

Carol Anderson, *White Rage: The Unspoken Truth of Our Racial Divide* (New York: Bloomsbury, 2016)

Hailed as one of the most popular and even greatest presidents, Ronald Reagan oversaw the rollback of many of the gains African Americans had achieved through the Civil Rights Movement. Between 1981 and 1988, conditions regressed to levels reminiscent of the early 1960s.⁷⁴

Journalist Hodding Carter described Reagan as “part Wallace and part Nixon and a more effective southern strategist than both put together.”⁷⁵ Reagan’s aura of sincerity and “aw shucks” geniality lent a welcoming, friendly facade to any harshness of the Southern Strategy—something that neither Nixon’s brooding nor Wallace’s angry countenance had ever been able to convey. Reagan, therefore,

positively oozed racial innocence in his declaration of fealty to states’ rights at the all-white 1980 Neshoba County Fair in Mississippi, site of the triple murder of civil rights workers.⁷⁶ In a 1981 interview, GOP consultant Lee Atwater explained the inner logic of, as one commentator noted, “racism with plausible deniability.”⁷⁷ “You start out in 1954,” Atwater laid out, “by saying, ‘nigger, nigger, nigger.’ By 1968, you can’t say ‘nigger’—that hurts you. Backfires. So you say stuff like forced busing, states’ rights and all that stuff. You’re getting so abstract now you’re talking about cutting taxes, and all these things you’re talking about are totally economic things and a byproduct of them is blacks get hurt worse than whites. And subconsciously maybe that is part of it. *I’m* not saying that,” he then deflected.⁷⁸

It was a role tailor-made for the former Hollywood actor. Reagan cast himself as a traditional conservative, but his disdain for supposed big government was geared not so much toward New Deal programs that had provided paid employment to millions of out-of-work Americans like his father; or social security, which had overwhelmingly benefited whites during the Great Depression. What President Reagan loathed was the Great Society that, despite its dispersal of benefits to middle-class whites and its measurable effectiveness in lifting the elderly out of poverty, he succeeded in coding as a giveaway program for blacks.⁷⁹ His budget priorities reflected that contempt, as he ordered a scorched-earth policy through the Great Society from education, to housing, to employment.

Despite his profession of, and supposed obsession with, a “color-blind” society where, as he said, “nothing is done to, or for, anyone because of race,” Reagan’s budget proposals targeted very specifically those programs in which blacks were overrepresented even as he protected the other portions of the “social safety net,” such as social security, where African Americans were but a small fraction of the recipients.⁸⁰ For example, almost five times as many black college-bound high school seniors as white came from families with

incomes below twelve thousand dollars. The administration reconfigured various grants and loan packages so that “the needier the student, the harder he or she would be hit by Reagan’s student-aid cuts.” Not surprisingly, nationwide black enrollment in college plummeted from 34 percent to 26 percent. Thus, just at the moment when the postindustrial economy made an undergraduate degree more important than ever, fifteen thousand fewer African Americans were in college during the early 1980s than had been enrolled in the mid-1970s (although the high school graduation numbers were by now significantly higher). Nor had the fallout happened only at the baccalaureate level; the plunge in undergraduate enrollment—which no other racial or ethnic group suffered during this time—cascaded into a substantial decline in the number of African Americans in graduate programs as well.⁸¹

While access to higher education was crumbling, the Reagan administration also established enormous roadblocks to quality K–12 public schools for African American children. The president cavalierly stated that he was “under the impression that the problem of segregated schools has been settled.”⁸² The assistant attorney general for civil rights, William Bradford Reynolds, agreed, and when he learned of an effort in South Carolina to dismantle what amounted to Jim Crow education, he was determined that black parents, whom he referred to as “those bastards,” would have to “jump through every hoop” to file a lawsuit to desegregate the public schools in Charleston. “We are not going to compel children who don’t choose to have an integrated education to have one,” Reynolds insisted.⁸³ Under Reynolds and Attorney General Edwin Meese, the Department of Justice used virtually every legal strategy to dismantle, obstruct, and undermine the only remaining alternative to integrate schools—busing—including torpedoing a plan to finally desegregate a school district in Louisiana that had openly fought *Brown* since 1956.⁸⁴

Already hampered by the Scylla and Charybdis of *Milliken* and *Rodriguez*, black children’s passage through the education system

became even more difficult during the Reagan years. The Detroit decision meant that children were, for the most part, locked inside their cities and their neighborhoods, while *Rodriguez* meant that those city and neighborhood schools would remain or become even more impoverished. And now the Department of Justice seemed determined to advocate segregated schools as a “remedy,” putting its considerable weight on the side of the status quo of inequality.⁸⁵ Moreover, the Reagan administration exacerbated that inequality even further as it shredded the safety net.⁸⁶ Not even school lunch programs, geared toward those in greatest economic need, were sacred, the *Christian Science Monitor* reported, as they came under attack when “President Reagan trimmed \$1.46 billion from \$5.66 billion earmarked for child nutrition programs.”⁸⁷ He also leveled a double-digit cut for a program designed to provide educational support for poor children in the classroom at the very moment when the share of black youth living below the poverty line had increased to almost 43 percent.⁸⁸

The 1980s revealed just how fragile the economic recovery of African Americans was in the wake of 350 years of slavery and Jim Crow. From the 1960s to the 1970s, the black unemployment rate had declined, and the gap between black and white unemployment rates had actually narrowed. By the time Reagan’s policies had taken effect, however, not only had the black unemployment rate increased, but also the unemployment gap between blacks and whites had widened to unprecedented levels.⁸⁹ During the early 1980s, the overall black unemployment rate stood at 15.5 percent—“an all time high” since the Great Depression—while unemployment among African American youth was a staggering 45.7 percent. At this point Reagan chose to slash the training, employment, and labor services budget by 70 percent—a cut of \$3.805 billion.⁹⁰ The only “‘urban’ program that survived the cuts was federal aid for highways—which primarily benefited suburbs, not cities.” In keeping with Lee Atwater’s mantra that “blacks get hurt worse than

whites,” Reagan gutted aid to cities so extensively that federal dollars were reduced from 22 percent of a city’s budget to 6 percent. Cities responded with sharp austerity measures that shut down libraries, closed municipal hospitals, and cut back on garbage pickup. Some cities even dismantled their police and fire departments.⁹¹

Reagan further destabilized the economic foundation for African Americans by ordering massive layoffs in federal jobs while deliberately weakening the enforcement of civil rights laws in the workplace. Blacks are disproportionately employed by the government, not least because the public sector suffers demonstrably less discrimination in hiring and compensation than private industry.⁹² More than 50 percent of the growth in employment for black workers in the United States between 1960 to 1976, in fact, was in the public sector. But that avenue into economic stability, even for the college educated, was now threatened by two key developments: First, the federal government’s layoffs were concentrated in the social service agencies, where many African Americans worked. Reagan had exempted the Department of Defense, for example, while making it clear that “other divisions of Government would be hit especially hard by the employment reductions.” When one agency was abolished in 1981, jobs for nine hundred workers, 60 percent of them black, were wiped out. Then, the Department of Health and Human Services, a major agency for black employment, absorbed about half of the six thousand layoffs scheduled for 1982.⁹³

The second development assailing the job security of black civil servants was the administration’s decision to put the Equal Employment Opportunity Commission (EEOC), which was the federal watchdog for employment discrimination, “on ice” by making the agency utterly ineffective.⁹⁴ Reagan appointed inadequate and often incompetent leadership. He was especially keen to select African Americans, such as future Supreme Court justice Clarence Thomas, who believed there was no group discrimination

against minorities or women, certainly nothing that would warrant class-action lawsuits.⁹⁵ Under this new management, the agency slowed down to a crawl its investigation and processing of complaints. The result was a growing backlog whose legal shelf life expired before the EEOC even got around to investigating.⁹⁶ The watchdog had been effectively muzzled.

With the rollback now in full force, the “civil rights gains of the past,” as National Urban League president Vernon Jordan remarked, were “now under attack and in danger.”⁹⁷ The median family income for African Americans had been higher in the 1970s than it was under Reagan, even as the white median income, despite the economic downturn, continued to grow. As a result, the actual spending power of blacks decreased while that of whites rose, increasing the gap by 12 percent. “In virtually every area of life that counts,” wrote David Swinton, future president of the United Negro College Fund, “black people made strong progress in the 1960s, peaked in the 70s, and have been sliding back ever since.” The Reagan administration’s “deplorable” policies and efforts “to turn back the clock” ensured it. Indeed, by 1990, blacks in the bottom 20 percent were poorer in relation to whites than at any time since the 1950s. Not surprisingly, the National Urban League labeled the president’s policies “a failure” that has “usher[ed] in a new era of stagnation and decline” for the “vast majority of average black Americans.”⁹⁸ Reagan’s job cuts, retooling of student financial aid to eliminate those most in need, and decimation of antipoverty and social welfare programs “virtually ensured that the goal of the African American community for economic stability and progress would crumble and fade.”⁹⁹

In March 1981, Reagan assured reporters that “he would offer a national drug-abuse program that would put its main effort into warning young people about the dangers of drug use rather than

into attacks on narcotics smuggling.”¹⁰⁰ But by October 1982, the president had obviously changed his mind. In a gripping address, he explained that a scourge had invaded the nation’s borders, taken hold of American families and children, and was laying siege to cities across the land. Hardest hit, the president conveyed, was the “garden spot” of South Florida, which had “turned into a battlefield for competing drug pushers who were terrorizing Florida’s citizens.” The president then laid out a potent multi-agency strategy using military intelligence and radar that could hone in on drug traffickers and execute brilliant interdiction strikes “to cut off drugs before they left other countries’ borders.”¹⁰¹

There was just one problem. There *was* no drug crisis in 1982. Marijuana use was down; heroin and hallucinogens use had leveled off, even first-time cocaine use was bottoming out.¹⁰²

But, as Reagan well knew, such a crisis was certainly coming, for it had been manufactured and facilitated by his staff on the National Security Council (NSC) along with the Central Intelligence Agency (CIA). In these last throes of the Cold War, Nicaragua was the target. But the collateral damage would spray South Central Los Angeles and then radiate out to black communities all across the United States.

In 1979, after a coalition of moderate and Marxist Nicaraguans overthrew longtime U.S. ally and ruthless dictator Anastasio Somoza, communist Sandinistas came to power in Managua. Reagan did not see this as a homegrown revolution borne out of intolerable conditions of greed, torture, and human rights violations. Instead, he was sure that the Sandinistas were no more than Soviet stooges ensconced by Moscow to foment revolution in America’s backyard.¹⁰³ The president was, therefore, obsessed with eliminating the Sandinistas.¹⁰⁴

Shortly after taking office, Reagan ordered CIA director William Casey to do whatever was necessary to support a small band of anti-Sandinista guerrillas, known as the Contras, most of whom were strays from Somoza’s feared and hated National Guard. Reagan

followed up on November 23, 1981, with a directive to funnel \$19.3 million through the CIA to the Contras. But that was not enough, argued Enrique Bermúdez, the founder of the guerrilla group. They needed much more.¹⁰⁵ Then, in December 1981, “Reagan signed a secret order authorizing Contra aid for the purpose of deposing the Sandinistas.” The only question was where to get those funds; there was simply a limit to the depths that the CIA and National Security Council budgets could tap into to finance the Contras.¹⁰⁶ Congress, meanwhile, already stung by the debacle in Vietnam, was not about to loosen the purse strings.¹⁰⁷

And so, at a December 1981 meeting, Contra leaders, whom Reagan referred to as the “moral equivalent of the Founding Fathers,” floated the idea that trafficking cocaine into California would provide enough profits to arm and train the anti-Sandinista guerrillas.¹⁰⁸ With most of the network already established, the plan was rather straightforward: There were the Medellín and Cali cartels in Colombia; the airports and money laundering in Panama run by President Manuel Noriega; the well-known lack of radar detection that made landing strips in Costa Rica prime transport depots; and weapons and drug warehouses at Ilopango air base outside San Salvador. The problem had been U.S. law enforcement guarding key entry points into a lucrative market. But with the CIA and the National Security Council now ready to run interference and keep the FBI, the U.S. Customs Service, and the Drug Enforcement Administration (DEA) in check, the once formidable line of defense had dwindled to a porous nuisance. Reagan’s “moral equivalent of the Founding Fathers” was now ready to saturate the United States with cocaine.

Initially, Nicaraguan exiles Oscar Danilo Blandón and Norwin Meneses, whose nickname was *El Rey de las Drogas* (the King of Drugs), set up their wholesale operations in San Francisco. But although they had the product, they didn’t yet have the distribution network to move the initial shipment of cocaine into the retail

markets. That came only when they managed to link up with Rick Ross, an illiterate yet entrepreneurial black man who became the conduit between the Contra drug runners and the Crips and Bloods gangs in L.A.¹⁰⁹

The result was nothing less than explosive. From the Contra wholesalers, top-quality cocaine was then packaged and sold in little rocks of crack that reaped more than \$230,000 per kilo in retail profit. Now, drug money, and all its attendant violence, pounded on a population with double-digit unemployment and declining real wages. The logistical strength of the Bloods and Crips, with an estimated fifty thousand gang members, spread the pain as they set up drug franchises throughout the United States to sell crack like it was on the dollar menu.¹¹⁰ Soon crack was everywhere, kicking the legs out from under black neighborhoods.¹¹¹

While the new self-created drug crisis threatened the security of millions of African Americans, the administration focused its efforts on facilitating greater access to weapons for the rebels purchased with off-the-books money. In 1982, Vice President George H. W. Bush (the former director of the CIA) and his national security adviser, Donald Gregg (a former CIA agent), worked with William Casey to run a program named Black Eagle, which was designed to circumvent Congress and funnel weapons to the Contras. As the logistical pipelines solidified, it became clear that Manuel Noriega would be essential to this operation. Through a series of top-secret negotiations, U.S. officials worked out landing rights at Panamanian airfields for the Black Eagle planes to transport weapons to the Contras and the use of Panamanian companies to launder money.¹¹²

Noriega, who was already in a four-hundred-million-dollar partnership with the Medellín cartel, seized on the profitability of this deal with the White House and began to divert Black Eagle planes and pilots for drug-running flights to the southern United States. The Reagan administration's response to what should have been seen as a diplomatic affront—especially since the president had

tapped George H. W. Bush to lead the drug interdiction activities in South Florida—was telling and disturbing. The administration simply required the Panamanian president to use a percentage of his drug profits to buy additional weapons for the Contras.¹¹³

Thus, although Reagan bragged to the American public about using U.S. military resources “to cut off drugs before they left other countries’ borders,” his staff’s shielding of Noriega and the Colombian traffickers in fact actively allowed cocaine imports to the United States to skyrocket by 50 percent within three years. The Medellín cartel’s cut alone was ten billion dollars a year in sales.¹¹⁴ The Reagan administration’s protection of drug traffickers escalated further when the CIA received approval from the Department of Justice in 1982 to remain silent about any key agency “assets” that were involved in the manufacturing, transportation, or sale of narcotics.¹¹⁵

This network of White House protection for major drug traffickers swung into full gear once Congress, through a series of amendments in 1982 and 1984, shut off all funds to the Contras and banned U.S. material and financial support for the overthrow of the government in Nicaragua.¹¹⁶ Undeterred by the law, the Reagan administration simply ramped up the alternate and illegal streams of revenue it had already devised: drug profits and arms sales to Iran.¹¹⁷ At this point Lieutenant Colonel Oliver North, deputy director of the National Security Council, stepped in to create the larger, more dynamic operation that would soon replace Bush’s Black Eagle.

North brought to the work both a military efficiency and a truly amoral focus. Years later, even when under congressional klieg lights, he seemed to imply that the breaking of laws was appropriate.¹¹⁸ “I remain convinced that what we tried to accomplish was worth the risk,” he said.¹¹⁹ North understood that his role, working with his CIA counterpart Duane Clarridge, was to ensure that the Contras had weapons. Congress had cut off all funding, so profits from cocaine would have to become an alternate source. That warped

framing of the Contras' needs led North to facilitate the trafficking of cocaine into the United States, which included working with the CIA to transport 1,500 kilos of Bolivian paste; diverting hundreds of thousands of dollars in "humanitarian aid" to indicted narcotics traffickers; and refusing to pass the names of known drug runners on to the appropriate authorities.¹²⁰ He also saw to it that the millions of dollars in profits from the sale of narcotics were then funneled safely out of the U.S. and that those funds went to arms dealers, especially in El Salvador and Honduras, who could equip the Contras with everything from boots to grenades.¹²¹ The FBI learned that North's NSC, brandishing the pretext of "the interest of national security," routinely intimidated Customs and DEA officials to back off from making good narcotics cases. Moreover, Blandón and Meneses, who trafficked at least five tons of cocaine, or the equivalent of 16.2 million rocks of crack, into California, "led a charmed life" as the NSC and CIA blocked police, sheriffs, and the DEA from stopping the flow of drugs and money.¹²² Similarly, in the summer of 1986 North was Manuel Noriega's champion in the halls of power. The *New York Times* had run a series of articles citing well-placed sources and a Defense Intelligence Agency report that the Panamanian president had "tight control of drug and money-laundering activities" in and out of the country and, therefore, although making only \$1,200 a month, had a personal fortune of several hundred million dollars. It was too much even for Senator Jesse Helms (R-NC), an ultra-right-wing senior member of the Foreign Relations Committee, who then went on *Meet the Press* and branded Noriega "head of the biggest drug trafficking operation in the Western Hemisphere." The barrage hit too close to the truth and North's attempt at damage control swung into action. He confided to his boss, National Security Advisor John Poindexter, "You will recall that over the years Manuel Noriega in Panama and I have developed a fairly good relationship" and now, given the media onslaught, the dictator needed the Reagan administration's help in cleaning up his

image. North was eager but, he continued, it was going to cost. The dictator's terms were simple. In exchange for one million dollars and a PR blitz from the White House, Noriega offered to destabilize the Sandinista government. At first, Poindexter wobbled. Was this a setup "so that he can blackmail us to lay off?" Reagan's National Security Advisor, however, quickly set aside those initial qualms and authorized North to open negotiations with Noriega noting "I have nothing against him other than his illegal activities." Secretary of State George P. Schultz was on board, as well. The CIA, this time, refused to play along. The agency "didn't want to do it . . . just didn't want to touch that one." But North was adamant. Noriega, who was instrumental in flooding the United States with cocaine, was a valued asset. North even swooped in to rescue a major Contra ally who was arrested by the FBI with 345 kilos of cocaine. The lieutenant colonel, using the full authority and aura of the NSC, weighed in on the court and had the drug kingpin's sentence reduced by 75 percent (down to five years) and the locale of incarceration changed from a maximum- to a minimum-security ("Club Fed") facility.¹²³

While there was inordinate concern about avoiding prison sentences and the legal consequences for those who poured tons of cocaine into the United States, there was an equal determination to lock up and imprison the communities bearing the brunt of the White House's narco-funding scheme.¹²⁴ Unlike in 1981, when Reagan had indicated that treatment for addicts was the route he would take, his speeches and policies now became focused on enforcement, criminals, and harsh, no-mercy punishment.¹²⁵ With the onset of the epidemic of crack, a drug that had become thoroughly associated with African Americans, notions of treatment went out the window, despite numerous studies proving that treatment was not only more effective but also more fiscally sound and prudent. And, as one DEA agent remarked, "no one has yet demonstrated that

enforcement will ever win the war on drugs.”¹²⁶ Nonetheless, Reagan dragged America down the road of mass incarceration.

Each of the Reagan administration’s decisions undercut the supposed stated goals of protecting American families, preventing the flow of drugs from washing onto the nation’s shores, or bringing democracy to a war-torn society. The decision to fund the Contras with profits from the sale of cocaine, for example, came at a time when the economic downturn had created high unemployment, increasing homelessness, the depletion of savings, and other major stressors, which only heightened the possibility of creating a drug-addicted society at the very moment when narcotics use had actually stabilized or decreased.¹²⁷

As the horrific toll crack cocaine caused in the inner city became more and more obvious, the administration’s response was not to fund a series of treatment facilities but to demonize and criminalize blacks and provide the federal resources to make incarceration, rather than education, normative. “Drugs are menacing our society,” the president told the nation in a September 1986 speech delivered from the White House. “They’re threatening our values and undercutting our institutions. They’re killing our children.” The United States, he conveyed, was a nation under attack.¹²⁸

“Despite our best efforts,” Reagan added with a hint of shock and dismay, “illegal cocaine is coming into our country at alarming levels.” At that point, in what looked like the nadir of surrender, Reagan identified public enemy number one: “crack.” And then, just to reaffirm the heroes and villains in this set piece, the president sent out a clarion call, proclaiming, “Drug abuse is a repudiation of everything America is.” He positively vibrated with a sense of righteous, patriotic indignation. No one, he intoned, has the right to destroy the dreams and shatter the lives of the “freest society mankind has ever known.”¹²⁹ In this important speech, the president not only laid out an epic tale of good, freedom-loving Americans locked in a mortal battle for the nation’s soul against crack addicts

and drug dealers, but in doing so, he also defined the racial contours of this war.

Media fanned the flames, and then some. With little to no evidence, news outlets warned that crack, reputedly the most addictive drug known to mankind, was galloping out of the crime-filled inner cities and, as *Newsweek* claimed, “rapidly spreading into the suburbs.” The *New York Times* echoed the refrain identifying “epidemic” crack use from Long Island to “the wealthiest suburbs of Westchester County.”¹³⁰ The media’s overwhelming tendency to blacken crack only added to this national panic. Between 1986 and 1987, 76 percent of the articles in the *New York Times*, the *Chicago Tribune*, the *Washington Post*, and the *Los Angeles Times* dealing with crack referenced African Americans either directly or through code words—*urban*, *inner city*, etc. Whites were mentioned only one third of the time.¹³¹ The message was clear: the black “plague” was coming.¹³²

The crack plague had already swept through African American neighborhoods around the country with absolutely no warning. There had been minor use of crack in the 1970s, but it began to visibly show up in 1984 and exploded in 1985 and 1986—just as Congress cut off funding to the Contras, leaving the administration desperate to finance the war against the Sandinistas.¹³³ As battles over lucrative drug turf escalated, black communities were besieged with rampant gang violence. Most had no idea how this crack scourge had arisen or how those who had once toted simple handguns now carried AK-47s and other automatic, military-grade weapons. It was clear immediately that something had gone horribly wrong.¹³⁴ A National Urban League report declared that the “gains made over the past 25 years, many the result of the Civil Rights Movement in the 1960s, will . . . unravel unless steps are taken to arrest the pervasive problem of crime in the black community.”¹³⁵

A research team from Harvard and the University of Chicago explained, “Between 1984 and 1994, the homicide rate for Black males aged 14–17 more than doubled and homicide rates for Black

males aged 18–24 increased almost as much.”¹³⁶ The magnitude of the firepower and the sheer number of killings were, in fact, critical factors that led African American life expectancy rates to actually decline—something that not even slavery or Jim Crow had been able to accomplish.¹³⁷ Moreover, many other sectors of the black community were also horribly affected by murders and crack—fetal death rates, low-birth-weight babies, and children now in foster care. The researchers concluded that the perilous decline of African Americans on so many quality-of-life indicators “represents a break from decades of convergence between Blacks and Whites on many of these measures.”¹³⁸

The divergence, however, was about to get exponentially worse. In 1986, Congress passed the Anti-Drug Abuse Act, which stipulated mandatory sentencing, emphasized punishment over treatment, and created the 100-to-1 disparity in sentencing between crack and cocaine based on the myth that the cheap narcotic rock was more addictive than its powder form. As the NAACP explained the law’s 100-to-1 formulation, “a person must possess 500 grams of powder cocaine before they are subject to the same mandatory prison sentence (5 years) as an individual who is convicted of possessing just 5 grams of crack cocaine (despite the fact that pharmacologically, these two drugs are identical).”¹³⁹ The National Urban League was convinced that tougher sentencing policies were not the answer. The incarceration rate would be so high, it warned, that society would not be able to bear the costs.¹⁴⁰ Congress, nonetheless, followed up in 1988 with an even harsher version of the Anti-Drug Abuse Act that instituted mandatory sentencing for even a first-time offense, added the death penalty for certain crimes where drugs were an aggravating factor, and denied housing and other human rights to those whose greatest crime was having a friend or a family member in the drug trade even visit.¹⁴¹

The Supreme Court had played a critical role in tightening the noose. A series of cases, beginning in 1968 but escalating dramati-

cally in the Burger and Rehnquist eras, legalized racial discrimination in the criminal justice system.¹⁴² The Court

- affirmed that police, even though their overall racial bias is well documented, can stop anyone based on something far below the understood threshold of probable cause;¹⁴³
- approved racial profiling;¹⁴⁴
- upheld harsh mandatory sentencing for drug offenses;¹⁴⁵
- tossed out irrefutable evidence of racial bias in sentencing because of its implications for the entire criminal justice system and required, instead, proof of overt, visible discrimination against the individual defendant to support a claim of violation of equal protection under the law;¹⁴⁶
- approved, as the justices openly admitted, “ridiculous” peremptory strikes to eliminate blacks from a jury so long as the prosecutor’s stated rationale was not based on race;¹⁴⁷
- shielded district attorneys from disclosing the role the defendant’s race played in prosecutorial discretion;¹⁴⁸
- ruled that police could use their discretion instead of probable cause to search motorists for drugs;¹⁴⁹
- determined that Title VI of the Civil Rights Act cannot be used by private individuals to sue entities, such as prosecutors or police, in the criminal justice system on grounds of racial bias; and¹⁵⁰
- found that pretext traffic stops—for example, having a busted taillight or not using a turn signal—are a legal and permissible ruse for police to hunt for drugs.¹⁵¹

Taken together, those rulings allowed, indeed encouraged, the criminal justice system to run racially amok. And that’s exactly what happened on July 23, 1999, in Tulia, Texas. In the dead of night, local police launched a massive raid and busted a major cocaine trafficking ring. At least that’s how it was billed by the local

media, which, after having been tipped off, lined up to get the best, most humiliating photographs of forty-six of the town's five thousand residents, handcuffed, in pajamas, underwear, and uncombed bed hair, being paraded into the jail for booking. The local newspaper, the *Tulia Sentinel*, ran the headline TULIA'S STREETS CLEARED OF GARBAGE. The editorial praised law enforcement for ridding Tulia of "drug-dealing scumbags."¹⁵²

The raid was the result of an eighteen-month investigation by a man who would be named by Texas's attorney general as "Outstanding Lawman of the Year." Attached to the federally funded Panhandle Regional Narcotics Task Force, based in Amarillo, about fifty miles away from Tulia, Tom Coleman didn't lead a team of investigators; instead, he singlehandedly identified each member of this massive cocaine operation and made more than one hundred undercover drug purchases. He was hailed as a hero, and his testimony immediately led to thirty-eight of the forty-six being convicted, with the other cases just waiting to get into the clogged court system. Joe Moore, a pig farmer, was sentenced to 99 years for selling two hundred dollars' worth of cocaine to the undercover narcotics agent. Kizzie White received twenty-five years, while her husband, William "Cash" Love, landed 434 years for possessing an ounce of cocaine.¹⁵³

The case began to unravel, however, when Kizzie's sister, Tonya, went to trial. Coleman swore that she had sold him drugs. Tonya, however, had video proof that she was at a bank in Oklahoma City, three hundred miles away, cashing a check at the very moment he claimed to have bought cocaine from her. Then another defendant, Billy Don Wafer, had timesheets and his boss's eyewitness testimony that Wafer was at work and not out selling drugs to Coleman. And when the Outstanding Lawman of the Year swore under oath that he had purchased cocaine from Yul Bryant, a tall bushy-haired man, only to have Bryant—bald and five feet six—appear in court, it finally became very clear that something was awry.¹⁵⁴

Coleman, in fact, had no proof whatsoever that any of the alleged drug deals had taken place. There were no audiotapes. No photographs. No witnesses. No other police officers present. No fingerprints but his on the bags of drugs. No records. Over the span of an eighteen-month investigation, he never wore a wire. He claimed to have written each drug transaction on his leg but to have washed away the evidence accidentally when he showered. Additional investigation led to no corroborating proof of his allegations, and when the police arrested those forty-six people and vigorously searched their homes and possessions, no drugs were found, nor were weapons, money, paraphernalia, or any other indications at all that the housewife, pig farmer, or anyone else arrested were actually drug kingpins.¹⁵⁵

What was discovered, however, was judicial misconduct running rampant in the war on drugs in Tulia, Texas, with a clear racial bias. Coleman perjured himself on the stand when he claimed to be an upstanding, law-abiding citizen. In fact, he was under indictment for theft in his previous position as a deputy sheriff in another county. The prosecutor, Terry McEachern, knew about this but failed to disclose it to the defense attorneys. The district attorney also ensured that there were no African Americans on the jury in each trial. Moreover, Judge Edward Self, who presided over the lion's share of the trials, publically expressed his support for the prosecutors and sealed Coleman's employment records, including the charge of embezzlement as a deputy sheriff.¹⁵⁶

The judicial malfeasance immediately took on racial undertones. Coleman, a white man who routinely referred to African Americans as "niggers," had accused 10 percent of Tulia's black population of dealing in cocaine.¹⁵⁷ Based on his word alone, 50 percent of all the black men in the town were indicted, convicted, and sentenced to prison. Of the six whites and Latinos who were arrested in the raid, all had relations—familial or friendly—with Tulia's black community.¹⁵⁸ Although the white community consistently denied that race

played any role in this, the speed and efficiency in which the criminal justice system worked to sentence black defendants and their white and Latino friends to decades in prison, based solely on the unsubstantiated testimony of a man under indictment, suggests otherwise.¹⁵⁹ Randy Credico of the William Moses Kunstler Fund for Racial Justice, called Tulia “a mass lynching . . . Taking down 50 percent of the male black adult population like that, it’s outrageous. It’s like being accused of raping someone in Indiana in the 1930s. You didn’t do it, but it doesn’t matter because a bunch of Klansmen on the jury are going to string you up anyway.”¹⁶⁰

But this wasn’t 1930. It was the beginning of the twenty-first century, and a powerful Civil Rights Movement had bridged those two eras. Yet now, felony convictions, chiefly via the war on drugs, replaced the explicit use of race as the mechanism to deny black Americans their rights as citizens. Disfranchisement, permanent bans on jury service, and legal discrimination in employment, housing, and education—despite the civil rights legislation of the 1960s—are now all burdens carried by those who have been incarcerated. That burden has been disproportionately shouldered by the black community, which, although only 13 percent of the nation’s population, makes up 45 percent of those incarcerated.¹⁶¹

Even more disconcertingly, these felony convictions have had little to do with ensuring the safety and security of the nation and in most cases target the wrong culprits.¹⁶² Logically, given the poor state of the schools, crushing poverty, and the lack of viable living-wage options for large swaths of the black population, African Americans’ drug use should mirror their staggering incarceration rates. According to Human Rights Watch, “the proportion of blacks in prison populations exceeds the proportion among state residents in every single state.” In Missouri, for example, African Americans make up 11.2 percent of the state’s residents but 41.2 percent of those incarcerated. In fact, “in twenty states, the percent[age] of blacks incarcerated is at least five times greater than

their share of resident population.”¹⁶³ But, there is no direct correlation between drug use and incarceration.

Despite all the economic and social pressures they confront, blacks have shown an amazing resilience in the face of drugs; indeed, they are among the least likely drug users of all racial and ethnic groups in the United States.¹⁶⁴ And despite all the stereotypes, they are among the least likely to sell drugs too. As a major study out of the University of Washington revealed, even when confronted with irrefutable evidence of whites’ engagement with the illegal-drug trade, law enforcement has continued to focus its efforts on the black population.¹⁶⁵

Thus, after the Civil Rights Movement, when African Americans were making incredible strides in education, voting, and employment, those gains were a threat to the status quo of inequality. Thus, the “United States did not face a crime problem that was racialized; it faced a race problem that was criminalized.”¹⁶⁶