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The War on Drugs, Moral Panics, and the Groundhog Day Effect: Confronting the Stereotypes that Perpetuate the Cycle of Disparity

In the 1993 movie *Groundhog Day*, actor Bill Murray plays a cynical weatherman named Phil Connors from Pittsburgh, who is assigned to cover the story of the annual Groundhog Day festivities in a small town on February 2. This is his fourth year covering the story of the weather forecasting groundhog Punxsutawney Phil and he is obviously frustrated and reluctant. Phil and his crew attempt to leave the small town following the festival and parade, but an unexpected blizzard causes the roads out of town to shut down, and they are forced to turn around and spend the night in the small town of Punxsutawney (IMDB, n.d.).

However, when Phil wakes up the next morning, he realizes that it is February 2 again, and is forced to relive the day all over again. He seems to be the only one aware of the repetition and everyone else is doing and saying the same thing as the previous day. The time loop continues, and Phil is forced to undergo the same day over and over no matter what he does. That is, until Phil himself begins to change. Once Phil experiences an internal transformation and “redemption,” he not only is able to fall in love with his producer, but he is finally able to wake up one morning and the date has changed to February 3. The time loop’s curse is finally broken (IMDB, n.d.).

The movie *Groundhog Day* (1993) has been interpreted and analyzed in a myriad of ways, but one common application of the movie is the time loop trope. It has become a term used to describe situations in life that are monotonous, unpleasant, and repetitive – every day is the same no matter what happens (Sanes, n.d.). This is what has become a reality for people of color, especially poor people of color in the United States, and their experiences surrounding disparate and discriminatory criminalization. The War on Drugs is a prime example, and there is a

common theme which continues to play out, and that is the root cause of the disparities people of color have experienced because of the criminalization of drugs (Ross, 2021). That root cause can be traced back to moral panics surrounding drug use and drug related crime, which are created out of racial stereotypes, beliefs, and biases.

Those racial stereotypes, beliefs, and biases have existed since the inception of slavery (Carter et al., 2017) and have remained in the American psyche for hundreds of years, becoming emmeshed in every institution. In addition, those stereotypes and beliefs have been used by politicians and the media to produce fear in the white majority which has enabled the complete social control and disenfranchisement of people of color. Since those stereotypes have ceased to disappear, on the contrary they are emboldened (Newman et al., 2021), and politicians and policymakers continue to fabricate moral panics generated from those stereotypes, such as drug use. Subsequently, this leads to concerted and repetitive attacks on Black communities, and has for generations, such as the War on Drugs.

Therefore, it is as if people of color are stuck in a “Groundhog Day” time loop – where no matter what they do, they continue to relive the same experiences over and over. It is up to us as a nation and a society, or “Phil Connors,” to honestly confront the stereotypes and our biases, rid ourselves of the egocentric sense of superiority we have adopted, and undergo a redemptive transformation for there to be any change and for us to wake up to a new day. This paper will therefore examine how confronting the racial stereotypes that have fueled the moral panic behind the War on Drugs is the first and most critical step in breaking the repetitive cycle of disparities experienced by people of color.

Racial Hierarchy, Fear, and the Creation of an Enemy

The Birth of Racial Stereotypes and Criminalizing the Black Body

Drakulich (2012) defines stereotypes as cognitive processes used by individuals that help them to process information by grouping others into specific categories and to associate specific, universal traits to those categories. Those stereotypes are then activated when an individual encounters another person that they perceive to fit in one of those categories. The trait information is then used to create expectations that then guide future information processing of subsequent encounters. Thus, the problem with stereotypes emerges, in that they become “cognitive shortcuts” used to help people make judgments, and those judgments often lack accurate or perfect information, and commonly include bias. In addition, individuals can fail to confirm the accuracy of information received from media accounts, such as those that disproportionately focus on people of color and crime and can also be influenced by racist political rhetoric or misinformation from their social group.

Negative stereotypes of Black people were integral in justifying slavery and the second-class citizenship of people of color. The institution of white supremacy that dominated the country relied heavily on biological theories of race and other tainted ideological discourses to “prove” natural differences between Black and white people. This mechanism of creating a racial hierarchy was not only used to maintain power throughout the era of slavery, but it was also utilized afterwards with the implementation of black codes and further de jure segregation such as Jim Crow (Gates, 2019).

The damaging stereotype of the “dangerous black male” was a direct result of slavery and its aftermath. As Carter et al. (2017) explains, since the early 18th century, political elites propagated false perceptions of Black men as dangerous, or potentially dangerous, predators.

Furthermore, this notion was exploited by slaveholders when runaway slaves were portrayed as dangerous criminals with the intent to rape white women instead of victims escaping from enslavement and torture. This notion of the Black man as a “super predator” became deeply entrenched in the minds of whites and was further endorsed by politicians, academics, and popular culture, even well into the late 20th century.

Racial stereotypes of people of color were internalized by the white majority, thereby forming the basis for racial stigma. Alexander (2010) asserts that by defining what it means to be black in a negative way is how racial stigma is created. Historically, the shame of the slave was how people of color suffered the stigma of race. After slavery, racial stigma evolved into the shame of being a second-class citizen. Presently, the shame of the criminal is how racial stigma commonly presents itself (Alexander, 2010). This has been a calculated effort for centuries and the “dangerous black man” stereotype is now rooted in our national consciousness that continues to play out today, especially with the emboldening effect of politicians (Newman et al., 2021), television, and other media that consistently reinforces those biases (Carter et al., 2017).

This perpetuation of racial stereotypes and dehumanization of people of color is the first instance where the “Groundhog Day effect” begins to take form. The white majority had internalized the view that Black people were inferior, and this belief reinforced similar behavior, each one perpetuating the other, causing Black people to be trapped in a repetitive, eternal, daily punishment that they could not escape no matter what they did. As time went on, the methods of oppression may have taken different forms, but the core racial stigma of Black people remained the same. Legalized segregation, unequal opportunity, Jim Crow laws, church and school bombings, and public lynching became the new ways the white majority expressed their hate and bias (Carter et al., 2017). The next stage of oppression is the one still existing today, and that is

the mechanism of overcriminalization and mass incarceration (Alexander, 2010). The people and the methods of oppression may have evolved, but the source of hate has remained the same.

Moral Panics and Folk Devils

The concept of folk devils and moral panics may have always been present in American society, but it was not until social scientist Stanley Cohen (1972) coined the term that a theoretical framework was created to explain the phenomenon of collective alarm over what the public perceives as “folk devils” (Jennings et al., 2020). The definition Cohen provides to describe situations of moral panic are where “a condition, episode, person, or group of persons emerges to become defined as a threat to societal values and interests” (Jennings et al., 2020, p. 210). The concept of moral panics has been applied to a variety of situations such as sex, rock and roll, and crime, but in recent decades, specifically in America, the theoretical framework of moral panics has been applied to drug use, drug related crime, and subsequent drug policies.

As King (2015) argues, moral panics are almost always unsupported by empirical evidence, and they are an element of the long lineage of white fear regarding black violence that has been projected for centuries. They are simply reproductions of those longstanding conceptions, and as a result a readily available composite already exists making it easier for new images to be grafted on to. In addition, contemporary moral panics illustrate the status of race relations in America, a country that claims to be in a “post-racial” era, such as the continued use of the ever-present trope of the Black man as a “super predator” which remains a trigger point for racist anxieties and fears among white people.

The first example of a drug-related moral panic resulted in the early drug prohibition efforts that were initiated by Harry Anslinger with the Harrison Act of 1914, which was triggered by stereotypes and fears of Chinese immigrants who were known to consume opium (Fisher,

2014). This would set the stage for the cycle of racial stereotypes leading to panics over perceived social malaises with a focused group of “folk devils” at the center and resulting in reactive policy changes. In 1937, another panic ensued born out of racial stereotypes towards Black people and Mexican immigrants, and Congress passed the Marihuana Tax Act (Vitiello, 2021). Almost two decades later the Boggs Act of 1951 was passed and became the first law to create federal mandatory minimum sentences. This was a policy response to the rise of heroin use in the Black community, which triggered another collective panic regarding crime in minority communities (Tallaksen, 2019). It is at this point that moral panics surrounding drug use begin to serve as a substantial catalyst for the “Groundhog Day” effect.

The history of drug policies in the early 20th century are clear examples of racial stereotypes serving as a foundation of a moral panic, using racial or ethnic minorities as the folk devil to be concerned about, and a policy response that resulted in disparities among minority communities for generations. Concrete examples of the racial stereotyping behind early drug policies can be found in the racist propaganda of Harry Anslinger when he began the initial war on marijuana (Rosino & Hughey, 2018). Some examples of overtly racist quotes by Anslinger that illustrates his dangerous rhetoric are:

There are 100,000 total marijuana smokers in the US, and most are Negroes, Hispanics, Filipinos, and entertainers. Their Satanic music, jazz, and swing, result from marijuana use. This marijuana causes white women to seek sexual relations with Negroes, entertainers, and any others;

...the primary reason to outlaw marijuana is its effect on the degenerate races; and Reefer makes darkies think they're as good as white men. (McDonald, 2017, para. 13-14)

The racist rhetoric and propaganda continued throughout the following decades and became intertwined in the tough on crime rhetoric previously used in the attack on the poor and the institutional and strategic racism which was popularized by politicians such as Nixon and Reagan in the early inception of the modern War on Drugs. An example that Lopez (2014) provides of the type of racial pandering used by contemporary conservative politicians to push their racist rhetoric which generated the moral panic during the crack scare, were statements such as “But let’s be honest: some groups commit more crimes and use more welfare, other groups are mainly unskilled and illiterate illegals, and some religions inspire violence and don’t value human life” (p. 4). It was rhetoric such as this that appealed to and triggered racial stereotypes without using explicit, profane, racist language.

This phenomenon continued throughout the 1980s and 1990s during the crack scare and the War on Drugs. The War on Drugs represents the epitome of moral panics generated from racial stereotypes that resulted in policy responses with extremely harsh and long-term negative consequences for people of color. King (2015) describes in his analysis of Cohen the elements necessary for a moral panic and the moral panic that was born during the crack scare and the War on Drugs meets each of those elements. First, there needs to be a suitable enemy that has little to no cultural or political capital to fight back. The folk devils of the crack scare were poor Black drug users, and it was obvious that they had little as far as resources to resist the ensuing attack on them. Second, there needs to be a suitable victim that is vulnerable yet generalized, such as American society, or “white victims.” Lastly, moral panics need to include a call for social control, which often takes the form of restrictive policies and laws, such as what occurred during the War on Drugs. A not-so-subtle example of the rhetoric behind the moral panic regarding crack cocaine comes from Nixon’s Chief of Staff H.R. Haldeman who was quoted as saying that

“the key is to devise a system that recognizes (blacks are the problem) while not appearing to” (Vitale, 2018, p. 133). It is examples such as this that illustrates the strategic racism that Lopez (2014) argues was instrumental in implementing discriminatory policies by using purposeful strategies that used old racist ideas to legitimize new racial divisions and stimulate support for discriminatory policies and drug law enforcement practices.

This kind of dog whistling and strategic racist propaganda that was used to garner support for discriminatory drug policies during the War on Drugs paved the way for this moral panic to continue which resulted in even more restrictive policy responses. The “Groundhog Day” effect within the moral panic framework was thus concretely established, and as time progressed, the strategies of social control became more insidious and permanent and continues to serve as a political and social mechanism for the white majority to enforce a racial hierarchy, even without using overt racism.

Trapped in the Time Loop

From Demon Weed to Crack Scares

Moral panics surrounding drugs have undergone a transitional process. They have evolved from politicians using the overt racism in their rhetoric and propaganda to a more subtle, “dog whistle” type of mechanism in their dissemination of messages to the public. When Nixon began his “Southern Strategy” approach to reach white voters, he realized that the use of overt racist language was not effective or appropriate anymore, and therefore he had to implement a coded language which is referred to as “dog whistle politics” (Lopez, 2014). Nixon began his dog whistling when he used phrases such as “law and order” and “state’s rights” (History News Network). This coded language appealed to the internalized racial stereotypes of people of color

and became instrumental in Nixon's War on Drugs campaign that disproportionately criminalized crack cocaine users, who coincidentally were often black.

The "dog whistle" coded language was extremely effective and was also utilized by the Reagan administration during his electoral campaigns and more so when he continued the War on Drugs. Phrases used by Reagan included terms such as "welfare queens" and "strapping young bucks," that did not explicitly mention race but were fully understood by the white population that held racial stereotypes as references to people of color. As Hinton (2016) argues, Reagan was successful in exploiting the shared assumptions towards race held by policymakers and further criminalized black drug users, such as making harsher penalties for possession of crack cocaine. In addition, both Hinton (2016) and Lopez (2014) point out that racial stereotypes were held by conservatives and liberals alike, therefore the dog whistle strategy had a far-reaching effect among policymakers and the public, resulting in a moral panic grounded in a wider consensus. This is indicative of the "post-racial," colorblind discourse that conservatives had perpetuated after the Civil Rights Movement and that the liberals had begun to cling to.

Consequently, confronting discrimination and racial disparities would become a nearly impossible task, and the Supreme Court would ensure that the racial hierarchy would remain unprovoked and intact (Hinton, 2016; Lopez, 2014; Vitiello, 2021). Because the racial stereotypes of the white majority were never successfully confronted, they became a shared set of assumptions which made them stronger and more influential. This pattern continued and band-aid sized reforms would be created that did not focus on the core element of oppression (Gilmore, 2002; Gilmore, 2011). Therefore, America reached a point beginning in the 1980s, where the reality of racism was swept under the rug, any attempt to confront those stereotypes became even more difficult, and as a result, people of color continue to be used as folk devils

trapped in the “Groundhog Day” time loop of oppression, disenfranchisement, and marginalization.

Drug prohibition laws that were generated during the crack epidemic were extremely disproportionate, not aligned with the actual rates of drug use at the time, founded in the stereotypes that justified the criminalization of people of color, and gained strong support through political rhetoric and media that tapped into the collective racist anxieties and fears (King, 2015). Instead of approaching drug use and addiction as a public health concern, legislators followed previous examples and sought to criminalize it and react with policies focused on punishment instead of rehabilitation. This contrasts with what is happening today in response to the opioid epidemic, where the drug users are often white, and the policy response has been more rehabilitative (Kim et al., 2020). The influence of racial stereotypes was the driving force behind the War on Drugs in the 1980s and 1990s and the beginning of the mass incarceration of poor people of color began during this time because of the dog whistle strategy that used crime as a proxy language for race (Lopez, 2014). It was Groundhog Day all over again, which seemed to be getting progressively worse with each repetition and transformation.

Examples of disproportionate laws and policies include the federal mandatory minimum sentencing guidelines for crack cocaine versus powder cocaine. The 100:1 ratio ensured that most of those arrested and incarcerated for long periods of time were people of color (Kim et al., 2020). This was an intentional strategy generated from a moral panic based in racial stereotypes. Crack cocaine was viewed as a drug used more often by poor African Americans and powder cocaine was more commonly used by affluent white drug users. The crack epidemic brought forth new racial stereotypes, such as those targeting Black women presumed to be giving birth to “crack babies,” and the media played a critical role in perpetuating the racist images. Historical

racial stereotypes regarding crime were triggered during this moral panic and as a result, the policy response was targeted towards poor people of color. As Walker et al. (2018) point out, the response was so disproportionate, that a Black man arrested for simple possession of crack cocaine would receive a harsher sentence than a white man trafficking large amounts of powder cocaine.

Walker et al. (2018) describes other methods in which poor people of color were targeted and criminalized during the War on Drugs. Law enforcement would aggressively patrol minority neighborhoods, especially low-income neighborhoods. Through the practice of racial profiling, they would harass and arrest people of color at disproportional rates, one of the many ways in which law enforcement engaged in discriminatory conduct that was based on racial stereotypes and perceived social status, instead of specific conduct. As Vitale (2018) argues, the goals of law enforcement during the War on Drugs were not to enforce political efforts to improve public health, rather it was to manage what they perceived to be as “suspect or problem populations”.

Support for this phenomenon can be found in studies that illustrate the influence racial stereotypes have on perceptions of crime and drug policies. Drakulich (2012) used regression analysis to determine the effect racial and ethnic stereotypes have on individual perceptions of crime in certain neighborhoods, perceived safety, and anxieties about victimization. For example, Drakulich found that perceived safety is strongly associated with the racial composition of the neighborhood. When controlling for actual dangers posed by crime in the neighborhoods with higher numbers of African Americans, it was discovered that white people overestimated the dangers of crime in those neighborhoods. In other words, for white respondents possessing racial crime stereotypes, there was a strong association with decreased perception of safety and an increase in anxiety and fear in neighborhoods with a different racial composition (Drakulich,

2012). These findings are indicative of how racial stereotypes regarding crime can not only survive through generations, but how they are still deeply internalized and utilized in decision making.

When analyzing the racial disparities related to the onset of the War on Drugs in the 1980s and 1990s, the policy and legislative responses are a key element in understanding the extent to which the influence of stereotypes had on decision making, punishment and the long-term effects that unfolded. Although racial disparities in punishment were apparent at the time, it was not until recently that researchers have been able to investigate differences between two different “drug epidemics” within the criminal justice system, specifically the differences between the crack epidemic and the opioid epidemic occurring now (Kim et al., 2020).

From the start of the crack epidemic, the media played a critical role in reinforcing racial stereotypes among the public during that time. As Kim et al. (2020) explains, the media focused heavily on a false narrative regarding crack use, exaggerated or misrepresented the severity, and perpetuated racialized myths that helped shape public opinion regarding crack use and responsive drug policies. As a result of the combined media frenzied moral panic, inaccurate information, and an emphasis on racial stereotypes, it was easy for politicians to gain widespread and bipartisan support when passing new legislation that criminalized drug users, specifically those who used crack cocaine. Therefore, this created a connection in the minds of Americans regarding people of color who use drugs, in the sense that they are not viewed as worthy of help or rehabilitation, instead they are dehumanized and deserved punishment.

Once that connection entered the American psyche, it remained and grew stronger. The disparity between the country’s approach to stereotypical crack users and stereotypical opioid users, began to make itself apparent during the opioid epidemic when it was realized that it was

now affecting a large portion of white drug users and was impacting middle class white families. As observed by Kim et al. (2020), it was now viewed as a public health issue that required a different response. Now that drug use and addiction was affecting white families, it was deemed worthy of legislative attention and a different perspective.

To analyze possible influence of racial stereotypes and the correlations between stereotypes and drug policy, Kim et al. (2020) measured policy responses from 1983-2016, periods of time that include both the crack and opioid epidemic. The authors analyzed drug policy passed by Congress, determined which bills were punitive and which ones were rehabilitative, determined the number of drug-related deaths with their associated demographics in the Congressional districts of the legislator who sponsored or co-sponsored the bills, and determined what relationships existed. The findings reinforce the concept of stereotype influence on policymakers, specifically the belief that white people are viewed as victims and worth helping while people of color are criminalized and dehumanized. Kim et al. also found that during the crack epidemic, less bills were passed overall, but when they were, legislators were more likely to sponsor punishment-related bills. During the opioid epidemic, legislators have been more likely to sponsor rehabilitation-related bills, especially if the victims of drug-related deaths are white opioid users. If the victims of drug-related deaths are black cocaine users, there was not a significant policy response.

This observation by Kim et al. (2020) reinforces arguments made by scholars such as Alexander (2010) and Dukes et al. (2017), that assert the disparity that exists between white lives and black lives, or white bodies and black bodies, and how white lives and white bodies have always received more respect and protection, whereas black lives and black bodies are often

viewed as less than human and not worthy of the same respect and protection. This is a direct result of deeply held racial stereotypes and beliefs for four hundred years.

This research is important in identifying support for the hypothesis that racial stereotypes continue to generate moral panics about drugs, those stereotypes continue to fuel drug policy decisions, people of color are disproportionately punished while white people are treated as victims that need help, and the consequences of the penal policies trap people of color in the cycle of despair that they cannot escape. The findings are also important because much of the rhetoric used by politicians to justify tough on crime policies uses these specific stereotypes and fears. The cycle continues to perpetuate itself and people of color are the ones trapped, suffering from the consequences for generations.

Disenfranchisement and Marginalization

The consequences of drug prohibition and criminalization are extremely multi-faceted, they have become so intertwined in not only every stage of the criminal justice system, but every social and economic institution in the country, and are so rooted and established in the fabric of American society that they persist for generations and trigger a myriad of consequences. Because racial minorities were and still are the primary victims of the War on Drugs (Walker, 2001), they have become disproportionately affected by its consequences and therefore have suffered further marginalization and oppression, mainly because of having the prison or felon label.

Alexander (2010) asserts that the system of mass incarceration is dependent upon the prison label. She further claims that after someone receives the felon label, they then become part of a parallel universe where “discrimination, stigma, and exclusion are perfectly legal and privileges of citizenship such as voting and jury service are off limits” (Alexander, 2018, p. 94). This argument echoes the claims made by Lopez (2014) and Hinton (2016) regarding the

mechanism of institutional racism and how it has been used to keep poor people of color socially and economically stratified, even in the “post-racial” era.

As Lopez (2014) argues, institutionalized racism is not a new strategy, it has merely evolved. Following the end of slavery, Southern states implemented laws, or “black codes,” that served as a legalized method of keeping people of color enslaved and oppressed. This took the form of convict leasing, debt peonage, and minorities being disqualified from government programs. These forms of institutionalized racism, according to Lopez, were racially stratified differences that persisted across generations and contributed to the vast racial disparities that still exist today.

During the War on Drugs, Reagan expanded upon his War on Poverty strategy. Because Black poverty and crime had a pathological understanding with bipartisan support, the administration was able to lead policymakers to connect the criminalization of welfare recipients and tenants in public housing with the criminalization of drug users. As Hinton (2016) claims, the very socioeconomic elements that gave rise to crack abuse were ignored, poor people of color were blamed for their own marginalization, and the programs created to provide assistance were replaced with punitive policies that specifically targeted poor people of color.

It is here that the “Groundhog Day” effect experienced by people of color actualized even further. Being convicted of a felony drug offense would become the most detrimental scarlet letter for minorities and there is little to no escape for them. They are doomed to repeat the same daily punishment. Some of the ways drug felons are further disenfranchised and marginalized are that they face barriers in access to public housing, discrimination by private landlords, they are not eligible for food stamps, they are forced to inform prospective employers on their applications about felony convictions, they are denied certain professional licenses, and they are

prevented from receiving federal grants such as financial aid for higher education (Alexander, 2010; Hinton, 2016). Black men and women are strategically prevented from having equal access and opportunity in the economy and social structures of American life.

Nothing Changes if Nothing Changes

Unfortunately, the cycle of disenfranchisement, marginalization, oppression, and racial disparities has continued for centuries in America. There have been multiple transformations as to how they have expressed themselves within the country's systems and institutions, but there have always been two commonalities that have remained consistent. The two commonalities are the process in which the cycles have occurred has remained the same and the root cause or element of those cycles has always been the same, and that is the element of racial stereotypes.

Several scholars have argued that the critical first step, and the most important step, in dismantling the racial disparities that permeate every corner of American society, is to confront racial stereotypes, biases, and beliefs honestly and sincerely. Carter et al. (2017) assert that the racial disparities seen within disciplinary policies are a consequence of the history of the United States, the stereotypes, and biases that history created, and the subsequent divisions that are still strong and still lived experiences of those groups. The pervasive and ingrained false ideas about people of color shaped perceptions for generations and there has been a persistent reluctance to confront these false perceptions and issues of race. Carter et al. argues that for racial disparities to be addressed, then race needs to be addressed. Furthermore, the conversation about race requires us to acknowledge and wrestle with the "harms, consequences, and continuing shape of racism, discrimination, and inequality woven into the very foundation of U.S. history" (Carter et al., 2017, p. 218). Lastly, it is important that the same conversation includes a consideration of

ways to counteract racial inequalities and unequal allocations of resources through our own everyday practices and interactions in addition to policy.

An important element of confronting our stereotypes and biases is identifying factors that perpetuate them and then work on deconstructing those beliefs. In the regression analysis conducted by Drakulich (2012), findings suggested that when people have a positive interracial interaction with minority racial or ethnic groups, there is an association of reduced negative racial attitudes. In addition, individuals who do not have much contact with racial and ethnic minorities are more likely to base their information about those groups on media reports, especially those that accentuate negative behaviors and their “long-standing” stereotypes. The media is highly influential in the perpetuation of stereotypes (Carter et al., 2017), especially with how people of color are represented in the news, such as instances of police brutality. When white viewers are given negative stereotypical information, they are more likely to view a Black victim as being at fault for his own death. Media bias is instrumental in promoting public hostility towards people of color, therefore making changes regarding how minorities are represented in the media is an important step in eliminating some of the racial stereotypes and biases (Dukes & Gaither, 2017).

Deconstructing racial stereotypes and biases is a process that one can undergo, specifically implicit bias. Carter et al. (2017) explains that recent research shows that there is a possibility for individuals to recognize the presence of implicit bias within themselves and then learn techniques to aid them in overcoming false perceptions and subsequently increase positive social interactions with other groups. This process has been utilized in implicit bias training with law enforcement in recent years, however training does not remove the underlying bias. The racial stereotypes need to be actively disrupted by debiasing (Benforado, 2015). Emerging

research also shows that “mental correction” that is deliberate can control the cognitive biases in social judgment (Lopez, 2014).

The colorblind approach has presented another barrier to confronting racial stereotypes and biases and beginning the process of dismantling disparities. The colorblind perspective is possibly associated with the faulty belief that America is now a “post-racial” society, therefore we should not talk about race, that race discussions are extraneous, and those that attempt to have discussions about racial disparities are “playing the race card” (Carter et al., 2017). The contradictory logic of the colorblind approach is that we can fight racial bias simply by not talking about race (Lopez, 2014). To strengthen the damaging impact of the colorblind approach, the Supreme Court has exploited the taboo act of confronting discrimination by making it nearly impossible to pursue legal remedies and essentially taking the position that racial discrimination is permissible (Hinton, 2016; Lopez, 2014).

By not talking about race and confronting the stereotypes and biases, will not make the powerful social reality just disappear. However, it does result in unchallenged, confused thinking, not only in ourselves, but in others as well. (Lopez, 2014). The conversation, the acknowledgement, and the active pursuit in cognitive change needs to occur. Until this happens, or until our country willingly undergoes that redemptive transformation, nothing will ever change, and people of color will continue to remain trapped in a cycle of oppression and marginalization for generations to come. It will not matter how many reforms are implemented to alleviate the harms caused by disparate laws and policies, they will simply serve as band-aids on a gaping wound. It will be Groundhog Day over and over until we do something different.

Conclusion

The problems regarding race, class, ethnicity, and crime may initially seem like a complicated issue, especially when focusing on the War on Drugs. The consequences of drug prohibition have become so far-reaching and long-term that it is as if it has touched every aspect of society. To complicate matters more, when one analyzes the racial disparities and their etiology, it appears to be a tall order. In many ways, it is a complicated issue, especially when considering solutions for the problem. However, when the issue is deconstructed and reduced to its core a layer at a time, it simplifies it. Through the process of elimination, it becomes apparent that the common denominator for centuries is what we need to return to in order to eliminate any barriers and bridge gaps.

Although racial stereotypes, beliefs, and biases have been the root cause for a myriad of the racial disparities that people of color suffer from still today, moral panics regarding drug use, and the War on Drugs have resulted in unique consequences that have become well established in American society for people of color. The timeline for each prohibition period has remained the same, contained the same elements, and have become more sophisticated and effective each time. Moral panics generated from racial stereotypes have occurred for various reasons, but drug related moral panics have been more influential. Attempts at reform have not been very effective, if at all, and there is still resistance in drug policy reform in general. The fact that much of the resistance echoes racial stereotypes and biases shows that we have not been focusing on the right elements regarding a solution.

A discussion on policy implications is important, however it is worth noting that policies will not be completely effective until racial stereotypes, beliefs, and biases are *honestly* confronted. Confronting those racial stereotypes, beliefs, and biases will not be a simple

undertaking and will require more than a simple course on racial diversity and implicit bias. This nation was built on a foundation of white supremacy, genocide, colonization, slavery, and many other atrocities. We will not be able to simply talk our way through it or fix it with intermittent and ineffective policies. To ensure any kind of effective, long term, supportive, and equitable change, we as a nation will need to accept the truths of our history – and our present, acknowledge the generational damage that has been caused as a result of white supremacy, and then recognize the cycle that continues today. Furthermore, we need to acknowledge and accept the role race still plays in society and the privileged role white Americans maintain in the same society.

Once this has been established, there needs to be a strategic and comprehensive deconstruction and subsequent rebuilding of almost every institution in America and a complete overhaul of federal and state laws. Lastly, to ensure that actual change occurs and is maintained in the long-term, we need to actively implement the new behaviors by remaining cognizant, enforce more accountability with a robust system of checks and balances, and make it a priority to be vigilant in upholding the new and equitable system. There are various policies that can be implemented to help repair some of the harms and prevent them from happening in the future, however their success is contingent upon working through the root cause of the disparities in the first place. This will serve as a solid and stable foundation for the following discussion on possible reform.

Following the creation of a foundation and moving forward, there are obvious social, economic, educational, healthcare related, and other policy reforms that require attention, but for the sake of brevity and relevance to this paper, criminal justice reform will be the focus. Reform should begin at the law enforcement level because this is the initial interaction between citizens

and the criminal justice system. Then, reform should move up the ladder in the criminal justice system to prosecutors, juries, judges, and legislators. In order to fully confront racial disparities within the criminal justice system, a comprehensive overhaul needs to occur.

First, there is the topic of broad police reform. Walker et al. (2018) provides examples such as better screening of law enforcement applicants, more diverse hiring practices, and data collection on policing practices such as traffic stops. Criminal justice analysts with the Brookings Institute (2021) recommend reform with qualified immunity, national standards for training and de-escalation, restructuring civilian payouts for police misconduct, focusing on officer wellness, and a change in police culture. There is also broad support for the requirement of body cameras, independent investigations and oversight for police misconduct, a national registry for police officers with records of misconduct, shifting focus and funding to community policing and “non-police” first responder programs such as mental health professionals, holding more police officers accountable, and a strong focus on eliminating implicit bias and systemic racism in the criminal justice system (Saleton, 2021). There has also been ongoing research since the 1960s that has illustrated the importance of higher education for police officers and the value that it adds to police training, legitimacy, and professionalism (Paterson, 2011). Other ideas for reform could include less militarization of law enforcement, such as SWAT teams (Alexander, 2010), better community relationship building, and eliminating quotas or incentives for citations and tickets.

Second, Walker et al. (2018) proposes that prosecutorial discretion and judicial discretion needs to be analyzed and evaluated more and confronted when disparities are found. This could be accomplished by creating and implementing data collection methods that are effective at identifying disparities in prosecutorial and judicial decisions and actively confront them. Also,

racial and ethnic diversity in juries needs to be emphasized, as Walker et al. points out in research findings that diverse jury pools are still difficult to accomplish, especially with the courts allowing prosecutors to exercise broad discretion during *voir dire*. Walker et al. additionally raises concerns regarding bail reform and the impact unfair bail practices has on people of color. Therefore, implementing a more sophisticated system regarding pre-trial detention and bail amounts would be a prudent step in reducing the racial disparities. Lastly, Alexander (2010) identifies the importance of identifying and considering factors that influence criminality, especially socio-economical influences. Considering these factors in charging and sentencing decisions, the correct way, could be helpful in avoiding racial disparities.

The next step is at the federal and state policy level. Strong policy reform needs to occur at both levels for effective change to take place. This is especially so in drug policy. Many scholars have identified the racial disparities resulting from the over-criminalization of drugs, especially specific drugs to target people of color (Alexander, 2010). Therefore, as Walker et al. (2018) has illustrated with research findings, sentencing guideline reform is instrumental in reducing and one day eliminating racial disparities in the criminal justice system. Federal policymakers are attempting to make this happen with the passage of the EQUAL Act that would eliminate the disparate crack cocaine sentencing ratio. This legislation will require bipartisan support for it to successfully pass, but the effect it would have on future generations of people of color would be tremendous. The bill will also include the ability to enforce the guidelines retroactively, which is another aspect of policy reform that is pertinent to eliminating much of the racial disparities in the prison system. However, this approach should also be applied to marijuana convictions in states where marijuana is now legal. A more radical approach that would not only reduce racial disparities but class disparities as well in the criminal justice

system, is a broad, comprehensive reform on drug use and drug criminalization overall. This could include, but not be limited to, the decriminalization of drugs, which has been done in countries such as Portugal. Furthermore, a new framework of addiction and recovery that is accommodating to various populations of people who use drugs, especially those in the criminal justice system, and a re-evaluation of drug court requirements to identify barriers that have prevented people of color from qualifying is an important concept to consider as well (McKim, 2017). Additionally, there needs to be a nationwide effort to acknowledge harms caused by stigma surrounding addiction, especially racial stigma, and actively reduce that stigma.

Lastly, future research could uncover an abundance of data on racial stereotypes, their influence on moral panics, and policy response resulting in racial disparities. Some of the data used in this paper, such as drug-related legislation created during two different drug epidemics, could serve as a valuable foundation to build upon. In addition, and critical to moving forward towards a solution, is further research on the process of debiasing and eliminating the internalized racial stereotypes held by individuals, specifically as it relates to crime and drug use. This would not only be effective within the criminal justice system itself, but also policymakers, elected officials, and the public overall. For the debiasing process to be effective, empirical evidence showing the most efficient and successful methods are critical.

In summation, there are two final thoughts to conclude with – first, we, white Americans, need to listen to black voices, lift those voices, and avoid the mistake of becoming another ‘white savior’. People of color have a lived experience that white people do not and they are more aware of the disparities, disenfranchisement, and marginalization that occurs. We need to actively listen to them when they tell us what needs to be done. They not only deserve a seat at the table, but also a space to participate, have a say and influence, ability to make decisions, be

listened to, not talked over, and just be. No longer can we continue to tell them to be happy with what they have already or to “just keep waiting.”

Lastly, there is much work to be done when it comes to dismantling an entire system, which has taken the form of a monster, and all its extremities. We can continue to pass reforms, which would be like removing one extremity at a time, but not only will it grow back, the monster can only be stopped completely if we hit it in its Achille’s heel. The United States built its rule of law and its institutions around the notion that whites (specifically white men) are superior to everyone else, because of man-made, false, racist ideas. Throughout history those ideas have influenced periods of moral panics, for example those regarding drug use. Those moral panics have then been the catalyst for oppressive drug policies that have disproportionately criminalized people of color. Because this pattern never changes, and society refuses to confront its history, it has trapped people of color in a repetitive cycle of disenfranchisement and marginalization with no way to escape, in what can be labeled as the “Groundhog Day” effect.

“What would you do if you were stuck in one place and every day was exactly the same and nothing that you did, mattered?” – Phil Connors

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