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Incarceration Nation

The war on drugs has succeeded only in putting millions of Americans in jail

THEVANGELIST PAT ROBERTSON recently made a gaffe. A gaffe, as journalist Michael Kinsley defined it, occurs when a political figure accidentally tells the truth. Robertson's truth is that America's drug war has failed and that the country should legalize marijuana. This view goes against the deepest political, moral and religious positions Robertson has held for decades, so imagine the blinding evidence that he has had to confront—and that has been mounting for years—on this topic.

Robertson drew attention to one of the great scandals of American life. "Mass incarceration on a scale almost unexampled in human history is a fundamental fact of our country today," writes the *New Yorker's* Adam Gopnik. "Over all, there are now more people under 'correctional supervision' in America—more than 6 million—than were in the Gulag Archipelago under Stalin at its height."

Is this hyperbole? Here are the facts.

The U.S. has 760 prisoners per 100,000 citizens. That's not just many more than in most other developed countries but seven to 10 times as many. Japan has 63 per 100,000, Germany has 90, France has 96, South Korea has 97, and Britain—with a rate among the highest—has 153. Even developing countries that are well known for their crime problems have a third of U.S. numbers. Mexico has 208 prisoners per 100,000 citizens, and Brazil has 242. As Robertson pointed out on his TV show, *The 700 Club*, "We here in America make up 5% of the world's population but we make up 25% of the [world's] jailed prisoners."

There is a temptation to look at this staggering difference in numbers and chalk it up to one more aspect of American exceptionalism. America is different, so

the view goes, and it has always had a Wild West culture and a tough legal system. But the facts don't support the conventional wisdom. This wide gap between the U.S. and the rest of the world is relatively recent. In 1980 the U.S.'s prison population was about 150 per 100,000 adults. It has more than quadrupled since then. So something has happened in the past 30 years to push millions of Americans into prison.

That something, of course, is the war on drugs. Drug convictions went from 15



inmates per 100,000 adults in 1980 to 148 in 1996, an almost tenfold increase. More than half of America's federal inmates today are in prison on drug convictions. In 2009 alone, 1.66 million Americans were arrested on drug charges, more than were arrested on assault or larceny charges. And 4 of 5 of those arrests were simply for possession.

Over the past four decades, the U.S. has spent more than \$1 trillion fighting the war on drugs. The results? In 2011 a global commission on drug policy issued a report signed by George Shultz, Secretary of State under Ronald Reagan;

the archconservative Peruvian writer-politician Mario Vargas Llosa; former Fed Chairman Paul Volcker; and former Presidents of Brazil and Mexico Fernando Henrique Cardoso and Ernesto Zedillo. It begins, "The global war on drugs has failed... Vast expenditures on criminalization and repressive measures directed at producers, traffickers and consumers of illegal drugs have clearly failed to effectively curtail supply or consumption." Its main recommendation is to "encourage experimentation by governments with models of legal regulation of drugs to undermine the power of organized crime and safeguard the health and security of their citizens."

Bipartisan forces have created the

trend that we see. Conservatives and liberals love to sound tough on crime, and both sides agreed in the 1990s to a wide range of new federal infractions, many of them carrying mandatory sentences for time in state or federal prison. And as always in American politics, there is the money trail. Many state prisons are now run by private companies that have powerful lobbyists in state capitals. These firms can create jobs in places where steady work is rare; in many states, they have also helped create a conveyor belt of cash for prisons from treasuries to outlying counties.

Partly as a result, the money that states spend on prisons has risen at six times the rate of spending on higher education in the past 20 years. In 2011, California spent \$9.6 billion on prisons vs. \$5.7 billion on the UC system and state colleges. Since 1980, California has built one college campus and 21 prisons. A college student costs the state \$8,667 per year; a prisoner costs it \$45,006 a year.

The results are gruesome at every level. We are creating a vast prisoner underclass in this country at huge expense, increasingly unable to function in normal society, all in the name of a war we have already lost. If Pat Robertson can admit he was wrong, surely it is not too much to ask the same of America's political leaders. ■