

## **Fighting the War on Drugs: How Presidential Administrations Produce Distinct Policing Regimes**

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### **Introduction**

Engaged in a war on drugs, the United States government embarked on a gradually escalating offensive against individual consumers, distributors, and manufacturers of illicit substances well before President Nixon's famous national declaration of a "war on drugs." Anti-drug sentiments represent a shift in societal attitudes, not the sudden emergence of a drug epidemic. In the 1800s, the United States had few regulations on the distribution of narcotics or other drugs, and the legality of opium, cocaine, and marijuana existed through the early 20<sup>th</sup> century (Recio, 2002, p. 22; Hasegawa, 2000, p. 68). The heightened attention to the drug "problem" in America is new, largely derived from Nixon's war on drugs declaration and the subsequently enacted policy changes.

This critical case analysis argues that presidential politics, rhetoric, and legislative strategies directly shape the type of policing regimes present during each distinct era of governance under the Nixon, Reagan, and Obama, and Trump administrations. Policing regimes are defined in this paper as: the administrative priority and resource allocation towards the role of law enforcement or social services for alleviating a societal problem. This definition has been originally developed in this paper, as well as the subsequent characterization of the distinct regime typology. As these strategies vary from administration and party, distinct policing regimes form as a result.

The primary drug policy goal of the administrations of Nixon, Reagan, Obama, and Trump has remained consistent: eliminate illegal drug use. However, each administration adopted different legislative strategies that are reflected in different policing practices. Nixon's legislative accomplishments led what this paper calls a *Rehabilitator* strategy, emphasizing funding for treatment and rehabilitation programs and prevention mechanisms, such as producing anti-drug education programs. Reagan's strategy led to a heavier enforcement of criminal penalties for drug distribution and individual consumption, which this paper calls an enforcer strategy. The legislative achievements under Obama and Trump blended these two approaches to create the current system, which this paper calls a *Hybrid* strategy.

Despite contemporary efforts to balance medicalization and criminal penalties, the *Enforcer* policing regime has endured as the drug enforcement bias in a historical context. However, the trend to enforcement bias fails to address the fundamental causal mechanisms for drug addiction and preventing drug abuse. As a result, I propose a totally new regime construction that must form in order to initiate substantive, meaningful reforms within the American drug policy arena.

### **Defining and Characterizing Policing Regime**

"Regimes" are a typology frequently used in political science to express the systematic interactions of an institution and those in power that institute a unique form of governance. It is used in this paper as an expression of governance as well, rather than connoting a military or authoritarian leadership. Police fall into the regime construction due to their unique capability of dominating the public eye's perception of the bureaucracy: they are direct agents of the bureaucracy at the street-level (Perry & Sornoff, 1973, pp. 8, 13). An election cycle can therefore emphasize or redistribute police's power allocation due to a change in administrative priorities, facilitating a different policing regime construction. Additionally, the focus on rehabilitation and treatment programs or enforcement priorities tends to vary among these bureaucratic cycles (Benoit, 2003, p. 275). These components are necessary for characterizing the differing regimes they form in their policies.

A policing regime will be defined as: how a governing body dictates administrative priority and resource allocation towards the role of law enforcement or social services in solving a problem in society.

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This paper additionally emphasizes there are two central opposing philosophies behind the lawmaker preferences of tackling the drug problem in the United States. Demand-side, which seeks to reduce the volume of drugs consumed in the country through a prioritization of treatment services, and supply-side, which focuses on lowering the volume of drugs entering the country, respectively, are considered contrasting beliefs in this paper.

Historically, the United States has two primary regulatory approaches to reduce the volume of drugs entering the country – targeting demand or targeting supply. Demand reduction prioritizes treatment and rehabilitation, removing an individual users’ dependency on an illicit substance. Demand reduction strategies fall under the *Rehabilitator* policing regime. Supply reduction has historically remained as the dominating approach to drug policy strategies in the United States. The *Enforcer* regime’s priorities require this essential reduction philosophy. The primary mechanisms to achieve this regulatory philosophy involved a priority of law enforcement both domestically and internationally. Destruction and eradication of drugs in their source production nations paired with an emphasis on law enforcement arrests of drug distributors has the goal of inducing a strain on supply and therefore drives up cost for the individual user. The contemporary case containing the Obama and Trump administrations has taken a hybrid approach to these regulatory mechanisms. Pairing demand reduction and supply reduction strategies has given the case a comprehensive approach that does not limit resource allocation to a particular philosophy. This *Hybrid* approach fits the typological description of policing regimes outlined in Table 1., and this method of combining philosophies is a new phenomenon. These regulatory philosophies are key in describing the different approaches administrations take in reducing drug consumption and distribution.

### **Demand Reduction**

The demand-side policies focus on eliminating the desire for the user to consume the drugs, thus reducing the number of addicted individuals and damaging the criminal industry surrounding drug manufacturing and distribution. These policies involve the treatment of current drug-addicted individuals to reduce their dependence on illicit substances paired with increased educational and preventative measures, promoting medicine and education over law enforcement. In the more distant past, the United States initiated a demand-reduction strategy through the Harrison Narcotics Tax Act of 1914, which established economic pressure on the importation of opium and its derivatives, requiring a medical prescription to purchase, reprioritizing drug policy in the U.S. agenda (Sharp, 1992, p. 539; Harrison Narcotics Tax Act, 1914; Recio, 2002, p. 25). This was a major first step in restricting drug consumption not through law enforcement per se, but through medicalizing it via pharmacies and doctors.

Congressional funding for drug addiction was drastically increased during the Nixon administration, emphasizing the desire to maintain programs initiated under the Controlled Substance Act. This approach was taken as the administration’s central regulatory philosophy, focusing on the rehabilitation rather than harsh penalization of those living with a drug addiction. Treatment strategies were pursued significantly to combat the proliferation of drug abuse in America, to avoid a “drug society.” Methadone clinics became prevalent in helping those with heroin addictions, however, they failed to implement them as a national strategy (Raz, 2017, p. 76). The expansion of the scope of methadone clinics to include more than the currently estimated one-quarter of addicts that the program reaches now could result in a higher effectiveness (Raz, 2017, p. 76). The Nixon administration following a demand-reduction strategy made advancements in addiction and substance abuse studies and shined a light on the effects certain substances had on the human body.

Expanding access to educational resources also became an important tool for Nixon, with preventative actions being essential to a demand-reduction strategy. The youth were targeted groups due to the minimal effectiveness of enforcement programs as deterrence, so an expansion of access to drug education was essential (Musto & Korsmeyer, 2002, p. 73). The Reagan administration also initiated an incredibly famous educational campaign, led under First Lady Nancy Reagan with the slogan “Just Say No.” These efforts were geared towards children and young adults of school-age as a measure to reduce the youth consumption of drugs and the potential subsequent spiral of using hard drugs into adulthood.

These are not the only examples of demand-reduction programs but are key indicators of an administration's regulatory philosophy towards illegal drugs.

### **Supply Reduction**

In an address to the nation, President Reagan spoke about “separating the drugs from the customer,” seeking to establish a policy directive with targeting drugs from the source as its primary function (Reagan, 1986). This regulatory mode, the supply-side approach, is rooted in the assumption that efforts to reduce drug supply will drive down drug consumption due to market pressure. Supply reduction takes the form of targeting international producers, distributors or criminalizing minor domestic possessions and street-level deals. A financial burden is imposed on the individual drug for diminished supply with stable demand, as well as the increased danger of acquiring and transporting the drugs, driving up prices and, in theory, disincentivizing those to consume. Decreased by the number of drug-dependent individuals remains constant, so the average price will rise as a result. Supply-side approaches to drug enforcement are likely what the average American perception of drug penalization looks like: petty criminal arrests. This regulatory philosophy has been the pioneering force since President Reagan, with alterations in its intensity in more contemporary administrations.

This policy enters into the international arena through interdiction campaigns, programs that target drug cultivation and manufacturing operations on foreign soil, either using the respective government's law enforcement or coordinating aerial destructive operations. Supply reductions on successful operations appear immediately and hope to be long-lasting if an entire operation is destroyed. While production and distribution occur globally, Colombia, Bolivia, and Peru were key source nations (i.e., nations that maintained agricultural, production, refinement, or distributive holdings) during the 1980s. Colombia was the world's leading refined exporter of cocaine, providing significant profitable business to bolster the nation's economy (Falco, 1992, pp. 3-4). Between 1982 and 1987, the amount of coca grown in South America more than doubled despite these eradication efforts (Andreas & Youngers, 1989, p. 553). If the government targeted the highest-level distributors or manufacturers in international or multi-state operations as opposed to individual street dealers, supply, in theory, could be diminished. An international war on drugs was born, to a scale unknown previous administration

The two central anti-drug regulatory philosophies serve as a guiding framework for the multiplicity of interactions presidential administrations have in reducing drug consumption in America. They are able to incorporate these strategies, demand or supply-side, through rhetoric, legislation, or general priorities, thus forming unique regimes as a result of these diverse efforts. The cases of the Nixon, Reagan, Obama, and Trump administrations serve as an articulation of the differing regime types and how they conduct themselves.

### **Regime Construction**

After examining the two primary regulatory philosophies that govern drug enforcement in the United States, the incorporation of legislative actions, presidential rhetoric and the administration's unique goals, translate the philosophies into distinct policing regimes. These regimes are outlined in a typology format presented in Table 1. This typology relies on distinctions between legislative, rhetorical, and outlines overall goals which were used to formulate separate regimes. The Nixon, Reagan, and Obama/Trump administrations are assigned to the *Rehabilitator*, *Enforcer*, and *Hybrid Regimes* respectively. This table establishes a guiding framework for the subsequent analysis in this section. Additionally, it is formatted similarly to Curley's models of emergency state-building (Curley, 2015, p. 698).

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**Table 1.**

	<b>REHABILITATOR</b>	<b>ENFORCER</b>	<b>HYBRID</b>
<b>LEGISLATION/ POLICY STRATEGIES</b>	Medicalization of drug abuse and addiction Demand-Side	Increase criminal penalties Supply-Side	Fairer sentencing Renewed rehabilitation programs Combined focus on Supply and Demand-Side
<b>IMPACTS OF LEGISLATION</b>	Expansion of Treatment and Rehabilitation Programs	Expansion of Law Enforcement resources	Split between law enforcement and rehabilitation programs Slight lean towards enforcement
<b>RHETORIC</b>	Social Welfare Public Health	Criminal Incarceration Law and Order	Combination of arrests and providing general welfare
<b>OVERALL GOALS</b>	Domestically Focused Expansion of social services for addicts	International priorities Interdiction campaigns Border security Domestically focused on arrests	Both Domestic and International Priorities

The Nixon administration is considered the *Rehabilitator* policing regime. Its primary approach focused on eradicating addiction and drug user demand. President Nixon expanded educational resources, treatment and rehabilitation programs, and research for drug abuse and addiction (Comprehensive Drug Abuse Prevention and Control Act 1970 [hereafter Controlled Substance Act], 1238-1241). Nixon approached drug abuse with greater compassion and his advisors urged him to treat it as a disease, both through rhetoric and policy (Metlay, 2013, p. 145). This style is historically important, due to its limited long-term continuation.

Early efforts at eliminating international trafficking heroin from Southeast Asia were not successful under Nixon, so a rehabilitative approach was used as an alternative (Walsh, 1971, p. 32; Metlay, 2013, p. 141). These efforts initially targeted soldiers in Vietnam who were suffering from heroin addictions, prompting the president to declare drug abuse as a national emergency, requesting two-thirds of the \$153 million in anti-drug appropriations funding to go towards rehabilitation and treatment programs (Walsh, 1971, p. 32). The Nixon administration's development of treatment programs, such as methadone maintenance clinics for heroin addicts, established a rehabilitating strategy (Raz, p. 2017, 58). These efforts were not limited to members of the military but were targeted towards all populations of America in order to combat the war on drugs, by controlling individual addiction.

The administration also sought an emphasis on drug addiction research began by establishing The Special Action Office for Drug Abuse Prevention, a major opportunity for drug abuse research to be performed under the guidance of the federal government (Metlay, 2013, p. 126). The Controlled Substances Act established a commission on Marijuana and Drug Abuse. Two studies emerged detailing the effects on the individual cannabis had, which had been widely used among the youth during the 1960s and continues to this day. While flawed in the contemporary view, the Nixon administration was a unique case in its ability to press rehabilitative and treatment actions, educational resources, and even medical addiction research.

Following the *Enforcer* policing regime strategy, President Reagan focused on reducing the overall supply of drugs, taking an active approach to elevating domestic and international policing, criminalizing petty possession, and instituting a regime of harsh criminal sentencing. This took the form

of both an active policing approach domestically, paired with an internationalist effort by the U.S. DEA, CIA, and FBI abroad via interdiction campaigns in the primary regions of South and Central America. Similar to Nixon, Reagan spoke out against the “evil scourge” of drug abuse during his inaugural address in 1981, beginning the launch of his supply-side targeting as the policy solution to drug abuse in America (Falco, 1992, p. 3; Reagan, 1981). The rhetorical campaign from Reagan didn’t stop with his inaugural address, but it intensified during his two terms.

Arrests dramatically rose during the Reagan administration through the heavier enforcement procedures relative to Nixon; mandatory minimum sentencing laws, expanded under the 1986 and 1988 Anti-Drug Abuse Acts additionally contributed to people imprisoned for longer periods of time. The racial arrest disparity, prevalent during the Nixon administration, equally is exacerbated by this heavy policing of drug users. In 1976, African Americans comprised 22% of those arrests for drug use and whites 77%; in 1992, this inequality rose to 40% of arrests being African Americans and 59% whites (Cooper, 2015, p. 2). During this period, it is evident that arrests have been racially inequitable as a portion of the population, placing hundreds of thousands of African Americans behind bars and damaging criminal records.

“Pretextual” stops emerged under Reagan’s Operation Pipeline as a widespread program taught to police officers to use their discretion to pull vehicles over as part of drug interdiction protocol (Gross & Brames, 2002, p. 671). They justified this as a means for the seizure of illegal products but saw a failure in any significant seizure of drugs and weapons. Used as a system to legally stereotype and stop African American men, the stops resulted in a failure rate to produce any illicit substances at 95% (Alexander, 2012, p. 71). Part of Reagan’s strict drug enforcement, this strategy has produced a multitude of societal ailments, primarily the epidemic of mass incarceration of young Black men. The recent administrations of Barack Obama and Donald Trump attempt to change the narrative in rhetoric, legislation, and overall goals.

Finally, there is the *Hybrid* policing regime, best attributed to the contemporary case of the Obama and Trump administrations. Under the Obama administration, reform efforts for fairer sentencing laws targeting disparities between crack and cocaine sentencing were addressed (Fair Sentencing Act, 2010). The Trump administration passed legislation changing mandatory minimums sentencing laws and to reduce recidivism rates (First Step Act, 2018). The trend for contemporary policy is geared towards slight alterations of past initiatives that were firmly instituted during the height of the war on drugs.

President Obama implemented a series of reforms that target key treatment and rehabilitation, expanding funding in addiction and mental health services (Bartilow, 2019, p. 213). This balanced attempt at funding and prioritization diverged from the past *Enforcer* regime, for a *Hybrid* regime to take place, altering slightly the landscape under Reagan that drove a heavy enforcer governance. However, under Obama as well as Trump, the legacy of the war on drugs as a historical institution of enforcement continued (Bartilow, 2019, p. 210). Instead of removing enforcement mechanisms of the war on drugs, Obama continued to focus on treatment and rehabilitation, leaving many enforcer-leaning policies untouched. Meanwhile, the Trump administration inherited a difficult situation of a rapidly escalating rise in opioid overdoses among American men. He declared a national emergency in October of 2017, emphasizing the severity of the issue with the goals of expanding education, treatment, prevention, and interdiction efforts to reduce opioid-related overdoses (Realuyo, 2019, p. 137). The administration believes that using this *Hybrid* approach to reducing drug consumption is the best mechanism for a healthier and safer public.

Certain elements of the legacy of *Enforcer* policies remained in these administrations. New York City’s policing policy titled stop-and-frisk, first initiated by Mayor Giuliani, was escalated from 2003 to 2012, with a peak of stops occurring in 2011 under then-Mayor Bloomberg (Mears, 2015, p. 159). These stops were incredibly racially disproportionate, with 87% of those stopped were Black or Hispanic, and in 90% of all cases, there were no arrests or citations issued (Wright, 2016, p. 26). Despite the efforts to research policing reform solutions, inequalities remained just as severe as ever in policing and sentencing practices under the nation’s first black president. The war on drugs has become so institutionally rigid

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through the decades of systematic oppression, it will take an extraordinary policy change to make a difference.

President Obama attempted to alter legislation that upheld racially motivated sentencing laws, bypassing The Fair Sentencing Act of 2010. This reduced the crack to powdered cocaine sentencing disparity from 100:1 to 18:1 (Fair Sentencing Act, 2010). Additionally, a Task Force on 21<sup>st</sup> Century Policing was established as a response to the shooting of Michael Brown in Ferguson, Missouri. This commission provided a series of departments to administer, as a “grand strategy” of contemporary policing reform. Community policing and heightened oversight were the primary goals of these recommendations; by having police officers engage with community members, they would strengthen relationships and build trust that seeks to minimize shootings and maximize safety (President’s Task Force on 21<sup>st</sup> Century Policing, 2015, p. 3). However, without any enforcement mechanism for police departments to adopt these recommendations nation-wide, these strategies were representative of a good strategy that lacked the resources for implementation without a legislative backing. President Obama attempted, but was unable to make a dramatic change to the prison and policing systems.

The Trump administration wrote a similar drug enforcement narrative as Obama. His campaign was in total defiance of the past party of the democratic establishment, but still followed the rhetorical style of Obama, by offering up large-scale promises and language that focused on the greatness and betterment of the future of American society. Like Obama’s campaign to run on “Hope,” Trump ran on “Make America Great Again,” a slogan heavily supported among white males, but indirect language offered similar promises of greatness in subsequent years under his leadership (Rockman, 2016, p. 442). However, Trump’s rhetoric differed in that his staunch racism sought scapegoats for America’s problems, with anti-immigrant statements driving his criminal justice policy decisions (Mahmood & Cheema 2018, p. 4).

Trump did reform portions of the criminal justice system, addressing current problems with the prison system. Attempting to lower recidivism, the First Step Act sought education and rehabilitation programs to diminish reoffenders rates and have a smoother reentry to society for the formerly incarcerated (First Step Act, 2018). There had been an initial focus on the opioid crisis in the early months of the Trump administration, establishing a President’s Commission on Combating Drug Addiction on the Opioid Crisis in 2017. This commission’s purpose was to recommend policy strategies for the president; however, it’s increasingly a consideration of the past after the passage of the First Step Act. The Trump administration ended up sharing the Obama administration’s same fate with drug policy reform, minimalistic changes to a system with institutional flaws, and decades of enforcement bias. Minor changes were not enough to create a wholly new regime strategy but simply cherry-picked politically viable choices from the previous.

These policing regimes are by no means exhaustive; they provide a theoretical framework to examine the factors to which these cases illustrate different administrative attitudes towards the policing of drugs in America. No single case perfectly conforms to the assigned policing regime. They are merely the best fit – qualities of each regime are prevalent in each case. Additionally, no case or example of administrative policy has led to either a purely police state regarding enforcement of drugs or a scientific-medicinal approach through treatment and rehabilitation programs.

### **Reconstructing a New Policing Regime**

In order to meet the goals of addiction prevention, drug-use reduction, and a reduction of the prison population, elected officials must develop and enact a new policing regime. The United States has an incarcerated prison population and cycling population of convicts that come through the prison system at rates unlike comparative developed nations. In a nation that consists of 5% of the global population, we have an astonishing 25% of the world’s prison population, amounting to 2.3 million individuals (Weiss & MacKenzie, 2010, p. 269). From 1980 to 2007, the United States has seen an imprisonment rate grow 264%, while during the same time frame other Western nations have experienced marginal changes (Weiss & MacKenzie, 2010, pp. 273-274). This rise in prison population largely involves drug offenses, accounting for two-thirds of the rise of the federal incarcerated population between 1985 and 2000

(Alexander, 2012, p. 60). After the Reagan administration, the United States was unique as a Western nation with its focus much heavier on the criminality of drug policy and less focus on the public health component that is attribution to drug addiction (Benoit, 2003, pp. 272-273). Therefore, there must be a newly developed policing regime for substantial changes to take place. The current *Hybrid* policing regime of the recent Obama and Trump administrations still retains a problematic enforcement bias, unable to solve the fundamental problems Americans are facing.

Policing reform is essential in establishing a new policing regime, as it has a problematic history in the U.S., in both its origination and its implementation in modern times. Modern American policing must acknowledge its process of origination and development, with its legacy of racism - the slave patrol. The South began to establish a regime of policing known as the slave patrol, mimicking many of the enforcement features we see in modern policing (Williams, 2015, p. 63). Additionally, before the Civil War, African Americans who were unaccompanied by a white person would be scrutinized by authorities under “suspicion of a runaway enslaved person” (Kennedy, 1997, p. 138). Language of “reasonable suspicion” today has resounding familiarity, presiding as the justification for New York City’s infamous “stop-and-frisk” policy. While a different context today, the same principles are applied through different mechanisms but obtain a similar result of oppression and discrimination. A total reimagination of policing is radically important in the new policing regime, else it fails to combat institutional racism and the current system’s failures.

The new regime that this paper titles as the “*Constructive Justice*” regime would forge a new era of drug policy making, striving towards a positive progressive future for drug policy and criminal justice reform in modern-day America. The reliance on a fixed regime to govern future policymaking is idealistic – this typology serves as an ideological framework that seeks to address some of the underlying problems with the past ideology. Future drug policy making will be constructive and distance itself from the failures of an enforcement-heavy past, ensuring the just equitable treatment of others, and a medically driven approach to quelling addiction and drug misuse. It will also seek to eliminate racial biases in policing and look to alternatives in situations where police are called upon but ill-equipped to solve.

This *Constructive Justice* regime will be guided by four central and immediate policy changes: the federal legalization of cannabis, an expansion of treatment, prevention, and rehabilitation programs, the removal of mandatory minimums for non-violent drug crimes paired with general sentencing reductions, and the elimination of disenfranchisement due to criminal status. These recommendations combine to form the legislative backing of this new policing regime. Table 2 articulates the *Constructive Justice* regime characteristics that are modeled off Table 1’s initial policing regime typology. This regime is constructed out of substantive reformative efforts that seek to end the war on drugs.

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**Table 2.**

	<b>Constructive Justice Regime</b>
<b>LEGISLATION/POLICY STRATEGIES</b>	Medically driven approach to addiction Limited, but equitable sentencing for non-violent drug convictions Demand-reduction
<b>(INTENDED) IMPACTS OF LEGISLATION</b>	Reduction in prison population Reduced drug usage Equitable sentencing Limited prison sentences for non-violent individual drug users Target environmental sources that lead to drug abuse
<b>RHETORIC</b>	Harm reduction Public Health education Recidivism reduction
<b>OVERALL GOALS</b>	Limit international crop eradication campaigns Focus on bettering the lives of American citizens Ending the War on Drugs
<b>POLICY RECOMMENDATIONS</b>	<ul style="list-style-type: none"> <li>● Legalization of Cannabis</li> <li>● Abolishment of mandatory minimum sentencing</li> <li>● Expansion of treatment, prevention, and educational programs</li> <li>● Elimination of felony disenfranchisement</li> </ul>

The United States currently has a system of isolation and alienation for drug users and cares little about those in prison; decades under the *Rehabilitator*, *Enforcer*, and *Hybrid* regimes have shown us that imprisonment is not an effective long-term solution. In the wake of the contemporary drug issue of opioids, it is clear this campaign of de-humanizing is still not working (Drug Policy Alliance, 2019, p. 52). When users can obtain addictive drugs through the legal channels of prescriptions as pain medication, it is treated as a public health issue and not one of demonizing the user and labeling them as a criminal. The *Constructive Justice* policing regime seeks this: a humanizing campaign focused on public health and treating drug users like people, not criminals. By substantially increasing rehabilitation, treatment and preventative programs, it transforms into a public health initiative to help those struggling with drug addiction, to create a healthier society.

The *Constructive Justice* regime seeks to construct a new institutional arrangement for enforcing American drug policy, requiring immediate policy changes for substantive change. These efforts are theorized to bring substantial changes to the American people, including for the benefit of public and mental health, and the removal of particular instigators of the damaging mass incarceration problem that has developed due to the war on drugs.

The United States should legalize cannabis federally for recreational and medicinal use, regulating it as it does alcohol. Since President Nixon has classified cannabis as a schedule one drug, it has been subject to the harshest drug enforcement penalties the U.S. code permits (Controlled Substances Act 1970, 1249). His own commission stated that it would be preferable to eliminate the criminalization of marijuana altogether (Commission on Marihuana and Drug Abuse, 1972, p. 1161). Expunging previous non-violent drug convictions should be included in this proposal, due to the issues millions are facing with the label that follows them of “formerly incarcerated.” With a criminal record, especially a felony charge, there is a positive correlation between a criminal record and outcomes in obtaining employment (Pager, 2003, p. 960). The House of Representatives in 2019 passed the Marijuana Opportunity Reinvestment and Expungement (MORE) Act that does that (Marijuana Opportunity Reinvestment and Expungement Act, 2019). Major changes to cannabis policy must be enacted to move America forward with a new policing regime.



The United States must expand treatment, prevention, and rehabilitation programs to ensure a brighter future. Our system has understood the harms that drugs can have on the body of the individual user but lacks many substantive resources and administrative priorities to focus on a proper solution. The nation's history with opium and morphine exemplifies a case of the failures of proper systems to deal with addiction, long before the drug war began. Programs such as needle-exchange, safe-injection sites, and subsidized detox programs for alcohol and other drug addictions are examples of a needed comprehensive treatment apparatus that lacks prioritization. These programs aim to target a wide array of drug dependency issues and seek to treat it as a medical condition that should not be penalized with a heavy criminal sentence.

To uphold a free and fair trial by jurors, mandatory minimum sentencing must be eliminated to permit judicial discretion and just punishment. America's current criminal justice system has been subjecting our judges and jurors to limited discretionary sentencing directly due to the mandatory minimum sentencing laws for drug crimes and other offenses. This has led to putting countless individuals in jail for lengthy periods of time, regardless of the nature of their crime. Under the Reagan administration, minimum sentencing laws were revamped as a primary solution to deal with the rampant drug problems during the 1980s. Drug dealing is defined as a crime mostly due to the distribution of regulated substances as classified initially under the controlled substances act. The action of transferring a substance from one person to another is not a violent act. This action currently warrants a sentence for over a decade, as well as a felony on your criminal record, which may disenfranchise you out of not only voting, but out of easily reintegrating back into society. Permitting "mandatory minimum" sentencing laws does not allow for environmental factors to be considered in the testimonies, or the potential non-violence of the crime. Eliminating them is an essential step to the new regime.

Voter disenfranchisement due to incarceration must be eliminated, regardless of the crime. In a democratic nation, there should be no citizen whose voice is silenced by the means of their constitutional guarantee – the right to vote. Currently, 48 states actively have a form of voter suppression with the institution of felony disenfranchisement either in the prison, during parole or probation, or post-sentence (McLeod, 2018, p. 14). Florida has recently changed their policy allowing felons to vote post-sentence during the 2018 midterms; however, this requires full payment of any fees. Maine and Vermont are the only two states which have zero restrictions on voting for convicted felons, even extending the right to vote to those who are currently incarcerated (McLeod, 2018, p. 14; Haselswerdt, 2009, p. 271). Even someone who has committed a felony offense should have a say in what laws the government establishes, as they have an impact on themselves as well. There needs to be reform that allows every citizen of this nation to vote, regardless of their criminal status. In addition, automatic voter registration when an individual turns 18 should be implemented to eliminate any concern for vote suppression.

These recommendations are by no means exhaustive, but they are a basic template for the new regime development necessary for America. The *Constructive Justice* regime seeks to eliminate the failed provisions that have been governing this nation for decades and apply equitable, rational, and smart policy which helps those struggling with addiction instead of locking them up. If prisons and harsh penalties for drug use worked, our problem would have been solved long ago. It is time for a radical departure from the status quo.

Engaged in an intense war on drugs for over fifty years, the United States government has instituted a series of policies, rhetoric, and goals that have negatively impacted the American people. Despite a harsh enforcement apparatus, we have the same root problems of drug addiction and consumption, and the underlying conditions that foster those behaviors. The war on drugs has been America's longest war, with no end in sight. To relieve the American people of the problems of racial profiling, mass incarceration, and drug addiction, we must end this "war" rhetoric and policy strategy. We should not be fighting a war against our own citizens. The government should help and treat, not hurt and imprison. People who have a drug addiction or are stuck in a situation where dealing drugs is more profitable than legal work need treatment, rehabilitation, and a constructive reentry into society – being shoved into the prison system does not alleviate this. We will continue to have these problems if we treat drug consumption like fighting an endless war.

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