

Richard Nixon's Drug War: Politics over Pragmatism

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Abstract: This thesis is an historical observation Richard Nixon's role as the instigator of America's Drug War. This Drug War is a war fought both against international drug smugglers and America's own citizens. This thesis will summarize some major trends of the politicization of the drug issue and give an in-depth analysis of how race played a role in both winning Richard Nixon the presidency in 1968 as well as how that victory has inflected itself back on to the American race dynamic. This thesis will utilize the substantial wealth of academic publications on the subject and will serve as a survey of sorts of the major drug politic academia discussing the years 1967-1972. I will also be utilizing films from this era in order to illustrate the social and race dynamic that were being negotiated in post-Civil Rights Act America. This thesis will utilize two primary documents from Richard Nixon, a *Reader's Digest* article from October, 1967, and a pivotal message to Congress given on July 14th, 1969 which accompanied the proposal of the Comprehensive Drug Abuse Prevention and Control Act which was passed a year later in 1970.

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Introduction

The purpose of this thesis is to identify the starting point of America's Drug War and demonstrate how Richard Nixon's Federal Drug Policies have done sustained damage to America's social, class, and race dynamics.. Richard Nixon introduced the framework for today's drug war in 1970 with the Comprehensive Drug Abuse Prevention and Control Act. This Act was born from a multitude of political, social, and legislative factors. The main rational legislative factor that brought about this act was the lack of a standardized and comprehensive drug act up until that point. Lyndon B. Johnson's administration was the first to send a draft of a comprehensive drug act to Congress and this demonstrates the rational progression that drug legislation was undertaking independent of Richard Nixon's presence in the White House.¹ Where Richard Nixon did make his presence felt was with his relationship to the Department of Justice and the Attorney General. Nixon took the drug issue, which had been mostly under the authority of the Surgeon General and the National Institute of Mental Health(NIMH), and made it a justice issue.

This shift in power towards law enforcement was a direct result of some major social and political movements that had occurred since the signing of the Civil Rights Act in 1964. Nixon rode a wave of white conservatism into the white house in 1968. Most notably in the deep south, white voting-age Americans, were very upset with the direction of the United States in

¹David F. Musto and Pamela Korsmeyer, *The Quest For Drug Control: Politics and Federal Policy in a Period of Increasing Substance Abuse, 1963-1981* (New Haven: Yale University Press, 2002), page 37

wake of the 1964 civil rights act. Increased welfare programs, the rupture of the white-dominant status quo, and the perceived scourge of lawlessness flooding American cities all contributed to this view. This led many southern voters to align with politicians who had not signed the Civil Rights Act, which happened to be members of the Republican party. Richard Nixon practiced opportunistic politics running on the Republican ticket and played to the sensitivities of this white southern dynamic by calling into question the direction of American society and promising “Law and Order.” This famous promise of “Law and Order” would ultimately dictate the drug legislation formed under Nixon’s administration. History shows that Nixon presided over a potentially pivotal moment for both the United States and the international community in terms of drug statutes. Richard Nixon, in line with his campaign promises, chose to take a hard-line approach on the drug issue, waging a war on American citizens and empowering illicit enterprises with a highly demanded product. Nixon stood to benefit politically by being the face of an administration that took a hard stance on drugs and brought back the American morality that so many had begun to deem bankrupt in the wake of civil unrest of the late 1960s. The following pages will speak to the greater history of this moment while analyzing primary documents from both Richard Nixon and his administration that demonstrate the rhetoric and intentions of his drug-fighting initiatives.

At the present moment in drug prohibition history, the international political will is shifting towards that of legalization, not just of marijuana, but of all drugs. This movement towards legalization is not in support of drug use, but is instead a condemnation of the social costs of drug prohibition.² The prohibition of drugs in the United States of America is a powerful and divisive issue that has wielded immense social and political influence since its inception with

² Ethan Nadelmann, “The Case for Legalization,” *The Public Interest* 92 (Summer 1988):5-6, 30-31.

the Harrison Act of 1914.³ The history of drug prohibition has taken many turns over the past century and has followed a dialectical motion of war and peace, liberalism and conservatism, tolerance and intolerance, public support and public condemnation. The peaks and valleys of drug prohibition and its reception have paralleled the significant trends of American history.

The immigration of southeast Asians, most notably the Chinese, to the United States of America during the late 19th and early 20th centuries brought about the emergence of the opium den in the American city as well as widespread opiate use and trade for both recreational and pharmaceutical purposes. The coupling of Chinese immigration with the “un-American” and “un-Western” rise in opium use helped fuel support for the Harrison Act.⁴ The two World Wars then distracted the American public from drugs and their prohibition as the domestic use of narcotics declined after World War I, ultimately reaching its nadir during World War II. The decrease in use and toleration for drugs during wartime rolled seamlessly into the conservatism of the 1950s. Anti-drug laws increased in severity from the 1930s until the end of the 1950s, with the peak of the severity coming in 1956 with the death penalty being applied to the sale of heroin to minors.⁵ This era of drug intolerance was fueled by fear and unfamiliarity with the drugs, and draconian measures were passed with little public opposition. American drug policy was building a moral case against drug use and had little use or need for hard evidence to support their claims.⁶ In 1934, the portrayal of narcotics in motion pictures was banned under the Production Code of the Motion Picture Association.⁷

³ David F. Musto, *The American Disease: Origins of Narcotic Control*. Expanded ed. New York: Oxford University Press, USA, 1988. p. x

⁴ Musto, *American Disease* p. 4

⁵ Musto, *American Disease* p.212, 252

⁶ Musto, *American Disease*, p.250-254

⁷ Musto, *American Disease* p.252

This hardline conservative stance against drugs was then turned on its head by the sexual and cultural revolution of the 1960s. The 1960s brought about the successes of the civil rights movement coupled in time with the counterculture of the 1960s espousing free love to the masses with a mix of peace, sex, marijuana, and LSD; harder drugs such as cocaine and heroin were on the periphery of the movement. The revolutionary coming of age of the baby boomer generation coupled with the national stress of the Vietnam War brought recreational drug use to an all-time high. This set the stage for the major historical moment that serves as the inception of what is presently referred to as the “War on Drugs”: Richard Nixon’s 1968 presidential campaign and consequent election based heavily on the ideal of restoring “Law and Order.”⁸ In the wake of the conservative political vacuum caused by the success of the civil rights movement, Richard Nixon was able to normalize the racialization of poverty through his new anti-drug policies.⁹ Following the cyclical nature of drug prohibition and perceptions of drugs in America, Nixon’s authoritative stance on drugs gave way to the resurgence of drug toleration under his considerably less anti-drug successor Gerald Ford and moved further towards tolerance with the election of Jimmy Carter and his marijuana decriminalization platform.¹⁰

In 1980, however, the pendulum swung back in favor of the anti-drug movement with the election of Ronald Reagan and the rise of the parents’ movement. Ronald Reagan served as a throwback to the era of drug intolerance that predated the 1960s revolution, and he utilized his wife, Nancy Reagan, as a passionate campaigner for the intolerance movement.¹¹ This harkening back to the anti-drug conservatism of the 1950s materialized itself through the Reagans’ “Just Say No” campaign as treatment programs and the harm reduction ideals of Ford and Carter were

⁸ Musto, *American Disease*, p. 254

⁹ Baum, *Smoke and Mirrors*, p. 13

¹⁰ Musto, *American Disease*, p.265-266

¹¹ Musto, *American Disease*, p.272-273

rejected in favor of the complete demonization of all drugs and their users. Reagan's stance against drugs was challenged greatly during his administration by the cocaine boom and the crack epidemic that came to define the 1980s. As Reagan's moralist anti-drug stance gained him political favor with those fed up with the "defeated" treatment measures of the Carter administration, a sleeping giant had been awakened within the Andes and cocaine production spiked to meet an unprecedented American demand.¹² Colombian cartels, most notably the Medellín cartel led by Pablo Escobar, were suddenly wielding an astounding amount of power and influence due to the size and scope of the cocaine trade.

Cocaine quickly became a multi-billion dollar industry and the geographical space between the United States of America and Colombia was overrun by the trade and its drug trafficking employees. This expansion and fortification of traffic lines from the coca-fields of Colombia to the streets of American cities is still resonating powerfully within the dynamics of North American and global drug trade.¹³ While the 1980s were spent attempting to eradicate these Colombian cartels in hopes of cutting off the cocaine problem from the supply side, a permanent cocaine trafficking dynamic was being asserted within the Andes, Central America, and the Caribbean.¹⁴ The Colombian production of cocaine turned out to be a Hydra-like beast as the demise of major figureheads such as Escobar merely gave way to more cartel-leaders within Colombia and Mexico eagerly awaiting their opportunity to join the trade.¹⁵

When the production of cocaine leveled off to consistent levels in the late-1980s/early-1990s, the struggle for power within North American drug trafficking moved up the pipeline into Mexico as Mexican drug cartels sought to control the highly lucrative process of

¹² Mabry, Rensselaer W. Lee III, *The Cocaine Dilemma in South America*, p. 60

¹³ The "Drug War" in Colombia, *An Americas Watch Report*, p. 1-7

¹⁴ Mabry, p.60-64

¹⁵ Peter Chalk, *Latin American Drug Trade: Scope, Dimensions, Impact, and Response*. p.15-30

moving the cocaine across the United States' border and selling the drug to distributors.¹⁶ With the majority of cocaine demand still originating in the United States, almost the entirety of the world's cocaine supply coming from the Andean region, and an increasingly violent Mexican intermediary, cocaine prohibition is being called into question. With the recent policy attempts such as "Plan Colombia" continuing the trend of large amounts of taxpayer money being spent for very little result in terms of curbing drug production, more radical renegotiations of the "war on drugs" are being seriously considered.¹⁷ While it may still be taboo in Washington to consider lifting drug prohibition, the political powers south of the border are becoming increasingly fed up with the crime dynamics of the drug problem.¹⁸ Major political leaders such as former Mexican president Vicente Fox, current Mexican president Felipe Calderon, and current Colombian president Juan Manuel Santos have all come out publicly to denounce the current direction of the "war on drugs" and suggest varying forms and scopes of legalization as an alternative.¹⁹

The Relevant History of Drugs in Film and Television and its Racial Implications

Now that I have given a cursory examination of the history of drug prohibition from 1914 up until the present I want to go back to significant historical examples of drug depictions in film and television to more fully historicize drug prohibition. I will discuss the history of drug

¹⁶ Chalk, p.25-30

¹⁷ The "Drug War" in Colombia, An Americas Watch Report, p.1-7

¹⁸ "Obama: Drug legalisation not the answer to the drug war." *bbc.com*. <http://www.bbc.co.uk/news/world-latin-america-17716926> (accessed April 18, 2012).

¹⁹ Ioan Grillo, "Mexico's Ex-President Vicente Fox: Legalize Drugs," *Time*, Jan. 19, 2011, page nr. <http://www.time.com/time/world/article/0,8599,2040882,00.html> (accessed March 10, 2012).

depictions in film over the past century and explain the relevance of the evolving trends in drug depictions and how they interplayed with Nixon's hard-stance on drug prohibition. As aforementioned, the portrayal of narcotics in motion pictures had been banned under the Production Code of the Motion Picture Association in 1934. This meant that any film produced that depicted narcotics would not receive a seal from the Motion Picture Association and thusly would not be shown by theaters. Some important films that immediately coincide with the inception of this ban are *Assassin of Youth*(1936), *Marihuana, the Weed with Roots in Hell*(1936), and *Reefer Madness*(1936).

These films were produced as "educational" films with H.J. Anslinger, the first commissioner of the Federal Bureau of Narcotics, known historically as the first drug czar, contributing to the productions.²⁰ These films depict white middle class youths sucked into drug use by predatory drug dealers and sex dynamics. They are a compelling and campy send-off for drugs in film as the drug depictions take a nineteen-year hiatus. *The Man with a Golden Arm*(1955) broke the ban with Frank Sinatra's depiction as a heroin addict attempting to avoid a relapse.²¹ *The Man with a Golden Arm* would be joined by the drug-depicting films *Monkey on My Back*(1957), *The Cool and the Crazy*(1958), and *High School Confidential*(1958). *The Man with a Golden Arm* is an addiction narrative with depictions of withdrawal and a happy ending of recovery, while *Monkey on My Back* portrays addiction in a new light as an incurable disease, more severely demonizing the dangers of heroin.²²

These two heroin addiction narratives were then followed by the gateway-drug films *The Cool and the Crazy* and *High School Confidential*, which in the same light as the pre-ban films such as *Reefer Madness* depict marijuana as a gateway drug to heroin and other "hard"

²⁰ Susan C. Boyd, *Hooked: Drug War Films in Britain, Canada, and the United States*, p.47

²¹ Boyd, p.49

²² Boyd, p.58-60

drugs. The continuity between the pre-ban films and the immediate post-ban films is predictable due to H.J Anslinger's extended stay as the head commissioner of the FBN.²³ He presided over the FBN from 1930 until 1962, with his tenure coinciding with some of the most intolerant drug policies and propaganda tactics in the history of drug prohibition. Unsurprisingly, his last year as head of the FBN coincided with the inception of the sexual revolution and the 1960s counterculture. Although the first movies to break the drug depiction ban shared continuity with the "educational" films that pre-date the ban, the 1960s brought about a countercultural string of films that appropriately represented the era in which they were created. *The Valley of the Dolls*(1967), *The Trip*(1967), and *Easy Rider*(1969) represented a new form of drug film that was aligned with the counterculture of the 1960s. *The Trip* in particular took direct aim at H.J Anslinger's campy scare tactics of the 1930s.²⁴

The film - produced by Roger Corman, written by Jack Nicholson, starring Peter Fonda and Dennis Hopper - opens with a sarcastic and comic take on the morality films created under Anslinger's watch. It is a black and white written foreword with a narrator similar to that of *Reefer Madness*. The foreword states, "You are about to be involved in a most unusual motion picture experience. It deals fictionally with the hallucinogenic drug, LSD. Today, the extensive use in black market production of this and other such "mind-bending" chemicals is of great concern to medical and civil authorities. The illegal manufacture and distribution of these drugs is dangerous and can have fatal consequences, many have been hospitalized as a result. This picture represents a shocking commentary on a prevalent trend of our time and one that must be

²³ Boyd, p. 53

²⁴ Boyd, p.63

of great concern to all.”²⁵ This snarky disclaimer, is an ironic ploy by Jack Nicholson to contrast the normalization of drug abuse that he portrays throughout the film.

His allusion to the “educational” films of the pre-ban era helps emphasize the relevance of his film as a pro-drug, pro-1960s commentary that rejects the history of censorship brought about by Anslinger’s tactics. Nicholson once again teams up with Peter Fonda and Dennis Hopper in the critically-acclaimed film *Easy Rider*. This film which was Dennis Hopper’s directorial debut, and stars all three of the actors, is a 1960s counterculture outlaw narrative depicting two motorcycle riding cocaine dealers(Hopper and Fonda) riding east from California to New Orleans to celebrate Mardi Gras. The opening scene of the film is an essential moment in drug film history as Fonda and Hopper are seen in Mexico buying large amounts of the new trendy drug cocaine while sampling and approving the drug in a very casual relaxed nature.²⁶ They then flip the load of cocaine for cash during a drug deal near an airport runway and use that cash to fund their cross-country voyage. This moment is significant because cocaine was just beginning to reappear as a recreational drug at the time of the film, and this scene represented cocaine’s return to the big screen.²⁷

The transition from 1960s countercultural drug-normalizing films to the drug films of the 1970s was dictated by the moment in history as Richard Nixon was elected in 1968 and passed the Comprehensive Drug Abuse Prevention and Control Act of 1970.²⁸ This act took the place of the Harrison Act as the main piece of Federal anti-drug legislation, and its second title, The Controlled Substances Act, provided a “schedule of drugs” which grouped marijuana, heroin, and LSD together as Schedule I drugs which are drugs with: “a high potential for abuse,”

²⁵ Boyd, p.66

²⁶ Feiling, p. 37

²⁷ Feiling, p. 37

²⁸ Boyd, p. 72

“no currently accepted medical use in treatment in the United States,” and a “lack of accepted safety for use of the drug...under medical supervision.” Morphine and cocaine were then categorized as Schedule II which also categorized drugs with “a high potential for abuse,” but then differentiated from Schedule I by stating, “The drug...has a currently accepted medical use in the United States or a currently accepted medical use with severe restrictions.”²⁹ This scheduling moment has greater historical significance for the history of drug prohibition because it also represents a shift in drug classification authority. Under the Comprehensive Drug Abuse Prevention and Control Act of 1970, health officials and the Surgeon General would no longer be responsible for ranking drugs, the job of “scheduling” drugs was given to the the Attorney General and his chief narcotics officer. As Daniel Baum puts it in his book *Smoke and Mirrors: The War on Drugs and the Politics of Failure*, “Cops, not doctors, would henceforth judge drugs’ toxicity.”³⁰ Health officials have since tried to reclaim the power of judging drugs’ toxicity, but the power still remains with the Attorney General.³¹

The shift in drug policy from a health issue to a crime issue was then fortified through popular media in order to “educate” the American masses about the new drug dynamic. John Ehrlichmann, Richard Nixon’s domestic policy adviser, and Egil Kroch, the deputy to the domestic policy adviser, held a White House gathering for the producers of the most popular TV shows at the time in the early months of 1970. The producers for *Mod Squad*, *Mission Impossible*, *My Three Sons*, *Hawaii Five-O*, *Andy Griffith*, *Room 222*, *Adam 12*, *The FBI*, *The Name of the Game*, and others were apart of the unprecedented event.³² Much like Anslinger before them, Ehrlichmann and Krogh planned to harness the power of entertainment to get their

²⁹ *Comprehensive Drug Abuse Prevention and Control Act of 1970*, Public Law 91-513, *U.S. Statutes at Large* 84 (1970): 1236.

³⁰ Baum, p.25

³¹ Baum, p.25

³² Baum, p.32

anti-drug message across. They specifically wanted to overstate or sensationalize the nation's "drug problem" and as a result generate middle-class support for Nixon's new "War on Drugs." In Erlichmann's opening address to the TV producers he stated, "it would not be accurate to portray the drug problem as a ghetto problem. It is a problem which touches all economic, social, and racial strata of America."³³ The White House gathering was effective as villainous drug dealers and drug abusing teens were the main focus in plots for *General Hospital*, *Mannix*, *Mod Squad*, and *Love American Style*. An even more essential result from this producer gathering was the series *Three Seals*, an anti-drug series marketed by Metromedia Corp. which found its protagonists in federal anti-drug bureau agents such as the Bureau of Narcotics and Dangerous Drugs(BNDD), the Customs Service, and the National Institute of Mental Health.³⁴

While Ehrlichmann asked the TV producers not to simply portray the drug problem as a ghetto problem, drug films that focused on drug use in the ghettos, known by some as blaxploitation films, were being produced for the first time.³⁵ These blaxploitation films portray the racialized nature of police profiling and U.S government complicity in the drug trade.³⁶ Some of the first blaxploitation films include *Superfly (1972)* and *Cleopatra Jones (1973)*. These films represent a victory for the civil rights movement as talented black directors and actors emerge through the films. This civil rights victory is complicated by the re-inscription and fortification of the stereotypes these films portray. While black professionals were being given unprecedented opportunities in the creation of these films, their work was re-inscribing the racial dynamics that they had personally triumphed over.

³³ "Talking Points for John Ehrlichmann" April 9, 1970

³⁴ Baum, p.32

³⁵ Boyd, 78-79

³⁶ Boyd, p. 78

According to Susan C. Boyd in her book, *Hooked: Drug War Films in Britain, Canada, and the United States*, *Superfly* “locates the drug trade in a racialized political economy of crime framework.”³⁷ The film depicts a cocaine dealer/user named Priest (played by Ron O’Neal) whose participation in the cocaine trade is depicted to be out of circumstance and necessity rather than merely criminal and economic motives. Boyd states that, “his involvement in the drug trade is depicted as the only job in town for a Black man in racist and class-biased America.”³⁸ This blaxploitation moment is clearly in conversation with the new ghetto dynamics formed in the wake of the 1960s civil rights successes being combatted by Richard Nixon’s “Law and Order” campaign. Dan Baum brings this Nixon-ghetto dynamic to light as he quotes from Nixon’s Chief of Staff, H.R. Haldeman’s diary to open his first chapter, “[President Nixon] emphasized that you have to face the fact the whole problem is really the blacks. The key is to devise a plan that recognizes this while not appearing to.”³⁹

This quote illustrates the duality of Nixon’s public political persona and his social and political values behind closed doors. While Nixon is found to have intimated this controversially “black” focused plan to his chief of staff, he presents himself in a more politically correct manner to the American voting public. This thesis argues that the drug policies brought about during Nixon’s presidential administration have done sustained damage to race and class dynamics in the United States of America. Nixon’s contribution to a polarizing discourse of ghetto-race dynamics displays the detrimental potential of presidential power and the unfortunate influence of election politics and demographic convenience to motivate the creation of bad but popular policy. Nixon’s negative contributions to social and race dynamics were not limited to his time in office and can be seen in the early stages of his presidential campaign.

³⁷ Boyd, p. 118

³⁸ Boyd, p. 118

³⁹ Baum, p.13

The Rhetorical Pre-amble to Richard Nixon's Presidential Campaign: *The Reader Digest* article "What Has Happened to America"

Richard Nixon's publication, "What Has Happened to America?" in the October, 1967 issue of *The Reader's Digest* is an important rhetorical moment at the beginning of Richard Nixon's . Richard Nixon would not begin formally campaigning for president until January, 1968 and this article represents Nixon's re-introduction to the American voter as a calming voice of reason and restorative reform. Nixon smartly contrasts the beginnings of the 1960s and the successes of the civil rights movement with the recent urban violence brought about by opposition to the Vietnam war and other sources of civil and urban unrest:

Just three years ago this nation seemed to be completing its greatest decade of racial progress and entering one of the most hopeful periods in American History. Twenty million Negroes were at last being admitted to full membership in the society, and this social miracle was being performed with a minimum friction and without loss of our freedom or tranquility.⁴⁰

In this moment Nixon is identifying 1964 as a turning point in terms of successes for the health of American society. Nixon is grossly oversimplifying the complicated dynamics of desegregating American society and creating a new racially unbiased status quo. Nixon makes it seem as though the civil rights movement had its successes and then American society immediately began to deteriorate due to a lack of law and order. His next line is a rhetorical question, "With this star of racial peace and progress before us, how did it happen that last summer saw the United States blazing in an inferno of urban anarchy?"

⁴⁰ Richard Nixon, "What Has Happened to America," *The Reader's Digest*. October 1967, p.49

Nixon is greatly misrepresenting the realities of the renegotiations of civil society as racial equality and desegregation attempt to redefine the status quo. The urban unrest caused by a controversial war and a too-slowly changing urban racial dynamic is an effect, not a cause, of Nixon's urban anarchy. He attempts to paint this social violence and urban rioting as a cause of American society's problems rather than a symptom of an unprecedentedly difficult social change. This was done in order to mobilize those against the stateside violence as his voting majority. While the American public was split on the issues of the Vietnam war and the easing of racial divisions, there was a clear voting demographic that opposed the protests and violence that had broken out across the major cities and campuses of the United States.⁴¹ Nixon utilizes this perceived lawlessness to recast the social issues of repairing a damaged racial past as general national disorder that requires a stronger police force and a more involved federal authority:

There has been a tendency in this country to charge off the violence and the rioting of the past summer solely to the deep racial division between Negro and white. Certainly racial animosities--and agonies--were the most visible causes. But riots were also the most visible causes. But riots were also the most virulent symptoms to date of another, and in some ways graver, national disorder--the decline in respect for public authority and the rule of law in America. Far from being a great society, ours is becoming a lawless society.⁴²

Nixon is clearly mixing cause and effect here as he critiques the tendency of American citizens to write off the causes of violence and rioting as results of deep racial divisions rather than recognize the true cause of rioting, riots. This irrationally circular thought is evidence of how Nixon is smoke-screening the reality of race and society in America in favor of a plea for a more powerful law enforcement authority. It is in this plea to the mostly white readership of *Reader's Digest* that Nixon is displaying his southern strategy of mobilizing white conservatism as a powerful voting majority. It is in these calls for a greater presence of law in the volatile

⁴¹ Mark Hamilton Lytle, *America's Uncivil Wars: the Sixties Era: from Elvis to the Fall of Richard Nixon* (New York, NY.: Oxford University Press, USA, 2006), page 240.

⁴² Nixon, "What Has Happened to America?", p. 49-50

urban environment of the 1960s that Nixon mobilizes the social dynamic that helped preserve the racialized “ghetto” dynamics that still exist today. Nixon smartly and subversively calls into question the direction of the civil rights movement. While the successes of the civil rights movement have begun to change the rules of the game, the teams still remained the same, Richard Nixon recognized and capitalized on this dynamic.⁴³

Nixon moves on rhetorically to lament the slipping stands of American society:

The symptoms are everywhere manifest: in the public attitude toward police, in the mounting traffic in illicit drugs, in the volume of teen-age arrests, in campus disorders and the growth of white-collar crime. The fact that whites looted happily along with Negroes in Detroit is ample proof that the affliction is not confined to one race.⁴⁴

Nixon’s list of symptoms is taking direct aim at the publicly derided social violence that is defining this critical turning point in American society and polity. He confidently sides with the police at a time when the instigation of violence in Newark and Detroit is hotly debated as being caused by the “rioters” or an overly physical and undertrained police force. He then mentions the mounting traffic in illicit drugs, foreshadowing his heavy-handed involvement in redefining what “illicit drugs” are and what the punishments should be for being involved with them. By grouping the opposition to a questionably moral police force with the increase of illicit drug traffic, the rising volume of teenage arrests and the growth of white-collar crime, Nixon is painting a picture of a conspiring disintegration of American morals being led by a lawless and ignorant youth. He whitewashes over the actual realities of a non-concerted attempt at achieving racial equality and a war that many citizens disagree with taking the lives of young Americans. By misdirecting the American voting public with his plea for law and order, Nixon takes the blame off of the structures of American society and its law enforcement and puts the blame squarely on the rioting citizens. He uses Lyndon B. Johnson’s notion of the “Great Society”

⁴³ Lytle, *America’s Uncivil Wars*, p. 245

⁴⁴ Nixon, “What Has Happened to America?”, p. 50

which originated in a speech in 1964 in order to categorize the failings of American society and offer an alternate dynamic that still lingers detrimentally in contemporary society.

Nixon confronts the notion of “the Great Society” directly and seeks to redefine the root cause of criminality coming from the citizen rather than the society:

Our opinion-makers have gone too far in promoting the doctrine that when a law is broken, society, not the criminal is to blame. Our teachers, preachers, and politicians have gone too far in advocating the idea that each individual should determine what laws are good and what laws are bad, and that he then should obey the law he likes and disobey the law he dislikes. Thus we find that many who oppose the war in Vietnam excuse or ignore or even applaud those who protest that war by disrupting parades, invading government offices, burning draft cards, blocking troop trains or desecrating the American flag. The same permissiveness is applied to those who defy the law in pursuit of civil rights. This trend has gone so far in America that there is not only a growing tolerance of lawlessness but an increasing public acceptance of civil disobedience. Men of intellectual and moral eminence who encourage public disobedience of the law are responsible for the acts of those who inevitably follow their counsel: the poor, the ignorant and the impressionable. For example, to the professor objecting to de facto segregation, it may be crystal clear where civil disobedience may begin and where it must end. But the boundaries have become fluid to his students and other listeners. Today in the urban slums, the limits of responsible action are all but invisible.⁴⁵

Nixon is pinning the social motion of the civil rights movement and the Vietnam protests against the notion of “civil disobedience.” He is blaming the frustrated displays of violence throughout America on ignorance and general angst rather than the reality that the society is not being correctly renegotiated for an equal future. He is acting in favor of preserving the economic and social structures of an unequal segregated America. He uses the terms “poor, ignorant, and impressionable” to smoothly circumvent explicitly mentioning the social groups he is pointing at and blaming, marginalized blacks with still-limited social mobility in urban centers such as Detroit and frustrated students hoping for a brighter American future. His discussion of the Vietnam protests avoids the actual contentions about the Vietnam War and instead focuses on the

⁴⁵ Nixon, “What Has Happened to America?”, p. 51-53

black-and-white notion of lawfulness versus lawlessness. His professor example serves to deflate the legitimacy of the protester movement and demonize youth as in an inherent state of ignorance.

This moment is clearly in discussion with his voting white public who are strong in numbers but flailing in terms of a common acceptable political and social ideology in the face of a progressing social dynamic. By claiming that the excitement and passion to create the "great society" has instead turned into an unfocused assault on the safety of American citizens, he directly speaks to middle-aged white conservatives and their essential role as a major voting demographic in the upcoming presidential election. In his critique of "the great society" he carefully uses the phrasing, "Our opinion-makers" in order to avoid explicitly mentioning incumbent president Lyndon B. Johnson and admitting that the true motivation behind his Reader's Digest message is political gain and not merely beginning a conversation on the social ills of America.

His conclusion then further illustrates his desire to appear as a presidential authority with the potential to lead the nation from the negative symptoms of an important social movement losing its focus.

There can be no right to revolt in this society; no right to demonstrate outside the law, and, in Lincoln's words, "no grievance that is a fit object of redress by mob law." In a civilized nation no man can excuse his crime against the person or property of another by claiming that he, too, has been a victim of injustice. To tolerate that is to invite anarchy. .

To heal the wounds that have torn the nation to asunder, to re-establish respect for law and the principles that have been the source of America's growth and greatness will require the example of leaders in every walk of American life. More important than that,

it will require the wisdom, the patience and the personal commitment of every American.⁴⁶

He creates an acceptable line of rhetoric throughout this publication that allows for a condemnation of the direction of American society while still rhetorically supporting the progress of the civil rights movement. His call that there can be “no right to revolt in this society” and “no right to demonstrate outside of the law” and his echoing of Lincoln’s sentiment that there is “no grievance that is a fit object of redress by mob law,” skirts the real issue of parsing through the legitimate motivations for America’s violent concerted outburst and instead chooses to critique the legal dynamic of those fighting against laws that they themselves feel persecuted by.

He then seamlessly transitions from this roundabout discussion of the problems of the civil rights movement and anti-war protests into a call for greater leadership for America. Once again, he is implicitly selling himself politically while being careful not to explicitly state his stance both in relation to the incumbent president and the highly politicized racial dynamics of 1960s America. He sensationalizes the recent events of urban turmoil and civil unrest to claim the need to “heal the wounds that have torn the nation asunder.” He then ominously calls for the need to “re-establish respect for law and the principles that have been the source of America’s growth and greatness.” This well-crafted sentence allowed the 1967 Reader’s Digest to fill in the blanks as to what principles were the source of America’s greatness. This sentence serves as a subversive suggestion that the changes that have occurred may not have been in the best interests of the nation and that a return to the old status quo of 1940s and 1950s America may be the key to fixing the lawless present.

⁴⁶ Nixon, “What Has Happened to America?”, p.54

This anti-Great Society sentiment was feeding off the already strong political momentum brought about by white southern voters opposed to the costly social programs instituted by Lyndon B. Johnson's administration. While the sentiments behind the program were noble in that they aimed to renegotiate the structures of a racially imbalanced economic and social system, the voting majority remained white and the perception of wasting tax-dollars on programs that do not directly benefit the major tax contributors led to an alienation of an important voting demographic for Democrats.⁴⁷ As a result, the voters expressed their disapproval of Johnson's social and economic plans by voting in forty-seven new Republicans into the House of Representatives in 1966.⁴⁸ This white backlash opened up a political window of opportunity for the election-cursed Nixon that he clearly is taking advantage of with the rhetoric of his *Reader's Digest* message.

"Solving" the drug problem was never Richard Nixon's main motivation. Rather, Nixon's drug ambitions are more aptly described as concerned with political gains and wielding executive and federal influence. Nixon's stance on drugs was a product of opportunism as the United States needed a social ill besides the deep-seated racism and its symptoms to blame for the persistence of urban ghettos and rising urban unrest.

Nixon was able to bring together a bevy of social and political issues and wrap them neatly into a call for law and order and the inception of the "war on drugs". Nixon was able to recodify the social dynamics of white versus black, north versus south, ghetto versus affluence, into a new set of more politically correct terms.

⁴⁷ Mason, Robert. *Richard Nixon and the Quest for a New Majority*. Chapel Hill, NC: The University of North Carolina Press, 2004. p. 5-37

⁴⁸ William C. Berman, *America's Right Turn: from Nixon to Clinton*, 2nd ed. (Baltimore, Md.: The Johns Hopkins University Press, 1998), page 6.

The White Backlash

This re-codification capitalized on “white backlash” or white conservative angst surrounding the social programs being born from Lyndon B. Johnson’s vision of “The Great Society,” most tangibly in the 1964 Civil Rights Act. Richard Nixon identified this newly marginalized white majority as his access-point to the presidency. As a result of his failed election attempts for the presidency in 1960 and for California governor in 1962, Nixon approached his presidential race in 1968 as a tactician seeking to break away from his election failures rather than the presidential ideal of a public servant pursuing policies in the best interest of his country. Nixon was able to preserve the racial, social, and class dynamics that pre-dated the momentum of the civil rights successes brought about by the leadership of icons such as Martin Luther King, by re-representing the problems of poor vs. rich and black vs. white as users and non-users and the lawless vs. the lawful. This preservation capitalized on the electoral swing of the south that had been born from the 1964 Civil Rights Act. The same demographic that voted heavily for Goldwater in his opposition to Lyndon Johnson’s second term were now being politically mobilized by the opportunistic Nixon or as his Washington colleagues had come to know him, “Tricky Dick.”⁴⁹ The successes of Nixon’s appeal to white southern conservatism were not immediately realized during the general election of 1968, at least not directly.

George Wallace, the famously segregationist Governor of Alabama running as an American Independent, swept the Deep South states of Alabama, Louisiana, Georgia, and Mississippi. While Nixon did not have a significant turnout in these states, Wallace’s southern sweep ensured that no electoral votes went to the opposing Democratic ticket of Humphrey and

⁴⁹ Mason, Robert. *Richard Nixon and the Quest for a New Majority*. Chapel Hill, NC: The University of North Carolina Press, 2004. (accessed April 18, 2012). p. 5-37

Muskie.⁵⁰ Nixon's southern strategy eventually realized substantial gains in terms of electoral votes in 1972 when he swept the southern vote along with every other electoral district besides Massachusetts and Washington, D.C. This tension of the civil rights act swinging political support towards Republicans in the south is still very much alive today and can be witnessed each election year as the southern states almost uniformly turn red every fourth November. This opportunistic "Republicanization" of those opposed to the Civil Rights Act successfully preserved the ideological division of the south concerning race and granted this socially-backward demographic a major political platform to push back against social progress and equality.⁵¹

This thesis argues that the drug policies brought about during Nixon's two resulting presidential administrations have done sustained damage to race and class dynamics in the United States of America. Nixon's contribution to a polarizing discourse of ghetto-race dynamics displays the detrimental potential of presidential power and the unfortunate influence of election politics and demographic convenience to motivate the creation of bad but popular policy. Nixon took drug policy decisions out of the hands of the Surgeon General and instead empowered the Attorney General with the task of scheduling or ranking the drugs in the Comprehensive Drug Abuse Prevention and Control Act of 1970. Richard Nixon's relationship to the drug issue would evolve greatly between his publication in *The Reader's Digest* and the passing of substantive drug legislation during his presidency. After successfully campaigning for and winning the presidency on his platform of "Law and Order," Richard Nixon undoubtedly felt political pressure to live up to the rhetorical promises of his campaign.

⁵⁰ Lewis L. Gould, *1968: the Election That Changed America* (Chicago: Ivan R. Dee, 1993), page 28-32.

⁵¹ Mason, Robert. *Richard Nixon and the Quest for a New Majority*. Chapel Hill, NC: The University of North Carolina Press, 2004. (accessed April 18, 2012). p. 5-37

Richard Nixon's Pivotal Message to Congress

Richard Nixon did not waste time espousing idealism about the drug issue in the United States for the first few months of his administration. In fact, he stated very little publicly about the issue until July when the initial drafts of the Comprehensive Drug Abuse Prevention and Control Act were ready to be submitted.⁵² His re-broadcast of his drug views took the form of a Special Message to Congress on July 14th, 1969. This is an historically rich message and this thesis will derive most of its unique contributions to drug diplomacy research through a methodical analysis of the entire document. While some literature on the topic, most notably David F. Musto's *The Quest for Drug Control*, briefly discuss this message and its relationship to passing the Comprehensive Drug Abuse Prevention and Control Act, this thesis will methodically analyze the message in its entirety. This analysis will utilize the message to Congress as an access point to discuss the various aspects of the drug dynamic that were being negotiated in the message. This analysis will delve into Richard Nixon's use of language to persuade Congress as well as critique the various claims he stakes about the drug problem and how those claims either panned out or were merely empty promises made to put pressure on Congress to pass an exceptionally rational sounding piece of legislation. While the length of the quotations in this section may seem exhaustive, I believe the full reading and appreciation of the message to Congress to be just as essential as my analysis of the various sections.

⁵² Musto, *The Quest for Drug Control*, p. 60

This message represents the initiation of the conversation between President Richard Nixon and the Congress in anticipation of passing drug legislation reform in the following months. This message spans a wide range of drug-related topics and clearly outlines ten specific steps that Nixon intends to take in order to curb America's drug problem. Nixon does many important things in this message including introducing to Congress the language of his new legislative mission on drugs, clearly outlining his views on how drugs are affecting/causing many of America's social ills, calling for the heavier involvement of the Federal government in combatting drugs, and making strong claims for the essential importance of drug education and research. This message keeps with Richard Nixon's electoral themes of bringing "Law and Order" back into American society as well as foreshadows the creation of new federal agencies such as the DEA.⁵³ I believe this message to be an historically rich moment for drug policy in the United States and it stands as the most substantial prelude to the Federal drug-policy structuring Comprehensive Drug Abuse Prevention and Control Act of 1970.

Nixon begins his message by referencing the past decade, the tumultuous 1960s, as an era that has brought about a drug epidemic.

Within the last decade, the abuse of drugs has grown from essentially a local police problem into a serious national threat to the personal health and safety of millions of Americans.

A national awareness of the gravity of the situation is needed; a new urgency and concerted national policy are needed at the Federal level to begin to cope with this growing menace to the general welfare of the United States.⁵⁴

Nixon couples the burgeoning relationship between drug use and American citizens with the need for new Federal policy to accomplish what local and state governments were unable to accomplish. This is a clear continuation of Nixon's "Law and Order" platform from the 1968

⁵³ Musto, *The Quest For Drug Control*, p. 60-65

⁵⁴ Richard Nixon: "Special Message to the Congress on Control of Narcotics and Dangerous Drugs," July 14, 1969. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*.

election.⁵⁵ Baum points to a meeting early on in the Nixon administration that predates this message to Congress and sheds light on Nixon's motivation for making drugs a more heavily Federal issue. This meeting consisted of Richard Nixon, Attorney General John Mitchell, his associate deputy John Santarelli, and Nixon's Aides John Ehrlichmann and Egil Krogh. John Mitchell began the meeting with the statement, "This administration was elected on a law-and-order platform. Let's have some ideas about how to deliver." His deputy Santarelli then mentioned the Law Enforcement Assistance Administration, or the LEAA, which was brought about during LBJ's administration in order to provide federal assistance to local police forces. Santarelli then goes on to say, "...Congress only authorized \$75 million for it the first year. We should think about expanding that. Shiny new police cars are the kind of thing people notice."⁵⁶

After a brief discussion dismissing the merits of making robbery and burglary federal crime since they are purely local crimes, one of the aides states, "Well, there's drugs." Mitchell immediately jumps on that suggestion approvingly, noting the intra-state nature of drug trafficking and the fact that border protection was an essential federal authority. Mitchell then states, "Problem is, nobody ever hears anything about federal drug enforcement. We'll have to make the BNDD (Bureau of Narcotics and Dangerous Drugs) more visible to the public." This moment expressly connects Nixon's electoral platform of "Law and Order" with a larger federal price to be ultimately paid by the American taxpayer. Santarelli's suggestion that "we should think about expanding that," foreshadows the huge federal costs that Nixon's War on Drugs has had for this country for the last forty years, now ranging up to \$26 billion per fiscal year.⁵⁷ It also

⁵⁵ Lewis L. Gould, *1968: the Election That Changed America* (Chicago: Ivan R. Dee, 1993), page 83.

⁵⁶ Baum, *Smoke and Mirrors*, 15

⁵⁷ Phillip Smith, "Meet Obama's Proposed 2013 Federal Drug Budget," *Drug War Chronicle*, February 16, 2012. http://stopthedrugwar.org/chronicle/2012/feb/15/meet_obamas_proposed_2013_federa (accessed April 1, 2012).

concisely illuminates the interdependent relationship between the promises of Richard Nixon's 1968 presidential campaign and the expansion of federal drug policy.

This is a worrisome relationship, as drug policy reform is not being motivated by pragmatic concerns with the growing popularity of drug use among the American citizenry and is instead being pursued to demonstrate Nixon's political continuity between the rhetoric of his campaign and his legislation. Within this relationship resides the origins of an expansive federal policy that took the 1960s fads of the "hippie culture" and the "counterculture" and re-cast the libertarian ethics of free love and experimentation to an expansive and corrosive "subculture" of large illicit drug markets and pervasive and well-organized criminal enterprises.

His next paragraph speaks to directly to the dynamic of drug arrests and their effect on the American citizenry:

Between the years 1960 and 1967, juvenile arrests involving the use of drugs rose by almost 800 percent; half of those now being arrested for the illicit use of narcotics are under 21 years of age. New York City alone has records of some 40,000 heroin addicts, and the number rises between 7,000 and 9,000 a year. These official statistics are only the tip of an iceberg whose dimension we can only surmise.⁵⁸

Richard Nixon's focus on arrests as the pivotal issue to motivate the formulation of drug policy was a good way to get what he wanted from the Congress but originated in the skewing and overstating of his data. This statement also represents a clearly shortsighted approach to fixing what will become a deep-seeded social and political issue for decades to come. What Nixon should really be acknowledging with his concern about the 800 percent increase in juvenile arrests, are the social and cultural dynamics that led to the boom in drug consumption during the 1960s as well as the inherently flawed relationship between law enforcement and the drug user. The reality is that the 1960s brought about incredible change to American society, the

⁵⁸ Richard Nixon: "Special Message to the Congress on Control of Narcotics and Dangerous Drugs.," July 14, 1969. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*.

gross national product of the United States of America doubled between 1960 and 1970, the Civil Rights Act was passed in 1964, and America waged war in Vietnam and began to fight the War on Poverty. The 1960s also the coming of age of the “baby boomer” generation which increased the amount of citizens aged 15-24 by 11 million, a 50% larger number than that of the 1970s. This age group is widely accepted as the most prone to drug use, violence, and crime. This expansion of wealth and citizenry created an unparalleled market for consumer goods both licit and illicit, and this is where illegal drug consumption and its consequent arrests found their origins.⁵⁹ His statement that the statistics “are only the tip of an iceberg whose dimension we can only surmise,” is hyperbole and fails to acknowledge the major cultural shifts that have occurred during the 1960s.

Nixon then continues on with his condemnation of addicts. Through the use of figures and estimates, he brings his rhetoric a step further by incorporating the American family into his concerns over drug abuse, all but stating that the American drug dynamic is assaulting the familial structure of American society.

The number of narcotics addicts across the United States is now estimated to be in the hundreds of thousands. Another estimate is that several million American college students have at least experimented with marihuana, hashish, LSD, amphetamines, or barbiturates. It is doubtful that an American parent can send a son or daughter to college today without exposing the young man or woman to drug abuse. Parents must also be concerned about the availability and use of such drugs in our high schools and junior high schools.⁶⁰

This passage is “Tricky Dick” at his best as he sequences two estimates that have little to do with one another in order play on the emotional sensitivity of the parent-child relationship within the American family. His phrasing is key as he states that “several million American college students have at least experimented with marihuana, hashish, LSD, amphetamines, or

⁵⁹ Musto, *The American Disease*, 253

⁶⁰ Richard Nixon: “Special Message to the Congress on Control of Narcotics and Dangerous Drugs.,” July 14, 1969. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*.

barbiturates.” This statement allows a lot of room for interpretation with the list of what the students have “at least experimented with” ranging from the mild and relatively harmless marihuana to the much more alarming and “hard” drugs such as “LSD, amphetamines, [and] barbiturates.” This method of grouping marijuana with more dangerous and addictive drugs is a commonly used tool for the Nixon Administration and also carries an important historical precedent with the blurring of heroin use and marijuana use during the Vietnam War under the common term “dope.”⁶¹ Once Nixon has presented this blurry statistic, he calls into question the safety and integrity of America’s educational institutions and drugs potential to undermine an essential piece of American structure. His statement that “it is doubtful that an American parent can send a son or daughter to college today with exposing them to drug abuse,” is once again a masterful manipulation of language as he parlays a skewed estimate about drug experimentation into a claim that it is “doubtful” that American parents won’t be “exposing” their children to “drug abuse.” By playing on the sensitivities of the American family structure, Nixon is irreparably politicizing drugs and therefore severely damaging the pragmatic potential of drug discussion in the future of American policy.

Nixon now immediately goes on to discuss the relationship between drug use and crime:

The habit of the narcotics addict is not only a danger to himself, but a threat to the community where he lives. Narcotics have been cited as a primary cause for the enormous increase in street crimes over the last decade.

As the addict’s tolerance for drugs increases, his demand for drugs rises, and the cost of his habit grows. It can easily reach hundreds of dollars a day. Since an underworld “fence” will give him only a fraction of the value of goods he steals, an addict can be forced to commit two or three burglaries a day to maintain his habit. Street robberies, prostitution, even the enticing of others into addiction to drugs--an addict will reduce himself to any offense, any degradation in order to acquire the drug he craves.⁶²

⁶¹ Musto, *The American Disease*, p. 259-260

⁶² Richard Nixon: “Special Message to the Congress on Control of Narcotics and Dangerous Drugs,” July 14, 1969. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*.

This is once again an inflamed and hyperbolic statement being carefully crafted in order to pressure Congress into following his reforms. Nixon's statement that "Narcotics have been cited as a primary cause for the enormous increase in street crimes over the last decade," is an overstatement and the links between drug use and crime had been scarcely researched at the time of this speech.⁶³ This is an example of Nixon's claims on drug reality circumventing the facts in favor of favorable speculations. One such study of the link between drug use and crime was in its early stages at the time of this speech and was carried out close to home for Nixon and the Congress in Washington D.C. The study is lambasted by Dan Baum in *Smoke and Mirrors: The War on Drugs and the Politics of Failure*. The study was conducted by Robert Dupont, a psychiatrist who graduated from Harvard, was a researcher at the National Institute of Mental Health, but then took less pay to be the director of community services at D.C Department of Corrections. Data on the relationship between drug use and crime was rare at the time so Dupont sought to acquire his own data by interviewing and drug-testing as many D.C inmates as possible. He hired Nick Kozel from Philadelphia and employed a group of students from George Washington University to be his fellow interviewers. In August and September of 1969, shortly after Nixon's message to Congress, they interviewed 229 inmates and acquired urine samples from 129 of them. Forty-five percent of the inmates either told the interviewers they were addicted to heroin or yielded a positive urine sample.

Dan Baum's critique of their study comes as a result of his interviews with Nick Kozel in 1993 and Robert Dupont in 1994. The exchange upon finding the forty-five percent figure went as follows, "Wait a minute," Kozel said. "Two hundred and twenty-nine men is a small sample, especially when only about half were urine-tested. And even if half the men arrested in D.C. are heroin addicts, that doesn't mean their addiction caused crime. We didn't ask them for example,

⁶³ Baum, *Smoke and Mirrors*, p.18

whether they had criminal records before they started using heroin. Maybe they were criminals first and addicts second.” Dupont then apparently disregarded Kozel’s objections as quibbling and proceeded to ultimately publish the study under the title, “Narcotics and Crime: A study of Narcotic Involvement in an Offender Population” by Nick Kozel, Bob Dupont, and Barry Brown in the *International Journal of the Addictions*. The study was published in 1972. One key misleading phrase of the study that Baum is critical of is, “What is worth noting...is the extent to which addiction and criminal activity are linked.” He is critical of this phrase because the study was only able to conclude that addicts commit street crimes *as frequently* as nonaddicts.⁶⁴

This lack of a vital distinction between the criminal behavior of addicts and nonaddicts did not prevent them from writing in their conclusion, “The addict poses a very real threat to property as well as to persons in the community.” This manipulation of evidence and language was typical of Nixon’s Washington and was emblematic of the relationship between the inception of the drug war and reliable evidence. Nixon displays his penchant for exciting overstatements that lack a basis of evidence as he ends his section with “an addict will reduce himself to any offense, any degradation in order to acquire the drug he craves.” While this demonization is a helpful rhetorical and political tool in terms of persuading Congress to sign on to his new legislation and the expansion of federal drug budgets, it is an essentially dishonest statement. This dynamic was also clearly present in the Shafer Commission debacle, but I will save that discussion for later in this paper when I explicitly outline how that commission and Nixon’s denial of its findings set the stage for an unproductive and misled drug war.

Nixon then follows his very flawed and circumstantial condemnations of the correlation between drug use and crime with a lucid condemnation of drug traffickers:

⁶⁴ Dan Baum, *Smoke and Mirrors*, p. 19

However far the addict himself may fall, his offenses against himself and society do not compare with the inhumanity of those who make a living exploiting the weakness and desperation of their fellow men. Society has few judgments too severe, few penalties too harsh for the men who make their livelihood in the narcotics traffic.⁶⁵

This passage while equally rhetorically lofty as the rest of his introduction, takes on the true enemy of the drug war and the demographic that has most contributed to the continued escalation, drug traffickers. This message gains its lucidity by admitting that the problem of the addict pales in comparison to the issues of the narcotics enterprise. The irony of this staunch demonization of the narcotics trafficker is that the illegality of drugs, and the consequent subculture created by their illicit traffic is what empowers their enterprise. The lack of regulation and standardization as a result of this illegality has had a high social and human cost, and is a view espoused by harm reduction theorists. The fact that users and addicts purchase and use drugs of an indeterminable potency and are mixed with various unknown cutting agents ranging from Novocain to baby laxatives raises the risk of harm greatly, and is one of the main causes of drug overdoses.

It has been a common oversimplification to consider narcotics addiction, or drug abuse, to be a law enforcement problem alone. Effective control of illicit drugs requires the cooperation of many agencies of the Federal and local and State governments, it is beyond the province of any one of them alone. At the Federal level, the burden of the national effort must be carried by the Department of Justice, Health, Education, and Welfare, and the Treasury.⁶⁶

The key language of this passage is Nixon's plea for the cooperation of Federal agencies with local and State agencies. Since Nixon's first administration the federal drug budget has inflated from between \$100 and \$200 million spread around agencies like the BNDD and LEAA

⁶⁵ Richard Nixon: "Special Message to the Congress on Control of Narcotics and Dangerous Drugs," July 14, 1969. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*.

⁶⁶ Richard Nixon: "Special Message to the Congress on Control of Narcotics and Dangerous Drugs," July 14, 1969. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*.

to an annual national drug budget of around \$26 billion.⁶⁷ While Nixon appears to be calling for the collaboration of agencies at the Federal, local, and State levels, the legislation he passes is most famous for expanding authority at the Federal level and minimizing State authority. This fame comes from the oft-publicized conflict between Federal and State law in the argument over Medical Marijuana dispensaries. States such as California and Colorado have passed legislation allowing for medical marijuana dispensaries to distribute to medical marijuana patients. This practice is combated by the DEA with claims based in Comprehensive Drug Abuse Prevention and Control Act of 1970. Again, this message to Congress served as a prelude to that legislation which is further emphasized by his prioritization of Federal Legislation as his first specific step towards fixing the drug problem.

The Ten Steps

I am proposing ten specific steps as this Administration's initial counter-moves against this growing national problem:

Federal Legislation. To more effectively meet the narcotic and dangerous drug problems at the Federal level, the Attorney General is forwarding to the Congress a comprehensive legislative proposal to control these drugs. This measure will place in a single statute, a revised and modern plan for control. Current laws in this field are inadequate and outdated.⁶⁸

This moment in the message to Congress is explicitly discussing the impending Comprehensive Drug Abuse Prevention and Control Act of 1970 of which the Controlled Substances Act is Title II. This Act, which scheduled drugs under the terms of abuse potential and medical benefit, was a logical progression in the history of American drug legislation, with the Harrison Act of 1914 and the Marihuana Tax Act of 1937 being unfit for regulating a

⁶⁷ Phillip Smith, "Meet Obama's Proposed 2013 Federal Drug Budget," Drug War Chronicle, February 16, 2012. http://stopthedrugwar.org/chronicle/2012/feb/15/meet_obamas_proposed_2013_federa (accessed April 1, 2012).

⁶⁸ Richard Nixon: "Special Message to the Congress on Control of Narcotics and Dangerous Drugs," July 14, 1969. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*.

ballooning and ever-changing drug dynamic. The bill was formally introduced by Everett Dickson [R., IL] on July 16th, two days after the message to Congress and went through a lengthy process of revisions and political jockeying over the details of the bill.⁶⁹ What was at stake was whether the bill would focus on treatment rather than the expansion of law enforcement. This tension manifested itself in the struggle for authority in the scheduling of the drugs with the act ultimately signaling the surgeon general giving way to the attorney general and the rise of the Justice Department as the central authority in determining the severity and the abuse potential of drugs. This victory of the justice department is said to stem from the cooperation of the justice department with the Nixon Administration's political goals.⁷⁰ This teaming up of the Justice Department with the Nixon Administration represented a troublesome alliance and likely contributed to the slowing of public health research in favor of larger law enforcement budgets. This dynamic can be seen today in the percentage split of the \$26 billion dollar federal drug budget being 58% for law enforcement and 42% for treatment and prevention. This major allocation of taxpayer funds to federal law enforcement is symbolic of a colluded effort between the Nixon administration to both extend federal power and increase the reach and budget of the Justice Department.

Nixon sheds light on his close partnership with the Justice Department in the next passage of his pivotal Message to Congress.

I consider the legislative proposal a fair rational and necessary approach to the total drug problem. It will tighten the regulatory controls and protect the public against illicit diversion of many of these drugs from legitimate channels. It will insure greater accountability and better recordkeeping. It will give law enforcement stronger and better tools that are solely needed so that those charged with enforcing these laws can do so more effectively. Further, this proposal creates a more flexible mechanism which will allow quicker control of new dangerous drugs before their misuse and abuse reach epidemic proportions. I urge

⁶⁹ Musto, *The Quest for Drug Control*, p. 60

⁷⁰ Musto, *The Quest for Drug Control*, p. 70

the Congress to take favorable action on this bill. In mid-May the Supreme Court struck down segments of the marihuana laws and called into question some of the basic foundations of other drug statutes. I have also asked the Attorney General to submit an interim measure to correct the constitutional deficiencies of the Marihuana Tax Act as pointed out in the Supreme Court's recent decision. I urge Congress to act swiftly and favorably on the proposal to close the gap now existing in the Federal law and thereby give the Congress time to carefully examine the comprehensive drug control proposal.⁷¹

Once again this passage is loaded with historical significance. Richard Nixon is urging the Congress to take swift action on the impending legislation, but some of his selling points are flawed mostly due to false assumptions about the dynamics of illegal drug trade. His statement that the legislative proposal "will tighten the regulatory controls and protect the public against illicit diversion of many of these drugs from legitimate channels," ignores the greater truth that most of the illegal drugs to be consumed in the United States will be from entirely illegitimate channels. While Nixon's drug legislation was able to more clearly define the difference between legitimate and illegitimate channels, the reality is that 1970 was merely a precursor to a greater onslaught of illicit drug production, with heroin and cocaine becoming largely profitable and illicit commodities in the coming decades. Richard Nixon's concern with protecting the existing legitimate channels of drugs is completely irrelevant when compared to the scope and size of the illicit drug markets that have grown since this pivotal 1970 moment.

His statement goes on to say that this proposal will "[create] a more flexible mechanism which will allow quicker control of new dangerous drugs before their misuse and abuse reach epidemic proportions. This is once again a flawed and hyperbolic statement to Congress as the Controlled Substances Act merely recognized the drugs officially and put them in an inflexible system of scheduling drugs. Due to the heavy handed involvement of the Attorney General and

⁷¹ Richard Nixon: "Special Message to the Congress on Control of Narcotics and Dangerous Drugs," July 14, 1969. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*.

the Department of Justice, the drugs were ranked with law enforcement motivations rather than being ranked objectively on health and scientific grounds.⁷²

Nixon then goes on to allude to fact that the Supreme Court recently “struck down segments of the marihuana laws and called into question the basic foundation of other drug statutes.” Nixon is referring to the case Timothy Leary vs. United States. Timothy Leary vs. United States was centered in a debate about the Fifth Amendment and its relationship to self-incrimination. The self-incriminating structure of the tax act came from the fact that marijuana upon crossing state and national borders had to be declared and taxed but many states, such as Texas, had outlawed marijuana. This legal dynamic was common in the pre-1970 world of drug legislation and it demonstrates the essential tension of state’s desire to reject drugs on a moral level by categorizing them as illegal but then also desiring roundabout ways of profiting from their traffic and distribution.

Timothy Leary, a former Harvard Professor, infamous for testing students with LSD and his famous anti-establishment message of “drop out, turn on, tune in,” had encountered the Marijuana Tax Act on a vacation to Mexico. Upon arriving in Mexico, he was turned away by Mexican customs agents and denied entry into the country. On his way back through the border the car was searched and small amounts of marijuana were discovered in the car. Leary was arrested under the Marijuana Tax Act but it was also illegal in the state of Texas to possess marijuana. This intersection of federal and state law provided Leary protection under the Fifth Amendment and ultimately led to the repeal of the Marihuana Tax Act.⁷³ This contradiction of federal and state authority offers a perfect transition to the next step in his ten-step plan.

⁷² Joseph Spillane and William B. McAllister, “Keeping the Lid On: A Century of Drug Regulation and Control,” *Drug and Alcohol Dependence* 70 (2003): S5-S12.

⁷³ Musto, *The American Disease*, p. 254

State Legislation. The Department of Justice is developing a model State Narcotics and Dangerous Drugs Act. This model law will be made available to the fifty state governments. This legislation is designed to improve State laws in dealing with this serious problem and to complement the comprehensive drug legislation being proposed to Congress at the national level. Together these proposals will provide an interlocking trellis of laws which will enable government at all levels to more effectively control the problem.⁷⁴

This passage about state legislation steps very carefully around the debate of federal authority versus state authority. Nixon's statement that the model law "will be made available to the fifty state governments" is intentionally phrased to demonstrate states' sovereignty and their right to reject the model law or form their own. Forty-six of the fifty states adopted the federal law as the basis of their state law with the other states creating their own schedules. Marijuana as a schedule I drug has been at the center of the discrepancies between state and federal drug law and practice. The federal claim that marijuana has no "current accepted medical use in the United States" has been a point of contention in the complicated and misguided history of the drug war.⁷⁵ In 1970, the medicinal benefits of marijuana in relation to easing pain for chemotherapy patients with cancer and the easing of painful pressure behind the eyes for glaucoma patients were much less understood.

The resulting data since 1970 that has shown the health benefits of marijuana has been recognized by state governments, but the federal authorities have refused to budge marijuana from the Schedule I with Cocaine still remaining as a more medically-accepted Schedule II drug. This discrepancy between state and federal laws regarding marijuana has played itself out publicly through the conflicts between state-sanctioned marijuana dispensaries operated by "caregivers" and heavily-armed Drug Enforcement Administration officials. In 1973, Oregon

⁷⁴ Richard Nixon: "Special Message to the Congress on Control of Narcotics and Dangerous Drugs.," July 14, 1969. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*.

⁷⁵ Joseph F. Spillane, "Debating the Controlled Substances Act," *Drug and Alcohol Dependence* 76 (20 April, 2004): 17-29.

became the first state to decriminalize the possession of marijuana making possession of one ounce or less of marijuana a violation that resulted in a fine between \$500 and \$1000 but was not considered a misdemeanor or a felony. By 1978 Alaska, California, Colorado, Mississippi, New York, Nebraska, North Carolina, and Ohio had all passed some form of decriminalizing measure.

The relative immobility of the federal drug laws can be owed to moral politics and drug demonization, something Nixon relied on heavily to both gain entry into the White House and to galvanize his supporting demographic through the passage of the Comprehensive Drug Abuse Prevention and Control Act. By taking a harsh stance against drugs and immortalizing that stance through a pivotal and comprehensive drug control act, Nixon put his successors from Ford to Obama in the precarious position of having to deal with the political backlash of loosening federal drug law.

International Cooperation. Most of the illicit narcotics and high-potency marijuana consumed in the United States is produced abroad and clandestinely imported. I have directed the Secretary of State and the Attorney General to explore new avenues of cooperation with foreign governments to stop the production of this contraband at its sources. The United States will cooperate with foreign governments working to eradicate the production of illicit drugs within their own frontiers. I have further authorized these Cabinet officers to formulate plans that will lead to meetings at the law enforcement level between the United States and foreign countries now involved in the drug traffic either as originators or avenues of transit.⁷⁶

This passage is an example of Richard Nixon selling something that has already been sold. International cooperation in terms of drug manufacturing and drug trafficking had already been formalized under the United Nations Single Convention on Narcotic Drugs in 1961. The illegality of drug production had become universal under this Convention with the focus being

⁷⁶ Richard Nixon: "Special Message to the Congress on Control of Narcotics and Dangerous Drugs.," July 14, 1969. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*.

mostly on the poppy plant and its opiate derivatives. Ignoring, the almost decade-old precedent for international drug law, Nixon further exaggerates the aims of his drug initiative by stating that the Attorney General and the Secretary of State are “[exploring] new avenues of cooperation with foreign governments to stop the production of this contraband at its sources.” This statement was not made out of ignorance to the UN single convention on drugs, but was instead a condemnation of the effectiveness of UN convention and a call for the United States federal authorities to take more of a leadership role internationally.⁷⁷

This political promise was carried out practically by the Nixon administration by attempting to halt the “French connection” and end the stream of Turkish opium being delivered to the United States through Western European Channels. Nixon engaged Turkey specifically as a major supplier of U.S opium products and through a mix of military threats and economic sanctions was able to earn a large political win with the 1972 Turkish Opium Ban. This ban, like most of Nixon’s hasty and overly punitive drug measures, was motivated by politics but was sloppy practically for the Turkish economy.⁷⁸

In 1974, under the pressure of losing a large stake in the global opium markets and the essential necessity of poppy seed oil for the nourishment of its citizens, Turkey began a licensing program for the cultivation of poppy for medicinal purposes. Turkey and India ultimately monopolized the medicinal opium market and in 1981 received “Special Protected Market Status” by the United States of America.⁷⁹ This concession of the special protected market status demonstrates how Nixon’s politically-charged attack on drugs was more of a shoot-now, ask questions later style of policy with the healthier dynamics coming about decades after his

⁷⁷ William B. McAllister, “The Global Political Economy of Scheduling: The International-Historical Context of the Controlled Substances Act,” *Drug and Alcohol Dependence* 76, no. 3 (26 February 2004): page 5.

⁷⁸ Musto, *The Quest For Drug Control*, p. 41-47

⁷⁹ Musto, *The Quest For Drug Control*, p. 47

individual sphere of influence has been reduced. The Turkey example demonstrates that Nixon's political window of 8 years as president and the pressure he put on himself through congressional messages most notably this July 14th, 1969 message, caused him to act hastily within a deep-seated international dynamic of drug production and consumption.

Suppression of Illegal Importation. Our efforts to eliminate these drugs at their point of origin will be coupled with new efforts to intercept them at their point of illegal entry into the United States. The Department of the Treasury, through the Bureau of Customs, is charged with enforcing the nation's smuggling laws. I have directed the Secretary of the Treasury to initiate a major new effort to guard the nation's borders and ports against the growing volume of narcotics from abroad. There is a recognized need for more men and facilities in the Bureau of Customs to carry out this directive. At my request, the Secretary of the Treasury has submitted a substantial program for increased manpower and facilities in the Bureau of Customs for this purpose which is under intensive review.

In the early days of the Administration, I requested that the Attorney General form an inter-departmental Task Force to conduct a comprehensive study of the problem of unlawful trafficking in narcotics and dangerous drugs. One purpose of the task force has been to examine the existing programs of law enforcement agencies concerned with the problem in an effort to improve their coordination and efficiency. I now want to report that this Task Force has completed its study and has a recommended plan of action, for immediate and long-term implementation, designed to substantially reduce the illicit trafficking in narcotics, marihuana, and dangerous drugs across United States borders. To implement the recommended plan, I have directed the Attorney General to organize and place into immediate operation an "action task force" to undertake a frontal attack on the problem. There are high profits in the illicit market for those who smuggle narcotics and drugs into the United States; we intend to raise the risks and costs of engaging in this wretched traffic.⁸⁰

No Western or democratic country has ever had forms of drug prohibition as criminalised and punitive as the US, though some undemocratic governments have drug laws even harsher than the US. Further, since at least the early 1990s, drug policy in Europe, Canada, Australia and elsewhere is clearly shifting away from the criminalised end of the prohibition continuum. But all these countries are required by international treaties to have and still do have formal, legal, national drug prohibition.⁸¹

⁸⁰ Richard Nixon: "Special Message to the Congress on Control of Narcotics and Dangerous Drugs.," July 14, 1969. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*.

⁸¹ Levine, Harry G. "Global Drug Prohibition: its uses and crises." *International Journal of Drug Policy* 14 (2003): 147

This above passage and the relevant quote I have grouped with it discuss a very important aspect of the drug war and Nixon's legacy within it. Since Nixon's above statement of an increased effort to eliminate the importation of illegal drugs across the United States borders, the volume of drugs being smuggled across American borders has risen dramatically. The main reason for this large spike was the cocaine boom of the late 1970s all the way through the 1980s that saw the production and transportation of cocaine rise dramatically in order to meet unprecedented demand. This dynamic makes Nixon's statement that "we intend to raise the risks and costs of engaging in this wretched traffic" one of concern. This concern comes from the impersonal connection between the drug importer and drug importation itself. By ratcheting up the risks and costs of engaging in the wretched traffic, Nixon is not doing anything productive in terms of curbing illegal importation. An insatiable demand for drugs within America will ensure that that practice does not stop. What Nixon is promising is increased risks and costs and that is something he definitely delivered. Drug Traffickers only need to see about 60% of their traffic make it through to their destination in order turn a profit.⁸²

What Nixon has done in this message to Congress is committed American resources to futilely trying to combat a dynamic that is essentially unstoppable. With global drug demand originating mostly from American soil, the various illicit drug enterprises are too heavily funded to be stopped and increasing the costs and risks of their operation just raises the amount of human cost and wastes resources. Richard Nixon's harsh stance on drugs actually contributed to the widespread use and abuse of recreational drugs as can be seen by the steady rise of abuse and addiction in the 1970s.⁸³

⁸² Musto, *The Quest For Drug Control*, p. 47

⁸³ Matthew S. Jenner, "International Drug Trafficking: A Global Problem with a Domestic Solution," *Indiana Journal of Global Legal Studies* 18, no. 2 (Summer 2011): page 902-927.

Nixon acted too strongly and with his own personal goals in mind when he made drug policy a major rhetorical platform for his election in 1968 and his first administration. The detrimental effects of the structures of illegality not only have helped preserve the race and class dynamics that may have been on the brink of a more radical and meaningful renegotiation in 1968, but have also created some other major domestic and international issues.⁸⁴ Illegal drug markets are inflated by their illegality and as drugs work their way along the traffic pipelines to the major demand hubs such as the United States of America and Western Europe, the price of those drugs grow exponentially, creating a high risk-high reward dynamic that harkens back to the outlaw culture of the American frontier. This highly lucrative drug-smuggling business abuses those who cultivate the drug and pays them amounts extremely below the street-costs of the fruits of their labor. Contemporarily, this practice in marginalizing the futile drug farmer is taking place throughout the Andean region in relation to coca production, of which the popular drug cocaine is a derivative, and in Afghanistan in relation to poppy-farmers who are producing large amount of opium which is then transferred into the famously dangerous drug, heroin. Once these drugs are bought from these marginalized and subsistence-focused farmers, the drugs and the trafficking methods associated with subverting the illegality of said drugs undermines the various governments and societies the drugs are then carried through.⁸⁵

This phenomenon has risen to notorious fame within Central America and Mexico as large amounts of extremely valuable cocaine helps finance drug cartels. These drug cartels' financing easily outpaces that of the Central and South American militaries, and these cartels out-arm and outman the heavily overwhelmed governments of the trafficking nations.⁸⁶ This

⁸⁴ Musto, *The Quest For Drug Control*, p, 41-44

⁸⁵ Matthew S. Jenner, "International Drug Trafficking: A Global Problem with a Domestic Solution," *Indiana Journal of Global Legal Studies* 18, no. 2 (Summer 2011): page 902-927.

⁸⁶ Mabry, Rensselaer W. Lee III, *The Cocaine Dilemma in South America*, p. 55-65

violent and detrimental dynamic that is famously undermining large pockets of Mexican society can be directly attributed to both the insatiable drug demand of the United States as well as the legal structures put in place by policy makers such as Nixon.⁸⁷

Suppression of National Trafficking. Successful prosecution of an increased national effort against illicit drug trafficking will require not only new resources and men, but also a redeployment of existing personnel within the Department of Justice.

I have directed the Attorney General to create, within the Bureau of Narcotics and Dangerous Drugs, a number of special investigative units. These special forces will have the capacity to move quickly into any area in which intelligence indicates major criminal enterprises are engaged in the narcotics traffic. To carry out this directive, there will be a need for additional manpower within the Bureau of Narcotics and Dangerous Drugs. The budgetary request for FY 1970 now pending before the Congress will initiate this program. Additional funds will be requested in FY 1971 to fully deploy the necessary special investigative units.⁸⁸

This step of officially criminalizing drugs and their possession created a division within American citizenry and set the foundation for the marginalization of American addicts. By criminalizing drug dependency, which many academics and policymakers agree should be a public health issue, the Comprehensive Drug Abuse Prevention and Control Act galvanized the environment for a degenerative subculture of dealers and users. This subculture is the main driving force behind a multitude of inexcusable trends both domestic and abroad. The formation of drug-financed street gangs has riddled America's urban dynamic since the 1960s and as illegal avenues remain the only functional paths for this multi-billion dollar trade, violent street criminals are earning wages that laughably eclipse any legitimate employment opportunities.⁸⁹

Drug use within the United States was a product of major social and financial phenomenon

⁸⁷ Paul Gootenberg, "Talking About the Flow: Drugs, Borders, and the Discourse of Drug Control," *Cultural Critique* 71 (Winter 2009): page 14-21.

⁸⁸ Richard Nixon: "Special Message to the Congress on Control of Narcotics and Dangerous Drugs.," July 14, 1969. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*.

⁸⁹ Joseph Miranda, "War or Pseudo-War?" *Social Justice* 25, no. 2 (Summer 1998): 65-84.

collaborating to create an ideal setting for the rise in drug culture. The gross national product of the United States doubled from 1960-1970 and this coincided with the coming of age of the baby-boomer generation into the peak drug experimentation years of 15-24.⁹⁰ This rise in productivity and wealth allowed for an unprecedented market for consumer goods, including illegal consumer goods such as drugs. The costs of this large-scale consumption and trafficking dynamic should not be outweighed by the political benefits of taking a zero-tolerance stance towards drug importation, but unfortunately they are. This message to Congress and its resulting legislation, The Comprehensive Drug Abuse Prevention and Control Act, represent Nixon's opportunistic casting of the drug issue for political gain and the resolution of lofty campaign promises.

Education. Proper education and solution of the drug problem in this country has been severely handicapped by a dearth of scientific information on the subject--and the prevalence of ignorance and misinformation. Different "experts" deliver solemn judgments which are poles apart. As a result of these conflicting judgments, Americans seem to have divided themselves on the issue, along generational lines.

There are reasons for this lack of knowledge. First, widespread drug use is a comparatively recent phenomenon in the United States. Second, it frequently involves chemical formulations which are novel or age-old drugs little used in this country until very recently. The volume of definitive medical data remains small--and what exists has not been broadly disseminated. The vacuum of knowledge--as was predictable--has been filled by rumors and rash judgments, often formed with a minimal experience with a particular drug, sometimes formed with no experience or knowledge at all.

The possible danger to the health or well-being of even a casual user of drugs is too serious to allow ignorance to prevail or for this information gap to remain open. The American people need to know what dangers and what risk are inherent in the use of the various kinds of drugs readily available in illegal markets today. I have therefore directed the Secretary of Health, Education, and Welfare, assisted by the Attorney General through the Bureau of Narcotics and Dangerous Drugs, to gather all authoritative information on the subject and to compile a balanced and objective educational program to bring the facts to every American--especially our young people.

⁹⁰ Musto, *The American Disease*, p. 254

With this information in hand, the overwhelmingly majority of students and young people can be trusted to make a prudent judgment as to their personal course of conduct.⁹¹

Research. In addition to gathering existing data, it is essential that we acquire new knowledge in the field. We must know more about the short and long-range effects of the use of drugs being taken in such quantities by so many of our people. We need more study as well to find the key to releasing men from the bonds of dependency forged by any continued drug abuse. The National Institute of Mental Health has primary responsibility in the area, and I am further directing the Secretary of Health, Education, and Welfare to expand existing efforts to acquire new knowledge and a broader understanding in the entire area.

These next two steps of Education and Research are best analyzed together utilizing the report of the National Commission on Marihuana and Drug Abuse subtitled *Marijuana: A Signal of Misunderstanding* as a foil to Nixon's seemingly rational claims about the country's needs for better education and research on the drug problem. This Commission was headed by Raymond P. Shafer, a Republican who had just finished his term as a governor of Pennsylvania, as a result this commission is informally known as the Shafer Commission. Richard Nixon clearly had a desired set of results in mind for the commission and when the Shafer Commission gave a thorough report calling for the rational decriminalization of marijuana possession and its casual sale. This report was counter to Nixon's social-conservatism and he rejected the commission disagreeing on personal grounds. Nixon rejected thorough research on the subject by dependable politicians and their hand-chosen researchers simply because their findings did not fit his own political plan.⁹² One section of this commission titled "Marijuana and Public Safety" can be found in Chapter III of the commission and is indicative of how the commission differed greatly from Nixon's intentions for the study.

⁹¹ Richard Nixon: "Special Message to the Congress on Control of Narcotics and Dangerous Drugs," July 14, 1969. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*.

⁹² Mason, Robert. *Richard Nixon and the Quest for a New Majority*. Chapel Hill, NC: The University of North Carolina Press, 2004. p. 143

The belief that marihuana is causally linked to crime and other antisocial conduct first assumed prominence during the 1930's as the result of a concerted effort by governmental agencies and the press to alert the American populace to the dangers of marihuana use. Newspapers all over the country began to publish lurid accounts of "marihuana atrocities." In the absence of adequate understanding of the effects of the drug, these largely unsubstantiated stories profoundly influenced public opinion and gave birth to the stereotype of the marihuana user as physically aggressive, lacking in self-control, irresponsible, mentally ill and, perhaps most alarming, criminally inclined and dangerous. The combination of the purported effects of the drug itself plus the belief that it was used by unstable individuals seemed to constitute a significant danger to public safety. Now, more than 30 years later, many observers are skeptical about the existence of a cause-effect relationship between marihuana use and antisocial conduct.⁹³

This section represents a level-headed and fair assessment of the history of marijuana demonization and its style fits closely to what Nixon asked for in his message to congress. Nixon is contradicting his own claim that "the possible danger to the health or well-being of even a casual user of drugs is too serious to allow ignorance to prevail or for this information gap to remain open." Nixon, by rejecting the commission based on personal disagreement and not scientific research is perpetuating the same ignorance and preserving the same information gap that he so adamantly and logically spoke against in his pivotal message to Congress. In the wake of the rejection of the commission, marijuana's temporary placement as a Schedule I drug in the Controlled Substances Act pending further research was then deemed permanent and still persists until this day.⁹⁴

The final three steps of Nixon's ten-step plan continue.

Rehabilitation. Considering the risks involved, including those of arrest and prosecution, the casual experimenter with drugs of any kind must be considered, at the very least, rash and foolish. But the psychologically dependent regular users and the physically addicted are genuinely sick people. While this sickness cannot excuse the crimes they commit, it

⁹³ Raymond P. [Director of the Commission] Shafer, *Drug Use in America: Problem in Perspective and Report of National Commission On Marijuana and Drug Abuse. 4 Volumes.* (publication place: US Government Printing Office, 1973),

⁹⁴ David T. Courtwright, "The Controlled Substances Act: how a 'big tent' reform became a punitive drug law," *Drug and Alcohol Dependence* 76 (20 April, 2004): 9-15.

does help to explain them. Society has an obligation both to itself and to these people to help them break the chains of their dependency.

Currently, a number of federal, state and private programs of rehabilitation are being operated. These programs utilize separately and together, psychiatry, psychology, and "substitute drug" therapy. At this time, however, we are without adequate data to evaluate their full benefit. We need more experience with them and more knowledge. Therefore, I am directing the secretary of Health, Education, and Welfare to provide every assistance to those pioneering in the field, and to sponsor and conduct research on the Federal level. This department will act as a clearinghouse for the collection and dissemination of drug abuse data and experience in the area of rehabilitation.

I have further instructed the Attorney General to insure that all Federal prisoners, who have been identified as dependent upon drugs, be afforded the most up-to-date treatment available.⁹⁵

This section represents a moderate stance for Nixon and allowed for the development of alternative rehabilitation programs such as drug substitution in the form of methadone clinics for heroin addicts and needle-exchange programs aimed at curbing the spread of disease and infection through shared needles. These programs gained significant traction through the 1970s with Jimmy Carter being a strong proponent of these tolerant programs during his presidency. While these significant gains were experienced in the 1970s, the 1980s and Ronald Reagan's return to true social conservatism saw the closing of many of these ambitious rehabilitation programs in favor of a zero-tolerance policy.

Training Program. The enforcement of narcotics laws require considerable expertise, and hence considerable training. The Bureau of Narcotics and Dangerous Drugs provides the bulk of this training in the Federal Government. Its programs are extended to include not only its own personnel, but State and local police officers, forensic chemists, foreign nationals, college deans, campus security officers, and members of industry engaged in the legal distribution of drugs.

Last year special training in the field of narcotics and dangerous drug enforcement was provided for 2,700 State and local law enforcement officials. In fiscal year 1969 we expanded the program an estimated 300 percent in order to train some 11,000 persons. During the current fiscal year we plan to redouble that effort--to provide training to 22,000 State and local officers. The training of these experts must keep pace with the rise in the abuse of drugs, if we are ever to control it.⁹⁶

⁹⁵ Richard Nixon: "Special Message to the Congress on Control of Narcotics and Dangerous Drugs.," July 14, 1969. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*.

⁹⁶ Richard Nixon: "Special Message to the Congress on Control of Narcotics and Dangerous Drugs.," July 14, 1969. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*.

This section speaks more to the logistical beginnings of the large and wasteful expansion of the federal law enforcement authority of the United States. Coupled with his requests for increased fiscal year budgets earlier in the message this call in the expansion of federally-employed personnel helped set the United States of America towards a federal policy that now costs \$26 billion dollars annually. His final line “the training of these experts must keep pace with the rise in the abuse of drugs, if we are ever to control it,” has proven to be an insurmountable goal and introduces his first acknowledgement that the drug issue may never be able to be controlled.

Local Law Enforcement Conferences. The Attorney General intends to begin a series of conferences with law enforcement executives from the various States and concerned Federal officials. The purposes of these conferences will be several: first, to obtain firsthand information, more accurate data, on the scope of the drug problem at that level; second, to discuss the specific areas where Federal assistance and aid can best be most useful; third, to exchange ideas and evaluate mutual policies. The end result we hope will be a more coordinate effort that will bring us visible progress for the first time in an alarming decade.⁹⁷

This is simply a logistical passage aimed towards more efficient cooperation between law enforcement officials at the State and Federal level. This passage does hold significance though in terms of popular culture critiquing the drug war and law enforcement. Hunter S. Thompson, in his book *Fear and Loathing in Las Vegas*, which was then adapted as a film of the same name starring Johnny Depp and Benicio Del Toro in 1998 took direct aim at such a conference while his two protagonists are in Las Vegas. The fictional conference is the 3rd National District Attorney's Convention on Narcotics and Dangerous Drugs and it takes place in 1971. This dark sarcastic take on the Local Law Enforcement Conference has the two drug addled main characters critique the misinformed group of witch-hunter like district attorneys as they are

⁹⁷ Richard Nixon: "Special Message to the Congress on Control of Narcotics and Dangerous Drugs.," July 14, 1969. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*.

lectured solely about marijuana. The topics of these lectures come from a sweaty, nervous, cigarette-smoking “expert” who is introduced “as the man who will define this cancer that is eating away at the heart of America” named Elron Blumquist. These topics include marijuana-cigarette butts similar appearance to a cockroach, hence the name “roach,” and the “four distinct states of being in the cannabis or marijuana society” being “cool, hip, groovy, and square.”⁹⁸ This scene and its critique of the misinformed district attorneys are emblematic of the perceived divide between those who are tolerant and pragmatic about drugs and those who feverishly demonize it on moral grounds. The popularity of this film and the fame of this scene represent a palpable divide between the aims of the federal government in eradicating drugs and the common sense of the American people.

Nixon then ends his message to Congress with a final plea for their support.

These then are the first ten steps in the national effort against narcotic marijuana and other dangerous drug abuse. Many steps are already underway. Many will depend upon the support of the Congress. I am asking, with this message, that you act swiftly and favorably on the legislative proposals that will soon be forthcoming, along with the budgetary requests required if our efforts are to be successful. I am confident that the Congress shares with me the grave concern over the critical problem, and that Congress will do all that is necessary to mount and continue a new and effective federal program aimed at eradicating this rising sickness in our land.⁹⁹

Nixon is putting moral pressure on the Congress to follow suit with his plan for an expansive federal program to wage a war against drugs. It is in this moment as he ends this pivotal message to Congress that Richard Nixon has most substantially and evidently begun America’s modern war on drugs.

⁹⁸ Thompson, Hunter S. *Fear and Loathing in Las Vegas*. DVD. Directed by Terry Gilliam. Los Angeles, CA: Fear and Loathing LLC, 1998.

⁹⁹ Richard Nixon: “Special Message to the Congress on Control of Narcotics and Dangerous Drugs,” July 14, 1969. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*.

Conclusion

Unfortunately, this country's discussion of "the drug problem" is marked by little clear analysis and much misinformation. Politicians and bureaucrats minimize or entirely ignore the consequences of prohibition. At the other extreme, libertarians call for government to withdraw from regulating intoxicants entirely. The press, meanwhile, does little to illuminate the costs and benefits of the current prohibition or our many other policy options. "We don't cover drug policy, except episodically as a cops and robbers story," says Max Frankel, the recently retired executive editor of *The New York Times*. He calls his paper's coverage of the subject "one of my failures there as an editor, and a failure of newspapers generally."¹⁰⁰

In a war on 'drugs', defining the enemy necessarily involves defining and teaching about morality, ethics, and the good things to be defended. Since the temperance or anti-alcohol campaigns of the 19th century, anti-drug messages, especially those aimed at children and their parents, have had recognisable themes. Currently in the US these anti-drug messages stress, individual responsibility for health and economic success, respect for police, resisting peer-group pressure, the value of God or a higher power in recovering from drug abuse, parents knowing where their children are, sports and exercise as alternatives to drug use, why sports heroes should be drug tested, low grades as evidence of drug use, abstinence as the cause of good grades, and parents setting good examples for their children. Many people * police, politicians, educators, medical authorities, religious leaders* can find some value that can be defended or taught while attacking 'drugs'.¹⁰¹

American drug policy can be linked to countless domestic and international woes. These woes include racial discrimination among domestic law enforcement practices, the galvanization of a racially-segregated class dynamic renegotiated with terms such as "ghettos" and "crackheads," and the disintegration of nations and social structures of which the major drug traffic pipelines wreak their high-powered havoc. The Federal Drug Policy of the United States of America has taken its structure from a flawed document for the last forty years, the Comprehensive Drug Abuse Prevention and Control Act. While the Act originated out of a

¹⁰⁰ Shenk, *Why You Can Hate Drugs*, p. 32

¹⁰¹ Levine, Harry G. "Global Drug Prohibition: its uses and crises." *International Journal of Drug Policy* 14 (2003): 147-48

logical progression of drug legislation and was originally proposed by Lyndon B. Johnson's administration, my claim is that the placement of authority with the Justice Department, putting the job of scheduling into the hands of the Attorney General instead of the Surgeon General was the initial misstep that has consequently plagued the world's drug dynamic since its ratification in 1970.

This step of officially criminalizing drugs and their possession created a division within American citizenry and set the foundation for the marginalization of American addicts. By criminalizing drug dependency, which many academics and policymakers agree should be a public health issue, the Comprehensive Drug Abuse Prevention and Control Act created the environment for a degenerative subculture of dealers and users. This subculture is the main driving force behind a multitude of inexcusable trends both domestic and abroad.

The perpetrator of this crime against the well-being of American society is Richard Nixon. The foundation of Federal drug authority and its connections to an overly-involved, overly-funded justice department was born out of the opportunist election politics of Nixon's 1968 presidential campaign. Richard Nixon's southern strategy, "Law and Order" campaign, and consequent drug legislation has set American politics on a path that few politicians have had the courage to diverge from. Jimmy Carter may be the lone exception as someone willing to utilize executive influence to bring about progressive reforms, which came about tangibly in the form of needle-exchange programs and marijuana-decriminalization initiatives that were mostly wiped out by the Ronald Reagan's administration in the 1980s. Nixon mobilized a new voting majority in the United States in 1968 which laid the foundation for the right-wing republicanism that stands firmly entrenched against the moderate liberal "left-wing" democrats. This partisan

political dynamic has treated drugs and their regulation as a lightning-rod political issue for the past forty years of American history, with ominous racial undertones.

Richard Nixon's election politics and his goal of expanding federal law enforcement budgets preserved many of the race and class dynamics that were on the brink of a meaningful negotiation following the passing of the 1964 Civil Rights and the institution of Lyndon B. Johnson's "Great Society" reforms. Nixon took advantage of a restless and newly marginalized white voting demographic in order to stymie the progress of the 1960s and he renegotiated American class and race dynamics with familiar structures but new more politically correct terms. This thesis points to Richard Nixon's election campaign, as represented by his *Reader's Digest* article, and his inception of the Drug War through "The Comprehensive Drug Abuse Prevention and Control Act" and its subsequent July 14th, 1969 Message to Congress as essential and pivotal moments of American history that still reverberate loudly within 2012 America. The preservation of the urban ghetto and the \$26 billion dollar annual federal drug budget are loud reminders of Richard Nixon's continued presence in American society.

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<<http://www.globalpost.com/dispatches/globalpost-blogs/que-pasa/legalization-debate-first-pot-now-coke>>.

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