

Social Justice and Substance Abuse

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Abstract

Social justice and substance abuse has had a long history in America. The attempts of justice in relation to substance abuse have remained a priority from generation to generation. Each president has attempted their way to eradicate it. America has gone from allowing substances in over the counter products, to creating harsh penalties for the use of the very same products, like opioids. We have tried to arrest our way out of the substance abuse problem while also trying to institute more research, rehabilitation and treatment. However, like many policies, it is about how it is interpreted. America has been fighting a war on drugs for many years and has been losing. Whenever the face of addiction seems to change, so do the policies that are enacted. Somehow, history has a way of repeating itself when trying to find the right forms of social justice when dealing with substance abuse.

Keywords: social justice, substance abuse, incarceration, addiction, minority, policy

Social Justice and Substance Abuse

America has been in struggle with investigating and agreeing upon the correct way to handle substance abuse and the many circumstances that surround it. Starting with the Harrison Narcotics Act of 1914 (Mosher & Akins, 2007), America has been creating act after act to find a fair way to handle social justice and substance abuse. The Comprehensive Drug Abuse Prevention and Control Act of 1970 made an attempt to do some good, however, during this time, President Nixon's war on drugs found an increase in law enforcement spending and minority incarceration; which Michelle Alexander (2010) would suggest was really just a new way to implement the old Jim Crow laws. It wasn't until President Obama created the Comprehensive Addiction and Recovery Act that made attempts to help, rather than hurt people (Reed, 2017). However, today we find ourselves once again trying to arrest our way out of the substance abuse problem with President Trump's efforts, along with Attorney General Jeff Sessions, to bring back mandatory minimum sentences for minor offenses (Price, 2018). Social justice and substance abuse has a long history, and we really need to get it right. People are dying and being unnecessarily arrested. The efforts need to be pointed in the direction of helping people, not hurting them.

Early Days

When laborers were brought to America in the late 19th century to work on the railroads and other labor jobs, a large portion of them were brought from China. The Chinese brought with them opium, which soon became a problem in American. Opioids and coca (cocaine) were soon included in many products sold over the counter, like cough medicine and even Coca Cola (Green, 2015). After America realized it was finding the American spirit run down by addiction to these products, the Harrison Narcotics Act of 1914 would be the first policy that would be put

in place to effect social justice and substance abuse (Mosher & Akins, 2007). America would implement many different attempts at trying to curb the addiction problem in America throughout the years by enacting various policies.

It was President Eisenhower that adopted harsher punishments for abusers of drugs and drug traffickers with the adoption of the Narcotics Control Act of 1956 (Heiligman, 1976). The Narcotics Control Act of 1956 stated that the first offense for a simple possession would issue you a minimum of 2 years in prison and a maximum of 10 years with a fine of up to \$20,000. For a 2nd offense, the offender would be imprisoned for a minimum of 5 years and a maximum of 20 years, with a fine of up to \$20,000 and a 3rd offence, the offender would be imprisoned for a minimum of 10 years and a maximum of 40 years, just for a having a single joint (Peterson, 1985).

Harsher penalties existed for those that were selling or trafficking drugs. For instance, a person caught selling heroin to a minor would be looking at a minimum of 10 years to a maximum of life without parole for a 1st offense. In some states you could be given the death penalty (Ferguson, 1975). Even with these policies in place, including the long-term prison sentences handed down, there was no decrease of offenders. In fact, the numbers kept rising and the crime continued. Limited efforts were offered to help the substance abusers seek alternative treatments (Heiligman, 1976). Instead, they were sentenced to long prison stays and criminalized as opposed to being offer rehabilitation or treatment. The abusers were thought to be morally corrupt, deviant and a menace to society (Peterson, 1985).

The War on Drugs - Political and Social

President Nixon and his administration would declare an all-out war on the menace to society, drugs; and began working on the formation of the Comprehensive Drug Abuse

Prevention and Control Act of 1970, a movement towards change. The execution of the Narcotics Control Act of 1956 was not working. The Comprehensive Drug Abuse Prevention and Control Act of 1970 was enacted to amend the Public Health Service Act of 1944. It was intended to increase research, prevention, treatment and rehabilitation of the drug abuser. It was also implemented to strengthen existing law enforcement authority within the arena of drug trafficking and abuse (Peterson, 1985). Though the Comprehensive Drug Abuse Prevention and Control Act of 1970 had great intentions, it began a war on drugs that is still being fought today.

Politically, the years prior to the signing of the Comprehensive Drug Abuse Prevention and Control Act of 1970 was an interesting time in American history. America was in the heart of the cold war; civil rights were making great strides and tensions on the streets were prevalent everywhere. With the assassination of President John F. Kennedy in 1963, President Lyndon B. Johnson was sworn in as President and formulated his famous war on poverty (Ferguson, 1975). However, tensions were mounting about American involvement in the Vietnam War (Worsnop, 1968). Richard Nixon was leading polls based on his anti-war campaigns and would see a victory in 1968 and initiate his own war; this war would be on drugs.

The social environment of the decade prior to 1970 was that of much oscillation. Americans were working and finding new opportunities with jobs and schooling made available to them with new policies. Civil rights were allowing new experiences for the African American community and women alike (Worsnop, 1968). However, crime had become a major problem in America. Many servicemen were coming home addicted to heroin, which had been prevalent in Vietnam. The Nixon administration planned on concentrating its efforts on reforming policy to assist these men (Gimlin, 1969). Opposition to the war in Vietnam brought many people to the

streets in protest against America's involvement in the war. What started out as a prosperous decade, ended with much uncertainty and anxiety in regard to public safety (Peterson, 1985).

Target Population

Prior to the passing of the Comprehensive Drug Abuse Prevention and Control Act of 1970, drug problems were found to be concentrated in major cities and the ghettos of those cities; including New York, Los Angeles and Washington D.C. As a result, this was affecting the lower economic class, blacks and Latinos (Peterson, 1985). The majority of Americans viewed drug abusers as menaces to society, whom brought crime and drugs into the cities (Green, 2015). A residual effect of drug abuse was the increasing street crime, which was making citizens afraid to leave their homes. Republicans vowed that they would not tolerate violence. The Nixon administration sought to change how drugs and street crime were handled (Gilman, 1969).

The fact is, the face of addiction was changing. What was thought to be only minority groups and jazz artists (Worsnop, 1970) that were addicted to heroin and/or marijuana were now senators and congressmen's sons and daughters, whom found themselves being arrested and incarcerated for long periods of time for having small amounts of marijuana on them, based on the laws Eisenhower enacted in 1954 (Dupont, 1978). The face of addiction changed, the attitudes in government changed too.

Goals

The Comprehensive Drug Abuse and Prevention Act of 1970 was comprised of several goals. The policy was divided up into three major objectives. The first was to increase research, rehabilitation and education related to drugs. The second was to increase law enforcement efforts relating to drugs, which included classifying drugs into five schedules, which would then have different methods of law enforcement attached to each of the five schedules (Ferguson, 1975).

The third major goal dealt with import and export of drugs to America, to curb the illicit import of drugs coming into the country. The least notable goal was to create sensible alternatives for penalties relating to possession charges that were criminalizing American youth (Buchanan, 1971). This last section was important, because the face of addiction was what brought about the change. It was affecting non-minority groups, young white people.

Current Efforts

Today, America finds itself in the midst of an opioid crisis, which is not unlike the heroin problem of the 1970's. President Obama enacted the Comprehensive Addiction and Recovery (CARA) Act of 2016 which was to help with this problem. Unlike the Comprehensive Drug Abuse Prevention and Control Act of 1970, it did not offer much in the way of increased law enforcement efforts. Instead, it concentrated on creating funds and grant programs for states to dedicate more efforts into rehabilitation and treatment. The CARA Act made amendments to the Omnibus Crime Control and Safe Streets Acts of 1968 by adding the Comprehensive Opioid Abuse Grant Program. The CARA Act also gave birth to the 21st Century Cures Act in 2106, which helped to increase research and change the packaging and dispensing of certain addictive drugs (Price 2018).

These new policies would increase funds for law enforcement; they could train officers in substance abuse and arm them with reversal medication such as Narcan (Katel, 2016). North Carolina enacted its own law called the STOP Act of 2017, which stood for, Strengthen Opioid Misuse Prevention. The STOP Act of 2017 improves opioid prescribing practices, offers funds for syringe exchanges, strengthens substance reporting programs and funds for local law enforcement to implement medication reversal, like Narcan (STOP Act, 2017).

President Trump has made efforts to help in the fight against opioid abuse, however he is going back to efforts that were enacted by President Eisenhower in 1956. President Trump's idea of helping is involving the Justice Department to help with matters (Horsley, 2018). A large part of the reason that new efforts are becoming made in what is called an "epidemic" is that, once again, the face of addiction has changed. Now children are getting into the medicine cabinets of their parents or friends parents and are dying. Leading to a change in the attitudes of our politicians.

Attorney General Jeff Sessions agrees with Trump and has been expressing the need for more law enforcement efforts at our borders (Price, 2018). Both Trump and Sessions claim Mexico is where the drugs are coming from and they need to be stopped. Sessions claims that we are experiencing a crime wave here in America, even though the statistics state we have seen an overall 12.4 percent decrease in crime nationwide (Price, 2018). Why is it that history seems to repeat itself?

Recommendations

America has continually reverted to mass incarceration, thinking that it can arrest its way out of the substance abuse problem. Both democrats and republicans alike have tried the same mass incarceration methods (Mosher & Akins, 2007). As the war on drugs has dragged on over the years, it is time that we stop kidding ourselves and take a new approach to combating the drug problem in America. The Comprehensive Drug Abuse and Prevention Act of 1970 was actually a step in the right direction. It just so happened to be executed by people with hidden agendas and they ruined the potential it could have had.

Cynthia Moreno Tuohy (2018) talks about how very important it is that addiction specialists pay special attention to policies revolving around social justice and substance abuse.

Moreno emphasizes how important it is that we advocate for change and fairness in the policies our government is moving towards (2018). If we spent more time and money on dealing with preventative education in school and communities, we might have a better chance of people never taking drugs in the first place. Instead of spending so much money and time arresting people, maybe we could spend more time finding out why it is they do the drugs? Offer them rehabilitation and not incarceration.

I would suggest a reclassification of the drugs in relation to the five schedules set by the 1970's policy and consider decriminalizing some drugs. I personally believe that deviance runs deep in humans. If you tell them not to do something, they find themselves wanting to do it, just because they are told they can't. If you take away the deviance or criminality of certain things, my bet is that it will not be as interesting anymore. For those that do find themselves incarcerated for drug related crimes, I believe that we should have increased opportunities for expungement from people's permanent records. The effort should be to help people, not penalize them for life.

Conclusion

America has been on a long and winding road when it comes to how we deal with substance abuse and social justice. Ideas have flourished, both good and bad, from the early part of the 20th century and still the problem exists here in America. Our prisons are over crowded, and the morgues are getting full of our sons, daughters, celebrities and neighbors. We have always had a problem here in America, but only when the face of addiction changes, is it that politicians take notice and take action. The question still remains, what is the right action to take? One thing is clear, addiction specialists need to advocate for just and fair social justice for people suffering with addiction from substance abuse, without any discrimination or bias.

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