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COLUMN ONE Blacks Feel Brunt of Drug War About 80% of users are white, experts say, but the majority of those arrested are black. Those on the front lines of enforcement wonder whether its strategy has gone awry.

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Abstract (Abstract): Consequently, police, judges and attorneys say, under the nation's current approach, black America is being criminalized at an astounding rate. According to an analysis by the Sentencing Project in Washington, D.C., one in four black men in their 20s in the United States is either in jail, in prison, on parole or on probation. By contrast, the study found only 6% of white men in their 20s-or about one in every 17-fell into the same categories. Women's prisons, once hardly used, are filling to capacity with black faces. Such disparity among arrests, sentencing and the availability of treatment has led most of the nearly 100 judges, attorneys, police, clergy and residents across the country interviewed for this story to the same conclusion reached by Norval Morris, a University of Chicago professor who is the former dean of the university's law school. As communities get the additional police they requested, residents also get an aspect of increased law enforcement that they hadn't counted on: unwarranted stops, searches, arrests and other harassment. But many blacks applaud the police efforts, no matter how they affect civil rights. "Black people end up being more conservative than other people," said George Napper, director of public safety in Atlanta. "They say: `To hell with the rights. Just kick ass and take nam"

In another Los Angeles case, attorneys representing defendants involved in a crackdown on drug dealing around schools have filed motions against the U.S. attorney's office charging that officials targeted blacks and Latinos. Ninety-six percent of the defendants are minority members. Officers were placed at predominantly minority schools, despite the federal studies showing more drug use among white youths than among both black and Latino juveniles.

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Full text: "The typical cocaine user is white, male, a high school graduate employed full time and living in a small metropolitan area or suburb."

-Drug czar William J. Bennett

Maybe no one planned it, maybe no one wanted it and certainly few saw it coming, but around the country, politicians, public officials and even many police officers and judges say, the nation's war on drugs has in effect become a war on black people.

As America's cities and towns, led by President Bush and drug czar William J. Bennett, have intensified the battle against drugs-particularly cocaine-these authorities say, the efforts have been disproportionately concentrated in black communities.

The result, they warn, has been a series of events that is taking a toll on poor, minority communities and is causing those closest to the drug war to question whether its strategy has gone awry.

For one thing, law officers and judges say, although it is clear that whites sell most of the nation's cocaine and account for 80% of its consumers, it is blacks and other minorities who continue to fill up America's courtrooms and jails, largely because, in a political climate that demands that something be done, they are the easiest people to arrest.

"There's as much cocaine in the Sears Tower or in the stock exchange as there is in the black community," said Cmdr. Charles Ramsey, who supervises the Chicago Police Department's narcotics division. "But those guys are harder to catch. Those deals are done in office buildings, in somebody's home, and there's not the violence

associated with it that there is in the black community. But the guy standing on the corner, he's almost got a sign on his back. These guys are just arrestable."

Additionally, as police have moved en masse into poor minority communities-largely at the request of residents there enraged by murders, robberies and other crimes associated with drugs-their presence has meant that innocent citizens have been swept up along with the guilty. Now some residents, civil libertarians and even police officials are warning that constitutional protections against unwarranted stops, searches, seizures and harassment have been all but suspended.

Across the nation, blacks-and some Latinos-complain that their neighborhoods are barricaded, that roadblocks are set up for identification checks, that they are roused from their apartments without warrants, that police target them with "stop on sight" policies and that they are disproportionately arrested in "sweep" operations for minor misdemeanors and traffic violations that have nothing to do with the drug war.

"What it amounts to is a different constitutional standard and a lower set of rights for people who live in a minority community than for those who live in a white suburb," said Michael Letwin, president of New York City's Legal Aid Society.

To compound the problem, while many whites can afford treatment for drug addiction, black addicts, who make up the majority of the street-corner sellers, usually cannot. "So they're probably going to end up in jail sooner or later," said Capt. Harvey Ferguson, head of the Seattle Police Department's narcotics division.

Consequently, police, judges and attorneys say, under the nation's current approach, black America is being criminalized at an astounding rate. According to an analysis by the Sentencing Project in Washington, D.C., one in four black men in their 20s in the United States is either in jail, in prison, on parole or on probation. By contrast, the study found only 6% of white men in their 20s-or about one in every 17-fell into the same categories. Women's prisons, once hardly used, are filling to capacity with black faces. Such disparity among arrests, sentencing and the availability of treatment has led most of the nearly 100 judges, attorneys, police, clergy and residents across the country interviewed for this story to the same conclusion reached by Norval Morris, a University of Chicago professor who is the former dean of the university's law school.

"The whole law-and-order movement that we've heard so much about is-in operation-anti-black and anti-underclass," Morris said. "Not in plan, not in design, not in intent, but in operation."

Increasingly, those on the front line in the drug war say, the nation has marched off in the wrong direction, its vision impaired by media images of drug violence that have contributed to the erroneous notion that the cocaine crisis is rooted in black America.

And, they say, because anti-drug policies have been founded on the mistaken theory that enough police targeted on minority areas can solve the problem, low-income black and Latino families are being broken up as adults already crippled by lack of education and job skills are jailed, only to be released later with felony records that make them even less employable.

"This is not the way you tackle the problem," said San Francisco Superior Court Judge Jack K. Berman. "When I took the bench 7 1/2 years ago, we had 25,000 people in state prison. There are now 85,000 people there. Big deal. I've sure made an impact by increasing punishment and putting everybody in jail."

Even black police officers who are busy locking up black suspects are concerned about the future.

"I don't know who is going to take my place years from now," said Maj. Julius Derico, head of the Atlanta Police Department's narcotics division, who has fought for 20 years to help create one of the most integrated departments in the country. "We're locking up all the young guys, and you can't be a cop with a felony conviction."

Overwhelmingly, those closest to law enforcement efforts say that what is needed is a greater emphasis on drug treatment and education, coupled in poor communities with job opportunities and training to provide economic alternatives to a drug economy. But the centerpiece of the war on drugs, President Bush's \$9.5-billion drug budget, is weighted 74% toward law enforcement, and communities across the nation continue to demand

a "get tough" approach.

Thus, many are beginning to ask a disturbing question.

"I wonder if because it is blacks getting shot down, because it is blacks who are going to jail in massive numbers, whether we-the total we, black and white-care as much?" asked Atlanta Police Chief Eldrin Bell.

"If we started to put white America in jail at the same rate that we're putting black America in jail, I wonder whether our collective feelings would be the same, or would we be putting pressure on the President and our elected officials not to lock up America, but to save America."

Those on the front line in the battle against drugs agree that the system as it currently operates is not consciously designed against blacks. They note that many cities where the impact on minorities is greatest have black mayors and black police chiefs. The judge who sentenced a black man in Los Angeles to life imprisonment for possession of 5 1/2 grams of cocaine, they add, was also black.

"I wouldn't call it a conscious conspiracy," said Dr. Barry Krisberg, president of the National Council on Crime and Delinquency. "I don't believe that these black mayors and police chiefs and other officials have set out to make war on their own people."

The officials say, however, that the response has been rooted in the belief that blacks are the major purveyors of drugs in America. The news media's stark portrayals of the drug-related violence and crime most prevalent in black neighborhoods have played a significant role in that perception.

"The kinds of visuals you have on television, where most people get their news, are shots of black people in a drug-market area," said Bob Lichter, director of the Center for Media and Public Affairs, a Washington, D.C., organization that analyzes media coverage. "That reinforces the impression that it's mostly a black problem."

Separate studies by the FBI and the National Institute for Drug Abuse in 1988 came to the identical conclusion that blacks make up only 12% of the nation's drug users. Studies of those who consume drugs, in fact, show slightly lower percentages of blacks and Latinos than whites in every age category.

But even judges, who see their own courtrooms packed with black and Latino defendants, have a hard time maintaining perspective.

"Eighty percent of the users are white?" asked Chicago Judge Thomas Sumner in disbelief. "Judging by what I see, I would have thought the numbers would be totally reversed."

For many, the term "cocaine mothers" has become nearly synonymous with pregnant black women, even though studies show that pregnant black and white women test positive for drug use at the same rate. However, doctors turn black women over to child abuse authorities for substance abuse during pregnancy at a rate 10 times that of white women, according to a six-month study of pregnant women by the National Assn. for Perinatal Addiction Research and Education in Florida.

"It's pretty clear that there is a bias," said Greg Color, director of the Florida Department of Health and Rehabilitative Services. "I think there certainly has been the presumption that this problem is relegated to the ghetto and that the recreational use of cocaine by middle-class people is somehow not a part of the problem."

It is not just the demand for enforcement from poor, black neighborhoods that has sent the police there with tough-sounding efforts like Operation Invincible in Memphis, Operation Clean Sweep in Chicago, Operation Hammer in Los Angeles, the Red Dog Squad in Atlanta and TNT in New York City. It is also true that where the political climate demands that something be done, numbers of arrests do count.

"One of the problems is you get a community demanding numbers," said Assistant U.S. Atty. Tim Discenza, who heads the drug task force prosecution in Memphis. "So, if you are an elected mayor or sheriff or other elected official, you may want to use officers in long-term arrests of suppliers that, after three months, may only result in two people being arrested. On the other hand, you can use those same officers and make 200 arrests."

"It's a lot more impressive to say we arrested 150 people over the weekend for drugs in Bowen Homes, than to say we arrested two guys after two months in the suburbs," said Atlanta police investigator Ed Brown. "By

arresting those two guys, we may have shut down five or six crack houses in Bowen Homes, but the lady who lives there doesn't want to hear that."

As communities get the additional police they requested, residents also get an aspect of increased law enforcement that they hadn't counted on: unwarranted stops, searches, arrests and other harassment. But many blacks applaud the police efforts, no matter how they affect civil rights. "Black people end up being more conservative than other people," said George Napper, director of public safety in Atlanta. "They say: 'To hell with the rights. Just kick ass and take nam'"

Father George Clements, a Catholic priest who has long been in the forefront of the struggle against drugs in Chicago's black communities, is an example.

"I'm all for whatever tactics have to be used," Clements said. "If that means they're trampling on civil liberties, so be it. I deal in funerals. I deal in corpses. I don't care about the civil libertarians. I feel that they're not being strict enough. For me, the bottom line is death."

But others take a different view.

"All of those things are true. However, this is a case where the cure for the illness is worse than the illness," said Krisberg of the National Council on Crime and Delinquency in San Francisco. "First, it isn't a cure, and the impact on the black community is devastating."

For Rep. Craig Washington (D-Tex.), the debate reflects the frustration within black communities.

"We're in the DMZ (demilitarized zone) in the war on drugs," Washington said. "We're getting it from both sides. We know that perhaps in other circumstances, these tactics and methods would be questionable at best.

"But we're so tired of drugs that we relax our fundamental freedoms in the name of doing something about the problem. . . ."

In city after city, black residents complain that what would be routine traffic stops in another part of town result in searches and pat downs. Black men and teen-agers say they are routinely stopped and told to "assume the position."

"Last week, they stopped me every day for four days," said David Thomas, 27, of Chicago, where police note on "contact cards" the names and other information on individuals they stop. "They search you and ask for ID."

Rahman Stone, 14, son of the director of the Chicago Public Defender's Office, said he was stopped, cursed and searched by police in the middle-class Hyde Park community as he and a friend were on their way to the barbershop.

"They made us put our hands up against the wall and take everything out of our pockets," he said. "They said we 'fit a criminal description.'"

Vince Carter, a 7th- and 8th-grade English teacher who organizes a basketball program for youngsters living in the Cabrini Green housing project, said it happens to his players all the time. "The kids get stopped so much, they don't even say anything about it," he said. "It's routine."

And if the kids resist the frequent stops? "They'll smack you and then they'll try to give you a case," said Anthony Johnson, 17, who lives in Cabrini Green, a public housing community under tight police scrutiny.

"They'll give you a disorderly (conduct charge) or something. If you're in a gang, they take you to another gang's territory and drop you off."

It is not just teen-agers or residents of poor neighborhoods who are searched.

Skip Gants, a successful Chicago defense attorney, was on his way home from work to Sandburg Village, a mostly white, yuppie enclave not far from Cabrini, when he was stopped.

"It was the beginning of the sweeps," Gants said. "I had on my suit and tie, driving a nice car. The policeman tells me to get out of the car and the guy starts to pat me down. He looked in the glove compartment. Then he asked me to open the trunk.

"My briefcase is in there and he says he wants me to open it. Well, he and I both know that he doesn't have cause to make me open it. But he says we can go to the station and open it. So I open it. Nothing in there but

legal papers.

"I said, 'Man, if they do this to me, just think what they are doing to these young brothers from the projects.' " Police officials say that as a natural consequence of beefed-up law enforcement, black residents are more often arrested on charges that have nothing to do with drugs than are their white counterparts.

"Where you have more police, you're going to have more arrests," said Ramsey of the Chicago police.

During a drive against drugs and gangs in Atlanta earlier this year, for example, police targeted a portion of the city's public housing units that house less than 10% of the city's residents. In the next month, those residents received more than half of the tickets for minor traffic violations for the entire city.

During that time, one in every three cars towed by the city came from that small segment of Atlanta as police tried to press and harass drug dealers who used abandoned cars to store drugs or kept their cars parked in the neighborhoods. Residents said that many of the towed cars did not belong to drug dealers.

Of the 4,800 charges made during the first month of the effort, a small percentage were drug related. Nearly 3,700 were for traffic violations. Of the 1,100 or so other cases, half were misdemeanors. "It's the same situation here," said David Meyers, assistant director of the Los Angeles County Public Defender's Office. "They have these sweeps. They announce these massive numbers of arrests, but while the number of drug cases filed has increased, they are not consistent at all with the number of arrests.

"The number of drunk driving arrests go up. They pick up lots of people they wouldn't otherwise get on petty misdemeanors that are not drug related. But if you took that number of officers and put them in Van Nuys, you'd have a substantial increase in drug cases-and especially misdemeanors."

Assistant U.S. Atty. Discenza in Memphis is on the other side of the legal fence, but he agrees that increased drug enforcement has resulted in abusive behavior in minority communities.

"Am I going to tell you that the police treat the people in (black) Orange Mound the same as they do in (white) East Memphis? No, they don't," Discenza said. "They start hassling people they suspect to be drug dealers. Some of them are. But they also hassle kids who just want to play ball, kids who want to court, people who just want to walk around the neighborhood."

Such actions have spawned a spate of lawsuits.

In Chicago, the American Civil Liberties Union filed a suit and won an agreement from the Chicago Housing Authority to stop random searches of residents' apartments by police and housing authority officials in so-called "lock-downs" last winter, in which the housing authority, aided by nearly 150 police, periodically instituted surprise raids on individual buildings, going apartment by apartment rousting residents from their homes. Although many residents applauded the effort, others complained that officers did not have the right to pull them from their apartments while they searched their personal belongings, dresser drawers, cabinets and even Christmas packages.

Residents who were away from home at the time of the raids say they were patted down and searched upon their return. A midnight to 9 a.m. curfew was put into effect. During lock-downs, no overnight guests were allowed. Residents were given identification cards for later admittance.

"It's like a prison," complained a security guard assigned to an apartment building in Cabrini Green. In Boston, ACLU officials filed a lawsuit against the police department after what Superior Court Judge Cortland Mathers found was an official "search on sight" policy for black men in the Roxbury, Dorchester and Mattapan communities.

The ACLU charged that police randomly stopped young black men, used firearms to threaten them, pushed them to the ground, physically and verbally abused them and often forced them to pull down their pants and underwear in public. One man was shot accidentally by a police officer during a search; no charges were filed against the shooting victim.

In Los Angeles, 55 residents accepted a \$3-million settlement from the city after police officers lied to a judge to get a search warrant and then demolished all eight units in two apartment buildings suspected of being used for

drug sales. When residents complained, officers initially said gang members had done the damage.

In another Los Angeles case, attorneys representing defendants involved in a crackdown on drug dealing around schools have filed motions against the U.S. attorney's office charging that officials targeted blacks and Latinos. Ninety-six percent of the defendants are minority members. Officers were placed at predominantly minority schools, despite the federal studies showing more drug use among white youths than among both black and Latino juveniles.

In Atlanta, ACLU officials complained when police set up roadblocks at the entrances to a number of public housing units scattered throughout the city. During a two-month period, every person going in or out past the roadblock was required to show identification. Drivers were asked to produce a license and proof of insurance. "It's like being in South Africa," said Michael Alexander, 29, of John Hope Franklin Homes. "If you come in here, you'd better have your papers in order."

"It might be a form of harassment," acknowledged Maj. W. W. Holley, who headed the operation. "I told my officers that if an individual is casually walking around, I want him stopped and checked out. We didn't single out young people. We stopped everybody."

"In these sweeps, it's very difficult to know the good people from the bad people," said public safety director Napper, who hatched the housing project idea. "So good people become victimized by what we are trying to do."

The uneven availability of treatment for drug addiction also creates problems.

From his bench in Compton, Municipal Court Judge Robert Mackey watches the disparity. "A lot of white people who come through the court get education, they get medical treatment," he said. "They get it on their own prior to coming to court. Blacks come in and they don't have their money up front for that. So they come in expecting the court to do that and it just isn't available."

Even the new, tougher drug laws are disproportionately stacked against minority defendants, defense attorneys said.

Under new federal statutes, defendants convicted of selling 5 grams or more of crack cocaine, worth perhaps \$125, receive a mandatory minimum of five years in prison. However, it takes 500 grams of the powdered drug, nearly \$50,000 worth of "yuppie cocaine," to receive an equivalent sentence.

Consequently, someone caught in a drug bust with a relatively small amount of cocaine can receive a sentence that is two to three years longer than a person convicted of selling nearly 100 times that amount, attorneys said.

"I cannot say with any authority that law was intended to be racist," said William Hines, a Seattle federal public defender, "but the effect of that law is racist."

"It's the black guys, the nickel-and-dimers selling a little bit of drugs to keep their habit going, who are doing five years. The white kid who lives on Mercer Island and sells 400 grams is not getting a five-year minimum," Hines said.

In Memphis, Shelby County Sheriff Jack Owens agrees.

"The worst offender is the functional user, the BMW guy, the guy who goes to work every day," said Owens, who recently uncovered drug-dealing doctors, lawyers and an airline pilot when he targeted upper-income white sections of Memphis. "That's who's fueling the drug industry. It's not the people in the projects." Most frustrating about all this activity, judges, police, attorneys and elected officials said, is that its impact on drug usage is minimal, because law enforcement alone is not the answer. They say there must be much greater emphasis on drug treatment and education.

"What we're doing is simply a holding action," said Capt. Ferguson, head of narcotics enforcement in Seattle. "We've arrested more people than the prosecutors can prosecute, than the judges can convict, more than the jails can hold. Until there's a demand reduction-and that means education and treatment-you're not going to see any change."

But in city after city, there is little or no treatment.

"If even a quarter of the addicts walked up to the courthouse today and said, 'I give up,' there's no place for them to go," said Derico of Atlanta's narcotics and special investigations divisions. "There must be treatment; we have none. There must be education; we have none. We must have community involvement; we have none. The problem is that for years everybody has viewed this as a law enforcement problem."

Even beyond treatment and education, officials said, in poor and minority neighborhoods, residents must be given other options.

"The problems are systemic," said Meyers of the Los Angeles Public Defender's Office. "For a lot of these guys, that's the only way he has of addressing his economic problem. If your chances are no chance at all and five years in jail, you're probably going to choose five years in jail. If that's the best of your options, that's no choice at all."

But given the current political climate, a move toward more treatment and less law enforcement doesn't seem likely soon, officials said.

"The perception is, more arrests (are) supposed to represent the war on drugs," Rep. Louis Stokes (D-Ohio) said.

"This is a social issue," added Judge Berman in San Francisco, "but our society doesn't want to pay the price of educating people so they can get a decent job and get out of the environment in which they find themselves." So, under the present approach, law enforcement officers, judges and other public officials said, they expect more of the same.

"They are going to continue to arrest the poor folks and say we've locked up 10,000 folks and we're doing something with drugs," said Maj. Holley in Atlanta. Holley threw up his hands in disgust.

"They're full of crap."

Illustration

PHOTO: Chicago Housing Authority residents and others demonstrated outside the Dirksen Federal Building in Chicago last November. / DON CASPER / Chicago Tribune; PHOTO: Atlanta police officer R. B. Harris of the Red Dog Squad counts packets of crack confiscated from suspect, seated on the ground. / W. A. BRIDGES JR. / For The Times; PHOTO: A police officer detains a suspect in South Los Angeles; some experts say the scene is all too common.; PHOTO: Police officer questions suspects in South Central Los Angeles / GARY FRIEDMAN / Los Angeles Times

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