times*, in 1981, there had been 3,300 cocaine-related cases in hospital emergency rooms.[61] The *Drug Abuse Warning Network* presents us with a specific figure on the lethality, noting how coroners nationwide had listed 1,092 deaths as "cocaine-related" in 1986.[62] In addition, the *National Council on Alcoholism* reported that in 1985 3,562 people were known to have died from the consumption of all illegal drugs combined, while "[t]he government's main statistical compilation of accident mortality records 3,907 deaths in 1987 from all 'drugs, medicaments, and biologicals.' The category which includes cocaine (along with eleven other drugs) reports 852 deaths."[63] One should note that most illegal-drug consumers also consumed alcohol or other substances during the same time that they consumed cocaine, which therefore distorted the numbers. Taking the 1,092 figure for example, professor David Campbell notes how this figure "probably overstates the situation, because cocaine alone was mentioned in just under 19 percent of those cases, giving cocaine

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56 Larry Martz, "A Tide of Drug Killing," *Newsweek*, January 16, 1989, 44-45.
57 Richard M. Smith, "The Plague Among Us," *Newsweek*, June 16, 1986, 15.
58 Tom Morganthau, "Crack and crime," *Newsweek* June 16, 1986, 16.
59 Kuzmarov, "The Crackdown in America," 249.
60 Inciardi, "Beyond Cocaine," 484.
61 Peter Kerr, "Anatomy of the Drug Issue: How, After Years, it Erupted," *New York Times*, November 17, 1986.
62 Campbell, *Writing Security*, 201.
63 Ibid., 202.

an ambiguous role in mortality."[64] Secondly, whatever the precise number may have been, it in no way justified the identification of drugs as a national disaster demanding strong and immediate action. In 1981, when there had been 3,300 cocaine-related cases in hospital emergency rooms, about 7,5% of Americans had used cocaine in the last year, some of whom consumed the drug repeatedly.[65] In other words, in 1981, an estimated population of 229,5 million people that included circa 17 million people who consumed cocaine, produced only 3,300 cocaine-related hospital emergency room cases.

Put in perspective: "[f]or every cocaine-related death recorded by [the Drug Abuse Warning Network] in 1986 there were 300 tobacco-related and 100 alcohol-related deaths."[66] Professor of criminal justice Steven Belenko makes the same argument, writing that "health care workers and drug abuse researchers had known for many years—that the effects of legal drugs such as alcohol and tobacco, and the abuse of prescription drugs, on the health and economy of this nation far dwarf the problems caused by all illicit drugs combined, including crack."[67] While every death caused by cocaine is one death too many, the relatively small number did not justify the immense amount of money and incarcerations that have been the result of the war on drugs; a war that all the while failed to include the much more dangerous substances of alcohol and tobacco. Moreover, as the following section will show, one of the consequences of a prohibitionist policy has been that the product has become more dangerous. This would suggest that at least part of those 3,300 emergency room cases has been the result of prohibition, instead of a reason to enact such a policy in the first place.

The Reagan administration's relative inaction on the far bigger threats to public health caused by the legal narcotics alcohol and tobacco, made presenting public health as a motive behind the war on drugs remarkable. If the numbers of consumption, addiction, medical treatment, or death associated with illegal narcotics gave reason for their prohibition, then, by that same reasoning, alcohol and tobacco should have been prohibited. Or, viewed from the other perspective, if the public health concerns of alcohol and tobacco did not give reason to prohibit these substances, then certainly the public health concerns that surrounded illegal narcotics should not have been sufficient to prohibit the prohibited drugs.

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[64] Campbell, *Writing Security*, 201.
[65] National Household Survey on Drug Abuse, "Public Release Codebook 1982," 51.
[66] Campbell, *Writing Security*, 202.
[67] Belenko, *Crack and the Evolution of Anti-Drug Policy*, 29.

Handling of the issue

Whereas the actual scope of the drug issue made waging a war on drugs remarkable, so too were the government's actions inside that war remarkable; at least when one is to believe that it was waged for the benefit of public health. In her 1986 address to the nation, Nancy Reagan stated that "[drug criminals] work everyday to plot a new and better way to steal our children's lives, just as they've done by developing this new drug, crack. For every door that we close, they open a new door to death."[68] That "the timing and destinations of her antidrug excursions […] were coordinated with the Reagan-Bush campaign officials to satisfy their particular political needs,"[69] allows us to view Nancy Reagan's actions in regard to the drug issue as part of the Reagan administration's actions. Her words seemed to convey the message that one of the main objectives in the war on drugs was to protect the children against evil drug dealers. But when one looks at the actions of the administration in the war on drugs, one can question if protection of drug consumers was ever a top concern.

Under previous administrations, Republican as well as Democratic ones, at least as much funds went to prevention and treatment measures of drug addiction as did go to supply control initiatives. President Reagan, however, from 1981 to 1986, more than doubled the funding for drug enforcement initiatives, while he drastically cut the funding for prevention, education, and treatment initiatives. The National Institute on Drug Abuse, which was responsible for drug treatment, prevention, and education, saw its budget reduced from $274 million to $57 million between 1981 and 1984. While Mrs. Reagan was urging children to "just say no" to drugs, antidrug funds for the Department of Education were cut from $14 to $3 million.[70] All in all, less than 1% of the federal drug budget was meant for prevention and education measures between 1981 and 1985. These drastic cuts made it so that only 1 in 4 people addicted to drugs could get treatment.[71] As a New Jersey judge remarked: "[t]here's no space in any program [...] there are so few programs that it's pitiful [...] nobody's giving them any money to pay for it."[72] This is remarkable because if drug consumption is defined as a public health issue, it is addictive drug consumption that first comes to mind, rather than casual recreational drug consumption. Cutting addiction treatment, therefore, seems like a counterproductive way to combat drug abuse from a public health perspective. It is perhaps

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[68] Nancy Reagan, "Address to the Nation on the Campaign Against Drug Abuse," September 14, 1986.
[69] Reinarman and Levine, "The Crack Attack," 58.
[70] Katherine Beckett, *Making Crime Pay: Law and Order in Contemporary American Politics* (New York: Oxford University Press, 1997), 52-53.
[71] Falco, "U.S. Federal Drug Policy," 23.
[72] Ethan A. Nadelmann, "Drug Prohibition in the United States: Costs, Consequences, and Alternatives," *Notre Dame Journal of Law, Ethics & Public Policy* 5, no. 3 (1991): 793.

not surprising, then, that the number of chronic cocaine consumers rose from 647,000 in 1985 to 862,000 in 1988.[73]

The administration's decision to include some substances in its war on drugs while excluding others, not only had effects on the levels of consumption for these prohibited drugs, but effected those of the non-prohibited drugs as well. Princeton professor and founder of the *Drug Policy Alliance* Ethan Nadelmann correctly points out the hypocritical and dangerous message sent by the government; that alcohol and tobacco were somehow safer than many illicit drugs because of their difference in legal status.[74] Moreover, when the government talked about the dangers of substances that in fact were subject to prohibition, substances that according to Nancy Reagan "take away the dream from every child's heart and replace it with a nightmare";[75] one should note that the government itself was for a very large part responsible for the dangers that did exist. Outlawing the production and distribution of drugs forced the industry into the realm of illegality and smugglers, who favored heroin over morphine and opium, and cocaine over other coca products, due to heroin's and cocaine's higher potency, value per weight, and lesser detectability.[76] Thus, as a result of the United States' prohibition, opium consumption practically disappeared in favor of the more dangerous heroin consumption, while cocaine likewise replaced other far less potent coca products that were available to Americans. Richard Cowan termed this phenomenon "the iron law of prohibition," meaning that "the more intense the law enforcement, the more potent the drugs will become."[77] Economist Mark Thornton similarly explains: "[w]hen drugs or alcoholic beverages are prohibited, they will become more potent, will have greater variability in potency, will be adulterated with unknown or dangerous substances, and will not be produced and consumed under normal market constraints. The Iron Law undermines the prohibitionist case and reduces or outweighs the benefits ascribed to a decrease in consumption."[78]

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[73] John A. Martin, "Drugs, Crime, and Urban Trial Court Management: The Unintended Consequences of the War on Drugs," *Yale Law & Policy Review* 8, no. 1 (1990): 125-26.
[74] Nadelmann, "Drug Prohibition in the United States," 806.
[75] Nancy Reagan, "Address to the Nation on the Campaign Against Drug Abuse," September 14, 1986.
[76] Peter Andreas, *Smuggler Nation: How Illicit Trade Made America* (New York: Oxford University Press, 2013), 264.
[77] Richard C. Cowan, "A War against Ourselves: How the Narcs Created Crack," *National Review* 38 (December 5, 1986): 27.
[78] Mark Thornton, "Alcohol Prohibition Was a Failure," *Cato Institute Policy Analysis* no. 157, (July 17, 1991): 2-3; James P. Gray likewise describes this phenomenon as "the cardinal rule of prohibition," James P. Gray, *Why Our Drug Laws Have Failed and What We Can Do About It: A Judicial Indictment of the War on Drugs* (Philadelphia: Temple University Press, 2012), 57.

The industry's favoring of more potent drugs in lieu of less potent alternatives was not the only effect of prohibiting narcotics. Oftentimes narcotics were grown with dangerous fertilizers. Subsequently, to improve profits, many drugs were altered, typically by adding impurities in order to multiply the amounts of product that could be sold. The amount as well as the nature of these impurities were invisible to the naked eye. Therefore, the level of purity of the drug was unknown to the consumer, which raised the risk of overdosing. Additionally, the nature and the amount of added substances were unknown as well, which in the case of dangerous substances added new risks to ingesting the narcotic.

While the previous examples resulted from the government's prohibition, they were ultimately still the industry's own decisions. But it is not only in these indirect ways that the government was responsible for making narcotics more dangerous. For instance, the American government has been responsible for spraying narcotics with herbicides. Under pressure from the Nixon administration, the Mexican government sprayed Marijuana fields with the extremely toxic chemical Paraquat, in order to disrupt the growth. Having consumed the poisoned pot, many American consumers ended up sick as a result.[79] This knowledge, however, did not withhold the Reagan administration from spraying the exact same chemical a decade later, this time in the United States itself.[80] A *New York Times* opinion article likened this practice to "deter[ring] illegal parking by planting land mines in 'no parking' zones."[81] The operation was not only problematic for public health in the obvious sense that the product became deliberately poisoned; but when consumers had to resort to a new vendor as a result, they at the same time were resorting to the new vendor's product as a result. A product of which they had no knowledge yet in terms of quality and potency. Such drug enforcement operations thus "oblige others to seek out new and hence less reliable suppliers, with the result that more, not fewer, drug-related emergencies and deaths occur."[82]

In addition, the Reagan administration's high-profile war on drugs gave much publicity to certain illicit substances. Crack cocaine is one notorious example in this regard. When crack cocaine was not yet in the crosshairs of the administration, and as a result was not yet in the crosshairs of the media either, juvenile drug consumers did not much notice the 'new' substance. It was by many considered to be just another form of cocaine, which was associated with expensiveness. However, after the Reagan administration and media had

[79] Andreas, *Smuggler Nation*, 276.
[80] *New York Times*, "U.S. to Resume Using Paraquat on Marijuana," July 14, 1988, 23.
[81] *New York Times*, "Poisoning Pot - and People," August 19, 1983, 20.
[82] Nadelmann, "Drug Prohibition in the United States," 794.

talked at length about the drug, its effects, and the fact that it was far less expensive than powder cocaine, "the use of crack simultaneously filtered into all of the juvenile cohorts under study here."[83]

The Reagan administration not only had a role in making the drugs more dangerous, but it also played a key role in making the means of ingestion for those drugs more dangerous. The Reagan administration's drug policies included the blocking of syringe exchange programs, as well as other harm reduction programs that were designed to reduce the chances of people contracting HIV or AIDS. This had disastrous consequences. As the Bureau of Justice Statistics reported: "[i]n New York City between June 1988 and April 1989, an estimated 37% of addicts entering methadone maintenance programs tested positive for HIV."[84] It also reported that "[n]eedle-sharing is the most rapidly growing means of [aids] transmission and the second most common. Nineteen percent of the adult and adolescent AIDS cases have been solely attributable to IV drug use. Another 10% of the cases involve patients who were IV drug users but who could have gotten the virus in another way."[85]

Even those who did not feel much compassion for drug consumers should have noted that the contracting of HIV and AIDS among needle-sharing drug consumers would not spread among needle-sharing drug consumers alone. Sex partners of drug consumers, children of drug consumers, or children of the sex partners of drug consumers were also put in harm's way by the Reagan administration. According to the Centers for Disease Control (CDC), "almost 60% of the children under age 13 with AIDS contracted the disease from mothers who were IV drug users or the sex partners of IV drug users."[86] Blocking such syringe-exchange programs was defended with arguments that these programs would "conflict with the policy of 'zero tolerance' for drug use or 'send the wrong message.'"[87] Political and social scientist James Q. Wilson, a staunch advocate for the war on drugs who influenced the thinking of the Reagan administration,[88] in one of his articles even went so far as to argue in favor of such medical tragedies, because they would perhaps prevent other people from consuming drugs. Presenting a scenario in which heroin was legalized, he claimed: "its quality would have been ensured—no poisons, no adulterants. Sterile hypodermic needles would have

[83] Inciardi, "Beyond Cocaine," 478.
[84] U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, "Drugs, Crime, and the Justice System: A National Report from the Bureau of Justice Statistics," December 1992, NCJ-1336S2, 11.
[85] Ibid.
[86] Ibid., 12.
[87] Reinarman and Levine, "The Crack Attack," 45.
[88] Kuzmarov, "The Crackdown in America," 240.

been readily available at the neighborhood drugstore," leading to his conclusion that "[t]here would no longer have been any financial or medical reason to avoid heroin use."[89] Evidence shows, however, that access to syringes in fact does not increase drug use.[90] Craig Reinarman presents us with the tragic results of Reagan's war on drugs policies, a war that was defended as a way to protect public health: "the drug war policies […] will ultimately contribute to the deaths of tens of thousands of Americans, including the families, children, and sexual partners of the infected drug users."[91]

In sum, the threat to public health posed by drugs did not give reason to enact the drastic measures that were undertaken by the Reagan administration. But more than that, these measures were actually harmful to public health themselves. Neither the scope of the threat, nor the policies adopted to supposedly combat the threat, then, would suggest that the Reagan administration was in any way concerned with public health when it waged its war on drugs.

§B. Drug Consumption as a Public Safety Threat

Apart from public health, the Reagan administration presented public safety as a major concern in combatting drugs. In 1981, President Reagan spoke of "the effect of narcotics on the crime rate and the appalling estimates that drug addicts were responsible for the economic increase of certain crimes."[92] Likewise, in one of his radio addresses, Reagan reflected on his administration's efforts to combat crime, and noted that "drugs are related to an enormous amount of violent crime."[93] And here too, a war on drugs was presented as the solution. Reagan expressed that "one of the single most important steps that can lead to a significant

[89] James Q. Wilson, "Against the Legalization of Drugs" in *Drug War Deadlock: The Policy Battle Continues*, ed. Laura E. Huggins (Stanford: Hoover Institution Press, 2005), 134.
[90] Institute of Medicine Staff, *Preventing HIV Transmission: The Role of Sterile Needles and Bleach* (Washington: National Academies Press, 1995), 252.
[91] Reinarman and Levine, "The Crack Attack," 45.
[92] Ronald Reagan, "Remarks in New Orleans, Louisiana, at the Annual Meeting of the International Association of Chiefs of Police," September 28, 1981.
[93] Ronald Reagan, "Radio Address to the Nation on Proposed Crime Legislation," February 18, 1984.

reduction in crime is an effective attack on drug trafficking."[94] But were drugs indeed a significant cause of crime, and would a war to combat them be beneficial to public safety?

The prohibitionist case

Academic research on the relation between drugs and crime typically identifies three separate ways in which the two are connected.[95] Psychological effects of a drug can lead the consumer to act more violently or ruthlessly; drug consumers can turn to crime in order to finance their drug consumption habits; and the drug industry can use means of violence to manage its markets.

With regard to a drug's psychological effects that can lead to crime, sociologist and criminologist Paul Goldstein notes that the drug consumer – as either a short term or long term result of ingesting a drug – "may become excitable, irrational, and may exhibit violent behavior."[96] First Lady Nancy Reagan pointed to this kind of violence in her defense of the war on drugs. After recollecting a brutal rape and murder case, she claimed that "[b]oth [suspects] were users of PCP, LSD, amphetamines, barbiturates–virtually any drug they could obtain. Now, who would dare stand before the [family of the victim] and tell them that drug use is a victimless crime?"[97]

Goldstein himself points to "alcohol, stimulants, barbiturates and PCP" as the most relevant substances in this regard.[98] Ethan Nadelmann, too, points to alcohol, noting that "54% of all jail inmates convicted of violent crimes in 1983 reported having used alcohol just prior to committing their offense."[99] In great contrast however, certain substances like heroin and marijuana can have the reverse effect, and can "ameliorate violent tendencies," even up to a point where persons who feel a tendency to act in a violent fashion "may engage in self-

[94] Ronald Reagan, "Remarks in New Orleans, Louisiana, at the Annual Meeting of the International Association of Chiefs of Police," September 28, 1981.
[95] Paul J. Goldstein, "The Drugs/Violence Nexus: A Tripartite Conceptual Framework," *Journal of Drug Issues* 39 (1985): "Introduction" (1-2); Richard Wright and Scott Jacques, "Drugs and Crime," in *Oxford Bibliographies* (New York: Oxford University Press, 2009), "Introduction."; Wilson, "Against the Legalization of Drugs," 142.
[96] Goldstein, "The Drugs/Violence Nexus," "Introduction" (3).
[97] Nancy Reagan, "Remarks at a Meeting of the White House Conference for a Drug Free America," February 29, 1988.
[98] Goldstein, "The Drugs/Violence Nexus," "II. Psychopharmacological Violence" (3).
[99] Nadelmann, "Drug Prohibition in the United States," 792.

medication in order to control their violent impulses."[100] The substances that were known to potentially have psychopharmacological effects in causing violence, were not in correspondence with the schedule of prohibition. Of certain substances that were prohibited, it was known that they did not have these psychological effects; while on the other hand, a substance that was known to possess these effects, alcohol, was not subjected to prohibition. What is more, in the same way that the prohibition of alcohol did lead to a rise in popularity of stronger alcoholic beverages,[101] drug prohibition has played a role in the rise of more potent drugs that were now said to have psychopharmacological effects in causing violence, such as cocaine (see A. *Handling of the Issue*). If Reagan's war on drugs was supposed to reduce the psychological violence caused by drugs, then, it was a much flawed policy from the start.

Some drug consumers "engage in economically oriented violent crime, e.g., robbery, in order to support costly drug use,"[102] Goldstein argues. While he explicitly speaks of violent crime, this model can be generalized to non-violent crimes as well. First Lady Nancy Reagan, for instance, spoke of "children stealing from their mothers' purses,"[103] in order to finance their drug consumption. John Ball, John Shaffer, and David Nurco studied the day-to-day activities of 354 male heroin addicts, and found a high rate of criminality. They note how "the continuity and stability of their frequent criminal behavior during their periods of addiction was remarkable."[104] These crimes overwhelmingly consisted of property theft.[105] In addition, Benson et al. note how self-reporting and urine tests reveal a high percentage of drug consumers among persons arrested for property crimes, "a fact that has led many to conclude that drug use causes crime because people must rob, burgle, and commit larceny to finance their habit."[106] Most perpetrators, however, try to avoid violent crimes if non-violent alternatives exist. Usually these alternatives do exist, which is why "most of the crimes committed by addicts were of a peaceful nature that involve more the use of wit than that of force."[107] Subsequently, the people that do fall victim to this economic compulsive violence

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[100] Goldstein, "The Drugs/Violence Nexus," "II. Psychopharmacological Violence" (4); Lyne Casavant and Chantal Collin, "Illegal Drug Use and Crime: A Complex Relationship," Paper prepared for the Special Senate Committee on Illegal Drugs: Library of Parliament, Canada; 2001.
[101] Clayton J. Mosher and Scott Akins, *Drugs and Drug Policy: The Control of Consciousness Alteration* (Thousand Oaks: Sage Publications, 2007), 308.
[102] Goldstein, "The Drugs/Violence Nexus," "III. Economic Compulsive Model" (4).
[103] Ronald Reagan, "Radio Address to the Nation on Federal Drug Policy," October 2, 1982.
[104] John C. Ball, John W. Shaffer, and David N. Nurco, "The Day-to-Day Criminality of Heroin Addicts in Baltimore — A Study in the Continuity of Offence Rates," *Drug and Alcohol Dependence* 12, no. 2 (October 1983): 141.
[105] Ball, Shaffer, and Nurco, "The Day-to-Day Criminality of Heroin Addicts in Baltimore," 130.
[106] Bruce L. Benson, Iljoong Kim, David W. Rasmussen, and Thomas W. Zuehlke, "Is Property Crime Caused by Drug Use or by Drug Enforcement Policy?," *Applied Economics* 24, no. 7 (1992): 679.
[107] Goldstein, "The Drugs/Violence Nexus," "III. Economic Compulsive Model" (5).

are oftentimes engaged in criminal behavior themselves, such as buying or dealing drugs, or prostituting.[108]

It is important to note, however, that these economic compulsive effects in causing crime apply mostly to drug consumers with a drug addiction.[109] From a standpoint of wanting to reduce this specific form of drug-related crime, then, the Reagan administration's practice of cutting addiction treatment funds and spend those scarce resources on law enforcement, seemed very counterproductive. Casual drug consumers typically do not engage in economic compulsive drug-related crimes, so including them in the war on drugs' crosshairs did little to reduce these crimes. Meanwhile, it necessarily lessened the funds and focus on the group of drug consumers that was most likely to engage in these crimes.

Moreover, prohibiting substances worked counterproductive in reducing economic compulsive violence. As Peter Watt and Roberto Zepeda explain, "[i]llegality means heightened risk for the chain of producers, runners, traffickers and dealers alike, which translates into higher prices on the streets."[110] These higher prices in turn led to more or more serious property crimes, because the addicted consumers had to finance their same consumption habit that became more expensive. Even a staunch advocate for the war on drugs like James Q. Wilson conceded that legalizing drugs would reduce this specific kind of crime: "Addicts would no longer steal to pay black-market prices for drugs, a real gain."[111] However, according to Wilson, "some, perhaps a great deal, of that gain would be offset by the great increase in the number of addicts. These people, nodding on heroin or living in the delusion-ridden high of cocaine, would hardly be ideal employees. Many would steal simply to support themselves, since snatch-and-grab, opportunistic crime can be managed even by people unable to hold a regular job or plan an elaborate crime."[112] The problem with this reasoning, however, is that it assumes a "great increase in the number of addicts" that would result from legalization. But narcotics were not nearly as addictive as portrayed by Wilson (see A. *Scope of the Issue*). Additionally, opponents of prohibition were not by definition cheerleaders of drug consumption; they were simply opponents of prohibition. That is to say, they wanted to replace prohibition as a method of discouraging drug consumption, by one or more other methods of discouraging drug consumption, such as drug addiction treatment and educational programs. More than just ineffective, then, the Reagan administration's war on drugs policies

[108] Ibid.
[109] Ibid.
[110] Watt and Zepeda, *Drug War Mexico*, 230.
[111] Wilson, "Against the Legalization of Drugs," 142.
[112] Ibid.

were counterproductive as a way to combat the economic compulsive effects of drugs in causing crime.

Systemic effects of drugs in relation to criminality that occur, are "intrinsic to involvement with any illicit substance. Systemic violence refers to the traditionally aggressive patterns of interaction within the system of drug distribution and use."[113] This can include turf wars between rival drug dealers, elimination of informers, punishment for selling phony drugs, robberies of drug dealers and the resulting retaliation, et cetera. Here too, the vast majority of the victims is in one way or another involved in some aspect of the drug business.[114] It is this systemic violence that formed the lion's share of drug-related killings in the 1980s. For instance, a study of 179 New York murders found that 56 percent of these involved drugs, and that most of those began in business disputes such as dealers who tried to protect their turf or intimidate competitors. Drug consumers killed in a psychotic rage or in the course of a crime to feed a drug consumption habit were less common.[115]

F.B.I. director William H. Webster pointed to this kind of violence in 1981, when he stated that the "narcotics traffic has become so widespread and violent that the bureau must assume a bigger role in attacking the problem."[116] Prohibition as a way of combatting crimes that had a systemic nature was a remarkable policy however, because the violence that occurred was precisely the result of prohibition in the first place, as opposed to the reason to instigate it. Since prohibition pushed the drug industry outside the realm of legality, those who were involved in the industry, and who tried to defend their share in the market or who tried to settle a dispute, could not resort to conventional means such as going to court; ultimately, then, disputes were dealt with by means of violence. Furthermore, because prohibition led to higher drug prices and higher profits, prohibition resulted in a higher incentive to protect one's share in the industry by whichever means necessary.[117]

Sociologists Duane McBride and James A. Inciardi, proponents of prohibition, agree that prohibition was a cause for systemic violence, rather than a suitable policy designed to deal with it. However, they argue that "in all likelihood any declines in systematic violence would be accompanied by corresponding increases in psychopharmacologic violence,"[118] if

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113 Goldstein, "The Drugs/Violence Nexus," "IV. Systemic Violence" (9).
114 Ibid.
115 Martz, "A Tide of Drug Killing," 44-45.
116 *New York Times*, "F.B.I. Director Weighs War on Drug Trafficking," February 26, 1981.
117 Watt and Zepeda, *Drug War Mexico*, 230.
118 James A. Inciardi and Duane C. McBride, "Legalization: A High-Risk Alternative in the War on Drugs," *American Behavioral Scientist* 32 (1989), 273.

prohibition would no longer be in place. Unfortunately, they fail to underpin that claim, which makes it speculation at best. But as legal scholar James Ostrowski correctly notes, "[w]hen the drug most associated with chemically-induced violence – alcohol – was legalized, the murder rate dropped dramatically."[119] Besides, it is worth noting once more that the psychopharmacological violence only applied to a number of prohibited substances. McBride and Inciardi's argumentation, then, does little to defend prohibiting illicit substances that caused no such violence.

Systemic violence has given rise to an arms race, not only inside the drug industry between various competitors, but between the drug industry as a whole and law enforcement as well. It is due to this systemic violence that pistols were replaced by machine guns; leaving not only those involved in the drug industry or in law enforcement with the consequences, but citizens as well. A *Newsweek* story reported:

> In California, the fashion is "drive-by" shootings," with carloads of gang members spraying houses more or less at random. "You can't do nothin' but stay out of the way," says Dolores Weeks, who lives in a project in San Francisco. "You sleep on the floor or in the bathtub. You stay off the streets at night. You keep your mouth shut. If you don't, you end up dead.[120]

Systemic violence such as this brought much despair and diminished all sense of security for those who lived in the midst of it. This violence subsequently destroyed the economic viability of neighborhoods like these. That was problematic, because then, aside from the profitability of the drug industry that might have already attracted people, they were now left with fewer legal economic options as well.[121]

All in all, the prohibitionist policy was essentially flawed and incoherent for the aim of reducing crime. With regard to the psychopharmacological effects, prohibition led to more potent substances, prohibited substances that did not lead to violence, and excluded a substance that notoriously did. In addition, prohibition was counterproductive in reducing economic compulsive violence, because it was responsible for a rise in drug prices, thereby resulting in more economic compulsive crimes, not less. Regarding the systemic violence, the policy of prohibition was leading to that violence to begin with; because it forced the industry

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[119] James Ostrowski, "Answering the Critics of Drug Legalization," *Notre Dame Journal of Law, Ethics & Public Policy* 5, no. 3 (1991): 848.
[120] Martz, "A Tide of Drug Killing," 44-45.
[121] Ostrowski, "Answering the Critics of Drug Legalization," 834.

outside the realm of legality, and because it was responsible for the enormous profits that led the ones involved in it to violently compete with one another.

The case against prohibition

The war on drugs also threatened public safety in other ways. Some of these threats stemmed from the extremely high profits made in the drug industry, which were the result of prohibition. Ken Dermota describes this dynamic, explaining:

> At each point along the way, those people taking the risk demand to be compensated, whether they are smugglers or paid-off members of a law enforcement agency. It is its illegality that makes the drug trade so lucrative - and so violent. Traffickers would soon be out of business if the drugs were legalized, and there would be no reason to defend the trade with assault weapons.[122]

Through this "de facto value-added tax that is enforced and occasionally augmented by the law enforcement establishment and collected by the drug traffickers,"[123] criminal organizations operating in the industry were given financial means with which to realize their other criminal activities as well. The laundering of these large sums of money also gave rise to extensive levels of white-collar crime. Additionally, it has given criminals their financial resources with which to corrupt government officials. In 1988, the *New York Times* reported that "law enforcement specialists say corruption within the American criminal justice system is more widespread now than at any time since Prohibition because of the explosion in the power and profits of the multibillion-dollar illicit drug industry."[124]

Furthermore, while the Reagan administration presented imprisonment of drug offenders as a way to protect public safety, one should take into account the various downsides that came along with incarceration. Under normal circumstances, a person who got incarcerated, eventually got released as well. While criminalizing drug consumption itself already "force[d] drug users into a criminal subculture to obtain their drugs,"[125] imprisoning a person led him to spend time between nothing but criminals, including violent ones, before he

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[122] Ken Dermota, "Snow Business: Drugs and the Spirit of Capitalism," *World Policy Journal* 16, no. 4 (Winter, 1999/2000): 20.
[123] Nadelmann, "Drug Prohibition in the United States," 789.
[124] Philip Shenon, "Enemy Within: Drug Money Is Corrupting the Enforcers," *New York Times*, April 11, 1988.
[125] Ostrowski, "Answering the Critics of Drug Legalization," 834.

could eventually rejoin society. Additionally, this person now had a prison record, which hindered his chances to decently paying and lawful employment. As political scientist and policy theorist Deborah Stone notes, "[s]teady employment is the best route to rehabilitation and reintegration, because work provides stable and legitimate social networks along with income."[126] Incarceration, then, instead of leading a person away from a path of criminality, forced him to stay on it. What is more, the imprisonment of a person not only raised his own chances to adopt a more permanent criminal lifestyle, but also affected the people around him. "Imprisonment of low-income men in poor communities reduces their chances of marrying, increases their risk of divorce, and prevents fathers from parenting their children." Stone concludes: "[b]ecause growing up in a single-mother household increases children's risk of poverty, school failure, and delinquency, imprisonment probably has the unintended effect of nudging low-income youths on a path to criminal behavior."[127]

A more abstract consequence of prohibition in relation to crime, one that could lead to concrete problems, however, was the disregard, or "sense of hostility and suspicion"[128] for the law, for law enforcement, and for the justice system in general, especially by those who lived in the targeted neighborhoods.[129] This was due to the millions of otherwise normal functioning Americans who were branded as 'criminal' in the prohibitionist system. "Care should therefore be taken not to designate such a large proportion of the population as 'criminal' because the attribute would then become meaningless and lose its deterring function,"[130] Bruno Frey argues.

Combatting drug consumption and drug selling through means of law enforcement not only negatively affected public safety by pushing drug consumers or their children onto a criminal path, but it hindered combatting all non-drug-related criminality as well. Focusing limited funds and attention on drug offenses, necessarily shifted these funds and attention away from other types of crime. As Nadelmann states, "[i]n many cities, urban law enforcement has become virtually synonymous with drug enforcement."[131]

The process of shifting limited focus away from other crimes towards drug offenses, was not only visible on the streets, but repeated itself after the arrest in the court rooms. John

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126 Deborah A. Stone, *Policy Paradox: The Art of Political Decision Making* (New York: Norton, 2002), 149.
127 Stone, *Policy Paradox*, 149.
128 Nadelmann, "Drug Prohibition in the United States," 794.
129 Martin, "Drugs, Crime, and Urban Trial Court Management," 135; Nadelmann, "Drug Prohibition in the United States," 794; Bruno S. Frey, "Drugs, Economics and Policy," *Economic Policy* 12, no. 25 (Oct., 1997): 390; James Ostrowski, "Answering the Critics of Drug Legalization," 834.
130 Frey, "Drugs, Economics and Policy," 390.
131 Nadelmann, "Drug Prohibition in the United States," 789.

A. Martin studied the consequences of the war on drugs on court trials, and found a variety of negative consequences from a public safety perspective. To begin with, the war on drugs presented the already burdened courts with a mountain of drug cases, resulting in "an unprecedented amount of highly policy-sensitive work."[132] This influx would already on its own lead to a lesser focus and accuracy on other court cases; but what is more, in the wake of the projected 'drug epidemic,' "[d]istrict attorneys, state attorneys general, and other local, state, and federal officials have been directed to focus their efforts away from other areas onto the 'crisis' created by drug sales and use."[133] What makes this problematic, is that although the absolute number of people who were arrested for drug offenses was high, it was still only a fraction of the number of total drug consumers; this shows both the ineffectiveness of the approach, as well as the unlimited potential to burden law enforcement with drug possession cases. For drug selling cases, this was true even more; the great profits that were ensured by prohibition, in turn ensured that there was always someone willing to replace an arrested and convicted drug dealer. Thus, arresting and convicting drug offenders achieved practically nothing in reducing drug consumption or drug dealing, while it greatly hindered tackling non-drug-related criminality.

The law enforcement approach in the war on drugs also had a great impact on the prison system. Due to an overwhelming increase in the convictions of drug offenders as well as the longer sentences that were given to them, the American prison and jail populations between 1980 and 1994 tripled.[134] Martin notes how this jail overcrowding has possibly led to "probation for other types of offenders who are not good probation candidates,"[135] as well as to probation staffs that spent increasing amounts of time on monitoring the cleanliness of drug offenders, instead of monitoring non-drug-related convicts.[136] All in all, then, the law enforcement focus on a near infinite number of drug offenses undermined the combat of non-drug-related crime in all three of its stages: on the street where police was focused more and more on drug offenses, in the court room where officials were directed to focus on drug offenses, and in the prison system where drug offenses still had a priority status.

In sum, nothing suggests that public safety formed a concern in the administration's decision to wage a war on drugs. It was the war on drugs itself that was the primary cause of 'drug-related crime' in the first place. Moreover, non-drug-related crime was given less

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132 Martin, "Drugs, Crime, and Urban Trial Court Management," 118.
133 Ibid., 118-19.
134 Michael Tonry, "Race and the War on Drugs," *University of Chicago Legal Forum* 1994, no. 1 (1994): 25.
135 Martin, "Drugs, Crime, and Urban Trial Court Management," 143.
136 Ibid., 135.

attention due to the war on drugs. It seems unlikely, then, that public safety formed a legitimate concern for the Reagan administration in its decision to wage the war on drugs.

§C. Conclusion

The Reagan administration defended its war on drugs by arguing that drugs were threatening public health and public safety, and that a war on drugs was the appropriate way to combat those threats. But to what extent has this been true? The threat to health posed by drugs was much greater in the administration's narrative than it in reality was. Certainly it did not justify the draconian policies that were enacted, especially not since alcohol was conspicuously absent as a target of those policies. The administration's war in fact added new health hazards. The other justification to wage the war on drugs was public safety. According to the Reagan administration, drugs led to criminality, and waging a war on drugs would combat these crimes. But the reality is that it was the war on drugs itself that was largely responsible for the drug-related crimes to begin with. In addition, the war on drugs hindered both law enforcement and the judicial system in tackling other criminality. The war on drugs narrative that was presented by the Reagan administration, then, was misleading in two respects. First, that drugs were threatening public health and public safety in a way that called for immediate action; and second, that waging a war on drugs was an appropriate way to combat those threats. The war on drugs, it seems, was waged by the Reagan administration for other reasons instead.

2 Shaping the American Identity

In the years of the Reagan administration, public opinion on the drug issue evolved into a moral panic.[137] According to U.S. Justice Department statistics, in January of 1985, 2 percent of the American people described 'drug abuse' as the most serious problem facing the nation.[138] At the end of Reagan's second term this number had risen into the double digits to 11 percent. And while the peak would arrive when President Reagan was no longer in office – in November 1989 drug consumption polled at 38 percent as the nation's most pressing concern – the upward trend presented itself during the Reagan presidency. Aside from the public's growing aversion to drugs, the Reagan administration's hostility against 'drug abuse' grew during these years as well, both rhetorically as well as policywise. This chapter will argue that in fact it was this administration's hostility that was responsible for the emergence of the moral panic among American citizens. That panic then enabled the administration to construct a reality of the drug offender as morally deviant, and typically African-American. By doing so, the administration tried to unify and elevate the 'good' American in a contrast.

§A. Creating a Moral Panic

The administration's hostility and the American public's aversion to drugs did not grow independently from one another. But which of those gave rise to the other? Or were there perhaps other factors involved as well that might explain the rise of both?

[137] The five criteria that characterize a moral panic are (1) a heightened level of concern over the behavior of a certain group; (2) an increased level of hostility toward the group; (3) widespread consensus in society that the threat is real, serious, and caused by the group; (4) an exaggeration of the number of individuals engaged in the behavior, and the danger caused by that behavior; (5) the moral panic erupts fairly suddenly and, nearly as suddenly, subsides. Erich Goode and Nachman Ben-Yehuda, "Moral Panics: Culture, Politics, and Social Construction," *Annual Review of Sociology* 20 (1994): 156-59.
[138] U.S. Justice Department, Bureau of Justice Statistics, *Drugs and Crime Facts: 1994,* NCJ 154043, June 1995, 32.

In her study on public concern about street crime, sociologist Katherine Beckett distinguishes two main models that can explain the politicization of an issue: the Objectivist Model and the Constructionist Model. The Objectivist Model holds that "knowledge of objective conditions is a necessary and largely sufficient condition for the identification of a social problem."[139] In other words, the real increase of a social problem leads to an increase in public concern about the issue. In this model, state actions to combat that social problem are to be understood as a response to the increased public concern. "In this view, the Nixon, Reagan, and Bush administrations' 'get tough' approach to crime has been a response to public concern, itself a consequence of the increased incidence of crime,"[140] Beckett writes. This reasoning is for instance followed by Jimmie L. Reeves and Richard Campbell when they argue that "the moral panic underlying the widespread public and journalistic support of the Reagan era war on drugs was not manufactured out of thin air. Instead, it was a response, however reactionary and misguided, to real material conditions, real violence, real murder, and real mayhem."[141]

The Constructionist Model in contrast rejects the notion that the level of public concern is related to the reported incidence of crime. Instead, constructionists anticipate "a strong association between media and state claimsmaking activities on the one hand and levels of public concern on the other."[142] Here, "shifts in the level of state initiative will precede shifts in the level of public concern."[143] By setting the agenda, public concern regarding that particular issue shifts as a result. Stated differently, in this model the state is creating the public concern instead of reacting to it. Steven Belenko's claim that "the rise and fall of public attention about crack and other drugs coincided with the level of media coverage of the issue,"[144] and that media coverage "relied primarily on the perspective and opinions of government and law enforcement officials,"[145] fits into this model. "[T]he 'chaos' due to drug abuse is that seen on television and read about in the newspapers, not a 'chaos' documented by survey research, medical studies, or other scientific criteria."[146]

Beckett tested both models by undertaking a case study on crime in general and one on drugs specifically. She tested the Objectivist Model by analyzing levels of public concern

139 Beckett, "Setting the Public Agenda," 427.
140 Beckett, "Setting the Public Agenda," 428.
141 Reeves and Campbell, *Cracked Coverage*, 36.
142 Beckett, "Setting the Public Agenda," 428.
143 Ibid., 429.
144 Belenko, *Crack and the Evolution of Anti-Drug Policy*, 30.
145 Ibid., 156.
146 Ibid., 20.

regarding drug consumption against the actual levels of drug consumption, and found that "[t]he reported incidence of crime/drug use is not significantly associated with subsequent public concern about those phenomena."[147] She tested the Constructionist Model as well, by analyzing the level of public concern regarding drug consumption on the one hand, against the level of state initiative (crime or drug-related stories in the mass media in which government officials were quoted or cited) and media initiative (crime or drug-related stories in which no government officials were quoted or cited) on the other hand. Here, she found that "in the drug case only state initiative is significantly associated with public concern."[148] Moreover, it was found that increasing public concern was not the driving force behind increasing state initiative, but conversely, that state initiative shaped public concern: "the analysis of the case studies indicates that shifts in the level of state initiative precede rather than follow corresponding shifts in public opinion, and thus provide support for the agenda-setting hypothesis. [...] In general, the results provide support for the view that state and media definitional activities play a crucial role in shaping public opinion."[149]

Government can thus shape public opinion. However, just as scholars such as Beckett are aware of this powerful possibility, it was more importantly the Reagan administration itself that saw this possibility as well. The growing concern among the American public about 'drug abuse' during the 1980s, was for a large part produced by the Reagan administration. President Reagan acknowledged as much during his signing of the 1986 Anti-Drug Abuse Act, when he stated that First Lady Nancy Reagan "has turned the fight against drug abuse into a national crusade. She started long before the polls began to register our citizens' concern about drugs. She mobilized the American people, and I'm mighty proud of her."[150]

§B. Targeting Drug Consumers

As Jeremy Kuzmarov expresses, "Reagan's appeal was (and remains) predicated on a politics of 'symbolism,' an ability to satisfy psychological rather than material needs."[151] With that

147 Beckett, "Setting the Public Agenda," 436.
148 Ibid.
149 Ibid.
150 Ronald Reagan, "Remarks on Signing the Anti-Drug Abuse Act of 1986," October 27, 1986.
151 Kuzmarov, "The Crackdown in America," 240.

capability, President Reagan was effective in shaping the American public's opinion regarding the issue of drug consumption. But what was the image that he tried to portray?

As the war on drugs progressed, so too progressed the Reagan administration's rhetoric regarding it. In the early stages of the war on drugs, the administration's rhetoric had focused more on the illicit substances itself as well as its smugglers and dealers. In his 1983 State of the Union speech, President Reagan declared to go after "drug racketeers" who were "poisoning our young people."[152] Here, his choice of words depicted the consumption of drugs as an external action to which the consumer had fallen victim. But in order to define the drug consumer as a 'folk devil,' drug consumption had to be depicted as a choice for which the consumer could be held accountable.[153] Therefore, in addition to the drug sellers, the millions of drug consumers were eventually targeted in the hostile rhetoric of the administration as well. In July 1986, President Reagan remarked that "[t]he time has come to give notice that individual drug use is threatening the health and safety of all our citizens,"[154] thereby holding on to the administration's drug discourse. The president elaborated on his attack against individual drug consumers, stating:

> We must make it clear that we are no longer willing to tolerate illegal drugs or the sellers or the users. […] The first step, of course, is making certain that individual drug users and everyone else understand that in a free society we're all accountable for our actions. If this problem is to be solved, drug users can no longer excuse themselves by blaming society. As individuals, they're responsible.[155]

Nancy Reagan, who in line with the traditionally non-controversial role of the first lady had been less aggressive and more empathic in her remarks, in 1986 joined her husband in the aggressive tone against drug consumers. In an op-ed in the *Washington Post*, she acknowledged the different approach compared with half a decade earlier. "In the beginning, I felt the main task was to raise the level of awareness of the problem and make people more knowledgeable," she argued, before delivering her evolved position. "Each of us has a responsibility to be intolerant of drug use anywhere, anytime, by anybody. […] We must create

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[152] Ronald Reagan, "Address Before a Joint Session of the Congress on the State of the Union," January 25, 1983.
[153] Hawdon, "The Role of Presidential Rhetoric in the Creation of a Moral Panic," 429.
[154] Ronald Reagan, "Remarks at a White House Briefing for Service Organization Representatives on Drug Abuse," July 30, 1986.
[155] Ibid.

an atmosphere of intolerance for drug use in this country."[156] Two months after the publication she repeated her remarks, joining President Reagan in a televised address to the nation, in which she again urged the American people to "help us create an outspoken intolerance for drug use."[157]

The new aggressive tone against drug consumers was permanent, and grew more hostile with each year. Accordingly, the most serious allegations were saved for the administration's final full year in office. In 1988, Nancy Reagan held individual drug consumers responsible for all the tortures and murders that in one way or another could be related to drugs. She stated:

> The casual user may think when he takes a line of cocaine or smokes a joint in the privacy of his nice condo, listening to his expensive stereo, that he's somehow not bothering anyone. But there is a trail of death and destruction that leads directly to his door. The casual user cannot morally escape responsibility for the action of drug traffickers and dealings. I'm saying that if you're a casual drug user you're an accomplice to murder.[158]

Sensing a lack of hostility against drug consumers, the first lady held society at large responsible as well. She continued: "[s]ociety's attitude has enabled the casual drug user to avoid facing his role in the murder and brutality behind drugs. We can no longer let the casual user continue without paying the moral penalty. We must be absolutely unyielding and inflexible in our opposition to drug use. There's no middle ground."[159]

Despite oftentimes adopting a medical terminology when talking about America's 'drug problem,' using such words as 'plague,' 'disease,' and 'epidemic,' the Reagan administration eventually constructed an image of the drug consumer as an active criminal, rather than a passive victim. Moreover, it went to great lengths to ensure that the public too, came to see the drug consumer as a criminal, rather than a victim.

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[156] Nancy Reagan, "OP/ED," *Washington Post*, July 7, 1986.
[157] Nancy Reagan, "Address to the Nation on the Campaign Against Drug Abuse," September 14, 1986.
[158] Nancy Reagan, "Remarks at a Meeting of the White House Conference for a Drug Free America," February 29, 1988.
[159] Ibid.

§C. Racializing the War on Drugs

It is interesting to note that the growing hostility in the administration's remarks happened around the time when a new type of drug was coming to the fore: crack cocaine. In the mid-80s this smokable variant of cocaine emerged more broadly in the United States than among the small fraction of cocaine consumers that had already been smoking cocaine base long before the word "crack" had been termed. Crack was used to describe "the same drug, used in the same way, but by different people."[160] Cooked with nothing more than the addition of the household product baking soda to it, crack cocaine did not differ much from powder cocaine in terms of its substance. While smoking cocaine yielded a more intense "rush" than snorting it, it was in no way the demon drug that it was presented as (see Chapter 1). However, where the substances of crack and powder cocaine did not differ much, the demographics of its consumers did. In the mid-1980s, crack cocaine was sold in small "rocks" for $5 to $10, while powder cocaine was typically sold in half-gram or one-gram units for $50 to $100.[161] Therefore, crack cocaine, "the poor man's high,"[162] became the drug of choice for consumers residing in poorer neighborhoods, while powder cocaine, "the champagne drug of the rich,"[163] remained more popular in the areas that were economically better-off. In practice, this meant that crack cocaine was consumed more by African Americans, while powder cocaine was consumed more by white Americans. The Reagan administration would seize upon this opportunity to racialize its war on drugs. But how exactly did it do this, without facing undeniable charges of racism?

Targeting African Americans through legislation

With the emergence of crack cocaine, the Reagan administration quickly shifted the attention of its war on drugs to this cocaine variant in particular, and started to treat it "as if it were an

[160] Craig Reinarman and Harry G. Levine, "Crack in the Rearview Mirror: Deconstructing Drug War Mythology," *Social Justice* 31, no. 1-2 (2004): 184.
[161] Ibid.; "Nominal prices seem to stay about the same over time and from place to place. […] Decreases in the purity of their product, and hence increases in its price per pure gram, are the way that drug dealers charge higher prices." Office of National Drug Control Policy, *The Price of Illicit Drugs: 1981 through the Second Quarter of 2000* (October 2001), 3.
[162] Michele L. Norris, "Hard Rock: Crystallized Cocaine, the Poor Man's High, Grips a Richer, Growing Clientele," *Los Angeles Times,* June 22, 1986.
[163] William Overend, "Adventures in the Drug Trade: How 4,000 Colombians Took the 'Champagne Drug' to the Inner City and Turned L.A. Into a Cocaine Capital," *Los Angeles Times,* May 7, 1989.

entirely new substance with unprecedented powers."[164] Robert Stutman, who from 1985 to 1990 served as the director of the Drug Enforcement Administration (DEA)'s New York City office, in 1992 recounted:

> The agents would hear me give hundreds of presentations to the media as I attempted to call attention to the drug scourge. […] I needed to make it a national issue and quickly. I began a lobbying effort and I used the media. The media were only too willing to cooperate, because as far as the New York media was concerned, crack was the hottest combat reporting story to come along since the end of the Vietnam War.[165]

Following the administration's efforts such as these, media outlets presented sensationalized accounts of crack cocaine in which they typically focused on black "crack whores," "crack babies," and "gangbangers."[166] In August 1986, the hysteria surrounding crack cocaine led the DEA to issue a special report, which tried to bring back some nuance in the perception regarding drug consumption in the United States.

> Crack is currently the subject of considerable media attention. The result has been a distortion of the public perception of the extent of crack use as compared to the use of other drugs. With multikilogram quantities of cocaine hydrochloride available and with snorting continuing to be the primary route of cocaine administration, crack presently appears to be a secondary rather than primary problem in most areas.[167]

This special report notwithstanding, President Reagan addressed the American people a month later to inform them about his administration's efforts to combat illicit drugs, and again directed focus to crack cocaine in particular. "Today there's a new epidemic: smokable cocaine, otherwise known as crack. It is an explosively destructive and often lethal substance which is crushing its users. It is an uncontrolled fire."[168] What seemed to be the uncontrolled fire however – as the DEA had recently admitted – was not so much the crack itself, but rather the attention surrounding it; a fire that was deliberately being stoked by the president himself.

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[164] Craig Reinarman and Harry G. Levine, "Crack in the Rearview Mirror: Deconstructing Drug War Mythology," *Social Justice* 31, no. 1-2 (2004): 184.
[165] Robert Stutman, *Dead on Delivery: Inside the Drug Wars, Straight from the Street* (New York: Warner Books, 1992), 142.
[166] Alexander, *The New Jim Crow*, 51.
[167] Drug Enforcement Administration, *Special Report: The Crack Situation in the United States* (1986), 2.
[168] Ronald Reagan, "Address to the Nation on the Campaign Against Drug Abuse," September 14, 1986.

In response to the hysteria manufactured by the administration and by the media, but in spite of the DEA report, the *Anti-Drug Abuse Act* of 1986 was crafted. This bill mandated minimum sentences for various drug offenses, which "remove[d] discretion from the sentencing judge to consider the range of factors pertaining to the individual and the offense that would normally be an integral aspect of the sentencing process."[169] Although both crack cocaine and powder cocaine were cocaine variants, and although the DEA had come out to declare crack cocaine a "secondary problem" compared to regular cocaine as recent as a month prior to the bill's introduction in Congress, the legislation enacted a sentencing disparity between crack cocaine and powder cocaine at a weight ratio of 100 to 1. This meant that the bill mandated a five years without parole minimum sentence for the possession of five hundred grams of powder cocaine, while it mandated the same sentence for the possession of only five grams of crack cocaine. Additionally, the law mandated that possession of small amounts of crack was to be considered distribution rather than possession.

Because crack cocaine was consumed more by African Americans, and powder cocaine more by white Americans, targeting those in possession of crack cocaine a hundred times more severe than those in possession powder cocaine in practice meant that typically poorer black cocaine consumers were targeted a hundred times more severe than the typically better-off white cocaine consumers.

The war on drugs' almost exclusive focus on street dealers in general – rather than, for example, on bankers laundering drug money – and the subsequent even narrower focus on those street dealers selling crack cocaine, rather than on those selling powder cocaine, have both contributed to the rising incarceration rates of African Americans.[170] Sociologist Troy Duster has termed this process the "darkening of U.S. prisons,"[171] a phenomenon that unfolded itself throughout the nation. To illustrate, in Virginia in 1983, three years before the 1986 Anti-Drug Abuse Act was enacted, 63% of the new prison commitments for drug offenses in that state were white, while 37% were non-white. However, only six years later in 1989, three years after the 1986 Anti-Drug Abuse Act, the situation had reversed completely: 34% of the new drug commitments were white, while 65% were non-white.[172] In Baltimore too, this trend could be witnessed, but here the numbers were even far worse. In 1981, five

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169 Marc Mauer, and Ryan S. King, *A 25-Year Quagmire: The War on Drugs and Its Impact on American Society* (Washington D.C.: The Sentencing Project, 2007), 7.
170 Troy Duster, "Pattern, Purpose, and Race in the Drug War: The Crisis of Credibility in Criminal Justice," in *Crack in America: Demon Drugs and Social Justice*, eds. Harry Gene Levine and Craig Reinarman (Berkeley: University of California Press, 1997), 261-62.
171 Ibid., 261.
172 Ibid., 265.

years prior to the legislation, 18 white juveniles were arrested and charged with drug sales while the number for black juveniles was 86. By 1991 however, five years after the 1986 Anti-Drug Abuse Act, the number of white juveniles arrested and charged with drug sales had dropped from 15 to 13, while the number of black juveniles arrested and charged with drug sales had increased from 86 to a staggering 1304.[173] And while President Reagan remarked at the signing of the Anti-Drug Abuse Act of 1986 that "this legislation is not intended as a means of filling our jails with drug users,"[174] it did exactly that; albeit with African-American drug users in particular.[175]

The sentencing disparity between offenses for crack and powder cocaine not only impacted African Americans harder in terms of incarceration, but also in terms of symbolism. Mandatory prison sentences promoted the message that drug consumers needed retribution instead of rehabilitation. So when there was a greater severity in punishment for the cocaine variant associated with blacks than there was for the cocaine variant associated with whites, that disparity translated itself into the message also. That is to say, that crack cocaine consumers (blacks) were even more irredeemable than powder cocaine consumers (whites). That same message was conveyed during the sentence time as well. African-American drug convicts were less likely to be assigned to treatment programs than were white drug convicts. The Monroe County Bar Association found that "although drug use among ethnic and racial groups was roughly proportionate to their percentages in the general population, African Americans were being arrested at 18 times the rate of whites. However, 75% of those who were afforded the few drug-treatment slots available were white."[176] Thus, both the 1986 Anti-Drug Abuse Act as well the assigning of drug treatment programs sent the message that black drug consumers deserved a harsher treatment than white drug consumers did, and that they were either less deserving of help and a second chance, or less receptive to it. In one way or another, they were presented as beyond rehabilitation and punishment was their only remedy.

Even when a convicted person had completed his or her sentence, the outcasting did not end. In certain ways it became permanent. As Yale professor of law James Forman Jr. notes, "[d]epending on the state and the offense, a person convicted of a crime today might lose his right to vote as well as the right to serve on a jury. He might become ineligible for health and welfare benefits, food stamps, public housing, student loans, and certain types of

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[173] Jerome G. Miller, *Search and Destroy: African-American Males in the Criminal Justice System* (Cambridge: Cambridge University Press, 1996), 86.
[174] Ronald Reagan, "Remarks on Signing the Anti-Drug Abuse Act of 1986," October 27, 1986.
[175] Troy Duster, *Backdoor to Eugenics 2nd edition (*New York: Routledge, 2003), 139.
[176] Miller, *Search and Destroy,* 84.

employment."[177] Because most offenders already came from disadvantaged backgrounds, such limitations formed an enormous disability in reintegrating into society. This, then, effectively condemned them to "a lifetime of second-class citizenship,"[178] or, as civil rights advocate Michelle Alexander calls it, "a form of 'civic death,'" one that sends the unequivocal message that "'they' are no longer part of 'us.'"[179]

When the meaning of conviction became one of exclusion, and when the scope of those convictions became very much focused on African Americans, it also had consequences that were reaching far more broadly than to only those African Americans that were convicted. As Forman further explains, "mass imprisonment encourages the larger society to see a subset of the black population—young black men in low-income communities—as potential threats."[180] Indeed, in circumstances like these, even young black men who never were arrested had to deal with the consequences of racial stigma, which for instance resulted in facing more difficulties in finding a job. Such is what Alexander means when she claims that "mass incarceration defines the meaning of blackness in America."[181] Because regardless of one's criminal status, "black people, especially black men, are criminals. That is what it means to be black."[182]

Racist intent in the war on drugs

Much ink has been spilled on the question whether the war on drugs has been fundamentally racist. With statistics clearly showing that the war on drugs disproportionally impacted African Americans, those who deny it has been a racialized policy try to focus the debate on the question of intent, rather than outcome. African-American drug dealers, they argue, by a much greater extent than white Americans sell their product on the streets, which in turn translates itself into the disproportional black arrest rates. As such, they try to explain the disproportionality of black arrests as simply a matter of convenience. Former New York City policy commissioner Lee Brown for instance is one to make this argument. He claims that "[i]t's easier for police to make an arrest when you have people selling drugs on the street corner than those who are in the suburbs or office buildings. The end result is that more

177 James Forman Jr., "Racial Critiques of Mass Incarceration: Beyond the New Jim Crow," *Yale Law School Faculty Scholarship Series* (February 2012): 107-09.
178 Ibid., 110.
179 Alexander, *The New Jim Crow*, 139.
180 Forman Jr., "Racial Critiques of Mass Incarceration," 111.
181 Alexander, *The New Jim Crow*, 192.
182 Ibid.

blacks are arrested than whites because of the relative ease in making those arrests."[183] St. Paul police chief William Finney likewise claims that "[w]e are ill-equipped to do more than arrest drug dealers that we see in the act. We don't say, 'Let's go out and arrest a bunch of black folks.'"[184]

There is consensus among scholars that African-American drug sellers are indeed selling more on the streets than white drug sellers are. Academic and prominent advocate for criminal justice reform, Jerome G. Miller, for instance uses this argument in order to explain the disproportionality of incarceration rates. "The fact that drug dealing in the city, unlike that in the suburbs, often goes on in public areas guaranteed that law-enforcement efforts would be directed at young black and Hispanic men."[185] Sociologist Troy Duster likewise argues that "[p]olice police the streets, so it is street sales that are most vulnerable to the way in which the criminal justice apparatus is currently constituted and employed."[186] Drug sales in the fraternity houses on the other hand, more associated with white Americans, naturally are more successful to escape the net of the criminal justice system, he argues.[187]

Sociologist John Hagedorn, in his ethnographic study of drug selling, presents another reason why African-American drug sellers are arrested far more than white drug sellers. "White youth and suburban drug dealers hire very few employees, and drug dealing is more part of a 'partying' lifestyle than a job," he explains. Because drugs are sold to whites mainly through "contacts at work, at taverns and athletic leagues, and at alternative cultural events, like 'raves,'" these types of selling are "more hidden from law enforcement than neighborhood based sales."[188] Indeed, African-American drug selling markets have been of a more public nature, one in which the transactions mainly take place on street corners or in 'drug houses.'[189] Moreover, in contrast to white drug markets, African-American markets were also more characterized by "stranger-to-stranger sales."[190] As Ryan S. King, policy analyst of *The Sentencing Project*, notes, this type of business leaves drug sellers vulnerable to the common police tactic of 'buy and bust' – an operation in which an undercover police officer buys

183 Eva Bertram et al., *Drug War Politics: The Price of Denial* (Berkeley: University of California Press, 1996), 41.
184 Ibid., 41-42.
185 Miller, *Search and Destroy,* 81.
186 Troy Duster, "Pattern, Purpose, and Race in the Drug War," 265.
187 Ibid.
188 John M. Hagedorn, "The Business of Drug Dealing in Milwaukee," *Wisconsin Policy Research Institute* 11, no. 5 (June 1998): 22.
189 Ibid., 10.
190 Ryan S. King, "Disparity by Geography: The War on Drugs in America's Cities," *The Sentencing Project* (May 2008): 22.

narcotics and then arrests the seller – because these quick and easy arrests are only possible in an open market in which strangers can buy without raising suspicion.[191]

What is more, while the African-American drug markets were already easier to penetrate by law enforcement due to their more open nature, the 100:1 weight disparity between crack cocaine and powder cocaine offenses found in the 1986 Anti-Drug Abuse Act, has effectively made the targets on the backs of crack cocaine sellers also a hundred times larger. Which is to say, the disparity not only gave harsher sentences to those found in possession of crack cocaine, but it gave law enforcement a much higher incentive to go after those in possession of crack cocaine *to begin with*. As professor Cathy Schneider explains:

> If the police arrested a cocaine distributor with 500 grams of cocaine, for instance, they would get one arrest with a five-year mandatory minimum. If they waited until it reached the inner city, where it was diluted and cooked with baking soda, the police could arrest eighty-nine crack dealers, each with 1/90 of the supply and condemn each to a five-year minimum. Thus, the same 500 grams would net either one white arrest or eighty-nine mostly black arrests.[192]

While Hagedorn argues that the drug dealing methods of whites are more hidden from law enforcement, he also holds that they are still "not very difficult to locate."[193] Nonetheless, law enforcement has *chosen* to focus on neighborhood-based sells. This choice, he argues, is a "major reason for the racial disparity in arrests for drug offenses."[194] Law enforcement's decision to focus on the most convenient arrests rather than on those that require some more time and investment, can be explained by law enforcement's common metric used to define an agency's success in providing public safety. That metric almost always is the number of arrests that have been made.[195] With budget allocations and individual career considerations in mind, the need to make arrests has drawn law enforcement into the urban areas where the more quick and easy arrests are made. The federal government made certain that the war on drugs became a local priority as well, by tying federal grants to drug-related arrests.[196]

Still, decisions to police the streets rather than the fraternities or partying clubs were in the end decisions made by local law enforcement, and not by the Reagan administration. This

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191 Ibid.
192 Cathy Lisa Schneider, "Racism, Drug Policy, and AIDS," *Political Science Quarterly* 113, no. 3 (1998): 436-37.
193 Hagedorn, "The Business of Drug Dealing in Milwaukee," 17.
194 Ibid.
195 King, "Disparity by Geography," 23.
196 Hinton, *From the War on Poverty to the War on Crime*, 318.

raises the question to what extent one can hold the Reagan administration accountable. Sociologist and criminologist Marjorie S. Zatz and political scientist Richard P. Krecker, Jr. argue that "[w]hether or not the ramifications of this war for poor black communities were recognized in advance, they certainly could have been."[197] Criminologist Michael Tonry goes one step further, and claims that "the architects of the war on drugs no doubt foresaw the result" it would have on the lives of young blacks, and that the rising levels of black incarceration were "the foreseeable effects of deliberate policies spearheaded by the Reagan [administration]."[198] He concludes: "[a]nyone with knowledge of drug-trafficking patterns and of police arrest policies and incentives could have foreseen that the enemy troops in the war on drugs would consist largely of young, inner-city minority males."[199]

Even in the unlikely scenario that the Reagan administration did not foresee the effects, one should note that it did nothing to reverse the effects once they became visible. Statistics of drug consumption and of incarceration were readily available to the Reagan administration year after year. But as evidenced by the Anti-Drug Abuse Act of 1988: when the enormous disparity started to unfold itself, the war on drugs was not scaled back, but was waged with even more severity instead.

African-American support for the war on drugs

When arguing that the war on drugs has been a racialized policy, one has to address the fact that African Americans have called for tougher penalties against drug offenses themselves as well. Indeed, already since the 1960s many African-American activists have pushed for tougher penalties against crime in general, and against drug offenses in particular, as well as for an increased law enforcement presence in their neighborhoods; all in order to combat the "lawlessness" in their communities.[200] In the 1970s, the leading black newspaper in New York, the *Amsterdam News*, argued in favor of mandatory life sentences for the "non-addict pusher of hard drugs," because such was an act of "cold calculated, pre-meditated, indiscriminate murder of our community."[201] Furthermore, in 1982 in Washington D.C., the nation's only

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197 Marjorie S. Zatz and Richard P. Krecker, Jr., "Anti-gang Initiatives as Racialized Policy," in *Crime Control and Social Justice: The Delicate Balance*, eds. Darnell F. Hawkins, Samuel L. Myers, and Randolph N. Stone (Westport: Greenwood Press, 2003), 192.
198 Michael Tonry, *Malign Neglect: Race, Crime, and Punishment in America* (New York: Oxford University Press, 1996), 4.
199 Ibid.
200 Vanessa Barker, *The Politics of Imprisonment: How the Democratic Process Shapes the Way America Punishes Offenders* (New York: Oxford University Press, 2009), 150.
201 Ibid.

majority-black jurisdiction, by a vote of 72% to 28%, residents adopted mandatory minimum penalties for the distribution of controlled substances or for the possession of such substances with the intent to distribute them.[202]

With regard to crack cocaine, the same pattern can be observed. Civil rights icon Walter Fauntroy for instance, described crack cocaine in the following manner during a 1986 Congressional committee hearing on the substance:

> The spectre of a new form of cocaine -- a concentration of cocaine so lethal and so intense that the use can sear the senses of an individual's brain so chronically as to leave that person hopelessly enslaved and desperate for the next, immediate dose. That awful spectre of a new concentration of cocaine called 'crack' or 'rock' which is racing through our communities from one coast to the other is like the plague. In fact, it should be called 'The Plague' -- its impact is so terrible and so consuming.[203]

Alongside Walter Fauntroy, African-American congressman Charles Rangel as well was a strong advocate for the war on drugs. Chairing the *House Select Committee on Narcotics Abuse and Control*, Rangel held a powerful position on the issue and was singled out by President Reagan when he signed the 1986 Anti-Drug Abuse Act into law as one of the "real champions in the battle to get this legislation through Congress."[204] Two years later, Rangel urged the Reagan administration to take an even tougher stance against illicit drugs. In the *New York Times* he argued:

> If we really want to do something about drug abuse, let's end this nonsensical talk about legalization right now. Let's put the pressure on our leaders to first make the drug problem a priority issue on the national agenda, then let's see if we can get a coordinated national battle plan that would include the deployment of military personnel and equipment to wipe out this foreign-based national security threat.[205]

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[202] Forman Jr., "Racial Critiques of Mass Incarceration," 118.
[203] U.S. Congress, House of Representatives, Select Committee on Narcotics Abuse and Control, and the Select Committee on Children, Youth, and Families, "Statement of Honorable Walter E. Fauntroy (D., D.C.) Before the Joint Hearing of the Select Committee on Narcotics Abuse and Control and Select Committee on Children, Youth, and Families on the 'Growing Problem of 'Crack' Cocaine,' in *The Crack Cocaine Crisis: Joint Hearing Before the Select Committee on Narcotics Abuse and Control, House of Representatives and the Select Committee on Children, Youth, and Families, House of Representatives 99th Cong., 2nd sess., 1986* (July 15, 1986), 101, https://catalog.hathitrust.org/Record/011343133.
[204] Ronald Reagan, "Remarks on Signing the Anti-Drug Abuse Act of 1986," October 27, 1986.
[205] Charles B. Rangel, "Legalize Drugs? Not on Your Life.," *New York Times*, May 17, 1988.

As historian Donna Murch notes, this "support [for the war on drugs] of an elite sector of the black political class helped to legitimize hard-line anti-crime policies that proved devastating for low-income populations of color."[206] This support of course undermines the argument that racism was a motivating factor in the war on drugs. Because if one cannot point to racism to explain Walter Fauntroy's support for an aggressive war on drugs, then by the same token one cannot simply accuse the Reagan administration with that charge; at least not without further underpinning it.

Targeting African Americans rhetorically

The message in the war on drugs that America's 'drug problem' was an African-American problem, was not suggested exclusively in legislation and in the subsequent way in which law enforcement operated. In the president's speeches as well, it formed a recurring theme. And as was the case with the legislation, this message too was presented via coded language, or so-called dog-whistles; defined by political scientists Jon Hurwitz and Mark Peffley as "words that are fundamentally nonracial in nature that have, through the process of association, assumed a strong racial component."[207] Professor of law Ian Haney López defines it as "coded racial appeals that carefully manipulate hostility toward nonwhites. […] Superficially, these provocations have nothing to do with race, yet they nevertheless powerfully communicate messages about threatening nonwhites."[208] Because overt appeals would backfire due to the prevailing norms that surround and disapprove of racism, this coded language is used instead, because of the "deniable verbal reference."[209] One of the more famous examples in this regard is President Reagan's use of the term "welfare queen" with which he described an African-American woman from Chicago who was arrested for welfare fraud.[210] This term, employed by Reagan on the 1976 campaign trail during which he often recited the story, appealed to the negative stereotype of the lazy black person. But while this is the most famous example of Reagan's use of coded language, it is certainly not the only one. In Reagan's war on drugs too, he used coded language to implicitly present African-American examples, when talking about America's drug problem.

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[206] Donna Murch, "The Clintons' War on Drugs: When Black Lives Didn't Matter," *New Republic*, February 9, 2016.
[207] Jon Hurwitz and Mark Peffley, "Playing the Race Card in the Post-Willie Horton Era: The Impact of Racialized Code Words on Support for Punitive Crime Policy," *Public Opinion Quarterly* 69, no. 1 (2005): 101.
[208] Ian Haney López, *Dog Whistle Politics: How Coded Racial Appeals Have Reinvented Racism and Wrecked the Middle Class* (Oxford: Oxford University Press, 2015), ix.
[209] Tali Mendelberg, *The Race Card: Campaign Strategy, Implicit Messages, and the Norm of Equality* (Princeton: Princeton University Press, 2001), 21.
[210] Franklin D. Gilliam, Jr., "The 'Welfare Queen' Experiment," *Nieman Reports* 53, no. 2 (June 1999): 49.

The Merriam-Webster dictionary defines the 'inner city' as "the usually older, poorer, and more densely populated central section of a city."[211] It says nothing about race or ethnicity. Still, scholar Justin Khoo notes of the term that it "carries racial connotations: it brings to mind poor, crime-ridden, African American neighborhoods."[212] Indeed, around the time of the Reagan administration the National Race and Crime Survey asked respondents to guess the percentage of all Americans living in the inner city who were African-American. And while the actual number was 20 percent according to the U.S. Census, the median guess of those responding to the survey was 60 percent;[213] thereby evidencing the racial connotations of the term.

That the term is racially charged in practice, but not by definition, makes it suitable as a dog-whistle. When President Reagan in 1983 spoke at a White House reception for the National Council of Negro Women, he told the council that "drugs are a scourge of inner-city life, as you know so well."[214] This statement did several things at once. By refraining from the terminology "some of you" in the latter part of the sentence, but instead using the generalizing "you," he not only presented the inner-city as African-American in nature, but conversely, presented African Americans as inner-city residents in nature as well. In that way, he further charged the term *inner-city* as racially coded language.

James Forman Jr. argues that the reach of the war on drugs' mass incarceration is "largely confined to the poorest, least-educated segments of the African American community."[215] And while mass incarceration does indeed "not impact middle- and upper-class educated African Americans in the same way that it impacts lower-income African Americans," President Reagan, by conflating all African Americans with the poor inner-cities, and by subsequently conflating those inner-cities with the "scourge" of drugs, in this way still made himself able to include every African American, rich or poor, in his excluding remarks.

In one of his radio addresses on the war on drugs, President Reagan remarked that "[t]hose who have the gall to use federally subsidized housing to peddle their toxins must get the message as well. We will not tolerate those who think they can do their dirty work in the same quarters where disadvantaged Americans struggle to build a better life. We want to kick

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[211] *Merriam-Webster, s.v.* "inner-city," accessed May 22, 2018, https://www.merriam-webster.com/dictionary/inner-city.
[212] Justin Khoo, "Code Words in Political Discourse," *Philosophical Topics* 45, no. 2 (Fall 2017): 34.
[213] Hurwitz and Peffley, "Playing the Race Card in the Post–Willie Horton Era, 104.
[214] Ronald Reagan, "Remarks at a White House Reception for the National Council of Negro Women," July 28, 1983.
[215] Forman Jr., "Racial Critiques of Mass Incarceration," 132.

the vermin out and keep them out."[216] While federally subsidized housing was once conceived as enviable housing for working whites, public housing "became a black program," due to new government programs specifically aimed at whites that allowed them to leave public housing in lieu of some more desirable living options.[217] With 44 percent of the public housing residents being African Americans, they did not make up a majority of residents who received housing assistance in the United States. But what is only relevant for when it comes to conveying a message, is the perception in the minds of the American public with the words "federally subsidized housing." And as the *Washington Post* notes in a piece with the all-telling title "How Section 8 became a 'racial slur,'"[218] much of the picture of public housing projects was made up in the big cities where African Americans in fact did make up a large majority of the public housing residents. In Detroit and Washington D.C. for example, 99 and 98 percent respectively of the public housing residents were African Americans. Thus, in the minds of the American public, "public housing" and African Americans were very much associated with one another. Therefore, President Reagan's singling out of "those who have the gall to use federally subsidized housing to peddle their toxins," was not so much a critique on the misuse of federally subsidized residences, but rather another implicit connection between African Americans and drug offenses.

Perhaps the most serious dog-whistle however, both for its content as well as for the podium it was delivered from – the State of the Union – may have been presented in 1985. During a segment that dealt with combatting drugs and violence, President Reagan professed that "there can be no economic revival in ghettos when the most violent among us are allowed to roam free."[219] The word 'ghetto' in the United States is commonly associated with predominantly black neighborhoods, in which poverty and street crime are common phenomena.[220] According to sociologist Sandra Barnes, "ghettos in the United States are generally defined as poor inner-city areas where a disproportionate percentage of ethnic

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216 Ronald Reagan, "Radio Address to the Nation on Economic Growth and the War on Drugs," October 8, 1988.
217 Emily Badger, "How Section 8 became a 'racial slur': A history of public housing in America.," *Washington Post*, June 15, 2015, https://www.washingtonpost.com/news/wonk/wp/2015/06/15/how-section-8-became-a-racial-slur/?utm_term=.fc03349498d9.
218 Section 8 refers to the *Section 8 of the Housing Act of 1937*, often called Section 8, and deals with federally subsidized housing; Badger, "How Section 8 became a 'racial slur.'"
219 Ronald Reagan, "Address Before a Joint Session of the Congress on the State of the Union," February 6, 1985.
220 Tommie Shelby, "Justice, Deviance, and the Dark Ghetto," *Philosophy & Public Affairs* 35, no. 2 (2007): 134.

minorities reside."[221] And although Hispanics and whites also live in them, "African Americans are generally associated with ghettos."[222] That ghettos were not predominantly African-American neighborhoods *per definition*, is precisely what made the term applicable as a dog-whistle; because it allowed both President Reagan and the American public to plausibly deny that the remarks and the public's reception were racially motivated. Still, by attaching America's drug problem to the so-called ghettos, Reagan implicitly framed the drug problem as an African-American problem; a problem in which drug consumption took place in African-American neighborhoods, by African-American drug consumers, dealt by African-American suppliers.

What is more, Reagan's subsequent description of the drug sellers operating in these ghettos as "the most violent among us," appealed to racist sentiments itself as well. It drew on the decades old stereotype of the black male as a violent criminal. Scholar Laura Green mentions "the savage" as one of seven historical racial stereotypes of African Americans. She elaborates how the image of the "terrifying, savage African-American," "the threatening brute from the 'Dark Continent,'" has led to the justification of all types of racial violence in American history, including lynching.[223] When Reagan depicted the criminals operating in the "ghettos" as "the most violent among us," he paid homage to this centuries-old stereotype of the black male as violent and aggressive.

The combination of the black violent criminal as a drug offender was especially worrisome from a historical context, since this specific stereotype had already taken on mythical proportions in the past. For example, a 1914 *New York Times* article titled "Negro Cocaine 'Fiends' are a Southern Menace" reported that the addiction to cocaine was becoming "a veritable curse to the colored race in certain regions," because "the drug produces several other conditions that make the 'fiend' a peculiarly dangerous criminal." This would "often [incite] homicidal attacks upon innocent and unsuspecting victims" by the "cocaine-sniffing negro" or the "cocaine nigger." Making things worse, "bullets fired into vital parts, that would

[221] Sandra L. Barnes, "Ghetto," in *International Encyclopedia of the Social Sciences*, 2nd edition Volume 3, ed. William A. Darity Jr. (Detroit: Macmillan Reference USA, 2008), 312.
[222] Ibid.
[223] Laura Green, "Stereotypes: Negative Racial Stereotypes and Their Effect on Attitudes Toward African-Americans," *Perspectives on Multiculturalism and Cultural Diversity* XI, no. 1 (1998-99), https://ferris.edu/HTMLS/news/jimcrow/links/essays/vcu.htm.

drop a sane man in his tracks, fail to check the 'fiend' – fail to stop his rush or weaken his attack," the article claimed. Sadly, "once the negro has formed the habit he is irreclaimable."[224]

So while the words that President Reagan chose when he argued in a context of drugs and crime that "the most violent among us" should not be allowed to roam free in the ghettos may not have been on par with the blatant racism as expressed by the *New York Times* author; the president nonetheless appealed to the same old stereotypes of violent black drug offenders that earlier in the same century were able to produce such an outrageous account in America's most respected newspaper.

In sum, the Reagan administration used the emergence of crack cocaine to racialize its war on drugs. By treating it "as if it were an entirely new substance with unprecedented powers,"[225] it could focus the war on drugs on this cocaine variant that was used more by African Americans, while still being able to plausibly deny charges of racism. In the war on drugs rhetoric as well, African Americans were targeted specifically, but here too, this was done in an implicit way that allowed the administration to deny charges of racism. In practice, however, African Americans overwhelmingly found themselves in the crosshairs of the war on drugs.

§D. Glorifying the Non-Drug Consumer

Psychologists Anthony Pratkanis and Elliot Aronson argue that Reagan's communication style differed greatly from that of past presidents, because Reagan relied on "dramatization and storytelling to make his points."[226] His speeches, they argue "persuaded by creating visual images, by personalizing the central themes of his administration, and by involving us in a dramatic narrative of American life."[227] This dramatization becomes visible in President Reagan's attempts to rally Americans behind his war on drugs as well. The Reagan administration employed this tactic to cast the drug offender as *un-American* in nature, and, as a

[224] Edward Huntington Williams, "Negro Cocaine 'Fiends' are a Southern Menace," *New York Times*, February 8, 1914.
[225] Reinarman and Levine, "Crack in the Rearview Mirror," 184.
[226] Anthony Pratkanis and Elliot Aronson, *Age of Propaganda: The Everyday Use and Abuse of Persuasion* (New York: W.H. Freeman and Company, 1991), 131.
[227] Ibid.

result, was able to sketch citizens who opposed drugs as true Americans in a contrast. So in what ways exactly did President Reagan do this?

In a live broadcast on nationwide radio and television, the president and first lady addressed the nation to specifically talk about America's drug issue. President Reagan argued that "Nancy's personal crusade […] should become our national crusade."[228] Having recollected how "America swung into action when we were attacked in World War II," he claimed that "we're in another war for our freedom, and it's time for all of us to pull together again." Fighting in a war oftentimes increases one's feeling of patriotism, Deborah Stone argues;[229] and casting the administration's efforts to combat drug consumption as a war tried to rally Americans together in that way as well. Pulling together was essential, according to Reagan, because "[w]hen we all come together, united, striving for this cause, then those who are killing America and terrorizing it with slow but sure chemical destruction will see that they are up against the mightiest force for good that we know." According to this rhetoric, the two battling sides in the war on drugs were obvious. Drug warriors were cast as the mightiest force for good on the one hand; while drug offenders, or the "dark, evil enemy within" as Reagan had called them,[230] on the other hand were presented as those who were killing and terrorizing America. With such inflammatory rhetoric, shades of grey on the issue of drugs were suggested to be impossible. Stone notes how leaders like to talk in these absolutist terms in order to give the public a sense of security on the issue. By reducing the problem to a simplicity of black-and-white, good-and-evil, and by casting the problem as an enemy and vowing to vanquish it, the fierceness of that promise eclipses thoughts of failure.[231]

Having warned those who were killing America, Reagan had a message for the remaining audience as well, in which he urged the American public to "not forget who we are."[232] He clarified: "Drug abuse is a repudiation of everything America is. The destructiveness and human wreckage mock our heritage. Think for a moment how special it is to be an American. Can we doubt that only a divine providence placed this land, this island of freedom, here as a refuge for all those people on the world who yearn to breathe free?" These words once more made it clear that drug consumption was objectionable not any longer only in terms of public health or safety, but that it furthermore went against the very idea and

[228] Ronald Reagan, "Address to the Nation on the Campaign Against Drug Abuse," September 14, 1986.
[229] Stone, *Policy Paradox*, 33.
[230] Ronald Reagan, "Remarks Announcing Federal Initiatives Against Drug Trafficking and Organized Crime," October 14, 1982.
[231] Stone, *Policy Paradox*, 138.
[232] Ronald Reagan, "Address to the Nation on the Campaign Against Drug Abuse," September 14, 1986.

destiny of *America*. He underpinned that notion by claiming that "[t]he revolution out of which our liberty was conceived signaled an historical call to an entire world seeking hope. […] What an insult it will be to what we are and whence we came if we do not rise up together in defiance against this cancer of drugs."[233] By comparing the war on drugs and the Revolutionary War, those opposing the war on drugs consequently were suggested to resemble America's enemies two centuries earlier, and as such, were portrayed as anathema to the very idea that America was founded on. Reagan as much confessed to waging the war on drugs for other motives than public health and public safety when he, in yet another address to the American public specifically on the issue of drugs, once more attempted to elevate the administration's efforts against illegal substances into a holy crusade to defend America. He expressed: "I've often thought that this message that drugs weren't all that bad was part of a larger message. The same people who winked at us about drugs also told us that America's future was bleak. […] It was as if they'd lost faith in the future and wanted the rest of us to lose it, too."[234] Apparently, those who did not join the president in his war on drugs had not only given up on America themselves, but were, moreover, on a mission to make others lose their faith in America as well.

By casting the drug offender, or rather, everyone who did not unify in opposition to drugs, as enemies to America, President Reagan not only tried to make the meaning of an "American" more exclusive, but simultaneously tried to mobilize and unify those who then *did* fit the definition. In his 1986 State of the Union address, President Reagan remarked that "confident in our future and secure in our values, Americans are striving forward to embrace the future."[235] According to Reagan, this could be observed in "families and communities band[ing] together to fight [among other vices] drugs." Drugs were un-American, the argument held, while combatting those substances on the other hand, was holding true to the American values. In July of that same year, Reagan argued that "[t]he good and decent people of this country […] now are coming together in active opposition to the evil of drug abuse."[236] Thereby, he again used one's stance on drug consumption as a litmus test in separating Americans into good and evil. To combat drugs, he continued, meant "doing much to make this the kind of country and the kind of world that God intended it to be."

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233 Ronald Reagan, "Address to the Nation on the Campaign Against Drug Abuse," September 14, 1986.
234 Ronald Reagan, "Radio Address to the Nation on Teenage Drug Abuse," January 16, 1988.
235 Ronald Reagan, "Address Before a Joint Session of Congress on the State of the Union," February 4, 1986.
236 Ronald Reagan, "Remarks at a White House Briefing for Service Organization Representatives on Drug Abuse," July 30, 1986.

During remarks made to the United States Coast Guard, which was tasked with interdicting drug smuggling, President Reagan expressed that "America is facing head-on social problems like drugs and crime. And this, as I say, stems from the renewal of our fundamental beliefs and values as a nation," and that "at the root of the drug crisis is a crisis of values and a spiritual hunger."[237] Having once more suggested that drugs went against the very fundaments of the American nation, and that those involved in the drug problem, either as sellers or as consumers, were on the wrong side of good-and-evil, this image could now be used to contrast the remaining American people as a collective of people with high morals and good conduct, unified in pursuing a good cause. He continued to express that "[o]ne of America's greatest strengths is our unique capacity for coming together during times of national emergency. We set aside those differences that divide us and unite as one people, one government, one nation. We've done this before. We must do it now." Those remarks urged the American people to set aside its differences to come together in opposition to drugs. Apparently, the issue of drugs itself was not counted among the issues that could possibly divide Americans. That logic, then, suggested once more that drugs, as well as drug offenders, were in essence un-American; and as such could not divide Americans in the first place.

It was a recurring theme to present those opposed to drugs in the most favorable terms; as true Americans, patriots, soldiers, heroes, and people who acted according to God's wishes. During a special ceremony, President Reagan set the law enforcement officers whose lives were lost in his war on drugs on par with the American revolutionaries of the eighteenth century who lost their lives in their efforts to secure American independence. He claimed that: "[a]t our founding, we were promised the pursuit of happiness, not the myth of endless ecstasy from a vial of white poison."[238] And just as with that Revolutionary War, the war on drugs too was a battle "ultimately over what America is and what America will be." According to Reagan, "[w]e're the kind of country that will pull together and sacrifice to rid ourselves of the menace of illegal drug use because we know that drugs are the negation of the type of country we were meant to be." And so, the law enforcement officers who had lost their lives in the presidents' war on drugs, were elevated as Americans who defended – with their lives – what America was all about: "America's liberty was purchased with the blood of heroes. Our release from the bondage of illegal drug use is being won at the same dear price."

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[237] Ronald Reagan, "Remarks at the United States Coast Guard Academy Commencement Ceremony in New London, Connecticut," May 18, 1988.
[238] Ronald Reagan, "Remarks at a White House Ceremony Honoring Law Enforcement Officers Slain in the War on Drugs," April 19, 1988.

While there seemed to be no doubt about the right and wrong on the issue of drugs in President Reagan's mind, he was not blind to the possible seductions of drugs. His solution to resist those temptations however, was only a bit more concrete than to "just say no" as the first lady had urged Americans to do. He proclaimed: "[a]s we mobilize for this national crusade, I'm mindful that drugs are a constant temptation for millions. Please remember this when your courage is tested: You are Americans."[239] According to Reagan, then, to resist the temptations of drugs was to give testimony of one's identity as an American.

In short, by portraying its construct of the drug offender as the very antithesis of an *American*, President Reagan presented the non-drug consuming American citizens as real Americans and true patriots instead. For the sake of survival, they were expected to set their other differences aside, unified in opposition to the scourge of drugs that endangered America.

§E. Conclusion

The Reagan administration attempted to pit public opinion against the drug consumer, and succeeded in doing so. By using the emergence of crack cocaine to target African Americans more severely, and by simultaneously presenting the drug offender in general as typically African-American through its remarks regarding the drug issue, the Reagan administration racialized its drug offender construct. Both the legislation as well as the rhetoric did this in an implicit manner that allowed the administration to plausibly deny it had anything to do with race; but in practice the war on drugs became racialized very much. Whereas the typical drug offender was now thought of as an African American, the association worked conversely as well; African-American communities in the minds of American citizens became associated with having a drug problem. By presenting its construct of the drug offender as the antithesis of all that America was about, the Reagan administration tried to elevate the remainder of the American society as real Americans instead. But this not only affected those that did or did not consume drugs, but perhaps more importantly, it affected those who in the minds of the American public did or did not consume drugs. And since the Reagan administration had planted in the minds of American citizens the association between drugs and African

[239] Ronald Reagan, "Address to the Nation on the Campaign Against Drug Abuse," September 14, 1986.

Americans, even those who had never consumed drugs in their lifetimes, were to some extent cast outside of society.

Conclusion

So, to what extent, then, can the Reagan administration's war on drugs be seen as a vehicle to sharpen American identity along ethnoracial lines? In trying to answer that question, this thesis has first demonstrated that the war on drugs was not waged for the benefit of public health and public safety, as was argued by the Reagan administration. Instead, these arguments were only used as mere justifications to escalate the war on drugs. In reality, and to the knowledge of the Reagan administration, the war on drugs was counterproductive with respect to these areas. With public health and public safety clearly not on the mind of the Reagan administration, what, then, was the reason to wage and intensify the war on drugs? The war served as a way to embrace American nationhood. By portraying the drug consumer as a moral deviant and not a real American, the Reagan administration allowed other American citizens to place themselves in juxtaposition towards that construct, thereby strengthening American identity. That identity was constituted along racial lines, by painting the drug offender as typically an African American. The administration did this in a subtle and implicit manner that allowed itself to plausibly deny charges of racism, while in practice applying it. The racialized construct of the drug offender was cast outside of society. Literally, by incarcerating African Americans in record numbers; and symbolically, by changing society's image of African Americans, both through the criminalization as well as through the administration's rhetoric surrounding the drug issue.

Gary Gerstle argues that Ronald Reagan tried to revive affection for the American nation, and tried to restore its national pride through "a coded rehabilitation of the racial nationalist tradition." This thesis has tested that claim by examining Reagan his war on drugs in that respect. It concludes that the war on drugs should not be seen as a policy, however flawed, that was designed to protect public health and public safety; but that it should indeed be seen as a project that tried to restore feelings of American nationhood. That could explain why the 'failed' war on drugs was so enduring, even when it became so obvious that it 'failed': it only failed in the sense that it was not beneficial in terms of public health and public safety. It was not a failed policy, however, in terms of restoring patriotic feelings. Gerstle his claims about American nationhood – that Reagan, in a coded way, tried to rehabilitate the racial

nationalist tradition – was already made in a convincing way, and needed little further elaboration. Still, it seemed to overlook one of Reagan his biggest projects in that regard. This thesis has tried to further underpin his argument by examining the war on drugs through that lens.

This thesis has also tried to add to the debate surrounding the war on drugs, by presenting ways in which it was employed to reshape American identity. That does not mean it wants to dispute the other motivations that have been presented by various historians (see Introduction). To the contrary, rather than dismiss those explanations, the findings of this research may instead reinforce those other explanations. Because when one compares all these different arguments, a more general pattern becomes visible that makes these arguments not so different at all; one that is supported by the findings of this research. This general pattern holds that the war on drugs has served as a tool for the American government to exercise power and dominance over a group or groups of people inside or outside the United States. So whether that group constituted "dangerous populations internal to the country," "the movements of the 1960s," "new surplus populations created by neoliberal economic policies," "deviant individuals," "people in trouble," "states whose economy is highly dependent on US aid," or "organised dissent"; or whether it were more or even all of those groups, that overarching theme presents itself very visibly.

Still, case studies such as this thesis leave open the question to what extent the findings can be generalized. Does for instance a "[renewal of] the failed rhetoric from the war on drugs in the 1980s," as public health experts called President Trump's words of March 2018 (see Introduction), mean President Trump is moved by the same motivations as President Reagan was? With regard to strengthening nationhood as a motive for the war on drugs, or even the more general pattern, this study can only make that claim with regard to the war on drugs of the Reagan years. For the war on drugs during later periods in time, it must refrain itself from making such claims. Examining those later periods in the war on drugs, then, would be much beneficial, for it could reveal something about the enduringness of racial nationalism's revival. But even if one were to find that the war on drugs is not employed for those tactics any longer, one should take into consideration that other government programs might have replaced that role, such as the war on terror. This would limit the researcher who would focus exclusively on the war on drugs during periods of its lesser prominence in making general claims about American society.

So in the end, what can these findings tell us for the here and now? First, they remind us once more that racial policies have been alive and well, but that they nowadays come in disguise. Second, they demonstrate that a healthy dose of skepticism is always in order when listening to those who occupy the White House. Both are as true today, as they were forty years ago.

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