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The War on Drugs is a War on African American Communities

Saundra Denise Massey
Augsburg College

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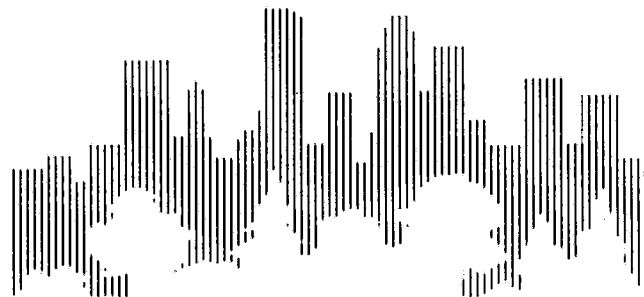
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**MASTERS IN SOCIAL WORK
THESIS**

Saundra Denise Massey

**The War on Drugs is a
War on African American Communities**

2005

War on African Americans

The war on drugs is a war on African American Communities

Saundra Denise Massey

**Augsburg College
Lindell Library
Minneapolis, MN 55454**

**Submitted in partial fulfillment of
the requirements for the degree of
Master of Social Work**

**AUGSBURG COLLEGE
MINNEAPOLIS, MINNESOTA**

2005

MASTER OF SOCIAL WORK
AUGSBURG COLLEGE
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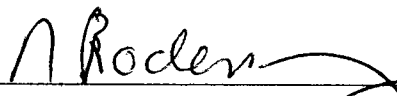
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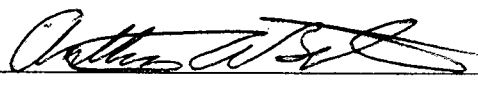
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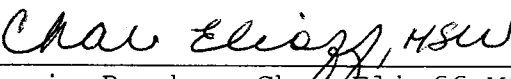
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Thesis Committee:


Thesis Advisor: Dr. Nancy Rodenborg


Thesis Reader: Dr. Anthony Bibus III


Thesis Reader: Char Elloff MSW

Dedication Page

**This paper is dedicated to all blacks affected by the
Sentencing Act of 1984, my family, and especially my mother
Hattie Massey, a.k.a., Boss Lady**

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The faculty of the MSW program at Augsburg College was wonderful. I could not have completed the program without them.

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Abstract

The war on drugs is a war on African American

The Sentencing Reform Act of 1984

Saundra Denise Massey

2005

The "war on drugs" and the "get tough" attitudes associated with it have resulted in disproportionate numbers of incarcerated blacks. According to a report by Human Rights Watch, nationally one in every 20 black men over the age of 18 is in a state or federal prison. In contrast, the incarceration rate for white men is one out of every 180 (Human Rights Watch, 2000).

This paper is a policy analysis examining one law that may affect incarceration rates for blacks, the Sentencing Reform Act of 1984. Using the analytical model of Segal and Brzuzy, *"Social Welfare Policy, Programs, and Practice,"* (Segal and Brzuzy, 1998) the paper provides an overview of Segal and Brzuzy's framework, and a literature review, followed by a description of the policy,

implementation of the Sentencing Reform Act of 1984, and
its' impacts on African Americans, and concludes with a
summary and implications for social work practice

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I. Introduction

The "war on drugs" and the "get tough" attitudes associated with it have resulted in disproportionate numbers of incarcerated African Americans. According to a report by Human Rights Watch, nationally one in every 20 black men over the age of 18 is in a state or federal prison. In contrast, the incarceration rate for white men is only one out of every 180 (Human Rights Watch, 2000). National incarceration rates are tremendously high for African Americans. However, these notably elevated national rates conceal even higher discrepancies in imprisonment rates of African Americans on the state level. Data from individual states indicate how acute the differences in incarceration rates between African Americans and European Americans are. In seven states African Americans constitute between 80 and 90 percent of all imprisoned drug offenders. In 15 states black men are sent to prison for drug offenses 20 to 57 times the rate of white men (Human Rights Watch, 2000). Regardless of location incarceration rates are disparate by race and are a serious national problem.

This paper is a policy analysis examining one law that may affect incarceration rates for African American

individuals, the Sentencing Reform Act of 1984. Using the analytical model of Segal and Brzuzy, "*Social Welfare Policy, Programs, and Practice*," (1998) the paper provides an overview of Segal and Brzuzy's framework, and a literature review, followed by a description of the policy, implementation of the Sentencing Reform Act of 1984 (SRA, 1984), and its' impacts on African Americans, a summary, and implications of social work practice.

Research Question

At the heart of the SRA is the mandatory minimum sentencing imposed for marijuana possession and/or sales. The research question for this policy analysis is, "Does the SRA contribute to the disparate rates of African Americans incarcerated for marijuana possession/sales when compared to European Americans?"

Overview of Segal and Brzuzy's Framework

According to Segal and Brzuzy (1998), the first step in analyzing a social policy is to determine the social problem. To define the social problem several questions need to be answered: who defines the situation as a problem, who disagrees, the rationale for both parties, and the extent of the problem. Secondly, the general goal of the policy is determined by investigating if subgoals exist and if these subgoals conflict. The third step is to

War on African Americans

examine the legislation. An examination of the policy objectives, descriptions of its opponents and proponents are key to this section. The next step is a description of the policy implementation and an analysis of its effectiveness, strengths, and weaknesses (Segal & Brzuzy, 1998).

The policy analysis proceeds with an examination of the affected populations. This section determines who is affected, and if there are negative or positive effects. Intended impacts of the policy are also explored, including a description of the policy's anticipated impact on affected populations and on the social problem. The final step is to look at the actual impacts of the policy by examining its cost and benefits, resulting change in the social problem as a result of the policy and any unintended results.

II. Literature Review

The literature review begins by examining the extent of African American incarceration, then presents a brief history of marijuana and United States law of mandatory minimum sentencing and concludes with a brief overview of the Controlled Substance Act of 1972.

The war on drugs is a war on African American Communities

The United States has incarcerated more of its citizens than any industrialized nation (Mauer, 1999). To date more than two million people have been incarcerated in America. Of the more than two million people, incarcerated African Americans represent the largest racial group, and African American men are more overrepresented than any other group (Glasser, 1999, HRW, 2002).

The Sentencing Reform Act of 1984 (SRA) was passed as one strategy to wage Nixon's "war on drugs" and later Reagan's "get tough on drugs" movements.

African Americans are arrested more often, receive longer sentences, and tend to be involved in the criminal justice system longer. The American Civil Liberties Union (ACLU) and the National Organization for the Reform of Marijuana Laws (NORML) are advocacy groups citing constitutional violations (American Civil Liberties Union; 2003; Human Rights' Watch, 2000; National Organization for

the Reform of Marijuana Laws). These groups contend that incarceration practices, the criminal justice system and the law itself violate The Bill of Rights, and other constitutional provisions specifically the Fourth, Fifth, Sixth, and Eighth (American Civil Liberties Union, 2003; National Organization for the Reform of Marijuana Laws, 2003). (see Appendix A)

Human Rights' Watch (HRW) and Amnesty International (AI), groups concerned with international human rights, cite human rights violations in the United States (Amnesty International, 2004; Human Rights' Watch, 2004,).

Human Rights' Watch, Amnesty International, NORML, and the American Civil Liberties Union groups also take issue with the disenfranchisement of blacks resulting from the SRA. Disenfranchised individuals are ex-felons who are unable to vote after serving their sentences. The United States is the only democracy to have felony disenfranchisement laws on its books (Boyd, 2001). The impact is harmful to all African Americans because it limits their ability to participate in the political system. Politicians who may work for legislation important to African Americans might not get elected because large numbers of African Americans no longer have the power of the vote (Boyd, 2001). This loss of enfranchisement

undercuts the 1964 Voting Right's Act, which sought to increase voting participation among African Americans.

Brief History of Marijuana & US Law.

Marijuana (*cannabis sativa*, *cannabis indica*) is a green, brown, or gray mixture of dried, shredded leaves, stems, seeds, and flowers of the hemp plant (Hamid, 2002). The earliest recorded use of marijuana was using the seeds for food in 6000 BC China. The Hindu wrote of marijuana in their sacred text in 1200-800 BC, calling it "sacred grass". Marco Polo first mentions Cannabis in Europe in 1271-1295 (Hamid, 2002).

The first law enacted in the US affecting marijuana was in the 1600s when colonial law required farmers to grow marijuana. Marijuana plants were necessary for the production of hemp, which was used primarily for shipping, ropes, and sails (National Institute On Drug Abuse, 2003, September).

Additional uses for hemp were twine, canvases, and paper. Before 1950, marijuana growth was legal due to wartime requirements for rope. Marijuana today is an illegal rural cash crop distributed throughout most of the United States and Hawaii (National Institute On Drug Abuse, 2003, September,).

Mexican immigrants from the southwest used marijuana for recreational and medicinal purposes. When the local white officials became aware of the Mexicans and their marijuana use, they began a campaign to suppress the Mexican immigrants from entering Texas. To gain support the officials vilified, lied, and spread rumors about the violence and crime in their community attributed to Mexicans using marijuana (Lupine, 1995, Peoples article as cited in Escobar, 1999).

Utah was the first state to pass a law (1915) restricting the use of marijuana. This law became necessary when the Mormons returning from Mexico were smoking the plant. In 1937, The Marijuana Tax Act became Law (Lassen, 1986, Abel, 1943).

John C. Lupine (1995) in his thesis Unraveling an American dilemma: the demonization of marijuana, details the political drama surrounding the 1937 Marijuana Tax Act. According to Lupine the American people were deceived by a propaganda campaign involving the Federal Bureau of Narcotics Director, Harry Anslinger, E. I. Du Pont De Nemours, the Secretary of Treasury and president of the Mellon Bank, Andrew Mellon, and Randolph Hearst owner and publisher of the largest syndicated newspaper in America (Lupine, 1995).

Du Pont, an industrialist, was in the process of developing and patenting a method to produce paper from wood pulp. The problem was the competing hemp market (Lupine, 1995). Randolph Hearst disliked African Americans, Mexicans, and the jazz movement (Lupine, 1995). He used his newspaper to spread racism and ignorance about Mexicans, blacks, jazz and the killer weed propaganda (Lupine, 1995). Hearst accomplished three goals. Racist writing with reference to Mexicans gave Texans additional reason to stop Mexican immigration. He also had a particular hatred of jazz, which he attributed to blacks (Lupine, 1995). According to Hearst, marijuana was simply a byproduct of both blacks and jazz. Bigotry was rampant in Texas, according to Lucien, a situation conducive to Hearst's plan. Presenting white America with images of crazed blacks (men) with super human strength and Mexicans out of their minds because of using the killer weed was highly effective (Lupine, 1995).

History of Mandatory Minimums

A mandatory minimum sentencing is a required penalty specifically set for each crime. The sentencing guidelines dictate the mandatory minimum sentence. Judges cannot legally deviate from the guidelines except by increasing the penalty.

Mandatory minimum sentencing is not a modern concept. Early Judeo-Christians used a form of mandatory minimums. An "eye for an eye, a tooth for a tooth" is one of the more well known Biblical forms of mandatory minimum sentencing (Families Against Mandatory Minimums, 2002). Early Anglo-Saxon law also used mandatory minimums to determine the penalty for breaking the law. At that time, mandatory minimums were fines depending on the seriousness of the crime. Mandatory minimums for a severed ear committed during an assault were thirty shillings (FAMM, 2002).

The Quakers built the first prison in America, and were the first Americans to practice mandatory minimum sentencing. They saw mandatory minimums as a humane method of dealing with criminal offenders (Families Against Mandatory Minimums, 2002). Later, mandatory minimums were enacted for crimes of murder, piracy, and refusing to testify before Congress. The sentencing was a clear indication to society that crime and criminals would not be tolerated (FAMM, 2002).

The 50's brought public protest concerning narcotics in Americas' communities. This led politicians to enact new mandatory minimum sentencing. At that time narcotic convictions would result in sentences of two to five year sentences for the first conviction and five to ten years

for the second conviction. Conviction for a third narcotic offence would result in a sentence of 10-20 years without a possibility of parole or probation. The late 50's sentences were extreme and severe. The penalties increased to five to 20 year sentences for any first sale or smuggling conviction; those convicted of selling narcotics to a minor under 18 were sentenced to death (Families Against Mandatory Minimums, 2002).

By the 60s the Senate was troubled by the severity of the narcotics sentences, particularly for first offenders. Large issues were beginning to emerge because minor offenders were sentenced as hardened criminals. In addition, the sentences were not effective in reducing drug violations. The result was to repeal most of the mandatory minimum sentences for drug convictions (Families Against Mandatory Minimums, 2002).

However, by the late 60s and early 70s, prior to the SRA several states had incorporated the concept of mandatory minimums. In 1973, New York State enacted the "Rockefeller drug laws." The law, named after then Governor Rockefeller, called for fifteen-year sentences for possession/sales of small amounts of narcotics (Belenko, 2004, FAAM, 2002). Michigan enacted the 650-lifer law, calling for mandatory lifetime imprisonment for

possession/sales or conspiracy to possess 650 grams or approximately 1.25 pounds of cocaine or heroin (FAMM, 2002).

Controlled Substance Act of 1970. The Controlled Substance Act of 1970 (CSA) is mentioned because of its importance as it relates to the SRA. Possession or sales sentences are based in part on this act. The CSA placed all controlled substances in schedules ranging in numbers from I to V. Many arrested with a controlled substance are prosecuted, the exception is prescriptive medication provided to a specific individual. Examples of schedule classification are in Appendix B.

III. Policy Analysis

A. Problem Description

The use or abuse of marijuana and the risks involved continue to be an ongoing source of debate. The following section gives an overview of the prevalence of marijuana use followed by the arguments put forth by both opponents and proponents of the Sentencing Reform Act of 1984.

Prevalence and Incidence

The National Survey of Drug Use and Health (NSDUH) reported marijuana is the most commonly used illicit drug. According to researchers, there are at least 20 million

current illicit users over the age of 12. In 2003 The National Institute on Drug Abuse published *Drug Use Among Racial/Ethnic Minorities* (National Institution of Health, 2004). The study examined use patterns for students in grades 8th, 9th and 10th by race using self-reporting data. Alcohol and marijuana use rates were examined. According to the National Institute on Drug Abuse (2003) Caucasian students had higher rates of drug use on every measure when comparing marijuana and alcohol usage, including lifetime, annual, and 30-day measures. The researchers believed African American student rates were actually lower than reported due to their representation caused by administrative actions and racial profiling (NIDA, 2003).

Proponents of the Sentencing Reform Act

Those in favor of addressing the problem by imposing mandatory minimum sentencing often cite the harmful effects of marijuana. There is medical research indicating their concerns are valid.

Physical and mental health have been indicated as major medical issues cited in opposition to marijuana use (Office Of National Drug Control Policy, 2003).

For example, adolescent marijuana use is problematic because it affects alertness, concentration, perception, coordination and reaction time. Students who use marijuana

are at higher risk of failing in school. The mental aptitude students need for school success is not readily available to students who use/abuse marijuana. Additionally, the older teen user is at risk of developing anti-social behavior, as well as socializing with friends who are delinquent. Marijuana's negative effects on adults are similar to those for adolescents. However, for adults the negative effects are magnified because of age (Office Of National Drug Control Policy, 2003).

Physical Health. Many health risks are associated with marijuana use/abuse. For example, serious respiratory problems are associated with heavy marijuana use/abuse. Additionally, marijuana is associated with chronic bronchitis (Hall & Solowij, 1998, Schwartz, 2002) and users are at increased risk for chronic cough, emphysema, and, deterioration of the lungs. Marijuana may also promote cancer of the respiratory track and disruption of the immune system. Finally, there is a higher risk of lung infection and cancer of the head, neck, and lungs as a result of marijuana use\abuse (Office Of National Drug Control Policy, 2003).

Mental Health. Delta-9-tetrahydrocannabinol (THC) is the active ingredient in marijuana. In contrast to earlier years, today's marijuana has higher levels of THC causing

additional concerns. The more potent the marijuana the more intense the effects to the brain and higher risks of addiction. Researchers cite subjects who when withdrawing from marijuana use/abuse are restless, have problems sleeping, loss of appetite, weight loss, and shaky hands. Marijuana is also associated with an increased risk for developing schizophrenia (Office Of National Drug Control Policy, 2003).

Opponents of the Sentencing Reform Act

Opponents of the Sentencing Reform Act cite marijuana prohibition as one of the major problems associated with the Sentencing Reform Act of 1984. The American Civil Liberties Union (ACLU), and the National Organization for the Reform of Marijuana Laws (NORML) take the positions that the government's "war on drugs" and "get tough on drugs" position is the problem. In a 1977 message to Congress Nobel Prize winner and former President Jimmy Carter said, " Penalties against drug use should not be more damaging to an individual than the use of the drug itself. Nowhere is this more clear than in the laws against possession of marijuana in private for personal use (Marijuana Policy Project, n.d.)." Prohibition appears to have turned limited medical and mental health problems for some users into a serious large-scale social problem.

Prohibition drives the drug market underground, which causes violence. Health hazards increase from using contaminated marijuana. Marijuana farms are sprayed with chemicals to stop the growth of the marijuana (Marijuana Policy Project, n.d.).

Many opponents believe prohibition invites corruption within the criminal justice system. It creates an atmosphere giving police easy, tempting opportunities to accept bribes, steal, or sell marijuana, in addition to planting evidence on innocent people (United States General Accounting Office, May 1998).

In 1998, House of Representative Charles Rangel requested a study regarding drug related police corruption. The study revealed two important issues. Police corruption usually takes the form of bribery in a mutually beneficial relationship. Drug related police corruption was found to have multiple facets. Officers involved in drug related corruption were found to steal drugs, money, or both from drug dealers, violate constitutional rights with illegal searches and seizures, protect drug enterprises, sell drugs stolen from drug dealers during drug raids, offer false testimony, and submit false crime reports. These law violations were motivated by profit, power, and a spirit of

vigilantism (United States General Accounting Office, May, 1998).

The classification of marijuana with harder drugs impedes realistic drug education and may tend to sustain irresponsible drug consumption. The Marijuana Policy Project also believes the laws are in violation of the Bill of Rights, because marijuana is typically used in private and there is no victim. They contend that in order to enforce marijuana laws the Bill of Rights is ignored (Marijuana Policy Project, n.d.).

Opponents cite governmental miseducation as an additional method to continue the prohibition of marijuana. According to the Marijuana Policy Project, in 1972 President Nixon's *National Commission on Marijuana and Drug Abuse*, indicated there was little proven danger of physical or psychological harm. The commission recommended marijuana be decriminalized. The National Academy of Sciences agreed with Nixon's commission report ten years later.

Marijuana has been referred to as a gateway drug, a precursor to harder drugs use, mainly heroin and cocaine. The gateway theory has been one of the most used theories cited to support US policy to keep marijuana illegal. Today many researchers believe cigarettes or alcohol could

be the gateway drugs, not marijuana (Rand - Public Safety and Justice Unit & Morral, 2002). Morral believes kids who experiment with harder drugs would do so with or without marijuana.

B. Goals of the Sentencing Reform Act of 1984

The Sentencing Reform Act of 1984 had several goals. The primary impetus for the SRA was to address the rising crime rates of the 1980's (Families Against Mandatory Minimums, 2002). Other goals were to abolish the federal parole system and establish the US Sentencing Commission. The commission created sentencing guidelines to assure all federal sentences were uniform and had stiffer penalties (US Department of Justice, 2004). The SRA applies to all federal crimes. However, for the purpose of this paper, we will focus on the goals of the SRA that relate to federal convictions for sales and possession of marijuana.

C. The Sentencing Reform Act of 1984

The Sentencing Reform Act of 1984 (SRA) was part of the Comprehensive Crime Control Act of 1984 aimed at dealing with rising crime in our society. To accomplish this goal Congress took a two-pronged approach. First, Congress created the United States Sentencing Commission as an independent permanent agency in the judicial branch.

Today, the sentencing commission is made up of seven members, appointed by the Senate, and comprised of experts in the field of criminal justice. The role of the Sentencing Commission is to establish the appropriate guidelines for federal and misdemeanor crimes. Secondly, Congress eliminated the federal parole system. Termed "mandatory minimums", the sentence passed down from the judge was to be completed before the inmate was released from prison. Sentences without a chance for federal parole before the sentence is completed are termed mandatory minimums (United States Sentencing Commission, 2003).

Prior to the SRA, federal defendants across the United States were receiving uneven sentences for the same crime. Federal defendants in New York might receive a sentence of ten years for armed robbery whereas in Idaho a federal defendant might be sentenced to five years for the same crime. The Sentencing Commission was created to address three essential issues. The first was to reduce inconsistencies in federal sentences. The second was to standardize the sentences. The third was to impose stiffer sentencing to correct perceived patterns of undue leniency. Politicians were getting the message from their constituencies that they wanted something done about

apparent increases in crime (United States Sentencing Commission, 1991).

The Sentencing Commission put in place the guidelines outlined by the Controlled Substance Act of 1970, which provide two types of mandatory minimum sentencing. One is based on the amount and type of drugs involved and the other is based on the defendant's previous criminal history (Campbell & Bemporad, 2003).

Factors impacting sentencing

There are eight decisive factors used in the sentencing guidelines to determine an offender's sentence: offence seriousness, base offense level, specific offence characteristics, adjustments, multiple count adjustments, responsibility adjustments, criminal history, and guideline range. These are briefly described below.

Offence Seriousness. The seriousness of the offense is one factor considered. There are 43 levels of offense seriousness; the more serious crime the higher the offense level (Campbell & Bemporad, 2003).

The base offense level. The base offense level is a rating system. Each crime is assigned a base starting point. For example a defendant charged with less than 250 grams of marijuana has a base offence number of six and a defendant with at least 250 grams of marijuana but less

than one kilogram of marijuana has a base number of eight. These levels can increase or decrease. For example if a defendant is charged with possession of 250 grams of marijuana (base #8), a gun, and conspiracy to sell marijuana, the base offense level would increase (Campbell & Bemporad, 2003).

Specific offence characteristics. Specific offence characteristics address factors that vary with the offence. If a defendant (using the above example) has a base level of six and has a gun when arrested, the specific offence characteristic level increases. These levels can increase or decrease depending on where the arrest took place. For example, if the arrest happened 100 feet from a recreation center the offence would increase (Campbell & Bemporad, 2003).

Adjustments. Adjustments increase or decrease the offence level. The categories of adjustments include victim-related adjustments or the defendant's role in the crime. If a defendant played a minimal part in a crime, the offense level would decrease by four levels. If the defendant attempted to obstruct justice the offense level would increase by two levels (Campbell & Bemporad, 2003).

Multiple Count Adjustments. If a defendant has been convicted with more than one count, the guidelines provide

information on how to complete a combined offense level. Starting with the more serious crime each count determines whether to and how much to increase the offense level (Campbell & Bemporad, 2003)..

Acceptance of Responsibility Adjustment. Acceptance of responsibility adjustments is the final step in determining an offender's offense level. If an offender qualifies for the two-level deduction and the offense level is greater than fifteen, a defendant may be given an additional one level deduction. However, to qualify, the defendant must provide complete and timely information about involvement in the crime or declare their intention to plead guilty in a timely manner (Campbell & Bemporad, 2003).

Criminal History. The sentencing guidelines have six categories of criminal history related to the extent of the offender's past conduct. Criminal History Category I is the least serious level, which is usually implemented for first time offender status. Criminal History Category VI is the most serious category. Offenders in this category have usually served time in a federal or state penitentiary (Campbell & Bemporad, 2003).

Determining the Guideline Range. The final offense level is determined by either adding or deducting the above

mentioned categories. The guideline range is the point where the final offence level and the offender's history intersect on the Commission's sentencing table (Campbell & Bemporad, 2003, USSC, 2002, See Appendix).

D. Implementation of the Sentencing Reform Act

The implementation of the SRA has applied to many offences in addition to drug offences however, the drug offences have had the most significant impact in terms of numbers of offenders and costs associated with those offenders (Mauer, 1999). The SRA enacted the mandatory minimums, and has contributed to the strain on law enforcement, the justice system, the penal system, and society as a whole.

Subjective decisions to arrest someone may mean more people are brought into the system and affected by mandatory minimums. That is, although mandatory sentencing is supposed to be objective and unbiased, the implementation is not. Excessive police presence in predominantly urban areas, racial profiling, and large numbers of incarcerated African Americans attest to the "subjectivity" of arrest rates.

E. Affected Populations

For more than fifty years the United States incarceration figures have been the highest in history and

of the industrialized nations. Currently, over two million American citizens who are non-violent drug offenders are incarcerated in state or federal prisons (Mauer, 2003).

In 1995, African Americans were arrested for possession/sales of marijuana at a rate that was 2.5 times greater than for European Americans. An arrest rate two and a half times greater than whites means African American are the largest racial/ethnic group incarcerated for marijuana possession. African American males appear to be targeted in the war on drugs because they represent the single largest group among those arrested for offenses related to marijuana possession/sales (Mauer, 1999, Mauer, 2003, Sheldon, 2004).

There are on going issues concerning the reporting of arrests rates for sales and possession of marijuana. HRW was the first organization to conduct a state by state analysis of the disproportionate rates of incarceration between African Americans and European Americans. Some unified penal systems combine states prison and jails. Many states did not provide complete data or offense designations were missing. Despite these issues HRW believes the state data represent the extent of the disparate rates in incarceration between whites and blacks (HRW, 2000)

The Industrial Prison Complex

Prison overpopulation and the associated costs are additional effects of the war on drugs. Traditionally the federal government has carried the cost for housing, clothing and feeding inmates, however, in recent years the roles of the federal corrections shifted partially to corporate America. The prison industrial complex is the result of the privatization of a system that was once the role of the federal government alone (Davis, 1998).

UNICOR is an example of privatization and governmental integration of services. Since 1943, UNICOR has worked with correctional institutions. Prison officials were concerned about idle prisoners. Those concerns gave birth to inmate work and employment training programs. Inmates work for private corporations earning between .22 - \$1.15. UNICOR employs inmates to work with textiles, furniture making, and data entry. African Americans question if the criminal justice system is the new form of American apartheid, Jim Crow, or slavery (Shelden, 2004, Boyd, 2001). That school of thought believes the sentencing structure is racist and the war on drugs has nothing to do with drugs. They believe the war on drugs offers an endless supply for cheap labor. The unskilled, uneducated, and those who are marginalized by society are used for the

benefit of private corporations. The private corporations' profits are billions annually. The prisoner gets at least \$.22 and the taxpayers pay the cost to incarcerate the inmate

The result of the prison industrial complex is a system that takes social programs that may assist inmates and replaces them with instruments of social control. The public is unconcerned because they are poor, black and most of all they are criminals (Human Rights Watch, 2000; Davis, Fall).

African American Male Incarceration Rates

The African American male population is the group most affected by the mandatory minimums (Mauer, 1999, Mauer, 2003). In 1999, nearly one in three black males between the ages of 20-29 were under some form of criminal supervision. Thirty-two percent of all African American males in the United States were in prison, jail, or under the supervision of the probation/parole system. Nationwide African American males who are sentenced in state courts on drug felonies receive prison sentences 52 percent of the time, while white males are sentenced to prison drug felonies 34 percent of the time (Weich & Angulo, 2000). In ten states African American men are sentenced to state prison on drug charges at rates that are 27 to 57 times

greater than those of white men in the same state (HRW, 2000).

African American Female Incarceration Rates

Women in general are being incarcerated at higher rates than ten years ago for drug offenses, yet there is a similar situation occurring with black women as black men. Black women were more than eight times as likely as white women to be in prison in 1997 (HRW, May 2000).

African American Juvenile Incarceration Rates

Juvenile court was created in Chicago in 1899 to deal with delinquent juveniles. Rarely were juveniles charged as adults after that. Cases of heinousness, or those who were thought unable to be rehabilitated were left to judicial discretion (Juszkiewicz, 2000). In cases of murder, many states had enacted legislation that would exclude minors (Juszkiewicz, 2000). Most cases remained in juvenile courts.

In contrast, today many youth are tried in adult criminal courts. Black youth are twice as likely as white youth to be certified as an adult. When the offense is drug related black juvenile incarceration rate was 94 compared to 8 for whites (Shelden, 2004).

States have enacted discretionary methods of transferring juvenile cases to adult courts, which may be

open to individual bias. Procedural factors may also be a factor in the disparity in sentencing by race. *Direct file* or prosecutorial discretion allows youth to be transferred and tried in adult criminal court, based on the opinion of the prosecutor. *Judicial waivers* are state statutes allowing juvenile court judges the discretion to have a juvenile tried in adult criminal court (Juszkiewicz, 2000). *Statutory Exclusion* is a state law automatically requiring juveniles to be tried as adults. The determining factors are the age of the offender, the offense, or both (Juszkiewicz, 2000). These procedures may contain bias against black youth and result in higher rates of juvenile African Americans being incarcerated as adults.

Juszkiewicz's *Youth Crime/Adult Time: Is Justice Served* was a 2000 study looking at critical points for African American youth from arrest to adjudication or conviction. A total of 2,584 juveniles cases were tracked from arrest to final adjudication, dismissal, sentencing or until the study ended, March 31, 1999, whichever occurred first.

The study confirmed findings from prior studies regarding over-representation and disparate treatment of minority youth. Police practices were cited as the primary reason. The elevated police presence in low-income areas, offences usually occurring in the street or in the

offender's home, differences in the types of offences between white and black youth, reactions of crime victims to offenses, and racial bias in the juvenile justice system were all cited as contributory factors in the disparities (Juszkiewicz, 2000). Sheldon, 2004, agreed with Juszkiewicz. He concluded that police find drugs in inner cities because that's where they look. If the police focused their attention on upper socioeconomic neighborhoods, county clubs, or exclusive prep schools they may also find drugs there (Silliman & Bhattacharjee, 2002).

At the critical point of arrest African American youth were over-presented for drug related offenses. In the *Youth Crime/Adult Time: Is Justice Served?* (Juszkiewicz, 2000), African American youth represented 64% of all youth arrested for federal drug violations and 76% of the drug offenses in adult courts. During the first six months of the study, African American youth represented 52% of the entire sample of the cases filed in adult court. At the critical point of prosecution, prosecutorial discretion and statutory waiver accounted for 86% of African American juveniles charged as adults (Juszkiewicz, 2000).

Madeline Wordes and Timothy Bynum conducted research examining police bias against youth of color (Kempf-Leonard, Pope, & Feyerherm, 1995). Their research

corroborated Juskiewicz's 2000 study. Police discretion at the point of interaction between black youth and law enforcement is key when looking at disparate rates for black youth (Kempf-Leonard, Pope, & Feyerherm, 1995). Officers in this study stated that their reasons for contact with minors included seriousness of the crime, if they receive a call, and the investigation of suspiciousness. Suspiciousness was defined as hanging on street corners, or being out of place, i.e., a black kid in a white neighborhood (Shelden, 2004).

Breakdown of African American Families

Human Rights' Watch documented the number of parents incarcerated for drug offenses and the effects on children, caregivers, and family. While all states' incarceration policies may have disparate effects on African American families, the effects of some states' incarceration policies are more severe than others. For example, New York State has some of the most punitive drug laws on the books. African Americans represent 15.9% of the New York State population but represent 54.3% of the states' inmate population (HRW, 2002). HRW, 2002, estimated there were 11,113 drug offenders with a total of 23,537 children. The study did not distinguish drug type or the race of the children. The study acknowledged that the majority of

those convicted were the lowest classes of felons. If African Americans represented 54.3% of the inmate population in New York, and sales/possession of marijuana represented the largest group of incarcerated drug offenders, the assumption was that majority was in for marijuana offense and the majority of the children were black. Gettman, (2000) asserts 639 blacks were arrested for marijuana in New York. In 1997, a total of 53.6% of black women incarcerated for drug offences were living with their children prior to being incarcerated compared to 45.8% of the black fathers. When the mother was the incarcerated drug offender, the effects on the children were more profound because usually the mother was the primary caretaker (HRW, 2002).

When parents are incarcerated, grandparents often step in to take care of the children. African American grandparents who make the commitment to parent their grandchildren are confronted with a complex set of issues. Intergenerational issues arise in multi-generational family situations (Kornblum, 2002). Haugrud (1996) cited role discontinuity, health issues, economic conditions, and lack of social support as important issues for grandparents raising grandchildren. Other issues of importance for

grandparents are physical issues associated with age, economic conditions, and socialization (Haugrud, 1996).

Loss of Public Assistance

In 1996 President Clinton passed The Personal Responsibility and Work Opportunity Act, or welfare reform. Temporary Assistance to Needy Families (TANF) replaced Aid to Families with Dependent Children (AFDC). Allard (2002) and Hirsch (1996) identified section 115 of the Welfare Reform Act as the Felony Drug Conviction provision.

The Felony Drug Conviction provision stipulates that people convicted of drug offenses (possession or sales) are to be restricted from welfare benefits for life. The provision was passed, with bipartisan support, after a two-minute debate. The Felony Drug Stipulation did not include other felonies such as murder, rape, or child molestation. The bill's sponsor said the provision was imperative to demonstrate the country's resolved to fight war on drugs (Allard, 2002, Hirsch, 1996).

As of 2001, forty-two states had instituted some form of the ban from public assistance imposed on parents convicted of drug offenses. Twenty-two states have implemented the life time ban on public assistance, cash and food stamps. Ten states have introduced partial or term denial. These states may allow the food stamps but not cash

or there is a time limit. Louisiana will not issue benefits for a one-year waiting period after conviction date or date released from custody (Allard, 2002, Hirsch, 1996). North Carolina has a waiting period of six months before restoring benefits to ex-convicts. These ex-convicts must also be in a drug treatment program or have successfully completed drug treatment. In ten states benefits are somewhat tied to drug treatment programs (Allard, 2002). In Wisconsin and Minnesota ex drug offenders are not required to enter or successfully complete a treatment program. Ex drug offenders must however submit to regular drug tests. The remaining nine states opted out of any form of sanction connected to eligibility for public housing.

Loss of Educational Opportunity

Poor African American youth convicted of possession/sales of marijuana are denied access to federal financial aid. The Higher Education Act of 1998 spells out the penalties for marijuana convictions. Eligibility will be suspended for any student convicted of State or Federal laws involving possession/sales of any controlled substance (Controlled Substance Act of 1978; Small Fall, 2001). Students convicted of their first offense will be ineligible for a period of one year, second offense two years, and for their third offense the time limit is indefinitely. Students convicted for their first sales offense are ineligible for two

years and for the second offense, they are suspended (Small Fall, 2001).

Hypersegregation (Kornblum, 2002) increases the possibility of poor African American youth being targeted for marijuana sales/possession convictions. Because they are at a significantly higher risk this act insures the continuation of disenfranchised individuals in the African American community. Many European American youth convicted under the same laws do not encounter the same penalties. They do not seek federal financial aid at the levels of African Americans. European Americans tend to get financial support for their education from their family (Small Fall, 2001).

Disenfranchised Individuals

Disfranchisement laws stipulate incarcerated felons can not vote in forty-six states including the District of Columbia. After serving their sentences, thirty-two states do not allow parolees to vote and twenty-nine of those states do not allow probationers to vote. In fourteen states, ex-felons can loose their right to vote for a lifetime (Drug Policy Alliance, 1998). The United States is the only democracy that does not reinstate voting rights of ex-felons. After serving mandatory minimum sentences, America continues to deny ex-felons full participation in society (Boyd, 2001). The Voting Rights

Act and later Jim Crow Laws convinced blacks the right to vote would assure them equality and power in the political arena. The felony disenfranchisement of African Americans has served to weaken their political clout by restructuring the political system (Boyd, 2001). In 1995, there were 1.4 million disenfranchised adult African American men (Mauer, 1999). The 2000 presidential election demonstrated the political restructuring. 200,000 black men were barred from voting because of disenfranchisement. In Florida any drug offence results in a lifetime ban on voting.

F. What was supposed to happen?

The Sentencing Reform Act of 1984 was to accomplish uniform sentencing, establish the US Sentencing Commission, and introduce stiffer sentencing. Incarcerating drug kingpins, traffickers, and dealers were the primary targets.

G. Actual Impacts

Does the SRA contribute to the disparate rates of African Americans incarcerated for marijuana possession/sales when compared to European Americans? The SRA Act has impacted many segments of the African American community. It has contributed to increased adult men, women, and juvenile incarceration rates (Human Right's Watch, 2002). It has contributed to the breakdown in

African American families and harmed children. The act has also lowered life chances by decreasing educational opportunities thorough denied educational financial assistance. It has even disenfranchised large portions of the voting black adults. age the African American community in addition to decreased public assistance. Besides all this large-scale devastation in the African American community, this act has also increased an already powerful prison industrial complex and increase police bias and discrimination, thus lessening the integrity of our criminal justice system overall (Miller, 1996).

IV. Implication for Social Work Practice

The social work profession is a combination of education, skills and values (Kirst-Ashman & Hull, 1994). The skilled social worker can be an effective agent of change working with individuals or the micro level of practice. Social work can be useful to organize groups of people around common issues or bring opposing groups together, the mezzo level of practice. The macro level of social work practice involves affecting changes in systems (Kirst-Ashman & Hull, 1994).

Micro Level Practice

Micro social work practice or direct care might begin prior to the inmate's release to facilitate integration

back in to the community. Ex-offenders may need intensive psychotherapy, medical care, job seeking skills or other supports.

Meso Level Practice

Meso social work practice could organize communities around the issues that confront ex-felons. Many parents released into the community will need help finding affordable housing because federal housing and public assistance might not be available to them. The ex-offender and family members, including parents, partners or spouses, and children, may need the assistance of a social worker to facilitate their re-acquaintance.

Macro Social Work Practice

Macro social work practice is needed to change laws that impact ex-offenders. Social work advocacy at the federal congressional level can focus national attention to disenfranchisement status of ex-offenders or restoring public assistance to mothers or fathers leaving prison. State and local governments are also policy areas social works can work on the behalf of ex-offenders.

Next Step for the Social Work Profession

The issue of mandatory minimums for possession and sales of marijuana is slowly coming to the forefront. The government is beginning to comprehend prohibition and

incarceration are not practical interventions to end the use or sales of marijuana. Social workers could identify different approaches that might convince the users of marijuana to stop. Social workers could also identify systemic issues contributing to the need for the economic benefits of selling a controlled substance. Other efforts could be to unite similar purposed organizations to form coalitions. United organizations benefit financially and increase the numbers working for the same purpose. It is not necessary to become one coalition. Simply coming together for one or two common goals could be enough.

Social Work and Racism

Personal bias is an important aspect of who we are as individuals. Bias could be as simple as favoring orange juice to grape juice, or deep-rooted ideas about a group of people. Bias in favor of one group over another is not acceptable in the social work profession. Social workers must constantly evaluate our biases.

Racism is also a form of bias. Racism like bias can be conscious or unconscious. Whether racism is conscious or unconscious it is unethical in social work practice. It is unethical to withhold services, information, or in any way treat one client differently based on race. This applies if the social worker is white and the client is black. It

also applies if the social worker is black and the client is white. A unique form of racism is for a white social worker to be biased towards a white client. The opposite of the above situation is a black social worker being biased towards a black client.

The history of blacks and whites in this country has been and still is appalling. Many, both black and white, readily admit the issues we have need to be addressed. Many social workers attempt to lessen the tensions between blacks and whites. Education about racism, nationally televised forums, focusing on sameness, the American government has apologized for the many lynching of African Americans and the issue of racism persists. Years after the civil war and the Voting Rights Act racism appears to be on the increase. American society produces and supports individuals with prejudices who stereotype and perpetuate negative images of minority groups (Burnett, 1998). As such the social work profession must be diligent in assuring we continually evaluate and question each other and ourselves.

Conclusions

Researching mandatory minimums was extremely enlightening. But, I knew, without doing the research, that SRA was contributing to the disproportionate numbers

of incarcerated blacks. Recently a study concluded black men are not getting proper medical help. Was the research necessary? I cannot say with certainty.

African American children are falling farther and farther behind academically. Blacks do not earn the same salary for doing the same work as their white counterparts. The disparities affect every aspect of black life. What can be done to counter act these problems?

Legislation is clearly is not the answer. Legislation will not stop white men from dragging a black man chained to a pickup truck. In Tulia, Texas Tom Coleman, a white undercover officer, arrested 46 people nearly all black (on sales of cocaine). Finally, many were released from jail after serving years in jail. The undercover officer did not spend one day in jail (ACLU, 2000). President George W. Bush has yet to meet with the Congressional Black Caucus; he is now in his second term. According to House of Representative McKinney (D, GA) he doesn't know about renewing the voting right's act. If the leader of the country doesn't acknowledge the issues of racism, it is difficult to hope for change from everyone else

References

- Allard, P. (2002). Life sentences: denying welfare benefits to women convicted of drug offenses. In (Ed.), (pp. 1-34). Washington, D.C.: Sentencing Project.
Retrieved October 30, 2003, from <http://www.sentencingproject>
- American Civil Liberties Union. (n.d.). *Criminal Justice*.
Retrieved May 18, 2003, from <http://www.aclu.org/CriminalJustice/CriminalJusticemai>
- American Civil Liberties Union. (2000). Retrieved May 18, 2003, from www.aclu.org/RacialEquality/RacialEquality.cfm?ID=8150
- Amnesty International. (n.d.). Retrieved January 12, 2004, from www.amnesty.org
- Amnesty International. (n.d.). Go back to the cite and get. Retrieved April 8, 2004, from <http://www.amnesty.org>
- Belenko, S. (1998, June). In *Research on drug courts* ().
Retrieved March 23, 2004, from The National Center on Addiction and Substance Abuse at Columbia University Web Site: <http://www.ndci.org/admin/docs/casa.pdf>
- Blumenson, E., & Nilsen, E. (n.d.). *Policing for profit: the drug war's hidden agenda*. Retrieved September 10, 2003, from <http://www.fear.org/chicago.html>

Boyd, Graham. (2001, July 32). *The drug war is the new Jim Crow*. Retrieved March 22, 2004, from

<http://www.aclu/DrugPolicy/DrugPolicy.cfm?ID=10966&c=8>

2

Burnett, J. (1998). Identifying bias: A cognitive model.
Augsberg College

Campbell, L. and Bemporad, H. (March 2003). An
Introduction to Federal Guideline Sentencing. Sixth
Edition. Federal Public Defender- CJA Support. 2002
Retrieved May 7, 2004, from <http://www.fpdnow.org>.

Coalition for the Higher Education Act Reform... (n.d.).

Raise Your Voice. Retrieved May 7, 2004, from

<http://www.raiseyourvoice.com/484f.shtml>

Davis Angela. (Fall 1998). *Masked racism: reflection of
the prison industrial complex*. Retrieved October 25,
04, from [http://www.thirdworldtravler.com/Prison
System/Masked Racism ADavishtml](http://www.thirdworldtravler.com/PrisonSystem/MaskedRacismADavishtml)

Del Greco, R. (1999). *Effects of the foster care on the
family system*. Unpublished thesis, Augsburg College.

Drug Policy Alliance. (1998). *Drug police and the law*.
Retrieved October 15, 2003, from
www.drugpolicy.org/law/felon/

Esocbar, Edward J. (1999). More sinned against than
sinning. In (Ed.), *Race, police, and the making of a
political identity* (pp. 226-319). Berkeley, CA:
University of California Press.

- FAMM Families Against Mandatory Minimums (2002). *History of Mandatory Sentences*. Retrieved November 10, 2003, from http://www.famm.org/si/history_of_mandatory.htm
- Gettman, J. (2000). *United States marijuana arrests , Part 2: Racial differences in drug arrests*. Retrieved October 15, 2003, from <http://www.normal.org>
- Glasser, I. (1999). Testimony of Executive Director Ira Glasser American Civil Liberties on National Drug Policy. In (Ed.), *Criminal Justice, Drug Policy, and Human Resources Subcommittee of the House Government Reform Committee: Vol. (pp. 1-6)*. Washington, DC: ACLU.
- Hall, W., & Solowij, N. (1998, November 14). Adverse effects of cannabis. : *The Lancet*. Retrieved May 5, 2003, from Gale Group web site: <http://>
- Hamid, A. (2002). The ganja complex: Ratafari and marijuana. Lanham, MD: Lexington Books.
- Haugrud, J. B. (1996). *Grandparents raising their grandchildren: increased stress due to role restriction and social isolation*. Unpublished thesis, Augsburg College.
- Hirsch, A. E. (1999). " Some days are harder than hard": Welfare Reform and women with drug convictions in Pennsylvania. Washington, D. C.: Center for Law and Social Policy. Retrieved June 13, 2003, from www.clasp.org

Human Rights Watch. (2000, May). United States punishment and prejudice: Racial disparities in the war on drugs.

Retrieved October 30, 2003, from

<http://www.hrw.org/reports/2000/usa>

Human Rights' Watch. (n, d). About Human Rights' Watch.

Retrieved April 7, 2004, from <http://www.hrw.org>

Juszkiewicz, J. (October, 2000). *Youth crime/adult time: is justice being served?* (). Retrieved March 24, 2004

from

<http://www.buildingblocksforyouth.org/ycat/ycat.html>

Kempf-Leonard, K., Pope, C. E., & Feyerherm, W. H. (Eds.).

(1995). *Minorities in juvenile justice* (1st ed.).

Thousand Oaks, CA: Sage Publications.

King, R. S., & Mauer, M. (September 2002). *Distorted*

priorities: drug offenders on state prisons ().

Retrieved October 15, 2000 from

<http://sentencingproject.org>

Kist-Ashman, K., & Hull, G., Jr. (1994). Understanding generalist practice. Chicago: Nelson-Hall Publisher

Kornblum, W. (2002). *Sociology; The central questions* (2nd ed., Rev.). New York: Wadsworth.

Lupine, J. C. (April 1995). *Unraveling an American dilemma:*

the demonization of marijuana. Retrieved November 13,

2003, from Schaffer Library of Drug Policy Web Site:

<http://www.druglibrary.org/schaffer/hemp/history/conspiracy.htm>

- Marijuana Policy Project. (n.d.). *Talking points*. Retrieved January 15, 04, from <http://www.mpp.talkingpoints>
- Martin Luther King National Historic Site (1992) Jr., National Historic Site. (1992). *US Constitution 14th Amendment*. Retrieved April 8, 2004, from <http://campus.northpark.edu/history/WebChron/USA/14Ammend.html>
- Mauer, M. (1999, April 15). *The crisis of the young African American male and the criminal justice system*. Retrieved October 17, 2003, from <http://www.sentencingproject.org/pdfs/5022.pdf>
- Mauer, M. (2003). Comparative international rates of incarceration: an examination of causes and trends. In (Ed.), (pp. 2-16). Washington, D. C.: The Sentencing Project. Retrieved January 12, 2004, from <http://sentencingproject.org>
- Miller, Jerome, G. (1996). *Search and destroy*. Cambridge, MA: Cambridge University Press.
- Morral, A. (2002). Marijuana not a " Gateway Drug". *Addiction*. Retrieved September 13, 2004, from <http://mywebmd.com/content/article/54/65298?src=Inktomi&condition=Healthy%20Men>
- NASW (Ed.). (2003). *NASW policy statements - social work speaks* (5th ed.). Washington, DC: NASAW Press.

National Institute on Drug Abuse. (2003, September). *Drug use among racial/ethnic* (NHI Publication No. 03-3888). Bethesda, MD: National Institutes of Health. Retrieved October 5, 2003, from <http://www.drugabuse.gov/pdf/minorities03.Pdf>

National Organization for the Reform of Marijuana Laws (NORML). (2003, March 11). *Legal Issues (your rights)*. Retrieved May 15, 2003, from <http://www.norml.org/index.cfm?Group ID=3405>

Office of National Drug Control Policy. (3/12/2004). *What Americans need to know about Marijuana*. : United States Government. Retrieved February 28, 2004, from <http://www.ONDCP.gov>

Peoples, Clem (1942, December). Smashing California's baby gangsters. *Sensations*, , .

Purdy, D. A., & Gelpi, G. A., 1997, King & Mauer, Sept). *Federal Sentencing Advocacy: Tips for beginning Practitioners*. : Retrieved September 10, 2003, from www.gov/Training/tipsart.pdf

Roman, J., Townsend, W., & Singh Bhati, A. (?). *Recidivism rates for drug court graduates: nationally based estimates* (OJP- 99-C-010). Retrieved October 6, 2003 from <http://WWW> The urban Institute

Schwartz, R. (2002). Marijuana: A decade and a half later, still a crude drug with underappreciated toxicity. *Pediatrics*, 109(2), 284-289.

Segal, E. A., & Brzuzy, S. (1998). Social welfare policy, programs, and practice. Itasca, IL: F. E. Peacock Publishers, Inc. recheck for chapters.

Shelden, R. G. (). Why are we so punitive? Some observations on recent incarceration rates San Francisco(). Retrieved April 2004 from <http://www.cjcj.org/pdf/punitive.pdf>

Silliman, J., & Bhattacharjee, A. (Eds.). (2002). *Policing the national body: Sex, race and criminalization* (1st ed.). Cambridge, MA: South End Press.

Small, D. (Fall, 2002). *The war on drugs is a war on racial justice*. Social Research. Retrieved May 7, 2004, from <Http://web4.infotrac.galegroup.com>

Substance Abuse and Mental Health Services Administration. (2003). *Overview of Findings from the 2002 National Survey on Drug Use and Health* (Office of Applied Studies (NHSDA Series H-21). Rockville, MD: DHHS Publication No. SMA 03-3774. Retrieved October 5, 2003, from <http://www.samhsa.gov/oas/nhsda/2k2nsduh/Overview/2k20verview.htm>

United States General Accounting Office (May 1998). *Law enforcement information on drug-related police corruption* (GAO/GGD-98-111). Retrieved July 3, 2004 from <http://www.gao.gov>

Appendix A**Bill of Rights and other constitutional provisions**

4th. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized

5th. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation

6th. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval

forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation

8th . Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted

14th . Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws

APPENDIX B

The Controlled Substance Act. The Controlled Substance Act of 1970 (CSA) must be mentioned because of its importance as it relates to the SRA. Possession or sales sentences are based in part on this act. The CSA placed all controlled substances in schedules ranging in numbers from I to V. Anyone arrested with a controlled substance (listed) will be prosecuted. Examples of schedule classification are below.

SCHEDULE I	A. The drug has a high potential for abuse	B. The drug has no currently accepted medical use in treatment	C. There is a lack of accepted safety for use of the drug under medical	Includes marijuana Heroin(diamorphine)
SCHEDULE II	A. The drug has a high potential for abuse	B. The drug has a currently accepted medical use in treatment in the US with	C. Abuse of the drug may lead to severe psychological or physical dependence	Includes Morphine (OxyContin)
SCHEDULE III	A. The drug has a high potential for abuse less than other drugs in schedules I & II	B. The drug has a currently accepted medical use in treatment in the US with	C. Abuse of the drug may lead to moderate or low physical dependence or high psychological dependence	Includes Anabolic Steroids (body building drugs)
SCHEDULE IV	A. The drug has a low potential for abuse relative to other drugs	B. The drug has a currently accepted medical use in treatment in the US with	C. Abuse of the drug may lead to limited physical dependence or psychological	Includes Diazepam (Valium)
SCHEDULE V	A. The drug has a low potential for abuse relative to other drugs	B. The drug has a currently accepted medical use in treatment in the US with	C. Abuse of the drug may lead to limited physical dependence or psychological	Includes Codeine Preparations 200 mg /100 ml or 100 gm Robutussin

(21 USC, 1970, US Justice Department, 2004))

Appendix C
Federal Trafficking Penalties - Marijuana

DRUG	QUANTITY	1 st OFFENSE	2 nd OFFENSE
Marijuana	1,000 kg or more mixture; or 1,000 or more plants	<ul style="list-style-type: none"> • Not less than 10 years, not more than life • If death or serious injury, not less than 20 years, not more than life • Fine not more than \$4 million if an individual, \$10 million if other than an individual 	<ul style="list-style-type: none"> • Not less than 20 years, not more than life • If death or serious injury, mandatory life • Fine not more than \$8 million if an individual, \$20 million if other than an individual
Marijuana	100 kg to 999 kg mixture; or 100 to 999 plants	<ul style="list-style-type: none"> • Not less than 5 years, not more than 40 years • If death or serious injury, not less than 20 years, not more than life • Fine not more than \$2 million if an individual, \$5 million if other than an individual 	<ul style="list-style-type: none"> • Not less than 10 years, not more than life • If death or serious injury, mandatory life • Fine not more than \$4 million if an individual, \$10 million if other than an individual
Marijuana	more than 10 kgs hashish; 50 to 99 kg mixture more than 1 kg of hashish oil; 50 to 99 plants	<ul style="list-style-type: none"> • Not more than 20 years • If death or serious injury, not less than 20 years, not more than life • Fine \$1 million if an individual, \$5 million if other than an individual 	<ul style="list-style-type: none"> • Not more than 30 years • If death or serious injury, mandatory life • Fine \$2 million if an individual, \$10 million if other than individual
Marijuana	1 to 49 plants; less than 50 kg mixture	<ul style="list-style-type: none"> • Not more than 5 years • Fine not more than \$250,000, \$1 million other than individual 	<ul style="list-style-type: none"> • Not more than 10 years • Fine \$500,000 if an individual, \$2 million if other than individual

<http://www.usdoj.gov/dea/agency/penalties.htm>

