

To what extent did the policies implemented by the War on Drugs negatively impact African American communities in the urban United States during the late 20th century?

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Introduction

The War on Drugs served as one of the most influential sociopolitical conflicts of the 20th century. While the war may have been initiated with the goal of decreasing drug use, it quickly spiraled into a conflict that fundamentally altered the fabric of the criminal justice, policing, and legal systems in the United States. Legislative action undertaken at both the state and federal level regularly implemented more stringent sentencing guidelines as prominent political figures called for drastic action to curb the epidemic of drug use in America. Routinely, action came in the form of harsher punishments and increased policing that perpetuated and worsened systemic inequalities towards African Americans. Although the punitive nature of the War on Drugs began to wane throughout the early 21st century, the negative economic, social, and political impacts instigated throughout the conflict continue to be felt by African American communities taken under its grasp.

Possibly the most striking aspect of the War on Drugs was the racial disparity present in the frequency of arrests and severity of sentences between white and African American populations. Nearly every law introduced saw a significantly

higher proportion of African Americans imprisoned, with those individuals serving markedly longer sentences than white offenders. In many ways, the prison industrial complex ushered in by drug legislation represented a natural continuum of the societal oppression faced by African Americans in the United States. Despite this, advocates argue that the reduction in drug consumption and violence seen in the 21st century validates the overall success of the War on Drugs. Regardless of this fact, the war and policies instituted therein continue to play a significant role in the lives of African Americans living in the United States.

The Origin of the War on Drugs

To understand the beginning of the War on Drugs, one must first understand the problems it was attempting to address alongside the historical context that spurred its creation. The widely recognized beginning of the War on Drugs was during a special message to Congress made by former President Richard Nixon on June 17th, 1971. In this speech, Nixon noted “present efforts to control drug abuse are not sufficient in themselves” and urged Congress to engage in a “full-scale attack on the problem of drug abuse in America” (Nixon). This address catalyzed a nationwide increase

in focus and funding on anti-drug rhetoric that disproportionately impacted African Americans, primarily due to the aggressive policing and sentencing of drug-related offenses within their communities.

Prior to the Congressional address, the Comprehensive Drug Abuse Prevention and Control Act of 1970 was passed, also under Nixon's administration. This act allowed for the consolidation of drug laws and the creation of a scheduling system that effectively decided which drugs became illegal. Some of the most frequently consumed drugs, particularly among African American communities, including marijuana, cocaine, and heroin, were classified as extreme danger schedule 1 drugs with a high potential for addiction (United States, Harley). This act, and the standardization system it introduced, laid the groundwork for future legislation that would aggressively punish drug users and dealers based on the classification of a given substance. Despite the racial parity of the law, disproportionate policing and steep penalties for reoffenders caused African American communities to be punished at a higher rate than others (Small).

A largescale congressional report investigating drug addiction in Vietnam veterans found that estimates of drug use in enlisted men ranged from 25 to 50 percent in certain units, drawing national attention to the widespread addiction of mostly white veterans. As a direct consequence of this report, the New York Times reported that some government officials were fearful of the danger that drugs presented to American society (Shuster). One month later, President Nixon, in his address to Congress, spoke of the negative criminal repercussions of addiction while simultaneously acknowledging the overwhelming

need for veteran rehabilitation, as opposed to imprisonment, following the Vietnam War (Nixon). This statement, alongside the Congressional report, presents the idea that crime and addiction served as the primary motivators for the War on Drugs. However, this disregards the racial undertones that contributed to Nixon's declaration.

A retrospective study created by Presidential Studies Quarterly identified that the Nixon administration had two primary demographic adversaries: African Americans and liberal counterculture youth. Throughout his time in office, Nixon slowed and, in some cases, opposed existing racial equality and civil rights legislation while also disapproving of the counterculture youth due to their lack of support for the Vietnam War (Graham). The approach to combating these enemies was made clear by John Ehrlichman, White House Counsel to Nixon throughout his administration, when he stated in a 1994 interview, "We knew we couldn't make it illegal to be either against the war or black, but by getting the public to associate the hippies with marijuana and blacks with heroin, and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course we did" (Baum). Although this statement may have been exaggerated by Ehrlichman due to his unceremonious departure from politics and prison term stemming from the Watergate Scandal, his words still exude the political will of the Nixon administration. These statements support the idea that the initiation and consequential legislation surrounding the War on Drugs was at least partially motivated by race. This set the stage for an array of sweeping legislation that disproportionately affected

African American communities.

Aggressive Sentencing and Mass Incarceration

The mass incarceration of minority groups, African Americans in particular, represented the largest direct impact of the War on Drugs. Laws emphasizing aggressive sentencing caused major social and economic upheaval in impacted areas due to the prolonged loss of community members and familial destabilization (Dunlap). One of the first aggressive sentencing laws, The Rockefeller Drug Laws, enacted in New York State in 1973, mandated a “minimum sentences of 15 years to life for possession of four ounces of narcotics”—the equivalent of a second-degree murder charge. Similar “Tough on Crime” laws began to appear in numerous states as the War on Drugs progressed through the 1970s and 1980s. For example, in 1978, Michigan passed its “650-lifer” law, which dictated mandatory life sentences for those convicted of delivering or possessing more than 650 grams of cocaine or heroin. On a similar note, Minnesota passed laws that forced four-year minimum sentences for crack cocaine possession in 1987 (Gray). Laws of the time lacked any rehabilitation or medical treatment for drug users, instead solely focusing on incarceration as opposed to the underlying dependencies that fueled addiction and drug use.

These laws immediately had an astounding impact, causing drug offenders to represent a peak of 35% of New York’s prison population in 1994 (Gray). The racial distribution of those convicted was disproportionately skewed towards African American males and other minority groups. In subsequent years, the ratio of African Americans to white individuals sentenced under the Rockefeller Drug Laws was an astounding 40:1. This racial trend is continued in convictions where “Blacks and Hispanics represented only 33% of the [New York City] population. Over 94% of the [Rockefeller

Drug Law] inmates were from these minorities, and approximately 78% came from [New York City]” (Drucker). This is in large part due to racially targeted policing strategies that placed officers in primarily black and Latino neighborhoods, leading to a disproportionate increase in arrests in these communities (Cooper).

In addition to racial disparities in policing, the tough on crime laws also created an unprecedented increase in prison populations throughout the nation. The Journal of Urban Health goes on to state that “in the period between 1974 and 2002, the NY State prison population rose by almost 500%—from 14,400 to 70,700 inmates, reaching a rate of 375 / 100,000 population—the highest incarceration rate in the state’s history” (Drucker). This is even though nearly 80% of drug offenders sent to prison in New York in 1999 had never been convicted of a violent crime. As a direct result of the Rockefeller Drug Laws and other federal mandates, New York began imprisoning more people for non-violent drug crimes than violent crimes, a large majority of which were from minority groups, particularly African Americans, from urban areas (Small).

Moreover, laws enacted nationwide removed the ability of judges to consider extenuating circumstances in sentencing and encouraged the use of undercover police to work in targeted communities and entrap drug users. All these challenges were compounded by inadequate legal representation provided by underpaid public defenders, which created an environment where poor black individuals were the primary victims of tough on crime laws (Drucker). This process wasn’t just seen in New York; as other states began to ramp up their drug policing and increase punishments, similar trends emerged (Gray). The effect of this mass incarceration was a loss in social stability, government assistance, and economic opportunity for the majority of impacted African

Americans, ultimately contributing to a cycle of impoverishment that affected individuals long after their sentence was served (Dunlap).

Continued Social and Political Support

The sharp increase in harsh sentencing laws and prison populations would somewhat stagnate during the Ford administration as the focus of the federal government shifted to drug prioritization during the tail end of the 1970s. A report ordered by Ford concluded that the government should focus its efforts on substances that pose the greatest risks and social costs to users, such as heroin and amphetamines, instead of drugs deemed less impactful, such as marijuana (Shabecoff). During his administration, President Ford even refused to publicly chastise his son, who had used marijuana in the past. This action furthered the racially biased narrative of drug use put forth by the previous administration (Nessen). When a veteran or white child used drugs, they were deserving of rehabilitation and treatment, whereas when an African American or minority used drugs, they were deemed criminal and subject to incarceration. This societal bias created a condition where inequalities could permeate throughout the policing and legal system independent of political and legislative action (Small).

Similar actions continued in the administration of Jimmy Carter from 1977 to 1981. Carter advocated for the decriminalization of marijuana possession at the federal level, alongside re-examining the penalties associated with cocaine possession. The progressive agenda attracted criticism from many with the concern that “decriminalization might increase the amount of [drugs] smuggled into the country” (AP). These fears were compounded by the increasing strength of primarily white suburban parent groups that rallied against teenage drug use. This movement was started by a group of parents who had noticed

their middle school children had been “regularly smoking marijuana and occasionally drinking” at neighborhood parties and that drug use “had become accepted, normalized, ‘All-American’ behavior” (Manatt). The parental outcry regarding the legalization of marijuana grew so strong that the de-escalatory concept was struck from the president’s agenda and shunned from political discourse, setting the stage for further drug legislation that perpetuated the trend of rising African American imprisonment.

As drug use continued to rise, the will of primarily white suburbanites began supporting hardline punishments for drug crimes to protect their neighborhoods from being infiltrated.

Consequently, strong bipartisan support emerged as each administration continually attempted to one-up the other by enacting increasingly harsh laws both at the state and federal level with little to no resistance. It has been noted that the “framework of the suburban crisis positioned white middle-class youth as innocent victims who [needed to] be shielded from both the illegal drug markets and the criminal drug laws” as opposed to being inducted into the carceral system as were comparable African American youth (Lassiter). Further, white youth were oftentimes the beneficiaries of public health campaigns and rehabilitation while minorities, particularly in urban areas, received little support and were incarcerated and expelled at a higher rate than their suburban white counterparts. As a result of this biased treatment, African American youth were removed from opportunities for educational and economic advancement alongside student loans, effectively making a college degree unobtainable. This oftentimes sealed their position as members of the economic underclass, leading to a myriad of disadvantages, including poorer health, shorter lives, and a higher likelihood of returning to drug use and prison (Blumenson).

The Crack Cocaine Epidemic

The second term of the Reagan Administration saw the peaks of punishment and racial division reached due to the introduction of a new drug, which caused calls for incarceration among white suburban communities to reach a fever pitch. From the beginning to the middle of the 1980s, the prevalence of a new form of cocaine, crack cocaine, steadily increased in large urban areas near port cities, such as Los Angeles, Miami, and Houston. Eventually, crack cocaine became readily accessible in nearly every major metro area in the United States, with “the number of people who admitted using cocaine on a routine basis [increasing] from 4.2 million to 5.8 million” in 1985 (DEA, 1985). It was noted that “by early 1986, crack had a stranglehold on the ghettos of New York City” along with other American cities (DEA, 1985). The rapid proliferation of the substance primarily impacted African American communities in urban areas where the drug was trafficked, further intensifying the sentencing and societal disparities incurred by possession offenses. The problems associated with the epidemic were only worsened by the low chemical purity and high addictive potential of the new drug, which caused high rates of overdoses and deaths (DEA, 1985). In addition to the medical crisis, a sharp uptick in crime created an environment where “in New York City, crack use was tied to 32% of all homicides and 60% of drug-related homicides” (DEA, 1985).

The Reagan administration largely attributed the widespread production and distribution of crack cocaine to the Nicaraguan ruling party, the Sandinistas. To combat this, the president “urged \$100 million in aid to anti-Sandinista Contra rebels” to actively intervene in crack cocaine production in Latin America to prevent drug use and crime in the United States (Parry). Following this funding, a US Senate report,

known as the Kerry Committee report, found that there “was substantial evidence of drug smuggling... on the part of individual Contras, Contra suppliers, Contra pilots, mercenaries who worked with the Contras, and Contra supporters” supporting the sentiment that the United States government financially supported organizations involved in the production, distribution, and sale of crack cocaine to the United States (Drugs). Without this foreign intervention, it is unlikely that the explosion of crack cocaine would have had such a severe impact on the African American communities that were most influenced by the rapid distribution and large supply of the drug.

Stateside, the massive outbreak of crime, drug use, and medical emergencies stemming from crack cocaine held the attention of Congress, leading President Reagan and Congress to pass the harshest anti-drug legislation in the nation’s history with bipartisan support. The Comprehensive Crime Control Act of 1984 and Anti-Drug Abuse Act of 1986 appropriated a massive 1.7 billion dollars to help fight the war on drugs, 96 million of which was dedicated to building new prisons. The most consequential part of this act was the introduction of nationwide mandatory minimum sentences, which forced significant amounts of jail time for those convicted of drug crimes. For example, possession of five kilograms of cocaine or one kilogram of heroin carried a minimum of 10 years in prison. Additionally, 500 grams of powder cocaine and five grams of crack cocaine carried a minimum of five years in prison (United States, Wright). The sentencing disparity between crack and powder cocaine is noteworthy because crack cocaine was primarily an urban drug consumed by African Americans, while powder cocaine was typically used by whites. This caused longer discriminatory sentences to be given to African Americans, who represented 84% of the federal crack cocaine convictions in 2000, despite there being no rational

basis to distinguish between crack and powder cocaine (Coyle).

Perpetuation of Systemic Oppression

Prior to the advent of the crack cocaine epidemic, various compounding factors, chief among them systemic racism, influenced the migration of primarily poor African Americans into dilapidated urban centers where crack was used extensively. A combination of African American migration to urban centers in search of industrial jobs, housing discrimination through redlining, and mass suburban migration among white families led to a hyper-segregated environment where poverty manifested at a shocking rate. A rapidly shifting job market with American industry moving to cheaper international options coupled with radically different workforce demands surrounding the emergence of personal computers and other digital technology left African Americans “unemployed and unqualified for emerging opportunities” in large part due to drug-related incarceration (Dunlap). The unique combination of mass migration, housing discrimination, and financial instability created an environment where drug use was an inevitability due to the dilapidated state of many urban African American communities, families, and individuals.

Extended poverty and joblessness have been associated with a plethora of negative consequences, including “overcrowded housing, poor physical and mental health, despair, post-traumatic stress disorder, family dissolution, teen pregnancy, school dropout, interpersonal violence, crime, and drug and alcohol abuse, among others.” Importantly, for our understanding of the War on Drugs, all these factors together “helped perpetuate disadvantage across generations” (Dunlap). As a direct result of the often racially motivated economic, social, and systemic inequities forced on African Americans, drug use rose. Crack cocaine is a particularly addictive substance, and the surrounding urban environment

meant that the primary population consuming the substances was to be the primarily poor, unemployed, and urban-dwelling African Americans who lived in city centers.

The same factors that predisposed African Americans to the horrors of crack cocaine also made it nearly impossible to battle their addiction. Instead of receiving help and support, they were imprisoned under laws that mandated decade-long sentences and criminalized their primary drug more harshly than others. Meanwhile, the government did little to combat the underlying factors that caused the epidemic other than financially funding the producers and distributors of the drug. Instead, legislation instigated the prison industrial complex and widened associated racial divides that remain to this day (Dunlap). Despite this, the irreparable financial, social, and societal loss of jailing an offender comprises only one of the instigating factors of the law that cultivated an environment of African American poverty, imprisonment, and drug use.

The most egregious punishment found in many drug criminalization laws was, and continues to be, the imposition of collateral consequences which strip a convicted drug user of the right to vote, serve on a jury, and use government benefits such as education loans and food stamps (Chin). All these factors serve to perpetuate the cycle of poverty and its negative effects by removing the few mechanisms that exist to help people in those conditions. The inaccessibility of education or affordable loans meant that those convicted of drug crimes had no way to build wealth or earn higher-paying jobs, and the removal of voting and jury rights meant that there was no way for impacted individuals to elect leaders to restore their rights. The disenfranchisement of those convicted of drug crimes turned primarily urban African American communities into a perpetual underclass in American society throughout the War on Drugs.

Crime Peak and Legislative Consequences

As a direct result of the destabilization and impoverishment of African American communities by drugs and their associated laws, violence increased substantially. Between the start of the crack epidemic in 1984 and its peak in 1994, the “homicide rate for Black males aged 14-17 more than doubled and homicide rates for Black males aged 18-24 increased almost as much,” while “weapons arrests of Blacks rose more than 25 percent.” Despite the sharp increase in violence and homicides in African American populations, there was no significant increase in white populations over the same time frame (Fryer). Furthermore, the uptick in violence can be significantly attributed to the vast societal, economic, and educational inequities facing African Americans at this time.

The peak in crime associated with the crack epidemic had a substantial impact on the 1992 presidential election, wherein the debate surrounding aggressive policing tactics became a bipartisan issue. A campaign promise of President Bill Clinton was to “put 100,000 more police officers on the streets of America” to curb violent crime (Decker). The most consequential action of the Clinton administration was the passage of the Violent Crime Control and Law Enforcement Act, also known as the Clinton Crime Bill. This bill, implemented in 1994, remains the largest crime bill in the history of the United States. Despite reforming laws surrounding domestic abuse, assault weapons, and sex crimes, it also took steps that exacerbated the punishment of drug users, particularly African Americans, by allocating \$9.7 billion towards the federal prison system, authorizing adult sentencing for youth over 13 who have committed violent crimes, and codifying the three-strike rule that forces life imprisonment for individuals with three convictions of violent felonies and drug trafficking charges (United States, DOJ).

The increased funding for incarceration earmarked by the bill ensured that the systemic racial biases in policing would be replicated at scale. Despite whites comprising 72% of illicit drug users, black men were admitted to prison on drug charges at a rate 13 times higher than white men in 1996 (Moore). The bill also prohibited educational grants and funding from being distributed to incarcerated individuals. This effectively made it impossible for the majority black inmates to further their education while incarcerated, which greatly hampered inmate job prospects and economic opportunity following release (Charles).

As a result of drug war era legislation in 1999, the United States had incarcerated 782,000 African Americans, equivalent to the enslaved population in 1820. With “almost one in three [African Americans between 20 and 29] under the thumb of the criminal justice system.” Further, in 1999, disenfranchisement prohibited 13% of African American men in the United States from voting, helping to stall meaningful political change, such as in 2000, when disenfranchised black voters could have changed the outcome of the presidential election (Boyd). In addition, the restriction on federal educational assistance for those with drug crimes, a majority of whom were young black men, served to create an underclass of uneducated African Americans that were unable to claim government assistance, food stamps, and housing due to collateral consequences of their drug charges (Blumenson). These trends continued as prison populations boomed through the waning years of the War on Drugs in the early 2000s.

Conclusion

As the 21st century progressed, a negative sentiment towards the War on Drugs became prevalent, with three in four Americans agreeing that the conflict was failing in 2008, a major shift from years prior (Walther). Further, a United

Nations report from 2008 found the aggressive criminalization of drug use adopted by the United States “has not solved the problem it was created to resolve” (United Nations Office on Drugs and Crime). Meanwhile, political will began to prioritize treatment and rehabilitation over the punitive measures implemented in the prior decades of the War on Drugs. As a result, a widespread gradual loosening of drug policy began to occur, with 30 states implementing some combination of alternatives to traditional jail systems, decreased sentencing guidelines, and drug decriminalization between 2009 and 2012 (DeSilver). Despite these actions, many of the African American individuals and communities harmed by historic legislation have seen little restitution aside from early releases, as little has been done to address the years of lost life and opportunity spent in prison for low-level drug offences.

To understand the extent to which drug policy has impacted African Americans, both the negative and positive aspects of the legislation

must be considered. If viewed with a statistical lens, the war on drugs benefited American society, and by extent black people, through the reduction of violent crime and illicit drug use. Between 1990 and 2010, violent crime saw a 50% decrease, and drug arrests trended slightly downward, though the extent to which the War on Drugs caused this is debated (Travis). However, when examining the social and cultural impacts of the War on Drugs on African American populations, it is reasonable to conclude that the policies enacted were reactionary in nature and gave little consideration to proactive management of the crisis, instead defaulting to racially targeted incarceration. This careless disciplinary attitude led to the creation of an oppressed social underclass that remains long after punitive policies have been revised. As a result, legislation associated with the War on Drugs was likely the largest factor in perpetuating systemic inequalities felt by urban African Americans in the late 20th and early 21st centuries.

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