

PART ONE

Background

Prohibition will work great injury to the cause of temperance. It is a species of intemperance within itself, for it goes beyond the bounds of reason in that it attempts to control a man's appetite by legislation, and makes a crime out of things that are not crimes. A prohibition law strikes a blow at the very principles upon which our government was founded.

Abraham Lincoln
Speech in the Illinois House of Representatives,
December 18, 1840

Prohibition may be a disputed theory, but none can complain that it doesn't hold water.

Thomas L. Masson
Little Masterpieces of American Wit and Humor
1922

American Drug Policy: The Continuing Debate

James A. Inciardi

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Concern over the use and abuse of illegal drugs remained critical throughout the 1990s. In fact, regardless of political affiliation and ideology, socioeconomic status and ethnicity, or geographical location and occupational status, most Americans continued to rank "drugs" among the major problems facing the nation for three reasons. The first was *crack*-cocaine and its relation to crime. Although both the use of crack and rates of violent crime had declined somewhat by the middle of the decade, the linkages between "drugs and crime" had long since become fixed in the mind of America. This was exacerbated by a continuing flow of media stories about drug abuse and the escalating numbers of drug-involved offenders coming to the attention of the police, courts, and prisons.

The second issue was the movement of heroin from the inner city to mainstream culture, and in particular, the increased visibility of heroin in popular culture. A number of celebrated rock groups were linked to heroin use, through a member's overdose, arrest, or

admission to treatment—Smashing Pumpkins, Red Hot Chili Peppers, and Nirvana to name but a few. Hollywood also played on heroin's popularity in *Trainspotting*, *Pulp Fiction*, and *Basketball Diaries*. There was the fashion industry's promotion of "heroin chic" images in magazines and on television and billboards. And then there was the death of actor River Phoenix from an overdose of heroin (in combination with cocaine and GHB).

Perhaps the most notable issue that kept drugs in the minds of the American population was the rise in drug use among the nation's youth. In 1993, data from the University of Michigan's annual *Monitoring the Future* study found significant increases in the use of certain drugs among high school seniors, 10th graders, and 8th graders. The use of marijuana in the previous year for all three groups had increased, as did the use of cigarettes in the previous 30 days. Other significant increases included inhalant use among 8th graders, LSD use among seniors, and stimulant use among seniors and 10th graders (Johnston, O'Malley, & Bachman, 1996). In the years hence, the *Monitoring the Future* study documented continuing increases in drug use among youths (Johnson et al., 1996; University of Michigan, 1997). Other national survey data reflected similar trends (Centers for Disease Control [CDC], 1998; Department of Health and Human Services [DHHS], 1998), and regional surveys of adolescent drug use tended to parallel the national trends (see Martin et al., 1997; Terry & Pellens, 1998).

Throughout the 1990s, furthermore, both politicians and the public at large examined American drug policy, pondered its problematic effectiveness, and considered alternatives. New "solutions" were advocated, ranging from mandatory treatment for *all* drug-involved offenders and massive funding for anti-drug media messages, to legalizing some or all drugs of abuse. Within the context of these concerns, assessments, and proposals, it is the intention of this opening commentary to briefly review the American drug experience and to present the backdrop for the modern drug legalization debate.

THE AMERICAN DRUG EXPERIENCE

Drug abuse in the United States evolved within the broader context of the historical relationship between people and the psychoactive organic compounds in their immediate environments. Historians and archaeologists have noted that the use of alcohol is, for the most part, a human cultural universal. The chewing of coca and other psychoactive plants has existed in many societies for millennia. Marijuana and the opium poppy are indigenous to several regions of the world and have been used as intoxicants and in rituals likely since prehistoric times. The explosion of world trade following the European discovery of America brought local psychoactive plants—from tobacco and marijuana to coca and the opium poppy, and related techniques of distillation, refining, and crossbreeding—to the attention of world consumers. The American drug experience emerged, evolved, and endured within the framework of this worldwide trafficking of what was originally local psychopharmacological plants (see Courtwright, 1982; Inciardi, 1986, pp. 1–47; Terry & Pellens, 1928, pp. 53–60).

It began with the widespread use of opium in home remedies and over-the-counter patent medicines during the latter part of the 18th century, followed by the discovery of morphine, cocaine, heroin, and hypodermic needles during the ensuing 100-year period. By 1905 there were more than 28,000 pharmaceuticals containing psychoactive drugs readily available throughout the nation, sold in an unrestricted manner by physicians, over-the-counter from apothecaries, grocers, postmasters, and printers, from the tailgates of medicine show wagons as they traveled throughout rural and urban America, and through the mail by newspaper advertisements and catalog sales (Young, 1961, pp. 19–23). Although little data are available as to the number of people dependent on opiates and cocaine during these years, estimates of the addict population at the close of the 19th century ranged as high as 3 million (Morgan, 1974; Terry & Pellens,

1928, pp. 1–20). Regardless of the accuracy of the estimates, addiction had become so visible and widespread that the medical community, the media, and the public at large called for government restrictions on the availability of drugs.

With the passage of state and local anti-drug statutes at the turn of the 20th century, the Pure Food and Drug Act in 1906, the Harrison Narcotic Act in 1914, and subsequent federal and state legislation, combined with the social and economic upheavals of the Great Depression and World War II, as the United States approached mid-century, drug abuse had significantly receded. During the postwar era of expanded world trade, economic growth, and increased urbanization, however, the drug problem grew apace. In the 1950s, heroin addiction emerged in the inner cities at epidemic levels, particularly among youths. In the 1960s, drug abuse expanded from the cities to suburbia. As part of the social revolution of the decade, adolescents and young adults began to tune in, turn on, and drop out through a whole new catalog of drugs—marijuana, hashish, and LSD, plus newly synthesized prescription analgesics, stimulants, and sedatives. By the 1970s, the psychedelic revolution of the previous decade had run its course, but the heroin epidemic had endured, marijuana consumption continued to increase, cocaine reentered the drug scene after its half-century sojourn in the netherworlds of vice and the avant-garde, and Quaaludes and PCP became prominent as the new drugs of the moment. In the 1980s, most of the old drugs remained prominent, while new entries—designer drugs, ecstasy, and crack—staked out positions. In the 1990s, as noted above, heroin reemerged as the popularity of *crack*-cocaine faltered. At the same time, the use of *powder*-cocaine and other illegal drugs endured, and marijuana and tobacco use increased among youths.

AMERICA'S "WAR ON DRUGS"

Since the passage of the Harrison Act in 1914, the federal approach to drug abuse control has included a variety of avenues for reducing both the supply of, and the demand for, illicit drugs. At first, the supply-and-demand reduction strategies were grounded in the classic deterrence model: Through legislation and criminal penalties, individuals would be discouraged from using drugs; by setting an example of traffickers, the government could force potential dealers to seek out other economic pursuits. In time, other components were added: treatment for the user, education and prevention for the would-be user, and research to determine how best to develop and implement plans for enforcement, treatment, education, and prevention.

By the early 1970s, when it appeared that the war on drugs was winning few, if any, battles, new avenues for supply and demand reduction were added. There were the federal interdiction initiatives: Coast Guard, Customs, and Drug Enforcement Administration (DEA) operatives were charged with intercepting drug shipments coming to the United States from foreign ports; in the international sector, there were attempts to eradicate drug-yielding crops at their source. The foreign assistance initiatives also included crop substitution programs and training of Latin American military groups to fight the drug war on their local soil. On the surface, however, none of these strategies seemed to have much effect, and illicit drug use continued to spread.

The problems were many. Legislation and enforcement alone were not enough, and many education programs were of the "scare" variety and quickly lost credibility. Drug abuse treatment was available but not at the level that was needed, and during the 1980s the number of existing treatment slots was drastically reduced. The federal response was, for the most part, a more concerted assault on drugs, both legislative and technological.

By 1988, it had long since been decided by numerous observers

that the 74 years of federal prohibition since the passage of the Harrison Act were not only a costly and abject failure but a totally doomed effort as well. It was argued that drug laws and drug enforcement had served mainly to create enormous profits for drug dealers and traffickers, overcrowded jails, police and other government corruption, a distorted foreign policy, predatory street crime carried on by users in search of the funds necessary to purchase black market drugs, and urban areas harassed by street-level drug dealers and terrorized by violent street gangs (McBride, Burgman-Habermehl, Alpert, & Chitwood, 1986; Rosenbaum, 1987; Trebach, 1987; Wisotsky, 1986).

THE DRUG LEGALIZATION DEBATE

Discussions about legalizing drugs in the United States go back to the early decades of the 20th century. The contemporary debate over the legalization of drugs, however, emerged in 1988. It began at a meeting of the U.S. Conference of Mayors when Baltimore's Kurt L. Schmoke called for a national debate on American drug control strategies and the potential benefits of legalizing marijuana, heroin, cocaine, crack, and other illicit substances. Schmoke's argument was that for generations the United States had been pursuing policies of prosecution and repression that resulted in little more than overcrowded courts and prisons, increased profits for drug traffickers, and higher rates of addiction (Schmoke, 1989).

The drug legalization debate received considerable attention in 1988 and 1989. Media coverage was extensive, and discussions of the futility of the "drug war" became widespread in many academic circles. In the 1990s, however, the tenor of the drug debate began to change. A number of the more "hard core" legalizers softened their positions somewhat, advocating a "harm reduction" approach in favor of legalization. At the same time, many of those on the other side of

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the debate continued to oppose legalizing drugs but began to accept several aspects of the harm-reduction approach.

REFERENCES

- Centers for Disease Control. (1998). *Tobacco use among U.S. racial/ethnic minority groups*. Available at <http://www.cdc.gov/nccdphp/osh/sgr-min-fs-afr.htm>.
- Courtwright, D. T. (1982). *Dark paradise: Opiate addiction in America before 1940*. Cambridge, MA: Harvard University Press.
- Department of Health and Human Services. (1998, August 21). *Annual national drug survey results released: Overall drug use is level, but youth drug increase persists*. Press release: <http://www.health.org/pubs/nhsda/97hhs/nhs97rel.htm>.
- Inciardi, J. A. (1986). *The war on drugs: Heroin, cocaine, crime, and public policy*. Palo Alto, CA: Mayfield.
- Inciardi, J. A., & Harrison, L. D. (in press). *Harm reduction: National and international perspectives*. Thousand Oaks, CA: Sage.
- Johnston, L. D., O'Malley, P. M., & Bachman, J. G. (1996, December 19). *Monitoring the future*. News release, Ann Arbor, University of Michigan.
- Martin, S. S., Enev, T. E., Peralta, R. L., Purcell, C. L., Logio, K. A., & Murphy, R. G. (1997). *Alcohol, tobacco, and other drug abuse among Delaware students*. Report to the Delaware Prevention Coalition, University of Delaware.
- McBride, D. C., Burgman-Habermehl, C., Alpert, J., & Chitwood, D. D. (1986). Drugs and homicide. *Bulletin of the New York Academy of Medicine*, 62, 487–508.
- Morgan, H. W. (1974). *Yesterday's addicts: American society and drug abuse*. Norman: University of Oklahoma Press.
- Rosenbaum, R. (1987, February 15). Crack murder: A detective story. *New York Times Magazine*, pp. 24–33, 57, 60.
- Schmoke, K. L. (1989). Foreword. *American Behavioral Scientist*, 32(3), 231–232.
- Terry, C. E., & Pellens, M. (1928). *The opium problem*. New York: Bureau of Social Hygiene.
- Trebach, A. S. (1987). *The great drug war*. New York: Macmillan.
- University of Michigan News and Information Services. (1997, December 20). *Drug use among American teens shows some signs of leveling after a long rise*. Press release.

- Wisotsky, S. (1986). *Breaking the impasse in the war on drugs*. Westport, CT: Greenwood.
- Young, J. H. (1961). *The toadstool millionaires: A social history of patent medicines in America before federal regulation*. Princeton, NJ: Princeton University Press.

Drug Laws and Law Enforcement

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Law enforcement in the United States operates under significant constitutional constraints, generally referred to as *due process*—literally meaning the process that is due a person before something disadvantageous can be done to him or her. Due process restrains government from arbitrarily depriving a person of life, liberty, or property. There is an inherent tension between society's desire for security and safety and the value we place on liberty [this tension will be explored throughout this volume]. . . .

The legal foundation for federal drug-law violations is Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended (usually referred to as the Controlled Substances Act [CSA]). Among the provisions of the CSA is a set of criteria for placing a substance in one of five schedules (see Box 1.1). Following the federal model, most states have established the five schedule system, but many have chosen to reclassify particular substances within those five schedules. Variation also exists in the number of schedules employed by the states (North Carolina, for example, uses six). Massachusetts categorizes drugs based on the penalty rather than the federal scheme of potential for abuse and medical use. Like federal law, state statutes refer to the drug involved (e.g., cocaine or heroin), the

action involved (simple possession, possession with the intent to sell, sale, distribution, or trafficking), and the number of prior offenses. And across states there is significant variation in the penalties for cocaine, marijuana, methamphetamine, and ecstasy-related offenses.

Persons involved in the illegal drug business can be arrested and prosecuted for a number of different offenses: manufacture, importation, distribution, possession, sale; or conspiracy to manufacture, import, distribute, possess, or sell; or failure to pay the required income taxes on illegal income. Possession of drugs may be *actual*—for example, actually on the person, in pockets or in a package that he or she is holding; or *constructive*—not actually on the person, but under his or her control, directly or through other persons. Possession must be proven by a legal search, which usually requires a search warrant as per the Fourth Amendment (an important exception is at ports of entry). A search warrant requires the establishment of probable cause—providing a judge with sufficient evidence of a crime to justify a warrant. Federal trafficking penalties are shown in Box 1.2 and Box 1.3. . . .

Box 1.1 Schedule of Controlled Substances

Schedule I

- A. The drug or other substance has a high potential for abuse.
- B. The drug or other substance has no currently accepted medical use in treatment in the United States.
- C. There is a lack of accepted safety for use of the drug or other substance under medical supervision.

Schedule II

- A. The drug or other substance has a high potential for abuse.
- B. The drug or other substance has a currently accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions.
- C. Abuse of the drug or other substance may lead to severe psychological or physical dependency.

Schedule III

- A. The drug or other substance has a potential for abuse less than the drugs or other substances in Schedules I and II.
- B. The drug or other substance has a currently accepted medical use in treatment in the United States.
- C. Abuse of the drug or other substance may lead to moderate or low physical dependence or high psychological dependence.

Schedule IV

- A. The drug or other substance has a low potential for abuse relative to the drugs or other substance in schedule III.
- B. The drug or other substance has a currently accepted medical use in treatment in the United States.
- C. Abuse of the drug or other substance may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in schedule III.

Schedule V

- A. The drug or other substance has a low potential for abuse relative to the drugs or other substance in schedule IV.
- B. The drug or other substance has a currently accepted medical use in treatment in the United States.
- C. Abuse of the drug or other substance may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule IV.

Source: Drug Enforcement Administration, U.S. Department of Justice.

Box 1.2 Federal Trafficking Penalties

Drug/Schedule	Quantity	Penalties	Quantity	Penalties
Cocaine (Schedule II)	500–4999 g	First Offense: Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$2 million if an individual, \$5 million if not an individual.	5 kg or more	First Offense: Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$4 million if an individual, \$10 million if not an individual.
Cocaine Base (Schedule II)	5–49 g mixture		50 g or more mixture	
Fentanyl (Schedule II)	40–399 g mixture		400 g or more mixture	
Fentanyl Analogue (Schedule I)	10–99 g mixture		100 g or more mixture	
Heroin (Schedule I)	100–999 g mixture		1 kg or more mixture	Second Offense: Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment.
LSD (Schedule I)	1–9 g mixture	Second Offense: Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment.	10 g or more mixture	
Methamphetamine (Schedule II)	5–49 g pure or 50–499 g mixture		50 g or more pure or 500 g or more mixture	Fine of not more than \$8 million if an individual, \$20 million if not an individual.
PCP (Schedule II)	10–99 g pure or 100–999 g mixture		100 g or more pure or 1 kg or more mixture	2 or More Prior Offenses: Life imprisonment

Drug/Schedule	Quantity	Penalties
Other Schedule I & II drugs Flunitrazepam (Schedule IV)	Any amount 1 g or more	<p><i>First Offense:</i> Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than life. Fine \$1 million if an individual, \$5 million if not an individual.</p> <p><i>Second Offense:</i> Not more than 30 yrs. If death or serious injury, not less than life. Fine \$2 million if an individual, \$10 million if not an individual.</p>
Other Schedule III drugs Flunitrazepam (Schedule IV)	Any amount 30 to 999 mg	<p><i>First Offense:</i> Not more than 5 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p> <p><i>Second Offense:</i> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual.</p>
All other Schedule IV drugs Flunitrazepam (Schedule IV)	Any amount Less than 30 mg	<p><i>First Offense:</i> Not more than 3 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p> <p><i>Second Offense:</i> Not more than 6 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual.</p>
All Schedule V drugs	Any amount	<p><i>First Offense:</i> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p><i>Second Offense:</i> Not more than 2 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>

Source: Drug Enforcement Administration, U.S. Department of Justice.

Box 1.3 Federal Trafficking Penalties—Marijuana

<i>Drug</i>	<i>Quantity</i>	<i>First Offense</i>	<i>Second Offense</i>
Marijuana	1,000 kg or more mixture; or 1,000 or more plants	<ul style="list-style-type: none"> • Not less than 10 years, not more than life • If death or serious injury, not less than 20 years, not more than life • Fine not more than \$4 million if an individual, \$10 million if other than an individual 	<ul style="list-style-type: none"> • Not less than 20 years, not more than life • If death or serious injury, mandatory life • Fine not more than \$8 million if an individual, \$20 million if other than an individual
Marijuana	100 kg to 999 kg mixture; or 100 to 999 plants	<ul style="list-style-type: none"> • Not less than 5 years, not more than 40 years • If death or serious injury, not less than 20 years, not more than life • Fine not more than \$2 million if an individual, \$5 million if other than an individual 	<ul style="list-style-type: none"> • Not less than 10 years, not more than life • If death or serious injury, mandatory life • Fine not more than \$4 million if an individual, \$10 million if other than an individual
Marijuana	More than 10 kg hashish; 50 to 99 kg mixture More than 1 kg of hashish oil; 50 to 99 plants	<ul style="list-style-type: none"> • Not less than 20 years • If death or serious injury, not less than 20 years, not more than life • Fine \$1 million if an individual, \$5 million if other than an individual 	<ul style="list-style-type: none"> • Not less than 30 years • If death or serious injury, mandatory life • Fine \$2 million if an individual, \$10 million if other than an individual
Marijuana	1 to 49 plants; less than 50 kg mixture	<ul style="list-style-type: none"> • Not more than 5 years • Fine not more than \$250,000, \$1 million if other than an individual 	<ul style="list-style-type: none"> • Not more than 10 years • Fine \$500,000 if an individual, \$2 million if other than an individual
Hashish	10 kg or less		
Hashish Oil	1 kg or less		

Source: Drug Enforcement Administration, U.S. Department of Justice.

Thirty Years of America's Drug War: A Chronology

Frontline—Public Broadcasting Service

Available online at <http://www.pbs.org/wgbh/pages/frontline/shows/drugs/cron/>.

- 1960s *Recreational drug use rises in United States.* In the late 1960s recreational drug use becomes fashionable among young, white, middle-class Americans. The social stigmatization previously associated with drugs lessens as their use becomes more mainstream. Drug use becomes representative of protest and social rebellion in the era's atmosphere of political unrest.
- 1968 *Bureau of Narcotics and Dangerous Drugs is founded.* The Johnson administration consolidates several drug agencies into the Justice Dept.'s Bureau of Narcotics and Dangerous Drugs (BNDD). The move is intended to diminish turf wars between the various agencies, but tensions between the BNDD and Customs continue.
- 1969 *Study links crime and heroin addiction.* Psychiatrist Dr. Robert DuPont conducts urinalysis of everyone entering the D.C. jail system in August of 1969. He finds 44 percent test positive for heroin. DuPont convinces the city's Mayor Walter Washington to allow him to provide methadone to heroin addicts.
- 1969 (Sept. 21) *Operation Intercept essentially closes the Mexican border.* In an attempt to reduce marijuana smuggling from Mexico, the Customs Dept., under Commissioner Myles Ambrose, subjects every vehicle crossing the Mexican border to a three-minute inspection. The operation lasts two weeks and wreaks economic havoc on both sides of the border. Mexico agrees to more aggressively attack mari-

juana trade, but the operation didn't seriously impact the flow of marijuana into the United States.

- 1970 *NORML is founded.* The National Organization for the Reform of Marijuana Laws (NORML) is founded by Keith Stroup. The group lobbies for decriminalization of marijuana.
- 1970 *Narcotics Treatment Administration is founded.* The Nixon administration provides funds to allow Dr. Robert DuPont to expand his methadone program in Washington, D.C. The program is controversial because some believe methadone to be nothing more than a substitute for heroin, and others feel there are racial undertones behind the effort. However, one year after the program begins, burglaries in D.C. decrease by 41 percent.
- 1970 (October 27) *Congress passes the Comprehensive Drug Abuse Prevention and Control Act.* This law consolidates previous drug laws and reduces penalties for marijuana possession. It also strengthens law enforcement by allowing police to conduct "no-knock" searches. This act includes the Controlled Substances Act, which establishes five categories ("schedules") for regulating drugs based on their medicinal value and potential for addiction.
- 1971 (May) *Soldiers in Vietnam develop heroin addiction.* Congressmen Robert Steele (R-CT) and Morgan Murphy (D-IL) release an explosive report on the growing heroin epidemic among U.S. servicemen in Vietnam.
- 1971 (June 17) *Nixon declares war on drugs.* At a press conference Nixon names drug abuse as "public enemy number one in the United States." He announces the creation of the Special Action Office for Drug Abuse Prevention (SAODAP), to be headed by Dr. Jerome Jaffe, a leading methadone treatment specialist. During the Nixon era, for the only time in the history of the war on drugs, the majority of funding goes towards treatment, rather than law enforcement.
- 1971 (September) *Operation Golden Flow goes into effect in order to attack habits of U.S. servicemen.* In June 1971, the U.S. military announces they will begin urinalysis of all returning servicemen. The program goes into effect in September and the results are favorable: only 4.5 percent of the soldiers test positive for heroin.

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- 1972 (January) *The Office of Drug Abuse Law Enforcement is founded.* The Nixon Administration creates the Office of Drug Abuse Law Enforcement (ODALE) to establish joint federal/local task forces to fight the drug trade at the street level. Myles Ambrose is appointed director.
- 1972 *The French Connection is broken up.* U.S. and French law enforcement initiate a series of successful busts of the “French Connection,” a Marseilles-based heroin industry controlled by Corsican gangsters and the U.S. Mafia. The results are soon evident in a heroin shortage on the U.S. East Coast.
- 1973 (July) *The Drug Enforcement Administration is established.* President Nixon sets up this “super agency” to handle all aspects of the drug problem. The DEA consolidates agents from the BNDD, Customs, the CIA and ODALE. The administrator of the new agency is John R. Bartels.
- 1974 (August 9) *President Nixon resigns.* The new Ford administration is preoccupied with inflation, jobs and an energy crisis. The DEA remains the legacy of Nixon’s war on drugs.
- 1975 (September) *Ford administration releases White Paper on Drug Abuse.* The Domestic Council Drug Abuse Task Force releases a report that recommends that “priority in Federal efforts in both supply and demand reduction be directed toward those drugs which inherently pose a greater risk to the individual and to society.” The White Paper names marijuana a “low priority drug” in contrast to heroin, amphetamines and mixed barbiturates.
- 1975 (November 22) *Large cocaine seizure indicates significant growth of cocaine trade.* Colombian police seize 600 kilos of cocaine from a small plane at the Cali airport—the largest cocaine seizure to date. In response, drug traffickers begin a vendetta—“Medellin Massacre.” Forty people die in Medellin on one weekend. This event signals the new power of Colombia’s cocaine industry, headquartered in Medellin.
- 1976 *Carter campaigns on the decriminalization of marijuana.* Noting that several states had already decriminalized marijuana, Jimmy Carter campaigns in favor of relinquishing federal criminal penalties for

possession of up to one ounce of marijuana. Carter's drug czar, Dr. Peter Bourne, does not view marijuana, or even cocaine, as a serious public health threat.

- 1976 (August) *Anti-drug parents' movement begins.* Troubled by the presence of marijuana at her 13-year-old daughter's birthday party, Keith Schuchard and her neighbor Sue Rusche form Families in Action, the first parents' organization designed to fight teenage drug abuse. Schuchard writes a letter to Dr. Robert DuPont, then head of the National Institute of Drug Abuse, which leads DuPont to abandon his support for decriminalization.
- 1977 *Media glamorizes cocaine use.* A May 30, 1977, *Newsweek* story on cocaine is later accused to have glamorized the drug's effects and underestimated its dangers. The story reports that "Among hostesses in the smart sets of Los Angeles and New York, a little cocaine, like Dom Perignon and Beluga caviar, is now de rigueur at dinners. Some partygivers pass it around along with the canapés on silver trays . . . the user experiences a feeling of potency, of confidence, of energy."
- 1978 *Asset forfeiture introduced.* The Comprehensive Drug Abuse Prevention and Control Act is amended. It now allows law enforcement to seize all money and/or "other things of value furnished or intended to be furnished by any person in exchange for a controlled substance [and] all proceeds traceable to such an exchange."
- 1979 *Carlos Lehder purchases property on Norman's Cay.* Carlos Lehder, a key member of the alliance that would become the Medellin cartel, revolutionizes the cocaine trade with his purchase of 165 acres on the Bahamian island of Norman's Cay. Lehder is the first to use small planes for transporting the drug. He uses the island as a hub for planes to refuel between Colombia and the United States.
- 1979 (July 11) *Cocaine trade becomes increasingly violent.* A deadly shootout between Colombian traffickers in broad daylight at Miami's Dadeland Mall brings the savagery of the Colombian cocaine lords to the attention of U.S. law enforcement.
- 1981 *Rise of Medellin cartel.* The alliance between the Ochoa family, Pablo Escobar, Carlos Lehder and Jose Gonzalo Rodriguez Gacha strengthens into what will become known as the "Medellin cartel."

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The traffickers cooperate in the manufacturing, distribution and marketing of their cocaine. The kidnapping of Marta Ochoa by Colombian guerrillas consolidates the alliance. The traffickers form a group named MAS, a Spanish acronym for "Death to Kidnappers," announcing the imminent execution of any guerrilla kidnappers. Marta Ochoa is released without harm several months later.

- 1981 *U.S.-Colombia extradition treaty ratified.* The United States and Colombia ratify a bilateral extradition treaty, which they had previously approved in 1979. When Reagan assumes office and prioritizes the war on drugs, extradition becomes the greatest fear of the Colombian traffickers.
- 1982 *Downfall of Norman's Cay.* In response to U.S. pressure, the Bahamian government begins to crack down on Carlos Lehder's operation on Norman's Cay. Lehder moves his residence from the island in 1982, but operations continue for another year.
- 1982 *Deal between Escobar and Noriega allows cocaine transport through Panama.* Panamanian general Manuel Noriega and Pablo Escobar cut a deal which allows Escobar to ship cocaine through Panama for \$100,000 per load. The two had met in 1981 when Noriega mediated negotiations for the release of Marta Ochoa.
- 1982 (January 28) *South Florida Drug Task Force is formed.* Outraged by the drug trade's increasing violence in their city, Miami citizens lobby the federal government for help. Reagan responds by creating a cabinet-level task force, the Vice President's Task Force on South Florida. Headed by George Bush, it combines agents from the DEA, Customs, FBI, ATF, IRS, Army and Navy to mobilize against drug traffickers. Reagan later creates several other regional task forces throughout the United States.
- 1982 (March) *Pablo Escobar is elected to the Colombian Congress.* Escobar cultivates an image of "Robin Hood" by building low-income housing, handing out money in Medellin slums and appearing throughout the city accompanied by Catholic priests. Escobar is elected an alternate representative from Envigado, but he's driven out of Congress in 1983 by Colombia's crusading Minister of Justice, Rodrigo Lara Bonilla.

- 1982 (March 9) *Largest cocaine seizure ever raises U.S. awareness of Medellín cartel.* The seizure of 3,906 pounds of cocaine, valued at over \$100 million wholesale, from a Miami International Airport hangar permanently alters U.S. law enforcement's approach towards the drug trade. They realize Colombian traffickers must be working together because no single trafficker could be behind a shipment this large.
- 1984 *Nancy Reagan's "Just Say No" Movement begins.* Nancy Reagan's "Just Say No" anti-drug campaign becomes a centerpiece of the Reagan administration's anti-drug campaign. The movement focuses on white, middle-class children and is funded by corporate and private donations.
- 1984 (March 10) *Tranquilandia bust.* By tracking the illegal sale of massive amounts of ether to Colombia, the DEA and Colombian police discover Tranquilandia, a laboratory operation deep in the Colombian jungle. In the subsequent bust, law enforcement officials destroy 14 laboratory complexes, which contain 13.8 metric tons of cocaine, 7 airplanes, and 11,800 drums of chemicals, conservatively estimated at \$1.2 billion. This bust confirms the consolidation of the Medellín cartel's manufacturing operation.
- 1984 (April 30) *Assassination of the Colombian attorney general fuels the extradition controversy.* Colombian Minister of Justice Rodrigo Lara Bonilla, who had crusaded against the Medellín cartel, is assassinated by a gang of motorcycle thugs. President Belisario Betancur, who opposed extradition, announces "We will extradite Colombians." Carlos Lehder is the first to be put on the list. The crackdown forces the Ochoas, Escobar and Rodriguez Gacha to flee to Panama for several months. A few months later, Escobar is indicted for Lara Bonilla's murder and names the Ochoas and Rodriguez Gacha as material witnesses.
- 1984 (July 17) *The Drug War and Cold War collide.* The *Washington Times* runs a story which details DEA informant Barry Seal's successful infiltration into the Medellín cartel's operations in Panama. The story was leaked by Oliver North to show the Nicaraguan Sandinistas' involvement in the drug trade. Ten days later, Carlos Lehder, Pablo Escobar, Jorge Ochoa and Jose Gonzalo Rodriguez Gacha are indicted by a Miami federal grand jury based on evidence

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obtained by Seal. In February 1986, Seal is assassinated in Baton Rouge by gunmen hired by the cartel.

- 1984 (Fall) *Cartel returns to Medellin.* Escobar, Gacha, Juan David and Fabio Ochoa are all spotted in Medellin, signaling the end of the government crackdown. The cartel begins to regain its command over the city.
- 1984 (November 6) *"Bust of the Century" in Mexico.* The DEA and Mexican officials raid a large marijuana cultivation and processing complex in the Chihuahua desert owned by kingpin Rafael Caro Quintero. Seven thousand campesinos work at the complex, where between 5000 and 10,000 tons of high-grade marijuana worth \$2.5 billion is found and destroyed. *Time* magazine calls this "the bust of the century" and it reveals the existence of Mexico's sophisticated marijuana smuggling industry.
- 1984 (November 15) *Jorge Ochoa is arrested in Spain.* Spanish police arrest Jorge Ochoa on a U.S. warrant and both the U.S. and Colombia apply for his extradition. The Medellin cartel publicly threatens to murder 5 Americans for every Colombian extradition. The Spanish courts ultimately rule in favor of Colombia's request and Ochoa is deported. He serves a month in jail on charges of bull-smuggling before he is paroled.
- 1985 (January 5) *Colombia extradites first traffickers to the United States.* Colombia extradites four drug traffickers to Miami. Within days, the United States becomes aware of a Medellin cartel "hit list" which includes embassy members, their families, U.S. businessmen and journalists.
- mid-1980s *Cocaine transport routes move into Mexico.* Because of the South Florida Drug Task Force's successful crackdown on drugs, traffickers turn to Mexican marijuana smugglers to move cocaine across the 2000-mile U.S.-Mexican border. By the mid-1980s it becomes the major transportation route for cocaine into the United States.
- 1985 (February) *DEA agent Enrique Camarena is kidnapped and murdered in Mexico.* Camarena's disappearance spotlights the pervasive drug corruption in Mexican law enforcement. The Mexicans' lack of cooperation leads Commissioner of Customs William Von Raab to order

a six-day Operation Intercept–style crackdown on the Mexican border. Camarena's body is found within a week of the border closing, but evidence of a coverup by Mexican officials is clear.

- 1985 (July 23) *Colombian Superior Court Judge is assassinated.* Bogota Superior Court Judge Tulio Manuel Castro Gil, who had indicted Escobar for the murder of Lara Bonilla, is assassinated as he climbs into a taxi. Throughout 1985 judicial harassment and intimidation becomes commonplace in Colombia.
- 1985 (November 6) *Attack on Colombian Supreme Court.* Upping the ante in the battle against extradition, guerrillas linked to the Medellin cartel attack the Colombian Palace of Justice. At least 95 people are killed in the 26-hour siege, including 11 Supreme Court justices. Many court documents, including all pending extradition requests, are destroyed by fire.
- 1985 *Crack explodes in New York.* Crack, a potent form of smokeable cocaine developed in the early 1980s, begins to flourish in the New York region. A November 1985 *New York Times* cover story brings the drug to national attention. Crack is cheap and powerfully addictive and it devastates inner-city neighborhoods.
- 1986 (June 19) *Death of Len Bias.* The death of promising college basketball star Len Bias from a cocaine overdose stuns the nation. Ensuing media reports highlight the health risks of cocaine; drugs become a hot political issue.
- 1986 (October 27) *Reagan signs The Anti-Drug Abuse Act of 1986.* Reagan signs an enormous omnibus drug bill, which appropriates \$1.7 billion to fight the drug crisis. \$97 million is allocated to build new prisons, \$200 million for drug education and \$241 million for treatment. The bill's most consequential action is the creation of mandatory minimum penalties for drug offenses. Possession of at least one kilogram of heroin or five kilograms of cocaine is punishable by at least ten years in prison. In response to the crack epidemic, the sale of five grams of the drug leads to a mandatory five-year sentence. Mandatory minimums become increasingly criticized over the years for promoting significant racial disparities in the prison population, because of the differences in sentencing for crack vs. powder cocaine.

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- 1986 (November 18) *United States indicts the Medellin cartel leaders.* A U.S. federal grand jury in Miami releases the indictment of the Ochoas, Pablo Escobar, Carlos Lehder and Jose Gonzalo Rodriguez Gacha under the RICO statute. The indictment names the Medellin cartel as the largest cocaine smuggling organization in the world.
- 1986 (December 17) *Murder of newspaperman outrages Colombian press.* Guillermo Cano Isaza, editor-in-chief of *El Espectador*, is assassinated while driving home from work. Cano frequently wrote in favor of stiffer penalties for drug traffickers. His murder leads to a national outrage comparable to the assassination of Lara Bonilla, and a subsequent government crackdown on traffickers.
- 1987 (February 3) *Carlos Lehder is captured and extradited.* Carlos Lehder is captured by the Colombian National Police at a safe house owned by Pablo Escobar in the mountains outside of Medellin. He is extradited to the United States the next day. On May 19, 1988, Lehder is convicted of drug smuggling and sentenced to life in prison without parole, plus an additional 135 years.
- 1987 (June 25) *Colombia annuls extradition treaty.* On May 28, the Colombian Supreme Court, having endured a barrage of personal threats from the traffickers, rules by a vote of 13 to 12 to annul the extradition treaty with the United States.
- 1987 (November 21) *Jorge Ochoa is arrested in Colombia.* Ochoa is held in prison on the bull-smuggling charge for which he was extradited from Spain. Twenty-four hours later a gang of thugs arrive at the house of Juan Gomez Martinez, the editor of Medellin's daily newspaper *El Colombiano*. They present Martinez with a communiqué signed by "The Extraditables," which threatens execution of Colombian political leaders if Ochoa is extradited. On December 30, Ochoa is released under dubious legal circumstances. In January 1988, the murder of Colombian Attorney General Carlos Mauro Hoyos is claimed by the Extraditables.
- 1988 *Carlos Salinas de Gortari is elected president of Mexico.* At a 1988 meeting, President-elect Bush tells President-elect Salinas he must prove to the U.S. Congress that he is cooperating in the drug war—a process called certification. The United States pressures Mexico to

arrest Miguel Angel Felix Gallardo, the drug lord believed to have been responsible for the murder of DEA Agent Enrique Camarena.

- 1988 (February 5) *Noriega indicted in United States.* A federal grand jury in Miami issues an indictment against Panamanian general Manuel Noriega for drug trafficking. Noriega had allowed the Medellin cartel to launder money and build cocaine laboratories in Panama.
- 1989 (Winter) *Office of National Drug Control Policy is created.* President Bush appoints William Bennett to lead the new Office of National Drug Control Policy (ONDCP). As drug 'czar' he campaigns to make drug abuse socially unacceptable, an approach he calls denormalization. Federal spending on treatment and law enforcement increase under Bennett's tenure, but treatment remains less than one-third of the total budget.
- 1988 (July 2) *Murder of Mexican presidential election monitors.* On the eve of the Mexican presidential election between Carlos Salinas and Cuauhtemoc Cardenas, two key Cardenas aides are found shot to death in Mexico City. The two had been responsible for ensuring that the elections would be clean and fair. It is widely believed that Cardenas actually won the election and that vote fraud by the PRI was responsible for Salinas's election.
- 1989 (April 8) *Miguel Angel Felix Gallardo is arrested in Mexico.* Guillermo Gonzalez Calderoni leads a team of federal agents who arrest the drug lord in a residential suburb of Guadalajara. Gallardo is imprisoned on charges relating to Enrique Camarena's kidnapping and murder. His nephews, the Arellano-Felix brothers, inherit part of his drug-trafficking empire.
- 1989 (April 14) *Kerry releases congressional report on Contra-drug connection.* A congressional subcommittee on Narcotics, Law Enforcement and Foreign Policy, chaired by Senator John Kerry (D-MA), finds that U.S. efforts to combat drug trafficking were undermined by the Reagan administration's fear of jeopardizing its objectives in the Nicaraguan civil war. The report concludes that the administration ignored evidence of drug trafficking by the Contras and continued to provide them with aid.

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- 1989 (August 18) *Assassination of Colombian presidential candidate.* Luis Carlos Galan, a presidential candidate who spoke in favor of extradition, is assassinated at a campaign rally near Bogota. That evening, President Virgilio Barco Vargas issues an emergency decree reestablishing the policy of extradition. In response, "the Extraditables" declare all-out war against the Colombian government, and begin bombing/murder campaign that would last until January 1991.
- 1989 (December 15) *Medellin cartel leader is killed.* Jose Gonzalo Rodriguez Gacha is killed by Colombian police in a raid on his ranch in Tolu.
- 1989 (December 20) *United States invades Panama* For 22 days, General Manuel Noriega eludes capture by the U.S. military. After seeking asylum in the Vatican embassy he eventually surrenders to the DEA on January 3, 1990, in Panama and is brought to Miami the next day. On July 10, 1992, Noriega is convicted on eight counts of drug trafficking, money laundering and racketeering, and sentenced to 40 years in federal prison.
- 1990 (January 25) *Bush proposes 50 percent increase in military spending on war on drugs.* President Bush proposes to add an additional \$1.2 billion to the budget for the war on drugs, including a 50 percent increase in military spending.
- 1990 (September) *Ochoa brothers surrender.* Colombian President Cesar Gaviria Trujillo offers the traffickers reduced prison sentences to be served in Colombia, in order to entice them to surrender. All three Ochoa brothers surrender to the Colombian police by January 1991.
- 1991 (June 19) *New Colombian Constitution bans extradition and Escobar surrenders.* In a secret vote, the Colombian assembly votes 51 to 13 to ban extradition in a new Constitution, to take effect July 5. The same day Pablo Escobar surrenders to Colombian police.
- 1991 (November) *Massacre of Mexican Federal Police.* While attempting to stop an air shipment of Colombian cocaine, Mexican Federal Police are killed by Mexican army members, in the pay of the traffickers. Embarrassed, President Salinas orders an investigation, which results in the imprisonment of a Mexican general. He is quietly released several months later.

- 1992 *Carlos Salinas imposes the first written regulations on DEA officers in Mexico.* The regulations limit the number of agents in Mexico, designate certain cities in which they must live, deny the officers diplomatic immunity, require all information to be turned over to Mexican authorities, and prohibit agents to carry weapons.
- 1993 (May 24) *Cardinal assassinated by the Arellano-Felix Organization.* Cardinal Juan Posadas Ocampo, the archbishop of Guadalajara, is assassinated at the Guadalajara airport by San Diego gang members hired by the Arellano-Felix Organization to kill a rival trafficker.
- 1993 (November 17) *NAFTA is passed and signed into law.* President Clinton signs the North American Free Trade Agreement, which results in an enormous increase in legitimate trade across the U.S.-Mexican border. The volume of trade makes it more difficult for U.S. Customs officials to find narcotics hidden within legitimate goods.
- 1993 (December 2) *Pablo Escobar killed.* Pablo Escobar is finally hunted down by the Colombian police with the aid of U.S. technology. The technology could recognize Escobar's voice on a cell phone and give police an estimated location of where he is. They find his safe house and kill Escobar as he attempts to flee with one of his bodyguards.
- 1995 (May) *U.S. Sentencing Commission recommends revising mandatory minimums.* The U.S. Sentencing Commission, which administers federal sentencing guidelines, releases a report that notes the racial disparities in cocaine vs. crack sentencing. The commission proposes reducing the discrepancy, but for the first time in history, Congress overrides their recommendation.
- 1995 (Summer) *Top Cali cartel members arrested.* In a series of arrests during the summer of 1995, five leaders of the Cali cartel are captured. The Cali cartel had become the most powerful drug-trafficking organization in Colombia after the dismantling of the Medellin cartel. By September 1996, all of the Cali kingpins are imprisoned.
- 1996 (February) *Clinton names General Barry McCaffrey as drug czar.* In his State of the Union address, President Clinton nominates Army General Barry McCaffrey, a veteran of Vietnam and Desert Storm, as director of ONDCP. Two days later, the appointment is confirmed by the Senate without debate.

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- 1996 *Ochoas released from prison.* Juan David and Jorge Luis Ochoa are released after serving five-year prison sentences for drug trafficking in July. Later, their younger brother Fabio Ochoa is also released.
- 1997 (September 24) *Ramon Arellano-Felix indicted.* A federal grand jury in San Diego indicts Ramon Arellano-Felix on charges of drug smuggling. The same day, he is added to the FBI's 10 Most Wanted List.
- 1998 (May) *Operation Casablanca.* Operation Casablanca, the largest money-laundering probe in U.S. history, leads to the indictment of 3 Mexican and 4 Venezuelan banks, and 167 individual arrests. Mexico and Venezuela are furious over the undercover operation, which they consider a threat to their national sovereignty. John Hensley oversaw the operation for the U.S. Customs Service.
- 1998 (July) *U.S. and Mexican Attorneys General sign Brownsville Agreement.* As a result of Mexico's anger about U.S. actions in Operation Casablanca, Attorneys General Janet Reno and Jorge Madrazo Cuelar draft the Brownsville Agreement. Both nations pledge to inform each other about sensitive cross-border law enforcement operations.
- 1999 (October 13) *Fabio Ochoa rearrested in Operation Millennium.* In a series of raids named "Operation Millennium," law enforcement agents in Mexico, Colombia and Ecuador arrest 31 for drug trafficking, including Fabio Ochoa. Ochoa is indicted in a Ft. Lauderdale court for importing cocaine into the United States. The United States requests his extradition in December 1999.
- 2000 (May 11) *Indictments against Benjamin and Ramon Arellano-Felix are unsealed.* The Arellano-Felix brothers are charged with 10 counts of drug trafficking, conspiracy, money laundering and aiding and abetting violent crimes. The U.S. State Department offers a \$2 million reward for information leading to their arrest and conviction.
- 2000 (August) *Clinton delivers \$1.3 billion in aid to help Colombia combat drug traffickers.* To assist Colombian president Andres Pastrana's \$7.5 billion *Plan Colombia*, President Clinton delivers \$1.3 billion in U.S. aid to fund 60 combat helicopters and training for the Colombian military, among other initiatives.

[*Ed. note:*]

Events occurring after the publication of the preceding chronology include:

- 2001 John P. Walters is sworn in as the Director of the White House Office of National Drug Control Policy (December 7).
- 2002 President Bush and Mr. Walters release the *National Drug Control Strategy*, which sets aggressive goals of a 10 percent reduction in teen and adult drug use in two years and a 25 percent reduction in teen and adult drug use in five years.