

***Testimony to the Special Rapporteur on Racism for the United Nations
72nd Review of the Treaty to Eliminate All Forms of Racial Discrimination***

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Thank you for this opportunity to discuss the War on Drugs. The earliest drug laws were imposed on people of color a century ago, including Chinese railroad workers using opium, Mexican laborers who used marijuana, and the newly emancipated "cocaine-crazed" Negro. 100 years later, the War on Drugs is still a war on black and brown people. Although whites use drugs at the same rate as African Americans, African Americans make up almost half of those arrested for and more than half of those convicted of drug offenses causing critics to call the war on drugs the "New Jim Crow." According to the American Civil Liberties Union, 1 in 3 black men will have contact with the criminal justice system and approximately 1.4 million black men are disfranchised because of felony drug convictions and 1 in 14 black children has a parent in prison. I will take the opportunity to highlight five issues within the War on Drugs:

1. Cannabis is the most widely used illicit substance, with 29 million Americans using it at least once a year. Though 74% of regular marijuana users are non-Hispanic whites and 14% are black, African Americans make up 30% of all marijuana arrests.
2. Mandatory minimum sentencing strips judicial discretion and imposes unduly long prison sentences on minor offenders, violating common sense and fundamental notions of justice and morality. The most egregious example of mandatory minimum sentencing is the sentencing disparity between crack cocaine and powder cocaine. According to a study published in the Journal of American Medical Association, crack and powder cocaine are pharmacologically the same drug, yet they are treated very differently within the walls of our justice system. Current federal policy generates a 100 to 1 penalty ratio for crack-related offenses. In 2006, blacks constituted 82% of those sentenced under federal crack cocaine laws while whites constituted only 8.8% despite the fact that more than 66% of people who use crack cocaine are white.
3. Today, partly because drug law enforcement resources have been concentrated in low income, predominantly minority urban areas, a strong racial disparity is

prevalent in drug arrests and convictions. American citizens, largely African Americans, are in danger from those who should protect them. Further, The DEA and other law enforcement agencies are alleged to have initiated and encouraged racial profiling in the war on drugs.

4. African American men made up 44% of AIDS diagnoses in men during 2005. According to the Centers for Disease Control and Prevention, 31% of African American women infected with HIV and 28% of African American men have contracted the virus through intravenous drug use. Despite the proven success of needle exchange programs in reducing the spread of HIV, AIDS, and Hepatitis C, most states do not allow them to operate legally. Contributing to the spread of HIV/AIDS are jail and prison conditions.
5. In just over 22 years, the incarceration rate for African American women has increased 800%, and they are three times more likely to be sentenced than in 1986. Now, African American and Latina women make up more than half of the female prison population in the United States. Despite similar or equal rates of illegal drug use during pregnancy, African American women are ten times more likely to be reported to child welfare agencies for prenatal drug use compared to white women.