

**“Alternatives to the War on Drugs”
An Addendum of Background Facts
Accompanying the Draft UUA Statement of Conscience (October 2001)**

“The drug war is over, and we lost.
We merely repeated the mistake of Prohibition.
The harder we tried to stamp out this evil,
the more lucrative we made it, and the more it spread.
Our forcible resistance to evil simply augments it.
An evil cannot be eradicated by making it more profitable.”
Dr. Walter Wink
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- With the passage of the 18th Amendment, Alcohol Prohibition was national policy in the United States from 1920 until 1933. Federal funding for law enforcement increased from \$2.2 million in 1920 to \$12 million in 1929, while the federal prison population increased between 1920 and 1932 from 3,000 to 12,000, with two-thirds of inmates incarcerated for alcohol and other drug offenses. Meanwhile the federal murder rate, which had risen steadily throughout Alcohol Prohibition, decreased for eleven consequent years after its repeal.¹
- Between 1973 and 1983, the number of state and federal prisoners in the United States doubled to about 660,800; and then that number doubled again by 1993 to 1,408,605. By the end of 1998, the number of individuals in both state and federal prisons totaled 1.8 million. The 1998 incarceration rate in the United States (668 inmates for every 100,000 residents) was higher than in all nations except Russia (685). In contrast, Canada incarcerated only 111 per 100,000 citizens.² More people are behind bars for drug offenses in the United States, about 400,000, than are incarcerated in England, France, Germany, and Japan for all crimes combined. The United States with less than five percent of the world’s population, has one-quarter of the world’s prisoners. As of September 1998, 58 percent of all federal prisoners (62,948 out of 107,912) were serving time for drug offenses. As of 1999, 80 percent of California’s 162,000 inmates were substance abusers, and 37 percent were in custody expressly for drug offenses.³ In 1997, state and local law enforcement agencies reported 692,201 marijuana arrests, of which 87 percent were for possession only. The number of arrests for all murders, rapes, robberies, and aggravated assaults combined was 717,720.⁴ The average prison term for drug offenders in state prisons has increased 22 percent since 1986 while the average prison term for violent offenders has decreased by 30 percent. As of 1994, approximately one out of every six federal prisoners – about 15,000 – was incarcerated primarily for a marijuana offense. As of 1993, about one in every three state prisoners in the country was a drug offender. In 1990, half of all felony convictions in the state of New York and other large states were for drug and drug-related offenses. Since 1984, California has built 20 additional prisons for a total of thirty-three institutions. The California Department of Corrections oversaw 162,000 inmates and 39,000 employees in 1999, and had a budget of \$4.6 billion. In the last decade, 245 prisons have been built in the 2,290 rural counties in America – changing the landscape and the dependence upon these communities on prisons.
- One out of every 150 people in the United States was incarcerated in March 1999. An American born in 1999 has about one chance in twenty of spending some part of his or her life in prison. For African Americans, the chance

¹ David Boaz, “Lessons from the Failure of Prohibition,” Los Angeles Daily Journal, December 28, 1993: 6.

² Fox Butterfield, “Number of Inmates Reaches Record 1.8 million,” New York Times, March 15, 1999: A12.

³ Editorial, “Smart on Crime Is Better,” Los Angeles Times, May 29, 2000: B12.

⁴ FBI’s Uniform Crime Reports Division’s Annual Report: “Crime in the United States,” released November 22, 1998.

increases to about one in four.⁵ In 1995, 33 percent of black men (827,440) in their twenties were caught up in the criminal justice system for drug offenses compared to 12.3 percent for Hispanic males and less than 7 percent for white males. Approximately 13 percent of adult black males (1.4 million) are disenfranchised due to felony convictions.⁶

- In 1968, the entire federal drug budget was \$66 million. During fiscal year 2000, the Office of National Drug Control oversaw a federal drug control budget of \$19.2 billion.
- According to the National Household Survey, in 1999, 26.7 million Americans aged 12 or over used an illicit drug. Of these, 19.1 million were White, 3.3 million were Black, and 2.6 million were Hispanic.⁷ According to the National Household Survey, about 18 million Americans used marijuana at least once during the year 1997. An estimated 971,000 Americans used crack cocaine in 1998. Of those, 462,000 were White, 324,000 were Black, and 157,000 were Hispanic.
- The DEA reports that the price of heroin has gone from an average of \$3.90 per milligram in 1980 to 96 cents per milligram in early 2000. During this time, the purity of heroin has increased tenfold. A kilo of heroin, 40 percent pure, sells for up to \$290,000 on the streets of the United States. The Pakistani farmer is paid \$90/kilo. The retail price for a kilo of cocaine in the United States is approximately \$110,000. The price paid to the farmer for growing the leaves necessary to produce a kilo of cocaine is \$400-600/kilo.
- According to the United Nations International Drug Control Program, world trafficking in illicit drugs made up eight percent of all world trade as of 1995. This represents about \$400 billion of international drug transactions per year – more than the revenue generated by the petroleum industry. Global sales of tobacco are \$204 billion and alcohol is \$252 billion. The report documents that approximately 140 million people (about 2.5 percent of the world's population) smoke marijuana and hashish; 13 million people use cocaine, 8 million heroin, and 30 million use stimulants such as amphetamines. Illegal drugs are a bigger business than all exports of automobiles, and about equal to the international textile trade. This reports estimates that seizures worldwide amount to only a third of all cocaine, and from 10 to 15 percent of all heroin, being sold and consumed. This means that the profits made from selling on a mere fraction of the unseized drugs easily cover the costs of the drugs that are seized.⁸
- The DEA estimates that the black market in prescription drugs totaled \$25 billion in 1993, compared to an estimated \$31 billion spent the same year for cocaine. The National Institutes of Drug Abuse estimates that 2.6 million Americans used prescription drugs for non-medical purposes, which is more than the estimated number of users of heroin, crack, and powder cocaine.
- The United States government has polluted the countryside of Latin American countries with herbicides such as tebutiuron. This herbicide is used primarily in the United States to kill weeds along railroad beds and under high-voltage lines. The EPA has stated that this agent can contaminate ground water and could have a lasting effect on the soil.⁹ In Columbia, aerial spraying is forcing peasants' to move into the Amazon rainforest and farm on steep hillsides. This constant push on peasants had led to the clearing of over 1.75 million acres of rainforest. In Colombia, it is estimated that more than 200,000 tons of chemical wastes are dumped into the ground and streams each year, due to the unregulated manufacture of cocaine.¹⁰
- In 1997, Peruvian farmers harvested about 192,570 tons of coca; Bolivia harvested about 82,740 tons, and Columbia about 44,970. The United States government estimates that between \$3 billion and \$5 billion was injected into the

⁵ Timothy Egan, "Crime Off – but Prisons Swelling," Orange County Register, March 7, 1999: News 27, 29.

⁶ Tamar Lewin, "Crime Costs Many Black Men the Vote, Study Says," New York Times, October 23, 1998: A12.

⁷ Substance Abuse and Mental Health Services Adm., US Dept. of Health and Human Services, Summary of Findings from the 1999 National Household Survey on Drug Abuse (Rockville, MD: SAMHSA, August 2000), pp. G-3 & G-13.

⁸ The Honorable James Gray, *Why the Drug Laws have Failed and What We Can Do About It*, (Philadelphia, Temple University Press, 2000), p. 80.

⁹ Diane Jean Schemo, New York Times, "Columbia to Test Coca Herbicide," Orange County Register, June 20, 1998, News 29.

¹⁰ Trade and Environment Database (TED), TED Case Studies: Columbia Coca Trade (Washington DC: American University, 1997), pp. 4-8.

economy of Columbia in 1998 as a result of the illicit coca trade. About two-thirds of the world's heroin comes from Afghanistan and most of the rest from Myanmar.

- The War on Drugs has had the effect of seriously eroding the Bill of Rights. A continuous stream of U.S. Supreme Court decisions have whittled away basic Fourth Amendment rights. Assets, such as cars and homes, can be forfeited without a criminal conviction. In 1983, the Supreme Court watered down the Exclusionary Rule, which protects against unwarranted searches and seizures, when it decided in *United States v. Leon* that evidence seized by the police without probable cause could be used as long as the magistrate issued the search warrant in good faith. In a series of rulings, the Supreme Court has narrowed the geographic meaning of one's home and therefore the area protected from unreasonable searches. The Court has upheld the extraordinary seizure and transport to the United States by mercenaries of individuals wanted in the United States. In July 1998, the Tenth Circuit U.S. Court of Appeals found the practice of "paying" informants with reduced sentences in criminal cases in exchange for their cooperation and testimony in drug money-laundering cases constituted a violation of federal laws prohibiting bribery of witnesses. This decision was later reversed by a 9 to 3 vote of the full court thereby allowing the practice to continue. During the 1990s, many police departments, including those in Los Angeles, Boston, New Orleans, San Francisco, Denver, and New York have been involved in scandals in which police personnel were found to have committed perjury about how they obtained evidence in drug cases.
- The statutory scheme involving asset forfeiture is unprecedented in U.S. legal history. Not only can property be forfeited without a criminal conviction, it is estimated that about 80 percent of the people whose property is taken are not even charged with a criminal case. Parents, for instance, can lose their homes if an adolescent or young adult child is found with drugs on the property. These laws require that people from whom the property is seized have the burden to prove that it was not used to facilitate the sale of drugs or purchased with drug money. In other words, property owners are presumed to be guilty. Further law enforcement agencies are able to retain the revenues raised from seized assets rather than placing the money in the jurisdiction's general budget. For instance, between 1986 and 1993, law enforcement agencies in California received \$590 million in forfeited assets.¹¹
- In 1999, seven states had voted to allow the medical use of marijuana within their borders. These states are Alaska, Arizona, California, Maine, Nevada, Oregon, and Washington. California has just started sending first and second term drug offenders for treatment rather than prison. Organizations that have endorsed medical access to marijuana include: the Institute of Medicine, the American Academy of Family Physicians; American Bar Association; American Public Health Association; American Society of Addiction Medicine; AIDS Action Council; British Medical Association; California-Pacific Annual Conference of the United Methodist Church; Consumer Reports Magazine; Kaiser Permanente; Lymphoma Foundation of America; Multiple Sclerosis Society, the National Association of Attorneys General; National Association of People with AIDS; and the New England Journal of Medicine. A few of the editorial boards that have endorsed medical access to marijuana include: Boston Globe; Chicago Tribune; Miami Herald; New York Times; Orange County Register; and USA Today.
- Holland has a formal policy of pragmatic non-enforcement for violations involving the possession or sale of up to 5 grams of marijuana (approximately ten cigarettes). Under this program, the possession, use, and sale of street drugs are still illegal, but as long as people stay within certain well-known guidelines, and do not otherwise commit any crimes, the police will not enforce the drug law. Coffee houses have been established where patrons can get coffee, tea, sandwiches, as well as marijuana and hashish. Alcohol and harder drugs are not sold; there is no advertising; and sales to minors are prohibited. The Dutch pursue a general "harm reduction" approach toward drugs including drug treatment, needle exchange, and educational programs. Holland has a lower per capita marijuana usage ratio than the United States. Between 1979 and 1994, the percentage of young people using hard drugs went down from 15 percent to 2.5 percent. And the average age of hard-drug users has gone up from 26.8 years in 1981 to 34.2 years in 1993.¹²
- A 1994 Rand Corporation found that drug treatment is seven times more cost-effective than domestic law enforcement in addressing drug abuse, eleven times more cost-effective than our attempts to interdict illicit drugs, and twenty-three times more effective than our drug-eradication and crop substitution programs overseas.¹³ A 1994 report, funded by the state of California, by the National Opinion Research Center of the University of Chicago found that the use of

¹¹ Gray, 118-121.

¹² Georgie Anne Geyer, "The Dutch Can Teach Us About Drug Programs," Orange County Register, July 11, 1994: Metro 7.

¹³ Carolyn Skorneck, "Treatment is Cheapest Way to Cut Cocaine Use in Nation, Report Says," Orange County Register, June 14, 1994.

crack cocaine, powder cocaine, and amphetamines declined by almost one-half after treatment; that heroin used declined by more than one-fifth; and that alcohol use declined by almost one-third.