

San Antonio Criminal Justice Action Coalition

To educate and engage the public on the issue of mass incarceration in an effort to bring about fundamental reform of our justice system

WHERE HAVE ALL THE BLACK MEN GONE?: Disproportionate Justice in the War on Drugs

“The genius of the current caste system, and what most distinguishes it from its predecessors, is that it appears voluntary. People choose to commit crimes, and that’s why they are locked up or locked out, we are told. This feature makes the politics of responsibility particularly tempting, as it appears the system can be avoided with good behavior.” Michelle Alexander, *The New Jim Crow*, 2010.

According to Alexander’s book, the War on Drugs was launched in 1982 before the emergence of crack cocaine in 1985. She went on to state, “Nothing has contributed more to the systematic incarceration of people of color in the United States than the War on Drugs.”

According to the 2000 National Household Survey on Drug Abuse, Blacks, Whites and Hispanics use and sell drugs at very similar rates, therefore the majority of all citizens illegally using or selling drugs are White. However, 75% of those sentenced to prison throughout the U.S. have been Black or Latino (M. Mauer & R. King, *Schools and Prisons*, 2004.) Even more shocking is that in 2000, 80 to 90% of all drug offenders sent to prison in seven states were African American (Human Rights Watch, *Punishment and Prejudice*, May 2000).

The War on Drugs is a large part of the reason that 1 in every 14 black men was behind bars in 2006 compared with 1 in 106 white men (Pew Center, *One in 100*, 2008). This disparity in incarceration adversely affects families as well. One in nine black children has an incarcerated parent, compared to one in 28 Latino children and one in 57 white children (B. Western & B. Petit, *Collateral Costs*, Pew Charitable Trusts, 2010).

Since the inception of the War on Drugs, funding for drug interdiction across numerous agencies has skyrocketed while funding for drug education and treatment has suffered severe cuts. The funding has not been focused on large-scale drug busts or dealers. According to Uniform Crime Reports (2012), there are more than 1.5 million drug arrests in the U.S. in 2011 and the vast majority – more than 80% – were for possession only.

Drug offenses account for two-thirds of the increase in federal prisoners and more than half of the increase in state prisoners between 1985 and 2000 (Mark Mauer, *Race to Incarcerate*, 2006). Approximately 500,000 people are now in jail or prison for drug offenses compared with an estimated 41,000 in 1980. Yet, four out of five drug arrests involve possession rather than sales. (R. King & M. Mauer, *A 25-Year Quagmire*, 2007), and nearly 80% of the growth in drug arrests in the 1990s were for marijuana possession (R. King & M. Mauer, *The War on Marijuana*, 2005).

Nearly thirty years after the start of the War on Drugs, President Obama took a small step toward addressing this unjust system when he signed legislation reducing the 100:1 disparity in sentencing for crack vs powder cocaine to 18:1.

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