

THE PENNSYLVANIA STATE UNIVERSITY
SCHREYER HONORS COLLEGE

DEPARTMENT OF HISTORY AND RELIGIOUS STUDIES

PRESIDENTIAL POLITICS AND THE FORMATION OF DRUG POLICY 1968-1986

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SUMMER 2013

A thesis
submitted in partial fulfillment
of the requirements
for baccalaureate degrees
in History and Political Science
with honors in History

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ABSTRACT

This thesis explains the formation of anti-drug policy in the United States from President Nixon through President Reagan. It narrates several important themes that informed the evolution of the government's anti-drug policy. The themes of the southern strategy, presidential politics, moralism, the media, and the political advantages of a "tough on crime" ideology undergirded the policies. This is essentially a story of how the foundation for the prison-industrial complex was built.

President Nixon started the "war on drugs" in response to his suspected centrism among conservative Republicans. He deepened the criminalization of marijuana even though his appointed commission to study drugs charged that criminal penalties for marijuana possession and consumption did more harm to society than the drug itself. The moral perception of drugs as criminal persisted throughout this period and was adopted by both the Republican and Democratic parties during the Presidency of Ronald Reagan. The media's increased coverage of drugs during the Carter and Reagan Presidencies coupled with the existing bureaucratic apparatus to combat drug trafficking and to foster political unity on an anti-drug policy contributed greatly to America's increased involvement in the drug war.

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ACKNOWLEDGEMENTS

I dedicate this thesis to my late grandmother Thelma Bonarrigo, who passed away during its production.

I thank Dr. Abrokwaa, Dr. Baumann, Dr. Mengisteab, Dr. Selzer, and all of the other professors that guided me throughout my college career.

I thank Dr. Milligan for guiding me throughout the year. His advice and editing contributed tremendously to my progress. I am indebted to him.

I thank Dr. Lumpkins he has been a great friend and mentor. I could not have done this without him. It was a miracle that I met him and this was all made possible. Thank you for believing in me. Thanks Charlie.

I thank Captain James Turk and Ryan Cray for guiding me from my teenage years through school and life.

I thank my grandparents Thelma Bonarrigo, Joseph Bonarrigo, Delores Plevelich, and Andrew Plevelich for loving and supporting me.

I thank my parents Lindy and Mark Plevelich for filling me up with so much love. You made it all happen. You raised the “colonel” well.

Chapter 1

Nixon, Ford, and Carter: The Declaration of the Drug War

Since 1968, the Republican and Democratic parties crafted an anti-drug policy and the war on drugs based on morality as a way to increase their political power. Under the leadership of every United States President since Nixon, the war on drugs has dramatically increased. The Presidents and their respective political parties conducted the drug war and punitive drug penalties for possession mainly for political gain, resulting in the highest incarceration rate in the world. In order to best the larger, more powerful Democratic Party, the Republican Party implemented the southern strategy as the lynchpin to win the loyalty of white working-class Democratic voters not only in the South but also in the non-South by appealing to an encoded anti-black racism by associating drug use with African Americans.¹ The Republican Party received much, at times unsolicited, assistance from the print and broadcast corporate media that transmitted provocative and often over-exaggerated coverage of drug abuse. The Democratic Party rapidly changed its views largely for political opportunity in hopes of maintaining its political power on the national level. Since the early years of President Reagan's first term, the Republican and Democratic parties, with assistance from their allies, directed the federal government's war on drugs and enactment of "tough" drug control legislation as ways to solidify electoral victories and to wield political power.

¹ For in depth discussion of the inchoate early developments of the southern strategy see Taylor Branch, *Pillar of Fire: America in the King Years, 1963-65* (New York, NY: Simon & Schuster, 1998), 242.

Both parties, therefore—for chiefly politically opportunistic reasons—played their respective parts in creating the prison-industrial complex which marks the nation’s current criminal justice system.

As narrated in this chapter, Republican and Democratic leaders fashioned their drug policies to appeal to white working-class voters who favored “tough” penalties for users. Harm-reduction strategies recommended by scientists and governmental panels (including President Nixon’s own Shafer Commission) were rejected in time because such were found to be politically unpopular. The Republican Party aimed to gain more political power by broadening the Republican base through courting the new group of swing voters, the white working-class voter, who represented the face of the “typical” American and who constituted a significant, extremely loyal member of the Democratic Party base since the New Deal era of the 1930s. Republican Party leaders realized that their search for political domination depended on how to use the rhetoric of “tough on crime,” anti-affirmative action, and “welfare queens” as ways to win this bloc of Democratic voters to support the Republicans. The direction of drug policy started out “tough” with Nixon, became stagnant with President Ford, failed to take a humane turn with President Jimmy Carter, and became decidedly more ruthless with President Ronald Reagan after 1980. As demonstrated in this chapter, from 1968 to 1981, the anti-drug use Republicans and Democrats employed social conservatism, moralism, and the southern strategy to defeat illegal drug use in order to attain the political power they deemed necessary to restore order and respect for authority in American life and culture.

The Republican Party pursued a southern strategy that included discussion of drugs that first exaggerated drug use and drug crime associated with the hippie

counterculture. In the late 1960s, the party under President Richard M. Nixon conducted the first stage of the southern strategy. This stage exploited mainly white working-class Democratic voters' fears of drug crime then associated with drug use and crime with social unrest and political challenges mounted by left-of-political-center African American activists in black urban districts. In 1970, President Nixon waged the war on drugs as a part of his southern strategy of wooing white working-class Democratic voters who opposed either desegregation or reallocation of government spending on ameliorating racial economic discrimination and who proved very receptive to tough on crime rhetoric. Republican Party leaders exploited these voters who largely feared the riots in black communities during the late 1960s. Some Republican strategists admitted that appealing to racial fears would be central to this strategy. According to H.R. Haldeman, one of Nixon's key advisors: "Nixon emphasized that [one has] to face the fact that the whole problem is really the blacks. The key is to devise a system that recognizes this while not appearing to be racist."²

Researchers have found in the 1970s racial attitudes—not crime rates or likelihood of victimization—formed an important determinant of white support for “get tough on crime and anti-welfare measures.”³ Civil rights scholar Michelle Alexander demonstrates how the Republican Party used this systematic strategy explaining that “the War on Drugs cloaked in race-neutral language, offered whites opposed to racial reform a unique opportunity to express their hostility toward blacks and black progress, without

² H.R. Haldeman, *The Haldeman Diaries: Inside the Nixon White House* (New York: G.P. Putnam's, 1994), 53.

³ Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: New Press, 2010), 54.

being exposed to the charge of racism.”⁴ *New York Times* writer Thomas Johnson, who covered the 1968 Presidential race, writes: “Richard Nixon ran his 1968 campaign on states' rights and ‘law and order.’”⁵ Writer for *Salon News*, Steve Kornacki, concurs referring to Nixon’s strategy as “the trick. . . to wink and nod at white Southerners with signals that were simultaneously nebulous and unmistakable. Instead of arguing against civil rights, Nixon talked ‘law and order’ and, later, busing.”⁶ A prominent scholar in regards to the Controlled Substances Act of 1970, David Courtwright describes Nixon’s ideology in the following fashion: “he was convinced that abuse and addiction gave rise to crime, the No. 1 domestic issue in his 1968 campaign and a key test facing his administration.”⁷

Nixon’s perception of drug addiction, coupled with high crime rates in the late 1960s, and the need to secure the white working-class vote resulted in the passage of the Controlled Substances Act of 1970. The Controlled Substances Act passed with Democratic support because of the inclusion of drug rehabilitation programs. Many of the liberal Democrats witnessed the negative effects of heroin use in urban areas and high rates of drug use among Vietnam Veterans, therefore were open to aggressively solving the problem. In the early 1970s, the media covered the increasing number of Vietnam Veterans addicted to heroin. Army General John Tolson from Fort Bragg, North Carolina, claimed, “We’ve got lots and lots of young men both in the Army and in the

⁴ Alexander, *The New Jim Crow*, 54.

⁵ Thomas Johnson, "Negro Leaders See Bias in Call Of Nixon for 'Law and Order,'" *The New York Times* 13 August 1968.

⁶ Steve Kornacki, "The Southern Strategy," *Salon News*, 2011, http://www.salon.com/2011/02/03/reagan_southern_strategy (20 December 2012).

⁷ David Courtwright, "The Controlled Substances Act: How a ‘Big Tent’ Reform Became a Punitive Drug Law," *Drug and Alcohol Dependence* 76, no. 1 (2004): 9-15.

whole country who are using drugs... I don't think we've done enough in the area of rehabilitation.”⁸ The Controlled Substances Act appeared to be humane compared to the Narcotics Act of 1956. A Stanford University publication marked the Narcotics Act to be draconian because of the absence of drug treatment provisions and because of it being: “the most punitive and repressive anti-narcotics legislation ever adopted by Congress. . . . Parole was allowed only for first time offenders convicted of possession, and the death penalty could be invoked for anyone who sold heroin to a minor.”⁹ The Controlled Substances Act of 1970 (CSA) not only included additional funding for addicts, it also founded the Drug Enforcement Agency (DEA), which is the first federal agency dedicated to the enforcement of narcotic laws. The CSA gives the DEA considerable flexibility to determine how dangerous a drug is to society.

The Nixon Administration imposed its ideology onto the nation through the DEA. According to David Courtwright, Nixon's “deepest instincts on the issue were prohibitionist, as he later showed when he rejected marijuana decriminalization and heroin maintenance. . . .Nixon resented the liberal establishment, but he knew he had to placate it. He was careful, when he spoke of the drug problem, to say that it had a public-health dimension.”¹⁰ Nixon utilized his political skill to the fullest by implementing a “tough on crime” law with the impression that it was pragmatic and humane.

⁸ Barbara Campbell, "Extent of Drug Use and Addiction in Armed Forces Appears Wider than Pentagon's Statistics Show," *New York Times* June 8, 1970, 25.

⁹ "The United States War on Drugs," *Stanford University*, http://www.stanford.edu/class/e297c/poverty_prejudice/paradox/htele.html (18 December 2012).

¹⁰ David Courtwright, "The Controlled Substances Act: How a “Big Tent” Reform Became a Punitive Drug Law," *Drug and Alcohol Dependence* 76, no. 1 (2004): 9-15.

Nixon did not want drugs such as marijuana to be decriminalized or legalized, so when he heard the National Commission on Marijuana and Drug Abuse—a commission which the President had himself formed and appointed as chair, ex-Pennsylvania Republican Governor Raymond P. Shafer—was leaning towards recommending the decriminalization of Marijuana, Nixon used the bully pulpit to promote his ideology. In a conversation that took place in the Oval Office on May 26, 1971 Nixon asked his advisor H.R. Haldeman about the commission: “Now, this is one thing I want. I want a Goddamn strong statement on marijuana. Can I get that out of this sonofabitching, uh, Domestic Council?” Haldeman replied, “sure.”¹¹ Nixon invited Raymond Shafer who was head of the Commission into the Oval Office on September 7, 1971. In this meeting the President pressured Shafer regarding the Commission’s findings; Nixon commanded that “if [the public] gets the idea you're just a bunch of do-gooders that are going to come out with a quote ‘soft on marijuana’ report, that'll destroy it, right off the bat... Keep your Commission in line.”¹²

Hoping to offset the Commission’s findings throughout 1971, one year after the Controlled Substance Act was signed, Nixon decided to ramp up enforcement. In a national address Nixon made his case that his ideology was appropriate for the current drug situation declaring that “America's public enemy number one in the United States is drug abuse. In order to fight and defeat this enemy, it is necessary to wage a new, all-out

¹¹ "Nixon Oval Office Tapes 5/1971-3/1972," *Nixon Tapes*, www.csdp.org/research/nixonpot.txt (1 April 2013).

¹² "Nixon Oval Office Tapes 5/1971-3/1972," *Nixon Tapes*.

offensive.”¹³ Nixon’s declaration of the war on drugs reinforced the narrative that marijuana was a gateway drug and its use was dangerous to society. *New York Times* writer James Naughton wrote that “the President asserted his adamant opposition to the legalization of marijuana. He contended that no moral or social justification exists for legalizing its use and that it would encourage more youths ‘to start down that long dismal road that leads to hard drugs and eventually to self-destruction.”¹⁴

The electoral benefits of Nixon ramping up the drug war after the enactment of the CSA were apparent. Now President Nixon positioned himself to win the Bible Belt states of Alabama, Arkansas, Georgia, Louisiana, and Mississippi that rejected him as too moderate in the 1968 presidential election. His message simultaneously appeased the far right in the conservative-dominated states and appealed to the moderate to liberal states where drug treatment was a priority.

The United States and the Netherlands Government studied marijuana, its effects, and recommended sentence guidelines from scientists and sociologists. In fact a good many industrialized countries studied drug policies in the late 1960s and early 1970s. Established in the 1970s, the Baan Commission in the Netherlands studied a wide range of narcotics. The Commission’s “recommendations largely determined the course of the Netherlands’ drug policy and resulted in an overhaul of the Opium Act in 1976.”¹⁵ The

¹³ "Richard Nixon: Remarks About an Intensified Program for Drug Abuse Prevention and Control," *The American Presidency Project*, 1999-2013, <http://www.presidency.ucsb.edu/ws/?pid=3047> (20 December 2012).

¹⁴ James M Naughton, "President Gives 'Highest Priority' to Drug Problem," *The New York Times* 2 June 1971: 1.

¹⁵ Benjamin Dolin, "National Drug Policy: The Netherlands," *Parliament of Canada*, 2002, <http://www.parl.gc.ca/Content/SEN/Committee/371/ille/library/dolin1-e.htm> (20 December 2012).

Opium Act was a law meeting the requirements of the convention of U.N. Drug Treaties: the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol and the Convention on Psychotropic Substances of 1971. The Commission concluded that two categories, “soft” drugs and “hard” drugs, exist. The Commission claimed soft drugs, including marijuana and psychedelic mushrooms, were relatively harmless. The Baan Commission found that users and small time dealers were not worth law enforcement’s time and resources to pursue.¹⁶ Hard drugs were viewed as a medical problem and should be illegal. The Commission recommended medical-social care to drug users because it found prison to not be suitable for treatment. The Baan Commission and the Dutch policy are significant because the United States’ National Commission on Marijuana and Drug Abuse came to very similar conclusions.

While the Netherlands chose to frame its drug policy based on the recommendations of science rather than morality, the federal government crafted a drug policy that rejected the most current scientific and sociological evidence. Governor Shafer’s National Commission on Marijuana and Drug Abuse completed its report in 1973. The purpose of this Commission was to determine whether marijuana policy should change. Congress rendered marijuana temporarily as a schedule I drug, meaning it met these requirements: 1. the drug or other substance has a high potential for abuse; 2. the drug or other substance has no currently accepted medical use in treatment in the

¹⁶ Ed Leuw and I. Marshall, *Between Prohibition and Legalization: The Dutch Experiment in Drug Policy* (New York: Kugler Publications, 1994), 19.

United States; 3. a lack of accepted safety for use of the drug or other substance under medical supervision.¹⁷

When presenting the Commission's second report to Congress in March 1973, Shafer recommended the decriminalization of marijuana in small amounts,

[T]he criminal law is too harsh a tool to apply to personal possession even in the effort to discourage use. It implies an overwhelming indictment of the behavior which we believe is not appropriate. The actual and potential harm of use of the drug is not great enough to justify intrusion by the criminal law into private behavior, a step which our society takes only 'with the greatest reluctance.'¹⁸

The Baan and Shafer commissions were almost identical in their findings and recommendations, but the United States and the Netherlands moved in opposite directions. The United States made the possession of marijuana, cocaine, and heroin a criminal offense. The Democratically controlled Congress appealed to its conservative wing and supported Nixon's opposition to decriminalization, which resulted in no changes to the marijuana policy after considering the findings of the Shafer report.

In the post-1964 Presidential elections, the Republicans started to utilize the southern strategy and win Southern states in congressional elections and relied on it to win the Presidency. The Republicans turned Southern Senate seats Republican for the first time since Reconstruction. In 1967, Republicans had just one Senator in two states of the old Confederacy. The Senate switched to Republican control in 1980. By 1981,

¹⁷ "21 USC § 812 - Schedules of Controlled Substances," LII | LII / Legal Information Institute, Cornell Law School, (5 December 2012).

http://www.law.cornell.edu/uscode/text/21/812#b_1

¹⁸ Part F is printed on the inside cover of The National Commission on Marihuana and Drug Abuse, *Drug Use In America: Problem In Perspective, Second Report of the National Commission on Marihuana and Drug Abuse, March 1973* (Washington, D.C.: G.P.O., 1973).

Republicans held one Senate seat in nine of the eleven states in the old Confederacy. A Republican Party majority was not achieved in the House of Representatives until 1994. The Republican southern strategy worked and caused the Democrats to position themselves ideologically closer to the Republicans on social issues. The lingering enforcement of the Controlled Substances Act of 1970 during the Ford and Carter Administration did not solve the drug problem in the United States.

After Richard Nixon resigned in 1974, President Gerald Ford was sworn into office. President Ford opposed decriminalizing marijuana, but was open to considering additional studies. Ford inherited Nixon's drug strategy, but was cautious to continue with it. The Ford Administration was preoccupied with inflation, jobs and an energy crisis. The DEA remained the legacy of Nixon's war on drugs.¹⁹ Ford was more of a pragmatist than Nixon was, and the Republicans did not possess much political capital after the Watergate Scandal of 1972. Ford's Presidency stunted the progress of the southern strategy. Ford was a Northerner, business friendly, and a moderate Republican. He did not excite the conservative base with Nixonian rhetoric and was interpreted as a social liberal by Republican standards. Ford came under criticism for a *60 Minutes* interview his wife Betty gave in 1975, in which she stated that *Roe v. Wade* was a "great, great decision".²⁰ This socially liberal perception among other factors would result in a primary challenge from conservative Ronald Reagan in 1976.

¹⁹ "Thirty Years Of America's Drug War," 1995-2003, <http://www.pbs.org/wgbh/pages/frontline/shows/drugs/cron/> (20 December 2012).

²⁰ John Edward Greene, *The Presidency of Gerald R. Ford* (Lawrence: University Press of Kansas, 1995), 33.

The 1974-midterm elections were a setback for Republicans in the Senate, in which the Democrats held sixty-one seats. The Democrats retained control of the House of Representatives largely because of the Watergate Scandal. As President, Ford was an outspoken supporter for women's equality and expressed his support for the Equal Rights Amendment.²¹ From a political standpoint Ford positioned himself in the center. Decreasing inflation was his number one priority, so he urged to cut spending, but he also introduced in 1975 to Congress, "a one-year, five-percent income tax increase on corporations and wealthy individuals."²² Unlike Nixon, Ford spent little political capital on social issues.

The Ford Administration toned down the warlike rhetoric on drug use of the Nixon Administration, but Ford lacked the will or ability to significantly reverse the course Nixon had set.²³ For example, in 1975 Ford said, "We should stop raising expectations of total elimination of drug abuse from our society."²⁴ Ford feared a balanced budget would be impossible if he significantly increased drug enforcement spending and implemented tougher penalties for use. Early in his Presidency Ford acknowledged the Shafer Commission's report and did not say he favored decriminalizing marijuana, but supported the notion that low levels of drug abuse are

²¹ Gerald R. Ford, "Proclamation 4383 – Women's Equality Day, 1975," *The American Presidency Project*, 1999-2013, <http://www.presidency.ucsb.edu/ws/?pid=23839> (18 December 2012).

²² "American President: American President," *Miller Center*, <http://millercenter.org/president/keyevents/ford> (19 December 2012).

²³ Eva Bertram, *Drug War Politics: The Price of Denial* (Berkeley: University of California Press, 1996), 99.

²⁴ Dan Baum, *Smoke and Mirrors: The War on Drugs and the Politics of Failure* (Boston, MA: Little, Brown, 1996), 86.

normal.²⁵ Ford said, “This Administration is committed to maintaining a strong Federal Drug Enforcement Administration to provide leadership in this fight. At the same time, I continue to recognize our responsibility to provide compassionate treatment and rehabilitation programs for the hapless victim of narcotics traffickers.”²⁶

Ford’s rhetoric regarding crime control echoed the rhetoric of Democratic lawmakers, not Republicans. President Nixon refused to re-classify certain drugs or concede the recommendations of the Shafer Commission that marijuana was less of a problem compared to heroin. This proclamation on behalf of Ford meant he favored treatment over prison for users. President Ford did not express or propose increases in penalties on users, just traffickers. In his State of the Union Address in 1976 President Ford discussed drug user as a health problem, rather than as a criminal one: “I recommended that the Congress enact mandatory fixed sentences for persons convicted of Federal crimes involving the sale of hard drugs. Hard drugs, we all know, degrade the spirit as they destroy the body of their users.”²⁷ The phrase “hard drugs” meant that President Ford conceded in a subtle way that marijuana was not as damaging as heroin. Ford’s speech was inconclusive as to what he thought about cocaine because during his Presidency only the wealthy abused cocaine, whereas individuals from all social classes consumed heroin and marijuana.

²⁵ “White Paper on Drug Abuse,” September, 1975, Domestic Council Drug Abuse Task Force, Washington D.C.

²⁶ “Presidential Statement: Ford's Message on Crime Control,” *CQ Almanac* Congressional Quarterly, (1976): 20-A-24-A.

²⁷ “State of the Union Message and Democratic Response,” *CQ Press* 1976 (1977): 13-36.

President Ford, like all politicians, read opinion polls and reacted to them, realizing that the issue of drug abuse was not going to deliver him a second term. The cost of living was the most important issue facing the nation. A 1976 Gallup poll shows that 43 percent of Americans believed that the high cost of living was the most important issue compared to only 5 percent for crime, and 1 percent for drugs as the most important issue.²⁸ The costs of an aggressively-oriented DEA (Drug Enforcement Agency) and budgets for a top-down drug war were too high for Ford's liking. His governing strategy, which has been labeled "new realism," was essentially a commitment to cut federal spending to the bone.²⁹ President Ford vetoed fifty-nine spending bills, and Congress overrode his vetoes twelve times.³⁰

In 1976, the Ford Administration presented the publication, *Federal Drug Strategy*, which addresses poverty, unemployment, alienation, and lack of opportunity as the causes of drug addiction.³¹ President Ford's *Federal Drug Strategy* also suggested "seriously studying" the decriminalization of marijuana. Ford was not the only prominent Republican in Washington, D.C., with these centrist views. In 1977, Congressman Dan Quayle of Indiana remarked that "Congress should definitely consider

²⁸ "1976 US Presidential Election," *The Roper Center for Public Opinion Research*, http://www.ropercenter.uconn.edu/elections/presidential/presidential_election_1976.html (18 December 2012).

²⁹ David F. Musto and Pamela Korsmeyer, *The Quest for Drug Control: Politics and Federal Policy in a Period of Increasing Substance Abuse, 1960-1981* (New Haven, CT: Yale University Press, 2002), 167.

³⁰ Musto and Korsmeyer, *The Quest for Drug Control*, 167.

³¹ Baum, *Smoke and Mirrors*, 86.

decriminalizing possession of marijuana....We should concentrate on prosecuting the rapists and burglars who are a menace to society.”³²

On social issues, including the war on drugs, the Presidency of Gerald Ford shifted the political compass to the center, but the Presidency of Jimmy Carter took it to the left. Gerald Ford was a northerner, and Jimmy Carter was a southerner; the Republican southern strategy could not be implemented. Carter won every southern state except for Virginia. The first evangelical elected to the Presidency, Carter connected with southerners in terms of social issues much more so than Ford. With the Watergate scandal of President Nixon still fresh on voters' minds, Carter capitalized on his position as an outsider, distant from Washington, D.C.

When Carter assumed the Presidency in January 1977, crime and drug abuse were not frontline political priorities or top national issues. That being said, President Carter took a stance on marijuana decriminalization bills in the House and Senate. In a message to Congress, Carter became the first and only President to advocate decriminalizing marijuana in a message to Congress. Carter was somewhat bold to take such a stance. President Nixon's depiction of drug use as “public enemy number one” still lingered in the minds of Americans during the Carter Presidency. The establishment of the DEA and President Ford's continued targeting of traffickers presented difficulties for Carter as he endeavored, for a time, to convince Americans that a new liberal approach should be pursued. In addition, Carter did not receive support from major media outlets like *Time* magazine which stated: “polls still show that most Americans still believe that pot is

³² Baum, *Smoke and Mirrors*, 92.

addictive, harms users physically and usually leads them to hard drugs. None of this has been proved in more than ten years of scientific studies.”³³

The Carter Administration took the advice of the Shafer and Baan Commissions that implementing a harm-reduction policy would be more effective than eliminating all drug use. The Administration asserted that harm reduction simply means that the role of the government is to reduce the harm that drugs do to people and society. Carter agreed with Peter Bourne, physician and Director of the Office of Drug Abuse Policy (ODAP), who argued that the Hippocratic Oath begins: “do no harm.”³⁴ Carter and Bourne believed that the punishment associated with marijuana did more harm than the drug itself.

Carter reorganized the federal government efforts pertinent to the CSA believing that previous administrations had favored enforcement too single-mindedly. In a memorandum pertaining to the ODAP Carter said, “I am abolishing the Cabinet-level committees concerned with international narcotics control, drug abuse prevention, and drug law enforcement created by previous Administrations.”³⁵ President Carter created a new committee to deal with new drug problems that confronted the country. He viewed the existing apparatus as inadequate in dealing with future problems. The President also wanted to restudy drug strategy in order to prove that the policies of the previous administrations were inadequate. Carter included in the memorandum that the new apparatus would “provide policy direction and coordination among the law enforcement,

³³ Baum, *Smoke and Mirrors*, 95.

³⁴ Baum, *Smoke and Mirrors*, 95.

³⁵ "Jimmy Carter: Office of Drug Abuse Policy Memorandum or the Heads of Certain Departments and Agencies," *The American Presidency Project*, 1999-2013, <http://www.presidency.ucsb.edu/ws/index.php?pid=7174> (16 December 2012).

international and treatment/prevention programs to assure a cohesive and effective strategy that both responds to immediate issues and provides a framework for longer term resolution of problems.”³⁶

The Carter Administration carried forth the pragmatic strategy of the Ford Administration and relied on scientific information more than any administration had before. Early on in his term, Carter continued to try to control the flow of drugs into the United States. On August 7, 1977, Carter acknowledged the government’s success against drug traffickers, “I think last week, we had the largest confiscation of heroin on record, about 400 pounds of heroin.... Heroin sold in our streets is now in such short supply that it's only 4.9-percent pure, the lowest quality detected since records have been kept.”³⁷ Carter appeared Presidential in proclaiming his success against drug trafficking without coming across as a supporter of drug use. When speaking on marijuana policy, Carter, significantly, reiterated his opposition to drug use because the majority of the public still viewed it as harmful. During the same speech in the White House briefing room in 1977 he claimed, “Decriminalization is not legalization. I do not condone any drug abuse, and we'll do everything possible to reduce the serious threat to our society. Federal civil penalties should be continued as a deterrent to the possession and use of marijuana.”³⁸

³⁶“Jimmy Carter: Office of Drug Abuse Policy Memorandum or the Heads of Certain Departments and Agencies.”

³⁷ “Jimmy Carter: Drug Abuse Remarks on Transmitting a Message to the Congress,” *The American Presidency Project*, 1999-2013, <http://www.presidency.ucsb.edu/ws/index.php?pid=7907> (21 December 2012).

³⁸ “Jimmy Carter: Drug Abuse Remarks on Transmitting a Message to the Congress.”

In the meantime, ODAP Director Bourne emerged as the most vocal Administration advocate calling for the decriminalization of marijuana, and his controversial conduct, in the end, greatly influenced Administration failure on this issue. Bourne told a Senate Committee that he himself had smoked marijuana, “I consider it safer than cigarettes and urge the removal of Federal criminal sanctions for possession of one ounce.”³⁹ Bourne’s statements contributed to the Administration’s unsuccessful efforts because of the media’s interpretation of Carter’s policy position. Historian Daniel Baum explained the media’s influence: “And every time, he’d open the paper the next morning and find it written that ‘Peter Bourne advocates for legalizing marijuana.’ ‘Couldn’t these people tell the bloody difference?’ He’d fume. ‘Couldn’t they keep on their minds what’s important?’”⁴⁰ The failure of the Carter Administration to convince the public, particularly that section of the public commonly referred to as Nixon’s “silent majority,” to support its position left it vulnerable to conservative criticism.

Factions within the Nixon “silent majority” flexed their political muscle during the Carter Administration. Conservative churches wrote letters to the White House about how dangerous marijuana was to the family. The conservative right had become extremely diligent and fired up over the perceived liberal policies of the Administration. Groups such as the National Federation of Parents for a Drug Free Youth began to criticize the government for what they called “pro-drug sentiments.”⁴¹ Peggy Mann author of children’s books, perceived marijuana to be a considerable threat to children.

³⁹ Robert Reinhold, "Smoking of Marijuana Wins Wider Acceptance," *The New York Times* 23 May 1977: 29.

⁴⁰ Baum, *Smoke and Mirrors*, 98.

⁴¹ Bertram, *Drug War Politics*, 99.

She wrote pieces in magazines popular with American housewives. Mann wrote about: “the danger pot smokers pose on the highway, parents who give two-year-olds marijuana to smoke, and the ‘proven’ links between marijuana and heart attack, cancer, infertility, sterility, impotence, loose sex and big breasts on teenage boys.”⁴² Baum argued the Carter Administration was losing because “the [conservative] side of the debate to which the press was giving credence... In one year, the *Reader’s Digest* sold three million reprints of Mann’s first article.”⁴³ The actions of Bourne, however, helped to undercut the credibility of scientific-oriented recommendations forming the basis of drug policy in the United States.

The Carter Administration’s inability to sell its ideology and conservative criticism were not the only factors in shifting drug policy. In 1978, the Director of the ODAP plagued the Administration with numerous scandals. NORML (National Organization for the Reform of Marijuana Laws) was a prominent interest group that persistently pressured the administration to decriminalize marijuana. In 1978, Bourne attended the NORML Christmas Party. At the Christmas party marijuana joints were offered to Bourne, but no witnesses claimed that he smoked any of them. He relocated to a private room with several party guests and was reportedly offered cocaine. None of the guests in the room confirmed or denied Bourne’s use of the drug.

The rumored drug use at the NORML Christmas party was not the only controversy surrounding Bourne. One of Peter Bourne’s staffers asked Bourne if he could write her a sleeping pill prescription because she was breaking up with her

⁴² Baum, *Smoke and Mirrors*, 127.

⁴³ Baum, *Smoke and Mirrors*, 128.

boyfriend and could not sleep.⁴⁴ Bourne wrote a prescription for his staffer and made up an alias for her. A Virginia State Pharmacy Inspector said he was: “investigating the champion for liberal drug laws for writing a phony prescription and caught the staffer.”⁴⁵ President Carter’s principal adviser on drugs and narcotics was “linked to the prescribing of a powerful sedative for one of his staff members using a fictitious name.”⁴⁶ The legislation to decriminalize marijuana died in Congress because of the negative press.

Federal law enforcement agencies arrested a record number of people since the implementation of the CSA. In 1965 the authorities arrested approximately 18,000 people for marijuana consumption, but by 1977 federal and state agents apprehended over 400,000 individuals for possession of marijuana.⁴⁷ Author Eva Bertram, an expert in the historical development of U.S. drug control speculated that “FBI Director Hoover devised the strategy to ramp up marijuana arrests as a way to weaken the left.”⁴⁸ The left appeared very weak on the drug issue after another Bourne controversy came to light.

The *New York Post* ran a story stating that a large drug arrest occurred in New York that involved a man who happened to have been treated in Bourne’s addiction clinics.⁴⁹ This story coupled with the reports about Bourne snorting cocaine at the NORML party caused him to resign. Republican Senator Orrin Hatch said about Bourne: “(He) has done more harm than any public official in the history of the government.”⁵⁰

⁴⁴ Baum, *Smoke and Mirrors*, 112.

⁴⁵ Baum, *Smoke and Mirrors*, 112.

⁴⁶ James Wooten, "Carter's Aide, Linked to Issuing a False Prescription, Takes Leave," *The New York Times* 20 July 1978: 1.

⁴⁷ Bertram, *Drug War Politics*, 97.

⁴⁸ Bertram, *Drug War Politics*, 97.

⁴⁹ Baum, *Smoke and Mirrors*, 113.

⁵⁰ Baum, *Smoke and Mirrors*, 114.

Bourne also told President Carter upon his exit of the White House, “There was a high incidence of marijuana use on the staff and occasional use of cocaine.”⁵¹

This series of events made the Carter Administration seem like it did not respect laws that it was duty-bound to enforce. The President wrote in a memorandum: “Whether you agree with the law or whether or not others obey the law is totally irrelevant... You will obey it, or you will seek employment elsewhere.”⁵² The association of drug use with liberals caused other Democrats, such as House Speaker Tip O’Neill, to make public statements about control over their own staff. “I’m an old square,” O’Neill remarked, “I tell them, if you drink beer at your own house, then you can drink beer at this little party here, but under no condition is there to be any pot. Anybody who smokes pot can go right out the door.”⁵³ The domestic scapegoat became a liberal health-oriented drug policy. In his resignation letter Bourne wrote, “I fear for the future of the nation far more than I do for the future of your friend, Peter G. Bourne.”⁵⁴

Not only was the economy in recession, American hostages were held captive in Iran, but no matter what the policy was it appeared President Carter could not effectively manage the country let alone his own staff. The backlash from the right continued after the resignation of Bourne. In order to counter-organizations like NORML, “Drug Education,” and other right-of-center groups were formed attacking drug reform. A study conducted by the University of Michigan on drug use among high school students in

⁵¹ Terence Smith, "Carter Orders White House Staff to Follow Drug Laws Or Resign," *The New York Times* 25 July 1978: 2-A1.

⁵² Smith, "Carter Orders White House Staff to Follow Drug Laws Or Resign."

⁵³ Smith, "Carter Orders White House Staff to Follow Drug Laws Or Resign."

⁵⁴ Baum, *Smoke and Mirrors*, 115.

1979 found that alcohol, tobacco, LSD, and cocaine use was either stagnant or dropping. Daily marijuana usage among high school seniors had doubled in three years.⁵⁵ The National Institute on Drug Abuse wrote an eighty-page publication titled *Parents, Peers, and Pot*. The publication argued that,

Marijuana caused heart disease, sterility, cancer and other maladies, but doesn't explain why, if so many kids were toking up, no epidemics of these diseases emerged... *Parents, Peers, and Pot* had become the official word on the subject of marijuana and teenagers. Still in print, the booklet is the most requested publication in the agency's history.⁵⁶

The work relied heavily on the University of Michigan drug survey and did not cite the Shafer Commission or any other research stating that marijuana use among adult users was less harmful than alcohol, tobacco, or other psychoactive drugs.⁵⁷

The narrative on drug policy had shifted dramatically during the Carter Administration. The Administration's missteps and loss of credibility on the issue allowed the right to gain momentum in the drug policy debate. The Administration relied heavily on the 1973 Shafer Commission Report and followed its recommendation "to halt all production of drug-education materials... The vast majority of materials were inaccurate and ineffective."⁵⁸ After pressure from anti-marijuana parent groups, the Administration welcomed drug education programs (it is important to note that public education reflected a more punitive line towards drug use, as opposed to drug

⁵⁵ Baum, *Smoke and Mirrors*, 120.

⁵⁶ Baum, *Smoke and Mirrors*, 123.

⁵⁷ Baum, *Smoke and Mirrors*, 122.

⁵⁸ Stephen Newman, "Parents Vs. Marijuana," *The New York Times* 12 June 1980: 1.

rehabilitation). Deputy Director of ODAP, Lee Dogoloff said about drug education: “the best thing to happen in the drug abuse field in the past 10 years.”⁵⁹

In 1979 Americans largely believed a rampant teenage drug problem existed, and the federal government, in turn, intensified its enforcement on traffickers. DEA administrator Peter Bensinger told reporters he wanted to see penalties for marijuana increased, not eliminated.⁶⁰ He had falsely claimed that the American Cancer Society reported, “marijuana represents a more serious cancer threat than cigarettes.”⁶¹ The DEA cooperated in a story that appeared in *Time* focusing on drug smuggling from Columbia to the United States. The story was titled “The Columbian Connection—How a Billion Dollar Network Smuggles Pot and Coke into the US.”⁶² This story was the final pressure point exerted on the Carter Administration to alter its response to marijuana.

Three weeks after the *Time* publication, the Carter White House announced a “war on marijuana.” An increase of drug treatment programs was not rendered a sufficient political solution by the American public. Law enforcement organizations and the military were deemed as the most important tools in solving America’s drug problem. In 1980, Carter provided a written statement on his signing of H.R. 2538, “a bill which will improve the Coast Guard's ability to enforce laws aimed at stopping illegal drug trafficking on the high seas... This legislation makes it a crime to illegally possess or

⁵⁹ Newman, "Parents Vs. Marijuana."

⁶⁰ Baum, *Smoke and Mirrors*, 126.

⁶¹ Baum, *Smoke and Mirrors*, 126.

⁶² Baum, *Smoke and Mirrors*, 120.

distribute drugs on the high seas and applies to all United States citizens.”⁶³ In order to position himself correctly for the 1980 election, given the unfavorable economic climate and foreign policy negatives, Carter had to appear he was willing to appease the right with the “war on marijuana.”

Carter relied heavily on the South for his election victory in the 1976. Ford was a social moderate and a northern Republican who was ineffective at pulling over to his side the same Democratic voters as Nixon did in the two previous elections. The 1980 election was incredibly difficult for Carter. According to political strategist David Frum, “inflation, high interest rates, and unemployment continued through the course of the campaign, and the ongoing hostage crisis in Iran became, to many, a symbol of American impotence during the Carter years.”⁶⁴

Reagan’s application of the southern strategy proved however that it was still effective. According to Michelle Alexander, “Reagan kicked off his presidential campaign at the annual Neshoba County Fair near Philadelphia, Mississippi the town where three civil rights activists were murdered in 1964. He assured the crowd ‘I believe in states rights,’ and promised to restore to states and local governments the power that properly belonged to them.”⁶⁵ “State’s rights” is an example of the coded language that appealed to the many white working class voters in the South. On the campaign trail, according to Thomas and Mary Edsall: “one of Reagan’s favorite and most-often

⁶³ “Jimmy Carter: Illegal Drug Traffic on the High Seas Statement on Signing H.R. 2538 Into Law,” *The American Presidency Project*, 1999-2013, <http://www.presidency.ucsb.edu/ws/index.php?pid=45047> (21 December 2012).

⁶⁴ David Frum, *How We Got Here: The '70s* (New York: Basic Books, 2000), 344.

⁶⁵ Alexander, *The New Jim Crow*, 48.

repeated anecdotes was the story of a Chicago ‘welfare queen’ with ‘80 names, 30 addresses, 12 social security cards,’ whose ‘tax –free income alone is over \$150,000.’”⁶⁶

The drug scandals that plagued the Carter Administration contributed to the first ever evangelical President losing over two-thirds of the evangelical vote to his opponent.⁶⁷ The right felt that America’s moral foundation was under attack and experienced an unprecedented amount of social degradation. The ability of the right to organize effectively played a major role in the defeat of Carter. Jerry Falwell, the founder of the Moral Majority, spent a large sum of money to defeat Jimmy Carter. Reflecting back, Carter remarked: “that autumn [1980] a group headed by Jerry Falwell purchased \$10 million in commercials on southern radio and TV to brand me as a traitor to the South and no longer a Christian.”⁶⁸ President Reagan earned another major social conservative endorsement—that of the National Rifle Association, which endorsed a presidential candidate for the first time in the organization’s history.⁶⁹ The cultural forces behind Reagan hindered Carter politically. According to *The New York Times*, “Jimmy Carter won only sixty-six percent of Democrats, forty-four percent of the southern vote, and thirty-six percent of the white vote, which represented eighty-eight percent of the electorate... In the previous election he won those groups with seventy-seven, fifty-four,

⁶⁶ Thomas Bryne Edsall and Mary D. Edsall, *Chain Reaction: The Impact of Race, Rights, and Taxes on American Politics* (New York: Norton, 1991), 148.

⁶⁷ Daniel Williams, "Jerry Falwell’s Sunbelt Politics: The Regional Origins of the Moral Majority," *Journal of Policy History* 22.2 (2010): 125-147.

⁶⁸ Jimmy Carter, *White House Diary* (New York: Farrar, Straus and Giroux, 2009), 469.

⁶⁹ "NRA-ILA | 100 Years: Remembering President Ronald," <http://www.nra-ila.org/news-issues/articles/2011/100-years-remembering-president-ronald.aspx> (21 December 2012).

and forty-seven percent respectively.”⁷⁰ The southern strategy proved effective once again in Presidential politics.

In conclusion, America’s drug policy since Nixon stemmed from morality rather than scientific evidence. The passage of the Civil Rights and Voting Rights Acts resulted in a shift within the American electorate. Prior to its passage, Democrats dominated the South politically since to the Civil War. Nixon utilized coded language that enabled him to win southern voters that previously favored segregation. As part of his efforts to expand the electoral map, Nixon implemented a national drug strategy called the war on drugs. The key piece of legislation enacted during his Presidency was the Controlled Substances Act. The law criminalized drug use contrary to the scientific and sociological recommendations of government research. The national drug strategy of President Nixon slowly evolved into a strategy that preferred finding solutions with military and para-military tactics as compared to drug treatment. The DEA and various agencies of enforcement continued to expand during the Presidencies of Ford and Carter.

Neither Ford’s electoral coalition nor his political agenda depended on the drugs and crime issue. President Ford did not reverse the course Nixon had set, but he significantly toned down the rhetoric previously used by Nixon. Ford aimed to benefit politically through governing from the center. His political muscle was flexed at containing spending, not legislating morality. Ford held scientific research in higher regard than his predecessor. In November of his last year in office, his *Federal Drug Strategy* suggested that the decriminalization of marijuana should be “seriously studied.”

⁷⁰ Adam Clymer, "Displeasure With Carter Turned Many to Reagan: 'Time for a Change,'" *The New York Times* 9 November 1980: 28.

His pragmatic views on drug use were carried over to the Carter Administration, where drug strategy took on a more liberal stance.

Carter accepted the conclusions of government research and advocated for the decriminalization of marijuana. He attempted to reorganize the role of the Executive Branch, so it may operate in a more pragmatic fashion. The Administration failed to decriminalize marijuana due to an ineffective message and internal blunders within its cabinet. The pursuit of traffickers and utilization of the DEA remained central to his drug strategy. The mistakes of his Presidency caused a shift in drug strategy back to the center-right. Carter signed legislation that gave the military unprecedented power to combat drug trafficking. Pressure from conservative groups and the media resulted in the abandonment of decriminalization and a focus on militarization. The southern strategy was dormant during the Ford and Carter Presidencies, but was reactivated successfully against Carter during the 1980 election. The drug policy of Ronald Reagan appealed to social conservatives and made “tough on crime” the standard position of both political parties for decades to come.

Chapter 2

President Reagan's War on Drugs, 1981-1985

President Ronald Reagan and others associated in his Administration in charge of carrying out the war on drugs determined the trajectory of United States drug policy. President Reagan's drug policy was shaped by a combination of factors: moralism, the political advantages of being "tough on crime," the use of the bully pulpit, the complacency of liberal and moderate Democrats, and the media's extensive coverage of drug use and trafficking. The President's use of the bully pulpit controlled the narrative of drug policy, affecting his political opponents and the media as well as Americans generally. Reagan gave many speeches on the dangers of illegal drug use and the media's coverage of drugs reinforced this message. First Lady Nancy Reagan, significantly too, chose drug abuse as her advocacy issue and mobilized conservatives and parent groups who successfully combated liberal arguments for decriminalizing drugs. Even though illegal drug use was on the decline at the start of his Presidency, Reagan was adamant about winning the war on drugs. His moral perception of drugs greatly contributed to an expansion of Federal power and involvement in the drug war. The political advantages of being "tough on crime" resulted in both the Republican and Democratic parties supporting the President's desired components for drug policy. Reagan's political maneuvers created an environment in which the Democratic Party lost its identity after the 1980 election and failed to produce a clear and unified message on

drug policy. Therefore, the conservative factions of the Democratic Party effectively tied their entire party to the position of the President and Republicans. The moderate and liberal Democrats did not meaningfully attempt to thwart the course of drug policy. The media's widespread coverage and provocative presentation of drugs quickly eliminated tolerance and sympathy for drug users and traffickers. President Reagan pursued a moralistic, politicized, and ideological war on drugs in order to restore and strengthen what he considered the bedrock values that define America's greatness and claim to world leadership.

Reagan's conservative presence in Republican politics from 1968 to 1980 maintained political pressure on Nixon and Ford from being too moderate on social issues. In November 1980 former California Governor and major Republican Party leader Reagan won the 1980 Presidential election and, in turn, took the drug war to new heights. The federal government gained significantly more authority in order to win the war on drugs. Reagan launched his campaign against drugs with greater passion and angst than that of his Republican predecessor Nixon. Different issues and executive branch priorities arose during the Ford and Carter Administrations. Compared to Nixon and Reagan, Presidents Carter and Ford were pragmatic and aimed to be somewhat reformist in their approach to drug policy. Historian Eva Bertram concluded that the forces in play made it easier for Presidents to expand, rather than pull back, on the drug war. Bertram commented on the drug war's trajectory: "the drug-policy legacy each president has inherited—a punitive paradigm, a web of existing antidrug laws, and a

growing drug-enforcement bureaucracy—that favors those who want to perpetuate or escalate the drug war.”⁷¹

Like Nixon, Reagan found being tough on crime politically advantageous. The very ideologically conservative Reagan became moderate Nixon’s chief rival in the 1968 Republican primaries. Reagan’s strong moral convictions pressured Nixon to adopt “crime” as his number one domestic campaign issue. Nixon lost Alabama, Florida, Georgia, Mississippi, and Louisiana in the general election to George Wallace because of his perceived moderation. In order to compensate for his support of civil rights, “crime” was Nixon’s number one domestic issue. Rather than being explicitly racist like George Wallace, coded language enabled candidate Nixon to be competitive in Northern States, while he still possessed the ability to win in peripheral Southern States. Nixon gifted the drug war and racially coded language as appeasement to his party’s right wing. In Nixon’s 1972 election victory he won every state, except Massachusetts. Although Reagan lost two primaries prior to his 1980 victory, his pressure ensured that Nixon and Ford did not ignore the conservative and southern wing of the party.

Reagan’s conservatism was so influential that it almost won him the White House in 1976. Reagan challenged Ford in the 1976 Republican primary and narrowly lost the nomination. Reagan lost in the Northern States, but defeated Ford in the Southern States with large margins. Reagan won Texas and Georgia with sixty-six and sixty-eight percent of the vote respectively.⁷² Reagan’s southern and conservative coalitions

⁷¹ Eva Bertram, *Drug War Politics: The Price of Denial* (Berkeley: University of California Press, 1996), 104.

⁷² "Ronald Reagan: The Heritage Foundation Remembers," http://www.reagansheritage.org/html/reagan_career_busch.shtml (21 January 2013).

delivered him twenty-three states and only 187 delegates short of the nomination. The conservatives' fear of Reagan losing the nomination sparked rumors of the southern Republican delegates creating a third conservative party. According to journalist Christopher Lydon of the *New York Times*, "talk of a conservative bolt arose last week when some delegates feared that President Ford, if nominated might pick a fellow, 'moderate' from the East or Middle West as his running mate."⁷³ The legacy of Nixon's southern strategy, and Reagan's reapplication of it, caused a clear regional and ideological divide within the Republican Party. Reagan's victory pitted the moderate northeastern and mid-western wing against the conservative southern and western wing of the party. The more Reagan pressed the southern strategy, the more the approach impacted the party's platform. By 1980, Reagan's coded language and social conservative rhetoric defeated the moderate strategy of being soft spoken on social issues and outspoken on fiscal issues.

During his Presidency, Reagan embarked on a strategy of adamantly punishing the Democratic Party coalition and rewarding his Republican Party coalition. His drug policy was not the only policy that did this. Reagan implemented a multi-pronged attack on Democratic constituencies. His "welfare queen"-themed rhetoric resulted in cutting welfare and food stamps spending. According to historians Thomas Edsall and Mary Edsall: "cuts in welfare affected only two out of every one-hundred white households, but fifteen of every one-hundred black households . . . Reagan received 1.3 percent of his

⁷³ Christopher Lydon, "Conservatives Deny Plan to Walk Out of Sessions, Or Work for Third Party," *The New York Times* 17 August 1976: 23.

votes from blacks, while Carter received 25.5 percent of his votes from blacks.”⁷⁴ Many white voters believed that tax cuts were more desirable than expanding and strengthening the social welfare safety net. Coded language did not benefit Reagan’s image in the black community (it was ironic that he launched his 1980 campaign advocating for states rights in Philadelphia, Mississippi where decades before three civil rights activists were murdered).

The Reagan strategy to cut government programs that targeted blacks more than whites was also effective in adding the so-called “Reagan Democrats” to his electoral coalition. Twenty-two percent of Democrats voted for Reagan. Approximately one-third of these Democratic defectors voted for Reagan because they thought Democrats were pushing too fast for civil rights.⁷⁵ These Democrats did not reject civil rights; they simply wanted civil rights to be implemented without taking anything away from them (they operated with a sense of white entitlement to economic resources). The Democratic Party essentially lost its identity in the 1980s. The Democratic identity was odd because Democrats had clearly, in the 1960s, been the party of civil rights, but they could not sell this as a message because much of the party’s Southern wing. The economic message of the Democrats was muddled as well, caught between protecting workers and reacting defensively to whatever Reagan had proposed in the campaign. The party did not have a unified, effective message. Moreover, the party was so large at the time that it answered to diverse sometimes conflicting viewpoints. The support for “affirmative action” would

⁷⁴ Thomas Bryne Edsall and Mary D. Edsall, *Chain Reaction: The Impact of Race, Rights, and Taxes on American Politics* (New York: Norton, 1991), 162.

⁷⁵ James Sundquist, In *Dynamics of the Party System: Alignment and Realignment of Political Parties in the United States* (Washington, DC: The Brookings Institution, 1973), 422-423.

be clear in liberal New York City, but not so much in suburban Birmingham, Alabama. The Democratic Party was the party espousing “affirmative action,” but a major constituency was the South where “affirmative action” faced the most opposition. This phenomenon reduced the party’s ability to be effective. Reagan entered office at a time when the Democratic Party was sufficiently weakened and did not possess a tight ideological direction that was pitched with coherence to the American people. In 1980, fifty-one percent of Americans considered themselves moderate, thirty-two percent conservative, and just seventeen percent liberal.⁷⁶

The Reagan Administration did not tolerate any level of drug use, despite previously government publications evincing that a certain level of drug use was normal. According to Bertram, Reagan was a powerful force to be reckoned with: “at the center of his domestic agenda was a set of social policies, articulated most powerfully by the so-called moral majority, which embodied a defense of traditional family values, conservative Christian morality and patriotism.”⁷⁷ Even though drug arrests declined from 1977 to 1983, the Reagan Administration believed its anti-drugs policy to be politically advantageous to the point where it could both ignore the decline in drug use and purge science as it was applied to social issues from government documents.⁷⁸ The revision of drug publications that ran counter to the Administration’s position reflected Reagan’s rigid moralism.

⁷⁶ "A Shifting Electorate," <http://www.washingtonpost.com/wp-srv/special/politics/gop/interactive.html> (25 March 2013).

⁷⁷ Bertram, *Drug War Politics*, 110.

⁷⁸ “Bureau of Justice Statistics - Table on Estimated Arrests for Drug Abuse Violations by Age Group," *Bureau of Justice Statistics (BJS), United States Department of Justice*, <http://bjs.ojp.usdoj.gov/content/glance/tables/drugtab.cfm> (22 January 2013).

The Reagan Administration quickly set about this moralistic revisionism with William Pollin, Director at the National Institute on Drug Abuse (NIDA), leading these efforts. Pollin ordered his staff to remove the word “social” from any drug abuse publications. Future and previous publications were also edited. The Director wrote in a letter to his staff: “these publications reflect preliminary marijuana and cocaine research findings that often found equivocal results. I strongly suggest that you purge your collection of these old materials.”⁷⁹ The reasoning behind this purge was that conservative parent groups branded the NIDA as an organization that advocated drug use. According to a 1984 *High Times* article about the letter, “clearly this could have been more appropriately worded,” Pollin temporized. But ‘failure to actively disown some earlier publications’ had put NIDA in ‘some very unfortunate circumstances,’ he confessed. In fact, NIDA has repeatedly been charged with ‘promoting drug abuse among youth’ by activists for the National Federation of Parents for Drug-Free Youth.”⁸⁰ The previously purged documents advocated the decriminalization of marijuana. These purged drug documents proved problematic because they claimed that a certain level of drug use was normal. This scientific orientation ran counter to the conservative and moral perception of drug use. Reagan believed in the eradication of drug use and removing drug users from society through imprisonment. The President and the First Lady were very effective in exciting parent groups, preaching their moral beliefs, pressuring lawmakers and the rest of the government to get behind them.

⁷⁹ William Pollin, *Preliminary Marijuana and Cocaine Research*, Letter, National Institute on Drug Abuse, Rockville, MD. 22 July, 1983. (1 February 2013).

⁸⁰ "Fed Dope Bureau Censors Drug Info," *MarijuanaLibrary.org*, 1984, http://www.marijuanalibrary.org/HT_censors_0484.html (5 February 2013).

Reagan and Nixon were similar in their emphasis on the drug war, but Reagan additionally held strong negative emotions towards drug use. The drug issue for Nixon was mostly political; but for Reagan it was a deeply-rooted belief that any drug use was evil. In a White House Rose Garden ceremony, Reagan commented after he signed an executive order on June 24, 1982, pertaining to drug abuse,

I want to get away from the fatalistic attitude of the late seventies and assert a positive approach. We can put drug abuse on the run through stronger law enforcement, through cooperation with other nations to stop the trafficking, and by calling on the tremendous volunteer resources of parents, teachers, civic and religious leaders, and state and local officials. . . . The country must mobilize to let kids know the truth... drugs such as marijuana are dangerous and particularly for school-age youth.⁸¹

Drugs like alcohol and tobacco were not demonized because they had long-ago been integrated into mainstream American culture. Drugs like marijuana and cocaine, however, were perceived as relatively new. The typical hard-working American used alcohol and tobacco, while people in the counterculture, or outside of the (white) middle class, used these other drugs.

Reagan went on the attack early on in his Presidency articulating his deeply-felt belief that drug abuse and the drug problem are problems of the individual, not of society. Reagan believed the individual chooses between right and wrong and that drug users choose wrong. Reagan strongly believed in the traditional social structure of the family and people that used illicit drugs could not maintain or start a proper family. Reagan governed contrary to that of Ford and Carter whom prioritized drug treatment. Reagan cut drug treatment programs and asked every department to increase its spending to fight

⁸¹ "Ronald Reagan: Executive Order 12368 - Drug Abuse Policy Functions," *The American Presidency Project*, 1999-2013, <http://www.presidency.ucsb.edu/ws/index.php?pid=42672> (28 January 2013).

the drug war. Reagan's Executive Order 12368 centered (and enhanced) anti-drug policy power in the Oval Office, rather than from Congress; it also mandated that every department within the President's cabinet to include spending to fight the drug war in their respective budgets.⁸²

The Reagan Administration's first major action involved issuing Executive Order 12368 on June 24, 1982. This action convinced voters during the 1982 midterm elections that even though the economy was still in recession, the current Administration was committed to making America strong again by sharpening its character. According to historian Dan Baum, "the rates of rape, assault, theft, burglary, and car theft were all lower in 1982 than in 1977... The murder rate had been falling steadily since 1979."⁸³ In a radio address to the country on October 2, 1982, Reagan said: "the mood toward drugs is changing in this country, and the momentum is with us. 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."⁸⁴ Reagan effectively used the bully pulpit to sell the drug war in an era of presumed national decline; he also benefitted from having an all-star team of surrogates. Assistant Attorney General Rudolph Giuliani spoke about drug abuse to Congress on October 14, 1982 proclaiming that "this nation has been plagued by an

⁸² Baum, *Smoke and Mirrors*, 166.

⁸³ Baum, *Smoke and Mirrors*, 170.

⁸⁴ "Ronald Reagan: Radio Address to the Nation on Federal Drug Policy," *The American Presidency Project*, 1999-2013, <http://www.presidency.ucsb.edu/ws/index.php?pid=43085> (25 January 2013).

outbreak of crime unparalleled in our history and unequalled in any other free society.”⁸⁵ Despite the reality that crime and drug use were statistically on the decline, the Reagan Administration persisted in publicizing the problem. From Reagan’s point of view, declining rates were in fact advantageous because the Administration could expend less energy and fewer resources to fight a declining rate rather than an increasing rate. Since the rates were already declining, a continued decline would be hailed as a Reagan victory. Obviously, the military, industrialists, and others too wanted sober military personnel and employees. Reagan appealed to national security and economic prosperity. So, from Reagan’s point of view, declining drug use rates ironically played in his favor in the ramped up “war on drugs” campaign.

Reagan and his surrogates intensified the war on drugs by persuading Congress to allocate an additional \$125 million to hire more than a thousand FBI agents, DEA agents, and federal prosecutors to twelve new regional drug task forces created by the Justice Department.⁸⁶ The Reagan Administration convinced Congress to increase the budget to fight the drug war, but also convinced Congress to cut drug treatment programs.

Since drug treatment programs were prevalent during the Nixon and Carter Administrations, the drug treatment industry voiced its concern in the early 1980s. Richard Pruss, President of the Therapeutic Communities of America, pleaded his case to the government: “We believe with the DEA that community-based drug programs are entitled to a significant share of the assets seized from drug traffickers. Through properly

⁸⁵ "Remarks of the Attorney General Ceremony to Announce President Reagan’s Program to Combat Drug Trafficking and Organized Crime Department of Justice Washington, D.C.," *Department of Justice*, 1982, www.justice.gov/ag/aghistoricalsmith/1982/10-14-1982.pdf (28 January 2013).

⁸⁶ Marc Mauer, *Race to Incarcerate* (New Press: New York, 1999), 59-63.

designed civil forfeiture legislation, this source of revenue could make a life or death difference to many of our treatment programs . . . we believe that Washington should set a far higher priority than it does now on professional care of their victims.”⁸⁷ The antithesis to Pruss’s argument was the structure of the new Reagan-era federal budget, which mandated cuts in drug treatment programs by 30 percent, despite gains in additional revenue from asset seizures.⁸⁸

Pruss’s commentary signaled the ideological shift against drug use taking place in the nation. Empathetic to the plight of drug users, Pruss expressed worry and frustration that they were being forgotten in Washington. He emphasized that the government was focusing too much on enforcement and not enough on treatment. Department of Justice attorney Jeffrey Harris, testifying before the Senate Judiciary Committee, called for: “a permissive presumption, or more correctly, an inference that anything bought within a ‘reasonable time’ after a drug deal was bought with drug money and therefore seizable. Such a seizure could take place upon showing only of ‘probable cause,’ the same low standard required for more search warrants. No proof would be required. The person would not have to be charged let alone convicted of a crime.”⁸⁹ Democratic Senators Joe Biden and Hubert Humphrey were the lawmakers that introduced this legislation to seize drug traffickers’ assets. No legislation was voted on to restore cuts made to drug treatment programs. In an era where social spending was cut, some Democrats saw the war on drugs as a way to re-channel money from drug treatment programs to other

⁸⁷ Richard Pruss, "Let Drug Dealers' Losses Aid their Victims," *The New York Times* 17 December 1982: A38.

⁸⁸ "Nancy Reagan: Drug Use Glamorized by Entertainers," *St. Petersburg Times* 24 May 1982: 3A.

⁸⁹ Baum, *Smoke and Mirrors*, 171.

programs—that is, the government should spend money on deserving people, not on people who willfully “destroy” themselves.

The Reagan Administration and its Congressional supporters favored an amendment to the Posse Comitatus Act of 1878 to greatly facilitate substantial military involvement in efforts to fight the war on drugs. First enacted thirteen years after the Civil War and one year after the Compromise of 1877, which included an agreement between the federal government and ex-Confederate leaders to remove federal troops from the southern states, the Posse Comitatus Act prohibited soldiers and sailors of the United States military from making arrests. The 1981 amendment to this law gave the military new wiretapping authority, an expansion of preventive detention, and it enabled police officers to serve on secret grand juries.⁹⁰ The military could join local law enforcement, customs, and DEA agents in their efforts to combat trafficking.⁹¹

On the House floor Representative Stewart B. McKinney, Republican of Connecticut, whose daughter was a former cocaine user, said, "We sit there with five naval air stations, one naval base, five Air Force bases in Florida alone, and they [military branches] are not allowed to interdict the greatest, slimiest, lousiest, cruddiest enemy we have got in this country, those people who would profit off of killing the kids of this country."⁹² Some liberal members of the House proposed studying the effects of military involvement before handing over a large amount of power to the military in civilian affairs. Representative Glenn English, Democrat from Oklahoma, introduced such an

⁹⁰ Baum, *Smoke and Mirrors*, 171.

⁹¹ Bertram, *Drug War Politics*, 112.

⁹² Pat Towell, "Few Major Changes From Committee Version: After a Welter of Amendments, House Passes Defense Measure," *CQ Weekly* (29 June 1985): 1262-67.

amendment for a Pentagon study on the effectiveness of such a strategy, but the House rejected the bill by a vote of 81 to 328.⁹³ Prominent liberal members, such as Charles Rangel Democrat of New York, were ardent supporters of giving the military such vastly enhanced powers. The media and public opinion regarding the drug trade heavily influenced many center-left Democrats to join the cause.

Nancy Reagan made the drug use as her issue to draw attention as First Lady. In an interview with *U.S. News and World Report*, Nancy Reagan was asked,

‘Which drugs do you see as the greatest threat to young people today?’ She responded with, “All drugs are bad. Too many kids have the idea that there are hard drugs and soft drugs, dangerous drugs and safe drugs. There is no such thing as a safe drug... The report years ago that said marijuana was harmless did more harm than anything else. The signs that parents should watch for when their children abuse drugs are that their children get very laid back and cool. They undergo a personality change... they become messy about the way they dress.”⁹⁴

Nancy Reagan referred directly to the Shafer Commission and expressed her discontent that the study’s conclusion on marijuana did not align with her opinion. A 1982 to 1988 study about cocaine and heroin users by the National Institute of Justice concluded that incarcerated drug users needed to be treated in order to prevent subsequent offenses.⁹⁵ The high rate of recidivism among drug offenders was attributed to the lack of funding for treatment.⁹⁶ This interview with Nancy Reagan is a prime example of how the Reagan Administration used strict morality to counter scientific evidence. According to the interviewer, during the first year and a half of the Reagan Administration, the number

⁹³ Towell, "Few Major Changes From Committee Version."

⁹⁴ "Nancy Reagan: Drug Use Glamorized by Entertainers."

⁹⁵ James Stewart. "A Criminal Justice System Strategy for Treating Cocaine-Heroin," *DRCNet Online Library of Drug Policy*, <http://www.druglibrary.org/schaffer/govpubs/cjstcha.htm> (26 March 2013).

⁹⁶ Stewart. "A Criminal Justice System Strategy for Treating Cocaine-Heroin."

of antidrug parent groups jumped from 1,000 to over 3,000.⁹⁷ As the number of parent groups increased the Reagan Administration cut drug treatment programs by 30 percent.⁹⁸ The Administration preferred parent groups and drug education to drug treatment programs. The rationale behind this preference stemmed from the “right and wrong” choice that drug users had made. Since a drug user chose wrong, punishment would take precedent over treatment.

On October 11, 1982, *The New York Times* covered a speech Nancy Reagan gave to the National Federation of Parents for Drug-Free Youth Conference in Arlington, Virginia. “[Parents] are the most important weapon in the fight against teenage drug use,” Mrs. Reagan said. “I don’t know of any other way to do it except to just keep talking... Maybe going around talking—parents will become more willing to become involved, more willing to recognize the enormity of this problem and how widespread it is.”⁹⁹ The Reagan strategy was politically advantageous in the sense that it quieted the opposition to his ideology on drugs. Reagan’s ideology of sharpening America’s image through fighting the drug war and rejecting science was the new normal.

The Reagan Administration aggressively utilized the resources of the military to fight the drug war. The Campaign Against Marijuana Production (CAMP) was a conglomerate association of law enforcement consisting of the DEA, state and local law enforcement, National Guard, and Air Force personnel to eradicate domestic marijuana

⁹⁷ "Nancy Reagan: Drug Use Glamorized by Entertainers."

⁹⁸ "Nancy Reagan: Drug Use Glamorized by Entertainers."

⁹⁹ AP, "Mrs. Reagan Hails Parents' Movement on Teen-Age Drugs," *The New York Times* 12 October, 1982: A25.

production.¹⁰⁰ The CAMP program was most prominent in California, but similar efforts occurred in Missouri, Florida, and Maine.¹⁰¹ Northern California was the most heavily targeted place in the 1980s. From 1983 to 1985 CAMP reduced California marijuana cultivation by 40%, according to Robert Lindsey of the *New York Times*. Lindsey describes the raids in this manner: “in scenes reminiscent of the Vietnam War, helicopter-borne police officers wearing fatigues and bulletproof vests and carrying automatic weapons this week raided dozens of illicit marijuana fields. . . . Many residents say the raiders sometimes land on private property without search warrants, frighten children and animals, spy on them and otherwise violate their civil rights.”¹⁰² The militarization of the drug war was a very effective tool for seizing drugs and garnered positive coverage in the media.

Drug arrests and seizures, combined with Reagan’s use of the bully pulpit, helped build support for the drug war. Not only did this combination win greater support for the drug war, it also effectively silenced opposition to it. Reagan seized opportunities to showcase the Administration’s successes, while also underscoring the failings in the Carter Administration’s liberal approach. Reagan was making America strong again by eradicating these social ills. In a 1982 press conference a reporter asked, “Is the Carter Administration really to blame for a lot of the current narcotics problem?” Reagan responded with: “certainly drug enforcement and law enforcement did not receive the

¹⁰⁰ Robert Lindsey, "Raids Reduce California Marijuana Planting 40%," *The New York Times* 25 July 1985: A12.

¹⁰¹ Baum, *Smoke and Mirrors*, 176.

¹⁰² Lindsey, "Raids Reduce California Marijuana Planting 40%."

emphasis they needed during the Carter years.”¹⁰³ CAMP was an example of how the Reagan Administration flexed its muscle to combat marijuana, and the South Florida Task Force was an example as to how the federal government was able to combat cocaine trafficking.

The South Florida Task Force was established after Vice President George H.W. Bush heard from the Miami Citizens Against Crime (MCAC). Much like the parent groups championed by Nancy Reagan, community groups against drugs were presented as being on the moral high ground, much like the war on drugs itself. According to investigative journalist Gregory Jaynes of the *New York Times*, “MCAC asked for help in combating the local crime wave, much of it the result of the narcotics trade. The Reagan Administration responded with 250 additional Customs Agents, 73 agents and four intelligence analysts for the Drug Enforcement Administration, 43 agents for the F.B.I., 25 officers for the Border Patrol, two cutters and three smaller vessels for Coast Guard patrols, 150-mile-an-hour Cobra helicopters and the two Hawkeyes.”¹⁰⁴ The Reagan Administration was generous in directing attention and ample funding towards a wide array of drug-related issues. Prior to the outset of the drug war, American communities had generally opposed such a large military presence in their localities. In the 1980s however South Florida was depicted as a place plagued with drug crime. The Vice President’s Task Force was presented in the role of “savior” because the federal

¹⁰³ "Remarks Announcing Federal Initiatives Against Drug Trafficking and Organized Crime." *Ronald Reagan Presidential Library, National Archives and Records Administration*, <http://www.reagan.utexas.edu/archives/speeches/1982/101482c.htm> (2 February 2013).

¹⁰⁴ Gregory Jaynes, "Federal Agencies Cut Drug Traffic," *The New York Times* 2 May 1982: 33.

government came to the rescue. The national media assisted the Reagan Administration by covering drug use among the middle class.

The reality was that drug usage in America was on the decline, but people reading the national media during the early years of Reagan's Presidency would have believed otherwise. The media needed an issue that was new and rich with controversy; the end of the Vietnam War and the Iranian Hostage crisis created somewhat of a void among the American media at this time. The main issues of the day were the persistence of the recession and the continuation of the Cold War. Drugs in America and the threat of drugs provided the media with a new topic presented as a profound internal threat to public safety. *Time* magazine, the *New York Times*, and broadcast news followed the trend to cover illicit drug use.

While the Ford and Carter Administrations mentioned cocaine they did so in a fairly measured fashion; President Reagan presented cocaine as a threat to national security. Cocaine was covered heavily by the news media during this time. Cocaine was a threat to national security because of the moral degradation associated with its use and because of the increased power and profits Latin American crime syndicates had accumulated at the time.

The glamour drug of the late 1970s became affordable and its use, more common by the early 1980s. On July 6, 1981, investigative journalist Michael Demarest of *Time* defined the 1980s as the decade of cocaine. The themes showcased in his article included: the widespread use among middle class Americans, the absence of morality that surrounded the drug's use, the violence associated with cocaine trafficking, and the government's efforts to combat cocaine trafficking. This article was the first in a series

by *Time*, which investigated the culture of cocaine and the crime associated with it.

Cocaine in the 1970s was a glamour drug used by the rich. Popular musicians during this time period used cocaine to help them present a lustful picture. Popular music at the time that followed and emerged from the disco era, such as funk, possessed a party theme and this theme was commonly accompanied with cocaine references. The first rapper signed by a major record label was Kurtis Blow. He chose “blow” because it was slang for cocaine, which captures the themes of money, power, and respect. Cocaine was synonymous with wealth just like expensive clothing or wine.

Like going to an afternoon cookout or viewing a weekend blockbuster, the media perceived cocaine as common in mainstream America. Demarest writes: “whatever the price, by whatever name, cocaine is becoming the all-American drug. No longer is it a sinful secret of the moneyed elite, nor merely an elusive glitter of decadence in raffish society circles, as it seemed in decades past.”¹⁰⁵ This article echoed the moral degradation that the Carter Administration let happen in America. Demarest’s piece was one of the first that presented cocaine as a major problem in American society and, to the Reagan Administration, it was further justification for the drug war.

The culture surrounding cocaine included other issues that were taboo to American society. The number of weekly Christian church attendees declined during the latter half of the twentieth century, but Christianity still played a large role in forming the social mores of Americans. Evangelical Protestant Christians composed a large part of Reagan’s electoral coalition, and they emphasized that its members should actively apply

¹⁰⁵ Michael Demarest, "Cocaine Habit: Drug Use Rises in U.S. Among Middle Class," *Time* 6 July 1981.

their religious beliefs into public policy, so society can exist within a moral and Christian framework. Demarest proved effective in alarming and exciting Christian conservatives. Nancy Reagan spoke to this same conservative audience in her speeches and interviews about drug use. Demarest depicted the social degradation associated with the cocaine culture: “If a boy produces some coke on a date, it is just expected that the girl is going to put out... There is little likelihood that the cocaine blizzard will soon abate. It may be no easy task to reconvince them that good times are made, not sniffed.”¹⁰⁶ In order to stop cocaine from poisoning America drug task forces were imperative.

American society was acclimated to the War on Drugs in 1981 when Americans read the near apocalyptic excerpts from Demarest’s article that further justified the drug war.

[T]he Colombians and Cubans are known as the ‘cocaine cowboys’ for their willingness to kill in order to protect their racket. According to the DEA, there were 135 confirmed drug-related murders in Florida's Dade County last year. . . . More than 80% of all cocaine seized worldwide is confiscated in Florida — yet by the most optimistic estimate, seizures of smuggled dope account for no more than 10% of the total traffic entering southern Florida.¹⁰⁷

The almost 500 additional agents and military personnel, plus warships and extra helicopters given to the South Florida Task Force by the federal government appeared to be the logical solution to stop this crime wave plaguing America. Columbians and Cubans were killing people, American women were turning into “whores,” and the problem seemed to be getting worse. This tone of stories was commonplace on the national news and in weekly national publications such as *Time*.

¹⁰⁶ Demarest, "Cocaine Habit.”

¹⁰⁷ Demarest, "Cocaine Habit.”

Whether through the coverage of the successful drug interdiction efforts, personal stories about how drug use had ruined lives and lowered the nation's moral fabric, the media was eager to cover drug stories. When the major network anchors covered stories of middle class suburbanites using cocaine, some scholars argued that it generated more interest and gave birth to additional investigations. Two media historians, Jimmie Reeves and Richard Campbell, theorize that the star power and credibility of the national news molded the public's opinion on drugs. Reeves and Campbell claim that "network anchors are star moderators of the medium—patriarchal masters of electronic eye contact who specialize in engaging the audience with the 'Hi-Mom' intimacy of direct address... the role of the anchorman—Walter Cronkite is the exemplar—who is positively god-like; he summons forth men, events, and images at will; he speaks in tones of utter certainty; he is the person with whom all things begin and end."¹⁰⁸ As the television media industry expanded in the 1980s, it became more diversified. The major broadcast network TV coverage, which was the undisputed hegemon of the industry, found it had to compete with sitcoms and entertainment-driven cable channels such as MTV and ESPN. The threat of a ratings drop birthed the age of TV consultants advising networks on the best ways to increase their ratings. Thus, the national news coverage was supplemented with documentaries and melodramas about cocaine, which produced high ratings.

NBC television aired a two-hour melodrama in 1983 titled *Cocaine: One Man's Seduction*. The middle-class and suburban parents were the focus of Ronald and Nancy Reagan's rhetoric on drug use. Suburban whites constituted the demographic that mainly

¹⁰⁸ Jimmie Reeves and Richard Campbell, *Cracked Coverage* (Durham, NC: Duke University Press, 1994), 59-60.

composed the newly formed parent groups in the 1980s. Whites actually accounted for 80 percent of cocaine users from 1981-1985. Therefore, the media's coverage in early 1980s targeted this audience.

This melodrama starred actor Dennis Weaver as a white middle-class real-estate agent who had a near perfect family life, but, after experiencing a slump at work, Weaver started using cocaine. The main character Eddie Gant says all of the cliché phrases when he was first offered cocaine, "I'm a Scotch man, I don't need that... Why do you do that stuff? Does it make you crazy?"¹⁰⁹ The first incident when Eddie tries cocaine he said, "I tried grass once, it just made me dizzy." His co-worker offering it to him said, "It will put you on top of things and in control. When you find something that makes life easier, I say go for it. How do you think Tad works sixteen hour days?"¹¹⁰ After peer pressure and considering how to get ahead in work, he finally caves and uses cocaine. This scene in the movie expresses the Reagan ideology through film. This scene presents marijuana as a gateway drug and a devil in disguise. The melodrama also speaks to the decline in morality that cocaine users apparently experience because their actions tend to be more sexual and less formal. Eddie dressed flashy rather than in traditional business attire, was involved in criminal activity associated with cocaine, and the women he did cocaine with were sexually promiscuous. These aforementioned symptoms of the cocaine culture represented, once again, America's moral decline.

The melodrama galvanized parent groups all across America. The main character in the film spent money recklessly on cocaine and neglected his marriage, job, and

¹⁰⁹ Paul Wendkos, *Cocaine One Man's Seduction*, Film, New York: NBC, 1983.

¹¹⁰ *Cocaine One Man's Seduction*, 1983.

family. The morale of the story was that cocaine had no place in American society because it destroyed the user, the family, and ran contrary to the white middle class perception of values. NBC was not the only major network that found creative ways to educate American public on cocaine.

In 1983, ABC's *The Cocaine Cartel*, a documentary on drug trafficking, portrayed how powerful Latin American criminal enterprise became from the trafficking of cocaine. Pablo Escobar becomes a household name. Escobar was the face of the so-called "new mafia" and was described in the documentary by *New York Times* writer John Corry as "one Colombian, Pablo Escobar, is reported to be worth nearly \$2 billion. He is said to own several ranches, a zoo and a small fleet of planes and helicopters."¹¹¹ Escobar boasted about his drug wealth: "If there had not been an influx of hot money or dollars into the country, then the country would be suffering a grave economic crisis similar to that of other countries of Latin America. All those benefits can bring about the creation of new employment for the Colombian people."¹¹² The documentary interviews Vice President Bush as he praised the effort of the federal government in weakening the "new mafia." Democratic Senator Biden was also featured in the documentary because he was the Senate's Chairman of the Task Force on Crime. Biden re-enforced the documentary's narrative by emphasizing the power of these criminals. This bi-partisan depiction was an accurate reflection of the attitude towards drugs in Washington. As the 1984 election approached both parties were unified in fighting the drug war. The

¹¹¹ John Corry, "TV Weekend - Cocaine In Columbia," *The New York Times (1923-Current File)*, Online (10 February 2013).

¹¹² John Martin, *The Cocaine Cartel*, Film, New York: American Broadcasting Company, 1983.

Democrats had an unclear, certainly not unified, indeed somewhat passive stance on drug policy. The Democrats allowed the Republicans to control the message and the party's Southern conservative base had a political interest in joining with the Republicans.

“Tough on Crime” was the slogan Congressmen readily referenced when they returned to their home districts. Votes against allocating resources to fight the drug war were interpreted as votes for women turning into “cocaine whores” and letting the “new mafia” win. The reaction to Reagan’s policies by the Democrats was one usually of caution. His defeat of Jimmy Carter and ability to appeal to a notable number of Democratic voters caused an ideological shift among the Democrats. The drug war forced moderate to conservative Democrats to join Republicans in support of the drug war, but it brought about a form of ideological paralysis for liberal Democrats. Not even the biggest champions of civil liberties and the “liberal lions” in Congress wanted to speak out against the direction of drug policy in the United States. In the election year of 1984, Democratic Congressman Bill Hughes, Chairman of the House Subcommittee on Crime retorted: “there are only two ways I could be defeated. One, I’m accused of stealing. Two, I talk about decriminalizing marijuana.”¹¹³ The debate to decriminalize “soft” drugs during the Carter Administration was not even a remotely fathomable idea during the Reagan years.

Treatment for cocaine users did not have a significant presence in the Congressional vernacular. The media acknowledged celebrities who were treated in plush rehab centers, but for the authorities the preferred solution for the average American was incarceration. The harm reduction strategy of the Carter Administration

¹¹³ Baum, *Smoke and Mirrors*, 201.

created more problems in the eyes of Reagan, so the most common response was to take policy in the opposite direction. That opposite direction taken by Reagan shifted resources from drug treatment programs and lesser penalties to beef up law enforcement and stiffen penalties to remove drug users from society. Southern Democrats were in the driver's seat in terms of the ideological decision-making, but the indifference of moderates and liberals contributed greatly to the ideological marriage. With 1984 as an election year, both parties worked together to meet the demands of the Reagan Administration because Reagan carried the momentum.

The 1984 Omnibus Crime Bill passed the Republican-controlled Senate by a three to one margin and the Democratic-controlled House of Representatives with only five minutes of debate.¹¹⁴ The 1984 Crime Bill gave new powers to prosecutors, and it boosted maximum prison terms for drug crimes. As historian Baum explains: the 1984 Act “replaced parole with ‘supervised release,’ which let judges add a period of parole-like restrictions and supervision to the end of a completed sentence. It let prosecutors appeal sentences, which was previously reserved for defense. It stipulated that anybody charged with a drug crime that might result in a ten-year sentence is presumed dangerous and can be held without bail. It eliminated a long-standing program that expunged the records between eighteen and twenty-six who served their time.”¹¹⁵ In addition to this long list of changes, prosecutors could confiscate anything believed to be purchased with drug money and the burden of proof was placed on the person whose assets were seized. A provision added to the bill created a fund from seized assets that state and local law

¹¹⁴ Baum, *Smoke and Mirrors*, 202.

¹¹⁵ Baum, *Smoke and Mirrors*, 203.

enforcement agencies could draw from if they could prove they were effective in fighting the drug war. In simpler terms this meant police departments that made many arrests or seized a record number of drugs would be eligible for increased federal funds. The 1984 Comprehensive Crime Control Act essentially incentivized police departments to arrest drug users over other crimes.

President Reagan championed the crime bill in a radio address to the country, just days before it was signed into law on October 6, 1984, stating: "more State and local support. State and local officials are involved in the drug war as never before. Forty-seven States are now eradicating domestic marijuana. State and local law enforcement officials have expressed their satisfaction with the new high level of information sharing and cooperative efforts with the Federal Government."¹¹⁶ Reagan applied free market economic theory to law enforcement. Reagan believed the law enforcement departments that were the most successful in enforcing the law should be the most rewarded. Unfortunately, the 1980s was a period where state and local budgets shrank. If states and municipalities could save millions of dollars by altering their law enforcement priorities, then the alteration of these priorities appeared to be the fiscally responsible solution to a budget shortfall.

The Federal Judiciary joined the Executive and Legislative branches in the early 1980s in the drug war fight and, significantly, adopted a constitutional point of view that undermined personal freedoms. From the federal level to the state level, conservatism had swept the country's courts. The indifference of moderate and liberal Democrats to

¹¹⁶ "Ronald Reagan: Radio Address to the Nation on Drug Abuse," *The American Presidency Project*, 1999-2013, <http://www.presidency.ucsb.edu/ws/index.php?pid=39198> (10 February 2013).

block the bi-partisan agreement accelerated the formation of “tough on crime” policies.

During the 1960s and 1970s the Supreme Court had a liberal tilt. The four appointments made by Presidents Kennedy and Johnson produced rulings that expanded individual rights and civil liberties. A famous case, dealing with the Fourth Amendment, was *Katz v. United States* in 1967. This case involved the police placing a listening device on a phone in a telephone booth and recorded Charles Katz organizing illicit gambling activities. Katz was heavily involved in racketeering and monitored by the FBI for some time prior to his arrest. The court decided in a seven to one vote that the FBI had violated the Fourth Amendment by recording Katz because FBI agents did not physically search the phone booth.

Writing for the Majority, Justice Stewart wrote, “one who occupies [a telephone booth], shuts the door behind him, and pays the toll that permits him to place a call is surely entitled to assume that the words he utters into the mouthpiece will not be broadcast to the world.”¹¹⁷ Justice Harlan’s concurring opinion summarized the essential holdings of the Majority: “(a) that an enclosed telephone booth is an area where, like a home, and unlike a field, a person has a constitutionally protected reasonable expectation of privacy; (b) that electronic as well as physical intrusion into a place that is in this sense private may constitute a violation of the Fourth Amendment; and (c) that an invasion of a constitutionally protected area by federal authorities is, as the Court has long held, presumptively unreasonable in the absence of a search warrant.”¹¹⁸ Justice had

¹¹⁷ “*Katz v. United States*,” *LII | LII / Legal Information Institute*, http://www.law.cornell.edu/supct/html/historics/USSC_CR_0389_0347_ZS.html (18 February 2013).

¹¹⁸ “*Katz v. United States*.”

undoubtedly tipped the scales in favor of the individual rather than law enforcement.

During Reagan's Presidency, along with filling three Supreme Court vacancies, Reagan appointed eighty-three judges to the United States Courts of Appeals, and 290 judges to the United States district courts. Reagan's court appointments resulted in a change in regards to an ideological interpretation of the law.

By the end of his first term several Supreme Court cases reflected Reagan's conservative ideology when it came to fighting the drug war. One of these cases was the *United States v. Leon* decided in 1984. This case involved Alberto Leon who was selling Quaaludes out of his apartment, but three lower court rulings determined that his arrest was illegal because the search warrant was "tainted" or expired. The Supreme Court ruled that evidence seized under tainted warrants is admissible provided the police met a subjective standard of "good faith."¹¹⁹ Justice John Paul Stevens dissented and said, "the Bill of Rights was converted into an unenforced honor code that police may follow at their discretion."¹²⁰ William Brennan also dissented remarking that "the Court's victory over the Fourth Amendment is complete."¹²¹ Justice Brennan's statement meant that the Constitutional balance between defense and prosecution was heavily skewed toward the prosecution side.

The Court fashioned law in a similar ideological direction with the other branches of government. During the Nixon, Ford, and Carter Administrations, an ideological distinction existed between the Judicial Branch and the other two branches. All three

¹¹⁹ Baum, *Smoke and Mirrors*, 203.

¹²⁰ "United States v. Leon," LII | LII / Legal Information Institute, http://www.law.cornell.edu/supct/html/historics/USSC_CR_0468_0897_ZD.html (10 February 2013).

¹²¹ "United States v. Leon."

branches in government essentially agreed the exclusionary rule in the Fourth Amendment did not apply whenever police were acting on “good faith.” A consensus in the federal government formed that the protections found under the Fourth Amendment actually made Americans less safe because it could prevent people involved with drugs from being arrested. Since drugs plagued America at that time more power was given to the police.

Orin Kerr of the *Georgetown Law Journal* explains in great detail the Court’s rationale in this case: “The most common way to think about deterrence and the exclusionary rule begins at the end of that long list—the officers on the street. The familiar thinking runs as follows. The cop on the street wants to see bad people go to jail. Under the exclusionary rule, however, the criminal goes free if the constable blunders. To make sure the bad guy goes to jail, the officer will make sure he follows the law. The threat of exclusion aligns an officer’s interest in locking away bad guys with the societal interest in officers learning and then following the law.”¹²² The court’s decision in *United States v. Leon* gave the officer more freedom with the enforcement of the law. It essentially allowed the officer to make errors while making arrests and obtaining evidence. Law enforcement during the Reagan Presidency was thus strengthened extensively. Not only did the size and budgets of law enforcement grow exponentially, but also law enforcement’s power grew through the new conservative Court’s interpretation of the Constitution.

A change in the “exclusionary rule” was not the only major departure carried out

¹²² Orin Kerr, "Good Faith, New Law, and the Scope of the Exclusionary Rule," *Georgetown Law Journal* 99:1077 (2011): 1083.

by the Supreme Court. Evidence illegally seized would now be admissible and students in school would lose their Fourth Amendment protections. Another case that broadened the power of law enforcement to help fight the war on drugs was *New Jersey v. T.L.O.* This case was decided in 1985, and it involved a fourteen-year-old girl who was caught smoking cigarettes during school. The principal, without the girl's permission, searched her purse and found marijuana. She was arrested and was charged with possession of marijuana.

The New Jersey Supreme Court invoked the exclusionary rule and said that the evidence was inadmissible. The Supreme Court overruled the New Jersey Supreme Court, and in a concurring opinion Justice Powell wrote: "in any realistic sense students within the school environment have a lesser expectation of privacy than members of the population generally."¹²³ This Supreme Court decision enabled principals and school officials to search students at school without their permission and any evidence found would be admissible. The Supreme Court trended once again with the President and Congress by making judgments that enabled the government to win the drug war. This Supreme Court decision mainly affected the youth, stripping them of Fourth Amendment protection while at school. The media and national sentiment reckoned that drugs negatively affected America's youth. Parent groups, the media, and public opinion help bolster the Court's rationale because children were seen as victims to drug abuse and drug pushers, therefore they must be protected at the cost of the Fourth Amendment.

Champions for civil liberties and reforming drug laws lost the debate miserably to

¹²³ "New Jersey v. T.L.O.," LII | LII / Legal Information Institute, http://www.law.cornell.edu/supct/html/historics/USSC_CR_0469_0325_ZS.html (10 February 2013).

Nancy Reagan and anti-drug parent groups. Nancy Reagan's "Just Say No" Campaign started in 1984 when a girl in an Oakland, California, elementary school raised her hand and asked Mrs. Reagan, "What do you do if somebody offers you drugs?" Mrs. Reagan replied, "Well, you just say no."¹²⁴ From 1984 to 1988 roughly 12,000 "Just Say No" clubs were formed around the United States.¹²⁵ These parents' groups and youth clubs were a political force in the 1980s. The Democrats were silent on being "smart on crime" or suggesting science should be used to formulate drug policy. The main political voices opposing elements of the war of drugs were groups similar to the National Organization to Reform Marijuana Laws (NORML). The First Lady's voice was held in higher regard. The debate was structured as a good versus evil argument, and pro-drug groups were often demonized. The "good" or "moral" side in the debate—parents' groups and the Reagan Administration—was prepared to accept the expansion of police powers in order to protect children from illegal drugs. Few in the mainstream political spectrum would speak out against the drug war or support pro-drug groups. Pro-drug groups were not perceived to contain any credibility, therefore were removed from the arena of debate.

A vibrant subtopic of the cocaine issue was the effect it had on children. The news media focused on children in 1985 with stories about so called "cocaine babies." The media usually depicted these cocaine babies as non-white and poor. CBS first ran a cocaine babies story on September 11, 1985. The media argued that it was in the national interest to win the drug war so American babies would not have health problems from

¹²⁴ "Reaganfoundation.org | Nancy Reagan: Just Say No," *Ronald Reagan Presidential Foundation and Library*, http://www.reaganfoundation.org/details_t.aspx?p=RR1005NRL&h1=0&h2=0&sw=&lm=reagan&args_a=cms&args_b=10&argsb=N&tx=1203 (10 February 2013).

¹²⁵ "Reaganfoundation.org | Nancy Reagan: Just Say No."

their mothers who used cocaine.

The phenomenon of cocaine babies merged with the coverage of crack—more precisely, crack cocaine. Depending on the source, crack cocaine emerged in New York City and Miami in late 1984 and early 1985. The media began to cover crack cocaine in 1985 because of increased arrests and widespread availability in particular cities. Crack cocaine, unlike powder cocaine, was very cheap, a single dose cost anywhere from five to fifteen dollars. The manufacturing process of crack is relatively simple and can be done in any apartment with the help of household products. By the end of 1985 cocaine babies were referred to as “crack babies” largely because of crack’s depiction as a more dangerous substance.

By the end of 1985 crack cocaine garnered more media interest over powder cocaine. The *New York Times* ran a front-page story about crack cocaine on November 29, 1985. This was a pioneering story in the national media’s coverage of crack. Veteran *New York Times* writer, Jane Gross said: “a new form of cocaine is for sale on the streets of New York, alarming law enforcement officials and rehabilitation experts because of its tendency to accelerate the abuse of the drug, particularly among adolescents.”¹²⁶ The article depicted crack as a drug with demonic powers. It explained how users could not stop smoking it. Kevin McEnaveny, a physician in a New York City drug rehabilitative center, remarked: “the most vulnerable population is adolescents. . . . I am concerned by reports of sexual degradation from women using crack. Patients have told me that crack houses are the scene of uncontrollable, outrageous sexual activity, with women

¹²⁶ Jane Gross, "A New, Purified Form of Cocaine Causes Alarm as Abuse Increases," *The New York Times* 29 November 1985: A1.

frequently exchanging sex for drugs when they have run out of money. . . . The high these people describe is not even comparable to cocaine. It's almost like we're talking about a different drug here."¹²⁷ This article gave America its first look into crack cocaine, and it provoked alarm.

Prior to 1985 the media depicted the typical cocaine user as a middle-class white person. With the emergence of crack cocaine the media soon portrayed the crack user as a working-class, urban, Black or Hispanic person. Historian Dan Baum's analysis on the media's changed perspective contends: "the switch may have been one of simple opportunity; it's easier to film black people doing drugs on the street than white people doing drugs in their homes."¹²⁸ Citing a University of Michigan study, Baum writes, "beginning in December 1985 to the end of 1986, the depiction of white cocaine users fell by as much as two-thirds while that of black users rose by the same amount . . . that, during the Reagan era, the cocaine problem as defined by the network news became increasingly associated with people of color."¹²⁹ The increased coverage of crack cocaine, and its association with African Americans, was a byproduct of the southern strategy which further weakened the Democratic Party's historic electoral coalition. Attention to the use of illicit drugs by minority groups spoke directly to white working class voters who were concerned with crime and voted for candidates that campaigned on such domestic concerns.

Reagan and his wife were active in speaking out against drugs during the first six years of his Presidency. They used the bully pulpit to convince political opponents to

¹²⁷ Gross, "A New, Purified Form of Cocaine Causes Alarm as Abuse Increases."

¹²⁸ Baum, *Smoke and Mirrors*, 222.

¹²⁹ Baum, *Smoke and Mirrors*, 223.

adopt their moralistic stance on drug use. During his first term Reagan was a salesman for the drug war; he was in fact so successful at selling the drug war that the percentage of Americans who believed that drugs was the most important national issue soared from two percent in 1982 to sixty-four percent in 1989.¹³⁰ The media, however, not Reagan, proved to be the most effective salesman in winning many Americans to support the war on drugs. By 1986, the media's coverage of crack caused Americans to demand tough-on-crime solutions. The emergence of crack cocaine resulted in the toughest drug laws ever enacted in American history. The complacency of moderate and liberal Democrats on this issue led to an ideological bi-partisan marriage on drug abuse. The media's depiction of drugs as a black problem, starting in 1985, led to the white voting majority being even more strident in anti-drug law advocacy. Crack, not marijuana or powder cocaine, became the new political football. The media made the drug problem appear as principally a black American problem. The laws enacted during Reagan's Presidency caused the United States to have the highest incarceration rate in the world. The largest assault on drugs and drug users took place with the passage of the 1986 Anti-Drug Abuse Act. Indeed 1986 was arguably the single most important year in America's war on drugs.

¹³⁰ Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: New Press: 2010), 49,54.

Chapter 3

Crack Cocaine, Media Coverage, and the Anti-Drug Abuse Act of 1986

By the end of 1985 the Reagan Administration and its media allies succeeded in making crack cocaine a major news story on the national stage and posing that drug as a serious threat to individuals and society. In June 1986, *Newsweek* declared crack to be the biggest story since Vietnam/Watergate, and in August, *Time* magazine termed crack the number one issue of the year.¹³¹ The Reagan Administration's diligent, relentless commentary on the drug problem greatly contributed to making 1986 the year of crack. First Ladies typically used their position to draw attention to a specific issue, and Nancy Reagan's issue was drug abuse in America. The President and the First Lady persistently encouraged the media's coverage of drugs in general and crack cocaine in particular. This persistence led to an ideological alignment throughout all three branches of government in Washington. The Democratic-controlled House of Representatives and Senate Democrats were aligned with Congressional Republicans and the Executive Branch on drug policy. The media covered crack so extensively that the American public became greatly concerned about the drug. The media prominently broadcasted the death of professional basketball athlete Len Bias, which sparked Congressional response, and within three months, an extraordinarily severe anti-crack law was enacted. Thus, during the election year of 1986, Democrats and Republicans competed to see who was the

¹³¹ Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: New Press, 2010), 52.

“toughest” on crime. President Reagan’s use of the bully pulpit, the extensive media coverage of crack cocaine, the death of Len Bias, and the political advantages of being “tough on crime” contributed to the passage of the Anti-Drug Abuse Act of 1986. The Anti-Drug Abuse Act of 1986 is perhaps the single most important contributor to the prison-industrial complex and its formation stemmed from media hysteria and political exploitation by both Democrats and Republicans to appear “tough on crime.”

The policy alignment among both parties and all three branches stemmed from the media’s desire to echo the Reagan stance through heightened coverage. This ideological stance adopted by the federal government in the 1980s can be summarized by Reagan historian Michael Schaller: “Ronald and Nancy Reagan condemned drug use as immoral and criminal and insisted that the best prevention and cure came from promoting religious values, imposing harsher school discipline, and strictly enforcing antidrug laws.”¹³² President Reagan’s anti-drug use policies involved cutting the number of drug prevention programs, supporting the increase in the number of parent groups making anti-drug use penalties more draconian, and expanding the power of anti-drug use enforcement. Before Reagan, President Nixon called drugs a public enemy in 1971, saying, “America’s public enemy number one in the United States is drug abuse. In order to fight and defeat this enemy, it is necessary to wage a new, all-out offensive.”¹³³ But under President Reagan’s leadership, and with the assistance of the news media, many Americans came to believe that crack cocaine was a public enemy. A void existed in the

¹³² Michael Schaller, *Right Turn: American Life in the Reagan-Bush Era, 1980-1992* (New York: Oxford University Press, 2007), 154.

¹³³ "Richard Nixon: Remarks About an Intensified Program for Drug Abuse Prevention and Control," *The American Presidency Project*, 1999-2013, <http://www.presidency.ucsb.edu/ws/index.php?pid=3047> (5 March 2013).

media world for stories bringing excitement and alarm to Americans. Schaller describes this void: “the Reagan anti-drug crusade coincided with the reduction of tension with the Soviet Union during the President’s second term. To an extent, the drug war replaced the Cold War while... calling drug trafficking a threat to the security of the United States and the entire Western hemisphere.”¹³⁴

Through the first five years of Reagan’s Presidency, law enforcement and the military received more resources to arrest drug traffickers and laws were, in turn, enacted to greatly incentivize such arrests. Since more resources were available to law enforcement by 1986 more arrests were made. The media anticipatorily covered the arrests of crack users and dealers in large metropolitan areas such as New York and Los Angeles. By the end of 1985, the media reported on “cocaine babies,” but this morphed into “crack babies” because crack users were easier to cover since they resided in urban areas. The national media perceived crack cocaine possessing demonic qualities. Since crack was more dangerous and was primarily used in metropolitan areas in 1985 and 1986, its use was associated with African-Americans. Journalists had an easier time reporting from the streets of New York about the arrests of crack dealers than patrolling suburban and rural America for crack use. Former United States Attorney Lynn Lu made an analogous argument on the arrests of crack dealers in urban communities: “it’s a lot easier to go out to the ’hood so to speak, and pick somebody than to put your resources in an undercover (operation in a) community where there are potentially politically

¹³⁴ Michael Schaller, *Reckoning with Reagan: America and Its President in the 1980s* (New York: Oxford University Press, 1992), 85.

powerful people.”¹³⁵ The racial association of crack with blacks formed because of Reagan’s policies and media coverage. This association proved to be an excellent way to undermine the Democratic Party coalition and to use racism to strengthen the Republican Party as a strong national party.

In October 1985, Drug Enforcement Agency (DEA) Special Agent, Robert Stutman was hired by the DEA to serve as director in New York City, which entrusted him with the responsibility of improving relations with journalists in order to draw attention to crack cocaine in inner-city communities. Stutman spoke openly after he retired from the DEA about how the government wanted the media to help persuade the public to support its policies. Stutman made more media appearances in 1986 than Ronald Reagan, according to the research in *Cracked Coverage*. Stutman made so many appearances on nightly news broadcasts that the press gave him the nickname, “Video Bob.”¹³⁶

The moral degradation associated with crack cocaine coincided with a threat of American society imploding because of drugs. The media played a large role in altering public opinion on the threat of drugs to America. In 1985, one percent of Americans surveyed listed drugs as a major threat to the nation; by 1989, more than half the population described drug use as a grave threat to national security.¹³⁷ Stutman’s job was to favorably alter public opinion on this issue, present crack as a “public enemy,” and as the opinion polling shows, he and the Reagan Administration proved effective.

¹³⁵ Lynn Lu, “Prosecutorial Discretion and Racial Disparities in Sentencing: Some Views of Former U.S. Attorneys,” *Federal Sentencing Reporter* 19 (February 2007), 192.

¹³⁶ Jimmie Reeves and Richard Campbell, *Cracked Coverage* (Durham, NC: Duke University Press, 1994), 71.

¹³⁷ Schaller, *Reckoning with Reagan: America and Its President in the 1980s*, 85.

The question remains: why did the Federal Government want to utilize the media in such a direct manner to alter public opinion? The answer is intertwined with Reagan's view that drug use was evil, that strict laws were the solution, and that the issue possessed political advantages. Political Scientist Kenneth Meier speaks to the political advantages of fighting the drug war,

One wonders why drug crises are declared and drug wars are launched. The obvious reason is that drug wars are good politics. Drug abuse is a universal bad. Even a cigarette smoker can feel moral about a crackdown on cocaine. Drugs are a safe electoral issue. People who are more likely to vote are also more likely to fear drugs. The election-year feeding frenzies of 1984, 1986, and 1988 confirm that politicians see drug abuse as a great political issue. Good politics, however, generates the same policies—more law enforcement with all its drawbacks.¹³⁸

American moral standards accepted the use of tobacco and alcohol, but these standards were different when it came to other substances. The majority of the voting public were not illicit drug users, therefore were indifferent to the plight of the users and traffickers. The combination of Reagan's use of the bully pulpit and the media's negative depiction of illicit drug use contributed greatly to this indifference.

Civil rights law professor Michelle Alexander believes that the racial component of the southern strategy is the most pertinent aspect for conservatives and their views towards the drug war. She explains: “numerous paths were available to us, as a nation, in the wake of the crack crisis, yet for reasons largely traceable to racial politics and fear mongering we chose war. Conservatives found they could finally justify an all-out war on an ‘enemy’ that had been racially defined years before.”¹³⁹ Media historians Jimmie

¹³⁸ Kenneth J. Meier, *The Politics of Sin: Drugs, Alcohol, and Public Policy* (Armonk, N.Y.: M.E. Sharpe, 1994), 251.

¹³⁹ Alexander, *The New Jim Crow*, 52.

Reeves and Richard Campbell identified the political incentive for Republicans to continue fighting the drug war and Democrats were encouraged to join them in the fight,

A New York Times/CBS News Poll included questions about the political implications of rising antidrug sentiment. Given the war on drugs was a pet project of the New Right, it should come as not [a] surprise that the poll found that the Republicans benefitted most from this trend: 29 percent of the respondents said that Republicans were better at handling the drug problem to just 17 percent for the Democrats. But, since more than 50 percent of the respondents cited neither party as better, many Democrats saw the drug issue as an opportunity to undermine the Reagan coalition.¹⁴⁰

Several scholars attribute the southern strategy, and the media's welcome role of fashioning public support for the Administration's drug policies, to Reagan's brand of conservatism. Reeves and Campbell articulated their conclusions on the strategy: "the anti-cocaine crusade of the 1980s, 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."¹⁴¹ These scholars acknowledged that Republicans and conservative Democrats continued tapping into the racist vote. Reeves and Campbell argue this strategy complements Reaganomics: "we propose that the war on drugs was consistent with the anti-welfare and anti-affirmative action backlash that Reagan exploited to gain popular support for economic policies that favored the rich."¹⁴²

Race and drug use in the year of 1986 were consciously intertwined, but prominent African American leaders of the time did not speak out about race and drug use within the law enforcement strategy. Popular Democratic African American politicians such as Congressman Charles Rangel of Harlem, New York, believed that

¹⁴⁰ Reeves and Campbell, *Cracked Coverage*, 181.

¹⁴¹ Reeves and Campbell, *Cracked Coverage*, 73.

¹⁴² Reeves and Campbell, *Cracked Coverage*, 73-74.

drug abuse was a serious problem and did not associate drugs with African Americans exclusively. Rangel said: “every urban cop and smart teenager from Brooklyn to East Los Angeles have known for more than a decade: addiction is America’s No. 1 crime problem.”¹⁴³ Several other members of the Congressional Black Caucus voted and co-sponsored the bill, such as Brooklyn’s Edolphus Towns. The Congressional Black Caucus contained only eleven members, but five of them voted for Ant-Drug Abuse bill.¹⁴⁴

An absolute truth as to why the Reagan administration chose its strategy is not clear, but an examination of how the Administration implemented its strategy can be understood. Stutman, Reagan’s liaison with the media, worked on informing the public about the drug issue. Stutman commented on his job to convince the media to increase their coverage of crack in 1986,

The agents would hear me give hundreds of presentations to the media as I attempted to call attention to the drug scourge. I wasted no time in pointing out its (the DEA’s) new accomplishments against the drug traffickers... In order to convince Washington, I needed to make it (drugs) 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 the New York media was concerned, crack was the hottest combat story to come along since the end of the Vietnam War.¹⁴⁵

The media covered the negative effects of crack cocaine and followed the advice of the DEA’s New York office director. Numerous newspapers in 1986 introduced readers to the dangers of crack cocaine and how it was worse than powder cocaine. For

¹⁴³ Joseph, A. Califano, Jr., "A National Attack on Addiction is Long Overdue," *The New York Times* 23 September 1986: A35.

¹⁴⁴ Alexander, *The New Jim Crow*, 54.

¹⁴⁵ Robert M Stutman and Richard Esposito, *Dead on Delivery: Inside the Drug Wars, Straight from the Street* (New York: Warner Books, 1992), 142.

example, on March 20, 1986, a story, “Extra-Potent Cocaine: Use Rising Sharply among Teen-Agers,” by journalist Peter Kerr of *The New York Times* maintained the negative, pessimistic tone associated with cocaine. The common structure of such cocaine-genre stories claimed how the drug destroyed the life of the user. The next step was to interview experts, officials, and law enforcement agents who echoed the accounts of the user, but the account of the expert or official further alerted the reader that crack has the potential of affecting the reader too. Kerr opened his article with this theme: “in dramatically rising numbers in the last five months, teenagers in New York City and its suburbs have been using ‘crack,’ an especially potent and addicting form of cocaine, according to state and local drug officials, educators and experts on drug abuse.”¹⁴⁶ Kerr evinced how crack affected people in the suburbs and in the inner city. The common theme of media accounts linked inner city crime among African-Americans to whites in the suburbs. The alteration of public opinion hinged largely on this strategy,

From the wealthiest suburbs of Westchester County to the Bedford Stuyvesant section of Brooklyn, drug experts and community groups say the growth of crack use has been so great that it is fast outpacing the ability of rehabilitation programs to cope with the problem... ‘It was pretty much a city problem until four to six months ago,’ said Harold E. Adams, the Commissioner of the Nassau County Division of Drug and Alcohol Addiction. Now it is a Long Island Problem. It is steadily increasing and we are very, very concerned.¹⁴⁷

Readers were to infer that crack would affect them directly or indirectly through social degradation in the form of crime.

Girls are turning to prostitution, and boys are resorting to robberies, and burglaries to get the money to buy crack. In Bedford-Stuyvesant, crack is being

¹⁴⁶ Peter Kerr, "Extra-Potent Cocaine: Use Rising Sharply among Teen-Agers," *The New York Times* 20 March 1986: B1.

¹⁴⁷ Kerr, "Extra-Potent Cocaine."

openly sold from dozens of storefronts and apartments, many less than a block from elementary and junior high schools, according to Walter Johnson, the Treasurer of the district school board. He said sellers of the drug stand on the street corners and offer business cards advertising \$5 and \$10 vials. The cards read “Jumbo Crack, nickels and dimes.”¹⁴⁸

On the west coast, Los Angeles law enforcement used heavily militarized tactics to combat the sale of crack. In Los Angeles, a city with a lower population density than New York, the sale of drugs was more spread out than in New York City. The Los Angeles Police Department (LAPD) used a tank to drive into suspected crack houses. The tank was called the “Batter Ram,” and its use was controversial. The hysteria against crack cocaine was so great that the police department believed it was justified in driving tanks into suspected drug dealer’s homes.

Groups like the American Civil Liberties Union (ACLU) opposed the use of tanks and sued LAPD’s Chief Daryl Gates. Philip Hager, staff writer for the *Los Angeles Times*, covered the ACLU lawsuit and shared: “the American Civil Liberties Union lawyer Joan Howarth told the court: ‘It’s like driving a car through a wall.’”¹⁴⁹ Since police departments received additional federal money for drug arrests, they adamantly defended its use. City of Los Angeles attorney Jack L. Brown defended the use of the tank because drug-ridden areas were so dangerous that a tank was necessary to protect law enforcement personnel.¹⁵⁰ “The deputy city attorney also stressed that times had changed considerably from bygone days when citizens readily responded to the

¹⁴⁸ Kerr, “Extra-Potent Cocaine.”

¹⁴⁹ Philip Hager, “ACLU Asks Court to Bar LAPD’s Battering Ram,” *The Los Angeles Times*, 1986, http://articles.latimes.com/1986-05-13/local/me-5949_1_drug-dealers (8 March 2013).

¹⁵⁰ Hager, “ACLU Asks Court to Bar LAPD’s Battering Ram.”

‘constable's knock.’ Drug dealers now fortify their headquarters with massive wood beams and concrete blocks, solely to thwart or delay police searches, he said.”¹⁵¹ Crack-infested African American neighborhoods were depicted as war zones where tanks were essential to maintain law and order. The court ruled that the LAPD could use the “Batter Ram” to execute search warrants. Support of the “Batter Ram” came from the Executive Branch, in which Nancy Reagan accompanied Police Chief Daryl Gates with the “Batter Ram” as the LAPD executed a raid on a crack house. When Nancy Reagan went with the police chief on the raid, she wore an LAPD windbreaker, accompanied by secret service and a news crew walked into the crack house and said, “These people in here are beyond the point of teaching and rehabilitating.”¹⁵²

Reeves and Campbell’s analysis of the media’s coverage of the “Batter Ram” note that “network news coverage of the 1986 crack crisis had become ‘part of the policing apparatus,’ marking off poor, black drug transgressors as ‘beyond the point of teaching and rehabilitating.’ . . . Cocaine pollution animated siege narratives in which a color-coded mob of dehumanized inner-city criminals threatened the suburbs, small towns, schools, families, status, and authority of (white) Middle America.”¹⁵³

The most significant event prior to the passage of the Anti-Drug Abuse Act of 1986 was the June 19, 1986, death of the second pick of the 1986 National Basketball Association (NBA) draft Len Bias. But even prior to his death media coverage of crack escalated on the national news and in national publications. *Time* magazine called crack

¹⁵¹ Hager, "ACLU Asks Court to Bar LAPD's Battering Ram."

¹⁵² Louis Shagun and Carol McGraw, "Ex-First Lady Just Said Yes to Drug Raid : Nancy Reagan Regains Visibility as Crusader," *The Los Angeles Times*, http://articles.latimes.com/1989-04-08/local/me-1168_1_drug-raid (8 March 2013).

¹⁵³ Reeves and Campbell, *Cracked Coverage*, 136.

the issue of the year, and by the end of 1986 *Newsweek* and *Time* and ran five cover stories on crack.

On June 2, 1986, just two weeks before the death of Bias, *Time* released a cover story, "'CRACK'—A Cheap and Deadly Cocaine is a Fast-Spreading Menace," that followed the same horrific and fearful narrative of previous news stories. This story applied the hysteria to the entire country, however. Legal scholar Chris Carmody characterized the national media stories as such: "the articles typically featured black 'crack whores,' 'crack babies,' and 'gangbangers,' reinforcing already prevalent racial stereotypes of black women as irresponsible, selfish 'welfare queens,' and black men as 'predators' —part of an inferior and criminal subculture."¹⁵⁴

The *Time* issue featured a black male smoking a crack pipe in the top right corner with an underlying text that read, "Crack's Deadly Threat." The first nine incredibly descriptive sentences of the article warned the reader of crack's addictiveness, while at the same time covering the wide geographic range of the country. The first nine sentences read,

In New York City, the sleazy dealers peddling dope in Manhattan's Washington Heights call it "crack." In the south central part of Los Angeles, the desperate addicts chasing an ever more elusive high know it as "rock." On both coasts, and in Chicago, Detroit and other cities throughout the U.S., the drug by either name is an inexpensive yet highly potent, highly addictive form of cocaine that is rapidly becoming a scourge. Pushers sell pellet-size "rocks" in tiny plastic vials for as little as \$10. Smoked rather than snorted, a single hit of crack provides an intense, wrenching rush in a matter of seconds. "It goes straight to the head. It's immediate speed," says a former addict. "It feels like the top of your head is going to blow off." In minutes the flash high is followed by a crashing low that can leave a user craving another hit. But that evanescent electric jolt, priced so that almost anyone can afford it, has made crack the drug of the moment. The National

¹⁵⁴ Chris Carmody, "Revolt to Sentencing is Gaining Momentum," *National Law Journal* 17 May 1993, 10.

Cocaine Hotline (1-800-COCAINE) estimates that 1 million Americans in 25 states around the country have tried crack.¹⁵⁵

Stories like these depicted people who used crack cocaine as hopeless and magnets for crime. These factors maintain the reader's alarm for the rest of the article.

Crack cocaine provoked various forms of violent crime,

Police in Florida have noticed increases in burglaries and armed robberies in areas where crack is sold. Says Captain Robert Lamont of the Dade County police narcotics division: "These are the crimes that can generate enough cash for a quick fix. Then it's off to the streets to raise more cash." But robbery is not the only price society pays for crack; the state of near psychosis that heavy cocaine use produces leads easily to violence. New York City police have attributed a recent rash of brutal crimes to young addicts virtually deranged by the new drug. According to Inspector William Molinari of the N.Y.P.D.'s narcotics division, there have been seven crack-related homicides in the city this month. In one instance, police say, Victor Aponte, a 16-year-old addict, confessed to stabbing his mother to death after she caught him smoking crack. Some cities around the country are beginning to wage all-out assaults on the crack trade.¹⁵⁶

The next major theme in the article was the urban, street corner, and black stereotype. Most suburban neighborhoods do not have steel bars on the doors and armed "thugs" do not normally walk around the streets in "suburban America" as evinced in this passage. Suburban America is not associated with the word "ghetto," so the article depicted, somewhat subtly, what community and the color of skin of these users and pushers,

Teenage salesmen with rock hidden in their pockets--or sometimes their mouths--now loiter at corners and against fences. As buyers drive by slowly in cars, a quick exchange of cash for crack can take place through an open window. In the ghettos, the economics of crack has created a lucrative cottage industry. . . . In lucrative rock markets like Los Angeles, most dealers' base houses are veritable

¹⁵⁵ Jacob Lamar, "CRACK: A Cheap and Deadly Cocaine is a Fast-Spreading Menace," *Time* 2 June 1986.

¹⁵⁶ Lamar, "CRACK."

fortresses, guarded by thugs armed with pistols and sawed-off shotguns. Metal bars cover the windows; steel mesh and heavy beams are used to bar the doors.¹⁵⁷

The persistent theme of prostitution, “crack whores” or “cocaine whores,” was highlighted too in Lamar’s article. “Women who run out of money sometimes turn into ‘cocaine whores,’ selling themselves to anyone who will provide more crack.”¹⁵⁸ The article tells the story of Eva, a sixteen-year-old crack addict who prostituted herself: “when you take the first toke on a crack pipe, you get on top of the world. She first started stealing from family and friends to support her habit. She soon turned to prostitution and went through two abortions before she was sixteen. ‘I didn't give a damn about protecting myself,’ she said. “I just wanted to get high. Fear of pregnancy didn't even cross my mind when I hit the sack with someone for drugs.”¹⁵⁹ To Lamar’s credit, he wrote that she came from a troubled background, “The product of a troubled middle-class family, she was already a heavy drinker and pot smoker.” The author depicted her as sexually promiscuous, just as journalists who covered cocaine years before often depicted females. A common theme for these stories was to depict drug-addicted females as libertines, but the difference between this story and others is that the reader came away with the feeling that crack use was a problem in “ghettos” centered in “Black America.”

In June 1986, *Newsweek* ran the story, “Crack and Crime” (written by Tom Morganthau), which detailed violent crime among dealers and non-violent users. The article touched on the non-violent crimes committed by users, violent aspects of crack dealing, and DEA media hype. The article told the story of a poor New York City

¹⁵⁷ Lamar, "CRACK."

¹⁵⁸ Lamar, "CRACK."

¹⁵⁹ Lamar, "CRACK."

neighborhood made up primarily of Blacks and Hispanics. The article quoted a social worker, Joe Stewart, giving evocative testimony on the activity of crack cocaine addicts: “They're skinny, dirty and totally obsessed with getting crack. I see young girls in doorways trying to sell themselves for the \$5 it costs to get high”¹⁶⁰ The moral degradation and sexual promiscuity of girls continued in this article and so did the war-zone depiction of inner-city neighborhoods. “The police are losing the war against crack, and the war is turning the ghettos of major cities into something like a domestic Vietnam. . . . The crack trade operates like a guerrilla insurgency and makes an infuriatingly elusive target for police.”¹⁶¹

Unlike other articles, this *Newsweek* article referenced over-hyped media coverage. It featured the testimony of law enforcement emphasizing the magnitude of the problem, but gave an opposing viewpoint that was not common in the media: “another DEA official thinks the media are partly to blame for the crack craze. ‘We are very concerned about a market being developed because of all the publicity,’ says special agent Robert O’Leary of the DEA’s Washington-Baltimore field office. ‘We feel it’s being accelerated by media hype.’”¹⁶² The negativity associated with crack overshadowed this DEA official’s opinion. The article offered the rationale for more government intervention and specific policy recommendations for crack cocaine. Foreshadowing what was to come in the 1986 Anti-Drug Abuse Act, New York Special Narcotics prosecutor Sterling Johnson argued for mandatory jail sentences even in plea-bargained drug cases -- and warned that some neighborhoods now have “more crack stops than bus

¹⁶⁰ Tom Morganthau, "Crack and Crime," *Newsweek* 16 June 1986.

¹⁶¹ Morganthau, "Crack and Crime."

¹⁶² Morganthau, "Crack and Crime."

stops."¹⁶³ The death of basketball star Len Bias reinforced the need for additional federal government intervention and the policy preference of mandatory minimum sentences.

The death of basketball star Bias to cocaine was an enormous and enormously tragic event. Len Bias was an athlete filled with promise; he was the University of Maryland's leading scorer and expressed religious and family values off the court.¹⁶⁴ Nobody expected him to use drugs or die of a drug overdose. He signed a multimillion-dollar deal with Reebok when he was drafted that gained the attention of the country.¹⁶⁵ The day after Bias was drafted he celebrated with some friends and used cocaine. He did not wake up on the morning of June 19, 1986 and the medical examiner concluded that he died of cocaine poisoning.

The public assumed that Bias died from crack largely because the media's coverage of crack associated the drug with African Americans (as it turned out, he actually died from powder cocaine, not crack cocaine). Historian Dan Baum interviewed congressional staffer Eric Sterling who recalled on the morning of Len Bias's death that "it was like Pearl Harbor had just been bombed; nobody in the Longworth House Office Building was talking about anything, but Bias."¹⁶⁶ On a political level Congress was obviously interested in the story because of the increased legislative activity undertaken during the Reagan years. But on a personal level too, Congress was interested in the death of Len Bias because of the proximity of University of Maryland to Washington, D.C. Speaker of the House of Representatives, Thomas Phillip "Tip" O'Neill, Jr.'s

¹⁶³ Morgenthau, "Crack and Crime."

¹⁶⁴ Baum, *Smoke and Mirrors*, 225.

¹⁶⁵ Baum, *Smoke and Mirrors*, 225.

¹⁶⁶ Dan Baum, *Smoke and Mirrors: The War on Drugs and the Politics of Failure* (Boston, MA: Little, Brown, 1996), 224.

favorite professional sports team, the Boston Celtics, won the championship the year before and drafted Bias. Sterling commented on the personal interest Congress had with basketball, Len Bias, and crack: “Congress’s hometown basketball hero, the nation’s model for healthy young black manhood, had been cheated out of his contract with the Speaker’s championship hometown team, and the culprit was the most terrifying drug on the street. It isn’t just a match in a tank of gasoline, it’s a blowtorch in a tank of nitroglycerin.”¹⁶⁷

Baum argues that the Bias death represented the single most important event in the war on drugs, metaphorically saying, “in life, Len Bias was a terrific basketball player. In death, he would become the Archduke Ferdinand of the Total War on Drugs. What came before had only been skirmishing; the real Drug War had yet to begin. Within weeks the country would be marching, bayonets fixed.”¹⁶⁸ O’Neill was personally and politically motivated to react legislatively to the death of Len Bias. After the July 4 1986 recess, the Speaker said to his staffers and Democratic Leadership: “write me some goddamn legislation. All anybody up in Boston is talking about is Len Bias. The papers are screaming for blood. We need to get out in front of this now. This week. Today. The Republicans beat us to it in 1984, and I don’t want that to happen again. I want dramatic new initiatives for dealing with crack and other drugs. If we can do this fast enough we can take the issue away from the White House.”¹⁶⁹ The House Speaker essentially admitted crack was an issue that could be used for political gain. Democrats, Republicans, and the media all used the issue of crack and the death of Bias

¹⁶⁷ Baum, *Smoke and Mirrors*, 225.

¹⁶⁸ Baum, *Smoke and Mirrors*, 225.

¹⁶⁹ Baum, *Smoke and Mirrors*, 225.

for their own gain. The liberal Democratic House leadership actively sought to enact conservative policies concerning drugs.

In the wake of Bias's death, the media argued for extensive government intervention to wage a "war on crack" to prevent more deaths. Journalist Sandy McGrady's article, "The Message of the Streets: Coke Kills- Before, Nobody Listened; Now We're All Ears" (appearing in the *Seattle Times*) made the case that the crack cocaine dealer should be treated as a murderer or a terrorist. The article featured prominent African American leaders such as Reverend Jesse Jackson and Charles Rangel. These men believed that to prevent more cocaine deaths, Americans needed to redouble efforts in the war on drugs. Jackson equated crack to the Ku Klux Klan, "but more die for dope than did from the rope. . . . If we can identify terrorists and drop bombs on them, we can stop drug sources."¹⁷⁰ Rangel echoed support that more needed to be done and advocated for a 100-million-dollar drug education program, saying, "Let's not just mourn this athlete. Let's take advantage of the pain of this tragedy."¹⁷¹

McGrady depicted the war on drugs up to this point as a war with too much hype and too little action. The journalist suggested that Bias's death represented a chance to once and for all win the war on drugs and added that "in Washington, where local hero Bias's tragedy got more newspaper ink than the death of a pope, politicians were jolted. Maybe this time a War on Drugs all hype, no action wouldn't be empty as a Russian Five-Year-Plan."¹⁷²

¹⁷⁰ Sandy McGrady, "The Message of the Streets: Coke Kills- Before, Nobody Listened; Now we're All Ears," *The Seattle Times* 29 June 1986: A13.

¹⁷¹ McGrady, "The Message of the Streets."

¹⁷² McGrady, "The Message of the Streets."

A substantial portion of the media and the public felt that the government was indeed not doing enough to fight the drug war. The death of Len Bias embodied the need for a “serious” fight against drugs in order to save black youth, but a “serious” fight was actually a war on black communities. Instead of giving blacks that used crack cocaine a second chance, they were removed from the community and thrown into jail. Bias’s death justified no mercy on crack users and dealers. The largest portion of the electorate, whites, learned from the media that crack killed people and contributed to violence and social degradation. Congressional Democrats and Republicans competed robustly for this segment of the electorate and pressed forward for legislation.

The media perceived that the government had not done enough to educate people about the danger of cocaine, and Bias’s death represented the lack of education provided by the government. Journalist Ron Hudspeth’s June 28, 1986 article, “Just Maybe, Truth Is Finally Getting Out About Cocaine,” told stories of Bias’s death and other young men who were not famous, but too died of cocaine and crack use. Hudspeth remarked: “the death of Len Bias shocked many. ‘Maybe this will finally get people's attention,’ said a friend. ‘Maybe it’ll finally break the myth that cocaine is glamorous.’ Maybe.”¹⁷³ Hudspeth then called for the public and the government to get involved to save the lives of young people.

The death of Len Bias was supposed to serve as an example for African American youth to not use cocaine, but this was not the case—at least for some. In a June 29th article appearing in the *New York Times*, investigative journalist Samuel Freedman

¹⁷³ Ron Hudspeth, "Just Maybe, Truth is Finally Getting Out about Cocaine," *The Atlanta Journal Constitution* 28 June 1986: D1.

examined the effect of Len Bias's death on African-American youth. Bias's death constituted a sort of crossroads event for many members in Congress, but for inner-city youngsters, Freedman explained, the death had little discernible impact. Reverend Jackson eulogized Len Bias, and Freedman quoted Jackson's hope that Bias's death would be a wake-up call to inner-city youth.¹⁷⁴ Freedman interviewed young basketball players in Brooklyn and Harlem. Freedman summarized their reactions saying that "most players treated Mr. Bias's death more as a mistake, bad luck, even stupidity, than as a parable."¹⁷⁵ Next to a picture of several young black men playing basketball in bold text, the topic of a paragraph read, "It Won't Change Them." Freedman showed the reader that the youngsters were apathetic drug users. The first section of the paragraph read: "They look at Len Bias as a tragedy,' said Randy Brown, a regular at the Foster Avenue Park in the Flatbush section of Brooklyn, 'but it won't change them. They say, I've been doing coke for years and look at me, I'm here, I'm healthy.'"¹⁷⁶

Freedman depicted crack cocaine as lucrative and easily available. Freedman uncovers the attitudes of urban African American youth towards money, basketball, opportunity, and cocaine. "Older ballplayers remembered friends who had received fancy cars and no-show jobs from their colleges. And they needed to point no farther than the other side of the chain-link fence to illustrate the proximity of drugs. 'You can get crack around here like going to the store,' said Gerald Bunch, a transit worker, referring to the highly refined pellets of cocaine that can be smoked. 'The police come

¹⁷⁴ Samuel Freedman, "From Playgrounds, Observations on Len Bias," *The New York Times* 29 June 1986: A1.

¹⁷⁵ Freedman, "From Playgrounds, Observations on Len Bias."

¹⁷⁶ Freedman, "From Playgrounds, Observations on Len Bias."

everyday and bust people. But they're little guys. Next day the big man has someone else selling for him."¹⁷⁷ Freedman's coverage captured the attitude of black urban youth on the war on drugs; it was nearly impossible to win.

The media's association of African Americans with crack continued with the theme of a breach in American values, packaged in a provocative manner. Freedman argued not only about the dangers of crack cocaine but also the apathy among African American youth. He wrote that the crack situation will not improve. Freedman's portrait was indeed disturbing and disconcerting. The relaxed demeanor presented of the adolescent basketball players toward cocaine appeared at best problematic, morally wrong, and completely different to that of Congress and Nancy Reagan. The media's coverage of crack cocaine peaked in June and July of 1986.¹⁷⁸ The Bias death drove up ratings and major networks decided to intertwine entertainment with investigative journalism and documentaries such as CBS's *48 Hours on Crack Street* on September 2, 1986.

Television was possibly the most powerful medium that depicted the crack epidemic. The documentary, *48 Hours on Crack Street*, brought to life the hysteria surrounding crack cocaine and packaged and broadcasted that hysteria to living rooms across America. With CBS news correspondent Dan Rather narrating, the first scene of the documentary dramatized the birth of a black baby, explaining the baby will have to undergo testing to see if he is addicted to crack.¹⁷⁹ The documentary series featured an additional nine news correspondents, including Bernard Goldberg and Diane Sawyer, as

¹⁷⁷ Freedman, "From Playgrounds, Observations on Len Bias."

¹⁷⁸ Reeves and Campbell, *Cracked Coverage*, 16.

¹⁷⁹ *48 Hours on Crack Street*, CBS. 18 September 1986, Television.

they interviewed addicts, dealers, parents, and experts. Goldberg went on the street and talked to a crack dealer and asked him, “What is this, a supermarket of drugs?” The dealer replied, “I guess so.”¹⁸⁰ The scene stressed the easy availability of crack and other drugs. Another anchor interviewed a black female addicted to crack who, because of her addiction, lost custody of her son.

Diane Sawyer interviewed parents of teenagers in a predominately white suburb of Livingston, New Jersey. The parents emphasized that their community was not safe from the drugs that radiated from nearby New York City. The documentary linked crack in the inner city to middle-class suburbs, and no matter where the viewer lived, the viewer inferred that they were not safe. *New York Times* writer Jon Corry explained: “*48 Hours on Crack Street*, just dribbled along, suggesting that New York was a great open-air drug bazaar and setting back the 'I Love New York' campaign about 10 years.”¹⁸¹

The reporter-narrators painted a very bleak picture of New York, crack cocaine use, and the likelihood of improvement. They blended the usage of alcohol, marijuana, and crack together while showing people in the emergency room, leaving viewers to assume that the patients needed medical attention because of crack use. Corry elaborated on this muddled blend of all drugs in his analysis, “It's hard to believe,” Sawyer said earnestly. ‘Livingston seems too nice.’ She meant there was something rotten in New Jersey. Maybe there was, but we couldn't tell if it had to do with crack, marijuana or beer. This kind of uncertainty infected other parts of the program as well. Bernard Goldberg

¹⁸⁰ *48 Hours on Crack Street*.

¹⁸¹ John Corry, "TV Reviews - CBS On 'Crack Street,'" *The New York Times*, <http://www.nytimes.com/1986/09/04/arts/tv-reviews-cbs-on-crack-street.html> (8 March 2013).

stood on 42nd Street, watched by a hidden camera. At one point, a derelict accosted him. We were meant to think the derelict was a crack addict; it was just as likely that he was an alcoholic.”¹⁸²

While associating problems with alcohol and crack together, the documentary evoked an emotional appeal. The viewer was instructed that crack cocaine destroyed lives and that the use of the drug was a tragedy, within a larger tragedy, that being the high unemployment and poverty of the inner city community. Goldberg strongly evinced this poverty when he asked the corner crack dealer: “What do you do with the ten dollars you make from selling the crack rock?” The African American crack dealer said, “I use it to eat.”¹⁸³ Watched by two million Americans, the documentary captured the horrible nature of crack cocaine within urban environments. Thus, *48 Hours on Crack Street* embodied the media’s justification for the federal government to do more to combat the crack problem. The scene on the streets where crack was smoked and sold was so horrid; it begged a “tough on crime” solution to eradicate it from society.

Less than three months after the death of Len Bias on September 11, 1986, the Democratic-controlled House of Representatives passed the Anti-Drug Abuse Act. The major components of the law consisted of an array of mandatory minimum sentences, more power to law enforcement with tweaks to the “exclusionary rule,” additional funding for the Department of Defense to use force against drug traffickers, the death penalty for large scale offenders, doubling the funding for the DEA, and one billion dollars for new prisons. Perhaps the most important of all the components was the

¹⁸² Corry, "TV Reviews - CBS On 'Crack Street.'"

¹⁸³ *48 Hours on Crack Street*.

addition of mandatory minimum sentences. The Controlled Substances Act enacted in 1970 by President Nixon contained no mandatory minimum sentences. The absence of mandatory minimum sentences in that law was widely viewed as a failure. Thus, this bill contained twenty-nine mandatory minimum sentences. The Anti-Drug Abuse Act of 1986 amended the Controlled Substances Act and determined that anyone possessing a minimum of five grams of crack cocaine would receive a mandatory five-year sentence without the possibility of parole. In order to receive the same sentence, a person who possessed powder cocaine would have to possess five hundred grams of powder cocaine. Thus, the law created a disparity of punishment based on a ratio of one unit of crack cocaine to one hundred units of powder cocaine.

One of the more contested aspects of the law was the amendment that mandated each branch of the military to have units dedicated to combat drug traffickers. This amendment was a further expansion of the 1981 amendment to the Posse Comitatus Act, which allowed the military to arrest citizens. This newer version allowed military personnel to shoot down civilian aircraft and kill suspected drug dealers. This version also allowed the President to submit the amount of money needed to fund this drug interdiction program in a yearly budget request.

This amendment drew criticism from members of the House of Representatives, who wanted to conduct a study about the effects of such militarized warfare upon American citizens trafficking drugs. The amendment received additional criticism from fiscal conservatives who felt that the war on drugs was a waste of military resources. Representative G. William Whitehurst, Republican of Virginia, pleaded that the amendment should be voted down, saying: “the amendment is redundant given all that

we propose to give the civilian drug enforcement organizations. . . . In sum, this amendment is well intentioned, but bad policy. I urge my colleagues to keep the primary responsibility for drug law enforcement where it belongs—in the hands of capable, well-resourced, and experienced civilian law enforcement agencies. I ask for a no vote on this measure.”¹⁸⁴ Representative William Dickinson, Republican of Alabama, added in more colorful language: “under this [amendment] a sheriff in a local community could just call on the National Guard and say, ‘Hey send me a helicopter. I need it pretty soon.’ Our civilian agencies have a mandate, they can mandate the Department of Defense to furnish them anything they want. There is no way to pay for it. There is no control. It is a bad amendment, well-intentioned, but a bad amendment.”¹⁸⁵

Representative Mario Biaggi, Democrat of New York, conversely, supported the amendment with this closing argument: “I rise in strong support of the amendment to allow our vast military resources to be used in the war on drugs. Simply put, the war against drugs is as important as any this nation has ever fought and who better to fight a war than the U.S. military.”¹⁸⁶ The amendment greatly expanded the military’s power to fight the drug war and passed by a vote of 237-177 with a mix of both Democrat and Republican support.

¹⁸⁴ Representative Whitehurst (VA), “Anti-Drug Abuse Act,” Congressional Record 1986-0911, (September 11, 1986) p. 22930 Available from: LexisNexis® Congressional; Accessed: 3/23/2013.

¹⁸⁵ Representative Dickinson (AL), “Anti-Drug Abuse Act,” Congressional Record 1986-0911, (September 11, 1986) p. 22930 Available from: LexisNexis® Congressional; Accessed: 3/23/2013.

¹⁸⁶ Representative Biaggi (NY), “Anti-Drug Abuse Act,” Congressional Record 1986-0911, (September 11, 1986) p. 22934 Available from: LexisNexis® Congressional; Accessed: 3/23/2013.

A main feature of 1980s anti-drug legislation was increasing police budgets in order to make additional drug arrests and the Anti-Drug Abuse Act of 1986 incorporated such a feature too. In 1986, Democratic Congressman Charles Rangel offered an amendment to the 1984 Omnibus Crime Bill that would allocate more federal grant monies to state and local law enforcement. Rangel's amendment increased funding to state and local law enforcement from 100 million to 600 million dollars. Representative after Representative praised Rangel's amendment, but one speaker, Dan Lungren, Republican of California, rose in opposition against the amendment. "With all due respect, Mr. Chairman," Lungren reckoned, "this is truly the kitchen sink amendment. Some people have said that Congress is going to get so hot on the antidrug warpath that we are going to throw everything in including the kitchen sink. Well, this is it."¹⁸⁷ This outspoken opponent to the amendment convinced a substantial portion of the House to vote against it, but it ultimately passed along partisan lines 241-171, with Democrats voting with the majority.

One of the more convincing arguments for the amendment was advanced by Democratic House Majority Leader Jim Wright of Texas. Wright's speech embodied the hysteria that surrounded crack and he made certain to reference Len Bias: "[crack] can cause death, even in well-conditioned athletes. . . . The health and safety of non-users in our communities is also jeopardized. Addictive drugs such as crack force users to feed their habit regardless of the cost. Theft, robbery, and other crimes become the only alternative to provide their drug money... The cost of this legislation will be small

¹⁸⁷ Representative Lungren (CA), "Anti-Drug Abuse Act," Congressional Record 1986-0911, (September 11, 1986) p. 22947 Available from: LexisNexis® Congressional; Accessed: 3/23/2013.

relative to the countless number of individuals who will become sick or die from drugs and drug overdoses.”¹⁸⁸ Some Representatives, such as Democratic Representative of Colorado Patricia Schroeder, felt that the large quantity of amendments were excessive. “In football there is a thing called piling on. I think we’re seeing political piling it on right before the election,” Schroeder warned.¹⁸⁹

The expansion of police power to the point where prosecution forces had the upper hand over drug pushers became a key selling point for legislators when they returned to their home districts. For example, another controversial amendment was the reform of the exclusionary rule, named Statute 3508, titled, *Limitation of the Fourth Amendment Exclusionary Rule*. This legislative amendment reinforced and went even further than the Supreme Court’s interpretation of the Fourth Amendment that gave law enforcement additional leeway when executing a search. The amendment, however, would extend law enforcement’s power even further; it applied to instances, for example, when an officer made a traffic stop and no warrant was used. If a law enforcement officer obtained evidence illegally, that evidence would be permissible in court if the officer could prove he acted on good faith.

Civil liberties advocates in the House vehemently spoke out against amendments that they felt went too far. Democratic Representative Dan Glickman of Kansas said,

We do have some exceptions to the exclusionary rule, but in my judgment the Lungren amendment is a gaping hole in the fourth amendment. This amendment on the exclusionary rule would allow illegally seized evidence to be used in a trial whenever police could argue subjectively that they acted in good faith. The

¹⁸⁸ Representative Wright (TX), “Anti-Drug Abuse Act,” Congressional Record 1986-0911 (September 11, 1986) p. 22949 Available from: LexisNexis® Congressional; Accessed: 3/23/2013.

¹⁸⁹ Baum, *Smoke and Mirrors*, 231.

Supreme Court has held that a good faith defense only applies when police officers rely on a judicial warrant. This amendment would apply a good faith exception even when no warrant is obtained and in all cases—not simply those related to drug offenses. We are amending the entire criminal code here with respect to all Federal cases, not just drug cases, opening a door to illegal searches and seizures. Mr. Chairman, I urge Members to vote down the Lungren amendment.¹⁹⁰

The amendment eventually passed because a majority of those in Congress sided with Representative Lungren's point of view, "I will readily admit the ACLU does not support this. I will readily admit police officers do, the attorneys general do, the Justice Department does, and maybe that is weighted toward the prosecution. I will admit it. I have got a bias in this war on crime; it is toward the prosecution."¹⁹¹ The House voted 259-153 in support of the amendment. The national sentiment against crack was so great that the meaning and application of the Fourth Amendment had been dramatically narrowed. The impact of crack on the criminal justice system was undoubtedly monumental.

The House was not divided along partisan lines; rather the chamber was largely unified on anti-drug legislation. The Anti-Drug Abuse bill had 301 co-sponsors: 205 Democrats and ninety-six Republicans.¹⁹² The House version passed by a decisive vote of 392-16. All sixteen "no" votes came from the Democratic Party and every Republican

¹⁹⁰ Representative Glickman (KS), "Anti-Drug Abuse Act," Congressional Record 1986-0911 (September 11, 1986) p. 22959 Available from: LexisNexis® Congressional; Accessed: 3/23/2013.

¹⁹¹ Representative Lungren (CA), "Anti-Drug Abuse Act," Congressional Record 1986-0911 (September 11, 1986) p. 22960 Available from: LexisNexis® Congressional; Accessed: 3/23/2013.

¹⁹² "Anti-Drug Abuse Act of 1986 (1986; 99th Congress H.R. 5484)," *GovTrack.us: Tracking the U.S. Congress*, <http://www.govtrack.us/congress/bills/99/hr5484> (9 March 2013).

that voted, voted in favor of the bill. The American public was behind a bill that empowered law enforcement to get crack off the streets. A 1986 Gallup Poll measured the public's attitude towards crack among other drugs, by asking Americans: "Which one of the following do you think is the Most serious problem for society today: Marijuana, alcohol abuse, heroin, crack, other forms of cocaine or other drugs?" At 42%, 'crack' and 'other forms of cocaine' beat 'alcohol abuse' by eight percentage points -- even though there are far more alcoholics than crack addicts."¹⁹³ The floor debates in the House of Representatives were largely one sided, for strengthening drug laws and empowering law enforcement. Although some political posturing occurred along party lines for certain amendments, the dominant narrative of the amendments was that of empowering the federal government to better fight the drug war. Democratic Representatives used language synonymous with President Reagan's view on drug policy, and liberal members like Charles Rangel introduced amendments that embraced far right conservative thinking, voiced just years before. In an election year, lawmakers faced an uphill battle if they voted against this legislation. The United States Senate's consideration of the Anti-Drug Abuse bill was marked by even less debate, more bipartisanship, and the unchallenged recognition that drugs plagued America.

Furthermore, the Senate floor debate was at times informal and possessed a jovial tone, while operating within the context of passing major anti-drug legislation. The Senate voted 97-2 for the passage of the bill, which was a remarkable margin for such a major piece of legislation. Democratic Senator Dennis DeConici foreshadowed the

¹⁹³ Jennifer Robison, "Decades of Drug Use: The '80s and '90s," *Gallup.com*, <http://www.gallup.com/poll/6352/decades-drug-use-80s-90s.aspx> (10 March 2013).

Senate's vote tally with this statement: "this bill should pass the Senate at 100 to zero. Such a vote will tell the nation that we have responded to their deepest concerns over the drug threat to our children and our country from foreign sources."¹⁹⁴ No hearings were held about the intangibles of the legislation, so lawmakers such as Senator Dixon, Democrat of Illinois, cited TV shows: "last night, around midnight, after the wonderful dinner... I returned home and I was watching television. And what they had on television a depiction of what is happening in California... I do not want to do ridiculous things. But I would suggest that we spend hundreds of millions of dollars... And I would like to suggest once again that [military units on the border] we ought to consider that as part of the drug package we pass."¹⁹⁵ The realization that the bill would pass overwhelmingly contributed to the odd style of rhetoric.

Throughout the relaxed and friendly debate some serious moments arose when Senators questioned the legislation's overwhelming price tag. Senator Dixon discussed the justification for the military's involvement in the drug war, just as the Representatives in House did, but some Senators raised pointed questions about the cost and motives behind the law. Democratic Senator Gary Hart questioned the feasibility and election year motives behind the law. "Now we have this emergency crisis situation on drugs that is going to cost some money. It is a new Federal program, \$648 million, and we are all dancing around the edge. We all want to be tough on drugs, particularly in an election

¹⁹⁴ Senator Deonici (AZ), "Anti-Drug Abuse Act," Congressional Record 1986-0930, (September 30, 1986) p. 27162 Available from: LexisNexis® Congressional; Accessed: 3/23/2013.

¹⁹⁵ Senator Dixon (IL), "Anti-Drug Abuse Act," Congressional Record 1986-0930 (September 30, 1986) p. 27163 Available from: LexisNexis® Congressional; Accessed: 3/23/2013.

year. Let us be tough enough to say we are going to have to raise taxes, whether the President likes it or not. Why can we not do that?," Hart remarked.¹⁹⁶ The Senator raised a point that the chamber was afraid Reagan would veto the legislation if it was not "tough enough", with a Clint Eastwood reference: "There are too many people afraid of the President and his veto and the rhetoric about 'make my day.' We all know it. We just will not say it."¹⁹⁷ President Reagan vetoed a similar 1982 crime bill because it was not "tough enough" on crime. Since 1986 was an election year, emphasis was placed on making the law look sufficiently severe—which, in turn, would preclude a repeat Presidential veto.

While serious questions existed about the enormous cost of the legislation sadly no debate occurred on the possible punitive implications of mandatory minimum sentences. Democratic Senator Biden, from Delaware, introduced the amendment containing mandatory minimum sentences, and after it was introduced, Senator Robert Dole, Republican of Kansas, immediately added: "we have a number of Members who are in conferences in about nine other places. I think what we ought to do is to go ahead and vote."¹⁹⁸ The mandatory minimum sentences provision was the most castigatory feature of the bill, but the Senate did not view this provision as being "too tough" on people. These mandatory minimum sentences largely contributed to soaring incarceration rates, but the Senators were so apathetic that most of them did not even

¹⁹⁶ Senator Hart (CO), "Anti-Drug Abuse Act," Congressional Record 1986-0930, (September 30, 1986) p. 27165-27166 Available from: LexisNexis® Congressional; Accessed: 3/23/2013.

¹⁹⁷ Senator Hart (CO), "Anti-Drug Abuse Act."

¹⁹⁸ Senator Dole (KS), "Anti-Drug Abuse Act," Congressional Record 1986-0930, (September 30, 1986) p. 27169 Available from: LexisNexis® Congressional; Accessed: 3/23/2013.

bother to stay for the duration of the debate. The tone of the Senate continued to be informal and congratulatory. The support to limit the exclusionary rule was also agreed upon in the Senate. Senator Strom Thurmond Republican of South Carolina, echoed the talking points in the House, and summarized in favor of the bill: “working together we have crafted comprehensive and powerful antidrug legislation that will, among other things: First, impose harsh penalties on those who choose to involve themselves with drugs... Third, provide funding and equipment for use in the war against drugs on both domestic and international fronts... Fifth, provide assistance for State and local law enforcement agencies... I commend Congressman Lungren who valiantly struggled to include [the death penalty and limitation on the exclusionary rule] those provisions in the House bill.”¹⁹⁹

“Tough on crime” won the day with the enactment of the Anti-Drug Abuse Act of 1986. Alas, Congressman Barney Frank, Democrat of Massachusetts, was one of the few “no” votes and openly expressed his opposition to the bill. Thomas Hartnett, Republican of South Carolina, on the other hand, characterized well the attitude of the many “yes” votes. Frank prophesized: “I’m afraid this bill is the legislative equivalent of crack. It yields a short-term high, but does long term damage to the system. And it’s expensive to boot.”²⁰⁰ Hartnett rebutted: “drugs are a threat worse than any nuclear warfare or any

¹⁹⁹ Senator Thurmond (SC), “Anti-Drug Abuse Act,” Congressional Record 1986-0930, (September 30, 1986) p. 27180-27181 Available from: LexisNexis® Congressional; Accessed: 3/23/2013.

²⁰⁰ Baum, *Smoke and Mirrors*, 235.

chemical warfare waged on any battlefield.”²⁰¹ The majority of the public and lawmakers sided with Hartnett’s opinion.

President Reagan joined his fellow Republicans and justified the legislation with his remarks on October 27, 1986, when he signed the 1986 Anti-Drug Abuse Act into law. “Well, today it gives me great pleasure to sign legislation that reflects the total commitment of the American people and their government to fight the evil of drugs... The magnitude of today's drug problem can be traced to past unwillingness to recognize and confront this problem. And the vaccine that's going to end the epidemic is a combination of tough laws -- like the one we sign today -- and a dramatic change in public attitude.”²⁰²

The media coverage of crack cocaine was so excessive that even the DEA acknowledged such. Ironically, in September 1986 during the same time of the Anti-Drug Abuse Act debates and votes in Congress; the DEA published a report that expressed the position of the agency in regards to the media’s coverage of crack cocaine. In the report, the agency charged that the media exaggerated crack’s danger and its geographic scope. The DEA acknowledged crack cocaine to be a major problem in certain cities such as New York, Los Angeles, and Detroit, but outside of a handful of cities crack consumption was rather, modest. The report’s main points were: “with the increased coverage of crack by the media, some cities indicated that attention might be excessive in relation to the drug problem as a whole. [The media’s attention] has been a

²⁰¹ Baum, *Smoke and Mirrors*, 231.

²⁰² "Remarks on Signing the Anti-Drug Abuse Act of 1986," *Ronald Reagan Presidential Library, National Archives and Records Administration*, <http://www.reagan.utexas.edu/archives/speeches/1986/102786c.htm> (23 March 2013).

distortion of the public perception of the extent of crack use as compared to the use of other drugs. Crack presently appears to be a secondary rather than primary problem. In most cities, compared to the more widespread use of cocaine hydrochloride, from which crack is converted.”²⁰³ Tellingly, the *New York Times*, major newspapers, and national television news ignored the report. On the other hand, *The Washington Post*, featured the report, but given the media’s perception of crack and change in public opinion, the DEA report proved incapable of thwarting the momentum of the war on drugs in 1986.²⁰⁴

The media’s reaction to the law varied, but in large part, the media did not view the law as punitive. The media gave positive coverage to the law’s passage and repeated the central theme of crack cocaine as a major problem. The media continued with popular comparisons of crack cocaine to a human enemy. For example, staff writer Charles McDonald of *The Atlanta Journal-Constitution* interviewed Democratic Senator Sam Nunn of Georgia who argued the law did not go far enough. Nunn remarked: “We hear about terrorist acts in the media every day. Last year, 28 Americans were killed by terrorists. But tens of thousands of people were killed by drugs.”²⁰⁵ McDonald also featured statements from Clay County, Georgia District Attorney Bob Keller who argued for more prisons to be built in order to house the large number of crack users in his county. We “need to build more prison space in order to make drug offenders serve their

²⁰³ Peter Yost, "Crack, Although Widely Used, Being Overexposed by Media, DEA Says," <http://www.apnewsarchive.com/1986/Crack-Although-Widely-Used-Being-Overexposed-by-Media-DEA-Says/id-3db99550e7b37369125e5275b90707c6> (24 March 2013).

²⁰⁴ Baum, *Smoke and Mirrors*, 235.

²⁰⁵ Charles McDonald, "Nunn: Tougher Laws, Penalties Not Enough to Fight Drugs," *The Atlanta Journal Constitution* 13 November 1986: I13.

sentences.”²⁰⁶ The District Attorney believed the younger generation will not use illegal drugs because of the outstanding drug education program that was taking place in his county.²⁰⁷ Domestically, the same themes that were covered before the law’s passage remained present and the legislation was not presented as a “magic bullet.”

While the media generally offered little criticism of mandatory minimum sentences and increases to police budgets, some journalists questioned political motivations and the bill’s total cost. Linda Greenhouse of the *New York Times*—in her October 2, 1986 article, “Drug War vs. Deficit: The Senate Blinks”—expressed concern about how the lawmakers were somewhat lackluster in their demeanor prior to the bill’s passage. Greenhouse’s main theme one of skepticism. “Only a playwright with a devilish sense of humor could have invented the scene that took place Tuesday on the floor of the Senate,” Greenhouse writes, “the anti-drug bill, a \$1.4 billion election year response to what members of Congress perceive as voter demand to do something about drug abuse...Senators portrayed themselves as virtually helpless before the sudden onslaught of the drug crisis.”²⁰⁸

Countries such as: Malaysia, Soviet Union, and the United Kingdom perceived the law as a model for their own drug policies. *The Sun-Sentinel* explained how other countries have proposed to alter their drug policies to adhere closely to American law. *The Sun-Sentinel* portrayed the global impact that the law had on five nations including the Soviet Union, stating, “Although the United States is the world’s biggest narcotics

²⁰⁶ Charles McDonald, "Nunn: Tougher Laws."

²⁰⁷ Charles McDonald, "Nunn: Tougher Laws."

²⁰⁸ Linda Greenhouse, "Drug War Vs. Deficit: The Senate Blinks," *The New York Times* 2 October 1986: A18.

market, it is not alone in perceiving a heightened threat. Even the Kremlin seems worried.”²⁰⁹ The newspaper looked at Malaysia that had instituted a death penalty for drug traffickers. The wife of the Malaysian Prime Minister Mahathir bin Mohamad referred to Nancy Reagan as her impression: “Mahathir’s wife, Siti Hamsah, a physician, attended Nancy Reagan’s anti-drug conference of first ladies at the White House last year. Impressed by Mrs. Reagan’s ‘Just Say No’ campaign, she launched a similar drive here.”²¹⁰ Margaret Thatcher, Conservative Party Leader and Prime Minister of the United Kingdom, touted her government’s proposed initiatives to accelerate the war on drugs. The article praised the American drug policy and viewed the Dutch drug policy as a failure by saying: “The Netherlands has become a more important drug-trade hub. Drug abuse developed in the Netherlands in part because of Dutch tolerance of alternative lifestyles.”²¹¹ Harm-reduction strategies and drug treatment were dismissed, while police and jails were praised. The 1986 Anti-Drug Abuse Act was passed without any hearings or expert testimony, yet at the time it served as a model for the world.

In conclusion, President Reagan’s use of the bully pulpit, the extensive media coverage of crack cocaine, the death of Len Bias, and the political advantages of “tough on crime” exploited by both Democrats and Republicans contributed to the passage of the 1986 Anti-Drug Abuse Act. The law could not have been passed as easily if it were not for prior legislative efforts. Measures such as the Controlled Substances Act provided an existing structure for dealing with criminalized drugs that mandatory minimum sentences

²⁰⁹ Associated Press, "War Against Drugs Has the World for a Battlefield," *The Sun-Sentinel (Fort Lauderdale)* 9 November 1986: 24A.

²¹⁰ Associated Press, "War Against Drugs."

²¹¹ Associated Press, "War Against Drugs."

were easily applied, with the addition of a few clauses. The 1981 amendment to the Posse Comitatus Act, which allowed the military to arrest and aid in the arrest of American Citizens, was a key contributor too in the literal “militarization” of the drug war. The expansion of the Federal Government’s role in fighting the drug war progressed throughout President Reagan’s second term. President Reagan occupied the Executive Branch, proclaimed his policy position and the other branches of government followed. Democrats who lost their ideological identity during Reagan’s Presidency mimicked the “tough on crime” policy positions of the Republicans for political gain. The political exploitations and legislative achievements could not have been possible if it were not for the void in the media that drugs filled. The media proved to be an indispensable ally in keeping the spotlight on drug abuse, use, and trafficking. Public opinion dramatically shifted during the Reagan years to the point where the majority of the Americans believed that drugs were the greatest threat facing the United States. The moral perception that President Nixon implemented into drug policy more than a decade before, transformed into an irreversible status quo. President Reagan advocated and applied Christian moral principles that went even further than Nixon’s view. Reagan’s drug policies favored rigid self-discipline and right versus wrong, over drug treatment and scientific recommendations. All of these factors built the foundation for the American prison-industrial complex.

Epilogue

Drug policy in the United States prefers to incarcerate drug users rather than treat them. Drug policy in America is the single largest contributor to mass incarceration and the prison-industrial complex. More Americans were in prison for drug offenses in 2009 than they were for all crimes in 1980.²¹² Proportionately more black men in the eighteen to thirty-five age bracket were in prison in 2011 than they were enslaved in 1850.²¹³ The massive increase in the number of imprisoned drug offenders, the targets of the war on drugs that President Nixon initiated and that President Reagan accelerated, undoubtedly is one of the main contributors to the development of the prison-industrial complex. The nonviolent offenders that fill America's prisons are the victims of a series of drug policies grounded in a moralism best articulated by Reagan. Nonviolent drug users are the political pawns for Democrats and Republicans who, along with the media, have ignored the hundreds of thousands of Americans who died from legal drugs like alcohol and tobacco and who, but especially the media, focused disproportionately on illegal drugs. The United States handled a public health problem with the criminal justice system,

²¹² Testimony of Marc Mauer, Executive Director of the Sentencing Project, Prepared for the House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security, 111th Congress., Hearing on Unfairness in Federal Cocaine Sentencing: Is it Time to Crack the 100 to 1 Disparity? 21 May 2009, 2.

²¹³ Danielle Wright, "Are There More Men in Prison Now Than Were Enslaved" *BET*, <http://www.bet.com/news/national/2011/10/12/are-there-more-men-in-prison-now-than-were-enslaved-.html> (26 March 2013).

despite numerous scientific recommendations, but after forty years of the drug war this is slowly changing.

The federal government enacted the most draconian drug penalties in line with crack becoming the preferred drug of consumption in urban black American communities. The Anti-Drug Abuse Act of 1986 included twenty-nine mandatory minimum sentences and removed mothers and fathers from families which irreparably harmed urban communities. Noted African-American scholar Cornel West commented on the consequences that federal anti-drug policies and laws have had on urban communities. “There has been a collapse in the meaning of life,” Cornel mourned, “the eclipse of hope and absence of love of self and others, the breakdown of family and neighborhood bonds—leads social deracination and cultural denudement of urban dwellers especially children.”²¹⁴

Governments embarked on decreasing spending on social programs, and increasing expenditures to support the high incarceration rates, that have essentially ruined multiple generations of Americans. In 1998, government policies sent five times the number of young black men to prison than to four-year colleges and universities.²¹⁵ For example, in 2011 the Commonwealth of Pennsylvania spent more money on prisons than on higher education. Neglected were worthy social welfare programs such as increased education spending, job training, drug rehabilitation, and after school programs that clearly mitigate the human effects of drug use. Lawmakers exploited the political

²¹⁴ Cornel West, *Race Matters* (Boston, MA: Beacon Press, 1993), 5.

²¹⁵ Angela Davis, "Masked Racism: Reflections on the Prison Industrial Complex; What Is the Prison Industrial Complex? Why Does It Matter?" *Applied Research Center* (1998).

gains stemming from “tough on crime” policies and ignored scientifically proven solutions.

The pattern of using drug policy for political gain did not end in 1986—nor did it end with President Reagan. On September 5, 1989, while delivering a drug policy speech, President George H.W. Bush held up a bag of crack said, “This is crack cocaine. It was seized a few days ago in . . . [Lafayette] park across the street from the White House.”²¹⁶ DEA agents lured a crack dealer across the street from the White House and set-up the drug buy. The dealer had never dealt crack near the White House before and while he was on the phone with DEA agents he said, “Where the [expletive] is the White House?”²¹⁷ The President liked the idea of using a prop in his speech so, speechwriters coordinated with DEA agents to set up a drug bust. The Bush “crack prop” was probably one of the more obvious examples that the illegal drug crisis was artificially created rather than real.

The political party of the President did not matter. Democratic President Bill Clinton, like Republican Presidents Nixon and Reagan, made “tough on crime” the centerpiece of his drug policy. Clinton frequently used race-based anti-crime rhetoric in order to compete for white swing voters. Clinton instituted welfare reform to prevent welfare assistance to anyone convicted of a simple marijuana possession. Clinton inaugurated a similar policy choice in regards to excluding people from receiving public

²¹⁶ Michael Isikoff, "Drug Buy Set Up For Bush Speech," *The Washington Post: National, World & D.C. Area News and Headlines*, <http://www.washingtonpost.com/wp-srv/local/longterm/tours/scandal/bushdrug.htm> (26 March 2013).

²¹⁷ Isikoff, "Drug Buy Set Up For Bush Speech."

housing because they used drugs. Clinton enacted “welfare reform,” cut social spending, and dramatically increased spending for prisons by 171 percent.²¹⁸

Americans currently live in an age where ninety percent of people admitted to prison for drug offenses are black or Latino.²¹⁹ The first African American President Barack Obama will not even say the term, “prison-industrial complex.” President Obama has expanded programs started during the Reagan Administration such as CAMP (Campaign Against Marijuana Planting). Budgets for fighting the drug war have steadily increased under President Obama, but when searching for a solution to the problem of the prison-industrial complex Americans should not look solely to the President.

In conclusion, on the national level the drug war keeps expanding despite whatever political party or President is in power, but, on the local level, citizens need to launch grassroots campaigns to build a humane criminal justice policy from the bottom up. In order to develop a more humane criminal justice policy, local communities have to alter drug policy in order to save money and lives. For example, in Fayetteville, Arkansas, the home of the University of Arkansas, the police department decided to make arrests for simple marijuana possession the lowest law enforcement priority.²²⁰ In Seattle, (LEAD) Law Enforcement Assisted Diversion program diverts low-level drug dealers and users away from the criminal-justice system. At the police officer's discretion, some of those arrested are referred to social workers for immediate help — a

²¹⁸ Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: New Press, 2010), 57.

²¹⁹ Alexander, *The New Jim Crow*, 58.

²²⁰ "Fayetteville Lowest Law Enforcement and Prosecutorial Priority Policy Ordinance (2008)," *Ballotpedia*, ballotpedia.org/wiki/index.php/Fayetteville_Lowest_Law_Enforcement_and_Prosecutorial_Priority_Policy_Ordinance_%282008%29 (1 April 2013).

hot meal, a safe place to sleep — and longer-term services such as drug treatment and job training.²²¹ Many local municipalities have adopted similar policies to those in Fayetteville and Seattle. For another example, in order to reduce the number of the incarcerated in California, voters approved a reform of its three-strike felony law. The three-strike felony law issued a mandatory life sentence to Californians. The law was amended to exclude non-violent drug offenses. Seventy percent of three-strike offenders are drug addicts, so it makes humane and economic sense to treat this problem as a health issue rather than a criminal one.²²²

Perhaps, the most evident sign that Americans believe scientific recommendations over Executive Branch morality was the legalization of marijuana in Colorado and Washington. The Shafer Commission had been ignored for nearly forty years, but states and local communities are leading the way to implement the commission's recommendations into law.

²²¹ Sara Green, "LEAD program turns drug bust into help, not jail | Local News | *The Seattle Times*," *The Seattle Times*, http://seattletimes.com/html/localnews/2020045102_lead03m.html (29 March 2013).

²²² Marisa Lagos and Ryan Gabrielson, "Majority of third-strike inmates are addicts, records show," *California Watch | Bold New Journalism*, <http://californiawatch.org/public-safety/majority-third-strike-inmates-are-addicts-records-show-18132> (29 March 2013).

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- **Africana Research Center Undergraduate Exhibition**
 - Awarded 2nd place, Fall 2011
- **Dean's List every semester**
 - Students at Penn State must have at least a 3.50 semester grade-point average to be named to the Dean's List

Association Memberships

- **Phi Beta Kappa**
 - Invited to become a member of Phi Beta Kappa, Lambda of Pennsylvania Chapter, based on outstanding academic performance in a broad course of liberal studies, March 2013
- **Phi Alpha Theta**
 - Invited to join the American honor society for undergraduate and graduate students and professors of history, Spring 2012
- **Pi Sigma Alpha**
 - Invited to join the National Political Science Honor Society, is the only honor society for college and university students of government in the United States, Spring 2012
- **Golden Key Honor Society**
 - Founded in 1977 to recognize academic achievement among college and university students in all disciplines, Fall 2010
- **National Society of Collegiate Scholars**
 - Membership is offered by invitation to first- and second-year college students with GPAs of 3.4 and above, Fall 2010