Drugs, Data, Race and Reaction: A Field Report

Katherine Beckett

Department of Sociology, University of Washington, 223J Condon Hall, Box 353340, 1100 NE Campus, Parkway, Seattle, WA 98195–3340, USA; kbeckett@u.washington.edu

My foray into public scholarship began in 2003, when attorneys from Seattle’s Racial Disparity Project asked me to conduct research on Seattle drug markets and drug arrests. Prior to this time, my research focused on the politics of crime, law and punishment, mostly at the national level. Although I wrote about controversial political and institutional dynamics, I remained at some remove from my subject matter, as well as from affected and concerned publics. My collaboration with the Racial Disparity Project, however, fundamentally altered my work—and my perspective on the academic mission.

Seattle’s Racial Disparity Project is housed in The Defender Association, one of several non-profit agencies in King County, Washington that provide legal representation to indigent criminal defendants. It has also received funding from the Justice Department, the Open Society Institute, the Racial Justice Collaborative, the JEHT Foundation, and others to conduct research and advocacy on issues that disproportionately affect Seattle’s communities of color. On the basis of discussions with organizations working in such communities, judges, and others, attorneys from the Racial Disparity Project identified the drug war as a key issue.

When I was approached in 2003, the Racial Disparity Project was looking for a researcher to identify the racial and ethnic composition of those arrested for delivering illegal drugs in Seattle and compare this information with the best available data regarding those who engage in this behavior. Although I had written about drug markets and drug policy from a national perspective, I had not had the opportunity (or inclination) to delve into the dynamics surrounding local drug markets or the policing thereof. I was intrigued by the prospect, despite its obvious challenges, and agreed to conduct the requested research on behalf of the Racial Disparity Project. I had absolutely no idea what I was getting into.
The Seattle Police Department does not generally make data regarding the racial and ethnic composition of those it arrests for drug law violations available to the public. Yet it was evident to many working in the courts that a substantial majority of those arrested for drug law violations are black. This pattern is especially striking in Seattle, home to a relatively small black population and a significant, and largely white, heroin problem. Moreover, many of those convicted of distributing even tiny amounts of illegal drugs faced the prospect of lengthy prison terms. Who does and does not get arrested for violating drug laws matters a good deal.

Nationwide, the war on drugs has been an important cause of the unprecedented expansion of the US criminal justice system and of growing racial disparities in prison admissions. Although the political frenzy around drugs has receded, the drug war lumbers on, and roughly 1.5 million Americans are arrested each year solely on drug charges. Nearly half of these arrests involve only marijuana. Over three-quarter of those serving prison sentences for drug law violations are black and/or Latino. Even those who are convicted of drug crimes but not incarcerated may experience significant “collateral consequences”, as a result of their conviction, including the loss of employment and/or income, access to public housing, educational loans and other government support, occupational licenses, and custody of their children. Some of those convicted solely of drug charges endure an additional and often quite harsh penalty: deportation.

In the hopes of remedying racial disparity in the enforcement of drug laws, and of preventing their clients from falling victim to that pattern, attorneys at the Racial Disparity Project mounted a selective enforcement challenge on behalf of a consolidated group of 19 criminal defendants. All of the defendants were black and/or Latino, and all had been arrested for delivering drugs downtown. Many were addicts who sold small amounts of drugs to support their habit. As a group, the defendants were alleged to have delivered narcotics weighing the equivalent of six M&M’s (plain, not peanut). Collectively they faced the prospect of well over 100 years in prison.

I have learned a great deal as a result of this foray into the world of litigation and local politics. I have come to appreciate, for example, how important access to data is for those seeking to assess institutional practices and hold institutions accountable for those practices—that is, for democratic governance. Obtaining such data is often no simple matter, as many institutions (both public and private) jealously guard information that would enable the assessment of their practices and policies. In Seattle, for example, it took three years for the Racial Disparity Project to secure access to Seattle Police Department arrest data. These data were needed simply to ascertain the racial and ethnic composition of those arrested for violating drug laws. Selective
enforcement litigation, such as that undertaken by the Racial Disparity Project, is one of the few ways in which data regarding the execution of the drug war can be compelled from unwilling officials.

My encounters with politicians and the local media have also been instructive. In these discussions I have found that evidence regarding racial inequities are all too frequently heard, and responded to, as the claim that individual actors are motivated by conscious, purposeful, and willful racism. Other ways of conceptualizing the issue—as institutional racism, as the manifestation of implicit or unconscious bias, as a failure to remedy practices that are known to produce racially disparate outcomes, or simply as evidence of racial disparity for which there does not appear to be a race-neutral explanation—are routinely pushed aside in favor of the question: “So, are you saying that the cops are racist?”

Not surprisingly, this simplistic way of framing the issue predominates in legal settings—where it sometimes appears to be mobilized quite purposefully. For example, shortly after an interview in which I stated that I had no basis to believe that King County judges, prosecutors or defense attorneys were racist, a prosecutor claimed in a legal brief that my research on racial disparities in Seattle drug arrests was tantamount to the claim that “the entire judicial system is racist against Black people”. Even more disturbing, this unsophisticated way of framing the issue also prevails in public discourse, even among open-minded and enlightened individuals. The challenge for those seeking to expose and remedy systemic and institutionally produced racial inequalities is to identify alternative ways of framing these issues that lead to more fruitful political and policy discussions.

I have also come to appreciate that, academic arguments about the fractured and even illusory nature of “the state” aside, many state institutions act with a surprising degree of coordination in an effort to deflect criticism of government practices. The intensity of this defensive reaction, and the tactics utilized therein, have at times astounded me. A recent experience is illustrative.

In May 2007, I was invited to share my findings at a community forum on the drug war. Other speakers included a King County council member, the former police chief of Seattle, and a recovered addict-turned re-entry advocate. The forum was attended by approximately 500 people and received some attention in the local press. It was also televised and played on the Seattle Channel. Within a week of speaking at this event, I received a subpoena unlike any other I have encountered. The subpoena ordered me to provide, within 10 days, 16 categories of documents, including: “Any and all statements of Professor Beckett—written, electronic and otherwise—regarding race in the justice system, the studies she has conducted, and her personal and professional opinions dating back to 1999”; “All income tax returns dating back to 1999”; “A list of all persons contacted by Professor Beckett or persons assisting her,
that were used to form the basis of her opinions and conclusions, and any notes, statements, or summaries of such contacts with these persons’; and (my personal favorite) “Any and all statements—written, electronic and otherwise—of any individuals that helped with, corroborated with, or otherwise assisted Professor Beckett in her work regarding race and the police and justice system, dating back to 1999”. It is difficult to understand this subpoena as anything other than harassment intended to deter me and other critics from speaking publicly about policy issues.

Events surrounding the publication of our research are also revealing. In 2004, I and several co-authors submitted a paper summarizing our research on Seattle’s drug markets and drug arrests to a leading criminology journal. In the paper, we showed that the drug delivery arrest rate for blacks in Seattle is 26 times higher than for whites.\(^1\) We also considered various explanations of this pattern, and concluded that there did not appear to be a race-neutral explanation for this enormous racial disparity.

I was aware that our findings were politically charged. Still, I didn’t anticipate how difficult it would be to get the paper published—even after it had gone through the peer-review process. After accepting the paper for publication, the journal editor received an unsolicited, six page, single-spaced “comment” which raised questions about our methods, findings, and integrity. Its conclusion read:

The authors clearly have strongly held beliefs about drug laws and their enforcement ... Dr. Beckett’s article is an advocacy piece that argues strongly for one point of view with a specific outcome in mind. It does not appear that the authors were willing to consider other available and relevant information which would have supported alternative explanations for the racial disproportionality in drug arrests.

This kind of “combat-by-bias” appears to be all too common. In my experience, those who design and implement institutional practices that have racially disparate consequences are extremely reluctant to engage in a meaningful and substantive discussion of the issue, insisting instead on the “bias” of those who raise questions and concerns about the practices that produce those disparities. In many settings, such allegations effectively deflect attention from the substantive issues at stake.

Sadly, such allegations of “bias” may also deter academics from involving themselves in public issues and debate. Scholars working in fields in which a naïve positivism that conflates objectivity with a lack of public engagement prevails may be especially sensitive to such allegations. In my own case, I was also constrained by my inherited belief that advocacy and sound scholarship are incompatible. Certainly, there can be tension between the two, as the ready availability of “hired guns”

\(\copyright\) 2008 The Author
Journal compilation \(\copyright\) 2008 Editorial Board of Antipode.
and the controversy over industry-sponsored pharmaceutical research suggests.

Over time, however, I have become convinced that systematic and thorough research is a key component of effective advocacy. It is simply not in the Racial Disparity Project’s interest for me to ignore key data, unexpected findings or alternative explanations. Moreover, research on an issue such as racial disparities in drug law enforcement is subject to many ruthless and exhaustive cross-examinations. In the course of sharing my findings regarding Seattle’s drug arrests and drug markets with prosecutors, officials, and members of the public, I have had to account for nearly every coding, measurement, and analytic decision I and my colleagues made. Any errors or omissions will be detected—and emphasized by those seeking to discredit both the message and the messenger.

Through these encounters, I have come to think of objectivity more as a process rather than a state of mind. Objectivity, I have come to believe, entails the systematic consideration and evaluation of multiple perspectives, explanations, and sources of evidence. It does not require a refusal to ask difficult and unpopular questions, to draw conclusions based on evidence, or to share those conclusions, and the processes through which they were reached, with the public. Making, and insisting upon, this distinction is, I believe, of crucial importance if academia is to have any relevance to the public.

In the end, I have come to believe that the juxtaposition of objectivity and public engagement is largely illusory. Although it is true that I have taken a stand, I work hard to ensure that my positions and conclusions are based on a systematic examination of all of the available data and consideration of alternative explanations of key findings. Doing so is not only good social science, I believe, but a key component of effective advocacy.

Moreover, the opportunity to work with the Racial Disparity Project has allowed me to more deeply appreciate the limitations of the ivory tower ideal. Academic freedom is essential to scholars’ ability and willingness to ask any and all questions, and to draw conclusions without consideration of their political popularity. In this sense, academia provides an important institutional basis for public and political scholarship. And yet I have learned more about drug markets, drug policy, legal efforts to remedy racial inequalities, cause lawyering, addiction, social inequality, local politics, and the many complex processes by which race comes to matter, through my involvement with the Racial Disparity Project than I could ever have imagined sitting in the confines of my office. In the end, objectivity—if understood to include depth and breadth of understanding—may necessitate greater political engagement on the part of academics.
Endnotes

1 In the year 2000, there were over 39 drug delivery arrests involving a black person for every 1000 black residents of Seattle, but 1.5 drug delivery arrests for every 1000 white residents of Seattle.

2 Both I and attorneys at the Racial Disparity Project recognize the need to tailor the legal argument to the empirical evidence. For example, despite the fact that the initial group of defendants in the selective enforcement litigation included some non-black Latinos, I came to the conclusion, based on the available evidence, that non-black Latinos were not over-represented among drug arrestees in Seattle relative to the participation of that demographic group in Seattle’s drug trade. I never felt any pressure to alter this conclusion, and the Racial Disparity Project has since limited its claim of unequal enforcement to black defendants.

Suggested Reading


Katherine Beckett is an Associate Professor in the Department of Sociology and the Law, Societies & Justice Program at the University of Washington in Seattle. Dr Beckett received her PhD from UCLA’s Department of Sociology in 1994, and is the author of two books: The Politics of Injustice: Crime and Punishment in America (with Theodore Sasson, Sage, 2003) and Making Crime Pay: Law and Order in Contemporary American Politics (Oxford University Press, 1999). More recently, Dr Beckett has turned her attention to the politics of urban social control, and is currently serving as a consultant to Seattle’s Racial Disparity Project.