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FEDERAL NARCOTIC VIOLATORS AND THE DISPOSITIONS RECEIVED
THROUGH THE COURTS WITH AN EMPHASIS ON COCAINE OFFENDERS

A thesis submitted to the Department of Sociology at Virginia
Commonwealth University in partial fulfillment of the requirements
for the degree of Masters of Science.

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ACKNOWLEDGEMENTS

There are many I wish to thank for all of their support and encouragement. I would like to, first of all, recognize Ms. Paulette Anderson for her long term dedication and efforts to keep me working toward my goal of completion. Paulette, without your help I do not know what I would have done.

I would like to thank my committee members: Dr. Rutledge Dennis, who made sure every thing was worded just right; Dr. Mary Hageman for her promptness and most welcomed input; and, Dr. Jimmy S. Williams who was my chairman and was able to handle the most difficult job of keeping me on the right track in developing a thesis that I could be proud of.

I cannot leave out a friend who I consider my "right arm," Mr. John Wooden; may God continue to bless you as you strive for higher goals. I would like to thank my parents, family, and friends for their continued reminders to me to complete this goal. Your confidence in me and your encouraging words of support are very much appreciated.

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ABSTRACT

The United States has been plagued with the problem of illicit drug use for many years. Drug abuse has continued to increase and is prevalent among all races and social classes of people. The question is what efforts have been or are being made in order to deter the influx of drugs into the country along with stopping the suppliers of these drugs and what has hindered the effectiveness of these efforts.

The theory of deterrence was applied to this problem because the model presumes that the punishment of criminal acts could deter potential offenders by making the negative consequences of crime greater than the rewards. The theory also assumes that people act, behave, or respond only after careful and rational consideration of the consequences of their actions.

The Drug Enforcement Administration provided the data for the research. Statistics revealed that during the years 1975 through 1986, the arrests of drug offenders steadily increased. The Data showed increased efforts in arrests; however, inconsistency was shown when it came to the conviction of the offender. Prison sentences were imposed in many cases, but showed no impact on deterring the drug offender. It was determined that if punishment was certain the deterrent effect should work.

INTRODUCTION

Cocaine has gained such widespread attention through the media that it is considered to be the drug of the eighties. The association of the drug with well known individuals in areas such as, acting, professional sports, and politics, just to name a few, has contributed to the popularity of the drug. Just as marijuana deflected the public's attention from alcohol after its prohibition, cocaine has defocused attention from marijuana since the issue of decriminalization emerged in 1972 (McCaghy, 1980). By February, 1978, ten states had made the small (one ounce or less) possession of marijuana only a civil rather than a criminal offense. Legal action accelerated on the federal level in 1977 when President Carter's adviser on drug issues (New York Times, 1977:30) told a congressional committee that the "administration will continue to discourage marijuana use, but feel criminal penalties that brand otherwise law abiding people for life are neither an effective nor an appropriate deterrent." Today the major question concerning marijuana is whether it should be legalized. However, while many sought to address the issue of marijuana, yet another drug emerged at the Center of the National Concern with drug use: Cocaine.

Cocaine Availability

Like alcohol and marijuana, cocaine use has had a long history (Stone et.al., 1984). In 1984, preliminary estimates gathered by the organized crime Drug Enforcement Task Force Program, indicated that

between 74-90 metric tons of cocaine were exported to the United States with Columbia, Bolivia and Peru being the major suppliers.

In fact, by 1983, Cocaine was so abundant in the United States that it caused a substantial wholesale price reduction in the drug market. Since June 1984 this situation has stabilized with the national wholesale price of a kilogram of cocaine declining from a range of \$55,000 to \$65,000 in 1982 to an estimated range of \$40,000 to \$50,000 at the end of 1984. Nationally, the price of a gram sells for \$100 to \$120 (Meese, 1985:62).

Cocaine Use

As the amount and availability of cocaine increased so did its use and trafficking. According to Attorney General Meese, "during the year 1984, there has been evidence of the spread of cocaine abuse from high-income users to drug abusers in the lower socioeconomic levels, including narcotic addicts" (1985:62). Treatment data reveal a surprisingly large percentage of cocaine users (17.8 percent) do not use this drug before the age of twenty-five. A National Survey of High School Seniors conducted by the National Institute on Drug Abuse indicated that an approximate 5.8 percent of high school seniors reported monthly use of cocaine in 1984; 12 percent reported yearly use. "Comparable 1976 figures were 2 percent for monthly users and 6 percent for annual users" (Meese, 1984:63). The data also suggest that the period 1975 to 1979 revealed the greatest increase in new high school aged users. On an annual basis, the rate of cocaine incidence among high school users has remained consistent from 1979 through 1984.

Focus of the Study

With the decreasing cost of cocaine and the increase in supply and demand, one might expect that the arrest and conviction rates of the suppliers of cocaine would also increase and drug use would decrease as a result. The drug offenders processed through the federal courts are the focused population of this study. Information available through television and newspaper media as well as through interviews with federal probation and parole officers reveal that offenders prosecuted in the federal courts tend to be charged with possessing and/or importing large quantities of illicit drugs with the intent to sell and distribute; this is in contrast to most of the simple possession cases which are processed through the state courts.

Purpose of the Study

This study will test the deterrence theory as it relates to the supply, distribution, and use of cocaine in the United States by comparing the arrest and conviction rates of cocaine violators. It is anticipated that as the arrest rates increase the conviction rates would also increase, with harsher penalties imposed in order to deter and eliminate the supply and use of the drug. The correlation between these rates can be used as an indicator of certainty of punishment. Once convicted, it is also anticipated that the length of sentencing and/or type of punishment should have enough impact on the criminal and potential criminals to deter the person(s) from engaging in further criminal behavior. In accordance with the deterrence theory, the type of punishment imposed should become more severe, (incarceration over

probation) and the length of incarceration should increase from months to years, with the increased popularity of the drug. Thus, it is hypothesized, if the number of arrests increase, the conviction rates will rise; once convicted, the length and type of punishment would also increase in severity in an effort to deter use and criminal activity. The significance of the study is that it will attempt to test the theory of deterrence, as it relates to the judicial section of the criminal justice system, as to its applicability to retarding cocaine availability.

THEORETICAL FRAMEWORK

Components of General Deterrence Theory

The deterrent model was developed by the classical school of criminology during the eighteenth and early nineteenth centuries. Cesare Beccaria (1963) and Jeremy Bentham (1967) argued that the punishment of criminal acts could deter potential offenders by making the negative consequences of crime greater than the rewards. Thus, the intent of general deterrence is to make potential lawbreakers afraid and thus hinder them from breaking the law.

Celerity, certainty, and severity are considered important components of punishing according to the deterrent theorists. Cesare Beccaria and Jeremy Bentham emphasized the importance of celeritous punishment. Maynard Erickson (1972) supports this emphasis by suggesting that a long delay in the prosecution of crimes could deter such acts in that the defendant dreads the delay itself. Cesare Beccaria believed the more promptly and the more closely punishment followed the commission of a crime, the more just and useful the effect would be. Celerity was viewed as just because the criminal would not suffer the torments of uncertainty, and would also not be deprived of liberty before convicted except out of necessity. The key dimension governing the idea of celerity is the short time span between the punishment and the offense, and the general idea that the stronger and more lasting in the human mind is the association of the two ideas, crime and punishment.

The certainty of punishment provides the offender with the knowledge

that punishment will follow the crime. Certainty does not focus on how rapid the punishment may come about, that is the purpose of celerity. Certainty demonstrates that punishment will consistently follow the commitment of a crime, and this certainty can be more effectively illustrated if it means the confinement of a person. According to Andenaes (1966), a potential criminal may be willing to run the risk of one year incarceration as opposed to gambling with ten. With probation as an alternative to incarceration, and its utilization on a large scale, it is possible for the offender to assume that imprisonment may not be a part of his/her punishment.

From the classical school to the present, all versions of the deterrence doctrine maintain that the deterrent effect of punishments rely on their severity. Zimring and Hawkins (1973) have their doubts about severity being more important than certainty. Nevertheless, they believed that the idea of severity of punishment can be complicated. For this research, severity is viewed as incarceration over probation and the length of the incarceration being over 1 year as opposed to 12 months and under. The incarceration may involve serving time within a penitentiary system instead of jail.

Economists (Ehrlich, 1972) approach the deterrence theory with the assertion that people engage in criminal activity to the extent that it is profitable. Tullock (1974) hypothesizes a correlation: if the cost of something is increased, less will be consumed; thus, if the cost of committing a crime is increased, there will be fewer crimes. In drug crimes the penalties should attempt to keep the offender from obtaining any net gain from the offense. Drug suppliers processed through the

federal courts are usually involved in the crime for monetary gain as previously stated.

According to Wright and Fox (1978) punishment is a concept relied on heavily by the American Criminal Justice System. It is an unpleasant or aversive (to be avoided) event that tends to weaken the behavior that it follows (McCaghy, 1980). Punishment may be characterized by either the removal of positive reinforcers or the application of noxious stimuli. In criminal justice, the term deterrence means a threat of punishment sufficient to keep people from committing criminal acts that they might commit if the threat of punishment were absent (McCaghy, 1980).

Overall, the deterrence model assumes that people act, behave, or respond only after careful and rational consideration of the consequences of their actions. Thus, the rationale of punishment is to affect future behavior rather than to inflict pain. The deterrence model assumes some degree of free will or voluntarism on the part of the actor; it suggests that people choose their own behavior even if they are limited in their choices by social, psychological, economical, and biological factors.

Studies Utilizing General Deterrence Theory

Professor Gibbs (1968) and Tittle (1969) analyzed crime statistics and punishment data for various states in the United States in an effort to determine whether variations in the probability of arrest or the severity of punishment were related to changes in the rate of certain crimes. Gibbs (1968) examined homicide; Tittle (1969) examined burglary, rape, robbery, sex offenses and auto theft along with homicide rates. In viewing homicide, higher-than-average severity of sentence was

significantly correlated with lower-than-average crime rates using data from all states. The penalties for homicide varied markedly in different regions of the United States, as did the rates of criminal homicide. Professor Tittle's (1969) data run parallel to those of Professor Gibbs (1968), and indicate that nationally those areas with the highest penalties for homicide tend to have the lowest rates of that offense.

A study by Logan (1972) viewed seven types of offenses and their relation between the certainty of punishment-imprisonment and the crime rate among jurisdictions or states. The offenses studied were assault, auto theft, burglary, homicide, larceny, robbery, and sex offenses. There was a noticeable negative correlation between the length of prison sentence served and the crime rate for homicide. The other offenses, excluding robbery and sex offenses, statistically supported the widespread belief that the severity of punishment is relatively unimportant in promoting deterrence. Severe punishments may fail to deter because their imposition is uncertain.

On the more tangible side, economists have focused on an aspect that sociologists have ignored—the potential benefitor gain from criminal activity. According to Gibbs (1975) however, the relevance of that consideration for some type of crime is disputable, and economists have yet to find a way to express the gain of some types of crime. Even devising a defensible and feasible procedure for expressing gain through property crimes will be a tremendous task and the notion of expected gain complicates the problem even more. Nonetheless, Gibbs (1975) believes a sophisticated deterrence theory will surely incorporate the notion of gain or benefit.

There are areas in which attempts to control or suppress behavior by means of the threat of punishment seem, to many observers, to be hopeless failures. The President's Crime Commission Task Force on Narcotics and Drug Abuse (1967) reported that "despite the application of increasingly severe sanctions to marijuana, the use and traffic in that drug appear to be increasing" (U.S. President's Commission on Law Enforcement and Administration of Justice Task Force Report, 1967:11).

A study conducted in California on marijuana offenses revealed no statistics were available in the year 1968 on the gross number of marijuana offenses committed. The results only relate to the number of reported arrests. As Zimring and Hawkins (1973) indicate, such crimes are without victims thus, are highly likely to not be reported to the police. The number of arrests reported is likely to be vastly less than the number of offenses committed. In any event, according to the study (California Assembly Office of Research, 1968:10-12) the "California statistics show that the rate of marijuana arrests by the police, which had risen substantially before the increases in the legislative minimum and maximum penalties provided for possession of marijuana, continued to increase afterward." These statistics were regarded as proof that the increase in legislative penalties did not have an effect on the crime rate. Yet, there are reasons to believe that the crime would have continued to rise in any case. Since it is difficult to estimate how much the rate would have continued to increase without the change in punishment policy, a negative conclusion could not reasonably be drawn from the evidence. According to Zimring and Hawkins (1973), any conclusions drawn about the effect of the increased marijuana penalties

should be recognized in relation to the pressures leading to the penalty changes which may have led to a great effort on the part of the police to discover such crimes.

Overview of Deterrence Research

The majority of the research using the general deterrence theory, has focused on the death penalty and its use. Research conducted by Vold (1952) and Sellin (1959) concluded that the use of the death penalty in those states who used it as a source of punishment (capital states) had no affect on the homicide or general crime rates. In some cases the homicide rates tended to be higher in the capital states but, this could be due to more police concentration in that area, leading to higher arrest rates, more reported cases, and more convictions.

Gibbs (1968) and Tittle (1969) analyzed crime statistics which supported the deterrence doctrine. The rate of homicide indicated that nationally, those areas with more severe penalties for homicide tend to have the lowest rates of that offense. These findings were challenged and contradicted by Chiricos and Waldo (1970) when the offense of burglary, larceny, assault, and auto theft were analyzed.

An experiment conducted in Great Britain by the Ministry of Transport's Road Research Laboratory (1966) in an effort to reduce speeding and consequent accidents, demonstrated that stricter enforcement of speed limits by the presence of police, could reduce accidents by 25 percent, and driver and passenger accidents were cut in half. Campbell and Ross (1968) explains a similar study conducted in Connecticut in the 1950's, imposed a change in policy in order to combat the problem of

traffic fatalities. Fatalities decreased dramatically but, later investigations showed this decrease may have naturally occurred due to the abnormal high level of traffic related deaths at the time of the policy change.

Criticisms of the Theory

Various reasons have been given as to why the deterrence theory does not work. First of all, severe punishments may fail to deter because the imposition is uncertain. Economists believe the potential economic gain or benefit from certain types of crimes play a major role in interfering with the deterrent process. Chambliss (1967) feels that substance abusers are relatively unaffected by either threat or imposition of punishment. Andenaes (1974) explains Chambliss' theory by emphasizing the strong psychological need the addicts have for the drug. This dependence limits the deterrent effect of punishment. The economic gains associated with the supply and sale of cocaine are assumed to indicate that those engaged in such activities are strongly committed to it and may be deterred only when both certainty and, perhaps, severity of punishment is high.

Overall, statistical evidence of the general preventive effects of punishment is scarce. General deterrence may be effective in preventing potential users from using; and, on the other hand, the imposition of speed limits has generally been effective in reducing speeding and potential accidents. There is very little research on the potential to deter the illicit drug supplier as well as, the illicit drug user. This study will focus on those aspects of illicit drugs. The view of the

economists will also be of concern based on the economic gain this offense brings the supplier.

LITERATURE REVIEW

Drug Trafficking and the Law

There has been limited deterrence related research on the topic of drug suppliers and their treatment within the Criminal Justice System. According to Siler (1985), since the early 1980's law enforcers have concentrated on and have been able to arrest more illicit drug suppliers. This have come about through a long term cycle of arresting users which led to distributors. Thus, before the early 1980's, the majority of offenders convicted of drug violations were the users. Through the use of plea bargaining and charge reductions the users enabled law enforcers to locate some of the suppliers of illicit drugs. Today it is rare to find a drug offender convicted in the federal system for the crime of drug use or simple possession. These offenders are handled by the state authorities. The Procedures Manual used by the United Parole Commission (1983) focus on offenders who are in proprietary or managerial roles. They are described as those who import, manufacture, distribute or negotiate to distribute illicit drugs or who plan, supervise, or finance such operations.

Like other illicit drugs, cocaine also has a legal history. Stone, et al. (1984), briefly state that during the early 1900s laws were enacted in eight states which prohibited the dispensing of cocaine without a prescription; by 1914, forty-six of the forty-eight states had such laws. The first federal law to regulate the distribution of cocaine and other narcotics was the Pure Food and Drug Act passed in 1906. The

amendment expanded and evolved into the Harrison Narcotics Act of 1914. By 1980, the act was amended to forbid interstate shipment of substances containing cocaine, opiates, or alcohol. According to Stone, et al (1984) this act declared that anyone importing, manufacturing, selling or even giving away opiate or cocoa-leaf derivatives had to register with the Internal Revenue Service (IRS) and pay a special tax on the transaction. Another companion bill was passed in 1922 to ban the import of cocaine and to limit the import of cocoa leaves to the amount needed for medical and other purposes. Thus, by 1930 narcotics were accepted as pain killers for medicinal purposes. Stone, et al (1984), state that by this time, cocaine had lost its public appeal. It remained in the underground world and was rediscovered during the drug renaissance in the late 1960s. This led to its subsequent climb to popularity beginning in the early 1970s.

It can be observed that laws were made one after the other in relation to illegal drug use prevention since 1914. By 1970, Congress replaced these laws with the comprehensive Drug Abuse Prevention and Control Act. The new law contained within it the Controlled Substances Act. It divided drugs into five classes or schedules according to their medical value. "Cocaine is classified under Schedule II as a drug with a legitimate medical use, but also with a high potential for abuse and a strong tendency to lead to a physical or psychological dependence" (Stone, et al., 1984: 11).

Today the current laws and penalties state that it is unlawful for any person to knowingly or intentionally manufacture, distribute, dispense, or possess with the intent to distribute or dispense, a

counterfeit substance. The Criminal Code (1985) defines 100 grams or more of a controlled substance listed in schedules I or II, (those drugs of high dependency and potential for abuse) as the quantity of concern in the federal courts. These drugs contain a detectable amount of narcotic. A kilogram or more of any other controlled substance is also a quantity of great concern. The judge must punish these violators within a prescribed range; but, the Federal Criminal Code Rules (1985) only provide maximum incarceration terms and fines. According to Hicks (1985) this will change and by July 1986, minimum penalties should be written and not implied, giving a set range for offenders. At the time of this writing, those who commit the offenses of manufacturing, distributing, dispensing, and possession with the intent to carry out these activities and is a first offender with no previous record will "be sentenced to a term of imprisonment of not more than 15 years, a fine of not more than \$125,000 or both" (Federal Criminal Code and Rules, 1986: 852). A person with one or more prior convictions will receive imprisonment of not more than 30 years and a fine of not more than \$250,000 or both. Along with the given sentence is a special parole term which is given whether the convicted person has a prior record or not. This special parole term is for a length of 3 years which must be served after the person is released from incarceration. If the offender has a prior record the special parole ~~increases~~ to six years and so forth depending on the parole board.

The Attorney General authorizes or registers persons to manufacture, administer, dispense, and transport controlled substances. Those who are given permission to conduct these activities with controlled substances and who in turn is found in violation of this right are subject to a

civil penalty of not more than \$25,000, this is if the dispenser unknowingly commits the act. Persons in the medical field are subject to drug violations along with pharmacists and psychiatrists. If the physician knowingly supplies drugs in an illegal manner then he/she will be "sentenced to imprisonment of not more than one year or a fine of not more than \$25,000 or both" (Federal Criminal Code and Rules, 1985: 854). It is interesting to note in the written law the difference between the professional who has access to and permission from the Attorney General to handle drugs, yet if they intentionally commit a violation by way of having this permission, is treated differently from the person who is not entrusted to do a job without breaking the law. A non-registrant will receive 15 years for committing the same crime as a registrant, who will receive not more than one year. If in the course of the registrants legitimate business, he falsifies trade names and trademarks, dispense expired substances, or obtain substances by deception or fraud, he/she shall be "sentenced to a term of imprisonment of not more than 4 years, a fine of not more than \$30,000, or both; after one or more prior convictions the term of imprisonment should not exceed 8 years, and a fine of not more than \$60,000, or both" (Federal Criminal Code and Rules, 1985: 855). The offenses of importing and exporting carry the same weight as the previous. According to the Bureau of Justice Statistics (1984) the federal system allows an inmate to earn good time which is a reduction in the prison stay through positive conduct and program participation. Thus, the stated length of time to be served is not necessarily fulfilled.

Statistical Evidence of Drug Violators

The Bureau of Justice Statistics (1984) views the Nation's drug law violations as a major problem both domestically and internationally. The Federal Bureau of Investigation (F.B.I.) report more than half a million arrests for drug violators each year. These arrests are considered to be a "substantial understatement of the enormity of the domestic side of the problem; actual violations of drug laws are probably many times larger" (U.S. Department of Justice, 1980:1). The Drug Enforcement Administration (1980) states that revenue made from illegal drug activity substantially surpasses that of many major industries. For example, in 1980 illegal drug traffic was estimated at \$79 billion in retail sales volume which was much larger than either the computer or clothing market.

The number of drug law violators convicted in Federal district courts rose from 1,400 in 1964 to 8,000 in 1976 and, after declining to 4,700 in 1980, rose again to 6,300 by 1982" (Administrative Office of the U.S. Courts, 1978-1982). (Analysis of sample pre-sentence investigation reports documenting cases filed during 1975-1979). A more than 35 percent increase in the number of filings against drug violators is represented between the years 1980 and 1982.

The article "Federal Drug Law Violators" was presented by the Department of Justice (1984) to show how an integrated data base consisting of Federal investigators, prosecutors, courts, and prisons will enhance the ability of the Government to respond to the problem of drug law violations in a coordinated, effective manner. The data used from the year 1979 is to illustrate the analytical potential of such an integrated data base.

According to the Federal Pretrial Services (1979) approximately 64 percent of drug law offenders were involved with some level of selling, distributing, or dispensing controlled substances, 14 percent with manufacturing, 11 percent with possession, 6 percent with importation, and 5 percent with other offenses including prescription violations. The Federal Pretrial Services Branch (1979) confirmed that 13 percent of the violations related to marijuana, 42 percent to narcotics and 45 percent to other controlled substances. "Charges on which defendants were actually convicted, however, were less serious" (Analysis of sample pre-sentence investigation reports documenting cases filed during 1975-1979).

A composite portrait of a typical accused drug law offender shows a

"male, about 30 years old, most likely to be white, with about a 7 percent chance of opiate use or addiction and a 14 percent chance of current or past abuse of other drugs" (U.S. Department of Justice, 1984:2).

It is realized that when studying the drug offenders, a wide range of people from the white-collar employees to the street corner dealers, from the unemployed drug addicts to the successful businessmen can fit into the category. Typically, persons charged with illegally producing drugs tend to be older than those who are charged with possession. The combined efforts of the Federal Pretrial Services Branch and the Bureau of Justice Statistics (1979) reveal a consistency with youthfulness and persons charged with possession; they tend to be less well educated, less often married, less wealthy, and less often repeat offenders than persons charged with other drug related offenses (see appendix 1A).

The Bureau of Justice Statistics (1984) state that it is very difficult to try to estimate the probability of whether the drug law

violator will be apprehended. In 1979, the majority of cases presented to the U.S. Attorney were prosecuted. Of defendants prosecuted, the conviction rate was 76 percent, and 55 percent were sentenced to incarceration. The data showed for the drug offenders convicted of offenses carrying a 15 year statutory maximum term, "about 85 percent received sentences of five years or less and that, on the average incarcerated drug offenders actually served only 75 percent of sentence time" (U.S. Department of Justice, 1984: 2). To break it down even further, the actual time served by incarcerated drug offenders averaged just a little more than three years. The incarceration data is of particular interest since close to 89 percent of all drug defendants appear to be involved in drug-related activities other than possession.

The research also discovered that drug law violators received longer sentences when the conviction was by trial rather than plea. Six years and seven months is the usual added time; sentences are also longer when

"the drug involved is heroin (5.5 months added); the offender has previously served a prison term of at least a year (adds 10.9 months); and, probation or parole has previously been revoked (adds 22.9 months)" (U.S. Department of Justice, 1984:3).

It was found that cases brought to U.S. Attorneys in 1979 were mainly brought in by agents of the Drug Enforcement Administration. Drug offenders actually served 75 percent of the sentences given, though the percentage decreased as the sentence grew longer. Eighty-two percent of charged drug offenders received pretrial release compared with 95 percent of persons charged with fraud and 32 percent bank robbery. It is also interesting to note that each year, close to 6 percent of all drug law

violators have their probation or parole status revoked (U.S. Department of Justice, 1984).

Drug sentencing has often come under attack for failing to immobilize drug traffickers. Indictment and arrest are viewed as the beginning of a long process in which the alleged trafficker may be free to traffic in drugs. At the end of the process, "incarceration may be relatively short, thereby wasting investigative resources, weakening the deterrent to drug crimes, and reducing the public's trust in the criminal justice system" (Comptroller General of the United States, 1979: 329).

According to the Comptroller General (1979) many defendants, once arrested and released on bail continue their drug trafficking, while those convicted are not immobilized long enough to deter them from participating in the activity. A person on bail is not hindered from engaging in illegal activities because usually, there are no restrictions given before a trial. There have been instances where "drug defendants were released prior to trial and then rearrested on new drug charges while out on bail, obviously diluting the effects of drug enforcement efforts" (Comptroller General of the United States, 1979: 327). This shows that even the threat of incarceration or a guilty conviction from a trial, contradicts the ideas behind the specific deterrence theory.

In 1975, the Domestic Council Drug Abuse Task Force (ODAP) recommended a minimum mandatory sentence to be required for persons convicted of high-level trafficking in narcotics and dangerous drugs. By 1977, ODAP viewed the sentencing system as not providing a strong deterrent for potential drug violators. ODAP also noted, the system does not insure equal justice under the law because "sentences for similar

offenses are often inequitable" (Comptroller General of the United States, 1979:330) and a legislative change in sentencing guidelines was recommended.

Drug Enforcement Administration (DEA) has also been a strong vocal critic of drug sentencing. The Administrator of DEA (1976) stated, the chances are one out of three that a convicted cocaine trafficker will be back on the street on probation and, of those sentenced to prison, one out of three are eligible for parole within one year. He stated "the sentencing statistics contradict the theory of a deterrent and a serious sanction for narcotic offenses" (Comptroller General of the United States, 1979:330).

A study conducted by DEA in 1976 of 919 defendants revealed that 24 percent of the convicted serious violators received probation; serious includes the offenses of trafficking, manufacturing, and distribution. Sixty-one percent of the convicted serious violators received sentences of three years or less, while 81 percent received sentences of six years or less. Actual time served for narcotic violators averaged only 43.2 percent of the sentence imposed; this meant 61 percent of the convicted serious violators actually served about one year three months or less and 81 percent served two years seven months or less. It was also found that 42 percent of the convicted serious violators were habitual offenders. Thus, short sentences negated the deterrent effect of prosecution. Because the Controlled Substances Act of 1970 only prescribed maximum penalties and no minimum penalties, federal judges were allowed wide latitude in sentencing decisions. It was found, at this time, that most narcotic violators received sentences of five years or less.

METHODOLOGY

The Data Sources

Statistical information was provided by the Drug Enforcement Administration (DEA). The DEA was established in 1973 as a part of the Department of Justice under the administration of former president Richard M. Nixon. It is an agency of the United States Government which enforces federal laws on drug abuse. The DEA has the responsibility for all investigation of drug abuse and arrest of suspected offenders.

The Drug Enforcement Administration was utilized as an empirical source because it "investigates the smuggling of narcotics and dangerous drugs into the United States, arrests suspected importers and distributors of drugs, and cooperates with state and local officials in the fight against drug abuse" (The World Book Encyclopedia, 1977:289). Agents of the DEA work abroad with agencies of other governments in order to collect information about the procedure of other governments and to collect information about the production and shipment of drugs.

The Planning and Inspection Division-Statistical Services Section of the Drug Enforcement Administration provided the data for the research. The data revealed arrest/conviction rates for the ten year period from 1975 to 1985. The data focused on certainty of Domestic Cocaine Violators. Offenses studied in the data include delivery, conspiracy, and importation.

Violation Types

Delivery is defined as the act of transferring or distributing illicit substances to customers. Conspiracy is defined as the secret planning by two or more people to do something unlawful such as, to obtain illicit substances as well as how and when to distribute them. Importation is defined as the transporting or moving of illicit drugs from one country into another. Possession is defined as the act of holding or carrying illicit substances within ones area of responsibility or ownership. The offense of manufacture is defined as the making of illicit substances in any way, in large amounts and by machinery.

Sentence Categories

The research focuses on three types of sentencing; they are incarceration, supervision, and/or monetary dispositions. Incarceration is the imprisonment or confinement of a person in a penitentiary or jail where his or her mobility is restricted from other members in the community. Various times a person is sentenced to prison but the sentence is not executed; at this time, the offender is placed on supervised probation. This type of sentence allows the offender to remain in the community as long as the conditions of probation are abided by and no further criminal activity is engaged in. Monetary fines are also utilized as a form of punishment for drug violators. Fines can be used alone or in conjunction with the other forms of punishment.

Use Rates

In order to estimate the rate of drug use, the U.S. household survey

was utilized. The survey used a stratified multistage probability sampling design of approximately five thousand (5000) Americans from the age of twelve (12) and older. The data consist of six self reported surveys during the years 1972, 1974, 1976, 1977, 1979 and 1982. Data for non-survey years was based upon extrapolation.

Use rate is operationalized by dividing the estimated usage by the population size and multiplied by one hundred ($\text{Use Rate} = \frac{\text{Users}}{\text{Population}} \times 100$).

Certainty is measured by the number of arrests divided by the estimated number of users multiplied by one hundred ($\text{Certainty} = \frac{\text{Arrests}}{\text{Users}} \times 100$).

Conviction rates are determined by dividing the number of convictions by the number of arrests also multiplied by one hundred ($\text{Conviction Rate} = \frac{\text{Conviction}}{\text{Arrest}} \times 100$). The fine rate is operationalized by dividing the

number of fines by the number of convictions times one hundred

($\text{Fine Rate} = \frac{\text{Fines}}{\text{Conviction}} \times 100$). Probation rates are measured by dividing

the number of probation by the number of conviction times one hundred

($\text{Probation Rates} = \frac{\text{Probation}}{\text{Conviction}} \times 100$). Prison rates are operationalized

by dividing the number of convictions multiplied by one hundred

($\text{Prison Rate} = \frac{\text{Prisons}}{\text{Convictions}} \times 100$). The severity index is determined by

dividing the types of punishment by four and is shown as follows:

$$\text{Severity Index} = \frac{(\text{Conviction rate} + (\text{Fines} + \text{Probation} \times 2) + (\text{Prison} \times 3))}{4 \text{ (number of types of punishment)}}$$

Conviction alone is viewed as the least severe punishment. Being given a monetary fine or placed on probation was judged to be twice as severe as

conviction alone. Being sentenced to prison was judged to be three times as severe as just a conviction. In essence, conviction rate was a constant for all levels of severity. Thus, if a person was fined or assigned to supervised probation, it was felt that the punishment was less severe than if the person was sentenced to a term of confinement.

Limitations of the Data

As previously stated, the data was provided by the Drug Enforcement Administration. It consists of persons arrested by the DEA for violations involving cocaine. Limitations of the data include the fact that arrest and disposition statistics for any given year do not necessarily refer to the same persons. Convictions obtained during a year, for example, will be based upon arrests made during the same and preceding years.

Second, in fiscal year 1983, DEA introduced improved quality controls for reporting defendant dispositions. This had the effect of improving the reporting of dispositions and makes a comparison of pre and post - fiscal year 1983 data tenuous.

The Drug Enforcement Administration does not make estimates of drug user populations. Use rates were taken from the United States household survey from self reported data. An obvious limitation in this type of data is that not everyone will report drug use. Information not provided for various years had to be inferred from the known information to make logical estimates.

Finally, be aware of the possibility that DEA arrests and conviction rates alone may not be correlated to consumption estimates. Drug

Enforcement Administration arrests represent substantially less than four percent (4 percent) of the drug law arrests made by all Federal, state and local law enforcement agencies.

FINDINGS AND ANALYSIS

In an effort to see how the narcotic offender fare at the bar of justice, prison and probation dispositions are viewed. These two forms of punishment are the focus because they are more commonly utilized in the courts. There are very few offenders who only receive a monetary fine as a means of punishment.

In many cases, a person is sentenced to serve a term of incarceration followed by probation but, the two will be viewed separate for this research. Be aware a person is placed on probation after an incarceration sentence has been suspended. For example, a person is sentenced to five (5) years in the penitentiary, execution of the sentence suspended and placed on five (5) years supervised probation.

Table I reveals the percentage of persons arrested for cocaine violations from the year 1975 through 1986:

TABLE I

	Violation Charges of Persons Arrested for Cocaine 1975-1986 (percentages)						TOTAL
	YEARS						
	75-76	77-78	79-80	81-82	83-84	85-86	
Delivery	21.3	43.0	44.4	39.2	39.1	35.2	37.0
Possession	11.4	28.8	30.8	31.4	28.4	31.6	28.5
Conspiracy	8.2	9.5	19.1	22.6	25.4	23.9	21.2
Manufacturing	0.0	0.1	0.1	0.2	0.4	0.4	0.2
Importation	2.7	7.3	5.0	5.5	5.1	3.7	4.6
Other	56.4	1.2	0.7	1.0	1.6	5.2	8.4
Total N	5,914	5,141	7,313	8,595	10,326	17,959	55,248

The table reveals a steady increase in arrest made against cocaine offenders from the latter part of the 1970's on up to 1986. This increase of arrests may have been a result of various enforcement efforts, for example, the Private Aircraft and Reporting System. It is stated in The World Book Year Book that in 1977 the United States Customs Service took an active role to combat the influx of drugs into the United States. The Private Aircraft and Reporting System required "all planes to stop at one of thirteen (13) border airports to clear customs" (Nault, 1978:295). Thus, an increase in arrest rates should be seen after efforts were increased to combat the problem.

The offenders were most frequently arrested for the offense of delivery (37 percent), followed by Possession (28.5 percent) and conspiracy (21.2 percent). These violation types are explained in the methodology section. The other category may consist of fraudulent prescriptions or records as revealed in a breakdown of codes found in the Drug Abuse and Prevention Act of 1970 (DAPCA) Title 21 use sections 801 through 966).

Table 1 shows very little success in stopping the production and importation of cocaine. Most arrest centers around the possession with intent to distribute the drug; however; efforts have been made with the help of other countries to stop drug trafficking.

In 1976, the Bahamas was a major source of smuggling cocaine. Better policing by U.S. drug enforcement agents, closed Jamaica as a distribution point for cocaine in 1976. Nault (1980) revealed that a joint program with the government of Columbia, initiated and financed by the United States, resulted in the seizure of huge quantities of

illicit drugs and hundreds of arrests.

Table 1 shows that arrests are on the increase thus, it appears law enforcement officers are doing their jobs. On the other hand, it may be said that arrests are having no deterrent effects on the offenders. This leads to Table II

TABLE II

Percentages of Convictions and Prison Sentences for Persons Arrested for Cocaine Offenses: 1975-1986			
Year	<u>% Convictions</u>	<u>% Prisons</u>	<u>Number Arrested</u>
75-76	55.8	56.7	5,914
77-78	70.6	60.1	5,141
79-80	44.9	63.8	7,313
81-82	47.0	63.0	8,595
83-84	70.9	70.1	10,326
85-86	56.2	76.3	7,959

which shows the percentage of people convicted once arrested. As previously stated, keep in mind that arrests and convictions do not necessarily happen within the same year. However, it is thought that convictions would increase in accordance with increased arrests. Table II does not show convictions to increase from year to year in a consistent pattern; however, a steady increase in prison sentences is shown from 1975 through 1986. Thus, incarceration is a form of punishment being utilized more as arrest increase, that is if the offender is convicted.

The inconsistency in conviction rates may be partially explained by changes in the laws; for example, Nault (1980), reveals in 1979 the New York state legislators and Governor Hugh L. Carey agreed to modify the narcotics-control law drafted by Governor Nelson A. Rockefeller in 1973.

The new bill, "Signed into law by Carey on July 7, 1979, softens or dismisses sentences for first offenders and stiffens them for repeat offenders" (Nault, 1980:292). The new law also permitted the resentencing of some of the 1,800 persons imprisoned under the old law. Although, this may reflect what happened in the state of New York, it is possible that it had an impact on other states which may have followed suit.

The 1983 World Book Year Book, found it necessary to reveal the widespread popularity of cocaine use among professional sports in the United States in 1982. During the year 1983, cocaine became more available and more widely used, Drug Counselors (1983) estimated that about "200,000 to 1 million people were dependent on the drug; marijuana showed a slight but continued decline in use, particularly among high school students" (Zeleny, 1983:293).

Table II shows a total of 10,326 persons arrested for cocaine violations between 1983 and 1984, 70.9 percent of whom were convicted in the same years. Arrests nearly doubled between the years 1985 through 1986; however, just over half of the offenders were convicted. Not all violators were prosecuted through the courts. Various sport associations took punishment in their own hands either fining offenders, or temporarily and sometimes permanently suspending them from the league.

Table III looks at the certainty and severity of punishment. Certainty allows the offender to know that punishment will follow the crime. Severity of the punishment should outweigh the economic gain of the offense and make an impression upon others to cease criminal activity.

TABLE III

Percentage Changes in Certainty and Severity: 1975 and 1985			
	1975	1985	Change
Use Rate	0.01	0.026	0.16
Certainty	.96	6.08	5.2
Convictions	33.53	87.27	53.74
Fines	.41	1.35	.94
Probation	21.25	37.17	15.92
Prison	57.92	75.26	17.34
Severity Index	70.70	84.87	14.17

Table III shows the use of illicit drugs steadily increased from less than (one) 1 person per 1000 in 1975 to 2.6 users per 1000 in 1985. This was an increase of 160 percent; thus, drug use and arrests for drug offenses both experienced an increase over the ten year period from 1975 to 1985.

As revealed in Table I, Table III confirms that the certainty of arrest increased from about ten (10) per 1000 users in 1975 to nearly 61 per 1000 in 1985, an increase of 510 percent.

Among those arrested, the rate of conviction increased from 335 per 1000 in 1975 to 873 in 1985, an increase of 160 percent. The use of fines, probation terms, and prison sentences also increased over the ten year period of time. The rate of fines jumped from 4 to 14 per 1000; and, rates of prison sentences increased from 579 to 753 per 1000 person convicted. These figures show the fine rate increased 250 percent, the probation rate increased 75 percent, and the prison rate increased 42 percent over the ten year period. The most common sentence is incarceration and the least utilized is that of fines.

The expectations of the theory as it relates to the sale of drugs imply if certainty of punishment is low, sales would be high; if

certainty is high, sales would be low. In viewing severity, the theory implies if severity is low, sales would be high and if severity in punishment is high, sales would still be high. Table IV shows this relationship between cocaine use rates and selected rates.

TABLE IV

Zero-order and Partial Correlations Between Cocaine Use Rate and Selected Rates. (Partial RC, control for certainty)

<u>Predictions</u>	<u>R</u>	<u>RC</u>
Certainty rate	-.653	-
Conviction rate	.021	-.274
Fine rate	.500	.338
Probation rate	-.816	-.656
Prison rate	.921	.902
Severity index	.487	.293

The only significant predictors that appear to be negatively related to use rate (deterrence) are the certainty and probation rates. All of the other rates were positively related to use rate. Convictions, fines, prison sentences and the severity index increase as use rate increases. It appears that efforts to deter usage by more or severe sentences are not having a deterrent effect.

Column two in Table IV shows the difference in the predictors when certainty is a controlled variable. When certainty is controlled, rates of conviction become negatively related to use rate; that is, when certainty is controlled conviction rates appear to have a deterrent effect. Probation sentences appear to maintain a deterrent effect when certainty is controlled. Overall, severity is positively related to use rates and does not appear to deter the use of cocaine.

SUMMARY AND CONCLUSION

As revealed in the introduction of this research, various substances known as drugs of abuse, have always existed but each has had its own, special history with varying degrees of public interest. The abuse of alcohol was more concentrated on in the 1920s and 1930s. Marijuana was a prominent drug in the 1960s and 1970s. Cocaine is the drug of the 1980s, as previously mentioned. While this study was in process, a more potent form of cocaine has been identified. This drug is known as "Crack".

The research focuses on whether or not the suppliers of illicit drugs, especially cocaine, are being arrested and punished in light of the offenses they commit. Hollaran (1968) stated the level of involvement with illicit drugs in the United States is greater than any other industrialized nation in the world. According to an article written by Dolan (1986) cocaine-related deaths have been nearly tripled since 1981.

Cocaine can kill in various ways. According to Dr. Donald Ian MacDonald, administrator of the Alcohol, Drug Abuse and Mental Health Administration, cocaine stimulates the cerebral nervous system, causes "convulsions that lead to respiratory collapse; increases the blood pressure resulting in strokes; and, constricts coronary arteries that supply oxygen to the heart, causing heart attacks" (Dolan, 1986: A4). In short, cocaine is a killer thus, it is interesting to see how the Criminal Justice System treats the suppliers of this drug as well as other narcotics.

Applying the concepts of the General Deterrence Theory to the crime of supplying illicit drugs, it is shown that this theory has little effect if any, on this particular crime because it has continued to expand on a large scale throughout the United States. In order for the theory to work, the burden rests on the law enforcement agencies and the judicial system as well as the general population, to respond quickly and provide appropriate sanctions in an effort to deter the activity. The Economists approach the offense of illicit drug dealing as a criminal activity that is engaged in for monetary gain; it is felt appropriate punishment should include costly fines.

The General Deterrence Theory has been effective in deterring offenses such as homicide and traffic violations such as speeding. In the late 1960s, Gibbs and Tittle analyzed crime statistics and concluded that nationally, those areas with more severe penalties for homicide tended to have the lowest rates of the offense. A study conducted in 1966 in Great Britain, showed that stricter enforcement of speed limits by utilizing the presence of police, could reduce accidents by twenty-five percent. Little research has been done on the potential to deter the illicit drug supplier. It has been made known, although the use of, possession of, and distribution of illicit drugs is against the law, the drug market is big business based on the high demand for drugs.

A survey financed by the National Institute on Drug Abuse and conducted by the Institute for Social Research at the University of Michigan in Ann Arbor (1976-1986) reported that thirty-percent (30 percent) of all college students will have used cocaine by the end of their fourth year in college. The survey also showed "the illicit use of

marijuana, the most prevalent drug used, dropped from 1980 to 1984 and leveled off in 1985" (Holloran, 1986:A1). In addition, Cocaine use is not limited to college students but, is prevalent among high school students and older adults as well. The Institute for Social Research began the survey with the high school class of 1976. Each class was followed for ten years; out of 17,000 seniors in each class, a sample of two groups with 1,200 students were chosen for follow-up. According to Halloran (1968), the margin of sampling error for the survey was plus or minus three percentage points. Overall, the survey focused on the declining use of marijuana and the increasing use of cocaine. The article also revealed that students reported cocaine as being fairly readily available.

The law provides punishment for a first time drug offender to be sentenced to a term of imprisonment of not more than 15 years, a fine of not more than \$125,000 or both. Offenders with prior convictions double the punishment. The law however, is altered in cases where physicians, pharmacists, and psychiatrists either knowingly or unknowingly manufacture, administer, dispense and transport controlled substances (those drugs of high dependency and potential for abuse). If the violation is committed unknowingly, it is considered a civil offense; if the violation is known, the registrant will be sentenced to imprisonment of not more than one year or fined not more than \$25,000 or both.

It is unfortunate that the statistics available to conduct this study did not reveal any background information on the offenders. It did reveal in 1979, of cases prosecuted, 76 percent were convicted and 55 percent were sentenced to incarceration. For offenses carrying a 15 year

maximum term, about 85 percent received sentences of five years or less; although, offenders actually serve a little more than 3 years. Since 1979, arrest rates for cocaine violators have steadily increased but, conviction rates dropped in 1982 and has shown no consistency since. The punishments received has averaged five years or less and probation has been consistently used as an alternative to incarceration.

REFERENCES

- Administrative Office of the U.S. Courts
1978-1982 Annual Report. Washington, D.C.: Federal Pretrial Service Branch.
- Andenaes, Johannes
1974 Punishment and Deterrence. Ann Arbor, MI: The University of Michigan Press.
- Beccaria, Cesare
1963 On Crimes and Punishments. 6th ed. Trans. Henry Paolucci. Indianapolis, IN: Bobbs-Merrill.
- Becker, Howard
1963 Outsiders (Chap. 4)
- Bentham, Jeremy
1967 A Fragment on Government and An Introduction to the Principle of Morals and Legislataion, ed. W. Harrison. Oxford: Basil Blackwell.
- Campbell, Donald T. and H. Laurence Ross
1968 Crime and Penalties in California. Sacramento, CA: Assembly of the State of California, pp. 10-12.
- Chambliss, William J.
1967 "Types of Behavior and the Effectiveness of Legal Sanctions," Wisconsin Law Review, 703, 704 N. 3.
- Chiricos, Theodore G. and Gordon P. Waldo
1970 "Punishment and Crime: An Examination of Some Empirical Evidence," Social Problems, vol. 18, (Fall) pp. 200-217.
- Comptroller General of the United States
1980 "Gains made in controlling illegal drugs, yet the drug trade flourishes," Contemporary Drug Problems. Fall 1979: pp. 291-338.
- Department of Scientific and Industrial Research
1963 Research on Road Safety. Great Britian: Road Search Laboratory, pp. 155-163.
- Dolan, Maura.
1986 "Use of Cocaine Stabalizes in U.S., but Deaths On Rise," in The Virginia -Pilot Newspaper, No. 196, (July) pp. A1 & A4.

- Drug Enforcement Administration
1980 The Supply of Drugs to the U.S. Illicit Market from Foreign and Domestic Sources in 1980. Washington, D.C.: Department of Justice.
- Ehrlich, Issac.
1972 "The Deterrent Effect of Criminal Law Enforcement," Journal of Legal Studies 1 (June) 259-276.
- Gibbs, Jack P.
1968 "Crime, Punishment, and Deterrence," Social Science Quarterly, 48 (March) pp. 515-530.
1975 Crime, Punishment and Deterrence. New York: Elsevier.
- Glass, Gene V.
1968 "Analysis of Data on the Connecticut Speeding Crackdown as a Time-Series Quasi-Experiment," Law and Society Review, 3 pp. 55-76.
- Halloran, Richard.
1986 "Use of Cocaine Remains Up While Use of Pot Falls," in The Virginia-Pilot Newspaper, No. 196, (July) pp. A1&A2.
- Hicks, William
1984 Spontaneous Interview, U.S. Probation/Parole Officer.
- Koppel, Hubert-Statistician, BJS
1984 "Sentencing Practices in 13 States," Bureau of Justice Statistics Special Report. Washington, D.C.: U.S. Department of Justice, pp. 1-11.
- Logan, Charles H.
1972 "General Deterrent Effects of Imprisonment," Social Forces 51 (September) pp. 64-73.
- Meese, Edwin, III
1985 Annual Report of the Organized Crime Drug Enforcement Task Force Program. Washington, D.C.: Office of the Attorney General.
- Munden
1966 "An Experiment in Enforcing the 30 mile/h Speed Limit," Road Research Laboratory Report, no. 24, p. 1.
- Ross, H. Laurence
1973 "Law, Science, and Accidents: The British Road Safety Act of 1967," Journal of Legal Studies 2 (January) pp. 1-78.

- Rusche, Georg and Otto Kirchheimer
1939 Punishment and Social Structure. New York: Russell and Russell.
- Sellin, Thorsten, ed.
1952 "Murder and the Penalty of Death," Annals of the American Academy of Political and Social Science 284 (November).
- 1967 "Homicides in Retentionist and Abolitionist States," in Capital Punishment. New York: Harper & Row.
- Schlesinger, Steven R. - Director
1984 "Federal Drug Violators," Bureau of Justice Bulletin. Washington, D.C.: U.S. Department of Justice.
- Siler, Clyde I.
1984 Spontaneous Interview, U.S. Probation Officer.
- Stone, Nannette, Marlene Fromme, and Daniel Kagan
1984 Cocaine Seduction and Solution, New York, New York: Clarkson N. Potter, Inc.
-
- 1985 Federal Criminal Code and Rules. St. Paul, Minnesota: West Publishing Company.
- Title, Charles R.
1969 "Crime Rates and Legal Sanctions," Social Problems. 16 (Spring) pp. 408-423.
- Tullock, Gordon.
1974 "Does Punishment Deter Crime?" Public Interest, 36 (Summer) 103-111.
- U.S. Bureau of the Census
1976-1986 Statistical Abstracts of the United States. Washington D.C.: U.S. Government Printing Office.
- U.S. Department of Justice
1983 Procedures Manual January 31, 1983, United States Parole Commission.
- Vold, George B.
1952 "Extent and Trend of Capital Crimes in the United States," Annals of the American Academy of Political and Social Science, no. 284 (November) p. 1-7.
- Wright, Burton and Vernon Fox
1978 Criminal Justice and the Social Services. Philadelphia, PA: W.B. Saunders Company.

Zimring, Franklin E. and Gordon J. Hawkins

1973

Deterrence the Legal Threat in Crime Control.
Chicago, IL: The University of Chicago Press.

1979

Federal Pretrial Service Branch of the Administrative
Office of the U.S. Courts and Bureau of Justice
Statistics integrated Federal Justice Statistics
data, base year 1979.

1967

Narcotics and Drug Abuse. Washington, D.C.:
U.S. President's Commission on Law Enforcement and
Administration of Justice Task Force Report.

APPENDIX

TABLE 1A

Defendant characteristics:
Manufacturers, dealers, possessors

	<u>Manufacturing</u>	<u>Dealing</u>	<u>Possession</u>	<u>All Drug Offenders</u>
Less than 26 years old	19%	26%	39%	27%
No college education	70	76	76	75
Unmarried	60	67	72	66
No dependents	38	39	51	41
Income \$10,000 or less*	74	78	81	78
Prior record	51	53	33	49

* Income from legitimate sources

Source: Federal Pretrial Service Branch of the Administrative Office of the U.S. Courts and BJS integrated Federal Justice Statistics data, base year 1979.

Vita

