White Privilege in the Criminal Justice System: Examining the Shift in Media Approach to the War on Drugs

Chanell M. Fitch
Clark Atlanta University, chanell.fitch@students.cau.edu

Follow this and additional works at: http://digitalcommons.auctr.edu/cauetds

Part of the African American Studies Commons, American Politics Commons, Law and Politics Commons, Law and Race Commons, Public Policy Commons, and the Race and Ethnicity Commons

Recommended Citation
Fitch, Chanell M., "White Privilege in the Criminal Justice System: Examining the Shift in Media Approach to the War on Drugs" (2017). Electronic Theses & Dissertations Collection for Atlanta University & Clark Atlanta University. 96. http://digitalcommons.auctr.edu/cauetds/96

This Thesis is brought to you for free and open access by the Clark Atlanta University at DigitalCommons@Robert W. Woodruff Library, Atlanta University Center. It has been accepted for inclusion in Electronic Theses & Dissertations Collection for Atlanta University & Clark Atlanta University by an authorized administrator of DigitalCommons@Robert W. Woodruff Library, Atlanta University Center. For more information, please contact cwiseman@auctr.edu.
ABSTRACT

POLITICAL SCIENCE

FITCH, CHANELL M. B.A. JOHN JAY COLLEGE OF CRIMINAL JUSTICE, 2013

WHITE PRIVILEGE IN THE CRIMINAL JUSTICE SYSTEM: EXAMINING THE SHIFT IN MEDIA APPROACH TO THE WAR ON DRUGS

Committee Chair: William Boone, Ph.D.

Thesis dated July 2017

This study examines how the media has been used to perpetuate White privilege in the criminal justice system. The paper explores the shift in the media’s approach to drug epidemics depending on the demographic of drug users and how that shift in media influences the implementation of public policies. A policy analysis was used to examine the Anti-Drug Abuse Act of 1986 and the Comprehensive Addiction and Recovery Act of 2016 in order to understand the different approaches taken by politicians and how these approaches are reflective of biased media coverage. Based on this analysis, it is evident in the language and tone of each policy that White privilege remains a critical function of the criminal justice system.
WHITE PRIVILEGE IN THE CRIMINAL JUSTICE SYSTEM:
EXAMINING THE SHIFT IN MEDIA APPROACH TO THE WAR ON DRUGS

A THESIS
SUBMITTED TO THE FACULTY OF CLARK ATLANTA UNIVERSITY
IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR
THE DEGREE OF MASTER OF ARTS

BY
CHANELL M. FITCH

DEPARTMENT OF POLITICAL SCIENCE

ATLANTA, GEORGIA

JULY 2017
ACKNOWLEDGEMENTS

I would like to begin by acknowledging my thesis committee who read over each chapter multiple times and made countless edits. Without the strenuous efforts of Dr. William Boone and Dr. Hashim Gibrill, I would not have been able to complete this process. Also, I would like to express my gratitude to Dr. Teri Platt, who gave me some of the greatest career advice and taught me that graduate school is not just about a degree, it is an opportunity to establish oneself in any field of work one desires. It is also an opportunity to build your brand and learn how to navigate in a world not meant for people like us to succeed.

I would also like to take this time to acknowledge my family for encouraging me to pursue a higher education. My siblings, Chaz, Candace, Christopher, Christian, Courtnay, Corey, and Marquia, who helped me to remain balanced and did not allow the stress of a Master’s program to get the best of me. I also would like to thank my father for all the conversations that kept me focused on my goals and for pushing me to constantly think of the type of future that I see for myself. I want to thank my best friend and my soul mate, David. I am so grateful to have had someone in my corner with sincere patience and understanding throughout this process. Lastly, I am forever indebted to my mother whose strength and sacrifices have allowed me to persevere. Without the wisdom and nurturing of my mother, none of this would be possible.

I want to dedicate this thesis to all those who played a part in my academic success at every level. Thank you.
# TABLE OF CONTENTS

ACKNOWLEDGEMENTS ........................................................................................................................................... ii

LIST OF ABBREVIATIONS ..................................................................................................................................... v

CHAPTER

I. INTRODUCTION .................................................................................................................................................. 1
   Purpose and Overview ......................................................................................................................................... 1
   Central Research Questions and Objective of Paper ........................................................................................... 8
   Theory and Major Concepts ................................................................................................................................. 10
   Research Methodology ...................................................................................................................................... 15
   Literature Review ............................................................................................................................................... 17
   Significance of Research .................................................................................................................................... 19
   Structure of Presentation of Research ................................................................................................................ 20

II. HISTORICAL BACKGROUND ............................................................................................................................ 23
    From Slavery to Jim Crow ................................................................................................................................. 23
    Creation of Black Criminality ........................................................................................................................... 25
    Linkages between race and early drug prohibition ......................................................................................... 28

III. DATA ANALYSIS ............................................................................................................................................... 36
    Comparative Analysis of Drug Trends Before and After War on Drugs .......................................................... 36
    Demographics: Drug Use, Arrests, Convictions, and Sentencing by Race .................................................... 39

IV. MEDIA AND THE WAR ON DRUGS .................................................................................................................. 45
    Public Reliance on Media ................................................................................................................................ 45
    Black Imagery in Media .................................................................................................................................... 48
    Shifting Media Approach ................................................................................................................................. 58
CHAPTER

Legislative Response to Drugs................................................................. 65

Anti-Drug Abuse Act of 1986................................................................. 70

Post Anti-Drug Abuse Act of 1986......................................................... 79

Comprehensive Addiction and Recovery Act...................................... 84

V. CONCLUSION..................................................................................... 89

BIBLIOGRAPHY....................................................................................... 95
# LIST OF ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADAA</td>
<td>Anti-Drug Abuse Act</td>
</tr>
<tr>
<td>BJS</td>
<td>Bureau of Justice Statistics</td>
</tr>
<tr>
<td>CBS</td>
<td>Columbia Broadcasting System</td>
</tr>
<tr>
<td>CARA</td>
<td>Comprehensive Addiction and Recovery Act</td>
</tr>
<tr>
<td>CDC</td>
<td>Center for Disease Control</td>
</tr>
<tr>
<td>CRT</td>
<td>Critical Race Theory</td>
</tr>
<tr>
<td>DATA</td>
<td>Drug Addiction Treatment Act</td>
</tr>
<tr>
<td>DEA</td>
<td>Drug Enforcement Agency</td>
</tr>
<tr>
<td>DOJ</td>
<td>Department of Justice</td>
</tr>
<tr>
<td>FRC</td>
<td>Federal Radio Commission</td>
</tr>
<tr>
<td>LEAD</td>
<td>Law Enforcement Assisted Diversion</td>
</tr>
<tr>
<td>NBC</td>
<td>National Broadcasting Company</td>
</tr>
<tr>
<td>NIDA</td>
<td>National Institute on Drug Abuse</td>
</tr>
<tr>
<td>PBS</td>
<td>Public Broadcasting Service</td>
</tr>
<tr>
<td>UCR</td>
<td>Uniform Crime Report</td>
</tr>
<tr>
<td>USSC</td>
<td>United States Sentencing Commission</td>
</tr>
</tbody>
</table>
CHAPTER I

INTRODUCTION

Purpose and Overview

Throughout my academic career, I have focused much of my research on the criminal justice system and the way it functions. Mainly, I have explored how policies are created and implemented, why they are created, what communities are impacted and what type of impact these policies have on those communities. What I have learned by looking at how certain neighborhoods are policed, reviewing arrest and conviction rates, and examining media portrayal of criminal behavior, is that many of the policies that have been created and implemented are a result of negative misconceptions about Black people and criminality. Specifically, the policies related to the War on Drugs have been extremely biased and have had detrimental consequences for the Black community, although it has been proven that Whites and Blacks engage in drug activity at equal rates and in some cases, Whites engage more than Blacks. This is significant because it demonstrates how White privilege has penetrated every element of America’s culture, traditions, and laws. Although we live in a country in which justice is supposed to be blind, there continue to be policies that reflect intrinsic racial biases. Upon exploring the history of drug use and prohibition in America, it is evident that there have always been racial implications in this War on Drugs. However, to understand how White privilege has been an important part of the criminal justice system, we must understand
how America’s history has ingrained in both White and Black communities the idea that Black behavior is synonymous with criminal behavior. The purpose of this research is to explore that very issue by looking at how media sensationalism and scapegoating of Blacks contributed to the implementation of racist drug policies such as the Anti-Drug Abuse Act of 1986 (ADAA).

As long as America has existed, Black people have been deemed less valuable than their White counterparts. Not only did the American government allow racial discrimination but it was encouraged through policies that mandated slavery, sharecropping, Jim Crow, and a discriminatory criminal justice system which helped to reinforce amongst Whites the idea that Blacks were inherently criminal and untrustworthy. Any act committed by Blacks that threatened the status quo such as learning to read, write, or attempting to obtain freedom was criminal. As a result, blackness was both condemned and criminalized and this criminalization has been the backbone of Black oppression since the founding of America. In his book, *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America*, Khalid Gibran Muhammed explains how the transformation of former slaves from property to “other” brought about the question of what to do with four million newly freed slaves; what had been known as the slave problem suddenly became a Negro problem.¹ One remedy to the Negro problem was to use “scientific” data to forge a link between criminal behavior and Blackness. By using statistics to explain this relationship,

---

Whites could argue that it was not racism but pathology and Black inferiority that led to higher arrest rates and overrepresentation in prisons. According to Muhammed, the reality of Black criminality became “one of the most widely accepted bases for justifying prejudicial thinking, discriminatory treatment, and/or racial violence as an instrument of public safety.”

However, it is not simply targeting and demonizing the Black community that exposes the racism in the criminal justice system, it is also the pervasiveness of White privilege that has granted White criminals far more leniency in convictions and sentencing while severely punishing their Black counterparts for committing the same crimes. Some academicians and activists in the field argue that the criminal justice policies have simply been a way to legally allow for the perpetuation of slavery. Human rights advocate, Bonnie Kerness, described “the U.S. criminal justice system, the politics of the police, the politics of the courts, the politics of the prison system, and the politics of the death penalty” as a reflection of the racism and classism that persists in this country. According to Kerness, the United States did not abolish slavery, instead, the government transformed slavery into a prison system that disproportionately affects Black people in America. The 13th amendment specifically states, “Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been

---

duly convicted, shall exist within the United States…” I would argue that this is in fact an extension of the slave system, which is part of the reason that although Blacks make up only 13% of the American population, they continue to be arrested and convicted at much higher rates and imprisoned for longer periods of time than Whites. Muhammad makes a similar argument about White privilege when discussing how “the racial data revolution” was created to stigmatize Blacks while creating opportunities for White immigrants such as the Irish and Italians. While Whites who committed the same crimes as Blacks were given sympathy and understanding as to the linkages between poverty and crime, Black criminals were a representation of the entire race and not afforded the same compassion. This idea that there are White men who commit crime, but Black men are criminals has helped to justify the racial violence and unequal treatment that they have endured. Such treatment has relegated Blacks to a position of social and economic inferiority that has been embedded into America’s core values and continues to exist today.

One of the ways that these values have been embedded in the traditions of American government was by creating a War on Drugs which worked to specifically target minority communities. The War on Drugs was never truly about stopping the epidemic of drug use in America. In fact, prior to President Richard Nixon’s 1971 declaration of drugs as “public enemy number one in the United States,” if one examines the social and political milieu of the country on the issue of drugs in the 1960s until the early 1970s, many American citizens did not view substance abuse as a national

emergency, in fact, drugs were a part of the culture and many young people used them in social settings. In her book, War on drugs: A Failed Experiment, Paula Mallea discusses how the Republican Party used the issue of drugs as a political platform to distinguish itself from the Democratic Party and appeal to the public. This is what led to the political interest in drug use in the country in the late 1960s. Before being elected president, Richard Nixon wrote a piece in 1967 that stated, “the country should stop looking for the ‘root causes’ of crime and put its money instead into increasing police. America’s approach to crime must be ‘swift and sure’ retribution.” Nixon’s statement was the first of many from politicians who used the issue of drug use as a political platform and encouraged the criminalization of drugs and the people associated with them.

Since its declaration, the War on Drugs has been used as a tool for U.S. presidents and congress to garner support from constituents during political elections by taking the “get tough” approach. From President Richard Nixon to President Barack Obama, the issue of drugs has plagued the political process. Previous presidents such as Ronald Reagan held that in order to win this war, there needed to be harsher punishments not only for those distributing drugs but for users as well. With each campaign and election cycle, the penalties got more and more severe for non-violent drug offenses. Although there was evidence that these laws were failing, the United States Congress responded to these failings by passing even stricter laws. These laws were passed with very little dispute due, in part, to the influence of the media.

7. Ibid.
Over the past several decades the government has attempted to combat the problem of drugs by using media outlets to gain support from constituents to implement policies that have only been helpful in demonizing users and perpetuating the massive imprisonment of Blacks. For example, when the crack epidemic began in the 1980s television networks such as CBS created news specials like 48 Hours on Crack Street to draw attention to poor inner-city neighborhoods where people of color were vilified and criminalized. Shows like this were crucial in persuading the public to believe that there was a serious problem that could only be fixed through criminal legislation. Such legislation included the ADAA of 1986 which established federal mandatory minimum sentences for powder and crack cocaine and created a 100 to 1 sentencing disparity between two forms of the same drug that led to more severe punishment for Blacks.8 Racially biased policies such as the ADAA solidified the War on Drugs as a criminal justice issue that focused on punishing addicts and drug pushers.

However, there has been a shift in media imagery and messaging with the heroin and opioid drug epidemic due to the changing demographics of those afflicted with addiction. This shift has led to a gentler political approach to the War on Drugs with attempts to pass policies such as the Comprehensive Addiction and Recovery Act of 2016 (CARA). Beginning in the early 2000’s White suburban areas have been dealing with increases in heroin and opioid related deaths. Since this recent drug epidemic, the media has changed its approach to the War on Drugs and politicians have changed their tone from one that sought to criminalize drug users to one that seeks to provide rehabilitation.

to the “victims” of the drug war. Federal officials are now attempting to change the narrative from a criminal justice matter to a public health issue; drug addiction is no longer described as a crime but an illness. In fact, CARA focuses specifically on prevention, education, and community building as an attempt to combat the increase of prescription opioid and heroin abuse. This shift in how the War on Drugs is being fought is a perfect example of the White privilege that is instilled in America’s history and the media has played a central role in maintaining this status quo.

As an African American student of political science, it is necessary to unveil the root causes of the conditions of Blacks in America. According to Dr. Mack Jones, it is the responsibility of the Black political scientist to expose the ways in which the current political system in America serves to exploit a large amount of people in order to benefit a much smaller group. I chose to do this by focusing specifically on the War on Drugs to explain how the media has perpetuated White privilege in the criminal justice system for multiple reasons. First, by focusing on racism as the root cause of this issue it can help to create criminal justice reform that will specifically target those communities impacted the most. To do that we must first understand that racism is not simply a part of America’s shameful history that no longer applies to the culture and values of today; it is how the country was established and how it is maintained. Therefore, there must be measures taken in education, housing, the criminal justice system and beyond that will remedy the

injustices Blacks have endured. Second, I chose this topic because the War on Drugs has arguably been the most overt racist political attack on Blacks since the Jim Crow era. Research needs to be done to begin to change not only the policies but the biases that persist in media that help to create them. We must understand these subtle biases when portraying Black and White criminals because as long as they exist it will be impossible to eliminate White privilege from the criminal justice system.

Central Research Questions and Objective of Paper

1. What role does the media play in perpetuating White privilege and simultaneously demonizing the Black community?

2. How has the media influenced the creation and implementation of public policies such as the ADAA and CARA?
   a. Who are the central actors in creating these policies?
   b. Has the language written in these policies been reflective of what is being said in the media?
   c. Why has the Black community been impacted the most by these drug policies? In what ways have they been impacted?

Question one will guide the literature review for this research. It will establish the idea that the media has been a fundamental part of maintaining racial stereotypes by emphasizing particular types of news and displaying biased images. Therefore, media has the ability to influence the way the public views the condition of the country, certain communities, and most importantly, certain types of people. Once the role of the media is explained, the relationship between media content and public perception will be better
understood. The current literature explains how the media can influence audiences by defining public interest, framing issues through selection and prominence, shaping attitudes, and being a catalyst for political platforms, debate, and policy making.\textsuperscript{11}

The first part of question two focuses on the issue of drugs by looking at the way the media shaped the public’s response to drug use and how that allowed for biased drug policies to be implemented. Due to media perpetuation of racial biases, politicians can create policies based on these biases and pass them with large support from the public. The sub-questions help to establish the element of White privilege because they focus on who is in control of creating legislation and determine who they will impact the most. Political representation is a key element in the decision and policy making process and there are several theories of representation that explain the relationship between constituents and elected officials. While descriptive representation refers to the extent to which a government representative resembles the social or demographic identity of its constituents, this form of representation is independent from policy actions.\textsuperscript{12} Therefore, representatives may be Black and come from a low income or urban area but their interests and goals are not indicative of a shared goal amongst the masses of low income Blacks. For legislation to benefit or reflect the needs of the Black community, there must be substantive representation. This form of representation ensures that the political views


of a certain group are represented by their officials; “representatives used perceptions of constituent preference to inform their behavior.” However, far too often those who are creating the policies are not representative of the populations that they, therefore, they cannot properly represent such communities. Most importantly, examining the discourse in the media surrounding the issue of drugs and comparing that to the language and proposals within the policies will show how the influence of the media translated to policy implementation.

**Theory and Major Concepts**

Political socialization plays a significant role in shaping people’s attitudes and behaviors in all sectors of society. The media is a fundamental part of the socialization process and has been able to shape public perception by framing coverage of certain communities and the people that live in them in ways that overemphasize the negative aspects of those communities. In particular, news outlets have overwhelmingly portrayed urban Black areas as dangerous neighborhoods riddled with crime, gangs, homelessness, and drugs. Although violent crimes, specifically murder, have always made up the smallest percentage of crimes committed, crime news accounts for a large part of media coverage. “The phrase ‘if it bleeds, it leads’ characterizes the disproportionate attention paid to crime and other threats to public safety, not only on local evening television news but also on network television news and in daily newspapers.”

---

Another major theory in this research is racial stratification which refers to a system of inequality where an individual’s race or nationality is a determining factor for their ranking position in a society and the advantages they may or may not receive such as access to resources.\textsuperscript{16} Throughout American history there have always been efforts to exploit racial groups, for instance through slavery or the seizing of Native American lands for the betterment of the White race.\textsuperscript{17} More recently, these exploitation efforts have been focused on protecting the power and prestige of the White race by using the resources they have access to, such as the media, to defend their privilege.\textsuperscript{18} Michelle Alexander discusses this in her work, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, when she refers to the rebirth of a caste system that has continuously placed Blacks at the bottom of the social hierarchy and Whites at the top. Like the theory of racial stratification, Critical Race Theory (CRT) acknowledges that racism is engrained in American culture and determines an individual’s position in society. The key element here is that racism does not have to be blatant or overt to signify the pervasiveness of institutional racism in the dominant culture.\textsuperscript{19} These power structures are based on white privilege and white supremacy, which perpetuates the marginalization of people of color. CRT also rejects the traditions of legal neutrality, objectivity, colorblindness, liberalism and meritocracy. Although laws are neutral and colorblind on its

\begin{itemize}
\item \textsuperscript{17} Ibid.
\item \textsuperscript{18} Ibid.
\end{itemize}
face, CRT argues that liberalism, meritocracy etc. are, in fact, vehicles for wealth, power, privilege, and self-interest. According to the CRT, the idea of colorblindness ignores institutional racism which allows for unequal access to resources, systemic inequalities, and racially biased legislation. The racial stratification theory and the CRT are both evident in the media’s overemphasis on crime stories in urban areas and over-representation of Blacks as violent criminals while portraying White criminals differently even when they commit the same types of crimes. For example, in a 1992 study of television news performed by Robert Entman, he found that Black suspects were often shown in handcuffs or in police custody while White suspects were shown with their attorneys. Also, media coverage of the War on Drugs focused heavily on crack cocaine which was primarily used by poor Blacks but ignored the cocaine epidemic in White suburbia, therefore the drug war became a Black problem. This type of selective coverage shows how the political socialization process works to impact public perception but also shows how the CRT and racial stratification theories come into play through the preservation of White privilege in the media.

According to polling expert, Jeffrey Alderman, much of the public’s views and beliefs about crime are based on what they see and read in the news and less on personal experiences. This is significant because this misleading and exaggerated news coverage is often the only source of information for those living in the suburbs and shapes their view

20. Ibid.
of urban communities and the people who reside in them. Overall, media has portrayed Blacks as violent criminals and perpetuated racial stereotypes that have contributed to fear and hostility from Whites towards Blacks. The media coverage has also led to the conclusion by many Americans that not only are these Black urban areas dangerous but irredeemable and therefore support racist and punitive policies that have led to over-policing and over-criminalization. Over policing is a practice where police officers and other law enforcement agencies maintain a heavy presence in specific neighborhoods that are considered “high risk” and more resources are allocated to those areas. Most times these high-risk areas are where poor Blacks and Latinos constitute much of the population and increased interaction with law enforcement leads to overcriminalization. Blacks are arrested, imprisoned, and labeled criminals at higher rates than Whites for the same crimes due to over policing.

**Media:**

Any source of information distributed to the public on a large scale such as newspapers, television news networks, social media outlets etc. that has had significant coverage on the War on Drugs.

**White Privilege:**

The general concept of privilege, as defined by activist Peggy McIntosh in her work, *White Privilege: Unpacking the Invisible Knapsack*, is “an invisible package of unearned

---

assets" that someone "can count on cashing in each day."23 Another scholar, Barbara Applebaum suggests that most privileged people take their benefits for granted and are unaware that this concept exist. She also explains that it is not only benefits provided to certain groups of people but includes various outlooks on life and character traits that are seen as normal everyday experiences that all people have but really only apply to the privileged.24 Although those in privileged groups may be oblivious to this concept, those who suffer as a result are very aware of that privilege. This concept is at the core of Black oppression. As it relates to race, White privilege is the ability for White skin Americans to benefit from certain types of economic, societal, and political advantages that are not afforded to other racial groups. These advantages exist to maintain a system that seeks to keep White Americans in a position of superiority. This explains how those Whites who engage in criminal acts, specifically the use of drugs, are granted immunity or leniency at higher rates for such acts simply because of their skin color while their non-White counterparts are severely punished.

**War on Drugs:**

This modern-day War on Drugs began in 1971 under President Richard Nixon. The argument made by the Republican officials who waged this war was that it was a “comprehensive domestic and foreign campaign by the US government to stop the

---

production, distribution, and use of illegal drugs.” Despite evidence that there was no serious concern about the use of drugs among the public, President Reagan and his administration amplified this war in the early 1980s. During this time, there were a series of campaigns such as first lady Nancy Reagan’s slogan “Just Say No” which was made popular in the media. The use of the media in this massive war effort to combat drugs led to several legislative acts that had extremely detrimental consequences for the Black population throughout the nation.

**Research Methodology**

This research will require a mixed methods approach. I will begin by using a quantitative method which focuses on numerical statistics to collect data on rates of drug use and arrest as well as rates of imprisonment amongst crack cocaine and heroin users prior to the passage of antidrug policies and since their implementation. This data will be collected from official government resources on criminal behavior such as the Bureau of Justice Statistics (BJS) and Uniform Crime Report (UCR). After understanding the trends of drug arrest rates and convictions by race I will begin my qualitative research to explain how these trends came to be. I will focus on media coverage of drug epidemics, specifically, I will look at the ways in which the media has been able to shape public perception of Black people during the crack epidemic, while at the same time portraying a different perception of the White community in this new surge of heroin addicts. As a result of negative imagery of Blacks, public policies were created that have helped lead to

---

the destruction of the Black community.

I will use a policy analysis approach to explain how the ADAA and CARA were developed and examine the goals of those elected officials who sponsored the policies. While this is an analysis of public policies, the purpose is to see how media has impacted such policies, how public perception translated to public policies, and how they are applied differently to Blacks and Whites because of White privilege. To explain the relationship between the media and public policy, I will be using a directed content analysis approach which starts with a theory as guidance for initial codes. Using the theory that media has a significant impact on public policy, I will research terminology used in media such as the *New York Times* and CBS news special, *48 Hours on Crack Street*, to see how users, dealers, and the areas where they came from were described. I will then compare the text of each of the drug policies to determine whether there are similarities between the language and tone in the media and the policies themselves. Collecting information on the social and political milieu shortly before the media began to cover the crack epidemic and during the peak of the epidemic will show the increase in public support of criminal legislation relating to the drug issue after the media sensationalism. Also, I will look at who the central actors were in creating and implementing these policies and what they intended to do to the communities they were going to impact the most. Lastly, I will describe the shifting approach to the War on Drugs by exploring the media coverage of White suburban areas. By providing evidence

that there is a clear attempt to depict White addicts as individuals afflicted with a disease and not criminals, this shows that White privilege remains a function of the criminal justice system.

**Literature Review**

The literature that I will be researching will focus on the idea that policies are influenced by the public and the role of the media in influencing policies. However, the literature that will be most important throughout this research process will explore how race in a discreet form translates into White privilege. Much of the literature that focuses on the War on Drugs has looked at how the policies have led to the mass incarceration of Black and Brown bodies in America. A lot of attention has been paid to the striking numbers, such as the dramatic increase in the prison population since the mid-1980s or America’s prison population compared to other authoritarian countries like China or Russia.

In Michelle Alexander’s book, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, Alexander is beginning to change the discussion from one that simply focuses on statistics to one that focuses on how and why the numbers exist the way they do; she is beginning to explore the issue of White privilege. She suggests that the War on Drugs and mass incarceration constitute a "rebirth of caste" in America that began with slavery and has continued through mass incarceration. These processes have placed certain racial groups into a permanent inferior position. She supports her statement with numerous statistics that show that poor Black men are stopped, arrested, and placed in prison far more often than Whites. This supports statistical analysis from the BJS that
nearly three-quarters of drug offenders in federal prison were either non-Hispanic Black or African American even though Whites are more likely to engage in drug activity.\textsuperscript{27} Once these men are branded felons, they are left with almost no civil liberties upon release from prison; they are in a position no better than that of their ancestors who were deprived of their liberties because of Jim Crow laws.\textsuperscript{28} Michelle Alexander’s unique outlook on the mass incarceration and the War on Drugs has earned her great praise for the new contributions she has made to discussion of the injustices within the criminal justice system.

Although Alexander’s book focuses on how Blacks have been disproportionately affected by the War on Drugs, she neglects to discuss how the government worked to condemn Blackness in this country by criminalizing behavior that would have otherwise been acceptable and how the criminal justice system functions to perpetuate the idea of criminal behavior as a part of Black culture. Khalil Gibran Muhammed discusses this in detail in his book, \textit{The Condemnation of Blackness: Race, Crime, and the Making of Modern America}. He discusses how the statistical link between Blackness and criminal behavior was initially forged despite a lack of evidence that there is a positive relationship between race and crime. He expands the research by adding to it the idea that

\begin{itemize}
  \item \textsuperscript{28} Michelle Alexander, \textit{The New Jim Crow: Mass Incarceration in the Age of Colorblindness} (New York: New Press, 2012), 98.
\end{itemize}
not only was the War on Drugs an attack on Black people but the entire criminal justice system itself was established to destroy Black communities.\textsuperscript{29}

What the literature is missing in this discussion is role the media played in generating support amongst the public for the War on Drugs and how that led to the creation of legislation that may have otherwise been seen as egregious and racist. With my research, I am establishing a positive relationship between both the media and public opinion and public perception and policies while also showing how White privilege effects each of these elements. I hold that the media is a mechanism used to maintain the concept of White privilege through selective and targeted coverage of drug use in the Black community which shaped the publics views on crack cocaine in the 1980s. Therefore, media outlets were able to influence the passage of the ADAAs. Also, the research needs to begin to shift focuses to examine the new approaches to the heroin epidemic which has become more dangerous and fatal than crack. I intend to focus on the role the media has played in fostering public perception and public policies in relation to the heroin and opioid epidemic and compare that to the epidemic of the 1980s.

**Significance of Research**

With this research, I am seeking to add a new perspective to the argument about the complexities of the War on Drugs and shed light on the importance of media in shaping public opinions and impacting the political process. Current literature has provided a large amount of evidence to show how this war was initially an attack on poor

\textsuperscript{29} Khalil Gibran Muhammed, *The Condemnation of Blackness, Race, Crime, and the Making of Modern America*. 
Black communities, but it is not well known how the issue of drugs became an overwhelming talking point despite evidence that drug abuse did not reach its peak until 1985, three years after this War on Drugs had already been declared. What led to this consensus that drugs, specifically crack cocaine, was destroying America and what has changed since then to shift the discussion from one that describes drug users as destroying America to drug users now being viewed as victims?

It was not simply politicians creating legislation but the method the politicians used to create this hysteria and get approval from the public to pass such legislation. Looking at specific policies to corroborate my claim that the media has in fact been an intricate part of the political process will change the perspective of the War on Drugs from simply a criminal justice issue to a political science issue that draws attention to the flaws and biases in the political system. Exploring how these biases in media have translated to public opinion about the issue of drugs in certain communities is important because it will expose the White privilege that continues to block equal opportunity and justice for those who are not White.

Structure of Presentation of Research

Abstract

Acknowledgments

Table of Contents

Chapter One:

1. Purpose and Overview
   - Statement of the Problem
2. Central Research Questions

3. Theories and Major Concepts
   - Theories: Political Socialization, Racial stratification/ CRT, and Political representation
   - Concepts: White privilege, War on Drugs, and Media

4. Research Methodology
   - Mixed Methods:
     - Quantitative: Censuses, surveys, statistical data analysis
     - Qualitative: Public policy analysis and content analysis

5. Literature Review
   - Role of media in influencing policies
   - Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*
   - Gap in current literature

6. Significance of Research

Chapter Two:

7. Historical Background
   - From Slavery to Jim Crow
   - Creation of Black criminality
   - Linkages Between Race and Drug Prohibition
Chapter Three:

8. Data Analysis
   • Comparative Analysis of Drug Trends Before and After the War on Drugs
   • Demographics: Drug Use, Arrest, Convictions, and Sentencing by Race

Chapter Four:

9. Media and the War on Drugs
   • Public Reliance on Media
   • Black Imagery in Media
   • Shifting Media Approach
   • Legislative Response to Drugs
     o Anti-Drug Abuse Act of 1986
     o Post Anti-Drug Abuse Act of 1986
     o Comprehensive Addiction and Recovery Act of 2016

Chapter Five:

10. Conclusion

Bibliography
CHAPTER II

HISTORICAL CONTEXT

From Slavery to Jim Crow

Beginning in the 17th century when the first African slaves were brought to North America, there was a general perception amongst White Americans that Black bodies were inherently inferior. This is evident in the United States Constitution that maintained a slave system whereby Black people were only considered three-fifths of a person, as well as the Fugitive Slave Act that made it legal to hunt and capture slaves that escaped. Chattel slavery was the beginning of a long history in America of a racial divide that placed Black people at the bottom of the “caste system,” and that tradition of Black inferiority has continued well into the 21st century, long after the Emancipation Proclamation of 1865.

After the passage of the 13th amendment which declared slavery unconstitutional except as a form of punishment for criminals, the American government began the process of relegating its Black citizens to the status of second-class citizenship through public policies such as convict leasing or the Southern Black Codes that came about after the Civil War. These laws were designed to re-establish as much of the racial, economic, and social order of the slavery era as possible. In some states, such as South Carolina, these codes established separate court systems for Blacks and Whites in civil and criminal cases which often led to harsher punishment of Black offenders for minor offenses and
the death penalty for crimes such as arson, burglary, and assaulting a White woman. They also banned Blacks from engaging in activity that would have otherwise been legal for Whites including having firearms, selling liquor, or any other opportunity that would possibly allow Blacks to prosper. However, the biggest impact the Southern Black Codes had on perpetuating racial divides and Black inferiority were the vagrancy laws. These laws maintained the system of slavery by forcing Blacks to sign labor contracts with White employers and provide written proof of employment or be incarcerated for being unemployed and sentenced to plantation labor. By imprisoning Black men and women at higher rates than Whites, the government was able to legally continue the system of slavery until the Reconstruction era put an end to the Black Codes. Under Reconstruction, there were over 1,500 African American men who held seats in both the House of Representatives and the Senate. However, the emergence of Jim Crow in 1877 ended Reconstruction and reestablished many of the racist policies created under the Black Codes.

Jim Crow was significant because it maintained two separate economic and social worlds for Blacks and Whites through discriminatory public policies. However, there was also a surge in racist imagery during this era that was used as propaganda to perpetuate the idea that Blacks were ignorant, animalistic and criminal. Many of the films, television

shows, and print articles portrayed images of coons, jezebels, Sambos, pickaninnies and other demeaning characters that helped to normalize a culture of racism in American culture. Through these media images such as that seen in the film *The Birth of a Nation*, of an oversexualized Black man portrayed by a White actor in blackface, the public adopted what is called Negrophobia, a fear of Black people which allowed them to justify unequal treatment and violence against them. The use of blackface in media during the Jim Crow era strongly speaks to the perceptions that White Americans held about Blacks. First, the idea that the only way to protect White women from the uncontrollable sexual appetites of Black men was to signify blackness through White actors performing in blackface. Second, the belief that blackness was such an extreme racial otherness that using real Black characters would turn White audiences away. The media played a key role in giving racism a national platform as well as mirroring societal prejudices that already existed in the public. With these preconceived notions that the general public had about non-White people along with the images portrayed in media, the Jim Crow era was successful in opening the door to racial scientific theories that criminalized Blacks and made it acceptable to imprison them at disproportionately higher rates.

**Creation of Black Criminality**

The U.S. census reports from 1870 to 1890 are the earliest reports on the measure of free blacks in America. Because of these reports, social scientific theories of race
emerged which used social surveys and racial statistic to create Black criminality. Some of the earliest accounts of the creation of Black criminality began among scientists who studied the human body. Samuel George Morton, a physician and naturalist, was one of the first doctors to link brain capacity to racial behavior and fitness. He used human skulls to determine that Whites were superior to American Blacks, Indians, and the Chinese based on the volume of pepper seed or shot pellets it took to fill the skulls represented by each racial group. This study published in 1849, despite its flaws such as ignoring gender differences and physical size of the subjects, was incredibly influential. Morton’s work led to further research experiments that used physical characteristics such as hair texture, skin color, head shape among other things to determine racial superiority or inferiority as well as propensity for violence. These included works such as *The Criminal Man* by Cesare Lombroso which provided physical features that were believed to be specific to “natural born criminals.” Some of these features included large jaws, flattened noses, and fleshy lips; all common features of those of African descent. Lombroso also argued that Blacks were the least evolved race while Whites were the most evolved, he stated “only we White people have reached the ultimate symmetry of bodily form.” The use of bodily features to determine Black inferiority and criminality remained popular until the 1880s. Despite evidence that the use of physical features to

---

explain behavior was flawed, White Americans in all regions of the country continued to hold these findings as truths.

However, during this time when natural science was becoming more and more questionable in its ability to indicate behavior based on race, new scholars began focusing more on social sciences and humanities to explain racial differences. These White supremacist researchers looked at racial inferiority by studying the political, social, and economic status of racial groups in societies of the past and present. This new method of measuring Black inferiority by looking at the failure of Blacks to dominate or lead in civil societies, according to these researchers, proved to be key indicators of the lack of fitness and ability to be superior or even equal to Whites. Scholars such as Frederick Hoffman used this new social scientific approach to legitimize his pseudoscientific racial theory. Hoffman, a statistician for the insurance company Prudential, used his 1896 book, *Race Traits and Tendencies of the American Negro*, to study the issue of crime in the nation. Muhammed discussed how Hoffman studied the 1890 census data and determined that although Blacks accounted for only 12% of the population, they made up 30% of the prison population. He interpreted this data as evidence that Blacks were predisposed to criminal behavior. He stated, “crime, pauperism, and sexual immorality are without question, the greatest hindrances to social and economic progress, and the tendencies of the colored race in respect to these phases of life will deserve a more careful investigation

11. Ibid.
than has thus far been accorded to them.”

Hoffman’s book became the new standard for other scholars and this “scientific” data created a direct linkage between crime and inferiority within the Black race. Although many of these findings were inaccurate, they were widely accepted by the public as truth. This is in part because of the racial biases portrayed in film, television, and print during the Jim Crow era that influenced the public’s perception of Black culture during that time.

**Linkages between race and early drug prohibition**

Race has always played a significant role in identifying the communities that became the targets of the drug war, exposing their cultural practices and institutions to military-style attack and police control. Although the proposed purpose of the War on Drugs has been to eradicate controlled substances and get rid of the agents that assist in the distribution, there is significant evidence that point to a more intentional attempt to target specific communities. State efforts to control drugs have mainly been a method used by the dominant group in the United States to exercise racial power. By looking at the history of the war and the effects that it has had, it is evident that the purpose is not simply ridding America of drugs, if so, it has failed miserably. This modern War on Drugs has lasted for over three decades and yet has failed to lessen the rates of addiction or damage the drug trade. In fact, it has further degraded the prison system and the communities where it is being fought.

While White supremacist researchers focused on racial behavior to prove Black

---

inferiority, these pseudoscientific racial findings helped to legitimize the creation and implementation of discriminatory drug prohibition policies put in place by White politicians. When one looks at the history of drug prohibition movements in the United States, they have often been an attempt to target and criminalize specific racial minorities. The American government has always found a way to create “linkages between a drug and a feared or rejected group within society.”

Throughout early drug prohibition movements of the late 1800’s to early 1900’s, determining the difference between drugs as beneficial for medicinal use and harmful poison was quite difficult, therefore, attitudes about the dangers of drugs were not based on the chemistry of the drug but the social status and race of the consumer. Due to beliefs of many Whites in the south during the 19th and early 20th centuries that racial differences indicated biological predispositions to deviant behavior upon use of drugs and alcohol, Catholics, Blacks, and immigrants were targeted and demonized. This led to a push from White supremacy groups such as the Ku Klux Klan in 1910 to prohibit the use of alcohol in order to decrease “sinful pleasures” of urban Catholics and immigrant workers. However, prior to many of the antidrug laws, the use of drugs such as cocaine, heroin and opium was popular amongst White Americans, particularly, upper and middle class White women.


For example, during the 19th century, opiate availability was unlimited and there were no restrictions on advertisement of the drugs. In fact, pharmaceutical companies and media advertisements described opium, heroin, morphine, and cocaine as miracle drugs for health ailments. Despite learning about the major health risks associated with drug use, media advertisements and corporations continued to promote the benefits of these drugs.\textsuperscript{16}

The first drug laws were established in San Francisco in 1870 in response to the moral panic of White Americans who began to associate opium with Chinese immigrants. Specifically, there was a need to protect White women from Chinese men. On November 15, 1875, the San Francisco Board of Supervisors passed an ordinance that made it a misdemeanor to keep or frequent opium dens. Because Chinese immigrants were heavily associated with operating these dens, the legislation sought to decrease interaction between them and White Americans.\textsuperscript{17} The \textit{San Francisco Chronicle} explained that the Board created the ordinance after learning of “opium-smoking establishments kept by Chinese, for the exclusive use of white men and women” and of “young men and women of respectable parentage” going there.\textsuperscript{18} Although the ordinance made it a misdemeanor for all persons to associate with these dens, it was only enforced against White smokers and Chinese immigrants who managed the den. However, in 1887, Idaho implemented a statute that punished “every White person” who kept or visited opium dens.\textsuperscript{19}

\begin{flushleft}
\textsuperscript{16} David Musto, “Opium, Cocaine and Marijuana in American History,” 5.
\textsuperscript{18} Ibid.
\textsuperscript{19} Ibid.
\end{flushleft}
“Yellow Peril” was also a campaign that gained popularity in 1890s where tabloids owned by publisher William Randolph Hearst led a fear campaign claiming White women were being seduced by Chinese men into opium dens and engaging in erotic behavior.²⁰ All of this led to a strong repudiation of Chinese immigrants and although these laws did not ban the practice of smoking opium, it worked to prevent the mixing of races. It was not until Congress passed the Harrison Tax Act of 1914 which outlawed opium nationwide and allowed the American government to legally criminalize Chinese immigrants.

Similar to opium, the banning of marijuana in America had heavy racial implications. Beginning in the 1920’s Mexicans began to migrate to America to find work. Along with labor, Mexican immigrants brought with them the tradition of smoking cannabis leaves. However, the Great Depression of the 1930’s had a large impact on America’s tolerance of immigrants. As a result, Mexican immigrants became unwelcomed targets and began to be associated with violence and marijuana use.²¹ White Americans used the tradition of smoking marijuana as an opportunity to play on the fears that the public had by spreading claims about “disruptive Mexicans” who had dangerous beliefs and traditions. Western states urged the federal government to control marijuana use and eventually the federal government implemented a Marijuana Tax Act in 1937, this act established a transfer tax on marijuana.²² After this transfer tax was implemented,
private citizens were prohibited from getting licenses or stamps for these taxes which meant individuals possessing marijuana were committing a crime. Despite widespread use of marijuana in America prior to the influx of Mexican immigrants, the government used the drug prohibition to legally demonize the Mexican population.

One of the most overt attacks on a minority group using drug prohibition came with the southern push to criminalize cocaine. Prior to use within Black communities in America, cocaine was a widely popular drug for medical and recreational purposes. In 1884 purified cocaine became commercially available in the U.S., Coca-Cola products contained coca extracts until 1903 and was marketed exclusively to middle class and professional Whites. Cocaine was also praised by doctors and psychologist such as Sigmund Freud as a medical marvel used to cure menstrual cramps, toothaches, and even used in household items such as toothpaste. The view of cocaine as a miracle drug changed in the 1890’s when doctors began to realize the dangers of the drug and called for more regulations and control. However, even this recognition did not call for complete prohibition and doctors continued to use cocaine as a surgical tool. The major shift in public opinion did not occur until cocaine use began to spread throughout the Black community. Cocaine use amongst Blacks began in the late 1880’s as a stimulant for dock workers to work longer hours and endure more extreme workloads. The drug

23. Ibid.  
25. Ibid.  
became a part of compensation for these workers and this increased the recreational use.  
However, it was not until 1899 when Coca-Cola expanded their market to a national audience that included lower class Whites and Blacks that cocaine transformed into a social menace. White supremacists and reformers as well as urban police and civic leaders in the south used this new phenomenon of the “negro cocaine fiend” to create a moral panic and begin to criminalize drug addicts.  
While this moral panic targeted Black communities, specifically, Black men, the media and law enforcement ignored the large population of White drug users. According to historian David Courtwright, these southern law enforcers and doctors were ignoring southern White women who most likely had the highest rate of cocaine addiction than any other population in the country.  

This early drug prohibition was successful largely because of the role the media played in perpetuating the idea of undesirable Black men using cocaine and raping White women. Cartoonist depicted the racial anxieties many Whites felt and medical journals and newspapers reported about the dangers of Black drug users. In 1899, the same year Coca-Cola expanded its market to include Blacks, the Chattanooga Times printed an article that described anyone who consumed cocaine as the “lowest, most criminal and depraved portion of any city population.”  
Even prominent medical journals such as Medical Record contributed to the moral panic by reiterating claims made by physicians

---

28. Ibid.  
and police of an “unstoppable, irrational monster” which helped to justify state killings and the maintenance of White supremacy.31 Although the south was intricate in the early prohibition of cocaine and the demonization of Black men, the north also began a War on Drugs to target racial minorities as a result of the influx of immigrants. For example, in 1914 the New York Times printed an article titled Negro Cocaine Fiends Are a New Southern Menace where author, Edward Williams, explains how cocaine “produces several other conditions that make the fiend a peculiarly dangerous criminal. One of these conditions is a temporary immunity to shock… bullets fired into vital parts that could drop a sane man in his tracks, fail to check the fiend- fail to stop his rush or weaken his attack.”32 Articles such as these helped to create a moral panic amongst northern progressives over the use of cocaine amongst Blacks and the threat they posed to White women in particular. The spread of this War on Drugs is an example of how Jim Crow politics of the south was able to influence the entire nation. In 1913, southerners used the myth of Black men raping White women and Black riots in southern states to create a national campaign against the cocaine negro. Southern prohibition eventually merged into a federal drive to regulate cocaine and other drugs that had become associated with minorities and the Harrison Narcotic Act was passed in 1914.33 However, these sorts of laws have not been effective in curing America of its drug problem, instead it has only

ostracized entire groups of people. This push by southern leadership to stigmatize minorities through drug prohibition movements can be seen in public policies created to combat the War on Drugs under the administrations of former presidents Richard Nixon, Ronald Reagan, and Bill Clinton.
CHAPTER III

DATA ANALYSIS

Comparative Analysis of Drug Trends Before and After War on Drugs

When the Reagan administration launched the War on Drugs there was large emphasis placed on the arrest and imprisonment of drug users. Presumably, the increase in prison populations was indicative of a rising problem of drug use in the United States. One of the claims being made by politicians from both parties and reiterated in the media was that drug use amongst teens of high school age and young adults was increasing at alarming rates. However, national surveys proved that these claims were inaccurate. The National Household Survey on Drug Abuse surveyed over eight thousand homes in the nation and the data showed that the number of Americans who had used an illegal drug had been declining since 1979 and continued to decline well into the early years of the War on Drugs. In fact, the largest increase of young adults who had ever tried cocaine was between 1972 and 1979, long before the term epidemic was made popular in the media. Aside from false claims about the alarming rise of drug use in teenagers and young adults, the media and politicians created a false narrative about the prevalence of crack cocaine.

The National Institute on Drug Abuse (NIDA) sponsored surveys that provided estimates of the prevalence of drug use in the nation. When NIDA released its data on crack cocaine, it did not support these declarations that there was widespread crack use
among adolescence.\(^1\) Instead they found that 90% of those who used cocaine preferred powder to crack. Along with these national surveys, the Drug Enforcement Agency (DEA) issued a press release in August of 1986, shortly before the ADAA was passed, that faulted the media for it’s over exaggeration of the drug problem.\(^2\) They stated “crack is currently the subject of considerable media attention.... The result has been a distortion of the public perception of the extent of crack use as compared to the use of other drugs... Crack presently appears to be a secondary rather than primary problem in most areas.”\(^3\)

Despite great evidence that there was no real drug problem, the War on Drugs persisted and resulted in major changes in the American prison system. Prior to the declaration of a new War on Drugs, there was a slow rise in incarceration rates beginning in the mid-1970’s, however, drug sentencing policies created in the 1980’s led to a dramatic increase in the U.S. prison population in a short amount of time. In 1980, the number of Americans in jail or prison for drug offenses was 41,000, as of 2014 that number increased to almost 500,000.\(^4\) Moreover, arrest rates have increased even more drastically than the rate of conviction, sentencing, and incarceration for drugs. The UCR, is a government source that gathers data on arrests from different police departments and other law enforcement agencies from various states. They use this information to provide

\(\text{\footnotesize{\textsuperscript{1} Craig Reinarman and Harry G. Levine, }\textit{Crack in America: Demons Drugs and Social Justice} (Berkeley, California: University of California Press, 1997): 26-27.}}\)
\(\text{\footnotesize{\textsuperscript{2} Craig Reinarman and Harry G. Levine, }\textit{Crack in America: Demons Drugs and Social Justice}, 32.}}\)
\(\text{\footnotesize{\textsuperscript{3} Ibid.}}\)
overall statistics about crime trends in the United States.⁵ According to the UCR, the arrest rate for the possession of drugs between 1980 and 2009 increased 122%, with the highest peak reaching 162% in 2006.⁶ In 2014, there were 1,561,231 arrests for drug violations, the highest number of arrest for all types of crime for that year.⁷ Currently, the United States remains the world’s leader in incarceration with over 2 million people in prison or jail and more than 6.5 million under correctional control as of 2015.⁸

Along with a higher number of arrests and incarcerations, those convicted of drug offenses spend more time in prison for their crime than before the War on Drugs began. Due to mandatory minimums, the amount of time spent in prison for average crack cocaine offenders has tripled. In 1986, most offenders spent about 22 months in prison, as of 2004 that sentence had increased to 62 months.⁹ Despite more widespread knowledge about the issues of unjust prison sentences for nonviolent drug offenders, the length of time spent in prison for these offenses has continued to increase over the past several

---

years. As of 2013, 50% of males and 59% of females in federal prison were serving time for non-violent drug offenses.¹⁰

**Demographics: Drug Use, Arrests, Convictions, and Sentencing by Race**

The effects of strict sentencing policies have had a significant impact on every demographic in the country, however, there was and continues to be a disproportionate number of Blacks being penalized than Whites. Despite making up a small percentage of the overall population and population of drug offenders, Blacks are arrested and convicted for drug violations at far higher rates. This signifies the discriminatory behavior that has afflicted law enforcement agencies and the judicial system since the drug war began. In 1980, before the surge of media sensationalism and drug policies, Blacks were arrested twice as much as their White counterparts, however, in 1989 after the excessive and disproportionately discriminatory media coverage about drug use, the disparity increased at a rate of 4 to 1; while the arrest rate for Whites increased by 56%, the Black arrest rate increased 219%.¹¹ Not only are Blacks arrested more but they are more likely than Whites to be sentenced to time in prison instead of probation. In fact, Black men have the highest probability of being incarcerated and over 60% of those in prison today are people of color.¹²

Also significant are the statistics that show under the George H.W. Bush and

---

Clinton administrations (1992-1994), approximately 96.5% of all federal crack cocaine prosecutions targeted non-White individuals and in 2002 over 80% of the federal defendants for crack cocaine were Black. However, these statistics were not indicative of the number of Whites involved in the sale or use of crack cocaine or other drugs, in fact, two-thirds of crack users were White. During that same period of time there were several hundred White individuals prosecuted in California state courts for crack cocaine offenses. Despite prosecutions on the state level, no Whites were prosecuted by the United States Attorney’s Office in Los Angeles County or the six surrounding counties for crack-related offenses from 1988 to 1994. The fact that Blacks were prosecuted at the federal level while Whites were prosecuted at the state level is reflective of the significant consequences for defendants of color, such as longer prison sentences or more severe criminal convictions.

Due to the prosecutorial policies and practices of law enforcement agencies, inner cities and communities of color have been targeted almost exclusively. Michelle Alexander describes how these practices, which resulted in mass incarceration, has become the new Jim Crow system that has encouraged the larger society to perceive Blacks as inferior and as genuine threats to American culture. By attaching this stigma

14. Ibid.
15. Ibid.
to the Black community it has become routine to violate their rights, leading to increased numbers of arrests and skewed statistics about drug users in the country. For example, a study in Seattle, a city where 70% of the population is White, showed that although most of those who sold serious drugs were White, over 60% of those arrested for drugs were Black.\textsuperscript{17} The racially disproportionate drug arrests resulted from the police department's emphasis on the outdoor drug market in the downtown urban area and its lack of attention to other drug markets that were predominantly White. While Whites dominated in the use and distribution of methamphetamine, ecstasy, powder cocaine, and heroin; Blacks made up most of the crack users. As a result, three-quarters of the drug arrests were crack-related even though only an estimated one-third of the city's drug transactions involved crack.\textsuperscript{18} Although it is difficult to find a direct correlation between race and the type of drugs law enforcement focus on, the researchers who performed this study could not find a "racially neutral" explanation for the police prioritization of the downtown drug markets and crack. The focus on crack offenders, for example, did not appear to be a function of the frequency of crack transactions compared to other drugs, larger public safety issues, crime rates, or citizen complaints.\textsuperscript{19} The researchers ultimately concluded that the Seattle Police Department's drug law enforcement efforts reflect implicit racial


\textsuperscript{18} Ibid.

\textsuperscript{19} Ibid.
biases. Unfortunately, this is not exclusive to Seattle. In cities all over the country there has been an attempt to target crack users while other drugs such as powder cocaine and heroin that penetrated White neighborhoods have gone relatively unnoticed until recently.

While the media emphasized the crack epidemic in the 1980s, there has been minimal mainstream news coverage that focuses on the criminal aspect of the current drug epidemic. Since 2000, there has been a drastic surge in the death of young White individuals due to drug overdoses. According to the Center for Disease Control (CDC), there was a 137% increase in death caused by drug overdoses, including a 200% increase in the death rate caused by opioid pain relievers or heroin overdoses. A part of the reason there has been an increase in death rates amongst Whites is because doctors are more reluctant to prescribe opioids to Blacks for fear that the will sell them. The CDC conducted a study where they analyzed cause of death data to examine drug trends and the types of drugs associated with overdoses and discovered that in 2014 there were over 47,000 drug related deaths which represented an increase of 6.5% from 2013; death caused by a heroin overdose increased by 26% in 2014 and has tripled since 2010 as well. Despite media perpetuation about the fatality of crack cocaine and the rate of overdose deaths, more people died from drug overdoses related to opioids and heroin in 2014 than any other year on record and close to half a million have died between 2000

20. Ibid.
22.Ibid.
and 2014.\textsuperscript{23} In fact, the CDC has reported that drug overdose deaths surpassed motor vehicle fatalities which has been the number one cause of death for teens and young adults for decades, however in 2014 there were roughly one and a half times more overdose related deaths.\textsuperscript{24}

Although the heroin epidemic has had more damaging effects and has been far deadlier than the crack cocaine epidemic, arrests for crack cocaine continue to outweigh any other drug. Even though Blacks constitute only about 13\% of the total population, the national rate of drug arrests per 100,000 Black adults has always been higher than their White counterparts. In 1980 Blacks were incarcerated at a rate of 554 for every 100,000 persons and that number reached its peak in 1989 with a rate of 2,009 per 100,000. In 2007, the rate of arrest for Blacks was 1,721 compared to 476 for every 100,000 Whites.\textsuperscript{25} In 1981, the year with the lowest disparity between the two races, Blacks were arrested at rates almost three times that of Whites. In the years with the worst disparities, between 1988 and 1993, Blacks were arrested at rates more than five times the rate of Whites. From 2002 through 2007, the ratio of Black to White drug arrest rates ranged between 3.5 and 3.9. During this time, the rate of heroin usage was on a steady incline while crack had been on an overall decline since the mid 1990’s.\textsuperscript{26} While heroin use has increased over the past several years amongst the White population the most, ironically, Blacks are still sentenced to prison for heroin more. By 2012, almost 40\% of those in

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{23} Ibid.
\item \textsuperscript{24} Ibid.
\item \textsuperscript{26} Ibid.
\end{itemize}
\end{footnotesize}
federal prison for heroin were Black while only 13% were white.\textsuperscript{27} According to the United States Sentencing Commission (USSC), although federal cases for heroin have risen from 1,382 in 2007 to 2,431 in 2014 and federal crack cases have decreased, the sentences for crack are still higher than heroin. While heroin overdoses have caused far more deaths than crack cocaine and the federal drug cases are rising, in 2013 the average sentence for heroin trafficking was 70 months and 96 months for crack.\textsuperscript{28}

There is no evidence that there is any justification for the clearly biased arrests and sentencing practices at the state and federal levels. Despite having no rational basis, Blacks still constitute the highest population of prisoners in the United States. In the calendar year 2013-2014, there were 568,300 Blacks in state and federal prisons compared to 520,200 Whites. Being that Blacks make up the smallest percentage of the population and Whites make up the largest (77%), these numbers are clearly indicative of intrinsic racial biases in the criminal justice system.

\textsuperscript{27} Sam Taxy et al., “Drug Offenders in Federal Prison: Estimates of Characteristics Based on Linked Data,” 3.

CHAPTER IV

MEDIA AND THE WAR ON DRUGS

Public Reliance on Media

The media, in all forms, has always played a significant role in influencing public opinion. With each new phase of media sophistication, those in control of its distribution were able to reach larger groups of people, thereby, influencing public perceptions on varying issues from race to music. Each new method of media distribution allowed for even larger groups to gain access to information. Prior to television networks, newspapers and pamphlets were used by the government as propaganda to promote particular points of views. Because people rely almost exclusively on media sources for its information about currents events and social issues, they buy into the propaganda and base their political and social views off information that may be inaccurate or altered in order to fit a specific agenda.

Scholars have been exploring the issue of media influence for decades and have found that media has always been biased and often exaggerated or minimize stories, specifically crime stories, for shock effect or simply because of intrinsic biases that some may have about certain demographics. As criminology expert Ray Surette, describes it, “In terms of justice, perhaps the most important effect of the media lies in providing a prime information base for the public concerning justice issues. A relatively small
percentage of people deal directly with the justice system and therefore the general public’s knowledge of justice is drawn significantly from the media.”¹ Similarly, researchers Valerie Hans and Juliet Dee stated that “because most of the public has little direct experience with the justice system, public knowledge and views of law and the legal system are largely dependent on media representations.”² Therefore, in the absence of alternative information sources, people resort to media to get an understanding of what is happening in the world. For example, Loretta Stalans performed a study of college students which showed that students who lacked sources of crime information and had recently been exposed to crime stories through media outlets were more likely to overestimate the extent to which victims of robberies endure injuries as a result.³ Because media coverage is often biased and skewed to portray an over sensationalized picture of crime by over representing the most serious offenses, the general public is misinformed about true crime trends and crime policies. Television networks focus on violent crime stories in order to captivate audiences and maintain ratings. People are exposed to stories about minor and severe harm, but recall more easily stories about severe harm. So, despite an overall decrease in crime over the years, the media continues to report inaccurate depictions of the facts. Misrepresentation

in the media perpetuates false stereotypes and fosters faulty perceptions about who constitutes a victim or perpetrator. Not only are those who rely on media misinformed about true crime trends, those who are not reliant on media but have no experience with the justice system are often misinformed as well. However, individuals with prior criminal justice experience or people who are familiar with the offenders or areas that are associated with crime, tend to rely less on the media for their information and therefore are more knowledgeable about criminal punishment.  

Public opinion polls taken in the 1980s showed that not only was the public misinformed about crime but, based off this misinformation the public wanted harsher punishment for criminal offenders. This is significant because research has shown that judges often consider public opinion when making decisions and policymakers have enacted laws because of public consensus. Authors Nigel Walker and J.M. Hough stated in their literature piece, *Public Attitudes to Sentencing: Surveys from Five Countries*, that “political arguments about the response to crime are increasingly buttressed by appeals to public opinion.” Politicians used these opinion polls to justify the enactment of irrational laws that failed to produce beneficial results.

---


Black Imagery in Media

... we make you laugh.
we sing, we dance for you.
you do not see us.
you see us
only when we wreak havoc
in your streets,
framed nightly on your TV screens,
you see us only
when we leap
out of your wildest dreams.

-Mwatabu S. Okantah

Regardless of where a media outlet stands politically; whether it be liberal,
conservative, moderate etc., the media has long belonged to Whites. In fact, there was a
time when only Whites controlled all elements of the press. While it was White owned,
and aimed at a White audience, news coverage of minorities, specifically Blacks, has
always been a principal element of the media industry. This is significant because it has
allowed Whites to tell the stories of the Black experience to the world, despite attempts
early on by Black intellects to narrate their own stories.

As previously stated, Black imagery in the media has always been associated with
negativity and has been used to create a sense of fear among the masses of people, Black
and White alike. From the early 18th century even before the United States declared its
independence from Great Britain, there were attempts by Whites to ostracize Blacks.

6. Christopher Campbell, Race, Myth, and the News (Thousand Oaks, California: Sage

7. Juan Gonzalez and Joseph Torres, News for all the People: The Epic Story of Race and the
Bookseller and creator of the Boston News-Letter, John Campbell, wrote an essay urging the importation of White indentured servants in order to reduce the importation of slaves from Africa, he stated African slaves were “much addicted to stealing, lying and purloining,” another newsletter in 1712 described how seventy New York Negroes were arrested for “their late conspiracy to murder the Christians.”

Letters such as these were attempts to create White hysteria among the public in order to maintain the status of Whites as superior. For the next 60 years, there were fifty separate stories about slave revolts reported in newspapers that continuously reinforced White fears of slave violence. Decades after the United States gained independence the abolitionist movement began to end the system of chattel slavery. During this time, the narrative changed in the media from one that sought to minimize the number of Blacks in the country to one that argued that Blacks were too uncivilized to live freely and therefore needed to be controlled by Whites. James Watson Webb, an editor famous during the presidency of Andrew Jackson, claimed that “abolition is a miserable remedy for the mischief it leaves the colored population… a poor degraded race” and urged that Blacks be removed from the country and sent to Liberia.

This demonization and characterization of slaves as a savage and degraded race, was the beginning of the process of using racism and stereotyping in the media to influence how the public viewed the Black race.

9. Ibid.
10. Juan Gonzalez and Joseph Torres, News for all the People: The Epic Story of Race and the American Media, 42.
When telegraphs changed the method of news from a decentralized system of local newspapers to a more central and commercial based system, racial stereotyping of Blacks became more widespread. The Associated Press was the most popular media outlet of its time in the late 1840s because of its ability to provide millions of Americans almost immediate access to news. With this ability, the organization used its sources to cover stories that reinforced pre-existing biases about Blacks and fed into fears that already dominated the mainstream.11 During this time newspaper articles throughout all regions of the country also used headlines describing Blacks as wild, violent and uncontrollable. Along with the New York Times article, “Negro Cocaine Fiends Are a New Southern Menace,” the newspaper published another article in 1902, “Cocaine Evil Among Negroes,” that discussed the alarming increase of Negro cocaine users in Mississippi and suggested that a law be enacted that would make it illegal for anyone to use cocaine without a physician’s certificate.12 Ironically, the rate of cocaine use was much higher amongst Whites but no such suggestions were made prior to its prevalence in the Black community. The Los Angeles Times also printed several negative articles about “Negroes,” one “Police Watch Trains for Bad Negroes” published in 1907, depicted a Black man as a Negro fiend who attacked a young woman. This article was

published to gain support from the public for an order that would seek to place officers on trains to prevent the landing of Negro criminals from Southern states. Without knowledge about which Negroes were in fact criminals, what this order sought to do was prohibit all Negroes from entering Los Angeles on the train. Even newspaper articles that did not explicitly express racial biases covertly implied through careful wording that Blacks were the main culprits of cocaine use. In 1908, the *New York Times* printed, “The Growing Menace of the Use of Cocaine,” where they referred to cocaine use as an incurable habit that is confined to the lower classes of society. This was a way to stigmatize Blacks without being overtly racist. Many articles were written using this covert method to vilify Blacks, however, there were also many articles that were explicit in their attacks against Negroes. From various newspaper articles printed in northern media outlets from New York spanning to Texas, there were numerous stories with headlines of the “Negro Cocaine Fiend” that focus on demonizing Black men.

The mainstream newspaper’s portrayal of Blacks as cocaine users in the early 1900s was only a small portion of biases displayed in media. In one of the most inflammatory pieces of the early twentieth century, a white supremacist professor Charles Carroll, published a book titled *The Negro a Beast: Or in the Image of God*. In his book,


Carroll uses blackface images alongside an image of a blonde-haired, blue-eyed Jesus to suggest that Blacks are not created in the image of God’s son and therefore, unhuman and inferior. This writing was extremely popular amongst Whites and helped to perpetuate Black inferiority. Thus, racial stereotypes about Blacks were amplified. Other popular writings including Thomas Dixon’s, *The Clansmen*, which inspired the motion picture *Birth of a Nation* and the 1936 novel, *Gone with the Wind* which focuses heavily on the role of “Mammy,” also exaggerate stereotypes held by much of the public at the time.

As media technology continued to evolve over time, new forms of racial biases evolved as well. With the invention of motion films, the mainstream media could use actual characters to visually depict the stereotypes held by White America. Silent movies such as *The Wooing and Wedding of a Coon* (1905) or *The Sambo Series* (1909) displayed these popular stereotypes, most often with blackface, by using entertainment to capture its audience. *Birth of a Nation* (1915) may be considered one of the most important films of its time for its role in transforming the stereotype of Black men from the inept “Jim Crow” character to the irredeemable savage. Since then, much of the imagery in the media has depicted Black men and women as promiscuous or criminal offenders.

Radio also played a critical role in the dissemination of racially charged news. After the development of the radio, there was constant debate over the role of the

---

government in regulating the content being fed to the public. Because of this debate, the Federal Radio Commission (FRC) was formed in 1926 and it enacted the Radio Act of 1927. This act established the basic rules of broadcasting that are still in effect today which turned media over to a small group of centralized networks including NBC, CBS, and Mutual Broadcasting while removing amateur shows off the air. Not only did the federal government essentially control all airwaves but it became a part of forging a false narrative about Blacks while suppressing any opportunity for Blacks to narrate for themselves. Although these rules prohibited amateur shows from being played on the air, which kept Blacks from obtaining licenses, it did not keep racist organizations from getting licensed. In fact, the FRC gave a license to the Independent Publishing Company, a D.C. firm that had ties to the Ku Klux Klan. Once radio transitioned into television there was another opportunity for Whites to tell the stories of the Black experience.

With the development of television news networks, media transitioned from stereotypes of Blacks conjured up by White imaginations to coverage of real crime stories. This allowed the media to use actual Black faces to depict the violent and uncontrollable images that Whites had, for years, been feeding to the public. Per Robert Entman, “crime reporting made blacks look particularly threatening, while coverage of politics exaggerated the degree to which black politicians (as opposed to white ones)

practice special interest politics. These images…feed the components of modern racism, anti-black effect and resistance to Blacks’ political demands.”

In the mid 1980’s the crack crisis dominated every major news network in the country. Upon examining media coverage of Black families in the 1980s it is evident that there were extreme biases that impacted not only the ways the public viewed Black communities but it directly affected the drug policies that were created during the “crack epidemic.” Ironically, the 1970’s endured a period of increasing use of cocaine amongst the middle and upper class, however, there was no media or political attention given to the issue until cocaine, specifically freebase cocaine (crack) became prevalent. Despite arguments that the reason for more attention and stricter penalties were due to the higher level of addiction and violence associated with crack cocaine, this alone did not explain the attention the drug received. The drug war began when crack became available to “other” groups of people, specifically poor Blacks.

In 1985 President Reagan hired staff to publicize the emergence of crack cocaine in inner cities and soon after, television networks began extensive coverage of the poor areas of urban cities. Countless news stories showed dramatic footage of young Black men and women under the influence of crack cocaine scavenging the streets for their next fix, images of “crack babies” being born to drug addicted mothers, emergency rooms

18. Christopher Campbell, Race, Myth, and the News, 27.
filled with Blacks and Latinos who overdosed on crack, crack houses being ransacked for drugs or groups being handcuffed, placed in the backs of police cars and sent off to jail. In July 1986 alone ABC, CBS, and NBC covered seventy-four evening news segments on drugs, half of these were about crack cocaine. During the presidential campaign cycle newspapers and magazines produced nearly one thousand stories that drew attention to crack cocaine. Both *Times* magazine and *Newsweek* devoted five cover stories to the crack crisis in 1986. Along with biased media coverage of drug use in Black neighborhoods, there were shows and other types of media coverage that perpetuated other stereotypes of the Black family unit. News specials like the CBS documentary *The Vanishing Black Family: Crisis in Black America*, fed the stereotype that Black men were irresponsible young fathers who cared more about hanging out than raising a family and young Black women were welfare dependent and uneducated.

In one of the most popular news specials to come out of this epidemic, *48 Hours on Crack Street*, CBS attempted to shed light on the drug crisis that plagued the nation in the 1980’s. It focused mainly on the urban area of New York City, heavily populated by minorities. This was an intentional strategy by media to create hysteria among the public towards Black drug users. The special begins with CBS correspondent Dan Rather stating “Tonight, CBS News takes you to the streets, to the war zone, for an unusual two hours of

---

hands-on horror.”

During the two-hour special Dan Rather is in the middle of Times Square talking to drug fiends who are high on crack and drug dealers who sell to them. One scene shows a Black man offering drugs to a CBS correspondent, stating “I can get the good stuff.” Another scene from the special shows former U.S. Attorney General Rudy Guiliani and former Senator of New York Alphonso D’Amato disguised as drug users wearing biker vests and purchasing crack from a Black man in the middle of the day in order to emphasize the unabashed sale of drugs in New York City. In one of the most noteworthy scenes, the interviewer is talking with a young Black woman named “Shorty” who not only details her struggle with addiction but shows how crack is smoked from a pipe. These images of addicts under the influence of crack helped Whites rationalize the characterization of Blacks as irredeemable.

In the same special the CBS correspondents travel to predominantly White towns outside of the New York City area to show how drugs have penetrated those areas as well. However, there is a stark contrast in how White drug users were portrayed compared to their Black counterparts. We are shown images of young White men and women at skating rinks and playing volleyball; we see well-dressed middle class families in group meetings telling the personal stories of their drug addicted relatives. By portraying the drug problem so differently for each demographic the CBS correspondents were able to

22. 48 Hours on Crack Street, produced by Joe Halderman et al., correspondent, Dan Rather et al., USA: CBS News, 1985, documentary.
23. Ibid.
24. Ibid.
humanize White addicts with statements such as “do that many nice kids really use drugs,” or “it’s hard to believe in this wonderful prosperous community… nice houses… lovely neighborhood” that there was a drug problem, there was a perception that White kids who used drugs were somehow different. In fact, Blacks were made accountable for the infiltration of drugs in these White middle-class neighborhoods. The documentary shows a White family discussing the transformation of Central Park from a safe, family friendly space, to the epicenter for drug transactions. The family describes those involved as “terrorist,” “gorillas,” and “rats.” They discuss how they fear for the wellbeing of their children and their own safety. This type of story-telling leads to unsubstantiated fears amongst those who not only live in these “drug-ridden” areas, as well as people who do not actually have first-hand experience with the consequences of drugs. but those who are do not experience first-hand the consequences of drugs. However, the most important thing this documentary did was allow politicians to use the media to convey to the public that they should be afraid of people who used crack and that there was an urgent need to get them off the streets through criminally focused legislation.

Ultimately, with each new technological development Whites could use both fiction and non-fiction media outlets to tell the stories of Black people in America. The progression of storytelling allowed for widespread misinformation of minority groups; according to the National Advisory Commission on Civil Disorders, the news media

25. Ibid.
26. Ibid.
“failed to report adequately on the… underlying problems of race relations.” Without being able to tell their own stories, Blacks were at the mercy of White storytellers who often depicted them as uneducated welfare mothers and violent thugs who were personally responsible for the infestation of crack into their neighborhoods.

**Shifting Media Approach**

While the crack epidemic led to an influx of newspaper and magazine articles, television commercials and news specials, the current heroin epidemic has been able to maintain relatively little attraction in the mainstream media. The attention that heroin users have received has been in stark contrast to that of the Black addicts during the crack epidemic. Similar to the way White addicts were portrayed in *48 Hours on Crack Street*, White heroin users have enjoyed far more sympathy and leniency in news coverage. Several newspaper articles such as the *New York Times* which was notorious for its history of printing biased article about Black drug users has now begun to focus on the transition to a gentler War on Drugs. In a *New York Times* article, “In Heroin Crisis, White Families Seek Gentler War on Drugs,” the author discusses how White families have been able to use their race and social status to influence and alter the language surrounding drugs.  

Michael Botticelli, former director of the White House Office of National Drug Policy stated, “because the demographic of people affected are more

---

White, more middle class, these are parents who are empowered… they know how to call a legislator, they know how to get angry with their insurance company, they know how to advocate. They have been so instrumental in changing the conversation.”

A crucial part in changing the conversation has been changing the image depicted to the public. For a long time, people with drug abuse addictions were viewed as “others;” people who chose to use drugs and were therefore responsible for any consequences they may face because of their personal decisions. Now we are shown images of young White men and women smiling in family pictures or members of their families reminiscing on how they were before the drugs and how they became victims of substance abuse. In the same New York Times article, we are told a story of a young White girl, Courtney Griffin, a bright, beautiful young girl who played the French horn in high school and dreamed of living in Hawaii; there were no such stories told of Black drug victims dealing with crack addiction in the 1980’s. Instead, what was shown were “crack babies” shaking and hooked up to ventilators and people using needles in the street or smoking out of pipes.

Several television networks such as CBS and PBS who both produced very critical documentaries in the 1980s surrounding the crack epidemic which sought to perpetuate negative stereotypes about Black families and Black communities have also produced documentaries surrounding the heroin epidemic, however, this coverage tells a

29. Ibid.
30. Ibid.
much different story about the suffering of drug addicts. The CBS special, *Heroin in the Heartland* is ironic for many reasons. With the 1986 CBS special, *48 Hours on Crack Street*, viewers saw a covert attempt to demonize and ostracize Blacks while there is a clear attempt in this new documentary focused on heroin, to push the narrative that “this could be your child.”

There are clear biases in the language of the documentary as well, one individual stating “I don’t look like an addict” implies that there are distinct characteristics associated with drug use. Also, the claim that heroin was an inner-city problem directly ties minorities to this heroin epidemic. By using terms like inner-city, for those who don’t live in those areas, there is an assumption that minorities constitute most inner-city areas and therefore are responsible for what is happening in the suburban communities.

Throughout each documentary there is a shared theme about who constitutes stereotypical heroin users and how White kids do not fit that stereotype. In a two-hour PBS special, *Chasing Heroin*, the heroin epidemic is explored from a new perspective. It begins with a statement discussing how law enforcement is taking “a new radical approach,” they describe the “police and social workers on the ground… the personal battles… and the new face of addiction,” even though the true face of addiction has always been White. The reason for this new approach is not because of recent

---


32. Ibid.

developments about the realities of addiction but because of where the epidemic is taking place and who is being impacted. According to former senior policy advisor at the White House Office of National Drug Control Policy and professor at Stanford University, Keith Humphries, “it’s been true that throughout American history that when drugs penetrate into the middle class, politicians panic much more than they do when the drugs are concentrated in poor neighborhoods, and it’s not right but that’s not the kind of country we’re living in.”

The special focuses heavily on treatment centers with clips of police officers referring addicts to these clinics in lieu of arresting them, one officer’s claim that “we could not incarcerate these people or arrest our way out of the problem” contrasts with the officers in 48 Hours on Crack Street who boasted about repeatedly arresting crack addicts and drug dealers. One of the initiatives the documentary highlights is Law Enforcement Assisted Diversion (LEAD) which was developed to address the rampant increase of drugs in Seattle. The LEAD program has mostly benefited White addicts but has done little to curve the racial disparities in arrest rates for Blacks involved in drugs.

A major difference in the new approach to the War on Drugs is the understanding of the root causes of addiction. In both documentaries Chasing Heroin and Heroin in the Heartland there are references to Mexican cartels entering these middle-class neighborhoods and bringing with them cheap heroin and selling it to the young people.

34. Ibid.
35. Ibid.
36. Ibid.
In *Heroin in the Heartland*, one parent describes addiction as a disease:

“Because we don’t throw diabetics who sit on the couch eating Bon Bons and smoke and they weigh 300 pounds in prison. We don’t belittle them and there’s not a big stigma; we don’t do that to people that chain smoke and develop lung cancer. It’s a chronic relapsing brain disease, period, amen, end of story and we need to accept it- even if it makes people uncomfortable…”

Also, *Chasing Heroin* ties pain problems and doctors over prescribing opioids to the increase of heroin addiction, in fact, they discuss the lawsuit against the manufacturer of Oxycontin for its contribution to the heroin crisis. This is significant because it allows for accountability to be placed on external forces and takes away the element of personal responsibility and choice. By removing personal responsibility there is more opportunity for understanding and leniency which has led to the creation of drug courts. Drug courts provide treatment alternatives in place of jail or prison time for drug users. *Chasing Heroin* tells the story of one White housewife, Carey, who used and sold drugs for years but upon her arrest she was sent to drug court and given the option to choose between jail time or drug treatment. Stories like these are indicative of the White privilege that has allowed for individuals like Carey to be pardoned from punishment while jails and prisons are filled with Black people who share the same story. Although drug courts have been successful in helping to reduce criminal arrest for drugs and prison populations, they have also been accused of net widening. This is a process where minorities are excluded.

37. Ibid.
38. *60 Minutes: Heroin in the Heartland.*
39. *Frontline; Chasing Heroin.*
40. Ibid.
from participation in the program and over targeted, pulling them further into the criminal justice system. Those minorities who are allowed into the drug courts also have a lower likelihood for successful completion of the program.\textsuperscript{41} So, despite efforts in some states to close the gap in arrests, the alternatives provided continue to benefit Whites while Blacks continuously face prison or jail.

An important element missing from both heroin documentaries is the criminal justice aspect which was extremely prevalent in coverage of the crack epidemic.

Throughout the entire 1986 CBS special, viewers were constantly being shown images of Blacks being carted off to jail and officers raiding the homes of offenders. However, in \textit{Heroin in the Heartland} and \textit{Chasing Heroin}, there was almost no reference to violent crimes associated with the use of heroin, no drug raids, or any images of Whites being handcuffed and put in police cars. By not placing these types of images in the documentaries and instead telling personal stories that invoke sympathy from viewers, this helps to change the perception about drug users and what needs to be done to combat the epidemic. Not only has the shift in media imagery changed the way the public views drug addicts but, media response to the heroin epidemic has also led to changes in police tactics when confronting addicts. Police chiefs in the cities most affected by heroin are ensuring that first responders and officers are well equipped to save lives and get people

treatment rather than arrest them. A former narcotics officer, Eric Adams, described how he has changed his views on addiction, “the way I look at addiction now is completely different, I can’t tell what changed inside of me but these are people and they have a purpose in life and we can’t as law enforcement look at them any other way. They are committing crimes to feed their addiction, plain and simple. They need help.”

Suddenly, police officers are beginning to understand that criminal behavior and addiction can be signs of deep seeded issues that require medical and psychological assistance to overcome.

This sudden change of heart by media and law enforcement has not gone unnoticed in the Black communities. While there is great appreciation for the desire by the public to develop more effective ways to deal with drug addiction, some are calling it an insult to Blacks who suffered unjust punishment for their addiction to crack cocaine. One writer, Ekow Yankah, describes it as a “bittersweet sting that many African Americans feel witnessing this national embrace of addicts.”

He states:

“It is heartening to see the eclipse of the generations- long failed war on drugs. But Black Americans are also knowingly weary and embittered by the absence of such enlightened thinking when those in our families were similarly wounded. When the face of addiction had dark skin, this nation’s police did not see sons and daughters, or sisters and brothers. They saw “brothas,” young thugs to be locked up rather than people with a purpose in life.”

43. Ibid.
44. Ibid.
45. Ibid.
The surge of heroin use in White suburbia shows that responses to drug epidemics vary depending on how much the public cares about those afflicted with addiction and how much influence the families have on the political process. While White privilege has given Whites access to legislators on all government levels, Blacks have continuously been left out of the process leaving them at the mercy of those who do not accept or understand their plight. Therefore, Whites are offered rehabilitation and compassion while Blacks are offered prison time.

**Legislative Response to Drugs**

Far too often politicians use fear to control public perception and push their political agendas. In this case, crack cocaine attracted attention from the public because of the government’s role in publicizing its emergence in ghettos and overemphasizing the long-term effects and dangers of the drug. Despite no concrete evidence that crack cocaine was more dangerous or fatal than powder cocaine and other drugs, politicians persisted with their targeted attempt to politicize this epidemic. To pass drug policies that were inherently discriminatory, elected officials used media outlets to spark fear amongst the public by using language that invoked panic. Terms such as “instantly addictive,” “extremely potent,” “plague,” and “crack crisis” were emphasized on every news network and in print articles. In one evening report, CBS correspondent Harold Dow, stated crack cocaine would make you “empty the money from your pocket, make you sell the watch off your wrist, the clothes off your back;” DEA special agent Robert Stutman
even claimed it would make you “kill your mother.” One of the most memorable phrases that was popularized during this 1980’s drug hysteria was “crack babies.” This referred to babies who were born to mothers who were addicted to crack during their pregnancy. Although there was no scientific evidence of a direct correlation, there was a consensus in the medical field that these babies would endure irreversible damage for the rest of their lives because of their predisposition to drugs. These claims have since been refuted but the mere idea that young children were involuntary drug addicts caused so much panic that it led to public policies that resulted in mothers losing their children and facing criminal charges. This type of coverage was not only occurring in large cities, there were also reports that crack use was spreading from major cities like New York and Los Angeles to small towns, which incited fear amongst people living in isolated areas who most likely would not experience first-hand the impact of the drug epidemic.

“Virtually all major magazines, newspapers, and TV networks repeated the same wild, unsubstantiated claims about instantaneous addiction dozens of times from 1986 to 1992, although they reached a particularly feverish pitch during the election seasons of 1986 and 1988.”

Politicians also popularized certain phrases and messages that highlighted the urgent need for political action. Of the most common messages was the importance of

---

47. Ibid.
deterring young people from using or selling crack cocaine. However, there was no available statistics that could validate political claims of increased crack use among the youth, in fact, the only thing that was known at the time was that most Americans were unaware about crack until Tom Brokaw’s May 1986 claim that it was America’s drug of choice. Also, only a small percentage of people who tried powder cocaine also used it in crack form.\footnote{Craig Reinarman and Harry G. Levine, “Crack in the Rearview Mirror: Deconstructing Drug War Mythology,” 187.} Once again, with no evidence of the drugs rampant use throughout cities and towns in America, politicians on both sides continuously referred to the introduction of crack cocaine as an epidemic which usually connotes a contagious disease that is spreading rapidly across all of society.\footnote{Ibid.} Along with the claim that politicians were protecting young children from the scour of drugs in their neighborhoods was the claim made popular in the media that newborn babies were at risk as well. As a result, politicians passed laws that required routine drug testing of women in public hospitals which led to an increase in arrest of poor women of color.\footnote{Craig Reinarman and Harry G. Levine, “Crack in the Rearview Mirror: Deconstructing Drug War Mythology,” 194.} Another important claim by the media and politicians was that crack was so addictive that it directly correlated to acts of crime and violence, often referred to as “crack-related crimes.” However, one study found that of the of the 414 homicides in New York City in 1988 that the police defined as drug-related, only 7.5% were said to be the result of the drugs effect on the brain and in most cases the drug was alcohol. They also found that only about two percent of the

50. Ibid.
drug-related homicides were caused by crack users seeking money to support their habit.\textsuperscript{52} Despite the fact most of the public had no personal experience with the use of crack cocaine or had ever had any interaction with the drug, politicians of both parties, “armed with such compelling villains and victims as additional ammunition, waged their war on drugs, scoring electoral points by passing harsh new laws against crack cocaine.”\textsuperscript{53}

The politicization of crack cocaine was a tactic used by both political parties in almost every politician’s platform beginning in the Nixon era. However, it was not until the 1980’s that the desire for each party to appear tough on crime was heightened. Specifically, with President Reagan forcing the drug issue and creating mass hysteria, Democrats were compelled to respond to recapture their constituents who had begun to shift to the Republican party because of their views on the importance of addressing the crack cocaine epidemic. In fact, much of the early work done in creating the drug scare in 1986 came from Democrats attempting to not appear soft on crime.\textsuperscript{54} Eric Sterling, a former lawyer for the House of Judiciary Committee made a statement in 1999 that Democrats were given one month to create an anti-drug agenda and without any hearings or consultation with the Bureau of Prison, DEA, or Department of Justice (DOJ) to understand the implication of a punitive policy that included mandatory minimums,

\textsuperscript{52} Craig Reinarman and Harry G. Levine, “Crack in the Rearview Mirror: Deconstructing Drug War Mythology,” 190.
\textsuperscript{54} Craig Reinarman and Harry G. Levine, \textit{Crack in America: Demons Drugs and Social Justice}, 39.
Democrats introduced the ADAA of 1986 with almost no conflict from the public or politicians from either party.\textsuperscript{55} “In essence, the careful, deliberate procedures of Congress were set aside in order to expedite passage of the bill.”\textsuperscript{56}

The death of college basketball star Len Bias, during a mid-term election year, was one of the major catalysts for the push by Democrats to pass the ADAA that would target crack cocaine. When Len Bias was found dead from an apparent drug overdose just two days after being selected second for the NBA draft, many in Congress and the public immediately assumed that he died from a crack cocaine overdose.\textsuperscript{57} Apart of this assumption was due to the association between crack cocaine, race, and the likelihood of death that was constantly being pushed to the public. It was easy to believe that a young Black man overdosed on crack because there was a general perception that death was an inevitable side effect of using the drug. Although it was later discovered that Bias died from a cocaine overdose, this incident was used by the media and politicians to amplify the need to address this drug epidemic with a strict drug policy. According to Sterling, former Democratic Speaker of the House, Tip O'Neill, focused on Bias’ death as an election issue and called for the drug bill knowing that the basketball player’s death along with existing fears about the epidemic would allow for the racially biased legislation to

\begin{footnotes}
\item[57] Eric Sterling, interview, \textit{Frontline}.
\end{footnotes}
be passed with ease.\(^{58}\) Criminal Law scholar, Sanford Kadish, describes this process of federal overcriminalization.

How it happens is familiar enough from watching the enactment of state criminal laws. Some dramatic crimes or series of crimes are given conspicuous media coverage, producing what is perceived, and often is, widespread public anxiety. Seeking to make political hay, some legislator proposes a new law to make this or that a major felony or to raise the penalty or otherwise tighten the screws. Since other legislators know well that no one can lose voter popularity for seeming to be tough on crime, the legislation sails through in a breeze.\(^{59}\)

The phrase “tough on crime” was used heavily during the 1980s and 1990s to justify harsh political action from Democrats and Republicans who sought to implement these punitive policies. To avoid being seen by their electorate as “soft on crime,” legislators refused to argue against such policies. As one House staff member recalled, “Much of the standard procedure was circumvented.”\(^{60}\)

**Anti-Drug Abuse Act of 1986**

The ADAA was introduced to the House on September 8, 1986 and signed into law by President Reagan on October 27, 1986. After signing the legislation Reagan gave a nationally televised speech discussing the importance and urgency of the act. During his remarks, Reagan made several statements that once again demonized drug users and conveyed to the public the idea that these people were a menace to society and the public must fight against them to maintain American values.

\(^{58}\) Ibid.


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. We must be intolerant of drug use and drug sellers...The American people want their government to get tough and to go on the offensive. And that's exactly what we intend, with more ferocity than ever before...United, together, we can see to it that there's no sanctuary for the drug criminals who are pilfering human dignity and pandering despair.\textsuperscript{61}

This act was the single most important piece of legislation to arise from the 1980’s War on Drugs. It set aside $1.7 billion to combat drugs, established mandatory minimums, and most importantly created a 100:1 sentencing disparity for crack to powder cocaine which resulted in harsher sentencing for minority populations.

The money allotted to fight this war focused much more on law enforcement efforts and very little on education and rehabilitation. Although some block grants were given for drug treatment, these efforts were inadequate to sufficiently support rehabilitation programs. In fact, of the $1.7 billion set aside, only $231 million went to treatment, education, or prevention efforts. Most the funding was provided to agencies such as the DEA and the maintenance or building of courts and prisons.\textsuperscript{62} Section 1451 of the ADAA lays out how much of the funding was allocated for the drug war.

\begin{enumerate}
  \item (a) There is authorized to be appropriated for fiscal year 1987 for the Department of Justice for the Drug Enforcement Administration, $60,000,000; except, that notwithstanding section 1345 of title 31, United States Code, funds made
\end{enumerate}


available to the Department of Justice for the Drug Enforcement Administration in any fiscal year may be used for travel, transportation, and subsistence expenses of State, county, and local officers attending conferences, meetings, and training courses at the FBI Academy, Quantico, Virginia.

(b) The Drug Enforcement Administration of the Department of Justice is hereby authorized to plan, construct, renovate, maintain, remodel and repair buildings and purchase equipment incident thereto for an All Source Intelligence Center, but the existing El Paso Intelligence Center shall remain in Texas."

(c) There is authorized to be appropriated for fiscal year 1987 for the Department of Justice for the Federal Prison System, $124,500,000, of which $96,500,000 shall be for the construction of Federal penal and correctional institutions and $28,000,000 shall be for salaries and expenses.

(d) There is authorized to be appropriated for fiscal year 1987 for the Judiciary for Defender Services, $18,000,000.

(e) There is authorized to be appropriated for fiscal year 1987 for the Judiciary for Fees and Expenses of Jurors and Commissioners, $7,500,000.

(f) There is authorized to be appropriated for fiscal year 1987 for the Department of Justice for the Office of Justice Assistance, $2,000,000 to carry out a pilot prison capacity program.

(g) There is authorized to be appropriated for fiscal year 1987 for the Department of Justice for support of United States prisoners in non-Federal Institutions, $5,000,000.

(h) There is authorized to be appropriated for fiscal year 1987 for the Department of Justice for the Offices of the United States Attorneys, $31,000,000.

(i) There is authorized to be appropriated for fiscal year 1987 for the Department of Justice for the United States Marshals Service, $17,000,000.

(j) Authorizations of appropriations for fiscal year 1987 contained in this section are in addition to those amounts agreed to in the conference agreement reached on Title I of H.J. Res. 738.

(k) In addition to any other amounts that may be authorized to be appropriated for fiscal year 1987, the following sums are authorized to be appropriated to procure secure voice radios: Federal Bureau of Investigation, $2,000,000; Secret Service, $5,000,000.63

Because there was such a great sense of urgency to clear the streets of drug users and sellers, the $1.7 billion spent to fund the drug war was accepted as a necessary means to

destroy the evil of drugs in the country. At this stage in the drug war there was little
debate about the amount of money being spent on the issue, every amendment that
authorized more funds was approved and every amendment that was proposed to reduce
these funds were rejected. 64

Another significant element of the ADAA were mandatory minimums. These
sentencing guidelines are immensely important because these were a response to public
fears established through media sensationalism and falsehoods that claimed that crack
was so dangerous that the selling of the drug was equivalent to murder and thus needed
strict sentencing. The legislation set five year mandatory minimums for the sale of small
amounts of drugs which significantly impacted drug users, and ten years to life for
anyone convicted of possession with intent to distribute large quantities. 65 Elected
officials like Rep. Charles Rangel used his leadership in the Congressional Black Caucus
to persuade other Black officials to support these types of “tough on crime” legislation
and convince their constituents, mostly in urban areas, that they were in extreme danger
because of the surge of crack cocaine. While the Black communities were the most
heavily effected, they continued to support these punitive tactics. This is crucial because
the support for War on Drugs amongst the Black community shows the effectiveness of
the media and politicians. As previously stated, first-hand experience or familiarity
usually allows individuals to rely less on external outlets for information and form more

informed points of views, however, Blacks living in these areas were just as influenced by the images being shown in the media and the front-page stories as those living on the outskirts. As chairman of the House Select Committee on Narcotics Abuse and Control, Rep. Rangel wrote a piece to the New York Times where he urges his constituents and other officials to put pressure on leaders to “make the drug problem a priority issue on the national agenda…get a coordinated national battle plan that would include the deployment of military personnel and equipment to wipe out this foreign-based national security threat. Votes by the House and more recently the Senate to involve the armed forces in the war on drugs are steps in the right direction.” Rep. Rangel used his support to push for mandatory minimums and prison funding with great support from his Harlem constituents.

Not only were mandatory minimums supported and passed with ease at the federal level but, states with democratic and republican leaders both signed into law mandatory minimum sentence requirements. For example, in New Jersey a bill was approved that imposed a prison term of at least five years for selling hard drugs like crack cocaine, heroin, or LSD to minors or selling within 1,000 feet of a school. The bill, referred to as Committee on Law, Public Safety and Defense (an act to amend the “New Jersey Controlled Dangerous Substances Act,”) was sponsored by former Democratic

mayor, Senator Frank Grave Jr., who also pushed for the death sentence claiming that he would have drug dealers hanged in front of city hall for such drug offenses. He urged that "we're going to lose 1,000 kids a week' to drugs" if the bill was not passed. Another senator, Joseph Bubba stated, "I don't think the bill goes far enough" and argued for even stricter penalties. Most of the elected officials like Senators Graves and Bubba who were publicly tough on crime were easily reelected by their constituents. Continuous media coverage that warned the public about the consequences of drugs helped politician win reelection because the public believed that these tough measures were necessary to ensure safety in communities and protect children from drug pushers and addicts.

Arguably the most controversial element of the ADAA was the 100:1 sentencing ratio between crack and powder cocaine. This established a minimum prison sentence of five years for a defendant possessing five grams of crack cocaine or 500 grams of powder cocaine. Thus, an individual convicted of having 100 times the amount of crack cocaine received the same minimum sentence. This disparity had significant racial implications because crack cocaine was found in urban areas where Blacks resided while powder cocaine, a more expensive form of the same drug, was more prevalent in White communities. Politicians argued that this distinction was necessary because crack was far more dangerous and deadly. Media outlets supported these claims with new specials like 48 Hours on Crack Street and front-page articles about people who overdosed on crack

68. Ibid.
69. Ibid.
and crack babies. Supporters of the bill continuously made numerous claims about the instantaneous addiction and propensity for violence caused by the drug.

Statement of Sen. Chiles: “Crack can turn promising young people into robbers and thieves, stealing anything they can to get the money to feed their habit.”

Statement of Sen. Chiles: “Because of the especially lethal characteristics of this form of cocaine… crack can be bought for the price of a cassette tape and make people into slaves.”

Statement of Sen. Chiles: “We find again once people are hooked, all they can think about is staying high, that euphoria which they get, but there is a corresponding down that is just as deep in its trough as the high is at the crest of the wave. And so, we find that people, when they are addicted, will go out and steal, rob, lie, cheat, take money from any savings, take refrigerators out of their houses, anything they can get their hands on to maintain that habit. That, of course, has caused crime to go up at a tremendously increased rate in our cities and in our States – the crimes of burglary, robbery, assault, purse snatching, mugging, those crimes where people are trying to feed that habit. Our local police and our sheriffs have found themselves unable to cope with the crime…”

Statement of Sen. Chiles: “If you try it once, chances are that you will be hooked. If you use it up to three times, we know that you will become hooked, and it is the strongest addiction that we have found.”

Statement of Rep. James Traficant: “Crack is reported by many medical experts to be the most addictive narcotic drug known to man.”

Statement of Rep. LaFalce: “Crack is thought to be even more highly addictive than other forms of cocaine or heroin.”

72. Ibid.
73. Ibid.
74. Ibid.
75. Ibid.
Statement of Rep. LaFalce: “While a gram of cocaine sells for at least $100, two small pieces of crack, or enough to get three people high can be purchased in almost any American city for about $10.”

Statement of Sen. Gary Hart: “Then along came crack-cocaine – and the high was available to all. So too, however, were the lows: The raging paranoia, the addiction rooted deep in the brain’s chemical structure, and worst, the senseless deaths.”

Statement of Sen. Leahy: “Crack is available to the young, and it will be in the schools this fall. I have heard stories of children as young as nine who are already crack users. The sellers also use these children as lookouts and as workers in houses that manufacture crack.”

Statement of Rep. Rangel: “What is most frightening about crack is that it has made cocaine widely available and affordable for abuse among our youth.”

These types of statements were used to invoke fear and moral panic throughout all cities and towns across the nation. Along with the political rhetoric were nightly news network using the same language. CBS correspondent Harold Dow’s introduction to a news story where he asserted that crack will “empty the money from your pocket, make you sell the watch off your wrist…” is similar to Senator Chiles’ statement “…and so we find that people, when they are addicted, will go out and steal, rob, lie, cheat, take money from any savings, take refrigerators out of their houses, anything they can get their hands on to maintain that habit.” This is significant because people rely heavily on their government officials as well as the media to provide accurate information about the economic, social, political, and social implications of drug use.

77. Ibid.
78. Ibid.
79. Ibid.
and political climate of the country. If the discourse is emphasizing the threat of drugs on the moral fabric of America, citizens are likely to believe this even if it may be over exaggerations.

The War on Drugs under President Reagan’s administration peaked in 1986 with the ADAA and other state legislation that established criminal justice efforts to combat drugs. While the number of arrest and imprisonment had begun to rise, and continued to increase in 1987, the media and political discourse during that time focused less on crack cocaine. However, with elections approaching in 1988, the issue of drugs returned to the forefront. Once again, nightly news was talking about the perils of crack and the destruction of the family unit. In April of 1988 ABC aired a news special report that described crack as a plague that was “eating away at the fabric of America.” Without providing evidence, the documentary made claims that Americans were spending $20 billion a year on cocaine, American businesses were losing $60 billion a year in productivity because their workers were addicted to drugs, students who used drugs were undermining the education system, and the family was disintegrating.  

Also, the Washington Post ran over 1,500 stories over a one year period about the drug crisis. Because of this media resurgence, there was another strong push for criminal legislation. In 1988, the ADAA was amended whereby penalties involving children were enhanced and Congress established new five-year mandatory minimums for first time

offenders convicted of possession of five grams of crack; crack cocaine was the only drug that required mandatory minimums for first convictions.\textsuperscript{82}

\textit{Post Anti-Drug Abuse Act of 1986}

After Reagan’s presidency, the War on Drugs persisted under each new administration and every president until President Obama contributed to the tough legislation that led to mass incarceration. Beginning with George H.W. Bush’s address to American citizens where he showed a bag of crack cocaine that was allegedly seized by drug enforcement agents at a park directly across from the White House. He did this to emphasize the recklessness of drug pushers as well as the belief that crack cocaine had reached every area in the nation, including the nation’s capital. He proclaimed, “Our most serious problem today is cocaine, and in particular, crack…It’s as innocent looking as candy but it’s turning our cities into battle zones and murdering our children, let there be no mistake, this stuff is poison.”\textsuperscript{83} The president then talked about his plans to more than double federal assistance to law enforcement across the country so that the justice system could adequately fight this war and declare “victory over drugs.”\textsuperscript{84} The image of President Bush holding a bag of crack cocaine had been on the front page of major newspapers in

\begin{flushright}
\begin{itemize}
\item \textsuperscript{82} Anti-Drug Abuse Act of 1988, H. Res. 5210, 100th Cong., 2d sess. (November 18, 1988), 6454-6459.
\item \textsuperscript{83} George Bush: "Address to the Nation on the National Drug Control Strategy," September 5, 1989, online by Gerhard Peters and John T. Woolley, \textit{The American Presidency Project}, \url{http://www.presidency.ucsb.edu/ws/?pid=17472}.
\item \textsuperscript{84} Craig Reinarman and Harry G. Levine, \textit{Crack in America: Demons Drugs and Social Justice}, 22.
\end{itemize}
\end{flushright}
almost every city across the country. Once again, politicians used the media as the
driving mechanism for their scare tactics.

Shortly after the president’s national address to citizens, newspapers published
stories describing how President Bush’s address was an orchestrated attempt to
exaggerate the pervasiveness of crack cocaine in the country. White House and DEA
officials admitted that the bag of crack cocaine seized from the park across from the
White House had been a prop used to deliberately mislead the public to promote the War
on Drugs and gain support for criminal legislation and increased funding proposed by the
president during his speech. Because there was still no statistical evidence to support
their claims that crack had reached every corner of the nation, these scare tactics were
essential in creating public support for criminal legislation. “As a result of Bush’s
performance and all the other antidrug publicity and propaganda, in 1988 and 1989, the
drug war commanded more public attention than any other issue.” After this address, a
poll of the nation revealed that 64% of people believed that the most important issue was
the drug war, a sharp increase from 1985 when only 1% of the population mentioned
drugs. Because of public fear, there was consensus to pass new antidrug laws that would
increase spending.

85. Ibid.
86. Ibid.
87. Craig Reinarman and Harry G. Levine, Crack in America: Demons Drugs and Social Justice, 23.
By the end of George H.W Bush’s presidency, the drug war had made its way back to the national stage with the presidential campaigns approaching. Democratic candidate Bill Clinton campaigned as a fierce advocate for tougher legislation. Clinton won the presidency against incumbent George H.W Bush partly because of his claims to be even tougher on criminals than Republicans. Although he also campaigned for more drug treatment and education, President Clinton continued to perpetuate the drug war by passing measures such as the 1994 Violent Crime Control and Law Enforcement Act which included a “three strikes rule” that sent three-time offenders to prison for life, more mandatory minimums for crack cocaine, increased funding for prisons and states that severely punished offenders etc.89

By the peak of Clinton’s presidency, sentences were three times longer for crack cocaine than powder. Between 1992 to 1996, the number of people convicted of powder cocaine crimes had declined 35% while crack convictions (more than 80% of whom were black) increased by 89%. This bill ultimately passed and was supported by phrases repeated in the media such as “super predator.” The myth of the super predator brought about fears that juveniles were dangerous and impulsive predators who could kill or rape anyone with no remorse. The media brought certain types of crimes to public attention, specifically drug and gang related, to feed these fears; influencing public perception, thereby influencing public policy. Author Brian Hansen, suggests that politicians and the

media are responsible for the public being misinformed about the way the juvenile
system works which leads to policies that do more harm than good.\textsuperscript{90}

In 1995, the USSC made recommendations to the Congress to modify the 100:1
sentencing disparity between crack and powder cocaine citing that, “under some criteria,
crack offenses deserve lengthier punishment than powder offenses, but on other criteria
differential treatment could not be justified.”\textsuperscript{91} However, lawmakers refused to accept the
suggestion and passed legislation to decline any sentencing changes. President Clinton
signed it and defended his actions by arguing that “trafficking in crack, and the violence
it fosters has a devastating impact on communities across America, especially inner-city
communities...Tough penalties for crack trafficking are required because of the effect on
individuals and families, related gang activity, turf battles and other violence.”\textsuperscript{92} Similar
to former presidents Reagan and Bush, Bill Clinton and other elected officials used the
media to over exaggerate the rate of drug use in the nation and created public panic to
pass legislation that targeted the Black community.

More recently there has been a shift in how media and politicians portray the
current heroin and opioid epidemic. Beginning in the early 2000’s there was a sudden

\textsuperscript{90} Brian Hansen, “Kids in Prison: Are the states too tough on young offenders?” \textit{The CQ

\textsuperscript{91} United States Sentencing Commission, “Report to the Congress: Cocaine and Federal

\textsuperscript{92} William J. Clinton: "Statement on Signing Legislation Rejecting U.S. Sentencing Commission
attempt to address drugs in a more compassionate manner. Due to the increase in fatality rates within the White population, specifically young White males, the discourse surrounding drug addiction has focused heavily on prevention, education, and treatment. Republicans have been the warriors behind this change in tactics, arguing that focusing on rehabilitation and preventative programs is not being “soft on crime,” but being more understanding about the ineffectiveness of a criminal justice approach to a health issue. Because of this shifting ideology, we have begun to see more support for legislation that serves to treat drug addicts as victims of a substance abuse disease. Not only are politicians supportive of such legislation but the public sentiment has changed from one that feared and demonized users to one that views them as human beings with potential to become productive members of society.

A part of this shifting approach is due to how media, in all forms, has portrayed White addicts. Outlets such as documentaries like Heroin in the Heartland or personal blogs on Huffington Post told the stories of young teens and adults becoming addicted to prescription pain killers after an accident and then becoming hooked on heroin. They take away accountability for the addicts and place the blame on pharmaceutical companies and Mexican cartels. By doing this, it makes it easier to victimize the addicts and draws more compassion than disdain for their predicament; no such leniency and sympathy was granted to Blacks who used crack cocaine. Even now we still see a refusal amongst politicians who support prevention and rehabilitation efforts for heroin and opioid to support the same efforts for crack cocaine.
The Drug Addiction Treatment Act of 2000 (DATA) was one of the earliest pieces of legislation that sought to change the perception of the War on Drugs. This act allowed licensed professionals to prescribe or dispense drugs to treat opioid dependency from their private offices, which was intended to promote more desirable treatment options for patients who do not wish to get help from treatment clinics.\textsuperscript{93} DATA is arguably the first piece of legislation in this new approach to show how White privilege remains prevalent in every sector of society. While Blacks publicly endured criticism for their addiction and were provided with very little opportunities to seek treatment, legislation was passed for Whites to not only get treatment but do so in the privacy of a doctor’s office. Since DATA was passed there has been numerous conversations about drugs amongst politicians and several legislative acts that have impacted the White community the most.

\textbf{Comprehensive Addiction and Recovery Act of 2016}

One of the most recent bills to become law, CARA, seeks to raise awareness about the dangers of drugs and implement treatment alternatives to incarceration. Like much of the media coverage of the heroin epidemic, the language in this policy focuses on drug abuse as a mental disorder and proposes ways to develop and support facilities that help treat users. Overall, CARA seeks to change the perception about what drug addiction is and who can be a drug user. The act first discusses recent findings about

\textsuperscript{93} Drug Abuse Treatment Act of 2000, H. Res. 2634, 106\textsuperscript{th} Cong., 1\textsuperscript{st} sess., (July 27, 2000).
heroin and opioid use in the nation, making several statements similar to statements made in the many media outlets. For example,

The supply of cheap heroin available in the United States has increased dramatically as well, largely due to the activity of Mexican drug trafficking organizations. The Drug Enforcement Administration (commonly known as the “DEA”) estimates that heroin seizures at the Mexican border have more than doubled since 2010, and heroin production in Mexico increased 62 percent from 2013 to 2014. While only 8 percent of State and local law enforcement officials across the United States identified heroin as the greatest drug threat in their area in 2008, that number rose to 38 percent in 2015.94

This attempt to make Mexican cartels responsible for the epidemic of drug use in White rural areas has been a popular sentiment reinforced in the media. In fact, during the presidential elections Donald Trump fed into this sentiment by demonizing Mexicans. He described them as criminals who came to the country with drugs and ruined the morale of the country. Those living in White rural areas bought into this characterization and Donald Trump won the presidency feeding into the fears of his base.

By taking away responsibility from the users, this allows for alternatives to incarceration. Like the LEAD program discussed in Chasing Heroin, CARA introduces initiatives that allow law enforcement agents to direct drug addicts to treatment facilities instead of arresting them: “Diverting certain individuals with substance use disorders from criminal justice systems into community-based treatment can save billions of dollars and prevent sizeable numbers of crimes, arrests, and re-incarcerations over the course of those individuals’ lives.”95

95. Ibid.
TITLE II—LAW ENFORCEMENT AND TREATMENT
SEC. 201. TREATMENT ALTERNATIVE TO INCARCERATION PROGRAMS.

PROGRAM AUTHORIZED.— The Secretary of Health and Human Services, in coordination with the Attorney General, may make grants to eligible entities to—
(1) develop, implement, or expand a treatment alternative to incarceration program for eligible participants, including—
(A) pre-booking, including pre-arrest, treatment alternative to incarceration programs, including—
(i) law enforcement training on substance use disorders and co-occurring mental illness and substance use disorders;
(ii) receiving centers as alternatives to incarceration of eligible participants;
(iii) specialized response units for calls related to substance use disorders and co-occurring mental illness and substance use disorders; and
(iv) other pre-arrest or pre-booking treatment alternative to incarceration models; and
(B) post-booking treatment alternative to incarceration programs, including—
(i) specialized clinical case management;
(ii) pretrial services related to substance use disorders and co-occurring mental illness and substance use disorders;
(iii) prosecutor and defender based programs;
(iv) specialized probation;
(v) programs utilizing the American Society of Addiction Medicine patient placement criteria;
(vi) treatment and rehabilitation programs and recovery support services; and
(vii) drug courts, DWI courts, and veterans treatment courts; and
(2) facilitate or enhance planning and collaboration between State criminal justice systems and State substance abuse systems in order to more efficiently and effectively carry out programs described in paragraph (1) that address problems related to the use of heroin and misuse of prescription drugs among eligible participants.96

One of the reasons these program initiatives have become popular is because the idea of who can be an addict has changed. Previously, the image of a drug addict was often a poor Black person from the inner city, then it was much easier for White politicians to demonize people who they did not look like or communities that they did

96. Ibid.
not come from. Now that the image has changed and we are seeing more White people die from drug overdoses, those politicians can now draw connections between their children or relatives and the addicts. CARA explicitly describes addiction as a disease and even goes as far as explaining how mental illness plays a significant role in an individual’s likelihood of becoming addicted.

Substance use disorders are a treatable disease. Discoveries in the science of addiction have led to advances in the treatment of substance use disorders that help people stop abusing drugs and prescription medications and resume their productive lives.  

Individuals with mental illness, especially severe mental illness, are at considerably higher risk for substance abuse than the general population, and the presence of a mental illness complicates recovery from substance abuse.

Senators and Congressmen from the Republican party have spoken out about personal experiences dealing with family members who suffer from addiction. During the presidential elections, several Republican candidates advocated treating the growing heroin epidemic as a health crisis. New Jersey Governor Chris Christie compares the vital importance to treat drug addicts with treatment similar to cancer treatment centers for people like his mother dealing with cancer from cigarettes. No one came to me and said, ‘Don’t treat her; she got what she deserved,’ We need to start treating people in this

97. Ibid.
98. Ibid.
country, not jailing them.\textsuperscript{100} Another 2016 candidate, Ohio Governor John Kasich, signed legislation in his state to make naloxone, which counter acts the effects of a heroin overdose, available without a prescription, claiming that “no one is too far gone to save.”\textsuperscript{101} These statements by politicians and in the media, have been effective in changing public perception about drugs. Most Americans now believe that the War on Drugs needs to become a public health initiative instead of a criminal one. Also, many now see drug addiction as a disease that requires medical and mental attention. This has led to almost unanimous support for legislation like CARA.

\textsuperscript{100} Ibid.  
CHAPTER V

CONCLUSION

With new forms of media continuously being developed, there is a constant need to research the agenda and tactics of those responsible for the information being disbursed to the public. Today, there are numerous ways for opinions to be heard by many people which may benefit those communities who have historically had little to no access to the media as a resource. Although these outlets such as online blogs, social media sites including Facebook or Twitter have a smaller impact on policy making decisions, they have the potential to sway public opinions or provide alternative views to the ones provided in more established media. The problem with these forms of media is that much of the information or views are based on stories that come from the major news outlets which, again, brings about the issue of selective coverage.

As previously stated, the media has always had a significant impact on the way the public views social issues. Historically, these media outlets from newspapers, radio, and television have played a key role in reinforcing racial stereotypes which has allowed for the passage of legislation that feed into these stereotypes. During the 1980’s the public called for longer prison sentences, now there is a strong push for treatment initiatives. When the users were mostly Black there was a habit of victim blaming, they made the decision to use drugs and are responsible for the punishment that they endure.
Now, external sources like pharmaceutical companies and drug dealers are being held accountable for causing addiction to opioids and heroin. These distinctions between the drugs and the people who use them resulted in the ADAA and CARA. These policies are examples of how the racialization of the drug epidemic has led to very different approaches to the War on Drugs.

Despite an overwhelming shift in attitudes amongst politicians within both political parties, there remains a degree of disdain for users whose drug of choice is crack cocaine. Because of the lack of interest in addressing this drug, this gentler approach to the War on Drugs has done very little to curb the negative impact it has had on Black people in the county. In fact, many of the federal drug policies that came out of the 1980’s and 1990’s drug hysteria remains intact. Although the USSC has made several recommendations to reduce federal mandatory minimums for drug offenses, no such repeals have been made and although the 100:1 sentencing disparity for crack and powder cocaine has been reduced to 18:1, this has done very little to put a dent in the rate of incarceration for minorities. The legislation that has been passed recently to try to remedy some of the negative consequences that came out of the drug war have made no mention of crack cocaine, each policy has specifically focused on opioid and heroin abuse. This means that there continue to be people in prison serving unjust sentences for non-violent drug crimes. According to the UCR, there are still a disproportionate number of Blacks under correctional control than Whites.

While there were significant changes made under the Obama administration with Attorney General Eric Holder taking a smarter approach to address the failings of the
War on Drugs that began in the 1980’s, there is a new concern amongst advocates who continue to fight to end the unjust sentencing policies. Under the new White House administration there has been a desire to reignite this War on Drugs and once again be “tough on crime.” As attorney general and head of the DOJ, Jeff Sessions is fighting hard to return to a harsher federal approach and reverse the changes Eric Holder made such as not enforcing federal laws that would require mandatory minimums for low level drug offenders. Instead, Sessions has given the go ahead to federal prosecutors to increase prosecution of low level offenses and to rely on mandatory minimums to leverage plea deals.\(^1\) Along with encouraging federal law enforcement to be tougher on crime, Sessions appointed Steven Cook as a top lieutenant in the DOJ. As a former police officer and federal prosecutor, Cook has dedicated his career to fighting crime using a punitive approach that focuses on arrest and long prison sentences, citing the raid of a Chattanooga crack ring in 1991 as one of the cases that he was proudest to work on.\(^2\) He has dismissed the idea of a non-violent drug offender, arguing that “drug trafficking is inherently violent. Drug traffickers are dealing in a heavy cash business. They can’t solve dispute in court. They resolve the disputes on the street, and they solve them through violence.”\(^3\) According to Cook, the only appropriate way to combat this issue is by


\(^3\) Ibid.
“filling the prisons with the worst of the worst.” This view is strikingly similar to the views of many politicians who supported the War on Drugs in the 1980’s. Both Sessions and Cook have been travelling the country making these claims about the dangers of the drug trade in an effort to once again build public support for the harsh approach to the drug war.

Although there has been research that has proven that the old approach has done far more damage than good, Cook stated that “the federal criminal justice system is not broken, in fact it’s working exactly as designed.” Therefore, the mass incarceration of Black men and women is simply a part of the function of the criminal justice system. Cook and Sessions have both argued that the drug war started under President Reagan was successful, and believe that since Obama’s new approach the rate of crime has spiraled up across the country. Despite evidence that crime has reached historic lows, Jeff Sessions has used the spike in homicide in the city of Chicago to claim that this represents a “dangerous new trend.” These attempts to create panic about the rate of violence increasing in the nation is an identical tactic used in the media and amongst politicians who argued that crack would “make you kill your mother.”

Not only have Sessions and Cook spoke openly about their support for a tough on crime approach, they have actively fought against efforts to reduce some of the harm that this war has caused. As Senator of Alabama, Sessions argued against a bipartisan bill that

4. Ibid.
5. Ibid.
6. Ibid.
would have made criminal justice reform a reality; reducing some of the mandatory minimum sentences for guns and drug crimes, granting more discretion to judges during sentencing, and making retroactive the law that reduced the sentencing disparity between crack and powder cocaine.\(^7\) During his testimony against the bill, Sessions argued that “Violent crime and murders have increased across the country at almost alarming rates in some areas. Drug use and overdoses are occurring and dramatically increasing…It is against this backdrop that we are considering a bill…to cut prison sentences for drug traffickers and even other violent criminals, including those currently in federal prison.”\(^8\) Cook also testified against the bill stating that it was “the wrong time to weaken the last tools available to federal prosecutors and law enforcement agents.”\(^9\) After Sessions testimony, Senate Majority Leader Mitch McConnell ultimately pulled the bill before it could reach the Senate floor. This type of action by the new head of the DOJ signals a new step in the old direction for the drug war. In a memo sent to prosecutors throughout the nation, Sessions told them to use “every tool we have” to maintain the harsh policies and sentencing of Reagan’s War on Drugs.\(^10\)

This research is significant because the recent changes to the DOJ may reverse the bipartisan efforts that have recently been made to reduce mass incarceration and create fairer sentencing policies. Under Attorney General Jeff Sessions there is a fear that his approach will cause even more damage to the Black community. Diligent efforts must be
made to address the underlying biases that exist within this new White House administration. This research also addresses the root issue of White privilege in the criminal justice system and how that translates to public policies with heavy racial implications. Although the conversations around the concept of White privilege are beginning to be addressed, there are still serious issues of racial biases that play itself out through media coverage. Media outlets continues to perpetuate negative racial stereotypes of the Black community; criminalizing addicts who use crack cocaine and not granting them the same understanding as to the root causes of drug addiction. Even when Black people are the victims of crime, the media will often show mugshot photos and this feeds the idea that Blacks are inherently criminal. The media has created mass hysteria based on unfounded claims that Blacks are prone to criminal behavior which leads to policies that do serious damage to the Black community. Until we make the connection between media perpetuation of racial stereotypes and the implementation of public policies, no matter what legislation is created to lessen the blow of the War on Drugs, it will not be effective in creating significant change.
BIBLIOGRAPHY


