

ALL-AMERICAN BIAS:  
THE LEN BIAS TRAGEDY AND RACISM IN THE POST-CIVIL RIGHTS ERA

By  
Lindsey Rae Galbraith

Thesis  
Submitted to the Faculty of the  
Department of History of Vanderbilt University  
In partial fulfillment of the requirements  
for Honors in History

April 2008

On the basis of this thesis  
defended by the candidate on  
25 April - 08 we, the  
undersigned, recommend that the  
candidate be awarded  
High Honors  
in History:

R. James FERGUS  
Gary Gristle  
John P. D. I.

TO MY DAD,

FOR TEACHING ME TO ALWAYS MAKE MY LAST SHOT.

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## INTRODUCTION

On June 17, 1986, Len Bias was drafted as the top pick to the nation's leading basketball team, the Boston Celtics. That evening Bias was invited to sign a multi-million dollar endorsement contract with Reebok brands, assuring him "lifelong financial security."<sup>1</sup> At only twenty-two years old, Bias suddenly had it all. "It's a dream within a dream," gushed Bias after he received his Celtics bid, "My first dream was just to play in the NBA. To get drafted by the world champions is an extra one."<sup>2</sup> Wearing the trademark Celtics athletic cap and green warm-up jacket, his photograph was plastered on the cover of sports sections throughout the country. Below was commentary about his promising future as an NBA icon. The city of Boston, especially, was buzzing with excitement over whether the new rookie would help lead its team to a 19<sup>th</sup> world championship.<sup>3</sup> From his new contract to the bright lights shining off of his new Celtics wardrobe, everything was looking green in Len Bias's world that day.

Two days later, Bias's world went black. At 8:50 a.m. on June 19, 1986, he was pronounced dead at Leland Memorial Hospital in Maryland from cardio-respiratory arrest. He arrived, unconscious, at the emergency room early that morning after suffering from violent seizures in his University of Maryland dorm room. Emergency physicians tried to stimulate his motionless heart with drugs and a pacemaker, but their attempts were futile. By 9 a.m., Len Bias was pronounced dead of cocaine intoxication. Autopsy reports later indicated that the presence

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<sup>1</sup> Lewis Cole, *Never Too Young to Die: the Death of Len Bias*, (New York, NY: Pantheon Books, 1989), 4.

<sup>2</sup> Sally Jenkins. "It Was a Dream Within a Dream." *The Washington Post*, 18 June 1986.

<sup>3</sup> Sean O'Sullivan, "Boston Fans Mourning the Loss." *The Boston Globe*, 20 June 1986.

of cocaine in his blood stream interrupted the normal electrical control of his heart.<sup>4</sup> In the blink of an eye, he had gone from athlete to addict, millionaire to memory, in the Leland Memorial Emergency Room.

The details leading up to Bias's sudden death are hazy. The star was in Boston during the previous afternoon of June 18, 1986, to sign a multi-million dollar endorsement contract with Reebok. After returning to his dorm room the following evening, Bias celebrated his newfound success with four basketball teammates: Brian Tribble, David Gregg, Terry Long, and Jeff Baxter. Some sources claim that Bias visited other parties before retiring to his dorm; others say he stopped to buy drugs with his friend, Brian Tribble.<sup>5</sup> However, these allegations remain uncertain. Authorities officially uphold that, regardless of where he had been previously, Bias began to experience seizures around 6 a.m. as a result of cocaine intoxication.<sup>6</sup>

Bias's rapid popularity as an athlete was greatly affected by his timing in NBA history. The National Basketball Association experienced a sharp increase in revenue in the 1980s as the NBA developed an international market for its members and products.<sup>7</sup> In quantitative terms, the NBA's gross revenue leapt from \$110 million at the start of the 1980's to over \$1 billion by the end of the 1993-1994 season.<sup>8</sup> The NBA created icons among its ranks, like Michael Jordan and Larry Bird, through intensive advertising campaigns which helped to spur the popularity of basketball as a sport. The economic platform of President Ronald Reagan enhanced these

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<sup>4</sup> Keith Harriston and Sally Jenkins, "Maryland Basketball Star Found Dead at 22," *The Washington Post*, 20 June 1986.

<sup>5</sup> Keith Harriston and Sally Jenkins, "Maryland Basketball Player Found Dead at 22." *The Washington Post*, 22 June 1986.

<sup>6</sup> John Leo, "How Cocaine Killed Leonard Bias," *Time Magazine*, 7 July 1986.

<sup>7</sup> David L. Andrews, "The (Trans)National Basketball Association: American Commodity-Sign Culture and Global-Local Conjecturalism," in *Articulating the Global and the Local: Globalization and Cultural Studies*, eds. Ann Cvetkovich and Douglas Keller, (Boulder, CO: Westview Press, 1997), 78.

<sup>8</sup> *Ibid.*

corporate reforms in the NBA, but simultaneously helped to deepen the rift between the upper, middle, and lower classes. Disadvantaged youths, especially in the inner-cities, grew to view basketball as a rapid form of escape from poverty and into the posh lives they saw on television and in magazines. Basketball had a reputation among both black families and media sources as the sport that could bring members of the underclass into the mainstream.<sup>9</sup> Nelson George writes that, consequently, “Hip-hop music, the NBA, and crack dealing became central parts of the American consciousness in the 1980s... defining both possibility and cool for young, black males stuck in the ‘hood.” Bias’s narrative followed this rags-to-riches success story, allowing his death to resonate across the entire economic gamut, from inner-city youths to Boston senators.

Although it is impossible to accurately predict what the true extent of Bias’s athletic success would have been in life, his legacy after death highlights the transforming significance of race in the post-civil rights era. This thesis contends that the death of Bias serves as an important case study to investigate how issues of class and culture served as proxies for issues of racial discrimination in the 1980s. The entanglement of race, class, and drug use in Bias’s tale makes him an ideal figure to observe and analyze the complicated connections between the three. In the fashion of what sociologist Eduardo Bonilla-Silva refers to as “color-blind racism,” political leaders and media sources unconsciously transmitted racially discriminatory messages beneath the rhetoric of crime and safety in the Bias narrative.<sup>10</sup> Although race was a pivotal issue at stake in these discussions, it was rarely, if ever, acknowledged. Instead, racial attitudes were subtly

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<sup>9</sup> Nelson George. *Elevating the Game: Black Men and Basketball*, (Lincoln, NE: University of Nebraska Press, 1999), 200.

<sup>10</sup> Eduardo Bonilla-Silva, *Racism without Racists: Color-Blind Racism and the Persistence of Racial Inequality in the United States*, (New York: Rowman and Littlefield Publishers, 2003).

expressed through references to the economic and cultural conditions caused by racism in the underclass, like drug use and poverty.

Historically, race has been explicitly associated with drug use. One of the most prominent stereotypes depicting this is the caricature of lower-class blacks as cocaine addicts and menaces to society.<sup>11</sup> As early as the late nineteenth century, stories about “negro cocaine fiends” were widespread throughout the nation.<sup>12</sup> Yet by the decline of the civil rights movement in the late 1970s, the blatant terminology of race was augmented by criticisms of class and culture. Specifically, criticisms of the “underclass” were used to subtly communicate racially charged messages about the criminal tendencies of this cohort. The “underclass” was perceived as a group of low-income African Americans living in urban neighborhoods without employment or education.<sup>13</sup> These criticisms were equally motivated by racist attitudes, but employed more subtle verbiage that targeted the black underclass in terms of economics and behavior, rather than by their skin color. At the time of Bias’s death, Americans no longer discussed the dangers of “negro cocaine fiends,” but rather discussed the moral failure of the underclass in the nation’s inner cities as an explanation for the existing racial segregation in the United States.

Scholars from a wide range of disciplines have studied the underclass since the mid-1960s. Two scholars have emerged at the poles of the debate over the existence of the underclass: policy writer Charles Murray and sociologist William Julius Wilson. In 1984, Murray wrote *Losing Ground: American Social Policy, 1950-1980*, as a response to the welfare

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<sup>11</sup> Clarence Lusane, *Pipe Dream Blues: Racism and the War on Drugs*, (Boston, MA: South End Press, 1991), 34.

<sup>12</sup> Michael M. Cohen, “Jim Crow’s Drug War: Race, Coca Cola, and the Southern Origins of Drug Prohibition,” *Southern Cultures*, 2006.

<sup>13</sup> Adolph Reed, *Stirrings in the Jug: Black Politics in the Post-Segregation Era*, (Minneapolis, MN: University of Minnesota Press, 1999), 180.

reforms initiated during the “War on Poverty” of the 1960s. Murray argues that instead of ameliorating the conditions of the poor, these welfare programs actually exacerbated them. In Murray’s view, government welfare hurt more than it helped the underclass because it encouraged them to “behave in the short term in ways that were destructive in the long term.”<sup>14</sup> Murray largely blames ineffective government programs and the underclass’s “self-destructive” behaviors that confined them to a cycle of underachievement. This conservative view against the liberal impetus of the 1960s and 1970s had a considerable influence on the policies adopted by Reagan administrators, such as decreased spending on welfare and greater tax cuts for wealthy citizens.<sup>15</sup>

Sociologist William Julius Wilson argues a more liberal defense against Murray’s position on the existence of the underclass. According to Wilson, historic, structural racism was responsible for the existence of the underclass, not ineffective government programming. Wilson wrote, *The Truly Disadvantaged*, in 1987, arguing that racially discriminatory ideologies were embedded in the foundation of the American economy, allowing for the continuance of the underclass after the late 1970s. Although Wilson never refers to the underclass explicitly, he infers to its existence by describing a racially segregated urban community identified by low wages, joblessness, and mass participation in a culture of poverty. Wilson’s earlier book, *The Declining Significance of Race*, was published in 1978, and reflected many similar ideas as, *The Truly Disadvantaged*. This work contends that class stratification and unfair wages were the prevailing forces of discrimination in the post-civil rights era. Economic oppression became the

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<sup>14</sup> Charles Murray, *Losing Ground: American Social Policy, 1950-1980*. (New York: Basic Books, Inc., 1984). 9.

<sup>15</sup> Paul M. Collins, *Transforming America*. (New York, NY: Columbia University Press, 2006), 124-126.



surrogate mode of racial oppression, replacing segregation based on skin color alone, such as the Jim Crow Laws. He writes that before the civil rights movement, “the systematic efforts of whites to suppress black was deliberate, overt, and easily documented... today, whites secure economic domination through control of various forms of juridical, political, and social discrimination.”<sup>16</sup> Unlike Murray, Wilson contends that the performances of “self-defeating behaviors” by the underclass are not functions of the bad decisions or laziness of its members, but rather are functions of poverty itself. Behaviors identified with the underclass such as street crime, single-parenthood, and welfare dependency are symptoms of joblessness and economic disadvantage, rather than causes for them.<sup>17</sup>

This paper places the war on drugs as the battleground for the debate between these two scholars in the 1980s. More so than Wilson, Murray’s right-wing view was widely accepted among leaders and members of the upper and middle classes of all races in the 1980s. His views of the underclass as helpless and pathologically antisocial were manifested into policies by the Reagan regime through anti-welfare, anti-affirmative action, and anti-drug campaigns throughout the decade. In the aftermath of Bias’s death, public leaders and media sources treated drug abuse as an innate pathology of the underclass threatening the middle and upper classes of all races.

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<sup>16</sup> William J. Wilson, *The Declining Significance of Race: Blacks and Changing American Institutions*, (Chicago, IL: Chicago UP, 1978), 3-4; William J. Wilson, *The Truly Disadvantaged: The Inner City, the Underclass, and Public Policy*, (Chicago, IL: Chicago UP, 1987).

<sup>17</sup> It is important to note that the debate between Wilson and Murray does not occur in a vacuum. They are only two authors engaged in a conversation among many scholars. Adolph Reed, for example, argues, like Wilson, that so-called “underclass behaviors” are functions of economic and social isolation from mainstream society. He finds that these behaviors are not caused by the poor decisions or desires of the underclass, but rather are evidence of larger structural conditions of racism. Charles Massey writes that underclass poverty is a result of both structural racism and the abject decisions of the underclass; he concedes that structural racism affects their conditions, but that the underclass is simultaneously worsened by the bad decisions of its members, like criminal activity or inadequate home maintenance. Scholar Robin Kelley, on the other hand, argues that so-called “underclass behaviors” are entirely independent of structural forces. He sees many behaviors of the underclass as conscious political statements of the performers, or as hidden acts of resistance against their disadvantaged positions in society.

However, as Wilson claims, and as this paper confirms, these leaders disregarded the crucial component of race in their attacks on poverty and the underclass. Poverty is not a neutral social force and, in the case of the underclass, it is perpetuated by historic racial ideologies and policy discrimination.

## CHAPTER OVERVIEW

This study begins in chapter one with an investigation of the public reaction to Bias's death, revealing why it was both tragic and translatable to a diverse audience in the war on drugs campaign. Although the young athlete fit the general profile of a cocaine user at the time (young, black, and from the inner-city), his death received a response from the press, public, and political realms unlike any other of his day. Bias was held up as a poster-child for the nation's government-led campaign against drug abuse. He was discussed as an "it-could-happen-to-you" story to every American and their children. The dismay about Bias's death shows that race alone was no longer a salient reason for discrimination in the post-civil rights era. As Wilson noted, Bias's success likely would not have been possible before the civil rights movement due to the systematic segregation and racial fears by the white upper and middle classes. The young athlete's fame after death demonstrates how his cultural role as both an athlete and as a symbol of the war on drugs took precedence over his race in the post-civil rights era, exempting Bias in general from attacks or criticisms.

The second chapter examines the issue of responsibility in the Bias narrative and how the burden of criminality and deviancy is placed on members of the underclass. By and large, in the aftermath of his death, Bias did not receive criticism for his decision to use drugs. Bias's friend,

Brian Tribble, was implicated instead for his death. Throughout his grand jury hearing, Tribble was depicted as a member of the underclass: criminal, poor, and uneducated. This chapter demonstrates how language describing culture and behavior is used to associate Tribble to the underclass, although the language actually points to the symptoms of structural racism in society. Reports of Tribble's expensive belongings and criminal behaviors were presented in ways that implicated him as a thug, an underclass outlaw prone to delinquency.<sup>18</sup> These cultural descriptors of Tribble were not causes of his placement in the underclass, but rather, were symptoms of structural racial disadvantage that has existed in American society for generations.

It is not surprising that a paper discussing racism in the post-civil rights era should conclude with a chapter about politics. Politicians have long had the power to enact racially discriminatory practices, yet the civil rights revolution and the passage of the Civil Rights Act in 1964 disavowed these practices, and legislative concerns over the class and culture of African Americans consequently supplanted former concerns about their race. Chapter three demonstrates how the racial undercurrents of the Bias narrative discussed in chapters one and two influenced the 1986 legislature and became manifest in the realm of public policy. Only two months after Bias's death, the government passed the Anti-Drug Abuse Act of 1986. Members of the underclass who were perceived as lawless and dangerous became the unintentional targets of the most comprehensive drug bill in our nation's history. This act remains controversial today as it imposes separate mandatory minimum sentences for crack-cocaine, a drug associated with the inner city, and powder cocaine, a drug associated with upper-class glamour. Many scholars claim that this punitive disparity between the two forms has produced vast inequities in both the

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<sup>18</sup> Jeffrey Lane, *Under the Boards: the Cultural Revolution in Basketball*, (Lincoln, NE: University of Nebraska Press, 2007), xi.

quantity and length of prison sentences blacks and whites. Chapter three explores the various ways that race influenced the passage of this prominent anti-drug act in the midst of a vital midterm election in Congress. An explanation of the behavior Congressional Black Caucus and other Black politicians when faced with such legislation sheds further light on how even black leadership prioritized electoral politics and class-based interests when passing the most comprehensive drug bill to-date.

## CHAPTER ONE

### THE NEW IMAGE OF BIAS: LEN BIAS AND THE CHANGING SIGNIFICANCE OF RACE IN THE POST-CIVIL RIGHTS ERA

Upon hearing of Len Bias's death, teammate Larry Bird divulged to the media, "It's horrible. I'm too shocked to respond. It's the cruelest thing I ever heard."<sup>1</sup> Bird's comments reflect how Bias's sudden demise surprised many. Before his death, Bias was depicted as a religious, motivated young athlete admired by all. Quickly, though, Bias changed from the all-American athlete to the poster-child in the war on drugs. Alongside phrases like "Just Say No!" or "Crack is Whack!" the phrase, "Remember Len Bias!" became just as ominous a warning against drug use as any.<sup>2</sup> However, the sentiment of astonishment that followed his death is unusual. Individuals that resembled Bias either in race, age, or celebrity status had died from similar drug-related incidents within five years of his death and did not receive even close to the amount of national attention. The following chapter investigates the basis of the public reaction to Bias's death, examining why the Bias narrative was both tragic and translatable to the American public. The uproarious response to Bias's death is unusual because he fit the stereotype of a "typical" cocaine user: young, black, and from poverty.<sup>3</sup> Therefore, his death should not have been considered extraordinary in the broader scope of the war on drugs. This chapter contends that the widespread dismay about Bias's

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<sup>1</sup> Ira Berkow, "Sports of the Times; Death of a Young Star," *The New York Times*, 21 June 1986.

<sup>2</sup> George Vescey, "Sports of the Times: Using Len Bias as a Different Kind of Role Model," *The New York Times*, 21 June 1987.

<sup>3</sup> Vernetta Young, "Demythologizing the 'Criminalblackman' the Carnival Mirror," in *The Many Colors of Crime*, eds. Ruth D. Peterson, Lauren J. Krivo, and John Hagan. (New York, NY: New York UP, 2006). 54.

death shows that race was no longer the salient factor for discrimination in the post-civil rights era. Rather, Bias's cultural status as an all-American athlete allowed him to transcend racial stereotypes that would otherwise implicate him with the underclass.

News columns depicted Bias as a wholesome, up-and-coming rookie. This model image as a celebrity contrasted with his upbringing, though. Bias actually lived a rags-to-riches success story: born into a lower-class family in the all-black "District" of Washington, D.C., he utilized his athletic skills to transcend his history of disadvantage and play professional basketball. As a nonwhite, drug-using, man from the "District," Bias fit the key racial, behavioral, and economic characteristics attributed to the underclass. Ironically, though, he was held up as a fallen hero in the war on drugs and not as a menace to society. Bias's heroic depiction demonstrates that race alone was no longer the decisive factor for segregation and subjugation in the post-civil rights era.

This chapter begins with a discussion of the right-wing ideologies that impacted the war on drugs of the 1980s. This is important to establish because the conservative agenda that swept Washington in the 1980s became the prevailing ideology of the day and strongly influenced the tone and setting of the war on drugs. Bias emerged as the poster-child of the war on drugs because his tragedy was easily conveyed as a warning message to members of the upper and middle classes. His death was instrumental in galvanizing public, and most importantly, electoral support for the war on drugs and its architects. His characterization was unusual, though, insofar as it had been customary before the civil rights era of the previous decade to label black drug-users as criminals, especially those from low-income neighborhoods. Bias eluded these labels, though. His use as a headline figure in the war on

drugs suppressed the public inclination to condemn him as a deviant member of the underclass. This indicates that his race alone was not sufficient grounds for discrimination in the post-civil rights era, as the cultural space he occupied proved to be of more importance.

### **THE RISE OF THE NEW RIGHT AND “JUST SAY NO”**

Bias's death was near mythical in its tragedy. It was both unexpected in its timing and contradicted the alleged integrity of its victim. Bias was young, determined, moralistic, and possessed unsurpassed athletic talent. Duke University's head basketball coach, Mike Krzyzewski, echoed his disbelief at the news when he told reporters that, “[Bias's death] is shocking, especially if you consider that of all the athletes ever, he has got to be in the top percent as far as true athletic ability. If it were a car accident or something you could believe it, but this is unbelievable.”<sup>4</sup> Coach Krzyzewski's comments reflect the imbalance between peoples' positive perceptions of Bias and his destructive drug-using behavior. Bias's youth, personality, and athletic prominence made him a role model for many Americans. He was considered, in the words of Jesse Jackson, “a rose of our generation,” and thus an unlikely candidate for drug abuse.<sup>5</sup>

Bias's image as a fallen hero fit well within the conservative political ideology of the day. The “Culture of Triumph,” as the 1980s were called, praised self-made individuals like Bias

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<sup>4</sup> Michael Wilbon, “Bias's Death Leaves Mourning and Questions: Promised Future of NBA Stardom is Gone, his Legacy of Talent Remains,” *The Washington Post*, 20 June 1986.

<sup>5</sup> C. Fraser Smith, *Lenny, Lefty, and the Chancellor: the Len Bias Tragedy and the Search for Reform in Big-Time College Basketball*, (Baltimore, MD: The Bancroft Press, 1992), 35.

who were responsible, talented, and full of potential.<sup>6</sup> The rise of the New Right in the 1980s established itself upon promises of a return to traditional American values, increases in individual liberties, and better rewards for obtaining financial success. These principles were formed in response to the counterculture of the 1960s and the wave of governmental distrust among citizens at the end of the 1970s. Drug abuse was seen as the “public enemy number one” to the security, prosperity, and morality of American citizens.<sup>7</sup>

The war on drugs was therefore a product of the conservative political ideology of the day. It was officially adopted by the Reagan regime in 1982 by the name of the “Just Say No!” anti-drug campaign spearheaded by First Lady Nancy Reagan. “Just Say No!” portrayed the message that drug abuse was responsible for declining moral standards among Americans. Many scholars consider this campaign a moral panic because of the strong moral overtones of “right” and “wrong” in terms of drug use versus abstinence. Drug abusers were depicted by this campaign as evil, inferior, dangerous, detested, and morally wrong.<sup>8</sup> It was the battleground for a domestic debate over values; drug use was stigmatized by members of the New Right and conservatives as a “sixties atavism, a kind of domestic Vietnam syndrome,” that had led the country astray in the previous decade.<sup>9</sup> Many public service advertisements and campaign speeches therefore emphasized that drug abuse was a silent destroyer of American values, often going unnoticed by parents, bosses, or teachers. A radio ad for the Partnership for a Drug-Free America reveals how drugs were seen as villains to Americans by broadcasting: “Drugs erode

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<sup>6</sup> Nicolaus Mills, ed., *Culture in an Age of Money: the Legacy of the 1980s in America*. (Chicago, IL: Elephant Paperbacks, 1990), 15.

<sup>7</sup> “Drug Prevention Week Set,” *The New York Times*, 18 October 1973, 24.

<sup>8</sup> Nachman Ben-Yehuda and Eric Goode, *Moral Panics: the Social Construction of Deviance*, (Boston, MA: Wiley Blackwell Press, 1994), 102.

<sup>9</sup> Lewis Cole, *Never Too Young to Die: The Len Bias Tragedy*, (New York, NY: Pantheon Books, 1989), 66.



our lives...Drugs cause second-rate workmanship in our industry, and second-rate students in our schools. They take parents away from kids and kids away from home. And drugs compromise the quality of life everywhere they're found... They warp our system of values and turn honest kids into scheming dependents."<sup>10</sup> This public announcement conveyed conceptions of drug use as detrimental to the American work ethic, productivity, intelligence, and citizens' family values. President Ronald Reagan also participated in broadcasting the idea that drugs were a moral threat to America's welfare. He spoke, "I am mindful that drugs are a constant temptation for millions. Please remember this when your courage is tested: You are Americans." The President's remarks reiterate the sentiment that drug abuse was un-American and indicative of personal weakness.

The drug problem was framed as a criminal threat to the nation's security as well as a moral threat to the lives of its citizens. The underclass, in particular, was deemed responsible for this criminal threat. The anti-drug strategies employed in the war on drugs reinforced the notions that members of the underclass were morally deficient, lazy, and lacking the responsibility to take care of themselves. The underclass, according to scholar Adolph Reed, was nothing more than a name for the urban, nonwhite participants of an inner-city culture of poverty.<sup>11</sup> Its members were identified by their behaviors as much as they were by their race and economic conditions; drug use, welfare dependency, and teenage pregnancy were types of illicit, abnormal behaviors associated with the underclass's "culture of poverty."<sup>12</sup> These behaviors were seen at

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<sup>10</sup> "Drug Abuse. Sixty Second Radio Public Service Announcement for the PDFA," in *Rhetoric in the War on Drugs: the Triumphs and Tragedies of Public Relations*, William N. Elwood, (Westport, CT: Praeger Press, 1994), 82.

<sup>11</sup> Adolph Reed. 98.

<sup>12</sup> Richard McGahey. "Poverty's Voguish Stigma," *The New York Times*, 12 March 1982, A.29.

odds with traditional American values of family, education, and personal enrichment. *Time* magazine aptly warned in 1977 that a combination of abject poverty and undesirable habits had produced in the nation's urban areas, "a large group of people who are more intractable, more socially alien and more hostile than almost anyone had imagined. They are the unreachable: the American underclass."<sup>13</sup>

The suggestion that drugs were weakening the integrity of the American people implied that an increase in crime and poverty in urban districts (where the underclass resided) would also ensue. This is because the prevailing view of poverty at this time held that low morals were directly related to peoples' tendencies to engage in criminal behavior and remain poor. In, *The War Against the Poor: The Underclass and Antipoverty*, Herbert Gans confirmed that, "mainstream culture [of the early 1980s] believes that the poor people who behave in the ways included in the definition [of the underclass] do so because of moral deficiencies or bad values."<sup>14</sup> He writes that because of their deviant moral views, members of the underclass were expected by mainstream society to turn to crime as a way of life; they were, "unable to learn the cultural importance of work and its requirements; in some cases, their bad values turn them into street criminals."<sup>15</sup> The drug problem was consequently addressed in terms of enforcement policies and interdiction efforts. For example, Gallup polls show that American opinion that small-scale drug possession should be treated as a criminal offense skyrocketed from just 43 percent in 1980 to 74 percent in 1988.<sup>16</sup> This indicates that there was a general impetus to treat

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<sup>13</sup> "The American Underclass." *Time Magazine*, 29 August 1977, 14-27.

<sup>14</sup> Herbert Gans, *The War Against the Poor: The Underclass and Antipoverty Policy*. (New York: Basic Books, 1996), 2.

<sup>15</sup> *Ibid.*, 6.

<sup>16</sup> Gallup Poll, "Do You Think the Possession of Small Amounts of Cocaine..." 31 July 1986, 158G.

drug users and dealers as criminals, capable of receiving punishments parallel to many forms of violent crime.

The definition of the “underclass” is marked by strong racial overtones. In fact, the percentage of African Americans receiving welfare surpassed whites and all other racial cohorts after 1985.<sup>17</sup> Scholar Nicholas Lemann writes that the urban underclass was created by the migration of black families from the sharecropping South to Northern urban areas at the turn of the 20<sup>th</sup> century. This was followed by another migration of blacks out of the urban ghettos in the 1970s as a result of the civil rights movement, making the underclass smaller and more disorganized, but still located in inner-city ghettos.<sup>18</sup> The war on drugs, especially, has historically been waged against African Americans, perpetuating the historic myth that black men are generally criminal and likely to engage in antisocial behaviors.<sup>19</sup> Sociologists and criminologists often refer to the caricature of the “criminalblackman,” applied to young, black males as overtly criminal “boogey men.” Since the early 20<sup>th</sup> century, the war on drugs has used explicit rhetoric of “negro cocaine fiends” and passed discriminatory policies supporting the notion that young, black males are prone to damage the rest of society through their criminal and drug-using behaviors. This myth, in the words of Clarence Lusane, characterized “most inner-city, young black males as gun-toting, crack-smoking

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<sup>17</sup> Schram, Sanford F., Joe Soss, and Richard C. Fording, eds, *Race, and the Politics of Welfare Reform*. (Ann Arbor, MI: University of Michigan Press, 2003). 202; The percentage of Whites receiving welfare slightly surpasses Blacks between 1991-1994, but then sharply returns to Black predominance of funds.

<sup>18</sup> Nicholas Lemann, “The Origins of the Underclass,” *The Atlantic Monthly*, June 1986.

<sup>19</sup> Edward H. Williams. M.D., “Negro Cocaine ‘Fiends’ New Southern Menace,” *The New York Times*. 8 February 1914.

criminals in waiting.” This characterization is amplified by the vast overrepresentation of young, black men in crime statistics relative to their numbers society.<sup>20</sup>

The policies implemented in the anti-drug campaign that targeted the underclass through such depictions were consistent with the social and economic policies of the New Right that favored the upper and middle classes. Reaganism promoted a spirit of self-enrichment among citizens that helped to substantially widen the gap between the rich and poor. In 1986, the U.S. Census Bureau released that the gap between rich and poor Americans was deeper that year than it had been in four decades. This gap reflected racial disparities, too, as the poverty rate for blacks was nearly three times that for whites. Approximately 31 percent of all African Americans lived in poverty in 1986, compared to only about 11 percent for whites. Furthermore, 43.3 percent of all black children were living below the federal income poverty line. These 1986 Census figures also indicate that Black poverty exceeded that of all other racial cohorts and that “the poor were more deeply in poverty than ever before.”<sup>21</sup>

However, it is critical to note that this growing gap between the rich and the poor did not only occur across racial lines, but within the black community as well. In the 1980s, the black middle class grew at an unprecedented rate, as many blacks benefited from the social and political effects of the civil rights movement. Although the black middle class experienced slow growth during the post-World War II era, increasing its numbers by only one percent between 1970 and 1980, it boomed over the course of the decade 1980s. The percentage of blacks in the middle-class grew between 40 and 45 percent between 1980 and 1989. By 1995, half of all black

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<sup>20</sup> Clarence Lusane, *Pipe Dream Blues; Racism in the War on Drugs*. Boston, (MA: South End Press, 1991), 25.

<sup>21</sup> The Food and Research Action Center. Washington D.C., “Analysis of 1986 Poverty Data,” 3 July 1987; The U.S. Census Bureau, “Historical Poverty Tables: Table 2.”

workers were classified as middle class.<sup>22</sup> This growth of the black middle class demonstrates that race alone was not sufficient grounds for discrimination in the post-civil rights era since the statistical majority of black families lived very similarly to the white middle class.<sup>23</sup> In fact, Wilson contends that in several areas, like in professional employment and higher education, blacks have made progress at a faster rate than that of comparable white citizens.<sup>24</sup> He presents this as proof of how the African American community was divided in the 1980s: civil rights improvements helped to improve the position of the black middle class relative to whites, but further subjugated the black underclass by concentrating poverty and joblessness in small, urban ghettos.<sup>25</sup>

Another factor increasing the prosperity of the black middle class was the economic programs of Reaganomics. This economic program initiated by President Reagan supported tax cuts only for the wealthiest citizens, and decreased the budget for most welfare programs that might benefit the impoverished underclass. Such programs were cut because they were believed to cause more harm than good by discouraging underprivileged recipients from taking economic initiative for themselves.<sup>26</sup> Scholar Charles Murray had a considerable influence on the Reagan administration's policymakers about issues concerning the underclass.<sup>27</sup> His famous work, *Losing Ground: American Social Policy, 1950-1980*, lays out the bulk of the conservative

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<sup>22</sup> Mary Pattillo McCoy, *Black Picket Fences: Privilege and Peril among the Middle Class*, (Chicago, IL: University of Chicago Press, 1999), 21-22.

<sup>23</sup> *Ibid.*, 15.

<sup>24</sup> William J. Wilson. *The Truly Disadvantaged*, 109.

<sup>25</sup> *Ibid.*

<sup>26</sup> Nicolaus Mills, ed., *Culture in an Age of Money: the Legacy of the 1980s in America*, (Chicago, IL: Elephant Paperbacks, 1990), 15; Gary Gerstle, *American Crusade: Race and Nation in the Twentieth Century*, (Princeton, NJ: Princeton UP, 2001), 362-363.

<sup>27</sup> Robert M. Collins, *Transforming America: Politics and Culture in the Reagan Years*, (New York: Columbia UP, 2007), 127.

argument against social welfare in the 1980s. He explains that the federal social policy established during the New Deal to help the economically disadvantaged did nothing more than encourage its recipients to engage in “self-defeating behaviors” and depend on the auspices of the state to survive. In other words, individuals who received welfare or other compensation from the government would lack the motivation to assume responsibility for themselves to work their way out of poverty.<sup>28</sup> William J. Wilson, a liberal opponent of Murray, conversely asserts that joblessness is the primary cause of the distinct culture of poverty existing in the underclass apart from the mainstream. His economic-based argument contends that this lack of job opportunities for poor, black males prevents urban ghettos from developing sophisticated economies, causing members to engage in crime, drug abuse, teenage pregnancy, and other behaviors associated with the underclass.

As voiced in the National Urban League’s *State of Black America* in 1987, the Black community was highly critical of the Reagan administration’s treatment of the underclass and black poverty. The *State of Black America* is an annual report from the NUL addressing issues central to black America in the current year, like education, homeownership, health, social and political trends, and more. John Jacob, president of the National Urban League and co-author of the report, contended in the 1987 document that the conservative push to decrease federal spending on social welfare programs encouraged hostility and prejudice attitudes towards the underclass. Jacob wrote that:

Black Americans enter 1987 besieged by the resurgence of raw racism, persistent economic depression, and the continued erosion of past gains... We can't forget

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<sup>28</sup> Charles Murray, *Losing Ground: American Social Policy, 1950-1980*, (New York, NY: Basic Books, Inc., 1984), 9.

that for six years and more, Americans have been told that racism is a thing of the past. That poverty is caused by the habits of the poor.<sup>29</sup>

Jacobs' views were more consistent with those of Wilson. Both contend that the Reagan regime treated racism as though it were an object of the past, disintegrated by the civil rights movement. Consequently, Jacob wrote in the *State of Black America* that the conservative government was plagued by a "national climate of selfishness," along with a failure of the federal government to work to end racism, rather than just police its effects.<sup>30</sup>

Other African-American interest organizations expressed distaste for the New Right, also. In its founding charter in 1990, the National Black Independent Political Party articulated its need to organize because the current political establishment had, "consistently used power and government to create policies for Black economic underdevelopment, political exploitation, and cultural destruction. Their policies reveal contempt for the interests of Black people, and have existed solely for the maintenance of the existing political and socioeconomic position."<sup>31</sup> This charter expresses the same criticism of key conservative economic and social policies, like welfare cuts and increased law enforcement measures to put street criminals in prison. These two African American interest groups demonstrate how many blacks' opinions in the 1980s were both resentful and cognizant of the conservative policies that affected their communities.

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<sup>29</sup> George E. Curry, "Rights Group Ties Reagan. Race Tension," *Chicago Tribune*, 15 January 1987, 3.

<sup>30</sup> *Ibid.*

<sup>31</sup> Warren N. Holmes, "Appendix B: "Charter of the National Black Independent Party," *The National Black Independent Party: Political Insurgency or Ideological Convergence?*. (New York, NY: Routledge Press, 1999), 110.

## BIAS IN THE WAR ON DRUGS

By 1986, before the death of Bias, 64 percent of respondents to a *New York Times*/CBS poll said that drug abuse was the most important issue facing the United States at the time, representing one of the, “most intense preoccupations by the American public on any issue in polling history.”<sup>32</sup> In that year alone, over one thousand stories were published in national newspapers and magazines covering the crack-cocaine “epidemic.”<sup>33</sup> Moreover, in the thirty days immediately following Bias’s demise, seventy-four evening news segments featured the topic of cocaine addiction in America; or about two brand-new broadcasts every day.<sup>34</sup> The war on drugs had reached a critical point in 1986 due to the buildup of the “Just Say No!” campaign and cultural and economic factors attributing to the rise of the underclass.

Bias’s death occurred in the midst of this anti-drug campaign. The introduction of crack-cocaine on the news agenda marked a turning point in the war on drugs. The danger of drug use was no longer a cautionary tale to upper and middle class Americans, but was portrayed as a very real threat to their well being as it was depicted spreading out of the inner-city and into suburbs, schools, families, even basketball teams.<sup>35</sup> Cocaine in the 1980s was a known drug-of-choice for elite parties and Hollywood circles. It fueled a glorified drug culture of decadence and indulgence by members of the upper classes.<sup>36</sup> Bias served as an archetype of how drug abuse plagued well-to-do Americans and their children, dramatizing the deadly potential of the drug

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<sup>32</sup> Nachman Ben-Yehuda and Eric Goode, 207.

<sup>33</sup> Dan Baum, *Smoke and Mirrors: the War on Drugs and the Politics of Failure*, (Little, Brown, and Company: Boston, 1997), 226.

<sup>34</sup> *Ibid.*

<sup>35</sup> Jimmie L. Reeves and Richard Campbell, *Cracked Coverage: the Anti-Cocaine Crusade and the Reagan Legacy*, (Durham, NC: Duke UP, 1994), 130-136.

<sup>36</sup> *Ibid.*, 113.



even in allegedly mild doses.<sup>37</sup> It was so popular, in fact, that one political cartoon published in the months following Bias's death depicted a large crowd of white, professional individuals donning suits and briefcases passing a newsstand with the headline: "Cocaine Caused Bias Death." Above the heads of these cartoon characters were thought bubbles saying "Boy, am I lucky..." inferring that they, too, were recreational cocaine users like Bias. This cartoon dramatizes how Bias's death was used by the media to dramatically convey the randomly destructive potential of cocaine to these elite users who may have thought of themselves as immune to its negative effects.<sup>38</sup>

Even though he was not representative of the upper and middle classes, he still made great copy for the news media because of his rags-to-riches success story. The multifaceted elements of drug use, athletics, corrupt college officials, and Bias's celebrity status in the narrative made it a tale of speculation and mystery. Richard Campbell and Jimmie L. Reeves wrote that because of the universal tragedy of his death, it was "without a doubt, the single most important kernel event in the cocaine narrative of the 1980s."<sup>39</sup> The significance of Bias's death as a tool in the war on drugs is seen by the intense media preoccupation of his story. In the young athlete's four years at the University of Maryland (1982-1985), *The Boston Globe* only published about 13 stories with reference to Bias's performance as a basketball player. In the four years following his death, the same newspaper published at least 204 headline stories referencing the fallen athlete.<sup>40</sup> The *Washington Post* also took great interest in the Bias story. In the nine

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<sup>37</sup> Cole, 69.

<sup>38</sup> Amy E. Schwartz, "Cocaine: Scared but Probably Not Enough," *The Washington Post*, 23 July 1986. A1.

<sup>39</sup> Jimmie L. Reeves and Richard Campbell. 138.

<sup>40</sup> Research gathered by my own survey of *Boston Globe* archives.

months following his death, it ran over four hundred Len Bias-related articles in its pages.<sup>41</sup>

Bias's death remained at the heart of most discussions about the war on drugs in 1986, galvanizing public opinion about drug abuse, crime, and, implicitly, the underclass.

Bias's youth, determination, moral character, and athletic edge made him a fitting celebrity of the 1980's. He embodied certain American values and ideals, even acting them out on the basketball court. Courtland Milloy of *The Washington Post* wrote, "Bias wasn't made into a hero just because he was a good basketball player. He was lionized because he had tapped into what always seems to be the greatest secret of life: how to be rich, famous, beautiful, and young."<sup>42</sup> Bias's glory underlies the tragedy of his tale, as it points to the question of what might have been had he survived. Eerily, seven players of the top 14 NBA draftees of Bias's year were linked to drug and alcohol scandals that ruined their careers as pro athletes.<sup>43</sup>

Today, images of Bias on the day of the draft wearing his green Celtics cap are compared to those of John F. Kennedy riding in his motorcade as thousands cheered for him before his impending assassination. Much like Kennedy, Bias exuded optimism and allure. Ira Berkow of *The New York Times* compared Bias's tragedy to that of former President John F. Kennedy; "Bias, like President Kennedy, was youthful and vigorous and talented and charismatic. Each was glowing in the national spotlight. Each had attained great heights in his respective world, each envisioned reaching even greater heights."<sup>44</sup> The deaths of the

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<sup>41</sup> Cole, 64-65.

<sup>42</sup> Courtland Milloy, "Cocaine Victim Len Bias Beat the Odds and Blew It," *The Toronto Star*, July 1986, H.5.

<sup>43</sup> Tim Povtak, "When it Comes to Bad NBA Drafts, They Don't Get Much Worse than 1986," *The Orlando Sentinel*, 25 June 2006.

<sup>44</sup> Ira Berkow, "Sport of the Times: Death of a Young Star," *The New York Times*, 21 June 1986.

two celebrities were similar, too, in that they elicited unparalleled responses from the public and the media. On the day of Bias's death, the *Boston Globe* received more calls inquiring about Bias's death than they had received for any other incident since the assassination of President Kennedy.<sup>45</sup>

At the time of his death, Bias's youth and newfound opportunity with the Celtics underscored his potential for greatness. His death right at the cusp of his professional career made people wonder about his promise as an athlete for the top basketball team in the United States. His death at such a young age emphasized to parents and legislators that the "drug problem" was a plague among the nation's schools and colleges, thereby threatening the future generation of Americans. Furthermore, his youthful exuberance and optimism helped to draw him media attention during the draft. While other draftees spoke modestly to reporters about their impending careers at the NBA draft, Bias ambitiously laid out his plans to play for the Celtics in the upcoming playoffs. He boasted about his fortune, even noting that there were "ways around" the salary cap that might limit his already excessive income from the Celtics and divulged his plan to buy his mom a new house.<sup>46</sup> Bias was not only a great player, but his young, optimistic personality made him a great interview and a likeable representative of any city's team.

Bias further made an ideal poster-child in the war on drugs because he was both athletic and in his physical prime. Only 22 years old and standing at 6'8" tall (towering over most other pro-forwards, like Michael Jordan), Bias's physical presence conjured both awe and admiration.

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<sup>45</sup> Mike Barnicle. "Some Things Don't Add Up." *The Boston Globe*. 20 June 1996. 13.

<sup>46</sup> Lesley Visser. "Celtics Fan Bias Now a Celtic: Boston was his Top Pick in the Draft." *The Boston Globe*. 18 June 1986.

Young, muscular, and energetic, Bias was a physical embodiment of individual empowerment and competitive spirit advocated to Americans by the rising conservative political ideology. In the 1980s, individuals were encouraged by their legislators and self-help books to become more self-efficacious and responsible for their actions. Therefore, Bias's physical display of personal triumph was almost Herculean. Basketball is a game where "personal achievement is not a matter of class breeding; a place where hard work and excellence are awarded with glory and fame."<sup>47</sup> It is a game in which the rules and modes of play that are generally representative of the moral beliefs and ideological values of our culture; basketball is not just a physical sport, but a performance of human competition and individual achievement.<sup>48</sup> A victory for a sporting team is consider a victory for its fans, too, embodying the community's hopes for success in more than just the sporting arena.<sup>49</sup> Thus, Bias's physical prowess reflected more than just athleticism; it reflected success. Reeves and Campbell describe Bias as "the epitome of the productive, disciplined body, the personification of the competition ethic, and the prototypical triumphant individual."<sup>50</sup> It is no wonder that amid such descriptions of Bias's Herculean stature, people were astonished to find him engaging in physically detrimental behaviors.<sup>51</sup>

Lastly, and most importantly, Bias was a good representative of the Reagan-era war on drugs because of his upright, moral character. This "wholesome" image of the student athlete made him a good role model for American children. Bias's high school basketball coach said that he had a list of priorities that he lived by: "education, church, the basketball program, media

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<sup>47</sup> Reeves and Campbell, 136.

<sup>48</sup> *Ibid.*

<sup>49</sup> Cole, 16.

<sup>50</sup> *Ibid.*, 136.

<sup>51</sup> Phil Hersh, "Seeing Superman Go Bad," *The Chicago Tribune*, 28 December 1986, 1.

exposure.”<sup>52</sup> Whether or not it is true that Bias lived by these respectable priorities, the fact that his coaches and peers spoke of them demonstrates that Bias transmitted a clean, well-rounded, all-American image. He told reporters at the NBA draft that he wanted to buy his mom a nicer home with his first NBA paycheck, suggesting his strong family values.<sup>53</sup> Also, he was depicted as a driven student eager to obtain a degree in interior design and start his own fashion line.<sup>54</sup> Coach Lefty Dreisell of the University of Maryland commented at a pre-draft press release that Bias had a harmlessness about him, even joking Bias’s only vice was ice cream.<sup>55</sup> Thus, when Bias died, his death to drug abuse was seen as incongruous with his moral character since drug use was considered a sign of moral decline by the user.

Bias’s moral character was reinforced through his peers’ descriptions of him as a “born-again Christian.” At one of the few news conferences he attended, Terrapins coach Lefty Dreisell told reporters that more important than Bias’s athletic talent was his religiosity. Annually, Bias would join the team at a religious retreat in the mountains and lead in many of its prayers. At a memorial service held for Bias at the University of Maryland, Dreisell told Bias’s peers, “You saw what Lenny could do on the court, but I want to tell you some other things you might not have seen. Leonard was a kind person. He was a Christian.”<sup>56</sup> Even Bias’s mother declared that she had found the names of all of his Maryland teammates inscribed on the front cover of his

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<sup>52</sup> Cole, 43.

<sup>53</sup> Amy Goldstein and Susan Kinzie, “Bias Death Still Ripples Through Athletes Lives,” *The Washington Post*, 29 June 2006, A1.

<sup>54</sup> “Celtics’ draft pick Bias dies before realizing life-long ambition,” *The Gazette*, Montreal, Que., 20 June 1986, E1. ; James J. Kilpatrick, “Greed, Hypocrisy—Len Bias’s Death,” *The Seattle Times*, 1 Jul 1986, A.6. Ironically, Bias’s studious image was only a façade, as he was later found to be failing almost all of his classes and lacking sufficient credits to receive a diploma from the University of Maryland.

<sup>55</sup> Bob Ryan, “What Might Have Been,” *The Boston Globe*, 18 November 2003.

<sup>56</sup> Jackie MacMullan, “Bias Receives Final Ovation,” *Boston Globe*, 24 June 1986.

Bible.<sup>57</sup> His image as a Christian athlete was especially troubling to the circumstances of his death since drug users were considered “moral and spiritual weaklings,” who continually gave into the psychological and physical temptations of drugs.

### **RAGS-TO-RICHES: BIAS AND THE UNDERCLASS**

Although the war on drugs was historically waged to target men resembling Bias in age, gender and race, Bias was used instead as an ironic headline in this same campaign. His virtuous personality and athleticism were emphasized instead of his race and underprivileged upbringing to demonstrate that the perils of cocaine abuse could hit *anyone*, especially successful and wealthy individuals. Thus, policy makers and media sources overlooked Bias’s connections to the underclass, marked by his race, upbringing in a low-income neighborhood, and drug using behavior.

Bias’s hometown of Landover, Maryland, was a predominately low-income, African-American community near Washington D.C. His upbringing in this urban community fortifies his associations to the underclass, especially since Landover was extremely isolated from the greater Washington D.C. community and plagued by rampant crime. According to Lewis Cole, author of *Never Too Young to Die: the Death of Len Bias*, Landover was virtually an all-black bubble amid the white infrastructure of Washington D.C. He writes that although the neighborhood is isolated from the white community, Landover was still plagued by racial distinction as a fact of life. “What you find here,” writes Cole, “is the debasement—not the realization- of the goals of the movement of the

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<sup>57</sup> William Gildea and Dave Sell, “Dreisell: Bias ACC’s Best Ever.” *The Washington Post*, 20 June 1986.

sixties for equality and social justice. The calls for economic justice have diminished to an avid materialism in which kids vie for the fanciest clothes and thickest gold chains.” Cole describes in great length that Bias had grown up in the underclass culture of the urban city, marked by dependency on white acceptance, urban strife, and the “hero worship” of black hip-hop entertainers and athletes.<sup>58</sup> The crime rate and proportions of drug abuse were notably high in D.C. In 1986, 65 percent of all persons appearing in D.C. superior court tested positive for cocaine use, and by 1988, there was approximately one murder per day in Bias’s hometown.<sup>59</sup> Bias’s father revealed that the family was of lower-class standing when replying to reporters that their family was “working” at reaching middle-class status.<sup>60</sup>

The cause of Bias’s death to a crack overdose further catalyzed Bias’s association to the underclass. Crack use was considered an underclass behavior because it was overtly anti-social to mainstream norms and also linked with causing criminal behavior. Scholar Adolph Reed contends that the underclass was not just a function of certain socioeconomic conditions, but actually distinguished by the performance of certain behaviors in communities apart from the mainstream. He writes that, “[The underclass] is set apart by its bad habits, not just its poverty.”<sup>61</sup> Crack, due to its low cost and concentration in low-income communities became a natural example of the inherent bias of drug policies against practices that were not molded into the accepted moral status quo. Thus, coupled with his race and upbringing in Landover, Bias’s cocaine-using behavior noticeably linked him to the underclass.

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<sup>58</sup> Cole, 16.

<sup>59</sup> *Ibid* 155.

<sup>60</sup> C. Fraser Smith, *Lenny, Lefty, and the Chancellor: The Len Bias Tragedy and the Search for Reform in Big-Time College Basketball*, 2-3.

<sup>61</sup> Reed, 181.

*The Washington Post* described Bias as an icon for making the impossible become possible, saying that, “Bias seemed to make lies come true. He beat the odds.”<sup>62</sup> This description of Bias “beating the odds” to become an American hero indicates that the young athlete’s success complicated what it meant to have come from disadvantage. Common perceptions of young men like Bias would have affiliated him with the underclass on the basis of his race, family income, and drug-using behavior. His death would have been unsurprising in the broader drug-war narrative that expected members of the underclass to act as “enslaved addicts and evil drug traffickers.” However, his significance as a cultural icon in the war on drugs supplanted characterizations of Bias as a member of the underclass.<sup>63</sup>

#### THE CHANGING ROLE OF RACE IN THE POST-CIVIL RIGHTS ERA

Scholars Douglas Massey and Nancy Denton write in, *American Apartheid*, that, “During the 1970s and 1980s a word disappeared from the American vocabulary.... That word was segregation.”<sup>64</sup> This phenomenon, the absence of discussion of race or segregation after the civil rights revolution, suggests that America became a color-blind society in the post-civil rights era; apathetic to the notion of race, and instead concentrated on issues of class and culture. Bias’s exaltation as a fallen hero in the war on drugs reflects this shifting importance of race in the post-civil rights era. After the civil rights movement ended, race

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<sup>62</sup> Courtland Milloy, “Cocaine Victim Len Bias Beat the Odds and Blew It,” *The Toronto Star*, July 1986, H.5.

<sup>63</sup> Craig Reinerman, *Crack in America: Demon Drugs and Social Justice*. (Berkeley, CA: Berkeley University Press, 1997), 231.

<sup>64</sup> Douglas S. Massey and Nancy A. Denton, *American Apartheid: Segregation and the Making of the Underclass*, (Cambridge, MA: Harvard UP, 1998), 1.



could no longer be discussed as a salient factor in policy-making or social commentaries. Thus, “color-blind” traits like socioeconomic conditions, culture, and behaviors were instead prioritized over skin color because they were easily attributed to personal decisions made by the user, regardless of race.<sup>65</sup>

Bias’s cultural status as an all-American athlete made him a model representative for the conservative ideological foundations of the war on drugs. He represented a fallen child, a vanquished athlete, and a success story that never came to fruition, all due to the “cocaine menace.”<sup>66</sup> The preeminence of these cultural factors in defining Bias’s legacy suggests that his race alone was not enough to implicate him as a criminal in the war on drugs. In spite of Bias’s connections to the underclass, his prominence as an athlete made him a “cross-over” celebrity; one who had overcome the structural obstacles against escaping the underclass to obtain great heights in the world of professional basketball. His prestige to upper and middle class basketball fans allowed his race and his association with the underclass to be overlooked as non-criminal. Bias was not implicated as a delinquent drug-user, but rather as a casualty to the drug problem that originated in the urban ghettos of the underclass and was encroaching into the realm of the upper and middle classes.<sup>67</sup>

The conservative ideological impetus for the war on drugs had existed long before 1986, but Bias’s death and his overnight transformation into the poster-child of the war on drugs served as a catalyst for the campaign to capture the attentions of the upper and middle

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<sup>65</sup> Eduardo Bonilla-Silva, *Racism without Racists: Color-Blind Racism and the Persistence of Racial Inequality in the United States*, (New York: Rowman and Littlefield Publishers, 2003).

<sup>66</sup> Edward Huntington Williams, M.D. “Negro Cocaine ‘Fiends’ New Southern Menace, *New York Times*, 8 February 1914.

<sup>67</sup> Doris Marie Provine, *Unequal Under the Law: Race in the War on Drugs*, (Chicago, IL: University of Chicago Press, 2007), 111.

classes. In doing so, public attention was drawn to the news media and political leaders broadcasting the anti-drug campaign. Bias was not the only figure experiencing a transformation, though; the nature of race as a descriptive factor was shifting, also. Race was no longer a “black-or-white” descriptor, but rather it was formed by an amalgamation of cultural, economic, *and* racial factors. Beneath the rhetoric of finance and crime, race played a very quiet role, if at all, in social discussions. As Reeves and Campbell write, “the crack crisis provided the New Right with an opportunity to mask the devastating impact of Reaganomics on America’s inner cities by reframing economic distress in terms of the wages of racially coded sin.”<sup>68</sup> Aptly, when explaining Congress’ newfound attention for the drug issue after Bias’s death, Representative Tony Celho told a newspaper that, “the chemistry to create an issue was all there, and Bias lit it.”<sup>69</sup>

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<sup>68</sup> Reeves and Campbell, 74.

<sup>69</sup> Wilson N. Elwood, *Rhetoric in the War on Drugs: the Triumphs and Tragedies of Public Relations*, (Westport, CT: Praeger Press, 1994), 48.

## CHAPTER TWO

### BAD COMPANY:

#### THE INDICTMENT OF BRIAN TRIBBLE AND THE CRIMINALIZATION OF THE UNDERCLASS

On any given inner-city day, drug dealers—who commit crimes, make money, and influence wardrobes—ply their destructive trade within feet of basketball courts where dreams of public glory, mad loot, and innovative, idiosyncratic style are the same. Sometimes the dealers and the players are the same people... torn between hoop dreams and immediate green. Sometimes they are friends, both stars in their local ‘hood.

- Nelson George, *Hip Hop America*

On June 23, 1986, eleven thousand college students at the University of Maryland filled the school’s athletic building and gave Len Bias a tremendous round of applause just four days after his athlete’s death.

<sup>1</sup> In the memorial service to follow, Bias’s former coaches and teammates testified to his religious commitments and athletic prowess. Judging from the applause, eulogies, and the sheer magnitude of attendance, these testimonies by Bias’s peers suggest that they found the athlete to be a victim to the perils of drug use, not a transgressor in the drug war. Although autopsy reports had already conclusively determined that the young man had died by cocaine intoxication, Bias’s character was rarely called into question.<sup>2</sup>

Bias’s almost unquestioned heroism is unusual since drug war rhetoric throughout the 1980s depicted drug abuse as anti-American and a sign of moral deficiency by the user.

Reverend Jesse Jackson spoke, “Lenny was vulnerable, but all of us are. It takes years to climb a

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<sup>1</sup> Jackie MacMullihan, “Bias Receives a Final Ovation,” *Boston Globe*, 24 June 1986.

<sup>2</sup> A small handful of articles condemn Bias for his drug-usage. One example is: Courtland Milloy, “Bias Beat the Odds and Blew It,” *The Washington Post*, 6 July 1986, H.5.

mountain; one slip and we face oblivion.”<sup>3</sup> Statements like this indicate that Bias was a martyr for his community, held up as an example for his peers. His “one slip” to drugs cost him his life and his achievements, but only by accident. Other factors were blamed for his decision to use drugs, notably the pressures placed on him by his coaches at the University of Maryland and the bad influence of his long-time friend, Brian Tribble. This chapter investigates the indictment of Tribble, who was charged (and acquitted) for providing Bias with cocaine on the night of his death. Tribble publicly bore the blame for Bias’s death, and a closer look at his Maryland grand jury hearing shows how the underclass was deemed responsible for deviancy and criminal behavior in society.

Reeves and Campbell write that, on symbolic terms, Tribble represented the underclass that was, “a mob black youth, out of control and in need of discipline.” Bias, on the other hand, embodied the “prototypical triumphant individual” of the Reagan-era as a young, promising athlete, who was ruined by his associations to Tribble.<sup>4</sup> Legislators and media campaigns depicted crack as a lethal contagion spreading out of urban ghettos via men like Tribble and into moneyed, mostly white areas, like college campuses, preying on youth.<sup>5</sup> Bias was painted as a vulnerable to both the pressures of his friends and coaches, whereas Tribble was chastised for providing Bias with drugs. Tribble is repeatedly characterized as a thug throughout his indictment by references to his lifestyle, behaviors, and possessions. These references are

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<sup>3</sup> Roy S. Johnson, “At Services for Bias. Tributes and Warnings Offered,” *The New York Times*, 24 June 1986, B.5.

<sup>4</sup> Jimmie L. Reeves and Richard Campbell, *Cracked Coverage: the Anti-Cocaine Crusade and the Reagan Legacy*, (Durham, NC: Duke UP, 1994), 140.

<sup>5</sup> Pem Buck, “Prison Labor: Racism and Rhetoric,” in *Race and Ideology: Language, Symbolism, and Popular Culture*, Arthur K. Spears, ed., (Detroit: Wayne State UP, 1999), 135. ; Doris M. Provine, “Creating Racial Disadvantage” in *The Many Colors of Crime: Inequalities of Race, Ethnicity, and Crime in America*, Ruth D. Peterson, Lauren J. Krivo, and John Hagan, eds., (New York: New York UP, 2006), 283.

racially coded as they depict invisible symptoms of structural racism in our society beneath language of crime, economics, and values.<sup>6</sup>

The Bias narrative reflects the growing concern over class and culture in the 1980s as a substitute for racial matters. Whereas previous barriers to African Americans were designed to control and restrict the entire black population, the differing perceptions of Bias and Tribble show that race alone is insufficient ground for segregation in the post-civil rights era. Instead, economic conditions and cultural practices were targeted to achieve the same means of racial discrimination.<sup>7</sup> This chapter does not contend that race is insignificant in the post-civil rights era, but rather, that it is obscured by the growing concern over class and culture in the 1980s.

#### **BIAS: THE COURTESY MIDDLE-MAN**

Legislators and media sources depicted Tribble as a scapegoat for Bias's death and for the crack problem in general. Men like Tribble who were drop-outs, criminals, and thugs, were considered detrimental to the productive, moralistic social ethos that underscored the rise of the New Right. Consequently, Tribble absorbed the brunt of the blame for his former friend's death. Bias, on the other hand, was seen as a subject to peer pressure. Bias's "one slip" to take cocaine was excused by the stresses of being a college athlete and being associated with men like Brian Tribble. The prosecution contended that Bias was a pawn in Tribble's drug-dealing business; a middle-man seller who used his high status and array of connections to further Tribble's criminal

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<sup>6</sup> Michael K. Brown and others, eds., *Whitewashing Race: The Myth of a Color-Blind Society*, (Los Angeles, CA: University of California Press, 2003), 226.; Adolph Reed, *Stirrings in the Jug: Politics in the Post-Segregation Era*, (Minneapolis, MN: University of Minnesota Press, 1999), 182.

<sup>7</sup> Gary LaFree, Robert M. O'Brien, and Eric Baumer, "Is the Gap Between Black and White Arrest Rates Narrowing?: National Trends for Personal Contact Crimes, 1960-2002," in *The Many Colors of Crime: Inequalities of Race, Ethnicity, and Crime in America*, Ruth D. Peterson, Lauren J. Krivo, and John Hagan, eds., (New York, NY: NYU Press, 2006), 180.

scheme. This depiction is a prime reenactment of the underlying cocaine narrative in the war on drugs: that crack was moving out of the ghetto and into larger social spaces, that crack dealers were generally black, and that crack was beginning to ruin the lives of productive, promising American youth.<sup>8</sup>

Prosecutors during the grand jury hearings alleged that Bias was acting as a “courtesy middle-man” for Tribble’s drug business, meaning that he used his high-profile name and network to sell Tribble’s drugs to a more elite clientele than Tribble had access to.<sup>9</sup> The word “courtesy” here invokes a form of civility and politeness on Bias’s part, as well as the “middle-man” label that removes him from nearly all autonomy in the transaction. This is one way in which prosecutors depicted Bias as a victim to the war on drugs and Tribble as the villain. In fact, despite testimonies that suggested that Bias was a drug dealer to many of his University of Maryland Teammates, several other testimonies endorsed the idea that the night Bias died was his first and only encounter with the drug. On “Good Morning America,” University of Maryland coach Lefty Driesell told a national audience that he would be, “very, very surprised” if drugs were involved in Bias’s death because “it would be completely out of character” for the young, Christian all-star.<sup>10</sup> One article by *The Washington Post* perpetuated the myth that Bias was not a prior drug user by circulating the rumor that Bias was deliberately drugged by cocaine

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<sup>8</sup> Doris M. Provine, “Creating Racial Disadvantage” in *The Many Colors of Crime: Inequalities of Race, Ethnicity, and Crime in America*, Ruth D. Peterson, Lauren J. Krivo, and John Hagan, eds., (New York, NY: New York UP, 2006), 287-88.

<sup>9</sup> Keith Harriston, “Bias Is Called Cocaine Dealer.” *The Washington Post*, 27 March 1981.

<sup>10</sup> “Celtics shocked as basketball star dies,” *The Toronto Star*, 20 June 1986: A few articles exist that call Bias’s decision-making into question, although they are generally not front-page headlines and appear only sporadically throughout the news coverage. One example is: Courtland Milloy, “Cocaine Victim Len Bias Beat the Odds and Blew It,” *The Washington Post*, 6 July 1986, H.5.

placed in his soda can by one of his fiendish friends.<sup>11</sup> This article literally paints Bias as a victim to the evil-doings of his friends, removed from all responsibility for his tragic fate.<sup>12</sup>

Bias's drug use was also rationalized due to the pressures from his coaches and friends to maintain such high standards of athleticism and role-model behavior. These pressures led Bias to outlet his frustrations in drug abuse. Consequently, the University of Maryland and head coach Lefty Dreisell received a huge degree of national criticism, even undergoing a major national investigation for exploiting Maryland college athletes. The prevailing impression was that media attention, physical strain, mental anxiety, and social expectations to succeed as role models often caused student athletes, like Bias, to act out socially by using drugs.<sup>13</sup> Coach Dreisell lost his job as head coach for Maryland by the end of 1987.<sup>14</sup>

#### **TRIBBLE: BAD COMPANY**

Painting Bias as a victim of peer pressure admits to one fault on behalf of the athlete, though, and that was remaining friends with "bad influences" like Tribble. As one Florida journalist recently wrote near the twentieth anniversary of Bias's death, "The power of peer pressure is what was Bias's downfall, hanging out with the wrong crowd – in his case, hanging

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<sup>11</sup> Keith Harriston, "Bias Cocaine Input 3 to 5 Grams: Report Says Drug Could Have Been in Beverage Athlete Drank," *The Washington Post*, 14 September 1986.

<sup>12</sup> However, primary sources cast doubt that this had been Bias's first encounter with the drug. After his death, authorities uncovered nine grams of "dealer-quality" powder cocaine in a plastic bag in the compartment of his brand-new sports car. The United States Drug Enforcement Agency estimates that this amount and purity of powder cocaine would cost about 900 dollars. Although medical examiners maintained that Bias showed no physical symptoms of being a veteran drug user, this large and expensive quantity of powder cocaine suggests, at the very least, that the night of his death was not his first exposure to cocaine.

<sup>13</sup> "Sports Stress Can Be Too Much," *The Houston Chronicle*, 3 August 1986, 24.

<sup>14</sup> Dreisell also faced criminal charges after Bias's death for obstruction of justice but was acquitted by a grand jury; Rich Strom, "No Indictment for Dreisell," *The Chicago Tribune*, 27 August 1986, 2.

out with convicted drug dealer, Brian Tribble.”<sup>15</sup> He was depicted as the lynchpin of Bias’s “bad crowd” of friends, a group described as “losers who were drifting away from athletic success... with lackluster college basketball careers and using drugs.”<sup>16</sup> His lingering friendship with an unscrupulous hometown friend suggested that Bias had never fully “crossed-over” from his underclass origins to mainstream, celebrity culture. Although Bias was on the verge of stardom, reports about his “other side” of drug use, parties, poor grades, and exploiting women were revealed after his death.<sup>17</sup>

Tribble was 24 years old when Bias died. Like Bias, he was an African-American man born in the District of Washington, D.C. He was acquainted with Bias throughout high school, but did not befriend the athlete until the both joined the basketball team at the University of Maryland. Tribble was forced to quit the team after his second year due to a knee injury in a motorcycle accident (right when Bias’s career began to take off), and shortly thereafter he withdrew from the university altogether. Tribble started his own furniture cleaning and repair service in his parent’s basement and rented an apartment near the University of Maryland campus where he was known for hosting large parties and socializing with members of the basketball team. Several close friends of Bias and Tribble say that the two had an intimate friendship throughout the course of Bias’s college career, regularly visiting one another’s

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<sup>15</sup> Vincent Thomas, “A Loss of Innocence,” *The St. Petersburg Times*, 25 June 2006, 1C.

<sup>16</sup> Dean Baguet, “Bias: Portrait of a Star Fallen into Bad Company,” *Chicago Tribune*, 20 July 1986, 1.

<sup>17</sup> Keith Harriston, “Tribble Trial Shows Other Side of Local Guy Who Made Good,” *The Washington Post*, 31 May 1987.



families and going to nightclubs together.<sup>18</sup> Tribble was celebrating with Bias on the night of his death and was the person who called 9-1-1- for an ambulance.

In May of 1987, Tribble faced charges of both possession and distribution of cocaine and PCP on the night of Bias's death. Despite countless testimonies during the hearing of teammates and peers confirming Tribble's involvement in the cocaine trade, as well as a highly suspicious incident with a locked safe that Tribble kept at a former girlfriend's apartment, the state could not gather enough evidence to indict him of drug possession charges on the night of Bias's death.<sup>19</sup> It is important to note that since the presence of a court reporter is not mandatory in grand-jury proceedings, there are no official records of the Tribble hearings. The sources consulted in these chapters are all compiled from primary sources, mostly newspapers, describing the hearings. Nonetheless, these sources reveal that racially coded language was used throughout this trial, both by attorneys and reporters, to frame Tribble as a member of the underclass and to accuse him of Bias's tragic fate.

Wilson Elwood's work, *Rhetoric in the War on Drugs: the Triumphs and Tragedies of Public Relations*, describes the most common ways of talking about drugs in our society.

Generally, there are two rhetorical approaches in regards to drug abuse and narcotics. The first is the pathological approach that depicts the drug as the offensive agent and the drug user as the victim. The second is the criminal approach that depicts the drug user as deviant, possessing

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<sup>18</sup> Chris Spolar and Sally Jenkins, "Pieces Provide Few Answers to Puzzle of Brian Tribble," *The Washington Post*, 3 August 1986, A1.

<sup>19</sup> The safe was said by friends to contain about sixty-thousand dollars in cash and a value worth even more in cocaine. In the hours following Bias's death, the safe was forcibly removed from the friend's apartment by a burglar, suggesting that the safe was somehow involved in Bias's death. One month later, one of Tribble's best friends was charged with the murder of the burglar, again implicating Tribble and the illicit contents of his safe (the safe was recovered, but found empty) : "Brian Tribble Linked to Washington Murder." *St. Petersburg Times*, 27 August 1986, 2C.

substandard morals, and as a burden to society. In the criminal approach, the drugs themselves are neutral agents and the drug-user is held individually accountable for his or her decision to use them.<sup>20</sup> These two different ways of talking about drugs are applied based upon the user.

Members of the upper and middle classes are generally described as victimized by drug use and in need of treatment for their pathologies of addiction. Bias, by virtue of his celebrity status, also falls into this category. As Tribble's instance demonstrates, cocaine scandals involving the underclass are described in the language of criminal deviancy.

Rhetoric describing Tribble's participation in the culture and behaviors of the underclass resonates with the historic racial fears of whites against blacks, while also concealing the historically racist conditions that gave rise to such a culture by focusing only on the visible effects.<sup>21</sup> Depictions of Tribble as a "thug" aligns with historic perceptions of black men as threats to white society because he was seen as the responsible agent for destroying the potential of a successful, Christian athlete.<sup>22</sup> Scholar Carole Stabile writes that crime narratives in the post-civil rights era reflected a new form of institutionalized racism in the United States because they were based on "the ostensibly pathological nature of black culture, and the threat it posed to the moral or family values that were seen solely as the province of whiteness."<sup>23</sup> Depictions of Tribble by the prosecution and by media show how he was characterized as a member of the

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<sup>20</sup> William N. Elwood, *Rhetoric in the War on Drugs: the Triumphs and Tragedies of Public Relations*, (Westport, CT: Praeger Press, 1994).

<sup>21</sup> Jon A. Yasin, "Rap in the African-American Music Tradition," in *Race and Ideology: Language, Symbolism, and Popular Culture*. Arthur K. Spears, ed., (Detroit, MI: Wayne State UP, 1999), 202.

<sup>22</sup> Many news articles criticized the verdict of the Grand Jury that acquitted Tribble of four separate drug charges. Virtually every witness that came before the jury had confirmed Tribble's involvement in drug trading, although the state failed to corroborate these statements with tangible evidence or even with customers who had done business with Tribble before. Therefore, the jury ruled that Tribble could not be fairly tried on the basis of hearsay testimonies alone; "Tribble Cleared in Len Bias Case," *The New York Times*, 4 June 1987, B.11.

<sup>23</sup> Carole Stabile, *White Victims, Black Villains: Gender, Race, and Crime News in US Culture*, (New York: Routledge Press, 2006), 154.

underclass, threatening the wellbeing of society at large. His fancy car, apartment, clothing, and behaviors were all discussed in racially charged rhetoric as they pointed to his adherence to underclass culture. Tribble was disparaged for his failure to adhere to popular norms and values, engaging in criminal behaviors to make a living, and spending his money on superfluities (like a fancy car) instead of using it to escape the cycle of poverty.<sup>24</sup>

Although all three witnesses to Bias's death were young, black men, only Tribble was indicted for charges of drug possession. The other two witnesses to Bias's death, teammates David Gregg and Terry Long, had similar charges dropped in exchange for their "complete cooperation" with the investigation and upcoming hearing.<sup>25</sup> While a major police manhunt occurred to place Tribble behind bars after he was indicted, neither Gregg nor Long was ever put in handcuffs while they were briefly charged. No warrant was issued for their arrest because they lived on the University of Maryland campus and were not considered "flight risks."<sup>26</sup> Tribble's warrant included a lofty bail issued because the judge felt Tribble would flee. Prince George County's State Attorney, John Marshall declared that, "It seems pretty clear to us that [Tribble] is the person that brought the drugs into the room," although no other evidence would ever exist to support the claim aside from uncorroborated testimonies by Tribble's peers.<sup>27</sup>

The disparate treatment of Tribble compared to Gregg and Long, both also black males, indicates that race alone was not the exclusive factor for investigators and journalists to deem him an underclass drug dealer. Rather, Tribble's behaviors, possessions, and overall lifestyle were what implicated him to investigators as a criminal. These factors reflected Tribble's

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<sup>24</sup> Pem Buck, 136.

<sup>25</sup> Kevin Mulligan. "Bias Death Leads Tangled Web," *The Houston Chronicle*, 26 October 1986.

<sup>26</sup> Lewis Cole. *Never Too Young to Die: The Death of Len Bias*. (New York: Pantheon Books, 1989), 129.

<sup>27</sup> Dean Baguet, "Bias: Portrait of a star fallen into bad company," *The Chicago Tribune*, 20 July 1986, A1.

underclass status through the emerging “hip-hop” culture of the 1980s. Hip-hop, basketball, and drug culture were closely associated with underclass males at this time. Clarence Lusane writes that the stereotypical “thug life” acted out by black celebrities, especially rappers and athletes, in the 1980s expressed opposition to prevailing conservative orthodoxies of citizenship and values. Self-sufficiency, violence, lawlessness, and materialism were all aspects of the thug life. On inner-city streets, depictions of black men as “outlaws” became prominent as economic disadvantage turned some inner-city residents to street crimes like theft and drug trafficking. Lusane writes, “Incarceration is not a badge of dishonor [in hip-hop culture], but a rite of passage to the higher echelons of the gangsta rap financial ladder.”<sup>28</sup> Prison and street crimes were glorified through media, music, and artwork of the hip-hop movement, depicting male “outlaws” as leaders of their communities because of their criminal economic advantage. *Time* magazine describes the growing population of young, materialistic, inner-city criminals:

Like most young American people, they are material girls and boys. They crave the glamorous clothes, cars, and jewelry they see advertised on TV, the beautiful things that only big money can buy. But many have grown up in fatherless homes, watching their mothers labor at low-paying jobs, or struggle to stretch a welfare check.... These youngsters turn to the most lucrative option they can find. In rapidly growing numbers, they are becoming the new criminal recruits of the inner-city: the children who deal crack.<sup>29</sup>

Visions of success for young, black men in hip hop during the 1980s were not comprised of being an active citizen or caring father, but of making maximum profits and living luxuriously.<sup>30</sup>

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<sup>28</sup> Clarence Lusane, *Race in the Global Era: African Americans at the Millenium*, (Boston, MA: South End Press, 1997). 96.

<sup>29</sup> Jacob Lamar, “Kids Who Sell Crack,” *Time Magazine*, 9 May 1988.

<sup>30</sup> Lusane, *Race in the Global Era*, 85-97.

Tribble's image fit this "hip-hop" profile, leading the prosecution and journalists to infer he was prone to criminal behaviors and pathological lawlessness. The prosecution described him as a "player," known for his outspokenness and, at times, overbearing ego (he was voted "Most Attractive" in his high school class).<sup>31</sup> Tribble had a taste for, "expensive automobiles, fashionable clothes, and gold jewelry," that he shared with Bias.<sup>32</sup> Tribble owned a Mercedes-Benz sports car, lived in an expensive high rise near the university, and was known to order bottles of Dom Perignon champagne at nightclubs. One *Associated Press* article goes into great detail describing Tribble's apartment: "Tribble's two-bedroom apartment is furnished with a rust-colored corduroy couch and chairs, tables of blond wood and glass, a color television set with remote controls and a stereo with equalizer and 2 1/2-foot speakers. The monthly rent for two-bedroom apartments at the complex ranges from \$649 to \$699."<sup>33</sup> The journalist's inclusion of this description is used to implicate Tribble, casting subtle suspicion that he owned such items. Tribble's family did not come from wealth, and these luxuries hardly seemed consistent with the income of a college dropout who worked as a furniture repairman in the District.<sup>34</sup> Consequently, much like the journalist did in her article, the prosecution in the grand jury also cited these assets during the hearings as "further evidence of the defendant's true occupation" of drug dealing.<sup>35</sup>

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<sup>31</sup> C. Fraser Smith, *Lenny, Lefty, and the Chancellor: the Len Bias Tragedy and the Search for Reform in Big-Time College Basketball*, (Baltimore, MD: The Bancroft Press, 1992), 243.

<sup>32</sup> Keith Harriston, "Bias is called cocaine deal middleman," *The Washington Post*, 27 May 1987, A1.

<sup>33</sup> Sue A. Pressley, "Questions surround Bias's Final Hours; Accounts of Fatal Night Vary," *The Washington Post*, 29 June 1986, A1.

<sup>34</sup> However, some of his assets, like his car, were paid for from his earnings in a personal injury lawsuit after a motorcycle accident several years prior; Chris Spolar and Sally Jenkins, "Pieces Provide Few Answers to Puzzle of Brian Tribble," *The Washington Post*, 3 August 1986, A1.

<sup>35</sup> Smith, 243.

Furthermore, Tribble had a criminal record of several minor thefts, a form of street-crime also associated with the underclass and the pathology of crime.<sup>36</sup>

Along with his possessions and lifestyle, Tribble was covertly associated to the underclass through descriptions of his behaviors. As Ken Auletta, author of *The Underclass*, writes, “the underclass suffers from *behavioral* as well as income deficiencies... They are often set apart by their ‘deviant’ or antisocial behavior, by their bad habits, not just their poverty.”<sup>37</sup> One front-page article of *The Washington Post* begins by describing Tribble sitting on his front porch, “after a one night stint in the county jail,” nuzzling his three pit-bull terriers, a dog “often raised to fight and maim.” Tribble tells the reporter that the pit-bull’s “reputation is worse than they deserve,” a clear reference to his own position in the case of his trial.<sup>38</sup> He acknowledges in this statement that he is being superficially judged by society based on stereotypes and physical qualities, like his race and possessions. Yet, even as the authors published Tribble’s disguised defense, they simultaneously categorized him as involved in pit-bull fighting. Pit-bull fighting has long been a popular pastime associated among drug dealers and inner-city dwellers as both a form of low-class gambling and entertainment, and also protection for their drug dealing enterprises.<sup>39</sup> The authors go on to describe Tribble’s high school portrait as “something akin to a police mug-shot,” in a passage directly beneath a photograph of Tribble’s parents’ small, dilapidated home with a large “NO TRESPASSING” sign on the front gate. Successive references like these to Tribble’s behaviors and low-income upbringing demonstrate how Tribble

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<sup>36</sup> Tom Stuckey, “Brian Tribble.” *The Associated Press*, 24 June 1986.

<sup>37</sup> Ken Auletta, *The Underclass*. (New York, NY: Overlook Press. 1982), 29.

<sup>38</sup> Chris Spolar and Sally Jenkins, “Pieces Provide Few Answers to Puzzle of Brian Tribble.” *The Washington Post*, 3 August 1986, A1.

<sup>39</sup> Richard A. Webster, “Dog Fighting Remains Big Business in Louisiana,” *New Orleans City Business*, 29 November 2007.

was characterized as a member of the underclass, a distinctly racialized category, throughout his trial without ever mentioning his race.

Most significantly, Tribble came to represent the underclass because of his alleged role as a cocaine dealer. Nearly every witness that appeared before the grand jury corroborated the prosecution's claim that Tribble was a well-connected drug dealer in the Washington District. When he was arrested in 1990 for a drug charge that landed him in prison for over a decade, US Attorney Breckenridge Wilcox said, "Brian Tribble has brought pain, death, and destruction to this community. If Mr. Tribble didn't learn his lesson in 1987 from the Bias case, I don't think he ever will."<sup>40</sup> Although no formal evidence could be gathered to support this in 1986, Bias's teammates and Tribble's friends testified that he was a key figure in the District drug trade. The cocaine uncovered in Bias's car after his death was such a large quantity and of such a superior quality that investigators believed that Bias must have known a very elite dealer to provide it for him. In their opening statements, the prosecution stated that, "You don't come up with that quantity of that purity of cocaine if you're an average schmuck on the street."<sup>41</sup> Tribble, they believed was the source of this expensive stash.

Although powder cocaine was found in his car, evidence shows that Bias used crack-cocaine on the night of his death. Many current descriptions of Bias's death, including C. Fraser Smith's book, *Lenny, Lefty, and the Chancellor*, infer that Bias had snorted powder cocaine that night, but medical and physical evidence from the Maryland medical examiner suggest that this assumption is false. This is significant since crack cocaine conjures different images of lawlessness and deviancy than powder cocaine for both Bias and Tribble. After the official

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<sup>40</sup> Paul W. Valentine, "Tribble Pleads Guilty to Drug Conspiracy," *The Washington Post*, 19 October 1990.

<sup>41</sup> Cole, 203.

autopsy was performed, Maryland's chief medical examiner stated that Bias possessed a quantity of cocaine so high in his blood stream that it was only possible by smoking an extremely potent form of crack-cocaine. Medical examiners found irritation in Bias's trachea, congestion in the mucous membranes of his throat, and microscopic damage to his hear tissue; each a symptom indicating that Bias had smoked some sort of substance prior to his death. Furthermore, toxicologists determined that Bias's nasal passages tested negative for cocaine damage, casting doubt on the possibility that Bias died from snorting powder cocaine.<sup>42</sup> The most significant evidence, though, comes from a dumpster from outside of Bias's University of Maryland dormitory. Police investigators uncovered a water pipe, commonly used to smoke crack cocaine, along with a glass vile containing pellets of 89% pure crack-cocaine from this location.<sup>43</sup>

Due to its low cost, crack-cocaine became reputable as a "black" drug associated with underclass behaviors, like street crime and gang violence. Because these crimes (street violence, inner-city drug trade, and theft) generally occurred in the public spaces of inner cities, it was "easy to portray crack as a 'black' drug without sounding racist."<sup>44</sup> Unlike other drugs, crack could be manufactured with no laboratory setup and very few resources.<sup>45</sup> Furthermore, because crack cocaine delivers a more intense high after ingestion, it could be produced in smaller, cheaper quantities for sale. Therefore, crack-cocaine was drastically cheaper from its powder

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<sup>42</sup> Christine Russel and Keith Harriston, "Doubt Cast on Report of Freebasing by Bias," *The Washington Post*, 11 July 1986.

<sup>43</sup> Jackie MacMullan, "Bias was Free-Base Victim," *The Boston Globe*, 10 July 1986.

<sup>44</sup> Doris Marie Provine, *Unequal Under the Law: Race in the War on Drugs*, (Chicago, IL: University of Chicago Press, 2007), 280.

<sup>45</sup> Steven L. Belenko, *Crack and the Evolution of Anti-Drug Policy*, (Westport, CT: Greenwood Press, 1993), 5.



counterpart, even as low as three dollars in some neighborhoods.<sup>46</sup> Quite literally, the introduction of crack to the drug trade “democratized” the industry by making the intense cocaine euphoria available to a larger consumer market for only a few dollars per use.<sup>47</sup> A study conducted by psychologist Steven Belenko showed that crack users were predominately seen by Americans as the drug of choice for the underclass: young, black males were the primary descriptions of crack users by participants.<sup>48</sup>

The moral stigma of being a crack dealer was monumental in the 1980s. The war on drugs had sought throughout the decade to depict drugs as the most lethal threat to American values, and drug dealers as domestic terrorists. The national crusade against drugs waged by both the media and legislators reinforced the idea that cocaine’s psychological effects led users to commit violent crimes. Crack, especially, was thought because of its tendency to increase paranoid tendencies, to also increase users’ tendencies to commit violent crimes. In Queens, New York, a 1987 statistic showed that where gangs had set up a powerful crack distribution center, the murder rate rose by 25 percent over the course of that year, and a once stable working-class community was decimated.<sup>49</sup> The upsurge in crime that seemed to correlate with cocaine abuse reinforced ideas that cocaine users, and especially cocaine dealers, were deviant enemies to American values. *Time* magazine describes the most successful inner-city crack

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<sup>46</sup> New York City Police Department, “Cocaine-‘Crack’” *SPECDA Training Bulletin 2(1)*, (New York: New York City Police Department, 1986) in *Crack and the Evolution of Anti-Drug Policy*, Steven L. Belenko, (Westport, CT: Greenwood Press, 1993), 4.

<sup>47</sup> Streatfield, Dominic. *Cocaine: an Unauthorized Biography*. (New York: Picador Books, 2001); Randall Kennedy, *Race, Crime, and the Law*, (New York: Pantheon Books, 1997), 373.

<sup>48</sup> Belenko, 48-54.

<sup>49</sup> Cole, 154; Peter Kerr, “A Crack Plague in Queens Brings Violence and Fear,” *The New York Times*, 19 October 1987.

dealers as “venal and vicious,” willing to go to great lengths to secure their own fortune.<sup>50</sup> Crack dealers, more than almost any other drug, were viewed as particularly malicious; they were considered to be more prone to violence, lacking moral norms, unprofessional, unclean, and unstable.<sup>51</sup>

### **BEYOND RACE: THE GROWING SIGNIFICANCE OF CLASS AND CULTURE**

In sum, the characterization of the underclass in the case of Brian Tribble is strongly based on ideas about acceptable and unacceptable forms of behavior. His expensive possessions and criminal behaviors, such as theft, drug-dealing, and perhaps even pit-bull fighting, associated him with the pathologically deviant culture of the underclass. Furthermore, Tribble’s alleged involvement with Bias’s death reinforced the perception that the underclass was an imminent threat to the wellbeing of the upper and middle classes. “Hip-hop,” and other norms of the underclass, were all linked with the notions of criminality and moral delinquency that were chronic conditions of underclass culture.

The differing treatments of Bias and Tribble in the aftermath of Bias’s death demonstrate how class and culture supplanted larger issues of race in the post-civil rights era. Although the underclass was marked by near racial uniformity, it was not the only factor determining its segregation from mainstream society.<sup>52</sup> Scholar Charles L. Lawrence III offered an explanation for this in, *The Stanford Law Review*, that:

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<sup>50</sup> Jacob Lamar, “Kids Who Sell Crack,” *Time Magazine*, 9 May 1988.

<sup>51</sup> Belenko, 61.

<sup>52</sup> The rise of middle-class African Americans throughout the 1980s is further evidence of this; William J. Wilson, *The Declining Significance of Race: Blacks and Changing American Institutions*, (Chicago: Chicago UP, 1978), 3-4.

In a society that no longer condones overt racist attitudes and behavior, many of these attitudes will be repressed and prevented from reaching awareness in an undisguised form... But repressed feelings and attitudes that are commonly experienced are likely to find common symbols as a vehicle for their expression. Thus, certain actions, words, or signs may take on meaning within a particular culture as a result of their collective use.<sup>53</sup>

Behaviors, fashions, modes of speech, and other cultural signifiers became new targets for what was formerly racial discrimination in the United States after the late 1970s. As Wilson argues, race relations in America transformed after the civil rights revolution from racial inequalities to class inequalities that targeted the underclass.

The construction of the underclass essentially affirms the reduction of the world into “good” and “bad” individuals. This moral paradigm of society is easily reinforced through law enforcement and other punitive actions against those considered unfit for mainstream society. The Anti-Drug Abuse Act of 1986, which passed only a few weeks after Bias’s death, was the legislative manifestation of these unconscious racial attitudes about the underclass in the war on drugs.

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<sup>53</sup> Charles R. Lawrence III, “The Id, the Ego, and Equal Protection: Reckoning with Unconscious Racism,” *Stanford Law Review*, 39, 2 (Jan, 1987), 356.

## CHAPTER THREE

### “THE LEN BIAS LAWS” RACE AND POLITICS IN THE POST-CIVIL RIGHTS ERA

Representative Charles Rangel (D-NY) had much at stake in his political career with the passage of the Anti-Drug Abuse Act of 1986. The act passed in October; just four months after the death of Bias to cocaine abuse and one month before the critical midterm elections in congress. Rangel was both a founding member of the Congressional Black Caucus and the appointed chairman of the House Select Committee on Narcotics Abuse and Control. His advocacy and supervision of the controversial act was well known throughout the House and Senate ever since its inception. The act imposed mandatory minimum sentences for cocaine possession, a death penalty provision for drug traffickers, and pledged several billion federal dollars to drug enforcement and prevention measures by 1989. Yet this seemingly controversial legislation faced little opposition and Rangel was among its champions. The act was drafted in less than a month, passed through the House and Senate virtually unanimously (378-16), and President Reagan signed the bill into law immediately. “We have broken new ground,” hailed Representative Rangel after H.R. 5484 became public law, “and for the first time we have a national strategy [in the war on drugs].”<sup>1</sup>

Representative Rangel’s endorsement for the Anti-Drug Abuse Act of 1986 was surprisingly short-lived, though. While Rangel initially expressed enthusiasm and leadership for both the 1986 act and its successor, the 1988 Anti-Drug Abuse Act, he spoke out to repeal them both by 1993.<sup>2</sup> He publicly admitted that, “Despite the fact that I originally supported the crack sentencing legislation, I now recognize that its application has revealed a strongly biased and

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<sup>1</sup> “Reagan Signs Sweeping Anti-Drug Bill Into Law.” *The San Diego Union*, 28 October, 1986, A1.

<sup>2</sup> Sam Vincent Meddis, “Drug War’s Sentencing Disparity Due Review,” *USA Today*, 26 August 1993, A3.

flawed statute.”<sup>3</sup> The 1986 Anti-Drug Abuse Act disparately affected the African American population by targeting low-income urban neighborhoods for increased enforcement of harsher drug laws. This led to an unprecedented surge in incarceration rates among African Americans that lingers today. Caroline Fredrickson, Director of the Washington ACLU Office, confirms that these acts have “perpetuated a racial caste system when it comes to our criminal justice system.”<sup>4</sup>

Rangel’s withdrawal of support for these acts is not surprising considering his position in the Congressional Black Caucus and as a representative to predominately African-American New York neighborhoods like Harlem, Upper West Side, and Washington Heights. His constituent demands conflicted with the laws he helped to produce. Although this change-of-heart is understandable, the original conception and construction of these laws within congress remains problematic. The United States’ documented historical association between racism and drug laws, along with Congress’ knowledge that crack-cocaine was associated with low-income, urban neighborhoods, suggests that congress knew it was going after a “poor, largely black, and often addicted population when criminalizing small sales and possession of crack-cocaine.”<sup>5</sup> The disparity in incarceration rates between blacks and whites is significant because the legislators proposed that they were targeting a problem much broader than that of just underprivileged African Americans. In the words of Congressman Peter Rodino, “‘Crack’ use appears to cross all racial, social, and economic boundaries... we must treat [crack] as a national security issue.” If this had really been the case, the inequities in incarceration rates between the two races would

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<sup>3</sup> Charles B. Rangel, “Letters to the Editor: Crack Law is Biased and Flawed,” *The Wall Street Journal*, 13 May 1997, A23.

<sup>4</sup> “Press Release: ACLU Releases Crack Cocaine Report, Anti-Drug Abuse Act Deepened Racial Inequality in Sentencing,” *The American Civil Liberties Union*, 26 October 2006.

<sup>5</sup> Doris Marie Provine, *Unequal Under the Law: Race in the War on Drugs*, (Chicago, IL: University of Chicago Press, 2007), 100.

not have been as drastic in the years following the act's passage. Thus, factors motivating congressmen to draft and vote for the 1986 Anti-Drug Abuse Act merit special attention, as they reflect the broader social undercurrents regarding crime, drug use, and racism in the post-civil rights era leading to the isolation of the black, urban underclass

The anti-drug panic that emerged after the death of Len Bias resulted in an unprecedented increase of media coverage and public discussion about drug abuse in the United States. This chapter contends that the implicit racial prejudices within the 1986 drug panic permeated beyond the realm of news media and popular culture and into the nation's legislature, influencing the passage of the 1986 Anti-Drug Abuse Act. This act is a political manifestation of racial stereotypes about cocaine use that perceived underprivileged African American men as criminal threats to society. This sentiment is masked beneath unease towards the underclass and its performance of deviant behavior. First is a discussion of how Bias's death opened a "policy window" for legislators to pass these omnibus legislations with such relative ease. Next, it will examine the forces of party politics operating beneath the passage of these bills during critical midterm and Presidential election years. Finally, the chapter will conclude by investigating the behavior of the Congressional Black Caucus during the drafting and passage of these laws in order to reveal how issues of class superseded issues of race alone in the post-civil rights era, even among black leaders.

#### **AN OVERVIEW OF THE 1986 AND 1988 ANTI-DRUG ABUSE ACTS**

Before entering a discussion of the influences surrounding the Anti-Drug Abuse Act of 1986, it is necessary to present an overview of the law and its main provisions. Representative Jim Wright of Texas first introduced it as House Resolution 5484 in Congress on September 8<sup>th</sup> of that year. It quickly passed into public law on October 27, 1986, a legislative anomaly considering the massive document contained over seventy laws and had been amended over one hundred times.<sup>6</sup> The law is unique compared to previous pieces of anti-drug legislation because it targets low-level participants in the drug trade in addition to drug “kingpins.” Among its many stipulations, the bill called for mandatory prison sentences ranging from five years to life for small-scale drug trading and a provision establishing a 100 to 1 sentencing disparity between crack cocaine (cocaine hydrochloride) and powder cocaine.<sup>7</sup> For example, distribution of five grams or more of crack, worth about \$125, mandated a five-year prison sentence. Conversely, an individual must be convicted of distributing 500 grams or more of powder cocaine, which cost about \$50,000, to even qualify for a similar sentence.<sup>8</sup> The 1986 Anti-Drug Abuse Act authorized the expenditure of 6 billion dollars to fight drug abuse over the following three years—a 400 percent increase from the drug program’s 1981 budget.<sup>9</sup>

The 1986 Anti-Drug Abuse Act’s successor, the 1988 Anti-Drug Abuse Act, was similarly passed within a week of a major election between Presidential nominees George H.W. Bush (R-TX) and Michael Dukakis (D-MA), suggesting a correlation between the laws and

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<sup>6</sup> U.S. House. 99th Congress, 2nd Session. H.R 5484, The Anti-Drug Abuse Act of 1986.

<sup>7</sup> U.S. House. 100th Congress, 2nd Session. H.R 5210, The Anti-Drug Abuse Act of 1988.

<sup>8</sup> Clarence Lusane, *Pipe Dream Blues: Racism and the War on Drugs*, (Boston, MA: South End Pres, 1991), 45.

<sup>9</sup> Office of National Drug Control Policy, “Drugs and Crime Facts, 1994: A Summary of Drug Data Published in 1994.” *U.S. Department of Justice, Bureau of Justice Statistics*, June 1995; Office of the Inspector General, “Department of Justice Drug Demand Reduction Measures, Report No. 03-12,” (February 2003).

potential voter appeal.<sup>10</sup> The 1988 omnibus law was built upon its 1986 predecessor with drastically more punitive measures, expanding the budget across many departments to 20 billion dollars.<sup>11</sup> Its biggest provisions include setting mandatory minimum sentences for possession of “any substance containing cocaine base” with no intent to sell, as well as the imposition of civil penalties for drug accusations even if no criminal conviction occurs. The 1986 and 1988 Anti-Drug Abuse Acts are often discussed collectively, as the 1988 successor mostly expanded upon the punitive measures already defined in the 1986 bill. This chapter will focus on the formation of the 1986 Anti-Drug Abuse Act and suggest that the 1988 bill was influenced by a continuation of these same racial undercurrents.

#### **POLICY WINDOW: THE IMPACT OF LEN BIAS**

The death of Len Bias in June allowed the young athlete to serve as a martyr, or a symbol for politicians to invoke while passing this “get-tough-on-crime” legislation. By virtue of his race and upbringing, Bias implicitly symbolized the underclass, while still garnering sympathy on account of his tragic fate and athletic talent. His achievement of escaping poverty and entering into celebrity culture conjured a degree of respect from his fans that would not have existed had he been white. From congressional hearings to Presidential speeches, Bias’s name was invoked numerous times throughout the passage of the Anti-Drug Abuse Act of 1986. Congress Robert Dornan (R-CA) even told reporters that congress’ motivation to pass the drug

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<sup>10</sup> The 1988 Anti-Drug Abuse Act is also known as the Omnibus Drug Act of 1988.

<sup>11</sup> Steven Belenko, *Crack and the Evolution of Anti-Drug Policy*, (Westport, CT: Greenwood Press, 1993), 16-17; Ted Gest, *Crime and Politics: Big Government’s Erratic Campaign for Law and Order*, (New York, NY: Oxford University Press, 2001), 115.



laws, “all came down to one man [Bias] not dying in vain.”<sup>12</sup> Consequently, the Anti-Drug Abuse Act of 1986 is colloquially referred to as, the “Len Bias Law.”<sup>13</sup>

Furthermore, the impact that Bias’s death had on the nation created a political environment ripe for such a controversial bill as the Anti-Drug Abuse Act of 1986. In his book, *Agendas, Alternatives, and Public Policies*, John Kingdon explains the importance of political and policy streams. Within these streams, ideas float around among government leaders, waiting to become policies as soon as constituents express a demand for them. Kingdon refers to this demand as a “policy window” whereby these issues may be put on the agenda and enacted into laws. Congressmen often act as policy entrepreneurs who take ideas floating in the stream and earn votes from them once the “policy window” opens up for an issue.<sup>14</sup> In the fall of 1986, Democratic congressmen, in need of midterm reelection votes, can be seen as the policy entrepreneurs who want to look as tough-on-crime as their Republican colleagues. The death of Len Bias and the subsequent media attention on it and urban crime opened the policy window that these congressmen needed to put their party safely behind the Anti-Drug Abuse Act of 1986.<sup>15</sup>

### **PARTY POLITICS: THE MIDTERM ELECTIONS**

The timing of Bias’s death, both during an election year and just days before the annual Fourth of July congressional recess, made his legacy particularly pertinent to legislators in the

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<sup>12</sup> “The War on Drugs: Congress Finds A Crisis,” *The Washington Post*, 14 September 1986. 15.

<sup>13</sup> An example of this is found in: Scott Goldstein, “Man Convicted in Heroin Death under Len Bias Law,” *The Boston Globe*, 13 May 2005.

<sup>14</sup> John W. Kingdon, *Agendas, Alternatives, and Public Policies*, (New York: Addison-Wesley Publishers, 1995). 5.

<sup>15</sup> Stanberry, Artemesia, “The Response of the Congressional Black Caucus to Mandatory Minimum Laws for Crack Cocaine,” (P.h.D. dissertation, Howard University, 2004). 12.

House and Senate. The midterm elections of 1986 were critical for the Democratic Party as they lagged behind their Republican competitors in funding, campaigning, and overall representation. By 1986, the Democratic Party had lost three of the past four Presidential elections, lost their majority status in the Senate, and lost 35 seats in the House to Republicans.<sup>16</sup> The perception, primarily among middle-class voters, that the Democrats were less serious about crime and welfare than the Republicans strongly contributed to their decline during this period. Thus, in order to secure votes, most Democratic candidates in the 1986 midterm election tried to elude this “soft-on-crime” image by vehemently supporting the Anti-Drug Abuse Act and other crime bills.<sup>17</sup> As one reporter for *The Washington Post* wrote:

The election-year antennae of politicians were quick to pick up the rising tide of public concern. Beneath the sheen of bipartisan cooperation that accompanied House passage of the anti-drug bill last week, there was much jockeying for advantage on what is seen as an emotion-laden political issue. In the end, strategists for the two parties settled for a joint effort, hoping to check the opposition’s attempt to capture the issue as its own.<sup>18</sup>

The *Post*’s comments reveal the political rivalries that infused the passage of the Anti-Drug Abuse Act of 1986. Neither the Democratic nor Republican parties wanted to oppose the crime bill out of fear they might lose the upcoming elections. As each party added amendments to the new bill, its provisions became increasingly punitive. For example, President Ronald Reagan first proposed the powder vs. crack cocaine disparity in the 1986 act as a 20:1 ratio. By the time the act was passed, this differential was increased to the 100:1 disparity that currently exists.<sup>19</sup>

The United States Sentencing Commission confirmed that this ratio is a result of no more than

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<sup>16</sup> A. James Reichley, *The Life of the Parties: A History of American Political Parties*, (New York: Rowman and Littlefield Publishers, Inc., 1992).

<sup>17</sup> Stanberry, 5.

<sup>18</sup> “The War on Drugs: Congress Finds a Crisis,” *The Washington Post*, 14 September 1986, 15.

<sup>19</sup> Stanberry, 153.

Congressional party competitions when they reported that no authoritative legislative history exists that explains Congress' rationale for selecting the final ratio.<sup>20</sup> Representative Patricia Schroeder compared the bill's compilation to a game of football when telling a reporter in the Capitol that, "I think we're seeing political piling-on right before the election."<sup>21</sup>

Crime was among the top issues at stake in the elections of 1986 as very few other issues provided such salient headlines. The election was ridden with mudslinging and negative campaign ads as congressional candidates sought to appear more serious than one another about crime. Bill Schneider of the *Los Angeles Times* lamented that it was, "a ho-hum election, distinguished only by mudslinging and negative campaigning... After all, you have to give people some reason to vote for you."<sup>22</sup> Even the *Toronto Star* compared the U.S. electoral campaigns to "a series of separate sailboat races on a glassy, calm sea."<sup>23</sup> In the absence of opportunities to be noticed in a vital campaign, most congress members invested themselves in looking "tough-on-crime," to appeal to their voters' anxieties towards drug abuse. Republican Majority Leader Jim Wright (R-TX) acknowledged this need to appease voters when saying that, "anyone responsible for preventing this legislation from being enacted will have an angry American public to answer to."<sup>24</sup>

Bias's death occurred just days before the beginning of the Congressional Fourth of July Recess. Significantly, the Democratic Speaker of the House in 1986 was from Boston, the home

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<sup>20</sup> U.S. Sentencing Commission, *Report to Congress; Cocaine and Federal Sentencing Policy*, (Washington, DC, May 2002), 7.

<sup>21</sup> Rovner, Julie, "House Passes \$6 Billion Anti-Drug Package," *Congressional Quarterly*, 13 September 1986., 2124.

<sup>22</sup> Schneider, William, "A Ho-Hum Election," *The Los Angeles Times*, 2 November 1986, Op-Ed, 5.

<sup>23</sup> Michael Barone, "Obscure Election Issues Leave U.S. Voters Glassy-Eyed," *The Toronto Star*, 30 October 1986, A16.

<sup>24</sup> Rovner, Julie, "House Passes \$6 Billion Anti-Drug Package," *Congressional Quarterly*, 13 September 1986, 2124.

of Bias's prospective basketball team, the Celtics. Tip O'Neill's constituents thus held special stock in Bias's potential as an athlete and representative for their city. The Boston Celtics were "America's Team" in 1986, drawing a large, loyal fan base among Boston residents. Even Boston's Mayor in 1986, Raymond Flynn, was a former Celtics player. Former news reporter Dan Baum writes in his work, *Smoke and Mirrors*, that O'Neill was in his hometown throughout the Fourth of July congressional recess in the week following Bias's death. Upon returning to the Capitol, O'Neill called for an emergency meeting of all crime-related committee chairmen in order for Congress to respond to what he perceived as a massive concern among his constituents.<sup>25</sup>

O'Neill was not alone in facing high constituent demand after the Fourth of July recess, though. Both Democratic and Republican candidates were encouraged to support the Anti-Drug Abuse Act of 1986 because of the national attention the issue received after the death of Bias. In a 1985 survey of approximately 100 members of the House of Representatives, 96 percent of respondents characterized drug abuse in their districts as either severe or moderate, and criminal behavior by drug users was perceived as biggest problem resulting from drug use.<sup>26</sup> Furthermore, approximately three-fourths of responding Members ranked "improved or enhanced drug law enforcement" and "more severe sentencing of drug traffickers" in their top three expressed constituent needs in 1985.<sup>27</sup>

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<sup>25</sup> Dan Baum, *Smoke and Mirrors: the War on Drugs and the Politics of Failure*, (Boston, MA: Little, Brown and Co., 1997), 224-236.

<sup>26</sup> House of Representatives, 98<sup>th</sup> Congress, 2<sup>nd</sup> Session. "A Survey of Members of Congress About Drug Abuse in Their Districts. A Report of the House Select Committee on Narcotics Abuse and Control."

<sup>27</sup> Jimmie L. Reeves and Richard Campbell, *Cracked Coverage: Television News, the Anti-Cocaine Crusade, and the Reagan Legacy*, (Durham, NC: Duke UP, 1994), 67.

Congress held many hearings and committee meetings to address the growing concern over cocaine abuse. In a congressional hearing titled “The Crack Cocaine Crisis,” held while drafting the 1986 Anti-Drug Abuse Act, Representative Rangel opened the hearing by reminding his colleagues that, “In the past month, we have seen tragic reminders that cocaine kills. The deaths of Len Bias and Don Rogers, two talented young athletes, are shocking examples that millions of Americans are vulnerable to the dangers of cocaine.” Expert witnesses revealed the hyperbole of this statement, however, when suggesting that because of the novelty of cocaine and crack abuse in the nation, statistics on the drug were both rare and unreliable.<sup>28</sup> Nonetheless, the death of Bias created a heightened sense of urgency among Congressmen to put a new drug program into action. Another hearing was held just one month later exclusively regarding the drug problem in Bias’s hometown, where constituent concerns were both loud and near to the Capitol. In hearing’s opening remarks, Representative Walter Fauntroy of Bias’s district stated that, “the focus of the hearing was on a real and vital issue in the minds of the American people, that is, the sale, use, and abuse of controlled substances,” indicative of his perceived constituent demand for congressional action.<sup>29</sup>

Scholar Doris Marie Provine writes in her essay, “Creating Racial Disadvantage,” how print media reports influenced members of congress preceding the passage of the 1986 Anti-Drug Abuse Act. Congress members submitted newspaper articles to the *Congressional Record* to reveal the prevalence and severity of drug abuse in their respective districts during weeks

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<sup>28</sup>House of Representatives, 99<sup>th</sup> Congress, 2<sup>nd</sup> Session, 15 July 1986. “The Crack Cocaine Crisis: Joint Hearing Before the Select Hearing on Narcotics Abuse and Control, House of Representatives and the Select Committee on Children, Youth, and Families.”

<sup>29</sup>House of Representatives, 99<sup>th</sup> Congress, 2<sup>nd</sup> Session on Drug Sales and Use among Students in High Schools and Colleges in the District of Columbia, “Drug Problem in Schools and Colleges. Hearing Before the Subcommittee on Judiciary and Education of the Committee on the District of Columbia.”

before the act passed. These reports compelled Congress to act according to three prevalent and racially-inflected assumptions: first, that crack was moving out of the ghetto and into the suburbs; second, that crack users are generally Black; and third, that crack was ruining the lives of their productive (mostly White) constituents. One member lamented that, “Even though sellers usually set up shop in the predominantly Black neighborhoods, their customers tend to be white. The ability to sell cocaine in rock form has lowered the price to where it is affordable to the middle class,” revealing concern over the spread of crack into the lives of their middle-class voters. Moreover, racially discriminatory media images depicting almost exclusively the underclass misinformed legislators and their constituencies because media coverage of the crack cocaine commentator was “well out of proportion to the seriousness of the crack cocaine problem.”<sup>30</sup>

Due to the impending midterm elections in November, members of Congress had professional incentives to enact the proposed H.R. 5484 and to appear concerned about issue of crime. Thus, many legislative corners were cut in the drafting and approval process of this bill to expedite its enactment. Representative O’Neill set a five-week deadline for the bill as soon as it was introduced to congress in early July. This narrow time frame meant that law-writing committees only had about a month to develop innovative ideas to combat drug abuse, write plans to carry out these ideas, get comments from experts and constituents, and finally earn the approval of the House, Senate, and Executive.<sup>31</sup>

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<sup>30</sup> Edith Fairham Cooper, “The Emergence of Crack Cocaine Abuse in the United States: A Public Health Perspective,” *CRS Report for Congress*, (Washington, DC: Library of Congress), 50.

<sup>31</sup> Doris Marie Provine, *Unequal Under the Law: Race in the War on Drugs*, (Chicago, IL: University of Chicago Press, 2007), 109-110.

## DISPARATE IMPACT: THE EFFECTS OF THE “LEN BIAS LAWS”

The disparate impact that these laws have had on the black community is profound. In the words of sociologist Howard Winant, “Today, a racial project can be defined as racist if it creates or reproduces a racially unequal social structure, based on essentialized racial categories.”<sup>32</sup> The Anti-Drug Abuse Acts adhere to this definition through the conspicuous overrepresentation of African-Americans in United States federal and state prisons. By the end of 1988, 37 percent of all drug arrestees were black nationwide, though blacks only comprised about 13 percent of the total population.<sup>33</sup> Between 1988 and 1994, the national rate of incarceration for blacks increased by an overwhelming 67 percent, from 922 per 100,000 black residents to 1,547, while the white rate increased by only 28 percent, from 134 to 188 per 100,000 white residents.<sup>34</sup> Increased arrests and convictions for drug possession due to the Anti-Drug Abuse Acts are generally cited as the primary reasons for these leaps in prison statistics during the late 1980s. The mandatory minimums that differentiated between crack and powder cocaine in the Anti-Drug Abuse Acts were the most controversial provisions, though. Underclass blacks were more likely to be able to afford crack than powder cocaine, and were also more likely to be arrested while trading it due to the public atmosphere of urban ghettos. In 1992, approximately 93 percent of all defendants convicted for crack-cocaine possession were black, and only 4.7 percent white.<sup>35</sup> Therefore, these different mandatory minimums for crack and powder cocaine generally result in black

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<sup>32</sup> Howard Winant, “Racism Today: Continuity and Change in the Post-Civil Rights Era,” in *Multiculturalism in the United States: Current Issues, Contemporary Voices*. Peter Kivisto and Georganne Rundblad, eds. (Thousand Oaks, CA: Pine Forge Press, 2000), 23.

<sup>33</sup> US Department of Justice, Federal Bureau of Investigation, *Uniform Crime Reports; Crime in the United States, 1998* (Washington, DC: USGPO, 1998).

<sup>34</sup> Marc Mauer, “Intended and Unintended Consequences: State Racial Disparities in Imprisonment,” *Thomas M. Cooley Law Review*, 16:47, 1999.

<sup>35</sup> Randall Kennedy, *Race, Crime, and the Law*, (New York: Pantheon Books, 1997), 364-365.

offenders serving longer sentences than white offenders for what many view as virtually equal crimes.

The mandatory minimums instituted in the 1986 and 1988 Anti-Drug Abuse Act were unprecedented. In the two centuries prior to the Anti-Drug Abuse Act of 1986, Congress has only passed a total of fifty-eight mandatory minimum sentences for a wide array of offenses. In the 1986 Anti-Drug Abuse Act, though, Congress added another twenty-nine mandatory minimum sentences for the purpose of drug enforcement alone. This represents a 50 percent increase in the nation's mandatory minimum sentences in just one bill.<sup>36</sup> Eric Sterling, former aide for President Reagan's drug policy, writes that these mandatory minimums can effectively be seen as replacement forms of punishment for the racially discriminatory laws and codes that existed in the pre-civil rights era. The earlier forms of explicit, legal segregation were methods through which Whites punished Blacks for their skin color. He writes, however, that, "with the elimination of racial segregation as punishment, substitute forms of punishment would be necessary to maintain the stability of society's response to what it finds deviant or offensive."<sup>37</sup> Mandatory minimum sentences for cocaine offenses are prime examples of "substitute forms of punishment," that disparately impact the black community and are believed to maintain standards of "good" and "bad" behavior in American society.

#### **EXPLAINING THE BEHAVIOR OF THE CONGRESSIONAL BLACK CAUCUS**

The Congressional Black Caucus was founded in 1971 with the mission to positively influence the course of events related to African Americans and others of similar experience and

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<sup>36</sup> Baum. 228

<sup>37</sup> Eric Sterling. "Drug Policy: A Challenge of Values. *The Harworth Press*, 2004.



situation.<sup>38</sup> As an organization formed exclusively to advocate on behalf of the Black community in the United States, one would expect that the CBC would have been unanimously opposed to legislation like the Anti-Drug Abuse Act that did not receive normal committee and debate review, was debated during an election year, and was related to crime in inner cities.<sup>39</sup> “After all,” writes Randall Kennedy, “several of these representatives had long histories of distinguished opposition to any public policy that smacked of racial injustice.”<sup>40</sup> Indeed, out of the 16 members of Congress who voted against the Anti-Drug Abuse Act in 1986, seven of them belonged to the CBC—a ratio greater than their overall representation in the House. However, the majority of the Caucus was still in favor of the act. Eleven of the twenty-one members of the Congressional Black Caucus voted for of the Anti-Drug Abuse Act, including Representative Rangel who was among the bill’s greatest advocates. The fact that the majority of the Congressional Black Caucus supported the bill mitigated many objections to the bill on racial grounds, as most critics expected these members to be the first whistle-blowers for the black community.

It is difficult to uncover the motives on the Congressional Black Caucus because their voices are largely absent in the debates leading up to the passage of the Anti-Drug Abuse. In many of the hearings, the only CBC Member present was Rangel.<sup>41</sup> Furthermore, no members of the CBC submitted statements declaring a position on the issue of drug abuse. Their conspicuous silence looms amid statements, such as those of Senator Daniel Moynihan, that

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<sup>38</sup> “CBC History and Agenda,” *The Congressional Black Caucus Foundation, Inc.*, [www.cbcfinc.org](http://www.cbcfinc.org). (6 March 2008).

<sup>39</sup> Stanberry, 202.

<sup>40</sup> Kennedy, 372.

<sup>41</sup> Kennedy 370.

overtly charge “young males in inner cities” with “the destruction of whole communities and cities across this nation” during Congressional hearings.<sup>42</sup> Two primary reasons exist for the CBC’s majority support of the Anti-Drug Abuse Act: first was the perception that crack was legitimately destroying the African American community and deserved to be stopped, and second was the value of their own interests as Democratic party members to vote in amicable alignment with the party’s position.

Many members of Congress, including those in the Congressional Black Caucus, agreed that “crack” use originated in inner-cities and urban ghettos and was a leading cause of crime and moral downfall in the United States. Instead of questioning the underlying social and economic causes of drug abuse, many Congressmen believed that the best solution was to rid their districts of crack dealers and users by increased law enforcement. One senator from Utah defended his decision to support the capital punishment amendment in the Anti-Drug Abuse Act by saying that its victims would be “drug dealers... pushers, the czars, and these are the people, frankly, I am not particularly interested in protecting.”<sup>43</sup> Even Representative Rangel, a founding member of the CBC, made remarks supporting the act as “the first blow against this crime that is being committed against humanity,” and endorsing the notion that crack abuse was a leading cause of crime in his district.<sup>44</sup> For example, in a special recognition before the House, Rangel extended his gratitude to New York’s ABC television network for its initiative in publicizing the his district’s growing crack epidemic. “We all know that crack is the newest and most insidious addition to drug culture,” said Rangel, “and that television is a very useful medium for spreading

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<sup>42</sup> Congressional Record, Senate, 99<sup>th</sup> Congressional Session, “Senator Patrick Moynihan,” 132 Cong Rec S 13761, 26 September 1986.

<sup>43</sup> Congressional Record, House, 99<sup>th</sup> Congressional Session, 132 Cong Rec S 16019, 14 October 1986.

<sup>44</sup> Congressional Record, House, 99<sup>th</sup> Congressional Session, 132 Cong Rec H 9455, 8 October 1986.

the word in the war on drugs.” Following his statement, he submitted an editorial to the Congressional Record that describes the relationship between crack use and robberies in the New York Bronx. This was a growing concern for Rangel because it was “reaching into other boroughs and poor communities alike.”<sup>45</sup> This endorsement indicates that Rangel supported ABC television’s message that crack use induced criminality and deviancy in low-income neighborhoods. Fellow CBC member Representative Major Owens concurred with this notion that crack use caused downfall in black communities, as he said that, “For those of us who are black, this self-inflicted pain is the worst oppression we have known since slavery.”<sup>46</sup> Thus, many congressmen, including leaders of the CBC, supported the bill out of an interest to protect the black community.

Another motivation for members of the Congressional Black Caucus to vote for the Anti-Drug Abuse Act was to protect their own positions in Congress, as well as their leadership opportunities within the Democratic Party. Artemesia Stanberry of Howard University endorses this idea that members of the CBC supported the Anti-Drug Abuse Act of 1986 because of their “tied fates” to the Democratic Party and to the norms of Congressional politics.<sup>47</sup> Members of the Democratic Party almost exclusively comprised the Congressional Black Caucus and it was a common strategy to place CBC members on key committees in order to have a greater impact on legislation.<sup>48</sup> The CBC exerted its power within the congressional framework of establishing seniority, building coalitions, and obtaining reelection. Thus, the interests of protecting the

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<sup>45</sup> Congressional Record, 99<sup>th</sup> Congressional Session, “Extension of Remarks,” 132 Cong Rec E 3515, October 1986.

<sup>46</sup> Congressional Record, 99<sup>TH</sup> Congressional Session, 132 Cong Rec H 5939, 11 August 1986.

<sup>47</sup> Stanberry, 15.

<sup>48</sup> *Ibid*, 195.

CBC's political leverage during an election year displaced their interests to protect the rights of their African American constituents. Accordingly, each member of the Congressional Black Caucus who held a leadership position within the Democratic Party at the time of the act's final vote, voted with the party's supportive position.<sup>49</sup> Stanberry posits that many members of the Caucus were too timid to exert dissenting opinions out of fear of losing votes, and also of embarrassing themselves by casting debates they would undoubtedly lose. She writes that even when CBC members were "well-aware" of the effect that the new drug laws would have on the African American community, its members still failed to form a cohesive stance on the issue. This demonstrated that, "the CBC did not have the necessary clout or will to persuade their Democratic colleagues to oppose harmful anti-crime legislation."<sup>50</sup>

Equally as perplexing as the voting behaviors of the Congressional Black Caucus, though, is the role of the black members of the Republican Party. These African-American leaders of the Republican Party not only supported the racially discriminatory policies of the New Right, but they helped to draft and implement them at a much greater rate than those in the CBC. Upon entry to the Oval Office in 1980, President Reagan appointed a number of black neoconservatives to various federal departments and agencies, such as the Civil Rights Commission or Housing and Urban Development Commission.<sup>51</sup> Black conservatives like Clarence Pendleton (Chairman of the U.S. Civil Rights Commission), William Reynolds (Attorney General for Civil Rights), and Samuel Pierce (Chairman of the Housing and Urban Development Committee), were appointed who supported views similar to Charles Murray's that

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<sup>49</sup> *Ibid*, 201.

<sup>50</sup> *Ibid*, 205.

<sup>51</sup> Lewis A. Randolph, "Black Neoconservatives in the United States: Responding with Progressive Coalitions," in *Race and Politics: New Challenges and Responses for Black Activism*, James Jennings, (New Yor, NY: Verso Press. 1997), 152.

government welfare programming was helping to cause the plight of the urban underclass, and that only through self-motivation and economic stimulation could its members escape the cycle of poverty.

Black legislators like Pendleton claimed that it was in the best long-term interest for the black underclass to learn not to rely on the welfare auspices of the government. Furthermore, they contended that the safety of the black community could only be ensured through increased police interdiction efforts of drug dealers and criminals. Cornel West critiques this group of black politicians when writing that, although their intentions as black leaders were laudable (they “simply want what most Americans want—to be judged by the quality of their skills, not the color of their skin”), this group also overlooked the glaring fact of structural racism in the American economic and social establishment. This structural racism continues to subjugate low-income blacks through financial and attitudinal means, even after the successes of the civil rights movement. West conclusively determines that these conservative legislators, “are either politically naïve or unconcerned about black mobility.”<sup>52</sup>

The behavior of black political leaders when confronted with the Anti-Drug Abuse Act of 1986 speaks to the growing disparities *within* the black community, as well as outside of it. Many of these black congressmen politically represented the large, growing cohort of the black middle class, or were from this class themselves.<sup>53</sup> The idea has existed since the 1950 that African-Americans who move up the socio-economic ladder, even in times of overt racism, generally attempt to distance themselves from African Americans who had not. This distance

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<sup>52</sup> Cornel West. “Unmasking the Black Conservative.” *The Christian Century*. 16 July 1987, 644.

<sup>53</sup> “Study Finds Gains for Black Middle Class.” *The New York Times*, 10 August 1991.

includes outward appearances, like speech and dress, as well as values and behaviors.<sup>54</sup> The fact that many of these leaders held the same views on crime, public safety, and inner-city crack abuse as their white colleagues speaks to the fact that the black elites and middle-classes who benefited from the civil rights movement did so at the expense of the underclass.

The black members of the CBC and Republican Party largely supported the Anti-Drug Abuse Act of 1986 out of concerns for the public safety of their constituents. However, their lack of opposition or even criticism of the act from the beginning indicates how issues of class, culture, and fears of underclass deviancy, supplanted more pertinent concerns about race and justice, even within the black community. Thus, race entered Congressional considerations *sub rosa* during the passage of the Anti-Drug Abuse Act of 1986.<sup>55</sup> Only recently has the disparate impact of this act been perceived strongly enough to merit reconsideration within the legislature of its racially unequal provisions.

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<sup>54</sup> Stanberry, 125-6.

<sup>55</sup> Ruth D. Peterson, Lauren J. Krivo, and John Hagan. eds. *The Many Colors of Crime*. (New York, NY: New York UP, 2006), 292.

## CONCLUSION

“Unfortunate jock? Or tragic figure? Or both? And will anything really be salvaged from this tragedy?”

-Peter Jennings on the death of Bias, ABC News 6/28/2986

The impact of Bias’s death has affected so many facets of American life, politics, even athletics, that his story is often forgotten as the quintessential cocaine tragedy in recent memory. His death was inexplicable and irrational in 1986; it spoke against the prevailing narrative that successful individuals, especially athletes, were immune to either moral or physical decline. Moreover, his story demonstrates how attitudes about drug use in the 1980s are rooted in longstanding racial ideologies in the United States. The intertwining issues of class, race, and politics within his narrative are what make his death among the most volatile and influential examples of unconscious racism since the decline of the civil rights movement. His tale and the public response to it merit special attention today in order to better understand the nature of racism in the post-civil rights era.

In the 1980s, drug users were seen as separate members from mainstream society, both physically and in terms of their values. This belief masks deeper racial sentiments, though, as these characteristics and values, like drug-dealing and flashy clothing, came to define what it meant to be “black” in many peoples’ eyes. Throughout the 1970s, blacks were approximately twice as likely as whites to be arrested for drug-related offenses. By 1988, with the sentencing disparity enacted in all federal courts, blacks were arrested on drug charges at five times the rate of whites.

<sup>1</sup> Today, African Americans are convicted of drug felonies at higher rates than any other racial cohort, although drug use stays roughly proportionate among the different racial populations.<sup>2</sup> The United States Bureau of Justice predicts that one in every three black males will enter either State or Federal prison in their lifetime, compared to 17 percent of Hispanic males and 6 percent of white males.<sup>3</sup>

The disparate impact of drug legislation on the black community demonstrates how culture, not race, has become the primary factor for racial segregation in America in the post-civil rights era, even within the black community itself. As a growing cohort of blacks “out-migrated” from the inner-city and into the suburbs after the civil rights movement, they also out-migrated from underclass culture. Mary Patillo McCoy demonstrates in her book, *Black Picket Fences*, that most middle-class blacks in the second half of the 20<sup>th</sup> century practiced virtually identical behaviors to middle class whites, such as mowing their lawns, attending church, getting married, working, owning property, and so forth.<sup>4</sup> Black administrators, like Rangel and Clarence Pendleton, became the new movers and shakers for the black community as a whole, although their upper-class experiences and cultures obtained through civil rights successes were sharply different from the underclass blacks they sought to uplift when passing the Anti-Drug Abuse Act of 1986. This shows that the “cocaine menace” was not the only threat to the welfare of the

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<sup>1</sup> Michael Tonry, *Malign Neglect: Race, Crime, and Punishment in America*, (New York: Oxford UP, 1995), 11.

<sup>2</sup> “Blacks almost three times more likely...” U.S. Department of Justice, Bureau of Justice Statistics Online. <http://www.ojp.usdoj.gov/bjs/glance/jailrair.htm>. (1 April 2008); Hilary O. Shelton. “Statement on Applying US Sentencing Commission Amendment to the Crack Cocaine Sentencing Guidelines Retroactively,” USSC Public Hearing, 13 November 2007.

<sup>3</sup> “Criminal Offenders Statistics,” United States Bureau of Justice Online, <http://www.ojp.usdoj.gov/bjs/crimoff.htm>, (2 April 2008).

<sup>4</sup> Mary P. McCoy, *Black Picket Fences: Privilege and Peril Among the Black Middle Class*, (Chicago, IL: University of Chicago Press, 1999), 15.



black community in the 1980s, as the equality gap expanded not just between blacks and whites, but also between the black underclass and the rest of society, black *and* white.

Reverend Jesse Jackson spoke about this phenomenon to an all-black high school in Manhattan. He explained that the current generation of African Americans has “lost more lives to dope than the Ku Klux Klan rope.”<sup>5</sup> Evinced by the case of Bias and Tribble, drug use, poverty, and crime are among the new myriad of indicators of racial disparity apart from skin color alone. Knowledge of this disparity led the United States Sentencing Commission to vote unanimously to retroactively amend the 100 to 1 sentencing differential in December of 2007.<sup>6</sup> This decision could eventually affect nearly 20,000 inmates in prison for drug-related sentences. Judge William K. Sessions III, a member of the US Sentencing Commission, conceded that much of the commission’s decision was based on the disparate racial impact of the initial law. Sessions spoke that, “This is an historic day. This system of justice is, and must always be, colorblind.”<sup>7</sup> The USSC’s landmark decision of this year did not abolish the 100 to 1 disparity, nor did it undermine the mandatory minimum sentences originally set by Congress, but it reduced the inordinately excessive sentences prescribed to several low-level or third party drug offenders. Furthermore, it marked a turning point in the nation’s approach to drug legislation; recognizing the unintentional effects of, and the covert racial biases built into, our nation’s drug policies.

Although many people believed that the color line in American society was abolished with the civil rights revolution, the cocaine issue both reflected and magnified the color line in society

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<sup>5</sup> Bob Herbert, “In America; Blacks Killing Blacks.” *The New York Times*, 20 October 1993.

<sup>6</sup> “U.S. Sentencing Commission Votes Unanimously...,” U.S. Sentencing Commission News Release, 11 December 2007. [www.ussc.gov/press/rel121101.htm](http://www.ussc.gov/press/rel121101.htm). (2 April 2008)

<sup>7</sup> David Stout, “Retroactively, Panel Reduces Drug Sentences.” *The New York Times*. 12 December 2007.

today.<sup>8</sup> However, it has not been until the recent decision by the USSC to retroactively amend the 100 to 1 disparity that this color line in the drug war was fundamentally acknowledged. Even 2008 Presidential candidate, Barack Obama, spoke about the nation's current "racial stalemate" that saturates American culture, policies, and opinions, preventing citizens and legislators alike from discussing pertinent issues like this.<sup>9</sup>

In 1986, Bias represented a sense of infinite possibility to his fans. He was the skinny boy from Landover, the art major at the University of Maryland, and the kid who made several million dollars overnight at the NBA draft. His personality and talent embodied an vision of youth that made a powerful evening headline in any newscast, especially one involving scandal. The crux of the Bias tragedy was the image of lost opportunity for the young athlete, and for the game of basketball, as he died before ever playing in a professional game. Yet, while Bias remains one of the greatest "what-if's" of college basketball today, the legacy of his death conjures very tangible examples of racial disparity and inequity in our society that have existed for generations. The message of A.E. Housman's famous poem, "To an Athlete, Dying Young," remains true in the case of Bias that fallen athletes often do have the most profound legacies:

*Smart lad, to slip betimes away  
From fields where glory does not stay,  
And early though the laurel grows  
It withers quicker than the rose...  
So set, before its echoes fade,  
The fleet foot on the sill of shade.<sup>10</sup>*

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<sup>8</sup> Lewis Cole, *Never Too Young to Die: The Death of Len Bias*, (New York, NY: Pantheon Books, 1989), 152.

<sup>9</sup> Barack Obama, "Speech: A More Perfect Union," 18 March 2008.

<sup>10</sup> A.E. Housman, "To an Athlete, Dying Young."

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