

How the 18:1 Law Makes the War on Drugs Racist

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[Also related: "[Nixon Aide Reportedly Admitted Drug War Was Meant To Target Black People](#)" 'Did we know we were lying about the drugs? Of course we did.']

There is a United States federal [law on the books](#), what I call the "18:1" law, that is, in its effect, as viciously racist* as the old and now thoroughly discredited Jim Crow laws that explicitly discriminated against black people. This law, a key part of the legal framework for the War on Drugs, is one way that the U.S. Government veils its racism so as not to be obvious to the wider general public. Most Americans today wouldn't stand for an explicitly racist Jim Crow-type law. But they tolerate, if they even know about the existence of, the 18:1 law because they don't understand how racist it is. Furthermore, they are influenced by the racist "blacks are innately criminals" stereotype without understanding that

if it were not for racist laws (like 18:1, but also others beyond the scope of this article that are the cause of poverty) then there wouldn't be any supposed "real life evidence" (like the disproportionate numbers of black and Hispanics in prison) for that racist stereotype.

One of the main reasons that blacks and Hispanics are disproportionately in America's prisons is because of the 18:1 law. This is how it works, starting with some important, but little known, background facts, that one can read about in more detail in Carl Hart's book [High Price](#) (the author is an eminent associate professor of neuroscience at Columbia University).

Fact # 1: There are two types of cocaine: powder, which is snorted (*i.e.*, taken into the nose), and crack, which is smoked. These two types of cocaine are chemically identical except for a tiny difference that makes it possible to burn the latter (and hence smoke it) without destroying the active ingredient, which is the same in both types of cocaine.** Snorting or smoking the same

amount, by weight, of either type of cocaine has exactly the same pharmacological effect.

Fact # 2: Poor people can buy crack cocaine a lot easier than powder cocaine because unlike powder, the crack is sold in very tiny, and hence cheap and affordable, amounts.

Fact # 3: When a drug is sold in tiny amounts, it means there must be a lot more drug purchase and sale transactions than when the drug is sold in larger amounts.

Fact # 4: When the amounts of drug per transaction are tiny, the people involved tend to be poor, and the location of the transaction tends to be in the street instead of behind fancy closed doors of well-to-do folks.

Fact # 5: Where there are a lot of illegal transactions on the street, there will be more opportunities for the police to make arrests than where there are fewer transactions behind fancy closed doors.

The result of these facts is that the poorer a cocaine user is, the more likely he or she is to use crack instead of powder and the more likely he or she is to be arrested.

Now it's time to look at:

Fact #6: The amount, by weight, of powder cocaine required to trigger federal criminal penalties is 18 times the amount of crack cocaine required to trigger those penalties (and it used to be 100 times higher).

The result of fact # 6, on top of the previous facts, is that even if the rate of cocaine use by everybody--rich and poor alike--is the same, inevitably the poorest people are not only far more likely to be arrested, they are also far more likely to be convicted of a drug possession crime.

Fact # 7: Blacks and Hispanics are [disproportionately poorer](#) than whites.

The result of fact # 7, on top of the previous ones, is that even if cocaine use is the same in all racial

groups, blacks and Hispanics are far more likely to end up in prison for drug crimes. Dr. Hart reports that, "In Los Angeles--a city of nearly 4 million people--at the peak of the crack epidemic, not a single white person was arrested on federal crack cocaine charges, even though whites in the cities used and sold crack." [pg. 191] "Overwhelmingly, those incarcerated under the federal anticrack laws were black: for example, in 1992, the figure was 91 percent and in 2006 it was 82 percent." [pg. 192]

The facts about the disproportionate number of blacks and Hispanics in prison, as well as the injustice of it all and the way it is a "new Jim Crow," are discussed [online here](#) by Michelle Alexander, the author of *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*.

But the 18:1 law is just the tip of the racist iceberg. The supposed purpose of the War on Drugs is to eliminate the use of addictive drugs because, supposedly, the use of such drugs is the cause of terrible social problems. As Dr. Hart

demonstrates, however, this theory has no scientific basis in fact. All of the social problems blamed on heroin and cocaine existed prior to their use, and are not caused by their use. Only about 15% of habitual cocaine users are addicted in the sense of the drug preventing them from meeting their job and family responsibilities. Blaming social problems on drugs serves as a way for the ruling class to deflect attention from the real cause--poverty*** and unemployment that are an integral part of our capitalist system that is based on, and promotes, extreme economic inequality. It is a way for the ruling class to make people think that blacks and Hispanics are the problem, instead of the plutocracy that rules our nation and keeps it very unequal.

Dr. Hart points to Portugal's way of dealing with drugs as a far more sensible approach (from the point of view, that is, of people who really care about solving social problems rather than from the point of view of a plutocracy that creates

these problems as part of its way of controlling us.) In Portugal, users of illegal drugs "stopped by the police and found to have drugs are given the equivalent of a traffic ticket, rather than being arrested and stigmatized with a criminal record. The ticket requires them to appear before a local panel called (in translation) the Commission for Dissuasion of Drug Addiction, typically consisting of a social worker, a medical professional like a psychologist or psychiatrist, and a lawyer. Note that a police officer is not included. The panel is set up to address a potential health problem. The idea is to encourage users to honestly discuss their drug use with people who will serve as health experts and advisers, not adversaries. The person sits at a table with the panel. If he or she is not thought to have a drug problem, nothing further is usually required, other than payment of a fine. Treatment is recommended for those who are found to have drug problems--and referral for appropriate care is made. Still, treatment attendance is not mandatory. Repeat offenders, however--fewer

than 10 percent of those seen every year--can receive noncriminal punishments like suspension of their driver's license or being banned from a specific neighborhood known for drug sales."

Dr. Hart reports that in Portugal, "The number of drug-induced deaths has dropped, as have overall rates of drug use, especially among young people (15-24 years old). In general, drug use rates in Portugal are similar, or slightly better, than in other European countries... No, it didn't stop all illegal drug use. That would have been an unrealistic expectation. Portuguese continue to get high, just like their contemporaries and all human societies before them. But they don't seem to have the problem of stigmatizing, marginalizing, and incarcerating substantial proportions of their citizens for minor drug violations."

The American ruling class clearly is not concerned about making things better for ordinary people, and the War on Drugs is not about making things better for ordinary people. It

is about fomenting racism as a divide and rule strategy. It is about generating deceitful "evidence" for a racist stereotype in the form of black and Hispanic men thrown in prison and branded criminals for doing what even Barack Obama [admitted](#) to once doing--using cocaine.

The War on Drugs [increased](#) the prison population from 300,000 to 2 million; it targeted black and Hispanic men because they were black or Hispanic, not because they were using or selling drugs more than whites and not because crime was increasing. This was a bi-partisan racist attack. Bill Clinton's "tough on crime" policies increased the prison population more than any other president. "He and the 'New Democrats' championed legislation banning drug felons from public housing (no matter how minor the offense) and denying them basic public benefits, including food stamps, for life. Discrimination in virtually every aspect of political, economic, and social life is now perfectly legal, if you've been labeled a felon."

In U.S. federal prisons [40.5%](#) of prisoners are non-white whereas in the U.S. population only [22.1%](#) of the people are non-white. Linking criminality with being black or Hispanic by reminding the public of the disproportionately black and Hispanic character of prisoners (with all sorts of TV shows among other things) fuels racist fears that in turn allow racist policies to continue.

When the ruling class of a nation wrongfully imprisons people to advance a racist strategy of social control, they need to be removed from power. It is time to start [Thinking about Revolution](#).

* The deliberateness of the racist effect [is made clear here](#).

** "Powder cocaine is chemically known as cocaine hydrochloride. It is a neutral compound (known as a salt) made from the combination of an acid and a base, in this case, cocaine base. This

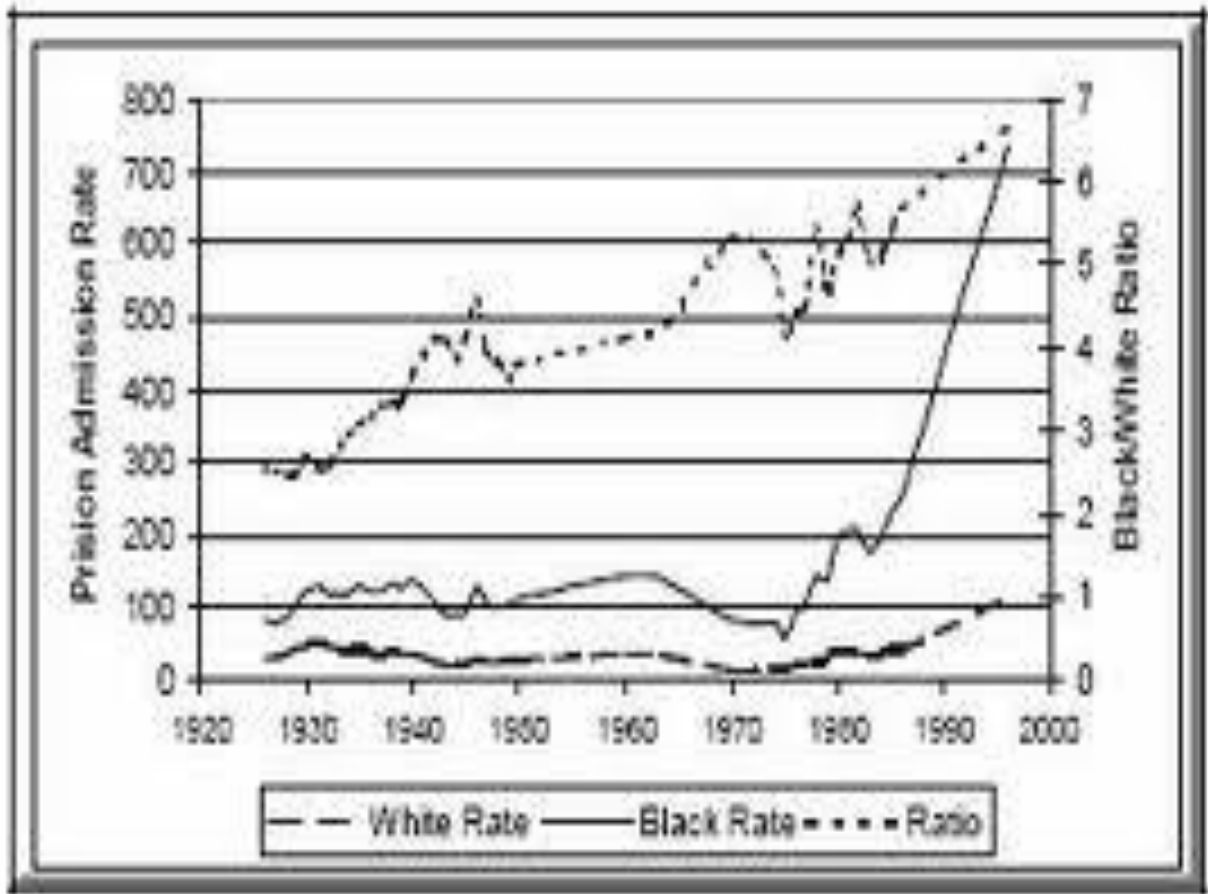
form of cocaine can be eaten, snorted, or dissolved in water and injected. Cocaine hydrochloride cannot be smoked, however, because it decomposes under the heat required to vaporize it. Smoking requires chemically removing the hydrochloride portion, which does not contribute to cocaine's effects anyway. The resulting compound is just the cocaine base (aka freebase or crack cocaine), which is smokable. The important point here is that powder and crack cocaine are qualitatively the same drug. Figure 1 shows the chemical structures of cocaine hydrochloride and cocaine base (crack). As you can see, the structures are nearly identical." [Carl Hart's *High Price*, pg. 158-9) (I cannot get the figure from my kindle to this document, but what Hart says is very clearly true.)

*** In a study [reported here](#), comparing about 112 "crack babies" to about as many non-crack babies, after 23 years of follow up, "The researchers consistently found no significant differences between the cocaine-exposed

children and the controls." The organizer of the study concluded: "Poverty is a more powerful influence on the outcome of inner-city children than gestational exposure to cocaine." Medical journal articles on this topic [are here](#) and [here](#) and [here](#).

Postscript August 5, 2013: [Obama Administration Seeks to Keep Tens of Thousands Imprisoned Under Unfair Crack VS Powder Cocaine Penalties](#)

Postscript February 22, 2014: The Civil Rights Movement abolished the racist Jim Crow laws but racist oppression was not abolished; it merely took another form: "From the back of the bus to the front of the prison" or "[The new Jim Crow.](#)" As the figure below (giving prison incarceration per 100,000 population, for blacks and whites and the ratio, [from this source](#)) illustrates, Jim Crow was simply replaced with racist prison incarceration, accomplished in large part by the War on Drugs:



In 1975, shortly after Jim Crow became history, the rate of black imprisonment sky rocketed, having been essentially constant for the previous five decades, while the rate of white imprisonment after 1975 rose only very slightly. The oppression of working class blacks after the success of the Civil Rights Movement took a new form, and is arguably worse now than during the years of Jim Crow.

**Postscript April 7, 2016: [Stereotype Shattered](#)
as New Study Finds White Youth Are More
Likely Than Blacks to Abuse Hard Drugs: The
12-year study highlights the incongruence
between drug use and incarceration rates
along racial lines.**

**by John Spritzler
PDRBoston.org**