

America's Longest War: The War on Drugs

The History of Drug Laws in America

Editor Ty Weaver

The peak of drug usage in the United States came around 1900. Several patent drug manufacturers were not required to list the ingredients of their cure-all medications. These manufacturers sold medication containing cocaine, opium, heroin and morphine as over-the-counter remedies. Countless Americans could purchase these medicines, and abuses of the drugs were rampant throughout the country.

Soon, Congress passed The Food and Drug Act of 1906. However, the law did not ban the drugs; it required that habit-forming medications have a label listing the ingredients and disclosing the medication as habit forming. As a result of the law, many of the drug makers were forced out of business.

Congress revisited drug laws again in 1914 with the Harrison Act. Congress could not ban drugs because it would be considered unconstitutional; Americans had the right to ingest any drug they wanted into their body. Banning drugs was considered a violation of states' rights and an invasion of personal space. As a solution, New York Senator Francis Burton Harrison developed a proposal that drugs should be taxed. The act required doctors and pharmacists who prescribed narcotics to register and pay a tax.

In 1937, Congress passed The Marijuana Tax Act. The Marijuana Tax Act required people producing marijuana commercially to purchase a tax stamp. If the provisions were not followed accordingly, then fines and penalties could be placed on those individuals. The act was eventually ruled unconstitutional in 1969 because it violated the Fifth Amendment.

During the times of the Great Depression and World War II, drug use declined tremendously. In the late 1960s, America witnessed a resurgence of drug use. The baby boomer generation proved to be rebellious and began experimenting with drugs.

In 1970, during the Nixon Administration, the U.S. government revamped drug legislation. Congress passed the Comprehensive Drug Abuse Prevention and Control Act. This act established the different schedules of drugs. These schedules classified drugs based on their potential for high abuse and their medical uses.

President Nixon declared the War on Drugs in 1971, stating it was "public enemy number one." There were alarming reports of soldiers in Vietnam abusing heroin. As a result, Operation Golden Flow went into effect to urine drug test every U.S. serviceman. The U.S. military began testing every soldier prior to their return from service in Vietnam. Operation Golden Flow was effective, as the positive testing rate for military personnel dropped to 4.5 percent.

In 1973, the Drug Enforcement Administration was formed and all previous drug prevention agencies were rolled into the new administration. Since its creation, the DEA has handled all drug problems in the U.S. Today DEA employs 10,891 agents and support staff with an annual budget of \$2.4 billion.

The History of Drug Testing

1971 – Operation Golden Flow is ordered and the United States military starts drug testing servicemen.

1981 – 1984 the rates of positive tests for Navy personnel fell from 48 percent to below 5 percent.

1984 – 30 percent of Fortune 500 companies are conducting pre-employment drug testing.

September 15, 1986 – President Ronald Reagan signed Executive Order 12564, establishing the goal of a drug-free federal workplace.

July 11, 1987 – Congress passes legislation affecting the implementation of the executive order. A centralized oversight of the government's drug testing program is formed under the Department of Health and Human Services (HHS).

April 11, 1988 – HHS finalizes mandatory scientific and technical guidelines for federal drug testing programs and standards for laboratories.



Protecting An Individual's Constitutional Right

Behind every drug test result there is a person whose livelihood and reputation is depending on an accurate and fairly administered drug test.

A "fairly administered drug test" must meet the following requirements: a reliable test method is used, chain of custody and confidentiality are protected, due process protections such as notice of the test are provided, and the ability to contest the results are provided.

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