

U.S. incarceration, The War on Drugs

The incarceration rate in the United States of America is *the highest* in the world. As of 2011, for every 100,000 people who lived in the U.S., 716 were in jail, or 0.716% of the population. The total number of people in prison in 2012 was a staggering 2,228,424. While the United States represents about 5 percent of the world's population, it houses around 25 percent of the world's prisoners. According to a US Department of Justice report published in 2006, over 7.2 million people were at that time in prison, on probation, or on parole (released from prison with restrictions). That means roughly 1 in every 32 Americans is under some form of correctional control.

The American penal system for the last forty years has been dominated by relentless growth, with a 500% increase in inmates. Of the seven million people currently under correctional control in the U.S., a disproportionate number come from a small subset of neighborhoods in the major cities of each state. Overwhelmingly black, Latino, and poor, the residents of these neighborhoods are those most likely to suffer from high rates of unemployment and poverty; homelessness; and sub-standard school, healthcare, and other basic services. A vast majority of those who enter the correctional system when released will re-enter it at some point.

There are huge racial disparities in the incarceration rates. While only approximately 12%-13% of the American population is African-American, they make up nearly 1 million, or 40%, of the almost 2.3 million incarcerated population. Racial minorities are more likely than white Americans to be arrested, and once arrested, they are more likely to be convicted; and once convicted, they are more likely to face stiff sentences. Sharp growth in illegal immigration and increased enforcement of immigration laws have dramatically increased the number of Latinos in the prison system. Because blacks and Latinos are generally poorer than whites, they are also more likely to rely on court-appointed public defenders.

Keeping all these people behind bars is not cheap. A report by the organization *The Price of Prisons* states that the average cost of incarcerating one inmate in Fiscal 2010 was \$31,307 per year. In some states like Connecticut, Washington state, New York, it's anywhere from \$50,000 to \$60,000. That is money that could be much better spent. The epidemic of incarceration costs the U.S. taxpayers around \$65 billion a year.

The United States holds a retributive theory of justice that considers punishment to be the best response to crime. When an offender breaks the law, justice requires that they forfeit something in return, they must be punished. Traditionally, philosophers have contrasted retributivism with utilitarianism. For utilitarians, punishment is forward-looking, justified by a purported ability to achieve future social benefits, such as crime reduction. For retributionists, punishment is

backward-looking, justified by the crime that has been committed and carried out to atone for the damage already done.

Some countries such as Norway hold a restorative theory of justice (also sometimes called reparative justice), which is an approach that focuses on the needs of the victims and the offenders, as well as the involved community, instead of just punishing the offender. Offenders are encouraged to take responsibility for their actions, they are given access to education and facilities that encourage them to learn things and acquire new skills. When released from prison they are provided housing, employment, income, education, health care and addiction treatment if needed. Countries that use the restorative approach have some of the lowest recidivism (people returning to prison once released) rates in the world.

Racial disparities within the justice system have been exacerbated by the war on drugs. The drug war led the country's population of incarcerated drug offenders to soar from 42,000 in 1980 to over half a million in 2010. The *War on Drugs* is an American term commonly applied to a campaign of prohibition of drugs, military aid, and military intervention, with the stated aim being to define and reduce the illegal drug trade. This initiative includes a set of drug policies that are intended to discourage the production, distribution, and consumption of illegal psychoactive drugs. The term gets its name from a speech given in 1971 by U.S. president Richard Nixon in which he refers to drug abuse as "public enemy number one" and declared a "war on drugs".

Many currently illegal drugs, such as marijuana, opium, coca, and psychedelics have been used for thousands of years for both medical and spiritual purposes. So why are some drugs legal and other drugs illegal today? It is not based on any scientific assessment of the relative risks of these drugs. According to a World Health Organization report on non-communicable diseases (NCDs), which include diabetes, cancer and respiratory and heart diseases; almost 6 million people die from tobacco related illness each year, and around 2.5 million die each year from the harmful use of alcohol. Together these two perfectly legal drugs are responsible for around 15% of total human death in the world, while drugs like cannabis which have caused no recorded deaths remain illegal in most places. The illegality of these drugs has mostly to do with who was associated with this in history.

During much of the 19th century opium was seen as a miracle drug that could be used to help with a number of different ailments; it was a main ingredient in a number of over the counter treatments that anyone could buy. By the 1870's however anti-Chinese sentiment had begun developing and opium became largely stigmatized with Chinese immigrants, who had come to California to work during the early gold rush days. The first anti-opium laws were directed against the unwelcome Chinese immigrants. Similarly the first cocaine laws were directed against African American men in the South. Cocaine was once widely used and available over the counter. The first anti-marijuana laws, in the Midwest and the

Southwest in the 1910s and 20s, were directed at Mexican migrants and Mexican Americans.

In the 1960s, as drugs became symbols of youthful rebellion, social upheaval, and political dissent, the government halted scientific research to evaluate their medical safety and efficacy. In June 1971, President Nixon declared a "war on drugs." He dramatically increased the size and presence of federal drug control agencies, and pushed through measures such as mandatory sentencing and no-knock warrants.

In the late 1980s, a political hysteria, much in response to the crack-cocaine epidemic, about drugs led to the passage of draconian penalties in Congress and state legislatures that rapidly increased the prison population. A mandatory sentence is a court decision setting where the judge's discretion is limited by law. People convicted of certain crimes *must* be punished with at least a minimum number of years in prison.

Ronald Reagan took office in 1981, and his wife, Nancy Reagan, began a highly-publicized anti-drug campaign, coining the slogan "Just Say No." This set the stage for the draconian zero tolerance policies that were to be implemented. Harsh drug laws and mandatory sentencing have resulted in hundreds of thousands of non-violent drug offenders behind bars, at huge cost to taxpayers. The war on drugs has devastated many American families.

America's war on drugs has also been a great burden to other countries. As part of its Plan Colombia program, the United States government currently provides hundreds of millions of dollars per year of military aid, training, and equipment to Colombia, to fight left-wing guerrillas such as the Revolutionary Armed Forces of Colombia (FARC), which has been accused of being involved in drug trafficking. This creates tension as Colombian military personnel have committed human rights abuses which should make them ineligible for U.S. aid under current law.

The problems for Mexico have been even worse. Given its geographic location, Mexico has long been used as a staging and transshipment point for narcotics and contraband destined for U.S. markets from Mexico itself, South America and elsewhere. This has led to a huge increase in drug violence as cartels fight for control of the trafficking routes into the United States. Tens of thousands are dead from drug violence and tens of thousands more have simply gone missing. Because of United States drug policy, there is a huge demand for drugs and many billions of dollars to be made meeting it. The U.S. Justice Department has put the cartels' U.S. drug trade profits at \$39 billion. Mexico is currently scheduled to receive \$1.6 billion in equipment and support from the United States in order to combat narco traffickers through the Mérida Initiative.

Numerous studies have shown that sending substance-abusing offenders to community-based treatment programs instead of prisons could reduce crime and save billions of dollars. The savings would result from immediate reductions in the

cost of incarceration, and by subsequent reductions in the number of crimes committed by successfully treated offenders, which leads to fewer re-arrests and re-incarcerations.

Jeffrey Miron, an economist at Harvard who studies drug policy closely, has suggested that legalizing all illicit drugs would produce net benefits to the United States of some \$65 billion a year, mostly by cutting public spending on enforcement as well as through reduced crime and corruption. A study by analysts at the RAND Corporation, a California research organization, suggested that if marijuana alone were legalized, Mexican drug cartels would lose about a fifth of their annual income from illegal exports to the United States

It is becoming clear to many that the policy of enforcement and punishment has failed, and that something new is needed; namely a policy focused on education and treatment. Both are these are vastly more human than incarceration and cost society far less money in the long run.