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## Get Tough on Crime

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September 20, 2004

Are we really getting tough on crime or have we created a crime wave and turned it into a business?

If getting tough on crime is putting people in jail then we are doing a good job. We are a country that has 5 percent of the world's population but 25 percent of the world's prison inmates.

Our jail/prison population has gone from 503,586 in 1980 to over 2.1 million in 2004, which is a 317 percent increase in 24 years.

However, it appears that getting tough on crime is not really about crime, it's about fortifying an election year initiative called the War on Drugs. The birth of a crime wave.

The War on Drugs, like Prohibition, was a political expedient used to demonize the opposition and acquire constituencies in presidential elections. While alcohol and drugs were not key issues in themselves, the relevance of these voting blocs was heightened by existing armed conflicts that were also perceived as threats. Prohibition was linked to World War I and Drugs to Vietnam and the larger war on communism.

The period leading up to World War I represented a cultural conflict between temperance-focused "White Anglo Saxon Protestants" and "beer drinking immigrants".

In the end, the depression served as the cauldron that destroyed the old power structure, buried Prohibition and created a new power structure predisposed to the support and use of alcohol.

Both Prohibition and the War on Drugs were similar in that they provoked an increased disrespect for the law. Likewise, the police, the courts and penal system were overburdened with addiction-related cases.

There were two hangovers from Prohibition. The first was the rise of organized crime. Second was the drugs made illegal during Prohibition remained illegal.

Organized crime did not go out of business with the end of Prohibition. In 1933, they held a national convention in Atlantic City where they focused on organization as well as products to market. Drugs were one such product.

Drugs were identified with the counter culture movement that challenged the status quo in the early 1970s. The challenge culminated in President Nixon's declaration of War on Drugs in 1972 and has been supported by every administration since.

By 1988, a crime wave rose to prominence on the political radar that paralleled the intensity of the crime wave that preceded the repeal of prohibition.

The election of 1988 could have been the end of the crime wave if drugs had been legalized as alcohol had been in 1932. There were no major threats to our national security to complicate issues.

However, there were two jokers in the deck that revived and intensified the War on Drugs. One was Willy Horton and the other was the expansion of the Comprehensive Drug Abuse Prevention and Control Act of 1970.

In 1987, Willy Horton raped a woman and killed her fiancé after going AWOL from a prison furlough while doing a life sentence in a Massachusetts. Michael Dukakis was the governor of Massachusetts at the time.



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It was the Democratic primary and ensuing elections that brought Willy Horton's crime spree to national attention in 1988. He became the symbol of soft on crime used by the elder George Bush to defeat Michael Dukakis.

The impact of Willy Horton in the presidential election incited a rash of national legislation characterized by eliminating furloughs, reducing gain time, increasing sentences and the construction of prisons, much of which was passed prior to the election. "Get tuff on crime" was born.

Both Prohibition and the War on Drugs were fought with tax dollars. The twist comes in that drugs and crime generates a separate revenue stream for law enforcement.

This augmentation started with the drug-related civil asset forfeiture law of 1970 and its follow on legislation in 1978. The probable cause standard of the forfeiture laws relieves the government of the burden of proving anyone's criminal guilt to obtain a forfeiture judgment on property.

This accommodation to the War on Drugs is reaching or has reached a point of dependence on the proceeds of crime for some government agencies. In 1999 alone, approximately \$300 million of the \$957 million that the Treasury and Justice Department funds took in went back to the state and local departments that helped with the seizures.

The emphasis on this revenue stream was apparent as far back as July 1990 with a U.S. Department of Justice bulletin sent to all U.S. attorneys. It encouraged them to "significantly increase forfeiture production to reach our budget target."

The target was \$470 million. This same memo advised: "to divert personnel from other activities," including criminal cases, to prepare all forfeiture cases for judicial action. About the same time period, the Justice Department had an inventory of over 32,400 properties valued at more than \$1.8 billion.

Is this a major about-face in crime fighting? Does it reach down to the local level? The Alachua Sheriff, Gainesville Police Department, States Attorney and legislatures are better qualified to discuss the details.

By the same token there are readers who can address the loss of property and assets without a court conviction in a criminal trial.

Forfeitures in part fueled the growth of law enforcement. As of June 2000, there were more than 1,019,496 full-time state and local law enforcement personnel nationwide. This is an 11% increase from 1996. Note: this increase was prior 9/11 and the "War on Terrorism".

In June 2002, there were over 93,000 full-time federal personnel authorized to arrest and carry firearms of which 5,963 were assigned to Florida.

You would think that it was not in the best interest of citizens to commit a crime with a force of this magnitude arrayed against them.

Apparently this force is not an effective deterrent, as there are over two million men and women in prison or jail and another four million on parole/probation. Nor is imprisonment a very effective deterrent either: For every 10 felons released from jail or prison, seven are sent back within three years.

You know what the motivation is? The motivation is money. There are 14.8 million drug users spending 64 billion dollars a year on illegal drugs.

"Get tough on crime" has become a business. The crime it is supposed to fight has become a source of revenue for law enforcers and votes for politicians.

Alachua County is a case in point. In 2004, the Alachua courthouse expanded from 10 to 20 courtrooms. The jail population increased from 688 in 1996 to more than 1,133 in April of 2004. That is an increase of 64



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percent in eight years. There is the equivalent of an infantry Battalion of law enforcement officers patrolling the city and county as well as our middle and high schools. Our last states attorney is now a state senator.

We appear to have not only embraced the new status quo but are willing to sacrifice our children upon the twin altars of the War on Drugs and Get Tuff on Crime. Altars created by politicians to garner votes in election years.

Then again, we are the body politic that voted for them.