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The new social discipline : a critical analysis of federal drug-free workplace legislation and employee drug testing

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THE NEW SOCIAL DISCIPLINE:
A CRITICAL ANALYSIS OF FEDERAL DRUG-FREE WORKPLACE LEGISLATION
AND EMPLOYEE DRUG TESTING

A Thesis
Submitted
In Partial Fulfillment
of the Requirements for the Degree
Master of Arts

Matthew T. Lammers
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ABSTRACT

In this research I contend that the arguments for drug-free workplaces are framed within a narrative of science that lends authenticity to the recurring themes that drug testing promotes the health, safety, and productivity of the American workforce. The sense of authenticity effectively delimits the discourse of drug testing and presents the complexities of drug abuse in binary oppositions that contribute to normalizing the behavior of all individuals, not just those who abuse drugs. I suggest that the process of normalization reproduces the delimitation of discourse and provides justifications for introducing drug testing into areas of society beyond the walls of the workplace.

I conduct a content analysis on the transcripts of the congressional hearings preceding the Drug-Free Workplace Act of 1988 and the Drug-Free Workplace Act of 1998. A Foucauldian perspective is employed to provide an understanding as to how the drug test has gained a position of dominance in American society. By challenging the narrative of science found in the transcripts I offer resistance to the reproduction of the binary oppositions surrounding drug abuse; in essence, a resistance to the power of drug testing.

This study by: Matthew T. Lammers

Entitled: THE NEW SOCIAL DISCIPLINE: A CRITICAL ANALYSIS OF
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CHAPTER 1

INTRODUCTION

Persuasion rather than proof is king.
(Robert Friedrichs 1970:2)

Throughout the 1980s, America was confronted with a national crisis that was often spoken of as a plague and an epidemic; this crisis was drug abuse. The Reagan administration declared a "war on drugs" calling for national policies to prevent the "enemy" of drug abuse from attacking the American people. That administration had taken the hard line stance of proclaiming the "utter unacceptability" of drug use by federal employees and encouraged the private sector to support policies that indicate that "any and all drug abuse is unacceptable." (President's Commission on Organized Crime Report 1986:482). Shortly thereafter, the Drug-Free Workplace Act of 1988 was passed stipulating that businesses wishing to engage in contract with the federal government be required to make a good faith effort in removing drugs from their workplaces. While the 1988 Act discouraged the use of drug testing, employee testing was none-the-less readily adopted by the private sector as an easy method of complying with the good faith proviso. As the drug crisis appeared to wane, or at least shift in focus from the American worker to the American youth, drug testing continued to expand in both application and technology. In seeming commemoration of the 1988 Act, the Drug-Free Workplace Act of

1998 was passed by congress encouraging small businesses to adopt drug policies that incorporate employee testing as the primary tool for continuing the "war on drugs." As a result, many Americans face the reality of having to submit a sample of urine or hair merely to apply for a job.

The primary concern of this work is to provide a critical examination of why drug testing is used to combat drug abuse and how the discourse of a war on drugs fluctuates so to continually justify testing as a contributing factor in decreasing the costs borne by the American people from drug abuse. It is my thesis that the original intent of employee drug testing, to expose impaired on-the-job workers, has been redefined making testing, in essence, a mechanism of control used to objectively answer one specific question: Have you used drugs recently? Through the use of politically charged discourse and by framing the value of drug testing within the narrative of logic and science, this tool has become institutionalized through the construction of a "collective will" (Schehr 1995:48); the adoption of an ideology among dissimilar and, at times, competing political interests. Based upon the discipline of behavior, drug testing objectifies the body and concentrates the foci of control firmly upon the individual. Put more simply, drug testing is concerned only with whether someone has used illegal drugs and not with any systemic or societal reasons that may contribute to drug abuse. Testing therefore attempts to normalize all individuals, not just those

who use drugs, to the belief that any use of illegal drugs is unacceptable. This normalization is deftly achieved by establishing binary oppositions in reference to drug use (Hutton 1988; Schehr 1995) effectively reducing a highly complex issue and a true "social" problem to an easily comprehensible subject and an "individual" problem.

The framing of the drug crisis in simple yes or no, right or wrong, healthy or unhealthy rhetoric allows for the easily understood and nearly universal remedy that is found in the drug test. Using the workplace as an example: (1) drug abuse on-the-job is wrong; the worker using drugs will reduce productivity by not performing efficiently, by causing accidents that slow production, and by stealing from the company to pay for an addiction; (2) drug abuse on-the-job is unhealthy; the worker using drugs will cause accidents that injure himself or others, cause accidents that kill herself or others, and incur drug related medical problems. Clearly, when presented with only two choices in the discourse of drug abuse any challenges to the efficacy of testing or resistance to being tested will be viewed as being in favor of drug abuse.

The power associated with this control has penetrated into nearly every aspect of American society, seeking to eradicate drug abuse by exposing those who use illegal drug. Drug testing is mandated in many federal agencies (Gregg 1987b; Havemann 1987; Parker 1987; Thornton 1987b), has been a part of amateur

athletics as early as 1968 (Ackerman 1991) and utilized within professional athletics since 1984 (Magnuson 1985; U.S. Congress 1986). Within the last five years, the Supreme Court has ruled that secondary schools have the right to test students who wish to participate in extra-curricular activities (Biskupic 1995; Biskupic 1998; Husak and Peele 1998). Drug testing can even be found in the home where kits are now available to parents enabling them to monitor their children's behavior in relation to drug abuse (Brecher and Jacobs 1995; Boodman 1997;). Quite possibly the most familiar application of drug testing is employee testing; the testing of current and prospective workers. It is upon this latter application of drug testing that I will concentrate. While the various applications of drug testing each have a specific target population, all tests are reducible to two points: disciplining the individual to believe that any use of illegal drugs is unacceptable; and providing the means to verify that the individual accepts that belief.

Employee drug testing is intriguing in that it is motivated through the perception that if some in the American population are abusing illegal drugs then logically many of those drug abusers are employed (U.S. Congress 1986, 1987, 1997, 1998; Wright and Wright 1993; Normand, Lempert, and O'Brien 1994). While there is no accurate method of determining the number of drug abusers in the workplace (Crow and Hartman 1992; Normand et al. 1994; Harwood, Fountain, and Livermore [The Lewin Group]

1998), employee drug testing continues to be heralded a success in significantly reducing the numbers of workplace drug abusers (U.S. Congress 1987, 1998; Angarola 1991; Normand et al. 1994). Citing positive results from employee testing with averages between one and 4.5 percent (Hanson 1993; Normand et al. 1994; Trice and Steele 1995; Fogarty 1999) testing proponents are not content to rest upon this victory but instead argue that these low figures mask a festering problem that can only be exposed through expanding employee drug testing. Actually, these low figures are consistent with the *National Household Survey on Drug Abuse: Main Findings 1997* which report that six percent of the population are current drug abusers (Substance Abuse and Mental Health Services Administration 1999:20). Still, as the argument goes, the only path to a true knowledge of the drug problem is to test, at random, all workers and to incorporate new testing methods that can identify the presence of drug metabolites in the body within five months of the last drug use (Normand et al. 1994; U.S. Congress 1998).

I will argue that the politically charged discourse surrounding the war against drugs has been powerful enough to weave the drug test into the fabric of American society and to maintain the test as a panacea for drug related ills. As the epidemic of drug abuse in America has swelled and ebbed over the past decade there have been corresponding shifts in the discourse that have not only allowed employee drug testing to retain a

position of prominence in the war against drugs but also to be continually developed and advanced as the primary method of treatment for this social (individual) problem.

This analysis will examine the current literature surrounding workplace drug testing thereby providing the groundwork that will expose how the narrative of science has been applied to justify this new discipline. The objective and exacting quality of scientific methods foster the unquestioning acceptance of social policy no matter how radical the solution or the consequences (Gusfield 1981). A brief history of drug testing throughout the 1980s and the 1990s will illustrate how dire social conditions welcomed any response to the plague of drugs upon America and will chart the progression of the investigative power of employee drug testing as the focus of control shifted from the workplace--being impaired while on-the-job-to the workforce--drug abuse while off-the-job. A content analysis of the hearings and the legislation of the Drug-Free Workplace Act of 1988 and the Drug-Free Workplace Act of 1998 will expose the subtle yet significant changes in how employee drug use and abuse is addressed and how these changes have strengthened the reliance upon drug testing. A review of *Washington Post* newspaper articles for the three months prior to the hearings of each Drug-Free Workplace Act is incorporated to aid in establishing the national and political tenor of the drug abuse problem in America at the time. The analysis will

challenge the scientific and technological arguments for drug testing by suggesting that the claims, justifications, and rationales of employee testing are inconsistent with the social reality. Admittedly, drug abuse in America is a complex issue with no easy answers. Many attempts to address the social problems associated with drug abuse over the past century have failed to remove drugs from society and may have actually contributed to an increase in deviance and delinquency (Solomon 1968; Duster 1970; Ashley 1975; Cashman 1981; Himmelstein 1983). It is for this reason that I will conclude with a discussion wherein I state employee drug testing is merely a tool of power that is self-imposed upon society by our ever-increasing concerns for health and safety. There is no more efficient means in providing safety to the workplace, to the society, to the state, than by having individuals police themselves. Foucault offers panopticism as a mechanism of safety and control (Foucault 1980; Schehr 1995). Panopticism is the constant surveillance, or at least the threat of constant surveillance, wherein the individual interiorizes expected behaviors of the society--or the corrections officer, or the supervisor--and adjusts her own behaviors accordingly. I suggest that the drug test is a neo-panopticism where external observations are no longer sufficient in identifying deviant--abnormal--behavior and that an examination of the workforce--population--is required to verify that all individuals have properly "interiorized" the norms of

society. The power of the drug test continues to expand and go unchallenged in its ability to sort society into categories of "good" and "bad." Those not willing to submit to testing, or continue to test positive, become marginalized from the norm of society (Schehr 1995) and are cast aside as hopeless cases. Therefore, drug testing, while cloaked in the narrative of science, becomes nothing more than a policy to combat drug abuse by forcing changes in individual behaviors and ignoring possible truths behind the persistent battle with drugs.

CHAPTER 2

CURRENT DISCOURSE

Frustration tends to run high when there seems to be no viable solution to the problem at hand. Such conditions often lead to finger pointing between officials who blame one another for not doing enough to solve problems and may eventually lead to suggestions for radical approaches for remedies; this was the case with the drug crisis in the 1980s (Horwitz 1988; Milloy 1988; Sinclair 1988). There is no doubt that the problems associated with drug abuse in this society provide for a complex and challenging puzzle. Trying to pinpoint the reasons for drug abuse prove just as difficult as finding the solutions. As suggested in the previous chapter, the drug test provides an attractive solution to the drug crisis for its ability to expose the hidden deviance of even the casual drug abuser. Being a sophisticated chemical procedure the drug test offers the exacting simplicity of the yes or no answer. Even when the technology of testing is not completely understood, most individuals are willing to accept drug testing regardless of the fact that a positive, or false positive, result will have significant, possibly life-altering, consequences.

The question remains: "Why has the drug test been so readily adopted by both the public and private sectors as the paramount method of dealing with drug abuse?" Joseph Gusfield (1981) has drawn a distinction between science and rhetoric

arguing that the quest for knowledge and truth is often at odds with the art of persuasion. However, by blending science with rhetoric, arguments can become compelling, lending a sense of authenticity to the discourse. Statistics from Medical Review Officers (MROs) and certified drug testing laboratories may offer the persuasion needed in justifying public and corporate drug policies.

In this chapter, I examine the literature as it relates to the effectiveness, or lack thereof, of employee drug testing and briefly review theoretical explanations of employee drug testing. As Crow and Hartman (1992:929) point out, due to time constraints and the need to make research publications more "entertaining and publicly intelligible," the media often resort to sensationalism and selective reporting of facts. This review will examine the scholarly research and provide the balance that is missing from the media. I will begin with a comparison of the advocates and detractors of drug testing and move to a brief review of theoretical explanations for the advancement of drug testing within the workplace.

Proponents of workplace testing champion technological advancements for the ability to expose potential problems caused by drug abusing employees. Critics often challenge the claims that employee drug testing programs make for safer, healthier, and more productive workplaces. The root of this criticism is found in the fact that current drug testing procedures have

difficulty in identifying the impairment of the individual at the time of the test. When the effectiveness of employee drug testing is challenged directly, the recommendation is often for a less intrusive yet more precise performance based test (Trice and Steele 1995; Gilliom 1994). I conclude this chapter by suggesting that theories of workplace drug testing fall short of addressing the persistence of testing and that arguments against drug testing often lead to recommendations for greater involvement of the workplace in the personal lives of the individual.

Drug Testing Debates

Proponents of employee testing argue that better tools are needed to expose the most casual of drug abuser so to circumvent potential problems that will threaten the workplace. This position is grounded in the belief that drug abuse runs rampant in the workplace and that any and all means should be taken to eradicate drug abuse in order to make for a happier, healthier, and more productive workforce (Latessa, Travis, and Cullen 1988; Angarola 1991; Wright and Wright 1993; Normand et al. 1994; Trice and Steele 1995). Critics challenge these claims arguing that calculations of the degree that drugs are abused on-the-job and to the effectiveness of testing technologies in identifying drug abuse are exaggerated (Weiss 1986; Zwerling, Ryan and Orav 1990; Crow and Hartman 1992; Hanson 1993; Newcomb 1994; Macdonald 1995; Harwood et al. 1998).

There is another segment within the literature that calls into question the constitutionality of drug testing as being in violation of one's Fourth Amendment right (Gilliom 1994; Husak and Peele 1998). While this is an important issue regarding the limiting of individual freedoms, the Fourth Amendment does not apply to the private sector thereby allowing businesses to implement testing programs as a condition of employment. At the federal level, the Supreme Court has repeatedly found that drug testing is not such an egregious intrusion when weighing the "compelling state interest" of public safety and well-being against the rights of one individual (Husak and Peele 1998:196). On the surface, this branch of the literature would seem to fit under the rubric of challenging drug testing but the challenge is only against unreasonable search and seizure and to the intrusiveness of current drug testing procedures. These arguments conclude with recommendations to make drug testing less intrusive by implementing performance based testing that better identifies impairment without violating individual rights. Unfortunately, this line of reasoning falls victim to the delimited discourse of drug testing wherein drug abuse is accepted as a fact within all workplaces and the recommendations actually place the life and behaviors of the individual under even more scrutiny.

The Need to Test

The advocates for drug testing include not only business and political leaders but the general public as well. Latessa, Travis III, and Cullen (1988) found that many people feel that drug testing should be mandated in transportation and safety related jobs. Interviews conducted by Hanson (1993) indicated that many workers and employers believed that drug abuse was rampant in the workforce, however, drugs were not an issue in their own workplace. Still, these persons accept drug testing policies under the rationale that the tests are not invasive as individuals who do not use drugs have nothing to hide. This logic is consistent with a *Time* magazine poll that indicated that 69 percent of Americans would favor drug testing in their workplace with 81 percent willing to submit to a drug test if given a choice (Lamar 1986:26).

The overriding concern in the literature that favors drug testing is that workplace testing is not used to its full potential and that testing should be expanded. Preemployment testing is dismissed as merely a "good faith" effort to comply with the federal regulations and does little to address drug related problems after the hiring process is completed. A good drug policy should be proactive in identifying drug abusing employees as these persons are not only a threat to the business and others in the workplace but also to themselves and their families (Wright and Wright 1993; U.S. Congress 1997, 1998). To

assist in helping the individual, supervisors should be trained to spot trouble signs that may indicate drug use--resistance to change, frequent grievances, bitterness, self-righteousness--and intervene by having the employee submit to testing and enrolling in an employee assistance program (EAP) (Wright and Wright 1993:111).

Close observation of employees may identify troubled individuals but may not find every drug abuser, particularly the casual user. These latter employees are painted as being deceitful in their potential for hiding their drug abuse from their employer (U.S. Congress 1986, 1997; Wright and Wright 1993; Normand et al. 1994). As Wright and Wright (1993) suggest, the drug abuser will forsake his family and friends before his job as his employment allows for the maintenance of the addiction. Another benefit of remaining employed is that there is always the possibility for embezzlement, theft, or the selling of drugs to other employees so to supplement income for even more drugs.

Normand and colleagues (1994) suggest that broadening definitions within drug testing research will aid in eradicating substance abuse problems within the workplace. Future research should expand the term workforce to include "[a]ny active member of the labor force, including those seeking or available for employment," and drug abuse be considered as "the use of those substances (alcohol, illicit and licit drugs) by any member, whether the use occurs on or off the job, so long as it has

potential workplace effects" (Normand et al. 1994:22). The report also points out that research on employee drug testing is lacking in general to industry wide testing and specifically to the efficacy of random testing. They argue that employee drug testing, particularly random testing, be stepped up in all businesses so to provide a greater source of data from which researchers can properly evaluate the benefits of random drug testing.

Expanding testing to all businesses in America and testing all members of the workforce are persistent arguments from drug warriors but there remains concern that the popular urine test does not go far enough if the goal is to provide a safe and productive workforce. Consistent with the arguments from Wright and Wright (1993) and Normand and colleagues (1994), testimony before the subcommittee on small business asserts that drug abusers, unable to find employment with larger companies that screen employees, congregate to smaller, less restrictive companies. Once again attesting to the deviousness and ingenuity of drug abusers the committee heard that the urine test is too easily compromised and that regulations need to be set to allow for the testing of hair samples. The hair test--radio immunoassay-hair (RIAH)--does catch more cocaine and casual marijuana users due to the extended window allowed by drug metabolites remaining in the hair shaft (Gropper and Reardan 1993; Mieczkowski et al. 1993). Expanding drug testing in this

manner will provide the advantage of not only exposing more drug abusers but also make testing more cost effective for small businesses that may not be able to test on a regular basis.

The arguments continue that if safety is the primary concern for drug testing then current policies and practices may not go far enough to reach this goal. Trice and Steele (1995) point out that drug testing often does not "catch" those who may be under the influence of some substance while at work. While they agree that drug testing has become a popular response to perceived drug abuse in the workplace, they argue that the amount of positive test results do not substantially support the use of random testing. Citing findings from federal drug testing programs that yield positive results often under two percent, they agree that drugs are a problem in the workplace but one generally tied to specific individuals and not to the workforce in general. The relatively few persons identified as drug abusers, therefore, does not offset the cost of drug testing all employees. Performance testing is presented as the answer. All employees would have a bench mark performance level determined from previous tests and any deviation from that level will indicate impairment. Such tests not only "catch" abusers of illicit drugs but also persons under the influence of over-the-counter and prescription drugs as well as those who are affected by sleep deprivation; this will truly identify those who are non-productive.

Resistance to Testing

At the other end of the spectrum, persons who question drug testing are not anti-testing, per se, but are merely concerned with the effectiveness of employee testing in resolving the economic problems attributed to on-the-job substance abuse. Crow and Hartman (1992) and Weiss (1986) point to the extreme difficulty in calculating lost revenue to businesses resulting from drug abuse since there are, as of yet, no reliable means of determining the number of employees who do use drugs. Even if such a figure can be ascertained, evaluating employee efficiency, vis-à-vis drug abuse, is tenuous at best. There are some workers who use drugs off-the-job and are able to function normally in the workplace and perform their duties in an efficient manner (Weiss 1986; Zwerling et al. 1990; Crow and Hartman 1992). Such examples would be those infrequent users who indulge at home on weekends and vacations and not those addicted persons who must "get high" to function properly.

Another concern is discovering the true extent of drug abuse by the workforce. Undoubtedly, drugs used within the society will find a way into the workplace. The question then becomes not how drug abuse directly effects health, safety, and productivity while on-the-job, but what non-job related behavior does drug testing find? As stated above, drug tests identify the metabolites associated with possible drug abuse that may have occurred any time within a few hours to a few months. Testing

proponents often cite figures indicating that drug use by the workforce is exceedingly high; between 12 percent and 65 percent of employed workers use or have ever used drugs (U.S. Congress 1987, 1988, 1997; Wright and Wright 1993). Yet data from drug testing routinely finds positive results at a high near four percent when including job applicants and a low of one percent when testing only current employees (Zwerling et al. 1990; Hanson 1993; Newcomb 1994; Macdonald 1995; Trice and Steele 1995; Fogarty 1999).

Newcomb (1994) believes that generous estimates of employee drug abuse are based upon national statistics of general drug abuse and research conducted within specific industries. Data exposing the prevalence of alcohol abuse by longshoremen and amphetamine use by the truck drivers tends to indicate that certain types of drug abuse are associated with specific occupations. It would therefore be incorrect to assume an amphetamine problem in telemarketing or retail occupations because "speed" is abused in other occupations. Newcomb (1994) also finds that drug abuse on-the-job may be exaggerated based upon definitional misunderstanding. Interpretations of on-the-job drug use by researchers' and employers' may not coincide with the employees' understanding of "getting high" while at work; employees using drugs while on break or drinking at lunch are off-the-clock and may not consider their actions as on-the-job drug abuse. He concludes that drug abuse research findings tend

to be extrapolated giving the impression of widespread drug abuse in all industries thereby fueling the need to take quick and decisive action; in the 1980s and 1990s this takes the form of drug testing.

Macdonald (1995) casts doubt on the usefulness of drug testing by stating that the conditions of the workplace and non-drug related activities, for example, smoking, lack of sleep, personal problems, both in and out of the workplace, have more of an impact upon occupational accidents and absenteeism than does drug abuse. This is consistent with the concerns of Trice and Steele (1995), however, there is no argument for more testing. While Macdonald (1995) cautions against attributing causality to any of his variables with workplace accidents he does point out that there is a significant relationship to accidents and drug use in younger male employees; a finding substantiated by Zwerling and colleagues (1990). This relationship is not reflected in female employees and weakens with older male employees.

Zwerling and colleagues (1990) found that accident rates and employment outcomes, that is, continued employment vs. termination, are somewhat linked to drug abuse but are at levels considerably lower than the figures commonly cited. Their study of U.S. Postal employees found that turnover rates among all employees were similar with employees testing positive for marijuana being slightly more likely to be involuntarily

terminated. While the results indicate that marijuana users did have 55 percent more accidents, 85 percent more injuries and a 78 percent increase in absenteeism this is a far cry from the 300 percent, 400 percent, and 1500 percent rates, respectively, that often accompany arguments for workplace testing (Zwerling et al. 1990:2643).

Explaining the Test

Attempts to explain employee drug testing have been grounded in theories of instrumental rationality (Weiss 1986), conflict within the labor process (Hecker and Kaplan 1989), and utilitarian social control (Boyes-Watson 1997). This review illustrates that even within the theoretical literature there is little agreement as to why employee drug testing has come to be a mainstay in the business community. A critical examination of these interpretations reveals the belief that employee drug testing is the logical progression of the continuing conflicts between workers and management. While these theories may offer explanation for workplace drug testing they provide little value for understanding applications of the drug test outside the workplace.

Weiss (1986) offers an excellent review of managerial attempts to combat substance abuse in the workplace. Relying solely on a Weberian analysis, he approaches the issue as being driven by an ideology that promotes the interests of particular groups. Weiss suggests that businesses frame substance abuse

within a medical model so to present their concern as being that of benevolence rather than deterrence. Successfully legitimizing company drug policies as humanitarian gestures can then result in employees becoming more accepting of controls over their behaviors.

Weiss further argues that the instrumental rationality of bureaucratic organizations refines and legitimates substance abuse policies. Through the establishment of codified rules, the bureaucracy dehumanizes substance abuse programs allowing them to become more accurate in identifying deviant behavior. Using the example of alcohol abuse, Weiss suggests that friendly relations between supervisors and employees may lead to "looking the other way" when it comes to deviant behavior thereby allowing substance abuse to persist in the workplace. Written substance abuse policies provide the clear guidelines that removes the human element from enforcing company rules. The subjectivity of the supervisor is now constrained and the requirement of employees to submit to testing or counseling now becomes just part of the job.

While Weiss does provide the framework for the rational development of substance abuse testing he does fall short in offering a satisfactory explanation as to why drug testing has been so openly embraced. Relying solely on managerial ideology as being the engine that drives substance abuse testing, Weiss concedes that the "true" reasons for policy implementation may remain unobtainable to researchers for their inability to

penetrate the confines of corporate boardrooms. Such reasoning suggests that "managerial ideology" transcends corporate walls as more and more businesses incorporate drug testing as part of their company's policies.

Hecker and Kaplan (1989) offer a Marxian explanation for employee drug testing. Relying heavily upon labor process theory, substance abuse programs are presented as simply another method for management, here synonymous with capitalism, to strengthen their control over the working class. While Hecker and Kaplan do dedicate a large portion of their discussion to Michel Foucault, they draw only from his description of Bentham's Panopticon and present the "panopticism" of employee drug testing as yet another tool in the progression of scientific management of the workforce. To a limited degree, this representation is accurate, however, by restricting Foucault to a focus upon the Panopticon we are given a misleading understanding of his philosophy; more detail of Foucault will be presented in later chapters.

Such Marxian analysis implies a determinism wherein drug testing is the logical outcome of an economic progression that demands increasingly sophisticated methods of employee control. This argument is based upon the perceived desire to maintain an efficient and productive workforce through technologically advanced surveillance techniques. This position is difficult to sustain when given the above review that questions the

effectiveness of substances abuse testing; since non-drug users are predominantly represented in testing procedures we can assume that testing does not enhance their productivity. Furthermore, by concentrating on the conflicts between management and labor, an artificial demarcation is presented between a capitalist class and a working class; such distinctions are troublesome in a post-industrial society. While Hecker and Kaplan (1989) argue that drug testing serves a "larger purpose" for management in its ability to control worker behavior, they fail to address the fact that management, too, is subject to testing in those companies that have such drug policies. If testing policies are driven by a capitalist ideology, and management is being tested along with labor, then there is no class distinction vis-à-vis control; management becomes part of the working class. These sticking points of "larger purpose" and capitalist ideology limit the analysis of employee drug testing and subsequently provide for an inadequate explanation of the phenomenon.

A social control interpretation of employee drug testing is offered by Boyes-Watson (1997) yet she too holds tight to capitalist and corporate ideology as being the motivational force behind drug testing. She argues that even though drug testing technology was available throughout the 1970s the views of corporate America, considering drug use in terms of abuse and addiction, did not find the problem sufficient to warrant widespread drug policies. She continues that not until the 1980s

when drug abuse in the workplace was (re)defined as illegal drug abuse did employee drug testing become fashionable. This line of reasoning is based upon the notion that drug policies exploded upon the business scene in order to garner corporate/community good will. Boyes-Watson suggests that when the federal government defined drug abuse as a crisis facing the country, the corporate sector saw this as an opportunity to utilize testing technologies and present themselves as being active members in the "war on drugs." In adopting such a position corporate America is able to gain prestige through public relations by investing considerable resources in combating drug abuse and through corporate welfare wherein they are viewed as looking out for the good of their non-drug using employees by providing a safe, drug-free workplace.

Boyes-Watson (1997) argues that employee drug testing has become a "soft" social control in that behavior is modified through restrictions of entitlements--jobs and welfare benefits--and referral to EAPs, rather than the "hard" controls of incarceration. The blurring of boundaries between the state and private sector in relation to drug testing has allowed for corporate America to become a policing agency for deviant behavior. This is an accurate assessment of employee drug testing as the company now has the authority to attach the stigma of drug abuser; an authority that has traditionally been applied through the legal system at the point of conviction.

While I do agree with Boyes-Watson on the latter argument, the causal connection for employee drug testing remains weak. Again, I attribute this to an over-reliance upon the belief that workplace drug testing stems from some specific underlying ideology. Boyes-Watson's argument hinges on a (re)definition of substance abuse in American culture; in the 1970s, abuse and addiction as an individual problem, where later, illegal drug abuse as a threat to the well-being of society. This argument becomes weakened as the definitions applied to drug abusers have oscillated between unfortunate addict and social deviant throughout this century, and more recently, between the enactment of the Drug-Free Workplace laws being reviewed in this work, the definition of drug abuser has returned to that of unfortunate addict. Notwithstanding this criticism, Boyes-Watson suggests that corporate America took the lead in promoting drug testing as an effort to gain public and private good will. While acknowledgement is given to the federal government for framing the drug crisis, Boyes-Watson does not address the coercive fact that businesses were required to implement drug policies if they wished to apply for contracts with the government; the humanitarian argument gives way to financial incentives. This indeed is a serious oversight when attempting to explain the prevalence of employee drug testing within the last few decades.

Summary

Those who challenge the effectiveness of drug testing in determining impairment and those who criticize the intrusive nature of employee drug testing unwittingly isolate the origin of problems within the individual by arguing for performance based testing. Such tests may prove advantageous in reducing some workplace accidents and are agreeably less embarrassing than having to provide a urine sample, however, this sleight-of-hand replaces one control for another. Performance tests will concentrate the focus more firmly upon the individual and identify problems not only associated with illegal drug use such as impairments from over-the-counter drugs, problems with family, distractions from finances or even the ride to work; all problems with the individual and not the job.

The passage of the Drug-Free Workplace Act of 1998 and the advances in immunoassay technology that can identify drug use over a period of several months will ensure that the debates for the need of employee drug testing will continue for some time. Ironically, scientific and methodological advances may inadvertently contribute to the belief that drug abuse by the American worker is worse than first suspected. The coupling of legislation that allows even the smallest business to implement employee drug testing with the new testing technologies will undoubtedly find deviance where none before existed. This is not to say that infrequent drug abuse is not an act of deviance as

currently defined, only that better methods in combating drug abuse will bring the most casual of drug abusers to light. As a result, the drug test begins to discipline the workforce by defining behaviors that are unacceptable in, and out of, the workplace causing some employees to adjust their behavior and all employees to become accustomed to being objectified.

CHAPTER 3

METHODOLOGY

As the title suggests, the focus of this work is on the phenomenon of drug testing with a special emphasis upon drug testing within the workplace. This investigation is intended to offer an explanation to the growing acceptance of drug testing throughout all of society but will be restricted to the workplace as employee drug testing is a common reference point for debate and has been the topic of numerous studies. It is at the point of workplace testing that I will challenge the claims made for the need to drug test and the success of testing in eradicating drug abuse in America. A brief history of the drug crisis and drug testing will set the stage for the discourse justifying this control. A content analysis of the hearings surrounding the Drug-Free Workplace Acts of 1988 and 1998 will illustrate how the narrative of science is used to perpetuate the continued need for testing. This chapter will detail the procedures used for this analysis.

Critical Analysis

By grounding this research in critical theory I am attempting to challenge the explanations for drug testing in general, and employee drug testing specifically, that are posed by other sociological theories such as structural, conflict, and even some critical theories. In order to accomplish this task I will focus on domination; the domination of discourse as opposed

to the overt oppression of some individuals by others. As I have suggested above, the discourse of drug abuse in America has been delimited by a rhetoric framed within the narrative of science which reduce debates to merely binary oppositions. This analysis will offer explanations as to how we arrived at this point and present possible consequences if this domination remains unchallenged. I realize that by drawing distinctions between dominance of discourse and knowledge, and dominance--oppression--of individuals, I open myself to heated theoretical debate. I agree that those with power over individuals are often the same persons who may have influence over the discourse. The distinction here is based on the belief that discourse can be used as a resistance to popular interpretations and to the promotion of alternative viewpoints; essentially a challenge to the notion of the monopoly of power. The concern then is to challenge the constructed binary oppositions found not only within the discourse of drug testing but also within the discourse of theory that attributes power as the sole propriety of select individuals and ideologies.

Attempts to explain the social control of drug testing solely within the workplace are myopic in that they tend to preclude the consequences associated with refining the techniques of testing. New technologies and regiments, such as RIAH and random testing, allow a deeper gaze into the behaviors of individuals; behaviors that occur well outside the confines of

the workplace. Even those who do not abuse drugs are confronted with the consequence of having to adjust their behaviors. For example, they must now keep records of any over-the-counter and prescription medications which they may be using in the case that they need to provide a valid reason for any positive result that may come from employee screenings.

To adequately explain the preeminence of drug testing, we must consider the relationship between social conditions and individual actions. Suggesting that corporate America adopted drug testing simply as a new form of scientific management is indeed a cogent argument (Hecker and Kaplan 1989; Boyes-Watson 1997), however, this provides us with only part of the story. What is missing is that drug testing is not limited to the workplace and that not all proponents of drug testing have an immediate economic interest in a productive workforce. For testing to have become a viable mechanism of control a shared acceptance of the success of testing in combating drug abuse was required to institutionalize the test. This acceptance stems from the scientific narrative that legitimates our stock knowledge that promotes the efficacy of testing (Berger and Luckmann 1966; Gusfield 1981; Weiss 1986).

Social History

Social determinist theories present history in time line fashion giving the impression of causality to events leading to contemporary phenomena and technology. Foucault suggests that

history is malleable and does not follow a predestined course of events but instead is subject to accidents and errors that can change the direction of history at any time. Therefore, to identify an origin or an endpoint to any contemporary event, technology, or ideology is merely an exercise in arbitrariness. The method used here begins with present conditions and works backward, searching for the fractures and fissures of events that have influenced history. In this analysis I suggest that the fractures and fissures are the confluence of social conditions, moral and political hegemony, and technology. This country and society have dealt with issues of drug abuse and intemperance for many decades and have had the technology to screen bio-samples for more than half a century yet drug testing had not been widely accepted until relatively recently. My focus is on the events of the 1980s and 1990s that conjoined a social problem and technology so inextricably in the form of the drug test; the "disruptions" that made possible the acceptance of this control. Again, this method is used to avoid providing general social laws that insinuate causality. As such, we should not consider employee drug testing as the logical culmination of employee control through advancements in scientific management nor should we suggest that the medical technology of chromatography is the panacea for drug related problems.

I have chosen to work back to the 1980s when employee testing was not familiar to the public and follow through to the

present where drug test kits may now be purchased to test family members, where secondary school students are required to take drug tests if they wish to participate in extra-curricular activities, and where manufacturers of drug tests are lobbying congress to endorse a national standard of testing hair samples (U.S. Congress 1997; Biskupic 1998, 1999).

I draw heavily upon the *Washington Post* to assist in establishing the social environments that paved the way for drug testing. The media have long been charged with shaping the understanding of reality through the selective reporting of information (Schudson 1978; Parenti 1993) and through the construction of social problems, often providing images that lead to a new knowledge of a problem (Fishman 1978; Gamson et al. 1992; Leiber, Jamieson, and Krohn 1993) which may subsequently fuel development of new social policy. Reviewing articles from the *Washington Post* is ideal not only in that the paper is published in the nation's capital but also the extensive coverage of the federal government sets the stage for the reflexive nature of constructing social reality.

My purpose is to frame the political and public tenor concerning the drug crisis prior to the legislative hearings for the Drug-Free Workplace Act of 1988 and the Drug-Free Workplace Act of 1998. In order to establish the dominant ideologies present at these times I reviewed the *Washington Post* newspaper for the three months prior to the hearings nearest each of the

Acts. The three month period was selected as being representative of the media and public concerns about drugs and drug abuse at the time of the hearings. A review of only one month before the hearings risked being skewed by sensational stories, such as the Conrail and Amtrak collision, whereas a three month review provides a variety of news reports that would be fresh in the minds of the public and of those involved in the hearing process. The reviews were conducted from February 13, 1987 through May 13, 1987, and February 15, 1998 through May 14, 1998; the search did not indicate any stories relating to drug abuse or drug testing on the date of February 14, 1998. Using the "advanced search" option given on the *Washington Post* Internet site <<http://www.washingtonpost.com/wp-adv/archives/advanced.htm>> I was able to identify 147 news reports for the three months prior to the hearings for the 1988 Act and 41 articles for a similar time period prior to the hearings for the 1998 Act. The articles were identified through the keywords: drug abuse (anywhere in the story) or drug testing (anywhere in the story) and not AIDS (anywhere in the story). The "and not AIDS" filter was selected as a preliminary search revealed that HIV also garnered media attention wherein the "or drug testing" filter would produce hits on stories relating to research on drugs for combating the AIDS virus. The striking difference in the attention given to news reports concerning drug abuse and drug testing between 1987--147 articles--and 1998--41

articles--is itself telling of the construction of the crisis that gave rise to the "war on drugs." This phenomenon alone is worthy of further study, however, the concern here is to understand why, in light of diminished media attention, legislation was enacted that specifically calls for employee drug testing and to expand drug policies to even the smallest of businesses.

Some caveats must be given at this time as I found the search to be somewhat problematic. Computer search engines provide for the quick retrieval of desired information, however, the searches are taken quite literally; that is, the computer will seek out only that which it is directed to find. The *Washington Post* archive site allows for only three keyword choices thereby delimiting any search. As I have already discussed, my search was further restricted by the need to use one of the keyword options so to remove articles dealing with drug testing in relation to medical research. After constructing the list of articles for review a cursory scan of the *Post* found that many news reports pertaining to the war on drugs or to particular drugs and drug related issues were overlooked by the computer search. Examples of these articles include: legalization of marijuana for medical purposes; the death of a youth from inhaling lubricants; the suspension of a student for violating school zero-tolerance drug policies by giving another student a Midol® pill to relieve cramping. For purposes of

replicability, I chose to review only those articles identified through the archive search. I feel that the articles examined are sufficient for establishing the social conditions and public concerns about the drug crisis throughout the 1980s and the 1990s.

Content Analysis

The data chosen for analysis are the transcripts of the hearings for the Drug-Free Workplace Acts of 1988 and 1998. This will include the hearings entitled *Drug Abuse in the Workplace* (1986); *Drug Testing in the Workplace* (1987); *Corporate America and the War on Drugs* (1997); and *How Best to Obtain a Drug-Free Workplace* (1998). The hearings are comprised of bi-partisan legislative committees that considered testimony from selected leaders in the business, insurance, legal, and research communities. The earlier hearings included testimony from the heads of labor unions, directors of professional sports leagues, as well as employees--specifically Conrail engineer Ricky L. Gates--attesting to the evils that drugs bring to the workplace. Subjecting the data to content analysis exposed the common themes that run throughout the testimony and subsequent legislation and allowed examination of the discourse that is instrumental in framing the perception and application of drug testing within the workplace.

The method of content analysis has generally been associated with a quantitative process that emphasizes denotative

repetition; that is, the counting of repeated words, phrases, and themes (Sumner 1979). This type of analysis merely selects a data source and positivistically dissects the content without taking into consideration the context of the discourse; a procedure which can lead to false conclusions (Abel 1974; Sumner 1979). Sumner (1979) points out that content analyses often fall into this trap of non-contextualization where the discourse (content) is assumed to rest on its own validity as being a true phenomenological experience. In other words, significance is exemplified by repetition thereby implying repetition (of words and themes) as an expression of the ideology of the interpretive subjects (speakers/reporters) (Sumner 1979:72). The methodological flaw then is that ideology is held with the content of the exchange rather than with the subject thereby allowing the ideology to change depending upon which words or themes are chosen for examination.

Sumner argues that content analysis should engage in "speculative criticism," a method that is "avowedly subjective, qualitative, and unsystematic" (Sumner 1979:80). This method allows the reader to move past the superficiality of cursory readings and subsequent imaginary explanations of ideology without reference to context; for example, historical and social accounts. The discourse must be considered in relation to its context as the ideologies and prejudices of the interpretive subjects are shaped by their world-views and are brought into the

discourse rather than emerging as products of the discourse. A rich reading of the content that includes the socio-historical meaning of the exchange will allow the ideologies to emerge. In relation to the subcommittee hearings, the venue is rigidly formatted within the political realm where the legislators, already favorable to drug testing, are hearing testimony from corporate leaders and researchers who are also highly favorable to drug testing. Therefore, the analysis must be sensitive to the shifts in social conditions, the political tenor, and the economic motivations that had occurred between the Drug-Free Workplace Acts. Again, this will be provided by a review of the media accounts of the drug problem.

The preliminary reading of the hearings revealed the basic, overarching, themes of safety, productivity, and health/well-being. Whereas the theme of safety was emphasized in the 1980s, health/well-being is given more attention in the 1990s. This shift is indicative of the redefinition of the drug abuser; drug abuser as criminal and a threat to those around him, to drug abuser as a victim of drugs and a threat to her own well-being. This refocus of themes is important for the continuation of employee drug testing. With the wave of criminal and catastrophic activity subsiding in the workplace, at least as reflected in the media, the drug test can be justified as a goodwill effort by helping individuals realize their addiction;

the test is now concerned with the physical health of the employee.

As my interest is on how these themes are presented to the public and which factors allow for the general acceptance of drug testing, the analysis centers on the narrative of science. For the purpose here, this narrative will include all references that contain and allude to positivistic support as well as statements that presume common knowledge. These references were coded into three categories: manifest, latent, and suppositional. Manifest references are those statements that present some statistical findings in support of the argument. Examples of the manifest narrative include: "90 percent of alcoholics experience one relapse every four years...55 percent of addicts are prone to a relapse." (U.S. Congress 1997:30) and "[at WMX] the urine test indicated 98 positives while the hair test exposed 232 positives. If we would have hair testing for 10 years we would remove 5,000 drug users from the work force" (U.S. Congress 1997:78). Latent references imply but do not provide statistical support for the statement presented. The latent narrative includes: "The number of lives saved by getting people off drugs will be far greater than those saved by the trillions of dollars spent on cleaning up the environment." (U.S. Congress 1998:15) and "[we have] several reliable estimates that most drug abusers are employed. I suspect that, like most Americans, who work, most of these people hold jobs in small businesses" (U.S. Congress 1998:1).

Suppositional references are presented as a matter of fact making no effort to support the statements. Examples here are: "[crack is so] highly addictive that on an Easter break, a youngster can find themselves chemically dependent and addicted by the time that Easter break is over." (U.S. Congress 1986:10) and "drug abuse is linked to increases in crime, the AIDS outbreak, new strains of tuberculosis, increased healthcare costs, and homelessness" (U.S. Congress 1997:117).

The narrative flows freely throughout the hearings and is equally effective in promoting each theme. It is not my intent to suggest that the narrative of science is in every instance scientific; as I argue below, even the manifest references are questionable in their logic. Of importance here is that the narrative is presented in an authoritative manner that provides the basis of support for legitimating drug testing.

CHAPTER 4

ANALYSIS

In this chapter I examine the transcripts of the congressional hearings dealing with workplace drug testing and illustrate how subtle differences in the national discourse shifted from drug abuse as being detrimental to productivity and safety--the employed drug abuser as threat--to drug abuse as being detrimental to the health and well-being of the society--the employed drug abuser as victim of addiction. This definitional shift did not find a corresponding abatement in the discourse concerning employee drug testing. Rather, the hearings held prior to the Drug-Free Workplace Act of 1998 redoubled the efforts to test employees for drug abuse. I begin by setting the ideological tenor of drug abuse and drug testing in the United States, or at least the District of Columbia, through a review of *Washington Post* articles prior to the hearings in 1987 and 1998. This allows a contextualization of the congressional hearings and provides a frame of understanding for the rationale promoting the need for employee drug testing. I then compare the sets of hearings that are separated by ten years so to clarify the changing concerns of how drug abuse is affecting American society, but more importantly, to better illustrate how the discourse continues to refocus upon the need for increased employee drug testing. This underscores the construction of the binary view of drug abuse and the drug abuser.

As I have already suggested, the arguments for employee drug testing are framed in the narrative of science where objectivity, precision, and rationality are key to the justification for imposing and increasing this control upon the workforce. I will challenge these arguments and show that the justifications for testing often rely upon faulty methodology and conjecture resulting in misplaced trust in the effectiveness of drug testing as a deterrent and subsequently promoting drug testing as a discipline of behavior.

Growing Concern

As described in the previous chapter, I reviewed several *Washington Post* newspaper articles dealing with drug abuse and drug testing at the time of the congressional hearings for the Drug-Free Workplace Acts of 1988 and 1998. In the three months prior to the May 13, 1987 hearings, the *Post* ran 147 articles dealing in some way with drug abuse or drug testing, whereas, in the three months preceding the May 14, 1998 hearings 41 articles concerning drug abuse or drug testing appeared in the *Post*. The dramatic decline in the number of reported stories suggests a shift in attention away from the war on drugs. The discourse within these stories reflects the change in attitudes toward drug abusers that can also be found in the transcripts of the hearings. These shifts will be discussed below, as for now, the focus will be on framing the perception of a drug abuse epidemic. The intensity found in the newspaper accounts in 1987 mark the

level of concern that drug abuse in the United States was indeed a problem that threatened to destroy America by attacking the economy and the citizens. Early drug testing results brought to light the pervasiveness of drug abuse in professional and amateur athletics (Asher 1987a, 1987b; Asher and Pomerantz 1987; Naughton 1987) and the workplace (Baker 1987; Gregg 1987a; Lancaster 1987a; Thornton 1987a). The stories often present individuals identified as drug abusers as portraits of despair where drugs have wrecked not only their lives but also the lives of those they have come in contact with. These stories show that no one is immune from the effects of drugs, both in the lure of drugs and in harm at the hands of drug abusers.

A common theme that runs through the news articles is that the drug abuser must be identified at all costs. A lethal collision in early 1987 between the Amtrak Colonial and three Conrail engines became a rallying cry for those who demanded employee drug testing. Conrail engineer Ricky L. Gates failed to yield at a stop signal and entered onto a track that was designated for the high speed Colonial. Moments later, the slower Conrail engines, traveling at 60 miles per hour, were struck from behind by the Colonial traveling at over 100 miles per hour. The ensuing collision resulted in the deaths of 16 passengers and crew of the Colonial with injuries to 175 more (Lancaster 1987b; Lancaster and Engel 1987; Specter 1987; Valentine 1987). Post-accident drug testing of Gates and his

brakeman, Edward Cromwell, revealed the presence of cannabis metabolites in their urine samples. Subsequently, the cause of the collision to the Conrail crew's smoking of marijuana. More disconcerting, however, was that Gates and Cromwell were able to fool trained Conrail supervisors and National Transportation Safety Board investigators by not showing any signs of impairment from illegal drug abuse. Such deception made for a "very compelling argument for random [drug] testing" (Lancaster and Engel 1987:A1). This incident as well as other stories up to the 1987 hearings clearly indicate the perception in this country of drug abuse as being out of control, posing serious and life threatening consequences to those innocent persons who do not use drugs.

The Hidden Problem

The congressional hearings in 1987 convened with the intent of examining the need, efficacy, and constitutionality of employee drug testing. Under the premise of objectivity, the hearings quickly become a blend of fact and conjecture used to promote the necessity of random drug testing. The witnesses testifying before the committee consisted of federal administrators, the Assistant Attorney General of the United States, human resource directors from large companies that have already implemented employee drug testing, union presidents, and various doctors and pharmacologists familiar with the processes involved with immunoassay and gas chromatography/mass

spectrometry technologies. Throughout the testimony, the drug abuser is portrayed as an individual with no regard for the concerns or welfare of others in society and who must be exposed as a threat to the economic and physical security of the non-drug using citizens of the United States. This theme is instrumental in justifying the infringement upon an individual's constitutional rights as there is no expectation of privacy when the "compelling interest of society" is at stake.

Committee chairman, Joseph Biden, Jr., opens the hearings by stating that:

Drug abuse has been identified as a major factor in reduced worker productivity, increased tardiness and absenteeism, greater use of medical benefits, more accidents and injuries, and theft." (U.S. Congress, 1987:1)

This statement frames many of the problems associated with the operation of a business and the supervision of a staff as being caused by employees abusing drugs. The resulting questions by the committee, and the testimony from the witnesses, stem from the premise that drug abuse is a significant problem in all workplaces and that drug testing can greatly reduce these problems. Throughout the testimony there are no citations of research that presents the extent of drug abuse in either the nation or the American workplace. However, this does not dissuade witnesses from confidently espousing that a problem does exist. Arthur Bunte, Jr., president of Trucking Management, Inc., presents employee drug testing as being instrumental for

the outstanding safety record of over-the-road truck drivers in his claim that in 1986, less than two tenths of one percent of his drivers tested were implicated in alcohol or drug related incidents (U.S. Congress 1987:80). He then goes on to state:

I do not believe that any of us know how large of a problem we have with drug and alcohol abuse on the nation's highways as a whole. We do know that there is a problem and it has to be corrected. (P. 80)

When queried about the extent of illicit drug abuse among federal employees, Assistant Attorney General, Richard Willard, also relied upon unfounded beliefs as to the pervasiveness of drug abuse in the workplace and the unquestioning need for drug testing by stating: "[that you do not have to] quantify the problem before you can do something about it" (U.S. Congress 1987:217).

The Drug Abuser as Threat

A dominant theme within the 1987 hearings is that of the drug abusing employee being out of control and posing a serious threat to other employees and the public in general. As discussed above, Ricky Gates unwittingly assumes the role of the epitomic drug abusing employee who wreaks havoc upon an unsuspecting population. The Amtrak and Conrail collision is referred to by three witnesses and recounted in three letters read into the testimony from family members of some of those killed in the collision. John H. Riley, from the Federal Railroad Administration, voices the anger aimed toward drug

abusing employees by stating that "The public has an absolute right to be protected from the consequences of alcohol and drug abuse in the workplace" (U.S. Congress 1987:17). After extolling the benefits of pre-employment, reasonable suspicion, and post-accident testing in the railroad industry, Riley points out that the railroads consistently find five percent positive test results which "makes clear that the public is still exposed to significant consequences of alcohol and drug abuse" (U.S. Congress 1987:21).

Random drug testing is argued to be the only tool available that is able to expose even the most devious of drug abusers. Employees who abuse drugs are believed to be able to infiltrate all types of business and to skillfully mask their drug abuse thereby becoming a potential for disaster. This logic is driven by the belief that the devious drug abuser will steal from the company, both in terms of time and money, and will be more likely to be involved in incidents that include serious or fatal injuries. Most troubling is that the drug abuser looks just like everyone else; able to elude detection by even the best-trained supervisor. E.A. Weihenmayer, director of human resources for Kidder, Peabody, points out that the "real concern...is the employee who uses drugs when the drug use is not visible" (U.S. Congress 1987:48). Unlike alcohol, where impairment may be easily detected through slurred speech and lack of coordination, the shared understanding is that employees who use marijuana,

cocaine, PCP, amphetamines, or opiates will not always exhibit physical symptoms of impairment but will, however, be impaired and pose a hazard to the workplace. Dr. Robert L. DuPont, Jr. confirms this perception by arguing that the presence of drug metabolites in a person's urine is a direct indication that the metabolites are also in that person's brain "and the possibility of impairment can be inferred" (U.S. Congress 1987:201).

The threat expands to all non-drug using employees as the drug abuser is considered to be a "contagion" in the workplace. The logic here is that the drug abuser develops a misplaced sense of control over his addiction leading him to proselytize the benefits of drugs to fellow employees thereby potentially "infecting" the entire workplace with drug abuse (U.S. Congress 1987). While employee drug testing is considered to be an effective method of identifying and deterring drug abuse, the concern is that current--1987--practices allow many drug abusing employees to avoid detection. Industrious drug abusers are considered deft in their ability to regulate their drug abuse--so to appear drug-free at times of scheduled tests--to adulterate their specimens, and to "switch urines" at the time of a test (U.S. Congress 1987:153). The argument becomes a demand for random drug testing. The testing of anyone at anytime with very little notice is considered to be the best defense against the rising tide of drug abuse. Again, random testing of employees is promoted as a means to identify those drug abusers who do not

show physical signs of impairment. Chairman Biden, voicing concerns as to the constitutionality of employee drug testing, oddly argues that random testing is a less egregious intrusion upon individual rights since reasonable cause testing has the potential for abuse by untrained or vengeful supervisors. This logic suggests that questions of legality vanish when intrusions upon personal privacy are conducted in an arbitrary and random manner. Biden goes on to state that random drug testing is needed "to make clear to the public [the breadth of drug abuse] because there is overwhelming evidence that people deny the existence of the problem" (U.S. Congress 1987:339).

Victory Over Drug Abuse

As indicated above, there is a striking contrast between the number and content of *Washington Post* newspaper articles over a single decade. Even with the war on drugs continuing into 1998, there were no stories dealing with the tragedy of drug abuse; such as, impaired employees taking the lives of innocent people; drug dealers poisoning the careers and lives of many of America's finest athletes; nor drug related carnage in urban areas of the District of Columbia. To the contrary, stories reflect a triumph over drug abuse (Brennan 1998; Shear 1998; Trafford 1998) with the majority of articles concentrating on preventing drug abuse among children (Davis and Wilgoren 1998; Evans 1998; Fernandez 1998; Lenhart 1998; Vise 1998).

The shift in the media away from drug abusing individuals causing damage upon society to a focus upon how drugs harm individuals, particularly children, reflects a redefinition of the drug abuser as once again being a person in need of help with her addiction. With the media still considering drug abuse to be a significant threat within the country (Grimsley 1998; Iverem 1998; Ordonez 1998) interests are redirected away from the workplace and more toward the schools where education about the physical and criminal dangers posed by drugs took priority (Evans 1998; Lenhart 1998). This concern for the well-being of the children goes much further than simple education and "just say no" programs. In an attempt to stave off "destructive behavior," urban business owners removed products from their stores which could be used as drug paraphernalia; a move thought to keep children off the path to further crime (Fernandez 1998). School districts, too, took the initiative in combating drugs by implementing zero-tolerance policies that included the testing of student athletes, searching lockers, and other student areas. The Fairfax, Virginia school district uses canine officers to sniff out drugs in the schools. District officials "know" that drugs are being used but have difficulty finding illicit drugs as the children are becoming "increasingly creative" in hiding their drug abuse (Davis and Wilgoren 1998:B8). Such drug sweeps are not viewed as an invasion of privacy but as a deterrent to drug abuse. Fairfax hearing officer, Richard Doyle, states that this

is a positive message in that "[he is] going to use all means to keep you [children] safe" (Davis and Wilgoren 1998:B8). The emphasis on drug testing, at least within the media, moved away from the workplace and focused on the benefits of early detection of drug abuse through testing. Drug testing began to be held up as a tool for educating persons to the evil of their ways and providing the opportunity to get help with an addiction that is ruining their lives.

The Persistent Problem

The that hearings convened in 1998 reflect the subtle yet significant shifts in emphasis away from the problems caused by drug abusing employees and the need to remove such individuals from the workplace, to a more humanitarian concern with how drugs are affecting workers and potential workers and how drug testing will benefit the health and well-being of addicted workers and their families. In essence, employee drug testing was moving beyond the desire for a safe workplace and becoming more concerned with providing for a healthy workforce.

Employee drug testing, while not recommended in the Drug-Free Workplace Act of 1988, has become commonplace among large companies--500 employees or more--but is not often found in smaller businesses where the cost of testing can be prohibitive. The opening statements of committee person Bill Pascrell, Jr. outline the goals of the committee by acknowledging that: drug abuse is still rampant in the United States; employee drug

testing is a fact that will continue in hope of increasing the number of drug-free workplaces; zero-tolerance is the ideal with an emphasis on the "total health of the employee, physical and mental;" and that corporate drug policies and employee drug testing benefit all employees and their families by providing for a sober work environment and in identifying addiction problems that can be treated (U.S. Congress 1998:3).

Both the members of the committee and the witnesses extol the advantages of successful drug testing programs, however, all express concern for those smaller businesses that do not have drug policies in place. Suddenly the small business owner without a drug testing program is at greatest risk. This reasoning suggests that drug abusers will gravitate to those businesses that do not test and will ultimately wreak financial havoc upon the business. The stated purpose of the proposed legislation is to provide financial aid and expert advice to those small businesses that wish to test employees but find the cost restrictive. Like the hearings eleven years earlier, these assumptions are declared without reference to any study and are again taken as fact. Committee chairman, Mark Souder opens the hearings by stating that:

We know from several reliable estimates that most drug abusers are employed. I suspect that like most Americans who work, most of these people hold jobs in small business. (U.S. Congress 1998:1)

Congresspersons and witnesses alike are quick to present the "fact" that even with the success of drug testing programs across the country there remains a considerable level of drug abuse that threatens the entire nation. Beth Lindamood, a representative of Great American Insurance Company, also promotes the belief that drug abuse is still at crisis proportions and the small business owner should be most concerned, particularly in times of boom economies. She states:

Between 12 1/2 to 16 percent of currently unemployed Americans are drug users. As the unemployment pool shrinks, these addicts will be absorbed into the workforce and become a particular problem for the small businesses that do not drug test. (U.S. Congress 1998:28)

Here the danger being expressed is not currently within the workplace but is framed as a potential problem if pro-active steps are not taken; employee drug testing is now aimed specifically at the workforce.

Similar to the testimony in 1987, the drug abuser is presented as a devious individual who will do everything in his power to continue his addiction at the expense of his employer. Again, these statements are made as fact and are persuasive in justifying employee drug testing programs. Business owner Rudy Guzman states that drug abusers are "real creative" in finding ways not to get caught and further claims that "people who use drugs are also very good liars" (U.S. Congress 1998:56). Beth Lindamood echoes the industriousness of drug abusers by telling of crack-house raids that turn up lists of businesses in local

areas that do not drug test; these lists are given to the addicts so that they may find employment so to maintain their habit (U.S. Congress 1998). Playing upon fears that drug abusers are able to find employment, mask their drug abuse by not exhibiting symptoms of impairment, and cause untold amounts of economic loss for a small businesses, a pamphlet read into testimony tells business owners that "If you aren't testing, how can you possibly know that you have no problems [with drug abuse on the job]?" (U.S. Congress 1998:79).

(Re)justification

The testimony directs the foci of employee drug testing even further from the workplace by suggesting that testing programs have a tremendous effect upon the family members of employees and may even help to reduce teenage drug abuse. This line of reasoning is consistent with the new, humanitarian, emphasis on drug testing as a means of helping individuals to become healthy.

While drug abuse is still considered an epidemic in the United States, the testimony slips into an oscillation between the need to help the addicted worker and the need to aid the non-drug using employee who may experience drug abuse in his or her family. Barbara Thomas, president of Warner-Lambert pharmaceuticals, testifies that employee drug testing programs must be expanded to all companies to counter the growth of drug and alcohol abuse among children. She states that Warner-

Lambert's drug testing program "can make a difference not only in the lives of our colleagues but also to those whom they hold dear" (U.S. Congress 1998:12). Raymond Slodavin of Phoenix House echoes this sentiment as he believes drugs to be the major problem facing today's children. While employee drug testing does not specifically include family members, the logic is that company drug policies will impress upon the employee the evils of drug abuse and offer a base of knowledge that the employee may use to identify drug abuse in his or her children. Chairman Mark Souder provides the tenuous justification for including family members in a discussion of employee drug testing by pointing out that children are future employees. He suggests that children may start with abusing alcohol and tobacco but a "significant number" move on to marijuana and if not caught in the early stages, they move to cocaine and heroin (U.S. Congress 1998:58).

Narrative of Science

There is no doubt as to the objective and exacting quality of immunoassay and gas chromatography/mass spectrometry technology; these tests are able to identify drug metabolites held within the body months after the alleged use. Such tools seem ideal for identifying and removing impaired employees from the workplace except for one simple limitation of the technology: drug testing cannot determine the degree of impairment of an individual (U.S. Congress 1987; Zimmer and Jacobs 1992; Hanson 1993; Normand et al. 1994; Trice and Steele 1995). Given this

caveat, employee drug testing has been successfully incorporated into the workplace by being buttressed with the narrative of science. This narrative is manifest both in the form of empirical justifications that espouse facts and figures, and unsupported statements that imply an informed knowledge.

As Crow and Hartman (1992) suggest, data can, at times, be quoted out of context and, if presented often enough, can become an unquestioned reality. In this section I will question the narratives used to promote employee drug testing and challenge the rationale of the arguments being presented in the congressional hearings and the media. I will concentrate on three dominant themes that persist within the discourse of justifying employee drug testing: (1) Drug abuse is extensive in the workplace; (2) Drug abuse as an economic and personal threat; (3) Employee drug testing programs are effective in reducing drug abuse.

The Number One Problem Facing the Country

The Reagan administration considered drug abuse to be such a tremendous problem that a war on drugs was launched in the mid-1980s with an Executive Order demanding that federal employees be tested for illegal drug use (Staudenmeier 1989b). No one appeared to be immune to drug abuse and this concern was reflected within the media where drugs were often spoken of as a "scourge," an "epidemic," a "plague," and a "national crisis." While news reports on drug abuse began to wane in the 1990s, the

war on drugs continued with a refocus on the threat of drugs to America's children (U.S. Congress 1998).

A general consensus that drug abuse was at epidemic proportions appeared to be enough to justify employee drug testing. Given empirical accounts of positive test results below five percent, there continued the belief that current drug testing underrepresented the level of abuse within the workplace. Defining the true extent of the drug abuse problem in the workplace relies mostly upon statements of conjecture that merely imply some empirical reasoning. These statements incorporate phrases such as: "several reliable estimates"; "no solid statistics"; "we do know" drugs are a serious problem; and employees recognize drugs to be "a very significant problem" (U.S. Congress 1986, 1987, 1997, 1998). Lack of evidence seems to be a motivating force for implementing employee drug testing programs. This reasoning suggests that drug abusers are in every workplace and failure to acknowledge this "reality" equates to employers being soft on drugs. Drug testing then becomes a necessity even in those businesses with no history of problems associated with workplace drug abuse; the image presented is that it is only a matter of time before a problem appears (Parker, 1988; Priest, 1988; U.S. Congress, 1987, 1998).

Ironically, employee drug testing does allow for a quantification of drug abuse in the workplace by offering statistics on samples that indicate the presence of drug

metabolites. Depending upon the time of the test--pre-employment, post-accident, random--the type of test--urine or hair--and the type of industry, testing generally identifies between one and five percent of the samples as being positive (Hanson, 1993; Newcomb, 1994; Macdonald, 1995; U.S. Congress, 1997, 1998). Given the limitations that testing rarely indicates drug abuse on-the-job and that rates of positive results found in one industry cannot be extrapolated to other businesses, the information derived from testing is offered through the testimony as proof that the drug problem remains pervasive in the American workplace.

Empirical evidence as to the extent of drug abuse by employees is incorporated within the discourse and is framed in such a way to persuade small businesses to implement testing programs. Again, statistics are present during the hearings without reference to their origin and some "facts" are supported only through conjecture. As I have mentioned above, employee drug testing finds between one to five percent positives, however, the 1998 hearings warn "for the average company, 15% of employees are substance abusers" (U.S. Congress, 1998:79). Even this figure, over 300 percent of that normally found through drug testing, is presented as possibly being under-representative of the truth, especially in relation to pre-employment testing. Low rates of pre-employment positive results--between three and four percent--are attributed to the belief that those not returning

for the scheduled test are drug abusers (U.S. Congress, 1986, 1997). This binary logic denies the possibilities that some applicants may not return for other reasons, such as, being offended by the request; for deciding after the interview that the job is not desirable; or simply that they accepted another job offer where they may have agreed to take a drug test. The implication remains that drug abusers will continue their employment search until they find a business that does not have a testing program.

Possibly the strongest evidence offered to encourage small businesses to drug test can be found in the statistic that "over 70 percent of drug abusers in the United States are employed" (U.S. Congress 1997:101). This figure, which fluctuates between 70 and 74 percent, is presented and (re)presented by eight committee members and witnesses. Raymond Kubacki strengthens the need to test by reintroducing the fear of contagion when stating that "44 percent of drug abusers sell to fellow workers" (U.S. Congress 1997:101). Beth Lindamood emphasizes that all businesses should conduct employee testing. She points out that of the 70 percent of employed drug abusers, "57 percent are employed by small businesses" (U.S. Congress 1998:28). These figures are indeed frightening, still, they are offered without reference and are taken to be common knowledge.

If, as the discourse readily admits, there is no hard evidence as to the extent of drug abuse by the workforce, and

with drug abusers able to conceal their addictions from those who work closely with them, then how do the witnesses know that 70 percent of drug abusers are employed and 16 percent of unemployed Americans abuse drugs? This would suggest that the number of persons who abuse drugs in the United States is a known quantity. This lack of evidence does not hinder Lindamood's confidence in knowing that 16 percent of unemployed Americans abuse drugs. With no reference to these facts, the study that appears to be the source for this widely cited information may be a survey conducted in 1983 of callers to a cocaine addiction hotline. Washton and Gold (1987) selected 500 callers to the hotline and collected demographic information on gender, race, education, and income from the cocaine addicts seeking help. They also provided information indicating that "Seventy-four percent [of employed callers] said they used drugs at work." and "44% [of employed callers] said they had dealt drugs to fellow employees" (Washton and Gold 1987:19). While these figures may be cause for alarm, this study is in no way representative of all drug abusers and should be questioned on the generalizability of using data drawn from a population that considers their drug abuse significant enough to actively seek assistance. If, indeed, this is the study that provides the statistic on employment rates of drug abusers, then we are given an excellent example of how information, taken out of context and repeated often enough,

eventually becomes "the reality" (Gusfield 1981; Crow and Hartman 1992; Newcomb 1994).

The Cost of Drug Abuse

Throughout the 1980s employee drug testing was promoted as an effective and efficient tool to identify and remove drug abusing employees from the workplace. The discourse presented drug abuse as a tremendous cost financially to businesses not only in the form of losses through accident and reduced productivity but also as a behavior that "endangers" the lives of others in the workplace as well as those in the public (U.S. Congress 1987:17). In this context, drug testing is for the benefit of those who do not abuse drugs. Near the end of the 1980s and into the 1990s, the shift in the discourse no longer presented drug testing as a means to remove drug abusers from the workplace but rather as a tool for helping the drug abuser realize her addiction. The justification to increase testing is now to aid those individuals with their problems; those persons not using drugs should be willing to submit to testing to assist in this endeavor.

A theme that does span the decade between the hearings is that of drug abusers being a threat to the American economy. The economic costs that drug abuse exacted upon society in the mid-1980s were estimated to be between \$60 and \$100 billion annually due mostly to increases in employee absenteeism, medical claims, and shoddy workmanship, as well as decreases in employee

productivity (U.S. Congress 1986, 1987). In the 1990s, with noted decreases in drug usage and the proclaimed success of employee drug testing programs, workplace problems were still attributed to significant levels of drug abuse. The estimated cost to society increased dramatically and ranged between \$140 and \$246 billion annually (U.S. Congress 1997, 1998). The testimony suggests that employee drug testing is essential for the success of any business, especially small businesses where profits are susceptible to the slightest fluctuation in over-head costs. Statistics and "facts" that point to drug abusing employees working at only 67 percent of their productivity level (U.S. Congress 1998:341) and drug abusers costing an employer between \$7000 and \$10,000 annually (U.S. Congress 1997:101; U.S. Congress 1998:79) tend to provide the incentive required to willingly implement a drug testing program.

Throughout the discourse, figures suggesting that hidden drug abusers are costing employers thousands of dollars annually, are presented as fact. Testimony from the witnesses imply that small businesses are losing money by not having drug testing programs in place. Unlike the seemingly groundless arguments relating to the extent of drug abuse in the workplace, the justifications of the drug abuser as an economic threat do provide a scientific source for the data: *The Economic Costs of Alcohol and Drug Abuse in the United States - 1992* (Harwood et al. 1998). The report, compiled by The Lewin Group for the

National Institute on Drug Abuse, does outline economic costs in terms of lost productivity but explicitly cautions that the definition of productivity measures in the report not be expanded beyond the context of the study:

(estimated losses) are accrued in the form of work not performed - including household tasks - and was measured in terms of lost earnings and household productivity. These costs were primarily borne by the drug or alcohol abusers and by those with whom they lived. About \$1 billion was for victims of fetal alcohol syndrome who had survived to adulthood and experienced mental impairment. *This study has not attempted to estimate the burden of drug and alcohol problems on work sites or employers, nor should the estimates in this study be interpreted in this manner* (emphasis added). (Harwood et al. 1998:1-4)

The repetition of citing the \$140 billion and \$246 billion figures throughout the testimony lends a "factuality" to the drug problem that frames testing as an economic imperative. A closer look at The Lewin Group report will better explain where the burdens of substance abuse actually lie.

Acknowledging that alcohol has greater negative impact upon society and the workplace (Staudenmeier 1989a, 1989b; Newcomb 1994; Normand et al. 1994) I will focus specifically on the amount that drug abuse contributes to the costs to society. Of the frequently quoted \$246 billion figure, \$148 billion is attributed to alcohol with \$97 billion attributed to drugs (Harwood et al. 1998:1-8). The economic burden of drug abuse is split almost evenly between the government--\$45.1 billion, or 46.2 percent--and the drug abuser and their household--\$42.9 billion, or 43.9 percent--with the remaining 9.7 percent of the

\$97 billion divided between private insurance companies and victims of the drug abusers (Harwood et al. 1998:1-8). Lost productivity is measured using a "human capital model" which estimates costs in relation to "work not performed" (Harwood et al. 1998:5-1). This calculation is specific to the monies not earned by drug abusing employees when they are either absent from work, off work due to some injury that may be related to drug abuse, or off work as the result of being enrolled in a rehabilitation program. The human capital model also factors in monies not earned due to incarceration or hospitalization resulting from drug abuse, premature death from drug abuse and HIV, and lower than expected earnings of children who suffer from the effects of infantile addictions. A detailed reading of the Lewin Group report makes clear that drug abuse does cost a considerable sum but is no where near the astronomical figures that are commonly presented to the public. What would be of interest is the costs assumed by businesses with no known drug problem but that does implement drug testing; that is, the costs associated with contracting with a certified laboratory, an MRO, lost productivity by taking employees from the workplace to the laboratory, and any costs from rehabilitating employees found to have a problem.

Effectiveness of Drug Testing

The most interesting blend of science and rhetoric is expressed in the justification that employee drug testing is an

effective method in helping and/or removing drug abusers from the workplace. As the Bureau of Workers Compensation points out, testing is so instrumental to ensuring safety that the 85 percent of a company's employees who do not abuse drugs will gladly submit to testing: "They will be happy that they are being protected from drug users" (U.S. Congress 1998:79). Proponents of immunoassay technology, specifically RIAH, are so confident in the probative value of the test that they claim a company that implements hair testing will be able to remove 5,000 drug abusers from the workforce over a span of ten years (U.S. Congress 1997:78). There is no doubt that drug testing, as a tool, is highly effective in identifying a history of drug abuse by an individual (Zwerling et al. 1990; Ackerman 1991; Zimmer and Jacobs 1992; Normand et al. 1994;). Yet, in order to make the transition that previous drug use equates with current drug abuse and impairment, the persuasive argument must be so tightly interlaced with science that the "facts" are accepted without challenge. The acceptance of the effectiveness of drug testing is most salient in the workplace where testing programs are credited with removing the specter of drug abuse and subsequently increasing employee productivity.

As discussed above, no accurate assessments are provided for how many drug abusers are employed in any one workplace; the belief is that drug abuse is pervasive within the society and is therefore rampant in the workforce. Without such measures, the

efficacy of employee drug testing is determined solely through the rates of positive test results. Low positive results--between one-half of one percent and five percent--are claimed by the trucking industry, the railroad industry, the oil industry, and the military (U.S. Congress 1986, 1987, 1997, 1998) thereby proving that employee drug testing is invaluable in removing drugs from the workplace. This still does not provide an answer to how many drug abusers were in the workforce prior to drug testing; quite possibly there may have been only the one percent to five percent to begin with and not the 10 percent to 48 percent as estimated in the early 1980s. By pointing to declines in positive results over the years, the testimony discounts arguments that the problem of drug abuse in the workplace may have been exaggerated. The most significant decline is noted by the United States Navy where positive results in 1986 dropped to three percent after an initial high of 48 percent in 1981 (U.S. Congress 1987:219). The railroad industry also charts a drop in positive results, from 16 percent in 1979 to five percent in 1986 (U.S. Congress 1987:21). Interestingly, the trucking industry has remained remarkably consistent. Arthur Bunte, Jr., in 1986 testified that only two-tenths of one percent of over-the-road drivers tested positive after being involved in accidents (U.S. Congress 1987:80). Richard Manfredi, testifying for the trucking industry 11 years later, quotes a similar figure where only two-

tenths of one percent of truckers test positive for substance abuse in random roadside checks (U.S. Congress 1998:26).

Statistics on positive drug test results deserve a closer inspection to better qualify the capabilities of testing for reducing drug abuse. The interlacing of rhetoric with science obfuscates the methodologies used in collecting data on positive results; a sort of statistical sleight of hand. I do not mean to suggest that this is an intentional practice, but merely a fascination with science that holds to the belief that figures do not lie. An example of "the truth being in the numbers" can be found in the March 6, 1988 *Washington Post*. In the sports section, a small informational box may be found entitled: "Losing their stuff; 3 yrs. of drug testing in major league BB." In bold print we see:

1985	275 tested - 28 positive	10.2%
1986	600 tested - 30 positive	5 %
1987	1000 tested - 30 positive	3 %

(P. B15)

No other information is provided. As the title suggests, we are meant to focus on the right hand column and see that drug testing indeed works since positive rates have fallen over seven percent in the three years of organized testing. No explanation is given to the fact that nearly the same numbers of individuals tested positive each year. It might be that those testing positive year after year are the same players; as was the case with such chronic offenders as Dwight Gooden and Darryl Strawberry. With

the growing acceptance of random drug testing, the testing of greater numbers of non-drug abusing players and staff would then precipitate this decline in the percentage of positive results.

Witnesses before the congressional subcommittees extol the success of their drug testing programs by pointing to the low rates of positive test results. The emphasis is placed on the narrative of science with a concentration solely on the numbers and not how they were derived. Returning to the example of the U.S. Navy, the testimony of the Assistant Attorney General, Richard Willard, is correct in that the testing conducted by the Navy did show a considerable decrease in positive test results. What we do not hear, however, is that inaccuracies with drug testing in the early 1980s caused the reversal of disciplinary action in over 1,000 cases of those Naval personnel tested (Ackerman 1991; Zimmer and Jacobs 1992; Hanson 1993) nor do we hear that in the course of five years, the Navy increased their testing from 160,000 in 1981, to over 1.8 million annually (Ackerman 1991; Mulloy 1991). Again, the dramatic decrease in positive results may be linked to saturating the sample population with non-drug abusers.

The private sector has also increased the number of drug tests administered each year but attributes the decline in positive results to the deterrent affect of testing and not to the possibility that the samples are becoming over-saturated by testing persons who do not abuse drugs. Representatives of

Chevron oil claim the company has a positive test rate of only one percent, and then go on to state that in order to prove their commitment to safety in the workplace, they have expanded their drug testing program from testing only tanker pilots, truck drivers and oil rig workers to testing all employees, including service station attendants. The rail industry, too, proclaims the effectiveness of drug testing as John Riley of the Federal Railroad Administration states:

In the seven years prior to EDT, sixteen percent of post accident autopsies indicated traces of drugs or alcohol. Since [drug] testing has been implemented, post-accident positives are at five percent. (U.S. Congress 1987:21)

This statement is most intriguing in that not only does Riley suggest that drug testing works in reducing drug abuse, he compares the testing of deceased individuals--autopsies of those who died in work related incidents--with the testing of living persons involved in any incident. We can see that the railroad drug testing regulations inflate the sample population by stipulating that anyone who may be involved in an incident must submit to testing (U.S. Congress 1987:47). In the case of a passenger train collision, all the crew, including conductors, stewards, and porters, as well as switchmen are tested for drug abuse.

Resistance

Throughout this chapter I have shown how the war on drugs, fueled by the media, promoted drug testing as an effective and

efficient weapon in exposing "dangerous" drug abusers. Newspaper articles from the late 1980s portrayed drug abuse as one of the major social problems facing the nation. Drugs seemed to be everywhere, used by nearly everyone, and causing the entire nation a great deal of pain and strife. The congressional hearings prior to the Drug-Free Workplace Act of 1988 reflected this perception of drug abuse by emphasizing the emotional and economic costs that drugs exact upon the American people. A decade later, hearings were again convened concerning drug testing in the workplace. While the war on drugs continued to be a priority for the government, the lack of media attention devoted to drug abuse brings into question the perception of drugs as a threat to the workplace. The later newspaper stories tended to emphasize the success of persons battling their addiction and the need to refocus drug abuse awareness toward America's youth. While the hearings do reflect the themes of battling addictions and drugs as a threat to children, the testimony continued to center on the need for more businesses to test employees and for more advanced tests that are able to expose drug abuse well beyond the confines of the workplace. The rationale is that if you test more and more individuals that eventually help will be given to those persons who have a hidden problem. By expanding testing non-drug users will also benefit by gaining a heightened knowledge of drug abuse that can be taken home to family members.

It seems that no matter how the drug problem is defined-- drug abuser as a threat to safety, drug abuser as a victim of addiction, drug abuse as a threat to the nation's youth--the answer is always more drug testing. I have argued that the need to implement, and later to increase, drug testing has relied on a skillful blend of rhetoric and narrative of science that presents "hard" facts and figures as proof of a crisis of drug abuse. I offered resistances to the dominant discourse by challenging the "truths" presented throughout the testimonies. The first challenge is to the figures repeated as common knowledge in regard to the number of drug abusers in the workplace. These figures appear to come from an obscure study of callers to a cocaine hotline and I submit that these facts are taken out of context and cannot be generalizable to the extent of workplace drug abuse. Even when research findings are referenced in the testimony, as is the case with the report by The Lewin Group, there continues to be a selectivity as to which figures become part of the discourse and therefore part of reality. My last challenge is to the methodology used to prove the effectiveness of drug testing through the presentation of figures depicting annual decreases in the percentage of positive test results. It is taken for granted that declines imply efficacy and no challenges are made as to what may account for the decreases. I have suggested, given the testimony as to how and who companies test, that drug abuse in the workplace may not be as prevalent as

first assumed and that the declines in positive results may stem from testing more and more workers who have never used drugs.

CHAPTER 5

THE POWER OF DRUG TESTING

As I have shown, the skillful use of rhetoric, supported by the narrative of science, presents drug abuse as permeating American society and requiring that quick and decisive action be taken to stem the threats posed by drug abusers. The discourse effectively reduced any use of drugs to being designated as drug abuse thereby producing binary oppositions that dominate further debate and action. The view that infrequent drug use is an addiction with serious physical and social consequences helps to elucidate this point. This section is dedicated to a discussion of how employee drug testing is a mechanism of power that reinforces the delimitation of the discourse of drug abuse; that is, the discourse itself becomes normalized disallowing possible objections to drug testing. I will argue that Foucault's vision of power, with his focus of analysis on the individual body, best describes the implementation and perpetuation of drug testing in this society.

Before I proceed I must first say that it is negligent to speak of power without acknowledging the contributions of Max Weber. Utilizing the method of "ideal type," in this instance that of bureaucratic organization, we are able to delineate the structures that have grown around employee drug testing as a result of increased regulation and rationalization. A brief search of the internet attests to the growing regulation through

the number of organizations (e.g.; Office of National Drug Control Policy, Partnership for a Drug-Free America, Institute for a Drug-Free Workplace) devoted to proclaiming the threat of drugs in the workplace and espousing the need for employee drug testing. These sites offer advice on how to properly incorporate testing as part of a company's drug policy; policies designed to help the employees.

Weber is most useful when using the concepts of power, discipline, and rationality--particularly instrumental rationality--when examining employee testing. We are presented with a framework that elucidates how individuals become trapped in a structure of increasing rationality that demands compliance to the rules of the system. For Weber, power implies the probability of imposing one's will despite possible resistances (Weber 1968; Kalberg 1997). Such power is most readily visible in the act of the drug test itself rooted in the ability to have individuals submit to being tested at the risk of losing their job. Through bureaucratization this power rests not with the person(s) demanding or administering the test but with the office or position that they hold. Power then becomes depersonalized within the bureaucracy in order to ensure objectivity in the execution of company policies (Miller 1963; Weiss 1986). The depersonalization of power also aids in the obedience, or discipline, of the employees to allow themselves to be tested; the procedure becomes just another aspect of doing business. The

essence of discipline, as viewed by Weber, is "the consistently rationalized, methodically prepared and exact execution of the received order" (Weber 1968:1149). Routinization of tasks, in this case, selecting, testing, and possibly reprimanding employees, provides the control needed for the continuation of efficient business. A simple charting of company drug policies and advancements in testing technologies will quickly reveal the meticulous attention to detail in regard to the procedures involving employee drug testing. Such a review would provide evidence for Weber's underlying thesis of the indomitable force of ever-increasing rationality.

Again, while I believe that Weber does provide tremendous insights into drug testing as found in the workplace I feel that to borrow from him completely would lead to an analysis that emphasizes the struggle for power; that is, competitions to lead the bureaucracy and competitions between bureaucracies to control drug testing. The purpose of my investigation, however, is how power is manifest in society vis-à-vis the body of the individual and how power maintains and expands control through the (re)justification of the need for control. It is for this reason that I have relied heavily on the writings of Michel Foucault and his discussions of power and discipline as becoming more and more concentrated upon the body of the individual. I have continued in this direction in light of criticisms that Foucault's conception of power is incomplete by not fully developing the

positive, or liberating, aspect of power therefore leaving Foucauldian analyses to emphasize only a unidirectional and negative power (McNay 1994; Patton 1998). Continuing from this criticism, Foucault is faulted for identifying many negative mechanisms of power for which no adequate resistances or balances to the power are given; in other words, for not engaging in praxis (Brown 1998).

Control theorists, believing that deterrence has replaced discipline in contemporary society, also challenge Foucault's applicability (Gibbs 1982; Bogard 1991). This critique centers on a narrow reading of Foucault whereupon discipline, more specifically panopticism, is seen to function only in a concentration or centralization of control; that is, in the form of the prison or the workplace. From this point of view, controls such as community based corrections are considered a decentralization of control thereby rendering Foucault's discipline ineffective (Gibbs 1982). While the theoretical arguments pertaining to the nuances between discipline and deterrence are interesting, they are better left for another time.

For the remainder of this chapter I will concentrate on Foucault's philosophy of power, discipline, the "will to truth," and conclude with a discussion of how each of these concepts offer a greater understanding to the phenomenon of employee drug testing.

Foucault and Power

For Foucault, knowledge and power have become inseparable and are multifaceted within society, unable to be linked specifically to any one individual or interest (Foucault 1979, 1980; McNay, 1994). Therefore, to examine power as being ideologically driven is to produce an artificial logic that would only expose power as the mechanisms and relationships needed to continue the institutions built around power (Foucault 1980, 1983; McNay 1994). Power should instead be studied "where it installs itself and produces its real effects [upon the individual]" (Foucault 1980:97), thereby expressing the fluidity of power in shaping events beyond any possible plan. The emphasis becomes the insatiable need to gather knowledge of the individual and how power is manifest so to continually classify, categorize, and "normalize" the body and how, through discourse, the individual subjugates himself to those divisions and classifications.

Power becomes a policing process in the regulation of society. Through this process there develops the spiraling quality of power and knowledge, a dialectical relationship wherein the quest for knowledge leads to ever more minute classifications of proper behaviors which in turn require increases in power (Foucault 1980; Hutton 1988). As is evident from the foci on epidemiology and studies of sexuality, there has been a fixation to expose to light hidden natures and to set

boundaries for regulating behavior that has established a knowledge of the body; a knowledge that compares, differentiates, homogenizes, (Foucault 1973, 1978, 1980). The definitions of appropriate behavior derived from exacting classifications produce the binary logic, or oppositions, that frame normalization. Such oppositions distinguish between sane and insane, healthy and unhealthy, and as I have suggested above, non-drug user and drug abuser. The mutually exclusive character of binary logic demands one and only one correct behavior thereby restricting the possibility of even thinking of other choices; as an example, the casual use of marijuana cannot be defined as "non-drug use" and, by default, must be classified as "drug abuse." This delimitation of the discourse intensifies the focus of the policing process by immersing the individual into the power of domination (Hutton 1988). This is to say that behaviors are not only restricted by those in authority but also by the individual through an "interiorization" of what is considered proper behavior. The continued monitoring of behaviors eventually leads the observed to become their own overseer, essentially exercising power over and against themselves (Foucault 1979, 1980).

Discipline and the Body

As expressed above, the continuous endeavor of power is the acquisition of knowledge; knowledge used to assess, to judge, to control, to normalize. Foucault's use of discipline suggests a

routinization of behavior, a disciplining of the body, that is not restricted to the confines of institutions such as the military or the prison but which spills over to include the hospital, the workplace and the home (Foucault, 1979; McNay, 1994). As techniques of power become refined, disciplines become more and more focused upon the body ceaselessly examining for deviations in behaviors which can be exposed and corrected thereby producing a normalized society (Foucault 1978:144).

Continuing with the notion that discipline is not limited to one institution but is in fact pervasive throughout society, individuals increasingly become subject to the panoptic schema of constant surveillance. This permanent visibility allows access to individuals' bodies and daily actions providing for incessant evaluations of behavior (Foucault 1980; McNay 1994;). Foucault (1979) argues that such disciplinary coercion produces an obedient subject who eventually accepts the habits, orders, and authority that are continually exercised upon him. Thus, the individual too becomes a form of discipline, placing himself into determined categories of behavior, either normalized or deviant, and subjecting himself to judgements based upon these categories.

The Will to Truth

Foucault suggests that power should never be shackled with seeking some objective or ultimate truth as this would imply a determinism that is never realized in social life. Yet, the study of power demands exposing the "truths" that are constructed

from the power-knowledge relationship. Justifications for examination of the body arise from the "will to truth" which strives to empirically distinguish truth from falsehood, however, there are no inherent truths to be found within the body (Foucault 1973, 1980; McNay 1994). This is to say that the knowledge of the body and behavior is derived from experts and officials charged with the practice of classifying and dividing, in essence, of determining what is to be considered right and true. As a result there develop asymmetrical social and power relationships as to what should be examined, how it should be examined and discussed, and what value--determined by the dividing practice--is applied to the findings.

From those with the authority, or power, to examine there emerge a "regime of truth;" truths constructed through classificatory strategies that contribute to the enforcement of power through the delimitation of discourse (Foucault 1980; McNay 1994; Patton 1998). As McNay (1994) argues, such delimitation frames not only the restrictions of what can be thought or said but also who may be allowed to speak; further defining power relationships. Thus, the discourse holds power over the non-discursive whereby those possessing the credentials to speak become those who espouse the truth. Rational discourses then, often utilizing the narrative of science, effectively exclude the discourses of the other. The denial of allowing credence to others ensures that there can be no positive voice or organized

resistance to power. As such, discourse becomes increasingly constricted ultimately leading to binary oppositions where truth is defined through either/or possibilities. This process solidifies the links between the examination and the behavior of the individual thereby reinforcing the power and knowledge relationship. This is to say that given the ever restricted options of the discourse, whatever finding of the examination, either normalized or deviant, inextricably becomes the "true" being of the individual.

The Mechanism of Power

Recalling from chapter two, other explanations for the proliferation of employee drug testing have utilized Marxian, Weberian, and social control paradigms (Weiss 1986; Hecker and Kaplan 1989; Boyes-Watson 1997). While these arguments are thought provoking, I find them to be somewhat superficial for suggesting that drug testing had been implemented merely for the utilitarian purpose of dominating the workforce. I believe that a better understanding can be achieved, as Foucault suggests, by examining the relationships of power and how power is manifested upon the individual. In this way we can see that yes, power can be wielded, in a Marxian sense, to dominate the labor power of the workforce; and yes, from a Weberian perspective, technological developments in testing procedures contribute to the increasing rationalization of the testing process; but more importantly, we are able to see, through the development of the

discourse, how the policing process is framed and how the justifications for this process shift over time.

The focus of drug testing, without a doubt, is the body of the individual, and as Inciardi (1988) and Zimmer and Jacobs (1992) point out the ability to examine the body in this fashion, albeit in rudimentary forms, has been available for many decades. As a mechanism of power, early drug testing programs had been used to identify deviant behaviors in military personnel, federal employees, and private sector employees with the explicit purpose of removing drug abusers from the workplace to ensure the safety of the non-drug using population. The development of a low cost tool with the ability to expose drug abuse over a five month time period not only allows for more individuals to be tested but also for more minute gradations in behavior. Such advancements cause the test to become the object with the individual becoming the subject; that is, the individual becomes secondary to that which is being observed, in this case, the normalization of behavior vis-à-vis drug abuse. As object, the test is blind to bias with the only goal being to find a balance between sensitivity and specificity; to be as accurate as possible in identifying individuals at odds with normalization. As subject, the reason for an individual's use of drugs is inconsequential. No attention is given to whether abuse stems from personal or societal factors, or for that matter, if abuse is infrequent and has no direct affect upon work performance; what becomes all

important is into which category, non-drug user or drug abuser, the individual is to be placed.

The discourse surrounding drug testing quickly established who had the authority to speak about drug abuse and what should be considered as truth. With the pronouncement by President Reagan that any and all drug use is unacceptable (Staudenmeier 1989b), and First Lady, Nancy Reagan, stating that casual drug users are complicit in the murder of innocent people (Churchville 1988), the binary oppositions of the discourse had been cemented in place. The emergence of new authorities on drug testing, such as MROs and certified drug testing laboratory technicians, further the "regime of truth" by administering and evaluating the tests which divide the workforce into distinct, mutually exclusive categories. The review the congressional subcommittee hearings relating to employee drug testing exemplifies the delimitation of the discourse as the experts called to testify are drawn primarily from the business and medical communities with all espousing the urgent necessity to implement employee drug testing regulations.

The testimony was not without some resistance in the form of discourse of the other, however, the resistance was not at all organized and was summarily discounted. What little resistance that was offered came from the representative of the American Civil Liberties Union, which challenges the constitutionality of employee drug testing (U.S. Congress 1988). What is of

importance is that drug testing, per se, is not directly challenged. There is no discourse suggesting that statistics of drug abuse in the workplace are exaggerated, or that drug testing may actually increase the costs of drug abuse to America by categorizing the most casual of user as a drug abuser and subsequently placing her in a system of rehabilitation. The discourse remains in favor of testing with the underlying assumptions being that any drug abuse is destructive, that drug testing is in place and is effective, and that drug testing must expand if the benefits of testing are to continue. In this manner, the discourse does possess power over the non-discursive by reinforcing the beliefs of the necessity and efficacy of drug testing and by suggesting that anyone testing positive for drug metabolites is in the grip of a serious problem with the potential for destruction.

Most interesting, however, are the shifts within the discourse that have continued to legitimize drug testing in the face of statistics that indicate drug abuse as being on the decline. As I have shown in chapter four, drug abuse in the workplace was considered rampant with the original justifications for drug testing to protect the safety and well-being of the non-drug using population. Testing was implemented to identify drug abusers so that they could be removed from the workplace before they had the chance to cause physical or economic harm.

Throughout the 1990s, there was a considerable decline in the

number of stories reported in the *Washington Post* concerning drug related workplace deaths and accidents. In fact, many of the drug abuse and drug testing stories in the *Washington Post* during this time could be considered optimistic as they related personal success stories in battling drug abuse and of new technologies used to continue the war on drugs. Even the 1997 and 1998 congressional subcommittee hearings on employee drug testing proclaimed testing a success. Yet, the hearings were convened in order to expand drug testing throughout the workforce and particularly to small businesses. The discourse subtly shifted from testing employees so to ensure the health and well-being of the non-drug using employee to testing employees for the health and well-being of the drug abuser. In a strange twist of logic, the justifications for employee drug testing continue to argue for examination of the entire workforce. Initially, all employees were to be drug tested so that the estimated 65 percent of employees who abuse drugs could be exposed and removed; non-drug using employees should submit to testing so to aid in making the workplace safe for all individuals. The discourse in the late 1990s argued that even with the success of drug testing there remains a persistent core, averaging around five percent, of drug abusers in the workplace. This five percent is considered to suffer from a health problem and they must be identified in order to help them with their addiction; again, non-drug using employees should submit to testing in order to

help their co-workers with hidden problems. Even though the purpose of employee drug testing has changed, the end result is the same: More drug testing.

Surprisingly, the current arguments for testing admit that over 95 percent of non-drug using employees are being tested. This is justified by framing drug testing as a deterrent to drug abuse. As I have suggested above, the nuances between discipline and deterrence continue to be debated. For the purpose of my argument, I believe that the discourse of drug testing has become so delimited, the binary oppositions so domineering, that the majority of the workforce has interiorized the value of being "drug-free." If this is indeed the case, how can an individual be deterred from a behavior that does not enter into his realm of understanding; his available discourse? Being tested is now readily agreed to by individuals who have never considered using drugs; possibly those who have adopted the normalized view of the non-drug use/drug abuse polemic. As for concerns to invasions of privacy, they too, are quickly allayed through the regime of truth that espouses drug testing to be in the compelling interest of the State and therefore a benefit to all.

CHAPTER 6

DISCUSSION

Employee drug testing is truly a unique response to the social problem of drug abuse. The drug test successfully and completely places the responsibility for drug abuse upon the individual removing any possibility that extrasocial factors, such as job dissatisfaction, divorce, or dysfunctional personal relationships, may contribute to the abuse. As a result, there is the perception that the drug abuser must be exposed and treated individually. Throughout this work I have consistently challenged the prevailing justifications for employee drug testing in an attempt to provide an adequate explanation as to the persistence and popularity of drug testing. This chapter is dedicated to a review of the motivations for this research, the method of the content analysis, the critique of the narrative of science found within the hearings, and conclude with recommendations for future research in the discourse of drug testing.

Explanatory Insufficiency

Bursting upon the national scene in the mid-1980s, drug testing was quickly adopted in both the public and private sectors as being an effective tool to stem the apparent epidemic of drug abuse in the workplace. As I have indicated, the concept of drug testing is intriguing as the process attacks drug abuse by checking the population one by one. While this procedure

appears grossly inefficient there remains considerable support for the efficacy of drug testing. The review of the literature on employee drug testing was found to be lacking in providing for a sufficient understanding of these obvious contradictions.

The majority of the drug testing literature is applied research divided among two camps: (1) Those arguing that drug abuse is a problem in the workplace and that drug testing needs be expanded in order to accurately assess the true extent of the problem; and (2) Those arguing that while drug abuse is found within some occupations there is not sufficient evidence to warrant widespread testing of the entire workforce. While these camps appear diametrically opposed, they do find common ground in calling for consistencies in defining variables and research techniques. Such research is invaluable in ascertaining the degree of drug abuse throughout workplaces but offers little interpretive value as to why drug testing has remained persistent over the years.

The limited amount of theoretical literature dedicated to employee drug testing also reveals shortcomings in explanatory value. Weiss (1986) does offer an excellent discussion on the rationalization of managerial practices in the treatment of substance abuse problems yet provides little in way of accounting for the implementation of testing. Hecker and Kaplan (1989) suggest that the popularity of employee drug testing stems from managerial desire to dominate the workforce. They argue that

drug testing is implemented as the latest technology of scientific management and remains unchallenged as the rhetoric for drug testing is depoliticized through being presented as a humanitarian effort to help the labor force. Explanations that smack of economic determinism over-simplify the use of employee drug testing by not taking into consideration that the capitalist class must also submit to the controls within the workplace. The control theory of Boyes-Watson (1997) also falls short of an adequate explanation for testing. Arguing from a utilitarian perspective, she suggests that drug testing was adopted by corporate America only when testing methods became affordable and helping America combat drug abuse became fashionable. This perspective does not address the coercion applied to implement drug policies for businesses wishing to engage in contract with the federal government.

The need to continue viewing the phenomenon of employee drug testing with a critical lens is imperative as the previous research in this area is wanting. This project was undertaken in an attempt to fill this theoretical void.

Analysis of Drug Testing Discourse

The data for this project were drawn from the two congressional hearings prior to the Drug-Free Workplace Act of 1988 and the two hearings prior to the Drug-Free Workplace Act of 1998. A content analysis of the transcripts provides the basis for investigating the shifts within the discourse that have

allowed employee drug testing to expand in light of evidence that drug abuse in the workplace may be on the decline. A review of *Washington Post* articles dealing with drug abuse and drug testing for the three months prior to the hearings nearest the passage of each Act was included for fear that relying solely on the transcripts may lead to a distorted perception of the justifications for employee drug testing legislation. The review of *Post* articles illustrates how the hearings in the 1980s reflected national sentiments toward combating drug abuse at all costs. *Washington Post* articles in the 1990s did not present drug abuse as continuing to be a national priority yet the hearings upheld the belief that drugs remained a severe problem in the workplace and that only by increasing drug testing can we help those in the workforce who were oblivious to their "problem."

The content analysis of the hearings involved coding all statements that included statistical findings and statements that implied statistical support; for example: with no evidence to the extent of workplace drug abuse, "we do know that there is a problem and it has to be corrected" (U.S. Congress 1987:80). These statements were selected to draw out common themes for promoting employee drug testing and for their reliance upon the narrative of science. I challenged this narrative on the basis that citations of "fact" were often misrepresentations of original research. As suggested by Gusfield (1981) and Crow and

Hartman (1992), recitation of statistics out of context often attributes a new truth to the references lending them undeserved credence. Other statistics concerning the war on drugs were questioned on the basis of their methodology. Generally this challenge was to the quantification of positive test results and their interpretation as proof to the effectiveness of drug testing.

Increasing the Discipline

I have attributed my dissatisfaction with the explanations for employee drug testing to an over-reliance upon ideology as a motivational force. Previous theoretical research attempts to isolate control within the hands of a specific group, most often the capitalist class, which comes to be identified as the head of the power. This representation often fails to account for reasons as to why employee drug testing was not earlier adopted as a tool of scientific management given that the technology to test individuals has been available for many decades. Nor does this explanation give insight into how the capitalist class, or any other controlling group, must, themselves, submit to the demands of power in the form of the drug test. As I have suggested above, Weber does furnish methods for tracking the growing rationalization of drug testing, and in so doing offers an explanation as to how drug testing becomes an "iron cage" that entraps all members of society. Still, this explanation rests upon specific ideologies as the motivational force that produce

the control that is drug testing. Admittedly, employee drug testing is conducive to control within the workplace and capitalist economies, yet there exists the theoretical leap that drug testing, becoming fashionable in the 1980s, was implemented as a means to make the workplace more efficient. Within this work, I have attempted to show that drug testing is neither cost effective nor efficient for advancing productivity.

For these reasons, I have presented the philosophy of Michel Foucault as best at explaining the prevalence of drug testing within society. Foucault speaks of power as leading to a carceral society that demands ever increasing controls over behavior in order to promote a "normalization" of action; in this instance, the need to remain drug-free. The focus of drug testing is specifically upon the body of the individual and not upon societal factors that may contribute to drug abuse. This control is achieved in the form of delimiting the discourse of drug testing by promoting binary oppositions that present any use of drugs as being drug abuse. These binary oppositions are utilized to produce ever more distinct demarcations of behavior that expose and identify infrequent drug use as being deviant to "normal" behavior. Following from this perspective, we are able to interpret the progression of drug testing not only within the workplace but throughout all of society; truly leading to a carceral society. To emphasize this point, Foucault suggests the forces of power are not rested within any one individual or group

but swarm throughout the society leading to more than one form of control over behavior. The spiraling nature of the power/knowledge relationship is easily identified through the form of drug testing as binary oppositions come to define unacceptable behaviors that are monitored not only in the workplace but also in the school, in the home, and within the individual. This is to say that the interiorization of the delimited discourse leads the individual to become the monitor of his or her own behavior.

A Need for Future Research

As discussed above, a major criticism of Foucault is his failure to engage in praxis. He consciously avoids giving explanation and advice for fear of contributing further to the policy state; doing so would unwittingly add to the controls of power/knowledge. At risk of personal criticism, I suggest that further research need be conducted in the area of drug testing if only to provide resistance to the power that already exists in controlling behavior. While I urge that future research not include the testing of more individuals in order to find the true extent of drug abuse, I do feel that it is naïve to believe that research will suddenly cease along these lines. We should instead follow a path that challenges contemporary studies by arguing the inappropriateness of aggregating specific findings as being representative of all workers and workplaces (Zwerling et al. 1990; Newcomb 1994; Macdonald 1995). There is a need to

clarify research variables and to compare only those findings that are methodologically consistent, however, a more accurate picture of workplace drug abuse should not be pursued at the expense of the employee.

Truly, research of drug abuse within the workplace would benefit from cross-cultural comparative study. Employee drug testing appears to be uniquely an American phenomenon however I am sure that drug abuse in the workplace is not limited to this country. By examining how other nations approach employee substance abuse and the effectiveness of their treatment of the problem we will be provided with alternatives to drug testing and be able to accurately judge the effectiveness of this tool in reducing drug abuse. Another subject worthy of investigation is whether American based multinational companies administer drug tests to the employees in their host country. I have already shown that companies engaging in contract with the federal government must comply with the Drug-Free Workplace Acts. With drug testing being commonplace among Fortune 500 hundred companies (Coombs and West 1991:xvi), and multinational companies being represented within the Fortune 500 ranking, a comparative analysis of drug policies for these companies may provide and understanding of how cultural conditions affect the discourse.

Another fruitful avenue would be to emphasize research that relies on more qualitative methods. This may offer insight as to how power is perceived when it is manifest upon the individual.

Such a focus will provide a better understanding of how binary oppositions become juxtaposed to the contradictions within the rhetoric. A good example for this type of research would be to follow up on Hanson's (1993) finding that many employees believed that drugs were a problem in their workplace even though they had never witnessed drug activity nor known of any drug related accidents. Another example would be to examine Newcomb's (1994) finding that drug policy definitions of "on-the-job" and "off-the-job" were often interpreted differently by employers and employees causing the latter group to be in violation of the policy. By allowing employees to speak about their experiences with testing we open the discourse to those who can offer information about resistance to testing and about why drug abuse occurs in the workplace; possibly, itself becoming a resistance to the medicalization view of substance abuse.

Unfortunately any recommendations that are given will eventually fall victim to the spiraling of power and knowledge that Foucault warns against. Continuing to research the phenomenon of drug testing only further refines the classificatory dimension of power by placing even more gradations upon behavior. There is also the concern that if power is so encompassing there will be difficulty in discerning whether the responses retrieved from employees are their actual beliefs or merely the result of the delimited discourse. Even my insistence upon using "drug abuse" in place of "drug use" belies the power of the discourse.

A Challenge to be Critical

Substance abuse has been a persistent problem within this country for over a century. Throughout this time, various methods have been attempted to solve this social problem with results often finding deviant behavior where none before existed (Solomon 1968; Duster 1970; Ashley 1975; Himmelstein 1983; Peyrot 1984). There is no better example than the new technologies of drug testing which have the potential to expose drug abuse occurring five months prior to the administration of the test (Zimmer and Jacobs 1992; Mieczkowski et al. 1993; Gropper and Reardan 1993; Mieczkowski 1995; U.S. Congress 1998). This technology surpasses the original intent of testing; identifying impaired employees. Infrequent abusers whose behavior does not interfere with their performance on the job will be identified as deviant with one positive test result. Again, the cure seeks "new" deviance.

While the focus of this work is on employee drug testing, testing has not been able to be contained within the walls of the workplace. The drug test can now expose deviant behavior that may occur outside of the workplace were the individual comes under surveillance not only from his employer but also from his coach, his counselor, and his family; the power of testing is swarming. This is the carceral society of which Foucault spoke. It is for this reason that critical theory drives the research on drug testing. Critical theory must constantly challenge this

swarming of power and question the motivations for implementing and expanding drug testing in ever more aspects of our lives. The delimitation of discourse lulls persons into accepting drug testing as being the logical approach to solving problems that may or may not be a result of drug abuse. No one seemed to question President Clinton when he suggested that teenagers be required to submit to drug testing when applying for a driver's license. Acknowledging that less than 10 percent of teenagers may be abusing drugs he recommended that the remaining 90 plus percent should feel it their duty to submit to testing so to help their friends who are addicted to drugs (Clinton 1996). This would seem commonsensical to those employees who do not use drugs but are doing their part by being tested in efforts to help their drug abusing co-workers.

At the very least, critical theory must contribute resistance to the discourse of drug testing. A constant challenge to the effectiveness of drug testing may open the discourse to question the costs now assumed by the American people in the form of administering tests to persons who do not use drugs.

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