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Drug-free zones' unequal impact

By BILL POTTER

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My last column asked this question: ``Is the war on drugs _ more accurately, the war on drug users _ racist?'' Since 81 percent of inmates in New Jersey are African American or Hispanic, half locked up for drug offenses, while illicit drug use is equal across ethnic and racial lines, the evidence is strong that racism is a big part of the reason why the face of the typical prisoner is black or brown.

Why is that? Why aren't police arresting white kids in the suburbs for drugs instead of just dark-skinned kids in the cities? Are they closet KKKers? I sincerely doubt it.

What then is the cause? The racist roots of the anti-drug laws in this nation may explain a part of these skewed data. The anti-opium laws were directed at Chinese immigrants; the first anti-cocaine and heroin laws were overtly racist against blacks; and anti-marijuana laws were adopted on the theory that the hemp plant was a Mexican import. But surely the police officer on the beat or the prosecutor at his desk has little, if any awareness, of how the laws they enforce came into existence.

If the law enforcers are not racist, and drug use does not correlate to race, then where do we go for answers? For the most compelling answer we should turn to the reports issued by the ``[Commission](#) to Review Criminal [Sentencing](#).'' Chaired by a retired criminal court judge, Barnett Hoffman, this little-noted group issued its first reports six months ago. Its 15 members include legislators from both parties, the attorney general, the public defender and private citizens.

As Judge Hoffman explained their mission, they set out to examine why New Jersey's prison population increased 375 percent between 1980 and 2003, yet less than half (46 percent) were serving sentences for violent crimes. Among the leading causes, the [commission](#) concluded, are laws enacted in the 1980s imposing stiff minimum sentences on anyone caught with illegal drugs within 1,000 feet of school property and within 500 feet of public parks, public housing and other public buildings. While no one wants drug dealers lurking on corners to sell dope to schoolkids, the unintended effect of these harsh laws is now plain to see: prisons and jails overflowing with young men and women of color.

As the Hoffman group points out, New Jersey's cities ``are among the most densely populated in the nation. Given the large concentration of schools in these areas, the protective zones which surround them have overlapped and coalesced to such an extent that the three cities studied by the [commission](#) _ Jersey City, Camden and

Newark _ have themselves become all-encompassing drug- free zones.'

This has created what the commission called the laws' ``urban effect'' _ an ``unintended but profoundly discriminatory impact.' ' Nearly every offender (96 percent) convicted and incarcerated for a drug-free zone offense in New Jersey is either black or Hispanic, since most minorities live in cities. Meanwhile, in suburban areas _ which, by definition, are spread out _ drug-free zones tend to be more ``people free.' ' Instead of large apartment buildings located next to schools, you have single-family homes or other low density development.

What then does the commission recommend?

First, it calls for a sense of urgency. We can't go on locking up the next generation of African-American and Hispanic adults without robbing whole communities of fathers, breadwinners and voters (since convicted felons can't vote). As the January report emphasizes, ``all 15 members of the commission reach a critical and unanimous consensus that the Legislature must act immediately to correct this unacceptable status quo.'

Given this summons to action, one would have expected the Hoffman commission to call for abolition of the drug-free zone laws, which they also found to be counterproductive to the goal of reducing drug use by minors.

That isn't the case, however. The group recommends shrinking the drug-free zones to a more modest radius of 200 feet around school property and public facilities. Now it's up to the Legislature and Governor Corzine to heed to the call and ``act immediately to correct this unacceptable status quo.'

Senators? Assembly members? Are you listening?

NOTE: Bill Potter, an attorney in Princeton, is a lecturer in the Politics Department at Princeton University and an adjunct professor of environmental law at Rutgers Law School.

URL: Drug-free zones'