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Transcript

Don't Try This at Home: Lessons from America's War on Drugs

Eugene Jarecki

Filmmaker; Director, *The House I Live In*

Chair: Professor Alex Stevens

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21 May 2013

Alex Stevens:

Good evening, everyone. Welcome to this fascinating event at Chatham House. My name is Alex Stevens; I'll be chairing the event. I'm professor in criminal justice at the University of Kent and I've been working with Chatham House for the last year or so on their project on drugs and organized crime. I'm also a board member of the International Society for the Study of Drug Policy, and I'm just back from Bogota, Colombia, where we had our annual conference and discussed many of the issues that Eugene's fascinating film touches upon.

The format of this event is that Eugene will be showing some clips from his film and we'll be talking about those clips. Then there will be a time for me to ask him some questions and also for you to ask him some questions. We'll be finishing at quarter to eight and there is a reception after that.

Our speaker this evening is Eugene Jarecki, a filmmaker of prodigious output. In 2002 his film *The Trial of Henry Kissinger* won the Amnesty International Award. In 2005 his film about the military-industrial complex, *Why We Fight*, won him his first Grand Jury Prize from the Sundance Documentary Festival [*sic*]. In 2010 his short *Move Your Money* encouraged Americans to move their money out of banks that are 'too big to fail' – a recommendation we could all follow. He also directed a documentary based on the book *Freakonomics*.

His most recent film is the one he is here to talk about today. *The House I Live In* opened at the Sundance Festival in 2012 and also won the Grand Jury Prize for Documentary. It's a fascinating account of the drug war in America. I think Eugene is here to tell us that this is not an example we should be following at home, with his theme 'Don't Try This at Home'. Ladies and gentlemen, Eugene Jarecki.

Eugene Jarecki:

Indeed, the theme of my week – I've never come to Britain before with a theme, but I might as well have stepped off the aircraft carrying a picket sign that said on it, 'Don't Try This at Home', because I think there's a crucial moment happening in the US–UK relationship. Britain finds herself sort of teetering in between extremes in the world – the extreme on the one hand of America's deeply misguided approach to the issue of drugs as a national issue for us – and as a global issue – and then on the other hand the European example, where there is more and more progressive and quite

informed effort and change going on. Britain finds herself worse than Europe but a lot better than the United States.

So when I say 'don't try this at home' to a whole country, and I want the country to be very aware and very afraid of the example that the United States has set, I do so not only because I feel a need to speak beyond my own nation's borders about the tragedies that we've inflicted on ourselves and on the world with a wrong-headed set of policies, but also because Britain can in fact, I believe, make a difference in multiple directions. Were Britain, for example, to move into a more informed and wise and sound and compassionate and effective direction with drug policy, it would shame the United States. It would further isolate an already increasingly isolated United States on this score. The United States always takes great comfort in seeing that her British ally is such a great supporter of this, that or the other, whether it's the Iraq war or others that we get ourselves involved in. So I think it would send a very good message to the United States to see the British public and, in turn, British leadership move away from the excessive severity that is unfortunately already at work here to some degree, and coming down the pike when you least expect it to another degree. It also would reconfirm the efforts of other countries in the European Union, especially Portugal and other countries that have set themselves apart through their extraordinary efforts to be more progressive and enlightened about this.

So it's with that in mind that I'm here tonight to show bits of my film. In the interests of time and having a good discussion with Alex and yourselves, the choice was made not to show the whole film, because it's an hour-and-forty-five-minute epic – that you can watch another way, you can go to thehouseilivein.co.uk and download it or get the DVD. It also shows occasionally on BBC *Storyville*. So there are other ways to see it, and it's probably already pirate-able – and I'm happy to encourage you to steal it if that suits you, and if your economics require that, that's fine by me. But you being here tonight means you do get to see hopefully tantalizing clips of it that make you want to see more, but especially that hopefully guide our discussion.

What I will try to convey in the limited time I have, which is a portrait of – I think what we have in the United States, we often hear this concept in all kinds of areas of life: something taken to its logical extreme. I think what you see in America is the notion of severe drug sentencing and drug law enforcement as opposed to public health solutions – that has been taken to an illogical extreme. To give you a ridiculous example: as you may remember, Trayvon Martin died in Florida last year and after that, about three weeks

later, in a less-known news story, a woman was fearing in Florida that her serially abusive husband might abuse her. So she took out a gun and fired it into the air, discharged it into the air, to frighten him. It turns out you get 20 years in jail for discharging a firearm in the state of Florida, so that was her sentence. Had she taken out the gun, pointed it at him and killed him, she would have gotten 15. So that's how insane our legal structure has become in its frenzied, hysterical rush to devise all manner of mandatory minimum sentences to attach to all manner of activities, so that more and more people can go to prison and prove profitable to those who profit from our prison system. That's not just private interests, that's also just workers and politicians and an entire bureaucracy whose thrust has become so poisoned by those imperatives.

So with that in mind, I'm going to show an opening clip. I thought about what to show at first and just in an act of shameless self-promotion I'm going to show not videos of my kids, although it's almost that – I'm going to show the trailer for the movie, the theatrical and television trailer, which is essentially like watching a movie trailer in the theatre. But if I've done a good job, it's supposed to make you want to watch a movie. So let's watch the opening trailer of the film to give you a sense, and then we'll start talking in greater substance.

[Film Clip 1: Trailer]

So that was an effort to encapsulate a two-hour-ish movie into two minutes. It does so in a manner that is sensational and provocative, and is intended to be so. I learned years ago that when you make trailers for movies – my movies tend to be very measured exercises in reasonable people disagreeing and contemplative arguments made and not a lot of strident posturing and over-the-top expressions. I do that for a lot of reasons: it's respectful of the viewer; it's respectful of the notion that life is complicated and solutions are very often not black and white. But it's also clever if you want to please the critics, which are ultimately the middlemen between me and my intended audience. In order to win festivals and get critics to be happy, you play this very careful game of 'hiding the lede' in many ways in your movie. I have deep passions which to some extent I express in very dulcet tones in my movie, and I agree with doing it that way – though it is also communications strategy.

That goes out the window when I make a trailer, because I discovered with trailers there are no critics. So I might as well make the most sensational trailer in the world. My movie about Henry Kissinger – it's a measured

question. What does it mean to think of someone like Henry Kissinger as a candidate for a war crimes tribunal? Reasonable people can disagree about that – but not in my trailer. In my trailer, he's a war criminal. There's no two ways about it. The poor guy comes out of it looking terrible. But it's a win-win-win. Why? Because people say, wow, I've got to see that thing – that doesn't seem like a boring documentary. Then they come in and say: it's very reasonable; it wasn't as strident as I expected to be. So now I've got them in the theatre and then we get to have a reasonable discussion – much more reasonable than they anticipated. And if this sounds disingenuous to you, it is. I'm in the business of propaganda. It just happens that I believe in certain things and like anyone, I think my feelings are on the side of the angels and I want to share those ideas about a situation – in this case and this film, very personal to me.

So the movie goes into much more textured, human terrain and I'll talk a little bit about that by way of setting up the second clip. The second clip I'm going to show you reflects a little bit on this.

A lot of people have asked me why I made the movie, because I'm not a drug user, I'm not a candidate for drug law enforcement. I live in a comfortable white neighbourhood. Cops in America don't come to my neighbourhood to patrol around. In fact, it's very hard to find a cop when I need one. If I call one, they'll come in a heartbeat. But if you're a poor black person living in America, you're swimming in cops. You walk out your front door, your neighbourhood is teeming with cops – except when you need them, and then they mysteriously vanish.

So that disparity is only one small element of a much larger disparity that exists in America broadly, which is that – as I was growing up, I came from Jews who had fled Nazi Germany in 1939 on my father's side. My mother's family had fled czarist Russia at the turn of the 20th century. So the children in my family, like a lot of immigrating American Jews, were taught to think that in this newly adopted country, it was necessary that we be messengers of struggle, that we be messengers of persecution. When you looked around the American landscape, it didn't take five minutes to see who the targets for American racism and American oppression were. That meant that there was a bond from the time I was in my diapers – there was a bond between myself, my brothers and the black American community. My parents taught us that as went black America, so went ourselves. We were taught that our lives would make sense if we pursued betterment for the voiceless in America.

A lot of the people in my family take that very seriously, and as I was growing up that really manifested itself in my having a lot of friendships in the black community. I was one of those white kids – until I was 15, I think I thought I was black. Then I had sort of a rude awakening that my complexion wasn't changing and that some of my desires to be a professional basketball player, among other things, weren't necessarily in the cards. I started to just become my own person, whose love of the shared struggle between black Americans and myself, and history's elements of struggle, was one I wouldn't lose, but I became the person that I am.

In the process of that, I noticed that life was going very well for me. I had lots of opportunity. I got to go to a fancy college and I got all those nice virtues. A lot of the black kids I'd grown up with were fading away. They were struggling like crazy. The opportunities that were becoming readily available to me were nowhere near available to them. They were getting kneecapped every five minutes.

So I began to wonder in my teens and then into my twenties, what was happening that was blocking black progress in America? This was a pressing question. I tried to understand it and I asked a lot of people. They said, well, just look at how many black men are being incarcerated out of inner cities in America. That speaks volumes. Well, yeah, that speaks volumes as a fact, but it doesn't answer: why is that happening? That actually subtly implies that black people are just sort of inclined toward jail, that given the choice between a fancy job at IBM or four walls and a urinal, they're going to take the latter. That didn't answer the question: why were they being carted off in such vast numbers? Why had we fashioned essentially a system of industrialized mass incarceration with an extraordinary overrepresentation of black Americans? Why?

So the more I pushed anyone who knew anything, they said: duh, it's the drug laws. The drug laws came into vogue and came into effect right at the end of the civil rights movement, so conveniently blocking the very progress that had just been struggled for. So if you wonder why there's no black progress – I mean, yeah, I stand here as a person who lives in a country with a black president. I'm aware of that and I'm aware that we have very famous black celebrities who make a major contribution to American life and arts and letters and philosophy and work. But that's not true for the masses of black people. For the masses of black people in America, the leading indicators have been grim for decades and remain grim, on every major leading front. You look at black education, black job performance, black opportunity, black fatherhood, black motherhood, black familyhood, black social structures, black community

– everything is on the ropes and has been for decades, right after it was all supposed to get better.

So this is a clip that comes out of a part of the film where I start to ask insiders – you'll see cops, you'll see judges, other people, start to reflect from the inside on what I was noticing about the black predicament, the predicament of thwarted black progress. So here's that clip.

[Film Clip 2]

[brief audio overlap between clip and speaker]

– people of colour living in the state at all. Not true of the federal courthouses there – you go in the courthouses, you'd think you were in the Bronx. Everybody's black. You're like, where are all these black people coming from? Where have all these people been hiding? Well, they've been migrating to the state to do this drug transaction or that drug transaction, in concert with white people who live in the state, but the white people who live in the state get arrested briefly, then they get flipped so that they'll testify against these black guys who come up there, and all the people who fill the courthouses and all the people who get put away and all the people who go through this – it's like a reverse Underground Railroad in fact. Now Vermont has made a deal with a private prison company in the South where – we don't have private prisons in Vermont, no, no, we just ship black folks back to the South. So it's an absolute inversion of how black folks ever came north to begin with. If I say it with a smile, it's to hide a degree of outrage that was hard to fathom for me when I lived there. I didn't know it.

Everywhere I went, you'll see in this – you saw a judge, you saw a cop begin to speak, you just saw a defence lawyer starting in – one of the remarkable things, the headline of my journey was never 'oh, the outrage'. That's a given. This whole thing is outrageous. The statistics teach you how outrageous it is. We've been at this for 40 years; we've had 45 million drug arrests. We've spent a trillion dollars on it. And we have nothing to show for it. Drugs are cheaper, purer, more available than ever before and more in use by younger and younger people than ever before. I don't know that there is a more failed piece of public policy in the history of the United States than the American war on drugs. There certainly isn't one whose ratio of expense to loss is so phenomenal, and that includes our recent escapades in faraway places. This war is 40 years old now.

With all of that horror in the air, I wasn't going to be terribly surprised that it's incredible to hear a prison door close behind you in a place like Granite penitentiary in Oklahoma – it's called 'the Walls', because you cannot see out.

The design of the prison in 1912 was to ensure that the walls be high enough that all you can ever see is sky. You can't see a tree, you can't see a treetop. You can't see anything but a bird if you're lucky. When that door closes behind you and you get the briefest sense of the visceral experience of that kind of incarceration, especially for nonviolent crimes, as we so overwhelmingly incarcerate our American inmates – that's gruesome. You feel the sort of weight of that horribleness.

But that's not really the headline. The headline was: within those walls, what incredible human majesty you find – among the inmates and among the staff alike. Larry the neo-Nazi – I call him that because his name is Larry and he is a neo-Nazi – we became very good friends. I actually would count Larry among the people I care deeply about in the world. I spent a couple of days with Larry, getting to know him, and I interviewed him. He's in the movie at a couple of points. He says some amazing stuff. There's a chance you're going to see him in this coming clip.

But Larry the neo-Nazi is an inmate who's gone on an unbelievable journey about his own hatred, about the crime that got him there, about life more broadly. I said to Larry at the end of the interview – he had told me an amazing range of things about his self-development, and I said, 'Larry, I don't know if you know this – just for full disclosure – you know I'm a Jewish person. Did you know that?' And he said, 'I didn't know that.' I said, 'Do you care?' 'Not anymore.' I said, 'Once upon a time?' He said, 'Once upon a time I would have walked away from you.' I said, 'How about now?' He said, 'Now, I seen you come in here with a smile on your face. I got the idea you want to let us air our side of things – we don't often get to do that. Basically, I figure we probably got more in common than we got different.' Wow. Yeah, I guess that's true. Then he goes on, he says, 'We all want home, we want family, we want our piece of the American dream.' And you're thinking, I couldn't script this stuff. Who's writing for this guy? I just fell in love with him. I just thought: this guy is a jewel in the rough. He's a person that never had a chance. That's Larry.

Then you walk out that door and you meet the guy you're about to meet in the next clip, a guy named Mike Carpenter. Mike Carpenter kind of speaks for himself. When I first met Mike Carpenter – you heard him in the trailer, if you could hear it; he says, 'They should have wrote "prison guard" on my forehead when I was born, because it just fits me – the job was built for me.' That's the first thing that Mike Carpenter, six feet, seven inches, 290 pounds, said to me in the beginning of my interview. When I first saw him, my producer, Melinda, wanted me to interview him and I said, 'I don't want to

interview that guy, he's straight out of central casting for big, bad, mean guard guy. That's not my kind of movie.' She said, 'No, there's something about him, go sit down with him.' So he starts in with this 'they should have wrote "prison guard" on my forehead' and I looked over at Melinda like, you see what I'm talking about? This is not my kind of – give this guy to Michael Moore. Let somebody use this guy who wants this kind – no offence to Michael Moore, I love Michael Moore, but this guy is like straight out, you know, get 'em riled.

So we go on talking; 10 minutes go by. Not 10 minutes have passed and he's comparing what he and the rest of the prison system in America do – he's comparing it to Nazi Germany and to the penal colonies that the British set up that led to Australia. He's got this incredible worldview about the wrongheadedness of our system of excessive and unjust incarceration. At that point I'm starting to think, well, I was kind of getting used to you being my villain guy. Can we get the camera to stop? You're not supposed to be a textured intellectual in a prison guard outfit. But he turned out to be.

That human majesty of a Larry who can make an enormous journey inside those walls or a prison guard who, from the place where he is employed and makes his living and his family depends on it, is willing to speak that critically with incredible openness about the system in which he functions – I do want to remind us that Primo Levi teaches us, in his analysis of the Holocaust, that 'monsters exist but they are too few in number to be truly dangerous. Truly dangerous are the everyday people, the functionaries, who act and acquiesce without asking questions'. So with that in mind, my admiration for Mike Carpenter is extreme. He's in this clip, so let's take a look at his analysis of the world.

[Film Clip 3]

You didn't get to see Larry the neo-Nazi, he's just after that. He's great.

Mike Carpenter was one of many – I mean, I'd love to say, what an exception, and it was at the time. I was like, you cannot believe this guy I talked to today, he's unbelievable – he's a prison guard philosopher, who would have thought? I was on the phone to everybody, telling them how great this was – and it was, and he is, and I remain very close with Mike. I did not mention earlier that his livelihood depended on it. There's been some question – he actually got promoted. So one thing is I didn't lose him his job. But he did lose his marriage, but I don't think he lost his – he doesn't mind my saying so, he's made it rather known. But I don't think he lost – I think actually what happened is Mike's life changed in a certain sense from the externalization he went through in this movie. Mike is seen by a lot of people now – Mike travels

a lot, he has a rather large job in the state of Oklahoma. He's done an amazing job of letting his own views of the world be known. He's an incredible father; he's very close with his ex. But he also has come into his own as a more communicative person about his views of the system and has done so without incident. In fact, he was promoted despite deep-thinking views.

Part of why that's the case is that he's not so unique. He's only unique in that he's a particularly eloquent guy, but all across the American system, people inside the system have more to contribute to the discourse about what's wrong with the system than most outsiders who see it from afar and have critical viewpoints that tend to be maybe a bit more conveniently expressed. I have in my movie cops who from the patrol car front seat tell me how they're doing the same thing week after week: they're arresting the same people, it's going nowhere, leading to nothing. They question what they're doing. Even one guy was on the television show *Cops* 20 years ago and now you look at him – he's just 20 years older, more weary, and he doesn't believe in what he's doing in the same way anymore. Incredible courage to tell me that from the place where he earns his living.

Judge Bennett and many other judges, federal judges, who came forward and said: these ridiculous laws that we have, passed by zealous congressional candidates who want to get elected and so they promise 'tough on crime' legislation – they tie our hands. They've made it so the courtroom is no longer run by judges; it's run by prosecutors. Anyone who operates in the American criminal justice system will tell you that the judges have been disempowered and they basically function to rubber-stamp laws that were written by other people. Judge Bennett of Sioux City, Iowa, said to me, 'Look, we've got a kid in here today facing 20 years for possession of a drug. If he was in here and I found out that yesterday he'd won the Congressional Medal of Honor, I couldn't give him a different sentence today. If I found out that he'd risked his life to rescue a grandmother from a burning building, I wouldn't give him a different sentence today.' He said, 'But equally stupid, he's in here for five grams of crack. If he was in here for 4.95 grams of crack, he wouldn't be getting this sentence today.' I said, 'How can this make any sense?' These are just laws written on Capitol Hill that paint with the broad brush that results when politicians try to curry favour with the public and with corporations who give them money – and unions. So that's why I'm doing what I'm doing, and judge after judge told me that.

So I had so much of a consensus from cops, judges, wardens, jailers, lawyers, health professionals, drug professionals, to corroborate what the testimony is of dealers and users and family members and clerics and others

– that this is so broken – that I started to wonder, how did we get here? It's one thing to say we have an unbelievable crisis on our hands that is of epic – into the millions of people – proportions: we have 30 million Americans who have a loved one in the criminal justice system. That's not a small escapade. We have 2.3 million people behind bars. We have 6.5 million people in our criminal justice system – probation, incarceration or parole. It's an incredibly sized problem.

How did it happen? It's one thing to diagnose it in the present, but unless you really understand its roots you don't know where to cut the root. You just sort of throw weed killer on the yard but you don't get underneath the weeds. So I tried to find out about the deeper history of drug laws.

So it was in that connection that I spoke with Richard Lawrence Miller, who will dominate this next clip with some pretty interesting stuff about the history of our drug laws.

[Film Clip 4]

We have time for one more clip before we have to stop, so I'm not going to talk much to introduce it, except to say that one of the things the movie does is it traces our transition in America from race – which is where our drug laws originated – to class. Because it's migrated, and what we see increasingly is though black Americans in the modern era have borne the lion's share of the targeting by our criminal justice system and they are the lion's share of overrepresented groups inside the prisons, the growth areas – to put this in crass business terms, and there will be some crass business in the next clip – the growth sectors are among poor whites, Latinos and women. If we run this as a business – and it is run as a business – we might say to ourselves at a certain point, why are we harassing only 14 per cent of the population as clients? There's 86 per cent rest of the population who are perfectly able to be arrested for drug crimes and harassed for this stuff. And by the way, the poorer people get, the more they need to self-medicate, the more they end up dealing and using drugs in spaces where we can police and harass them, the more acceptable that all becomes.

One of the questions has been: will the democratization of the targeting of those in the drug war lead to quicker reform? Richard Pryor famously said that – they call it an epidemic, he said, when it starts to affect white people. That remark has its truth of course in the American landscape, but I actually would say I think it's of graver concern that the American political system cares probably as little about poor whites as it does about poor blacks. But that poverty factor became a major factor in our study. This next and last clip

– before we do question and answer – is about this transition into white America of the drug war, and the industrial implications behind that.

[Film Clip 5]

That's David Simon, the creator of *The Wire* – you can actually see us together this Thursday night at the Royal Institution of Great Britain, doing a public event, he and myself, on the subject of the drug war. Without further ado, I'd love to take questions and answers, Alex. I'm glad I could be here with everybody.