

THE "WAR ON DRUGS" AND NATIONAL SECURITY

During the cold war, the Narcotic Drug Control Act of 1956 authorized the death penalty as punishment for knowingly selling, giving away or otherwise furnishing heroin to minors.¹ Thirty years later, in 1986, National Security Decision Directive 221 and the Anti-Drug Abuse Act declared drugs a "national security problem," a legal maneuver officially sanctioning military involvement.² Three years after that, the drug cartel led by Pablo Escobar ordered the bombing of a commercial Avianca flight, in an attempt (unsuccessful) to kill a Colombian presidential candidate. Seizing upon this event, the United States publicly contemplated acting against narcotics traffickers in their own country with or without the approval of host governments.³ Combat against narcotics was declared "a high-priority national mission" by then-Defense Secretary Dick Cheney.⁴

Certainly, it could seem that drugs were a matter of utmost importance to the U.S. government. The incidents listed might be interpreted as the twists and turns, actions and consequences, of a resolutely met war on narcotics. And yet it continues: in 1997, retail sales of illicit drugs were estimated to be about eight percent of all international trade.^{5,6} The United Nations estimated the global value of the illicit drug market for the year 2003 to be "\$13 billion at the production level...and \$322 billion at the retail level (based on retail prices and taking seizures and other losses into account)".⁷ For comparison, these sales are "higher than the combined total licit agricultural exports from Latin America (\$75 billion) and the Middle East (\$10 billion)".⁸ Is it simply an intractable problem? Or is there a sinister elite whom it benefits?

I'll offer an alternative. While drug enforcement has dominated the United States approach to illicit drug control, it has in turn been a pawn of what are called "national

¹ (Congress, 1956) Capital punishment has never been applied on this basis.

² (Bowden, 2001, p. 54), (Belenko, 2000, p. 307)

³ (Bowden, 2001, p. 65)

⁴ (Bowden, 2001, p. 140)

⁵ (Davenport-Hines, 2002, p. 11)

⁶ (UNODC, 2005, p. 16)

⁷ *ibid.*, p. 16

⁸ (UNODC, 2005, p. 17) Many sources cite a 1997 statistic of the illicit drug trade as being greater than oil, and while this seems suspect, it is not the case now, but the trade is clearly a huge economic force

security interests". Stepping back a bit in time, Gabriel Nahas, a former Columbia University anesthesiologist who did early, now discredited, research on the harms of cannabis, said:

The orderly and continued development of a number of very powerful political systems which have emerged in the past 60 years require from their people life styles which are drug free. These systems, especially those in the East, have gained great political and economic power and their influence is more and more felt throughout the world...it is hard to envision how a drug-consuming pleasure-oriented society will be able to face the challenge which these countries have thrust upon the Western world.

G. Nahas, "Marijuana: the deceptive weed" (1973)⁹

Drug use, he implies, is a threat to the country's security. Drugs are framed as compromising the ability to face the ominous challenge of other, supposedly drug-free nations. We are brought then to the question of what exactly is national security. The U.S. federal government defines it as "territorial integrity, sovereignty, and international freedom of action".¹⁰ This means any matter "military, economic, political, scientific, technological" impeding U.S. freedom of action, is an element of national security and from the government's perspective necessarily subordinate to those security needs.¹¹ At the same time, those elements can become synonymous with security. What I will trace in this paper are the ways that drug control has often been a tool to these ends rather than an objective in and of itself. Despite the undisputed damage caused to people's lives by addiction, the few historical instances when drug policy has been prioritized on the federal level have been when drug abuse or associated crime happened to coincide with national interests in other ways.

I am not looking, to be clear, for meaning hidden behind actions, events or documents, but rather, as Foucault suggests, developing an analysis "with a view to the system of...internal and external relations".¹² Tensions caused by drug policy's dual role as a tool in the national security kit and in control of the legal and illegal sale, purchase and use of drugs, are noticeable in this history. Yet it is not a tale of masterminds or secret plots of genocidal intent (both of which have been suggested as the cause of drug abuse in America). Various international circumstances, often linked to the expansion of U.S. capitalism and the execution of a political agenda, led to belief in and support for supply-

⁹ G. Nahas, *Marijuana, the deceptive weed*. New York: Raven Press, 1973, p. 308, cited in (Bonnie & Whitebread, 1999, pp. 290-291)

¹⁰ (Government, 2005)

¹¹ (Government, 2005)

¹² (Foucault, 1998, p. 430)

side control, and subsequent enforcement of those measures. Disagreements within the medical profession as to the scientific nature of addiction, and the desire for respectable disciplinary development of medicine and pharmacy were also factors that ultimately aided the supply-side, enforcement approach.

THE ENFORCEMENT APPARATUS

The illicit drug regulatory apparatus is divided into law *enforcement*, (the DEA), *treatment* of addicts and educational *prevention* and research. These are institutionally very separate. Sometimes it is unclear if the groups who embody the various approaches are on the same side against drug abuse or actually fighting each other. How did the law enforcement apparatus come to dominate? I should clarify that I am using apparatus as Foucault defines: "discourses, institutions, architectural arrangements, policy decisions, laws, administrative measures, scientific statements, philosophic, moral and philanthropic propositions".¹³ It is a conceptual tool that emphasizes the practical ways drugs are regulated.

The Drug Enforcement Administration (DEA) was created in 1973 by consolidating several other bureaucracies with policing functions. It applies the laws controlling illicit drugs in terms of producing, selling, buying and using. This puts both traffickers and users within its province. The standard critique of this arrangement, and drug enforcement, is that users, and especially addicts who are medically defined by their loss of control, are treated as criminals.¹⁴ The war on drugs is condemned as "the war on drug users".¹⁵ There has historically been a very unequal relationship between enforcement and medical approaches, despite the fact that, according to a RAND Research Review, "Treatment is seven times more cost-effective in reducing cocaine consumption than the best supply-control program and could cut consumption by a third if it were extended to all heavy users".¹⁶ RAND researchers argue, however, for a balance between approaches yet historically enforcement has received many times the amount of money that treatment has, and source-country control, the least effective, has been the main beneficiary. How did this apparently counterproductive situation come to be?

¹³ Foucault, M. "Le Jeu de Michel Foucault" *Dit et écrites*, Vol. 3, p. 298 cited in Rabinow and Rose (2003), xvi

¹⁴ (HRW, 2004)

¹⁵ (Russell & Sterling, 2005)

¹⁶ (Rydell & Everingham, 1995)

FROM TAXATION TO CASTIGATION

One of the earliest forms of drug regulation was taxation. The resultant revenues underwrote history: "Tobacco financed the American Revolution" and "By 1885 taxes on alcohol, tobacco, and tea accounted for close to half of the British government's gross income".¹⁷ Seemingly against the logic of capitalism, an international coalition purposefully implemented a global drug control plan. Political or diplomatic elements of national security were intertwined with economic ones and the maneuvers were largely those of the United States.

Two parallel tracks of reasoning must be pursued. First, why did powerful nations decide to reduce their own profit? Secondly, what made supply-side control seem both logical and preferable to directly addressing consumption abuses? Rejecting the common but unsupported view that drug enforcement was *preconceived* as a bloated bureaucracy, in a power-ploy to suppress the freedom and drug-loving masses, let me briefly trace the relevant geopolitical events at the time of the regulatory apparatus' inception. How drug regulation was instated in an era of otherwise-expanding capitalism only begins to make sense within the context of China's violated and unstable sovereignty, Britain's desire to keep China whole, and the United States' political and economic interests.

At the same period in time when Britain abruptly decided to support China's opposition to the opium trade in order to counter how other European countries were dividing China into "spheres of interest", the United States had several motivations for implementing drug regulation. Opium smoking had been prohibited in the Philippines when they were annexed in 1898. It was not yet clear, or unacknowledged, that the effect of prohibition had been to make smuggling rampant and increase addiction among Filipinos. Equally important, within the U.S. lack of scientific knowledge about drugs had led to widespread iatrogenic addiction both from doctors and self-treatment with patent medicines. This began to subside with increased awareness and such regulation as the 1906 Pure Food and Drug Act but recreational drug use stepped in to keep up demand. Instead of accidentally addicted housewives, such use was linked to "unsavory" elements, dangerous to the U.S., such as immigrants, marginally employed drifters, loose women and gamblers. Opium was associated with the Chinese, cocaine with African-American

¹⁷ *ibid.*, p. 5

laborers in the south, and marijuana with Mexican immigrants throughout the Southwest.¹⁸

Key figures in drug regulatory history believed that with a worldwide system for the control of agricultural production, manufacturing and distribution, drug addiction could be stopped before it started. The State Department decided that regulation neatly dovetailed with its political and economic goals. Endorsing Imperial China's anti-opium policies was a way of appeasing a Chinese government angry at the treatment of ex-patriots in California and other outposts. Backing China in the international sphere was an attempt at ingratiation, in the hope that it would carry over into favored-nation status.¹⁹ American individuals and companies were only minimally involved with drug commerce, so stopping was not a huge monetary loss, and the logic was if China were induced to open its markets, money spent on opium could more profitably purchase U.S. goods.

The Americans involved in designing the 1912 International Opium convention believed it would effectively control the excess drug supply, and this would solve the abuse problem. Perception of the accord as furthering U.S. geopolitical goals earned drug enforcement enough crucial administration support to establish a foothold and become self-sustaining. The 1914 Harrison Act was essentially the guiding legal force in U.S. drug control until Nixon's 1970 Drug Abuse Act.²⁰ However, the process of institutionalization in no way predetermined the way "enforcement" was interpreted.

HOW DID ADDICTION BECOME CRIMINAL?

The new enforcement bureaucracy acted quickly to mark its territory. I would argue, however, that individuals in enforcement forcefully pursued a criminalizing approach partially because it was self-serving, but also because they thought it correct. Mainstream medicine had come to the conclusion that there was nothing it could do. As one doctor put it, "If no cure was more effective than just keeping the addict away from drugs, then the problem really was: How do you keep addicts away from drugs? And this question was not medical, it was an enforcement problem".²¹

Science was simply not at a stage where the physiological mechanism of addiction was conceivable, and misunderstandings regarding treatment resulted. Mark Twain's quip,

¹⁸ (Davenport-Hines, 2002, pp. 195-225)

¹⁹ (Musto, 2002, p. 186)

²⁰ (Bertram, Blachman, Sharpe, & Andreas, 1996, p. 92)

²¹ (Musto, 1999, p. 146)

popularly paraphrased as “Quitting is easy: I’ve done it a thousand times” was taken quite literally. Each time the person stopped, he or she was cured. It is important to note that this was a period when great advances such as antibiotics made science and medicine seem almost all-powerful. With no treatment success, even those formerly in favor concluded that the best solution would be to solve the drug problem by eliminating the supply.²²

DRUG POLICY AND NATIONAL SECURITY

Policies were turned into a very physical sort of bureaucracy, with people in the field to identify and track major traffickers and their shipments, inspect incoming foreign goods for smuggling, and arrest violators. In 1930, former State Department and Treasury agent Harry J. Anslinger became head of the new Federal Bureau of Narcotics.²³ The FBN determined that in order to stop the inflow of drugs, they needed information about what was happening in producing and manufacturing countries, in order to put pressure on those governments. As a result, it was the drug enforcement apparatus that really developed intelligence capabilities and an international network of informants during this period. Undercover agents researched the semi-secret, original “black list” of known or suspected traffickers.²⁴

This was the situation at the start of World War II. The United States found itself almost bereft of on-the-ground information or any system for acquiring it, so that the Federal Bureau of Narcotics became central in the setup and early institutionalization of the U.S. intelligence community. When the Office of Strategic Services (OSS) was founded in 1940, it was the FBN who “lent numerous narcotics agents...to teach the clandestine arts of gathering information and how to engage in so-called counterintelligence”.²⁵

Anslinger is rather accurately vilified for distorting information about psychoactive substances, producing high profile but relatively unimportant seizures, and obstructing research into the science and medicine of addiction throughout his entire career. Yet his compliance was also in keeping with a State Department intelligence background. The extreme ineffectiveness of drug policy after World War II was nonetheless in accordance

²² (Musto, 1999, p. 87)

²³ Jonnes, p. 93

²⁴ id.

²⁵ Jonnes, p. 165

with perceived national security and especially anti-Communist concerns.²⁶ The “OSS and then the CIA actively aided and abetted groups overseas who were zealously anticommunist, even if they also were engaged in the criminal activity of international drug trafficking,” writes historian Jill Jonnes. They “covertly played a crucial role in strengthening the very organizations that fed the postwar drug plague”.²⁷ Drug control policy served national security, with the result that “[b]eginning in the 1950s, Western-allied anti-communist movements supplied much of the world’s growing illicit traffic”²⁸

Generally, groups opposing those whom the U.S. opposed were given money, arms and assistance with logistics such as transportation, regardless of their involvement with trafficking. This occurred in Southeast Asia, resulting in a dramatic rise in heroin production, supplied to American soldiers in Vietnam and smuggled into the U.S.²⁹ Another infamous example is the CIA aid to insurgent “Contra” groups in Nicaragua. Although the CIA did not directly traffic in drugs, they permitted a steady supply of cocaine into California, reputedly fueling the Los Angeles crack epidemic.³⁰ While this refutes the conspiracy theory that the *goal* was to poison the marginalized minority ghettos that were hardest hit, evidence is clear the CIA indirectly permitted this to happen.³¹

When the Cold War ended, the main “national security” role of the war on drugs seemed to be as a way for bureaucracies to safeguard their resource allocation. Switching to the drug war was a way to preserve funding. The 1989 National Defense Authorization Act designated the Department of Defense as the “single lead agency” for drug interdiction under federal law,” strengthening the connection between the military and the war on drugs.³²

Since 9/11, there has been an interesting inversion. The drug enforcement apparatus has argued for its relevance and funding preservation by explicitly connecting itself to national security. Illegal drugs are described as an enemy that, like terrorists, needs to be countered. The DEA also promotes itself as a source of expertise in narco-terrorism,

²⁶ Jonnes, p. 165

²⁷ Jonnes, p. 166

²⁸ (McAllister, p. 251).

²⁹ *id.*

³⁰ (*U.S. Senate Select Committee of Intelligence Hearings on the Allegations of CIA Ties to Nicaraguan Contra Rebels and Crack Cocaine in American Cities*, 1996)

³¹ (Webb, 1999)

³² (Davenport-Hines, 2002, pp. 445-446)

“the use of drug trafficking to fund the violence perpetrated by terrorist groups”.³³ In his statement before the House subcommittee on Crime, Terrorism and Homeland Security, 30-year law enforcement veteran Ronald Brooks equates the inflow of drugs with a chemical attack and argues “drug trafficking is a form of home-grown terrorism in America”.³⁴ “[I]f we agree that drug abuse poses a threat to the security of our nation; if we agree that drug profits fuel terrorism and weaken our ability to respond to terrorist threats...[then] a coordinated strategy that provides resources for targeted and effective drug enforcement must be a top priority of the federal government”.³⁵

CONSIDERATIONS

Sociologist Niklas Luhmann points out “Every decision can cause unwelcome results,” and there is a fallacy in the belief that “risk is avoidable and we can play it safe if we decide differently”.³⁶ National security rationality accepts quite plainly that there is no safety, only relative risks. As this history shows, drugs have been deemed the lesser of various risks by the U.S. government. Hence, policy has reflected other national interests, rather than a concerted attempt to craft thoughtful and appropriate drug regulation, or even support debate and research into what that might be. The result is drug policy that has privileged supply-side control, and subverted even that to the perceived threats of communism – or encroachments on bureaucratic turf.

The relationship I propose between national security and drug policy is interpreted by some – and often portrayed in the media – as a sinisterly symbiotic relationship. The two are seen as mutually self-serving but not in the interest of the security, health or happiness of the nation, but rather for the illicit benefit of a powerful elite. While there is no doubt, as policy scholars Mayer and Parssinen write in *Webs of Smoke*, that “individuals, bureaus, and proxies of the American government have been involved with drugs and traffickers” I interpret them here as “episodic reiterations of historical patterns”.³⁷

Rather than co-conspirators, the intelligence and enforcement apparatuses have been often locked horns, interpreting their missions as being at cross-purposes. There is as yet no agreement as to whether Cold War tactics were ultimately favorable for national

³³ (DEA, 2002)

³⁴ (Brooks, 2005a)

³⁵ (Brooks, 2005a)

³⁶ (Luhmann, 1998, p. 71)

³⁷ (Meyer & Parssinen, 1998, p. 281)

security, and it is quite clear that the goals of drug enforcement were frequently sacrificed. The historical patterns are based on one of the fundamental paradoxes (or checks and balances) of government, the different mandates of security and justice forces. What it means to keep the nation safe and how to interpret its laws are, of course, matters of contentious debate.

Luhmann's comments suggest a critique of the polarized ideologies on either side of the debate on drugs. Drugs create crime because they are illegal, insists one side; drugs are an enemy from which society must be defended, counters the other. Each argues that the other is the riskier one, that it poses a greater likelihood of harm to America's youth, security or future. Implicitly, the championed position offers itself as security and marks the other as danger. Yet it should be clear, at this point, that there are only relative risks and more logical policy would be based on clearly defined priorities.

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