

# The punishments and laws associated with drug trafficking in the united states wy...

[Health & Medicine](#), [Drugs](#)



The Punishments and Laws Associated with Drug Trafficking in the United States Wylie Ramos ENG122: English Composition II Instructor: Kari Lomanno December 17, 2012 The Punishments and Laws Associated with Drug Trafficking in the United States Drug trafficking has been a major epidemic throughout the United States. The drug supply and demand creates an environment of greed and malevolence. It has caused countless deaths, destroyed people's families, careers, and lives by taking them into a destructive path which could have been prevented with the proper guidance and support. It has developed into the most lucrative organized crime operation throughout the United States which has influenced an immeasurable amount of American lives. There are many detrimental aspects that could be discussed in reference to drug trafficking. A specific claim related to this topic that I plan to dispute is how the United States laws are not as strict or severe as they should be. Drug dealers, producers, and suppliers are the primary contributors to drug related deaths but they are not held liable for them. Stringent drug trafficking sentencing and penalties must be immediately implemented in order to ameliorate this issue. The lead U. S. law enforcement agency responsible for enforcing the drug laws of the United States is the Drug Enforcement Agency. They have been at the forefront of United States efforts to work with foreign law enforcement counterparts in confronting the organizations (Perkins & Placido 2010). They prevent criminals from destroying our country since the results of our country's Zero Tolerance Drug prohibition policies are multifaceted, overlapping, and overwhelmingly negative (Gray 2001). Criminals involved with drug trafficking get punished on the severity of the distribution charge.

They should additionally get punished for the lives they affect due to their role in these drug related incidents. Frank Lucas, who once ran a multi-million dollar business smuggling heroin into the United States during the 1960s, was responsible for the deaths of thousands of people who died from overdoses due to the purity of the drug he distributed. He served only 15 years of a 70 year sentence after he became an informant, resulting in 150 multi-defendant cases which included three-quarters of New York's Drug Enforcement Agency, mafia accomplices, corrupt members of the New York police department, and 30 members of his family (A & E Networks, 2012). This is a man liable for a myriad of deaths who has been released by our very own judicial system walking freely amongst the very people he affected. Drug producers, smuggling organizations, and drug traffickers are getting trialed with the exclusion of these malicious acts. If you deal with drugs, and the drugs you sell lead to the deaths of thousands of people, you should be held accountable for these actions. Having more stringent penalties can reduce drug trafficking into the United States because they would now be held accountable for all their actions. The consequences and repercussions that derive from drug trafficking must be incorporated into all legal considerations when imposing a judicial punishment. No matter how harsh these penalties can become, it will not eliminate the problem, but this concept will significantly reduce the number of drug related incidents throughout the United States. Our current feeble laws primarily target the people who are illegally using drugs. The very agencies that are supposed to protect the United States need to focus on how incarcerate the criminals at the top of the chain. They need to target the masterminds who vastly

contribute to this problem so we can considerably reduce the flow of drugs into the United States. This will immediately disrupt major drug trafficking organizations, deny drug traffickers, producers, and criminal associates the illicit profits and money laundering activities which feed into these criminal organizations. " As stated by Dorsey & Middleton (2008), " more than four-fifths of drug law violation arrests are for possession" (p. 18). Local authorities, the FBI, DEA, or anyone fighting the war on drugs are not getting to the heart of the matter. This is why it is so important sentencing and penalties become more rigorous. The penalties we currently have in place do not take these drug related deaths into consideration. We have to determine more effective methods which can somehow correlate these deaths into the sentencing phase during all court proceedings. As stated by the Office of General Counsel U. S. Sentencing Commission (2012) " the minimum and maximum statutory penalties are driven by the type and the quantity of the drug involved, but may be increased if the offense involved death or serious bodily injury, or if the offender has a prior conviction for a felony drug offense" (p. 1). Dorsey & Middleton (2008) states " in 2006, the Drug Abuse Warning Network (DAWN) estimated that 1. 7 million emergency visits in the emergency department were nationwide and associated with drug misuse or abuse (p. 51). A DAWN case is any death reviewed by a medical examiner or coroner that was related to drug use. DAWN data include deaths related to drug use, misuse, and abuse and drug related suicides that were reported by participating death investigation jurisdictions as DAWN cases. Our law and court systems have become ridiculed as drug dealers, producers, and suppliers conclusively get away with the offense. As stated by Dorsey &

Middleton (2008), " the State Court Processing Statistics (SCPS) program revealed that of persons charged with a felony drug offense in 2004 in the 75 most populous counties 60% were released prior to case disposition" (p. 26). Sixty percent of all cases never go to trial because of some legal technicality which has limited the courts discretion to hand down judgment. We cannot make an example of these criminals if six out of ten get away with an offense. Our systems need to become more methodical in order to reduce these numbers and so we may begin using these proceedings with regard to the criminals who influenced these incidents. You can attribute this to the prosecutors who work for state and federal laws. They have an unrelenting perseverance for seeking mandatory minimum sentences for the lesser drug traffickers who operate within the drug trade. This has ridiculed our unbiased criminal justice system and robbed judges of their sentencing authority. State and federal governments in the United States face massive looming fiscal deficits. One policy change that can reduce these deficits is by ending the war on drugs. In 2010, state and local governments spent at least \$25 billion dollars in 2010 (Miron & Waldock, 2010), and the U. S. federal government spent over \$25 billion dollars in 2012 on the War on Drugs (Office of National Drug Control Policy, 2012). These monetary amounts have played a significant role in why we are economically under pressure in the United States. If you make a large amount of arrests then you spend more money paying the people who are out there making the arrests, participating throughout the prosecutions, and supporting the national prison systems. Our economic focus essentially needs to be diverted towards apprehending the major suppliers, producers, and traffickers throughout the United States.

If the focal point is shifted towards this concept, we can subsequently maximize the use of our agency's assets and catch the people at the top of the drug chains. If we take down the big fish, we will not be as financially viable when paying to make the smaller arrests to include all the official actions involved within. This will alleviate the economic stress that is currently directed on making large amounts of arrests towards catching the little fish. It is our nation's duty to ensure we continuously fund the agencies which can produce such results and subsequently help lighten the financial burden we are currently experiencing with the national deficit. The legalization of certain drugs has been considered to reduce the expenditure on enforcement and an increase in tax revenue from legalized sales. In fact, a report by Miron & Waldock (2010), estimates that legalizing drugs would save approximately \$41.3 billion per year in government expenditure on enforcement of prohibition. Out of these savings, \$25.7 billion would accrue to state and local governments, while \$15.6 billion would accrue to the federal government. Approximately \$8.7 billion of the savings would result from legalization of marijuana and \$32.6 billion from legalization of other drugs. Although these figures are noteworthy, this technique will quickly lead to an immediate increase in drug users. It will also display defeat on our part on the war on drugs. Drug legalization leaves many complicated questions as to how can we implement such an unconventional technique. Questions raised range from how can we measure and compare the total harm caused by the prohibition or potential legalization of drugs. Who should be free to consume whatever they want, even if it is harmful to them, as long as others are not affected. Should drugs only be legally available to adults, if so what

are the age limits will we apply. How can one rank a drug by the harm they cause, by imposing taxes on drugs, or by spending less money on drug law enforcement while focusing on solving other problems. These questions leave too many gray areas that have to be addressed and the benefits do not outweigh the detrimental outcomes which would significantly impact our society. Throughout the vast network of the drug trade, drug trafficking is the most critical operation. Drug traffickers are responsible for fulfilling the supply and demand desired by the millions of users throughout the United States. Therefore, we must also focus on the agencies which help us fight the war on drugs. Within the U. S. government, regulations governing the production, distribution, and use of drugs are fragmented between at least five different agencies or bureaus, including the Food and Drug Administration (FDA) within the Department of Health and Human Services; the Drug Enforcement Administration (DEA) and Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), both within the Department of Justice; the Alcohol and Tobacco Tax and Trade Bureau (TTB) within the Department of Treasury; and the White House Office of National Drug Control Policy (ONDCP) (Battin, Luna, Lipman, Gahunger, Rollins, Roberts, & Booher 2008). All these agencies play a vital role on the nation's ability to discourage the production, distribution, and consumption of illegal drugs. Additionally, collaborations with other nations will address the problems associated with illegal drugs. The worldwide drug market produces such vast resources which facilitate the producers and traffickers ability to operate throughout the world. That is why we must also join forces not only because the majority of the drugs coming into the United States come from other nations, but so

we may be successful on the campaign against drugs. Our government must continue to maintain healthy relationships with these nations if we desire a reverse effect on the negative impact drugs has made within the United States. Drug traffickers are essentially getting away with capital murder. We need to implement a better system that will hold these malicious criminals accountable for their actions. As stated by Battin (2008), " much drug policy is not a matter of state or federal legislation, however, but of the decisions made by the executive branch of government and, in particular, administrative agencies concerned with particular categories of drugs" (p. 89). Our nation's laws are put in place in order to protect the people of the United States. The government is obligated to do so, but their focus and commitments are unfortunately tied into the national deficit, unemployment, the nations Medicare plan, so on and so forth. We must place great emphasis on the war on drugs so our country's zero tolerance drug prohibition policies are not multifaceted, overlapping, and overwhelmingly negative (Gray 2001). The punishments and laws associated with drug trafficking have made a huge impact on people's lives. The monetary statistics provided clearly states how this money is needed in order to enforce the laws and support the agencies which fight the war on drugs. It is up to us to save the millions of lives that can be taken away because of a drug related incident within the future. The best way to do so is by increasing the minimum and maximum statutory penalties imposed not only by the quantity of the drugs found, but also by the severity of the impact made within that community, county, state, or nation. If we can somehow effectively employ this tactic, we will deter the people's ability to become involved with illegal drug activities, and



significantly disrupt criminal activity within the United States. References A & E Networks (2012). Frank Lucas: Mini Biography. Retrieved from <http://www.biography.com/people/frank-lucas-253710> Battin, M. P., Luna E., Lipman, A. G., Gahunger, P. M., Rollins, D. E., Roberts, J. C., & Booher, T. L. (2008). *Drugs and Justice: Seeking a Consistent, Coherent, Comprehensive View*. Cary, NC: Oxford University Press

Dorsey, T. L., & Middleton, P. (2008). *Drugs and Crime Facts*. Bureau of Justice Statistics, US Dept of Justice, Office of Justice Programs, United States.

Gray, J. P. (2001). *Why Our Drug Laws Have Failed and What We Can Do about It: A Judicial Indictment of the War on Drugs*. Philadelphia, PA: Temple University Press.

Office of General Counsel U. S. Sentencing Commission (2012). *Drug Primer*. Miron, J. A., & Waldock, K. (2010). *The Budgetary Impact of Drug Prohibition*. Washington, DC: Cato Institute.

Office of National Drug Control Policy (2012). *2012 National Drug Control Strategy*. Perkins, K. L., & Placido, A. P. (2010). *U. S. Senate Caucus on International Narcotics Control*.