

Another Lost War: The Costs and Consequences of Drug Prohibition

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Introduction

AT A PRESS CONFERENCE ON DECEMBER 8, 1994, U.S. SURGEON GENERAL Joycelyn Elders spoke the unspeakable. She courageously suggested that the government look at the experience of countries that had decriminalized drugs. It was her understanding that in other countries the crime rate and incidence of drug abuse had actually declined with decriminalization. The White House was apoplectic and dismissed the idea out of hand. One would think that the Surgeon General had proposed legalizing rape. The administration's denials came faster than planes flying cocaine from Venezuela to Miami: under no circumstances would there be such an inquiry.

The administration's response is particularly unfortunate since the Surgeon General's proposal was not to legalize drugs, as the U.S. press erroneously reported. She proposed only that we look at the facts to see if the experience of other countries might provide a clue to a better approach than the U.S. "War on Drugs," which almost everyone, including the Attorney General Janet Reno, acknowledges has been a complete failure. The ineffectiveness and absurdity of putting so many people in prison for drug offenses have led police chiefs, prison wardens, some big-city mayors, and even some conservative politicians and pundits like William Buckley, Former Secretary of State George Schultz, and Nobel economist Milton Friedman to speak out in favor of decriminalization. Many judges, who are under legal proscription to sentence drug offenders to long-term mandatory sentences, also recognize the injustice and folly of the system and often refuse to impose the required sentences (Thompson, 1991: 21).

Those who oppose current drug policies argue that they have not worked because the incidence of drug use and the availability of drugs have not changed

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significantly since the War on Drugs was instituted. The availability and use of drugs certainly are important tests of the success or failure of current policies, but this begs other important questions. At the very least, we must ask:

1. Why the War on Drugs continues in the face of failure;
2. Why it has been enforced as it is; and
3. What its overall impact has been.

Just as the war in Vietnam must be evaluated on the basis of the costs and consequences for human welfare and not solely in terms of which side controlled the government at the end of the war, so the War on Drugs must be viewed in the broader perspective of what the human costs and consequences have been. We will take up each of these questions in turn. First, we will look at the policies of other countries and evaluate their impact; then we will look more broadly at the consequences of the War on Drugs and the sociological issue of why the war is being fought.

Experiments in the Decriminalization of Drugs

Were the Surgeon General's recommendation followed and a study conducted, the findings most certainly would suggest the necessity for a major shift in policy. The Netherlands has been a leader in the search for alternatives to policing as a solution to social problems associated with the use of drugs (Grapendaal et al., 1992; Wijngaart, 1990; Vliet, 1990). Their solution has been to: (1) decriminalize the use and sale of marijuana and (2) de facto decriminalize the possession and sale of small amounts of other drugs. Marijuana and hashish can be purchased in over 2,000 coffee shops, which even advertise the availability of the drug by displaying a drawing of a marijuana plant on their sign. Other forms of advertising are prohibited. Almost every kind of drug is readily available on the streets of major cities in the Netherlands (Vliet, 1990). The operating rule that governs police enforcement of anti-drug laws is that the police are to serve as a bridge between drug addicts and treatment services. The net result is that there are few arrests and even fewer trials and convictions for the possession and sale of drugs.

What effect have these policies had? Substantial research has been conducted to evaluate the impact of the Dutch policies. All of them have concluded that decriminalization of the use, possession, and sale of small amounts of drugs has *not* led to any increase in usage and has decreased the amount of crime associated with drug use and dealing (*Ibid.*). Research conducted by the Public Health and National Police in the Netherlands found that there was no change in the frequency with which heroin, cocaine, amphetamines, marijuana, or any other drugs were used and that after decriminalization, crimes associated with drug use (such as those motivated by attempts to support a drug habit) *declined* between 1987 and 1990 (Drug Policy Foundation, 1993; Ministry of Justice, Netherlands, 1992).

Furthermore, the use of *cannabis*, cocaine, and heroin among secondary school students is *lower* in the Netherlands than it is in the United States (see Table 1 at the end of the article). Drug use among the 12 to 70 age group shows the same pattern: a higher percentage of people reports using drugs in the United States than in the Netherlands (see Table 2).

Other countries have experimented with alternatives to police-enforced prohibition. The cities of Zürich and Geneva in Switzerland periodically have permitted the establishment of “needle parks,” where addicts can go and openly purchase drugs. The government provides sterile needles and medical help. As noted by Swiss scientist Manuel Eisner (1994), who has studied the impact of Zürich’s “needle parks,” these experiments have been sporadic and must be evaluated in the context of an overall “repressive environment.” A positive result of these experiments is a significant decline in the spread of AIDS and hepatitis among addicts (Hornung, Grob, and Fuchs, 1989). On the negative side, when drug markets were open in the parks, nonresidents of the cities were drawn in large numbers, with an attendant increase in muggings and robberies. It is questionable whether this increase can be attributed to the open drug markets, however, since the increase in robberies (but not muggings) continued after the markets were closed and the police had repressed the distribution of drugs. As Eisner points out, the slight increase in muggings and robberies in areas where open drug markets existed:

...should not be read as evidence against liberal policies towards legalized drugs. Rather, they are evidence of the fact that the local toleration of open drug scenes within a repressive environment generates spatial mobility patterns into those places, which accordingly accelerates processes of marginalization (Eisner, 1994: 74).

The negative effects of open drug scenes have led to a change in Swiss policy. Currently, the government is conducting a three-year experiment with “drug vans” that visit parks where drug users congregate and distribute sterile needles. The head of a medical team that examined the impact on addicts and the community of the open drug scene concluded that:

...two major lessons should be learned from the needle park experiment: on the side of the social and medical institutions, the need to work side by side with the communities, the drug users in the street, etcetera. Secondly, the law and its executive arms, the courts and the police should realize that their influence is limited and potentially harmful, but that their role in balancing the interests of drug users and those of the population is essential in helping to create a climate in which drug users can be taken care of not only by in-house specialists, but also by the whole society (Grob, 1994).

Spain followed the Netherlands and de facto decriminalized drug possession or the sale of small amounts. Reports from Spanish police and academics are based on less carefully conducted research than is true of the Dutch and Swiss studies, but the results are similar: neither usage nor crimes associated with drug dealing rise appreciably and diseases associated with drug use decline.

Ironically, the Surgeon General need not go to the Netherlands for data on the impact of decriminalization: 11 states in the U.S. (Ohio, North Carolina, California, New York, Mississippi, Alaska, Minnesota, Colorado, Maine, Utah, and Oregon) have decriminalized the possession of small amounts of marijuana (Galliher, 1992; DiChiara and Galliher, 1994). Surveys of high school and college student use of marijuana from 1975 to 1980 (after decriminalization) show no difference in the frequency of use among students in states that have decriminalized marijuana when compared to those that have not. Comparison of prevalence of use shows “convincing evidence that there is no systematic gain or loss” in marijuana usage (Johnston, O’Malley, and Bachman, 1981b).

These data from experiments with the decriminalization of drugs suggest that at the very least, drug consumption would not increase in the United States were the government to decriminalize the possession and sale of small amounts of drugs. Drug consumption, however, is but one of the issues that needs to be addressed. More important are the social consequences of the current policies. We turn to these in the following sections.

The Consequences

1. Incarceration Rates

One of the most obvious consequences of the War on Drugs in the U.S. is the historically unprecedented number of people in prison. Between 1980 and 1995, the prison population in the United States more than tripled (see Figure 1 at the end of the article). In comparison with other industrialized nations, the U.S. is the most incarcerating country in the world (see Figure 2).

Drug arrests and incarcerations are *the* major contributor to the extraordinary incarceration rate of the United States. Indeed, incarceration rates for property and violent crimes declined from 1977 to 1990, while incarceration rates for drugs increased dramatically (see Figure 3). In 1992, 58% of the inmates in federal prisons and over 30% of state prisoners were sentenced for drug offenses (Maguire, Pastore, and Flanagan, 1992: 623, 636). Approximately one-third of these were sentenced for marijuana, with another two-thirds for heroin and cocaine. FBI reports make no distinction between heroin and cocaine, but it is certain that the majority of these arrests are for cocaine.

Contrary to the propaganda issuing from the police, the media, and politicians, drug offenders who are arrested and sentenced to prison are mainly minor

offenders. In 1992, there were 1,066,400 arrests for drug abuse violations reported to the FBI, making drug arrests are the third most frequent category of arrests behind larceny (1,504,500) and driving under the influence (1,624,500) (Federal Bureau of Investigation, 1992: 217). Marijuana arrests account for 32% of the total and heroin and cocaine for 53%, with the remainder of drug arrests attributed to synthetic or “other dangerous drugs” (*Ibid.*: 216).

Significantly, over two-thirds (68%) of the drug arrests in 1992 were for possession and less than one-third (32%) for the sale or manufacture of drugs. Over 36% of all prisoners sentenced for drug offenses are “low level drug offenders with no current or prior violent offenses on their records, no involvement in sophisticated criminal activity, and no previous prison time.” They are sentenced to an average of 81.5 months (U.S. Department of Justice, 1994: 2–3). These facts support the conclusion of Austin and Irwin (1989) that over 50% of the prisoners in state and federal prisons are there for offenses that opinion surveys show the general public considers to be “not very serious crimes.”

2. A War on People of Color

The War on Drugs in America has produced another war as well. It is a war between the police and minority youth from the “ghetto underclass.” You need only listen to the words of “gangsta rap” music to get a sense of the hostility, the war mentality that permeates the ghetto. Young Black and Latino men living in America’s ghettos and *barrios* are under siege from, and at war with, the police. For the past several years, my students and I have been riding with the Rapid Deployment Unit (RDU) of the Washington, D.C., Metropolitan Police Force (Chambliss, 1994). The RDU was established as a special unit of the police following the race riots of the late 1960s. Over the years their assignment has changed from riot control to drug control. They patrol the Black ghetto where the poorest 40% of the Black population lives. To enforce the drug laws, the RDU sets up buys with undercover agents, stops vehicles with young Black men in them, and searches apartments and homes for drugs. The typical arrest is accompanied by violence, racist slurs, and disrespect for citizens and suspects alike. The following field notes are illustrative of the process:

RIPS; CASE #2.

It is about 10:25 at night when an undercover agent purchases \$50.00 of crack cocaine from a young black male. The agent calls us and tells us that the suspect has just entered a building and gone into an apartment. We go immediately to the apartment, the police enter without warning with their guns drawn. Small children begin to scream and cry. The adults in the apartment are thrown to the floor, the police are shouting, the three women in the apartment are swearing and shouting “You can’t just barge

in here like this...where is your goddamn warrant?" The suspect is caught and brought outside. The identification is made and the suspect is arrested. The suspect is sixteen years old.

While the suspect is being questioned, one policeman says:

I should kick your little black ass right here for dealing that shit. You are a worthless little scumbag, do you realize that?

Another officer asks:

What is your mother's name, son? My mistake...she is probably a whore and you are just a ghetto bastard. Am I right?

The suspect is cooperative and soft spoken. He does not appear to be menacing or a threat. He offers no resistance to the police. It seems that the suspect's demeanor is causing the police officers to become more abusive verbally. The suspect is handled very roughly. Handcuffs are cinched tightly and he is shoved against the patrol car. His head hits the door frame of the car as he is pushed into the back seat of the patrol car. One of the officers comments that it is nice to make "a clean arrest."

When asked whether it is legal to enter a home without a warrant, the arresting officer replies:

This is Southeast [Washington] and the Supreme Court has little regard for little shit like busting in on someone who just committed a crime involving drugs.... Who will argue for the juvenile in this case? No one can and no one will.

Arrests take place in crowded areas where both children and adults bear witness to the racism and violence *of the police* as often as they witness the violence of drug dealers. No wonder the police cannot find people to testify or witnesses to come forth. No wonder many in the Black community view the police as an alien occupying army rather than as protectors of citizens' rights. No wonder the gangs that occupy the streets often are seen as more in tune with the needs of the community than are the police officers who ride through in their patrol cars harassing every young Black male in sight (Jankowski, 1992). Moreover, when the laws are blatantly racist — to the extent that possession of a small amount (five grams) of crack cocaine (the drug of choice of people in the Black community) carries a mandatory five-year prison sentence without the possibility of parole, while possession of 100 times that amount of cocaine powder (the drug of choice of the white middle class) has no mandatory sentence — any illusion of an impartial judicial system is permanently shattered (Doob, 1993). Equally indicative of the systematic bias in the enforcement of drug laws is the fact that although

young Black men account for 12% of the population, they constitute 40% of the drug arrests and over 60% of the prison commitments for drug offenses — even though national household surveys show that *the percentage of users in the Black and white population is identical* (39% in each group) and white high school students are *twice as likely to report using illegal drugs than are Black students* (see Table 3) (Johnston, O'Malley, and Bachman, 1991). Of all people reporting the use of illegal drugs, 74.5% are white, 14.8% are Black, and 10.7% are Hispanic (NIDA, 1991: 19–21).

African American women and juveniles are particularly hard hit by the systematic racism inherent in the enforcement of drug laws. Fifty-seven percent of the women in state and federal prisons in 1990 were minority women, 75% of whom were mothers (Maguire, Pastore, and Flanagan, 1992). Between 1980 and 1991, the number of women in state and federal prisons increased from approximately 12,000 to over 41,000, representing a 255% increase in the imprisonment of women in these years.¹ In 1992, 64.7% of the women in federal prisons were there for drug offenses (Figure 4).

The pattern of discrimination in sentencing for African-American juveniles is even more extreme than for the population as a whole. Between 1985 and 1989, the number of white juveniles in locked detention actually declined, whereas the number of nonwhite juveniles (mostly Black) in locked detention increased by 259% during these years (Figure 5).

Comparisons of different patterns of enforcement regarding laws prohibiting “driving under the influence” (DUI) of alcohol or drugs with those of anti-drug law enforcement are revealing. DUI, it will be recalled, is the second most frequently committed crime in the U.S. Yet it is committed primarily by whites. In 1992, 87.7% of the persons arrested for DUI were white, and 10.1% Black (see Table 4). In 1992, however, 7.9% of new court commitments were for drug offenses, whereas only .45% of new court commitments were for DUI (U.S. Department of Justice, 1991: 15).

Although the likelihood of imprisonment is clearly much greater for drug offenses, there are no national data available on the severity of sentences for DUI offenders. Shine and Maurer (1993) conclude from their study of New York and California that:

Data from New York and California show that the typical sentence for a drunk driver is either some combination of fines, probation, and treatment or a brief jail sentence. Fewer than 1 percent of convicted drunk drivers in these states receive a prison term.... Overall, African-Americans and Hispanics receive harsher penalties than whites for this offense.

Yet DUI may be the single most dangerous crime committed on a regular basis:

In the stereotype world, violence is largely the product of “guns and drugs”

and gangs. That's a dangerous falsehood. The United States has had the industrial world's highest homicide rates for some 150 years. The 1986 homicide rate for young white males in the United States was twice as high as the rate for all young men in other industrialized nations. In reality, the heavily advertised legal drug, alcohol, is the drug most likely to lead to violence and death. Alcohol is associated with more homicides nationally than illicit drugs, and almost the same number of people are killed annually by drunk drivers as are murdered; drunk drivers are overwhelmingly white males (*Ibid.*: 7).

Without exaggerating, the lives and futures of young men and women in the poor Black and Latino communities in the United States are being systematically destroyed and the population of young males permanently alienated by the enforcement of anti-drug laws. Among young Black men between the ages of 15 and 35, 40 to 50% are at any given moment either in prison, jail, on probation, parole, or a warrant is out for their arrest (Maurer, 1990; Miller, 1992).

3. *Corruption*

Current drug policies also lead to the wholesale corruption of government officials, local police departments, and even entire nations. The CIA cooperated with the Medellín drug cartel to ship *one ton* of cocaine into the United States in 1993 (Weiner, 1993). This was ostensibly done to "infiltrate" the cartel. Although a former head of the Drug Enforcement Agency publicly accused the CIA of criminal activities in this case, it has never been investigated and the \$20 million (the wholesale price in Latin America) paid by the cartel to CIA agents for the cocaine has never been accounted for. Rather, the whole affair has quietly been swept under the rug: one of the two agents who negotiated the sale retired immediately afterwards and the other was transferred. This is not the first time the CIA has been implicated in international narcotics smuggling. There is overwhelming evidence of cooperation between the CIA and opium smugglers in Laos during the Vietnam War and of complicity with cocaine smugglers in Latin America during the attempt to overthrow the Sandinistas in Nicaragua (Chambliss, 1989; Cockburn, 1987; Kwitny, 1987; McCoy, 1973). John Stockwell (1986), a former high-ranking CIA official, claims that drug smuggling and the CIA were essential components in the private campaign in support of the *contras* in Nicaragua. George Morales, one of the largest drug traffickers in South America, testified that he was approached by the CIA in 1984 to fly weapons to Nicaragua. Morales claims that the CIA opened up an airstrip in Costa Rica and provided his pilot with information on how to avoid radar traps. According to Morales, he flew 20 weapons shipments into Costa Rica in 1984 and 1985. In return, the CIA helped him smuggle thousands of kilograms of cocaine into the United States. Morales' pilot, Gary Betzner, testified that he flew 4,000 pounds of arms into Costa Rica and

500 kg of cocaine to Lakeland, Florida (Chambliss, 1992).

Drug enforcement police, whether federal, state, or local, are particularly vulnerable to bribes and corruption. This is not surprising given the immense amount of money involved. The Drug Enforcement Agency (DEA) agent who arrested Manuel Noreiga in Panama was working undercover to launder money before Noreiga's arrest. He has admitted diverting \$700,000 into his own Swiss bank account that he was supposed to turn over to the government (*Washington Post*, 1994). U.S. police departments are riddled with corruption fueled by the extraordinary profits in drugs (Chambliss, 1988). Robert Daley's rendering of corruption throughout the police department in New York, Sechrest and Burns' research on Miami, and my own study of Seattle, Washington, lead inexorably to the conclusion that the story of rampant police corruption "...used to be a story in Eastern urban centers. But now it's true throughout the U.S." (Chambliss, 1988; Daley, 1978; Sechrest and Burns, 1992). In a repeat of Daley's expose, in 1993 the Mollen Commission in New York sat stone-faced as police officers told how they had accepted bribes from drug dealers, engaged in drug trafficking, and stole drugs that they later sold (*Washington Post*, 1993). To date, 14 New York police officers have been charged and 11 others are awaiting disciplinary hearings. Indeed, one can scarcely keep up with the corruption of police officers in the United States: a recent FBI sting operation netted 12 Washington, D.C., police officers who were selling drugs and taking payoffs from drug dealers in their precincts (Harrison, 1993: A1). In all, 77 police officers in Washington face criminal charges. Only weeks before the arrest of the 12 police officers, 12 corrections officers were arrested on charges of taking drugs into Lorton, the Washington, D.C., prison, and selling them to inmates (*Ibid.*: A18). Aida Yassa's (1995) research at Lorton found that drugs flowed into the prison as freely as they flow on the streets of southeast Washington and constitute a major source of income and power for those who can supply other inmates.

Former police chiefs in Rochester, New York, and Detroit have been convicted of drug-related offenses and police officers in Philadelphia, Miami, Los Angeles, and Cleveland have been convicted of accepting bribes, theft, and complicity in drug trafficking in recent years (Gladwell, 1994). One of the more telling cases that underscores the impact of drug money on the criminal justice system occurred in Louisiana. There, for the first time in the 200-year history of the federal judiciary, a federal district court judge was convicted of taking a \$100,000 bribe from a drug smuggler (*Los Angeles Times*, 1992: A4). A search of newspaper articles (which represent only a fraction of the total cases) recorded on Nexis revealed the following list of cases in recent years.² Some reflect the fact that to be an effective undercover agent, the police officer must become a drug user. People selling drugs will not regularly provide drugs to an agent who is never seen consuming the drugs. In this way, the government effectively forces agents to become drug users to do their job. Some agents then steal drugs to support their habits. Others accept bribes and steal drugs simply for profit. To wit:

- Since 1983: At least 15 DEA agents have been convicted of federal felonies.
- May 1989: Two veteran DEA agents, Drew Bunnell and Al Iglesias, were charged with taking bribes from a drug dealer.
- April 1989: DEA agent Jorge Villar was indicted for selling confidential information and the names of drug informants to drug dealers. When arrested, he was carrying a briefcase with \$350,000 in bank certificates of deposit.
- July 1990: Herbert Pacheco, a sheriff's deputy in Clark County, Washington, was convicted of conspiracy to commit murder, conspiracy to deliver cocaine, and attempted cocaine delivery.
- March 1988: Four New York City police officers were convicted of the beating and torture of a drug dealer.
- October 1988: Tommy Pruitt, head of a Georgia drug task force was sentenced to 15 years in prison for selling at least \$10,000 worth of drugs to a drug dealer.
- July 1990: Carlos Simon, a Hialeah, Florida, police officer, was sentenced to 30 years for the murder of an alleged drug dealer and his girl friend.
- October 1990: Eddied Hill, a DEA supervisor, went on trial for embezzling drug money and filing false vouchers.
- June 1990: The police chief of Brockton, Massachusetts, received a seven to 10-year sentence for stealing cocaine from the police department's evidence room. Three hundred seventy-five cases had to be dismissed because of the missing evidence.
- January 1990: Four Philadelphia police officers who were members of a special anti-drug unit were sentenced to prison for stealing money and drugs from the drug dealers they arrested.
- March 1993: Edward K. O'Brien, a former DEA agent, was sentenced to six years in prison for cocaine smuggling and embezzlement of \$140,000 in drug money.

The list could be expanded indefinitely. Suffice it to say that the corruption of police involving drug profits is ubiquitous at all levels of policing in the U.S. (Woodwiss, 1988).

Current drug policies make it inevitable that individual police will be tempted to accept bribes. Equally important, however, is the organizational pressure on police units to cooperate with drug dealers. In my 10-year study of organized crime in Seattle, Washington, I found that when the police were taking bribes and protecting drug dealers, murder and assaults associated with drug dealing were

low and the “law abiding” community was unaware that there was a vibrant drug market in the city. The police were thus viewed as doing a good job of “protecting the community.” However, when the police enforced anti-drug laws, crimes of violence and the visibility of drug trafficking increased appreciably (Chambliss, 1988). The reason for this was quite simple: when the police cooperate with drug dealers, they essentially give them an informal “license” to traffic and trade in certain areas of the city. Competitors are “discouraged” by being arrested. Lacking competition, the licensed dealers do not need to resort to violence to protect their territory; they need only call their partners on the police force and have their competitors arrested.

4. Undermining Constitutional Rights

There are other, less obvious, ways in which the legal system is corrupted by the overzealous enforcement of drug laws in the United States. The trial and conviction of Manuel Noreiga are a case in point. To obtain his conviction, government lawyers relied almost entirely on the testimony of convicted drug dealers who were bribed by the government to testify against Noreiga (Gugliotta, 1991; *Newsweek*, 1992). The bribes paid by the government included cash payments of hundreds of thousands of dollars as well as reduced prison sentences and promises of a lifetime of support and protection under the witness protection program (*Newsweek*, 1992).

Carlos Lehder: A major figure in an international drug-trafficking cartel, who in 1988 had been sentenced to life plus 135 years in prison for drug trafficking, was released from prison; he and his family were given a lifetime income and put into the witness protection program.

Luis del Cid: Charges against del Cid could have sent him to prison for 70 years. In return for his testimony against Noreiga, prosecutors recommended a 10-year maximum sentence (he will be eligible for parole after three and one-half years), dropping deportation procedures, and release of \$94,000 in his pension account, which the government had confiscated.

Max Mermelstein: Was accused of organizing transportation of drugs through Panama and faced life plus a 90-year prison sentence. For his testimony, he was released after two years and 21 days, paid a \$700,000 reward, and put into the witness protection program with yearly payments for living expenses.

Floyd Carlton: A pilot who was charged with smuggling 880 pounds of cocaine into the United States. Testimony was rewarded with a nine-year suspended prison sentence and three years of probation.

Bribing witnesses to testify in court however the government wishes makes a mockery of criminal justice. The heavy emphasis on gaining convictions forces government agents to lie, distort, and make up evidence to succeed. The necessity for relying on informants and undercover agents forces government agencies to protect people whose crimes often are more heinous than the drug dealing for which they are ultimately arrested.

Because of the pressure to make arrests and the fact that drug enforcement agents often assume they “know who a dealer is,” agents are incited to plant drugs on suspects and use Gestapo tactics in serving search warrants, sometimes with dire consequences. Robert Sobel of the Los Angeles Sheriff’s Department narcotics unit testified against seven sheriff’s narcotics agents in March 1993 for planting cocaine in the bag of a suspected dealer. In Oakland, California, drug agents were found guilty of planting drugs, beating suspects, and sexually assaulting them. A Los Angeles County Sheriff’s Department officer planted heroin on a woman to whom he owed money. Again, these are but a smattering of the cases; the practice of illegally planting drugs on suspects or in their homes is rampant and goes largely undetected.

In Everett, Washington (a city near Seattle), a local SWAT team killed Robin Pratt while attempting to serve a warrant for the arrest of her husband:

Instead of using an apartment key given to them, SWAT members threw a 50-pound battering ram through a sliding glass door that landed near the heads of Pratt’s six-year-old daughter and five-year-old niece. As deputy Anthony Aston rounded the corner to the Pratts’ bedroom, he encountered Robin Pratt. SWAT members were yelling, “get down” and she started to crouch to her knees. She looked up at Aston and said, “Please don’t hurt my children.” Aston had his gun pointed at her and fired, shooting her in the neck. According to attorney John Muenster, she was alive another one to two minutes but could not speak because her throat had been destroyed by the bullet. She was then handcuffed, lying face down (*The Seattle Times*).

In 1991, Garland, Texas, police shot and killed Kenneth Baulch after breaking down the door to his bedroom. He was holding an ash tray that police mistook for a weapon. In Titusville, Florida, a no-knock drug raid carried out by police wearing black clothing and ski masks caused the owner of the home to reach for a gun and he was shot and killed. In Guthrie, Oklahoma, DEA agents broke into a home using axes, and handcuffed and kicked the man in the house in front of his wife and daughters before they realized they had entered the wrong home. A review of cases through Lexus reveals a frequency of such events that cannot easily be dismissed as an unfortunate but necessary price to pay in the War on Drugs. It is rather an inevitable, intolerable, and inexcusable consequence of the drug-war mentality.

5. Creating Economies That Are Drug Dependent

The international market in opium, heroin, cocaine, and marijuana now constitutes at least a \$200 billion business annually. The growing manufacture and distribution of illegal drugs has become one of the largest industries in the world. Whole nation-states — Turkey, Pakistan, Columbia, Peru, Puerto Rico, Bolivia, Malaysia, Thailand, Mexico, and Laos depend upon opium, coca, and hemp production for their agricultural base and on the manufacture of heroin, cocaine, and marijuana as a significant productive sector of the economy (*The Economist*, 1993: 25–27; 1989a: 40; 1989b: 38; 1989c: 54; 1988: 21; 1987: 39–40; Litner, 1991; Salamat, 1993). The export of cocaine provides Bolivia with more income than do all other export products combined (*The Economist*, 1988: 21). The economies of other nations, including the United States, are so deeply enmeshed in the production and distribution of illegal drugs that their economies would be severely damaged were the international market in drugs to dry up. It is estimated, for example, that the growing of marijuana is the second largest agricultural product in the U.S. (Galliher, 1992).

Why?

Why did the Clinton administration refuse even to consider the Surgeon General's suggestion that we look at the experience of other countries that have decriminalized drugs? More generally, why has the United States persisted in pursuing a policy that is obviously a failure in terms of the expressed goals of reducing drug use and drug availability? I would suggest that political, economic, and social changes unique to the U.S. in the last 30 years have made what appears on the surface to be an irrational drug policy quite rational.

Politically, crime generally and drugs in particular have been used as a weapon by conservative politicians (Democrat and Republican) to gain political advantage and strengthen the oppressive apparatus of the state. Elsewhere I have documented a concerted effort by politicians to make "crime" a political issue despite public opinion polls that indicated less than widespread support for a "war on crime" (Chambliss and Sbarbaro, 1994). By the late 1980s, "crime" and "drugs" were joined on the political agenda, thus making it nearly impossible to argue for decriminalizing drugs without appearing to support crime. Finally, favoring drug decriminalization is guaranteed to bring forth concerted political opposition, but opponents of current policies are too loosely organized to represent a coherent political force. "Safe politics," then, suggests continuing current policies, no matter how bankrupt.

Economically, the reasons run more deeply. Most broadly, the changing nature of the U.S. economy makes the enforcement of drug laws against the poor a safety valve against riots and rebellions. As William Julius Wilson has pointed out, the "ghetto underclass" has lost whatever roots it had in the economy as the manufac-

turing base of the inner city has disappeared. The loss of jobs and increasing impoverishment of the lower classes increase the threat of riots, rebellions, and demands for a redistribution of wealth through education and job retraining. During these periods, social control through criminal law always increases in an effort to defuse, control, and preempt riots and rebellions. An army of police officers that systematically harasses, arrests, and imprisons the most vital elements of the community (the young men and women) is a time-honored tradition designed to control "the dangerous classes."

The organization of policing also is served well by the War on Drugs. Police officers, police departments, and prosecuting attorneys are served well when large numbers of arrests, prosecutions, and convictions can be easily obtained. Drug laws are fabulous assets for serving these purposes. Of course, it would not be so if the police and prosecutors had to arrest the middle- and upper-class whites who sell, buy, and consume the vast bulk of the \$100 million spent annually on illegal drugs sold in America. For these consumers, real enforcement would make life difficult for the police. Arresting, prosecuting, and convicting young Black and Latino men and women for drugs, however, guarantees a steady supply of clients and an appearance of conscientious and effective law enforcement.

Finally, what Norwegian sociologist Nils Christie calls the *crime control industry*, which is rapidly taking on all the characteristics of the military-industrial complex, thrives in an economy that is otherwise downsizing (Christie, 1993). Law enforcement agencies ranging from the vast and sprawling federal bureaucracies under the Department of Justice (the FBI, DEA, AFT, Customs, etc.) to the local sheriff's departments constitute a non-stop propaganda machine spewing out lies and distortions about drugs and crime. Almost all of it contains a thinly veiled racist message that the safety and well-being of everyone are threatened by vicious Black drug dealers who prey on innocent victims.

Crime statistics are manipulated at the highest levels to perpetuate public fear. The Department of Justice, which is the only source of nationwide statistics, constantly distorts data to serve their own interests. For instance, it became front-page news when in its most recently published *Uniform Crime Reports*, the FBI released data to the media showing that the murder rate increased between 1988 and 1992. The release was timed to support the passage of a Senate bill to provide \$30 billion for 100,000 more police officers and the construction of new prisons. Yet the report was a blatant distortion of fact. The 1992 *Uniform Crime Report* showed an increase of 23% (Federal Bureau of Investigation, 1992). The report conveniently failed to mention, however, that between 1980 and 1988 the murder rate actually declined (see Figure 6).

The crime industry's interests, like those of any other industry, are congruent with expanding resources. Millions of arrests, combined with a constant stream of misinformation about escalating crime rates and the dangers of drugs, serve their interests well. It takes a strong and committed politician to fly in the face of such

well-organized opposition. Politicians, who are hard pressed to create jobs in the private sector and under pressure to reduce government expenditures elsewhere, argue only about how large the appropriations to the crime control industry should be and where to build the next prison. Also benefiting, and lobbying, are the industries that depend upon prison construction and trade unions. In California, for example, the Correctional Officers Association is the second largest contributor to political campaigns in the state. Selling high-technology equipment to police and prisons has become one of the fastest growing industries in the U.S., as have the industries that benefit indirectly from propaganda campaigns on crime rates that enhance the sale of personal security devices (such as “The Club” and dead bolts).

Conclusion

Since drug use was criminalized in the United States (between 1914 and 1937), there has been a steady and constant increase in the availability of drugs and the number of drug users. Marijuana and cocaine are readily available on every college campus and in every office building, not to mention on the streets of every city. Since 1975, the Institute for Social Research at the University of Michigan has been conducting anonymous surveys of high school and college student use of illegal drugs. Every year from 1975 to 1991, between 45 and 60% of the students admit to using an illegal drug. Between 18 and 30% admit to using some illegal drugs at least once during the preceding 30 days. Every year some 8.2 million people between 18 and 25 years old had used cocaine (National Institute of Drug Abuse, 1994). Two and one-half million of the respondents admitted using it within the preceding month and 250,000 use it weekly. The argument that decriminalizing drugs would increase their availability flies in the face of the fact that criminalizing them has in no way decreased their availability. Almost 90% of the respondents said marijuana would be “fairly easy” or “very easy” to get, with 50% the respective figure for cocaine (News and Information Services, 1992). Indeed, it is arguable that decriminalizing drugs while restricting access, employing warnings, and increasing awareness of their potential hazards would lead to a reduction in usage.

Most people who use cocaine and marijuana are occasional users. Most users have no trouble stopping if they decide to. Only three percent of the people who have tried cocaine reported problems giving it up. With marijuana, the number of people who use the drug is much higher, but the proportion of those who report difficulty in giving up the drug, even after a long period of heavy usage, is negligible. The most highly addictive of these illegal drugs are the opiates and their derivatives (particularly heroin). We do not have good data on the addiction rate among opium users, but we do know that when opium was legally and easily available to addicts through medical doctors, as it was in Great Britain until the 1970s, the illegal drug market and the number of new addicts were minuscule compared with the United States.

A comparison of the addictive qualities of illegal drugs with tobacco and alcohol is informative. A survey of high school seniors asked those who admitted to using marijuana, cocaine, and cigarettes if they had ever had difficulty stopping. Less than four percent reported difficulty stopping cocaine, while seven percent reported difficulty with marijuana and 18% with quitting cigarette smoking (Johnston, O'Malley, and Bachman, 1981b).

There is persuasive evidence from the experience with other drugs that the most effective way to reduce consumption is through education. Cigarette smoking and alcohol consumption have been significantly effected by education programs; alcohol and nicotine addicts benefit substantially from self-help groups. Community groups such as Alcoholics Anonymous are effective for dealing with that small percentage of people who become addicted. If the drugs were legal and the stigma of criminality were not attached to the user, problem drug users would seek the help they need. Addicts would not have to pay outlandishly for drugs (\$4,000 worth of cocaine in Columbia sells for \$20,000 wholesale in Miami, \$70,000 on the streets), share dirty needles, and risk illness and even death from impure drugs. Decriminalization would also facilitate the accurate dissemination of knowledge about the drugs. Everyone knows the difference between the effects of beer, wine, and whiskey. Possessing this knowledge enables all of us to rationally choose which to drink under what circumstances. Law enforcement propaganda that lumps all illegal drugs together as equally dangerous makes sensible policies and rational personal decisions impossible. It reinforces the belief on the part of potential users that everything they hear about drugs is the big lie. Every 12 year old in the ghetto knows that marijuana is very different from cocaine, but they are not told exactly how and why. When they are choosing between cocaine, crack, and heroin, they do not have the necessary information even to consider what the difference is between the drugs. All they know is that their experiences contradict the government lies and propaganda.

Perhaps the Clinton administration, however, was wiser than it appears when it refused to consider the Surgeon General's proposal that we look at the experience of countries that have experimented with decriminalizing drugs. Had the Surgeon General's recommendation been followed and the generally positive (if not utopian) consequences of decriminalization in other countries become part of the public debate on drugs, decriminalization might have become a political issue. The administration would then have faced all the problems of controlling the ghetto underclass, providing employment for people in the crime control industry, fighting the interests and lies of the law enforcement bureaucracy, and going against the tide of a right-wing political movement. A president besieged by so many other issues was perhaps wise to duck this one, even though, as usual, the people pay the price for his political expediency.

Table 1:
Cannabis, Cocaine, and Heroin Use Among Students in Secondary Schools, (Ages 13 to 18 Years) in the Netherlands and the USA

| LIFETIME | 13–14 Years | | 15–16 Years | | 17–18 Years | |
|----------|-------------|------|-------------|-------|-------------|-------|
| | USA | NL | USA | NL | USA | NL |
| Cannabis | 14.6% | 2.6% | 35.0% | 10.8% | 43.7% | 17.7% |
| Cocaine | 3.6% | .6% | 7.7% | 1.2% | 10.3% | 1.6% |
| Heroin | NA | | 1.3% | 0.5% | | |

| MONTH | 13–14 Years | | 15–16 Years | | 17–18 Years | |
|----------|-------------|------|-------------|------|-------------|------|
| | USA | NL | USA | NL | USA | NL |
| Cannabis | 5.4% | 1.3% | 14.9% | 5.2% | 16.7% | 4.6% |
| Cocaine | 1.6% | 1.2% | 2.7% | 0.5% | 2.8% | 0.2% |
| Heroin | NA | | 0.3% | 0.3% | | |

Source: Michael Elsner, *The Sociology of Reefer Madness: The Criminalization of Marijuana in the USA* (Washington, D.C.: Unpublished Ph.D. Dissertation, American University, 1994).

Table 2:
Percent Reporting Illicit Drug Use in the U.S. and Amsterdam, The Netherlands: 12 to 70 Year Olds

| | Lifetime Use | | Past Year | | Past Month | |
|----------|--------------|------|-----------|------|------------|------------------|
| | NL | USA | NL | USA | NL | USA |
| Cannabis | 24.1 | 32.3 | 8.8 | 12.1 | 6.0 | 6.0 |
| Cocaine | 5.3 | 10.8 | 1.3 | 3.5 | .4 | 1.0 |
| Heroin | 1.1 | .8 | .1 | .3 | .0 | N/A ³ |

Sources: J.P. Sandwijk, P.D.A. Cohen, and S. Musterd, *Licit and Illicit Drug Use in Amsterdam: Report of a Household Survey in 1990 on the Prevalence of Drug Use Among the Population of 12 Years and Over* (University of Amsterdam, Instituut voor Sociale Geografie, 1992: 20, Table 3.2); Department of Health and Human Services, National Institute on Drug Abuse (NIDA), *National Household Survey on Drug Abuse: Main Findings, 1990* (U.S. Washington: U.S. Government Printing Office, 1991: 20–30).

Table 3:
Drug Use, Arrests, and Court Commitments, Drug Offenses, by Race, 1991–1992

| Prevalence of Annual Drug Use Among 12th Graders, 1992 ⁺ | | | Percent of Arrests for Drug Offenses 1992 [#] | New Court Commitments for Drug Offenses 1992 [*] |
|---|---------|------|--|---|
| Marihuana | Cocaine | | | |
| Black | 11.5% | 1.3% | 39.6% | 66.7% |
| White | 24.0% | 3.3% | 59.4% | 32.8% |

Sources:

⁺ Lloyd D. Johnston, Patrick M. O'Malley, and Jerald G. Bachman (1993). National Institute on Drug Abuse (NIDA), "National Survey Results on Drug Use from Monitoring the Future" (Washington, D.C.: U.S. Department of Health and Human Services, 1993: 14).

[#] *Uniform Crime Reports* (UCR) (1992). U.S. Department of Justice, *Crime in the United States* (Washington, D.C.: U.S. Department of Justice: 235).

^{*} Bureau of Justice Statistics, "National Corrections Reporting Program, 1992" (Washington, D.C.: U.S. Department of Justice, 1992).

Table 4:
Arrests and New Court Commitments: DUI and Drugs by Race, 1992

A. Arrests for Driving Under the Influence by Race, 1992

| | Total | White | Black |
|---|-----------|-----------|---------|
| N | 1,317,968 | 1,155,884 | 132,894 |
| % | 100 | 87.7 | 10.1 |

B. Arrests for Drug Offenses by Race, 1992

| | Total | White | Black |
|---|----------|---------|---------|
| N | 919,561* | 546,430 | 364,546 |
| % | 100 | 59.4 | 39.6 |

C. New Court Commitments to State Prison by Race and Offense, 1991

1. Driving Under the Influence

| | Total | White | Black |
|---|-------|-------|-------|
| N | 6,589 | 5,376 | 1,213 |
| % | 100 | 81.6 | 16.4 |

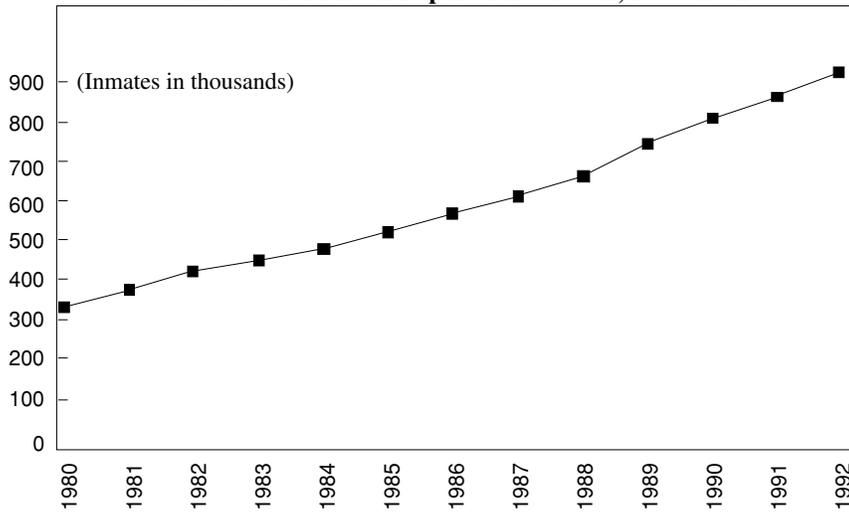
2. Drug Offenses

| | Total | White | Black |
|---|--------|--------|--------|
| N | 72,431 | 24,220 | 48,211 |
| % | 100 | 33.4 | 66.1 |

* Of these arrests, 68% were for possession, 32% for sale or manufacture.

Sources: U.S. Department of Justice, Bureau of Justice Statistics, *National Corrections Reporting Program, 1991* (Washington, D.C.: U.S. Department of Justice: 15); U.S. Department of Justice, *Uniform Crime Reports: Crime in the United States, 1992* (Washington, D.C.: U.S. Department of Justice: 216, 244–246).

Figure 1:
State and Federal Prison Population Growth, 1980–1992



Source: Bureau of Justice Statistics, *National Corrections Reporting Program, 1992* (Washington, D.C.: Bureau of Justice Statistics, U.S. Department of Justice, 1993).

Figure 2:
Incarceration Rates in Prison and Jail per 100,000 Population for the U.S. and Selected Countries: 1993

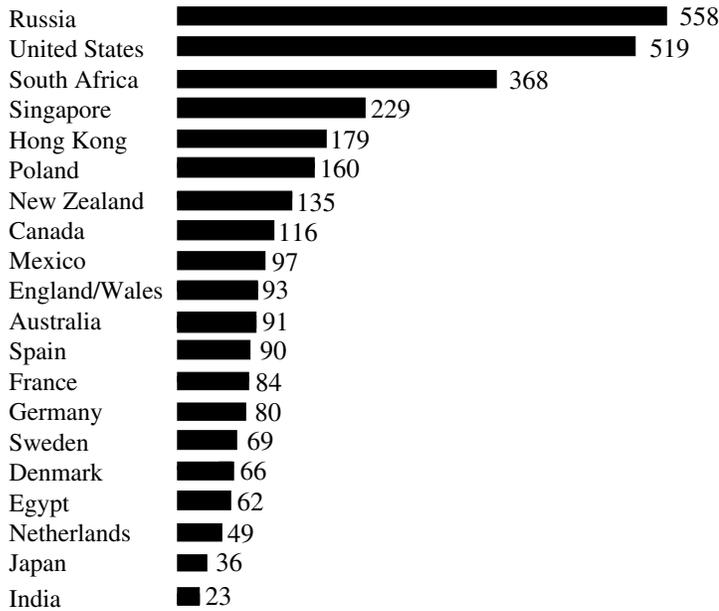
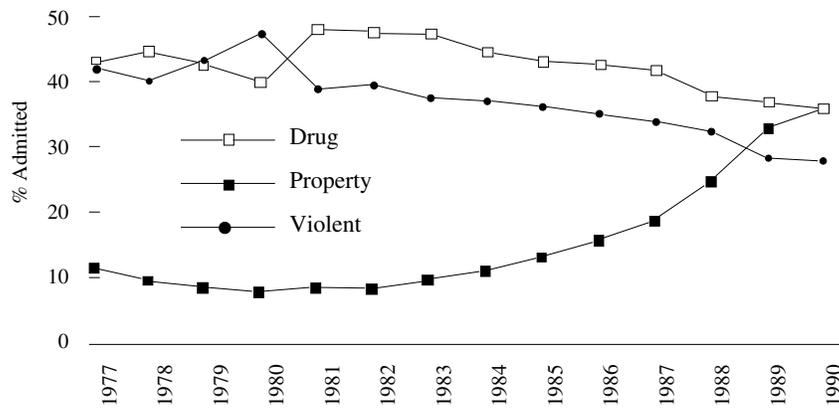
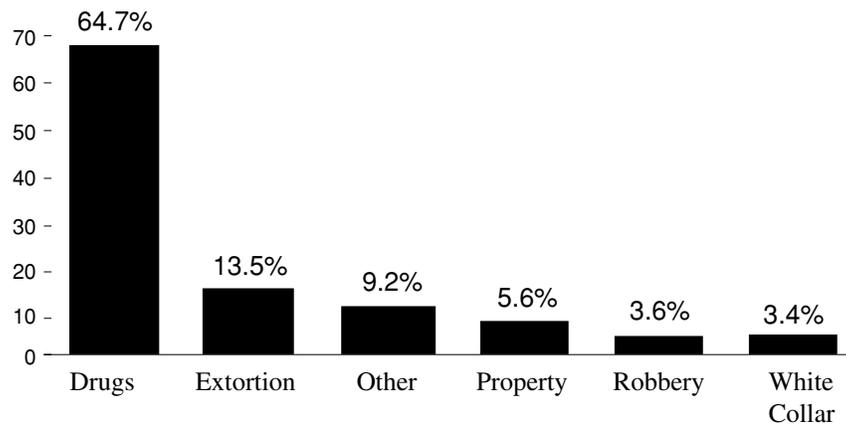


Figure 3:
New Court Commitments by Type of Crime to State Prisons, 1977–1990



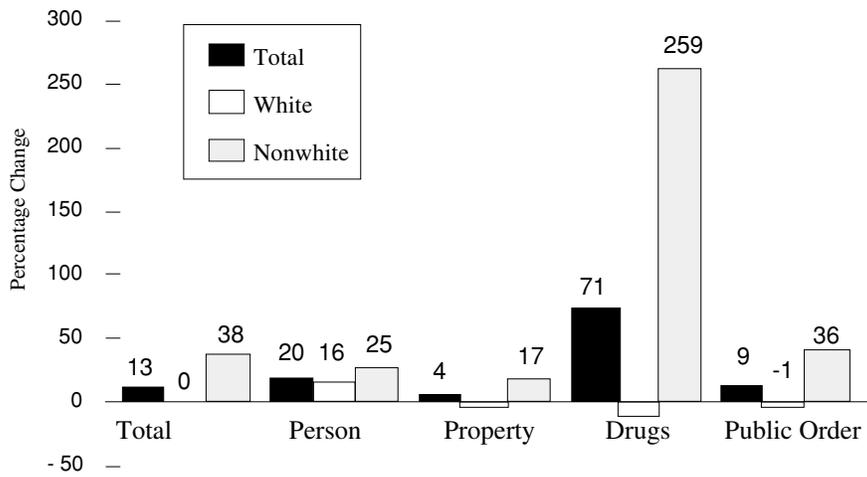
Source: National Association of State Budget Officers, *1993 State Expenditure Report* (March 1994: 47, Figure 19).

Figure 4:
Type of Commitment Offense Among U.S. Federal Female Inmates: 1992

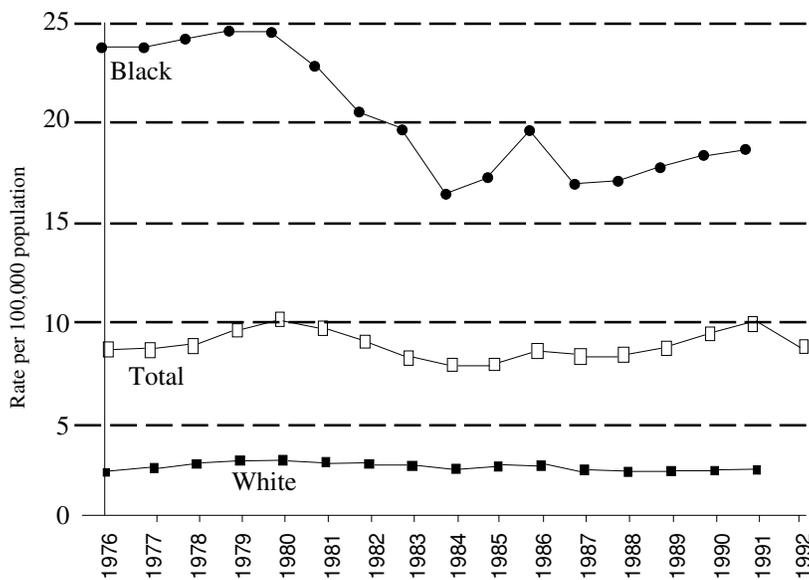


Source: Darnell K. Gilliard and Allen J. Beck, *Prisoners in 1993* (Bureau of Justice Statistics, U.S. Department of Justice, Washington, D.C.: 1993: 8).

**Figure 5:
Juveniles in Locked Detention by Race and Offense, 1985–1989**



**Figure 6:
U.S. Murder Rate, 1976–1992**



Race-specific data are for single victim/single offender murders.
 Source: *Current Population Reports*, pages 25–1095; *Crime in the U.S.* and *Statistical Abstracts of the U.S.*, various years.

NOTES

1. For men the increase in incarceration rates between 1980 and 1991 was 145%.
2. Nexis is a database of newspaper and magazine articles. Needless to say, the number of cases discovered through this method represents only a tiny portion of the total undiscovered cases, or even of cases prosecuted, since not all such cases will find their way into newspaper or magazine accounts.
3. This category, "heroin use — past month," was unavailable in the U.S. data because "estimates based on only a few respondents are omitted because one cannot place a high degree of confidence in their statistical accuracy."

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