
THE DRUG TRADE

KEY TERMS

Black Codes
 Controlled Substances Act
 decriminalization
 depressants
 drug abuse
 drug addiction
 drug trafficking

hallucinogens
 interdiction
 narco-terrorism
 Schedule I–V drugs
 Slave Codes
 stepping-stone theory
 stimulants

OUTLINE

Introduction
 Classes of Drugs
 Racism and the Drug Laws
 History of Drug Abuse Legislation

The Addict and the Law
 Arguments For and Against Decriminalization
 Extent and Trends in Drug Trafficking
 Country Profile

LEARNING OBJECTIVES

After reading this chapter, students should be able to:

1. Distinguish between the three major categories of psychoactive drugs—depressants, stimulants, and hallucinogens—and list examples of each
2. Identify and define the various classes of drugs in the U.S. Controlled Substances Act and list examples of drugs that are Schedule I, II, III, IV, and V
3. Trace the history of drug laws in the United States
4. Discuss the view that the drug laws have been used as a weapon in group conflict in the United States as a means of suppressing racial and ethnic minorities
5. Understand how, after the Civil War, the Black Codes, passed in the South to replace the Slave Codes, often had the effect of re-enslaving African Americans
6. Understand how drug laws at the national and state level came to have a similar effect as the Black Codes
7. Describe how events in the history of Pakistan resulted in its becoming a country with the world's highest rate of heroin seizures and the largest number of terrorist organizations

CASE STUDY: Rick, a Drug Addict

I come from an upper middle class family. I started having what you call problems, or what I call symptoms, at about seven or eight years old. I went on into grade school, and about eighth grade I think it was, I started experimenting with drugs—cough syrup, pills, diet pills out of the medicine cabinet. I went on into high school and my freshman year of high school started smoking weed, and the first time I had a lid, and after that was gone a group of us started making runs across the border down here bringing kilos so it started being an every day sort of thing. I lived in the San Francisco Bay area. So we were trafficking in weed, there's fighting, a lot of truancy, drinking, minor scrapes with the law. The last day of my junior year I was expelled from high school for fighting with a couple of my teachers because I didn't like their ideas and they didn't like mine, I guess. So at this time I was about 17 years old, and I did get a job laying carpets, though I didn't stay at it very long.

When I was 17, I took my first shot of heroin on a trip to Mexico with some friends. I wasn't going to get hooked because all the [educational] films were showing it was your mainliners who were getting hooked, so I just took a skin pop, which everybody knows is not dangerous. So it took me about 20 minutes to get hooked for life instead of about three seconds if I'd have put it right in the sewer. This went on for quite some time, a number of years, actually, with a number of dry out periods. I probably should have been put in jail, but coming from a middle class family, that helped me stay out. At this time when you checked into the hospital they didn't have to call the police, so it was quite some time before I did end up in some kind of jail. I think the first time was here in San Diego on a smuggling charge that I bought my way out of. [After a third arrest] I was finally going to have to do some time, so in order to beat this time I went to the U.S. Federal Narcotic Hospital in Fort Worth, Texas. I was hooked pretty bad at this time and probably would have been real sick, but they took about 11 or 12 days and they brought me down with this methadone. I came out of there and I stayed clean for about 30 days, which was about the longest period I had stayed clean during this time. After this I went back to using again. I was caught and sentenced to 10 years in the hospital over here at the California Rehabilitation Center (CRC). After 18 months there, I got parole. And this time I think I stayed clean until about 2:00 in the afternoon the day I got out. The reason it took so long was because

I had to get from Riverside back to San Francisco. I was out for about 40 days and got sent back to CRC. After a year there I was released, but after about 40 days I was picked up in a flophouse with what they say was an overdose of narcotics. There are things in this apartment that I am in from a drug store burglary. So I was convicted of these. Actually, I wasn't convicted—I actually pled guilty, which was a bad mistake and nobody should ever do it, in my opinion, to the drug store burglary and was sentenced to state prison for six months to 15 years. I ended up doing three and a half years. I came out 17 months ago with a five-year parole with narcotics testing, and I could probably think of some way to beat the urine analysis, but I'm so sick and tired of being in jail and things like that that I think I'm about ready to quit. Right now I think my attitude has changed quite a bit and I've stopped trying to fight these people, though actually the motives for a lot of the things I do are revenge.

I can give you what I feel a few of the reasons are [for my drug addiction and crime]. I don't really think it was because my mother put me on the potty crooked when I was two, but this family situation I grew up in was a bad situation. This father of mine, and I'm still a little sorry I didn't kill him, said that none of my friends were good enough for my family type setting, and none were good enough for me. I think as these friends were being eliminated that I kept looking for a worse and worse type of friend, if you want to call it that, but people who are more out of society, or dropping out of society.

The reason that I relapsed each time I got out of prison was that drugs are so good. The feelings that I get out of drugs are so good and I would do it in a minute if they legalized narcotics; I would start shooting heroin right now today. An addict would rather take narcotics than have sex or get into bed with somebody. It is the most pleasurable thing in his life. I would like to add I am just barely functioning in society today. As to what I do, I'm down at the Salvation Army in a rehabilitation program and this is where Dr. Winslow picked me up. I never went in (to rehab) on my own choice. It was always something else—police pressure, family pressure—police pressure really is the only thing that has ever made me dry out. I think I did dry out once or twice for lack of drugs, but I just didn't have the money, didn't have somebody that was clean enough to make the border run down here; their arms are looking so bad they can't cross any border.

[Regarding the **stepping stone theory** that marijuana leads to heroin use] No, I don't think this is true, but you're placing you young people in a position where they're traveling in circles where these things are available. Your curiosity, it might just be curiosity, or actually I think that a kid smoking weed is trying to tell you something. He may not like society. He may not like his family, but he might not be so messed up that he can't go on and become one of you people here in the State University and function in society, and most of them will. We're talking about a really small percentage of them who will be jammed up and in bad trouble that they can't get out of.

Some addicts can find their way like through rehab while another finds it through AA and another might see the light and have Jesus Christ come into his life and be saved by a religious trip. To this day I haven't found my particular bag for what is going to cure me. There are a lot of us like me, hostile, bitter people who just can't go for any of these other programs. One answer is legalizing narcotics—heavy narcotics—and take the profit out of the 50 cents worth of pot or that these addicts are paying \$200 a day for. These existing addicts let them shoot themselves to death. These guys are gone anyway for all practical purposes, and they are just walking death. As long as I don't bother anybody else in society I don't feel anyone should impress their morals on me. The thing would be set up so you aren't going to be starting new addicts. Like any narcotics you are giving—say to me, you are putting it right in the

sewer in my arm and you're setting it up so you can't start new addicts by taking the profit out of it. When we die off you may not have any addicts left (and the crime that goes with it). I'm a narcotics dealer; it's my basic bag. But I've committed about every crime there is—armed robbery, burglary. . . . My point of view is that there is nothing bad about heroin. It produces narcosis or whatever some of these fancy words are and actually makes a passive type person; he is not usually involved in aggressive type crimes. There is no sexual drive so I say I doubt they can dig up an addict with a history of sexual offenses.

How I made my money and how successful I was I haven't yet discussed. When I got out of high school I was using. I was supporting a family. I did start a state-sponsored, four-year apprenticeship as an electrician. I took four years of night school plus eight hours a week of on-the-job training. And I was functioning so I had a working income that was pretty good. I wasn't maintaining my habit with that. I was maintaining my living expenses with that—money to support my family. I had a wife and two children. My wife was a little grasshopper herself, but she didn't go on to become an addict. I was selling about \$200 a week worth of narcotics and supporting my habit. . . . Actually an addict that is living in a family-type setting like I was, working, keeping reasonable hours, eating three times a day, is not going to get in too bad of physical shape. My family is all gone now, because my life took a turn for the worst after I was busted for smuggling.¹

In this chapter, and the next two, a variety of criminal enterprises are discussed. What do all of these criminal enterprises have in common? Actually, none of these crimes is listed in Part I of the UCR. Thus, in some regards they are not considered to be serious crimes. As discussed in Chapter 2, Sellin and Wolfgang did a study in which they tried to operationalize seriousness of delinquent acts. Their findings were based upon the rating of 141 juvenile offense descriptions in terms of seriousness by several subsamples that included university students, police officers, juvenile police officers, and juvenile court judges.² They found that items that lacked victimization in terms of bodily injury, property damage, and/or theft were rated low in seriousness. As may be surmised, Sellin and Wolfgang's findings correspond reasonably well with the FBI's distinction between Part I and Part II offenses. Thus, the Index crimes are rated as serious offenses by the general public, but the others are not. It is a point to ponder that many of the crimes discussed in this and the next two chapters have been treated as serious crimes by Congress and most state legislatures, despite the fact that the FBI treats them as Part II offenses. It is shown that the expanded list of felonies (omitted from Part I) may be related to "interagency conflict" within the U.S. federal bureaucracy. The list of Part I felonies was formed under the direction of J. Edgar Hoover, who was the founder of the FBI. Drug and sex trafficking offenses were not included as Index Offenses (Part I) when the UCR began publication in 1930, and it

remains that way today. During all of these years, the UCR has included drug and white-collar offenses as Part II (non-index offenses). Other federal law enforcement agencies developed side-by-side with the FBI to deal with these Part II offenses. The most notable of these agencies was the Federal Bureau of Narcotics (FBN), which was developed more or less in the shadow of the FBI. Its founder and chief, from 1930 until his retirement in 1962, was Harry Anslinger, who managed to get Congressional approval for laws pertaining to "narcotic" drugs. The most significant of these laws were the Harrison Act of 1914 (passed before formation of the FBN) and the Marijuana Tax Act of 1937. These laws, which were replicated in state legislation, made possession and sale of a wide variety of drugs felonies. However, the drug felonies never made the FBI's seven major crimes list of Index crimes.

The fact that these crimes are treated by the FBI as Part II offenses is significant. Although Part I includes crimes reported to the police (whether or not an arrest is made), Part II only includes crimes that resulted in an arrest. This distinction is important in terms of comparative criminology. Looking at the INTERPOL data for frauds, counterfeit currency offenses, and drug offenses, it can be seen that the United States has nothing to report in regard to "cases known to the police," as well as related categories (attempts, cases solved, and rate per 100,000 inhabitants). Based upon the weakness of the FBI method of data keeping, only arrests can be reported to INTERPOL for these crimes. The same problem is reflected in U.S. reporting of information to the United Nations for similar crimes. As a result of this omission, international comparisons for drug offenses cannot be made using INTERPOL data or United Nations crime data between the United States and other nations of the world (although we draw upon United Nations drug seizure data for country comparisons).

Non-index crimes are the subject of this chapter and the next two chapters, and the discussion involves a long list of crimes. Included in this chapter will be crimes that have not been covered in previous chapters. The list of crimes covered in this and the next two chapters are crimes that some have argued should not be crimes (e.g., prostitution, possession of marijuana). In fact, some of these crimes are "winked at" in the sense that a popular perception exists that "everybody does it," such as drunkenness, avoiding taxes, taking illicit drugs, and so forth. In some instances, young people seek to "hang out" with persons who provide these illicit services who are considered to be "cool," in the case of a friend who can supply drugs, or a "nice guy," in the case of a mobster, such as John Gotti. Gangsters in the past have been romanticized through the "Bogart" image of them conveyed in Hollywood movies, and people sometimes enjoy going to bars and restaurants where such people are known to frequent.

Drug trafficking is a major category discussed throughout the text. Here, a more detailed description of the various drugs that are trafficked in the United States is made. Various terms involving drugs are defined, the history of the legal approach to the drug is discussed, and the origins of drugs, in or outside of the United States, is traced. Various drugs are considered illicit in the United States. It is necessary to describe these drugs and their effects. Then, the legal history of these drugs is explored, including the chronology of the legislation concerning these drugs. Commentary is made on source countries at different times, as well as the alleged relationship of the drug laws to the treatment of various ethnic groups. Finally, a country profile of Pakistan helps to show the many factors related to drug trafficking today, through cross-national comparison.

Before discussing the history of illegal drugs, a brief discussion of pharmacological and social issues regarding the definition of **drug abuse** is desirable. In some ways it is true that the pharmacological effect of drugs has little to do with whether or not they are declared illegal. There are three general categories of drugs, both legal and illegal—stimulants, depressants, and hallucinogens. The category **depressants** includes a cross-section of drugs, legal and illegal, prescription, and nonprescription. The category includes alcohol and inhalants, which can be purchased legally in the United States without a prescription. It includes tranquilizers such as Halcyon, Valium, Librium, and Xanax. It also includes opium, codeine, morphine, heroin, methadone, Demerol, and Percodan. **Stimulants** include caffeine, nicotine, methylphenidate (Ritalin), Methedrine, Dexedrine (amphetamine), and cocaine. Caffeine can be legally obtained by anybody in the United States, whereas tobacco can be legally obtained by adults. **Hallucinogens** include lysergic acid diethylamide (LSD), phencyclidine (PCP), mescaline or peyote, methylenedioxymethamphetamine (MDMA, or Ecstasy), and cannabis.³

Of these drugs, heroin and most of the hallucinogens are banned by law as “Schedule I” offenses under Title II of the 1970 Comprehensive Drug Abuse Prevention and Control Act. Title II is also called the **Controlled Substances Act** (CSA). There are five schedules under this act, based upon whether or not the drug has a current accepted medical use and whether or not the drug has a high potential for abuse. **Schedule I drugs** are designated by this act to have no current accepted medical use and to have a high potential for abuse. These include heroin, methaqualone, LSD, MDMA (Ecstasy), peyote, psilocybin, marijuana, hashish, hash oil, and various amphetamine variants.⁴ Since these drugs are deemed to have no accepted medical use, they cannot legally be prescribed by a doctor, according to federal law, so any possession of these drugs is illegal.

State and local laws tend to be consistent with the federal laws, with the exception of alcohol and marijuana. With regard to alcohol, local ordinances still prohibit alcohol in hundreds of “dry” counties across the United States.⁵ Many of these dry counties (alcohol not for sale) are located in the South in states such as Kentucky and Mississippi. Mississippi has 44 “wet” counties, 26 “dry” counties, and 8 counties that have never held an alcohol legalization vote.⁶ By contrast, since 1978, when New Mexico’s state legislature enacted the nation’s first law recognizing marijuana’s medicinal values, 34 states have followed suit with similar state actions.⁷ Because the state laws of these 34 states permit medicinal marijuana, if the person is caught with marijuana by local or state police in these states (and meets the conditions required by the state, such as a doctor’s prescription), then the person could avoid arrest for possession of marijuana. In addition, there are 10 states that have decriminalized possession of up to one ounce of marijuana. In these states, possession of small quantities of marijuana is a civil, rather than a criminal offense. Offenders may be given a citation or fined, and their marijuana is confiscated. Possession of larger amounts is still considered a criminal offense because it indicates intent to sell.⁸

In states such as California where marijuana is decriminalized, offenders face the odd circumstance of having the possible penalty depend upon which law enforcement agency apprehends them. If caught by a federal law enforcement agent (DEA, FBI, Immigration and Naturalization Service [INS] etc.), persons apprehended for possession of less than an ounce of marijuana could face a sentence of not less than five years. If caught by local police the person would at worst face a fine, but generally no sanction at all.

Doctors Behind Bars

In February 1999, Dr. Frank Fisher, a general practitioner in Shasta County, California, was arrested by agents from the California state attorney general's office and charged with drug trafficking and murder. The arrest was based on records indicating that Dr. Fisher had been prescribing high doses of narcotic pain relievers to his patients, five of whom died. He lost his home and his medical practice and served five months in jail before it was discovered that the patients had died from accidents or from medical illnesses, not from the narcotics he prescribed. All charges were dropped last year,

and Dr. Fisher now has his medical license back. Yet his ordeal lingers as a cautionary tale of what can happen to doctors who treat pain aggressively. . . . A 1998 survey of more than 1,300 physicians by the New York State Medical Society found that 60% were moderately or very concerned about the possibility of being investigated by regulatory authorities for prescribing opiates for noncancer pain. A third said they prescribed lower quantities of pills and lower dosages "frequently" because of the possibility of eliciting an investigation. When asked how often they avoided prescribing a preferred drug for noncancer pain, because doing so required triplicate forms, half said "frequently."⁹

Schedule II-V controlled substances have current accepted medical uses, and are therefore available by prescription. **Schedule II drugs** are considered to have a high potential for abuse and are considered to be addictive.¹⁰ Included in this class are cocaine, codeine, Demerol, opium, morphine, PCP, and certain stimulants such as Ritalin and phenmetrazine (Preludin). Prescriptions to Schedule II drugs are nonrefillable and vendors are required to have vault storage and keep thorough records.¹¹ Persons caught with these drugs who do not have a prescription for them are subjected to the same penalties as for Schedule I drugs.

Schedule III, IV, and V drugs have accepted medical use, but medium, low, and lowest potential for abuse, respectively. Included in Schedule III are low-dose opium products such as Vicodan and Tylenol with codeine, anabolic steroids (added in 1991), amphetamines, and barbiturates. Schedule IV includes depressants and minor tranquilizers such as Halcyon, Librium, Valium, and Xanax, along with some stimulants. Schedule V includes cough medicines and antidiarrheals containing small amounts of opium, morphine, or codeine. Maximum federal penalties for Schedule III, IV, and V drugs are imprisonment for five years, three years, and one year, respectively.

Aside from the possible impact upon criminality that drug prohibition may create, other criticisms have been made of the aforementioned classification system. One main criticism already discussed has been the inclusion of nonaddicting hallucinogens, such as marijuana, in Schedule I, while addicting drugs, such as alcohol and nicotine, are available over the counter.¹² It has also been suggested that not only marijuana, but also heroin, may have an accepted medical use. In Great Britain, heroin has been found to be effective with patients experiencing extremely severe pain, such as that resulting from terminal cancer.¹³

RACISM AND THE DRUG LAWS

Probably the most damning criticism of the rank order of drugs in the CSA, as well as other antidrug legislation in the United States, is that the ranking was influenced by racism. The legislation that preceded and followed the CSA has been assailed for being connected with the politics of the time and being developed as a weapon in group conflict. A brief history of these drugs and drug laws helps to show the basis for the allegation of racism and the politics of drug legislation. The major drug laws that have been developed by the federal government are listed in Table 12-1.

There is much criminological literature devoted to the issue of racism or xenophobia forming the context for much of antidrug legislation. It should be pointed

out that before 1914, none of the drugs listed in the 1970 CSA were illegal. Opium was primarily used, not by impoverished racial minorities, but disproportionately by white, middle aged, middle class women.¹⁴ However, opium, and two other drugs—cocaine and marijuana—came to be associated with use by ethnic groups. All three, as it turns out, were used to relieve pain associated with strenuous manual labor. Opium was the drug of choice for Chinese workers who performed much of the labor of developing America's first coast-to-coast railroad system in the 19th century.¹⁵ Cocaine was provided to African American dockworkers,

Table 12-1 **Timeline of Significant Drug Laws**¹⁶

<i>Year</i>	<i>Event</i>	<i>Effect</i>
1906	Pure Food and Drug Act	Gave FDA power to regulate food and drugs
1909	Opium Exclusion Act	Prohibited importation of opium, except for medical purposes
1914	Harrison Tax Act	Outlawed the opiates and cocaine
1922	Narcotic Drug Import and Export Act	Outlawed narcotics except for legitimate medicinal use
1924	Heroin Act	Outlawed the manufacture of heroin
1937	Marijuana Tax Act	Applied controls over marijuana similar to narcotics
1938	Food, Drug and Cosmetic Act	Defined "drug" as effecting a body in absence of disease
1942	Opium Poppy Control Act	Prohibited growing poppy without license
1951	Durham-Humphrey Amendment	Set guidelines for prescription drugs
1951	Boggs Amendment to Harrison Act	Set mandatory sentences for narcotics violations
1956	Narcotics Control Act	Set more severe penalties for narcotics violations
1965	Drug Abuse Control Amendments (DACA)	Set strict controls over amphetamines, barbiturates, LSD, etc.
1966	Narcotic Addict Rehabilitation Act (NARA)	Allowed treatment as an alternative to jail
1968	DACA Amendments	Sentence suspended/record expunged if no violations within one year
1970	Comprehensive Drug Abuse and Control Act	Replaced/updated all previous laws—narcotics/dangerous drugs
1972	Drug Abuse Office and Treatment Act	Established federally funded prevention/treatment programs
1973	Methadone Control Act	Regulated methadone licensing
1973	Heroin Trafficking Act	Increased penalties for distribution
1973	Alcohol, Drug Abuse & Mental Health Association (ADAMHA)	Consolidated NIMH, NIDA, and NIAAA under umbrella organization
1973	Drug Enforcement Administration (DEA)	Bureau of Narcotics/Dangerous Drugs became DEA
1974	Drug Abuse Treatment and Control Amendments	Extended 1972 act
1978	Drug Abuse Treatment and Control Amendments	Extended 1972 act
1978	Alcohol and Drug Abuse Education Amendments	Set up education programs within Department of Education
1980	Drug Abuse Prevention, Treatment, & Rehabilitation Amendments	Extended prevention education and treatment programs
1984	Drug Offenders Act	Set up special programs for offenders and organized treatment
1986	Analogue (Designer Drug) Act	Made use of substances like existing illicit drugs illegal
1988	Anti-Drug Abuse Act	Established oversight office: National Drug Control Policy
1992	ADAMHA Reorganization	Transfers NIDA (National Institute of Drug Abuse), NIMH (National Institute of Mental Health), and NIAAA (National Institute of Alcohol Abuse and Alcoholism) to NIH and incorporates ADAMHA's programs into the Substance Abuse and Mental Health Services Administration (SAMHSA)

around the turn of the 20th century, to facilitate longer working hours and greater productivity.¹⁷ Marijuana was a drug used by Mexican farm labor in the west and southwest of the United States to ease pain and promote sleep at the end of a day of working in the fields.¹⁸

HISTORY OF DRUG ABUSE LEGISLATION

Despite the fact that the drugs were used to ease pain or increase productivity of hard working laborers, when it came time for xenophobia and racism, guilt by association with these drugs was used as a weapon in group conflict. After the transcontinental railroad was completed and the gold mines ceased to be productive in California, Chinese laborers were no longer needed and legislation was passed toward the goal of excluding them. During the depression of 1875–1880, Chinese laborers became an obstacle to the economic survival of white workers. Although the Chinese laborers were previously free to smoke opium as they pleased, in the mid-1870s the situation was different, and whites organized against opium-smoking Chinese. Starting in 1875, San Francisco and several other cities enacted anti-opium laws outlawing opium “dens” (smoking houses), legally repressing the Chinese and serving the interests of the white working class.¹⁹ In 1882, the U.S. Congress lent its support to the anti-Chinese sentiment by passing the Chinese Exclusion Act, which prohibited Chinese immigrants from becoming citizens of the United States. In 1909, Congress enacted the Opium Exclusion Act, which prohibited the importation of opium and any of its derivatives, except for medical purposes.



Narcotics addicts in Hong Kong heat a dab of opium over the flame of an oil lamp until it is dry enough to smoke from a pipe. The smoking of opium was introduced to China by British and other European sailors who had learned to use a pipe to smoke tobacco from Native Americans. In the late 1800s, opium dens were prevalent in the United States in San Francisco, which was a major port of entry for the traffic in opium. The dens were known as joints or dives and the pipe used to smoke the opium was termed a yen. The term “dive” was derived from “divan” referring to Turkish smoking rooms, later to mean a sofa or couch upon which such smoking is sometimes done. The term “yen” came to connote a “craving or yearning.”

Source: Getty Images, Inc.—Hulton Archive Photos.

While intergroup conflict was taking place between whites and Chinese in California during the late 1800s, in the South the conflict was between whites and blacks. The whites were passing apartheid laws to curb the voting rights of blacks, who were slaves before the Civil War, and lynching was also used as a sanction for perceived black misbehavior. The media began to report the use of cocaine by the black population (who were given cocaine to "improve their productivity" by employers, as pointed out earlier). While whites consumed cocaine in social settings in a popular new beverage called Coca Cola (which originally contained cocaine), use of the drug by blacks was considered to be dangerous—since, based upon the Lombrosian thinking of the time, they were thought of as subhuman to begin with:

The drug produces several other conditions that make the "fiend" a peculiarly dangerous criminal. One of these conditions is a temporary immunity to shock—a resistance to the "knock down" effects of fatal wounds. Bullets, fired into vital parts, that would drop a sane man in his tracks, fail to check the "fiend"—fail to stop his rush or weaken his attack. A recent experience of Chief of Police Lyerly of Asheville, N.C., illustrates this particular phase of cocainism. The Chief was informed that a hitherto inoffensive Negro was "running amuck" in a cocaine frenzy. . . . Knowing that he must kill the man or be killed himself, the Chief drew his revolver [a heavy army model . . . large enough to kill any game in America], placed the muzzle over the Negro's heart and fired—"intending to kill him right quick"—but the shot did not even stagger the man. And a second shot that pierced the arm and entered the chest had just as little effect in stopping the Negro or checking his attack.²⁰

Just as Congress had come to the rescue of whites in the West with the Opium Exclusion Act of 1909, additional legislation was passed in 1914 to serve the interest of whites both in the West and the South—The Harrison Tax Act. This law made it illegal for anybody to possess opium or cocaine unless prescribed by a physician. Chinese and blacks, who had been free to use these substances previously, could now be imprisoned for doing so.

In one form or another, this law has helped re-enslave blacks by the thousands in the United States, and in the late 1800s black prisoners were leased out as chain gangs to white "masters" after their incarceration under the Harrison Act or similar acts duplicated at the state level. In a sense, the Harrison Act provided a Black Code on the federal level comparable to those that had been passed in the South after slavery:

After the Civil War, the 13th Amendment officially abolished slavery for all people except those convicted of a crime. Legally allowing any such individual to be subjected to slavery and involuntary servitude opened the door for mass criminalization. . . . When African Americans were no longer legally held as slaves or property, there was a tremendous increase in the number of African American convicts. Before the Civil War, laws called the **Slave Codes** governed the rights of slaves and all African Americans in the South. When slavery was legally abolished, the Slave Codes were rewritten as the **Black Codes**, a series of laws criminalizing legal activity for African Americans. Through the enforcement of these laws, acts such as standing in one area of town or walking at night, for example, became the criminal acts of "loitering" or "breaking curfew" for which African Americans were imprisoned. In the late 19th-century South, . . . [the] convict lease system

functioned with the Black Codes to re-establish and maintain the race relationships of slavery by returning the control over the lives of these African-Americans to white plantation owners. This is illustrated by the fact that in 1878, Georgia leased out 1,239 convicts, 1,124 of whom were African Americans. Through the convict lease system, bidders paid an average \$25,000 a year to the state, in exchange for control over the lives of all of the convicts. The system provided revenue for the state and the profit of unwaged, unprotected workers for plantation owners or private industries.²¹

Full social control of the "Black Peril" in the South and the "Yellow Peril" in the West was achieved in regard to opium and cocaine as a result of a series of Supreme Court decisions between 1919 and 1922 that made it illegal for physicians to prescribe narcotics (opium and cocaine) to patients.²² Thus, simple possession of these drugs would henceforth be a criminal offense, prescription or no prescription. Furthermore, this series of decisions meant that it was impossible for addicts to obtain their drugs legally, resulting in an illegal drug trade charging users up to 50 times more than the legal retail drug price.²³ Under these circumstances, African Americans who became addicted to either cocaine or some form of opium (including heroin and morphine) would most likely need to pursue a life of crime to provide the income to support the addiction. And this life of crime would very likely result in slavery through imprisonment.

Although these actions at the federal level appeased whites in the South and West, economic depression once again created intergroup conflict during the Great Depression of the 1930s. However, this time the conflict was between whites and Mexicans in the Southwest. The Mexicans competed with U.S. whites for scarce jobs by working for lower pay. Once again, drug legislation came to the rescue. One weapon in group conflict with the Mexicans was marijuana, since the drug was commonly used by Mexican field workers. Thus, a way to exclude the Mexicans was to pass laws against marijuana (which was done in many Southwest states) and then arrest and deport Mexicans caught with the drug. To get this legislation passed, Mexicans who used marijuana were demonized:

Probably the best single statement was the statement of a proponent of Texas' first marijuana law. He said on the floor of the Texas Senate, and I quote, "All Mexicans are crazy, and this stuff (referring to marijuana) is what makes them crazy." Or, as the proponent of Montana's first marijuana law said, . . . and I quote, "Give one of these Mexican beet field workers a couple of puffs on a marijuana cigarette and he thinks he is in the bullring at Barcelona."²⁴

While state and local legislation served to harass Mexicans in the Southwest states, police, prosecutors, and politicians from these states pressed for federal intervention to control the "degenerate and violent Mexican." The responsibility for the production of federal legislation against marijuana fell to Harry Anslinger, who became Commissioner of the FBN. Anslinger was successful in getting Congress to pass the Marijuana Tax Act of 1937, which put marijuana into the class of federally forbidden narcotics. Anslinger reportedly had the support not only of whites in the Southwest, but also of the Hearst syndicate of newspapers, which published a series of stories about the horrors of marijuana:

News stories were manipulated to aggrandize and exaggerate the supposed "horrors" of recreational marijuana use. The story of an auto accident where one marijuana cigarette was found would dominate front



American syndicated newspaper owner William Randolph Hearst (1863–1951) is said to have backed yellow journalism newspaper articles that supported FBN bureaucrat Harry Anslinger's campaign to criminalize hemp. In these articles, Hearst popularized use of the term, "marijuana," the Mexican term for hemp. It is alleged that Americans might have had second feelings about the anti-marijuana campaign if they had known that the media campaign was against hemp. Hemp is a plant that, since antiquity, has been used in the manufacture of clothes, rope, twine, cordite, sails, and paper products. Hemp paper was reportedly used by Thomas Jefferson to draft the Declaration of Independence.

Source: Getty Images, Inc.—Hulton Archive Photos.

page headlines for weeks while alcohol related accidents—which outnumbered marijuana 1,000 to 1—were briefly mentioned and buried in the back pages. The rape of a white woman by a "Negro," previously attributed by Hearst publications to cocaine use was, by these same publications, suddenly attributed to the use of marijuana.²⁵

It has been alleged that William Randolph Hearst had a vested interest in providing "anti-hemp" newspaper stories, because Hearst was in the paper manufacturing business and in the timber business as well. Hearst popularized the Mexican term for hemp (marijuana) in his many sensational stories, while never using the word hemp. Thus, most Americans never associated marijuana with hemp, or with "extract of cannabis" used as a medicine previously.²⁶ Harry Anslinger had served for several years in the ill-fated Prohibition division in the Department of the Treasury. After the narcotics sector of the Prohibition division was rocked by scandal, Anslinger was appointed head of the newly created FBN in 1930, where he remained until his forced retirement (by President Kennedy) in 1962. Anslinger managed a publicity campaign, with the help of Hearst and others, that led to the passage of the Marijuana Tax Act. Before the passage of the Marijuana Tax Act, Anslinger promulgated propaganda about the drug and campaigned for the passage of the Uniform Narcotic Drug Act, which was proposed in 1932, to be passed by state legislatures. By 1937, every state had enacted some form of legislation relating to marijuana, and 35 had enacted the Uniform Act, which included marijuana as a "narcotic" prohibited by law, with criminal penalties.²⁷ The FBN was involved in the creation of the final draft of the Uniform Narcotic Drug Act and conducted a campaign in newspapers and legal journals to boost public support for the Uniform Act. Harry Anslinger himself co-authored an article entitled "Marijuana: Assassin of Youth," published in July, 1937, containing some inflammatory rhetoric including alleged incidents of an association between marijuana use and robbery, murder, suicide, insanity, and "hot jazz." Some excerpts from the article are indicative of the allegations made:

Reefer Madness

A propaganda film from 1936 that has become a cult hit because of its dated outlook on marijuana use, *Reefer Madness* is the height of camp entertainment. Framed as a "documentary," the film is narrated by a high school principal imparting his wisdom and experiences with the demon weed. The bulk of the

film focuses on almost slapstick scenes of high school kids smoking pot and quickly going insane, playing "evil" jazz music, being committed, and going on a murder spree. Meant to be an important and affecting cautionary tale, this dated black-and-white film's true value is in its many entertaining moments of unintended hilarity.²⁸

THE sprawled body of a young girl lay crushed on the sidewalk the other day after a plunge from the fifth story of a Chicago apartment house. Everyone called it suicide, but actually it was murder. The killer was a narcotic known to America as marijuana, and to history as hashish. It is a narcotic used in the form of cigarettes, comparatively new to the United States and as dangerous as a coiled rattlesnake. . . . THERE was the young girl, for instance, who leaped to her death. [After smoking marijuana at parties, falling behind in her studies, and becoming worried.] With every puff of the smoke the feeling of despondency lessened. Everything was going to be all right—at last. . . . Without hesitancy she walked to a window and leaped to her death. Thus can marijuana "solve" one's difficulties. . . . An entire family was murdered by a youthful addict in Florida. . . . The boy said he had been in the habit of smoking . . . "muggles," a childish name for marijuana. [The members of the military order of Assassins in ancient Persia] were confirmed users of hashish, or marijuana, and it is from the Arabic "hashshashin" that we have the English word "assassin." . . . It would be well for law enforcement everywhere to search for marijuana behind cases of criminal and sex assault. During the last year a young male addict was hanged in Baltimore for criminal assault on a 10-year-old girl. His defense was that he was temporarily insane from smoking marijuana.²⁹

The timing of Anslinger's "Assassin" article, published in July of 1937, coincided perfectly with the passage of the Marijuana Tax Act, which Congress passed one month later, in August of 1937.

Anslinger had the backing not only of the Hearst syndicate, but also of Hollywood film producers with the production of the 1936 propaganda film *Reefer Madness*. Through these various mass media and political manipulations, Anslinger managed to create what was later termed a "moral panic" regarding the criminal potential of marijuana, considered previously to be a weed that grew wild, even in Washington, DC, and a fairly harmless, nonaddicting medicine. As a result of Anslinger's "bureaucratic virtuosity," his fledgling FBN, with 300 employees and a budget of a little over \$1 million, would one day evolve into the DEA, which today is an enormous law enforcement agency at the federal level, with approximately 10,000 employees and a budget of over \$2 billion.³⁰ In addition to his personal propaganda campaign, Anslinger testified before Congress that the Marijuana Tax Act should be passed, based upon the model of the National Firearms Act (which required an unavailable federal tax stamp for machine gun sales). Anslinger stated that the drug, marijuana, makes people insane, can cause murderous behavior, and is used by school children.³¹ The following are excerpts from his actual testimony:

Mr. Chairman, my name is H. J. Anslinger; I am Commissioner of Narcotics in the Bureau of Narcotics, in the Treasury Department. Mr. Chairman and distinguished members of the Ways and Means Committee, this traffic in marijuana is increasing to such an extent that it has come to be the cause for the greatest national concern. This drug is as old as civilization itself. Homer wrote about [it], as a drug that made people forget their homes, and that turned them into swine. In Persia, a thousand years before Christ, there was a religious and military order founded which was called the Assassins and they derived their name from the drug called hashish which is now known in this country as marijuana. They were noted for their acts of cruelty, and the word "assassin" very aptly describes the drug. Marijuana is the same as Indian hemp, hashish. . . . It is known as cannabis, cannabis Americana, or Cannabis Sativa. Marijuana is the Mexican term for cannabis indica. We seem to have adopted the Mexican terminology, and we call it marijuana, which means good feeling. In the underworld it is referred to by such colorful, colloquial names as reefer, muggles, Indian hay, hot hay, and weed. It is known in various countries by a variety of names. . . . As a matter of fact the staminate leaves are about as harmless as a rattlesnake. . . . But here we have [a] drug that is not like opium. Opium has all of the good of Dr. Jekyll and all the evil of Mr. Hyde. This drug is entirely the monster Hyde, the harmful effect of which cannot be measured. . . . It affects different individuals in different ways. Some individuals have a complete loss of sense of time or a sense of value. They lose their sense of place. They have an increased feeling of physical strength and power. Some people will fly into a delirious rage, and they are temporarily irresponsible and may commit violent crimes. Other people will laugh uncontrollably. It is impossible to say what the effect will be on any individual. . . . It is dangerous to the mind and body, and particularly dangerous to the criminal type, because it releases all of the inhibitions. . . . The use of cannabis, whether smoked or ingested in its various form[s], undoubtedly gives rise to a form of addiction, which has serious social consequences (abandonment of work, propensity to theft and crime, disappearance of reproductive power). . . . Here is a gang of seven young men, all seven of them, young men under 21 years of age. They terrorized central Ohio for more than two months, and they were responsible for 38 stick-ups. They all boast they did those crimes while under the influence of marijuana. . . . There was one town in Ohio where a young man went into a hotel and held up the clerk and killed him, and his defense was that he had been affected by the use of marijuana. . . . As to these young men I was telling you about, one of them said if he had killed somebody on the spot he would not have known it. In Florida a 21-year-old boy under the influence of this drug killed his parents and his brothers and sisters. The evidence showed that he had smoke[d] marijuana. In Chicago recently two boys murdered a policeman while under the influence of marijuana. Not long ago we found a 15-year-old boy going insane because, the doctor told the enforcement officers, he thought the boy was smoking marijuana cigarettes. They traced the sale to some man who had been growing marijuana and selling it to these boys all under 15 years of age, on a playground there. . . . Young men between the ages of 16 and 25 are frequent smokers of marijuana; even boys of 10 to 14 are initiated (frequently in school groups); to them as other[s]; marijuana holds out the thrill. Since the economic depression the number of marijuana smokers has increased by vagrant youths coming into contact with older psychopaths.³²

Anslinger's testimony was excerpted here because of its tremendous importance in terms of drug policy for the United States. It was his testimony and the ultimate passage of the Marijuana Tax Act that ultimately culminated in the War on Drugs, because marijuana was a drug that was so freely abundant that it could and did result in the imprisonment of an estimated 20 million people in the United States.³³ In a sense, the politics that led to the Marijuana Tax Act served as a model for successful future antidrug legislation. Marijuana would become a focal point for the youthful rebellion that occurred in the 1960s, which in turn would spur even more repressive drug legislation in the 1970s, 1980s, and 1990s, which has also been attributed to racism.

The Marijuana Tax Act was draconian legislation, not only in its provisions, but in the way in which it was administered by the FBN under Anslinger's direction. The Act ostensibly was a tax act, with penalties of five years' imprisonment and/or a \$2,000 fine for evading the purchase of a Treasury Department tax stamp. However, under the Act, the FBN was given absolute policing power, and physicians who wished to prescribe marijuana under the 60-odd pages of "Regulations No. I," had to provide a maze of affidavits, depositions, sworn statements, and constant Treasury Department police inspections in every instance of transmitting the drug, making it in essence impossible for physicians to comply with the law. Furthermore, Anslinger's administration of the new law, given absolute power, was indeed heavy handed. From the passage of the bill in 1937 through 1939, more than 3,000 doctors were prosecuted. Although the AMA had actually provided testimony opposing Anslinger's testimony before Congress, in 1939, the AMA made peace with Anslinger by coming out in opposition to marijuana, and during the next 10 years only three doctors were prosecuted by the FBN.³⁴ In addition, Anslinger actually used his influence to ban a 1946 law enforcement training film on the subject of drug addiction produced by the Canadian Film Board with the assistance of the Royal Canadian Mounted Police.³⁵

One would imagine that seemingly dictatorial power being displayed by an agency of the government would have met opposition by social scientists—and it was—by one social psychologist named Alfred Lindesmith. It was Lindesmith and Lindesmith alone who dared to oppose Anslinger, and Lindesmith's dialogue with Anslinger is important enough to merit discussion, because it has to do with the nature of addiction. Lindesmith treated addiction as an illness, whereas Anslinger linked addiction with criminality.

THE ADDICT AND THE LAW

Alfred Lindesmith (1905–1991) was a University of Chicago trained social psychologist who had been a student of Herbert Blumer, Ernest Burgess, Louis Wirth, W. I. Thomas, and Edwin Sutherland, from whom he derived the "symbolic interactionist" approach to social psychology. Lindesmith developed the symbolic interactionist approach to social psychology in his Ph.D. dissertation and in his text on social psychology. Lindesmith's social psychology involved a rejection of instinct theory. He maintained that all human behavior is learned behavior, including addiction.³⁶ In describing **drug addiction**, Lindesmith maintained that there was a strong learned and self-labeling component to it. He distinguished between physical addiction and psychological addiction. He indicated that a person could take a physically addicting drug and not become a drug addict. For instance, if a person is administered morphine in the hospital to relieve the pain of injury, and then later experiences "withdrawal distress" from the morphine, he

or she will not necessarily become addicted. This is because the person may not be aware that the pain he or she is experiencing is, in fact, withdrawal distress.

Lindesmith indicated that there are essentially five steps in addiction. First, the person must take an addicting drug. Second, the person must experience withdrawal distress. Third, the person must associate the withdrawal distress with the absence of the drug. Fourth, the person must then obtain and take more of the addicting drug. Fifth, the person then associates relief from the withdrawal distress with taking more of the drug.³⁷ It turns out that Lindesmith's ideas were not well liked by Harry Anslinger, the "moral entrepreneur," who by this time had obtained considerable power in regard to the dissemination of information regarding drugs, and Lindesmith was targeted. Anslinger was particularly angered by Lindesmith's publication of an article entitled "Dope Fiend Mythology," in the *Journal of Criminal Law and Criminology*. The difference of view was, as stated previously, that Lindesmith viewed addiction as a medical problem, while Anslinger sought to portray it as primarily criminality. Not only was a counter-Lindesmith media campaign launched by Anslinger, but Lindesmith was personally harassed and subject to investigation by the FBN. The power of Anslinger and the FBN was shown by its suppression of the 1946 Canadian film, *Drug Addict*, as discussed earlier. The film largely supported Lindesmith's view through several themes:

1. Addicts and traffickers are recruited from all races and classes;
2. High-level drug traffickers are white;
3. Law enforcement only targets low-level dealers;
4. Addiction is a sickness;
5. Addiction to legal and illegal drugs is essentially the same;
6. Cocaine is not necessarily addictive; and
7. Law enforcement control of drugs is, in the final analysis, impossible.³⁸

Lindesmith was aware of the importance of the film, not only for its intended audience, but also for its damning rebuttal of the misinformation campaign carried out by Anslinger and the FBN. However, Lindesmith was never able to overcome opposition from Anslinger, the FBN, and supporters of Anslinger that included the Women's Christian Temperance Union, many churches, and many drug companies. The film *Drug Addict* is to this day technically banned in the United States.

Anslinger went on to testify before the Kefauver Committee, suggesting that drug trafficking was controlled by OC. As a result of this testimony, the Kefauver Committee recommended the passage of the Boggs Amendment to the Harrison Act, sponsored by Congressman Hale Boggs, one of Anslinger's strongest supporters.³⁹ The Boggs Amendment established mandatory minimums of two years for a first offense for selling narcotics, five years for a second offense, and 10 (to 20) for third and subsequent repetitions.⁴⁰ In addition to his success in establishing tough sentences for selling drugs, Anslinger argued with conviction to Congress that marijuana could be used by Communists, who would sell it to American soldiers to sap their will to fight.⁴¹ As head of the U.S. delegation to the United Nations Drug Convention, Anslinger obtained the United Nations Single Convention Treaty on Narcotics, which classified marijuana as a criminal narcotic.⁴² Thus, America's drug policy became that of the United Nations through the efforts of Anslinger.

Lindesmith's protest against Anslinger and the FBN did not receive much public support until the 1960s, when Vietnam War protests, combined with the civil rights movement and civil disobedience regarding marijuana resulted in an anti-establishment movement among youth. The **decriminalization**

movement resulted in lowering penalties for possession of less than an ounce of marijuana in 11 states. However, fear over the civil turmoil of the 1960s culminated in the election of Richard Nixon in 1968. During the Nixon administration, the 1970 Comprehensive Drug Abuse and Control Act included the Drug Schedules I-V and recriminalized marijuana as a Schedule I offense. President Jimmy Carter (1976–1980) followed Gerald Ford, who replaced Nixon after the Watergate scandal, and supported decriminalization. However, subsequent presidents have all favored increasingly harsher penalties for drugs, based upon the perceived voter support for these positions.

ARGUMENTS FOR AND AGAINST DECRIMINALIZATION

Much academic literature provides a rationale for legalization, decriminalization, or “repeal” of various drug laws, especially those concerning marijuana. An excellent analysis of the arguments in favor of legalization and decriminalization has been provided by Schmallegger:

- Legal drugs would be easy to track and control. The involvement of organized criminal cartels in the drug-distribution network could be substantially curtailed.
- Legal drug sales could be taxed, generating huge revenues.
- Legal drugs would be cheap, significantly reducing the number of drug-related crimes committed to feed expensive drug habits.
- Because some people are attracted to anything taboo, legalization could, in fact, reduce the demand for drugs.
- The current war on drugs is already a failure, and prohibiting drugs is too expensive in terms of tax dollars, sacrificed civil liberties, and political turmoil.
- Drug dealers and users care little about criminal justice sanctions. They will continue their illegal activities no matter what the penalties.
- Drug use should ultimately be a matter of personal choice.⁴³

Regardless of the eloquence, rationality, and proof provided by advocates of decriminalization and/or legalization, it may be observed that drug laws never seem to become more lenient in the United States. Legislators seem to vie with each other in respect to being “tough on drugs” and politicians who even breathe a word in regard to “decriminalization” commit political suicide. Drugs and being tough on drugs have become a political wedge issue that works well in getting votes. Opponents of decriminalization include Christian evangelicals, parents who fear the influence of the drug subculture upon their children, a relatively indifferent group of voters who agree that “drugs are bad,” and employees of the DEA and other law enforcement agencies.

Probably the most comprehensive compilation of *anti-legalization* arguments came from the DEA itself. In 1994, the DEA held a two-day conference in Quantico, Virginia, called the Anti-Legalization Forum. The conference was attended by five city police officials, representatives of the Office of National Drug Control Policy, the National Institute on Drug Abuse, National Families in Action, the California Office of Criminal Justice Planning, the Michigan Office of Drug Control Policy, the DEA, the Kennedy School at Harvard University, and other local and state officials. The conference resulted in a 41-page guide entitled, “How to Hold Your Own in a Drug Legalization Debate” for officials, police officers, and citizens who are invited to debate against the legalization of drugs.⁴⁴ The report

outlined 10 anti-legalization position statements drafted by the seminar participants. For each of the statements, the manual spelled out arguments for and against the claim. The 10 anti-legalization arguments were as follows:

- Crime, violence, and drug use go hand-in-hand.
- We have made significant progress in reducing drug use in this country. Now is not the time to abandon our efforts.
- Legalization of drugs will lead to increased use and increased addiction levels.
- Any revenues generated by taxing legalized drugs would quickly evaporate in light of the increased social costs associated with legalizing drugs.
- There are no compelling medical reasons to prescribe marijuana or heroin to sick people.
- Legalization and decriminalization of drugs have been a dismal failure in other nations.
- Alcohol has caused significant health, social, and crime problems in this country, and legalized drugs would only make the situation worse.
- Drug control spending is a minor portion of the U.S. budget, and compared to the costs of drug abuse, spending is minuscule.
- Drug prohibition is working.
- Drug legalization would have an adverse effect on low-income communities.⁴⁵

Those who favor decriminalization are a sizable group of marijuana advocates tainted as “potheads,” some members of ethnic and racial minority groups who were alleged to have brought on the drug epidemic, civil libertarians who are concerned about the abridgement of constitutional rights such as freedom against unlawful search and seizure, and a dwindling group of academics carrying the Lindesmith torch who argue for a “rational” approach to drugs. Some have also argued that there is a curious conspiracy between those who make the laws and those who profit from the illegality of drugs, notably drug traffickers.⁴⁶

The position on these issues taken in this text is, whether or not various drugs cause crime, the use of drugs by itself is not a serious criminal offense because a crucial element of crime is missing—harm or victimization to others besides oneself—as long as the drug is being self-administered. Volumes have been written by criminologists about drugs, and criminology texts often devote considerable coverage to the topic, including a full discussion of definitions, typologies, extent, trends, etiological studies, theories, and so forth. However, illicit drug use is, like alcohol use during Prohibition, widespread in America and in other countries.

Since the focus of this chapter is upon the drug trade, it is necessary to refer the reader to other sources, such as those referred to in earlier footnotes, for a fuller knowledge of illicit drug abuse as “deviant behavior.”

The focus here is the extent and trends in *drug trafficking* in the United States, but not the causes of drug use, drug addiction, or even “drug offenses” as measured by police data. International data that are available via INTERPOL or the United Nations are incomplete on the subject of “drug offenses” and, as mentioned previously, the United States cannot be compared with other countries because of the nature of FBI record keeping on this subject.

We are not attempting to deny that there is a link between drugs and crime. Quite the contrary, there very often is such a link, as shown by Drug Use Forecast studies of jail inmates.⁴⁷ However, there is no way to know (because the

scientific study of many drugs is typically forbidden) whether the drugs cause the crime, if drugs facilitate the crime, if the crime was motivated to obtain funds to support an addiction, or any other linkages. Indeed, it seems quite likely that if someone is going to commit a crime, he or she may shoot drugs, smoke marijuana, or take a stiff drink to bolster the courage needed to commit an aggressive act, shoplift goods, or break into a residence. People may also use illicit drugs prior to engaging in a legitimate occupation or recreational activity, for some what the same reason, as illustrated by the case study of Rick, the drug addict. The use of drugs in the commission of a crime can, perhaps, be considered an aggravant (or mitigant) in a court of law. However, until scientific evidence proves that a drug is in itself the motivation for commission of a serious crime, then the mere possession of small quantities or use of a drug does not constitute a crime of the seriousness of those discussed in previous chapters.

In regard to the arguments for and against decriminalization, it may be necessary to regulate the possession of certain drugs by law; however, the evidence presented later seems to suggest that a greater emphasis should be placed upon the prosecution of *drug traffickers* and less emphasis should be placed upon the prosecution of persons who possess small quantities of drugs for personal consumption. From an examination of countries of the world in previous chapters, it seems that countries that apply a drug policy such as this (tough on drug traffickers—fobearing on minor substance abusers) seem to have the least problems pertaining to drug abuse leading to participation in such serious crimes as burglary, robbery, and larceny.

EXTENT AND TRENDS IN DRUG TRAFFICKING

A variety of drugs are trafficked into the United States. Drugs that are trafficked on the black market into the United States are those that have been federally banned, including cocaine, heroin, and marijuana. Also included is a new category of “designer drugs,” called MDMA or Ecstasy.

There are a number of ways to assess traffic, which include quantities seized, the street price of drugs, the amount of drug consumption, and the rate of drug overdoses. The resources devoted to combating drug traffic on a national scale have increased dramatically over time. While Harry Anslinger started his FBN with 300 employees and a budget of around \$1.4 million, the DEA began operations in 1973 with 2,775 employees and a budget of \$65.2 million. Currently, the DEA has a budget of over \$2 billion and around 10,000 employees.⁴⁸ More resources have been expended at the state level. The critical question to be asked is, has this investment paid off in terms of declining supply, increasing prices, declining demand for illicit drugs, and a decline in rates of drug overdoses?

It is certainly clear that the War on Drugs has resulted in a massive increase in the number of people incarcerated in prisons and jails, as shown in Figure 12–1. As of June 1996, there were 1.7 million Americans behind bars and 5.5 million under some form of control by the justice system. This was a 12-fold increase from 1980 to 1995. At the federal level, 85% of the increase in the federal prison population was due to drug convictions.

This table indicates that arrests were being made, and convictions were resulting in imprisonment for drug offenses. However, are these arrests and convictions resulting in a successful decrease in the supply of drugs through successful interdiction efforts? Actually, the UCR for 2004 show that only 18.3%

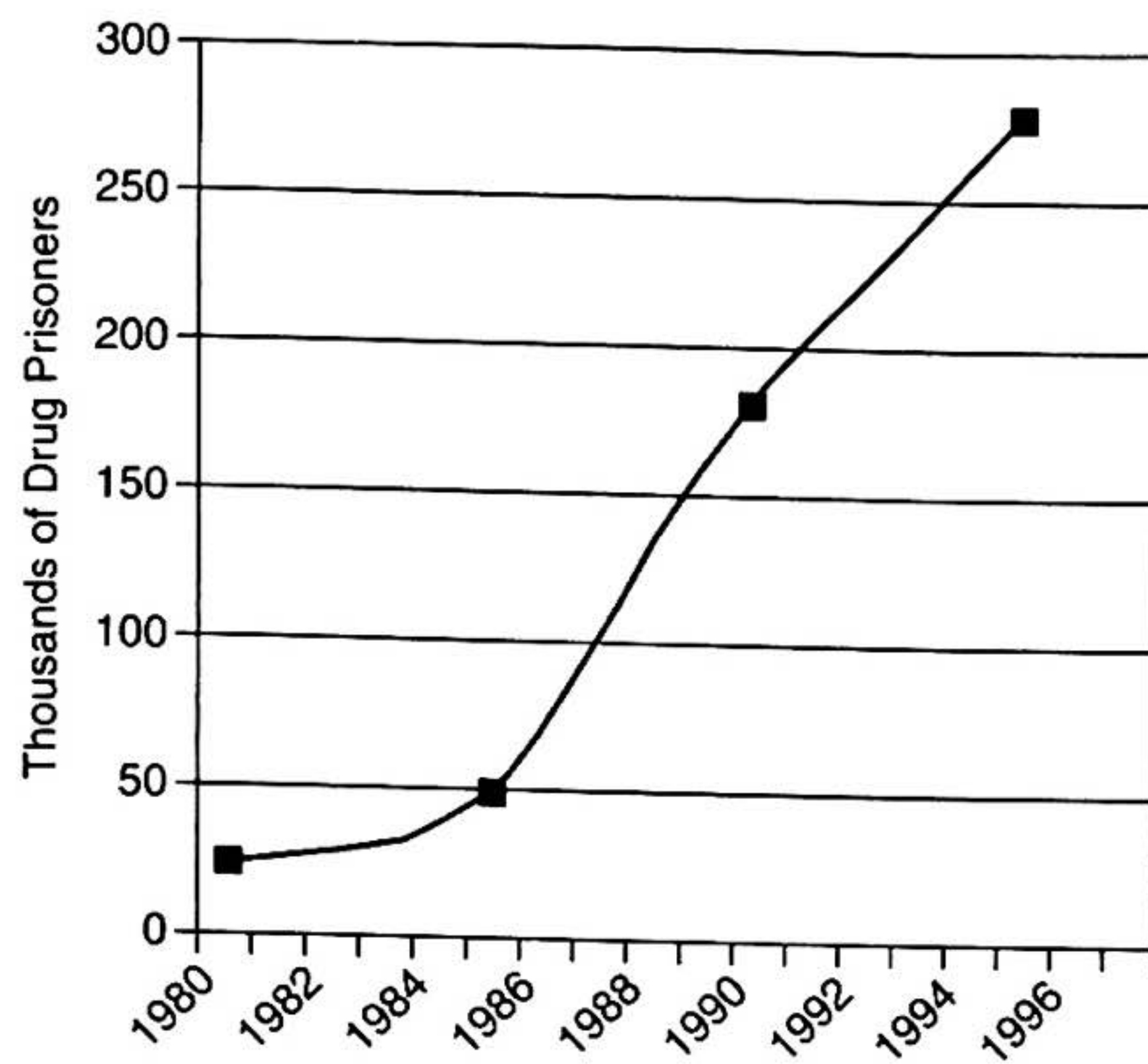


Figure 12-1
Incarceration for drug arrests.⁴⁹

of all drug arrests reported in the United States are for “sale/manufacturing” of illicit drugs, whereas 81.7% are for simple possession. Even more interesting is the breakdown by drug. Marijuana possession accounts for 39.2% of all drug arrests, while heroin or cocaine and their derivatives account for only 22% of all drug arrests. Thus, the War on Drugs, even as recently as 2004, was still very much a war on marijuana possession, just as it was in the late 1930s when Harry Anslinger was conducting his personal crusade against marijuana.⁵⁰ These data suggest that a small minority of arrests actually pertain to drug interdiction or cutting off supply, less than 20%. Could these relatively few arrests be of high level traffickers? Evidence is to the contrary. One way to address this question is to take a look at the price of drugs. Based upon the law of supply and demand, if the supply goes up, the price goes down (given a constant demand). From 1981 to 1997, the price for 5 oz. of cocaine went from \$275 to \$87, and the purity rose from 48% to 66%. The price of 5 grams of heroin declined from \$3,374 to \$1,175, and the purity increased from 7% to 47%. On the other hand, the price of marijuana rose from \$2.56 per pound to \$4.57, suggesting that **interdiction** efforts (preventing the drug from entering the country illegally) have been somewhat successful with that drug.⁵¹ One cause for concern during the period since the Reagan administration’s efforts to eradicate illegal drug use has been a rise in the number of drug overdose deaths, as shown in Figure 12-2. This alarming increase in drug overdose deaths corresponds almost perfectly with the increase in incarceration for drug arrests shown in Figure 12-1.

Three observations can be made about this increase. One point indicated here is that “dangerous drugs” (i.e., drugs that kill the user) are evidently increasingly available. Another concern about this figure is that the purity of dangerous drugs may be increasing (as suggested in the tremendous increase in the purity of heroin), such that users may overdose as a result of injecting more of the drug than they expect. A third observation is that with the rising price of marijuana, along with increasing arrests for this offense, marijuana users may be switching to other, more dangerous drugs.

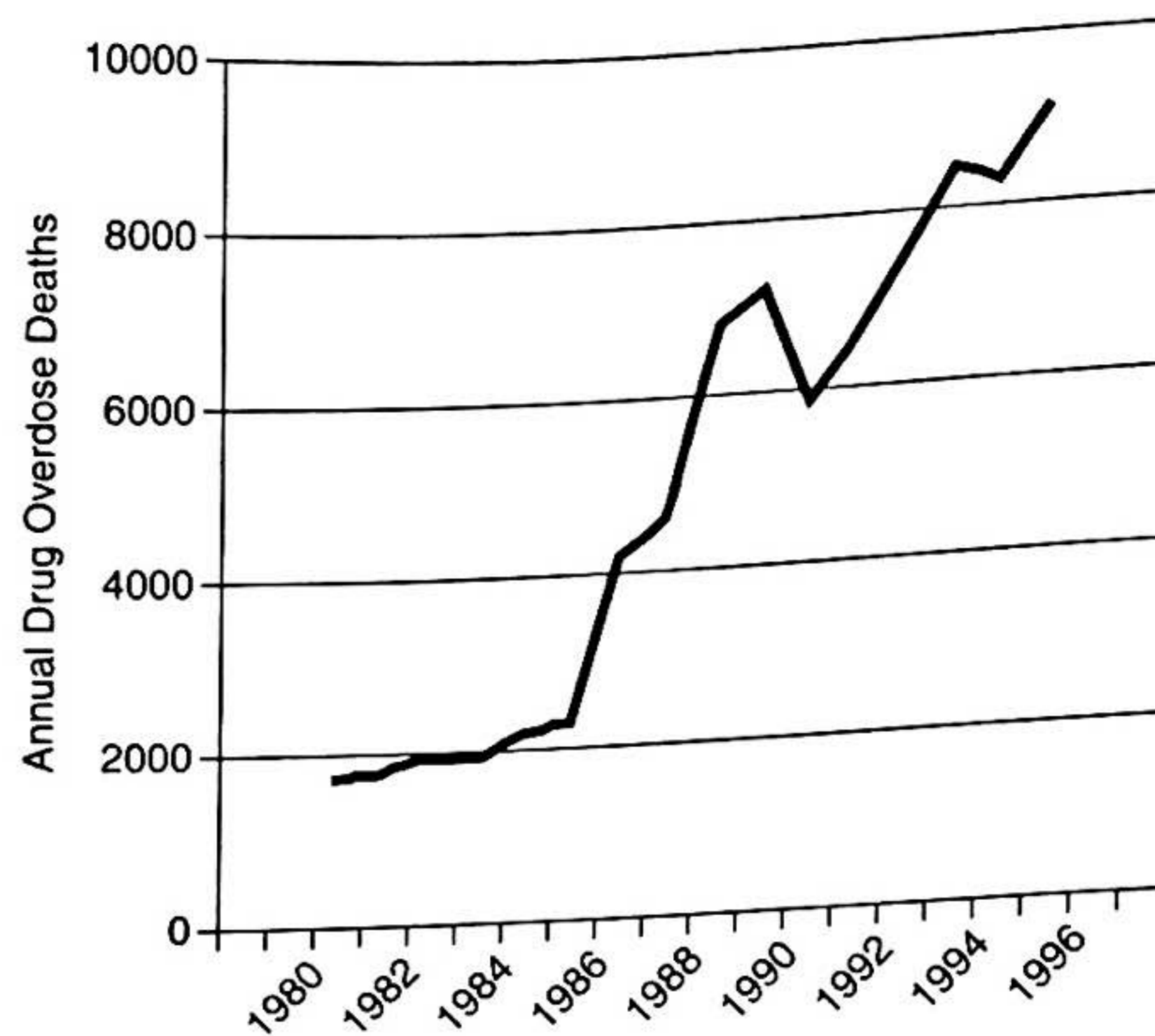


Figure 12-2
Increase in drug overdose deaths.⁵²

If heroin has increased in purity, why might this be so? A 2001 U.S. government report suggests there may be a “Canadian connection” that pertains to the increased purity and, perhaps, increased supply of drugs on the street today—particularly heroin. First, the report found that the number of hardcore heroin addicts in the United States increased from an estimated 630,000 in 1992 to 980,000 in 1999. In Canada, the number is estimated at 25,000 to 50,000 heroin addicts. As pointed out in Chapter 11, Canada has also been a preferred destination country for Asian traffic in persons. The report stated that, although most of the heroin in the United States is smuggled directly from Colombia or Mexico, approximately 25% travels through Canada en route to U.S. markets.⁵³ The report pointed out that there is a Border Patrol deficit between the Canadian and Mexican borders. There are only 300 U.S. Border Patrol (USBP) agents to patrol a 6,000 kilometer border with Canada, compared to 8,000 USBP agents to patrol an approximately 3,000-kilometer border between the United States and Mexico. Drugs in backpacks may accompany human traffic across the Canadian border as a means of payment for passage. Conceivably the recent influx of illegal Asian immigration may have brought with it an increased traffic in a renewed influx of the potent “China white” heroin.

Although the rising price of marijuana may be indicative of a decreasing availability of that drug, another indication is actual use. In this regard, the availability of marijuana to youth has been a major target of rhetoric as well as interdiction efforts. Has the usage of marijuana by youth declined, as a result of arrests, imprisonment, and marijuana confiscation? Figure 12-3 is instructive on this matter.

Figure 12-3 presents information from the National Survey on Drug Use and Health, formerly called the National Household Survey on Drug Abuse. This is an annual household survey of approximately 67,500 civilian persons in the United States aged 12 and older.⁵⁴ The trend chart shows that, evidently, adults aged 18 or older have declined in their marijuana use since the 1970 Controlled Substances Act was passed; however, there has been no decline

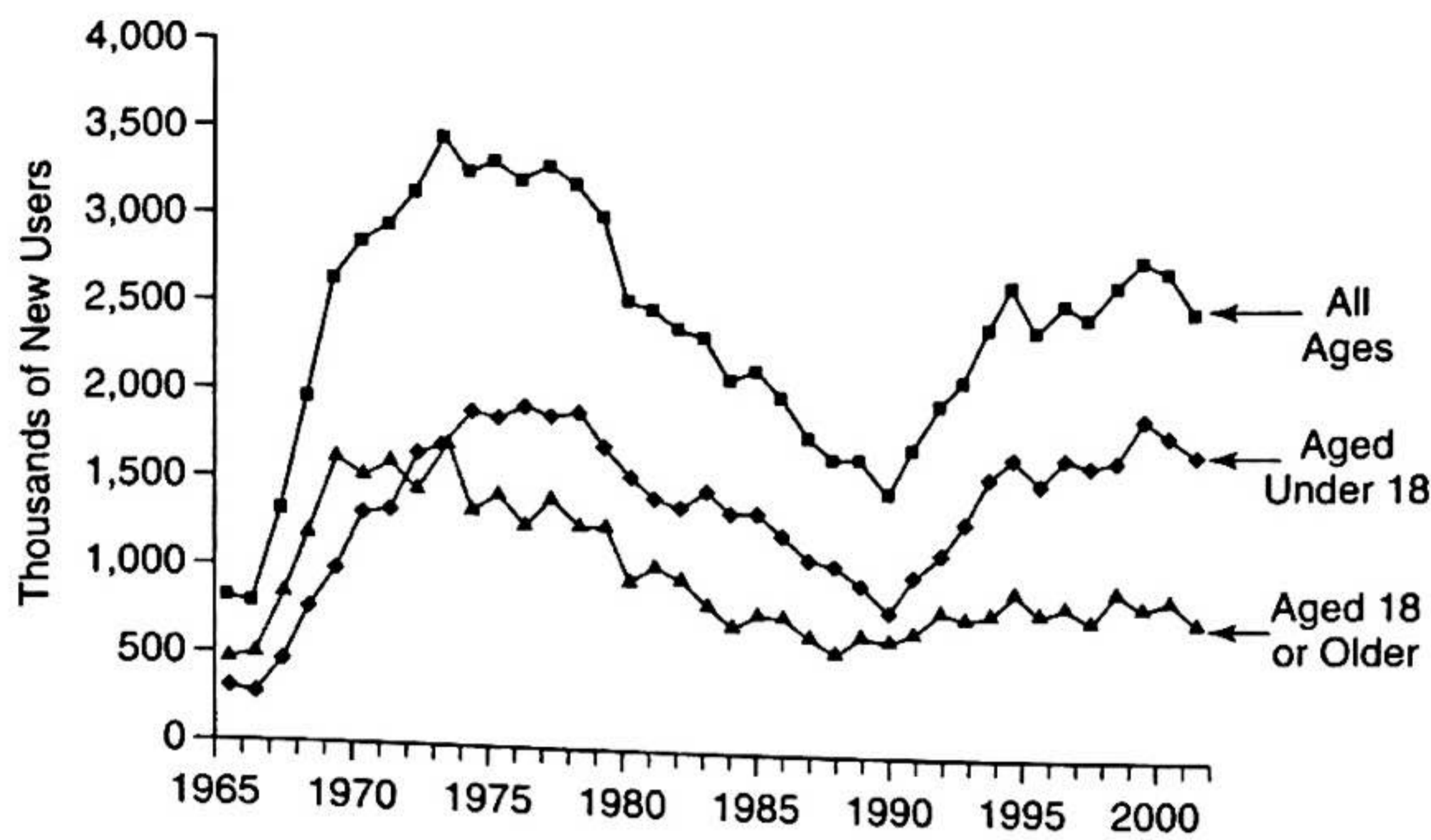


Figure 12-3
Annual numbers of new users of marijuana: 1965-2002.⁵⁵

in first use of marijuana among juveniles, persons under 18. In fact, the current juvenile use rivals that of its all time high during the late 1970s. For cocaine, no trend chart was shown in the report, and first use was said to occur at age 18 or later for 70% of cocaine initiates in 2002. Cocaine trends were said to be similar to those for marijuana shown in Figure 12-3. The incidence of cocaine use generally rose throughout the 1970s to a peak in 1980 (1.6 million new users) and subsequently declined until the early 1990s. Cocaine initiation steadily increased after 1973, averaging over a million new users per year from 2000 to 2002. From 1995 through 2002, the annual number of new heroin users ranged from 121,000 to 164,000, 75% of whom were 18 years or older and 63% of whom were male. As described earlier, the estimated number of heroin addicts increased by one-third from 1992 to 1999.

The fall in new marijuana use among adults, compared with the rise in cocaine and heroin, suggests a switch to drugs that are easier to smuggle. However, the term "adult" includes young people of college age. In this regard, Figure 12-4 may be of interest. Figure 12-4 suggests that if young adults are shying away from marijuana (which is classified as a hallucinogen), they are not avoiding hallucinogens altogether. The overall trend in LSD was upward until 2000; however, another drug called MDMA or "Ecstasy" seems to have replaced LSD almost entirely. The traffic in MDMA has increased dramatically. For instance, from 1999 to 2000 seizures of MDMA increased from 3.5 million tablets to 9.3 million tablets. MDMA is said to be produced primarily by clandestine laboratories in the Netherlands and Belgium, and is smuggled into the United States by express mail, courier, and, indirectly, through transit countries, including Canada. The primary outlets for MDMA in both the United States and Canada are dance clubs and "raves" (all-night dance parties), which normally are attended by people of college and high school age.⁵⁶

Has the war on drugs been successful in the United States? Data presented earlier indicate that in terms of the rising supply, increasing drug overdose deaths, increasing use of marijuana and MDMA among youth, and increasing cocaine and heroin use among adults, the illicit traffic in drugs has been seemingly

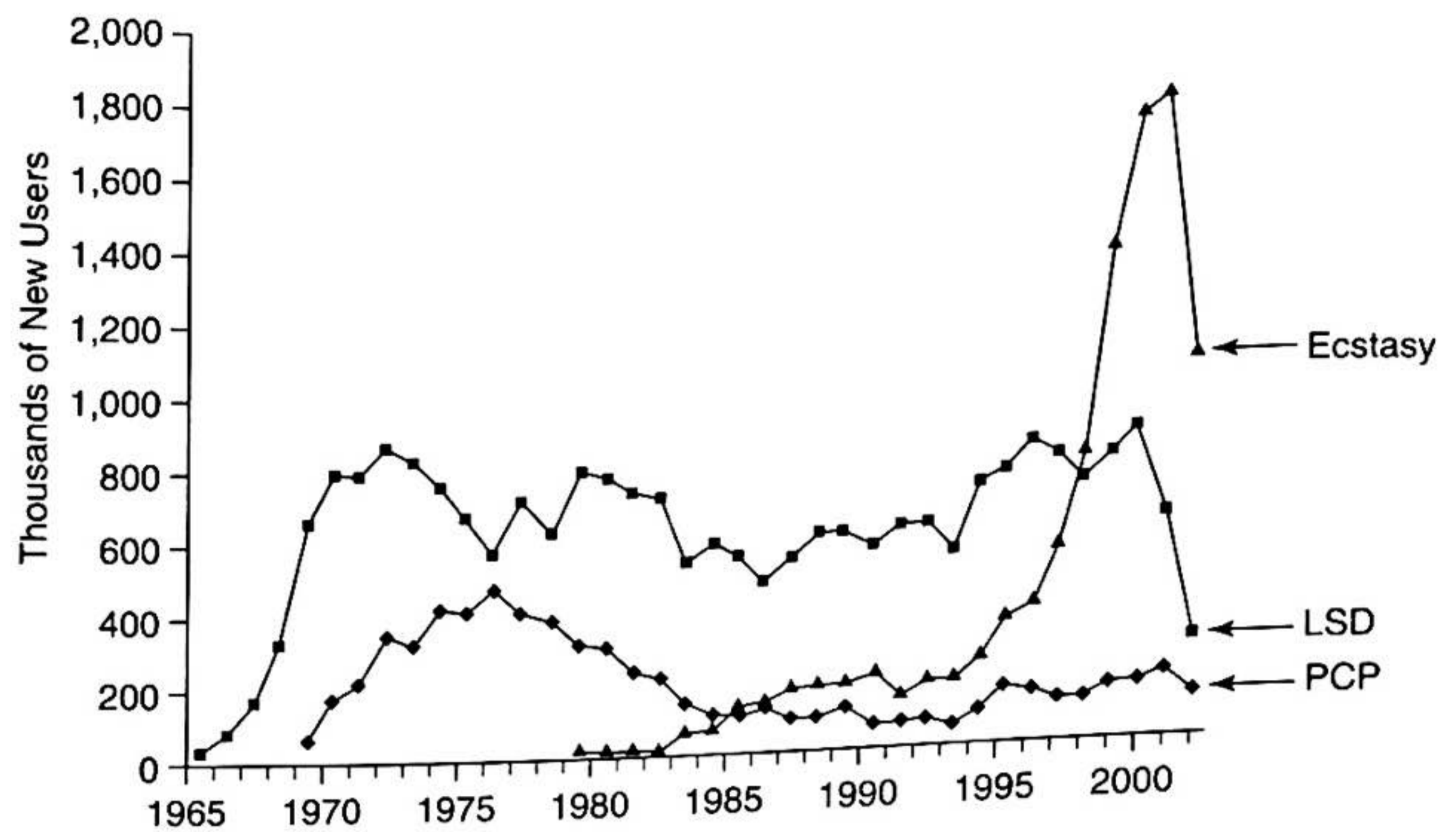


Figure 12-4
Annual numbers of new users of ecstasy, LSD, and PCP: 1965–2002.⁵⁷

impervious to interdiction efforts on the part of law enforcement, as was pointed out in the banned Canadian film, *Drug Addict*.

At this point, based upon similar evidence of the harm caused by the War on Drugs, many texts provide recommendations concerning “harm reduction” measures that can be taken at the federal, state, and local level. That approach will not be taken in this text. Volumes have been written on this subject including numerous government commission reports, and countless blogs on the Internet, which seem to be “preaching to the choir” of those who favor legalization or decriminalization. It would seem that, in so far as politicians and government officials are concerned, nobody is listening. Academicians who missed their opportunity to join Alfred Lindesmith when he was taking on the federal government antidrug bureaucracy (and Harry Anslinger) have waited too long. The drug war resonates well with the majority of voters and no self-respecting politician who values his or her political career would dare step out of line by crusading to legalize or decriminalize any drug, despite the obvious counter-productiveness of interdiction efforts. In addition, the War on Drugs works well in another respect, which is to suppress the “dangerous class” of minorities—blacks and Hispanics—who have filled America’s prisons and jails in inordinate numbers during America’s war on drugs.

COUNTRY PROFILE

Pakistan Pakistan is part of the “Golden Crescent” (Afghanistan, Iran, and Pakistan) that encompasses the poppy producing areas of Southwest Asia that are the world’s main source of illicit opiates. In Chapter 11, countries were ranked in terms of kilograms of heroin seized (in the most recent year recorded). Pakistan

was second only to China, with 6,931.47 kilograms seized. More recently, in 2003, Pakistan was number one in the world in seizures of heroin, constituting 35% of the world's seizures, with Iran the next highest at 17%.⁵⁸ While Afghanistan produces the opium, most processing takes place in small, mobile laboratories in the Afghan-Pakistan border areas.⁵⁹ Also indicative of the traffic in heroin, Pakistan is one of the countries hardest hit by narcotics abuse in the world. The number of chronic heroin abusers in Pakistan increased from about 20,000 in 1980 to more than 1.5 million in the late 1990s.⁶⁰ Pakistan's fellow Muslim state/neighbor Afghanistan produced two-thirds of the world's opium poppies in 2004.⁶¹ However, the growers of opium are said to receive the smallest share of the profits from that crop, whereas traffickers receive the largest share.⁶² While China was profiled in Chapter 11 (related to the topic of organized crime), Pakistan seems to be a suitable country to profile in this chapter, focusing on the drug trade.

It is interesting to note that, just as Pakistan is number one in the world for heroin seized, it is also number one in the world in the number of terrorist organizations that exist in a single country. According to data published by the Terrorism Research Center, Pakistan has 67 terrorist organizations within its borders. That is 11 more organizations than the next highest country, India, which has 56 terrorist organizations.⁶³ The 67 terrorist organizations in Pakistan are listed in Table 12-2.

Two questions are to be answered regarding these findings. Why does Pakistan have such a high amount of heroin traffic, and why is it, by far, the country with the highest number of terrorist organizations? Further, are these two findings coincidental, or is there an interconnection between the number of terrorist organizations in Pakistan and heroin traffic? To address these questions, it is necessary to learn about the history of Pakistan and its relationship with other countries, including the United States.

Historical Development of Pakistan

Pakistan is a relatively new country, having become a sovereign nation in 1947. Pakistan is similar to other countries in Chapter 11 that are "home-base" nations for OC in the sense that it has had a "history of military rule." Prior to 1947, Pakistan was part of India, a country that itself could be characterized as having a history of military rule, dating back to ancient times. Much of that military rule was by Muslims.

The initial entry of Islam into India came in the first century after the death of the Prophet Muhammad. The Umayyad caliph in Damascus sent an expedition to Balochistan and Sindh in 711 A.D. led by Muhammad bin Qasim (for whom Karachi's second port is named). The expedition went as far north as Multan, but was not able to retain that region and was not successful in expanding Islamic rule to other parts of India. Coastal trade and the presence of a Muslim colony in Sindh, however, permitted significant cultural exchanges and the introduction into the subcontinent of Muslim teachers. Muslim influence grew with conversions.

Almost three centuries later, the Turks and the Afghans spearheaded the Islamic conquest in India through the traditional invasion routes of the northwest. Mahmud of Ghazni (979-1030) led a series of raids against Rajput kingdoms and rich Hindu temples and established a base in Punjab for future

Table 12-2 67 Terrorist Organizations in Pakistan

Al Badr	Jamiat ul Mujahideen (JUM)
Al Barq	Jammu and Kashmir Freedom Force
Al Jihad	Jammu and Kashmir Liberation Front (JKLF)
Al Jihad Force	Jammu and Kashmir National Liberation Army
Al Jihad	Jammu and Kashmir Students Liberation Front
Al Mujahid Force	Jihad Force
Al Mustafa Liberation Fighters	Kashmir Jihad Force
Al Qa'nun	Lackawanna Six
Al Umar Mujahideen	Lashkar e Jabbar (LJ)
Al-Fatah	Lashkar e Jhangvi (LJ)
Al-Qaeda	Lashkar-e-Tayyiba (LeT)
Allah Tigers	Mahaz e Azadi
Baluch Students Organisation (BSO)	Markaz Dawa al Irshad
Baluch Students' Organisation - Awami (BSO-A)	Mohajir Qaumi Movement (MQM)
Baluchistan Liberation Army (BLA)	Muslim Janbaz Force
East Turkestan Islamic Movement	Muslim Mujahideen
God's Brigade	Mutahida Majlis e Amal (United Action Forum)
Haqiqi Mohajir Quami Movement (MQM-H)	Muttahida Jihad Council (MJC)
Harakat ul Jihad I Islami (HUJI)	Muttahida Quomi Mahaz - MQM (A)
Harakat ul Mujahidin (HUM)	Nadeem Commando (NC)
Harkat ul Ansar (HA)	People's League
Hizb ul Mujahedin	Popular Front for Armed Resistance (PFAR)
Hizb-I Islami Gulbuddin (HIG)	Sipah e Mohammed Pakistan (SMP)
Hofstad Network	Sipah I Sahaba Pakistan (SSP)
Ikhwan ul Mujahideen	Taliban
Ikhwan-ul-Muslimeen	Tehreek e Jaferia Pakistan (TJP)
Intigami Al-Pakistani	Tehreek e Nafaz e Shariat e Mohammadi (TNSM)
Islambouli Brigades of al Qaeda	Tehrik e Hurriat e Kashmir
Islami Inquilabi Mahaz	Tehrik e Jihad
Islami Jamaat e Tulba	Tehrik e Jihad e Islami
Islamic Movement of Uzbekistan (IMU)	Tehrik e Nifaz e Fiqar Jafaria
Islamic Students League	Tehrik ul Mujahideen
Jamaat I Islami	Virginia Jihad Network
Jamaat ul Fuqra (JF)	

incursions. Mahmud's tactics originated the legend of idol-smashing Muslims bent on plunder and forced conversions, a reputation that persists in India to the present day.

During the last quarter of the 12th century, Muhammad of Ghor invaded the Indo-Gangetic Plain, conquering in succession Ghazni, Multan, Sindh, Lahore, and Delhi. His successors established the first dynasty of the Delhi Sultanate, the Mamluk Dynasty (mamluk means "slave") in 1211. The territory under control of the Muslim rulers in Delhi expanded rapidly. By mid-century, Bengal and much of central India was under the Delhi Sultanate. Several Turko-Afghan dynasties ruled from Delhi: the Mamluk (1211-1290), the Khalji (1290-1320), the Tughlaq (1320-1413), the Sayyid (1414-1451), and

the Lodhi (1451–1526). As Muslims extended their rule into southern India, only the Hindu kingdom of Vijayanagar remained immune, until it too fell in 1565. Although some kingdoms remained independent of Delhi in central India and Bengal, almost all of the area in present-day Pakistan came under the rule of Delhi.

The sultans of Delhi enjoyed cordial, if superficial, relations with Muslim rulers in the Near East but owed them no allegiance. The sultans based their laws on the Quran and the *sharia*. They permitted non-Muslim subjects to practice their religion only if they paid *jizya* or head tax. The sultans ruled from urban centers—while military camps and trading posts provided the nuclei for towns that sprang up in the countryside. Perhaps the greatest contribution of the sultanate was its temporary success in insulating the subcontinent from the potential devastation of the Mongol invasion from Central Asia in the 13th century. The sultanate ushered in a period of Indian cultural renaissance resulting from the stimulation of Islam by Hinduism. The resulting “Indo-Muslim” fusion left lasting monuments in architecture, music, literature, and religion. The sultanate suffered from the sacking of Delhi in 1398 by Timur (Tamerlane) but revived briefly under the Lodhis before it was conquered by the Mughals.⁶⁴

Analyzing this long history, it seems accurate to state that the resulting Muslim Mogul Empire militarily dominated India and, in fact, most of South Asia (including much of present-day Pakistan) during the 16th and 17th centuries.⁶⁵

British traders first arrived in South Asia in 1601, but the British Empire did not consolidate control of the region until the latter half of the 18th century. After 1850, the British or those influenced by them governed virtually the entire subcontinent. During the century of British control, the position of Muslims declined sharply because the British belief in democracy resulted in power being shifted to the more populous Hindus. By the 1940s, the Hindus were better educated than Muslims and better positioned to take control of the country, once the British left. The British legacy of parliamentary democracy in India further cemented Hindu dominance over Muslims in India.

The attrition of Muslim hegemony should be considered vis-à-vis the Muslim concept of *jihad*, or the “striving.” “There are two forms of *jihad*: the inner one is the battle each Muslim wages with his or her lower self; the outer one is the battle which each Muslim must wage to preserve the faith and its followers. People who fight the outer jihad are *mujahidin*.”⁶⁶

In India, the Muslims, under British rule, had fought a losing jihad to preserve the faith and its followers. Concern about Hindu domination of the Indian National Congress Party led Muslims to form the all-India Muslim League in 1906. Starting in the 1930s, the idea of a separate Muslim state emerged. In 1940, Muhammad Ali Jinnah, leader of the Muslim League, formally endorsed the “Lahore Resolution,” calling for the creation of an independent state in regions where Muslims constituted a majority. In June, 1947, the British Government declared it would bestow full dominion status upon two successor states—India and Pakistan. Under this arrangement, the some 650 “princely states” could freely join either India or Pakistan.⁶⁷ However, the resulting dispute over territory that continues into the present has formed a basis for current-day resistance movements that have been labeled “terrorist organizations” by INTERPOL, the United Nations, the United States, Great Britain, and other developed countries. Pakistan initially (in 1947) was divided between West Pakistan (present-day Pakistan) and East Pakistan (consisting of a single province, which is now Bangladesh). The Maharaja of

Kashmir was reluctant to make a decision on accession to either Pakistan or India. However, after armed incursions into the state by tribesmen from the North-West Frontier Province in Pakistan (in 1947), the Maharaja signed accession papers allowing Indian troops into much of the state. Pakistan has contested this accession from 1947 up to the present time.

Pakistan after Partition

Beginning in 1947, the government of Pakistan has been characterized by political instability and military rule through martial law. Military rule in the form of martial law has occurred frequently in the short history of Pakistan. In 1958, President Iskander Mirza, with the support of the army, suspended the 1956 constitution and imposed martial law. Twenty days later the military sent Mirza into exile, after which the country was run by military dictatorships until 1971. In 1971, Zulfikar Ali Bhutto, who had founded the Pakistan Peoples Party, became President and the first civilian Chief Martial Law Administrator. Bhutto carried out populist reforms, nationalizing major industries and the banking system. Bhutto was ousted by the military and arrested in 1977, and General Muhammed Zia ul-Haq became Chief Martial Law Administrator. Zia conducted a criminal investigation of Bhutto, who was subsequently convicted of the murder of a political opponent, was sentenced to death, and was hanged in 1979. Zia then pursued an "Islamization" program, which he said, based upon a referendum, was approved by a 63% majority of voters, which he interpreted as approval of his presidency. Zia died in a plane crash in 1988, and Benazir Bhutto (daughter of Zulfikar Ali Bhutto) formed a government. She was replaced by Nawaz Sharif, leader of the centrist Pakistan Muslim League (PML). Sharif's economic reform program involved privatization and deregulation. Sharif was dismissed by the President in 1993, and was followed, once again, by Benazir Bhutto as leader of a coalition government.⁶⁸ Accordingly, Benazir Bhutto's government was dismissed in 1996 by the President Leghari on the basis of corruption, mismanagement, and extrajudicial killings in Karachi. Bhutto was followed, once again, by Nawaz Sharif. Sharif attempted to replace the Chief of Army Staff General Pervez Musharraf in 1999, but the army moved quickly to depose Sharif. Musharraf then declared a state of emergency and appointed an eight-member National Security Council to function as Pakistan's supreme governing body, and in 2001, named himself as president and was sworn in. After the terrorist attacks in the United States on September 11, 2001, Musharraf pledged cooperation with the United States in its "War on Terror." He pursued a program of shutting down terrorist training camps in Pakistan.⁶⁹

Historically, then, Pakistan has frequently been governed by the military, followed by attempts to form coalition governments by parliamentary leaders. How does this pattern of military rule and regime change pertain to drug trafficking and terrorism described at the beginning of this country profile? There are several considerations to be brought into the discussion. The first concerns the variety of dissident groups that were brought together as a result of partition into a "multipartite state." The second has to do with Pakistan's relationship to other countries, focusing on India and the United States. A third factor has to do with the symbiotic relationship between terrorism and the drug trade (i.e., narco-terrorism) and the government's relationship to both. The last has to do with unexpected consequences having to do with extreme

changes in civilian government, ranging from Zulfikar Ali Bhutto's populist attempts to nationalize industry and banking to the other extreme of Zia's Islamization program.

Multipartite State

The CIA's *World Factbook* for 2006 lists 24 different political parties in Pakistan. The number of political parties represented in Pakistan provides a reason for the difficulty that major leaders have had in forming parliamentary coalitions.

Similarly, in terms of languages spoken in Pakistan, the following are listed in the CIA *World Factbook* for 2006—Punjabi 48%; Sindhi 12%; Siraiki (a Punjabi variant) 10%; Pashtu 8%; Urdu (official) 8%; Balochi 3%; Hindko 2%; Brahui 1%; English (official and most commonly used language of Pakistani elite and most government ministries), Burushaski, and other, 8%.

Ethnic groups in Pakistan consist of the Punjabi, Sindhi, Pashtun (Pathan), Baloch, and Muhajir (immigrants from India at the time of partition and their descendants).

Religions in Pakistan include Muslim 97%, further subdivided into Sunni Muslim 77%; Shi'a Muslim 20%; as well as Christian, Hindu, and other 3%.

The vast array of political parties, languages, and ethnic groups in Pakistan can help to explain the basis for civil disorder; however, in terms of religious affiliation, the country is overwhelmingly Muslim (97%). The Sunni's constitute a majority and the Shi'a a minority of Muslims in Pakistan. Sectarian differences may account for some of the divergent terrorist organizations in Pakistan. Shites may receive support from nearby countries, such as Iran, and (now) Iraq. Sunni terrorist organizations may receive support from predominantly Sunni countries, such as Syria and Jordan. However, sectarian divisions alone do not account for the large number of active terrorist organizations in Pakistan—67. Additional factors may have contributed to the growth of a large contingent of terrorist organizations that have developed in one country. International relations may provide part of the answer, particularly between Pakistan, Afghanistan, India, and the United States.

Influence of the United States

According to a number of journalistic accounts, the terrorism problem that Pakistan must now face was actually an indirect byproduct of a secretive operation of the U.S. government that took place between 1978 and 1992. During that time, "the U.S. government poured at least \$6 billion (some estimates range as high as \$20 billion) worth of arms, training, and funds to prop up the *mujahidin* (Islamic holy warrior) factions in Afghanistan."⁷⁰ The purpose was to oust a government in Afghanistan that was backed by the Soviet Union. The Soviet-backed People's Democratic Party of Afghanistan had seized power in Afghanistan in April, 1978. Washington's backing for the *mujahidin* was based upon a strategy developed by President Jimmy Carter's national security advisor, Zbigniew Brzezinsky, and was continued by successors. The plan was to spread Islamic fanaticism into the Muslim Central Asian Soviet republics to destabilize the Soviet Union. The plan coincided with Pakistan dictator General Zia ul-Haq's own ambition to Islamize the whole region.

Norm Dixon, journalist for the *Green Left Weekly* in Australia, in his article, "How the CIA created Osama bin Laden," indicated that in 1986 CIA Chief William Casey committed the CIA to support a long-standing Inter-Services Intelligence (ISI; Pakistan's CIA) proposal to recruit from around the world to join the Afghan jihad. Reportedly, at least 100,000 Islamic militants flocked to Pakistan between 1982 and 1992. Dixon also cited John Cooley, a former journalist with the U.S. ABC television network and author of *Unholy Wars: Afghanistan, America and International Terrorism*. Cooley maintained that Muslims recruited in the United States for the *mujahidin* were sent to Camp Peary, the CIA's spy training camp in Virginia, where the trainees were taught "sabotage skills." The program was part of a Washington-approved plan called "Operation Cyclone." Washington, Dixon added, favored a *mujahidin* faction led by Gulbuddin Hekmatyar, who was also reputed to be a close associate of Osama bin Laden. Hekmatyar was also known for his participation in the cultivation and trafficking in opium, which became a booming business that supplied 60% of U.S. drug users with their drugs. Recruits, money, and equipment were distributed in Pakistan, according to Dixon, to the *mujahidin* factions by an organisation known as Maktab al Khidamar (MAK). MAK was a front for Pakistan's CIA, which received the vast bulk of CIA and Saudi Arabian covert assistance for the Afghan resistance.⁷¹

Although there are many more aspects to Dixon's article pertaining to terrorists who later attacked the United States, those are discussed more fully in Chapter 15, which focuses on terrorism. At this point, it is sufficient to conclude that this covert U.S. aid in Operation Cyclone, run through the Pakistan ISI, may have been a factor in the proliferation of Islamic "freedom fighters" (now known as terrorist organizations) within Pakistan. However, there is another story pertaining to Pakistan's poor relations with India. The conflict between India and Pakistan also may have fueled the fire of terrorism in Pakistan.

India, Terrorism, and Organized Crime

Since the creation of Pakistan, Pakistan and India have fought four wars. The first (1947–1948) arose over Kashmir, in Northwest India. The 1965 war involved fighting on the West Pakistan-India border that spread to Kashmir and to the Punjab. The third, in 1971, involved a civil war between East and West Pakistan. After 10 million East Pakistani Bengalis fled to India, India attacked both East and West Pakistan. This war culminated in the independence of East Pakistan, which became Bangladesh. All three wars were resolved through United Nations intervention.⁷² The fourth war, which was fought in 1999 and was known as the Kargil conflict, also over Kashmir, was settled as a result of U.S. diplomacy.⁷³

Some of the terrorist groups in Pakistan have committed bombings and other acts of terror in India. Relations with India have also been jeopardized on several occasions by the Indian belief that Pakistan is harboring an Indian fugitive from justice, Dawood Ibrahim. Dawood is wanted in India for a series of bombings that killed 300 people in Mumbai (Bombay) in 1993.⁷⁴ Along with territorial issues such as Kashmir and the issue of terrorist groups in Pakistan, the subject of Dawood's residency in Pakistan has been a constant source of conflict and a subject of recent bilateral talks between India and Pakistan.⁷⁵ The Dawood story raises the interesting possibility that in Pakistan there are not only a large number of terrorist organizations, but OC, as well.

Dawood, the son of a Muslim policeman, formed a gang in India called D Company in the 1970s. His syndicate smuggled black-market gold and consumer goods and took over the movie industry (Bollywood). In 1985, Dawood fled to Dubai, United Arab Emirates, where he ran high-stakes gambling rings, fixed cricket matches, and engaged in narcotics and arms trafficking. He also pushed his syndicate into construction, real estate, and underground banking (*hawala*).⁷⁶ Dawood invested his wealth in real estate and construction in India. He and his family are estimated to own assets worth \$430 million.⁷⁷ After expanding his empire in Dubai, Dawood moved from Dubai to Pakistan in 1993.⁷⁸ When rioting targeted Bombay's Muslims in 1993, Dawood arranged for the smuggling into India of tons of explosives provided by Pakistan's spy agency, the ISI, according to both U.S. and Indian law enforcement. As a result of the bombings that followed, Dawood became India's most wanted man. Dawood moved to the port city of Karachi, and his connections with the ISI guaranteed him control over the nation's coastal smuggling routes. For 12 years after moving to Karachi, Dawood ran shipping and trucking lines that smuggled arms into India and heroin into Europe. He also maintained ties to several terrorist groups, including al Qaeda, with whom he shared his smuggling routes.⁷⁹

Not only has Dawood Ibrahim, a gangster of Muslim faith, turned terrorist, there is evidence that terrorist organizations are transforming themselves into criminal gangs:

Understanding Dawood's operations is important, experts say, because they show how growing numbers of terrorist groups have come to rely on the tactics—and profits—of organized criminal activity to finance their operations across the globe. An inquiry by *U.S. News*, based on interviews with counter-terrorism and law enforcement officials from six countries, has found that terrorists worldwide are transforming their operating cells into criminal gangs. "Transnational crime is converging with the terrorist world," says Robert Charles, the State Department's former point man on narcotics. Antonio Maria Costa, the head of the United Nations Office on Drugs and Crime, agrees: "The world is seeing the birth of a new hybrid of organized-crime-terrorist organizations. We are breaking new ground."⁸⁰

Thus, there is an important interplay between terrorism and OC, an interplay that has been termed **narco-terrorism**.

Narco-terrorism

The Drug Enforcement Administration defines **narco-terrorism** as

A subset of terrorism, in which terrorist groups, or associated individuals, participate directly or indirectly in the cultivation, manufacture, transportation, or distribution of controlled substances and the monies derived from these activities. Further, narco-terrorism may be characterized by the participation of groups or associated individuals in taxing, providing security for, or otherwise aiding or abetting drug trafficking endeavors in an effort to further, or fund, terrorist activities.⁸¹

This definition was given by Asa Hutchinson, who was the 2002 DEA Administrator, before the Senate Judiciary Committee Subcommittee on

Technology, Terrorism, and Government Information in 2002. Hutchinson acknowledged that, under Taliban rule, Afghanistan was a major source of illicit opium and that Osama bin Laden was involved in the drug trade:

The Islamic State of Afghanistan is a major source country for the cultivation, processing, and trafficking of opiate and cannabis products. Afghanistan produced over 70 percent of the world's supply of illicit opium in 2000. Morphine base, heroin and hashish produced in Afghanistan are trafficked worldwide. Due to the warfare-induced decimation of the country's economic infrastructure, narcotics are a major source of income in Afghanistan. U.S. intelligence confirmed a connection between Afghanistan's former ruling Taliban and international terrorist Osama bin Laden and the al-Qaeda organization. The DEA has received multi-source information that bin Laden has been involved in the financing and facilitation of heroin trafficking activities. While the activities of the two entities do not always follow the same course, we know that drugs and terror frequently share the common ground of geography, money, and violence. In this respect, the very sanctuary previously enjoyed by bin Laden was based on the existence of the Taliban's drug state, whose economy was exceptionally dependent on opium.⁸²

According to Hutchinson, the DEA was aware of the existence of drug laboratory sites in Afghanistan and Pakistan:

DEA sources have reported the observation of numerous inactive laboratory sites in Afghanistan and Pakistan, a number of significant opium dealers, large stockpiles of opium, and active opium markets in Jalalabad and Ghani Khel. The laboratories known to this point are concentrated in the regions bordering the Northwest Border Province of Pakistan, especially in Nangarhar, Laghman, and Konar Provinces in the Konduz and Badakhshan Provinces.⁸³

In his testimony before the Senate Judiciary Committee, Hutchinson displayed a table showing the decline in opium production in Afghanistan from the 3,656 metric tons of opium produced in 2000 to 74 metric tons produced in 2001. An important question remained as to whether this was a short-term trend related to the U.S. military occupation of Afghanistan, or a long-term trend. In fact, after 2001 there was a phenomenal increase in opium cultivation in the three years that followed. In 2004, Afghanistan opium poppy cultivation was estimated at 131,000 hectares, a 64% increase from 2003 and an all-time high for Afghanistan. Furthermore, the United Nations survey revealed the encroachment of opium poppy cultivation into previously unaffected areas of the country. It is now found in all 32 provinces of the country. Table 12-3 shows the trend in metric tons for Afghanistan.

As explained at the beginning of the country profile, Pakistan was shown to be number one in the world in seizures of heroin, the primary product of opium. Resurgence in production of the opium poppy in Afghanistan facilitates trafficking in heroin by OC and/or terrorist organizations in Pakistan.

Fringe Politics

Pakistan's multipartite parliament has periodically produced a governing coalition (followed by periods of military rule). However, what has emerged

Table 12-3 **Afghanistan Estimated Opium Production, 1994-2004**⁸⁴

1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
3,400	2,300	2,200	2,800	2,700	4,600	3,300	185	3,400	3,600	4,200

in that country have been governments at one extreme or the other. The “nearly-socialist” government of Zulfikar Ali Bhutto attempted to nationalize major industries (including oil) as well as banks during the 1970s. On the other hand, the right-wing government of General Muhammad Zia ul-Haq attempted to move the country in the direction of “Islamization.” Both extremes had consequences in terms of drug trafficking and terrorism.

When Bhutto tried to nationalize Pakistan’s banks, he met resistance from Agha Hasan Abedi, whose United Bank had expanded rapidly in Pakistan. In 1972, Bhutto placed Abedi under house arrest. During his house arrest, Abedi developed a plan for a bank that was not subject to nationalization, a bank later to be called the Bank of Credit and Commerce (BCCI). After he was freed from house arrest, Abedi received backing for the development of BCCI from Sheik Zayed bin Sultan Al Nahyan of Abu Dhabi in the United Arab Emirates and the Bank of America in the United States. Initially, the bank was based in Abu Dhabi and profited greatly from the Arab oil embargo in 1973, when tremendous profits poured into the BCCI. Abedi managed to avoid scrutiny from auditors and banking regulators in the countries where he operated by locating his legal headquarters in two countries known to have the barest of regulatory interference—Luxembourg and the Cayman Islands in the Caribbean—both of which were secrecy havens. By 1982, BCCI had 59 branches in Europe, 93 in the Middle East, 58 in Africa, 34 in the Far East and Southeast Asia, and 15 in North America and the Caribbean. In the United States, through covert measures, BCCI took over Financial General Bank and quickly changed its name to First American Bank. BCCI became a cash conduit for drug traffickers, terrorists, despots, arms merchants, and other scam artists and lawbreakers. BCCI was welcomed back to Pakistan after the Zia takeover and Bhutto execution. Among the uses of BCCI in Karachi was the laundering of drug money that was eventually believed to have been used in financing terrorist groups involved in the New York 1993 World Trade Center bombing.⁸⁵

Although Bhutto’s socialist nationalization attempts had the unanticipated consequence of the development of a money laundering global bank, BCCI proved to be a tool for drug traffickers and terrorist organizations. However, Zia’s right-wing Islamization program also had unintended outcomes. An unexpected outcome of Zia’s Islamization was that by relying on a policy grounded in Islam, the state fomented factionalism. By legislating what was Islamic and what was not, Islam itself could no longer provide unity because it was then being defined to exclude previously included groups. Thus, disputes between Sunnis and Shia, ethnic disturbances in Karachi between Pakhtuns (area residents prior to partition) and *muhajirs* (Muslims from India), increased animosity toward Ahmadiyyas (said to be a pseudo-Islamic cult), and the revival of Punjab-Sind tensions—can all be traced to the loss of Islam as a common vocabulary of public morality.⁸⁶

SUMMARY AND CONCLUSION

The story of Rick, a drug addict, begins the chapter. Rick dabbled in drugs and had "minor scrapes with the law" during his childhood and teen years. Though Rick's first experience with heroin was only a "skin pop," he was, in his own words, "hooked for life" as a result of the experience. In the four years after high school, Rick supported a wife and two children on his earnings from legitimate employment as an apprentice electrician, while his heroin addiction was supported by smuggling and selling drugs. After Rick was caught smuggling, his life was characterized by increased use of heroin, periods of abstinence during institutionalization in hospitals and correctional institutions, and relapse upon release, as well as increasing participation in crime (e.g., armed robbery, burglary). Rick advocated legalization of drugs to "take the profit out of it" and to end the vicious cycle of addiction and crime.

This chapter begins a series of three chapters that cover "Part II" crimes in the *Uniform Crime Reports*. The designation of Part II suggests that the FBI does not take these crimes seriously enough to rate them Index crimes. This treatment on the part of the FBI results in a pitfall to comparative analysis. Because the FBI has no offense data to report for these crimes, the United States is one of the few countries that has no "offense" data to report to INTERPOL and the United Nations for drug offenses and white-collar crimes. Only "arrest" data are reported to those agencies for these crimes. Thus, offense data cannot be compared internationally. However, because drug offenses, such as possession of certain drugs, are of questionable seriousness, the orientation in this chapter was to focus on drug trafficking, rather than drug abuse, as an offense, because drug trafficking can harm large numbers of people. It was pointed out that the designation of drugs as illegal in the United States has little to do with their pharmacology. Of the three basic classes of drugs—stimulants, depressants, and hallucinogens—the government identification of drugs as "dangerous," and therefore illegal, seems to have no particular rationale. Adults can purchase alcohol, tobacco, caffeine-laced drinks, glue, and other inhalants "over the counter." However, possession of other

drugs that have similar ill-effects, such as marijuana, cocaine, and opium, are a basis for arrest and state or federal imprisonment of five years or more. Marijuana, especially, has been a "hot button issue." In recent years, many states have decriminalized marijuana or even legalized it for medical use. The result is a jurisdictional conflict between state and federal law enforcement agencies. Outside of the United States, even heroin has, in recent years, been lawfully administered. Heroin has been approved for use as a pain reliever for terminal cancer patients in Great Britain and for treatment of heroin addiction in Switzerland and an increasing number of European countries.

Searching for an explanation for the orientation of U.S. drug laws, one theory is that the drug laws have been a useful tool in intergroup conflict between the dominant white majority and minority groups. The drug laws have resulted in the imprisonment and/or deportation of Chinese and Mexican immigrants, and disproportionately, to the widespread incarceration of African Americans.

Another explanation for the development of the drug laws was the desire for bureaucrats like Harry Anslinger to create a federal drug bureaucracy empire—in his case the FBN, forerunner to the DEA, today. Anslinger was opposed by social psychologist Alfred Lindesmith. Lindesmith fervently argued that addiction was a disease, as opposed to a form of criminal behavior, as it was portrayed by Anslinger.

While the criminality of various drug offenses is debatable, the most important focus for law enforcement is interdiction and drug trafficking (rather than locking people up for possession). In this regard, law enforcement has a poor record in the United States. Over 81% of drug arrests in the United States are for "possession," predominantly of marijuana. Only 18.3% are for "sale/manufacturing." There is evidence that the supply and purity of heroin and cocaine is increasing over time. The increasing supply is indicated by the plummeting price for those drugs over the last few years. The increasing purity is indicated by the skyrocketing rate of drug overdose deaths. By many indicators, the War on Drugs has failed to decrease the supply and consequences of drug trafficking.

Finally, a country profile of Pakistan revealed some of the consequences of America's War on Drugs—notably funding terrorism. A large number of predominantly Muslim terrorist organizations have developed in Pakistan, many of them subsidized by the proceeds of heroin trafficking. Evidence

in this chapter indicated that the drug trade provided funding both for the terrorists who perpetrated the bombing of the World Trade Center in 1993 and for the *mujahideen* members of Osama bin Laden's al-Qaeda organization who destroyed the World Trade Center on September 11, 2001.

DISCUSSION QUESTIONS

1. Recalling the case study of Rick, the drug addict, what do you think of Rick's contention that heroin should be legalized?
2. Do you think that addictive drugs such as alcohol and cigarettes should remain legal while other addictive drugs such as opium and heroin should continue to be banned by federal law? Why or why not?
3. What role, if any, do you think that racism has played in the development of America's drug laws?
4. Harry Anslinger testified before Congress that marijuana use makes people murderous, insane, suicidal, and delinquent. Do you think that these allegations are true of the drug? Why or why not?
5. What were the consequences of the passage of the Marijuana Tax Act in 1937 in terms of prisoners and the growth of the federal drug control bureaucracy?
6. Do you think that marijuana should be legalized or decriminalized? Do you think it should be available by prescription from doctors? Why or why not?
7. Focusing on the country profile of Pakistan, do you see a relationship between the War on Drugs and the War on Terrorism? What policy changes, if any, would you suggest regarding the U.S. relations with Pakistan?

SUGGESTED WEBSITES

http://www.unodc.org/unodc/de/world_drug_report.html The World Drug Report 2005 provides one of the most comprehensive overviews of illicit drug trends at the international level.

<http://www.csdp.org/edcs/theneed.htm> Website containing charts, graphs, and information pertaining to reforming America's drug control strategy.

<http://www.drugabusestatistics.samhsa.gov/> Website of the Substance Abuse and Mental Health Services Administration (SAMHSA), Office

of Applied Studies (OAS). Provides the latest on alcohol, tobacco, marijuana, and other drug abuse; drug-related emergency department data; and the nation's substance abuse treatment systems.

<http://www.usdoj.gov/dea/> Website of the Drug Enforcement Administration (DEA).

<http://www.a1b2c3.com/drugs/mj004.htm> Website providing a history of marijuana legislation from 2000 B.C. up until the 1990s.

ENDNOTES

1. Excerpted from Winslow & Winslow, 1974, pp. 116–135.
2. Sellin & Wolfgang, 1964.

3. McKim, 1991.
4. Brocato, 2003.
5. Hanson, 2004.