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Can These Bones Live?  
A Look at the Impacts of the War on Drugs on Poor African-American Children and Families

NEKIMA LEVY-POUNDS*

Introduction

It is no secret that there is currently an incarceration crisis in America. A Pew Report issued in February of 2008 proved one of our worst fears: The United States now has the highest rate of incarceration in the world.1 In fact, according to the report, one in every one hundred adult Americans is presently incarcerated.2 One has to look no further than the last twenty years to identify the source of the boom in our nation's prison population, namely, the war on drugs. The war on drugs began in the mid-1980s when Congress decided to get “tough on crime” by imposing lengthy mandatory minimum prison terms and harsh sentencing guidelines on those involved in trafficking illicit drugs.3 The original premise behind the

* Associate Professor of Law at the University of St. Thomas School of Law and the director of the Community Justice Project, a civil rights legal clinic. I first give honor to God for being who He is in my life. I want to thank my family for their encouragement and unwavering support. I would also like to thank my colleagues at St. Thomas for their feedback, generous support and encouragement. Special thanks goes to Artika Tyner, Virgil Wiebe, and Carolyn Ryberg for their feedback and insights on this article. I would also like to thank my current and former research assistants, Lenora White and Lindsay Turner, for their wonderful research support and commitment to this work. Finally, I want to thank the law student editors of the Hastings Race and Poverty Law Journal for all of their hard work and insights on this article.

1. THE PEW CTR. ON THE STATES, ONE IN 100: BEHIND BARS IN AMERICA 2008 5 (2008), available at http://www.pewcenteronthestates.org/uploadedFiles/8015PCTS_Prison08_FINAL_2-1-1_FORWEB.pdf. Disparagingly, in addition to having the highest incarceration rate in the world, the United States also boasts the largest prison population in the world. Id. With 2.3 million adult Americans behind bars, there are 800,000 more Americans behind bars than Chinese. Id. Equally disparagingly, the Pew Report figures do not take into account the number of juveniles currently in detention centers, which means that the total number of incarcerated Americans is higher still. Id.

2. Id. at 6.

extended prison terms was to deter the flow of illegal drugs into and throughout the United States. Although billions of dollars have been spent fighting the war on drugs, there has not been a marked decrease in the accessibility of illegal drugs in this country.\textsuperscript{4} To the contrary, drugs are easier to access than ever and even more potent than when the war on drugs began.\textsuperscript{5} In addition to the fiscal impact on federal and state governments caused by attempting to fight the war on drugs, there is an enormous human cost that has not been adequately factored into the equation.\textsuperscript{6}

Of all the communities impacted by the war on drugs, poor African Americans have arguably experienced the most dramatic and lasting effects of the war. Although African Americans comprise just thirteen percent of the U.S. population, they constitute nearly forty percent of the federal and state prison population, largely due to drug-related convictions.\textsuperscript{7} Notably, a number of incarcerated African

\textsuperscript{4} Jonathan P. Caulkins et al., How Goes the ‘War on Drugs'? An Assessment of U.S. Drug Problems and Policy 7 (2005), available at http://www.rand.org/pubs/occasional_papers/2005/RAND_OP121.pdf. Decreases in the prices of street drugs such as cocaine and heroin through the 1980s and 1990s strongly suggest an increase in the accessibility of illegal drugs.

\textsuperscript{5} Id. See also Hope Yen, Study: Marijuana Potency Increases in 2007, Associated Press, June 12, 2008 (“Marijuana potency increased last year to the highest level in more than 30 years, posing greater health risks to people who may view the drug as harmless, according to a report released Thursday by the White House. The latest analysis from the University of Mississippi’s Potency Monitoring Project tracked the average amount of THC, the psychoactive ingredient in marijuana, in samples seized by law enforcement agencies from 1975 through 2007. It found that the average amount of THC reached 9.6 percent in 2007, compared with 8.75 percent the previous year. The 9.6 percent level represents more than a doubling of marijuana potency since 1983, when it averaged just under 4 percent.”).

\textsuperscript{6} “According to the National Institute of Justice, the fixed cost of building a prison ranges from $60,000 to $75,000 per inmate.” Note, Winning the War on Drugs: A “Second Chance” for Nonviolent Drug Offenders, 113 Harv. L. Rev. 1485, 1487 (2000). Once a new prison has been built, it costs more than $25,000 a year to incarcerate one person. Id. The annual cost of incarcerating the 2.3 million adult Americans behind bars is $57.5 billion. Id. Additionally, “the federal government spent $16 billion on drug enforcement programs in fiscal year 1998 and another $18 billion in fiscal year 1999.” Id. at 1488. Finally, “state and local governments spent an estimated $16 billion on drug enforcement each year since 1991.” Id.

Americans are parents of children under the age of eighteen. When poor African-American mothers and fathers are imprisoned, their children suffer a multitude of harms: They are more likely to become incarcerated themselves or become engaged in harmful activities such as gang involvement or substance abuse. These children then become entrapped in a debilitating cycle of failure and marginalization that may be perpetuated from generation to generation. Although little attention has been paid to this issue, many of these children also suffer psychological and emotional harm and may experience a condition similar to Post Traumatic Stress Disorder (“PTSD”) or depression when their parents are incarcerated. Because of their low economic status, their extended families may have limited resources to provide care for them, which may result in their being placed in what are sometimes broken foster care systems.

In light of the failure of the war on drugs to achieve its purported goals of reducing access to, and the sale of, narcotics in the United States, one must wonder whether a new strategy for addressing the issue of drug trafficking and restoring fragile...
communities is in order. The purpose of this paper is to increase awareness of the devastating effects of the war on drugs on poor African-American children and families in an effort to advocate for change. In Part I, I briefly discuss the historical background and origins of the war on drugs. In Part II, I highlight some of the recent changes in the law. In Part III, I discuss in more detail how the drug war has impacted the lives of poor African Americans. In Part IV, I focus specifically on the impacts of the war on drugs on poor African-American children. And in Part V, I provide recommendations for improving the ways in which drug-related crime is addressed in our nation.

I. Why the War on Drugs?

Congress initiated the war on drugs in the mid-1980s in an attempt to respond to the perceived “exploding” drug problem in the United States. Congress initiated the war on drugs in the mid-1980s in an attempt to respond to the perceived “exploding” drug problem in the United States. During that time period, reports had surfaced that a seemingly new, yet powerful drug called crack cocaine was destroying inner-city communities across the country. The reports included the perception that a wave of violent activity and gang-related crime in some of the largest urban areas were related to the illegal sale of crack cocaine. In addition to reports of an increase in violence, there was also thought to be an increase in child neglect cases involving parents who were addicted to crack cocaine and purported harm to babies born to women who used the drug. When


NBA player Len Bias died of a cocaine overdose, the fears and concerns raised by members of the public and illuminated in the media caused Congress to act swiftly to address the problems. The swift action that was initiated included the introduction of the first statute addressing the war on drugs: the Anti-Drug Abuse Act of 1984. Under the Act, anyone caught trafficking illegal drugs would be subjected to a harsher sentencing structure, known as sentencing guidelines. The sentencing guidelines required judges to sentence criminal defendants within a guideline range based largely upon offense, as opposed to offender, characteristics.

In 1986 and 1988, Congress implemented the Anti-Drug Abuse Act of 1986 and a mandatory minimum sentencing scheme, respectively. The combination of the Anti-Drug Abuse Acts of 1984 and 1986 and the mandatory minimum sentencing scheme comprises the backbone of Congress’s war on drugs, and these laws have had disparate impacts on poor African Americans in particular. Mandatory minimums caused judges to sentence defendants to an automatic, pre-determined term of imprisonment based upon the type and level of offense committed. This was a shift from the prior sentencing scheme that had allowed judges the discretion to sentence a particular defendant based upon individual offender characteristics. Part of the reason for this shift away from judicial discretion involved complaints that judges had too much latitude and were using it to discriminate against certain types of criminal defendants. Up until that time, advocates had argued that African Americans were unjustifiably being sentenced more harshly than

19. Id.
20. Id.
22. Id.
24. See id. (discussing a book called Criminal Sentences by federal district judge Marvin Frankel, which called attention to sentencing disparities allegedly caused by the unlimited discretion of sentencing judges in criminal cases).
their similarly situated white counterparts. In order to remedy that concern, the U.S. Sentencing Guidelines Commission decided to remove judges’ ability to take individual offender characteristics into account. Sadly, this also meant that judges did not have as much authority in granting leniency in appropriate cases, especially those involving first-time, non-violent defendants.

The lack of judicial discretion caused an outcry amongst federal and state judges who believed that the drug laws forced them to sentence drug offenders to unjust terms of imprisonment. Judges found that the drug laws were particularly harsh towards low-level, non-violent first-time offenders. A disproportionate number of this group were poor African-American men and women arrested for distributing crack cocaine and marijuana. Under the standards set by the U.S. Sentencing Commission, those caught trafficking five grams of crack cocaine, which equates to about two-tenths of an ounce, or roughly a teaspoon, would face an automatic five-year prison term, while it took five hundred grams of powder cocaine, which is more than a pound or just over two cups, to trigger the same sentence. At that time, nearly ninety percent of those found to have trafficked crack cocaine were African American. The rationale behind the sentencing disparity included (faulty) pharmacological evidence that showed that crack cocaine was more potent and far more lethal than

25. See id.


27. Id.


29. Id.


powder cocaine.\textsuperscript{32} It was also thought that since crack cocaine was cheaper, and thereby more accessible than powder cocaine and arguably connected to more violent episodes in urban communities, there needed to be harsher sentences in place as a means of deterrence.\textsuperscript{33}

As a result of this rationale, the disparate sentencing ratio between crack and powder cocaine left poor African Americans facing far lengthier prison terms than their generally white, and arguably wealthier, counterparts who dealt powder cocaine.\textsuperscript{34} This, in turn, caused many to question whether the sentencing ratio had an intentional discriminatory effect towards African Americans.\textsuperscript{35} The public outcry regarding the sentencing disparities caused the U.S. Sentencing Commission to adjust its sentencing recommendation for crack cocaine offenses.\textsuperscript{36} The Commission recommended that Congress change the disparity from a one-hundred-to-one ratio down to a twenty-to-one ratio.\textsuperscript{37} At that time, Congress failed to accept the Commission’s recommendation and the disparity remained in effect at the federal level.\textsuperscript{38}

Another important aspect of the war on drugs legislation was its goal in targeting drug kingpins and higher-level dealers for their involvement in the drug trade. The rationale behind sentencing higher-level dealers to lengthier terms of imprisonment was to

\textsuperscript{32} See Hearing on Cocaine and Sentencing Policy Before the U.S. Sentencing Comm’n (2006) (statement of Jesslyn McCurdy, Legislative Counsel, Am. Civil Liberties Union), available at http://www.ussc.gov/hearings/11_15_06/McCurdy-testimony.pdf (citing a 1996 study published by the Journal of the American Medical Association that found that the physiological and psychoactive effects of cocaine are similar, regardless of whether it is in the form of powder or crack).

\textsuperscript{33} See generally COYLE, supra note 16. Since crack cocaine is less pure than powder cocaine, it is relatively inexpensive. It is also widely sold in urban neighborhoods, where problems such as gang violence, street crime, and urban poverty are more likely to proliferate. \textit{Id.}

\textsuperscript{34} See LEADERSHIP CONFERENCE ON CIVIL RIGHTS, JUSTICE ON TRIAL: RACIAL DISPARITIES IN CRIMINAL JUSTICE SYSTEM 13-14, http://www.civilrights.org/publications/justice-on-trial (finding that in Los Angeles from 1988 to 1994, white drug defendants were predominantly prosecuted at the state level, while African-American drug defendants were predominantly prosecuted at the federal level).

\textsuperscript{35} \textit{Id.}

\textsuperscript{36} See FAMM, History Timeline, http://www.famm.org/ExploreSentencing/ThelIssue/HistoryoftheIssue/HistoryTimeline/104thCongress.aspx (showing that in 1997, the U.S. Sentencing Commission, the Department of Justice and the drug czar recommended that Congress minimize the crack and powder cocaine sentencing disparity, a move which was supported by President Clinton).

\textsuperscript{37} \textit{Id.}

\textsuperscript{38} \textit{Id.}
punish them more harshly for their higher levels of criminal culpability and financial gain from drug trafficking. At the time, it was believed that a lower level dealer would be able to take advantage of some of the built in protections in the system, such as the ability to have one’s sentence reduced for providing “substantial assistance” to federal authorities. In theory, a low-level dealer could receive a reduction in the mandatory minimum she or he faced by revealing the names of other members of the drug ring. However, instead of the “substantial assistance” clause working to the benefit of lower-level dealers, just the opposite occurred. Higher-level dealers and kingpins have greater knowledge of who works under them than lower-level dealers have of those who work above them. Thus, higher-level dealers are better situated than lower-level dealers to cut deals with prosecutors and benefit from substantial assistance sentence reductions. It is the higher-level dealers who reap the benefits of protections meant to insulate lower-level dealers from unduly harsh prison terms.

II. Recent Changes in the Law

In more recent years, the statutes that comprised the war on drugs have been seemingly dismantled by the courts through a series of judicial decisions that returned greater sentencing discretion to judges. In February of 2005, the U.S. Supreme Court handed down a


40. See U.S. v. La Guardia, 902 F.2d 1010, 1012 n.2 (1st Cir. 1990) (Congress, as part of the Reform Act, directed the Sentencing Commission to “assure that the guidelines reflect the general appropriateness of imposing a lower sentence than would otherwise be imposed, including a sentence that is lower than that established by statute as a minimum sentence, to take into account a defendant’s substantial assistance in the investigation or prosecution of another person who has committed an offense.” (citing 28 U.S.C. § 994(n) (Supp. 1987))).

41. Jonathan P. Caulkins & Philip Heymann, Should Low-Level Drug Dealers Be Punished?, in DRUG ADDICTION AND DRUG POLICY: THE STRUGGLE TO CONTROL DEPENDENCE 206, 215 (Philip B. Heymann & William N. Brownsberger eds., 2001), available at http://www.heinz.cmu.edu/research/17full.pdf (stating that relief from federal mandatory minimum sentences through “substantial assistance” to prosecutors is more beneficial to larger drug dealers than low-levels, because of their access to more information).

42. Id.

43. Id.

44. Id.
decision in the case of United States v. Booker, which held that judges may treat the sentencing guidelines as merely presumptive, as opposed to determinate.\textsuperscript{45} Although judges viewed the Court’s ruling as a victory, they continued to sentence defendants within the guideline range, absent exceptional circumstances.\textsuperscript{46} Judges proceeded with caution on the heels of the Court’s ruling in an effort to avoid having their decisions unduly scrutinized by Congress and those who opposed wider judicial discretion.\textsuperscript{47}

In December 2007, the Supreme Court issued a decision in Kimbrough v. United States,\textsuperscript{48} which stated in dicta that sentencing judges “may consider the disparity between the Guidelines’ treatment of crack and powder cocaine offenses” in determining that a within-Guidelines sentence is greater than what is necessary to serve sentencing objectives.\textsuperscript{49} The defendant in that case, Charles Kimbrough, was sentenced to fifteen years in prison for a crack cocaine offense.\textsuperscript{50} He argued that the sentencing disparities between crack and powder cocaine were unjustified and could not be supported under the Fourteenth Amendment to the U.S. Constitution.\textsuperscript{51} The Court agreed with Mr. Kimbrough’s rationale and held that “under Booker, the cocaine Guidelines, like all other Guidelines, are advisory only and that the Court of Appeals erred in holding the crack/powder disparity effectively mandatory.”\textsuperscript{52} In the wake of this decision, the U.S. Sentencing Commission voted “to make its recent reduction in sentences for crack cocaine offenses retroactive, making over 19,000 inmates eligible for sentence reductions.”\textsuperscript{53}

\begin{footnotesize}
\textsuperscript{47} Frank O. Bowman III, The Year of Jubilee . . . or Maybe Not: Some Preliminary Observations About the Operation of the Federal Sentencing System After Booker, 43 HOUS. L. REV. 279, 319-20 (2006) (stating that nationally, only seven percent of post-Booker decisions have departed or varied from the guidelines).
\textsuperscript{49} Id. at 90-91.
\textsuperscript{50} Id. at 89.
\textsuperscript{51} Id.
\textsuperscript{52} Id.
\end{footnotesize}
III. The Disparate Impact Upon Poor African Americans

While some progress has been made in attempting to equalize the drug laws and to reduce their arguably discriminatory effects upon poor African Americans, there is still much work to be done in repairing the immense harm caused to inner city communities around the country. In many ways, the war on drugs has unintentionally become a war on poor African Americans. The seemingly never-ending sweep of the laws’ reach has ripped through already poor and fragile communities like a powerful and destructive tornado with plenty of debris and damaged homes left in its wake. Poor black families have literally been severed and their members split between various penal institutions at the local, state, and federal level. Arguably not since American slavery has our nation been a part of such a destructive institution as the prison system that has denied freedom to its most vulnerable members — the poor and the working poor.

Over the last few decades, reports have surfaced which highlight the fact that poor African-American men are being incarcerated at an alarming rate, and even more so after the onset of the war on drugs. It was evident in the late 1980s that unless some entity or group of entities decided to be proactive in examining and addressing systemic and root causes of black male incarceration, this group was headed for a life of peril. Since wide-scale intervention failed to

54. See generally Levy-Pounds, supra note 26 (arguing that poor African Americans generally, and poor African-American women in particular, have suffered the brunt of the negative impacts of the drug war).
55. See BUREAU OF JUSTICE STATISTICS, supra note 12 (“The percentage of black children in the U.S. resident population with an imprisoned parent (7.0 percent) was nearly nine times higher than that of white children (0.8 percent).”).
occur, it is no surprise that poor African-American men are over-represented in state and federal prisons, many for the commission of drug-related crimes.\(^{58}\) This is not to suggest that persons involved in drug trafficking should not face accountability for their actions. Rather it is to say that an examination of root level causes of drug involvement, coupled with analyses of the effects of chronic marginalization and under-employment on this segment of the population should have been a starting point for determining appropriate solutions to the problems caused by participation in the drug trade. Beyond that, although African-American men are over-represented amongst those convicted for violating drug laws, there is no evidence that supports the widely held belief that poor black men deal drugs at a higher rate than their white counterparts.\(^{59}\) In fact, the recent meth epidemic amongst poor whites in rural areas has weakened this wide spread assumption.\(^{60}\)

**A. Poor African-American Men and the Incarceration Crisis**

According to the Pew Report issued in February 2008, a staggering one in nine African-American men ages twenty to thirty-four are currently incarcerated.\(^{61}\) Because African-American men who are incarcerated are more likely to be poor,\(^{62}\) it is probable that a higher concentration of these men hail from inner city communities, which means that an even greater percentage of men from urban areas have gone missing into the abyss of the prison system.\(^{63}\) The result of this shortage of productive men in poor communities is

\(^{58}\) THE PEW CTR. ON THE STATES, supra note 1, at 6.

\(^{59}\) See, e.g., Liz Rocca, Black Drug Dealers More Likely to Be Arrested, KOMO NEWS, Dec. 1, 2003, available at http://www.komonews.com/news/archive/4111531.html. Professor Beckett, of the University of Washington, found that the vast majority of drug users and dealers in Seattle are white, but blacks make up nearly two-thirds of those arrested for dealing drugs. Id.

\(^{60}\) See, e.g., CHRISTOPHER J. MUMOLA, U.S. DEP’T. OF JUSTICE, DRUG USE AND DEPENDENCE, STATE AND FEDERAL PRISONERS, 2004 (2006), available at http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=778 (“Among both State and Federal prisoners, white inmates were at least 20 times more likely than black inmates to report recent methamphetamine use.”).

\(^{61}\) THE PEW CTR. ON THE STATES, supra note 1, at 6.

\(^{62}\) See Dorothy E. Roberts, The Social and Moral Cost of Mass Incarceration in African American Communities, 56 STAN. L. REV 1271, 1276 (2004). “Research in several cities reveals that the exit and reentry of inmates is geographically concentrated in the poorest, minority neighborhoods.” Id. (citing Todd R. Clear et al., Coercive Mobility and Crime: A Preliminary Examination of Concentrated Incarceration and Social Disorganization, 20 JUST. Q. 33 (2003)).

\(^{63}\) Id.
apparent and detrimental. Without men available to work and produce income, to serve as positive role models for children, and to participate in social networks such as churches and youth groups, a wide rift develops which tends to weaken the social fabric of the community.\(^6\) Since the end of the Jim Crow era, poor African-American men have continually struggled with under-employment, including reduced job prospects and opportunities for advancement.\(^6\) As a result, some poor African-American families were forced to apply for public benefits. In the mid-1980s the social welfare system came under attack and poor African Americans were viewed as abusing the system for unmerited gain.\(^6\) As the rules only allowed benefits to be received by poor, single mothers and children, poor families could not receive public benefits if male figures were present in the home.\(^6\) In essence, poor families were left with a choice of whether to remain together and be unable to have their basic necessities met, or remove the male figures from their households so that the women and children could receive much-needed public benefits. Sadly, some men were forced to leave their families, disrupting the traditional family structure within African-American homes.

For some men who were unable to secure employment through traditional means, the underground drug market offered an illusory alternative for financial gain.\(^6\) With the formation of street gangs in the late 1970s to early 1980s, what started as small scale, petty drug operations blossomed into more sophisticated enterprises.\(^6\) Some

\(^{64}\) See generally Velma LaPoint, Prison's Effect on the African-American Community, 34 HOW. L.J. 537 (1991) (discussing the many negative effects borne by those communities which suffer high incarceration rates).

\(^{65}\) Id.

\(^{66}\) See Peter Edelman, Welfare and the Politics of Race: Same Tune, New Lyrics?, 11 GEO. J. ON POVERTY L. & POL'Y 389, 392-93 (2004) ("Inner city African-American families never constituted more than twenty percent of all the people on welfare. They never even constituted a majority of African Americans on welfare. Yet, the politicized stereotype of the welfare recipient – the image that millions of Americans carried in their minds – was that of a never-married inner-city African-American woman who kept getting pregnant in order to get a bigger welfare check.").

\(^{67}\) See generally Lucy A. Williams, Race, Rat Bits and Unfit Mothers: How Media Discourse Informs Welfare Legislation Debate, 22 FORDHAM URB. L.J. 1159 (1995) (discussing the evolution of welfare programs since the Great Depression).


\(^{69}\) Id. (discussing the formation and history of gangs, gang violence, and gang drug ties in the United States).
drug trafficking rings grew so expansion-oriented that they fought gang wars to increase and protect their territories and profits, leaving community members in danger and afraid.\textsuperscript{70} When crafting drug war legislation, Congress and the U.S. Sentencing Commission considered media reports that illuminated, and some would argue exaggerated, the conduct related to gangs and drug trafficking.\textsuperscript{71} The reports that surfaced contributed to Congress’s decision to accept the Commission’s recommendation of a one-hundred-to-one ratio between crack and powder cocaine.\textsuperscript{72}

Prior to the advent of the war on drugs, those involved in drug trafficking could expect to spend shorter terms in prison or local jails with seemingly little to lose.\textsuperscript{73} However, after the war on drugs was initiated, the stakes were raised by the possibility of serving lengthy prison terms for selling drugs or being caught as part of a drug-trafficking ring.\textsuperscript{74} Soon, scores upon scores of poor black men became casualties in the war on drugs and were sentenced to decades behind bars.\textsuperscript{75} One of the greatest tragedies surrounding this issue is the fact that a disproportionate number of these men are classified as first-time, non-violent, low-level offenders, as opposed to the drug kingpins and higher level dealers that Congress was intending to target through drug war legislation.\textsuperscript{76}

\textsuperscript{70} Id.
\textsuperscript{71} H.R. Rep. No. 104-272, Dissenting View Section at 16 (2005), available at http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=104_cong.reports&docid=f:hr272.104.pdf (discussing the role of the media’s perceptions or misperceptions of crack versus cocaine as they relate to sentencing).
\textsuperscript{72} Anti-Drug Abuse Act of 1986, supra note 21.
\textsuperscript{73} See Cathy Schneider, Racism, Drug Policy, and AIDS, 113-3 POL. SCI. Q. 427, 440 (1998). Between 1980 and 1990, average sentences for robbery, rape, and kidnapping decreased, while average drug sentences doubled in length. The number of federal drug offenders sentenced to incarceration in this period increased by 262%. \textit{Id.}
\textsuperscript{74} See supra Part I (discussing implementation of mandatory minimum sentences).
\textsuperscript{75} See Drug Policy Alliance Network, Mandatory Minimum Sentences, http://www.drugpolicy.org/drugwar/mandatorymin/ (“More than 80 percent of the increase in the federal prison population from 1985 to 1995 is due to drug convictions. . . . In 1986, the year Congress enacted federal mandatory drug sentences, the average federal drug sentence for African Americans was 11 percent higher than for whites. Four years later, the average federal drug sentence for African Americans was 49 percent higher.”).
\textsuperscript{76} U.S. SENTENCING COMM., REPORT ON COCAINE AND FEDERAL SENTENCING POLICY: CHAPTER 7: SENTENCING OF COCAINE OFFENDERS, http://www.ussc.gov/crack/CHAP7.HTM (reporting that in 1995, only 9.2% of powder cocaine and 5.5% of crack cocaine defendants were considered high-level offenders).
B. Poor African-American Women and the Drug War

The war on drugs is largely responsible for the growing number of poor African-American women serving lengthy periods of incarceration. These women are in a unique position in that, because of the high rate of black male incarceration, they are more likely to be single mothers raising children, often without an adequate social support system. As African-American children constitute a large majority of children who are growing up in poverty, their mothers also have inadequate financial resources with which to provide their support. As a result of these factors, poor African-American women are vulnerable to connecting with men who sell drugs as a means of survival, or using drugs as a mechanism to cope with the reality of raising children alone and with limited resources. This combination of factors, coupled with conspiracy drug laws, means these women are more vulnerable to criminal prosecution, often for merely peripheral involvement in drug-related activity. Once these women become involved in the system, they may be unable or unwilling to cooperate with prosecutors by providing information in exchange for a reduced sentence. Some women fail to cooperate because they are either


78. See generally Nekima Levy-Pounds, supra note 26.

79. See KRISTIN MOORE ET AL., CHILDREN IN POVERTY: TRENDS, CONSEQUENCES, AND POLICY OPTIONS (2009), available at http://www.childtrends.org/Files//Child_Trends-2009_04_07_RB_ChildreninPoverty.pdf (“Black and Hispanic children were more than twice as likely to live in poverty in 2007 as non-Hispanic white and Asian children. 34.5 percent of black children and 28.6 percent of Hispanic children lived in poverty in 2007, compared with 10.1 percent of non-Hispanic white children and 12.5 percent of Asian children. In 2007, children living in households headed by single mothers were more than five times as likely as children living in households headed by married parents to be living in poverty – 42.9 percent compared with 8.5 percent.”).

80. Id.


83. See Levy-Pounds, supra note 82.
sheltered from reliable information that would benefit prosecutors, or they are unwilling to disclose what information they are privy to out of loyalty to the men in their lives or fear of harm and retaliation. Their unwillingness or inability to cooperate means that they could be prosecuted as co-conspirators in drug rings, even when they play a minor role, such as answering telephones or allowing drugs to be kept in their homes.

When these women are prosecuted, their children become doubly vulnerable, as their mothers may have been the last line of defense in protecting their children from spending their childhoods in the foster care system. This line of defense weakens or dissipates completely when a mother is sent to prison for a drug conviction. In an interview, Kemba Smith, a young African-American woman who was sentenced to serve 24.5 years in prison for peripheral involvement in drug-trafficking, stated that the only reason that the child welfare authorities did not take her newborn baby away was because of the sophistication of Smith’s parents. When Smith gave birth at a hospital in Virginia during her prison term, her parents stayed in a room down the hall and immediately took custody of her son before child welfare authorities arrived on the scene. Had Smith’s parents been unaware of their rights or unable to provide financially for their grandchild, he may have ended up a ward in the foster care system. Although Smith was arrested for a non-violent offense, prison rules prevented her from being able to spend adequate bonding time with her newborn baby. When he was only two days old, Smith could only see him behind the pane of the prison window. Smith recalled that being unable to nurture and care for her son had an emotional and psychological impact on her.

Even with the increase in the number of women who are serving

84. See id.
85. See id. See also Phyllis Goldfarb, Counting the Drug War’s Female Casualties, 6 J. GENDER RACE & JUST. 277, 284–85 (2002).
86. See id.
88. Levy-Pounds, supra note 82.
89. Id.
90. Id.
91. Id.
92. Id.
93. Id.
time in prison, very few prisons allow mothers to remain with infants and small children during incarceration. Unfortunately, little attention is paid to this issue of incarcerated mothers and their children and the push is made to sever the mother-child relationship once the legal requirements for incarceration are met.

With the implementation of the Adoption and Safe Families Act ("ASFA") of 1997, states have the authority to terminate parental rights if the child has been in foster care for fifteen of the last twenty-four months. If the child is a newborn, the state has the right to terminate parental rights six months after a baby's birth. The rationale behind the implementation of ASFA was to prevent foster care drift. However, even though this legislation is meant to protect the welfare of children, there is no guarantee that they will be adopted out of foster care or placed in stable permanent residences, which only exacerbates the situation for poor mothers and children.

Although black women are more likely to play peripheral rather than substantial roles in drug rings, they may face unjust prison terms that could separate them from their children for decades at a time. It is clear from the profile of women who are incarcerated that there is a need to address the underlying issues that initially caused them to become involved in drug-related activity. For example, fifty-seven percent of women in state prisons have past histories of physical and sexual abuse. These women are also more likely to be sole providers for their children and on average had substantially lower monthly incomes than their male counterparts.

94. Id.
96. Id.
100. See Jacobs, supra note 99. See generally Levy-Pounds, supra note 82.
102. See Levy-Pounds, supra note 82.
IV. African-American Children and the Drug War

Many poor African-American children are in the unenviable position of having not one, but both of their parents serving time in prison, primarily due to the war on drugs. When African-American parents are incarcerated, their children are left vulnerable in a number of different ways. For one, if the family did not have a solid support system prior to incarceration, the children may be forced to live in foster care placements with strangers or in group home settings. When this happens, children may be separated from their siblings and even shifted from one foster setting to the next throughout the remainder of their childhoods, which could cause trauma and other emotional harms. Depending upon where their parents are located, these children may not have the resources or ability to visit their parents during their period of incarceration.

Exacerbating the problems are federal prison rules that state that an inmate incarcerated within the federal prison system may be forced to serve out his or her sentence in any federal prison in the United States. Thus, these rules may limit poor children from being able to visit their parents during the length of incarceration, as their financial resources may be limited. Beyond that, it is possible that parents serving time in federal prison may be relocated.

103. See MUMOLA, supra note 8. See also BUREAU OF JUSTICE STATISTICS, supra note 12.
104. See MUMOLA, supra note 8 ("10% of mothers and 2% of fathers in State prison reported a child now living in a foster home or agency."). The incarceration of mothers is particularly problematic, as ninety percent of children with fathers in state prison are able to live with their mothers while only twenty-eight percent of children with mothers in state prison are able to live with their fathers. BUREAU OF JUSTICE STATISTICS, supra note 12.
105. Collateral Casualties, supra note 56 ("Where there are multiple children, parental incarceration often leads to the separation of the siblings, imposing additional emotional burdens on them.").
106. Around seventy percent of parents in New York State prisons are incarcerated in facilities at least one hundred miles away from their children; more than one-quarter of those are incarcerated in prisons more than five hundred miles away from their children. Children in foster care are often faced with the additional hurdle of living with caretakers who “lack the emotional commitment to undertake the time and expense of taking the children to visit their incarcerated parents.” Id. at 8-9.
107. See Brooks & Bahna, supra note 9. See also Olim v. Wakinekona, 461 U.S. 238, 247-48 (1983) (holding that relocating an inmate more than four thousand miles away from his homestead was within constitutional limits).
108. See Brooks & Bahna, supra note 9, at 280 ("[I]ncarceration most commonly occurs in the lowest socioeconomic strata of our society."). See also LEROY PELTON, FOR REASONS OF POVERTY: A CRITICAL ANALYSIS OF THE PUBLIC CHILD WELFARE SYSTEM IN THE UNITED STATES 107 (1989) ("[I]t is largely poor children who populate the foster care system.").
from one federal prison to the next, without any regard for the fiscal or emotional impact on the children that are being left behind.\textsuperscript{109}

As African-American men constitute forty-five percent of the federal male prison population and African-American women constitute thirty-five percent of the federal female prison population, their children may find it difficult to remain in contact with their parents.\textsuperscript{110} Additionally, on average, those incarcerated in federal prison serve lengthier prison terms than inmates in state prisons, which means that children of federal prisoners suffer multiple impacts due to the length of their parents’ incarceration.\textsuperscript{111} Unfortunately, even telephone contact with parents in federal and state prisons may be limited for children, as the rates of collect phone calls made by inmates are exorbitant and often cost-prohibitive.\textsuperscript{112}

Depending upon the literacy level of parent and child, exchanging written forms of communication may be the only means for a grieving child to communicate with his incarcerated parents. As seventy percent of prisoners cannot read above a fourth grade level, writing and reading letters from their children may also pose a barrier to parent-child communication.\textsuperscript{113}

According to a study conducted by the Vera Institute, children of incarcerated parents experience immense grief due to parental separation.\textsuperscript{114} These children may be more likely to suffer Post Traumatic Stress Disorder and depression due to being separated from their parents for prolonged periods of time.\textsuperscript{115} The emotional and psychological turmoil that these children face may be

\textsuperscript{109} See Collateral Casualties, supra note 56, at tbl.8. See also Brooks & Bahna, supra note 9.


\textsuperscript{111} See BUREAU OF JUSTICE STATISTICS, supra note 12 (“On average the imprisoned parents expected to serve more than six-and-a-half years in state prison and eight-and-a-half years in federal prison.”).

\textsuperscript{112} Around thirty-seven percent of children with parents in New York State prisons never talk with their incarcerated parent(s). This is due in large part to the fact that the only way families and friends can talk with their incarcerated loved ones is if the prisoner makes operator assisted collect calls, which are the most expensive type of call to place. Collateral Casualties, supra note 56, at 10.


\textsuperscript{115} See Clarke, supra note 9, at 272.
demonstrated in a wide array of behaviors that communicate a sense of loss and grief. The emotional response of children when separated from their parents due to incarceration is likened to the mourning process that children experience when someone close to them has passed away. Some children respond by becoming angry, defiant, disinterested in school, and may even experience a loss of hope as a result of being disconnected from primary caregivers.

Unfortunately, as children of incarcerated parents are a largely invisible and unknown group, many school systems are ill-equipped to identify and appropriately address the myriad needs of children who fall within this category. For example, many schools have zero tolerance policies and one-strike rules that may call for suspension or expulsion when students act out or engage in violent behavior. Schools have often times developed these policies out of a duty to protect the children in their care. While it is clear that duty exists and should be handled carefully, there should also be greater resources expended to identify and to help reach children who are misbehaving as a manifestation of grief due to parental separation.

With the decrease in educational funding has come the loss of precious resources that were previously devoted to having social workers, outreach workers and therapists on staff to assist children who were having a difficult time in school. The limited resources devoted to the caring professions means that children of incarcerated parents may exhibit “negative behavioral manifestations can include sadness, withdrawal, low self-esteem, decline in school performance, truancy and use of drugs or alcohol.” See also Gaskins, supra note 9.

Children of incarcerated parents may exhibit “negative behavioral manifestations can include sadness, withdrawal, low self-esteem, decline in school performance, truancy and use of drugs or alcohol.” Id. at 273 (citing Gaskins, supra note 9). See also Gaskins, supra note 9, at 1550-51.

“Inmates’ children experience feelings of loss because one of their parents, perhaps their only parent, is inaccessible and no longer participates in their life on a daily basis.” Brooks & Bahna, supra note 9, at 282.

See id. at 281-82. See Gaskins, supra note 9.

See id. at 1-3 (describing behavioral issues in children who lost loved ones; suggesting that schools inquire whether children with behavioral problems have lost someone they love – e.g., a parent in prison – before disciplining them).

As a result of its findings from a recent study on childhood loss and the connection to behavioral problems in children, the Vera Institute developed a protocol aimed at providing professionals with tools to appropriately respond to children in need. See id.

parents may find themselves being referred to the local police for misbehaving, rather than appropriate interventions such as behavioral counseling, mentoring programs, and group therapy being made available through the public school system.\textsuperscript{123} The failure of public schools to take a more holistic approach to addressing the needs of vulnerable children could be a major part of the reason for the high dropout rate among African-American youth.\textsuperscript{124}

The increase in the number of school police officers in public school settings, coupled with the pressure to meet federal testing standards, has resulted in schools funneling matters that would have previously been handled privately at school to the juvenile justice system.\textsuperscript{125} The results of this trend are alarming and tend to impact poor African-American children at disproportionate rates.\textsuperscript{126} Based upon recent estimates, although African Americans account for about sixteen percent of the nation’s population, at least thirty-eight percent and as many as sixty percent of children who are involved in the juvenile justice system are African American.\textsuperscript{127} It is not difficult to see that race, poverty, and involvement with the juvenile justice system is a recipe for falling through the cracks and becoming part of


\textsuperscript{124} African-American youth have the second-highest dropout rate of any ethnic group, behind Native Americans, and are more likely than any other ethnic group to have a parent in prison. NAT'L CTR FOR EDUC. STAT, NUMBERS AND RATES OF PUBLIC HIGH SCHOOL DROPOUTS: SCHOOL YEAR 2004-05 (2007) http://nces.ed.gov/pubs2008/hsdropouts/tables/table_6.asp (reporting African-American youth drop out of high school at twice the rate of white youth). See also GREENFIELD & SNELL, supra note 77, at 7-8. African-American women make up a disproportionately high percentage of the prison population. \textit{Id.} \textsuperscript{125} See Howard Witt, School Discipline Tougher on African Americans, CHI. TRIB., Sept. 25, 2007, \textit{available at} http://www.chicagotribune.com/services/newspaper/edition/chi-070924 discipline,0,7975055.story?page=1 ("Some states, such as Texas, are so zealous that they have criminalized many school infractions, saddling tens of thousands of students with misdemeanor criminal records for offenses such as swearing or disrupting class.").

\textsuperscript{126} Id. Nationwide, African-American students are more than twice as likely as white students to be suspended or expelled for school infractions. Furthermore, African-American youth comprise a percentage of suspended or expelled students that is more than twice as large as their percentage in the general school population. \textit{Id.} \textsuperscript{127} New American Media, Racism of the Juvenile Justice System Revealed (Jan. 15, 2007), http://www.indybay.org/newsitems/2007/01/15/18347217.php. See also PRISON POLICY INITIATIVE, JUVENILES AND THE CRIMINAL JUSTICE SYSTEM (2003), http://www.prisonpolicy.org/prisonindex/juveniles.html. In 1997, African Americans made up sixty percent of state prisoners under the age of eighteen. \textit{Id.}
the revolving door of the adult criminal justice system.\textsuperscript{128} Studies show that children who have a parent in prison are five times more likely than children in the general population to serve time in prison.\textsuperscript{129} Sadly, about eighty-five percent of children who interface with the juvenile justice system are functionally illiterate and have become a part of a cycle that is difficult to break without intensive intervention.\textsuperscript{130}

As the likelihood of serving time in prison in the future is increased for children of incarcerated parents, they are also more likely to engage in risky behaviors that could mean the difference between life and death.\textsuperscript{131} As many of these children experience a sense of hopelessness when a mother or father, or both in some circumstances, is incarcerated, this sense of hopelessness may be translated into involvement in gang activity, engaging in other forms of criminal conduct, or selling drugs.\textsuperscript{132} As employment opportunities shrink for inner city youth, the underground drug market provides an alternative for children in need of a fast way to secure resources.\textsuperscript{133} Contemporary movies illustrate the trend of older drug dealers accepting young children and teenagers into their gang or clique as recruits to sell drugs in local communities.\textsuperscript{134}

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\textsuperscript{128} See Clarke, supra note 9. See also MICHAEL SHADER, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, RISK FACTORS FOR DELINQUENCY: AN OVERVIEW 2 (2003), available at http://www.ncjrs.gov/pdffiles1/ojjdp/frd030127.pdf (finding children who come from “broken” homes, poor parent-child relationships and low socioeconomic status are much more likely to commit violent acts than those who do not have such backgrounds).


\textsuperscript{131} See Clarke, supra note 9. See also Brooks & Bahna, supra note 9; Gaskins, supra note 9.

\textsuperscript{132} See Clarke, supra note 9. See also Brooks & Bahna, supra note 9; Gaskins, supra note 9.

\textsuperscript{133} See Clarke, supra note 9. See also Brooks & Bahna, supra note 9; Gaskins, supra note 9.

Although these children are often viewed as hardened criminals, they are children who are vulnerable and in need of protection. Once children become involved in selling drugs, they risk spending their childhoods in juvenile detention centers and even adult detention centers in some circumstances. Although these children have arguably been preyed upon and lured into selling drugs by older adults who should have been protecting them, law enforcement and the courts often treat them more like hardened adult criminals than like children. Often, they are marginalized and treated with contempt by the general society and may feel unwelcome in public schools and local recreational centers.

Interestingly, many of the children who become petty street dealers are also more likely to use drugs as a coping mechanism to deal with stress, grief, and depression. As showing an outward
manifestation of emotional suffering is not widely accepted "on the streets," these children are likely to find other, arguably more destructive ways to show their grief.\textsuperscript{139} The fact that they may be homeless, living in an unstable foster placement, or living with other relatives may only compound the problems and cause these children to live life as though they have nothing to lose.\textsuperscript{140} Thus, it is not difficult for these children to become a part of the revolving door of the juvenile justice system and to be left behind by the rest of society.\textsuperscript{141}

In the final analysis, the American Dream remains an illusory promise for children caught in the drug war, as they have lost their parents, their self worth and their sense of purpose; and may view the drug trade as their only viable means to survive and provide for themselves.\textsuperscript{142} However, what many of the children of the drug war fail to realize is that there are at least two lasting, hidden consequences, built in at the federal level for drug offenders, without regard for the age of the offender.

\section*{A. Denial of Public Housing for Drug Offenders}

One example of these hidden consequences is the Housing Opportunity Program Extension Act of 1996,\textsuperscript{143} which calls for a lifetime ban on public housing for those found to have committed a drug offense on or off the premises of a public housing location.\textsuperscript{144} Compounding the matter is the Supreme Court's decision in \textit{Department of Housing and Urban Development v. Rucker},\textsuperscript{145} which
held that eviction actions related to drug offenses are lawful regardless of whether the primary leaseholder had prior knowledge of the offense. Beyond that, a drug conviction is not needed to support eviction; mere evidence that a drug violation occurred is sufficient for the lifetime ban to be applied. Thus elderly grandparents who are providing for grandchildren during the incarceration of a parent may be subject to the lifetime ban if the grandchildren have been found to commit a drug offense. Additionally, once drug offenders are released from jail or prison, they are not legally allowed to reside in public housing. Although the reasons behind the law were to curb illegal drug activity from taking place in public housing, the effects of the law have had a devastating effect on the poorest families within our society. In essence, an elderly grandparent may be forced to choose between being able to remain in public housing at an affordable rental rate or risk losing this benefit by providing care for a grandchild who either uses or sells illicit drugs, or has done so in the past.

B. Denial of Federal Financial Aid

Another key example of these federally mandated hidden consequences is the 1998 Amendment to the Higher Education Act. Under this statute, there is a lifetime ban on receiving federal financial aid for anyone convicted twice for a drug-trafficking violation. The Act also prohibits federal financial aid for anyone

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146. Id. at 128.
148. This is my hypothesis based upon the Supreme Court’s holding in Rucker, 535 U.S. 125.
151. 20 U.S.C. § 1091(r). See also Levy-Pounds, supra note 82.
who is convicted three times for drug possession.\textsuperscript{152} Thus a young person who has multiple juvenile criminal convictions for drug violations may be permanently barred from receiving federal financial aid. In addition to the stigma of having a juvenile conviction related to commission of a drug crime — which alone may make college acceptance and attendance difficult — the door to higher education could be effectively sealed for those looking to start a new life and become upwardly mobile. As the Act only applies to drug crimes, those who have committed violent crimes such as rape and murder may be eligible for federal financial aid, thereby creating a disparate impact for drug offenders.\textsuperscript{153} This Act will be of prime importance in years to come as major banks have already begun to withdraw loan resources from junior colleges and four-year colleges that are lower ranked, thus making the increasing costs of higher education impossible for students with past drug offenses to meet.\textsuperscript{154}

\section*{V. Solutions}

In order to begin to peel back the layers of drug war legislation and its effects, one must be willing to examine the root causes of the issues that are currently plaguing the communities most affected by the war on drugs. Some of the common ingredients that have contributed to an increase in incarceration rates amongst poor African Americans include the high rate of poverty and underemployment in inner city communities; the lack of sustained outreach and intervention opportunities specifically targeting and narrowly tailored enough to address the unique and myriad needs of African-American youths; and the legacy of slavery and Jim Crow in maintaining a system of exclusion and marginalization for the least-educated members of the African-American community, to name a few. It is clear from statistics showing the overrepresentation of poor African Americans in the prison system that there is a problem that goes far beyond the drug war. The solutions need to be as creative as the problems are complex if we are to begin to break the cycles of

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\textsuperscript{152} 20 U.S.C. § 1091(r). \textit{See also} Levy-Pounds, \textit{supra} note 82.
\textsuperscript{153} 20 U.S.C. § 1091(r). \textit{See also} Levy-Pounds, \textit{supra} note 82.
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poverty and incarceration that currently exist.

First, as argued throughout this paper, the war on drugs has been ineffective at curbing illegal drug-trafficking and has had a deleterious impact on poor African-American children and families. Thus, Congress should repeal draconian sentencing laws that result in harsh, lengthy prison terms for low-level drug offenders, such as mandatory minimums. Additionally, the use of conspiracy laws should be re-evaluated, especially in light of the propensity for the girlfriends or wives of drug dealers (who may have been peripherally involved) to be charged as part of a drug conspiracy. Lengthy prison terms for lower-level offenders are disproportionate to their level of involvement and contrary to the interests of justice and fairness.

Second, the one-hundred-to-one-ratio between crack and powder cocaine should be eliminated and reduced to a one-to-one ratio. Over the last twenty plus years, it has become evident that there is no legitimate justification for the tremendous disparity between the two forms of cocaine. There is also ample evidence to show that this disparity has resulted in racial disparities and continue to impact poor African-American children and families. In March of 2010, the Senate acted to address this disparity by passing the Fair Sentencing Act, which seeks to establish an eighteen-to-one ratio between sentences for crack and powder cocaine offenses; as of publication, the House has not passed this Bill.

Third, the use of the substantial assistance provision should be re-assessed to determine whether the provision is still being utilized in accordance with its original purpose or whether the least-culpable participants in drug rings are being unfairly and disparately impacted because of their inability or unwillingness to provide substantial information to prosecutors. Higher-level drug dealers and kingpins should not be permitted to reap such substantial benefits through the

155. "'The sentencing disparity between crack and powder cocaine has contributed to the imprisonment of African Americans at six times the rate of whites and to the United States' position as the world's leader in incarcerations,' Majority Whip Richard J. Durbin (D-lll.) said in a statement. 'It's time for us to act.' . . . Today's sentencing ratio has been in place since 1986, a time when crack cocaine was ravaging inner-city neighborhoods. Academic research has since cast doubt on the assertion that rock cocaine is more addictive and dangerous than the powder." See Carrie Johnson, Bill Targets Sentencing Rules For Crack and Powder Cocaine, WASH. POST, Oct. 16, 2009, available at http://www.washingtonpost.com/wp-dyn/content/article/2009/10/15/AR2009101501992.html?hpid=topnews.

use of a provision meant to increase their chances of being prosecuted.

Fourth, the lifetime ban on public housing for drug offenders should be lifted. Rather than maintaining a one strike policy for drug offenders, a more reasonable compromise would be to allow a graduated response, depending upon the severity of the circumstances and the level of harm to other residents of public housing residents.

Fifth, given the fact that some states use third grade reading scores to predict their future prison populations — ostensibly because of the correlation between incarceration and illiteracy — a concerted and sustained effort to improve literacy rates of poor children of color is imperative for change to occur. Higher literacy rates for poor youth of color may also result in greater access to opportunities for upward mobility and higher education. Additionally, special supports within schools, such as grief counselors or support groups should be offered to assist children who are grieving as a result of having a parent or both parents serving time in a correctional facility. Having access to proper care and attention in schools may reduce disruptive behavior in children who are in need of an outlet for their grief, making school a safe haven rather than a pipeline to the juvenile justice system for hurting children.

Sixth, in light of the multi-faceted problems that poor families of color face, providing a network of support and community resources in a non-judgmental environment are essential in helping to stabilize families and strengthen communities. In the coming months and years, it will be more important than ever for local and state governments to strengthen social safety nets and engage in creative problem-solving to ensure robust employment and educational opportunities, especially for parents seeking to reenter society after serving time in prison. Investing in families that have experienced generational poverty and marginalization should be one of our nation’s highest priorities in the years to come. Finally, we must expend the necessary resources and use them in a strategic way to bring about change. It is imperative that we focus more on restoration and less on incarceration to ensure that the notion of equality and equal access is provided to every citizen of this country.

We now know, as could have been predicted, that the war on drugs
has failed. That being said, it is important that we redirect the
resources that are being spent to build more prisons and house
inmates and funnel them into comprehensive prevention and
reintegration programs that take a holistic approach to addressing the
needs of the whole person, especially where children are concerned.
Additionally, as inflation continues to reach an all-time high, it is
important that the federal minimum wage be increased to a living
wage, consistently updated each year to meet the rate of inflation.
That is one way that our poorest mothers will be able to provide food
for their children and other necessities so that the drug trade looks
less appealing to those who are most vulnerable to succumb to this
temptation.

Conclusion

Although to some the devastation caused by the war on drugs to
poor African-American children and families is irreparable, it is my
belief that we can change things going forward if we are deliberate
and strategic in addressing the problems that have been created. In
order for substantial change to occur, lawmakers, public school
officials, institutions of higher education, the judiciary and members
of the community will have to commit to working collaboratively on
these issues. We owe it to the children and families impacted by the
drug war to help break the cycle and to revitalize the community, as
the cost of mass imprisonment and the human capital that is lost to
the drug war is far greater.