

Dope Wars

by S.E. Whelan & E.H. Munro

There is an old maxim about walking a mile in a man's shoes before casting judgment, the idea being that we should imagine what it's like being someone else before we look at them with contempt. However, there are some people that most of us are unwilling to imagine being; the poor, the drug addicted, the prostitutes. When people talk about "The War on Drugs" we smile and nod thinking it's a good war--A war we fight so our children don't have to borrow an addict's shoes and wander the midnight streets looking for a high.

But imagine being Tracy White¹. You are a resident of Los Angeles, mother of three, a cousin to a known drug dealer and gang member. You have committed no crime, sold no drugs. Then on the morning of June 21, 1991 men in black hoods storm into your apartment brandishing guns and screaming orders. Your children are terrified as the police destroy your belongings looking for any evidence your cousin might have left. They find nothing and leave you and your home in shambles.

Well, I'm not Tracy White, but really, how different am I? If the police can tear down her door for the actions of a family relation why can't they tear down mine? And if they did, wouldn't that violate my fourth amendment right protection against illegal search and seizure?

Sadly, Tracy White is not alone. There are many more like her, suffering far greater losses than a sense of a security. Even more maddening is that drug prohibition laws have made our constitutional rights expendable.

One need only look at the long list of Supreme Court decisions regarding drug raids, beginning in 1997 with *Richard v. Wisconsin*—the case that made the no-knock raid standard procedure. But, there are simpler cases too. *Illinois v. McArthur*, where a resident was kept outside his home (so he could not destroy the possible evidence) while police actually obtained the warrant to search the premises. FYI-- It's also okay for a police officer to peek through your window until he sees you do something illegal and then simply bust in without a warrant too. *Minnesota v. Carter* set this scary precedent. And your car is even less protected against illegal search and seizure than your home.²

The courts have paved the way for the abuses of this war by widening the back doors of the constitution that the police have walked through in recent years. Even where the courts have upheld the basic principles, they have made broad and easy exceptions. *Richards v. Wisconsin* not only made no-knock searches standard practice, the decision also allowed the police and courts broad discretion in using them. The right of police and

¹ Duke, Steven B. "Casualties of War." *Reason*; Feb94, Vol. 25 Issue 9, p20, 8p, 5bw.

² See: *Pennsylvania v. Labron*, **Docket No. 95-1691, July 1, 1996**

prosecutors to collect evidence routinely trumps the citizen's right to be secure within their own home.

Take the case of Ashley Villarreal, for example, murdered by DEA agents in San Antonio on the 11th of February, 2003. According to the DEA, Ashley Villarreal's father, Joey Angel Villarreal, was a fugitive on the run. DEA agents had staked out the house that Ashley and her sister Adriana lived in with their grandmother. Young Ashley Villarreal wanted to park the family's Mitsubishi Eclipse in the rear carport, as she was underage, Ashley's grandmother asked Daniel Robles, a family friend, to supervise. He obliged. DEA agents on the scene assumed that the man climbing into the car with one of Mr. Villarreal's daughters was the suspect himself, and ordered a box and capture of the vehicle³.

This police trick involves a tailing vehicle that flushes the prey into the trap by aggressively tailgating it. This has the general side effect of causing the target car to accelerate, as the driver tries to put distance between themselves and the tailgater, thus creating the appearance of fleeing.

Why would they want to do that? Because they could get neither a search warrant for the premises nor an arrest warrant for the target, meaning they were not allowed to set foot on the property to make an arrest⁴. Why could they make an arrest in traffic then? Because in *Illinois v. Wardlow* the Supreme Court decided that the "probable cause" standard was too strict and created a "reasonable suspicion" exception. This standard, as its name implies, means that the police need only find the suspect suspicious to justify a search.

It's hard to say what exactly happened after that. There was a chase. There was gun fire. Then there was a young, and very dead, girl. The *San Antonio News-Express* reported Mr. Villarreal was out on bond for a minor possession charge, but otherwise, not wanted by the authorities. Furthermore, the case against Mr. Villarreal consisted of his phone number being in the possession of another suspected drug dealer. Later the DEA admitted that they did not, in fact, have so much as an arrest warrant⁵.

In the final analysis, enforcement agents arrange their stories to conform to the loopholes provided by Supreme Court rulings. In the Villarreal case the agents justified their actions based on the "suspicious" behaviour of the driver, and the driver's "flight" from agents. This despite the fact that the evidence of the flight was young Ms. Villarreal's attempt to escape the vehicle that was forcing her into the trap that led to her shooting.

³ Robbins, Maro, "A Death - Only The Horror Is Clear" *San Antonio News-Express*. 16 Feb. 2003. http://www.mpp.org/TX/news_3341.html.

⁴ Miller, Carley. "Friends and Family Remember Ashley Villarreal" *WOAI Channel 4 News*. 14 Feb. 2003. WAOI.com. 8 Sept. 2003
<http://www.woai.com/news/local/story.aspx?content_id=E18CFF06-4C5A-43BD-A3D4-6BEC1D2543E0>

⁵ Ibid

The judgement, or lack thereof, exercised by the DEA in this case is becoming more common amongst police forces at all levels. Though these cases may seem like isolated examples of drug raids gone wrong, they are becoming the rule.

Consider the case of Accelyne Williams, an elderly, retired priest living in Dorchester. On a confidential tip, Boston Police drug enforcement officers burst into his apartment in a search for drugs. Rather than realizing their error, they dragged the 75 year old from bed, threw him to the ground and handcuffed him. He would die of a coronary as a result⁶.

Even in the face of public outrage, the Boston Police repeated the debacle just two weeks later. This time without the fatal results. In both cases the officers that took the tips wrote down the wrong address. Though the city paid 1 million in a wrongful death suit to the Williams family, the police officers who committed the mistake were not punished in either case.⁷

Our rights come in second to prosecution in the drug wars-- And that's not even the most frightening conclusion that can be drawn from this short investigation of DEA practice and procedure. There is another war where the government is trying to convince us that our rights are disposable where security is concerned—The war on terrorism.

As an example, the pending VICTORY Act of 2003⁸, makes possessing ten thousand dollars in cash in a moving vehicle evidence of involvement in “narco-terrorist activities.” But what of businesses that require such sums in cash? It is not unusual for landscapers to pay for their stock in cash, and quite commonplace for them to have several thousand dollars in cash on their persons? Does this mean that they are now to be considered “narco-terrorists”?

The darkest part of the laws, however, is the fact that they pay bonuses to the departments and units that run the seizure. Oh well, law abiding citizens won't mind being jailed for our security and peace of mind. Gardener? Narco-terrorist? It's just about a difference in what you're growing, right?

⁶ Young, Stephen. “A Nation of Casualties: Losers in the War on Drugs.” Maximizing Harm: Writer's Showcase Press, 2001. Maximizing Harm Online. 8 Sept. 2003 <http://www.maximizingharm.com/chapter_2.htm>

⁷ Boston to give victim's widow \$1 million in wrongful death suit," *New York Times*, April 25, 1996.
See Also: Human Rights Watch. “Boston: Civilian Review.” Human Rights Watch 6 (1998): 5 pars. 8 Sept. (2003) <<http://www.hrw.org/reports98/police/uspo48.htm>>

⁸ Eggen, Dan. “GOP Bill Would Add Anti-Terror Powers.” Washington Post 21 Aug. 2003: A03. 8 Sept. 2003 <<http://www.washingtonpost.com/ac2/wp-dyn/A22770-2003Aug20?language=printer>>

But, maybe all we're growing is fear, fertilized by a healthy helping of paranoia, spurred on by a government that claims war on everything. There's a war going on outside your window, in your front yard. Wars of all kinds—wars against drugs, wars against terrorism, wars against poverty, wars against polluters, wars against gun users, wars against tax cheats, wars against digital pirates, wars against fat, wars against cigarettes, wars against people that dress in plaid leisure suits. You get the point.

All these wars have exactly one thing in common, the enemy-- us. Our government is at war with us, and we're paying them to wage that war. We're paying them with our taxes, with our rights, and in the worst case, with our lives.

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² See: *Pennsylvania v. Labron*, **Docket No. 95-1691, July 1, 1996**

3 Robbins, Maro, "A Death - Only The Horror Is Clear" San Antonio News-Express. 16 Feb. 2003 <http://www.mpp.org/TX/news_3341.html.>

4 Miller, Carley. "Friends and Family Remember Ashley Villarreal" WOAI Channel 4 News. 14 Feb. 2003. WAOI.com. 8 Sept. 2003 <http://www.woai.com/news/local/story.aspx?content_id=E18CFF06-4C5A-43BD-A3D4-6BEC1D2543E0>

5 Young, Stephen. "A Nation of Casualties: Losers in the War on Drugs." Maximizing Harm: Writer's Showcase Press, 2001. Maximizing Harm Online. 8 Sept. 2003 <http://www.maximizingharm.com/chapter_2.htm>

6 "Boston to give victim's widow \$1 million in wrongful death suit," *New York Times*, April 25, 1996.

7 Eggen, Dan. "GOP Bill Would Add Anti-Terror Powers." Washington Post 21 Aug. 2003: A03. 8 Sept. 2003 <<http://www.washingtonpost.com/ac2/wp-dyn/A22770-2003Aug20?language=printer>>