Race in the War on Drugs: The Social Consequences of Presidential Rhetoric

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ABSTRACT

One of the president’s main leadership tools for influencing the direction of American legal policy is public rhetoric. Numerous studies have examined the president’s use of the “bully pulpit” to lead policy by influencing Congress or public opinion, or by changing the behavior of public agencies. We argue that the president can use rhetoric to change the behavior of public agencies and that this can have important social consequences. We focus on the disproportionate impact of presidential rhetoric on different “target populations” in the context of the War on Drugs. Specifically, we observe that presidential rhetoric had a greater impact on state arrest rates for African Americans than for whites, even when controlling for alternative explanations. These findings suggest that presidential rhetoric is filtered through social constructions of public policy problems when public officials act upon them.
INTRODUCTION

How presidents exercise leadership and executive power has long been of considerable interest to scholars of government, law, and policy. Studies have sought to understand the shape of executive leadership as well as develop ways of assessing more systemically the practice of presidential power. Of course, even the presidents themselves do not always agree on what is executive leadership or “appropriate” presidential power. For instance, William Howard Taft believed in a constrained executive who was limited to those powers specifically granted by law, yet Theodore Roosevelt argued that presidents should be “stewards” and take actions necessary to provide effective leadership of the nation, given no specific legal prohibition (Gregg 2005).

Traditional studies focused on the president’s formal powers and limitations of the office (e.g. Corwin 1957). However, Neustadt (1960) suggested that understanding the presidency meant expanding our understanding of other opportunities for presidential leadership that were not necessarily specified in the Constitution or statute (e.g., the “power to persuade”). In that view the ability of an executive to influence other policy-makers comes down to persuading them that what the president wants them to do is the same thing that their public responsibilities and duties dictate they “ought to do” anyway (1960, 34, 46). More recent studies have stretched our understanding of the presidency by showing that presidents (through their choices and actions) influence Congress, the courts, and the bureaucracy – that presidential leadership depends on the executive’s ability to make claims on the attention and duties of other actors in the system.

Our view is that the important choices presidents make on how to allocate the resources at

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1 A classic example of this is Truman’s quip on the executive experience “I sit here all day trying to persuade people to do things they ought to have sense enough to do without my persuading them. … That’s all the powers of the President amount to” (1960, 10).
their disposal (such as time, attention, and credibility) provide vital information about the construction and implementation of presidential policy leadership. These assets are bounded, and presidents make tradeoffs when they spend significant time promoting one policy and less on other policies (in relative terms). There are opportunity costs to constructing a president’s policy focus and how he spends leadership resources. We focus on how he builds and carries out a policy agenda through relatively well-publicized policy rhetoric. He speaks with a single voice, unlike the other branches of government. Like other papers (e.g., Whitford and Yates 2003; Whitford and Yates n.d.), we examine the president’s ability to lead the agents of American policy implementation through rhetorical leadership. From those and other studies, we know that the president, by signaling his policy preferences through his use of rhetoric, changes how those agents implement policy: this is the well-known strategy of “going public” (Kernell 1997).

Our approach in this paper to analyzing presidential leadership through policy rhetoric takes us down a less conventional pathway of executive influence on the outcomes of American governance. We focus on the effect of presidential use of the bully pulpit on racial disparities in the implementation of the War on Drugs. Numerous studies document strong racial disparities in the implementation of criminal justice policy (e.g., Bridges and Crutchfield 1988; Yates 1997; Yates and Fording 2005). Our claim is that presidential rhetoric has consequences for such disparities because it is both a product of and a means to social construction (e.g., Schneider and Ingram 1993; Lieberman 1995). Essentially, presidential rhetoric is filtered through social constructions of public policy problems when public officials acted upon them.

Our data come from 1980 to 1998 and cover the incidence of narcotics arrests measured at the state level for two subpopulations: African Americans and whites. We estimate three models – one each for the two subpopulation-specific incidence rates, and one for the relative rate of arrests for blacks compared to whites. We account for a variety of alternative explanations, including that
the disparities are due to class differences instead of race differences (e.g. Bonacich 1975). We find that presidential rhetoric is positively related to the incidence of both black and white arrests, that the magnitude of the effect is larger for black arrest rates, and that the impact on the relative incidence of black arrest rates is positive (indicating a disproportionate impact on the black subpopulation). We also find evidence that other institutional variations in the War on Drugs, such as the adoption of forfeiture laws, also had a greater impact on the black subpopulation than among whites in terms of arrest rates.

This paper proceeds as follows. In the next section we outline our study environment, the federal War on Drugs, and discuss its suitability for assessing the disproportionate impact of executive policy leadership through rhetoric. We also outline a theory of presidential influence on policy implementation in which social construction plays an important role. In the sections that follow, we provide background on the state-level implementation of the War on Drugs, and address some of the hurdles faced by the executive in influencing these decentralized agencies over who he has little direct control. Finally, we offer a research design and results. We conclude by discussing the implications of our findings for presidential policy leadership as well as legal policy making in the War on Drugs.

PRESIDENTS, RHETORIC, AND THE WAR ON DRUGS

We examine presidential leadership in one of the most compelling Oval Office policy initiatives in post-World War II America – the War on Drugs. Perhaps more than in any other policy agenda in the post-war era this effort has captured the attention and focus of the media, the public, and politicians. More importantly, narcotics control policy has significant impact on many areas of American life – on families, in the workplace and schools, in our prisons, on responses to terrorism, on urban renewal. Yet, enforcement agents ultimately carry out the “war” on drugs, agents over whom the president has only limited formal influence. Did executive rhetoric change
Specifically, we argue that presidents help fashion (through their use of rhetoric) a social construction of a public problem that focuses the attention of bureaucrats looking for guidance about how to allocate their own enforcement agendas. The president, as executive, influences bureaucrats by encouraging coordinated action by “communication, exhortation, [and] symbolic position taking” (Miller 1992, 217; Bennis and Nanus 1985). This helps forge a common goal, provides direction for identifying critical tasks, and infuses bureaucrats “with a sense of mission” (Wilson 1989, 364; Doig and Hargrove 1987). Establishing these policy themes and initiatives sends signals about the “responsible” implementation of public laws by forging a social construction of the problem. This mechanism is especially relevant in the war on drugs. The American experience is partly defined by the moral construction of public problems like narcotics (Morone 2003; Meier 1994). As Morone notes, in this construction “dangerous others” threaten the polity – they are lazy, they drink or take drugs, they threaten violence, and they challenge self-control (2003, 16). Of course, we recognize how this construction permeates policy in many areas (Schneider and Ingram 1993; Lieberman 1995). Perhaps more than any other public problem, narcotics have troubled society for generations – and presidential rhetoric appreciates (and extends) this construction of threat. It does so because narcotics help define morality, and they threaten values like hard work, self-control, and stability.

Under Schneider and Ingram’s (1993) policy schema, presidents can make political gains through narcotics enforcement prioritization and rhetoric by simultaneously addressing two socially constructed target populations in their rhetoric. First, they can position themselves as symbolic protectors of “dependent” populations (e.g. teenagers), while at the same time rebuking and punishing negatively perceived and politically weak “deviant” target populations (e.g. hard core addicts and dealers) (1993, 336-38). Prioritizing narcotics enforcement and drug rhetoric allows
presidents to construct the perceived role of government in addressing social problems, and move
the administration’s agenda forward.

A plethora of research reinforces the conventional wisdom that these selected targets often
coincide with minority and poor subpopulations. Stuntz (1998) argues that enforcement-based
strategies for narcotics control often produce racial “tilts” because of the segregation of
neighborhoods along racial/ethnic lines. Moreover, citizens generally perceive there is differential
treatment of races in policing, although those perceptions are probably greater in areas with a greater
incidence of these subpopulations (Rodgers and Taylor 1971; Weitzer 2000, 2005; but see also
Sigelman, et al. 1997). Actual measures of policing may be greater (Jackson and Carroll 1981) or
lower in black communities (Cingranelli 1981); the data are probably unclear. The cause of the
differential impact is the focus of continuing debate. Racial differences may be contextual (linked
with the coincidence of poverty and race) (Sampson and Lauritsen 1997), or related to an incentive
for police to maximize arrests (Knowles, et al. 2001), or to differential involvement in reported
crime (Smith 1997; D’Alessio and Stolzenberg 2003). Also, the racial composition of the police force
is likely a cause of cross-group arrest rates (Donohue and Levitt 2001).

Most importantly, the constructions individuals hold have some impact on the choices they
make about the punishment of members of these subpopulations. Whites that hold negative
constructions of race in the area of crime are more likely to punish blacks more harshly (Peffley, et
al. 1997; Gilliam, et al. 2002; Peffley and Hurwitz 2002). There is also evidence that underclass
blacks are perceived in drug enforcement as threatening and subjected to greater control (Sampson
and Laub 1993). Together, race and ethnic diversity forms the basis for a central construction that
helps us better understand state-level policies and their social outcomes (Gilens 1996; Hero and

The focus of this paper is on the impact of presidential attention to narcotics policy on
Our claim in this study is that because presidential attention is both a product of and a means to social construction, its impact will be felt differentially by members of social groups that have historically been differentially affected by the criminal justice policies. Specifically, our hypothesis is that presidential attention to drugs will result in higher arrest rates for blacks than for whites. The reasons again are that presidential rhetoric helps modify and reinforce social constructions about target populations in the policy area. This modification and reinforcement will affect blacks more than whites, all else being equal.

**DRUG ENFORCEMENT IN A FEDERAL SYSTEM**

The states exercise extraordinary discretion in the substance and implementation of their criminal laws, in part because the states vary both in terms of their legislation on narcotics as well as how they enforce these laws. It was in this context that many considered Ronald Reagan’s ascension to the White House as the beginning of a new era of federalism. Reagan’s core belief that important policy decisions are better left to local actors so that policies accurately reflect the values and norms of the local areas affected by those policies was at the core of many deregulation initiatives and devolution efforts during his two terms in office. However, some argue that in criminal justice policy his administration’s actions ran opposite to his general calls to return most policymaking responsibility to the states. The massive federal funding of broad based state law enforcement efforts (e.g., the Law Enforcement Assistance Administration) during the 1960s and 1970s was reversed during the 1980s when the federal government deemphasized categorical funding for state agencies in favor of expanding federal activity in handling low-level, routine criminal offenses (e.g., larceny, low-level drug possession and sales) (Heymann and Moore 1996, 107).
Legal scholars describe this extended involvement as the “federalization” or “overfederalization” of run-of-the-mill state offenses; they argue that federal agencies should be involved in state and local law enforcement only where there is a historical national interest or special capability. Such situations include those where the federal government has a direct interest or that present a distinctly national concern; criminal enterprises that operate across state or national boundaries; crimes that are sophisticated, and the federal government has a comparative advantage in investigation and prosecution; or crimes in which there is state or local government corruption or in which the integrity of state government is questioned (Kadish 1995; Heymann and Moore 1996; Oakley 1996). In contrast to these “guidelines,” day-to-day federal involvement in relatively low-level drug offenses expanded dramatically in the 1980s and 1990s, especially so for those historically handled by state and local enforcement authorities and prosecutors. This led to a flood of small drug cases in the federal courts and prison system (Brickey 1995). Even U.S. Supreme Court Chief Justice William Rehnquist warned that too much federal involvement into traditional state and local concerns would overwhelm an already overburdened federal justice system (Brickey 1995, 1136).

We want to be clear that the federal government affects the state and local-level implementation of the War on Drugs in ways that go well beyond the president’s use of rhetoric. Two main ways the federal government has used incentives to shape policy in the states in the arena of narcotics policy are program-based grants and forfeiture rules. Program grants earmarked for narcotics enforcement have helped support state and local efforts for law-based approaches to controlling drug use. For example, Congress passed the Edward Byrne Memorial State and Local Law Enforcement Assistance Program in 1986. Named after a rookie officer killed in a drug-related arrest, the Program replaced the largely unfettered block grant programs under the defunct Law Enforcement Assistance Administration, and required recipients to use funds on the war on drugs rather than broader criminal justice needs (Blumenson and Nilson 1998). The Byrne funds led to
the expansion of now abundant multi-jurisdictional drug task forces (MJDTFs), which serve to promote cooperative drug enforcement efforts among local, state, and federal entities. Their magnitude and range are staggering: collectively they are the highest funded category among federal aid programs and annually receive about one-third of such federal funding (Blumenson and Nilson 1998); around one-fifth of local police participate in MJDTFs, and four-fifths of departments in cities with over 100,000 population are involved (O'Hear 2004). MJDTFs have shifted the federal war on drugs initiative and greatly expanded its street-level presence. Often these programs become self-funded, making them a cost-efficient way for presidents to extend their influence to the state and local policy arena. Critics claim that self-funding turns MJDTFs into self-perpetuating entities that lack accountability to their client populations and that state officials have little meaningful oversight.

The second way the president’s federal drug war gains the support and involvement of state and local enforcement actors is through forfeiture procedures and incentives. In general, forfeiture rules require that a person who fails to perform a legal obligation or commits a crime must relinquish property or money without compensation. The latter situation is the main way forfeiture impacts the war on drugs. There was a long tradition of forfeiture of property linked to criminal activity to the government in Europe before it was instituted in the U.S. Until recent decades, its use was traditionally limited to the rare and exceptional case, and so was generally out of favor. Modern drug forfeiture policies began during the Nixon administration as part of the federal government’s broader law and order crusade. The Administration argued that forfeiture would undermine the economics of the organized drug trade (Levy 1996). Congress passed legislation in 1970 that provided federal enforcement authorities with forfeiture powers; those powers expanded with the 1978 amendments to what became known as the Forfeiture Act (Vecchi and Sigler 2001; Williams 2002). These provisions allowed federal enforcement authorities to pursue both criminal
forfeiture (in personam) and civil forfeiture (in rem) actions to combat the narcotics trade. Civil forfeiture proceedings were especially useful because they allowed authorities to proceed against property or the proceeds at issue without obtaining a conviction. Government must only show probable cause that the property is related to drug crimes; the burden of proof shifts to the property owner to counter the government’s claim by a preponderance of the evidence, or lose the property (Beckett 1997).

Despite these advantages federal agencies did not use forfeiture much during the Ford and Carter years. In 1981 the General Accounting Office released its report “Asset Forfeiture – A Seldom Used Tool in Combating Drug Trafficking,” which prompted the Reagan Administration and Congress to reassess existing forfeiture policies (Levy 1996). The 1984 Comprehensive Crime Control Act fixed some shortcomings of federal forfeiture law, expanded the scope of assets that could be forfeited (e.g., real property), and adjusted the procedures that governed forfeiture. In 1984, changes were also made to the incentive structures of forfeiture policy that allowed federal enforcement agencies to retain funds deriving from forfeiture; the previous rule required that those assets be turned over to Treasury’s General Fund ((Blumenson and Nilson 1998). Congress also introduced “equitable sharing” of forfeiture proceeds between the federal government and state and local enforcement authorities (Williams 2002). At the same time the federal government amended forfeiture procedures, the states developed their own forfeiture statutes and policies. However, having few incentives for enforcement dampened state efforts at implementing forfeiture rules because most required that funds acquired via forfeiture be turned over to the state general fund or allocated to specific non-enforcement programs (like state education funding). Under the doctrine of equitable sharing, state agencies that allowed their forfeitures to be adopted (or turned over to the Justice Department as federal forfeitures) received up to eighty percent of those funds, which could be used exclusively for state enforcement purposes (Vecchi and Sigler 2001; Blumenson and Nilson.
State enforcement agencies were able to bypass state legal requirements to turn the funds over to non-enforcement budgets and keep the funds for their own purposes. This was a powerful incentive for state enforcement authorities to join the federal war on drugs (Benson, Rasmussen, and Sollars 1995).

Federal program grants and equitable forfeiture sharing provisions have caused states to move forward on federal criminal justice priorities. In addition to these incentives, the federal government can also change the flow of funds to states for other important programs (e.g., highway funds) when states fail to make progress on federal anti-drug policies like comprehensive drug testing in the criminal justice system or the creation of specialized drug courts (O'Hear 2004). These inducements and programs, along with the potential for case-level federal involvement, paint a picture of significant involvement by the executive branch in sub-national policymaking and implementation. That the federal government moved into an area traditionally considered within the sphere of sub-national governments begs the question of why presidents care about local policy implementation.

National policy initiatives, regardless of extent or scope, may not be as effective as policy partnerships with state and local authorities. Such partnerships provide a street-level presence that federal enforcement agencies cannot achieve on their own. Furthermore, such partnerships may validate the overall policy if consensus changes perceptions about the initiative’s overall value. At a minimum, the president would prefer sub-national authorities to be on the same page with the character and intensity of his administration’s law-and-order crusade.

We might expect that the incentives offered by the federal government would reduce the states’ resistance to enforcement-oriented narcotics policy. The states might even match (if not exceed) federal efforts in the war on drugs: in making enforcement a priority, making punishment severe, and regulating a broad array of narcotics. Yet, close examination of state policies shows that
state and local governments have often moved away from the enforcement/punishment-oriented approach favored by the federal government since the Carter Administration.

Carter publicly announced in 1977 his support for the decriminalization of marijuana, stating, “The National Commission on Marijuana and Drug Abuse concluded five years ago that marijuana use should be decriminalized, and I believe it is time to implement those basic recommendations.” \(^2\) This progressive proposal failed to gain momentum and was soon dropped, but it was not the first. Eleven states had decriminalized marijuana by 1977; in that year a Gallup poll showed that sixty percent of Americans favored decriminalization (Meier 1994). \(^3\) The federal approach to narcotics problem shifted abruptly with Reagan’s election, but few of these states recriminalized marijuana. Not amending those laws is largely a symbolic gesture, since these states (like others) consistently post large numbers of drug arrests. Decriminalization is just the tip of the iceberg in how state and local governments depart from the enforcement/punishment character of federal drug policy.

In recent decades, state laws have been enacted that represent significant departures from the federal punitive approach even if they do not legalize or decriminalize drug use per se. Examples of so-called “drug policy reforms” include the diversion of nonviolent drug offenders from prison to drug treatment, prohibitions of racial profiling in police drug investigations, reductions in the collateral legal consequences of drug convictions (e.g., disenfranchisement, qualification for public benefits), the deregulation of the sale and possession of sterile syringes,


\(^3\) “Decriminalized” is not a precise legal standard. The states used different legal approaches for marijuana possession and usage. However, they shared a common core in that possession of small amounts of marijuana did not constitute a jailable offense. Possession of marijuana was not legal, but typically only yielded a small fine.
reform of the civil asset forfeiture laws to prevent abuses, and reduced sentences for certain nonviolent drug offenders (Piper, Briggs, Huffman, and Lubot-Conk 2003).

The most well-known (and controversial) reforms are the medical marijuana initiatives. The laws vary from state to state, but they generally provide that qualified patients who benefit from the use of marijuana may use it legally in accordance with regulatory guidelines. To date at least eleven states have passed effective medical marijuana laws (Thomas and Schmitz 2006; Eddy 2005). Most medical marijuana laws were adopted through public referenda, but a number were enacted by state legislatures.

Drug policy reform proposals reflect a harm reduction approach and, on balance, have fared well in the state political arena. Generally, the electorate has not punished state politicians backing those reforms for being “soft on drugs” (Piper, et al. 2003). One politician at the forefront of state drug policy reforms was Gary Johnson, Republican Governor of New Mexico from 1995 to 2003, who became in 1999 the highest-ranking American elected official to come out against the war on drugs and in favor of narcotics legalization and regulation. Johnson publicly debated federal Drug Czars Barry McCaffrey and Asa Hutchinson, arguing “[b]y no figment of the imagination is this something that we’re winning. This is a war against ourselves” (Fecteau 2001). Johnson is perhaps the most recognized and fervent advocate of drug policy reforms, but he is not alone. A considerable number of state enforcement agents, prosecutors, judges, and elected representatives

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4 How many states have viable or “effective” medical marijuana laws? At least 36 states have or have had laws deemed favorable to medical marijuana use, but do not necessarily protect patients from state-level criminal penalties for cultivation, possession, or use of medical marijuana. For instance, Maryland essentially decriminalized medical marijuana; patients face arrest and a $100 fine, but no incarceration. However, some do not consider this to be effective decriminalization, since it does not protect a full range of protections (e.g., cultivation is not addressed and there is no protection from arrest). It has been described as a “workable” law. (Thomas and Schmitz 2006).
have publicly backed medical marijuana laws reform (Piper, et al. 2003).

This divergence between the federal government’s law-and-order agenda and drug policy reform in the states came to a head when the Drug Enforcement Administration (DEA) began arresting state citizens whose drug activities were in compliance with state medical marijuana laws but violated federal narcotics provisions. DEA raids on medical marijuana suppliers and the accompanying arrests of suppliers and patient-users resulted in lawsuits brought by local governments as well as individuals. The U.S. Supreme Court eventually ruled in two cases. In *U.S. v. Oakland Cannabis Buyers’ Cooperative*, 532 U.S. 483 (2001), the Court overturned the Ninth U.S. Circuit Court of Appeals ruling that patients charged with federal marijuana trafficking charges could claim a medical necessity defense. The Court did not, however, invalidate state medical marijuana laws protecting patients and caregivers from state prosecution. In *Gonzalez v. Raich*, 545 U.S. 1 (2005), the Court again overturned a Ninth Circuit ruling. The Ninth Circuit had held that application of the federal Controlled Substance Act to intrastate medical marijuana usage exceeded Congress’s reach under the Commerce Clause. The Bush Administration (through the Solicitor General) filed an amicus brief opposing the Ninth Circuit’s decision and at least six states, including some with medical marijuana laws and some without, filed briefs supporting the decision. The Supreme Court disagreed with the states, holding that while the California medical marijuana activities at issue may have been contained within the state, they had enough of an influence on interstate commerce to fall within Congress’s authority. The Court again declined to nullify state medical marijuana provisions, but the DEA was given a green light for future arrests of intrastate medical marijuana use under the federal statute (Eddy 2005).5

In a related case, *Conant v. Walter* 309 F.3d 629(2002), the Ninth Circuit upheld a group of California physicians’ challenge (injunction) to the Clinton Administration’s threat to revoke their licenses and cut off Medicaid and Medicare funding if they recommended marijuana to patients pursuant to California’s medical marijuana law. In 2003, the Bush
Members of Congress have introduced a number of bills that would, in practical effect, shield citizens living in states with medical marijuana laws from federal enforcement and prosecution. None have passed to date. Conflicts between the federal government and state and local governments over medical marijuana are unlikely to be resolved anytime soon, in part because these skirmishes reflect deeper differences between states’ orientation toward reform and the federal government’s orientation toward enforcement. For example, the San Jose Police Department worked with federal agents for fifteen years – until the DEA executed a particularly contentious medical marijuana raid. After that, Police Chief William Lansdowne pulled his officers off of the DEA task force, explaining “I think their [the DEA’s] priorities are out of sync with local law” (Witt 2002).

Thus, we see a divide that has developed between the policy priorities of the federal government and those of many states. The incentive programs set into motion by the federal government may not be enough to get all states "on board" with punitive law and order approaches to addressing narcotics usage. As previously discussed, the president has incentives to gain policy "partners" in the War on Drugs, but how does he do this? What other leadership tools can he bring to bear?

**BREAKING DOWN BARRIERS BY PUBLIC APPEALS**

Given the disconnect outlined above, presidents seeking consistency in narcotics policy have tried tools like joint task forces, forfeiture incentives, and conditional funding. Another tool is the president’s public rhetoric. Local authorities often account for what the president wants when they make and implement narcotics policy at the sub-national level (Meier 1994). The executive branch is uniquely situated to sell an enforcement-oriented drug policy agenda to the states (O’Hear 2004).

Administration appealed the case to the U.S. Supreme Court who declined review; it stands as prevailing precedent in the Ninth Circuit.
One reason is that the president’s unparalleled access to the media dwarfs state or local government attempts to mold policy views.

Why would state and local enforcement authorities respond to what the president says about narcotics policy? They are not accountable to the national executive and the states have often openly defied the president’s policy views. The president lacks direct influence over state enforcement authorities, and his working relationship is certainly not analogous to his relationship with the U.S. Attorneys or the DEA. Yet, we see important commonalities regarding how they might respond to the president’s views. Generally, both federal and local agents respond to policy signals from a number of different political principals (or venues of influence), including the president (Waterman, Rouse, and Wright 1998; Waterman and Rouse 1999). Neither have much to gain by straying too far from the policy agendas of prominent principals; noncompliance comes with risk and uncertainty about how principals might respond. For example, a total lack of enforcement might bring federalization of local enforcement. Just as presidents see benefits in policy partnerships with state and local governments, politically those governments may see advantages from working with a partner perceived to carry a national mandate. Moreover, state officials may see policy cues from the presidency as more structured and cohesive than those from other, disjointed agenda-setters. There is also an element of reinforcement: state officials already inclined to the president’s policy agenda may reinforce those convictions by following his lead, and doing so may help them defend their original positions; this is made easier if the president can rely on an existing social construction of the narcotics problem.

We recognize that state agencies are the target of many sources of policy guidance or influence beyond any motivations held by their field agents. Agencies must balance many competing sources of policy advice when deciding how to implement policy. Moreover, any one source may provide conflicting guidance. For example, an agency reacting to legislative guidance
will likely encounter many signals about what the agency should do since legislatures are composed of many factions. In contrast, the president speaks with (comparatively) one voice and is elected by a single national constituency, which facilitates a more consistent, harmonious, and discernable policy message; that message may even have the support of the nation.

Our position is that the direct and personalized nature of the president’s public appeals can reinforce executive governance of the bureaucracy if his message reaches agents with the help of the media (Edwards and Wayne 1994). The president’s public statements are directed to many but leave less room for reinterpretation. Of course, public officials might try to reinterpret those statements, but the public nature of the statements makes it easier for others to challenge them when they stray too far from the publicly-stated positions of the president. Public statements also bring the cachet of the Oval Office. They emphasize the skills and attributes that brought him to the White House through political campaigning. Certainly presidential statements carry more weight than internal memoranda or agency directives.

At the level of the field agent, policy campaigns provide guidance and reinforce beliefs about what they ought to do when they implement policy on a day-to-day basis. We suspect this is especially true for those agents who have mixed feelings about the efficacy of the agency’s policy direction or who have become complacent in their efforts when faced with competing views (from the public or other actors like the media). As an example, consider Ronald Reagan’s statements at a 1988 White House ceremony honoring law enforcement officers slain in the war on drugs. He first paid tribute to the deceased agents and recounted the circumstances of their deaths in graphic detail. Then the president shifted his comments to his Administration’s achievements in enforcement, noting that drug convictions had doubled since 1979. He followed that with a historical and political perspective on the drug war:
You see, we too often forget how the level of drug abuse reached the proportions that it did. Back in the 1960's and 1970's, America crossed a deadly line. The use of illegal drugs became not just condoned but even celebrated by a permissive cultural establishment whose slogan was "Just Say Yes." It was a time when all the restrictions on personal behavior were under attack. Some liberal politicians decried our prohibitions on drugs as conservative, moralistic, reactionary, and old-fashioned - or simply remained silent that there even was a drug problem. … And tragically, countless thousands of young lives were needlessly destroyed. The truth was that drugs are killers, but for nearly a generation that vital message was ignored by a whole group of people who should have known better. The leaders of that destructive generation remain the forgotten accomplices in the epidemic of illegal drug use; they cannot escape blame when a law enforcement officer dies in the battle.⁶

He followed this with an impassioned argument for the administration’s proposed Criminal Justice Reform Act, which (among other things) provided for capital punishment in the case of death resulting from drug dealing or the murder of a DEA officer. He noted, “when drug syndicates commit murder, our sympathy should be with the victims, not the killers. It’s time for the Congress to pass this bill and make it law. It’s time for us to send our own message to people who kill cops.”

Reagan’s public message did not involve a point-by-point elaboration of what he wanted in terms of enforcement levels in the following year, yet the substance of the signal was clear: his Administration supports strong enforcement actions, and seeks to promote a law-and-order based approach to fighting drug use. His message provided policy direction and showed that the executive office encouraged and supported enforcement agents. An enforcement agent would not interpret that message as indicating that investigation and prosecution levels were adequate or too high, or that the Administration wanted to pursue other strategies for combating drug use. The president makes such statements in public forums for largely political and agenda-setting reasons, but doing so also works to galvanize agencies and prove to them that their actions are consistent with the administration’s goals and priorities.

Presidents can provide policy leadership in the states with a number of incentives and legal

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tools. However, we argue that they can also make serious inroads toward influencing state policy implementation priorities through their power of rhetoric and their prioritization and promotion of policy initiatives. Furthermore, as previously outlined, the manner in which these initiatives are carried out may be influenced by the social construction of the policy problem and the president’s promotion of a policy problem may help to define and amplify such social constructions. These dynamics, in turn, may ultimately be revealed in policy implementation outcomes that have important racial disparities.

**RESEARCH DESIGN**

Our primary argument is that the behavior of state officials is influenced by the president’s public rhetoric and that they adjust their enforcement activities. We test our hypothesis that presidential policy priorities shape state enforcement efforts with regard to specific target populations using data on the state’s annual total number of drug arrests measured from 1980 to 1998, broken down by racial subpopulation; the data are then treated as an arrest rate by dividing by the subgroups’ population estimates (in 100,000s of people). Figure 1 displays the cross-sectional distribution of the arrest rates for blacks for 1980 to 1998. This measure shows how the states and local authorities enforce drug control laws for the socially-constructed target population. Figure 1 shows a slight trend in the drug composition of state-level arrests from 1987 on, and that the cross-sectional variance across the states also increases over time. Figure 2 shows similar data for whites, although the trend is not evident. Notably, the levels are much lower per population. Figure 3 confirms these relative differences by showing the ratio of the black arrest rate to the white arrest rate. Measurement details for all variables described here are located in the Technical Appendix.

Our primary explanatory variable is designed to reflect how the president makes the War on

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7 Our regression analysis time frame is limited lack of data for some of our independent variables after 1998.
Drugs a policy priority in his public speeches. This variable is the drug composition of presidential total public statements. Figure 4 shows that there is significant variation over time in this measure. Notably, the spike in 1989 in this series coincides with a spike in 1989 for the ratio of the black to white arrest rates. To recap, our primary hypotheses are: that increased presidential attention to drugs translates into higher arrest rates for both subpopulations; that the impact on black arrest rates is higher than on white arrest rates; and that the ratio of black to white arrest rates increases with presidential attention to the War on Drugs.

[Insert Figure 4 about here.]

Specifically, the variable is constructed from presidential statements made in public settings in which he directly referenced the drug problem; this approach is consistent with measures used in other studies (Cohen 1995; Edwards and Wood 1999). We constructed this measure by first searching the index of the Public Papers of the President for executive mentions of drug policy topics, reading the paragraphs to ensure their substantive concern, and then counting the number of paragraphs for each year. We accounted for variation in the amount of presidential communications in a year and standardized this score by dividing it by the number of pages in the year's public papers and multiplying it by one hundred (i.e. drug paragraphs per 100 pages of text). Presidents work within finite schedules, so decisions about the allocation of valuable time on speeches and appearances on a specific policy initiative such as the war on drugs provides insight into how central that issue is to their overall policy agenda. For the states, it serves as a key signal available to enforcement agents about how the president values their enforcement efforts vis-à-vis other strategies for solving the narcotics problem.

Of course, presidential policy signals are only one potential cause of enforcement efforts. We also consider other competing causes of state-level enforcement. These considerations include the demand for enforcement (drug deaths), capacity (state-level staffing), other competing national
policy signals (congressional hearings and media emphasis), socioeconomic influences (percent of
subpopulations living below the poverty line), local policy sentiment (state political elite ideology and
regional public opinion on the importance of the drug problem), and forfeiture incentives (following
the 1984 federal forfeiture amendments). Agencies may respond to a broad array of governmental
and private actors, each with their own priorities for how the agency makes policy (Waterman,
Rouse, and Wright 1998; Whitford 2002). These competing causes also influence implementation –
either as a set of competing external signals that shape the agencies’ policymaking environments
(Noll 1985) or by structuring the agencies’ internal dynamics.

State and local agencies work through referrals or reports from citizens or other
governmental actors. In a typical situation, operations clear or solve reported crimes through arrest,
or engage in covert investigations (undercover work, surveillance, etc.) in the search for finding
infractions and making arrests. These implementation agents live and work in local areas; they try to
understand the nature and intensity of the drug problem, the circumstances in which they live and
work, and the extent of drug use. We estimate this perceived caseload (or implicit task environment)
by constructing a proxy measure for the extent and intensity of drug use within a given state. Of
course, determining the degree of actual drug use in a state (as opposed to arrests for drug use) is a
challenge. Clearly field agents build impressions and take information from their interactions with
users and traffickers. We prefer a measure that is facially valid, quantifiable, and, importantly, is
limited in its dependence on enforcement activities. Of course, state enforcement efforts do not
necessarily reflect actual use but rather local enforcement discretion. Our measure reflects the
likelihood that extensive and intensive drug markets will be reflected in an unfortunate but
observable consequence of such activity – deaths attributable to drug abuse. The indicator is the
annual number of citizen drug-related deaths in a state per 100,000 state citizens as reflected in the
Center for Disease Control (CDC’s) mortality database. We would expect enforcement is greater when there is a greater incidence of deaths from drug abuse. However, given our construction argument, we are unsure about the impact of differential death rates on differential arrest rates. Accordingly, we include the death rates for both blacks and whites to account for the possibility of cross-group targeting given perceptions of the drug problem.

While the president has unparalleled access to the public and has the advantage of speaking with a single voice, it is a mistake to think the president is the only national actor whose signals field agents might respond to. We reconsider the traditional position that field agents will respond to the other major actor in our system of separated powers, the agenda signals coming from Congress (e.g., Moe 1987). Members of Congress also have finite time and opportunities to spend on issues, so time spent on one issue means less time spent on another. We estimate the policy priorities of Congress by focusing on their relative attention to drug policy issues in their hearings. Our measure of Congressional drug policy attention is drawn from Baumgartner and Jones’ Congressional Hearings Data Set (Baumgartner and Jones 2005), which is part of their larger Policy Agendas Project. This measure is the annual percentage of congressional hearings devoted to the drug problem. We expect that as Congress signals its interest in the drug problem by paying more attention to it in its deliberations, the states will reflect this interest in its enforcement efforts against certain target populations.

We also want to take into account the entity some have come to regard as “the Fourth Branch of Government” - the national media (Cater 1959; Cook 1998). The media exercises extraordinary discretion in determining what news is deemed important enough to report in its finite

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8 We investigated alternative proxies such as citizen self reported usage in surveys and annual emergency room admissions for drug overdose (e.g., Meier 1992). Those measures were unavailable either at the state level or for our extended time frame of analysis.
journalistic space and it also provides a conceptual “frame” that helps define and interpret the meaning and construction of phenomena and events (such as drug usage) as important social problems (Beckett 1994, 428-30). We expect that as the media comes to pay more attention to drug use as a social concern, state and local agencies respond and reflect that attention in their targets. We measure media emphasis on the drug problem as the percentage of stories appearing in the *New York Times* that deal with the issue in a given year. This measure is also drawn from the Baumgartner and Jones Policy Agendas Project.

Agencies also perform their jobs and live their lives like other citizens: within the social context of their community. As a result, they may be affected by and take into account the proclivities of the people they encounter, with the result that it changes how they see the nature and direction of their mission. Furthermore, convictions, which are the ultimate outputs of their work, are part of a long sequence of policy decision points, some of which will be influenced by other local and regional actors (local judges, juries, etc.). We address two local influences: public sentiment and elite ideology. We first consider regional public sentiment on the importance of the drug problem. This measure reflects the annual proportion of a region’s respondents who think that not enough resources are being spent to combat the drug problem. We also take into account the policy preferences of state elites. Our measure here is an ideology index of primary state political institutions (Berry, et al. 1998); this is a general “liberal-conservative” approximation of elite ideology of the state within which the agents work. While the drug war enjoys support from both Democrats and Republicans, many consider the Republican Party and conservatives more closely tied to law-and-order based approaches to the drug problem (Meier 1992, 43). We expect that more people saying that the government is not doing enough on drugs, or working in a state with generally conservative political elites, will increase enforcement against target populations.

We account for features and characteristics of the agencies that may change over time or
locale. Of course, the enforcement activities of local law enforcement agencies may depend on their budgets. Unfortunately, budgets may not accurately reflect how available resources are on a year-to-year basis. So, instead, we examine the impact of a more direct measure of enforcement resources: staff levels. Cases require people to make them. The substantial personnel hours required for investigation and apprehending suspects makes the agency sensitive to adjustments in staffing (up or down), which may have ramifications for enforcement levels. The models we present below include the level of law enforcement staffing in each state (in log full time equivalents). There is evidence that policing levels reduce crime and arrests generally (Levitt 1997) and specifically for narcotics (Hsing 1996).

We indirectly account for the role of reforms like decriminalization at the state level. State marijuana laws trended toward partial decriminalization starting in the 1970s: Oregon in 1973; Alaska, California, Colorado, Maine, and Ohio in 1975; Minnesota in 1976; Mississippi, New York, and North Carolina in 1977; and, Nebraska in 1978 (DiChiara and Galliher 1994, 42). A simple t-test shows that the drug composition of state-level annual arrest totals is actually higher for those states with limited decriminalization in our data (7.4 instead of 7.2), although the difference is not significantly different from zero at conventional levels ($t = 0.801, \text{Satterthwaite’s df} = 307.911$). The models we report below include an intercept shift for those states with decriminalization in place during the years covered in our data.

Also important in assessing criminal justice policy outcomes is the role of socio-economic considerations. Enforcement efforts may be more extensive against those in the lower income strata for a number of reasons. As a practical matter, poorer citizens may be more apt to find themselves captured within the net of narcotics enforcement because their activities often occur in public or

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semi-public areas as opposed to the gated communities or boardrooms where drug use among the more financially well off typically occurs. Hence, they simply make for easier targets for enforcement entities. Perhaps more fundamentally, scholars argue that lower socio-economic populations represent threat to the prevailing social order and are, accordingly, targeted for “social control” measures (i.e. arrest) (Yates 1997; Yates and Fording 2005). We include a variable to account for the state “poverty rate,” meaning the percent of the relevant racial subpopulation living below the poverty line.

Finally, we account for the potential effects of the previously noted federal forfeiture amendments, which were designed to enhance federal and state enforcement capabilities in the war on drugs. While the federal authorities had been using both civil and criminal forfeiture to combat the drug trade since the early 1970s, the 1984 legislation greatly strengthened government capabilities in this regard. The 1984 legislative amendments expanded the scope of properties that could be confiscated under civil forfeiture to include real estate that has a connection to drug trading or manufacturing. The legislative also contained provisions that helped to keep drug traffickers from hiding or moving their assets after arrest. This was accomplished through extension of the “relation back” rule to criminal forfeiture cases. This rule basically gives the government title to the property (and the ability to seize it) at the time of the crime; therefore drug traffickers are prevented from shifting assets to third parties while awaiting conviction. While this rule was already available in civil forfeitures, the 1984 amendments extended it to criminal forfeitures (Levy 1996). This enabled enforcement agencies to expand their forfeiture opportunities (since the court system was getting clogged with civil forfeiture cases) and also had the effect of hampering defendants’ ability to retain expensive legal counsel since their assets were no longer available to pay fees. However, perhaps the most momentous aspect of the 1984 amendments was the change from requiring that funds obtained by enforcement agencies through forfeiture go to the Treasury’s General Fund to
allowing such funds to be retained by the enforcement agencies themselves, or shared with cooperating state and local enforcement entities (Blumenson and Nilsen 1998). We include an intercept shift for the years following the passage of the first of the forfeiture amendments to the federal criminal code proposed by the Reagan Administration and passed by Congress in 1984.

Table 1 shows the descriptive statistics for our data.

[Insert Table 1 about here.]

ESTIMATION AND RESULTS

Our data analysis includes the variables described here to assess the independent effect of presidential rhetoric on state drug enforcement efforts. We model the causal relationship by using a version of generalized linear models, specifically generalized estimating equations (GEE) (Zeger, Liang, and Albert 1988). GEE is appropriate for panel data. The main advantages of the GEE approach are the availability of flexible error correlation structures, robust standard errors, and alternative distributional assumptions. This procedure is appropriate for both cross-sectionally or time-series dominant data. Most importantly, this procedure yields parameter estimates that are uncontaminated by the effects of heteroskedastic and autocorrelated errors. We discuss this estimation approach in more detail in the Appendix.

[Insert Tables 2, 3, and 4 about here.]

Tables 2, 3, and 4 show three different models of state arrest rates. The first two tables show the GEE estimates of the coefficients for the competing causes of state drug enforcement efforts, (for black and white drug arrest rates, respectively). These results provide credible evidence

10 Models estimated with pooled cross-sectional time-series frequently involve violations of OLS assumptions of homoskedasticity and uncorrelated error terms (Kmenta, 1986; Greene, 1993). While OLS estimates are unbiased in the presence of autocorrelation, these estimates are not efficient, and the variability of OLS coefficients contaminates tests of statistical significance.
of presidential administrative leadership through public rhetoric. First, we find no evidence of an accounting relationship between our measure of the baseline demand for enforcement, state per capita drug deaths, and state arrest rates. Instead, state enforcement agents reacted to presidential attention to the drug war. Enforcement is higher when the president speaks about the war on drugs; it falls when the president turns to other policy topics. However, it is important to point out that the magnitude of the coefficient is larger for black arrests than for white arrests. This suggests differential targeting for drug arrests and supports our primary argument that the impact of presidential rhetoric on narcotics enforcement falls disproportionately on “targeted” populations. This proposition is further supported by the finding for presidential rhetoric in Table 4 (where the dependent variable is the ratio of black to white arrest rates), which demonstrates that presidential rhetoric is positively related to disparate enforcement efforts toward blacks relative to whites.

Of course, presidential rhetorical leadership is not the only factor that sways state enforcement. The federal influence on state enforcement efforts was amplified by the drug forfeiture amendments to the federal criminal code in the mid-1980s. These amendments to the criminal code were part of Ronald Reagan’s heavily promoted “law and order” legislative agenda and they provided state enforcement entities with very tangible incentives to pursue an enforcement-oriented approach to the narcotics problem. Interestingly, the results of our ratio model (Table 4) indicate that the advent of the forfeiture legislation had a disproportionate impact on black arrest rates relative to whites.

State enforcement priorities also responded to non-executive national and local external influences. Local priority opinion and national press coverage wielded a positive and significant influence on drug arrest rates for both races, although, as demonstrated in Table 4, press coverage priorities had a disproportionate impact on black drug arrests, relative to whites. Congressional hearings on drugs appear to have no influence on drug arrest rates for either race, yet curiously have
a negative influence on the black/white arrest ratio.

Finally, staffing increases in the state enforcement entities are strongly associated with higher drug arrests for both races, suggesting that enforcement outputs are responsive to personnel capabilities. Our results concerning poverty rates suggest that it is not a statistically significant factor for white drug arrest rates, but is actually negatively and significantly associated with black rates. On the other hand, the ratio of black/white poverty rates appears to be positively related to black/white drug arrest rates, as predicted. This set of results may be driven by differences between states as opposed to differences within states over time. For instance, poor rural states, such as Mississippi, may not have heavy drug enforcement, but enforcement patterns may, in fact, still be disproportionately directed toward minorities. Of course, our non-findings also bear some discussion. As noted above, we find no technocratic relationship between the baseline “drug problem” (drug deaths) and state enforcement rates. We also find no impact on drug arrest rates by local institutional (elite) opinion or state decriminalization laws. In sum, while other factors cast an influence on drug arrest rates and racial arrest rate disparities, the actions of the executive branch – via drug rhetoric and the promotion of forfeiture incentives – have a pronounced impact on state drug enforcement priorities and these effects fall disproportionately on black populations.

CONCLUSION

Our findings reveal evidence that the president can use his public rhetoric to both shape the policy agenda and to change the behavior of state policy agents. Public rhetoric transmits policy signals and offers an extraordinary opportunity to lead legal policy implementation agents by helping them make sense of their role in government and constructing a view of what they ought to do.

Most policy is “made” on a day-to-day basis in the streets of the nation’s cities and towns by policy field agents. In the case of narcotics, we would say that it is in state and local enforcement that the “rubber hits the road” – that the agents of the government make real the policy
proclamations born in stew of American politics. We show that the president can make a difference in what these agents do with the power of the state when he makes use of the bully pulpit. The president uses the bully pulpit to influence how those agents perceive the importance of a social problem and what they can do about it. Because what the president says accentuates and builds on a social construction of that problem (and the target populations of state power) at the street level, the state’s agents move from “can do” to “ought to do”. The president helps make sense of the world of street-level bureaucrats, and given their role in wielding the power of the state, they help move the presidential policy forward. This approach works for the president, too, because his influence extends beyond any limited influence on agenda-setting that he might have with other national institutions, the media, or the public.

The president is still only one voice among many players in the policy process. He cannot just impose his will on the agents of the state; they must be led in a careful manner. Executives strategically craft speech and try to frame policy, and they use the cachet of the Oval Office to highlight a social problem and lend legitimacy to a way of attacking it. Presidents try to manipulate how other actors conceive the nature of the problem and the set of potential solutions (e.g., Jacobs and Shapiro 2000; Schneider and Ingram 1993).

In the war on drugs, presidents use symbolic rhetoric to position themselves as protectors of vulnerable populations (like children) – and repudiators of threatening and disfavored target populations (such as hardcore drug users and drug kingpins). The social construction of the problem as it is expressed in executive’s policy messages helps an agent understand who constitutes the set of relevant voice on policy and the set of acceptable responses to the problem. It is in this way, for example, that the perspectives of law enforcement and law-and-order solutions to the problem moved to the fore in the war on drugs while competing voices and responses (such as treatment initiatives) have perhaps been marginalized.
Of course, presidents are strategic politicians and probably would not try this approach to setting the policy agenda and leadership if it did not pay dividends. Naturally, public appeals promoting the drug war and the escalation of narcotics enforcement would be largely untenable politically if the drug war – in either its social construction or how agents implemented it – were to target directly populations that were being courted or were politically powerful (Yates and Fording 2005). We might imagine a very different public reaction to the war on drugs if, hypothetically, state and local agents followed a president’s public appeals and broke down front doors in the gated communities of suburbia and arrested the children of upper-middle class voters. It is hard to see a president trying such a strategy, yet it might be effective at reducing drug use among the nation’s youth.

This shows how strongly the political implications of the war on drugs are entwined with the policy campaign’s social construction and its implementation. Beckett and Sasson (2000) suggest that the drug war is largely the product of political efforts to realign the electorate and to define social control, rather than social welfare, as government’s primary responsibility. Others go further and argue that public rhetoric concerning the drug war has allowed politicians (especially conservatives) to move away from past appeals that identified directly disfavored groups (like minorities), which are now off limits, to more euphemistic and calibrated “code” appeals. Those appeals, on issues such as crime and drug abuse, may indirectly tap into similar prejudicial sentiments without threatening democratic ideals (Kinder and Sanders 1996; Beckett and Sasson 2000; Jacobs and Carmichael 2001).

Regardless of the intentions of the actors involved, it is evident that the consequences of the war on drugs have not been distributed equally among the nation’s citizens. The effects are striking - in 1999 African Americans represented roughly 12.8 percent of the nation’s population but 35.2 percent of all drug offense arrests. In 2000 more African American prisoners were incarcerated in
the federal system for drug offenses than for all other offenses committed by African-Americans combined (Bureau of Justice Statistics, U.S. Department of Justice, Sourcebook of Criminal Justice Statistics – 2000). Yet, surveys show that minorities are generally no more likely to abuse narcotics than non-minorities and are less likely to abuse certain types of drugs than whites (Tonry 1995, 108-110). As we might expect, one of the strongest criticisms of the drug war stems from these collateral consequences for disempowered target populations. One specific claim is that minorities are inordinately “taxed” for criminal justice policies since they are held to closer scrutiny and suffer disparate treatment (Kennedy 1997).

What if the drug war was founded on an alternate rationale? Kennedy argues:

[T]he war on drugs, although truly aimed against illicit narcotics, is conducted in a fashion that is negligently indifferent to the war’s collateral damage to blacks. … if the war on drugs did to white communities what it is doing to black communities, white policymakers would long ago have called a truce in order to pursue some other, less destructive course. (1997, 351)

Of course, one person’s “negligent indifference” is another’s “intentional bias”. A part of our argument is that the social construction of the war on drugs is predicated on the “other” from whom a group must be protected. While the president may not identify that other directly, it seems clear to many that the criminal justice system has.

Whether one grades it as effective or ineffective, as equitable or inequitable, the war on drugs stands as one of the most ambitious presidential policy campaigns since World War II. The war on drugs probably has afforded recent presidents with valuable political leverage and has, indeed, captured the attention (if not the hearts and minds) of policymakers, the media, and the public. Will the drug war last as a hammer for presidents who want to rally broad support and demonstrate their strength as leaders? How far can presidents stretch the impact of public appeals
to other topics that they find useful to make issues – and how far can they extend this power in getting public servants to do what they want?

One aspect of the president’s “going public” strategy is that his words have multiple audiences – that he can achieve many different goals in the same way. The evidence we assembled here shows that some key agents who implement narcotics policy listen when the president focuses his public rhetoric on that social problem and his policy solutions for handling it. The president will never be able to gain complete compliance through his use of public rhetoric. Yet, the public signals he sends certainly influence the priorities of enforcement agents, and his gains (in terms of both politics and policy) in the war on drugs are real and substantial.
## TECHNICAL APPENDIX

<table>
<thead>
<tr>
<th>Variable</th>
<th>Description and Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arrest Rate for Drugs</td>
<td>The annual number of state drug arrests for two subpopulations, 1980-98. Source: Criminal Justice Sourcebook (various years). This measure is calculated as an arrest rate by dividing the number of drug arrests for each subpopulation by the population for each group (measured per 100,000 individuals). Finally, we produce a third variable that is the ratio of the black arrest rate to the arrest rate for whites.</td>
</tr>
<tr>
<td>Presidential Rhetoric</td>
<td>The annual composition of the president’s public statements dealing with the war on drugs - the ratio of paragraphs dealing with the problem of drugs to total pages multiplied by 100 (i.e. drug paragraphs per 100 pages of text). Source: Public Papers of the Presidents of the United States (United States Government Printing Office, Various Years).</td>
</tr>
<tr>
<td>Drug Deaths</td>
<td>The annual number of drug-related deaths in a state, per 100,000 state citizens. Source: The Center For Disease Control (Health and Human Services). Website: <a href="http://wonder.cdc.gov/wonder/data/mortSQL.html">http://wonder.cdc.gov/wonder/data/mortSQL.html</a> These data are then divided into two variables: one is for black citizens; the second is for white citizens. Finally, we produce a third variable that is the ratio of the black drug-related death incidence rate to the incidence rate for whites.</td>
</tr>
<tr>
<td>Local Priority Opinion</td>
<td>Regional public demand - the percent of respondents believing “too little” resources are being spent to combat the drug problem. Source: National Opinion Research Center (General Social Surveys) Criminal Justice Sourcebook (various years).</td>
</tr>
</tbody>
</table>
State Enforcement Staff Capacity
The annual level of state enforcement staffing 1980-98. Source: Criminal Justice Sourcebook (various years).

Congress Hearings
Congressional hearings on narcotics as a percentage of all Congressional hearings. Source: Frank Baumgartner and Bryan Jones’ Policy Agendas Project. Website: http://www.policyagendas.org

Decriminalization

Post-Forfeiture

Poverty Rate
The annual percentage of state citizens falling below the poverty line. Source: U.S. Census Bureau.

Finally, we produce a third variable that is the ratio of the black to white poverty rate.

**Estimation Method** Our data analysis strategy is to model the causal relationships by using a version of generalized linear models, specifically generalized estimating equations (GEE) (Liang and Zeger 1986; Zeger and Liang 1986). GEE is appropriate for situations when such as this, when we have created a panel data set covering the states over a series of years. The primary advantages of the GEE approach are the availability of flexible error correlation structures, robust standard errors, and alternative distributional assumptions. This procedure is appropriate for the case of cross-sectionally or time-series dominant data sets. Most importantly, this procedure yields parameter estimates that are uncontaminated by the effects of heteroskedastic and autocorrelated errors. Since we have
repeated measures on the units of analysis, underlying (immeasurable or unmeasured) panel-specific effects can complicate the estimation of the common coefficients. Heteroskedasticity is also likely because each panel’s variance may differ and there may be variation of scale among the units. The model here includes the calculation of the robust estimate of the variance to address this and also relaxes the independence of observations assumption for common units of analysis. Specifically, because GEE is a population-averaged estimator it is similar to a random-effects approach, but population-averaged estimators specify a marginal distribution, so estimates are an average of the cluster-specific estimates. We also calculate Huber-White standard errors to address the population-averaged estimate’s robustness.

The dependent variable may shift slowly in time if adjoining observations may be serially-correlated. Specifically, in GEE estimation, $n_i$ is the number of observations for a group, $R$ is the within-group working correlation matrix (a square max{$n_i$} × max{$n_i$} matrix) for modeling the within-group correlation; $R_{ts}$ denotes the $t,s$ element. For the GEE equivalent (population-averaged) of a random effects structure, $R_{ts} = 1$ if $t = s$, otherwise, $R_{ts} = \rho$. For an AR(1) structure, $R_{ts} = 1$ if $t = s$; otherwise, $R_{ts} = \rho^{|t-s|}$. In this case, each model assumes that the error correlation structure is “unstructured”, which simultaneously accounts for possible “stickiness” in the dependent variable and immeasurable effects by making no specific assumption about the form of the error correlation structure. The only constraint is that the matrix’s diagonal elements are 1: $R_{ss} = 1$ if $t = s$; otherwise, $R_{ts} = \rho_s$ (where $\rho_s = \rho_{ts}$). In the model here, the GEE specification includes a Gaussian distribution for the dependent variable and an identity link function (the canonical link for the Gaussian distribution).
Figure 1: Black Arrest Rates
Figure 2: White Arrest Rates
Figure 3: Ratios of Black Arrest Rate to White Arrest Rate
Figure 4: Presidential Attention to Narcotics
Table 1: Descriptive Statistics

<table>
<thead>
<tr>
<th>Variable</th>
<th>Mean</th>
<th>Std. Dev.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black Arrest Rate</td>
<td>0.700</td>
<td>0.572</td>
</tr>
<tr>
<td>White Arrest Rate</td>
<td>0.170</td>
<td>0.109</td>
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<tr>
<td>Ratio of Black to White Arrest Rates</td>
<td>4.328</td>
<td>3.018</td>
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<tr>
<td>Black Death Rate</td>
<td>3.683</td>
<td>4.351</td>
</tr>
<tr>
<td>White Death Rate</td>
<td>2.674</td>
<td>1.517</td>
</tr>
<tr>
<td>Ratio of Black to White Death Rates</td>
<td>1.343</td>
<td>1.679</td>
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<tr>
<td>Presidential Rhetoric</td>
<td>7.043</td>
<td>5.813</td>
</tr>
<tr>
<td>Congress Hearings</td>
<td>1.606</td>
<td>0.850</td>
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<td>Local Priority Opinion</td>
<td>61.136</td>
<td>5.673</td>
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<tr>
<td>Local Institutional Opinion</td>
<td>52.793</td>
<td>22.236</td>
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<tr>
<td>Press Coverage Priority</td>
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<tr>
<td>Policing Capacity</td>
<td>8.942</td>
<td>1.089</td>
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<tr>
<td>Decriminalization</td>
<td>0.221</td>
<td>0.415</td>
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<tr>
<td>Post-Forfeiture</td>
<td>0.682</td>
<td>0.466</td>
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<tr>
<td>Black Poverty Rate</td>
<td>25.487</td>
<td>7.636</td>
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<tr>
<td>White Poverty Rate</td>
<td>9.533</td>
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<tr>
<td>Ratio of Black to White Poverty Rates</td>
<td>2.765</td>
<td>0.817</td>
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N = 738
## Table 2: GEE Estimates for Black Arrest Rates

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<tr>
<th>Variables</th>
<th>Coefficient</th>
<th>SE</th>
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<tbody>
<tr>
<td>Presidential Rhetoric</td>
<td>0.013</td>
<td>0.004 ***</td>
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<tr>
<td>Black Death Rate</td>
<td>0.004</td>
<td>0.004</td>
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<tr>
<td>White Death Rate</td>
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<tr>
<td>Congress Hearings</td>
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<td>0.036</td>
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<tr>
<td>Local Priority Opinion</td>
<td>0.009</td>
<td>0.004 **</td>
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<tr>
<td>Local Institutional Opinion</td>
<td>-0.002</td>
<td>0.002</td>
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<tr>
<td>Press Coverage Priority</td>
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<td>0.034 ***</td>
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<tr>
<td>Policing Capacity</td>
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<tr>
<td>Decriminalization</td>
<td>-0.090</td>
<td>0.257</td>
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<tr>
<td>Post-Forfeiture</td>
<td>0.226</td>
<td>0.063 ***</td>
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<tr>
<td>Black Poverty Rate</td>
<td>-0.028</td>
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<tr>
<td>Constant</td>
<td>-8.397</td>
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<tr>
<td>Observations</td>
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<tr>
<td>Link Function</td>
<td>Identity</td>
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<td>Family</td>
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<td>Working Correlation Matrix</td>
<td>Unstructured</td>
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<tr>
<td>Wald $\chi^2$ (11)</td>
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<td>***</td>
</tr>
<tr>
<td>Scale Parameter</td>
<td>0.691</td>
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</tbody>
</table>

*** indicates significance at better than 0.01;  
** at better than 0.05;  
* at better than 0.10 (two-tailed tests).
Table 3: GEE Estimates for White Arrest Rates

<table>
<thead>
<tr>
<th>Variables</th>
<th>Coefficient</th>
<th>SE</th>
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<td>Presidential Rhetoric</td>
<td>0.005</td>
<td>0.002 **</td>
</tr>
<tr>
<td>Black Death Rate</td>
<td>0.010</td>
<td>0.010</td>
</tr>
<tr>
<td>White Death Rate</td>
<td>0.038</td>
<td>0.030</td>
</tr>
<tr>
<td>Congress Hearings</td>
<td>0.011</td>
<td>0.031</td>
</tr>
<tr>
<td>Local Priority Opinion</td>
<td>0.012</td>
<td>0.003 ***</td>
</tr>
<tr>
<td>Local Institutional Opinion</td>
<td>-0.001</td>
<td>0.002</td>
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<tr>
<td>Press Coverage Priority</td>
<td>0.081</td>
<td>0.031 ***</td>
</tr>
<tr>
<td>Policing Capacity</td>
<td>0.145</td>
<td>0.074 **</td>
</tr>
<tr>
<td>Decriminalization</td>
<td>-0.025</td>
<td>0.165</td>
</tr>
<tr>
<td>Post-Forfeiture</td>
<td>0.078</td>
<td>0.041 *</td>
</tr>
<tr>
<td>White Poverty Rate</td>
<td>-0.026</td>
<td>0.024</td>
</tr>
<tr>
<td>Constant</td>
<td>-8.616</td>
<td>0.701 ***</td>
</tr>
</tbody>
</table>

Observations: 854

Link Function: Identity
Family: Gaussian
Working Correlation Matrix: Unstructured
Wald $\chi^2$ (11): 148.10 ***
Scale Parameter: 0.457

*** indicates significance at better than 0.01;
** at better than 0.05;
* at better than 0.10 (two-tailed tests).
### Table 4: GEE Estimates for the Ratio of Black to White Arrest Rates

<table>
<thead>
<tr>
<th>Variables</th>
<th>Coefficient</th>
<th>SE</th>
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<tbody>
<tr>
<td>Presidential Rhetoric</td>
<td>0.051</td>
<td>0.016 ***</td>
</tr>
<tr>
<td>Ratio of Black to White Death Rates</td>
<td>-0.043</td>
<td>0.138</td>
</tr>
<tr>
<td>Congress Hearings</td>
<td>-0.249</td>
<td>0.140 *</td>
</tr>
<tr>
<td>Local Priority Opinion</td>
<td>-0.024</td>
<td>0.016</td>
</tr>
<tr>
<td>Local Institutional Opinion</td>
<td>0.004</td>
<td>0.007</td>
</tr>
<tr>
<td>Press Coverage Priority</td>
<td>0.256</td>
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<td>Policing Capacity</td>
<td>-0.022</td>
<td>0.265</td>
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<td>Decriminalization</td>
<td>0.564</td>
<td>0.748</td>
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<tr>
<td>Post-Forfeiture</td>
<td>0.898</td>
<td>0.211 ***</td>
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<tr>
<td>Ratio of Black to White Poverty Rates</td>
<td>0.691</td>
<td>0.316 **</td>
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<tr>
<td>Constant</td>
<td>3.034</td>
<td>1.909</td>
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</table>

Observations 738
Link Function Identity
Family Gaussian
Working Correlation Matrix Unstructured
Wald $\chi^2$ (10) 73.65 ***
Scale Parameter 7.818

*** indicates significance at better than 0.01;
** at better than 0.05;
* at better than 0.10 (two-tailed tests).
BIBLIOGRAPHY


