

An Examination of the Impact of the War on Drugs on African Americans

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Introduction

In October 1982, President Ronald Reagan declared a ‘War on Drugs’ in America. The War on Drugs resulted in increased spending on law enforcement to arrest citizens for drug crimes, while spending on drug treatment, prevention and education decreased.¹ Critics would argue that the War on Drugs has been a failure overall. The War on Drugs has not reduced the production, sale, and consumption of drugs in the United States, and there are currently more pure and less expensive drugs available now than before the ‘war’ began.² However, this essay is not interested in the success or failure of the War on Drugs. The aim of this essay is to address the impact the drug war has had on the African American community. There are currently more African Americans under correctional control (in prison, on probation, or on parole) than there were enslaved before the American Civil War.³ This essay argues that the War on Drugs has had negative economic, political, and social impacts

on African American communities by increasing incarceration rates and creating a negative relationship between African Americans and the police.

I. Mass Incarceration

This section will discuss the impact of the War on Drugs on the American legal system. It will specifically address harsher drug laws, inadequate legal representation given to criminals, and the impact these factors have had on African Americans.

A. Harsher Drug Laws

With the War on Drugs came the implementation of harsher drug laws. The prison population has increased by three hundred and thirty eight percent from 1980 to 2012.⁴ Contrary to popular belief, crime rates are currently lower than they have been for a number of years, yet incarceration rates are at a record high.⁵ The biggest cause of the

¹ Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2012), 50.

² Paula Mallea, *The War on Drugs: A Failed Experiment* (Toronto: Dundurn, 2014) 6, accessed November 10, 2014, <http://www.mcmu.ebib.com.libaccess.lib.mcmaster.ca/patron/FullRecord.aspx?p=1420244>.

³ Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, 180.

⁴ The Sentencing Project, *Trends in US Corrections* (Washington: The Sentencing Project, 2014): 2, accessed November 13, 2014, http://sentencingproject.org/doc/publications/inc_Trends_in_Corrections_Fact_sheet.pdf; Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, 60.

⁵ Alexander, “The New Jim Crow: How the War on Drugs Gave Birth to a Permanent American Undercaste.” http://www.huffingtonpost.com/michelle-alexander/the-new-jim-crow-how-the_b_490386.html.

increase of the prison population has been the implementation of mandatory minimum sentences.⁶ In 1986, Congress passed the Anti-Drug Abuse Act, which implemented mandatory minimum prison sentences for low-level drug offenses and the possession of crack cocaine.⁷ There have been two major consequences of the Anti-Drug Abuse Act ruling. Firstly, it has increased the number of drug crimes that result in prison sentences.⁸ Before the Anti-Drug Abuse Act law was passed many first-time drug offenders would receive short prison terms or probation for their crime.⁹ Currently, the average mandatory sentence for a first time drug offender is five to ten years in prison.¹⁰ Secondly, mandatory minimums have increased the length of prison sentences.¹¹ In 1986, drug offenders spent an average of twenty-two months in prison.¹² By 2004, drug offenders were spending an average of sixty-two months in prison; these sentences are almost three times as long as the average sentence for drug offenders before the implementation of mandatory minimums.¹³ A prime example of how mandatory minimums have impacted the African American community can be

found when assessing legislation that regulates the use, production, and selling of crack cocaine. Crack cocaine is a strong form of cocaine that is smoked rather than sniffed or injected like powdered cocaine.¹⁴ Since crack cocaine is smoked it allows a larger amount of cocaine to enter the blood stream.¹⁵ The potency of crack cocaine makes it less expensive than powdered cocaine, thus making it more commonly used in inner city neighborhoods.¹⁶ The Anti-Drug Abuse Act of 1986 created severe penalties for those caught selling crack cocaine but no change was made to the lighter punishments for selling powdered cocaine.¹⁷ The possession of five grams of crack cocaine had the same minimum sentence of five years as the possession of five hundred grams of powdered cocaine.¹⁸ In effect, the sentence for crack cocaine, which was commonly found in inner city neighbourhoods, was one hundred times harsher than the sentence for powdered cocaine, which was more commonly found in the suburbs.¹⁹ In

⁶ Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, 87.

⁷ Ibid.

⁸ Marc Mauer, *Race to Incarcerate* (New York: The New Press, 1999), 151.

⁹ Ibid.

¹⁰ Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, 87.

¹¹ Mauer, *Race to Incarcerate*, 151.

¹² The Sentencing Project, *Trends in US Corrections*, 3.

¹³ Ibid.

¹⁴ Fred C. Pampel, *Racial Profiling* (New York: Facts on File, 2004), 12, accessed, November 10, 2014,

<http://web.b.ebscohost.com.libaccess.lib.mcmaster.ca/ehost/detail/detail?sid=c3f9ddef-5483-4e3e-856b-a14d5faaf197%40sessionmgr198&vid=0&hid=125&bdata=JnNpdGU9ZWZWhvc3QtGjZSZzY29wZT1zaXRl#db=nlebk&AN=136116>.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid., 13.

¹⁸ Ibid.

¹⁹ Charlie Savage, "Obama Commutes Sentences for 8 in Crack Cocaine Cases," *The New York Times*, December 19, 2013, <http://www.nytimes.com/2013/12/20/us/obama-commuting-sentences-in-crack-cocaine-cases.html?pagewanted=all&r=0>.

2010, President Obama signed the Fair Sentencing Act, a bill that was designed to reduce the sentencing for crack cocaine. The Fair Sentencing Act reduced the punishment for crack cocaine from one hundred times harsher than that of powdered cocaine to eighteen times harsher than powdered cocaine.²⁰ The signing of this bill is an improvement on the punishment disparity between crack and powdered cocaine. However, the differing punishment for the two types of cocaine is still disproportionate as a crack cocaine offense has a punishment eighteen times harsher than that of powdered cocaine offense.

In addition, drug laws have increased penalties that specifically impact inner city youth living in inner city neighbourhoods, the majority of whom are African American. For example, if drugs are sold near schools or public housing the crime has increasingly harsh penalties.²¹ The introduction of harsher laws for selling drugs near public housing were designed to create safe zones for children and residents in inner city communities, but has had unintended consequences that affect African Americans.²² For example, a young African American caught selling drugs around their home in a public housing complex is charged as an adult, whereas a young person selling drugs near their house in the suburbs is

charged as a juvenile.²³ This example demonstrates that the same crime, carried out in different neighbourhoods under different circumstances, has completely different consequences. This example also demonstrates that the added consequence of selling drugs near public housing results in a much harsher punishment: juveniles are charged and tried as an adult and, if found guilty, will serve time in a regular prison as opposed to a juvenile detention centre.

Statistics show how drug laws have disproportionately affected African Americans. From 1999-2005 African Americans made up thirteen percent of all drug users, yet made up forty six percent of those convicted of a drug crime.²⁴ This statistic demonstrates that African Americans are disproportionately arrested and incarcerated for drug crimes in comparison to their actual drug use. Currently, fifty percent of all prisoners are African American though they only make up 13.2% of the American population.²⁵ Harsh drug laws have particularly affected black men. In 1974, before the War on Drugs began, 13.4% of all African American men were

²⁰ CNN Wire Staff, "Obama signs bill reducing cocaine sentencing gap," CNN, August 3, 2010, <http://www.cnn.com/2010/POLITICS/08/03/air.sentencing>.

²¹ Mauer, *Race to Incarcerate*, 153-154.

²² *Ibid.*, 154.

²³ *Ibid.*

²⁴ The Sentencing Project, *Report of The Sentencing Project to the United Nations Human Rights Committee Regarding Racial Disparities in the United States Criminal Justice System* (Washington: The Sentencing Project, 2013): 14, accessed January 24, 2015, http://sentencingproject.org/doc/publications/rd_ICCPR%20Race%20and%20Justice%20Shadow%20Report.pdf.

²⁵ Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, 118.

expected to go to jail in their lifetime.²⁶ However, the current percentage of black men who risk the chance of being sent to prison has risen to 32.3%.²⁷ In other words, one in three black men will go to jail at some point in their life.²⁸ In comparison, only one in seventeen or 5.9% of white men and one in six or sixteen percent of Latino men can expect the same fate.²⁹ Harsher drug laws implemented at the beginning of the War on Drugs has resulted in a significant increase in the number of African Americans being incarcerated, which is especially evident when looking at the high number of African American men who are arrested currently compared to before these regulations were introduced.

B. Legal Representation

In America, many people are unable to obtain adequate legal representation, which results in tens of thousands of low-income citizens being sent to jail before ever talking to a lawyer.³⁰ Even for those who do obtain legal representation it is often inadequate. The Supreme Court allows local governments to decide on expenditures for legal services.³¹ However, most of the state budget is focused on drug arrests rather than legal representation, resulting in low funding

for public defenders.³² By focusing funding on drug arrests rather than on lawyers, attorneys are discouraged from defending low-income clients because they often receive low salaries and work in poor conditions.³³ In addition, since harsher drug laws have led to increased drug arrests, public defenders are forced to take on a greater amount of cases and often handle hundreds of cases at a time.³⁴ With such a large number of cases, public defenders find it difficult to give adequate legal representation to their clients.³⁵ They often meet with their clients for a few minutes before they have to decide on whether to plead guilty or innocent.³⁶ To make matters worse, the prosecution often uses a tactic known as overcharging, where they add more charges against the defendant than can be proven in court.³⁷ As long as there is probable cause, overcharging is legal.³⁸ As a result of overcharging and poor, if any, legal representation, many individuals plead guilty to crimes they have not committed out of fear of being found guilty of the minor charge they were accused of.³⁹ Thus, due to the poor legal representation for many disadvantaged African Americans, many innocent people are wrongly accused and convicted of crimes they did not commit.

²⁶ Thomas Bonczar, *Prevalence of Imprisonment in the U.S. Population, 1974-2001* (Washington: Bureau of Justice Statistics, 2003), 1.

²⁷ *Ibid.*

²⁸ *Ibid.*

²⁹ *Ibid.*

³⁰ Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, 84.

³¹ *Ibid.*, 85.

³² *Ibid.*

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ *Ibid.*

³⁶ *Ibid.*, 84.

³⁷ *Ibid.*, 87.

³⁸ *Ibid.*

³⁹ Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, 88.

C. Prisoner Reentry

Increased incarceration rates have an overall negative impact on the African American community. Once labeled a felon, there are a number of obstacles one must face: many of these individuals have little education and lack employment, and face housing discrimination and disenfranchisement. One of the biggest problems is that when criminals leave prison they lack an education or the skills they need to obtain suitable employment.⁴⁰ In addition to lacking necessary skills for employment, there are also legal prohibitions which limit the jobs ex-offenders can be hired in.⁴¹ These legal prohibitions restrict the hiring of ex-offenders in fields such as childcare, education, security, and nursing, as well as jobs as barbers and beauticians.⁴² Furthermore, employers are likely to discriminate against ex-offenders because they fear they could steal or show violent behaviour in the workplace.⁴³ As a result, felons are likely to be permanently unemployed or underemployed.⁴⁴

⁴⁰ Joan Petersilia, *When Prisoners Come Home: Parole and Prisoner Reentry* (Oxford: Oxford University Press, 2009), 3, accessed November 10, 2014, <http://books1.scholarsportal.info.libaccess.lib.mcmaster.ca/viewdoc.html?id=/ebooks/ebooks0/oxford/2010-09-30/9780199727414>.

⁴¹ *Ibid.*, 113.

⁴² *Ibid.*

⁴³ *Ibid.*, 9.

⁴⁴ Paul L. Wachtel, *Race in the Mind of America: Breaking the Vicious Circle between Blacks and Whites* (New York: Routledge, 1999), 208, accessed November 10, 2014, <http://www.tandfebooks.com/libaccess.lib.mcmaster.ca/isbn/9780203429327>.

Since felons find it difficult to find work, they are often unable to afford anything other than public housing.⁴⁵ However, once an individual has a criminal record they are no longer able to live in public housing.⁴⁶ This results in a high level of homelessness for ex-offenders.⁴⁷ Private landlords often discriminate against ex-felons who do have money because of their criminal record.⁴⁸ Furthermore, ex-offenders cannot receive welfare or food stamps, which creates another obstacle to their social improvement.⁴⁹ Lastly, those with a criminal record become disenfranchised. While in jail, prisoners over the age of eighteen are ineligible to vote in America unlike many other Western countries, such as Canada.⁵⁰ When released from jail, many states do not allow felons to vote, and states that do allow felons to vote often have confusing and expensive voter registration procedures, so many felons are never able to get back their lost voting right.⁵¹ As a result of felon disenfranchisement, more black men are

⁴⁵ Petersilia, *When Prisoners Come Home: Parole and Prisoner Reentry*, 11.

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*

⁴⁸ Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, 94.

⁴⁹ *Ibid.*, 97; Todd R. Clear, *Imprisoning Communities: How Mass Incarceration Makes Disadvantaged Neighbourhoods Worse*, (Oxford: Oxford University Press, 2007), 76, accessed November 10, 2014, <http://site.ebrary.com.libaccess.lib.mcmaster.ca/lib/oculmcmaster/reader.action?docID=10199733>.

⁵⁰ Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, 159.

⁵¹ *Ibid.*

disenfranchised today than in 1870 when the Fifteenth Amendment was passed to remove laws that prohibited the right to vote based on race.⁵²

D. Increasing Numbers of Children Born Without a Father Figure

Increased incarceration rates make it more difficult for black women in inner city neighbourhoods to meet a spouse and get married.⁵³ As a result, more black women in inner city neighbourhoods end up having children out of wedlock, without a male role model in their children's lives.⁵⁴ In 2009, seventy three percent of African American children were born into single parent families.⁵⁵ Michelle Alexander claims that a black child today is more likely to grow up without both parents than a child during slavery.⁵⁶ During slavery, many African Americans were unable to marry or stay together because slaves could be bought and sold at will. A 2005 study entitled *The Consequences of Marriage for African Americans* states that in 1880, after the end of slavery, about 56.3% of black children lived in two parent households.⁵⁷ However in 1990, the

number of black children living with both parents was only 33.3%.⁵⁸ Growing up in a single parent home can be detrimental to youth in inner cities as it causes increased crime, a higher likelihood of dropping out of school, and a greater chance of developing drug or alcohol addictions.⁵⁹ In addition, men who grow up without a father figure often pursue destructive behaviour and are more likely to get into trouble with the law.⁶⁰

Incarceration has also torn apart two-parent families when a parent (usually the father) is given a long jail sentence for a drug crime. Growing up with a parent in prison can have serious consequences for children. Children with incarcerated fathers usually have low self-esteem and suffer from depression, causing them to have disruptive and troublesome behaviour in school and at home.⁶¹ Troublesome behaviour among children who grow up in single-parent households can lead to problems for children at school and with the law at a young age.⁶² As Lewis Solomon explains, children who grow up with a parent in jail are five times more likely to go to jail than children without any parent in jail.⁶³

Higher incarceration rates have resulted in more African American

⁵² Ibid., 180.

⁵³ Lewis D. Solomon, *Cycles of Poverty and Crime in America's Inner Cities* (New Brunswick: Transaction Publishers, 2012): 13, accessed November 10, 2014, <http://site.ebrary.com.libaccess.lib.mcmaster.ca/lib/oculmcmaster/detail.action?docID=10594322>.

⁵⁴ Solomon, *Cycles of Poverty and Crime in America's Inner Cities*, 13.

⁵⁵ Ibid., 14.

⁵⁶ Alexander, "The New Jim Crow: How the War on Drugs Gave Birth to a Permanent American Undercaste."

⁵⁷ Lorraine Blackman et al., *The Consequences of Marriage for African Americans: A Comprehensive Literature*

Review (New York: Institute for American Values, 2005): 8, accessed March 21, 2015, http://americanvalues.org/catalog/pdfs/consequences_of_marriage.pdf.

⁵⁸ Ibid., 9.

⁵⁹ Solomon, *Cycles of Poverty and Crime in America's Inner Cities*, 15.

⁶⁰ Ibid.

⁶¹ Solomon, *Cycles of Poverty and Crime in America's Inner Cities*, 15.

⁶² Ibid.

⁶³ Ibid.

children being in the foster care system.⁶⁴ In America, 26.5% of all children in the foster care system are African American even though blacks only make up 13.6% of the population.⁶⁵ Children growing up in the foster care system have an increased rate of ending up homeless or in prison in their lifetime.⁶⁶ Overall, without having the typical two-parent family structure, particularly without a father figure in their lives, and with the imminent presence of gangs, African American youth in inner cities are more likely to turn to gang culture to seek the kind of family structure they lack.⁶⁷ Gang culture leads to increased crime in society in addition to an increased chance of those youth being incarcerated at some point in their life, leading to an endless cycle in such communities. African Americans join gangs, which increases their chances of being sent to jail and leaving their children to be raised without a father figure.

II. Deteriorating Relationship Between Police and African American Men

This section of the essay will consider what impact the War on Drugs has had on the relationship between police and African American men. Specifically, it examines how police

⁶⁴ Victoria Bond, "The war on drugs claimed my father. It didn't get me, but I'm the exception," *The Guardian*, September 15, 2014, <http://www.theguardian.com/commentisfree/2014/sep/15/war-on-drugs-father-incarceration-black-men>.

⁶⁵ *Ibid.*

⁶⁶ *Ibid.*

⁶⁷ Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, 172.

departments profit from drug arrests, and what stop and search techniques are used by police when dealing with African Americans.

A. Police Departments Profiting from Drug Arrests

When the War on Drugs was first implemented, many local police officers were unhappy because they believed it took away the rights of the state to handle local crimes.⁶⁸ Without having police departments in agreement with the War on Drugs the Reagan administration would have trouble making the war effective.⁶⁹ To entice local law enforcement, cash grants were given to departments that made drug crimes their top priority.⁷⁰ In addition, the Comprehensive Crime Control Act of 1984 established the Department of Justice Assets Forfeiture Fund, which allowed federal and state departments to keep assets found during an arrest.⁷¹ Police departments use these obtained assets to increase their budget size by taking property from people suspected of drug crimes.⁷² For example, if a

⁶⁸ Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, 172.

⁶⁹ *Ibid.*, 72.

⁷⁰ *Ibid.*, 73.

⁷¹ Lauren Carasik, "Holder Assails Policing for Profit: Attorney General's Initiative Curbs but Does Not Eliminate Controversial Asset Seizure Policies," *Al Jazeera America*, January 3, 2015, <http://america.aljazeera.com/opinions/2015/1/holder-assails-policing-for-profit.html>; US Department of Justice, *Asset Forfeiture Program: The Fund*, http://www.justice.gov/jmd/afp/02fundreport/02_2.html.

⁷² Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, 79.

civilian is arrested for a drug-related crime they are not automatically entitled to reclaim their property even if they are found innocent.⁷³ Instead, they must make a claim in order for their property to be returned.⁷⁴ However, many of the victims in these kinds of cases are low-income minorities who lack the money to pay for a lawyer.⁷⁵ Since the seizing of assets during an arrest is not considered a criminal issue, these victims are not entitled to free legal representation.⁷⁶ As a result, the victims in these cases are unable to defend themselves and make claims for their seized assets.⁷⁷ Furthermore, police departments are granted funding based on the number of overall arrests, number of warrants served, and the number of drug seizures.⁷⁸ Due to these grants, police departments are rewarded for making easy arrests for small drug-related crimes.⁷⁹ Therefore, financial incentives make pursuing only small-scale drug crimes more profitable for police departments.

⁷³ Carasik, “Holder Assails Policing for Profit: Attorney General’s Initiative Curbs but Does Not Eliminate Controversial Asset Seizure Policies.”

⁷⁴ Carasik, “Holder Assails Policing for Profit: Attorney General’s Initiative Curbs but Does Not Eliminate Controversial Asset Seizure Policies.”

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ Radley Balko, *Rise of the Warrior Cop: The Militarization of America’s Police Forces* (New York: Public Affairs, 2013), 243, accessed November 10, 2014, <http://www.mcmu.ebib.com.libaccess.lib.mcmaster.ca/patron/FullRecord.aspx?p=1113910>.

⁷⁹ Balko, *Rise of the Warrior Cop*, 243.

Due to the financial benefits of the War on Drugs, police departments often target inner city neighbourhoods where they expect to make the most arrests. Police departments justify targeting inner cities by claiming that it is easier to make drug arrests in these communities because drug transactions take place in public places, whereas they take place behind closed doors in the suburbs.⁸⁰ Police departments also target inner city communities for another, more striking reason. The segregation of low-income blacks in inner city neighbourhoods due to federal policies restricting blacks from obtaining housing in other neighbourhoods has created a relatively small area in which a high number of black citizens lack meaningful political power.⁸¹ A former prosecutor was quoted saying, “It’s a lot easier to go out to the ‘hood’, so to speak, and pick somebody than to put your resources in an undercover [operation in a] community where there are potentially politically powerful people.”⁸² By mainly targeting inner cities, police departments are able to use techniques to arrest a large number of people that would receive political backlash if pursued in white communities.⁸³ Such techniques include SWAT teams performing mass arrests, drug raids in apartment buildings, and undercover buy and bust operations.⁸⁴ By targeting inner city neighbourhoods, the number of African Americans

⁸⁰ Mauer, *Race to Incarcerate*, 148.

⁸¹ Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, 124.

⁸² Ibid.

⁸³ Ibid.

⁸⁴ Ibid.

arrested and charged with drug crimes is disproportionate to the number of African Americans within the population. As mentioned previously, African Americans make up 13.6% of the American population, yet made up 36.5% of the prison population in 2012.⁸⁵ Of this percentage, black men are six times more likely to be sent to jail than white men and two and a half times more likely than Latinos.⁸⁶ The large percentage of African Americans who are arrested for low-level drug crimes creates a climate of fear within inner city communities because residents of these neighbourhoods feel that the police are not on their side.

B. Stop and Search

The War on Drugs has increased a police officer's ability to carry out stop and search techniques against American citizens. The Fourth Amendment of the American Constitution prevents police from stopping and searching a person without a warrant or probable cause of criminal activity.⁸⁷ However, as a result of the War on Drugs, the police no longer need probable cause to stop and search someone; all they need is consent from the citizen.⁸⁸ However, there is a problem with what the legal system defines as consent in this situation. As long as the police officer phrases the order as a question, the civilian's compliance is considered to be consent.⁸⁹ Once they have consent an

officer is able to stop, interrogate, and search any citizen without any reason or justification for doing so.⁹⁰ In addition, in 1996 the Supreme Court authorized the use of pretext stops by police officers.⁹¹ A pretext stop is when an officer uses a minor traffic violation to justify stopping a vehicle and searching for drugs.⁹² In the case of a pretext stop, if a motorist does not consent to the search, the police can arrest the person, even if the penalty for their traffic violation involved only a minor fine.⁹³ The police are also allowed to bring a drug-sniffing dog to the scene without the motorist's consent, and if the dog finds drugs the officer is justified to search the entire vehicle since they now have probable cause.⁹⁴

By targeting inner cities with large African American populations, police departments arrest the same type of people every day, a disproportionate percentage of whom are black. By arresting a higher number of African Americans, police officers often stereotype African American men. These stereotypes result in discriminatory practices carried out by police departments against African Americans. A key example is police brutality. Due to the perception that black males have a criminal nature, the police often use excessive force when dealing with young black men.⁹⁵ The use of

⁸⁵ The Sentencing Project, *Trends in US Corrections*, 5.

⁸⁶ *Ibid.*

⁸⁷ Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, 62.

⁸⁸ *Ibid.*

⁸⁹ *Ibid.*, 66.

⁹⁰ *Ibid.*, 64.

⁹¹ Pampel, *Racial Profiling*, 10.

⁹² *Ibid.*, 14.

⁹³ Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, 69.

⁹⁴ *Ibid.*

⁹⁵ Wachtel, *Race in the Mind of America: Breaking the Vicious Circle between Blacks and Whites*, 203.

excessive force by police officers becomes apparent when looking at the numerous civilian deaths by police officers against black men in recent years. On August 9, 2014, an eighteen-year old African-American named Michael Brown was killed by a white police officer in Ferguson, Missouri, sparking protests across America.⁹⁶ In August 2014 alone, another three black men were killed by police officers in America. John Crawford, twenty-two, was killed by police while holding a BB gun he found in Wal-Mart; Ezell Ford, twenty-five, was shot in the back after he was stopped by police officers; Dante Parker, twenty-six, died after being tasered while resisting arrest. In July 2014 Eric Garner was killed while being arrested by the police.⁹⁷ Much like the Michael Brown incident, the Eric Garner case received significant media attention. The fact that no criminal charges were laid against the officers who killed Garner sparked protests in Canada, England, and across America. In more recent months there have been other cases of police brutality against African American men. In November 2014 twelve-year-old Tamir Rice was killed by police who mistook his pellet gun for a real gun.⁹⁸ On April 4, 2015

⁹⁶ Brayden Goyette, Nick Wing and Danielle Cadet, "21 Numbers That Will Help You Understand Why Ferguson is About More Than Michael Brown," Huffington Post, August 22, 2014, http://www.huffingtonpost.com/2014/08/22/ferguson-black-america_n_5694364.html.

⁹⁷ Ibid.

⁹⁸ Elliott C. McLaughlin, "Cleveland: 12-year-old's police shooting death his own fault," CNN, March 2, 2015, <http://www.cnn.com/2015/03/01/us/cleveland>

Walter Scott was shot in the back eight times by police officers while trying to run away from the police.⁹⁹ In April 2015, riots erupted in Baltimore after twenty-five year old Freddie Gray died in police custody on April 19, 2015.¹⁰⁰

The United Nations Committee on the Elimination of Racial Discrimination (CERD) urged the U.S. to limit the use of excessive force by the police after the Michael Brown incident in the summer of 2014.¹⁰¹ In total, the police, security guards, and self-appointed vigilantes killed three hundred and thirteen African Americans in 2012 alone, which works out to be one African American killed every twenty-eight hours in 2012.¹⁰² These few examples give a small glimpse into the use of excessive force by police when dealing with young black males.

III. Solutions

The current justice system does not seem to be fixing the problem. The

d-responds-lawsuit-police-shooting-tamir-rice/index.html.

⁹⁹ Josh Sanburn, "From Trayvon Martin to Walter Scott: Cases in the Spotlight," TIME, April 10, 2015, <http://time.com/3814344/walter-scott-howard-safir-police-brutality-is-inexcusable-and-rare>.

¹⁰⁰ Elliott C. McLaughlin, Ben Brumfield and Dana Ford, "Freddie Gray death: Questions many, answers few, emotions high in Baltimore," CNN, April 20, 2015, <http://www.cnn.com/2015/04/20/us/baltimore-freddie-gray-death/index.html>.

¹⁰¹ Stephanie Nebehay, "U.N. Urges U.S. To Stop Police Brutality After Missouri Shooting," Reuters, August 29, 2014, <http://www.reuters.com/article/2014/08/29/us-usa-missouri-shooting-un-idUSKBN0GT1ZQ20140829>.

¹⁰² Ibid.

prison population continues to increase, with an overwhelming majority of inmates coming from poor, African American communities. Punishing such disadvantaged communities where there is little job opportunity and few role models does not seem like the best solution. Furthermore, disproportionately arresting low-level drug crimes does not make the streets safer. This tactic only creates a cycle of crime and criminal activity among young, African American men. What is needed is an overhaul of the current system by bringing more jobs into disadvantaged communities, giving greater legal representation to low-income families, decreasing job and housing discrimination against those with a criminal record, and removing policies that reward police departments for a high number of small arrests. However, what is most important is a change in the legislation that deals with the War on Drugs in order to diminish the harsh punishments received for low-level drugs crimes. With these provisions, the current situation in America in relation to the War on Drugs and its disproportionate impact on African American communities can be improved.

Conclusion

This paper has shown that the War on Drugs has had a negative impact on African American communities in the United States. It has resulted in mass incarceration for a large percentage of African Americans, particularly African American men, and has created a negative relationship between police departments and African American communities. Consequences of this war include discrimination and

disenfranchisement towards felons, the breakup of the family structure in inner city communities, and police brutality against African Americans. Most notably, the War on Drugs has disproportionately impacted African Americans. Recall that one in three African American men will go to jail in their lifetime, and that children of those who are incarcerated are also five times more likely to go to jail. Thus, the War on Drugs continues to perpetuate an endless cycle of discrimination and violence towards African Americans in the United States. The aim of this paper was to raise awareness about the harsh consequences the War on Drugs has had on African Americans in order to demonstrate the need for drastic change. Given the nature of this problem the much needed changes will be difficult and take time. However, change is necessary to remedy a system that so greatly impacts disadvantaged African Americans living in inner cities neighbourhoods across the United States of America.

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