

## FROM THE BATTLEFIELD TO THE WAR ON DRUGS: LESSONS FROM THE LIVES OF MARGINALIZED AFRICAN AMERICAN MILITARY VETERANS

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## INTRODUCTION

This article examines how the drug war impacts the lives of a rarely studied population: African American military veterans. The article draws on select narratives from respondents' detailed life histories documented at length in a recent book by the first author.<sup>1</sup> The richness of these detailed life history interviews allows for further exploration of matters relevant to this symposium's focus on America's ongoing drug war. Veterans' narratives provide a unique view of the drug war in the context of concentrated urban poverty in marginalized communities of color. In this way, our objective is to provide an expanded and novel critique of longstanding drug war politics of "us and them"—a taken-for-granted narrative of "white denial and black blame"<sup>2</sup> that has long been used to rationalize harsh punitive drug laws that have driven unprecedented numbers of poor African Americans into the bondage of mass incarceration.<sup>3</sup> Indeed, as of 2010, "[m]ore young (20 to 34-year-old) African American men without a high school diploma or GED are currently behind bars (37 percent) than employed (26 percent)."<sup>4</sup> It is important, however, to investigate multiple perspectives from the African American community. To this end, we attend to the experiences

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<sup>1</sup> BENJAMIN FLEURY-STEINER, *DISPOSABLE HEROES: THE BETRAYAL OF AFRICAN AMERICAN VETERANS* 6 (2012) (focusing on thirty life-history interviews with African American veterans who resided in one of three places at the time of the interview: a transition housing program, or at the veterans' place of residence in various neighborhoods in Wilmington, Delaware. Three veterans were interviewed by telephone, including Andre, who currently resides in Alabama, see *infra* Part IV).

<sup>2</sup> See Benjamin D. Steiner, *The Consciousness of Crime and Punishment*, 23 *STUD. L., POL., & SOC'Y* 187, 197 (2001) (writing about the passage of tougher sentencing policies for crack cocaine, Steiner observes: "[a]s the 'voice of the people,' politicians like the public, defended White supremacy (i.e. Whites are innocent and law abiding) at the same time that they defended harsh penalties aimed at racially and ethnically aggrieved groups.").

<sup>3</sup> See *Racial Disparity*, SENT'G PROJECT, <http://www.sentencingproject.org/template/page.cfm?id=122> (last visited Mar. 13, 2013).

More than 60% of the people in prison are now racial and ethnic minorities. For Black males in their thirties, 1 in every 10 is in prison or jail on any given day. These trends have been intensified by the disproportionate impact of the "war on drugs," in which two-thirds of all persons in prison for drug offenses are people of color. *Id.*

<sup>4</sup> THE PEW CHARITABLE TRUSTS, *COLLATERAL COSTS: INCARCERATION'S EFFECT ON ECONOMIC MOBILITY* 4 (2010), [http://www.pewtrusts.org/uploadedFiles/www.pewtrusts.org/Reports/Economic\\_Mobility/Collateral%20Costs%20FINAL.pdf?n=5996](http://www.pewtrusts.org/uploadedFiles/www.pewtrusts.org/Reports/Economic_Mobility/Collateral%20Costs%20FINAL.pdf?n=5996).

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of unemployed, impoverished African American male military veterans.

Considering that the Vietnam era's focus on "dangerous, addicted veterans" played a major role in the Nixon administration's unprecedented "war on drugs,"<sup>5</sup> makes the stories of black veterans from this era, and subsequent ones, all the more compelling. Indeed, Michelle Alexander's highly acclaimed recent book presents one such story of Drake, an African American Vietnam veteran disenfranchised for a low-level drug offense.<sup>6</sup> Beyond the stories of individual veterans, however, it is important to remember that the Vietnam era perpetuated draconian policies that laid the foundation of America's modern war on drugs.<sup>7</sup> The martial metaphor of drug "warfare" for the first time legitimized the United States' widespread use of military forces engaged in international anti-drug war efforts.<sup>8</sup>

We pay particular attention to recent historical research that persuasively makes the case that Vietnam had a long and lasting impact on how the drug war is fought today.<sup>9</sup> Taking this important background as a jumping-off point, we present selections from interviews with marginalized African Americans veterans from the Vietnam and more recent wars (Parts III–IV).<sup>10</sup> We argue that veterans' stories provide an important lens for viewing the gross failings of punitive policies predicated on a distorted, and ultimately unforgiving view of impoverished African Americans in general, and impoverished African American veterans in particular. In conclusion, we reflect on the rise of recent alternatives to the punitive approach, especially the creation of veterans courts.

Excerpts from the life history interview data presented are purposed here to show how long-neglected and, in many

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<sup>5</sup> FLEURY-STEINER, *supra* note 1, at 8–9.

<sup>6</sup> MICHELLE ALEXANDER, *THE NEW JIM CROW: MASS INCARCERATION IN THE AGE OF COLORBLINDNESS* 154 (2010).

<sup>7</sup> JEREMY KUZMAROV, *THE MYTH OF THE ADDICTED ARMY: VIETNAM AND THE MODERN WAR ON DRUGS* 119 (2009).

<sup>8</sup> *Id.* at 167.

<sup>9</sup> *Id.*

<sup>10</sup> Although the primary focus of *Disposable Heroes* was on African American veterans' pre- and post-military experiences, twenty-seven of thirty respondents made some reference to these issues in their life history interviews. The stories presented here represent veterans from different eras and, most importantly, present very detailed illustrations of African American veterans' experiences with the drug war. See FLEURY-STEINER, *supra* note 1, at 6.

instances, profoundly traumatized African American veterans resort to desperate attempts at self-medication, loan sharking, and low-level survival dealing of illicit substances (e.g., selling drugs to put food on the table). The harms caused to African American veterans by the drug war are revealed in multiple ways that are not easily separated from longstanding conditions of racial inequality in general (e.g., housing and health care apartheid), and the struggles to receive treatment for Posttraumatic Stress Disorder (PTSD)<sup>11</sup> in particular. *Our main argument is that the drug war has plunged marginalized African American veterans deeper into unemployment, poverty, and other manifestations of structural violence.*<sup>12</sup> *Taken together, the drug war's focus on arrest, conviction, and incarceration has undermined marginalized African American veterans' ability to transition positively back into civilian society.*<sup>13</sup>

Indeed, as we will see, even for veterans who *have* received at least some Veterans Affairs ("VA") benefits, the drug war continues to frustrate positive transitions back into civilian society. We also believe our focus on African American veterans' experiences with the drug war serves to compliment important recent research on race and mass incarceration.<sup>14</sup> Attending to

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<sup>11</sup> *DSM Criteria for PTSD*, U.S. DEP'T VETERANS AFF., <http://www.ptsd.va.gov/professional/pages/dsm-iv-tr-ptsd.asp> (last visited Mar. 13, 2013). According to the American Psychiatric Association's latest *Diagnostic and Statistical Manual of Mental Disorders* (DSM-IV-TR), a PTSD diagnosis must include "a history of exposure to a traumatic event meeting two criteria and symptoms from each of three symptom clusters: intrusive recollections, avoidant/numbing symptoms, and hyper-arousal symptoms." *Id.*

<sup>12</sup> The concept of structural violence was first theorized by the Norwegian Peace Studies scholar Johan Galtung:

The object of personal violence perceives the violence, usually, and may complain—the object of structural violence may be persuaded not to perceive this at all. Personal violence represents change and dynamism—not only ripples on waves, but waves on otherwise tranquil waters. Structural violence is silent, it does not show—it is essentially static, it *is* the tranquil waters. In a *static* society, personal violence will be registered, whereas structural violence may be seen as about as natural as the air around us.

Johan Galtung, *Violence, Peace, and Peace Research*, 6 J. PEACE RES. 167, 173 (1969). Since Galtung's seminal writing, the internationally renowned physician and medical anthropologist, Paul Farmer, perhaps more than any other, has utilized structural violence as his principal concept for delineating health inequalities in Haiti and other impoverished countries. *See generally* PAUL FARMER, *PATHOLOGIES OF POWER: HEALTH, HUMAN RIGHTS, AND THE NEW WAR ON THE POOR* 29 (2003).

<sup>13</sup> *See* FLEURY-STEINER, *supra* note 1, at 8.

<sup>14</sup> *See* ALEXANDER, *supra* note 6, at 5; *see* DORIS MARIE PROVINE, *UNEQUAL*

veterans' complex life histories shines a bright light on the particular ways the drug war has deepened longstanding and ever-deepening unemployment, housing, and health care marginalities.

In the first section of the article (Part I), we begin with key background material. Recent research documents from the outset show how the modern war on drugs launched by President Nixon depended on the scapegoating of black military veterans as "dangerous addicts" who, upon return, transformed cities into new "battlegrounds."<sup>15</sup> Both media and political leaders alike engaged in distorted claims of a drug "epidemic" that required unprecedented federal resources.<sup>16</sup> This rich contextual material provides a key backdrop for exploring the *actual* experiences of marginalized black veterans from Vietnam and subsequent eras. We turn next (Parts II–IV) to the veterans' stories of how the drug war impacted their lives. In the Conclusion (Part V), we reflect on what the veterans' life stories teach us about the possibilities for alternatives to the war on drugs.

## I. "THE MYTH OF THE ADDICTED ARMY" AND THE LAUNCHING OF THE MODERN WAR ON DRUGS

### A. *Nixon as Architect*

Benefiting from the displacement of public scrutiny away from his foreign policy, Nixon was able to present himself as a national savior, bent on eradicating the drug peril from American life. His rhetoric and policies appealed in particular to nationalist sentiment and to the so-called silent majority seeking a return to the social stability of the pre-Vietnam era . . . . It did so in part by playing off media stereotypes of the student, black power, and antiwar movements and blaming deep-rooted social problems on a series of artificial catalysts, most notably drugs.<sup>17</sup>

Although national drug war hysteria dates back to the 1930s—specifically, Harry J. Anslinger and the Federal Bureau of Narcotics' crackdown on marijuana—the Nixon administration was the first to make drugs the center of a far-reaching

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UNDER LAW: RACE IN THE WAR ON DRUGS 7 (2007); BRUCE WESTERN, PUNISHMENT AND INEQUALITY IN AMERICA 6 (2006).

<sup>15</sup> See KUZMAROV, *supra* note 7, at 52.

<sup>16</sup> *Id.* at 32.

<sup>17</sup> *Id.* at 10.

international *and* domestic agenda.<sup>18</sup> As the Vietnam War became increasingly unpopular among the public, the Nixon administration, Republican and Democrat political leaders, and the media began to scapegoat “heroin addicted” United States troops as the main reason for the war’s enormous failures.<sup>19</sup> While it is indisputable that soldiers used drugs in Vietnam, Kuzmarov’s careful analysis of an array of Pentagon-funded studies persuasively shows addiction among the troops as relatively rare:

[T]he percentage of American soldiers who could be characterized as drug addicts during the war was a minority—even during the peak of the heroin influx in the early 1970s. Although a relatively high number of Americans experimented with drugs, many fewer used them on a regular basis, especially during the decisive phases of fighting. In short, at no point was the military incapacitated by drugs, despite media and governmental proclamations to the contrary.<sup>20</sup>

Marijuana was the drug of choice by many African American veterans subjected to harassment by their white superiors.<sup>21</sup> Indeed, after brutal treatment in a military brig at Long Binh, African American Vietnam veterans were found to have used the drug openly as a form of political protest.<sup>22</sup> Yet the popular media framed the situation as caused by “addicted black vets,” even though such claims “were repudiated by a long military inquiry on the matter.”<sup>23</sup> Indeed, the critical role the mass media played in creating the myth of the “addicted army” cannot be overstated:

The mass media played a critical role in shaping the sustained “drug panic” of the late 1960s and early 1970s. . . . [N]ewspapers, magazines, and television created the impression that the U.S. Army had broken down because of drugs and that the country was being ravaged by a full-fledged “epidemic.” The *Washington Post*’s Jack Anderson and *Newsweek*’s Stewart Alsop were among the most sensationalistic of journalists. Utilizing apocalyptic language and metaphors, they portrayed drugs as a major combat hazard and threat to American security. The *Far Eastern Review* and the *New York Times* meanwhile characterized addicted veterans as being worse off than men crippled and maimed by war—or men whose remains had been shipped home in body bags. Such

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<sup>18</sup> *Id.* at 13.

<sup>19</sup> *Id.* at 39.

<sup>20</sup> *Id.* at 20.

<sup>21</sup> *Id.* at 31.

<sup>22</sup> *Id.*

<sup>23</sup> *Id.* at 31–32 (endnote omitted).

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analogies ultimately made a powerful political impact. They helped to sweep under the surface the crucial sociopolitical factors shaping the war's outcome and the horrific violence meted out by the U.S. forces and their proxies (including Thai, South Korean, and Philippine mercenaries responsible for dozens of massacres), while obscuring the social context in which GIs got stoned.<sup>24</sup>

In addition to the media, federal lawmakers used the Vietnam War to exploit drug war hysteria in the United States.<sup>25</sup> The new drug war policies were a mix of treatment and punitive responses.<sup>26</sup> But President Nixon took a uniquely aggressive role in building the punitive, law enforcement-centered drug war infrastructure—the embryo of the United States' current system—including the scandal-mired and short-lived Office of Drug Abuse Law Enforcement (ODALE).<sup>27</sup> Although ODALE lasted only a year (1972–1973),<sup>28</sup> it was charged with numerous unlawful break-ins and police brutality, especially incidents involving low-level street dealers in impoverished communities of color:

[T]he political needs of the Nixon Administration kept intruding—especially as the reelection campaign got under way

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An early instance came in January 1972, when the White House set up an Office of Drug Abuse Law Enforcement (ODALE) to create joint federal-local strike forces to fight the street-level drug trade in cities across the country . . . . In an election year, though, that did not much matter. “The street pusher program is good politics and has widespread acceptance wherever it’s talked about,” John Ehrlichman [Nixon advisor] wrote to Nixon on February 8, 1972.<sup>29</sup>

Even as the administration became embroiled in the Watergate scandal, President Nixon boasted of unsubstantiated drug war successes: “we launched a crusade to save our children and the nation, and now we’re moving from defense to offense and rolling up victory after victory.”<sup>30</sup> Yet the legacy of Nixon’s drug war cannot be underestimated. For one, it made the martial metaphor ubiquitous among the media and political elites and led

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<sup>24</sup> *Id.* at 55.

<sup>25</sup> *See id.* at 102.

<sup>26</sup> *Id.*

<sup>27</sup> *Id.* at 112–13.

<sup>28</sup> *Id.*

<sup>29</sup> MICHAEL MASSING, *THE FIX* 123 (1998).

<sup>30</sup> KUZMAROV, *supra* note 7, at 119.

to unprecedented human costs.<sup>31</sup> It was the most expensive and harshest war—especially, in its impact on impoverished communities of color—in United States history:

The enforcement budget for narcotics under Nixon increased overall from \$65 million in 1969 to \$719 million in 1974 . . . . [A]rrest rates escalated nearly tenfold, leading to the clogging of court dockets and increased overcrowding of the penal system, particularly with poor minority youth from overpoliced ghetto neighborhoods.<sup>32</sup>

Nixon's drug war was far more than ideological. His administration's actions were extraordinarily costly, especially considering that they occurred in the context of the brutal conflagration in Vietnam that cost over 58,000 American lives.<sup>33</sup>

### *B. From Reagan's War to the Present*

“By 1980, illegal drugs were every bit as much a threat to the United States as enemy planes and missiles. The plague was fueled by an attitude of permissiveness, both public and private. America was losing its future by default.”<sup>34</sup>

The presidency of Ronald Reagan took the militarization of America's international drug war to new levels. This began with the administration's successful lobbying efforts to amend the *Posse Comitatus Act of 1878*,<sup>35</sup> which once prohibited the military from assisting civilian law enforcement in drug war efforts.<sup>36</sup> Counter-narcotic combat operations were launched worldwide, with military forces leading the charge, especially in Latin America.<sup>37</sup> The focus on “narco-guerrillas” and “narco-terrorists” attempted to redouble the drug war urgency of the Nixon-era:

The resonance of the narco-guerilla metaphor in the United States drew in part on the legacy of Vietnam and the ingrained perception of drugs as a security threat and weapon of foreign subversion. As in the past, few were able to recognize that this threat was more imaginary than real.<sup>38</sup>

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<sup>31</sup> *Id.* at 55.

<sup>32</sup> *Id.* at 113.

<sup>33</sup> Bob Herbert, *This Is Bush's Vietnam*, N.Y. TIMES, Sept. 17, 2004, at A3.

<sup>34</sup> KUZMAROV, *supra* note 7, at 172.

<sup>35</sup> See National Defense Authorization Act, Pub. L. No. 100-456, § 1104, 102 Stat. 1919, 2043 (1988) (codified as amended at 10 U.S.C. §§ 371–74 (2006)).

<sup>36</sup> See Use of Army and Air Force as Posse Comitatus, 18 U.S.C. § 1385 (2006).

<sup>37</sup> KUZMAROV, *supra* note 7, at 176.

<sup>38</sup> *Id.* at 177.

Yet United States military involvement in drug war operations in Latin America had real consequences for veterans. Indeed, as we will see in Gerald's story, his experience as a sniper in Honduras was an experience that would have lasting negative effects on the rest of his life (see Section IV).

By 1986, the Reagan era drug war hysteria erupted on the home front.<sup>39</sup> Particularly after the overdose death of Len Bias, a college basketball star and first round NBA pick, the media frenzy went into overdrive with the "crack epidemic."<sup>40</sup> Even the once-prominent Vietnam veteran rights leader, Senator John Kerry resorted to drug war hyperbole. After Bias's death, Kerry stated at a press conference that Latin American traffickers "threatened to destroy civilized society as we know it."<sup>41</sup> Within months of the Bias death, Congress unanimously passed the *Omnibus Anti-Drug Abuse Act of 1986*, a law that authorized six billion dollars to fight the drug war.<sup>42</sup> Part of the law created particularly harsh penalties for crack.<sup>43</sup> The drug war was expanded even further in subsequent administrations.<sup>44</sup> The framing of a so-called national drug epidemic that was forged in the Vietnam era resonates deeply into the 21<sup>st</sup> Century:

The War on Drugs retained its symbolic significance as a mechanism for eradicating the seemingly "permissive culture" of the 1960s and overcoming the "Vietnam syndrome." This task took on added primacy with the emergence of renewed anxieties over America's declining global status—a repercussion of the War in Iraq, which was increasingly referred to as another Vietnam after it became clear that the mission was not accomplished.

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On the whole, the drug issue remains as politically contentious and charged as ever.... Dissolving the responsibility of U.S. leaders for the death of tens of thousands and for carnage on the ground, moreover, the solipsistic media have begun to produce a barrage of stories on the addiction of Iraq War veterans to hard narcotics, which they compare with reports from Vietnam and depict as among the gravest consequences of a failed crusade.<sup>45</sup>

In addition to media and political distortions, the domestic

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<sup>39</sup> *Id.* at 183–84.

<sup>40</sup> *Id.*

<sup>41</sup> *Id.* at 184–85.

<sup>42</sup> *Id.* at 185.

<sup>43</sup> *Id.* at 186.

<sup>44</sup> *Id.*

<sup>45</sup> *Id.* at 191–92.

drug war has become increasingly militarized.<sup>46</sup> Indeed, law enforcement has long relied upon:

the increased deployment of military-style tactics for crime control in African American communities, with a correspondently greater potential for death and destruction of property. As these new tactics have become commonplace, the role of police has changed, altering the character of many police departments from law enforcement agencies to military occupation forces.<sup>47</sup>

## II. THE LIVES OF MARGINALIZED AFRICAN AMERICAN VETERANS

A decorated African American Vietnam veteran who suffers from PTSD, a condition not recognized by the VA until 1980,<sup>48</sup> goes eleven years without receiving care from a veteran's center.<sup>49</sup> He turns to self-medication that ultimately destroys his family life, leads to HIV infection from intravenous drug use, and becomes ensnared in the prison system for numerous non-violent drug-related offenses.<sup>50</sup> A second Vietnam era veteran witnesses his neighborhood plunge into economic turmoil and desperation.<sup>51</sup> As jobs dry up, he becomes enmeshed in the street-level drug economy.<sup>52</sup> He is addicted to crack cocaine and becomes dependent on loans from his dealer to keep his family above water.<sup>53</sup>

A cold-war era sniper involved in covert drug war operations in the jungles of Honduras returns home only to experience nightmares, insomnia, violent mood swings, and other symptoms common to PTSD.<sup>54</sup> Yet because his military experience in Honduras remains classified, he has limited access to VA health benefits.<sup>55</sup> Unable to secure gainful employment, he becomes a neighborhood boss and loan shark in the Wilmington's street-

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<sup>46</sup> Kenneth B. Nunn, *Race, Crime and the Pool of Surplus Criminality: Or Why the "War on Drugs" Was a "War on Blacks"*, 6 J. GENDER RACE & JUST. 381, 404 (2002).

<sup>47</sup> *Id.*

<sup>48</sup> See DIDIER FASSIN & RICHARD RECHTMAN, *THE EMPIRE OF TRAUMA: AN INQUIRY INTO THE CONDITION OF VICTIMHOOD* 88 (2009) (writing in detail about the contentious inclusion of Vietnam veterans in *Diagnostic and Statistical Manual of Mental Disorders* in 1980).

<sup>49</sup> FLEURY-STEINER, *supra* note 1, at 117.

<sup>50</sup> *Id.* at 114.

<sup>51</sup> *Id.* at 135–36.

<sup>52</sup> *Id.* at 136.

<sup>53</sup> *Id.*

<sup>54</sup> *Id.* at 142–43.

<sup>55</sup> *Id.* at 142.

level drug economy.<sup>56</sup>

A young, idealistic African American veteran of the recent Iraq War survives an extremely dangerous and traumatizing mission in the minefields.<sup>57</sup> Upon his return to the home front, a confrontation with a superior officer leads to a chain of events that result in a bad conduct discharge.<sup>58</sup> Now barred from VA services,<sup>59</sup> this young veteran is forced to survive on the streets and subsequently turns to marijuana usage and small time dealing.<sup>60</sup> In short order, he is arrested and is now caught up in multiple entanglements with the criminal justice system.<sup>61</sup>

The life experience of marginalized African American military veterans is instructive. It provides detailed lessons on the far-reaching negative consequences of decades of drug prohibition in important, and often subtle, ways. Indeed, the stories of marginalized African American male veterans from the Vietnam and post-Vietnam eras provide special insight into understanding how the war on drugs has impacted the lives of members of impoverished, black communities more broadly. At the same time, the stories of marginalized African American veterans raise important questions about how the system could better serve this population.

### III. VIETNAM ERA

#### A. Carl: “*Help for Vets’ Wasn’t on Billboards.*”<sup>62</sup>

When Carl, a sixty-three-year-old decorated veteran, returned home from Vietnam in the early 1970s, he took a job as a day laborer, and moved his wife and son to Newark, New Jersey.<sup>63</sup> Although in future decades Newark would be a city hit hard by unemployment and mass incarceration, when Carl and his family

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<sup>56</sup> *Id.* at 144.

<sup>57</sup> *Id.* at 106.

<sup>58</sup> *Id.* at 150.

<sup>59</sup> See COMMANDER EDWARD M. BYRNE, MILITARY LAW 708 (Captain Donald W. Stephens et al. eds., 2d ed. 1976) (noting that a Bad Conduct Discharge or (BCD) is a “punitive discharge . . . [that] is designed as a punishment for bad conduct for an accused who has been convicted repeatedly of minor offenses and whose punitive separation from military service appears to be necessary”).

<sup>60</sup> FLEURY-STEINER, *supra* note 1, at 151.

<sup>61</sup> *Id.* at 152–53.

<sup>62</sup> *Id.* at 19–20, 22, 26, 28, 35–36, 38, 70–72, 111–19, 130, 157–62.

<sup>63</sup> *Id.* at 113.

first arrived in the city, he described it as “still strong.”<sup>64</sup> Yet Carl learned that outdoor day labor often had less to do with the economy and more to do with the weather.<sup>65</sup> On rainy days, work would be cancelled. So almost immediately he became frustrated by a lack of a steady income.<sup>66</sup>

Although Carl had struggled with nightmares of Vietnam from the day he returned to civilian society, sleepless nights started to take a heavy toll on him. He became more and more depressed and detached from his family.<sup>67</sup> Since PTSD was not recognized by the VA until 1980,<sup>68</sup> Carl was quite literally left to confront the trauma of war on his own. A downward spiral into self-medication and family dissolution ensued. Here Carl recalls the early years of his struggle, his regret of not being able to be a good father to his son, and the harsh consequences his son would face for his eventual involvement with illegal drugs:

I mean, the words “help for vets” wasn’t on billboards, especially in the black community in New Jersey. I mean, I was dealing with so much that I completely lost touch with being a husband and a father . . . . I tried to be supportive . . . . I know that I could have had a better influence on my son’s formative years if I had been living a different way. And I think that there was a price to be paid for that in the way he turned out—he’s locked up for drugs now—because when he was growing up, I really started to drop out of his life and everything around me . . . . And he always wanted to spend time with me. When I used to go out, he wanted to go with me. But I literally couldn’t be there for him, because I wasn’t there for myself. Again, I’m not making excuses, but that crazy war wouldn’t let go of me.<sup>69</sup>

After Carl and his wife separated in the mid-1990s, he became deeply involved in heroin and crack abuse, and eventually became infected with HIV:

I got deep into the lifestyle and was sharing needles. I’m not sure when it happened but I actually got infected with HIV, so I’m dealing with all those medications today. And also smoking crack. I mean, [by the late eighties] the black community in New Jersey started to change immensely, especially when crack hit. The temptation to make easy money was also huge.<sup>70</sup>

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<sup>64</sup> *See id.*

<sup>65</sup> *Id.*

<sup>66</sup> *Id.*

<sup>67</sup> *Id.*

<sup>68</sup> *See FASSIN & RECHTMAN, supra note 48, at 15.*

<sup>69</sup> *FLEURY-STEINER, supra note 1, at 113.*

<sup>70</sup> *Id.* at 114.

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Carl describes his motivation for street dealing during a time when unemployment and the street-level drug economy concurrently exploded in Newark:

I had to. It was survival. You know, am I going hungry tonight or not? That was a question I've asked myself too many times. But it was pretty widespread in Jersey. I mean things were going way downhill and people were getting locked up by the cops all over the place. I know, because I got some crazy twenty-year sentence for possession, but thankfully that was thrown out.<sup>71</sup>

While Carl did several short stints behind bars for low-level drug offenses, his son was not as lucky. As Carl describes;

By sixteen he had one brush with law enforcement. By the time he was eighteen, he was actually sent to a boot camp program. He's thirty-six now, and he's only been out a couple years in between that. He was locked up for a big chunk of his adult life; from age 22–31 he was behind bars for selling crack. He finally got out, and a little less than two years later, he got busted again and got another ten years, which he is doing now.<sup>72</sup>

Today, Carl resides in a transitional housing program in an impoverished neighborhood in Wilmington, Delaware. Here he reflects on the challenges of drug addiction that he continues to face:

My drug usage especially became an effective form of self-medication, and I am going to go so far as to say, a way of life. I didn't want to think about a lot of the horrible stuff I experienced in Vietnam. And without realizing it, the negative stuff has caught up with me. It certainly has caused me enough problems in life, even to this very day. But here I am putting all I can muster into recovery. I'm glad I can do it in here and not out there, because out there is a death sentence.<sup>73</sup>

*B. Charles: "You black, you must have some time in jail"<sup>74</sup>*

Charles, a sixty-one-year-old Vietnam veteran, grew up in what has become one of the most impoverished and racially isolated neighborhoods in the City of Wilmington.<sup>75</sup> Upon return from service, he moved back into his family's home and "worked numerous jobs as a handyman, at a local hospital, as a U.S.

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<sup>71</sup> *Id.*

<sup>72</sup> *Id.* at 114–15.

<sup>73</sup> *Id.* at 19.

<sup>74</sup> *Id.* at 139.

<sup>75</sup> *Id.* at 11, 42.

Postal Service worker, and as an autoworker at the local Chrysler plant[, and as a security guard].”<sup>76</sup> However, abrupt changes in the economy—that Charles describes as taking place even before he went into the service—created sky-rocketing unemployment and, indeed, a large street-level drug economy in his neighborhood: “Yeah I watched it change. Jobs dried up. But that was just the way it was. Factories shutting down even before I went in the service, so that was going on.”<sup>77</sup>

Charles contrasts this with what he describes as a more stable neighborhood before the war. He describes drugs as destroying the neighborhood:

[Y]ou could leave your door open . . . [a]nd go upstairs and go to bed. Nobody come in your house and take no TV set or nothing like that. They wasn’t doing that kind of stuff. . . . When the drug thing hit here, man everything starting going, you know bizarre. Drugs destroyed the neighborhood. That’s why these houses are all boarded up now; they used to be full of dealers.<sup>78</sup>

At the same time, Charles views the rise of the drug economy as providing the only form of support in an otherwise desperate situation caused by unemployment:

[Y]ou not eating from month to month. [And] around the middle of the month, you got no food in your house. But the crack dealer come around the house and say, “Here take this hundred dollars, go buy yourself some food.” So, you feel obligated to help him ‘cause he help you get food, and he moves in just for a couple of days. And next thing you know they taken over the whole neighborhood.<sup>79</sup>

“In Charles’s account, it isn’t that people chose to stop eating and then turn to funding crack dealers. It’s that the profits of the neighborhood drug economy become the only form of survival in a community where work has vanished and has yet to return.”<sup>80</sup> In a tour of the neighborhood, the first author learned firsthand about this phenomenon:

Interviewer: So those boarded-up buildings are where most of it was happening?

Charles: Yeah, this is where the dealers were.

Interviewer: Did you know any of the folks that lived there?

Charles: Sure, I knew everybody over here. Like I said you

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<sup>76</sup> *Id.* at 135–36.

<sup>77</sup> *Id.* at 135.

<sup>78</sup> *Id.*

<sup>79</sup> *Id.* at 136.

<sup>80</sup> *Id.*

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need to eat—you got know who they are—and plus most of them were deep into using, too.<sup>81</sup>

For the entire forty-plus year span of the modern War on Drugs, Charles witnessed, up-close-and-personal, the “ravages of poverty,” substance abuse, and the rise of a survival-based street-level drug economy in his neighborhood.<sup>82</sup> Given that Charles was unique in his ability to maintain some form of employment, in spite of his own substance abuse problems, he decided not to flee the neighborhood.<sup>83</sup> However, after his mother’s death, the unexpected consequences of inheriting his mother’s house, in effect, kept Charles trapped in the neighborhood:

[M]y mom . . . had three strokes, and what I learned was Alzheimer’s. I didn’t recognize that’s what she had. And after she passed away and everything started coming into focus, I realized she owed taxes for like four years and stuff like that, right. And water bills and stuff you know. And I didn’t have the funds to handle it. . . . Plus my roof had caved in and all my wall-to-wall carpet had buckled. It all buckled all through the house. Plus the walls are still messed up. And my nephew could do a lot of home improvements. So we talked and he was living in this apartment with five kids in a two bedroom apartment. And I said, “Why don’t you take the house out [sic] off of me.” He said, “I won’t be able to pay this money off. I won’t be able to pay off this money.”<sup>84</sup>

However, his nephew found some way to get a loan and was able to rescue Charles from financial ruin.<sup>85</sup> While Charles still had some form of income, working different jobs coming in, his own problems with substance abuse had drained his savings account.<sup>86</sup> In contrast to Carl, however, Charles never uses VA services. Despite programs that may have helped him with his calamitous economic situation, he ultimately blames himself for his situation and the decision to use:

[A]fter I got home from the service[,] I didn’t want to look like no lame guy . . . . I just thought it was a normal part of being home. You know, work and get high. But it didn’t work out so good. . . .

. . . .  
. . . I didn’t realize I was getting older. And you know, put it this like this. A lot of white guys they come home, they gonna get married, buy homes. But black guys—living in a place like this

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<sup>81</sup> *Id.*

<sup>82</sup> *Id.* at 137.

<sup>83</sup> *Id.*

<sup>84</sup> *Id.*

<sup>85</sup> *Id.*

<sup>86</sup> *Id.*

where nothing comes easy—we weren't really thinking like that was in the cards for us. So, when we were around here it was just idle time wasting away getting high. But I tried to also work. . . . In the end, the drugs caught up with me.<sup>87</sup>

What is striking in Charles' story is the environment he describes as utterly isolated from the kinds of services veterans desperately need. The American Dream of marriage and homeownership, at least at the time of his return, simply did not appear to him to be "in the cards."<sup>88</sup>

Now clean and sober and still happily married, Charles finds life in a neighborhood swarming with drug war law enforcement to be very difficult on a personal level. Although he has never been arrested, he goes on to describe an environment where he is harassed by the police:

I was pretty lucky when I got home. Many people I knew got busted, but I kept a low profile, you know. But today—I'm really glad I'm clean and out of that life—because living here cops are always in your face. I get questioned all the time about drugs. I mean this a high drug area, so of course the cops are swarming around here to make their numbers. But I find it disrespectful to be profiled because I'm an older black man and Vietnam veteran. Cops be saying to me, "Come here." I say, "Yes sir, what's up?" And they like, "Don't Sir me! Where you going?" And I wasn't really going nowhere, this old man is just trying to take a walk down his street, you know? They say, "Why you walking down the street?" I say, "Cause I live in this community. This is where I reside." And like they take my fingerprints and they don't have nothing on me. I mean, he says, "How the hell can you be from around here, and have no record?" It's stereotyping all the time around here like, "You black, you must have some time in jail." But I've never been in trouble in my life.<sup>89</sup>

#### IV. POST-VIETNAM ERA

##### A. Gerald: "I was disposable."<sup>90</sup>

Beginning in the 1980s, the drug war and veritable criminalization of poor communities of color creates a higher-stakes situation for younger, marginalized African American

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<sup>87</sup> *Id.* at 138.

<sup>88</sup> *Id.*

<sup>89</sup> *Id.* at 138–39.

<sup>90</sup> Portions of the following text taken from FLEURY-STEINER, *supra* note 1.

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veterans.<sup>91</sup> This is especially so when one considers that young black men have a much higher risk of arrest, imprisonment, and the damaging consequences of being marked as a felon.<sup>92</sup> Learning about the experiences of Gerald, a fifty-one-year-old “cold war warrior”<sup>93</sup> from the Reagan era, is particularly instructive. To understand how the drug war impacts Gerald’s life as a veteran, it is critical to provide detailed events of both his pre- and post-military experiences. Indeed, the conditions that led Gerald to join the military in the first place, the kind of overseas drug-war operations that he was involved in as a sniper in Latin America, and his experience as a veteran in a neighborhood profoundly altered by the drug war, all converge to reveal a deeply insightful story. Without hearing the detailed life story of a veteran like Gerald, it is simply impossible to gain these subtle insights into the pervasive and, indeed, insidious ways America’s aggressive prohibition strategy can so negatively impact the lives of marginalized African American male veterans.

Gerald grew up in a family with very high expectations regarding his education. He described his mother as especially demanding. Yet education would become a particularly volatile issue as Gerald went through high school in the late 1970s. Indeed, large white demonstrations against newly proposed integrative busing programs were sweeping across the nation. However, Gerald’s mother was an outspoken opponent of busing programs. Even though she was in the minority in the black community, she was of the mindset that the city’s black high school had great teachers but was woefully lacking in resources. Although she relented and allowed Gerald to be bused out of the city to a high school in a predominantly affluent white neighborhood, Gerald recalls his mother attending many community meetings with politicians and shouting in their faces: “Integrate the money.”

Interviewer: Where did you go to school?

Gerald: I was at one high school until my junior year. That was the year before busing, I had no problems. You know white kids were friendly. I mean a couple kids you gave a little shit. But for the most part, I had white friends as well as black friends. The year

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<sup>91</sup> ALEXANDER, *supra* note 6, at 49.

<sup>92</sup> *See id.* at 50; *see also* DEVAH PAGER, MARKED: RACE, CRIME, AND FINDING WORK IN AN ERA OF MASS INCARCERATION 3 (2007).

<sup>93</sup> FLEURY-STEINER, *supra* note 1, at 45.

busing started was my senior year in high school. And that's when the crap really hit the fan. Yeah, even some of the teachers went on strike, and it was really a mess. The same kids I was buddies with, because of the influence of their parents, became racist assholes, and I got suspended for fighting probably like four or five times before the end of the year. And you know the year before all this mess I had never got suspended once.<sup>94</sup>

But the white backlash against busing created a condition that had a profound impact on Gerald's life course:

February of my senior year, I'm an honor student and I got kicked out for felonious assault. . . . I had hung out with a white kid who I'd meet in the library. I've always been a reader. So sometimes I came out of school late. And I come out and these two whites kids were beating up my friend, calling him "nigger lover," so they're beating him up for hanging out with me. And it's two against one. And I jumped in, and I don't want to sound like I was a badass or anything, but I could scrap. And I was too much for the both of them, and I beat the hell out of both of them. And of course the cops come, and the school gave me the choice of facing the charges or taking expulsion. And my mother was gonna get a lawyer and fight it and all that. And I was like, "I don't even want to deal with this," so I took the expulsion. So, I went down the next week and got my GED and signed up for the air force. . . .<sup>95</sup>

Gerald's story is truly remarkable. If not for the white racial hostilities of the time, it is likely that he would never have joined the military. As an honor student he would have, indeed, almost certainly gone on to college. But the racial turmoil that engulfed his high school radically altered his life circumstances. It is all the more remarkable that he only had a few months before graduation. Given the circumstances, one might have expected in the late 1970s a more forgiving high school principal. But the racial conditions of the time literally transformed schools into places of racial strife and desperation for young black males, even those with a bright a future, like Gerald. While joining the air force is not, at least seemingly at this point, an altogether negative turning point in Gerald's life, the cumulative experience of having to adapt to an institution now fraught with uncertainty and a "kill or be killed" culture would prove to have lasting implications for Gerald.

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<sup>94</sup> *Id.* at 46.

<sup>95</sup> *Id.* at 47–48.

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After several altercations with his white superiors, Gerald was re-trained by the Air Force to work in secret operations.<sup>96</sup> However, he was not at all prepared for his reassignment to Honduras:

I was due to ship out that afternoon; it was in the morning—and I hear from a major that they needed snipers, and I found out he was talking directly to me. He explained that troops were gonna fire bomb the front of this camp, and we'll be up on the hill and were ordered to pop anyone who runs out the back. I shot many of them. And it was all in the name of the so-called war on drugs. . . . it was bullshit. . . . I mean, I was twenty-one years old and it was traumatizing, to say the least. It changed me forever.<sup>97</sup>

The roller-coaster ride that characterized a relatively short period of time in Gerald's career is important to summarize. After returning home to a neighborhood that he began to no longer recognize—a time characterized by persistently high levels of black unemployment and an ever more aggressive law enforcement presence in urban communities of color—Gerald found himself in the bizarre position of defending from abroad the very drug war he witnessed tearing away at the fabric of his community.

Here Gerald offers his personal reflections on why he was sent to Honduras as a sniper, and subsequent lethal activity he was involved in as a courier:

I honestly believe it was my background. I was smart, a good shot, but they had come to see me as a thug. Someone who could kill without conscience. It was absolutely fucked up. They had no business doing this to me, but it's exactly what they did. In their eyes, I was just another nigger. . . .

. . . .

Honduras came to define me. . . . They had me essentially going back and forth to Honduras and other places killing people. And as a courier there was never any warning. I was disposable, wherever they needed me to take someone out, they sent me.<sup>98</sup>

By the end of Gerald's military career, he was suffering from horrible nightmares and other signs of PTSD.<sup>99</sup> Although he eventually went AWOL, he was not court-martialed and was eventually given a medical discharge.<sup>100</sup> However, Gerald did not

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<sup>96</sup> *Id.* at 90, 92.

<sup>97</sup> *Id.* at 92.

<sup>98</sup> *Id.* at 92–93.

<sup>99</sup> *Id.* at 142.

<sup>100</sup> *Id.* at 93. AWOL is military terminology for “absent without leave,” an

immediately seek help from the VA. Indeed, he was consumed with numerous crises in his neighborhood: “many of his friends were now fully involved in street life, including his best friend who was struggling with substance abuse problems, and who had already done several bids in prison for drug-related charges.”<sup>101</sup> Like Charles, Gerald came home to the “literal dissolution of his community,” including the horrible, drug-related murder of his sister:

Three months before my father died, she came back on the scene and she went and stayed with my uncle in Atlantic City and she hooked up with a guy there. It’s not completely clear, but we think she saw him commit a murder . . . because he shot her up with heroin and cocaine while she was asleep, gave her a hot shot and killed her. . . . She was only 35 years old. . . . She had three children. Yeah, that was pretty tough, that was one of the worst days of my life. We were really tight coming up, you know? And now I’m back from the service and she’s dead.<sup>102</sup>

In addition to his sister’s tragic death, Gerald’s older brother was also entangled in the criminal justice system on drug-related charges.<sup>103</sup> Fortunately for Gerald, his mother got him a job that kept him away from the neighborhood for approximately two years.<sup>104</sup> However, his continued struggles with PTSD left him erratic, and after quitting his job, Gerald finally caved into the temptations of the illicit drug economy.<sup>105</sup>

Gerald describes his experience in the military as “preparation” for this next phase in his life—what he described as a “con man.” In contrast to his friends and neighbors, whom he described as being swallowed up by the drug addiction, Gerald describes his much more covert role in street life:

Gerald: I wasn’t getting involved directly in the drug game. I did street-level financing like loan sharking, which was pretty lucrative.

Interviewer: How did the military prepare you for being a loan shark?

Gerald: I didn’t have a conscience and I had seen it all. But I also knew dead men don’t pay bills, so I wouldn’t kill

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abandonment of military duty without permission. AWOL, Merriam-Webster Dictionary, <http://www.merriam-webster.com/dictionary/awol> (last visited Mar. 17, 2013).

<sup>101</sup> FLEURY-STEINER, *supra* note 1, at 143.

<sup>102</sup> *Id.*

<sup>103</sup> *Id.*

<sup>104</sup> *Id.*

<sup>105</sup> *Id.* at 144.

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you, but I'd break your arm depending on how much you'd owe. . . . I could remember people asking me what happens if I don't have your money. We'll break that arm when we come to it, was usually my stock answer. . . . Most of the time I lean into gamblers, because I learned gamblers will pay. They pay the interest but they don't pay the principle, which works great for me because they paid the interest to me every week. So it was real lucrative. The gamblers they got to get on the table, you know? So they'll take another loan, which doubles their interest. So that's just the nature of the beast.<sup>106</sup>

"Gerald's stint as a loan shark was short lived. After both his parents found out and, as he describes it, 'considered me dead to the family,' he knew he had to get out."<sup>107</sup> Moreover, confronting the person he had become aggravated his PTSD, and he finally relented and sought counseling from the VA.

Interviewer: How were you able to make the break?

Gerald: I shut down the loan sharking and turned it over to a couple of my boys. But I also really didn't like the person I had become. I mean, some pretty hard people were scared of me. And one day, I said it to one of my boys, "I can't believe that all these cats are that scared of me." And they said, "Shit man, we're scared of you. Everybody's scared of you." So, I'm like, "Are you kidding?" And they're like, "No, you pumping fear in a lot of people," and I said okay this had got to stop, you know. I just can't have people afraid of me anymore. And my paranoia only worsened. So that's when I first went to the VA and talked to a counselor about PTSD.<sup>108</sup>

Unlike Carl or Charles, Gerald found tremendous support from the American Legion, an organization which allowed him to bond with other veterans<sup>109</sup>—an experience he described as very positive:

[B]ecause a lot of the older cats would talk to me and what have you and they showed a lot of faith in me. No one had showed that much faith in me since I had been a teenager. So that helped a lot and it helped a lot with the paranoia and it definitely helped with

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<sup>106</sup> *Id.*

<sup>107</sup> *Id.*

<sup>108</sup> *Id.* at 144–45.

<sup>109</sup> *Id.* at 145.

the withdrawal you know and with the bouts of withdrawal.<sup>110</sup>

*B. Andre: "All I wanted to do was move on with my life"<sup>111</sup>*

After nine long months of dangerous combat duty as a Marine in Iraq, at the age of twenty-eight, Andre's career came to an abrupt and devastating end. After receiving a Bad Conduct Discharge (BCD), Andre struggled to find work.<sup>112</sup> In the following exchange, although his case is still being appealed and he cannot divulge particular details, Andre was able to explain in some detail his situation:

Interviewer: So what happened?

Andre: They took me in and court-martialed me. They broke me all the way down to a private and locked me in the brig.

Interviewer: Oh no . . . Can you tell me about that experience?

Andre: I mean I didn't feel like it was justice, you know what I'm saying? All I wanted to do was move on with my life, I didn't feel like this is what I needed to be doing anymore. I served y'all faithfully. I saved a lot of y'all lives, and now you gonna put me in here with murderers, rapists. They put me in there for four months in a very hot cell in isolation. I got no clothes. I can't even shower every day. I get less food than everyone else. They eat three times; I eat twice. Then they put me in population, and when I get out they nail me. I don't get dishonorable, but I get a bad conduct discharge that means y'all aren't ever gonna help me.<sup>113</sup>

In the time since returning home, Andre had little luck obtaining steady employment. While a former sergeant in his unit did provide him part-time work as a roofer, the trauma of his entire military experience created tremendous instability in his life, and he became homeless. Living on the street he turned to marijuana to soothe his pain, eventually got involved with dealing, and has been caught up in the criminal justice system ever since. Here he describes the humiliation of protracted jail time as a result of not being able to pay fines—an experience he feels especially ashamed about when he considers white prisoners

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<sup>110</sup> *Id.*

<sup>111</sup> Portions of the following text taken from FLEURY-STEINER, *supra* note 1.

<sup>112</sup> *Id.* at 150.

<sup>113</sup> *Id.* at 108.

who were released:

And a white person's got money, so the white people I see in the joint aren't scared, they're not tripping. They thinking, "Oh I got a couple of fines to take care of. First I'll take care of bail and then I'll just pay the magistrate and then I'll just pay whatever little fines that they got going on and now I can't party for a couple of weekends." I've seen it with my own eyes. It's all about money and paying fines. But me and my brothers, we're broke. So for us, it's serious. I'm not gonna get to see nobody and nobody's gonna be able to come get me out. That's the worst feeling: I don't have the money to get out of jail, I don't have the money to pay these fines.<sup>114</sup>

Broke and left to the harsh world of the streets, Andre's story is not atypical. Indeed, escalating numbers of young veterans of the wars in Iraq and Afghanistan are increasingly caught up in the criminal justice system under similar circumstances.<sup>115</sup>

## V. CONCLUSION

The stories of marginalized African American veterans provide an important and neglected critique of decades of drug warfare in the United States. Accordingly, we conclude with reflections on what may be a new era in which the criminalization model may be on the wane. Of particular interest to marginalized veterans is the rise of problem-solving courts, including the recently established veteran's courts.<sup>116</sup> Considering both Carl and Andre—two veterans from different eras who nonetheless became caught up in the criminal justice system vis-à-vis involvement with illegal drugs—how might veterans courts have better served their interests? Early research suggests some promising preliminary findings, including greater access to treatment through the VA, and even findings of lowered recidivism rates.<sup>117</sup>

What is of the most concern, however, is the coercive tactics deployed by judges in these institutions.<sup>118</sup> Specifically, clients of

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<sup>114</sup> *Id.* at 152.

<sup>115</sup> Tiffany Cartwright, *To Care for Him Who Shall Have Borne the Battle: The Recent Development of Veterans Treatment Courts in America*, 22 STAN. L. POL'Y REV. 295, 298 (2011).

<sup>116</sup> See *id.* at 303 (detailing the history, legal challenges, and growing popularity of veteran's courts in the United States).

<sup>117</sup> See Robert T. Russell, *Veterans Treatment Court: A Proactive Approach*, 35 NEW ENG. J. ON CRIM. & CIV. CONFINEMENT 357, 370 (2009) (describing the successes of the nation's first veteran's court in Buffalo, N. Y.).

<sup>118</sup> See Morris B. Hoffman, *Problem-Solving Courts and the Psycholegal*

veterans courts are forced to surrender their due process rights in order to be admitted into court-administered treatment programs.<sup>119</sup> If veterans do not successfully complete treatment, they can potentially face *harsher* sanctions than if they had decided to go through a traditional criminal court.<sup>120</sup> Yet problem-solving courts designed to aid veterans are not organized to confront broader social inequalities that may inhibit successful treatment outcomes. Writing about problem-solving courts, Corey Shdaimah cogently observes, “[w]ith the shortage of programs and services such as stable housing, mental and physical health care, and employment for low-income individuals, such programs raise concerns that defendants will either be internally motivated or externally pressured to plead guilty in order to access services that may be otherwise unavailable.”<sup>121</sup> Although veterans courts are unique in that they directly link veterans to the VA,<sup>122</sup> we are left only to question why veterans must first be criminalized in order to receive services to which they may already be entitled.

The problem with veteran’s courts in particular, and problem-solving courts in general, as Shdaimah alludes to above,<sup>123</sup> is that they are not equipped to confront the broader conditions of *structural violence*<sup>124</sup> that marginalized black veterans, such as Carl and Andre, must confront on a daily basis:

“[S]tructural violence” is one way of describing social arrangements that put individuals and populations in harm’s way. . . . The arrangements are *structural* because they are embedded in the political and economic organization of our social world; they are *violent* because they cause injury to people.<sup>125</sup>

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*Error*, 160 U. PA. L. REV. PENNUMBRA 129, 134 (2011–2012). Even the boldest of veteran’s court judges do not think they have a mandate to end war in an effort to stop war-related posttraumatic stress disorder. These courts are dealing exclusively in effects, not in causes; they just happen to be focusing on a different set of effects than the one that brought their patient to them (and I might add, the only one that gives the court the power to act). *Id.*

<sup>119</sup> Cartwright, *supra* note 115, at 306.

<sup>120</sup> *Id.* at 307.

<sup>121</sup> See Corey Shdaimah, *Taking a Stand In a Not-So-Perfect World: What’s a Critical Supporter of Problem-Solving Courts To Do?*, U. MD. L. J. RACE, RELIGION, GENDER & CLASS 89, 97 (2010).

<sup>122</sup> Cartwright, *supra* note 115, at 305.

<sup>123</sup> Shdaimah, *supra* note 121, at 97.

<sup>124</sup> See Galtung, *supra* note 12, at 173 (discussing the background and recent extension of structural violence theory).

<sup>125</sup> See Paul Farmer et al., *Structural Violence and Clinical Medicine*, PLOS MED. (Oct. 2006), <http://www.plosmedicine.org/article/info%3Adoi%2F10.1371%2>

*The deeper political and economic crisis in the present context of structural violence is directly a result of decades of a misguided war on drugs that placed the goal of mass incarceration over meaningful treatment and care, even for those American citizens willing to make the ultimate sacrifice for their country.* Our interviews thus raise serious questions about the attendant criminalization of racially aggrieved neighborhoods in the United States and any meaningful role veterans courts could play in such conditions of structural violence. This is not to discount the important possibilities of connecting needlessly suffering veterans with VA services and other organizations that may provide financial benefits and other positive supports.<sup>126</sup> However, to discount the limitations of these institutions would be to deny an increasingly well-documented concern about judicial coercion in drug courts.<sup>127</sup> When we consider the experiences of Charles and Gerald—two veterans from different eras who were not entangled in the criminal justice system, but still suffered from a lack of community stability, health care, and employment opportunities—the coercive approach of veteran’s courts seems even less efficacious. From a broader, but no less important perspective, although the public has become more critical of the war on drugs,<sup>128</sup> empirical studies document deep-seated racial stereotypes of “dangerous black criminals” that are linked to support for punitive criminal justice policies.<sup>129</sup>

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<sup>126</sup> See Russell, *supra* note 117, at 367.

<sup>127</sup> See REBECCA TIGER, JUDGING ADDICTS: DRUG COURTS AND COERCION IN THE JUSTICE SYSTEM 3–4, 19–20 (2013) (penetrating and persuasive critique of coercion as an effective strategy in United States drug courts).

<sup>128</sup> See Eric D. Lock et al., *Battle Fatigue: Is Public Support Waning for “War”- Centered Drug Control Strategies?*, 48 CRIM. & DELINQ. 380, 380–92, (2002).

<sup>129</sup> See Tammy S. Garland & Vic W. Bumphus, *Race, Bias, and Attitudes Toward Drug Control Policy*, 10 J. ETHNICITY CRIM. JUST. 148, 148–61 (2012) (documenting, in a recent study, perceived racial bias as the most robust predictor of punitive drug control strategies).