

# The New York Times

EDITORIAL

## Racial Inequity and Drug Arrests

May 10, 2008

The United States prison system keeps marking shameful milestones. In late February, the Pew Center on the States released a report showing that more than 1 in 100 American adults are presently behind bars — an astonishingly high rate of incarceration notably skewed along racial lines. One in nine black men aged 20 to 34 are serving time, as are 1 in 36 adult Hispanic men.

Now, two new reports, by The Sentencing Project and Human Rights Watch, have turned a critical spotlight on law enforcement's overwhelming focus on drug use in low-income urban areas. These reports show large disparities in the rate at which blacks and whites are arrested and imprisoned for drug offenses, despite roughly equal rates of illegal drug use.

Black men are nearly 12 times as likely to be imprisoned for drug convictions as adult white men, according to one haunting statistic cited by Human Rights Watch. Those who are not imprisoned are often arrested for possession of small quantities of drugs and later released — in some cases with a permanent stain on their records that can make it difficult to get a job or start a young person on a path to future arrests.

Similar concerns are voiced by the New York Civil Liberties Union, which issued a separate study of the outsized number of misdemeanor marijuana arrests among people of color in New York City.

Between 1980 and 2003, drug arrests for African-Americans in the nation's largest cities rose at three times the rate for whites, a disparity "not explained by corresponding changes in rates of drug use," The Sentencing Project finds. In sum, a dubious anti-drug strategy spawned amid the deadly crack-related urban violence of the 1980s lives on, despite changed circumstances, the existence of cost-saving alternatives to prison for low-risk offenders or the distrust of the justice system sowed in minority communities.

Nationally, drug-related arrests continue to climb. In 2006, those arrests totaled 1.89 million, according to federal data, up from 1.85 million in 2005, and 581,000 in 1980. More than four-fifths of the arrests were for possession of banned drugs, rather than for their sale or manufacture. Underscoring law enforcement's misguided priorities, fully 4 in 10 of all drug arrests were for marijuana possession. Those who favor continuing these policies have not met

their burden of proving their efficacy in fighting crime. Nor have they have persuasively justified the yawning racial disparities.

All is not gloomy. Many states have begun expanding their use of drug treatment as an alternative to prison. New York's historic crime drop has continued even as it has begun to reduce the number of nonviolent drug offenders in prison, attesting to the oft-murky relationship between incarceration and crime control. In December, the United States Sentencing Commission amended the federal sentencing guidelines to begin to lower the disparities between the sentences imposed for crack cocaine, which is more often used by blacks, and those imposed for the powder form of the drug.

The looming challenge, says Jeremy Travis, the president of John Jay College of Criminal Justice, is to have arrest and incarceration policies that are both effective for fighting crime and promoting racial justice and respect for the law. As the new findings attest, the nation has a long road to travel to attain that goal.