

Is Obama Truly Serious on Ending Failed “War on Drugs”

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Region: [USA](#)

Global Research, May 31, 2009

31 May 2009

Efforts by President Obama to put an end to the nation’s failed “War on Drugs” can’t come an hour too soon—if that’s his intent. From his actions, it’s hard to know.

Drug offenses account for about half the 200,000 Federal prison inmates behind bars, compared to just 15% of prisoners convicted of violent crimes involving weapons, explosives, or arson. If America leads the world with 2.3 million prisoners in all its prisons, jails, and assorted lock-ups, it is largely because we have criminalized drug addiction, not treated it.

President Richard Nixon first declared a “War on Drugs” in 1969 to dramatize his fight against drug addiction. Nixon—who had a knack for waging wars he could not win—got the country headed down a wrong road from which it may only now be just turning around.

Gil Kerlikowske, Obama’s new head of the Office of National Drug Control Policy, has renounced even the use of the phrase “War on Drugs” on grounds it favors incarceration of offenders rather than treatment. But talk is no substitute for action.

To his credit, Obama has long appeared to be open to a fresh approach. In an address at Howard University on September 28, 2007, then Senator Obama said, “I think it’s time we took a hard look at the wisdom of locking up some first time nonviolent drug users for decades.”

“We will give first-time, non-violent drug offenders a chance to serve their sentence, where appropriate, in the type of drug rehabilitation programs that have proven to work better than a prison term in changing bad behavior,” he added. “So let’s reform this system. Let’s do what’s smart. Let’s do what’s just.” And as overcrowding spurts and governors currently whine they can’t balance budgets, the public might get some real relief.

Last year, more than 700,000 of the country’s 20-million pot smokers were arrested for marijuana possession, according to NORML, an advocacy lobby that works for decriminalization. Over the past decade, 5-million folks got arrested on marijuana charges, 90% of which were for “simple possession, not trafficking or sale,” NORML says.

“Regardless of whether one is a ‘drug warrior’ or a ‘drug legalizer,” writes Bob Barr in the May 25th Atlanta Journal Constitution, “it is difficult if not impossible to defend the 38-year old war on drugs as a success.” That’s because, “Illicit drugs are every bit as easy to score on America’s streets and in her schools now as they were more than three decades ago. Last year, just under 84% of the 12th graders considered that marijuana was ‘very easy’ or ‘fairly easy’ to obtain; virtually the same as in a 1975 survey.”

What accounts for the 547% spurt in prison population between 1970 and 2007, Barr writes, is that “the primary focus of the federal anti-drug effort has been enforcement, interdiction and incarceration as opposed to demand reduction, prevention and treatment.”

Mary Ellen DiGiacomo, of the Action Committee For Women in Prison(ACWIP), of New Jersey, says, “There’s long waiting lines to get into (substance abuse) programs, and they don’t have drug treatment programs at most women’s institutions. You get one therapist, one counselor you talk to but that does not constitute drug treatment.”

This may be one reason Bureau of Justice Statistics finds two out of every three released convicts within three years wind up back inside.

As former Baltimore Mayor Kurt Schmoke wrote in *The New Republic*, “There are roughly 1.8 million people arrested each year for drug law violations—40 percent of them for marijuana possession.” Schmoke called for creating more Federal drug courts where addicts “would be treated from a public health perspective” rather than a criminal one.

Gloria Killian, of Pasadena, founder and executive director of ACWIP, estimates “Eighty percent of (the 11,600) women in California’s prisons are in there for nonviolent drug offenses. Most low-level drug offenders are addicts and need treatment. It’s a medical problem. It’s a mental health problem.”

Oddly, foreign presidents can see the problem clearly even if many U.S. “law-and-order” politicians cannot. AP in a March 16th dispatch wrote that a report by three former Latin presidents “dubbed the war on drugs a ‘complete failure.’” Ernesto Zedillo of Mexico, César Gaviria of Colombia, and Henrique Cardoso of Brazil, “all conservative politicians, blamed the US emphasis on criminalization for the continuing toll caused by drug trafficking, and called for an approach based on public health, including the legalization of marijuana,” AP said.

The ill-starred drug war has filled American prisons to bursting. In Chicago, some prisoners are sleeping on the floor, the John Howard Assn. reports. At the California Institution for Women, in Corona, designed for 800-900, Killian says, “last year they ran at double capacity at all times.” The recreation rooms have been filled up with beds and “the auditorium has been used as a dormitory.”

Calling our prisons “overcrowded” and “ill-managed,” Senator Jim Webb (D-Va.) wrote in *Parade* magazine: “Drug offenders, most of them passive users or minor dealers, are swamping our prisons.” Webb said 47.5% of all the drug arrests in 2007 were for marijuana offenses.

What’s more, “nearly 60% of the people in state prisons serving time for a drug offense had no history of violence or of any significant selling activity. Indeed, four out of five drug arrests were for possession of illegal substances, while only one in five was for sales,” Webb noted. And, “Three-quarters of the drug offenders in our state prisons were there for nonviolent or purely drug offenses.”

Webb is the Senate’s champion of prison reform because, he says, we are “locking up too many people who do not belong in jail.” He introduced a bill in March to create a blue-ribbon panel to review criminal justice policies and recommend reforms within 18 months.

President Nixon created such a task force but when the Shafer Report (after former Pennsylvania Governor Raymond Shafer) concluded in 1972 that “neither the marijuana user nor the drug itself can be said to constitute a danger to public safety” and urged the government to stop penalizing pot smokers for personal use or distribution, Nixon simply ignored it.

Taxpayers are shelling out \$68 billion annually for prisons, much of it winding up in the pockets of private contractors. As author Andrew Bosworth explained in “Dissident Voice,” “Inmates have become the raw material for a prison-industrial complex, shoring up perpetual profits for Mcjails. Corporate prisons are paid on a per-prisoner/per day basis, and thus they lobby hard for longer mandatory sentences. Inmates also provide cheap labor, and they are about to become, once again, guinea pigs for pharmaceutical trials. All of this signals the conversion of people into valuable ‘bio-mass.’” Or as DiGiacomo bluntly put it, “The prison-industrial complex wants people to keep going to prison because that’s how they make their billions.”

Bosworth adds, “Prisons provide jobs to rural and small town Americans who would otherwise be unemployed. These workers and their families represent votes, especially in the South, where electoral majorities are White and electoral minorities are Black.” In a rare insight he argues, “The drug war is, in large part, a race war by other means.” Indeed, Bureau of Justice Statistics estimate that 32% of black males will be imprisoned in their lifetime as against 17% of Hispanic males and 5.9 percent of white males.”

The Obama administration, AP reported, “signaled today(March 16th) that it was ready to repudiate the prohibition and ‘war on drugs’ approach of previous presidents, and steer policy towards prevention and ‘harm reduction’ strategies favored by Europe.”

Radley Balko, senior editor of Reason magazine, however, doubts Obama’s intentions. He wrote in The Daily Beast of April 16th: “As he leaves on a trip to Mexico, the president looks poised to continue the same ruinous drug policies and the same failing tactics in the war on drugs.” Balko says U.S. fundings of Mexican crackdowns on drug cartels “often ratchet up the level of violence, as the elimination of one major drug distributor provokes those who remain to war over his territory.” Balko notes that marijuana makes up 60 to 70 percent of the Mexican drug trade and “lifting prohibitions on it in the United States would eradicate a major source of funds for the cartels.”

Since 2006, Balko notes, more than 10,000 Mexicans have been murdered “as a direct consequence of the drug trade.” That figure, by the by, is roughly twice the number of U.S. soldiers and contractors killed in Iraq since President Bush launched his ill-starred aggression. Balko charged that Obama has morphed “from a thoughtful drug-war critic to a typical Beltway drug warrior.” He says while Obama never supported legalization, the drug reform community rallied behind his candidacy “because in the past he has taken thoughtful, nuanced positions on the issue.” Balko charged campaigner Obama also pushed to revitalize the so-called Byrne Grant, which ties Federal aid to local police based on the number of their drug arrests, encouraging them to prowl for low-level offenders.

And while candidate Obama pledged to end Bush’s raids on medical marijuana patient caregivers’, President Obama’s Drug Enforcement Administration raided a medical marijuana dispensary, raising questions of just where the White House stands.

On the other hand, the Drug Policy Alliance Network (DPAN), which seeks alternatives to the

War on Drugs, notes “The official White House website now calls for elimination both the crack/powder cocaine sentencing disparity and promoting AIDS prevention by lifting the federal ban on funding syringe access programs. That’s a remarkable change from the last eight years...”

A real change in drug policy could save the country billions. Harvard economist Jeffrey Miron has pointed out: “Prohibition is a drain on the public purse. Federal, state and local governments spend roughly \$44 billion per year to enforce drug prohibition. These same governments forego roughly \$33 billion per year in tax revenue they could collect from legalized drugs, assuming these were taxed at rates similar to those on alcohol and tobacco. Under prohibition, these revenues accrue to traffickers as increased profits.”

Miron told CNN, “Prohibition of drugs corrupts politicians and law enforcement by putting police, prosecutors, judges and politicians in the position to threaten the profits of an illicit trade. This is why bribery, threats and kidnapping are common for prohibited industries but rare otherwise. Mexico’s recent history illustrates this dramatically.”

If Obama balks on marijuana reform he will be going against a strong-flowing tide of public opinion against him. Allen St. Pierre, executive director of NORML, recently pointed out there are 36 marijuana bills pending in 24 states calling for legalization, de-criminalization, and medical marijuana. “Not all the bills will make it,” he says, “but they are a sign of change.”

By legalizing drugs, the way the country legalized alcohol in the Thirties, the government could deal a sharp blow to the drug cartels just as it did to Al Capone and other organized crime moonshiners that supplied the speakeasies. Plus, legalization could reduce our swollen prison populations at a big savings to taxpayers. At the same time, it would free up police manpower to battle violent crime, not pot smokers. Finally, and most important, it could set free hundreds of thousands of men and women who do not belong behind bars. When it comes to decriminalizing marijuana, Americans seemingly are ready for real change—not chump change.

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