

WTE column of June 20, 2015. Editor's headline: "Time to end war on drugs"

Casper Star Tribune of same date: "The war on drugs has had untold consequences"

Here is another reason to support a Cannabis initiative in Wyoming:

During the 2015 legislative session, our lawmakers approved a bill to tighten Wyoming's asset-forfeiture law. The bill offered residents a modicum of protection against the unreasonable searches and seizures that the country's so-called War on Drugs ushered in at the federal level. Most states were quick to emulate; in fact, federal law-enforcement agencies made it a point to train their counterparts at state level to ensure willing participation locally.

This writer applauded the legislative effort only to awaken to rude reality from the governor's office, followed by lawmakers' lack of gumption: Not enough legislators were willing to stand up to Governor Mead to override his veto. The unfair—and unequally applied—asset-forfeiture tactics remain in place.

Asset forfeiture is the practice by which law enforcement disregards residents' rights under the Fourth Amendment, seizing property on the slightest whip of pretense or suspicion. Sadly, the tactic has been upheld by many Supreme Court decisions. Yet our Founders deemed the protection against arbitrary searches and seizures by police an essential element of the Constitution. Here is what the Fourth Amendment says:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized."

Today, no thanks to an ill-conceived war against the U.S. population in general and its members of color in particular, that security has become **moot**. Already in 1991, for his powerful dissent in *California v. Acevedo*, Supreme Court Justice John Paul Stevens wrote that, between 1982 and 1991, his court "heard arguments in 30 Fourth Amendment cases involving narcotics. . . . All but two involved a search or seizure without warrant or with a defective warrant. And, in all except three, the Court upheld the constitutionality of the search and seizure. . . . Decisions like the one the Court makes today will support the conclusion that this Court has become a loyal foot soldier in the (War on Drugs)."

This war has been waged primarily against people of color, particularly young men of color, argues Michelle Alexander in her 2010 "The New Jim Crow: Mass Incarceration in the Age of Colorblindness." Today, few legal rules restrain police in its war against "black and brown" residents. Ms. Alexander cites the following statistics:

More than 31 million people have been arrested since the beginning of that misbegotten war.

Between 1985 and 2000, drug offenses have accounted for more than two-thirds of the rise in the federal inmate population and more than half of the rise in state prisons.

Today, at least half a million people are in prison or jail for drug offenses, compared to an estimated 41,800 in 1980. This is an increase of 1,100 percent.

Nothing has contributed more to the systematic incarceration of people of color in the United States than the War on Drugs. Racial profiling by police, and racially discriminatory sentencing, is ubiquitous.

Ironically, the war was accelerated by individuals who were addicted to prescription drugs or other “legal” substances. Nancy Reagan, she of the “Just Say No” campaign is an example.

The author points out that, contrary to the popular myth that the drug war is aimed at kingpins and big-time dealers, the vast majority of those arrested are not charged with serious offenses. “In 2005, for example, four out of five drug arrests was for simple possession . . . most people in state prisons for drug offenses have no history of violence or significant selling activity.”

Another myth, perpetuated by TV and film dramas, fictional accounts in novels and stories, and slanted news coverage, is that the drug war is principally concerned with dangerous drugs. “To the contrary,” she writes, citing pertinent statistics, “arrests for marijuana possession—a drug less harmful than tobacco or alcohol—accounted for nearly eighty percent of the growth in drug arrests in the 1990s.” Despite the fact that most of these arrests are for minor, nonviolent offenses, “the War on Drugs has ushered in an era of unprecedented punitiveness.”

Alternatives of dismissal, community service, or probation are rare today; indeed, the drug war has resulted “in a prison-building boom the likes of which the world has never seen.” In fact, just between 1980 and 2000, “the number of people incarcerated in our prisons and jails soared from roughly 300,000 to more than 2 million. By end of 2007, more than 7 million Americans—one in every 31 adults—were behind bars, on probation, or on parole.”

Wyoming, with its governor in the lead, may be paying tribute to racialized incarceration.