

Racially Destructive Effects of Drug Abuse Prevention and Control Act of 1970: A Review Summary

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Abstract

Drug Abuse Prevention and Control Act (DAPCA) of 1970 have led to seriously undesirable disparate treatments based on racial groups. The previous 30 years of crime statistics show that African Americans were far more likely to be arrested for drug crimes, and received much stiffer penalties and sentences than non-minorities. This paper is a summary version which reviewed a significant impact of DAPCA, as an example of serious national policy failure, which lead to a discriminatory law enforcement, incarceration and ruined lives of African Americans.

Keywords: Drug abuse prevention and control act; Heroin; Cocaine; Drug abuse

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Heroin was introduced to America in 1898 and was alleged to achieve the same medicinal effects as morphine and opium (which were unregulated at that time) but without the danger of inducing drug obsession and dependence. As noted by Yamatani et al. [1], social recognition of heroin addiction, however, invited racist pleas to prosecute and protect American society from drug usage. During early 1900s two major drugs were targeted: cocaine, associated with blacks who were said to go on violent rampages under its influence and opium, the smoking of which was associated with the Chinese and their "deviant" behavior. Religious groups that rallied for alcohol temperance also played key roles in lobbying for the ban and exclusion from the market. Since those early days, national debates over the legitimate use and misuse of drugs, the laws controlling sales and distributions of drugs in this country and the question of whether or not certain drugs should be legalized have aggravated various groups and continue to inflect racially discriminatory policies and enforcement practices [2].

Thus, until the enactment of the historical Comprehensive Drug Abuse Prevention and Control Act (CDAPCA) of 1970, numerous policies and laws were simply designed and redesigned to prohibit and suppress particular types of drug manufacturing, sales and consumption. However, CDAPCA policy stood out as inclusive of uniquely new and humanistic emphases – the declaration of drug-treatment interventions as a means to help afflicted populations as well as to curb the demand of drug distribution. Instead of simply suppressing drug manufacturers and distributors, this new

policy was also drawn based on concerns regarding the wellbeing of people who used drugs.

In contrast, however, mood of a crime-weary public during subsequent decades, the idea of taking a balanced suppression and public health approach to drug usage reduction begun diminishing to focus more on dominance and a "get-tough" mentality, specifically against racial minority groups. Stemming from such public petition, significantly undesirable disparate treatments against minority racial groups began accompanying key policy implementation practices. According to a review on the history of the war on drugs, a direct relationship between drug policy and racially discriminatory public misconception is abundantly clear. The dominant public assertion clearly correlated with the racial context in which the war on drugs emerged:

- During the 1960s, it was believed that over 50% of the crime in this country was drug related, and this number was estimated to increase to as high as 90 percent in the following decade, and that many "negroes" were drug-addicted criminals due to their broken families, poverty and slum-like living (Human Rights Watch).
- Richard Nixon became president in 1969, and saw that there was wide support for the anti-drug precedent and endorsed the DAPCA, and capitalized drug raids nationwide to advance

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his "watchdog" image in the name of public safety, courting the racially discriminatory public opinion as a political force. From 1972 to 1973, the Office of Drug Abuse and Law Enforcement performed 6,000 drug arrests in 18 months, the majority of the arrested being black [3].

- The following two presidents (Gerald Ford and Jimmy Carter) essentially maintained the previously written national drug policies. However, the racial bias within the "War on Drugs" received a new resurgence upon the arrival of Ronald Reagan, who became president in 1982. During his first five years in office, Reagan continually strengthened drug enforcement by creating mandatory minimum sentencing and forfeiture of cash and real estate for drug offenses, policies far more detrimental to poor blacks than any other sector affected by the new laws [4].
- In the early 1980s, the Bahamas and Dominican Republic shipped the majority of cocaine to the United States, landing in Miami. Due to U.S. draw and a projected boost in usage, a massive accumulation of cocaine started to buildup in these islands. As the surplus started to exceed the demand level cocaine prices started to drop drastically [5].
- Faced with dropping revenues for the illegal product, drug dealers made a decision to convert the cocaine powder to "crack," a solid smoke-able form of cocaine that could be put on the market in smaller quantities with lower prices. Cocaine is a stimulant that has been available for several centuries; however, crack cocaine is a recent, more potent form of transformed cocaine and addictive compulsive use will develop more rapidly than snorted cocaine [6].
- Thus, from a marketing standpoint, crack was well suited for purchase by individuals with limited financial resources – largely African Americans and other minority residents of poverty stricken cities and communities. In contrast, powdered cocaine was known to be a white men's drug – relatively expensive and far more whites were convicted for power cocaine positions than blacks [7].
- Urban communities during the 1970s and 1980s enforced much higher penalty stipulated to the possession and sale of crack, despite the fact that, pharmacologically, it is the same drug as cocaine [8,9].
- The infamous disparity ratio in federal mandatory minimum prison sentences was set at 100 versus 1 for possession of crack versus powder cocaine. Thus, the Anti-Drug Abuse Acts established mandatory penalties for crack cocaine that were the "harshes ever adopted for low-level drug offenses and created drastically different penalty structures for crack cocaine compared to powder cocaine [10].
- The violation of drug trafficking laws stemming from DAPCA also carried noticeably heftier penalties for consecutive offenses – as much as a 50% higher fine and longer jail sentence for a second violation. For example, five kilos (11 pounds) or more of cocaine possession led to no less than ten years of jail time with a \$4 million fine for a first violation, but

for a second violation the penalty increased to no less than 20 years of jail time and a fine of \$8 million (National Substance Abuse index).

- Drug arrests have more than tripled in the last 30 years, totaling more than 1.63 million arrests in 2010. The number of people behind bars for drug law violations rose from 50,000 in 1980 to more than a half of a million in 2010 – a 1,100% increase [11].
- As described by Yamatani et al. [1] the racially disparate treatments of the drug policy law diverted precious resources away from prevention and treatment for drug users and devastated communities ripped apart by incarceration. The previous 30 years of crime statistics show that African Americans were far more likely to be arrested for drug crimes and received much stiffer penalties and sentences than non-minorities:
- During past 30 years, the U.S. population consisted of approximately 13% African Americans. However, during 1998 for example, 35% of drug arrests, 55% of convictions and 74% of people sent to prison for drug possession crimes were African Americans. Nationwide African-Americans were sent to state prisons for drug offenses 13 times more often than other races, even though they only comprised less than one-seventh of regular drug users [12].
 - Among the 2.4 million individuals in prisons, a high majority (66.7% or two-thirds) of people incarcerated for a drug offense are black or Hispanic, although these groups use and sell drugs at similar rates as whites. Relative to population, African-Americans are 10.1 times more likely than whites to be sent to prison for drug offenses. According to Glaze [13], the 2010 correctional population in the United States shows significant differential rates by race - the rate for African American men exceeds its white counterpart group by the significant rate of 541%.
 - For the past three decades until recent 5 years, those detained for crack offenses – mostly African American men – faced far more serious sentences than the white suspects most often caught with powder cocaine. A person arrested for holding 500 g of powder cocaine would be penalized with a five-year mandatory minimum sentence. In contrast, the crack offenders would have to be in possession of a mere five grams to be infected with the obligatory sentence. Crack offenders would be penalized with a 10 year mandatory minimum for carrying 10 g of the drug; the same penalty would not be issued for a powder-cocaine suspect unless caught with 1,000 g [14].
 - Based on the data published by the Bureau of Justice (BJS), based on the historical trend, it is estimated that among those born during the decade of 2000, one in three black males can expect to spend time in prison during his life time compared to one in seventeen for white males [15].
 - Chin [12] also notes that of all categories of crime, drug convictions have been freighted with the most severe collateral consequences. Under statutes which do not apply to convicted rapists or murderers, drug offenders may

lose student loans and other educational benefits, their drivers' licenses, access to public housing, food stamps and other benefits providing necessities of life. These collateral consequences are so numerous and burdensome that they interfere with former prisoners' ability to reenter society and support themselves without reoffending. Unfortunately, the legislative history of the development of collateral consequences such as disenfranchisement, like the development of the drug laws themselves, suggests that the laws were enacted with racial minorities in mind.

Harvard and University of Chicago researchers Fryer et al. [16] found that the measure of crack explains much of the rise in black youth homicides, as well as more moderate increases in a wide range of adverse birth outcomes (e.g. fetal death rates and low birth- weight babies) in the 1980s. For example, the homicide rate for black males aged 14 to 17 more than doubled, and the homicide rate for black males aged 18 to 24 increased nearly as much between 1984 and 1994. During this period, the black community also experienced an increase in, weapons arrests, and the number of children in foster care. The reasons for these increases in violence and arrests were due mostly to the fact that

sales and marketing for the drug occurred mainly in low-income inner city neighborhoods where a high number of black youth and young adults resided.

Recently a new consciousness about the unfairness and ineffectiveness of harsh crack cocaine mandatory sentences has emerged among advocates, policymakers, judges, and the United States Sentencing Commission. Congress passed the Fair Sentencing Act in August 2010, changing the 100-to-1 disparity between minimum sentences for crack and powder cocaine to 18 to 1 [17,18]. Then, the U.S. Sentencing Commission voted to make the reduced crack penalties retroactive, which means more than 12,000 inmates became eligible to request reduced sentence.

Overreliance on disparate law enforcement for controlling drug sales and abuse through suppressive methods simply resulted in unjust affliction of African Americans. By over-financing domestic law enforcement, the opportunity cost of prevention and drug rehabilitation correspondingly escalated [18]. According to the Office of National Drug Policy [19], research shows preventing drug use before it begins is the most cost-effective, common sense approach to promoting safe and healthy communities.

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