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## Discourses of Deception: (Re)Examining America's War on Drugs

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Discourses of Deception: (Re)Examining America's War on Drugs

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A Dissertation

Presented to

the Faculty of Arts and Humanities

University of Denver

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In Partial Fulfillment

of the Requirements for the Degree

Doctor of Philosophy

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by

Benjamin S. Boyce

June 2018

Advisor: Joshua Hanan

Author: Benjamin S. Boyce  
Title: Discourses of Deception: (Re)Examining America's War on Drugs  
Advisor: Joshua Hanan  
Degree Date: June 2018

### **Abstract**

America's war on drugs is a failed experiment that has caused more damage than it will ever prevent. From its original design to its contemporary manifestations, the war on drugs is a conflict that remains firmly rooted in white supremacy. In contemporary Western societies, the rhetoric of both political leaders and mass-mediated narratives becomes the raw material of subjective reality. Since the war on drugs began nearly a century ago, the spectacle of mass media has been consistently utilized by white political elites as a vehicle of misinformation—as a well-oiled machine for spreading the false social narrative that drugs are dangerous and deadly, that drug dealers and users are infectious and criminal, and that drug use should be punished. From newspapers to sitcoms to commercials to blockbuster films, these narratives also work to associate drug use with crime and race in ways that reinforce racist stereotypes often used in the service of white supremacy. A century into the war on drugs, American prisons are packed with people of color, many working full-time jobs for little or no wages while lacking the most basic of human necessities, all because drug possession and use are socially constructed as dangerous and criminal. Once released from prison, the convicted drug criminal faces life-long barriers to legitimacy. The drug addict is especially at risk, forced to live in the crevices of society and damned to the dangers of the criminal underworld. The war on drugs isn't responsible for saving the lives of addicts or helping drug dealers find more

lucrative (and legal) employment. The war on drugs is a catalyst of mass incarceration, a threat to public health, and a guaranteed source of income to underworld organizations.

## **Acknowledgements**

This finalized piece would not be possible without all the help I had along the way. Much gratitude to Dawn Bryner for all your editing help, and to my fabulous partner, Dr. Erin Boyce, for your support and advice throughout this project. Thanks to Dr. Christina Foust and Dr. Josh Hanan for keeping me grounded. Thanks to Dr. Armond Towns and Dr. Stephen Hartnett for reminding me that there is life after a prison number. Thanks to Dr. Bernadette Calafell and Dr. Dawn-Marie McIntosh for lighting that radical feminist fire that won't go out.

## Table of Contents

Introduction.....	1
Chapter One .....	6
Finding an Enemy and Declaring a War.....	6
An Other America.....	7
Striking the Match.....	9
Harry’s War .....	11
Licata’s Ghost.....	19
Harry’s People .....	24
George Wallace.....	26
Barry Goldwater.....	28
And the Beat Goes On .....	29
Forget not the Democrats.....	31
44 & the Flip Side of Dog Whistling.....	32
Trump’s Best People.....	33
The Opioid Crisis.....	36
Russian Hacked Dog Whistles.....	40
Breaking the Encyclopedia .....	42
Chapter Two.....	44
The New Slave State: From Plantation to Penitentiary .....	44
As American as Slavery.....	45
Defining White Supremacist Capitalist Patriarchy .....	50
White Supremacy.....	51
Patriarchy .....	52
Capitalism .....	53
Painting Maximum Security from the “Belly of the Beast” .....	54
All We’ve Got.....	56
Privatized Punishment .....	60
What’s in a Name?.....	62
Feeding the Beast.....	64
Same ol’ Song.....	68
The White American Dream.....	68
Repackaged Racism .....	71
Chapter Three.....	73
Keeping Race Invisible: From <i>Spectacle</i> to <i>Dispositif</i> .....	73
The Dance of Life and Art .....	74
The Age of Representation .....	76
The War on Drugs as a Foucauldian <i>Dispositif</i> .....	81
Chronic Wokeness .....	84
Reinforcing Racial Mythology in the Society of the Spectacle.....	90

Double-Down or Fold .....	94
Chapter Four .....	96
America Now: Drugs, Race and Class.....	96
Waging the War .....	98
Hollywood’s War on Drugs .....	104
The War on the Ivory Tower .....	106
The War on Fifth Street .....	111
Capitalism 101 .....	116
Breaking the Cycle.....	119
Chapter Five.....	122
Towards a Solution .....	122
The Short Walk from Plantation to Penitentiary.....	122
The Crime Boom.....	128
A New Paradigm.....	131
My People .....	133
An Alternative to War.....	139
Killing the Romance .....	141
Intoxication .....	142
Bibliography .....	190

## **Introduction**

America has been waging a war on drugs for more than a century, and while the benefits remain to be seen, the damage report is extensive. In the wake of a hundred-years of ramped-up penalties for use and sales, we addicts can no longer purchase our medication at the corner store for an affordable price; we must turn to the criminal underworld, where we purchase polluted products from unregulated pharmacists at inflated markups. No longer can we seek our doctor's aid in maintaining our addictions; we must find alternative suppliers who stand to lose income if we reduce or substitute our intake. No longer can we turn to our friends, our family, or our culture for help; we are offered tough love and a prison cell. The war on drugs has accomplished little more than the alienation of addicts and the incarceration of our suppliers. We are the targets and the casualties of this war.

This project will reveal that the war on drugs has never prevented overdose deaths, minimized danger to drug users, nor contributed to public safety. This war wasn't designed to accomplish such magnanimous goals. On the contrary, the war on drugs was engineered to criminalize and monetize poor people and people of color, and in this main objective it has proven incredibly successful. While continuing to achieve this primary goal a century after its declaration, the war on drugs also stigmatizes and criminalizes drug users through policies that reinforce age-old stereotypes of us as immoral, selfish criminals who choose to use and, subsequently, to commit crimes to support our use. In



reality, the illegality of these substances forces prices through the roof, encouraging unregulated pharmacists to both raise their prices and dilute their products, while we addicts must scramble to keep up with inflation. The drugs don't make us want to steal; the high-price of a substance that many of us need to get through the day forces us into a moral dilemma. With society consistently telling us that our desire to use means that we are already criminals, we become self-fulfilling stereotypes. The war on drugs creates its own enemies from groups who are already marginalized and oppressed.

Chapter One discusses the origin of the war on drugs, which was launched at a time in American history when drug use was, by and large, not a social problem. Drug users and addicts tended to be functioning members of society, and criminal activity related to drug use was uncommon given the ease of access provided by *laissez-faire* capitalism in the early twentieth century. Stories of addicts resorting to theft and/or violence in a desperate search for their next fix were virtually unheard of, and the cheap price of these chemicals made them as easy to obtain as a bottle of beer in contemporary America. The war on drugs wasn't launched from a social concern for addict well-being; rather, it was a cleverly-crafted Trojan Horse of white supremacy, designed and waged in a manner that has always targeted people of color and poor people. From its origins in early twentieth-century American politics to its contemporary design and operations, the war on drugs reinforces problematic hierarchies of oppression and privilege that persist throughout Western cultures. Time and again, politicians on both sides of the aisle have played on white America's fear of racial others. Associating intoxication with groups that are already feared or oppressed by white elites has become a recipe for political success.

Chapter Two presents a genealogy of Chattel slavery in America that does not end with the passage of the 13<sup>th</sup> Amendment, but continues to this day through the prison industrial complex. The war on drugs provided a new method for the enslavement of a new undercaste, criminals, a group that came to be composed disproportionately of black men. Convicted of minor drugs charges, the American convict enters a prison system where they are required to work assigned jobs for little or no wages, often for the profit of multi-million-dollar capitalistic organizations. American slavery is alive and well, and it continues to benefit mostly white, rich business owners at the expense of un(der)paid, disproportionately black men. Privatized prisons are also discussed as an evolution in prison slave labor whereby inmates come to represent profit margins regardless of their ability to contribute un(der)paid labor.

Chapter Three describes the process through which Americans have consistently updated and refined their cultural narratives concerning crime, punishment, and race, all in an effort to maintain established standards of white supremacy while avoiding the appearance of outright racism. The spectacle of mass media is contemporary society's most effective and most invasive tool. Everywhere public messages persist, teaching those who consume them lessons about how to behave and what to believe. The process becomes automatic and mandated in contemporary Western cultures through institutions like schools, police, churches, and mass media. This chapter also describes the methods through which the social milieu works to construct and maintain the permanent illusion of social advancement, leading each generation of Americans to believe, falsely, that they have achieved social equality and risen above the ignorance of their ancestors. These

false narratives of moral superiority, retold to each new generation by each new generation, leave us permanently ignorant of inequality and immune to criticism.

Chapter Four focuses on the current state of America, centering race, wealth, and criminality as they relate to notions of success in a capitalistic culture. America's longstanding racial wealth gap continues to act as a barrier to the economic advancement of black Americans. The deck remains stacked, as those without capital cannot invest when opportunities arise. This intergeneration wealth gap is perpetuated by the war on drugs and its partner, the prison-industrial complex. Black men are nearly seven-times more likely to spend time in prison than white men, and when released, the label of felon ensures a lifetime of financial barriers, employment restrictions, and outright discrimination. The Public Service Announcements provided to American television viewers for the last half century is but one synecdoche. Anti-drug campaigns frequently misinform consumers, providing fear-based narratives that paint drug use as dangerous and drug users as irresponsible criminals. Worse, the narratives are often packed with racialized stereotypes: black men are depicted as violent thugs while white men are given more humanized and empowered roles. Along with cinematic representations of drug use and sales that appear on news reports, movies, and television shows, the Public Service Announcement works in concert with white supremacy to perpetuate racial myths as old as America.

Chapter Five focuses on the solution, providing a path forward. Drug addicts are human beings, and more importantly, medical patients; the war on drugs treats them solely as criminals. It is time to legalize all drugs, to treat them as controlled substances

that are regulated by qualified professionals, and to build a network of resources that will ensure addicts have a pathway to success. Currently, the American addict is forced to purchase polluted (sometimes poisoned) drugs from unregulated underworld distributors who are looking to turn a profit. We are then forced to use these drugs in hidden places, always fearful that public scrutiny may result in incarceration. Hiding in back bedrooms and locked bathroom stalls, using products that are untested with unpredictable potency, our overdoses go unnoticed. We are dying in droves: 64,000 of us in 2016 alone.<sup>1</sup> We are arrested instead of aided, chained and chastised for possessing brains that are no less mysterious than those that mock us for being weak, selfish and immoral. We are both a product and a symptom of society at large, yet we receive social scorn rather than sympathy.

The war on drugs must end. It is an immoral, unethical, and counterproductive tool of white supremacy that will likely conceal its true motives for another century unless it is deliberately exposed and uprooted. Until these systems are intentionally undone, poor people and people of color will continue to suffer the brunt of a system designed to keep them locked in a social position of perpetual disadvantage. Users will continue to die of preventable overdoses and diseases so long as the war on drugs forces us to hide our use and restricts our access to clean drugs and paraphernalia. The war on drugs is a farce. It is time to raise the white flag.

## 1. Finding an Enemy and Declaring a War

“Imagine if the government chased sick people with diabetes, put a tax on insulin and drove it into the black market, told doctors they couldn’t treat them, then sent them to jail . . . we do practically the same thing every day in the week to sick people hooked on drugs. The jails are full and the problem is getting worse every day.”<sup>2</sup> Billie Holiday

America has been waging a war on drugs for more than a century, and the body-count continues to grow. More than 64,000 drug users died in the United States from overdose deaths in 2016.<sup>3</sup> More than 46% of newly incarcerated federal inmates are in prison for drug convictions.<sup>4</sup> Thousands are killed or seriously injured every year in accidents related to clandestine drug production.<sup>5</sup> Drug-related crimes continue to claim and maim countless lives every year. And drug users face a host of preventable diseases and injuries related to unclean needles, dangerous additives, fake drugs, and infected products.<sup>6</sup> The casualties, victims, refugees and prisoners of war continue to pile up, while the benefits of this ongoing conflict are as difficult as ever to locate.

The war on drugs is oxymoronic; the paradigm espouses a goal of complete social abstinence, while Americans continue to spend \$100 *billion* every year on illegal (and untaxed) narcotics.<sup>7</sup> Despite accounting for less than five-percent of global population, America is the site of more than 25% of the world’s drug overdose deaths.<sup>8</sup> It is, relatedly, also the home of 25% of the world’s prison population.<sup>9</sup> America is a culture in denial, waging an illogical war against the unpreventable vice of intoxication, and doing so in a counterproductive manner that leaves bodies in its wake, either dead or in jail.

**An Other America:** There is an America that many do not know exists. In this America, drug users are not criminalized and stigmatized—the majority of those who use intoxicants never develop addiction or dependency.<sup>10</sup> In this America, supply is not restricted, nor are users forced to seek out black market dealers; rather, edible opium and tinctures, cannabis oils, and cocaine solutions can be purchased at convenience stores without a prescription.<sup>11</sup> For those who do find themselves struggling with addiction, the treatment in this America is never criminal sanctions nor social exclusion. In this America, the Supreme Court has ruled that when a doctor “gives an addict moderate amounts of the drugs for self-administration in order to relieve conditions incident to addiction,” they are practicing legal and responsible medicine.<sup>12</sup> Revealingly, most addicts in this America do not end up unemployed, homeless, or unhealthy; rather, three-quarters of people actively addicted to opiates or cocaine maintain steady jobs, even when they are using.<sup>13</sup> In this America, 22% of self-described addicts are wealthy, while only six-percent are classified as poor.<sup>14</sup> Here, addiction is neither a death sentence nor a debilitating condition, a state of affairs that may seem odd to those who occupy the contemporary United States. Unfortunately, this America no longer exists.

The country described above, where drug users and addicts could live fulfilling lives, has been replaced by a police state where we drug addicts are shamed by our families, pushed out of our social support groups by faulty notions of tough love, hunted down by police who have been coopted as soldiers in the war on drugs, and stigmatized by society at large.<sup>15</sup> As this project will reveal, the chemicals are not responsible for the majority of problems drug users and addicts experience.<sup>16</sup> It is the environment in which

we use these substances that is responsible for the lion's share of damage done. Heroin and cocaine do not typically cause skin infections or abscesses, but contaminated drugs purchased from unregulated street-level dealers often do.<sup>17</sup> Getting high on methamphetamine or crack does not naturally land one in prison; rather, the society that builds the prisons and regulates the laws is responsible for who is thrown into the abyss.<sup>18</sup> Hepatitis and HIV are seldom contracted from the drugs that users inject; rather, these diseases plague addicted communities because of a cultural refusal to ensure addicts have access to legal and clean supplies and paraphernalia.<sup>19</sup> We addicts are not killing ourselves. We are under attack.

Prior to the twentieth century, when America began to regulate and eventually outlaw narcotics like heroin, marijuana and cocaine, the drug-friendly America described above, where addicts could live happy and fulfilling lives, was a reality. As Rufus King describes the era, "If drug use was not really approved by society, addiction was nonetheless regarded merely as a personal weakness similar to overindulgence in alcohol, and no efforts were made—or dreamed of—to impose penal restrictions."<sup>20</sup> Heroin, morphine, and cocaine were legal for recreational use in the United States until 1914, and marijuana wasn't effectively outlawed at the federal level until 1937 with the passage of the Marijuana Tax Act.<sup>21</sup> Before these instrumental pieces of legislation, there was no war on drugs, no criminalization of drug use, no burgeoning prison population serving time for drug possession—there was no cultural fear of intoxicants. Lloyd Manufacturing once sold cocaine pain relief drops, which they advertised with an image of two children playing alongside the caption, "Instantaneous Cure!"<sup>22</sup> Mrs. Winslow's Soothing Syrup

was a morphine-based product marketed to parents as a treatment “for children teething.”<sup>23</sup> And the contemporary favorite of fear-mongering, anti-drug campaigners, heroin, was sold over the counter by Bayer as a cough suppressant from 1898-1910.<sup>24</sup> While Sigmund Freud was studying the medicinal properties of cocaine via self-experimentation, Coca-Cola was using the same chemical as an ingredient in its soda.<sup>25</sup> In early twentieth century America, drug users could easily and affordably obtain their drugs, they were generally active and employed, and they seldom caused problems for society.<sup>26</sup> There was a cultural catalyst in the war on drugs, but the zeitgeist was not informed by a legitimate concern for the lives of addicts. This fire was started by a demagogue.

**Striking the Match:** The Western World, and particularly America, has always loved to get high. The legality and marketability of narcotics prior to the war on drugs put millions of dollars into the pockets of capitalistic entities, as James Inciardi explains:

by 1905 there were more than 28,000 pharmaceuticals containing psychoactive drugs readily available throughout the nation, sold in an unrestricted manner by physicians, over-the-counter from apothecaries, grocers, postmasters, and printers, from the tailgates of medicine show wagons as they traveled throughout rural and urban America, and through the mail by newspaper advertisements and catalog sales.<sup>27</sup>

The roots of chemical intoxication in America run directly through *laissez-faire* capitalism, and as this project will show, the roots of prohibition draw life from the same dirt. According to David Courtwright, outright drug prohibition was nearly unheard of in America, until, “...nationalism, industrialization, medical science, public health, evangelism, missionary activism, economic progressivism, and total warfare prompted further attempts to restrict nonmedical consumption.”<sup>28</sup> Prior to the twentieth century,



American culture saw a consistent normalization of the use of intoxicating substances. Easy availability and targeted marketing provided a sense of social acceptability that allowed for legal experimentation and self-medication fueled by free market capitalism: *caveat emptor*.

America's anti-drug attitude did not materialize overnight; by the late 1880's, a change was already in the air. That change was fueled, in large part, by one of America's oldest national characteristics, white supremacy. According to King:

Opium smoking, associated with laziness and nonproductivity in the Far East, was inhibited by high duties laid on in the 1880's, by a law prohibiting manufacture in the United States after 1887, and by a total ban on imports for the smoking use after 1909. Smoking also received a setback in the public view in the early 1900's when it became associated to some extent with the so-called criminal classes.<sup>29</sup>

This social fear was not founded on the danger of the substances themselves, but on the white cultural fear that criminals and racial others would use intoxicants and act in a manner unacceptable to the white bourgeoisie. As Johann Hari explains, "The main reason given for banning drugs—the reason obsessing the men who launched this war—was that blacks, Mexicans, and Chinese were using these chemicals, forgetting their place, and menacing white people."<sup>30</sup> The 1906 Pure Food and Drug Act reveals America's original emphasis on promoting consumer safety through adequate product labeling, not outright prohibition. The act required product labels to disclose the presence and quantity of eleven controlled substances, including cocaine, heroin and alcohol.<sup>31</sup> None of these substances were banned outright; they simply required proper labeling in an effort to encourage responsible consumption. But once race and criminality were attached to

cultural scripts concerning drug use and intoxication, America's liberal attitude about drugs began to change.

Michel de Certeau has described the process through which societies construct, endorse and update social norms through the use of mediated accounts of reality, such as news stories, narratives and advertisements: "These fragments of history are organized into articles of doctrine . . . these narratives have the twofold and strange power of transforming seeing into believing, and of fabricating realities out of appearances."<sup>32</sup> According to de Certeau, an individual's subjective reality is *always* affected by mediated images and social norms. Our beliefs, attitudes, behaviors, speech patterns, habits, preferences and morals *never* come to exist without being constantly influenced and amended by the social milieu: "narrations about what's-going-on constitute our orthodoxy."<sup>33</sup> Until the early twentieth century, American orthodoxy seemed indifferent to the norm of intoxicating chemicals. Enter the demagogue.

**Harry's War:** The stage is set: early twentieth century America. There is no drug epidemic—no opium crisis resulting in tens-of-thousands of premature deaths every year. Drug users and addicts are more than tolerated; they often thrive in a culture that lacks contemporary taken-for-granted American phobias surrounding drug use and intoxication.<sup>34</sup> Drugs are cheap and easily obtainable, those who use them are typically employed, and overdose resulting in death is uncommon, even among addicted populations.<sup>35</sup> America is moving *away* from an ideology of prohibition, a cultural progression punctuated by the passage of the 21<sup>st</sup> Amendment in December of 1933.<sup>36</sup> But even as intoxication is becoming more socially acceptable, a change is in the air. A

man named Harry Anslinger is about to enter the ranks of the DC elite, and his ability to play off the deep seated racist ideology of the American public will lead to a century long war on drugs that is being waged to this day.

Shortly into the twentieth century, America began its first social experiment with prohibition, passing the 18th Amendment in 1919, which forbade the manufacturing, sale, or possession of “intoxicating liquors,” and the Volstead Act in 1920, which provided guidelines for the enforcement of prohibition.<sup>37</sup> In June of 1930, President Herbert Hoover signed a law establishing the Federal Bureau of Narcotics, and he placed a man named Harry Anslinger at the reins.<sup>38</sup> Anslinger’s reputation preceded him; he was so racist that even in the political and social atmosphere of the early twentieth century, his fellow Republican politicians called for his resignation based on his use of racial slurs.<sup>39</sup> This is the man who would shape America’s war on drugs, and his bigotry would become the axiom of both policy and enforcement.

Perhaps Harry’s biggest challenge upon accepting the newly created office was that, as Hari explains, “many drugs, including marijuana, were still legal, and the Supreme Court had recently ruled that people addicted to harder drugs should be dealt with by doctors, not bang-‘em-up men like Harry.”<sup>40</sup> In addition, the passage of the 21<sup>st</sup> Amendment in December of 1933 overturned the 18<sup>th</sup> Amendment and ended nearly 15 years of nation-wide alcohol prohibition, another indication that America was becoming *more* tolerant of intoxicating substances. As Hari goes on to point out, “A war on narcotics alone—cocaine and heroin, outlawed in 1914—wasn’t enough. They were used only by a tiny minority, and you couldn’t keep an entire department alive on such small

crumbs.”<sup>41</sup> Before the paint could dry on his parking spot, Anslinger was going to be out of a job, so he worked up a solution: he declared a “relentless warfare against the despicable dope-pedaling vulture who preys on the weakness of his fellow man.”<sup>42</sup> The war on drugs began in the 1930s, and it began as a war against marijuana, a substance that, when smoked, was associated at that time with Mexican immigrants and black musicians.<sup>43</sup> Harry wasn’t starting a drug war; Harry was starting a race war.

Perhaps the biggest irony lay in the fact that many white Americans had been consuming cannabis regularly for years; it was the main ingredient in numerous tinctures and patent medicines.<sup>44</sup> As Malik Bennett and Amanda Reiman have shown, the term marijuana was a large part of the misunderstanding:

“marihuana” was a foreign term. So, when the media began to play on the fears that the public had about these new citizens by falsely spreading claims about the “disruptive Mexicans” with their dangerous native behaviors including marihuana use, the rest of the nation did not know that the “marihuana” was a plant they already had in their medicine cabinets.<sup>45</sup>

White America was petrified and enraged at the notion of a racial other who would dare to bring their own intoxicants to the party. The threat lay in the possibility that people of color would use these intoxicating substances and challenge their position in the social hierarchy of American white supremacy.<sup>46</sup> This was not a new theme: more than a decade earlier, on September 29, 1913, the *New York Times* reported that a white mob in Mississippi had lynched and shot two young black men (eighteen and twenty-one) who were suspected of starting “a reign of terror” under the influence of cocaine.<sup>47</sup> Stories such as this—colorful depictions of racial others “forgetting their place” in America’s white supremacist social hierarchy after consuming narcotics—provided a way for white

Americans to vent their racist views while avoiding more direct and socially-policed racist language.<sup>48</sup>

History is replete with examples of America's tendency to make this mental jump.

King describes a similar process at work during World War I, when:

vague warnings of danger of national enslavement by drugs blended with fuzzy notions about spies, saboteurs, and an imminent German invasion of the New World—suddenly the harmless, pitied victim of the drug habit emerged as the menacing dope fiend, tool of German malevolence.<sup>49</sup>

The war on drugs thrives off political discourses that work in this manner to legitimize racism.<sup>50</sup> Attaching intoxication to criminality, then duct-taping both to non-white, non-American, and/or non-Christian bodies is a trick that has always served the interests of what bell hooks calls white supremacist capitalist patriarchy, “the interlocking political systems that are the foundation of our nation's politics.”<sup>51</sup> By criminalizing drug users, the state created a category of social miscreants that America was allowed to hate, to fear, and to punish; by attaching race to intoxication, white supremacy managed to double-down on that stigmatization.<sup>52</sup> White people were given a new reason to fear their neighbors of color—drugs.

White supremacy, along with its supporting systems of oppression (patriarchy, imperialism, capitalism, ableism, homophobia, transphobia) have always been a main staple of America's political apparatus; inculcation begins with state-mandated education.<sup>53</sup> As white author Peggy McIntosh explains, “my schooling gave me no training in seeing myself as an oppressor.”<sup>54</sup> Every American schoolchild is indoctrinated with the tenants of white supremacy, along with the basics of science, history and math: the lessons are built into the curriculum. American History begins the day, a class where

there are 44 white, male Presidents to discuss, and one man of color. Science is next, and children learn about heroes like Franklin, Einstein, Darwin, Freud, Sagan, Hawking, Dawkins, Hitchens, and Edison —white men who have become the chapter-headings of American science and history textbooks. Meanwhile, botanist, artist, musician, academic and inventor George Washington Carver is reduced from renaissance to “peanut man,” while Henrietta Lacks manages to elude conversation about medical treatments that would not exist were it not for her racist and misogynistic objectification at the hands of white medical “professionals.”<sup>55</sup> On to English Literature: Twain, Frost, Poe, Hemmingway, and Lee—more stand-alone last names belonging to white faces offered along with, at best, a brief shout-out to Fredrick Douglas, Langston Hughes and James Baldwin as alternatives to dangerous, unmentionable black radicals like Malcom X, Angela Davis and Hughey Newton. The lack of representation is a well-honed tool of oppression, every bit as sharp and deadly as its cousin, misrepresentation. As Anslinger realized nearly a century ago, this American wellspring of never-ending racist resentment is a powerful tool of manipulation that can be tapped into and utilized for political gain.

Anslinger’s ability to play on white America’s underlying racial fears became his calling card. Without any legitimate evidence to back up his claims, Anslinger testified before Congress, claiming that marijuana was a gateway drug that would make users criminally insane.<sup>56</sup> He treated the House Committee on Appropriations to a racist diatribe, saying he had been told of “colored students at the University of Minn[esota] partying with [white] female students and getting their sympathy with stories of racial persecution. Result: pregnancy.”<sup>57</sup> Pressing further into the hallowed ground of racist

ideology, he informed the country (falsely) that “the Negro population . . . accounts for 10 percent of the total population, but 60 percent of the addicts,” adding that the increase in addiction was “practically 100 percent among the Negro people.”<sup>58</sup> His 1937 article in *The American Magazine*, “Marijuana: Assassin of our Youth,” was an incredible performance of political Orwellian doublethink in which Anslinger begins by claiming that the number of “murders, suicides, robberies, criminal assaults, holdups, burglaries, and deeds of maniacal insanity [marijuana] causes each year, especially among the young, can only be conjectured.”<sup>59</sup> In the very next sentence, however, he seems to suggest that despite the alleged crime waves caused by marijuana, communities have failed to notice its use (or the accompanying criminality): “The sweeping march of [marijuana] addiction has been so insidious that, in numerous communities, it thrives almost unmolested, largely because of official ignorance of its effects.”<sup>60</sup> A wave of murders and robberies that nobody notices, perpetrated by racial others—this is the government’s official explanation of the dangers of marijuana. Once it proved successful, Anslinger’s rhetoric entered the political playbooks of racist demagoguery, reappearing repeatedly in political discourse throughout the next half century.

As Robin DiAngelo has pointed out, “The ability to determine which narratives are authorized and which are suppressed is the foundation of cultural domination.”<sup>61</sup> In a country that has *always* defined itself through an ideology of imperialism, white-supremacist capitalism, and patriarchy, authorized cultural narratives will necessarily uphold these problematic cultural tenets.<sup>62</sup> Any narrative that challenges these oppressive structures will be silenced or ignored—it will not be authorized. The proof is in the press.

Finding success in his broad, racist appeals, Anslinger utilized the twentieth century's burgeoning spectacle of mass media, encouraging press organizations to run macabre stories depicting marijuana as a dangerous psychoactive substance, nearly always associated with non-white use.<sup>63</sup> He posed for official photographs behind his desk, surrounded by paperwork, or next to large piles of drugs seized by his agents; always competing for market space, newspapers had little choice but to publish the high-quality photos along with accompanying articles describing the "success" of the war on drugs.<sup>64</sup> He brought other government officials onboard, including the Secretary of the Treasury, who reported (without evidence) on June 12, 1919, that Americans were:

consuming ten to sixty times as much opium per capita as any other nation; that the number of opium users was somewhere between 200,000 and 4 million, and "probably more than" a million; and that dope peddlers had set up their own elaborate national organization to procure and distribute their illicit wares.<sup>65</sup>

Fear is a powerful motivator; the public was on board.

Anslinger's utilization of visual and narrative media was a precursor to Guy Debord's *Society of the Spectacle*: "the spectacle is not a collection of images, but a social relation among people, mediated by images."<sup>66</sup> The trumped-up stories spread across the country like a media-fueled virus, providing citizens a new social script for understanding drugs as dangerous, infectious, and associated with people of color. While press organizations reaped the fiscal rewards of humanity's macabre lust for the salacious, Anslinger rode a wave of mass-produced spectacle and speculation to a new level of political control—he declared war, a responsibility typically reserved for either



the President or Congress. The spectacle of mass media provided Harry a conduit for distribution of his propaganda, and distribute he did.

Anslinger crafted and circulated poignant images that told a powerful story, and the newspapers added headlines and captions that provided readers with a discernable narrative. As Michelle Alexander explains:

...the conflation of blackness with crime did not happen organically; rather, it was constructed by political and media elites as part of the broad project known as the War on Drugs. This conflation served to provide a legitimate outlet to the expression of antiblack resentment and animus—a convenient release valve now that explicit forms of racial bias are strictly condemned. In the era of colorblindness, it is no longer permissible to hate blacks, but we can hate criminals. Indeed, we are encouraged to do so.<sup>67</sup>

Anslinger utilized the spectacle of mass media to influence public perception of marijuana use(rs) by affiliating acute marijuana intoxication with dangerous, violent outbursts, a trick that brought support from many who had little personal experience with the plant. But more importantly, he catered to deep-seated racist contempt that many Americans were desperately seeking to express through an acceptable social script—he provided Alexander’s “release valve” for racist ideology. Anslinger’s crafted statements and exciting photographs found their way into newspapers across the nation, painting the war on drugs as a righteous endeavor designed to protect white Americans from dangerous racial others who might victimize them at any moment.<sup>68</sup>

News stories provide a large audience with a subjective account of an event from an arbitrary perspective, and the portion of a story that is told, along with how it is told, affect the audience’s view of reality. As de Certeau narrates:

“Be quiet,” says the TV anchorman or the political representative, “These are the facts. Here are the data, the circumstances, etc. Therefore you must

. . .” Narrated reality constantly tells us what must be believed and what must be done . . . the establishment of the real is the most contemporary form of our dogmas.<sup>69</sup>

The news reports we read tell us all that we can know about events that are often far away and disconnected from our personal lives: the “facts” provided by a reporter are often the *only* information that a consumer will receive concerning the subject matter. As

Anslinger realized early on, and as Debord colorfully explained:

the spectacle, grasped in its totality is both the result and the project of the existing mode of production. It is not a supplement to the real world, an additional decoration . . . In all its specific forms, as information or propaganda, as advertisement or direct entertainment consumption, the spectacle is the present model of socially dominant life.<sup>70</sup>

As the spectacle evolved, Harry kept pace, and the war on drugs expanded to become a targeted war against poor people and people of color.

**Licata’s Ghost:** The story of Victor Licata reveals Anslinger’s adeptness at manipulating the news media by choosing which stories (and which parts of stories) were emphasized in official government statements. When Licata murdered his family with an axe in 1933, *none* of the numerous psychiatrists who examined him mentioned marijuana use in the lengthy file they created to diagnose his behavior—they did not think it relevant.<sup>71</sup> They did, however, note a long and verifiable history of mental illness, including repeated failed attempts to institutionalize Licata based on a well-known dissociative disorder.<sup>72</sup> But when Anslinger backed up media reports that Licata’s grisly act was a direct result of marijuana intoxication, he created a capitalistic opportunity for news outlets competing for customers.<sup>73</sup>

With the government's stamp of approval mitigating any risk of libel suits, newspapers raced to one-up each other by producing the most extreme and fear-inducing description of the murders. Many headlines appeared alongside a black-and-white photograph of Licata (also the name of a Sicilian city), dark skinned, curly haired, wide-eyed and exhausted—the new posterchild in Anslinger's war on drugs.<sup>74</sup> It is worth noting that through his manipulation of Licata's identity, Anslinger may be the first example of a politician who utilized racist ideology *without ever mentioning race*. He was not the last to perform this clever trick, which is now so well-established to have been given a name: “dog whistle politics.”<sup>75</sup> Political dog whistling involves the use of coded language, clever phrases, and loaded terms to communicate a message that is never overtly stated.<sup>76</sup> As Ian López explains:

The new racial politics presents itself as steadfastly opposed to racism and ever ready to condemn those who publicly use racial profanity. *We fiercely oppose racism and stand prepared to repudiate anyone who dares utter the n-word*. Meanwhile, though, the new racial discourse keeps up a steady drumbeat of subliminal racial grievances and appeals to color-coded solidarity . . . using a dog whistle simply means speaking in code to a target audience.<sup>77</sup>

Dog whistling would quickly become a staple of contemporary political rhetoric. But in the era of Anslinger, this new concept of dog whistling was a trick for the kids to pick up and perfect; for Harry, old-school racism would suffice. Such raw bigotry, both personal and cultural, instigated and fueled the war on drugs.

Once the press got ahold of a salacious story, it often went “viral,” and Anslinger could sit back and watch his baby grow into a monster. Licata's story is a perfect example. On October 17, 1933, the *Tampa Daily Times* headline read, “Crazy Youth

Slays Family,” describing “the killer was Victor Licata, 21, said to be a marijuana addict.”<sup>78</sup> The next day the *Tampa Morning Tribune* raised the stakes with a quote from an investigator who reported that “...the slayer had been addicted to marijuana cigarettes for more than six months. This, he said, had unbalanced his mind, at least temporarily.”<sup>79</sup> An evening edition of the *Tampa Morning Tribune* went all-in, titillating readers with the headline, “Dream Slayer Talks in Cell,” and reporting that “Victor Licata had a dream, a horrible nightmare that snapped the last bit of sensibility out of his dope-tortured brain and made him a butcher.”<sup>80</sup> These stories utilized fear to sway public sentiment towards stricter enforcement of drug laws, as evidenced by additional stories in the same edition of the *Tampa Morning Tribune* which read, in part, “War on marijuana traffic here. Every agency of the police department, with assistance pledged by federal, state, and county law enforcement officials, will be put to work at once to stamp out the use of marijuana weeds as a narcotic.”<sup>81</sup> The same day the *Tampa Daily Times* ran a headline that read, “Stamp Out this Weed of Flaming Murder.” With one grizzly act that likely had nothing whatsoever to do with marijuana, Victor Licata became a cautionary tale to American families, and a racialized parable for advocates of the war on drugs.

Victor Licata was neither the first nor the last person whose behavior would be used to justify an unrelated racist war on drugs. With guttural fear driving public sentiment, the early twentieth century saw white America’s long-standing racial anxieties begin to seep into other narratives of drug-induced violence, reinforcing pre-existing racial fears that could then be played on by politicians to pass new and stricter drug laws. In February of 1914 the *New York Times* published a full-page editorial titled, “Negro

Cocaine ‘Fiends’ are a new Southern Menace,” which falsely claimed that “Murder and insanity [are] increasing among lower class blacks because they have taken to ‘sniffing’ since deprived of whiskey by prohibition.”<sup>82</sup> Kind has analyzed the ways that, throughout the early twentieth century, “it was reported to the press that ‘cocaine poisoning’ produced insanity and that the drug was being widely sold to school children. Harlem was supposed to be so full of dangerous child addicts that good citizens were urged to stay out of it.”<sup>83</sup> Such stories served to simultaneously affiliate black citizens with cocaine use *and* to associate criminality with both, providing readers, once again, with Alexander’s “legitimate outlet for the expression of antiblack resentment and animus,” and allowing the war on drugs to progress under tacitly racist justifications.<sup>84</sup>

As Khalil Muhammad has pointed out, the “statistical language of black criminality . . . is the glue that binds race to crime today as in the past.”<sup>85</sup> Anslinger and his successors have consistently reapplied this rhetorical “glue” by associating people of color with bad behavior through the trope of intoxication as a social scourge. Travis Dixon has described how mass media, using this recipe of unspoken racism, is teaching us to love fear:

when inundated with such images, day in and day out, year after year, there can be little wonder that so many Americans support the prison-industrial complex, for the mass media are indeed teaching us to be racist, to clamor for more arrests of young black men, to surrender our hopes for justice and racial equality to the hysteria of a punishing democracy.<sup>86</sup>

The war on drugs was constructed through the illusion of race-based criminality—through a sustained assault on the senses, from every direction and at all times, that

painted white people as righteous citizens who must fear the threat of intoxicated black or brown men seeking to do them harm.

On February 21, 1925, the *New York Times* reported, “Mexican, Crazy by Marihuana, Runs Amuck with Butcher Knife,” describing how Escardo Valle, “crazed from smoking marijuana . . . ran amuck in a local hospital and killed six people before he could be subdued.”<sup>87</sup> In 1927, another *New York Times* headline read “Mexican Family Goes Insane,” previewing a story that alleged “a widow and her four children have been driven insane by eating the Marijuana plant, according to doctors who say there is no hope of saving the children’s lives and that the mother will be insane for the rest of her life.”<sup>88</sup> These stories—normalized racist ideologies thinly veiled with rationalizing claims of criminality and intoxication—were not unusual in the early twentieth century. Their prevalence shaped the worldviews of readers across the country, and in a rhetorical trick, Anslinger managed to attach chemical intoxication to criminality, and to then apply the alleged dangers to populations that white America had already decided to marginalize and oppress. Once this trick was complete, it was not difficult to feed off of the deep-seated racism that white Americans harbored toward people of color and use it to pass a host of anti-drug laws—the media did most of the work for him. As Muhammad points out, racist stereotypes are reinforced and validated through depictions of black criminality: “For white Americans of every ideological stripe . . . African American criminality became one of the most widely accepted bases for justifying prejudicial thinking, discriminatory treatment, and/or acceptance of racial violence as an instrument of public safety.”<sup>89</sup>

**Harry's People:** In an ironic twist that epitomizes white supremacy's double-standard, Anslinger was himself both a drug dealer *and* a drug addict when he died.<sup>90</sup> In his late-life memoir, *The Murderers: The Story of the Narcotic Gangs*, Anslinger described his interactions with an important member of Congress who, "headed one of the powerful committees of Congress . . . his decisions and statements helped to shape and direct the destiny of the United States and the free world."<sup>91</sup> This member of Congress had become addicted to heroin, and when Anslinger demanded his friend quit using the drug immediately, he was told that this was not possible—that the desire for heroin had become a need—that this man would continue to use the drug regardless of any threat or danger, including jail.<sup>92</sup> Years after Anslinger authored this semi-anonymous description, the book's coauthor, Will Oursler, confirmed an oft-repeated rumor: the unnamed addict was Senator Joe McCarthy.<sup>93</sup>

Anslinger's racist double-standard concerning enforcement of the laws he pretended to support is the stuff of legend. When he heard that white actress Judy Garland was struggling with an opioid addiction, he encouraged her to take some time off to rest and recover; when Billie Holiday was suspected of using heroin, he had agents chain her to a hospital bed and withdraw her methadone medication, leaving her to die in agony.<sup>94</sup> When confronted with the cognitive dissonance of heroin addiction invading the sacred space of white legislation, Harry acquiesced. Billie Holiday was tortured and murdered, but Senator Joe McCarthy was provided a legal supply of heroin from a nearby drug store; the Federal Bureau of Narcotics even paid the bill until the day he died.<sup>95</sup> Years after setting up the illegal drug connection for his friend, Anslinger himself

developed a painful condition known as angina, which he treated with daily doses of morphine until his death, a development biographer John McWilliams describes as “an incredible irony for the man who devoted his adult life to the enforcement and control of such narcotics.”<sup>96</sup> But Anslinger’s legacy did not die with him; it was passed down through mentorship and strategic hiring prior to his retirement.

From the moment Anslinger hired Joe Arpaio as an agent for the Federal Bureau of Narcotics in 1957, the man became his “principle disciple,” and Arpaio has taken Anslinger’s policies of punishment and stigmatization to a new level of cruelty.<sup>97</sup> After his career as a federal agent in the war on drugs, Arpaio was elected sheriff of Maricopa County, Arizona, six consecutive times, serving from 1993 until 2016. During that time he constructed what he proudly calls “concentration camps:” large, outdoor “tent cities” where inmates with drug convictions were housed and forced to work on chain gangs in 110 degree Arizona heat, burying bodies, cleaning up trash, or landscaping public property, all while wearing pink clothing that labels them with *The Scarlet Letter* of their criminality.<sup>98</sup> As Hari has reported, “Anslinger said addicts were ‘lepers’ who needed to be ‘quarantined,’ and so Arpaio has built a leper colony for them in the desert.”<sup>99</sup> Arpaio has bragged that he would feed the inmates just two meals per day of “rotten” lumps that cost, at most, 40 cents per meal.<sup>100</sup> Visits with family and friends are non-contact; temperatures inside the tents crest 140 degrees during summer months, and although there is an air conditioned prison facility nearby, Arpaio has refused to allow the inmates to use it.<sup>101</sup> This is how the war on drugs plays out in real time, with generation after



generation of policy-makers advancing one-another's inhumane agendas regardless of the cruelty imposed or the damage done.

Michelle Alexander has explained how, time and again, those who support the continuation of racial hierarchies have succeeded in reducing resistance to new and updated forms of oppression by “appealing to the racism and vulnerability of lower-class whites, a group of people who are understandably eager to ensure that they never find themselves trapped at the bottom of the American hierarchy.”<sup>102</sup> Although recent trends have seen a Trumpesque return to overt racism and racist attacks, politicians had become quite adept at using López's dog whistle politics:

. . . coded racial appeals that carefully manipulate hostility toward nonwhites. Examples of dog whistling include repeated blasts about criminals and welfare cheats, illegal aliens, and sharia law in the heartland. Superficially, these provocations have nothing to do with race, yet they nevertheless powerfully communicate messages about threatening nonwhites.<sup>103</sup>

Dog whistling evolved when Anslinger's methods proved incredibly effective at directing the racial animus of white Americans toward specific policy initiatives (criminal justice, welfare, anti-drug laws, etc.). The dog whistle of contemporary politics is Anslinger's prototype, taken to the production phase.

**George Wallace** is an unavoidable staple of American history—a synecdoche for Southern politics throughout the 1950s and 1960s, where race was often the central aspect of political campaigns. He is perhaps best known for his 1963 speech in Montgomery, Alabama, where, after winning the Governor's seat, he proclaimed, “segregation now, segregation tomorrow, segregation forever!”<sup>104</sup> But Wallace was not always a staunch segregationist; rather, as López shows, “by Southern standards, he had

been a racial moderate.”<sup>105</sup> In 1954, Wallace ran for and lost the Alabama Governor’s race on a moderate platform. In 1958 he lost again. His successful 1962 campaign discarded moderation and embraced far-Right racist causes, namely segregation and Jim Crow; *this* strategy won him the election.<sup>106</sup> But in the atmosphere of the 1960’s Southern civil rights movement, Wallace had to walk a fine line if he wished to appeal to the racist sentiments of his white supporters while avoiding overt, disparaging racist rhetoric. He had to learn how to dog whistle. The trick is in the wink, the nod, the shout out: dog whistling requires a perfectly-tuned message, one that is imperceptible to part of a crowd yet clearly understood by others. The code is delivered, the ignorant stand mute, while those in the secret club nod back.

Wallace perfected the *beta* phase dog whistle. His tactics of coded speech nearly took him to the White House in 1968, in a campaign where, as he explained to a group of his supporters, “I am going to make race the basis of politics in this state, and I’m gonna make it the basis of politics in this country.”<sup>107</sup> But the trick was that Wallace wasn’t outspokenly racist; rather, he was a “*Law and Order*” (arrest black people) candidate with a “*Southern*” (Confederate) viewpoint, standing for separate but equal “*segregation*” (whites only sections) and fighting for the rights of “*productive members of society against parasitic elites and subversive protestors*” (unchallenged white supremacy).<sup>108</sup> Revealingly, despite his clear and outspoken intent to make race the central theme of his campaign, Wallace seldom mentioned it directly, choosing instead to utilize clever coded racial appeals to (Southern) “*states’ rights*” and “*lawlessness*” (in black communities) — a coded shout out to the Klansmen in the back. This is the dog whistle; this is the coded

racism of contemporary America. Wallace's political success spawned a wave of followers who would utilize and expand the tried-and-true method of deliberate coded language used in the service of white supremacy. One of the favorite subjects of the dog whistle politician is the war on drugs, a political Pandora's Box that provides a host of methods for talking about race without mentioning it directly.

**Barry Goldwater:** As López has summarized, "Running for president in 1964, the Arizonan [Goldwater] strode across the South, hawking small-government bromides and racially coded appeals."<sup>109</sup> Goldwater's platform of (Confederate) "*state's rights*" and "*freedom of association*" (in whites-only spaces) was centered on a racist ideology that sought to use these tenets of political philosophy as a tool of white supremacist oppression, utilizing Wallace's already-proven method of dog whistling through coded rhetoric. In Goldwater's explanation, "*freedom of association*" referred to the right of individuals to decide who to allow on their property, a definition that seems to have nothing whatsoever to do with race. Yet, as López explains, "in the South this meant first and foremost the right of business owners to exclude blacks from hotels, restaurants, movie theaters and retail establishments. Like Wallace, Goldwater had learned to talk about blacks without ever mentioning race."<sup>110</sup> Communicating multiple messages to multiple crowds in the same coded breath, Goldwater brought the methods of Anslinger and Wallace to a new generation. "Goldwater's ability to transmit a set of codes that white voters readily understood as a promise to protect racial segregation" allowed him to win big in Southern states despite his overall loss; his ability to create "soft porn racism: as a set of codes that voters readily understood as defending white supremacy," despite

the lack of any language referring directly to race, fed white America's appetite for animus.<sup>111</sup> It was only a matter of time before these strategies would prove successful at securing the highest political office in the United States.

**And the Beat Goes On:** The dog whistle soloists of the past have evolved into contemporary dog whistle orchestras. John Ehrlichman, special counsel to Richard Nixon during his 1968 run for President, summed up his successful campaign by explaining their choreographed, focused attempt to secure the white, racist vote: "that subliminal appeal to the anti-black voter was always present in Nixon's statements and speeches."<sup>112</sup> He went on to explain how Nixon strategically used coded language to appeal to the racial animosity of Republican voters and gain their support while avoiding alienating Republicans who did not wish to support a racist candidate:

We knew we couldn't make it illegal to be either against the war or black, but by getting the public to associate the hippies with marijuana and the blacks with heroin, and then criminalizing both heavily, we could disrupt those communities...we could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course we did.<sup>113</sup>

Nixon's intentionally coded racism was confirmed by another of his advisors, H.R. Haldeman, who describes the campaign's appeals to the so-called Southern Strategy: "He [Nixon] emphasized that you have to face the fact that the whole problem is really the blacks. The key is to devise a system that recognizes this while not appearing to."<sup>114</sup> And the Klansmen nod back.

In 1980, Ronald Reagan won the Presidential election under his now-famous dog whistle slogan, "Let's Make America Great Again," by attacking affirmative action programs and promising to overturn "federal guidelines or quotas which require race,

ethnicity, or sex . . . to be the principle factor in hiring or education.”<sup>115</sup> More importantly, his dog whistling took shape in a recommitment to the war on drugs, which he waged in the most violent and racist of fashions. From 1980-1984, the war on drugs was refocused to emphasize punishment rather than assistance: FBI anti-drug funding jumped from \$8 million to nearly \$100 million, while from 1981-1984 the budget for the National Institute on Drug Abuse was reduced from \$274 million to \$57 million and antidrug funds to the Department of Education were slashed from \$14 million to just \$3 million.<sup>116</sup> Reagan also signed the now-infamous Anti-Drug Abuse Act of 1986 into law and created a double-standard for powder-versus-crack cocaine—five grams of crack, a diluted form of cocaine, required a mandatory minimum prison sentence of five years, the same mandatory minimum for 500 grams of powder cocaine.<sup>117</sup> The hundred-to-one ratio was then used to focus the full force of the war on drugs on poor, black communities. Even though studies reveal that 66% of crack users are white or Latinx, more than 80% of defendants sentenced under Reagan-era crack mandates were African American.<sup>118</sup> The war was taking an insidious shape: it would be waged on the streets, by law enforcement, in the poorest of communities, against the most vulnerable Americans who could not defend themselves from the heavy-hand of the state.

As it turns out, these communities are and have historically always been disproportionately comprised of people of color.<sup>119</sup> Reagan’s rhetoric surrounding the war on drugs was designed to redirect state funding, from harm reduction and prevention efforts to incarceration and law enforcement—to punish drug users and dealers in at-risk communities rather than treat and assist them. In so doing, Reagan deliberately

rededicated the war on drugs to the effort of criminalizing black and brown bodies, renewing America's long-standing commitment to white supremacy through targeting poor people and people of color. Once incarcerated, citizens become casualties of war: unable to work, unable to contribute to family structures, unable to fulfill parental obligations, unable to provide support to those who rely on them, and unable to build a wealth-base to pass on to future generations. And the beat goes on.

**Forget not the Democrats:** The practice of political dog whistling is not exclusive to the Republican party, although it tends to find a welcome historical refuge within the GOP framework. Democrats have also been known to utilize the magic of dog whistle politics to advance political agendas through appeals to deep seated American racism. In February of 1996, then First-Lady Hillary Clinton spoke at Keene State University, describing the progress of “community policing” efforts in getting “more police officers on the street” to combat, “not just gangs of kids anymore. They are often the kinds of kids who are called super-predators—no conscience, no empathy.”<sup>120</sup> Clinton was appealing to white racial resentment through the same clever rhetorical tricks as her Republican counterparts: she spoke about race without ever mentioning race. Clinton's super-predators are not middle-class, white, suburban tweens. The super-predator is arbitrary; *he* is a reduction of an individual's personal biases and prejudices, simmered and stewed through cultural tradition and social milieu to find its home in an opportune label offered by an aspiring leader. As the political landscape detailed thus far confirms, the stock characters that tend to pop into the minds of (both white and non-white) Americans who are asked to conjure up an image of an unspecified criminal, such as

Clinton's super-predators, tend to be black and brown young men.<sup>121</sup> The dog whistle is bipartisan.

**44 & The Flip Side of Dog Whistling:** Coded racial appeals are both bipartisan and multi-directional. This was never more obvious than when President Barack Obama spoke publicly after 17-year-old Trayvon Martin was gunned down by a man who claimed to suspect him of being a prowler. As Ta Nehisi Coates has pointed out:

The moment Obama spoke, the case of Trayvon Martin passed out of its national-mourning phase and lapsed into something darker and more familiar—racialized political fodder . . . Before President Obama spoke, the death of Trayvon Martin was generally regarded as a national tragedy. After Obama spoke, Martin became material for an Internet vendor flogging paper gun-range targets that mimicked his hoodie and his bag of skittles. (The vendor sold out within a week.) Before the president spoke, George Zimmerman was arguably the most reviled man in America. After the president spoke, Zimmerman became the patron saint of those who believe that an apt history of racism begins with Tawana Brawley and ends with the Duke lacrosse team.<sup>122</sup>

The speaker's perceived (racial) identity always frames their message in American politics. When Bill Clinton proposed massive health care reform in 1993, race was hardly mentioned as an issue, but when Obama proposed similar legislation in 2009, race became a rallying cry. As Michael Tesler discovered, "racial attitudes had a significantly greater impact on health care opinions when framed as part of President Obama's plan than they had when the exact same policies were attributed to President Clinton's 1993 health care initiative."<sup>123</sup> This despite the fact that during his first two years in office, Obama talked about race *less* than any other democratic President since 1961.<sup>124</sup> He even went out of his way to avoid dog whistle racism: his 2011 "State of the Union" speech was the first since 1948 to conclude without mention of poverty or the poor.<sup>125</sup> White

politicians who use coded and overt racial appeals are seldom accused of race baiting; a black President can avoid nearly all reference to race, yet still find himself center-stage in the unavoidable debate.

**Trump’s Best People:** In 2005, Republican National Committee Chairperson Ken Mehlman spoke before the NAACP and confessed that, “by the ‘70s, and into the ‘80s and ‘90s . . . some Republicans gave up on winning the African American vote, looking the other way or trying to benefit politically from racial polarization. I am here today as the Republican Chairman to tell you we were wrong.”<sup>126</sup> In 2010, Republican National Committee Chairperson Michael Steele one-upped his predecessor while speaking to students at DePaul University, where he explained how, “for the last 40-plus year we [Republicans] had a ‘Southern Strategy’ that alienated many minority voters by focusing on the white male vote in the South.”<sup>127</sup> As shocking as these admissions are, they were platitudes; as early as 1963, Republican senators were speaking out against the coded racist appeals being utilized by their fellow Republican candidates to secure racist white votes—what Republican senator Jacob Javits referred to disparagingly in 1963 as the “Southern Strategy.”<sup>128</sup>

Conservative reporter Robert Novak’s report on the Republican National Convention in Denver during the summer of 1963 reveals his discontent in the observation that, “a good many, perhaps a majority of the party’s leadership, envision substantial political gold to be mined in the racial crisis by becoming in fact, though not in name, the White Man’s Party.”<sup>129</sup> The Republican party is the party of the white man; this is neither mistake nor accident. As López opines, “The rise of a racially-identified



GOP is *not* a tale of latent bigotry in that party. It is instead a story centered on the strategic decision to use racism to become ‘the White Man’s Party.’”<sup>130</sup> Anslinger understood in the 1930s what Wallace grasped in the 1960s, and what his successors perfected throughout the next 60 years: techniques for exploiting unspoken American racist sentiments are extremely successful when expertly executed. In 2016, the Republicans pushed their old tricks to new levels, and Donald Trump rode a wave of post-Obama racial animosity all the way to the White House while blowing some of the largest dog whistles the world has ever seen.

My crystal ball glows. Decades from now, when Trump’s advisors are interviewed on *60 Minutes* and they explain the strategic positioning of men of color directly behind Trump during speeches to make it appear as if he had the support of communities of color, those who voted for him will feign ignorance—*how could we have known?* When Trump’s speech writers confess to the *strategic* inclusion of Mexican “rapists” in his campaign announcement, and “the ol’ days [when people of color] would have been carried out on a stretcher” for protesting his rallies, his obtuse Republican base will raise their collective eyebrows: *we didn’t realize he was racist!*<sup>131</sup> When some of Trump’s great-grandchildren choose the path of Pastor Robert W. Lee, a distant nephew of Confederate General Robert E. Lee who recently lost his pulpit when he labeled his ancestor a white supremacist, will Trump’s aged supporters feign surprise: *we wish someone had told us then!*<sup>132</sup> In 2040, when the remnants of the GOP party release a statement apologizing (again!) for *centuries* of intentional race bating and Klansman courting, will the words again ring new in the ears of Republican voters? One hopes not,

but the past suggests that this faux apology may in fact be part-and-parcel of the Republican political strategy concerning race: every few years admit how awful and racist you *used to* be, apologize, forget, repeat. America's collective willingness to embrace delusion has become a historical pattern.

Trump's new job as President of the United States provided him a number of perks, including the ability to pardon anyone convicted of a federal crime. He used this privilege just once during the first year of his Presidency—to pardon Anslinger's apprentice, Joe Arpaio, after he was convicted of disregarding a court order to cease and desist the unconstitutional arrest and detainment of suspects based solely on their race.<sup>133</sup> The man who ran on a platform of "law and order" used his magic wand once in the first year of his presidency: to pardon a white man who was convicted in a court of law of having used his position of power to illegally harass and detain people of color. This is the law and order of Conservative Republican politicians. Official white crime is pardoned, especially when perpetrated against people of color in the furtherance of white supremacy. Judy Garland is advised to take a vacation; Joe McCarthy is given a legal, state-funded supply of opioids; Anslinger takes morphine until the day he dies. Victor Licata is spun as a racialized tale of drug-induced violence; Billie Holiday is chained to a hospital bed and forced to die in agony; our prisons are packed with people of color sentenced for drug crimes. These are the casualties of the war on drugs.

One last note on Trump brings all of these loose ends back to the war on drugs. During his campaign, amidst a permanent cacophony of dog whistling that often left critics scrambling to keep up, Trump repeatedly promised to fill his cabinet with "the best

people”: “we want experts—our finest people. We don’t want B level . . . we have to get our absolute best.”<sup>134</sup> Trump’s best speaks for itself. Jefferson Beauregard Sessions III is a third-generation namesake—he has the same first name as his father and his grandfather, all three named after Confederate President Jefferson Davis.<sup>135</sup> Lest the coded support of America’s enemy during the Civil War be misunderstood, the Attorney General’s unique middle name is also a shout out to one of America’s best known traitors, Pierre Gustave Toutant Beauregard, a man who deserted his position at West Point to become one of the first Confederate Generals during the Civil War.<sup>136</sup> Three generations of Sessions have carried through their proud legacy of naming children after honored enemies of America. Jefferson’s name does not mean he is a white supremacist; it simply means he comes from a long line of proud white supremacists (at least three generations). His very name is a clever, coded dog whistle: Anslinger would have loved it. He has yet to disown his revealing family legacy, and despite numerous allegations of racism that prevented him from obtaining Senate approval for a judgeship in 1986, Sessions has now risen to the position of United States Attorney General, in large part through his early, vocal support of candidate Trump’s bombastic dog whistle concerts. Jefferson Beauregard is Trump’s “best.”

**The Opioid Crisis:** Now that the characters are in place, hand selected for their individual abilities to further the political aims of white supremacy, the choreography begins. Amidst a national uptick in opioid overdose deaths—an increase that has been limited almost entirely to white American communities—white America is afraid.<sup>137</sup> On October 28, 2017, our braggadocios leader steps to the lectern and provides the solution:

“starting today my administration is officially declaring the opioid crisis a national public health emergency under federal law . . . I am directing all executive agencies to use every appropriate emergency authority to fight the opioid crisis.”<sup>138</sup> President Trump stopped short of requesting federal funds for rehabilitation or treatment; he neglected to sign an executive order providing local and state municipalities leeway in reducing the addict population without criminalizing users. He simply communicated a message—here is your crisis; here is your solution. I will save you and your children.

The result: Trump’s declaration of a national health emergency freed up just over \$57,000 in federal emergency funds—just over \$1,000-per-state for the treatment of addiction and the prevention of 64,000 overdose deaths per year.<sup>139</sup> But a few weeks later the real solution was offered by Jefferson Sessions, who began a press conference about the opioid crisis by thanking the Drug Enforcement Agency for playing “a vital role in our efforts to reduce opioid threats in America—really the centerpiece in the government’s efforts in that regard.”<sup>140</sup> Here we go again.

Sessions went on to dictate new language for the fight—an updated, government-sponsored rhetoric for the war on drugs. He unleashed a remixed, greatest-hits concert of dog whistle politics, focusing on street level dealers and law enforcement rather than emphasizing the importance of saving lives and reducing overdoses. The speech is a choreographed dance: in one breath Sessions explains that the rise in opioid overdoses is, “driven primarily by opioids: prescription pain medications, heroin, and synthetic drugs like fentanyl.”<sup>141</sup> In the next he turns an abrupt corner into the familiar territory of criminalizing users and street level dealers through increased law enforcement efforts

rather than danger minimization and education.<sup>142</sup> In a suspiciously-reasonable statement, Sessions explains that we need to “change the perception in this country and reduce [addiction] through prevention.”<sup>143</sup> Then he swerves immediately back to criminalization:

By enforcing our laws, we keep illegal drugs out of our country, reduce their availability, drive up their price, and reduce their purity. Those are all tests of how well law enforcement has been working, and over the last several years the trends have been very bad indeed in those categories.<sup>144</sup>

Mr. Sessions knows better.

The so-called “Iron Law” of prohibition states that whenever a substance is prohibited, the available supply will become *more* potent.<sup>145</sup> Prior to alcohol prohibition in America, the most common cocktail was beer; after prohibition took effect strong liquor became the norm (more than 90% of all alcohol sales).<sup>146</sup> The same scenario occurs when beer is banned from spectator sports and fans resort to smuggling-in strong spirits rather than watered-down brew.<sup>147</sup> As for opioids, smugglers risking their freedom are remiss to traffic bulky, diluted pills when they can make more money off stronger products like heroin and fentanyl. When opioid patients lose their legal access to low-grade pharmaceutical pain killers, they often resort to cheaper and stronger street drugs; thus, the trope of the teen heroin addict who started on pain pills and turned to heroin when the doctors cut off his prescription. Oxycontin, a high-grade pharmaceutical opioid, is often three-times more expensive than heroin on the street, making the latter a tragic economic choice.<sup>148</sup> The very issues responsible for numerous deaths and even more crime related to drug use—inconsistent purity, reduced availability and high prices—are spun by Jefferson Sessions as a gage for measuring the *success* of overdose prevention efforts. Yet time and again, ratcheting up enforcement of drug laws *increases* potency of

the drugs users consume; when users can't get beer they resort to liquor, and when we can't get Oxycontin we resort to heroin.<sup>149</sup> This is why “the drug war doesn't prevent overdoses—it massively increases them.”<sup>150</sup> Let the bodies hit the floor.

In the last clause of his damning statement—“over the last several years [Obama's Presidency] the trends have been very bad indeed in those categories”—Jefferson makes invisible the mass incarceration of people (of color) for drug crimes throughout the last three decades.<sup>151</sup> The Attorney General ignores the historically *low* crime rates that America is actually experiencing, choosing instead to spin an Anslinger-like world of fear and phobia based on alternative facts, and putting “all gang members and other organized thugs on notice: we are coming for you. We will find you, we will hunt you down, and we will bring you to justice.”<sup>152</sup> A century into a war that has seen zero ground gained and innumerable bodies buried, America's Attorney General and living Confederate Monument Jefferson Sessions had the audacity to reinforce the war's oldest and most ridiculous claim: “I am convinced this is a winnable war.”<sup>153</sup>

The rhetoric of Anslinger, so successful in decades past, is often borrowed to the point of plagiarism. The weaving together of fact with fiction is a staple of the war on drugs, and when it comes to the best tools for the job, the spin doctors stick with what has always worked. Nearly a century after Anslinger first declared a “relentless warfare against the despicable dope-pedaling vulture who preys on the weakness of his fellow man,” Jefferson Sessions echoed the platitude: “the department has been relentless in going after criminals who are spreading addiction in America . . . including the cartels who exploit the vulnerable and profit off addiction.”<sup>154</sup> This line has been utilized by

other political figures who have used it to further their careers. In 1972, Richard Nixon warned Americans that, “above all else, society must be protected from these despicable narcotics profiteers who spread the drug plague for personal gain.”<sup>155</sup> Political capitalism: stick with the recipe that sells.

In 1982, First Lady Nancy Regan coined a catchy-yet-ineffective (and misinformed) slogan: “Just Say No.”<sup>156</sup> In October of 2017, Jefferson Sessions repackaged the worthless cliché: “you won’t get addicted if you don’t start.”<sup>157</sup> Remixed and remastered, then repackaged as new, these platitudes are worthless feel-good slogans that ignore the violent reality of the war on drugs.

**Russian Hacked Dog Whistles:** Home of the American Dream, the land of opportunity, a melting pot, a place where everyone has a fair shot—Americans would like to believe that the rest of the World associates these ridiculous themes with the United States. Our imperialistic *hubris* leaves us unable to detect the note of sarcasm in international descriptions of America; with the United States housing 25% of the world’s inmates, the joke is implicit in “the land of the free.”<sup>158</sup> But during the 2016 Presidential election, as the Republican throwback who promised to “Make America Great Again” rose to power through clauses of overt racism and snapshots of proud misogyny, Russian state-sponsored organizations were meddling in our election through the clever use of social media bots programmed to share biased or made-up news stories. Much like Anslinger’s genius of decades past, Russian-backed groups utilized a burgeoning media infrastructure that was already in place and growing exponentially; once the story was spun, the machine did most of the work for them.

As Weisburd, Watts and Berger discuss at length, Russian efforts were not necessarily aimed at placing Trump in the Presidency; rather, “these efforts seek to produce a divided electorate and a president with no clear mandate to govern. The ultimate objective is to diminish and tarnish American democracy. Unfortunately, that effort is going very well indeed.”<sup>159</sup> Simply put, Russian government-backed entities have made a habit of pinpointing a nation’s vice and then using it to divide that nation’s citizenry against itself. In America, it should come as no surprise that the most effective tools proved to be those of our historical legacy of white supremacy. In 2015, Russian social media “bots” added fuel to the racial fire at the University of Missouri with a Tweet claiming that the KKK was marching with police officers and assaulting black people.<sup>160</sup> Even the Student Government President bought the lie, spreading the fake information on Facebook before the tweet could be debunked. Freshman enrollment dropped 23% the following year.<sup>161</sup>

The so-called “hacking” of America’s social media continued. *Newsweek* has reported that during the 2016 Presidential election, “around 50,000 Russia-linked Twitter accounts sent more than 2 million election-related tweets—many praising then-candidate Donald Trump and villainizing Hillary Clinton.”<sup>162</sup> Many of these stories were dog whistle symphonies, expertly phrased and shared with targeted precision in an effort to rile up racial tensions by reinforcing platitudinous stereotypes of brown and black folks as dangerous, criminal and immoral. The dog whistles were crisp and high-pitched: *voter fraud is rampant* (by Latinx populations hellbent on destroying America); *Obama and Ted Cruz are not citizens* (because black and Latinx people are *always* suspect in



America); *the United States is under attack by terrorists* (non-Western Muslims who hate America).<sup>163</sup> These dog whistles echo Anslinger's original overture. As Clint Watts testified, "part of the reason active measures worked is because they [Trump and his administration] . . . parrot the same lines."<sup>164</sup> As the following chapters will further detail, these messages, once legitimated by state endorsement and picked up by news outlets, continue to (mis)inform consumers' views of the world regardless of their (in)accuracy.<sup>165</sup>

**Breaking the Encyclopedia:** America is a nation of immigrants. All men are created equal. Justice is (color)blind. All Lives Matter. Make America Great Again. Phrases such as these will continue to occupy American history textbooks for generations to come. These clauses are well-fashioned rhetorical daggers, cleverly designed dog whistles that serve to reinforce hierarchies of oppression. Couched in the translucent language of whiteness, they are cultural lies meant to unite small groups while dividing each against the others.<sup>166</sup> As Paula Rothenberg tells us, "referring to 'us' as a nation of immigrants manages both to render invisible the Native Americans and the genocidal policies carried out against them, and to implicitly deny the reality of the slave trade and the economic importance of slave labor in building the nation."<sup>167</sup> The war on drugs relies on such euphemisms—false claims that nonetheless circumvent logical thought and enter the realm of American mythology. Until America confronts these false stories head-on, fearlessly and self-critically, the same broken histories will continue to be (mis)communicated to future generations.

As Tupac Shakur said, “instead of war on poverty, they got a war on drugs so the police can bother me.”<sup>168</sup> It is time to admit that the war on drugs was decided before it began: drugs won. Harry knew this even as his diatribes were being published for a nation full of white supremacists to consume as a new outlet for their racial animus. Reagan knew this even as he intentionally associated black people with drug use in an effort to delegitimize their political voices. Jefferson Sessions knows now, even as he extends his namesakes’ legacies of racial exclusion based on white supremacy by increasing war efforts in America’s most vulnerable communities. As the following sections will show, the inescapable barrage of media that permeates American culture is responsible for our collective misunderstanding of drug use, addiction, criminality and race. The messages we consume influence our beliefs about how the world around us operates. The rhetoric of Sessions, Reagan, Anslinger, and other crusaders in the war on drugs is not accidental; it is strategic and laser-guided.

## 2. A New Slave State: From Plantation to Penitentiary

“Prisons are repositories of rage, islands of socially acceptable hatred, where worlds collide like subatomic particles seeking psychic release.”<sup>169</sup> Mumia Abu-Jamal

*There are many reasons to sleep lightly in prison.*

*“Work” begins at 5 AM; anyone who isn’t on time is immediately fired. There are no alarm clocks in the penitentiary, no cell-phone reminders, no hotel wake-up calls. A dozen of us work the yard crew, and our wages are the best of any job in the prison: \$0.14 per hour. We work eight-to-ten hours a day, seven days per week—mowing lawns in the summer and shoveling snow in the winter. The state pays us \$23 per-month, which we spend on luxuries that are only available for purchase: toothpaste, soap, toiletries, tennis shoes, snacks and stationary. I was hired when another inmate missed a day of work after receiving news that his mother had been murdered; the prison-industrial complex has no space for displays of human emotion. Inmates must produce and acquiesce, or else they will be punished, stifled, contained and suppressed—lock it down before it can contaminate and spread.*

*I need this job. The alternative is banality—head-crushing boredom that gnaws at every inmate’s eroding will to press through another day. I need the 14-cents- per-hour; with outstanding prison debts already accumulating interest, the low-paid position is literally a lifeline I cannot afford to lose. I must work, for my wellbeing depends on it.*

*I will toil to ensure the smooth operation of the prison-industrial complex. My sweat oils the machine; my blood ensures its exponential growth. I am a slave of the system.*<sup>170</sup>

*Nameless and numbered, I am inmate 470236.*<sup>171</sup>

**As American as Slavery:** Michelle Alexander is correct when she describes the contemporary American prison-industrial complex as *The New Jim Crow*—she is correct, and yet she stops short.<sup>172</sup> America’s correctional system, which currently warehouses around 2.3 million prisoners and supervises another 4.7 million probationers and parolees, is more than a system of Jim Crow.<sup>173</sup> For many it is a system of legal slavery.

As the last chapter revealed, the war on drugs was egged and incubated under the reliable heat lamp of American racist ideology. A century into this seemingly permanent conflict, America’s inmate population reflects the war’s shameful roots in white supremacy. Despite the fact that white people possess and sell drugs at higher rates than people of color, 75% of all people imprisoned for drugs in America have been black or Latinx.<sup>174</sup> Black men make up only 6.5% of the entire American population, yet in 2015 they accounted for 34% of the entire US prison population.<sup>175</sup> A century after Anslinger declared a war against people of color under the guise of protecting white America from the dangers of intoxicants, the prisoners of his war, disproportionately people of color, are made to work as slaves of the state: the penitentiary is the new American plantation.

The 13<sup>th</sup> Amendment to the US Constitution reads, in part, “Neither slavery nor involuntary servitude, *except as punishment for a crime* whereof the party has been duly convicted, shall exist within the United States, nor anyplace subject to their

jurisdiction.”<sup>176</sup> Despite the common misconception that American slavery no longer exists, the 13<sup>th</sup> Amendment did *not* abolish the barbaric institution of white supremacy; rather, it codified the practice for another 200 years. The short clause, “except as punishment for a crime,” is not an unpracticed anachronism; it is the most relevant part of the Amendment. In 2016 Colorado ballots included a proposal for removing a similar clause from its state Constitution: “Shall there be an Amendment to the Colorado constitution concerning the removal of the exception to the prohibition of slavery and involuntary servitude when used as punishment for persons duly convicted of crime?”<sup>177</sup> Coloradans voted no—they voted to keep in place the clause that allows slavery as punishment for a crime. Slavery: as American as the Constitution.

The reason for slavery’s persistence is simple: prison labor currently produces more than \$2 billion worth of goods and services each year—profits which capitalistic entities stand to lose if laws permitting inmate slavery are overturned.<sup>178</sup> This corporate trick of using inmates to reduce labor costs goes all the way back to the passage of the 13<sup>th</sup> Amendment, when plantation owners were forced to replace previously free slave labor with a comparable alternative.<sup>179</sup> The solution: criminalize poor people (of color), throw them in prison, and then use the 13<sup>th</sup> Amendment’s legal slavery clause to turn a profit off their incarcerated bodies.<sup>180</sup> The laws regulating contemporary prison labor have evolved to conceal its capitalistic motives through regulations that appear, at first, to protect the well-being of the inmate. But closer examination reveals that, much like the evolution of dog whistle politics, the language used to justify a policy often bears little

resemblance to the ways in which that policy plays out in real time. Regulations have done little to protect the oppressed, while consistently benefitting the rich.<sup>181</sup>

American courts have repeatedly ruled that prison labor falls outside of the typical employee protections provided by the Constitution—"that prisoners do not have a constitutionally protected interest in their prison jobs."<sup>182</sup> Based on this ruling, prisoners are denied all sorts of rights that are guaranteed to other American employees, including minimum wage, worker protection rights, anti-discrimination laws, and regulations regarding safe working environments.<sup>183</sup> Prison officials can regulate and restrict prisoner petitions requesting improvements in living/working conditions, as long as the prison has an official grievance system in place through which to file complaints.<sup>184</sup> Courts have even gone so far as to rule that prison officials can restrict the formation of unions on the assumption that their very existence would threaten prison security.<sup>185</sup> These are the rules; the game is afoot. Private industry must choose—pesky and expensive legal requirements designed to protect and compensate American employees, or the *laissez-faire* system offered by utilizing cheap, non-employee prison labor.

Although there are laws and regulations in place which appear to limit the goods that inmates can produce and the services which they can offer, these regulations act as dog whistle policies that appear, on paper, to protect the rights of inmates, while serving, in practice, to reinforce the agenda of capitalist business owners. Three basic types of jobs are offered to inmates who meet eligibility requirements. Internal jobs are those which keep the prison running (cooks, custodians, launderers, trustees, groundskeepers, and porters); these are, by far, the most common jobs available to prisoners, as well as the

lowest paid positions.<sup>186</sup> These un(der)paid employees of the state keep the prison running, and in many Southern states they are paid nothing at all, despite being mandated to work any job they are assigned.<sup>187</sup>

For the small portion of prisoners who manage to land one of the higher paying jobs available to American inmates, the situation improves only slightly.<sup>188</sup> In 2016, 18,000 inmates were employed by Federal Prison Industries, or UNICOR, a federally-owned government organization that manufactures and sells goods and services to other branches and sectors of the government, as well as to non-profit organizations.<sup>189</sup> Desks, chairs, street paint, ammunition, uniforms, office supplies, and anything else that the state might need is produced and sold at discounted rates, all on the backs of inmate labor.<sup>190</sup> Recognizing the federal government's success in stacking the books with cheap supplies, many states have followed suit and implemented similar programs for producing and distributing discounted merchandise to government and non-profit corporations. For example, Colorado Correctional Industries employed 1800 inmates in 2016, fighting wildfires, milking cows, harvesting crops, manufacturing equipment, training dogs, recycling, and repairing furniture .<sup>191</sup> California employs nearly 7,000 inmates in its prison industries sector, manufacturing "office furniture, clothing, food products, shoes, printing services, signs, binders, eyewear, gloves, license plates, cell equipment, and much more."<sup>192</sup> For those inmates who are hired for these positions, pay is slightly better than in-house prison labor, but still nowhere near the minimum wage mandated outside of prison.<sup>193</sup>

A third employment opportunity is available to a small portion of inmates through capitalistic partnerships between prisons and outside organizations. Slave labor is a long-time silent partner to capitalism's public faces: Whole Foods has sold dairy products that come from prison farms, McDonalds has used employee uniforms manufactured by prisoners, Victoria's Secret has used inmate labor to manufacture lingerie, AT&T has staffed its call centers with prisoners, and British Petroleum hired inmates to help cleanup of the Deepwater Horizon oil-spill in 2010.<sup>194</sup> The utilization of underpaid prison labor by capitalist entities who then profit off products and services sold to the public has become a normalized way of doing business in America.<sup>195</sup> This is the contemporary, updated version of white supremacist capitalism: this is slavery remixed.

All prisoner employment involving non-state organizations falls under the guidance of the Prison Industries Enhancement Certification Program (PIECP), a piece of legislation that emphasizes the state's intent to act *not* as a protector of inmate wellbeing, but as a protector of fair market capitalism.<sup>196</sup> The bill devotes a single sentence of its introductory statement to the issue of inmate abuse: "[Early twentieth century] human rights activists turned the public's attention to poor prison work conditions and inmate exploitation."<sup>197</sup> The remainder of the section is devoted to the dangers of prison labor as a threat to free market capitalism, and it outlines the state's role in preventing cheap prison labor from providing a few companies an unfair advantage against the competition.<sup>198</sup> White supremacy's brand of capitalism always favors the interests of power and wealth above those of health and well-being; as Wise suggests, "property is always more important than lives in this country."<sup>199</sup> The prison, filled disproportionately



with people of color, is built and operated by inmates who work for little or no pay. The rest of the government wants a piece of the slave labor action, so federal and state prison industries “hire” prisoners to produce anything and everything that the state may need, all at a price that can be discounted based on the slave-labor that produces it. And since the state is always looking out for the interests of the rich and powerful, private business owners also get a piece of the action. Thus, slave labor maintains its historic role as the backbone of American capitalism. As Alexander posits, “Criminals, it turns out, are the one social group in America we have permission to hate.”<sup>200</sup> They are also the one group we have permission to torture, to traumatize, and to enslave.

**Defining White Supremacist Capitalist Patriarchy:** Throughout this project the terms white supremacy, capitalism, and patriarchy (in various combinations) are used as (appropriate) synonyms for the systems of social control that continue to dominate the United States as well as the larger “Western World.” White supremacy refers to a system of power whereby white people are provided access to all sorts of privileges, protections, and civil rights not afforded to people of color residing within the same social setting.<sup>201</sup> The system is not accidental; rather, it is only sustained through the continuation of a history of violence that runs all the way back to the roots of America. The role of individual actors in the sustainment of the larger system is important to examine, but my focus throughout this project remains primarily on the larger systems of power they sustain and reinforce. When referring herein to white supremacist capitalist patriarchy, I am focusing on the systems of power that are built and sustained by the actions of individual actors.

**White Supremacy:** As feminist powerhouse bell hooks tells us, “all white women in this nation know that their status is different from that of black women/women of color.”<sup>202</sup> As much as white women in this society know that their whiteness provides them privilege, white men in this country know full well that our whiteness works in concert with our performances of masculinity to provide easy access to institutional power and social settings with minimal personal effort. As Tim Wise opines, whiteness “is about never being really out of place . . . the sense that wherever you are, you belong and won’t be likely to encounter much resistance to your presence.”<sup>203</sup>

Given the blood-stained history of white supremacy in America—from kidnapping of Africans to the violence of Chattel slavery to lynching to Jim Crow—it is tempting to view contemporary manifestations of white supremacy as minimal and progressive when compared to the past. But America’s current system of white supremacy is every bit as vicious and oppressive as those that preceded it. The violent spectacles of early American racism will certainly be discussed throughout this project, for as Chapter One showed, they provide valuable insight into the contemporary workings of white supremacy. But the public lynching and the selling of black bodies will not (and should not) be separated from the ongoing police shootings of unarmed black men, or the for-profit leasing of inmates to corporations as unpaid laborers. These are byproducts of the same system, updated and retrofitted to produce an end-product that appears only slightly different, slightly updated, slightly improved. The prison-industrial complex, the war on drugs, slave labor, and the permanent stigma of felony conviction are the new tools of white supremacy.<sup>204</sup> They are every bit as violent, lethal and

oppressive as the tools of the past; their updated packaging does nothing to change the way they work to keep white people in positions of power through the systemic exclusion and oppression of people of color.

White supremacy continues to thrive because of a common misconception that it resides in and operates through a few bad apples. But a few bad apples did not elect a white man in 44 out of 45 Presidential elections; the majority did. A few bad apples did not invent, perpetuate and normalize the slavery of an entire race; the majority did. A few bad apples did not stand idle as black people were lynched with impunity throughout the mid nineteenth century; the majority did. Herein lies the real trick of white supremacy; it is a self-sustaining system that works to perpetually reassert the false-superiority of white people while covering its tracks throughout the entire process. It remains invisible. It works through people who often have no idea that they are being used as tools of oppression. The bad apples exist, to be sure, but the real damage is done through those who have little or no idea that they are operating within and reinforcing an inescapable system of white supremacy.

**Patriarchy** is the social institution of domination that god built. As bell hooks has shown, since America continues to remain a primarily “Christian” culture, “masses of people continue to believe that god has ordained that women should be subordinate to men.”<sup>205</sup> The roots of American Christian patriarchy run deep, and there is no break in the narrative from America’s earliest slave-owning, land-grabbing patriarchs of past to a list of Presidents who are nearly all white, Christian men. Three-quarters of Americans self-identified as Christians in a 2017 Gallup poll.<sup>206</sup> Contemporary performances of

patriarchy flow directly from the social systems that were originally set forth in this (and other) religions. The holy books betray their masculine authorship. The Christian Bible's I Corinthians 14:34 tells believers an oft repeated Biblical precept: "women should remain silent . . . They are not allowed to speak, and should be submissive, as the law says. If they want to enquire about something, they should ask their own husbands at home . . ."207 So it was written: patriarchy 101.

This (en)forced muzzling—this misogynistic silencing of women's voices—stems directly from the very first Biblical stories about humans, stories which established oppressive gender norms and hetero-typical standards of conduct that persist to this day. In the Biblical tale of creation, women *only* exist as commodity, created after "no suitable helper could be found" for man.<sup>208</sup> The New Testament epistles confirm this belief concerning women: "the head of the woman is man . . . neither was man created for woman, but woman for man."<sup>209</sup> With 75% of Americans still claiming to believe that these commands are inspired by divinity, one need not look far to understand why the majority of domestic abuse in the United States is perpetrated by men against women.<sup>210</sup> The New Testament repeats *ad nauseum* the hetero-typical axiom of patriarchy: "wives submit to your husbands, for this is the will of God."<sup>211</sup> Patriarchy is a deep-rooted, often-treasured system of oppression that is tied to religious and social institutions found throughout American culture, past and present. The focus in this project is on the system more than the individual actors.

**Capitalism:** A rich understanding of capitalism is not necessary for this project, and I am not prepared to offer one, but a basic concept of capitalism's classed structure

and bottom-line mentality will inform the forthcoming sections discussing slave labor and private prisons. Per Karl Marx, the proletariat and the bourgeois will continue to find themselves in a perpetual state of discontent so long as the means of production remains separated from the majority of the profit produced by the sale of the product: “the history of all hitherto existing society is the history of class struggle.”<sup>212</sup> Those with wealth and power will continue to seek new means of exploiting those with neither in an effort to maintain and increase that wealth and power.<sup>213</sup> Capitalism, simply put, and for the purposes of this project, refers to the system of commerce that emphasizes wealth and profits above all else, up to and including human life. Throughout this project the term capitalism is used alongside its Western partners, white supremacy and patriarchy. Once again, the focus is on these systems of domination, not (just) the individual actors who work to perpetuate and normalize them.

**Painting Maximum Security from “The Belly of the Beast:”**<sup>214</sup> *A cacophony of anguish, five-stories high, thirty cells long, packed with flesh. The prison has more than five-thousand steel-barred cells—tear-stained concrete boxes filled with ink-stained concrete men.*<sup>215</sup> *The Prison spreads out for 52 acres enclosed by a 34-foot-high wall, every inch of it covered in razor wire, bird nests, and the rotting carcasses of animals that became ensnared in the web of blades.*<sup>216</sup> *This is Jackson State Prison, or the Michigan State Prison, or the Charles Egeler Reception and Guidance Center—the name changes periodically to keep the critics on their heels.*<sup>217</sup>

*I am inmate 470236; this is my home.*<sup>218</sup>

*Massive walls surround the prison, they encase the prison, they are the prison. The walls are so massive that housing units are built within them.<sup>219</sup> I live in the walls; I am the walls. We who reside within these cellblocks are part of the prison. Our flesh and blood become physical barriers: we are the punishment apparatus. We bleed into the machine. Our sweat and tears are the oil that allows the apparatus of torture to grind on. Our screams and sobs fill the cold corridors with life, with animation, with affect. The prison becomes us; we become the prison.*

*The noise never ceases yet it is never distinguishable: each thought is lost in a tangle of conversation, a web of amplified blather. There is no hope of silence, no freedom, no inspiration, no entertainment, no release. There is only a turning inward: pacing, pushups, religious fanaticisms, and, eventually, slippage of the gears as the pestle grinds us down. As Mamia Abu-Jamal articulates from Pennsylvania's Death Row, prison is "...a second-by-second assault on the soul, a day-to-day degradation of the self, an oppressive steel and brick umbrella that transforms seconds into hours . . . Life here oscillates between the banal and the bizarre."<sup>220</sup> The choices are limited; the choices are nix—acquiesce or resist, it makes no difference.*

*Locked in a cage piled among cages, stacked from the floor to the ceiling, we shit and piss and eat and cuss and fuck and scream in a chorus of pain. Five thousand of us in a massive mausoleum, each in his own stale sarcophagus.<sup>221</sup> Seven Block is an historic(al) artifact: Seven Block is an ancient tool of torture; Seven Block is Bentham's panopticon; Seven Block is the stockade, the gallows, the cross and nails of contemporary America.<sup>222</sup> Confinement to this space is the penalty for a life I did not*

*choose: this is the penalty for being an addict in twenty-first century America. Pressed into the concrete cracks, stuffed out of sight, criminalized, caged, warehoused in conditions that guarantee psychological damage, the cacophony grows.*

**All We've Got:** The Catch-22 of the prison labor debate is brutal and unavoidable: although inmates who work prison jobs are often treated like slaves, inmates without jobs are treated like animals. Inmates who do not have “jobs” are often forced to get by without the most basic of necessities, including soap, shower-shoes, sneakers, snacks, stationary, tampons, bandages, Aspirin, topical ointments and toiletries that are only available to inmates who can afford to purchase them from the prison commissary, itself an estimated \$1.6 billion per-year industry.<sup>223</sup> More importantly, there are not enough jobs to go around, and inmates who do not have a prison job are often forced to cope with what Abu-Jamal describes as “the mind-numbing, soul-killing savage sameness that makes each day an echo of the day before, with neither thought nor hope of growth, [making] prison the abode of spirit death that it is.”<sup>224</sup> Locked in a cage with nothing to do, prisoners are psychologically manipulated into supporting their own slavery as an alternative to the torture of banality: we choose the harness over the kennel.

In a recent Op-Ed for the *Los Angeles Times*, former prisoner Chandra Bozelko echoed the feeling of salvation and elation that comes with having something (anything) to pass the time: “When a prison inmate prays for release from her cell, prison industries can be her first salvation. I couldn’t wait to head to work in the kitchen of the maximum-security women’s prison in Connecticut.”<sup>225</sup> Bozelko correctly claims that prison industry jobs, which are currently available to less than half of all American prisoners, are often

an inmate's only connection to the world outside of prison: "when a prisoner is working, she is the closest to free she can be, until she gets out. My prison job made me feel like I was fulfilling my existential duty to society: I was contributing."<sup>226</sup> To take such a precious and seemingly beneficial program away from an inmate who has little else to turn to in their daily life for entertainment or fulfillment is an act of cruelty.

Bozelko's point is one that deserves reiteration—these so-called "jobs" are sometimes all that we criminals have to keep us going when we are incarcerated. To take away our only source of achievement, our only source of income, our only source for that feeling of accomplishment—this does indeed require a special kind of cruelty. This project is not a call to demolish prison employment opportunities under some misguided attempt to protect exploited inmates; rather, these programs should be expanded under a platform that holds employers to the same standards as the rest of the country, regardless of who is performing their labor. Unionization should be permitted and encouraged. Minimum wage should not only be available; it should be just the first of many steps up the income ladder. As simple as these axioms seem, prison officials have other priorities, such as capitalism's bottom line.

The point is often lost on non-incarcerated Americans that more than 95% of all prison inmates will eventually be released.<sup>227</sup> If they are to succeed it would seem important to keep them acquainted with the world of employment hierarchy: raises and promotions, unionization practices, fair employment standards, safe work environment norms, and grievance procedures unique to the work environment. In addition, even minimum wage at a steady rate for years of incarceration could provide a nest egg for



release—a bump-start for reentry. As it currently stands, PIECP’s collaborations between prisons and outside organizations—the least common jobs available to the fewest inmates—are the *only* jobs that have minimum wage income requirements of any sort, and even that rule is a dog whistle policy that fails to serve its stated purpose: some states garnish up to 80% of an inmate’s wages.<sup>228</sup> These are the issues that should guide prison administrators across the United States. Instead, it seems that policies and programs are designed to curtail the rights of inmates whenever possible, all in an effort to minimize the cost of production and increase corporate profits.

Instead of focusing on reentry preparation and decent wages that could reduce America’s embarrassing recidivism rate (76% of *all* America prisoners are rearrested within five years of release), prison officials have spent the last fifteen years *reducing* the amount paid for non-industry prison jobs, from an average of 93 cents per day in 2001, to an average of just 86 cents per day in 2017.<sup>229</sup> These jobs are, by far, the most common for an inmate to have—the custodial duties, maintenance, grounds keeping and food preparation that keep the prison apparatus operating smoothly on a limited budget. In many (Southern) states, these inmates are not paid any wage whatsoever, even though they are *required* by prison regulations to complete any job assignments they are given.<sup>230</sup> For those inmates who are offered jobs in federal or state-owned industries, the pay is not much better—between \$.33 and \$1.44 per hour before deductions.<sup>231</sup> A small portion of the best-behaved prisoners are offered the highest paying PIECP jobs in which companies are required to compensate inmates at rates similar to those paid for the same work outside of prison; however, these wages are then reduced by up to 80% through

requirements to pay rent (to the prison), court ordered deductions, victim's fees, and taxes.<sup>232</sup> This system is a system of slave labor. The few existing dog whistle policies of fair pay are undone by the state's sticky fingers: taxes, rent, court costs and fees are the new share-cropper tax; the prison commissary is the new plantation mercantile.

After the 13<sup>th</sup> Amendment, slavery was redefined under a different name, and sharecropping became a new method for white land owners to maintain their wealth and domination over recently freed black people.<sup>233</sup> As Takaki has shown, "Forced to buy goods from the planter's store, they were trapped in a vicious economic cycle, making barely enough to pay off their debts."<sup>234</sup> Landowners would sell their "hired" help everything from seed to personal supplies on credit and at inflated rates that ensured little or no money remained after the harvest was collected and the books were settled.<sup>235</sup> In the contemporary prison-industrial complex, the recipe is much the same. Paltry wages (or none at all) are paid to inmates who can then purchase essential supplies from the prison commissary, a capitalistic monopoly that makes an estimated \$1.6 billion-per-year in profit.<sup>236</sup> If prisoners wish to maintain or initiate relationships outside of prison, they must purchase phone time (or call collect) at rates as high as a dollar-per-minute, a monopoly on human connection that nets private telecom companies an estimated \$1.2 billion-per-year.<sup>237</sup> Prisoners are charged a fee to see a doctor in prison, and private health-care provider Corizon Health brought in \$1.4 billion worth of revenue in 2016 for contracted medical health services provided to American inmates.<sup>238</sup> This is the overcharged sharecropper, the laborer who is permanently indebted to the only mercantile that will take their credit—the fully updated legal version of American sharecropping.

After paying 80% to the landowner for rent and taxes, the remainder can be used to purchase items that are essential to human comfort.

Those inmates who do not have a job are forced to rot in mental stagnation, and as Bozelko detailed, these jobs keep inmates connected to the world and give them a reason to get out of bed.<sup>239</sup> Yet \$2 billion in goods produced each year by prison industries also reveals the incentive of investors who ignore the problematic nature of prison labor while reaping the fiscal rewards.<sup>240</sup> This is the white America dream, drawn straight from the plantation: use the state's legal authority to lock black people up at excessive rates and near locations where you can put them to work for minimal or nonexistent wages, then watch white supremacy work its magic.<sup>241</sup> But the story is worse than un(der)paid prison labor, because America's capitalist greed has now moved beyond taking advantage of those bodies that can provide free work. Now capitalism has provided a fiscal incentive for locking up bodies regardless of whether or not they can be utilized as free labor. The prison now writes a check to its operators, a curious state of affairs that was born as the lovechild of capitalism and punishment: America's private prison.

**Privatized Punishment:** Anslinger's "despicable dope pedaling vulture" became Nixon's "despicable narcotics profiteer."<sup>242</sup> Clinton's "super predators" became Trump's "roving band of wild criminals...dispensing their own vicious brand of twisted hatred."<sup>243</sup> The war on drugs played out in the context of the Civil Rights Movement of the 1960s and 1970s, and policy was again utilized as a political tool of white supremacy that "intensified the prosecution and punishment of drug offenses, required prison time for minor offenses, and implemented very long sentences, particularly for violence,"

according to Travis and Western.<sup>244</sup> The rhetoric of crime-and-punishment proved successful, and between 1980 and 2000 America's prison population expanded by more than 500%, while the number of people locked up for drug convictions between 1980 and 2010 increased by 1100%.<sup>245</sup>

Amidst this unprecedented inmate explosion, the prison-industrial complex began to experience growing pains. In the wake of an ongoing prison boom that outran state and federal ability to keep pace, officials were faced with a dilemma: they were running out of space to house the mass of "criminals" created by the war on drugs. Although various experiments at private correctional institutions had taken place prior to the 1980s, the contemporary private prison materialized during this rapid expansion in prison population, fueled, in large part, by the war on drugs.<sup>246</sup> Faced with the prospect of having to build new and larger prisons, and amidst an uptick in abuse of power cases leading to expensive lawsuits, the state opted to allow private organizations to take a swing at criminal corrections.<sup>247</sup> In exchange for a contracted sum of money, a private organization would take over housing, feeding, caring for, and profiting off inmates.<sup>248</sup> Liability would also be minimized, at least in theory.<sup>249</sup> If these private corporations could manage to squeeze out a few dollars in profit and still maintain acceptable standards of inmate housing, more power to them; this, the argument goes, is how capitalism should work. Thus, white supremacy's brand of capitalism continues to find new and improved methods of profiteering off the disproportionate incarceration of people of color, who currently account for more than 60% of *all* American prisoners.<sup>250</sup>

CoreCivic, formerly known as Corrections Corporation of America (CCA), is currently America's largest owner and operator of private prisons, and business is booming. In December of 2014, CoreCivic (then CCA) operated 64 facilities with more than 82,000 beds.<sup>251</sup> Just three years later, as of November of 2017, CoreCivic operated 91 prisons with a total of nearly 90,000 beds.<sup>252</sup> The private prison powerhouse recently made *Fortune 500's* Top 1000 Businesses list, with an estimated market value of \$3.8 billion.<sup>253</sup> Boasting a \$220 million profit during 2016—more than 30% of the entire private prison sector profit—the company made an average of \$2,444 *per inmate*.<sup>254</sup> That warrants repeating: shareholders (some of whom work at the very prisons where they own stock) put \$2,444 in their pockets for every human that CoreCivic kept locked in a cage that year. This despite the fact that only eight-percent of the entire America prison population is currently housed in private prisons: the rest of this untapped market has investors drooling.<sup>255</sup> Its capitalistic ideology is central to the company's philosophy. As company founder Tom Beasley used to say in his sales pitches, “you just sell it [a private prison] like you were selling cars or real estate or hamburgers.”<sup>256</sup> Law and order have become big business in the twenty-first century. With 2016 seeing \$629 million in private-prison profits, the trend will likely continue.<sup>257</sup>

**What's in a Name?** In October of 2016, just weeks before the American Presidential election, CCA announced that it would be changing its corporate name to CoreCivic.<sup>258</sup> As described by company President Damon Hininger, the decision was “the culmination of a multi-year strategy to transform our business from largely corrections

and detention services to a wider range of government solutions.”<sup>259</sup> Let the dog whistling begin.

For a company raking in hundreds-of-millions of dollars in profit each year, the recent name change may seem contrary to brand recognition. To those who have critiqued the capitalistic habit of profiting off crime and punishment, the name change is unsurprising. My crystal ball glows: as this study and others continue to associate the name CoreCivic with profiteering, the profiteers will rebrand themselves under yet another new name, all in an effort to make critiques such as this appear anachronistic: *who are you talking about? That company doesn't exist*. By changing their name, CoreCivic (or whatever they choose to call themselves in the future) can avoid direct connections to their prior deplorable behavior.

On August 18, 2016, US Deputy Attorney General Sally Yates delivered a long awaited (and overdue) message: the Justice Department was planning to end its use of private prisons after official reports concluded that such facilities are less safe and less effective at providing correctional services to inmates than those previously run by state entities.<sup>260</sup> As might be expected, a storm of media attention descended on the private prison industry, and CoreCivic (still CCA then) found itself directly in the gaze of critics who were ready to pounce. For many of us, the anger was personal. Our fathers and brothers (and our own bodies) had suffered at the hands of a prison-industrial complex that favors trauma and forced labor over legitimate rehabilitation. In a choreographed legal maneuver, CCA became CoreCivic at the opportune time, leaving critics pointing at a ghost that seemingly no longer existed. Just weeks after Donald Trump won the 2016

Presidential election, newly-appointed attorney general Jefferson Sessions rescinded the Justice Department's Obama-era mandate to phase out the use of private prisons.<sup>261</sup> CoreCivic got a dual shot-in-the-arm: the company was rebranded and reinvigorated overnight, and its stock skyrocketed when America's "law and order" candidate doubled-down on private prisons.<sup>262</sup> This is how Republicans are "Making America Great Again." This is the legacy that Trump and his "best people" are building.

**Feeding the Beast:** The war on drugs has always served as a lifeline to the prison-industrial complex, providing a steady source of new inmates, 75% of whom are people of color, and 80% of whom are indigent and cannot afford to hire an attorney.<sup>263</sup> Now that marijuana has begun its long-awaited emergence from the shadows of the underworld, the irony is painful: many black men still sit in prison, serving out sentences for selling a plant that is now sold by mostly white business owners on the same blocks where some of them were arrested.<sup>264</sup> This is how white supremacy works to reinforce its legitimacy while naturalizing its existence. As Cornel West makes clear, "there is no doubt that if young white people were incarcerated at the same rates as young black people, the issue would be a national emergency."<sup>265</sup> In 2014, despite the legalization of recreational marijuana via Amendment 64, black Coloradoans were *still* arrested for possession, cultivation, or distribution at rates more than three times higher than white Coloradoans.<sup>266</sup> The modern prison-industrial complex is sustained through the systemic and disproportionate incarceration of people of color, the maintenance and advancement of *The New Jim Crow*.<sup>267</sup>

As mentioned above, only 6.5% of American men self-identify as Black or African American, yet black men account for more than 34% of the American male prison population.<sup>268</sup> The war on drugs has become one of the largest catalysts of mass incarceration, and as Alexander explains, “the design of the drug war effectively guarantees that those who are swept into the nation’s new undercaste are largely black and brown.”<sup>269</sup> This disproportionate undercasting is systemic; it is perpetuated at every level of the criminal justice system, from surveillance to investigation to arrest to prosecution to sentencing to parole to recidivism.<sup>270</sup>

Despite the fact that *most* Americans will violate drug laws at some point in their life—one-in-ten of us will violate drug laws this year—only a small fraction of law breakers will be arrested: “Strategic choices must be made about whom to target and what tactics to employ.”<sup>271</sup> In contemporary America, as conviction and incarceration rates make clear, the strategy has been to disproportionality target, arrest, charge, and convict black and brown men, then to sentence them to longer periods of incarceration than white people convicted of similar crimes.<sup>272</sup> As Angela Davis explains, “black men are policed and treated worse than their similarly situated white counterparts at every step of the criminal justice system, from arrest through sentencing.”<sup>273</sup> Studies have shown that black men are 21 time more likely to be killed in an encounter with the police than white men.<sup>274</sup> As it stands, current trends suggest that one-in-three black men born in America today will spend time in prison at some point in their life.<sup>275</sup> Black men are sentenced to longer periods of incarceration than white men for the same crimes.<sup>276</sup> The



war on drugs is not about minimizing social danger; it is about the continued control and domination of people of color.<sup>277</sup>

Where prison ends, stigma begins. The prison-industrial complex is not just about prison time; it is about the felon label.<sup>278</sup> Even though 95% of us (criminals) get out of prison, the old adage of “paying one’s debt to society” fails to recognize the permanent cost of felony conviction—this debt *always* maintains a balance. For example, the war on drugs bleeds into marijuana legalization politics through the stigma of conviction. Felons who apply for licensing to operate a marijuana dispensary are typically denied: 33% of black men are effectively ineligible because of a felony conviction, compared to just one in 17 white men.<sup>279</sup> For those who are not legally disqualified, marijuana dispensaries require a large up-front investment, six or seven figures in most cases.<sup>280</sup> The racial wealth gap, perpetuated by generations of state-sponsored terrorism against black and brown citizens, provides another insurmountable barrier to many people of color attempting to enter the market. According to one study by the nonprofit organization Prosperity Now, white middle-class American households have nearly eight times the accumulated wealth of black middle-class American households.<sup>281</sup> As the authors point out, “Wealth is the buffer families need when faced with unexpected economic shocks like a lost job or a broken-down car. Wealth is also the capital available to families to take advantage of economic opportunities.”<sup>282</sup> In this way the war on drugs continues to legitimize white supremacy by preemptively disqualifying people of color from participating in capitalistic ventures.

The felon label restricts those who bear it from a host of jobs, locations, events, and relationships: we felons experience Alexander's "second class citizenship . . . once a person is labeled a felon, he or she is ushered into a parallel universe in which discrimination, stigma, and exclusion are perfectly legal, and privileges of citizenship such as voting and jury service are off-limits."<sup>283</sup> The legal marijuana industry is just the latest capitalist venture to be built around this exclusion; the permanent sanctions imposed on felons in America have long restricted us from numerous prospects. In addition to exclusions from the jury box and the voting booth, we convicts are also permanently deleted from the provisions of the Second Amendment: we are not allowed to own or possess firearms, ever.<sup>284</sup> Briefly speaking, we are systematically excluded from the military draft, the teaching podium, the police cruiser (at least the front seat), the law school, the prisoner visitor list, and the military base. Marijuana dispensary joins a long list of careers that are off limits to felons, including police officer, medical doctor, pharmacist, private investigator, security guard, government employee, taxi driver, day care provider, school teacher, postal employee, firefighter, casino employee, and prison guard.<sup>285</sup> We are systematically and permanently prevented from entering social spaces of privilege, invisibly pressed out of legal markets, and denied many of the rights available to the majority of the general population. The targeted enforcement, disproportionate arrest and conviction, and excessive sentencing of people of color in America ensures that felony disenfranchisement works to reinforce white supremacy in ways both insidious and invisible. Felony disenfranchisement is more than a social justice issue; it is a racial issue.

**Same ol' Song:** In October of 2006, Google purchased video-sharing website Youtube for \$1.65 billion worth of stock.<sup>286</sup> The site continued to operate normally; the changing of hands seemed to have little effect on the machine of production. With the wave of a pen and the changing of signage, one capitalistic institution becomes another with hardly a slowing of the cogs of production. CCA becomes CoreCivic; Google subsumes Youtube; and America's white supremacist institution of slavery becomes the contemporary prison-industrial complex.

Angola State Penitentiary, now known as Louisiana State Penitentiary, and Mississippi State Penitentiary, now known as Parchment Farms, (apparently changing names to avoid oversight is an old trick in criminal corrections) were both slave plantations prior to the 13<sup>th</sup> Amendment's retrofitting of the prison apparatus over the old framework of Chattel slavery.<sup>287</sup> Jeffery Goldberg recently released a documentary reporting on the new prison plantation:

Before the Civil War, Angola was a plantation. Today there is a reasonable chance that some of the men working this farm are descendants of the slaves who once picked cotton here.<sup>288</sup>

This is the contemporary plantation, the modernized penal colony, the forced-labor prison camp of the twenty-first century. This is America's legacy of slavery, carried out and passed down for hundreds of years through clever updates in public rhetoric and dog whistle policies.

**The White American Dream:** Ta-Nehisi Coates succinctly describes whiteness as "that bloody heirloom which cannot ensure mastery of all events but can conjure a tailwind for most of them."<sup>289</sup> Whiteness in America is epitomized through the ideology

of the American dream, the idea that one can go anywhere and do anything that they wish to do in life, if they only work hard enough.<sup>290</sup> For millions of Americans of color, this is not the case. Whiteness and its guiding ideology, white supremacy, are ever-evolving systems of privilege that work to maintain the supremacy of those in power over other groups of people regardless of merit, majority, or mastery. While those with the most access to privilege and power are typically white, pale skin neither ensures success nor disqualifies one for the mechanisms of punishment. As Robin DiAngelo points out, the trick of whiteness as a system of oppression lies in its ability to appear as if it is *not* based on the color of an actor's skin, while the wealth, privilege, and prestige of society tends to remain in mostly white hands; "white superiority also remains unnamed and explicitly denied by most whites."<sup>291</sup> Its longevity (it is as old as America) lies in its translucence: from a position of privilege, one can look right through it and almost miss it, almost ignore it, almost look past its foggy lens. Its mechanisms are craftily concealed.

Whiteness becomes most visible and verifiable when one enters the downtrodden sectors of society: the mental hospital, the skid row shooting-gallery, the homeless shelter, and the prison. Between 1970 and 2003 the United States prison population grew by more than 700%; once again, more than 75% of those sentenced for drug crimes were black or Latinx.<sup>292</sup> Nearly seven-million Americans are currently under the thumb of the American "correctional" system: 2.3 million are locked up while another 4.7 million are under court-ordered supervision—one mistake away from being returned to a cage.<sup>293</sup> While just one in 17 white men deal with this daily reality, one in three black men (more in some cities) will be subjected to the permanent disenfranchisement of felony

conviction.<sup>294</sup> In 2011 America spent \$26 billion on the construction, operation, and maintenance of prisons, local jails, juvenile facilities, and probation offices.<sup>295</sup> Long-standing recidivism rates reveal the failure of the Criminal Justice system in rehabilitating its residents, as three-in-four American prisoners are arrested for new crimes within five years of release from prison.<sup>296</sup>

America is a country infatuated with the policing of intoxicating chemicals and the bodies that possess them: less than eight-percent of federal inmates are convicted of violent crimes, while nearly half are in prison for drug convictions.<sup>297</sup> The Department of Justice has found that 31% of state inmates report being on drugs when they committed their crime, and 17% report having committed their crime to get money for drugs.<sup>298</sup> As Merrill Singer has pointed out, “Unpacking U.S. cultural values, and ethics or class-based versions or sub-group values, relative to drug use, is a vital step in explaining drug use dynamics in U.S. society.”<sup>299</sup> The convictions that leave one locked away from one’s family say much about the society that builds the prison, and in America, the war on drugs is a war on poor people of color.<sup>300</sup>

In addition to the more than 92,000 federal inmates who are incarcerated for drugs convictions, more than 200,000 additional state-level inmates are classified as having a drug offense as their most serious crime(s).<sup>301</sup> These are not hardened criminals who were captured with guns, drugs, bombs, and dastardly plans. A marijuana roach, an empty meth pipe, a used syringe, a crumb of cocaine (or worse, its paternal twin crack)—these are the items that are used to lock us up and brand us drug criminals. These already alarming numbers are further misleading in that they fail to take account of those who are

incarcerated for crimes directly related to drug use: theft to procure money for drugs, violence or public disturbances perpetuated by intoxication, driving under the influence, weapons charges related to drug sales/use/debt, prostitution, bank robbery—these convictions are conveniently divorced from any connection they may have to the illegality of drugs. In this way the heroin addict who steals to support her habit is classified as a thief and nothing else. In our desperation to obtain the chemicals our bodies need, we addicts commit misdemeanors and felonies which authorize the cultural erasure of our medical condition—once the crime is committed and the courts are involved, we are punished rather than treated. Indeed, as Daniel Larson contends, “the prison-industrial complex is fueled largely by the drug war.”<sup>302</sup>

**Repackaged Racism:** The modern prison-industrial complex is a direct descendant of America’s white supremacist institution of Chattel slavery. The rules governing inmate treatment, pay rates, safety, worker’s compensation, and employee rights all act to reaffirm the authority and importance of capitalism, while minimizing concerns for inmate well-being. When white supremacy was threatened with the abolition of Chattel slavery, plantation owners devised new and updated methods for salvaging the old apparatus under a retrofitted framework. Plantation owners “hired” their recently released slaves as employees, deducted their room and board from their wages, and offered them credit at plantation mercantiles which sold overpriced goods like toiletries and foodstuffs.<sup>303</sup> Now the prison system allows inmates, disproportionately men of color, to work for capitalistic entities, and after 80% of their wages are garnished to pay rent, fees, and taxes, they can use the remainder of their income to purchase overpriced

necessities like toiletries or foodstuffs. The ingredients may be packaged differently, but the recipe is the same as it has always been; the end product is white supremacist capitalism in the form of legal slavery. This is twenty-first century America, the new slave state.

The previous chapter examined the roots of the American war on drugs, revealing that beneath the alleged focus on safety and human well-being lies an insidious racist agenda to associate intoxication with people of color, then to demonize both. The last century of political evolution verifies the resilience of Anslinger's strategy, for it led directly to a new system of slavery that continues to disproportionately enslave people of color, especially black men. The following chapter will examine the social narratives that reinforce public perception of criminals and drug users as dangerous and uncontrollable monsters who need to be locked away for the safety of society. As the success of Anslinger's hand-crafted war on drugs makes clear, the stories we consume become the building blocks of our subjective reality. In America it seems that race always makes its way into these narratives, reflecting and affecting the cultural zeitgeist. As the following section will show, the spectacle of contemporary media continues to exert the same reality-shaping forces on consumers. News reports and fictional narrative work together to construct a subjective view of the world that is frequently misaligned with reality. We consume the spectacle; the spectacle becomes us.

### 3. Keeping Race Invisible: From *Spectacle* to *Dispositif*

“It was the conflation of blackness and crime in the media and political discourse that made the drug war and the sudden, massive expansion of our prison system possible.”<sup>304</sup>  
Michelle Alexander

As the previous chapters revealed, there is a massive system of slave labor being utilized in this country to fill the coffers of historically powerful individuals who do not wish to relinquish their state-sanctioned wild card of free labor in the game of capitalistic production. This prison-industrial complex thrives on the long-stewing racist sentiments of mostly white Americans who have been convinced of its necessity—we have all been told that this massive correctional apparatus is the only thing standing between us and the violent monsters who we keep locked behind its walls.<sup>305</sup> Yet prisons do *not* reduce or prevent crime; in fact, as Ruth Gilmore has shown, “State by state, those jurisdictions that have not built a lot of prisons and thrown more people into them have enjoyed greater decreases in crime than states where incapacitation became a central governmental activity.”<sup>306</sup> The trick lies in sustaining the illusion of necessity and expansion, even as America’s crime rates continue to hover near an all-time low.<sup>307</sup> This is a move that Anslinger popularized throughout his career, and that Jefferson Sessions brought back into style in 2017—the rhetorical trick of blaming local drug users for crime trends that do not exist. It happens through emersion: a surrounding of the citizen with messages from all sides that reaffirm an alleged fact, regardless of its truth.<sup>308</sup>



The war on drugs is ramping back up, and as Travis Dixon reveals, it is still fueled largely by the media Americans consume: “we have become so inundated with mass-mediated racial stereotypes that we are losing the ability to see past our racialized fears.”<sup>309</sup> Bill Yousman has gone even further, showing how television and movie spectacles of glamorized prison environments work to reinforce stereotypes of inmates as violent monsters “who are barely contained by the criminal-justice system.”<sup>310</sup> The messages distributed via television and movies become the basic building blocks of subjective reality: the bars and scars depicted in Hollywood productions are sometimes the only bars and scars a viewer knows. These prison dramas are the closest many will ever get to an actual prison environment.

**The Dance of Life and Art:** Well before the third century BC, Plato played with the idea that “Art imitates life” in Book X of *The Republic*: “The imitator or maker of the image knows nothing of true existence; he knows appearances only.”<sup>311</sup> The artist, according to Plato, is tasked with creating a shell without an interior, a body without a soul, a facsimile without working parts. A good artist can fool even the most observant of onlookers with replicas that are inoperative, inaccurate and, most importantly, misleading; art *imitates* life.<sup>312</sup> In Plato’s description, the artist need not be knowledgeable about the subject she chooses to depict; rather, the success of the simulacrum is judged by the gaze of the lay-person, the evaluation of the uninformed, the quick-glance of the unknowledgeable passerby. Experts need not approve.

Two millennia later, Oscar Wilde reframed Plato’s philosophical rant, pronouncing that “Life imitates Art far more than Art imitates life,” and suggesting that

mankind's insatiable "desire for expression" creates a self-sustaining misrepresentation of reality: "Art is always presenting various forms through which this expression can be attained. Life seizes on them and uses them, even if they be to her own fault."<sup>313</sup> Placing Plato in conversation with Wilde exposes the intricate historical dance whereby art and life inform one another. Our cultural narratives (films, statues, artifacts, novels, television shows, etc.) teach us moral lessons, historical facts, behavioral norms, language patterns and stereotypes, but only through constructing scenarios that easily appeal to one's already-established tenants of reality.<sup>314</sup> Artistic representations of any sort, including narratives, are only successful if they conform to predetermined, easily understandable social scripts. Every social narrative is, in this regard, based on a true story: art imitates life. There is no degree of separation that allows an author to construct a story that is incoherent, for a story is only a story if the reader can come along for the ride.

Regardless of the plot, a narrative only works if the audience can empathize, a trick that requires realistic characters, humanized motives, and coherent lines of thought.<sup>315</sup> The narrative must progress, actions must be punished or rewarded, characters must grow or stagnate, and mistakes must have consequences. As Michel de Certeau posits, the viewer of the film is "unable to respond within the structure of the film, yet deviate from its precise detail without losing the thread of the story; hence the film forces its victims to equate it directly with reality."<sup>316</sup> The well-constructed narrative, true or not, becomes a vital tool for observers, both now and in the future, to make subjective sense of reality: art imitates life. The end result, as Fredric Jameson suggests: "we are condemned to seek History by way of our own pop images and simulacra of that

history.”<sup>317</sup> Hollywood spectacles provide millions of viewers an avenue to intimate knowledge of Martin Luther King Jr., Tupac Shakur or Malcom X, all filtered through producer critique, script selection, studio requirements, and actor limitations.<sup>318</sup> These visual, audible characters come off the screen and seep into the viewer’s psyche, filling the gaps between historical events with the mortar of Hollywood cinematography, replacing dirt and sweat with makeup and lighting, adding a swagger that was never a part of Dr. King’s strut, or an accent that was never a part of Tupac’s speech. Viewers pick up these idiosyncrasies whether they existed or not, tying them to historical characters they then remember (and emulate) as synonymous with this catch-phrase or that hip-dip: life imitates art.

**The Age of Representation:** Americans love television. We are currently in the midst of what is being described as “The Golden Age of Television,” as producers clamor for the limited attention of consumers amidst a growing list of well-funded competition.<sup>319</sup> Yet Theodor Adorno’s and Max Horkheimer’s 80-year-old claim still holds true: “Even during their leisure time, consumers must orient themselves according to the unity of production.”<sup>320</sup> Netflix, You Tube, Amazon TV, Facebook, and Hulu are just some of the now-household-names that have joined the lengthening list of companies competing for American viewership. A new social milieu has manifested; we humans find ourselves immersed in images, messages and media throughout our waking lives. This did not happen overnight. In 1944, Adorno and Horkheimer coined the term “culture industry” to describe the way that mass-produced images in the service of capitalism become the building blocks of subjective identity.<sup>321</sup> The celebrity endorsement speaks

different messages to different consumers; we mimic the styles we appreciate, the phrases we enjoy, the physical movements that strike us as complimentary to our idiosyncrasies. Once again, life imitates art.

In 1935, Walter Benjamin described the Paris arcades—the original shopping malls complete with advertising campaigns and spectacles of entertainment—as spaces where “art enters the service of the merchant . . . the arcades are the scene of the first gas lighting.”<sup>322</sup> The posters, pin-ups, spectacles, advertisements and decorated bodies used to lure consumers into the arcades told fantastic stories about the products and companies they represented. This aspect of advertisement has become even more common in contemporary capitalistic societies, where de Certeau has described the assault on the senses as overwhelming and unavoidable:

From morning to night, narrations constantly haunt streets and buildings. They articulate our existences by teaching us . . . Captured by the radio (the voice is the law) as soon as he awakens, the listener walks all day long through the forest of narrativities from journalism, advertising, and television, narrativities that still find time, as he is getting ready for bed, to slip a few final messages beneath the portals of sleep.<sup>323</sup>

Messages communicated through advertisement, narrative, historical representation, and entertainment serve as the basic building blocks for subjective reality, what de Certeau termed referential reality: “Today, fiction claims to make the real present, to speak in the name of the facts and thus to cause the semblance it produces to be taken as a referential reality.”<sup>324</sup> The real and the narrated become indistinguishable when presented to an audience for mass consumption. Art and life play off one another in an intricate dance of subjectivity, pressing the bounds of artistic representation and realism, molding the minds of consumers, sometimes circumventing borders and other times respecting territories.

The resulting *Society of the Spectacle* is an inescapable mentor that demands the consumer's undivided attention: “. . . his own gestures are no longer his but those of another who represents them to him. This is why the spectator feels at home nowhere, because the spectacle is everywhere.”<sup>325</sup> The spectacle is not confined to a screen, a pamphlet or a billboard. The spectacle travels with the consumer, bleeding into the nooks and crannies of her subconscious, obliterating objectivity with unchecked and unsourced knowledge, updated information, accessible stereotypes, stories that *feel* real—the building blocks of referential reality.

The circulatory system is well established. The spectacle is a never-ending fountain of information, most of it inaccurate, tainted or skewed, but always spouting forth from arteries and pipelines tucked between buildings, buried under streets, and running through the very walls of our homes. Everywhere the spectacle persists, growing like mold in the fertile corners of Western cultural: the public spaces that now broadcast cartoons or news from a flat screen mounted on the ceiling; the digital billboard that tries to sell commuters four different products as they speed past at 80 miles-per-hour; the radio asking listeners to buy a cheeseburger, get their teeth whitened, or book a vacation to Las Vegas. These messages all communicate information that influences our view of the world around us.

The proof is in America's immense social base of inaccurate knowledge, our *Myth Busters* culture that takes fabricated adages and nonsense tidbits picked up from television shows and news programs, and turns them into supposed cultural knowledge.<sup>326</sup> “We only use 10% of our brains,” says the television talking head,

reaffirming a common misconception that large portions of the human brains remain inactive throughout our lives.<sup>327</sup> The truth is less interesting. The lumps of gelatinous flesh flopping around in our skulls are fully activated at various times throughout the average day, although scientists have yet to understand the full functionality of each part.<sup>328</sup> In October of 2017, nationwide news networks titillated Americans with claims that Las Vegas had seen the largest mass shooting in American history, a description that ignores the racially motivated Colfax Massacre of 1873, in which as many as 150 black men were murdered by former Confederate soldiers and members of the Ku Klux Klan in Louisiana.<sup>329</sup> In 1919 as many as 237 black men were murdered by a white posse led by Sherriff Frank Kitchens in Elaine, Arkansas, when racial tensions erupted over unfair sharecropping practices.<sup>330</sup> Federal troops who were sent in to quell the Arkansas uprising actually joined the Sherriff and his white supremacist terrorists in hunting down and murdering local black men suspected of participating in the sharecropper union.<sup>331</sup> Las Vegas did *not* see the country's largest mass shooting on that fateful October night. The alleged facts distributed by *The Society of the Spectacle* are frequently false, yet they become the basic building blocks of subjective reality regardless of their accuracy.<sup>332</sup> Even worse, such misinformation often serves to further the racist interests of white supremacy through making invisible the mass murder of people of color, as the examples above make clear.

The misrepresentations continue. The war on drugs sustains a smorgasbord of commonly-held misconceptions concerning the effects of drugs on the human body. Americans have been warned that opium derivatives (heroin, morphine, fentanyl, etc.)

contain so-called chemical hooks that will embed into a user's psyche, virtually guaranteeing addiction for anyone who uses them.<sup>333</sup> This is untrue. The vast majority of people who take these substances, whether prescribed by a doctor for acute injuries or purchased on the street, do *not* become addicted.<sup>334</sup> A consistent barrage of Public Service Announcements throughout the last half of the twentieth century fed American television viewers images of drug use that were incredibly misleading: an image of our "brain on drugs" as a frying egg; the popular cheerleader giving up on life after using heroin for the first time; the police running down a fleeing "junkie" and hauling him off to jail; a ghost child haunting a drug user because they supported the terrorist network that killed her.<sup>335</sup> These misleading messages convinced many of us that brain damage and declining health were a guaranteed consequence of *any* hedonistic tinkering with the brain's chemistry.<sup>336</sup> Time and again the American public has been fed the message that these chemicals are dangerous—that using these substances practically guaranteed addiction. These informative narratives, false as they often are, serve to control and regulate the bodies that consume them. The self-policing urged and justified by the *Society of the Spectacle* works to construct standards of social conduct, *mores* concerning what is acceptable and what is taboo, and cultural prescriptions for punishment when someone violates established norms. Mass mediated narratives work as part of a larger social system of control, an interconnected web of rules and punishments that shape the cultural milieu.

**The War on Drugs as a Foucauldian *Dispositif*:** Viewed in its entirety—from a vantage point a century into the fracas—the war on drugs can be regarded as a

Foucauldian *dispositif*:

. . . a thoroughly heterogeneous ensemble consisting of discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral and philanthropic propositions—in short, the said as much as the unsaid.<sup>337</sup>

Foucault's concept of discipline by *dispositif* is layered and nuanced, but his premise is that systems of control operate through disciplinary apparatuses—some visible and some hidden—that permeate our society.<sup>338</sup> The *dispositif* relies upon the visible and the symbolic, the verbalized and the unspoken, the recognition of borders and the disregarding of limits: it is the location in space-time where individuals are disciplined to perform or avoid a particular behavior. We are all in a state of becoming that is intimately influenced by numerous forces operating within the Foucauldian *dispositif* which is inseparable from society at large. The *dispositif* is the social-stew within which we all find ourselves immersed; it is inescapable and influential, punishing and rewarding through mechanisms of control that appear out of nowhere as quickly as they blend back into the cultural background. The public slur, the side-ways glance, the snicker-and-sneer, the glare-and-growl, the private joke shared at the expense of an other—just a few of the tools of punishment at the disposal of the *dispositif*.

The *dispositif* shapes the subject's life experiences, a process that plays out in real time through the performance of cultural norms, and, specifically, in the punishments that are directed at those performances which are deemed socially unacceptable. The *dispositif* requires a prior knowledge base—an already-existing sense of what is normal



and what is considered, by and large, to be intolerable. Human morals and cultural standards of conduct are never static, never concrete, never permanently fixed. As Gilmore has pointed out, the seemingly natural connection between crime and prison is, in fact, arbitrary and evolutionary: “While common sense suggests a natural connection between ‘crime’ and ‘prison,’ what counts as crime in fact changes, and what happens to people convicted of crimes does not, in all times and places, result in prison sentences.”<sup>339</sup> The *dispositif* is always updating the script, thriving off of what Naomi Wolf describes as vital lies:

Societies tell themselves necessary fictions in the same way that individuals and families do. Henrik Ibsen called them “vital lies,” and psychologist Daniel Goleman describes them as working in the same way on the social level that they do within families: “the collusion is maintained by directing attention away from the fearsome fact, or by repackaging its meaning in an acceptable format.” The costs of these social blind spots, he writes, are destructive communal illusions.<sup>340</sup>

Vital lies, a cornerstone of any Foucauldian *dispositif*, are constructed and maintained through cultural norms and political policies: “Though unconscious personal anxieties can be a powerful force in the creation of a vital lie, economic necessity practically guarantees it.”<sup>341</sup> Attach racial animus to stoked-up fears about one’s (familial) wellbeing and you have a recipe for patriarchal white supremacy that will self-evolve and remain hidden indefinitely. Welcome to America.

The *dispositif* is not a static entity; rather, it moves and morphs, shifting its manifestations to fit the requirements of tomorrow’s cultural norms. Debord’s *Society of the Spectacle*—the end-result of Plato and Wilde break-dancing with life and art—is just one manifestation of the *dispositif*’s mechanisms of control, which constantly update to

reflect evolving standards of acceptable behavior. Alexander has described “the ways in which systems of racialized social control have managed to morph, evolve, and adapt to changes in the political, social, and legal context over time.”<sup>342</sup> The *dispositif* is always evolving, shifting just enough to prevent the revelation of its true imperatives. A recognition of strategic, coded white supremacist language (welfare queen, tough on crime, law and order, urban core) does not weed out and destroy the root of these dog whistles. White American racist ideology has always demanded a new outlet, one that has not yet been detected and called out as racist.<sup>343</sup> The war on drugs is but one historical tool of the larger *dispositif* of white supremacist capitalist patriarchy. Americans are told that we are in the midst of an “opioid crisis,” and that middle-class (white) people are suffering from addiction and overdoses at alarming rates.<sup>344</sup> The solutions offered by the state: punishment, dislocation, trauma, law enforcement, and stigmatization for poor people of color.<sup>345</sup> The message is communicated through avenues far beyond the aforementioned spectacles of Hollywood media. Family, religious institutions, educational settings, political rituals, social interactions and personal experience with law enforcement all become mechanisms of surveillance and punishment, all at the service of the *dispositif*.<sup>346</sup>

Americans are, in short, provided with an image of our society that is misaligned with historical and political reality. As Lila Abu-Lughod has explained, “we need to be suspicious when neat cultural icons are plastered over messier historical and political narratives.”<sup>347</sup> To this day Americans are told that the war on drugs is important and necessary—that a war waged against our own citizens is a righteous endeavor. *Listen,*

Jefferson Sessions demands, *pay no attention to the mass of black men behind bars. We must wage a war on drugs—I can defeat this racialized social menace.* Yet the war is not one that can be won through punishment and law enforcement. In fact, this war is not a war that can be won at all, because this war is not about drugs. The war on drugs, as played out through the operations and policing of the *dispositif*, is a war against poor people of color, against addicts, against already marginalized communities. We victims of the war on drugs are those already policed through restricted resources, disempowered through poverty, and forced to live in the most dangerous and underserved communities in America.<sup>348</sup> The war on drugs *is* a war on those who live in poverty: the vast majority of US criminal defendants are indigent.<sup>349</sup> The war on drugs *is* a war against people of color in America: even though the majority of drug users and dealers in America are white, 75% of those imprisoned for drug offenses have been black or Latinx.<sup>350</sup> The war on drugs *is* a war against ending America’s enduring legacy of slavery: \$2 billion worth of goods and services are produced each year by un(der)paid inmate labor, and the market is barely tapped.<sup>351</sup> These are not unfortunate consequences of the prison-industrial complex; they are its *raison d'être*.

**Chronic Wokeness:** The *dispositif* of the war on drugs, and its big brother, white supremacy, work to reshape cultural norms and behavior patterns so that racism’s operations can remain both ubiquitous and invisible. As Tupac Shakur has said, “If I didn’t talk about the violence, everybody would act like the violence wasn’t there.”<sup>352</sup> America’s problem with racism is confounded and complicated by its rejection of its habitual condition; we don’t want to talk about or even acknowledge the persistence of

white supremacy.<sup>353</sup> White America is a country in permanent denial; as Wise points out, “White denial . . . has been nothing if not an intergenerational phenomenon.”<sup>354</sup> White people, who have historically accounted for the majority in America since we began to classify ourselves as white people, have *always* been racist.<sup>355</sup> From discourses of “savages” to the genocide of Native Americans to slavery to Jim Crow to modern dog whistle politics, America is a country that has proven time and again that race will always be a central issue, whether it is explicit or not.

But more dangerous than the disease is the denial of the condition. A large portion of white Americans have long held to the platitude that racism is no longer a problem. In 1962, two years before the Civil Rights Act of 1964 was codified into law, 83% of white Americans surveyed in a Gallup poll said they believed that black people had just as good a chance as whites at getting a good education.<sup>356</sup> A year later, President Kennedy would call upon the National Guard to forcefully integrate Alabama schools despite the ardent opposition of the state’s governor, George Wallace.<sup>357</sup> As white Americans were blissfully checking the *everything is fine* box on their survey, the GOP was crafting the so-called “Southern Strategy,” which would come to define the next half-century of Republican Party politics through coded appeals to the racist resentments of white Americans.<sup>358</sup>

By 1978, white America’s illusion of racial equality had become habitual, as 73% of white Americans who were surveyed (still) claimed to believe that black people had “just as good a chance as whites in your community to get any kind of job for which they are qualified.”<sup>359</sup> The respondents’ answers reveal an obvious disconnect from social

realities: the US Department of Labor reported a 5.6% unemployment rate for white Americans in 1978, while Black Americans saw 12.8% of its population suffering from unemployment.<sup>360</sup> In 1979 the median weekly income of a white man in America (employed full time) was a full 31% higher than the median weekly income of a black man in America (employed full time).<sup>361</sup> Men of color who had formal college training saw only minimal mitigation, with an unemployment rate fully double that of white degree-holders.<sup>362</sup> Black people did not have an equal shot at education or employment in 1962, and in 1978 things had gotten no better. But the obtuse illusion of racial equality persisted: it came to define a new-era of white supremacy in America.

The year 2007 saw similar numbers of deluded white Americans embracing the cozy illusion of racial equality, with 71% (still) claiming to believe that employment equality across racial groups was a reality.<sup>363</sup> Yet the statistics continued to contradict this obtuse conclusion, with the unemployment rate for black Americans still holding at twice that of white Americans.<sup>364</sup> At the peak of training and education, where one might expect the income gap to slim, it was at its widest: in 2007, white men with a Bachelor's Degree (or higher) made a full 36% more than black men with a Bachelor's Degree (or higher).<sup>365</sup> The problem is not simply the historical existence of racial hierarchies. The problem is (white) America's unwillingness to acknowledge the ongoing political franchise that is white supremacy. This is not a dead monster from centuries past; it is the centerpiece of our democratic experiment—a dusty heirloom which white America seems willing to neither throw away nor acknowledge. The damage is done in the stories we tell and allow to be told about the world in which we live. We are, as humans, forever on the

culsp of a breakthrough—forever doomed to the permanent illusion of being the first generation to crawl out of the primordial muck of implicit bias through a deliberate recognition of our past mistakes.<sup>366</sup> Yet nothing changes, nothing progresses—Wallace becomes Goldwater becomes Nixon becomes Reagan becomes Bush becomes Trump, and here America stands, proud to be part of the “woke” generation that elected the most outspokenly racist and misogynistic President in modern history. We are, forever, tricking ourselves into believing we have made some progress, while the needle holds steady at zero.

Chronic denial, along with the related symptom of believing one’s generation to be the first to find a better way, are part-and-parcel of the human condition. The well-accepted version of Moore’s Law states that the number of circuits on a circuit board will effectively double every two years.<sup>367</sup> Half a century of computer evolution has proven Moore’s Law to be remarkably reliable. From desktop to laptop, from tubed TVs to plasma flat screens, from carbureted engines to self-driving automatons—each era has brought with it a communal illusion of having reached the threshold of modernity. Yet even as we throw away our old devices in exchange for the new, updated model, we suffer the illusion that these smart phones and laptops are the epitome of technological advancement—that these gadgets won’t accumulate dust in years to come as even more advanced technology deems them anachronistic. The future is always now; the threshold of modernity is always just breeched. This is the heart of the human condition; this is the sustaining force of white supremacy in America.

This glitch in human nature became the central theme of Michel Foucault's work—humans are forever doomed to the belief that *their* generation is responsible for implementing a long-needed update in morality. Those currently living are no different, convinced that we are the first group of humans to find a better way, to undo the damage of our ancestors. We are socialized to imagine some cultural update that occurred not long ago, dividing the time when things were bad and the time when things got better. This is epitomized in the common misconception that modern apparatuses of criminal corrections (the prison, the jail, the cop, the parole officer) are far more humane and effective than the ghastly torture and public executions utilized by our ancestors. In *Discipline and Punish: The Birth of the Prison*, Foucault exposed the methods through which the contemporary prison system fosters this human desire to imagine one's historical epoch as morally superior to those past.<sup>368</sup> As Foucault shows, this ideology is also manifested in the false belief that contemporary (Western) correctional systems treat criminals better than they once did, when in many ways they treat them far worse. For example, the gallows and other spectacles of torture persisted well into the seventeenth century, and while brutal and gory, their public venue allowed for spaces of public oversight, social protest, and, occasionally, alternative justice.<sup>369</sup> The brick-and-bars prison, Foucault argues, is more cruel than the criminal justice systems of old, for the public oversight that was once the cornerstone of punishment no longer exists. The contemporary prison walls prevent public scrutiny of the machine, a state of affair that guarantees corruption and abuse will take place without oversight.<sup>370</sup>

In addition to the lack of scrutiny designed into the prison-industrial complex, which guarantees unchecked abuses of power, the contemporary prison system also makes impossible the rewriting of social scripts which serve to romanticize criminality. Our current system of criminal corrections, according to Foucault, eliminates the possibility for deterrence that was built into public punishments of old, in which the body that was shamed, named, and sometimes put to death in the public square became a deterrent force to those who might otherwise consider crime.<sup>371</sup> There is no space for judges to “silence the adventures of the great criminals celebrated in the almanacs, broadsheets and popular tales,” no space for convicted criminals to fix the damage we have done, no ability to “recode” the social scripts concerning romanticized criminal behavior through penance or public accounting.<sup>372</sup> The criminal of contemporary culture is simply whisked away and disappeared for a time; the concept of public justice no longer rules the day.

Foucault revealed the same delusion in contemporary Western views of the human body, evidenced by a cultural belief that we have reached collective sexual maturity.<sup>373</sup> In much of his writing he focused on the social institution of medicine, revealing the same process at work: the sustainment of the illusion that modern advances in medicine allow us to treat humans more compassionately than our barbarous lobotomizing forefathers.<sup>374</sup> This, Foucault reveals, is also an illusion. The medicalization of the human body in the mid-seventeenth century created a symbolic separation of the individual organs from the human at large, and in the end we are *less* in touch with our humanity (and *more* sexually repressed) than our ancestors.<sup>375</sup> Medical treatment is now



designed to separate the organ from the individual—to focus on the specific problem, not the wholistic human.<sup>376</sup> Contemporary medicine treats humans more like machines than inseparable beings: a cog may break down and a kidney may fail, but each part can (and should) be repaired and put back into service. Our sexuality has been subsumed under this sort of medicalization, supporting the illusion that contemporary America is less sexually repressed than prior generations, when in reality, as Foucault reveals, we are actually less informed (and more repressed) than ever.<sup>377</sup> Our cultural understandings concerning medicine, sexuality, religion and punishment reveal the same quirk of the human condition: each generation demands the collective illusion of moral and cultural betterment despite the evidence to the contrary. We *must* be more sexually liberated than our grandparents, more racially aware than our ancestors, more medically advanced than our legacy of leeching and lobotomization, more peaceful than our genocide-committing genepool. Such perpetual self-illusion does us no collective favors.

**Reinforcing Racial Mythology in the Society of the Spectacle:** Gilmore has described the way that the state and mass media reinforce and challenge consumers' perceptions of reality:

Through formal interaction with the state . . . people develop and modulate their expectations about what the state should do, and these understandings, promoted or abhorred by media, intellectuals, and others, guide how, and under what conditions, social fixes come into being.<sup>378</sup>

Bryan Stevenson goes further, following the *dispositif* of white supremacy through the historical process of becoming, evolving, and morphing to hide in plain sight:

“Freeing” the nation’s masses of enslaved black people without undertaking the hard work of deconstructing the narrative of their inferiority doomed those freedmen and -women and their descendants to a

fate of subordination and second-class citizenship. In place of slavery, belief in a racial hierarchy took virulent expression in newly defined social norms, including lynching and other forms of racial terrorism; segregation and Jim Crow; and unprecedented mass incarceration.<sup>379</sup>

Time and again, these ideological evolutions played out with the full endorsement and support of the state.<sup>380</sup>

The racist ideology of white supremacy was neither confined to the South nor restricted to one political party; it remained, by and large, a mainstream strategy of American politics until well into the twentieth century. In 1868, Horatia Seymour, a prior governor of New York, became the Democratic nominee for the President of the United States, running as “the white man’s candidate,” and arguing that African Americans were, “in form, color, and character unlike the whites . . . an ignorant and degraded race.”<sup>381</sup> Politicians like Seymour rode waves of white xenophobia into positions of power, implementing policies that reinforced white supremacy to secure their voter base. For much of America’s history these overt racist appeals were successfully utilized by politicians on both sides of the aisle. Racism throughout the Jim Crow era was a well-honed American political strategy, a bipartisan issue that neither side seemed willing to relinquish as a tool of manipulation.

In the wake of the Civil War and the 13<sup>th</sup> Amendment, as reconstruction was proving incredibly successful, the police became enforcers of new codes of racial management based on white supremacist political claptrap: as Stevenson points out, “Law enforcement officers were tasked with menacing and controlling black people in ways that would shape policing and the criminal justice system in America for the next century.”<sup>382</sup> As early as 1866, southern states (Texas, Mississippi, Georgia) began to

implement the system of convict leasing described in Chapter Two, relying on the wording of the 13<sup>th</sup> Amendment, which still permits slavery “as punishment for crime.”<sup>383</sup> So called “Black Codes” were enacted across the country—petty laws such as loitering and vagrancy that were primarily enforced against black people in an effort to label them as criminals.<sup>384</sup> But this system of overt racist criminal prosecution would only continue to operate as an effective tool of white supremacy if the deep-seated racist stereotypes of American culture continued to persist. Re-enter the *Society of the Spectacle*.<sup>385</sup>

DiAngelo has described contemporary Western cultural as defined and (re)enforced by racialized characters: “Everywhere we look, we see our own racial image reflected back to us—in our heroes and heroines, in standards of beauty, in our role-models and teachers, in our textbooks and historical memory, in the media, in religious iconography including the image of god himself.”<sup>386</sup> Our role models must be selected from the available list, and in America, white people have no shortage of heroic characters to choose from.<sup>387</sup> This is not the case for people of color, who must contend with stereotypes and misrepresentation whenever they are confronted with the spectacle of mass media. The *dispositif* is shaped through spectacles of entertainment and news that construct racialized characters for diverse audiences. Much damage is done through skewed representation. Dixon has confirmed that, in American local and national television news outlets across the country, black men are overrepresented as perpetrators of crimes against white people.<sup>388</sup> As a synecdoche, when looking at just Los Angeles, Dixon found that 37% of news reports about crime feature stories with black suspects,

even though just 21% of actual suspects in Los Angeles are black men.<sup>389</sup> The phenomenon appears across the country. A group of researchers in Philadelphia studying local television news programs found that crimes were much more likely to receive news coverage if a person of color was the perpetrator and the victim was white.<sup>390</sup>

This is no accident. This overrepresentation of black men as criminals is offered up to Americans for daily consumption, free of charge thanks to the marriage of the First Amendment to consumerism via the *Society of the Spectacle*.<sup>391</sup> Consumption is required in the name of responsible citizenship, for one must have the same facts as everyone else to make an informed decision—one must be on the same page. Even though, as de Certeau points out, most viewers would say that they “know perfectly well that it’s so much hogwash,” we cannot participate in the conversation if we do not have the same information as those around us.<sup>392</sup> It seems that one must be either misinformed or uninformed; the *dispositif* offers invalid information, then demands consumption. Per Dixon, “when inundated with such images, day in and day out, year after year, it can be little wonder that so many Americans support the prison-industrial complex, for the mass media are indeed teaching us to be racists, to clamor for more arrests of young black men.”<sup>393</sup>

The misrepresentation carries over from news programs to Hollywood productions and fictional television sitcoms, where black men are overrepresented not only as criminals, but as violent and unrepentant monsters who are locked in prison for the protection of society at large.<sup>394</sup> Such cinematic representations of black prisoners misrepresent the reality of the American prison landscape, where more than half of those

locked up are in prison for drugs, not violent crimes.<sup>395</sup> Yousman has articulated the Plato-Wilde dance of life and art as it plays out in modern depictions of criminality and imprisonment: “Indeed, the histories of U.S. media and U.S. racism align very closely, and it often seems that the cultivation of racial fear is one of the most consistent characteristics of U.S. electronic media.”<sup>396</sup> Television news programs and Hollywood narratives work to perpetuate the myth of black criminality through habitual overrepresentation of black men as (violent) criminals, and white men as victims.<sup>397</sup> Political discourse, fueled by both Hollywood stereotypes and preexisting American (white) racist ideology, adds fuel to the fire, and the circle of life produces another generation of half/ill-informed white supremacists. For more than 250 years this cycle has persisted; it will likely persist for another 250 given the reluctance of America to so much as acknowledge the reality of our condition.

**Double-down or Fold:** In 1972 the United States imprisoned less than 350,000 people, and activists across the country had already made the obvious connection to race and the war on drugs.<sup>398</sup> But calls to end the human rights violation known as the prison-industrial complex went unheeded, and less than 50 years later the inmate population has exploded to 2.3 million, with another 4.7 million on stand-by—signed up on probation or parole and ready to be returned to a cell at the state’s discretion.<sup>399</sup> More than seven million Americans under the thumb of a correctional system, 60% of them people of color, more than half victims of the war on drugs; this is the current state of the union.<sup>400</sup> My crystal ball glows. Privatized prisons continue to make millions (then billions) as the state hands over responsibility for the most vulnerable members of society. The war on

drugs continues to play out in concert with the *dispositif*: Jefferson Sessions and his racist policies see another seven million people locked away and unknowable others buried at the hands of police violence. And as white Americans watch the system they have worked so hard to conceal (even to themselves) grow at once-again unexpected rates, a new generation of political talking heads will rise up to tell a new generation of voters what they want to hear. Will the next generation listen? This is the fate that awaits America if the current war on drugs continues its racist assault on civil liberties and human rights. Any alternative must recognize the necessity of doing away with the war on drugs—the supplier of more than half of the entire US prison population.<sup>401</sup>

#### 4. America Now: Drugs, Race and Class

“While some dreamlike definition of childhood was made plain to us by the television, that medium of American aspiration, that life—big lawns, big garages, untrammelled adolescence—was alien to us. The television screen was a window into a party to which we would receive no invitation. Indeed, this exclusion was the entire basis of the party.”<sup>402</sup> Ta-Nehisi Coates

The previous chapters have shown that the war on drugs was designed (and continues) to be waged in a manner that reinforces white supremacy. The well-being of drug users is often ignored in favor of criminal prosecution, disproportionately targeted at communities of color. Every ten minutes someone in America dies from a drug overdose.<sup>403</sup> I nearly became one of those bodies. I was lucky to avoid the fate of many of my fellow addicts who are searching for fulfillment at the end of a needle. My overdoses didn't cost me my life, but every day in America 175 people are not as lucky. Upwards of 1200 funerals a week, 64,000 each year: we addicts are dying from stigmatization, from moral judgement, from cultural invisibility.<sup>404</sup>

Every 20 seconds someone in America is arrested for a drug abuse violation.<sup>405</sup> I have been one of these bodies, shackled, Mirandized, and branded with the Scarlet Letter of criminality.<sup>406</sup> My arrests didn't leave me permanently trapped in the revolving door of criminal corrections, but 76% of those incarcerated for drugs are not as lucky as I was.<sup>407</sup> My young age, my white skin, my family name and my education allowed me to avoid much of what awaits the 1.5 million Americans who are arrested for drugs every year. We addicts are criminalized instead of treated, locked in cages rather than tucked into

beds, and offered little treatment outside of that provided by other inmates. The recidivism rate remains inconceivably high, a testament to the misnomer of the very terminology of criminal “corrections.” We are the casualties of the war on drugs. Dead in the streets or locked in a hole, the war on drugs can take credit for little more than our incapacitated bodies, and the cost to house or bury us. Dead addicts and locked up dealers are the only ground gained, the only mission successes, the only victories this war has seen. America’s war on drugs: putting bodies into inescapable holes for nearly a century.

It is true that between 1999 and 2015 America saw a massive increase in opioid (heroin, fentanyl, morphine, etc.) overdose deaths.<sup>408</sup> The result: we are now in the midst of a so-called “opioid crisis.”<sup>409</sup> But the bodies of the dead are not representative of the society that buries them. While overdose deaths have increased only slightly in black and Latinx communities, they have gone up substantially in white communities.<sup>410</sup> Between 1999 and 2015, white American overdose deaths increased at a steady rate of seven-percent every year, while Latinx and black populations saw only a two-percent per-year concurrent increase.<sup>411</sup> Diseases related to addiction have also increased disproportionately in white American communities. Anne Case and Angus Deaton found that within the last 20 years “increasing death rates from drug and alcohol poisonings, suicide, and chronic liver diseases and cirrhosis” have risen among white Americans at much higher rates than black or Latinx communities.<sup>412</sup> In 1999 the death rate from these diseases was nearly 30% lower for white, working class Americans than for black, working class Americans; in 2013 it was 30% higher.<sup>413</sup> America is not in the midst of an opioid crisis; *white* America is in the midst of an opioid crisis. This cultural emergency is



predicated on the fact that white citizens are and always have been more important than black or brown citizens to American politicians.<sup>414</sup> *White* America is in the throes of addiction. *White* America is dying in record numbers. *White* America is desperate, scared and frantic—*white* America's fear is boiling over. Thus, flows the tide of white supremacist culture—let the war on drugs be waged anew.

**Waging the War:** The contemporary stateside war on drugs is waged on two fronts, in two distinct fashions. When waged against the poor, who lack innumerable mechanisms of defense against state oppression, the war is waged on the body. So-called criminals are arrested, stigmatized and confined as an act of punishment. Half of all inmates who enter the federal prison system are sent there for drug charges.<sup>415</sup> A full 80% of felony defendants in America cannot afford to hire an attorney.<sup>416</sup> The war on drugs is deliberately waged against the poor, who are the least capable of defending themselves against the heavy hand of the state.

As previous chapters confirm, through every step of the criminal justice system, people of color (especially black men) are treated worse than their white counterparts.<sup>417</sup> The over-policing of poor communities with a high population of people of color leads to disproportionate contact with police and, consequently, increased arrests.<sup>418</sup> The war on drugs perpetuates and excuses targeted law enforcement against the poor: as Alexander posits, “when police go looking for drugs, they look in the hood. Tactics that would be political suicide in an upscale white suburb are not even newsworthy in poor black and brown communities.”<sup>419</sup> Once arrested and charged, bond is often higher for people of color than for white people who are charged with the same crimes.<sup>420</sup> When the war on

drugs is waged against poor people of color, the strategies utilized aim to punish, control and dominate a dangerous criminal. But when waged on middle- to upper-class white people, the *dispositif* seems less concerned with punishing a criminal than with threatening the sanctity of the body and mind. The *Society of the Spectacle* bears witness.<sup>421</sup>

As Yousman contends, “television may be the central storyteller in American culture.”<sup>422</sup> The images and stories we see on television teach us lessons about the world in which we live, and in America, one reliable vehicle for spreading information stamped with Big Brother’s endorsement has been the Public Service Announcement (PSA).<sup>423</sup> In the early 1970s, The National Clearinghouse for Drug Abuse Information sponsored a PSA in which a man trying to give away drugs to (mostly white) children on a playground is confronted by a young (white) child who rebuffs the peddler’s freebees with fear-based falsehoods: LSD causes chromosome damage, amphetamines cause schizophrenia, and the dangers of marijuana use are unknown.<sup>424</sup> The threats utilized in this commercial are not focused on criminal sanctions or state intervention, but damage to the user’s mind and body.

The trend caught on. In the 1980s, The Partnership for a Drug Free America threatened (white) fathers who use marijuana with the damning possibility that their child might discover their recreational vice, or worse, emulate their behavior. One PSA depicts a white child who is caught by his father as he prepares to smoke marijuana—father: “who taught you how to do this stuff?” child: “I learned it from watching *you!*”<sup>425</sup> The police do not break in and arrest this white man for his crime; the rhetorically constructed

shame that the father is supposed to feel at his unforgivable mistake—allowing his son to discover the truth about his marijuana use—is punishment enough. White America has always been easily manipulated by appeals to civility and patriarchal heritage. American patriarchy has taught us cisgender, heterosexual white men to protect *our* children and *our* women (to hell with the rest) from the threat of the outside world.<sup>426</sup> Messages such as this take advantage of the culturally-supported inclination to follow social scripts regarding patriarchal roles. The ultimate failure is depicted as the revelation of a secret—the father’s marijuana use—and its ramifications for the family’s performance of white civility—*what if the neighbors find out?*<sup>427</sup>

By the late 1980s, threats of drug-induced schizophrenia and neighborhood judgement gave way to a new wave of PSA messages focused on the ultimate fear factory: the danger of death. The infamous “this is your brain; this is your brain on drugs. Any questions?” campaign began in 1987, with (white) actress Rachael Leigh Cook using a skillet to smash an egg that was supposed to represent a heroin user’s brain, then proceeding to destroy the entire kitchen: “this is what your family goes through, and your friends . . . and your future.”<sup>428</sup> The message is clear: avoid these chemicals at any cost, for they guarantee pain, suffering, destruction, and devastation. There is no mention of the egg’s criminality.

A 1994 PSA used the power of celebrity appeal, flashing black-and-white photographs of famous people who had died from drug overdoses: Jimi Hendrix, Janis Joplin, River Phoenix, Jim Morrison, and John Belushi silently warned viewers to avoid a similar fate.<sup>429</sup> None of these individuals is criminalized or demoralized in the

commercial; rather, they are heroized and canonized as cultural icons who met an unfortunate end. Addicts with wealth and prestige are awarded the romantic narratives of nostalgia; those who lack both are demonized and stigmatized. When Prince was found dead of a fentanyl overdose in April of 2016, the overwhelming social response was canonization, memorialization, heroization; his post-humous performance at the 2018 NFL Super Bowl exemplifies his cultural legacy.<sup>430</sup> When Kurt Cobain injected a fatal dose of heroin and then shot himself to death in 1994, the grunge-rock world cried together; the candle-light vigil drew thousands of fans from across the world.<sup>431</sup> Both of these artists had tremendous increases in record sales in the wake of their drug-related deaths: Prince's album sales shot up by more than 40,000%.<sup>432</sup> This is the norm when rich and famous cultural icons die from a drug overdose. Michael Jackson sold more than nine million copies of his albums in the weeks following his death from a self-administered Propofol overdose.<sup>433</sup> Amy Winehouse and Whitney Houston both had record sale increases following their drug related deaths.<sup>434</sup> The homeless man, disheveled and filthy, gets a very different treatment. We offer up our sacrificial coin in memoriam of our heroes; we look the other way as we pass the penniless addict, pinching our noses and perfecting our sneers. In one PSA that reflects this differential treatment, a dirty, sweat-soaked addict is run-down and tackled by a pursuing police officer, while a narrator matter-of-factly reminds viewers that, "nobody says, 'I wanna be a junkie when I grow up.'"<sup>435</sup> Rich or poor, famous or unknown, loved or hated; the middle ground disappears in the war on drugs.

When race and class are introduced into these scripts, the strategies utilized in the war on drugs diverge yet further. The animated Teenage Mutant Ninja Turtles joined the PSA party in the mid-1990s, explaining to a room full of young (almost all white) children with all the simplicity of a Nancy Regan slogan that, “drug dealers are dorks. Don’t even talk to them.”<sup>436</sup> The innocent, mostly white children in this commercial are taught a simple lesson by cartoon superheroes. But when anti-drug PSAs feature people of color, the script often works to reinforce stereotypes of criminality, thus legitimizing the war on drugs’ heavy-handed enforcement in poor and at-risk communities. For example, one 1994 PSA featured a young, black boy running—*fleeing*—through backyards, jumping over fences, and eventually finding his way home after avoiding a group of black men who, according to the sprinting child, “don’t take no for an answer.”<sup>437</sup> This message includes no warning of biological danger, no celebrity appearance, no tear-jerking soundtrack. Rather, the men in this commercial, every one of them black, young, and able-bodied, are depicted as dangerous criminals with ill intent—drug dealing thugs looking for another child-customer. Here is the visual image to accompany Jefferson Sessions’ “criminals who are spreading addiction in America . . . who exploit the vulnerable and profit off addiction.”<sup>438</sup> These are the stock characters America is given to compliment Nixon’s “despicable narcotics profiteers who spread the drug plague for personal gain,” in full-color, high-definition clarity.<sup>439</sup> Thus, the American war on drugs progressed and progresses under stereotypical racist ideology which serves to reinforce white supremacy through depictions of black men as dangerous criminals.<sup>440</sup> The visualization of Anslinger’s “despicable dope-pedaling vulture who

preys on the weakness of his fellow man”—predatory black men in the urban core of a major city—provides an image of an enemy, one that white America can incorporate into our litany of racist stereotypes to be used, at will, as yet another tool of oppression.<sup>441</sup>

These treatments become patterns. One 1991 anti-drug PSA recounts the history of American slavery in a few casual sentences, and then blames black Americans for their own continued enslavement to drugs; as two black teens in contemporary attire (T-shirts and blue jeans) sit on the floor, iron collars and heavy chains around their necks, an invisible narrator declares, “Make no mistake, drug abuse is the new slavery.”<sup>442</sup> As Dixon has shown in his examination of national news outlets, mass mediated visual and narrative representations such as these tend “to link African Americans with larger social issues, such as welfare or education or drugs, thus subtly depicting us as the cause of social decline . . . not only as criminals, but as the cause of a host of other social crises.”<sup>443</sup> These images become the building blocks of referential reality—the hall and music in which life and art dance, constructing individual subjective reality.<sup>444</sup>

The same goes for the 1993 PSA in which a young, black child describes how his older brother woke him up in the middle of the night, “looking for money. He grabbed my throat and threw me up against the wall . . . he was gonna kill me for some crack.”<sup>445</sup> The narrative is accompanied by shadowy video of a black teenager hitting, choking and tackling his pre-adolescent brother, the story’s narrator. Thus, even in contemporary media spectacles, the stereotype of black criminality is both deployed and maintained under the guise of a well-intentioned war on drugs. The PSA becomes the raw material of referential reality. The white person with drugs is a self-policing father, a brilliant child

who can rebuff a playground-pusher's sales pitch, a cartoon superhero's best friend, an innocent victim. The black person with drugs is a don't-take-no-for-an-answer drug dealer, a dangerous social predator, a violent drone who would kill his own brother for another hit of crack, an unrepentant monster. These are the messages about drugs that swirl through the cultural milieu of America, misinforming each new generation in a way that is deliberately classed and raced. These are the messages that teach consumers how to think about the interconnected issues of class, race and the war on drugs. Such messages seep into the social fabric of America, producing patterns of representation that persist throughout other genres of Hollywood spectacle. Working at the behest of the *dispositif*, these patterns establish norms and expectations, punishments and penalties, social cues to be followed and methods for policing those who do not conform.<sup>446</sup> The PSA joins the blockbuster thriller, the cable documentary, the infotainment film, the prime-time sitcom, the romantic comedy—these productions all (re)construct the same damaging tropes of race, class and crime which, in turn, inform the consumer's referential reality.<sup>447</sup>

**Hollywood's War on Drugs:** Life and art continue to do-si-do in a nonstop festival of creation: the center hub for the production of referential reality within the *dispositif*.<sup>448</sup> The war on drugs is waged violently on the poor and people of color; it is waged psychologically and selectively on the rich and powerful.<sup>449</sup> The Wall Street broker who snorts a bump of cocaine to pull an extra shift is seldom disparaged in cultural representations, nor prosecuted by the state.<sup>450</sup> Hollywood epitomizes this trope. Leonardo DiCaprio's performance in the film, *The Wolf of Wall Street* presents a white,

rich broker who brags, “on a daily basis, I take enough drugs to satiate Manhattan, Long Island, and Queens...for a month.”<sup>451</sup> The film is a non-stop rollercoaster ride of intoxication. Cocaine, marijuana, opiates, pharmaceuticals, and alcohol fuel the script, the vices of a rich, white, heterosexual, cisgender man who seems unconcerned with the illegal status of these substances.<sup>452</sup>

This stereotype of intoxication—the rich, white drug user who is above the law in regards to illegal drugs—is a platitude that shows up time and again in contemporary Hollywood cinema, a distillation of the American trope of white intoxication as a personal vice. More than 20 years earlier, actor Robert Downey Jr. played a white drug addict in *Less Than Zero*, a film that spins a similar narrative of white, upper-class drug addiction *not* as a legal problem, but as a threat to physical and mental health.<sup>453</sup> A decade later, Tupac Shakur’s performance in *Gridlock’d* revealed a poor, black man’s experience of addiction as quite different than the trope of white addiction: intimately tied up with avoiding law enforcement, always on the run, and constantly upsetting the social order by breaking laws.<sup>454</sup> The film industry uses the same recipe as the PSA machine. Hollywood’s white stock addict is, at worst, a threat to himself; the black stock addict is always a threat to society.<sup>455</sup>

These tropes are not accidental. Rather, they are the result of strategic casting decisions and script rewrites, cutting room edits and character polishing, stereotype tapping and audience catering: the nuclear rods of Hollywood’s media power plant.<sup>456</sup> Referential reality becomes plastic and reworkable under the influence of cultural artifacts.<sup>457</sup> Tupac, DiCaprio and Downey become the hammers that shape referential



reality within the *dispositif*; while the film acts as the heat that allows the *dispositif* to flow, to bend, and to rework its own borders. These stock characters, repackaged and re-racialized from book to film to PSA to news story to public policy, tell viewers how they should feel about drug users, dealers and addicts, how they should treat them, and how they should morally classify intoxication.<sup>458</sup>

White people in cultural representations of drug use and addiction tend to be victims of their own use; the fear of self-imposed harm outweighs any criminality that is attached to these bodies in social discourses. Black people get no such love. They are Tupac in *Gridlock'd*, running from the police one minute, and from angry victims of his robberies the next, always a threat to society, but seldom to himself.<sup>459</sup> Downing's white character overdoses and nearly dies (repeatedly); Tupac's character shoots up heroin numerous times, but never overdoses. Downing's body gives out (heart failure) at the end of *Less Than Zero*; the only way Tupac can get admitted into a hospital is to have a friend stab him (the stock black addict is so physically intimidating that even addiction can't reduce his physical threat). Downing's (white) friends try to intervene and halt his drug use; Tupac's friends shoot up heroin and commit felonies with him.<sup>460</sup> Our representations give us away. The white, rich addict is a threat primarily to himself: society owes him pity and assistance. The poor, black addict is a threat to the social order: society owes him pain and punishment.

**The War on the Ivory Tower:** Beyond the broken binary of addiction-versus-sobriety lies an always-expanding trove of psychological manipulators available for individual experimentation: people love to get high. Society must classify the chemicals

we consume as well as the bodies that consume them; legally and culturally these chemicals must have meanings attached to them.<sup>461</sup> But the classification process gets gummed up when race and intoxication enter the same conversation. The Ivory Tower academic who uses stimulant medication to stay up all night studying is socially constructed as clever: *NPR* (like many media sources) describes Ritalin and Adderall used in this manner as “smart drugs,” “study drugs,” and describes how “scientists call them ‘cognitive enhancers.’”<sup>462</sup> As an academic, if I take drugs and then work on an assignment while intoxicated, I will have no problem finding sanctioned social narratives, such as the article above, which frame my use as acceptable and even clever.

The unspoken racial connection is important to note. The majority of American college students have always been and continue to be white.<sup>463</sup> White students in America have always found it easier to gain access to college; while 15% of college aged people in America are black, African Americans account for just 6% of college freshmen attending elite universities (a gap that has remained relatively consistent since at least 1980).<sup>464</sup> In many Southern states, black people make up nearly a third of college-aged citizens, yet they account for less than 15% of freshmen at flagship universities.<sup>465</sup> Even when they are accepted to colleges, non-white students are more likely to be pushed out by a system that is designed to center the experience of white students: only half of all minority college students complete their degrees, compared to nearly 65% of white students.<sup>466</sup> At the height the academic success lies publication, and the numbers only get more disparaging. Nearly 90% of the books reviewed by the *New York Times* are written by white authors.<sup>467</sup> American academia has remained a space of privilege where white

people find it much easier to gain entrance and acceptance than equally qualified people of color. The Ivory Tower is not immune to the cultural tides of white supremacy. In the conversation concerning so-called “smart drugs,” the term college student operates as a dog whistle for young, white adult.

The cultural treatment of these chemicals stems, in part, from their sanctioned use as medication. Not only are minority students in America less likely to receive an (appropriate) diagnosis of ADHD, but among those diagnosed with ADHD, “racial/ethnic minorities were less likely than whites to be treating it with medication.”<sup>468</sup> It is worth noting that in the medical community, as in most professional arenas of American culture, people of color are also underrepresented: less than three-percent of psychological health service providers in the United States are black.<sup>469</sup> As Dr. Katrina Peters testified at a 2016 Democratic National Convention Platform Hearing, “the African American community still suffers from fear of the stigma of a mental health diagnosis, in part stemming from the deep distrust of the system that has misdiagnosed and mistreated them for centuries.”<sup>470</sup> In both of their uses, as treatment for diagnosed conditions, and as “study drugs,” these pills find their way into the bellies and brains of mostly white people, a fact that intimately shapes public perception via social discourse.

Adderall is an amphetamine narcotic that is similar in chemical composition to the illegal street-drug methamphetamine.<sup>471</sup> When taken orally or crushed and snorted, Adderall mimics the neurotransmitters dopamine, epinephrine (adrenaline), and norepinephrine, part of a family of neurotransmitters known collectively as

catecholamines.<sup>472</sup> The following quote from an article published by the *Columbia Science Review* expresses the extreme actions of Adderall ingestion:

taking Adderall recreates these sensations by binding to the receptors for dopamine and norepinephrine in the brain and epinephrine in the adrenal gland . . . Effectively, Adderall floods the brain with amp-up, feel-good chemicals, leaving us feeling alert, euphoric, and ready for anything.<sup>473</sup>

This description of the pharmacological properties of a prescription drug make it sound eerily familiar to the effects of cocaine, which is illegal in the United States, except for limited use as an anesthetic.<sup>474</sup> Dr. Eric Nestler has described how:

When stimulated by dopamine [released by cocaine], cells in the NAc [nucleus accumbens] produce feelings of pleasure and satisfaction. The natural function of this response is to help keep us focused on activities that promote the basic biological goals of survival and reproduction.<sup>475</sup>

In short, cocaine causes a buildup of catecholamines, including dopamine, which are typically released as a “reward” for drinking water, eating food, or having sex.<sup>476</sup> The same systems that are exploited by Adderall users to treat medical conditions (or to hyper-focus) are also exploited by cocaine, but the drugs are treated differently in popular culture: the Adderall patient is constructed as either responsibly medicated or responsibly intoxicated, while the cocaine user (who isn’t rich and white) becomes the PSA character who is arrested for the good of society.<sup>477</sup> Even the trope of self-harm that is attached to white addiction via media depictions is minimized in social narratives concerning “study drugs.” In short, when a drug becomes associated with mostly white use, its taboos of danger and violence are exchanged for less-fearful (and sometimes prided-worthy) themes like hyper-focus and “study-drugs.” *NPR* describes Adderall using tempting language: “scientists call them ‘cognitive enhancers’ . . . [it] boosts cognitive performance,”

Adderall is like a cup of coffee without those pesky jitters, take it and you will become “motivated and eager to hit the books.”<sup>478</sup> The romantic rhetoric employed has all the makings of a paid endorsement. There is no such treatment for chemicals that are associated with the war on drugs; heroin, (crack) cocaine, methamphetamine, ecstasy and designer drugs are seldom mentioned in news reports without reference to their reputations as dangerous, addictive substances possessed by dangerous, predatory men (of color).<sup>479</sup> America’s social narratives continue to betray its history of racism.

Unlike the poor user, who is rhetorically constructed through the *Society of the Spectacle* as lazy, burdensome and reprehensible, the white, middle/upper-class drug user receives a very different treatment: she is drawn as motivated, independent, and respectable—willing to do what is necessary to get the job done.<sup>480</sup> The rhetoric that constructs and supports this ideology is concealed in our mediated social messages. Newspapers and television news reports use different language to describe different crimes, with “white-collar” offenders (and their crimes) typically constructed as unthreatening and easily redeemable.<sup>481</sup> The images and videos attached to these news reports are also an important source of referential reality. Black and Latinx suspects on news programs are more often shown in mugshots, in handcuffs, or during courthouse “perp-walks,” while images of white suspects tend to be much more humanizing and selective.<sup>482</sup> The difference between a 2 AM mugshot photo and a soft-lens profile picture is the difference between a disheveled maniac who is a danger to the community and a person who looks just like me—*hey, I have that filter on my phone!* Much like Hollywood’s racialized stock addict, the white drug user in news reports is generally

constructed as innocent, unthreatening, and even respectable, while black drug use remains in the realm of the dangerous, infectious and criminal.<sup>483</sup> As with all mass-mediated narratives, such images work to reinforce stereotypes concerning drugs, crime and race.

**The War on Fifth Street:** As Mauer has shown, race and class are intimately connected in America: “what might appear at first glance to be a race effect on crime in fact is essentially a socioeconomic measure, an outgrowth of the disadvantages brought about by the concentrated poverty that afflicts many African American communities.”<sup>484</sup> As Lauren Krivo and Ruth Peterson concluded in a study focused on poverty, race and criminality, “it is these differences in disadvantage that explain the overwhelming portion of the difference in crime, especially criminal violence, between White and African American communities.”<sup>485</sup> In short, any alleged connection between race and criminality is in fact a symptom of white supremacy’s historic usage of the state’s power to ensure that people of color who are born into poverty will have a difficult time breaking out of a cycle of poverty.<sup>486</sup> Further, both through systemic implicit bias and targeted enforcement, people of color are guaranteed to be confronted by suspicious officers of the state at much higher rates than white people across their life course, leading to increased arrests.<sup>487</sup> Robert Bohm has estimated that 90% of Americans have committed a crime for which they could be sent to prison; yet, as Alexander points out, “strategic choices must be made about whom to target and what tactics to employ.”<sup>488</sup> By reinforcing a system of white supremacy that goes all the way back to America’s founding, we have constructed a self-sustaining system of race-based poverty.<sup>489</sup> All that remains is to conflate one’s

skin color with examples of bad behavior (real or fabricated) while ignoring the state's arbitrary enforcement of legal policies—wage the war on drugs in neighborhoods where people can't afford to defend themselves.

The bootstrap mentality of self-achievement through determination and hard work fails to acknowledge the realities of capitalism: those who do not have capital are disqualified from participation in many of the ventures reserved for those with accumulated wealth. Even bragger-and-chief Donald Trump has admitted that his alleged business success would not have been possible without a “small loan” (at least \$1 million) which he received from his father.<sup>490</sup> In America, where centuries of slavery followed by centuries of (violent) relegation have left 27% of Latinx families and 30% of African American families in a state of perpetual zero or negative wealth, the phenomenon is self-sustaining.<sup>491</sup> Not all poor people are people of color; not all people of color are poor. But 150 years after the 13<sup>th</sup> Amendment supposedly leveled the playing field, it is irresponsible to ignore the fruits of white supremacy's longevity: to be born black in America today is *still* to be born with a high chance of beginning life poor, and with the assurance of encountering systemic barriers to breaking free of that poverty throughout one's entire life.<sup>492</sup>

Following this theme briefly through the criminal justice system reveals the way that race works at every step of the process to offer white people an alternative to the heavy hand of corrections that frequently falls on people of color. Over policing of poor neighborhoods with a high proportion of citizens of color leads to increased interactions with those citizens, as well as increased arrests.<sup>493</sup> As Alexander reminds us, “when

police go looking for drugs, they look in the hood.”<sup>494</sup> Broad prosecutor discretion, lack of oversight and accountability, and (unacknowledged) prosecutor implicit bias all play a part in the charging of suspects, and identical criminal behavior frequently leads to more severe charges for black men than for white men *who commit the same crime*.<sup>495</sup> The cash bond system of criminal corrections ensures that those who have traditional jobs and accumulated wealth are more likely to be released from jail shortly after arrest, while those who lack either (or both) are often forced to fight their charges from behind bars.<sup>496</sup>

Before a jury is even selected, black defendants are often faced with longer prison sentences through charges that carry mandatory minimum sentences—charges that white people find themselves avoiding at much higher rates.<sup>497</sup> Sonja Starr and M. Rehavi restricted their comparison to defendants who were “otherwise similar” (including arrest offense, district, age, income, criminal history, employment and whether there were multiple defendants in the case), and still found that black men are nearly twice as likely as white men to be charged with a crime that carries a mandatory minimum sentence.<sup>498</sup> The hypothetical trial hasn’t even begun, and already the black defendant is facing more charges, more time in prison, higher bond, and less adequate defense; this is due process in the United States.

Lest we take a brief pause to ensure prosecutorial fairness in our white supremacist society, additional legal barriers prevent defendants from challenging prosecutor decisions or even requesting the reasons prosecutors might have for issuing disparate charges.<sup>499</sup> The process of determining which crime to charge a suspect with is no-doubt informed by prosecutorial implicit bias, an incurable human condition that is



further complicated by the fact that 95% of criminal cases in America end with a plea agreement rather than a jury trial.<sup>500</sup> Prosecutors cannot be forced to explain their reasoning for either the original charge nor the plea deal that is offered, unless a defendant can *first* show that they were clearly motivated by racial animus.<sup>501</sup> As Angela Davis has correctly described the situation, defendants cannot obtain the evidence of prosecutorial misconduct without first proving prosecutorial misconduct, although “it is doubtful any prosecutor would admit such motives.”<sup>502</sup> The courts do not care if the normal operations of the criminal justice system result in the disproportionate incarceration of people of color, so long as that disproportion continues to appear as a natural and unintentional effect—so long as prosecutors never *admit* that their decisions, like the rest of humankind, are informed by unconscious assumptions about race and class.<sup>503</sup> Part of the longstanding issue is representation; 95% of American prosecutors are white, and 79% are white men, even though white men only account for 31% of the entire US population.<sup>504</sup> Like the original charges brought against a suspect, the plea deals offered are frequently more lenient for white people than for black people arrested for the same crime, although no justification is necessary.<sup>505</sup>

Trial by jury offers little relief. According to the US Census Bureau, 77% of Americans self-identify as white, while only 13% identify as black or African America.<sup>506</sup> A black man looking to seat a jury of his peers is often faced with an impossible task. Black citizens who might otherwise be called to serve on juries are less likely to be eligible for jury duty than white people; one-in-three black men will spend time in prison in America compared to just one-in-seventeen white men.<sup>507</sup> Incredibly,

49% of black men can expect to be arrested at least once by the age of 23.<sup>508</sup> The racial gap in jail and prison is further complicated by the issues of jury selection. In America, a jury of one's peers is almost certain to be a jury composed predominantly of one's white peers.<sup>509</sup>

At the point of sentencing the racial gap is stretched yet further, as a black man can expect to receive a sentence that is 10% longer than a white man, "even after controlling for arrest offense, criminal history, and other characteristics."<sup>510</sup> The epitome of punitive measures, the death penalty, is perhaps the best example of racism still at work in the modern prison-industrial complex, as research has shown that when someone is convicted of killing a white person they are 4.3 times more likely to get the death penalty than if they are convicted of killing a person of color.<sup>511</sup> Death row's roster speaks for itself: black people account for just 13% of America's population but a whopping 42% of America's death row inmates.<sup>512</sup>

In addition to the over-policing, over-charging, and over-sentencing as suspects of crimes, the criminal justice system also fails black people when they are victimized. Angela Davis has shown that "black men are treated no better as victims than they are as defendants."<sup>513</sup> Not only is the murder of a black person less likely to result in the death penalty for the murderer, but less severe crimes also receive minimal and ineffective prosecution.<sup>514</sup> In 2016, people of color, specifically black, Native American, and "persons of two or more races," were victims of violent crime at rates much higher than white Americans.<sup>515</sup> Tragically, homicide remains the leading cause of death for black males age 15-34 in America.<sup>516</sup> Even though they sell and use drugs less often than white

people, black people are arrested for drug possession and sales at much higher rates; the state over-polices communities of color.<sup>517</sup> Even though they are victims of (violent) crimes more often than white people, people of color find that the crimes committed against them are prosecuted less frequently and less vigorously than crimes committed against white people; the state under-protects communities of color.<sup>518</sup>

To sum up: a group of prosecutors composed almost entirely of white men (79%) decides who to lock up and for how long. The new slave state, our contemporary prison-industrial complex, is not very different from the slave plantations of days past, nor the white supremacist systems of violence and intimidation which have followed (lynching, Jim Crow, voting discrimination, etc.). At every step of the process people of color are apt to find themselves at a disadvantage, overburdened and underrepresented, serving longer terms of imprisonment than white folks for the exact same crimes.<sup>519</sup> The judges, the prosecutors, the lawyers, the parole board members, the police officers, the prison guards: *all* of these state representatives work to reinforce America's longstanding system of white supremacy.<sup>520</sup> The war on drugs is the cornerstone of the contemporary prison-industrial complex, as nearly half of those incarcerated at federal prisons are convicted of drug crimes.<sup>521</sup>

**Capitalism 101:** The simplest explanation as to why people still get involved in drug sales despite the chance of arrest is simple: the illegal drug market (smuggling, distribution, sales) is a \$65 billion-per-year business.<sup>522</sup> Perhaps the most glaring contradiction in the war on drugs lies in America's consumeristic attitude of *caveat emptor*: let the buyer beware. Our automobiles go much faster than they are allowed to

legally travel on any highway in this country; we are expected to self-police. Our food is provided by capitalistic entities who will sell us deep fried French fries and fat-filled milk shakes to our heart's (dis)content; we are expected to self-police. Our liquor stores will sell us more alcohol than we can safely consume. We are expected to self-police. All of these things are leashed rather than kenneled because of capitalism's interest in profiting off their distribution: *caveat emptor*.

Cocaine is a derivative of the coca plant, indigenous to regions of Asia and South America but currently grown almost exclusively in Columbia, Bolivia and Afghanistan.<sup>523</sup> Raw coca leaves can be turned into a thick, processed paste, which local farmers sell for about \$900-per-kilogram (American dollars).<sup>524</sup> This paste is the main ingredient in cocaine, a drug that goes for as much as \$27,000-per-bulk-kilogram in America, and brings as much as \$150 per gram at the street level (\$150,000-per-kilogram).<sup>525</sup> From Bolivia to the United States, from bulk to street level, from \$900 to \$150,000: cocaine is more valuable than gold on the streets of America.<sup>526</sup>

The same is true of heroin, which can be purchased wholesale in Afghanistan for around \$2,4000 per-kilogram, sold in America for upwards of \$70,000 wholesale, and then retailed to consumers for up to \$200 per-gram on the street (\$200,000 per kilogram).<sup>527</sup> These tremendous mark-ups don't account for the process of "cutting" product, or adding substances such as powdered milk, baking soda, sucrose, starch, crushed pills, laundry detergent or even rat poison to drugs, a process that increases the quantity of sellable product.<sup>528</sup> The John Hopkins Center has estimated that virtually no heroin sold on the streets of America is uncut, with levels of purity ranging from 3%-

99%.<sup>529</sup> In San Diego, where drug purity levels might be expected to be particularly high given proximity to the southern border, street level heroin tested at around 35% pure in 2015, and street level cocaine at around 56% in 2015.<sup>530</sup> As supplies that cross the border make their way across the country, the purity of the product sold at street levels will consistently decrease as more hands touch the proverbial pie. But the profits only skyrocket as one gram becomes two, becomes three, becomes four. Assuming the street heroin that tested at three-percent pure was smuggled into the country uncut, a \$27,000 kilogram of pure heroin might fetch upwards of \$7 million on the streets of America.

The point is in the profits: any Wall Street investor offered similar margins would be ecstatic. *Forbes* offers advice on how to make 10%-12% off an investment over the course of a year; the illegal drug market offers 2500% in just days (or hours).<sup>531</sup> The small investment required means that almost anyone can get into this hyper-market, a reality that exposes yet another trick of America's white supremacist brand of capitalism: the inter-generational wealth gap, the prison-industrial complex, the modern slave state—these all work in cohort to offer up titillating opportunities for advancement affordable even to those with minimal investment capital, and then to criminalize and enslave only some of those who take advantage. The majority of drug users and drug dealers in this country are white, while more than 60% of those who are currently targeted, prosecuted and enslaved by the prison system are people of color.<sup>532</sup> White people are not only more likely to use and sell drugs than people of color in America, but we also tend to do so less responsibly: white youth end up in the emergency room because of illegal drugs three-times more often than black youth.<sup>533</sup> In other words, white people not only use and sell

drugs more often than people of color; we do so more openly, blatantly, and with limited regard for social penalties. Our lack of concern is rooted in the reality of our white supremacist society: 75% of all people ever imprisoned for drugs in America have been black or Latinx.<sup>534</sup> This is why Michelle Alexander calls the contemporary prison-industrial complex *The New Jim Crow*. The dog whistle of contemporary criminal corrections is the arbitrary application of policy.<sup>535</sup>

**Breaking the Cycle:** The war on drugs is designed, operated and perpetuated as a white supremacist strategy of control and subjugation. From the instant a child in America is old enough to create a memory, the *Society of the Spectacle* begins to inform their subjective referential reality with distorted images of drugs, race and criminality.<sup>536</sup> Our schools teach us whitewashed histories of American exceptionalism that minimize the accomplishments of people of color in favor of romanticized fictions that do these communities a grave disservice: slavery is divorced from the Civil War, the Civil Rights Movement of the 1960s is spun as the magic bullet that ended racism, and the war on drugs is repeatedly emphasized as a righteous endeavor meant to free us from the scourge of always-racialized criminals. By the time an American child reaches adolescence, she has spent years immersed in a cultural milieu that constantly reinforces white supremacist notions of black inferiority, criminality and predation.<sup>537</sup> From cartoon superhero commercials to movies to television shows to news to school to church to books to personal interactions, America's war on drugs seeps into the building blocks of our future world, our children. The self-sustaining nature of such a conflict should give all Americans pause, for the seven million inmates currently under the authority of US

correctional authorities will seem a small number in comparison to how many we will lock up in the future if we don't halt this assault on American citizens.

The last half-century has seen America's prison population explode, from 300,000 in 1970, to more than seven million currently under the supervision of the prison-industrial complex.<sup>538</sup> We have increased our rate of incarceration for drug offenses by 1100% since 1980.<sup>539</sup> Every step of the way, activists were screaming out warnings about our destination, yet these warnings went unheeded.<sup>540</sup>

My crystal ball glows: the year 2060 reveals another massive increase in America's prison population fueled by the current directives of the war on drugs. As Jefferson Sessions' racist policies prove successful at ensuring yet another generation of black people who are much more likely to be born into poverty than white people, America surpasses the 10 million inmate mark. The activists are still lighting flares and frantically waving our hands to get the attention of those who seem determined to ignore this social problem until it affects them personally. The private prison industry is still riding the wave of conservative "tough on crime" rhetoric, squeezing an even higher level of investor profit out of imprisoned humans. Prison Industries continue to exploit these incarcerated poor people (of color) who are housed and treated in a manner that often tricks them into joining their captors in declaring the glory of a system of legalized slavery—it is, after all, the only thing we criminals have to get us through the banality of prison. The United States continues to obtusely ignore the disgust in our collective gut at the way we treat those who are in need of help; the poor, the addicted, the mentally ill, the desperate, the needy, the confused, and the ill-equipped are transferred to a system

that criminalizes their drug use and monetizes their existence. Private prisons continue to operate on the axiom of *another inmate, another \$2,444*.<sup>541</sup>

There is an alternative. My crystal ball *could* reveal a country that has spent 40 years dismantling the racist systems our ancestors worked so hard to erect. The money currently devoted to locking misbehaving citizens in a hole, a portion of which finds its way into investor pockets, *could* have been redirected to common sense projects like mental health services, restorative justice, alternatives to incarceration, and addiction treatment in an effort to prevent future criminal activity. My crystal ball *could* reveal a 2060 prison population that is moving back toward the 1980 levels, or even lower. America has a choice: allow the war on drugs and similar class- and race-based policies of oppression to increase our prison population to all new highs, or try a different approach to combating the dangers of drug use. The final chapter is devoted to a paradigm of love and empathy. It is time to end the war on drugs once and for all. It is time to (re)legalize *all* drugs. It is time to treat addicts like medical patients. It is time to open the prison gates and allow the tens-of-thousands of so-called drug criminals—state-side prisoners of a racist war—to resume their lives.



## 5. Towards a Solution

**The Short Walk from Plantation to Penitentiary:** The contemporary American justice system is a relatively new invention, and one that was unforeseen by policy makers and judiciaries of old. Foucault has described the general trend in criminal justice throughout the mid seventeenth century as moving *away from* private punishment and imprisonment: the dungeon was reserved for the most severe of crimes and the most incorrigible of criminals.<sup>542</sup> There was, according to policy makers of that era, no public betterment to be had from locking offenders in a hole. They were better punished through public spectacles that served as examples to the rest of the citizenry: the stocks, the gallows, the pillory, the cross.<sup>543</sup> But as slavery carved a racial divide into this country that would persist indefinitely, the penitentiary became a handy way of perpetuating white supremacy through the criminalization of black bodies—a vital tool in the constant reworking of racial oppression. As Bryan Stevenson suggests, “the presumptive identity of black men as ‘slaves’ evolved into the presumptive identity of black men as ‘criminal,’ and we have yet to fully recover from this historical frame.”<sup>544</sup>

As previous chapters have shown, America was built on the cornerstone of racism. By the mid seventeenth century the United States had codified its white supremacist ideology through laws that provided rights and privileges to all white bodies which were denied to all people of color.<sup>545</sup> Even as definitions of race were being updated to center and privilege the newly-created category of white, the borders were

already being redrawn, restricted, and jerrymandered in an effort to restrict the rights of anyone who did not fit the racial, cultural and religious requirements of an elite, white majority.<sup>546</sup> For example, the 1662 Virginia law that children be considered free or slave according to the condition of the mother was replaced by a more restrictive law in 1691, which ordered any white mother of any mixed-race baby should be fined and the child placed in servitude for 30 years.<sup>547</sup> Similar laws were passed that year which prevented free black people from testifying in court, voting, or holding office.<sup>548</sup> Virginia slave owners were legally forbidden from freeing their slaves unless they paid for their transportation out of the colony, and eventually they were prohibited from freeing them at all without the governor's direct approval.<sup>549</sup>

The seventeenth century white indentured servant was provided a legal status which separated them from black slaves who they might otherwise have joined forces with to fight for human rights and legal protections. The twenty-first century bears witness to the success of this strategy; Tim Wise has called it “the oldest play in the book . . . trying to tell white people who aren't rich that their enemies are black and brown.”<sup>550</sup> The strategic stoking of racial tensions between lower-class white people and people of color, specifically black slaves, became the roots of our modern political system of white supremacy; per Amanda Martinez and Robert Gutierrez-Perez, “the art of dividing is a tool of the master.”<sup>551</sup> White indentured servants were given firearms and the authority to use them against black slaves in the seventeenth century; white people today carry an “invisible knapsack” of privilege, as previous chapters have shown, which can be wielded

against people of color at will, often unwittingly.<sup>552</sup> The cultural milieu has been updated, yet the recipe remains consistent.

Once slavery was curtailed by the 13<sup>th</sup> Amendment, methods such as sharecropping left black farmers at the mercy of white landowners, who could hold them in a state of perpetual indebtedness and under threat of re-enslavement in the case of default.<sup>553</sup> Ta-Nehisi Coates has gone so far as to describe the 1920s South as a white supremacist kleptocracy devoted to the perpetual continuation of slavery and black subjugation.<sup>554</sup> Lynching was used to remind those who would dare to question white supremacy that the state was more than willing to look the other way (if not participate) as due process was exchanged for racist witch hunts and white-supremacist bloodlust.<sup>555</sup> The small gains made during reconstruction were rapidly undone by white politicians who used everything from poll taxes to violent intimidation to keep people of color from voting.

The twentieth century saw white supremacy adapt and conform to new cultural standards of success. From the 1930s to the 1960s, people of color throughout America were systematically restricted from getting home mortgages through both legal and illegal methods.<sup>556</sup> At the same time, white America developed a permanent case of social amnesia; it seems to manifest through the sustained illusion of each generation *always* being morally superior to their ancestors, *always* thinking that black people have only just achieved equality in America, *always* forcing ourselves to believe that white supremacy is a recently-defeated ghost, even as our inventors, authors, Presidents, teachers, politicians, CEOs, and police officers have been and continue to be

disproportionately white.<sup>557</sup> Our media depictions of crime and punishment fail to balance the scales; our heroes remain disproportionately white, while our villains, both on news reports and in fictional narratives, are excessively depicted as black men who are often so violent and unrepentant (in the name of the spectacle) that they must be locked up for the protection of society.<sup>558</sup> Meanwhile, the prison-industrial complex continues to expand, making way for mostly non-violent prisoners of the war on drugs.

As Chapter One revealed, the contemporary American “correctional” system is a synecdoche of white supremacist American ideology: impossible to miss yet couched in layers of history and policy that cover the roots, making them easy to ignore. The life course of a young person of color in America is immediately and consistently marred by barriers and norms that reinforce white supremacy while appearing to be unexpected mutations of a well-intentioned system of government. White supremacy begins its assault on black bodies as soon as they exit the womb: a black child in America is far more likely to be born into poverty than a white child.<sup>559</sup> The median white family has 12-times the accumulated wealth of the median black family in America, and more than one-in-four black households have zero or negative net worth compared to just one-in-ten white households.<sup>560</sup> Any references to the American adage of “pulling oneself up by one’s bootstraps” is immediately undone by the limitations imposed through capitalism, where money *is* opportunity. Those without accumulated wealth are more likely to lose their assets during times of illness or unemployment. When opportunities arise for investment, zero in always equates to zero out. White middle-class families have eight-times the accumulated wealth of middle-class black families, and researchers have

estimated that, “if current trends continue, it will take 228 years for the average Black family to reach the level of wealth White families own today.”<sup>561</sup> The deck restacks itself with each new generation in American white supremacist capitalism.

The state mandates education for all students, providing an interactional space where the story only grows more disturbing. As Chapter One detailed, America’s system of education turns on the central hub of white supremacy. Our textbooks are packed with philosophers, inventors, poets, scientists, and politicians who are white; people of color are relegated to the footnotes. But the whitened curriculum is only a portion of the problem with America’s racialized education system.

More than half of all students arrested in America and referred to juvenile justice are black or “Hispanic.”<sup>562</sup> African-America students without disabilities are more than three-times as likely as their white counterparts to be expelled or suspended.<sup>563</sup> State mandated education is neither the first nor the last unavoidable exposure to white supremacy that one will experience when growing up in America. Black people of all ages are 2.5 times more likely to be arrested than white people.<sup>564</sup> Black men are especially at risk in police encounters: they are 21 times more likely to be killed by the police than white men, and twice as likely to be unarmed if they are killed by the police.<sup>565</sup> By the time a black child is on the cusp of adulthood, their life is already shaped and directed by a system that bleeds the statistical evidence of white supremacy. It is no wonder that black and Latinx students drop out of high school at nearly twice the rate of white students: they are pushed out from day one.<sup>566</sup>

Adulthood brings no relief. As Chapters Two and Four detailed, when people of color are arrested and prosecuted, they fare worse than white men at every step in the process, a longstanding reality that has led to a situation in which black *men* account for a shocking 34% of the *entire* American prison population.<sup>567</sup> They receive longer prison sentences when convicted of the same crimes as white people, nearly 20% longer for those sent to federal prison between 2007 and 2011.<sup>568</sup> In 2014, black people accounted for 13% of the American population and nearly 42% of America's Death Row inmates.<sup>569</sup> The historical context of America's modern death penalty reveals its roots in white supremacy, as its emergence coincides with a growing distaste for the spectacle of public lynching. Specifically, the evidence captured in photographs bears witness to the blood lust of white people—from clergy to cops—who would turn out in their Sunday best to witness state sponsored mob justice carried out in the name of white supremacy. As visual evidence of the normalized spectacle of public lynching made its way across the country and then the world, Americans began looking for a new way to inflict violence and death on black bodies without leaving the brutal evidence of our cultural bloodlust: white supremacy strives to remain invisible.

The Death Penalty was white supremacy's legal remedy to the righteous indignation of a nation responding to photographic evidence of whiteness's violent end game. But white folks were not ready to relinquish their authority to inflict violence on black bodies at will; as Bryan Stevenson has shown, "Southern legislatures looked to shift to capital punishment as a means of using ostensibly legal and unbiased court proceedings to reach the same goal as vigilante violence: satisfying the lust for

revenge.”<sup>570</sup> More than four-of-five lynchings that occurred between 1889 and 1918 took place in the South; more than four-of-five legal executions since 1976 have been in the same Southern states.<sup>571</sup> These are the same communities where debates persist concerning the maintenance of Confederate monuments, while few of these American towns have any memorial to the thousands of mob murders carried out in the furtherance of the racist ideology of the Confederacy. As Stevenson sums up, “No one should be able to travel to Memphis, New Orleans, Montgomery, Natchez, Charleston, Richmond, Savannah, or Washington, D.C., without being forced to confront the history of slavery in America.”<sup>572</sup> White supremacy’s cultural invisibility is its most important survival mechanism; it withers in the light of day.

**The Crime Boom:** Throughout the 1960s and into the 1970s, America saw an increase in crime, particularly violent crime: the national murder rate nearly doubled between 1960 and 1974.<sup>573</sup> Occam’s razor would point to the “Baby Boomers,” a large population entering the age between 15 and 24 where criminal behavior peaks.<sup>574</sup> In addition, despite unemployment levels declining overall, unemployment was up for white youth; as Mauer suggests, “it should not have been surprising that a bulge in this part of the population would affect crime rates.”<sup>575</sup> Additionally, this was a period of rapid American urbanization, another social factor frequently associated with heightened crime rates.<sup>576</sup> These obvious issues should have identified the rise in crime as a result of a rise in the number of unemployed (white) adults who were capable of committing crimes and young enough to lack the self-control to resist the urge. Instead, as Chapter Three described, the *Society of the Spectacle* provided consumers with news programs,

infotainment, and sitcoms that disproportionately casted people of color as villains and criminals, with white people as police officers, (super)heroes, and victims of crime.<sup>577</sup> Feeding off public fear, the prison-industrial complex expanded to accommodate a new class of criminal—the drug criminal—and the group of those who were targeted and prosecuted came to be composed of predominantly black and brown men.

As usual, white supremacy worked to pit poor and working-class white people against people of color through associating the latter with longstanding social fears and cultural anxieties. Alexander has described the way that politicians throughout American history have appealed “to the racism and vulnerability of lower-class whites.”<sup>578</sup> In contemporary dog whistle politics, white supremacy continues to be perpetuated through appeals to unspoken racial fears. Trumpsters rejoice when their messiah of hate confirms their worst fears, “when Mexico sends its people...they’re bringing drugs, they’re bringing crime, they are rapists . . . and it only makes common sense.”<sup>579</sup> The only solution offered is a preemptive defense against this violent threat to white America: “I will build a great, great wall on our Southern border.”<sup>580</sup> History repeats itself; the central theme of divisiveness took Trump all the way to the White House.

So there it is, from America’s birth to its current state of affairs, from Chattel slavery to the prison-industrial complex, from poll taxes to *The New Jim Crow*, from share cropping to prison slave labor, from convict leasing to the war on drugs—history repeats itself in platitudinous fashion.<sup>581</sup> America is a country that is founded on the unyielding determination of white supremacy. Although the discourses and practices used to reify the system have changed, the end result is nearly identical. The war on drugs is



not a crusade to save children from dangerous chemicals or predatory drug dealers. It is a successful coordinated effort to permanentize the white supremacist American institution of slavery under the guise of preventing dangerous criminals from causing harm to the social order.<sup>582</sup> The war on drugs is far from the only tool of oppression utilized by the state to reinforce white supremacy intergenerationally. As this project has shown, American culture is inundated with images of stereotype and stigma. The war on drugs works in concert with other cultural mediums; television, advertisements, newspapers, PSA, cinema, and public policy move in coordinated waves to create and sustain each consumer's subjective sense of referential reality.

The results do not always appear to be overtly racist. The fact that I, a white man, was sentenced to five years in prison for drug-related crimes might seem to constitute a counter-argument to my accusations concerning the intentional ongoing racism of the American criminal justice system. Such an argument would not hold water. The fact that white people often find themselves caught up in the very same system of correction, and thereby enslaved by the same capitalistic entities, does not in any way minimize the racist intent and effect of the war on drugs. As Wise explained in reference to Hurricane Katrina's obliteration of the Lower Ninth Ward in New Orleans, the racism was in the construction of the system which left people of color at disproportionate risk of catastrophic flood, but once the water broke through, it did not discriminate.<sup>583</sup> White, Latinx and black were swept up together: "the levees that failed, failed them all."<sup>584</sup> The same phenomenon is visible in America's prison-industrial complex. The system is maintained and expanded through capitalism's ethics of monetization, wherein investor

profit outweighs any incentive to disassemble the correctional apparatus. Make no mistake, this system was intentionally constructed to ensure that those who are arrested, charged and convicted are disproportionately people of color. But once it was unleashed on the public, the proverbial levee broke, and bodies were caught up in the wave and swept away together, regardless of race or ethnicity.

People have become more valuable as inmates than as citizens, and the war on drugs has provided a never-ending supply of bodies to feed the demands of both private prison investors and corporate slave-labor. The war on drugs is waged most viciously in communities of color, but if a number of white people are also swept up in enforcement efforts, so much the better; this is a boon to policy makers who wish to sustain a race-neutral image. In the same way that Obama's Presidency served as an example of black exceptionalism working to reinforce white supremacy through claims of, "see, racism must be behind us because we have a black President," white people who are caught up in the prison-industrial complex work to reinforce the illusion of race neutrality through claims of, "see, white people also go to prison for drug crimes."<sup>585</sup> Alexander has said, "the current system of control depends on black exceptionalism; it is not disproved or undermined by it."<sup>586</sup> Similarly, the current system of slave labor depends on white people getting caught up in the same punishment machine that works to label and stigmatize a much larger percentage of black men than white men.

**A New Paradigm:** This project has shown that the war on drugs is not (and has never been) about helping people avoid the dangers of drugs and drug addiction. The war is not about minimizing casualties or providing alternatives to drug users and/or dealers.

The war on drugs is about perpetuating a system of white supremacist capitalism that is as old as America. The war on drugs is a project built on bigotry, on domination, on violence. Any viable alternative must begin with the axiom that Harry Anslinger ignored so long ago: drug users are human beings. People suffering from drug addiction issues are victims who need help, patients who need medical treatment, lonely and damaged human beings who need love and affection so that our wounds can begin to heal. Until the longstanding war on drugs is reconceptualized as a war against the very system that built it, America will continue to lock up, stigmatize and kill drug addicts and users who could easily be treated. The problem is and has historically been a failure to recognize the role of a user's social environment in the ongoing process of addiction: intoxication and addiction do not take place in a vacuum.

As Rufus King has shown, "much of America's unique difficulty with drug problems . . . seems directly attributable to this misguided commitment of national power in dealing with matters which chiefly affect only individual citizen's body chemistry."<sup>587</sup> By criminalizing the very act of possessing and/or using intoxicants, America has done with narcotics what Foucault described with sexuality and criminal corrections: we have deluded ourselves into believing that science and medicine have thrown open the door of knowledge, leaving us better suited to deal with these chemicals than our ancestors.<sup>588</sup> Yet our treatment is more brutal, more racist, more contrary to human rights than that of our great-grandparents, whose pharmacies sold heroin over the counter, next to the ice-cold Coca-Cola with cocaine.<sup>589</sup> We have not used our advanced knowledge of biology and neurology to promote responsible consumption; rather, we have allowed twisted

statistics to condone a war on drugs that is advancing a systematic attack on poor communities of color. Contemporary America claims to know a better way than our ancestors, but our prison-industrial complex betrays us. Even though the human condition may not be curable, it is treatable. There is an alternative, and it is already in play.

**My People:** The Denver Harm Reduction Center is a small storefront operation in the heart of downtown Denver, and one of the few places in Colorado where an indigent addict can obtain clean paraphernalia, snacks, medical aid, food, psychological services, and referrals.<sup>590</sup> By the time the sun rises over the gold-plated Capital dome across the street, the small, front room of the clinic is typically packed, especially during the chilly winter months. Volunteers remain busy setting out coffee and snacks next to baskets of syringes, cotton balls, tourniquets, and alcohol pads. At any given time, one side of the room is full of bodies laid out on the floor, napping or relaxing, some nodding out under the effects of heavy opiates. The doors are unlocked throughout the day, but needle exchange is only available at scheduled times; there is always a line. The goal, according to volunteers, is simply to save lives, to sustain addicts, to help them make it through to the next day, the next hour, the next minute.<sup>591</sup> The struggle is real; those of us personally connected know it in our flesh. These enclaves are the ledges we cling to in our attempt to avoid falling into the abyss. Outside is the endless battlefield, where our bodies are sought-after ground to be gained in the war on drugs; we are uncaptured prisoners of war.

The world within this small storefront is the other side of a looking glass—a concentration of desperate addicts, weary travelers, wanted criminals, and party-all-nighters: my people. A skeleton crew of volunteers manages to keep the machine moving

relatively smoothly, even though this vital community service is habitually both underfunded and overburdened. Although users can get clean needles, condoms, antiseptic, and basic medical care from the DHRC, they cannot legally use drugs on the premises. They must find some other location, some secluded area of illegality, a squat-spot to perform the self-effacing act of medicating. With no sanctioned location for dosing, the addict is always a criminal, sneaking between spaces where she can conceal her use from onlookers. Detection is potentially devastating, so the addict must lie, hide, minimize, and internalize unsanctioned use. As Wainwright describes the situation, “drugs’ illegality means that the threat of being spotted by police—or being beaten up, or robbed, or ripped off, and with no way to report it—is never far away, for either buyer or seller.”<sup>592</sup> This is America, land of the free.

The practice of criminalizing addicts and dealers has become so commonplace in the United States that it is seldom questioned. As Chapter One detailed, prior to the war on drugs, Americans who identified themselves as active addicts were usually functional members of society, holding full-time jobs, managing personal responsibilities, and avoiding criminal activity.<sup>593</sup> Professional opinions vary on the actual dangers of opioids and cocaine, but public opinion remains steady; as Chapter Four revealed, the *dispositif* has effectively linked drugs to guaranteed health consequences and disease.<sup>594</sup> Yet the evidence seems to point in another direction; the drugs people use appear to do less damage than the environment in which these substances are used. In most cases, it isn’t the drugs that get users addicted. It is the environment in which we turn to drugs as a source of relief.<sup>595</sup> We addicts may use heroin because we are curious, or depressed, or

bored; we continue using it because it fulfils a need that we cannot (easily) fulfil elsewhere. The problem is not the chemical that fills the hole; the problem is the lack of alternatives. The cultural milieu fails us. Surrounded by social messages that remind us that drug users are criminals and that drugs are dangerous and deadly, we turn our use inward, we keep it a secret, we allow the tumor to grow until it metastasizes. The drugs get us high, the isolation gets us addicted.<sup>596</sup>

The academics concur, going so far as to suggest that the harm caused by one's social environment is not limited to physical and psychological dependency. Tim Rhodes promotes a paradigm that points to the "structural risk environment" surrounding a drug user—the cultural norms, rules, and expectations which govern a social space—as responsible for the *majority* of harm that a drug user is likely to experience:

A 'risk environment' . . . shifts the responsibility for drug harm, and the focus of harm reducing actions, from individuals alone to include the social and political institutions which have a role in harm production.<sup>597</sup>

A perspective that centers the role of a user's environment in shaping the experience of drug use and addiction automatically shifts responsibility from the individual to the society, from the addict to the culture that created him, from us junkies to the political structures that left us so desperate that we would shoot street dope into our arms with dirty needles. Rhodes calls for an alternative paradigm that "places emphasis on how risk and harm at the population level is mediated by, or a product of, determinants that extend beyond proximate individual-level factors and their biological mediators."<sup>598</sup> A deliberate focus on a drug user's structural risk environment—the social, cultural, political and familial environment which dictates appropriate standards of use and accompanying

punishments—is a way to shift the blame from the drug user to the system responsible for much of her misery: “risk perceptions and actions emerge within, and reflect, social and cultural responses to political–economic conditions.”<sup>599</sup> As history has shown, especially throughout the war on drugs, a paradigm that blames users for their use is ineffective at reducing the harm caused by drug use and addiction; our overdose rates bear witness. Alternately, focusing on social factors and environmental features related to addiction and drug use opens innumerable avenues for mitigation.

An individualistic, blame-the-addict perspective has left many researchers preoccupied with the identification of statistically at-risk populations, preventing them from focusing on the reasons these populations are at risk. Such a perspective fails to position the at-risk individual in a matrix of social relations that is inseparable from the at-risk body. John Strang and Hugh Gurling point out the same failure to differentiate between the damage caused by drugs and the damage caused by the social apparatuses that attempt to regulate the use of intoxicants: “there would appear to be some confusion in previous reports between ‘substance-specific’ effects related to the properties of the drug itself, and ‘technique-specific’ effects related to the pattern of drug use and lifestyle so often associated with such drug use.”<sup>600</sup> Beyond leaving us prone to become debilitatingly addicted, the war on drugs also forces us addicts into situations that virtually guarantee bodily harm. As Chapter Four detailed, as much as 97% of what a heroin user in America ingests is *not* heroin; rather, it is unregulated cutting agents added by various dealers along the way in an effort to make their product more bulky (thereby increasing profits). Users who purchase their drugs on the streets are forced to consume

dangerous chemicals—anything from rat poison and drain cleaner to unregulated, synthetic narcotics. Worse, there is no safe space in American society for users to consume our poisoned drugs, so we must place ourselves in dangerous situations: the crack house, the abandoned building, the freeway overpass, the back bedroom, the dark alley—environments that place us at risk for victimization, for exposure, for arrest, for unnoticed overdose.<sup>601</sup> In short, a user's environment is often more responsible for the harm supposedly caused by drugs than the chemicals themselves.

Numerous studies support this idea, perhaps the most noteworthy related to the Vietnam War. In May of 1971, Congress members Morgan Murphy and Robert Steele released a report that claimed a full 10%-15% of those serving in the armed forces in Vietnam were addicted to high-quality heroin, and that even more soldiers were using it on a regular basis.<sup>602</sup> Their estimates proved to be low. Lee Robins, who was hired by the government to address the alleged heroin problem, found that a full 20% of soldiers in Vietnam self-identified as addicts.<sup>603</sup> According to America's well-known social script concerning drug use (PSAs, news programs, Hollywood spectacles, infotainment, etc.), these soldiers were doomed to return to America after the war and descend into a life of addiction—their stories might well inspire the next anti-drug PSA. But the drug addicts in this story did not follow that well-honed social script. Contrary to the chemical-hooks theory of drug addiction, when their environment changed, their use patterns changed.

In follow-up studies with a large group of these soldiers, Lee found that 12 months after returning from deployment, only one-percent were addicted to narcotics, and only 10% had used drugs at least once, most by injecting heroin.<sup>604</sup> Making these



finding even more interesting, these soldiers were not actively seeking treatment and sobriety; in fact, the vast majority of those interviewed had no interest whatsoever in receiving treatment for addictions.<sup>605</sup> These findings contradict American common sense, but this is only because a century-long war on drugs has inculcated a false script concerning addiction. The soldiers who became addicted in large numbers were responding to the acute trauma of battle—heroin became a poultice of necessity when their lives were turned upside down.<sup>606</sup> Once they returned home, many of them reentered social and familial systems of support which they could not access during deployment. Along with the alleviation of daily trauma and constant threat to life that came with active duty in Vietnam, these soldiers readopted effective coping strategies once they returned home, and for most of them, this alone was enough to allow them to lay down the bandage of narcotics. As Hari has shown, addiction is a disease of disconnection, of despair, of loneliness: “The opposite of addiction isn’t sobriety. It’s connection.”<sup>607</sup> The opposite of connection may well be prison; America is making the problem worse.

The rhetoric of drugs containing chemical hooks which cause a user to develop tolerance and eventually physical dependency—the centerpiece of America’s permanent PSA campaign—is only a small part of the addiction equation. The *Diagnostic and Statistical Manual of Mental Health (DSM-V)* specifies that a person’s drug use must interfere with other life functions, causing negative consequences in personal life, relationships, work, or intimacy to be classified as addiction.<sup>608</sup> As Carl Hart sums up, “the use must continue despite ongoing negative consequences, take up a great deal of time and mental energy, and persist in the face of repeated attempts to stop or cut back,”

and may involve both tolerance (needing more of a drug to achieve the same results) and withdrawal (physical discomfort when the substance is withheld).<sup>609</sup> In recent studies, 75% of drug users, whether preferring alcohol, prescription medication, or illegal drugs, *never* suffer from addiction.<sup>610</sup> Even the most socially-stigmatized drugs, heroin and crack, are nowhere near as addictive as America's PSA funders would have us believe. Just 10%-25% of those who try heroin or crack will struggle with addiction at some point in their lives, and only three-percent of those who have tried crack have used it in the past month.<sup>611</sup> These numbers echo surreal in a culture of incrimination, where the trope of guaranteed addiction sustains the illusion of the prison-industrial complex's necessity. The war on drugs, racist from its roots to its annual harvest, is also sold on the false narrative of dangerous chemical hooks—on the fear-mongering “don't do it or you will die” rhetoric of policy makers and PSA funders. Americans have been fed a cultural lie, founded on white supremacy and directed at waging war on people of color, poor people, and medical patients.

**An Alternative to War:** Many cultures of decriminalization inculcate a social understanding of addiction and drug use that is very different from America's misinformed cultural script. The social benefits of halting the war on drugs and embracing alternative policies of intervention and therapy are well-researched: overdose deaths diminish, dangerous use practices decline, disease is reduced, and lives are saved when countries abolish legal penalties for drug possession.<sup>612</sup> Right now in America, just 10% of the money spent on drug policy goes to treatment and prevention, while 90% goes toward policing and punishment.<sup>613</sup> The result: America (still) houses 25% of the

world's inmate population.<sup>614</sup> In some areas of the world these numbers are flipped—90% of allocated funds go toward treatment while just 10% are earmarked for punishment and policing.<sup>615</sup> In these countries there is no social belief in the need to lock up large numbers of drug addicts. These countries do not keep a full two-percent of their citizens under the thumb of state authorities. Unlike America, these countries have not responded to overdose deaths by locking up medical patients who are in need of treatment. In some parts of the world, science informs drug policy and compassion informs the social response to addiction. The results are in.

In Portugal, where all drugs were decriminalized in 2001, drug injection rates have dropped by more than 50%.<sup>616</sup> At the same time, as America dragged its anachronistic war on drugs into a new century, the rates of heroin use in the United States doubled.<sup>617</sup> Centering the health of users has seen tremendous results. The *British Journal of Criminology* reported a large reduction in the proportion of drug users from Portugal contracting HIV from drug use, from 52% down to 20% since legalization.<sup>618</sup> Danish and Canadian safe injection sites, where nurses are present to administer medical assistance to addicts and users, have managed to completely eliminate death from overdose in their clients; in fact, no safe injection site on Earth has yet suffered a single overdose death.<sup>619</sup> Meanwhile America's war on drugs saw 64,000 people die of opioid overdoses in 2016 alone.<sup>620</sup> As the bodies continue to pile up, both in prison and the morgue, it remains obvious that the American war on drugs is focused on the wrong objectives. The consequences go beyond the massive prison-industrial complex and its racist implications. America's longstanding attitude has placed drugs in a closet, high on a

shelf, where generation after generation continues to grow up knowing this secret is just out of reach until they are a certain age. There is no preparation, no real drug education, no socially narrated parental role in modeling responsible drug use for our children. Our youngsters seldom learn healthy habits surrounding drug use from their trusted caregivers; instead, they learn from friends. The taboo becomes the object of desire, the prohibited becomes commodity, the disallowed is longed-for in the culture that denies it.

**Killing the Romance:** There is much to be said about the romance of the forbidden, but as Hari says, “the sexiness of drugs is very much in their prohibition, not their regulation.”<sup>621</sup> Contrary to the critics, drug legalization proponents do not want to make drugs more attractive or romantic; we want to make them boring and commonplace.<sup>622</sup> The existence of safe injection sites would *reduce* the romantic allure of drugs and drug use. The drug user and the space of drug use would no longer be restricted to Hollywood spectacles and personal narratives. (Mis)Conceptions of heroin use as exciting, glamorous or tempting would give way to the real bodies that would present curious citizens with a more realistic representation of drug addiction: we are people, we are patients, we are human. Addiction is palliative, to be sure. But it is also cold. It is desperate. It is lonely. It is often scary. It is *not* a sexy Hollywood whirlwind of excitement; it is not a poster on the ceiling of an adolescent’s room. The romance of the forbidden becomes the doorway of vice in a species like *homo sapien*; we want what we are told we cannot have. Making these substances available would immediately reduce their romantic allure.

Perhaps the most common retort to the call to end drug prohibition is that appeal to child wellbeing: *but the kids will be able to get drugs!* This is yet another misunderstanding of the argument for legalizing drugs. Legalization would not only reduce the romantic image attached to drugs via social taboo, but it would also provide additional safeguards to prevent access by minors. The local liquor store risks its business license if a clerk sells alcohol to underaged consumers. Colorado's Sweet Leaf marijuana dispensary lost its state license to distribute marijuana in December of 2017 for failing to follow similar guidelines regarding recreational sales.<sup>623</sup> The pharmacist is the state-sanctioned gatekeeper of legal supplies, ensuring that children do not have easy access to the plethora of mind-altering chemicals behind the counter. The street level dealer has no license to protect, no FDA inspections to pass, no coveted A+ rating from the Better Business Bureau. Legalization would not only de-romanticize narcotics, but it would also make it *more* difficult for youngsters to get their hands on these chemicals without consulting a doctor.

**Intoxication:** It has been nearly a century since Freud opined, "Life as we find it is too hard for us; it entails too much pain, too many disappointments, impossible tasks. We cannot do without palliative remedies . . . intoxicating substances, which make us insensitive."<sup>624</sup> A stack of pancakes, a sunny vacation, a taxing workout, a sexual rendezvous, a deep tissue massage, a good book by the fire—there are countless methods for scratching the itch of human vice. As Freud goes on to suggest, "The crudest of these methods of influencing the body, but also the most effective, is the chemical one: that of intoxication."<sup>625</sup> We do ourselves no collective favors in regurgitating the platitudes of

our parents, which were used for hundreds of years to stigmatize addicts, lock up poor people of color, and criminalize anyone who uses or possesses a list of government-banned chemicals. Legalization is long overdue.

As for negative consequences related to legalization, most researchers agree that there will be a slight increase in use on the heels of legalization. It turns out that when people are not forced to purchase polluted drugs from illegal dealers in shady markets at the risk of incarceration, a few responsible citizens actually *will* choose to try these chemicals.<sup>626</sup> But the slight increase in use will come with a massive decrease in the harm caused by drug use. In short, drug use may rise slightly, but addiction and harm caused by drug use will decrease massively. The Iron Law of prohibition rings true: a bored consumer who has never used heroin would be unlikely to try it if other safer, milder forms of opiates are available for legal purchase. As anyone who has used the legal services of budtenders in states where marijuana is now legal can tell you, sales people are impressively prepared to offer advice as to dosage, potency and effects—it's just good business. The number of drug users will rise slightly on the heels of legalization; the number of *heavy* drug users will decrease.

My crystal ball glows. Drug crime is an anachronism; unpolluted, safe drugs are cheap (often paid for by the state) and there is no \$65 billion-dollar-per-year underground drug market for criminal organizations to tap.<sup>627</sup> Per the Iron Law of prohibition, drug users usually opt for milder forms of narcotics when they are available, so heroin and cocaine use have, by and large, given way to less extreme alternatives.<sup>628</sup> For those who do become addicted to hard drugs, there is no street scene to contend with, no

underground market to navigate, no daily visits to the crack house with boarded up windows. Addicts opt for free and uncut chemicals administered by professionals who can offer medical help in case of an overdose. Treatment is constantly offered, free of charge and without threat of criminal sanctions. Police officers who were once charged with waging an unavoidably racist war on drugs now spend more time investigating real crimes, and perhaps the smallest foundations of trust are beginning to be built between law enforcement and those communities which they have historically worked to destroy and divide. Proving the theorists right, the end of drug prohibition saw the murder rate plummet the same way it did at the end of alcohol prohibition.<sup>629</sup> Crime decreased, trust in law enforcement increased, addicts started getting better instead of worse, drug related violence plummeted, and the prison-industrial complex shrank to a size that is no longer (such) a national embarrassment.

Perhaps most importantly, the roots of the war on drugs—this lovechild of white supremacy and dog whistle politics—have received the treatment of sunlight, and they are slowly withering. The prison doors were thrown open for nearly half of America’s inmates when drug prohibition was overturned and all drug crimes were pardoned. The stigma of felony conviction was undone, and hundreds of thousands of people (of color) were given back their right to vote, their right to student loans, their right to housing, their right to employment, their right to “life, liberty and the pursuit of happiness.”<sup>630</sup> The first step was taken, albeit hundreds of years later than appropriate, and America began to heal.

But my crystal ball is just a dream. The choice this generation of Americans has is the same choice the last generation had, and the one before them. We must choose whether or not to continue the racist and counter-productive war on drugs. We must choose whether to pass this legacy of white supremacy on to yet another generation through stoked racial fears and misinformation, or to end this national embarrassment. There is little doubt that the war on drugs will see another seven million Americans locked up in coming decades if it proceeds on its current track. There is little doubt that without the war on drugs the prison system will wither and recede in coming decades.



## Notes

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<sup>1</sup> National Center for Health Statistics, National Vital Statistics System, “Provisional Counts of Drug Overdose Deaths, as of 8/6/2017,” published by the Center for Disease Control. [https://www.cdc.gov/nchs/data/health\\_policy/monthly-drug-overdose-death-estimates.pdf](https://www.cdc.gov/nchs/data/health_policy/monthly-drug-overdose-death-estimates.pdf)

<sup>2</sup> Billie Holiday, with William Dufty, *Lady Sings the Blues* (New York, NY: Lancer Books, 1972), 130.

<sup>3</sup> National Center for Health Statistics, National Vital Statistics System, “Provisional Counts of Drug Overdose Deaths, as of 8/6/2017,” published by the Center for Disease Control. [https://www.cdc.gov/nchs/data/health\\_policy/monthly-drug-overdose-death-estimates.pdf](https://www.cdc.gov/nchs/data/health_policy/monthly-drug-overdose-death-estimates.pdf)

<sup>4</sup> Federal Bureau of Prisons, “Monthly Offenses,” updated July 29, 2017. [https://www.bop.gov/about/statistics/statistics\\_inmate\\_offenses.jsp](https://www.bop.gov/about/statistics/statistics_inmate_offenses.jsp)

<sup>5</sup> Drug Enforcement Administration, “Methamphetamine Lab Incidents, 2004-2014.” <https://www.dea.gov/resource-center/meth-lab-maps.shtml>

<sup>6</sup> Joshua Bamberger & Mishka Terplan, “Wound Botulism Associated with Black Tar Heroin,” *JAMA* 280, no. 17 (November 1998): 1479-1480. See also, Center for Disease Control, “Syringe Exchange Programs---United States, 2008,” *Morbidity and Mortality Weekly Report* 59, no. 45 (November 19, 2010): 1488-1491. See also, National Institute on Drug Abuse, “Heroin: What is Heroin?” (July 17, 2017), <https://www.drugabuse.gov/publications/drugfacts/heroin>

<sup>7</sup> Beau Kilmer, Susan S. Sohler Everingham, Jonathan P. Caulkins, et. al., “How Big is the U.S. Market for Illegal Drugs?” RAND Corporation, (2014). Originally requested by and published on whitehouse.gov, but pulled down by Trump administration.

<sup>8</sup> U.S. population levels taken from U.S. Census Bureau on 11.23.17, <https://www.census.gov/popclock/> U.S. and world overdose rates taken from United Nations Office on Drugs and Crime, *World Drug Report 2017, Executive Summary: Conclusions and Policy Implications* (United Nations: United Nations publication, 2017), 10.

<sup>9</sup> Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York, NY: The New Press, 2010/2012). See also U.S. Department of Justice, Federal Bureau of Prisons information page, <https://www.bop.gov/>

<sup>10</sup> Johann Hari, *Chasing the Scream: The First and Last Days of the War on Drugs* (New York, NY: Bloomsbury, 2015), 36.

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<sup>11</sup> Rufus King, *The Drug Hang Up: America's Fifty-Year Folly* (New York, NY: W. W. Norton Company & Inc., 1972), 16. See also James A. Inciardi, "America's Drug Policy: The Continuing Debate," in *The Drug Legalization Debate Second Edition*, ed. James A. Inciardi (Thousand Oaks, CA: Sage Publications, Inc., 1999), 3.

<sup>12</sup> Linder V. United States, 268 U.S. 5 (1925).  
<https://supreme.justia.com/cases/federal/us/268/5/case.html>

<sup>13</sup> Richard DeGrandpre, *The Cult of Pharmacology: How America Became the World's Most Troubled Drug Culture* (Durham, NC: Duke University Press, 2006). See also Hari, *Chasing the Scream*.

<sup>14</sup> DeGrandpre, *The Cult of Pharmacology*, 126. See also King, *The Drug Hang Up*, 18.

<sup>15</sup> Hari, *Chasing the Scream*.

<sup>16</sup> Tim Rhodes, "Risk Environments and Drug Harms: A Social Science for Harm Reduction Approach," *International Journal of Drug Policy* 20 (2009): 196. See also John Strang and Hugh Gurling, "Computerized Tomography and Neuropsychological Assessment in Long-Term High-Dose Heroin Addicts," *British Journal of Addiction* 84, (1989): 1011.

<sup>17</sup> Karishma S. Kaushik, Ketoki Kapila, and A. K. Praharaj, "Shooting Up: The Interface of Microbial Infections and Drug Abuse," *Journal of Medical Microbiology* 60, (2011): 408-422.

<sup>18</sup> Merrill Singer, *Something Dangerous: Emergent and Changing Illicit Drug Use and Community Health* (Long Grove, IL: Waveland Press, Inc., 2006), 30.

<sup>19</sup> Tim Rhodes, "Risk Environments and Drug Harms: A Social Science for Harm Reduction Approach," *International Journal of Drug Policy* 20 (2009).

<sup>20</sup> King, *The Drug Hang Up*, 17.

<sup>21</sup> Phil Nicholas and Andrew Churchill, "The Federal Bureau of Narcotics, the States, and the Origin of Modern Drug Enforcement in the United States, 1950-1962," *Contemporary Drug Problems* 32 (2012): 595-640.

<sup>22</sup> Vincze Milkós, "Gorgeous Vintage Advertisements for Heroin, Cannabis and Cocaine," in *GIZMODO*, May 30, 2013. <https://io9.gizmodo.com/how-todays-illegal-drugs-were-marketed-as-medicines-510258499>

<sup>23</sup> Milkós, "Gorgeous Vintage Advertisements for Heroin, Cannabis and Cocaine."

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<sup>24</sup> Original advertisement images public domain, available online at <https://io9.gizmodo.com/how-todays-illegal-drugs-were-marketed-as-medicines-510258499>

<sup>25</sup> King, *The Drug Hang Up*, 19. Sigmund Freud, *Cocaine Papers*, ed. Robert Byck (Massachusetts: The Stonehill Publishing Company, 1974). See also Inciardi, “America’s Drug Policy,” 1-7.

<sup>26</sup> King, *The Drug Hang Up*, 18.

<sup>27</sup> Inciardi, “America’s Drug Policy,” 3.

<sup>28</sup> David Courtwright, “Commentary on Hall: The Difference a Word Makes—a Short History of ‘Prohibition’,” *Addiction* 105, no. 7 (June 2010): 1175.

<sup>29</sup> King, *The Drug Hang Up*, 18-19.

<sup>30</sup> Hari, *Chasing the Scream*, 26.

<sup>31</sup> Julie Donohue, “A History of Drug Advertising: The Evolving Roles of Consumers and Consumer Protection,” *The Milbank Quarterly* 84, no. 4 (December 2006): 659-699.

<sup>32</sup> Michel de Certeau, *The Practice of Everyday Life*, trans. Steven F., Rendell (Berkeley, CA: University of California Press, 1988), 186.

<sup>33</sup> de Certeau, *The Practice of Everyday Life*, 185.

<sup>34</sup> DeGrandpre, *The Cult of Pharmacology*, 126. See also King, *The Drug Hang Up*, 18.

<sup>35</sup> King, *The Drug Hang Up*.

<sup>36</sup> The 21<sup>st</sup> Amendment overturned the 18<sup>th</sup> Amendment, reestablishing the legality (and to some degree, the social acceptability) of recreational alcohol use.

<sup>37</sup> Wayne Hall, “What are the Policy Lessons of National Alcohol Prohibition in the United States, 1920-1933?” *Addiction* 105, no. 7 (July 2010): 1164-1173.

<sup>38</sup> Ron Mann, director, *Grass: The History of Marijuana*, film, (1999: Sphinx Productions).

<sup>39</sup> Hari, *Chasing the Scream*, 17.

<sup>40</sup> Linder v. United States, 268 U.S. 5 (1925). See also Hari, *Chasing the Scream*, 11.

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<sup>41</sup> Hari, *Chasing the Scream*, 14-15.

<sup>42</sup> Mann, *Grass: The History of Marijuana*.

<sup>43</sup> Larry Sloman, *Reefer Madness: A History of Marijuana* (New York, NY: St. Martins Griffin, 1979), 29. See also Mann, director, *Grass: The History of Marijuana*.

<sup>44</sup> Malik Burnett and Amanda Reiman, "How did Marijuana Become Illegal in the First Place?" published by The Drug Policy Alliance at DrugPolicy.org (October 8, 2014).

<http://www.drugpolicy.org/blog/how-did-marijuana-become-illegal-first-place>

<sup>45</sup> Burnett and Reiman, "How did Marijuana Become Illegal in the First Place?"

<sup>46</sup> Hari, *Chasing the Scream*, 26, 28.

<sup>47</sup> Carl Hart, *High Price: A Neuroscientist's Journey of Self-Discovery that Challenges Everything you Know about Drugs and Society* (New York, NY: Harper Perennial, 2013), 315.

<sup>48</sup> Hari, *Chasing the Scream*, 14-16.

<sup>49</sup> King, *The Drug Hang Up*, 25.

<sup>50</sup> Ian Haney López, *Dog Whistle Politics: How Coded Racial Appeals have Reinvented Racism & Wrecked the Middle Class* (New York, NY: Oxford University Press, 2014).

<sup>51</sup> bell hooks, "Understanding Patriarchy," in *The Will to Change: Men, Masculinity and Love* (New York, NY: Atria Books, 2004), 17-18. See also, bell hooks, *Feminism is for Everybody: Passionate Politics* (Cambridge, MA: South End Press, 2000).

<sup>52</sup> Alexander, *The New Jim Crow*, 141.

<sup>53</sup> Transphobia and homophobia are supportive of white supremacist patriarchy: see Cathy J. Cohen, "Punks, Bulldaggers and Welfare Queens: The Radical Potential of Queer Politics," *A Journal of Lesbian and Gay Studies* 3, no. 4 (1997): 437-465. For gender binaries as reinforcing white supremacist patriarchy, see Judith Lorber, "'Night to His Day: The Social Construction of Gender,'" in *Race, Class, and Gender in the United States: An Integrated Study, Ninth Edition*, edited by Paula S. Rothenberg with Kelly S. Mayhew, (New York, NY: Worth Publishers, 2014): 54-65.

<sup>54</sup> Peggy McIntosh, "White Privilege: Unpacking the Invisible Knapsack," in *Race, Class, and Gender in the United States: An Integrated Study Ninth Edition*, ed. Paula S. Rothenberg & Kelly S. Mayhew (New York, NY: Worth Publishers, 2014), 176.

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<sup>55</sup> George Washington Carver, *George Washington Carver: In His Own Words*, ed. Gary R. Kremer (Columbia, MO: University of Missouri Press, 1987). See also Rebecca Skloot, *The Immortal Life of Henrietta Lacks* (New York, NY: Random House / Crown Publishing, 2010).

<sup>56</sup> Sloman, *Reefer Madness*. See also Mann, *Grass: The History of Marijuana*.

<sup>57</sup> John C. McWilliams, *The Protectors: Harry J. Anslinger and the Federal Bureau of Narcotics* (Newark, DE: University of Delaware Press, 1991), 53.

<sup>58</sup> Harry Anslinger, Anslinger Archives, box 1, file 12, "Modern Medical Interviews," taken from Johann Hari, *Chasing the Scream: The First and Last Days of the War on Drugs* (New York, NY: Bloomsbury Press, 2015), 26.

<sup>59</sup> "DOUBLETHINK" means the power of holding two contradictory beliefs in one's mind simultaneously, and accepting both of them." Quote from George Orwell, *Nineteen Eighty-Four* (University of Adelaide, online edition: February 22, 2016). See also Harry Anslinger with Courtney Ryley Cooper, "Marijuana: Assassin of Youth," *The American Magazine* 123, no. 1 (July 1937).

<sup>60</sup> Harry Anslinger with Courtney Ryley Cooper, "Marijuana: Assassin of Youth," *The American Magazine* 124, no. 1 (July 1937).

<sup>61</sup> Robin DiAngelo, "White Fragility," *International Journal of Critical Pedagogy* 3, no. 3 (2011): 66.

<sup>62</sup> The term "white supremacist, capitalist patriarchy" is borrowed from bell hooks, *Feminism is for Everybody: Passionate Politics* (Cambridge, MA: South End Press).

<sup>63</sup> Sloman, *Reefer Madness*, 31-35..

<sup>64</sup> Cydney Adams, "The Man Behind the Marijuana Ban for all the Wrong Reasons," *CBS News*, November 17, 2016.

<sup>65</sup> King, *The Drug Hang Up*, 29. From U.S. Treasury, Special Narcotic Committee, *Traffic in Narcotic Drugs, Report of Special Committee of Investigation*, Government Printing Office, Washington, D.C., (1919).

<sup>66</sup> Guy Debord, *Society of the Spectacle* (Detroit, MI: Black & Red, 1983), 4.

<sup>67</sup> Alexander, *The New Jim Crow*, 199.

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- <sup>68</sup> Michel de Certeau, *The Practice of Everyday Life*, trans. Steven F., Rendell (Berkeley, CA: University of California Press, 1988), 187.
- <sup>69</sup> de Certeau, *The Practice of Everyday Life*, 186.
- <sup>70</sup> Debord, *Society of the Spectacle*, 6.
- <sup>71</sup> Sloman, *Reefer Madness*, 62.
- <sup>72</sup> Sloman, *Reefer Madness*, 62-63.
- <sup>73</sup> Hari, *Chasing the Scream*. See also Sloman *Reefer Madness*, 34.
- <sup>74</sup> Newspaper articles compiled in Sloman, *Reefer Madness*, 60-64. Published photographs of Licata downloaded on 5.14.17  
<http://reefermadnessmuseum.org/chap10/GorePart-1.htm>
- <sup>75</sup> López, *Dog Whistle Politics*.
- <sup>76</sup> López, *Dog Whistle Politics*.
- <sup>77</sup> López, *Dog Whistle Politics*, 4.
- <sup>78</sup> Newspaper articles compiled in Sloman, *Reefer Madness*, 60-65.
- <sup>79</sup> Newspaper articles compiled in Sloman, *Reefer Madness*, 60-65.
- <sup>80</sup> Ibid.
- <sup>81</sup> Ibid.
- <sup>82</sup> Edward Huntington Williams, "Negro Cocaine 'Fiends' are a New Southern Menace," *New York Times*, February 8, 1914.
- <sup>83</sup> King, *The Drug Hang Up*, 25.
- <sup>84</sup> Alexander, *The New Jim Crow*, 199.
- <sup>85</sup> Khalil Gibran Muhammad, *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America* (Cambridge, MA: Harvard University Press, 2010), 1.
- <sup>86</sup> Travis L. Dixon, "Teaching you to Love Fear: Television News and Racial Stereotypes in a Punishing Democracy," in *Challenging the Prison-Industrial Complex: Activism*,

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*Arts and Educational Alternative*, ed. Stephen J. Hartnett (Urbana, IL: University of Illinois Press, 2011), 111.

<sup>87</sup> Sonora Guaymas, "Mexican, Crazyed by Marihuana, Runs Amuck with Butcher Knife," *New York Times*, February 21, 1925, A1.

<sup>88</sup> Hari, *Chasing the Scream*, 15.

<sup>89</sup> Muhammad, *The Condemnation of Blackness*, 5.

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<sup>618</sup> Artur Domoslawski, *Drug Policy in Portugal: The Benefits of Decriminalizing Drug Use*, trans. Hanna Siemaszko (Warsaw, Poland: Open Society Foundation, 2011), 40.

<sup>619</sup> Tina Rosenberg, “Injecting Drugs, Under a Watchful Eye,” *New York Times*, January 18, 2017. <https://www.nytimes.com/2017/01/18/opinion/injecting-drugs-under-a-watchful-eye.html>

<sup>620</sup> National Center for Health Statistics, National Vital Statistics System, “Provisional Counts of Drug Overdose Deaths, as of 8/6/2017,” published by the Center for Disease

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<sup>621</sup> Hari, *Chasing the Scream*, 263.

<sup>622</sup> Hari, *Chasing the Scream*, 261-266.

<sup>623</sup> Thomas Mitchell, "Sweet Leaf Licenses Suspended After Denver Police Raid Dispensaries," *Westword*, December 14, 2017.

<sup>624</sup> Sigmund Freud, *Civilization and its Discontents*, trans. Joan Riviere (Blacksburg, VA: Wilder Publications Inc., 2010), 14-17.

<sup>625</sup> Freud, *Civilization and its Discontents*, 14-17.

<sup>626</sup> Hari, *Chasing the Scream*, 272.

<sup>627</sup> United Nations Office on Drugs and Crime, *World Drug Report 2010*.

<sup>628</sup> See chapter 1.

<sup>629</sup> Hari, *Chasing the Scream*, 249-251. See also Hart, *High Price*, 108-113. See also Sullum, "Everything You've Heard about Crack and Meth is Wrong." See also James A. Inciardi, "Legalizing Drugs: Would it Really Reduce Violent Crime?" in *The Drug Legalization Debate, Second Edition*, ed. James A Inciardi (Thousand Oaks, CA: Sage Publications, Inc., 1999), 55-74.

<sup>630</sup> From the American Declaration of Independence.

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