

## Part 2: Targets: Race, Class, and Law Enforcement

Thirty-two states retain the death penalty for drug offenses in violation of international human rights commitments.<sup>1</sup> In Georgia, drug crackdowns in 2007 resulted in 4 percent of the country's male population being tested for drugs, many under forced conditions. Thirty-five percent of these went on to be imprisoned on a drug-related charge.<sup>2</sup> Military and police have been responsible for hundreds of killings in Mexico's drug war since 2006.<sup>3</sup> Singapore applies long-term imprisonment and corporal punishment (caning) for drug dependence.<sup>4</sup> In China, hundreds of thousands have been detained without trial in drug detention centers and subjected to forced labor under the guise of drug treatment,<sup>5</sup> while punitive laws and abusive policing practices have impeded the response to HIV among injecting drug users in country after country around the world.<sup>6</sup>

The excesses of law enforcement in the war on drugs are clear. What is hidden by the top line facts and figures above, however, is the fact that, by and large, it is poorer people, those from ethnic minorities, and those at the margins of society who feel the brunt of these excesses. While law enforcement-based policies have dominated drug control for many decades, their focus has been far from equally distributed. In Ecuador, for example, women drug mules, often driven to the trade by poverty are now disproportionately represented in the country's prisons.<sup>7</sup> In Ukraine, people who are drug dependent are often seen as "soft targets," particularly when arrest quotas place quantity of arrests over the severity of crimes.<sup>8</sup> In the United States, approximately half a million people are incarcerated for drug offenses. But African Americans are ten times more likely than whites to be incarcerated for such crimes.<sup>9</sup>

The first two chapters in this section deal with this last statistic from the perspective of young people. These chapters, which focus on racial and class disparities in the war on drugs in the United States, hone in on preconceptions about drug users and drug dealers—who they are, and what their motivations may be. Deborah Peterson Small's chapter, "Getting the Message: Hip-Hop Reports on the Drug War," is a fascinating and colloquial insight into the effects of the war on drugs on young black and Latino American men. She documents

messages about drugs, prison, and law enforcement in hip-hop music, which has, through the years, been the “newsstand” for young people, where information about the realities of life for black and Latino communities is passed on. As Peterson Small says, “Anyone seeking to understand the effects of decades of drug law enforcement on poor black and Latino youth should listen to the lyrics and music of the generations of young people who have lived on the frontlines of the U.S. ‘war on drugs.’”

A. Rafik Mohamed and Erik Fritsvold complement these insights with a study of drug dealing among fifty affluent, mostly white, male college students. Their chapter, “Under Cover of Privilege: College Drug Dealing in the United States,” shows that despite what the authors called “collective bungling” and the students’ utter lack of risk-aversion strategies, few of these dealers were ever the focus of law enforcement efforts, nor had they any fear of the drug war. Only one was convicted for drug offenses and none were incarcerated for their crimes. All but one eventually transitioned out of drug dealing and into licit occupations, leaving drugs and the drug war behind. The disparity with “open market” dealers in poor, black, and Latino neighborhoods, and the experiences of those represented in Peterson Small’s chapter, could not be greater.<sup>10</sup>

From the United States, the next chapter moves south to Brazil, where the war on drugs has been described as “organised armed violence.”<sup>11</sup> Indeed, “Young Soldiers in Brazil’s Drug War,” by Michelle Gueraldi, could be included in part 1, alongside Mexico. It has been included here, however, due to the author’s focus on young, poor, black boys as targets of the drug war. Gueraldi, a human rights lawyer, questions why a more holistic children’s rights-based approach, already reflected in Brazilian law, has not been adopted given the socioeconomic forces driving involvement in the drug trade for many of these children. Her chapter portrays a childhood for many of those living in the *favelas* that is brutal and short—in which involvement in the drug trade is a rational choice set against a vacuum of realistic options. At the root of Gueraldi’s analysis is the impact of public attitudes toward poor, marginalized young people. In her words, public opinion has become “cynical to the point of supporting or turning a blind eye to the systematic killing of children.”

## Endnotes

1. See R. Lines, "A Most Serious Crime? The Death Penalty for Drug Offences in International Human Rights Law," *Amicus Journal*, no. 21 (2010): 21–28.
2. D. Otiashvili, "Georgian Drug War—Ignoring Evidences, Neglecting Human Rights," paper presented at the International Harm Reduction Association's Nineteenth Annual Conference, Barcelona, Spain, May 14, 2008.
3. See chapter 2.
4. Central Narcotics Bureau, *Annual Bulletin* (2007), 19.
5. Human Rights Watch, *Where Darkness Knows no Limits: Incarceration, Ill-treatment and Forced Labor as Drug Rehabilitation in China*, January 2010, [www.hrw.org/en/reports/2010/01/07/where-darkness-knows-no-limits-0/](http://www.hrw.org/en/reports/2010/01/07/where-darkness-knows-no-limits-0/).
6. See *The Vienna Declaration: A Global Call to Action for Science-based Drug Policy*, July 2010, [www.viennadeclaration.com](http://www.viennadeclaration.com).
7. See chapter 9.
8. See, for example, Human Rights Watch, *Rhetoric and Risk Human Rights Abuses Impeding Ukraine's Fight Against HIV/AIDS*, May 2006, [www.hrw.org/en/reports/2006/03/01/rhetoric-and-risk](http://www.hrw.org/en/reports/2006/03/01/rhetoric-and-risk). See also chapter 10 on Indonesia.
9. Human Rights Watch, *Targeting Blacks: Drug Law Enforcement and Race in the United States*, May 2008, [www.hrw.org/en/node/62236/section/1/](http://www.hrw.org/en/node/62236/section/1/).
10. See also D. Simon and R. Burns, *The Corner: A Year in the Life of an Inner City Neighborhood* (New York: Broadway, 1997).
11. See L. Dowdney, *Children of the Drug Trade: A Case Study of Children in Organised Armed Violence in Rio De Janeiro* (Rio De Janeiro: 7 Letras, 2003).

## 5. Getting the Message: Hip-Hop Reports on the Drug War

*by Deborah Peterson Small*

### Hip-Hop and the Drug War

Music and drugs are fellow travelers. Music is a universal medium of expression. Drugs have been used throughout human history by people of all ages. Both stir emotion and moods, and can alter one's state of mind in minutes. Music is a particularly favored medium of youth. Throughout modern history music has provided a means for young people to express their concerns and angst. Illicit drug use is also a common experience of youth, particularly in the United States. According to the most recent Monitoring the Future (MTF) survey more than 45 percent of all high school seniors reported using an illicit drug in their lifetime. Consequently, it is no exaggeration to say that music, drugs, and youth travel in the same circles.

Hip-hop began as an urban movement encompassing rap music, break dancing, graffiti art, and fashion. Created in New York City during the late 1970s, it reflected the hopes and aspirations as well as the many challenges facing inner-city youth. Its dominant feature is “rap” (performed by MCs—aka “masters of ceremonies”)—a discursive oral art form that traces its roots to the griots of West Africa.<sup>1</sup> In its purest form, known as “freestyling,” rap is about creating extemporaneous poetry delivered to rhythmic beats. A rapper is distinguished by verbal agility, demonstrated in competitive “battles.” DJs (disc jockeys) create the soundtrack of hip-hop by sampling parts of existing songs, looping them, and adding new sounds to create music to rap to. Break-dancing is competitive street dancing consisting of elements that demonstrate physical agility and strength. Graffiti is a popular method used by young urban artists to communicate identity, expression, and ideas through drawings, markings, and messages painted, written, or scratched on a wall or surface (in New York City, the surface was often subway trains).

The advent of hip-hop coincided with the escalation of the “war on drugs” in the United States in the early 1980s. In response to concern over growth of the illicit drug trade and increasing use of smokable cocaine (known as “crack” or “rocks”) in inner-city communities,

Congress passed new laws that intensified the war on drugs, and in a short time, state legislators followed suit. At both the federal and state levels, lawmakers adopted expansive definitions of “drug-related crimes” and required the imposition of harsh sentences aimed at keeping individuals with any connection to drugs behind bars for longer periods of time. Despite the reality of problematic drug use among every socioeconomic and demographic group, these new laws would be enforced most vigorously in poor black and Latino communities—with devastating effects on multiple generations of men, women, and children.

A frequent justification given by U.S. officials for enacting such “get tough” approaches is the need to protect vulnerable youth from drugs, drug sellers, and drug-related crime. Ironically, the expanding definition of “drug-related crimes” increasingly ensnared juveniles who were charged and prosecuted as adults for drug offenses. Not surprisingly, black youth are disproportionately represented among youth arrested and charged with drug offenses and among juveniles prosecuted as adults for drug offenses, despite consistent evidence that black youth have a lower rate of illicit drug use than their white counterparts. According to the most recent MTF survey:

*Among the most dramatic and interesting subgroup differences are those found among the three largest racial/ethnic groups—Whites, African Americans, and Hispanics. **Contrary to popular assumption, at all three grade levels African-American students have substantially lower rates of use of most licit and illicit drugs than do Whites.** These include any illicit drug use, most of the specific illicit drugs, alcohol, and cigarettes.<sup>2</sup> [emphasis added]*

Over the past three decades, legislators throughout the United States have adopted a variety of policies that send more minority youth to criminal court. These measures include: lowering the age at which juveniles can be prosecuted as adults; expanding the categories of crimes for which youth are automatically prosecuted in criminal court; giving prosecutors the exclusive authority to decide which juveniles are charged as adults; and limiting the discretion of judges to overturn decisions by prosecutors and law-enforcement officials. The impact of these policies has been dramatic, nowhere more so than in New York (the first state to adopt long mandatory drug sentencing) and California, which have the distinction of sending

more young black and Latino men to prison each year than graduate from their state colleges and universities. Not surprisingly, New York and California have been at the center of major developments in the history of hip-hop.

Much has been written regarding the dramatic growth in the U.S. prison population; the role of punitive drug policies in fueling this growth; and the racially disparate consequences of drug-law enforcement on poor black communities. In addition to the numerous books, articles, reports, and research studies chronicling these developments, stories of the drug war and its influence pervade hip-hop music. Anyone seeking to understand the effects of decades of drug-law enforcement on poor minority youth should listen to the lyrics and music of the generations of young people who have lived on the frontlines of the U.S. “war on drugs.”

#### Delivering the Message: News from the Streets to the Ears of the World . . .

Hip-hop was created by alienated and marginalized youth seeking to tell their stories. In the 1980s, rappers used hip-hop to express their disillusionment, despair, anger, and impatience about what was happening to them and their communities. Hip-hop music revealed the not-so-hidden consequences of growing income inequality.

One of the first consciously political hip-hop recordings was “The Message” by Grandmaster Flash and the Furious Five. Released in 1983, it is a musical exhortation against complacency in the face of growing poverty and desperation. Its opening lines paint a bleak but honest picture of daily life in many ghettoized communities:

*Broken glass everywhere  
People pissing on the stairs, you know they just don't care  
I can't take the smell, I can't take the noise  
Got no money to move out, I guess I got no choice  
Rats in the front room, roaches in the back  
Junkies in the alley with the baseball bat*

A later verse explains how childhood deprivation, *living second rate*, often leads to involvement in the criminal justice system. The lack of options for such children is acutely observed—their environment mirroring their future—*one great big alleyway*.

*You'll admire all the number book takers  
Thugs, pimps, pushers and the big money makers  
Driving big cars, spending twenties and tens  
And you wanna grow up to be just like them*

The attraction of criminality set against such a bleak outlook is clear. The song, however, is a warning. It predicts education loss, violence, and inevitable incarceration. It predicts the loss of youth. Its chorus could not be more explicit or poetic in describing the artists' feelings about this: *Don't push me cause I'm close to the edge.*

The issues addressed in "The Message": poor living conditions; dearth of positive male role models; nonengagement with education; chronic unemployment; the lure of criminality; police brutality; and incarceration are recurring themes in hip-hop music and culture.

#### Crack Game: Dealing Drugs, Employment Opportunity for the Discarded

Hip-hop developed during a period of extraordinary economic transition—the flight of manufacturing and other traditional businesses from urban areas left a significant portion of young men with minimal employment prospects. Black and Latino males with poor grades and especially those who dropped out of school, faced a hostile and competitive labor market—long periods of unemployment soon became the norm. Into this vacuum stepped drug cartels that saw in these young men a ready labor pool with direct ties to new, lucrative markets, and considerable drive to make enough money to get out of their ghetto neighborhoods. The economic pressures that compel many young black and Latino men to enter the illicit drug market are described repeatedly in hip-hop music.

In "Love's Gonna Get' Cha/Material Love" (1990) KRS-One tells a compelling story of coming of age into the drug business, rapping about growing up poor and being lured by the opportunity to make money to help his family. *Every day I see my mother struggling, now it's time I've got to do something*, says the narrator, describing then the embarrassment of rejection from work and the degradation of menial jobs. Easy money comes in the form of a *quick delivery* for a local dealer—I *do it once, I do it twice, now there's steak with the beans and rice . . . my family's happy everything is new, now tell me what the fuck am I supposed to do?* The narrator soon becomes a moderately successful drug dealer able to provide for his family and enjoy some of

the finer things in life for a while, but a beef with a rival dealer results in the shooting of his brother leading to a gun battle that results in the police killing two of his friends.

Most politicians, community leaders, and media portrayed young minority men involved in the street drug trade as lazy, irresponsible parasites. As the drug war raged on through the 1980s and 1990s, hip-hop artists responded to the demonization of drug dealers by pointing to the hypocrisy of a system that rewarded wealth and power regardless of the method by which it was acquired and yet penalized black men who sought the same by utilizing the few economic options available to them.

In “I Want to Talk to You” (1999), Nas—considered by music critics one of the most lyrically gifted hip-hop artists—challenges the prevailing condemnation of drug dealing, asserting that for many it is a means of survival amid a desert of other options—*Niggaz gotta go create his own job*. He asks the nation’s political leaders what they would do in the same situation: *Mr. Mayor imagine this was your backyard/Mr. Governor imagine it’s your kids that starved*. And he implicates them in the situation facing young black men, explaining in so few words how racism, capitalism, and class make involvement in criminality all but unavoidable: *all I got is what you left me with, I’m gonna get it*.

In “Manifesto” (1998), Talib Kweli tells the truth succinctly:

*Supply and the demand it’s all capitalism*

*People don’t sell crack cause they like to see blacks smoke*

*People sell crack cause they broke*

The rise of hip-hop came at a time when the U.S. music industry was in transition. New technologies brought unanticipated changes—affecting record sales and profits. Hip-hop provided a much needed boost to an ailing industry with its new sounds, creativity, and energy. The commercial success of hip-hop correspondingly provided economic opportunities for marginalized black men at a time when other employment options were becoming scarce. One group well positioned to seize the opportunities hip-hop provided for financial reward was ghetto entrepreneurs (aka drug dealers). Ironically, some of the most successful and well-known hip-hop moguls were involved in the illicit drug economy early in life. Many leveraged the proceeds from illegal drugs to finance their start in the music industry. This

path, followed by Russell Simmons, Jay-Z, Master P, Nas, Notorious B.I.G., Eazy-E, Suge Knight, 50 Cent, Lil Wayne, and countless others, has led generations of hip-hop fans throughout America to believe that if you are smart and lucky, selling drugs can be a step toward establishing a successful music career.

In “Drug Dealer” (1992), KRS-One makes the point that historically profits from crime have eased the path for many upwardly mobile Americans:

*Drug dealer, understand historical fact  
Every race got ahead from selling drugs except Black  
We are under attack here's another cold fact  
In the 30s and 40s the drug dealer wasn't Black  
They were Jewish, Italian, Irish, Polish etc., etcetera  
Now in the 90s their lives are a lot better*

#### Thugs with Drugs: The Rise of Gangster Rap

*We treat this rap shit just like handlin weight.*

JAY-Z, “Rap Game/Crack Game” (1997)

Given the relationship between hip-hop music and street drug culture it is not surprising that rap lyrics reference the many similarities between the music and drug businesses.

The economic success of hip-hop music and culture created a new path to escape ghetto life. While many inner-city youth dreamed of a career in professional sports, achieving it required extraordinary physical attributes and gifts that few are born with. Hip-hop provided the promise of fame and fortune to the verbally gifted who did not sing or dance. Anyone with the ability to write and deliver rhymes or create new beats could ostensibly become a star. As hip-hop continued to grow in popularity and influence, the numbers of young black men and women who sought to ride the hip-hop train to fame grew exponentially. However, as is true in many markets, the proliferation of hip-hop talent made it easy for the industry to exploit new and unsophisticated artists. Many artists were unaware that the *commercial* success of hip-hop culture was built on appealing to a demographic different from the group the music was initially created for. Record companies discovered a highly lucrative market for hip-hop in alienated suburban white youth who reveled in the violence, misogyny, and criminality expressed in some hip-hop music, which

they adopted as the authentic experience of inner-city youth. By some estimates, 80 percent of hip-hop music is bought by white youth.

The genre of hip-hop music most appealing to alienated white youth is “gangster rap,” celebrating the lifestyle commonly associated with gamblers, gangsters, pimps, hustlers, and drug traffickers. Its essence is selfish, misogynistic, violent, materialistic, and amoral. Gangster rap first developed in Los Angeles and is directly related to the growing involvement of LA gangs (primarily the Crips and Bloods) in the drug trade. The group that put gangster rap on the map was N.W.A. (Niggaz with Attitude). By taking on the hated “N word” (nigger) and the negative characteristics associated with it, the group was declaring itself outside contemporary society—both white and black. By adding the description “with Attitude,” they were serving notice that, like gangsters, they were dangerous and not to be messed with. One of the founding members, Eazy-E, initially conceived of the group and the record label they started as a way to launder the money he made selling drugs. As gangster rap grew in notoriety and profits, many hip-hop artists promoting themselves as “gangster rappers” conspicuously took the names and aliases of well-known mafia and drug cartel leaders (e.g., Junior Mafia, Noriega, Gambino, Escobar) to establish their affinity with those choosing to live by the “Code of the Streets” (1994) as described by Gang Starr:

*I'll organize some brothers and get some crazy loot  
Selling d-r-u-g-s and clocking dollars, troop  
Cause the phat dough, yo, that suits me fine  
I gotta have it so I can leave behind  
The mad poverty, never having always needing  
If a sucker steps up, then I leave him bleeding  
...  
You gotta be a pro, do what you know  
When you're dealing with the code of the streets*

The Wu-Tang Clan succinctly summed up the prevailing value in the United States, when they proclaimed in their mega-hit “C.R.E.A.M.” (1994), “Cash Rules Everything Around Me, Get the Money, Dollar, Dollar Bills Y'all.” Gangster rap celebrates this lifestyle with its promise of quick financial gain and easy sexual conquests. However, it is worth noting that aside from the prevalence of guns, the sentiments and attitudes reflected in gangster rap are very similar to the values and behavior that have prevailed on Wall

Street over the past three decades. “Greed is good,” has been the dominant ethos of mainstream financiers who made billions selling toxic products to unwitting customers who became addicted to the financial “high” of increasing profits and cheap borrowed money, no matter how risky. Unlike the titans of Wall Street who were rescued from the consequences of their follies by the federal government and successfully avoided prosecution, today’s rappers are increasingly caught in a trap partly of their own making. Establishing one’s criminal bona fides has become a prerequisite for legitimacy as a gangster rapper, and artists vie to exceed each other in verbal boasts of flouting the law. Prosecutors have become creative at using the lyrics of gangster rappers as evidence of criminal activity, leading to several high-profile prosecutions.

In reality, the life of the average street drug dealer is often harsh, dangerous, and financially unrewarding. This is well-described in “Last Dayz,” by Onyx (1995). Beginning with a line borrowed from the 1993 film *Menace II Society*—*I’m America’s nightmare, young black and just don’t give a fuck*—the track describes a life of zero options, crime, and violence. There are messages of suicide—*thinking of taking my own life, might as well*—and violent ends—*and I’ll probably bite the bullet cause I live by the gun*. Perhaps most striking, however, is the sense of resignation. The chorus sums it up:

*It’s life on the edge, a dangerous  
way of livin, never givin a shit  
cause we livin in it—we never givin a shit  
cause we living in it*

The opportunity to earn big money as a street-level drug dealer is almost as elusive for most black and Latino men as making it into professional sports. Several studies suggest the average street drug dealer earns slightly more than minimum wage and receives no extras for the safety hazards associated with the job (e.g., gunshots, beat-downs, theft), or compensation if hurt or arrested.<sup>3</sup> Guns are not a vicarious thrill but a fact of life—the number-one cause of death for young black men, especially those involved in drug-related activities. Nor is going to prison just tough-guy talk but a general eventuality, since one in four black men will do time at some point in their lives, usually while young.

## “Sound of Da Police”: Hip-Hop on Law Enforcement

The rise of hip-hop paralleled the exponential growth of imprisonment fueled by drug law enforcement. Hip-hop expresses the sentiments of minority inner-city youth who profoundly distrust the criminal justice system. This distrust begins with law enforcement. The police are viewed by many as a legal gang with which minority youth are perpetually at war.

In “Sound of da Police” (1993), KRS-One expands the critique of police harassment suggested at the end of “The Message” with a direct attack that connects modern-day police practices with the behavior of plantation overseers during chattel slavery:

*Take the word “overseer,” like a sample  
Repeat it very quickly in a crew for example  
Overseer, Overseer, Overseer, Overseer!  
Officer, Officer, Officer, Officer!  
Yeah, officer from overseer  
You need a little clarity?  
Check the similarity!*

...

*The overseer had the right to get ill  
And if you fought back, the overseer had the right to kill  
The officer has the right to arrest  
And if you fight back they put a hole in your chest!*

N.W.A. (Niggaz with Attitude) gained fame and notoriety for expressing the absolute contempt many young black Angelenos had for the Los Angeles Police Department, which was considered to be brutal and corrupt. In “Fuck tha Police” (1988) the group holds a mock trial where they find the police guilty of multiple crimes against young black men from Compton. They describe harassment:

*Fuckin with me cuz I’m a teenager  
With a little bit of gold and a pager  
Searchin my car, lookin for the product  
Thinkin every nigga is sellin narcotics*

and racially motivated violence, accusing the police of claiming *the authority to kill a minority*.

## Bass, How Low Can You Go? Hip-Hop on Drug Addiction

*Bass, How Low Can You Go?* is the famous double entendre opening to “Bring in the Noise,” the opening track to Public Enemy’s 1988 album *It Takes a Nation of Millions to Hold Us Back*. Bass, of course, refers to a male vocal range, the bass guitar, the bass drum, a bass line. Base, on the other hand, refers to freebase. “White Lines” (1983) by Grandmaster Flash and the Furious Five, however, was one of the first hip-hop songs to address the problem of drug addiction—in particular, the growing menace posed by cocaine, specifically freebasing.

*Ticket to ride, white line highway  
Tell all your friends, they can go my way  
Pay your toll, sell your soul  
Pound for pound costs more than gold  
The longer you stay, the more you pay  
My white lines go a long way  
Either up your nose or through your vein  
With nothin to gain except killin’ your brain*

While drinking and cannabis smoking are often glorified in gangster rap (e.g., the entire *Doggystyle* album by Snoop Doggy Dogg, 1993), this is not reflective of hip-hop more broadly. “I Need Drugs” (2000) is an amusingly ironic ode to crack cocaine addiction by Necro. While funny in places, it glorifies nothing. If anything, the core message is a sense of shame:

*I ain’t got no pride, While buying the shit  
I’m lying to myself telling the runner I’m trying to quit  
It’s all make believe, I pretend that I’m true  
When you give me credit, I’ll dodge you every chance that I get to  
Even if it’s good, I’ll sniff it up in a minute  
Beep you back and complain that you put too much cut in it*

## What We Seeing Is . . . : Hip-Hop on Prison

Public Enemy’s “Bring the Noise,” quoted above, relates not only to addiction but also to the drug trade and prisons. *Bass, how low can you go?* is the question. *Death row, what a brother know* is the answer. In just twelve words, Chuck D had drawn the connection between drugs, addiction, the consequences of involvement in the drug trade,

and the violence that surrounds it for young black men. Throughout the many genres of hip-hop music, there are messages about prison and prison life. While gangster rap is best known for its glorification of drug dealing, gang banging, and lifestyles of hedonistic criminality, many of the same groups that made gangster rap popular also rap about prison life, much based on personal experience. Hip-hop artists who have been through the criminal justice system are too numerous to count, a reflection of the prevalence of incarceration among young black men. Since “The Message,” hip-hop music has included tales of incarceration.

In “Locked in Spofford” (1993) Mobb Deep describes juvenile detention and violent necessities of getting by—*Here, it takes a lot of heart to live . . . Niggaz got me fightin for my life, cause shit is real.* DMX, meanwhile, describes the revolving door of the criminal justice system and lock-down in maximum security in 2001’s “Who We Be”:

*The release, the warning, “Try not to get in trouble”  
The snitches, the odds, probation, parole  
The new charge, the bail, the warrant, the hole*

...

*The twenty-three hours that’s locked, the one hour that’s not  
The silence, the dark, the mind, so fragile*

Ludacris’s “Do Your Time” (2006) develops this theme. The track is a call to those incarcerated to endure:

*I’d dream that I could tell Martin Luther we made it  
But half of my black brothers are still incarcerated*

...

*If you doin 25 to life—stay up homie  
I got your money on ice so—stay up homie  
If you locked in the box keep makin it through  
Do your time (do your time) don’t let your time do you*

In an imaginative take on the subject Nas, “Last Words” (1999), writes from the perspective of the prison, describing its relationship with the inmates who inhabit its world. The approach amplifies the experience for the listener, and brings home the reality of prison, in particular, the utter lack of privacy:

*Convicts think they alone but if they listen close  
They can hear me groan touch the wall feel my pulse  
All the pictures you put up is stuck to my skin*

*I hear ya prayers (even when ya whisperin)*

...

And the erosion of dignity:

*I saw too many inmates fallin apart*

*Call for the guards to let them out at night when it's dark*

...

*No remorse for your tears I seen em too often*

*When you cry I make you feel alive inside a coffin*

## Conclusion

It is difficult to fully appreciate the influence of hip-hop culture on generations of young men of color growing up in the era of the modern “war on drugs” in the United States. Rather than attempting to encapsulate it, I leave it to the eloquent words contained in the following quotation from Aneraé “X-Raided” Brown, a California inmate:

*I am the fabled crack baby. A boy who became a teen during what some argue was one of the roughest, most dangerous periods in U.S. history. I turned 14 in 1988, a black boy, a fledgling member of the notorious Crip gang, trying to learn how to fly, in the wrong direction, unknowingly, with lead wings. Pistols, cocaine, HIV/AIDS, the Cold War; how those things became the concerns of a 14 year old . . . God only knows. A boy who learned by what he decried, I was an impressionable teen absorbing the teachings that emanated from the conditions I saw on a daily basis, which included police brutality, the devastation of the gang and crack epidemics on the black community, and an overall fear and disdain of both white people and law enforcement, issues which were largely ignored by the mainstream media. The only journalistic reports being published that addressed these matters to reach my eyes and ears were coming to me in the form of hip-hop music, videos, movies and magazines . . . and the strongest voices of all, which came from a few little groups you may have heard of that went by the names of Public Enemy, NWA, and the Geto Boys. They were, to the streets, what The Beatles were to white folk. What James Brown, Curtis Mayfield and Marvin Gaye were to older black folk. They were the voices of our generation. Chuck D*

*and Ice Cube's voices are as recognizable to us as Paul McCartney and John Lennon's are to, say, a Baby Boomer, for perspective. "Fight the Power," "Fu\*k the Police"—You know Chuck D and Ice Cube's voices and the sounds of Dr. Dre and The Bomb Squad, even if you do not know their names and faces.*<sup>4</sup>

## Endnotes

1. A griot is an African poet, musician, and oral historian.
2. L.D. Johnston, P.M. O'Malley, J.G. Bachman, and J.E. Schulenberg, *Monitoring the Future National Results on Adolescent Drug Use: Overview of Key Findings, 2010* (Ann Arbor: Institute for Social Research, University of Michigan, 2011), 50. (emphasis added).
3. [For an accessible take on this see Steven D. Levitt and Stephen J. Dubner, "Why Do Drug Dealers Still Live with Their Moms?" in their *Freakonomics: A Rogue Economist Explores the Hidden Side of Everything* (London: Penguin, 2007).—Ed.]
4. Aneraé "'X-Raided' Brown. Black History Month: A Convict's Perspective," [www.amoeba.com/blog/2009/02/jamoeblog/black-history-month-a-convict-s-perspective-pt-1-longtime-incarcerated-california-rap-artist-x-raided-offers-his-perspective-.html](http://www.amoeba.com/blog/2009/02/jamoeblog/black-history-month-a-convict-s-perspective-pt-1-longtime-incarcerated-california-rap-artist-x-raided-offers-his-perspective-.html).

## 6. Under Cover of Privilege: College Drug Dealing in the United States

*by A. Rafik Mohamed and Erik D. Fritsvold*

For nearly forty years, the United States has been the driving force behind the international drug-eradication effort commonly referred to as the “war on drugs.”<sup>1</sup> Most of the United States’ partners in this “war” share an interest in reducing the harms associated with illicit drug use; however, the drug-war approach taken by United States differs in significant ways from the tactics preferred by most of its partner nations. While the majority of Western industrialized nations have responded to the global drug crisis by adopting harm-reduction, therapeutic, and public-health models in their efforts to curtail illegal drug use, and others have considered the decriminalization of drug use for personal possession, drug policies in the United States have been distinguished by strict prohibitionist “get tough” policies and a heavy dependence upon the criminal justice system. The direct result of this approach, discussed in greater detail in this chapter’s next section, has been a quadrupling of the jail and prison population in the United States and the disenfranchisement of millions of U.S. citizens.

However, as our research on college drug dealers reveals, the war on drugs in the United States has not been waged with an even hand. Instead, despite the unyielding “zero-tolerance” zealotry accompanying U.S. drug policy, the illicit drug-using and drug-dealing behaviors of the most vulnerable and marginalized members of U.S. society have been more heavily scrutinized by the drug war hawks than similarly illicit behaviors of those with more social, political, and economic capital.

What follows in this chapter is a short synopsis of the effect of the U.S. war on drugs on incarceration and its disproportionate focus on African Americans; and a summary of a six-year ethnography in which we observed and interviewed approximately fifty affluent drug dealers, all of whom were current or former college students and nearly all of whom were white males. Despite operating significant and frequently conspicuous drug-dealing enterprises, and despite their collective bungling and a dearth of risk-aversion tactics, few

of these *dorm-room dealers* were ever entangled in the drug war web. While a handful of the dealers serving as our informants had brushes with the law for their illicit drug activities, only one was convicted for drug law violations and none were incarcerated for their crimes. Unlike their street-corner peers, likely in part due to the fact they were never formally stigmatized for their drug-dealing activities, all but one of our study's subjects ultimately transitioned out of their statuses as drug dealers and into the licit workforce. Ultimately, the drug-dealing network we uncovered challenges the archetypical "shadowy figure" portrayal of drug dealers in the United States and calls into question some of the foundational elements of contemporary U.S. drug policy, particularly in light of seemingly more successful strategies employed by other members of the international community in their efforts to curtail drug abuse.

## The War on Drugs

In 2005, while reflecting upon the state of international drug control efforts, then executive director of the United Nations Office on Drugs and Crime (UNODC), Antonio Maria Costa, remarked, "This is not a small enemy against which we struggle. It is a monster. With such an enormous amount of capital at its disposal, it is bound to be an extremely tenacious one."<sup>2</sup> At the time of Costa's assessment, the UNODC estimated the worldwide retail market for illegal drugs at US\$320 billion,<sup>3</sup> larger than the gross domestic product of 88 percent of the world's nations.

The U.S. demand for illicit drugs is perhaps the most substantial catalyst behind this "monster" global drug trade. An estimated 44 percent of the retail sales of illegal drugs worldwide are in North America.<sup>4</sup> According to the U.S. Department of Health and Human Services 2008 National Survey on Drug Use and Health, more than 20 million Americans aged twelve or older were current illicit drug users, meaning they had used an illegal drug at least once in the past month. U.S. Americans are the world's largest consumers of cocaine and, according to the 2009 UNODC *World Drug Report*, about 6 million of the estimated 16–21 million individuals who used cocaine one or more times in 2007 were in the United States.<sup>5</sup> Further, Americans rank among the top consumers of other drugs like heroin, marijuana, and methamphetamine,<sup>6</sup> prompting the U.S. Drug Enforcement Agency

(DEA) to conclude that “The illegal drug market in the United States is one of the most profitable in the world.”<sup>7</sup>

In response to drug use and drug trafficking, the United States has pursued a zero-tolerance, law-enforcement-focused prohibitionist policy since the mid-1970s. While quite literally millions of primarily minor drug offenders have been arrested over the course of the U.S. war on drugs and hundreds of thousands have been incarcerated in U.S. prisons for drug law violations, little has been accomplished in reducing either supply of or demand for illicit drugs in the United States. On the contrary, after forty years of criminal justice-centered drug-eradication efforts, in the United States, illicit drugs are “more accessible, more widely utilized, and more potent than ever before.”<sup>8</sup>

What the United States has succeeded in doing during its drug war is to amass the largest jail and prison populations in the world. Inhabitants of the United States comprise approximately 5 percent of the world’s population, but inhabitants of U.S. jails and prisons make up about 25 percent of the world’s incarcerated population,<sup>9</sup> giving “the land of the free” the contradictory distinction of having the highest incarceration rate of any country on the planet.<sup>10</sup> While these figures are startling in and of themselves, they only tell part of the U.S. criminal justice story in the new millennium. These data fail to show the extent to which the present-day girth of the U.S. criminal justice system has been fed by excessively punitive drug policies, enacted primarily during the Ronald Reagan and George H. W. Bush administrations and enhanced during the subsequent continuation of the war on drugs by the Bill Clinton and George W. Bush administrations. Over the course of these four administrations, the number of incarcerated drug offenders rose by more than 1,000 percent, primarily as a result of increased law-enforcement scrutiny and not as a result of increased rates of offending.<sup>11</sup> Currently in the United States, approximately 20 percent of state prisoners and more than 50 percent of federal prisoners are incarcerated for drug-law violations as their most serious offense.<sup>12</sup> In the pre-drug-war context, in 1980, only 6.5 percent of state and 25 percent of federal prison inmates were sentenced to prison for drug-law violations.<sup>13</sup>

Perhaps the most widely commented upon and ethically problematic outcome of the war on drugs has been the disparate and negative effects of these policies on poor and minority communities in the

United States, the brunt of which has been felt in particular by African Americans. While constituting only 13 percent of the U.S. population, African Americans make up nearly one-half of all people behind bars in the United States, approximately 35 percent of all people arrested for drug-abuse violations,<sup>14</sup> and 45 percent of state prison inmates serving time for drug offenses.<sup>15</sup> This is despite the fact that federal government drug-use surveys indicate that African Americans make up about 15 percent of the total drug-user population while white Americans comprise over 70 percent of all drug users.<sup>16</sup>

In contrast to this overrepresentation of the poor and minorities, relatively well-off and white Americans have been conspicuously underrepresented among those arrested, prosecuted, and incarcerated for drug offenses. In the particular context of our study, affluent college students have been nearly invisible in the criminal justice data. This is in spite of this population's seemingly disproportionate embrace of recreational drug use and high levels of conspicuous drug-trafficking activity organized around supplying collegiate drug-use demands.

## The College Drug Scene

Stopper (college drug dealer): *Where I'm from, stoners were kids who wore hemp. We have a kind of granola culture. But these kids [at this university], you weren't looking at the 4.0 students,<sup>17</sup> but they were normal, they were involved, good majors—business majors—they didn't fit the stereotype of what a drug user would look like. These kids were pretty upstanding kids to most people. They just smoked a lot of weed.*

In the midst of the sweeping international drug-control efforts and the draconian drug-control policies adopted by the federal and various state governments in the United States, just a short distance north of the U.S. southern border with Mexico, a drug market thrives, ostensibly immune to the force of the drug war. Over a six-year period, we had access to this market and observed, interviewed, and otherwise interacted with approximately fifty drug dealers and user-dealers, all of whom were prosperous students at Southern California colleges and universities.<sup>18</sup> We initially gained entrée to this drug-dealing network through key informants whom we knew beforehand. From this point of access, we were able to establish trust and rapport with some of the network's other drug dealers, ultimately culminating

in hundreds of hours of observation and dozens of formal interviews with current and former dealers and their clients conducted by us and our research assistants. When we began this research, we anticipated that we would find low-level college drug use and only modest drug dealing. However, rather early in the research process, we were genuinely surprised by the scope and extent of criminality engaged in by the affluent college drug dealers who served as the network's nucleus.

These dealers ranged in age from eighteen to twenty-four. With the exception of three women, all of the dealers we formally interviewed or observed were men and all but six were Caucasian. Disproportionately, the subjects' chosen course of study was business administration, economics, and accounting, and the overwhelmingly majority of the dealers in the network were from upper-middle- to upper-class families. In fact, most of our dealers' parents held prestigious social and professional positions that ranged from high level business executives, business owners, medical doctors, and accounting executives, to political figures.

The illicit market in which our dealers sold their goods functioned as a "closed" drug market with dealers only selling to other college students, friends, acquaintances, and people who could be directly vouched for by other known buyers. While closed markets are quite common in the United States, they deviate significantly from the "open" drug markets that have come to characterize the urban drug scene. These open markets typically operate around known "drug spots" and dealers actively solicit strangers as customers.

Our network's members sold and consumed various types of drugs, but most of the network's drug activity revolved around the sale and consumption of marijuana. That understood, some of our dealers did traffic in modest quantities of cocaine, and others sold party drugs, with ecstasy being the most common. While not entirely mutually exclusive, of our fifty subjects, roughly thirty focused primarily on marijuana and other "street drugs." The remaining twenty subjects typified the "user-dealer" model and focused their transactions around the nonmedical use of prescription drugs including stimulants (Adderall, Ritalin), opioids (OxyContin, Percocet, Vicodin), and central nervous-system depressants (Valium, Xanax, Librium).

Our dealer-subjects ranged from those who sold drugs solely to support their own drug habit (sometimes unsuccessfully) to those who

provided relatively large quantities of drugs that were then distributed to a significant number of drug consumers and smaller distributors at area colleges. The half-dozen largest dealers in our sample sold between one and two pounds of high-quality, high-potency marijuana per week.<sup>19</sup> These dealers would typically buy their wholesale marijuana in multipound bundles costing between \$4,000 and \$4,400 per pound. They would then break the marijuana down into market-standard one-eighth or one-quarter pound increments for retail sale. Diamond, the largest dealer in our sample, eventually became one of the region's foremost marijuana dealers, moving anywhere from five to ten pounds of marijuana per week and earning gross profits of \$80,000 to \$160,000 per month. Despite the significance of their criminality, even the largest dealers in our sample haphazardly approached their drug transactions in a manner that suggested a genuine lack of concern for law enforcement.

In striking contrast to the drug-dealing networks commonly described in the criminological literature, this affluent college network did not employ even rudimentary risk-minimization strategies. Ounces or pounds of marijuana were often thrown into school backpacks or Styrofoam coolers, or simply stuffed into pockets. Sophisticated packaging was rare and most transportation techniques could be characterized as reckless. Primarily, these college drug dealers operated out of the same rented apartments or on-campus housing in which they resided. With few exceptions, most of their illegal business was on full display upon walking through their front door. Incriminating evidence was rarely hidden in backrooms; legitimate houseguests, neighbors, and solicitors regularly had a full view of these ongoing drug operations. By way of example, upon arriving at a dealer's home for an interview and observation session, ounces of marijuana, a scale, and large amounts of cash and paraphernalia were clearly visible from a relatively busy street. On another occasion, one of our subjects reported forgetting four ounces of marijuana (with a street value between \$1,200 and \$1,600) in a university classroom. He returned a few hours later to find left behind only the sweatshirt in which he had casually "concealed" the drugs. Most interestingly, especially among college-educated criminal entrepreneurs, there was virtually no discussion about or apparent awareness of core U.S. constitutional protections, the Fourth Amendment, probable cause, and other presumably obvious matters that would seem valuable in minimizing police detection and prosecution. These dealers'

pervasive lack of basic security precautions reflected the fact that law enforcement was not perceived as a substantial threat within this network.

By virtue of their social location and their status as college students, all of the dealers we interviewed and observed were poised to live successful and materially comfortable lives after college. Unlike many of their street-corner counterparts, they were not driven to illicit drug sales out of desperation or bleak economic and educational opportunities. Thus, these affluent college drug dealers were making a seemingly irrational choice to sell drugs, one that caused us to wonder why they would place their near-certain positive futures in jeopardy. We ultimately found that these college dealers were motivated by a series of material and nonmaterial rewards. Further, because of their heeling and the lack of law enforcement scrutiny of their activities, they were largely oblivious to the criminal justice consequences that could befall them if the drug war were to be waged in a less discriminatory fashion.

Regarding their particular motivations, we found that many of the dealers began selling drugs to their college peers as a means to underwrite the costs of their personal drug use and other incidental and entertainment expenses associated with the college lifestyle. In addition, many dealers were inspired by the spirit of capitalism; recognizing an opportunity in the marketplace fueled by unyielding demand, drug dealing offered them a practical business opportunity to earn a relatively low-risk return on an investment. And since these dealers had their basic living expenses and tuition paid for by their parents, their drug profits were directly parlayed into entertainment monies, international vacations, accessories for their already expensive vehicles, and other impulsive expenditures.

Beyond these and other tangible and material rewards of being a dorm-room dealer, we also found a host of nonmaterial identity-based rewards that served as enticements for some of our subjects' beginnings in the drug trade. Among the relatively elite collegiate set, some degree of ego gratification and elevation in social status could be achieved by becoming a campus drug dealer and challenging society's conventional norms. More precisely, a significant number of the nonprescription-drug dealers in our sample seemed motivated by the simple thrill of deviant behavior, the excitement of getting away with activities they knew to be criminal, and otherwise displaying

the ornaments of pseudo “gangstaism.” As Jack Katz contends in his book, *Seductions of Crime*, “It is not the taste for the pizza that leads to the crime; the crime makes the pizza tasty.”<sup>20</sup> Therefore, for some of our dealers, it seemed that the “sneaky thrills”<sup>21</sup> associated with antiauthoritarianism and attempting to outwit formal agents of social control served as an enticement into criminality. Indeed, the pseudo-gangster airs exuded and often internalized by some of our dealers seemed somewhat conspicuous attempts to combat the appearance of being a coddled child of privilege and to stand out among equally affluent peers. Interestingly, in spite of these outwardly displayed rejections of legal conventions, a core finding of our research was that these apparent risks were somewhat artificial. Paradoxically, the very privilege many of these dealers seemed to be rebelling against is the same privilege that ultimately provided them sanctuary from law enforcement scrutiny and the ire of the drug war.

In fact, despite the collective bungling of dealers in our network, there were noticeably few interactions with law enforcement. Moreover, even when suspected of drug activity (or, in the very rare case, caught for drug activity) the symbolic,<sup>22</sup> political, and actual capital possessed by our dealers and their families mitigated the formal consequences of their criminality. Throughout the course of the entire study, there were only a handful of arrests of any of our dorm-room dealers or their associates. Relatively early in the study, Beefy, a twenty-one year-old white middle-class college drug dealer with a 3.1 grade point average, had been apprehended by campus police and cited for possession of drug paraphernalia. While clearly in violation of campus drug policies as well as state laws, Beefy’s transgressions were never brought to the attention of local or state police. Instead, Beefy’s case remained internal to his university, he received a small fine, and he continued on as a relatively significant campus marijuana dealer. As Beefy said of his final disposition:

*You were supposed to pay a \$150 fine and go to like two drug classes and some kind of shit. I never called. They never did anything. There’s no block on my account so . . . Pop’s probably paid for it. [laughs] Who knows? I never checked any receipts so I don’t have any idea of what happened to it. But they’ve never contacted me to take any of the classes and I’ve never contacted them so . . .*

LaCoste was perhaps our study’s most colorful character. He was

a blonde-haired, blue-eyed, freshman from the midwestern United States who, by his own declaration, was “untouchably wealthy” and, in our assessment, worked hard to portray a “gangsta” persona. He dealt marijuana, cocaine, and ecstasy out of his dorm room and routinely took his operation mobile in the \$50,000 Cadillac Escalade SUV purchased for him by his parents. He was also one of the very few dealers in our study to have significant prior encounters with the criminal justice system.

*LaCoste: Yeah, for like ah . . . I don't know, I got real good lawyers [laughs]. Like real good lawyers . . . and I got a concealed gun charge and a possession over an ounce charge and they were trying to give me some intent to distribute. But I just got a possession ticket that's all and then the weapon and everything else disappeared.*

*Interviewer: How did you pay for these lawyers?*

*LaCoste: Na, that's not me . . . I'm not gonna claim to have paid for those. Turn that off [points to the tape recorder], I don't want to say that [laughs]. No, but that would have to be my dad. Or my parents . . . I can't pay for fuckings like six lawyers.*

In what proved to be a signature moment, our initial point person into this particular drug market, Brice, was arrested on federal felony drug cultivation and distribution charges that carried a six-year prison sentence if he were to be convicted. After raiding his two-bedroom apartment (with a garage that he used exclusively for marijuana cultivation), federal and local authorities seized roughly \$30,000 of Brice's cultivation equipment and over 100 marijuana plants at various stages of maturation. Brice immediately turned to his parents, admitted to them his involvement in marijuana dealing, and they, in turn, paid a prominent attorney to defend Brice in federal court. As Brice's case unfolded, it vividly illustrated many of the theoretical and substantive critiques of bias in the U.S. criminal justice system and drug war, and his case also put a tangible face on the concepts of symbolic capital and privilege. In an email he sent the day after his final hearing in federal court, Brice wrote:

*Just signed a deal yesterday! . . . Basically, they dropped the big charge, and the other will not be on my record within 18 months. I have to do 100 hours community service, lose my 4th Amendment, get drug tested, and have to remain in therapy for at least 6 months. However, once it's all over I can answer that I've*

*never been arrested, and nothing will ever be on my record. Even now, it's not recorded anywhere since they never made a judgment against me. Kind of like the diversion program, but better, because I have no parole or probation counselor. I am free to leave the state any time I want, I just cannot get any misdemeanor offenses otherwise I break the terms of the deal.*

## Conclusions

While perhaps not as expansively as Brice, every college drug dealer we encountered over the course of this research routinely sold large enough quantities of marijuana and other drugs to be prosecuted under the harsh laws that have come to characterize the U.S.-led war on drugs. Yet, all but one of the fifty dorm-room dealers we encountered over the course of our six-year study emerged unscathed from their forays as drug dealers. Around the same time that we were bringing our research on this network to a close, we were informed that LaCoste had been academically disqualified from college, had returned to his home in the midwestern United States, and was facing several unknown felony charges. With that sole exception, all of our dealers completed their respective college degrees and transitioned into conventionally productive lives in the legitimate economy.

Perhaps most important, all of our dealers were fully aware that they benefited from a luxury that their street-corner peers did not; they all knew that the war on drugs was not a war waged in their direction, and, consequently, in spite of their flagrantly illegal behaviors, they were a relatively low priority on the law-enforcement totem pole. When asked why they felt that was the case, our dealers acknowledged that physical and social location, socioeconomic status, and race influenced the way their activities were perceived by police and other officials. As Ann, one of the few female dealers in our study said:

*I mean if someone really wanted to bust us they could, all they would have to do was get someone to sit on our house to get some evidence against us to be able to go in there. No one cares that much. I think a lot of it has to do with the people we are, we don't live in the ghetto. We don't make noise, we don't have parties, we don't bring attention to ourselves, we are quiet, we pay everything on time. In the beach environment you can get away with a lot more.*

While the particular characteristics that defined our network might have been specific to this drug market, it is reasonable to assume that drug networks like ours exist and thrive at and around universities across the United States. In February 2002, police made six arrests on the American University campus in Washington, DC, seizing ecstasy, marijuana, and \$15,000. In the months following the conclusion of this study, a significant drug bust at Southern California's San Diego State University resulted in 125 arrests, the seizure of \$60,000, fifty pounds of marijuana, four pounds of cocaine, and an assortment of other illicit drugs. In April 2010, fourteen Illinois State University students and two others faced felony drug charges after a drug sweep by state and local police. In December 2010, five Columbia University students were arrested for the alleged sale of LSD, cocaine, and ecstasy on their Ivy League campus. And, as Colin Diver, president of Reed College, remarked of his university in early 2010, "When you say Reed, two words often come to mind. One is brains. One is drugs."<sup>23</sup>

Nonetheless, in spite of these well-publicized drug busts and public acknowledgments of illegal drug activity on college campuses, the actors in these networks remain largely unpoliced and conspicuously off the radar of the American drug war. As criminologist William J. Chambliss concluded in his classic study of societal responses to delinquency, "Selective perception and labeling—finding, processing and punishing some kinds of criminality and not others—means that visible, poor, non-mobile, outspoken, undiplomatic 'tough' kids will be noticed, whether their actions are seriously delinquent or not."<sup>24</sup> Extending Chambliss's conclusions, the deliberately invisible people of relative privilege in our society who fundamentally exist behind veils of immunity, like those people who made up the majority of dealers in our study, will continue to be largely unnoticed whether their actions are law-abiding or not.

Rather clearly, the "get tough" drug-war strategies employed by the United States have been misguided, ineffective, and rife with bias. After spending hundreds of billions of dollars fighting this metaphorical war, little has changed with regard to drug use in the United States or U.S. dependence upon the illicit international underground to supply these needs. What has changed substantially is the vastness of the U.S. criminal justice system, an expansion largely attributable to the policing and prosecution of poor and minority members of our society, often for relatively minor drug-abuse violations.

However, there are signs suggesting that the United States might be poised to turn a corner in its approach toward drugs and drug crimes, and that the nation that has been attempting to navigate the course of the drug war for the better part of a century might begin to tack back in a direction more in step with its European drug war partners. In the United States, several states have enacted laws decriminalizing marijuana possession, creating a medicinal marijuana backdoor through which people can lawfully obtain marijuana with a doctor's permission, and in one case proposing legislation to legalize and tax marijuana as a source of state revenue. Perhaps as the most encouraging statement in the rethinking of U.S. drug policy, Barack Obama, shortly after taking office as president of the United States, ordered the Department of Justice to discontinue raids on state-licensed medicinal marijuana dispensaries. It is hoped that these trends, along with research shedding light on the disparities and hypocrisy of the U.S. drug war, will continue to spark conversation about a more reasonable, equitable, and balanced set of international and domestic drug policies as we move forward in the new millennium.

## Endnotes

1. As early as 1911, well before the contemporary drug war, the United States pressed for international control of cannabis and other drugs. The outcome was the Hague Opium Convention of 1912 and, in the 1930s, attempts at international treaties requiring the control of certain drugs. However, these proposals were met with a "cool reception" by an international community less preoccupied with drug control. See David Musto, "The History of the Marijuana Tax Act of 1937," *Archives of General Psychiatry* 26 (February 1972): 101–8.
2. United Nations Office on Drugs and Crime (UNODC), *World Drug Report, 2005* (Vienna: United Nations Publications, V, 2005), 2.
3. Other estimates place the size of the global drug market at closer to \$400 billion.
4. UNODC, *World Drug Report 2005*, 2.
5. UNODC, *World Drug Report 2009*, 63 (estimates of worldwide cocaine use in 2007); 80 (estimates of U.S. cocaine consumption in 2007).
6. Central Intelligence Agency, *World Factbook: Field Listing—Illicit Drugs*, 2006, [www.cia.gov/library/publications/the-world-factbook/fields/2086.html](http://www.cia.gov/library/publications/the-world-factbook/fields/2086.html).
7. U.S. Drug Enforcement Administration, *Briefs & Background: Drugs and Drug Abuse, Drug Descriptions, Drug Trafficking in the United States*, [www.cia.gov/library/publications/the-world-factbook/fields/2086.html](http://www.cia.gov/library/publications/the-world-factbook/fields/2086.html).
8. See [www.justice.gov/dea/concern/drug\\_trafficking.html](http://www.justice.gov/dea/concern/drug_trafficking.html), 4.
9. U.S. Department of Justice, Bureau of Justice Statistics, *Key Facts at a Glance, Correctional Populations. 2008*, <http://bjs.ojp.usdoj.gov/content/glance/tables/corr2tab.cfm/>.
10. U.S. Department of Justice, Bureau of Justice, "Statistics Number and Rate (per 100,000 U.S. Residents) of Persons in State and Federal Prisons and Local Jails," in *Sourcebook of Criminal Justice Statistics* (2006).

11. Human Rights Watch, *Punishment and Prejudice: Racial Disparities in the War on Drugs*, 2000, [www.hrw.org/legacy/reports/2000/usa/](http://www.hrw.org/legacy/reports/2000/usa/).
12. U.S. Department of Justice, Federal Bureau of Prisons, *Quick Facts About the Bureau of Prisons*, [www.bop.gov/about/facts.jsp#4/](http://www.bop.gov/about/facts.jsp#4/).
13. Human Rights Watch, *Punishment and Prejudice*.
14. U.S. Department of Justice, Federal Bureau of Investigation, *Crime in the United States, 2008* (September 2009), [www2.fbi.gov/ucr/cius2008/data/table\\_43.html](http://www2.fbi.gov/ucr/cius2008/data/table_43.html).
15. U.S. Department of Justice, Bureau of Justice Statistics, *Prisoners in 2008*, Bulletin NCJ 228417, December 2009, 37, Appendix Tables 15 and 16, <http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=1763/>.
16. United States Sentencing Commission, *Cocaine and Federal Sentencing Policy*, May 2007. A link to the report is available at [www.ussc.gov/Publications/Reports\\_to\\_Congress/index.cfm](http://www.ussc.gov/Publications/Reports_to_Congress/index.cfm).
17. This refers to the traditional grade point average (GPA) scale used in the United States; 4.0 is typically the maximum possible GPA produced by earning an A grade in every course.
18. Geographically speaking, Southern California is roughly defined as that part of California south of Santa Barbara (approximately 100 miles north of Los Angeles) encompassing the major metropolitan areas of Los Angeles, San Diego, San Bernardino, and Riverside. Collectively, this region has a known population of approximately 25 million people and is home to well over sixty colleges and universities.
19. [One pound is approximately 450 grams. One ounce is approximately 28 grams.—Ed.]
20. Jack Katz, *Seductions of Crime: Moral and Sensual Attractions in Doing Evil* (New York: Basic Books, 1988), 52.
21. Ibid.
22. Pierre Bourdieu, "The Forms of Capital," in *The Handbook of Theory and Research for the Sociology of Education*, ed. J. Richardson (New York: Greenwood, 1986), 241–58.
23. Tamar Lewin, "Reed College's President Is Told to Crack Down on Campus Drug Use," *New York Times*, April 26, 2010.
24. William Chambliss, "The Saints and the Roughnecks," *Society* 11, no. 1 (1973): 24–31.

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# 7. Young Soldiers in Brazil's Drug War

by Michelle Gueraldi

## Introduction

In recent decades, Brazil has become an increasingly important transit route for illicit drugs.<sup>1</sup> This is partly because traffickers are avoiding traditional routes as these have become more heavily targeted by law enforcement. The expansion of drug trafficking in the country has been combined with both a strong militarization of the gangs and an increase in the participation of children.<sup>2</sup> These children are mostly poor, black boys—*favela* (slum) residents fighting for their lives in a country of deep socioeconomic inequality. Meanwhile, repressive drug control policies turn the *favelas* and adjacent areas into battlefields.

Young people, especially black males, constitute a high proportion of homicides in Brazil, a situation that is aggravated by the war on drugs. These children, whose lives are short, are a very sad picture of abandonment, discrimination, poverty, and rights violations in Brazil. Set against the backdrop of the moral stigmatization and demonization of *favela* children, this chapter looks at the underlying conditions of poverty and social neglect driving children's involvement in the drug trade, and the impact of activities and drug-related violence on children's rights.

## Public Attitudes to Marginalized Children

Brazil was one of the first countries to ratify the UN Convention on the Rights of the Child (CRC) in 1990. The new civilian government announced to the nation that children would be the absolute priority in the country. The president publicly recognized the tragic picture of abandonment and marginalization in which Brazilian children lived and died. At the time, Brazil had around 65 million children below the age of nineteen. Of those, annually: 250,000 died before completing their first year; one in four suffered from malnutrition; 61 percent of children aged one to four lived without basic sanitation; and more than 4 million children from seven to fourteen years of age were out of school. In the same year, the Statute of the Child and Adolescent (SCA) was adopted, incorporating the CRC into national legislation.

The new legal regime, rooted in the rights of the child, required fundamental changes in social policy toward children in the country. Unfortunately, today inequality and poor socioeconomic conditions continue to pose significant barriers to the full realization of the rights of the child in the country.<sup>3</sup> In addition, negative public attitudes toward marginalized children contribute to their vulnerability.

Prior to the adoption of the 1990 act, the Minors' Code of 1979 was the primary legislation relating to children. By this doctrine, there were two kinds of children: those in "regular" and "irregular" situations. The Minors' Code was aimed at the latter—those in need of special protection such as children without parental care, without a home, or at risk of violence, or children who have infringed the law. It adopted a punitive and corrective approach and viewed such "irregular" situations as pathological.<sup>4</sup> The powers available to police and judges were extensive, including imprisonment without a judicial order and without a crime being committed. The status of being a minor was sufficient. This is reflected in article 1 of the code, which refers to "vigilance" relating to minors.<sup>5</sup> In contrast to this, the SCA (considered by many to be one of the most advanced pieces of child rights legislation in the world) applied to all, and focused on the holistic protection of children rather than on disciplinary intervention. The law, in keeping with the CRC, saw the child as a rights bearer, and an active participant in seeing those rights fulfilled. There was no distinction or discrimination between classes or groups of children. It was a major shift, but one that has yet to take root in public opinion.

The Minors' Code was a reflection of a time when children who did not belong to the middle or upper classes, or who were orphans, and in need of state protection, were referred to as "minors." They were not "children," as such, but a different breed—so-called minors who collided with the existing and generally approved social order. The Minors' Code reinforced this view. While intended to protect vulnerable children, it perpetuated a culture of stigmatization and discrimination that can still be felt by street children today, despite the changes brought in following the adoption of the SCA. This culture contaminates the state institutional apparatus and the mentality of a great part of the population—and even the children themselves. The dominant ideology in society is one that criminalizes poverty and blames victims of inequality for the situations in which they find themselves. Punishment is presented as the most effective measure against violence and crime. Rather than these being understood as social phenomena, generated

by society, they are considered to be generated by an individual will for delinquency.

Current debates relating to the age of criminal responsibility highlight this view, which is held by many. At present those under eighteen cannot be responsible for their criminal acts. The Penal Code is applied to adults and the SCA to crimes committed by children. The maximum penalty for adults in Brazil is thirty years of imprisonment while the penalties applied by the SCA are “social-educative measures,” adequate to the incomplete development of children. The most severe measure applied to children is detention in state shelters for a maximum period of three years. However, congress members in the National House of Representatives strongly campaign for a shift in the legislation in order to lower the age of criminal responsibility. As one congressman, Jair Bolsonaro, stated, “We deny the arguments of those who are against reducing the legal age for criminal responsibility, for we choose to overcrowd prisons with marginalized minors rather than fill cemeteries with innocents.”<sup>6</sup>

Such statements show just how far from reality the vision of the SCA is, the abiding view of marginalized children as separate from the mainstream, and the culture of blame contributing to the targeting of these children in the drug war.

## Violence and Rights Violations Against Children in the Drug War

The children most likely to suffer violations of their fundamental rights due to the drug war are those living in the slums where drug dealers assemble their armies and build their factories. Some are engaged in the drug trade, working for criminal organizations, while others coexist with them without direct involvement. Their vulnerability has many sources. Apart from their age, most are black and poor. They live in conditions of poverty and in a situation of “organized armed violence.”<sup>7</sup> While the state has specific obligations under the Convention on the Rights of the Child to protect these children, according to testimony from children themselves, the state not only enables violence but generates it.

In 2008, several nongovernmental organizations, coordinated by the Brazilian Association of Child’s Defense Centers and Terre des Hommes Foundation, prepared a civil society report about child

rights in Brazil. The report was prepared focusing on Article 12 of the CRC, which recognizes the right of children to be heard and have their views taken into account. Four hundred children were listened to throughout Brazil, and included many vulnerable groups including children raised in landless movement camps, sheltered girls, physically challenged children, and those of African descent. While the report was broader in focus, several lived in situations of armed violence.<sup>8</sup> The reports<sup>9</sup> convey the children's opinions on many issues and also the positive experiences and views they had about their lives and about the country. Answering the question "What is it like to be a child in Brazil?" a seventeen-year-old boy from Rio de Janeiro responded:

*Good and difficult. Good, because I feel free. Bad because there is much evil . . . police, trafficking, and drugs.*<sup>10</sup>

The children's views reveal deep concerns about their basic rights, such as access to education and health care, their families' well-being, and how the state fails to provide for them. The children criticize politicians and identify the police and drug dealers as violent and guilty of committing terrible crimes. They also explain that robbery and crime are their only choice in order to make money for survival due to state abandonment. Asked about the most serious problems facing the country, one boy, also seventeen years old from Rio de Janeiro, said:

*I agree with them, but disagree when they say that Brazil's problem is the violence. Do you know why I disagree? Because violence is a consequence of what they (the politicians) make out of politics. [W]ith that division in social classes, the person that lives in a community and needs money, the way to get it quick is stealing, selling drugs.*

Other children provided accounts of more specific problems:

*I was with my cousins. The police stopped us and said many things: "Pull up your shirt." I said: "I'm no bandit." And so he said: "Go." (Iago, nine years old)*

*The police beat the boy, slap in the head. The bandit said that, when police arrive, I must let him know. If I don't, I'll get hurt. The police job is to protect criminals. (Matheus, eight years old)*

*Thieves walk by us holding guns in order to make us fear them.*

*My father's wife's son got shot only because the man did not like him. He's a paralytic now. (Kilvia, thirteen years old)*

From the statements above, a number of themes come through: the assumption of guilt toward children from the slums; the involvement of the police with drug dealers and their disrespect for the rights of the child; and the violence surrounding the children on a daily basis.

### Invasive Searches and the Presumption of Guilt

Iago's testimony above refers to a time when police officers attempted to search him, looking for guns. Iago lives in Vicente de Carvalho community in Rio de Janeiro, an area rife with armed violence. In these communities, police searches of children's backpacks and clothes are common and frequently result in abuses. In Morro do Alemão, for example, during a major confrontation between police and the drug traffickers in 2007, police were publicly denounced for searching under young girls' skirts.

Police searches, according to Brazilian penal law, can occur only when there is strong evidence that the person is suspected of involvement in criminal acts. In addition, the CRC and the SCA recognize both that the best interests of the child must be a primary consideration and that the child has rights to freedom from unlawful interference with his or her privacy. Due to these ongoing searches, however, families have sought the assistance of human rights groups. In 2007, a child rights nongovernmental organization from Rio de Janeiro, Projeto Legal, filed a habeas corpus petition on behalf of children living in the *favela* of Vigário Geral who were subjected to embarrassing invasions of their privacy during police searches. The petition focused on Patrick (age four), Bruna (age eleven), and Brenda (age fifteen), and was filed against the order given by Rio de Janeiro's Public Security secretary to search Vigário Geral residents, including children, for drugs. Projeto Legal, in its petition, stated:

*Yesterday morning, 15th of March 2007, at about 8 a.m., a police operation coordinated by the Explosives and Guns Repression Precinct took place in Vigário Geral Community, with the participation of around 100 policemen. . . . In daytime, in a residential area, due to Rio de Janeiro's political strategy of state enforcement through direct armed conflict, there was a long shootout between the police and members of a drug dealing*

*organization. During the operation, a significant number of school children were searched by policemen, due to an alleged suspicion of drugs and guns inside children's backpacks. . . . It is all about the old and well known public security project, based on the idea of militarization of social crises and criminalization of Rio de Janeiro's subordinated population . . . violating the principles established in the Constitution of the Republic and the Statute of the Child and Adolescent.*<sup>11</sup>

The organization alleged that the searches violated the constitutionally recognized rights of the child to freedom and privacy and claimed that it was not part of public security authorities' powers to create and implement policies aimed at children, especially those in a situation of great vulnerability, as in this case. Initially, a judicial order to stop child searches was given, but afterward it was adapted, sparing only children under twelve years of age. According to the Brazilian legislation, "child" means someone up to the age of twelve and an "adolescent" is someone aged twelve to eighteen. The final decision was based on the assumption that, for the most part, children under twelve are not involved with drug dealers. It was an arbitrary distinction, and those over twelve years of age, though guaranteed in law the same rights as those under twelve, continued to be targets of the police searches and to be considered natural suspects as working for drug dealers, simply because they live in the *favela*.

### Child Homicide: A Growing, Selective Crisis

*Brazil has one of the highest homicide rates in the world, with over 48,000 people killed each year. Murders by gangs, inmates, police, death squads, and hired killers regularly make headlines around Brazil and the world. Extrajudicial executions and vigilante justice are supported by a sizable proportion of the population who fear high crime rates, and who perceive that the criminal justice system is too slow to effectively prosecute criminals. Many politicians, keen to curry favour with a fearful electorate, have failed to demonstrate the political will necessary to curb executions by police.*

UN Special Rapporteur on extrajudicial, summary, or arbitrary executions, Philip Alston, 2008<sup>12</sup>

Young people are overrepresented in homicide<sup>13</sup> statistics in

Brazil. This is reflected in several UNESCO reports, known as *Maps of Violence*. Published since 1998, the most recent one in 2010 reflects the “anatomy of child homicides in Brazil.”<sup>14</sup> The *Maps of Violence* recognize Brazil as a violent place for young people to live. According to the third map of violence published in 2002, in the 1990s the number of youth homicides rose by 77 percent, against a 50.2 percent rise among the entire population. According to the report, 4.7 percent of deaths in the entire population are caused by homicide, while that figure is 39.2 percent among youth. In some cities, such as Rio de Janeiro, Vitória, and São Paulo, it can be as high as 50 percent.<sup>15</sup>

The 2010 *Map of Violence* showed that until 2003, the overall rates of homicide were growing more than 5 percent per year. After 2003, those rates decreased. Among children, however, they stayed the same, and among adolescents the number of homicides has been growing drastically. From 1997 to 2007, homicides rose 24 percent among those aged twelve to eighteen. Although youth represented only 18.6 percent of the Brazilian population in 2007, the rate of homicide affecting them was of 36 percent.

A 2001 study carried out by CLAVES/Fiocruz, a renowned Brazilian research center, affirmed that one of the most serious issues facing Brazil was the scale of death, injury, and trauma among children and young people due to violence. CLAVES, using public data on the mortality of young people aged fifteen to twenty-four from 1990 to 1998, indicated an endemic situation and an increase in homicides among this group.<sup>16</sup> According to data assembled by CLAVES, in 1998, throughout Brazil, 65 percent of youth homicides involved guns, which is corroborated by the UNESCO *Maps of Violence*. In addition, and of particular concern is that the CLAVES study indicated a sort of *specie selection* due the victims’ common profile: young, male, resident in poor peripheral areas of major cities, and of African descent.

But who is responsible for the youth homicides? During the 1980s, death squads, formed by urban vigilantes, and groups of policemen played a large role in the killings; a form of “social cleansing” as indicated by several case studies and promoted by Justiça Global, a Rio de Janeiro-based nongovernmental organization.<sup>17</sup> However, the profile of the death squads changed during the 1990s as they began working for drug traffickers. With the absence of the state in the

slums, traffickers are becoming better equipped in terms of weapons and technology, and the employment of children and killings of young people in the context of the drug trade has escalated.

In a report submitted to the UN Committee on the Rights of the Child in 2004, the Brazilian Association of Child's Defense Centers identified three kinds of exterminators in the 1990s: those who gave the orders; the killers themselves; and the advocates of extermination, people who occupy prominent positions and status in the community. Among them were drug traffickers and police. Philip Alston, UN Special Rapporteur on extrajudicial, summary, or arbitrary executions, following his mission to Brazil in 2008 explained that:

*Members of the police forces too often contribute to the problem of extrajudicial executions rather than to its solution. In part, there is a significant problem with on-duty police using excessive force and committing extrajudicial executions in illegal and counterproductive efforts to combat crime. But there is also a problem with off-duty police themselves forming criminal organizations which also engage in killings.*<sup>18</sup>

According to Amnesty International, cases of battering, shootings (at hands or feet), and executions performed by the drug traffickers are common. These are directed not only at rivals but also at alleged offenders and criminals inside the areas in which they operate.<sup>19</sup> Again, this is a form of “social cleansing,” ridding their area of undesirables and rivals. Due to the absence of any official state presence in those areas, criminal activities thrive. It is estimated in the Amnesty International report that approximately 10,000 armed drug dealers, including 6,000 children, are directly involved with drug dealing in Rio de Janeiro.

### Children Employed in the Drug Trade

Luke Dowdney, following an in-depth study of children involved in the drug trade in Rio de Janeiro, attributes the increased involvement of children during the 1980s to the greater need for the gangs to defend themselves and the use of light guns by the dealers. Dowdney identified a number of aspects characterizing their employment, such as: voluntary recruitment;<sup>20</sup> an average age of first employment at thirteen, and of becoming a soldier (i.e., to be allowed to carry guns) at fifteen to seventeen; a strong hierarchy, enforced by punishment,

rules, and orders; regular payment; and active and progressive involvement in armed conflict.<sup>21</sup>

An independent documentary made in 2006, *Falcão: meninos do tráfico* (Falcons: Boys of the Drug Trade)<sup>22</sup> portrays the lives of seventeen boys working in the drug trade in slums throughout Brazil. Their stories reveal the reasons that led them into crime as well as the violence perpetrated and suffered by them due to their activities. Several testimonials point to the absence of a father figure, the absence of a family, the discrimination that prevents them from finding a job, the desire to help their mothers, inadequate education, and the dream of leaving crime behind. One of the boys told how his work in the drug trade pays him 500 reais per month (about US\$300). “I deal for my mother,” he said. According to another boy:

*I'm no outlaw . . . I don't want to see my mother suffering.*

The testimonials also lucidly demonstrate the awareness of danger, the reasons for getting involved in crime, related drug addiction, and social exclusion.

*I do not get sad about anything. I'm always drugging myself. I am a thief. I rob because no one gives me anything . . . I have to rob. I rob to live.*

*If the men arrive, we'll be treated like outlaws, they kill everyone.*

Reporter: *What do you want to be when you grow up?*

*Outlaw. Because it makes money and helps. Hell is where we are. . . . Here we live the reality, where there are bullets everywhere and the law is the worst possible. My mother already has three dead children.*

Bribery and corruption are also recurring themes:

*If ending crime, the police must end too, as we give money to the police. We pay them so we can work. If not for the drug dealing, the police would only “take” their wages. They take more. . . . So, drug dealing will not be over any time soon.*

Reporter: *Tell me about your day.*

*Not my day, my night. Because I sleep during the day and stay awake during the night. During the day (there are) lots of policeman in the slum. At night there's bribery.*

The boys were under no illusions about their bleak futures.

Reporter: *And if you die?*

*If I die another one like me will be born. . . . If I die I will rest. It is too much bashing in this life. My future is three ways: wheelchair, death, or prison.*

By the end of the research all but one of these young boys was dead, having never reached their eighteenth birthday.

Accompanying the film was a diary written by the filmmakers.<sup>23</sup> In one section, one of the producers explains how he wanted to film the children playing in order to show that the children of these communities were not born to be criminals. When he approached a group of children they were pretending to be traffickers, playing out the violence.

## Conclusion

Long before becoming adults, young soldiers in Brazil's drug war have given up their dreams. They grow up learning to accept that an education is not a reasonable goal; that there is no medicine at the public hospitals they have access to; that their parents have died or are missing; that politicians are corrupt and not to be trusted; and that the police are discriminatory, violent, and on the take. In this scenario, many see joining the drug traffickers as their only option, despite knowing that in doing so they may cut their own lives short.

The many violations of the rights of the child associated with this situation are exacerbated by indiscriminate repressive drug-control policies. While being ineffective, given that the traffickers are now stronger than ever, the *favelas* have been turned into battlefields. In the midst of the violence, boy soldiers end up being killed by the police, while those who are not involved in the drug trade are caught in the crossfire. Added to this, violent and corrupt police are the only state presence in these areas, transforming traffickers into local authorities who own the land and dictate the laws applied to it.

Of the thousands of Brazilians who die each year from gunfire, it is accepted that they have a common profile: poor, black, and young. Those in this group are regarded as potential enemies rather than human beings—a prejudice held by many in Brazilian society and a legacy of past policies relating to “minors.” A human rights perspective seems to

be the only way to reaffirm the values of humanity in a society that has become cynical to the point of supporting or turning a blind eye to the systematic killing of children.

## Endnotes

1. See UN Office on Drugs and Crime, *World Drug Report 2010* (Vienna, 2010).
2. In Rio de Janeiro, for example, a city where the traffickers are extremely numerous and organized, in 1991, 7.7 percent of criminal offenses committed by children were associated with drugs. In 1998 the figure had risen to 53 percent. Data provided by the 2<sup>a</sup> Vara da Infância e da Adolescência at the Rio de Janeiro State Court.
3. In 2006, according to the Instituto Brasileiro de Geografia e Estatística (*Pesquisa Nacional por Amostra Domiciliar*, 2006), 56 percent of children aged six and younger lived in families whose income was less than half the minimum wage. According to UNICEF, children in Brazil whose per capita family income is less than half the minimum wage are three times more likely to die before their fifth birthday, twenty-one times more likely to be illiterate, and thirty times more likely to live in a home without an adequate water supply. UNICEF, *State of the World's Children 2005: Childhood Under Threat*, 27, [www.unicef.org/publications/files/SOWC\\_2005\\_%28English%29.pdf](http://www.unicef.org/publications/files/SOWC_2005_%28English%29.pdf).
4. M. Garcia and C. Fernandez, "The Care and Shelter of Children and Adolescents in Brazil: Expressions of Social Issues," *Social Work and Society* 7 (2009), no. 2, [www.socwork.net/2009/1/special\\_issue/garciafernandez/](http://www.socwork.net/2009/1/special_issue/garciafernandez/).
5. The Minors' Code is available at [www.glin.gov/view.action?glinID=10802/](http://www.glin.gov/view.action?glinID=10802/).
6. "Convoca Plebiscito nos termos do art. 49, XV da Constituição Federal para os fins que especifica," [www.camara.gov.br/sileg/integras/522766.pdf](http://www.camara.gov.br/sileg/integras/522766.pdf), 2.
7. L. Dowdney, *Crianças do Tráfico: um Estudo de Caso de Crianças em Violência Armada Organizada no Rio de Janeiro* (Rio de Janeiro: Editora Sete Letras, 2003).
8. Terre des Hommes, *Vozes de Crianças e Adolescentes no Monitoramento da Convenção Internacional sobre os Direitos da Criança* 9, Rio de Janeiro, 2009, 83–85.
9. Two separate reports were prepared by the nongovernmental organizations.
10. The testimony that follows is contained in the report of the Association of Child's Defense Centers, which was presented to the public in March 2009, but has not yet been published or sent to the UN Committee on the Rights of the Child.
11. Carlos Nicodemos, *Advogando pelos Direitos Humanos dos Adolescentes no Sistema Socioeducativo: Dez Casos Exemplares de Enfrentamento às Violações de Direitos Humanos dos Adolescentes Autores de Ato Infracional* (Rio de Janeiro: Secretaria Especial de Direitos Humanos, 2007), 85.
12. Human Rights Council, *Promotion and Protection of All Human Rights, Civil, Political, Economical, Social and Cultural Rights Including the Right to Development*. Report of the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions, Philip Alston, Addendum, Mission to Brazil, August 29, 2008, UN Doc. No. A/HRC/11/2/Add.2, Summary.
13. Understood as death caused by intentional assaults.
14. UNESCO, *Map of Violence 2010: Anatomy of Homicides in Brazil*, [www.institutosangari.org.br/mapadaviolencia/](http://www.institutosangari.org.br/mapadaviolencia/).
15. UNESCO, *Map of Violence 2002*, [www.sociologiadajuventude.hpg.ig.com.br/mapadaviolenciaiii.htm](http://www.sociologiadajuventude.hpg.ig.com.br/mapadaviolenciaiii.htm).

16. Fiocruz, Boletim do CLAVES (Centro Latino-Americano sobre Violência e Saúde), *Padrão de mortalidade por homicídios no Brasil 1980 a 2000*, Ano II, no. 7 (2002).
17. Justiça Global Report, *Os Muros nas favelas e o processo de criminalização, 2009*, <http://global.org.br/wp-content/uploads/2009/12/Relat%C3%B3rio-Os-Muros-nas-Favelas-e-o-Processo-de-Criminaliza%C3%A7%C3%A3o.pdf>.
18. Human Rights Council, *Promotion and Protection of All Human Rights*, para. 5.
19. Amnesty International AI Index: AMR 19/015/2003 (Rio de Janeiro, 2003), *Candelária eand Vigário Geral—10 years on*, 22, [www.amnesty.org/en/library/asset/AMR19/015/2003/en/a7e85b79-d6aa-11dd-ab95-a13b602c0642/amr190152003en.pdf](http://www.amnesty.org/en/library/asset/AMR19/015/2003/en/a7e85b79-d6aa-11dd-ab95-a13b602c0642/amr190152003en.pdf).
20. [Compare the story of Yina Paola in chapter 1.—Ed.]
21. Dowdney, *Crianças do Tráfico*, 124–32.
22. The “falcons” are night watchmen. There are also “steam,” children who sell small quantities of drugs and the “fireworks guy,” who is responsible for lighting fireworks to warn drug dealers about the police or rivals.
23. Celso Athayde and M.V. Bill, *Falcão:meninos do tráfico* (Rio de Janeiro: Objetiva, 2006).

## Discussion Questions

1. How important is public opinion in drug policy? What is the role of popular culture in this regard?
2. Are criminal laws an appropriate basis for drug control? What are the limitations of the law in dealing with drugs and children's involvement in the drug trade?
3. Peterson Small, and Mohamed and Fritsvold show that drug laws are not equally applied in the United States. Why? How may this be resolved?
4. Gueraldi's article suggests that the root of Brazil's problems with drug-related violence is not the drug trade itself, but socioeconomic and racial disparities in Brazilian society. Do you agree?