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Addiction Criminalization in the 1950s

William L. White

Emeritus Senior Research Consultant
Chestnut Health Systems
bwhite@chestnut.org

NOTE: The original 1,000+ page manuscript for *Slaying the Dragon: The History of Addiction Treatment and Recovery in America* had to be cut by more than half before its first publication in 1998. This is an edited excerpt that was deleted from the original manuscript.

In the early 1950s, public alarm over reports of increased drug addiction among youth set the stage for a political drive toward intensified penalties for drug use and drug trafficking. Three images fueled this drive. The first was the portrayal in the daily newspapers that characterized heroin users as inner-city Blacks and Puerto Ricans who were young and poor, and who committed crimes to support their habits. The second image was that of "the pusher"--a predator without conscience, lurking outside school grounds and preying on children with free samples of his narcotic poison. The third image was that of a Chinese communist criminal syndicate (operating through Cuba) that sought to undermine America by smuggling narcotics into her key cities and feeding these drugs to American soldiers in Korea (Kinder, 1981). This last image periodically shifted to that of a profiteering Italian-American Mafioso.

This image permeated the Congressional hearings of the Kefauver Committee, which was investigating the role

of organized crime in interstate commerce. In 1951, Congress passed the Boggs Act (named after Representative Hale Boggs of Louisiana). This law amended the Harrison Narcotic Tax Act of 1914 and the Marijuana Tax Act of 1937 to establish increased drug penalties, including mandatory minimum sentences on all narcotic offenses. Sentences for drug violations shifted from prior maximums of two years in prison to mandatory minimums of two, five and ten years for the first, second and third convictions on the same offense. Maximum sentences were extended to five, ten and twenty years for first, second and third offenses. The Boggs Act also eliminated the options of suspended sentences, probation, or parole for repeat offenders.

The Boggs Act had a number of significant effects on the criminal justice system. By denying judicial discretion in sentencing, the Boggs Act transferred the determination of punishment from the judge to the law enforcement officer, who could set the length of sentence by manipulating the

charges brought against the accused. The flexibility of the arresting officer in setting charges--and the threat of severe, fixed sentences--gave these officers considerable power to persuade those arrested to cooperate in ongoing narcotics investigations. An unintended effect of the law was an increased judicial caseload, which was produced by a decrease in the number of drug offenders pleading guilty to narcotics offenses (Platt, 1986).

A year after the Boggs Act was passed, the New York Academy of Medicine hosted a conference on addiction that called for an approach to drug addiction that emphasized medical treatment. It would be many years, however, before such isolated voices merged into a national consensus. The decade of the 1950s was one of increased criminalization, rather than treatment.

In November, 1954, President Dwight D. Eisenhower declared a "new war on narcotics addiction" and appointed a five-member Cabinet Committee to coordinate the new campaign.

In response, Senator Price Daniels of Texas pushed through a resolution in early 1955, empowering a special Committee on Narcotics to study the narcotics problem in the U.S. Several themes emerged from the televised testimony presented before this Committee.

- 1) Efforts of the Bureau of Narcotics under the leadership of Harry Anslinger had dramatically reduced the narcotics problem in the U.S.
- 2) The only threat on the horizon was that of Red China, manufacturing and distributing heroin to free countries.