

***Reefer Madness: Sex, Drugs, and Cheap Labor in the American Black Market.* BY ERIC SCHLOSSER. New York: Houghton Mifflin, 2003. \$23.00, cloth.**

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Despite what politicians, social workers or scientists might claim, America's inner cities have emerged as the latest frontier for the descendents of immigrants and other citizens of color to scramble violently for the proverbial piece of the American pie. The million-billion drug economy is an irrefutable testament to how alive and vital capitalism remains among the thousands of people who are dismissed by policy makers as the passive, demoralized 'underclass' . . . desperately seeking material sustenance and emotional meaning in the inner-city streets throughout the United States.

—Philippe Bourgois ("Just Another Night in the Shooting Gallery," p. 43)

Not a day goes by in New York City when one does not run into street vendors, subway performers, peddlers, and the like hustling their wares on the streets of the city and the peripheries of the market. Since the passage of the 1996 Personal Responsibility and Work Opportunity Reconciliation Act—better known as "welfare reform"—in 1996, social scientists have paid particular attention to the idea of work, whether at a fast food chain or on the social margins as described by Bourgois. Urban ethnographers have concentrated on questions of personal dignity under apartheid-like economic conditions (Waquant 2002). This very journal has inquired into what happens to

those who have not found work and who struggle against the perils of time-limited, privatized, profit-driven government services that offer little to no social safety net (Malone 2003). What becomes of them? The short answer is that they make do—or risk jail time trying.

At the center of this debate is a question about what constitutes legitimate versus illegitimate work. One of the great conundrums of American social policy is the mixed messages conveyed by public policies such as "welfare reform," which encourage personal resourcefulness in finding work even as they coexist with prohibitions against underground sex and drug markets. We

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know that there are some ten to twenty applicants for each job available for those without high school diplomas or general equivalency degrees. What are the rejected applicants to do? While illegal labor and sex and drug markets are not ideal, they do become options. Yet the ongoing war on drugs and sexual commerce discourages exactly the type of resourcefulness apparently encouraged by the 1996 law, and their prohibition only compounds the dangerous work conditions for those who choose this work. Damned if you do, and damned if you don't.

To date, a number of writers and researchers have taken to questioning the assumptions driving the prohibition of drug and sex economies. Harm-reduction pioneer Don Des Jarlais (1995) suggests that policies prohibiting drug sales are based on endemic "scientific errors." Consequently, our drug laws include:

- bad pharmacology, such as the belief that marijuana is an addictive substance while tobacco is not a drug, or the notion that repetitive drug use can always be controlled through willpower;
- bad sociology, including the belief that "the drugs used by foreigners and minority groups are bad drugs, and that criminal laws can effectively reduce the use of psychoactive drugs at a low cost to society"; and
- bad economics, such as the idea that the increased "cost of business" of selling an illegal

product will outweigh the increased profits to be made from selling through underground markets.

The result is the sort of "Reefer Madness" described in a new book of the same name by *Atlantic Monthly* correspondent Eric Schlosser, the author of *Fast Food Nation*. With *Reefer Madness*, Schlosser sets his sights on the contours, contradictions, and inconsistencies of America's black market economy, which he suggests accounts for up to 10 percent of America's GDP (p. 5).

Schlosser's three case studies address the topics of illegal drug markets as they come into conflict with the ongoing war on drugs; the pornography and sex business as it plays its cat-and-mouse game with the federal government over the definition of obscenity; and the ever-present place of illegal migrant labor and the government's neglect of the poor working conditions that make the use of such labor so profitable. "Many employers now prefer to use black market labor," Schlosser explains. "Although immigrant smuggling looms as a multi-billion-dollar business in its own right, the growing reliance on illegals has far reaching implications beyond the underground, affecting wages, working conditions, and even the practice of democracy in the rest of society" (p. 8).

The richness of *Reefer Madness* lies in its linking of these three industries, their struggles, and their human costs—including arrests, lawsuits, jail time, and divorces. Each essay fea-

tures the story of a player or group of players, their lives, and how they contend with inordinate attention or neglect from the federal government. The charges faced by players in these businesses are telling. Mark Young, the subject of the chapter on underground drug markets, is given a life sentence for selling marijuana (in contrast, a man convicted of rape might face charges of four or five years). Reuben Sturman, the subject of the chapter on the pornography business, beats five federal obscenity cases before charges of tax evasion stick. At the same time, those who profit from using migrant labor face few or none of the same pressures. Only 200 federal investigators investigate workplace violations of the immigration code by some 1 million private employers in the state of California (p. 99). Milton Friedman, recipient of the 1976 Nobel Prize for economics, once suggested that budgets are really about values. The wars against sexual commerce and drug use, however futile, receive immense resources from one budget cycle to the next, while those who investigate violations of workers' rights receive little to nothing in comparison.

The utility of *Reefer Madness* is the author's juxtaposition of these three industries and his examination of the arbitrary lines dividing the legal from the illegal. As the front jacket explains:

What happens in the black market is worth examining because of the way fortunes are made there, and the vicissitudes of the law can deem one man a gangster or a chief executive. If the market does indeed embody the

sum of all human wishes, then the secret ones are just as important as the ones that are openly displayed.

Reefer Madness becomes an inquiry into the contradictory impulses propelling drug and sexual prohibitions, the neglect of migrant labor, and what these tell us about how the laws of a society fail to adequately contend with shifting social mores.

The War on Drugs

The book's first case study, "Reefer Madness," examines America's war on drugs. While much of the story of the public policy propelling this war is familiar, the author's reporting remains striking. "They've made these laws so brittle. One day they are going to break," Schlosser quotes Ed Rosenthal, "America's leading guru of marijuana growing," smoking a pipe of pot "like an eminent professor might smoke Prince Albert" (pp. 54-55). Schlosser notes that while the drug war targets illegal drugs, "Tobacco use is the leading cause of preventable deaths in the United States, responsible for an estimated 440,000 deaths every year" (p. 50). What gives? Like a good muckraker, Schlosser follows the money from big tobacco to the drug laws, meticulously drawing a picture of a series of policies that favor the prison industry and promote increased incarcerations of those in the tobacco states who were once considered private property, not citizens or human beings. For Schlosser, this dishonesty only contributes to a climate of cynicism. "In a nation where both major political parties accept

millions of dollars from alcohol and tobacco lobbyists, demands for 'zero tolerance' and moral condemnations of marijuana have a hollow ring" (p. 74). To this end, the author's take on this material is fresh and insightful. "A society that can punish a marijuana offender more severely than a murderer is in a deep psychosis . . . a bad case of reefer madness." Yet this situation does not have to continue. "The government's behavior will not withstand public scrutiny for long," Schlosser predicts. "This war is over if you want it" (p. 74).

Migrant Labor

The second essay in the volume, "In the Strawberry Fields," paints a picture of an industry and relates the history of a public policy, this time focusing on illegal migrant farmworkers in the strawberry fields of California. Much of the essay meanders through the painful lives of these workers, their strained attempts to come up with solutions, and the unintended consequences of the policies of presidential commissions and congressional subcommittees for over a century. Currently, neoliberal market-based approaches have taken precedence in this century-long debate. "We have essentially privatized the immigration policy in this country and left it in the hands of the growers," one of the author's interviewees elaborates—in other words, predictably, leaving the enforcement of workers' rights in the hands of those who stand to profit most by neglecting them. The result is a rush to the bottom in terms of wages (p. 102). For Schlosser, the

ruthless logic of this policy is simple: "Maintaining the current level of poverty among migrant farmworkers saves the average household about \$50 a year" (p. 103).

This is not to say that there has not been opposition. The author traces the progress of the 1996 United Farm Workers organizing campaign, backed by the AFL-CIO. While the workers called for "Five Cents for Fairness," alluding to an extra nickel for every pint of strawberries, the growers employed a more subtle approach, hiring a public relations firm to offer an alternate spin. These contradictory messages confused workers, who faced the prospect of being fired for becoming even remotely involved in the campaign. California governor Gray Davis eventually signed a bill strengthening the UFW's hand, and to date some 1,600 of California's nearly 20,000 strawberry workers have joined the union (pp. 103-4).

Where public policy and the market overlap, conditions favor the latter. Left to its own devices, workers' rights rarely become the market's priority. As Schlosser concludes:

We have been told for years to bow down before "the market." We have placed our faith in the laws of supply and demand. What has been forgotten, or ignored, is that the market rewards only efficiency. Every other human value gets in its way. The market will drive wages down like water, until they reach the lowest possible level. Today that level is being set not in Washington or New York or Sacramento but in the fields of Baja California and the mountain villages of Oaxaca. That level is about five dollars a day. No deity that men have ever

worshiped is more ruthless and holier than the free market unchecked; there is no reason why shantytowns should not appear on the outskirts of every American city. All of those who now consider themselves devotees of the market should take a good look at what is happening in California. Left to its own devices, the free market always seeks a workforce that is hungry, desperate, and cheap—a workforce that is anything but free. (p. 108)

The War on Sex

The final essay in the volume, “An Empire of the Obscene,” presents a short history of the business of pornography. It begins with a simple contradiction: despite some of the most arduous restrictions on the sex and pornography industry in the world, the United States is its leading producer (p. 115). Instead of tackling the familiar pros and cons of pornography, Schlosser traces the career of a figure named Reuben Sturman. Schlosser discovered the otherwise little-known Sturman as a frequently mentioned player in the Reagan-era Meese Commission report on pornography. Sturman, the son of Russian immigrants, began his career running a comic book business in the mid-1950s in Cleveland—the state that would become the battleground for many of the twentieth century’s greatest struggles over the nation’s tolerance for pornography. Sturman’s introduction to the industry was inauspicious enough. When an employee suggested that he start selling “sex pulp” novels, Sturman shrugged and agreed. As sales of this product skyrocketed to

twenty times the revenue earned by his comics, Sturman recognized that he was onto something—but not without a cost. By 1963 and 1964, Sturman’s warehouse was raided. In the first of five federal obscenity indictments, Sturman was charged with selling a pulp work entitled *The Sex Life of a Cop*. The case forced Sturman to consider the broader cultural landscape and the implications of the materials he was selling. Concluding that Americans should have the right to read, view, and enjoy anything they choose in the privacy of their own homes, Sturman sued FBI director J. Edgar Hoover for violating his constitutional rights and the local police for damaging his storefront (p. 118). Sturman would spend the next thirty years battling the federal government over similar charges, all of which were ultimately thrown out in court. Along the road, the pornography business and American politics were radically transformed.

Throughout the essay, readers encounter a cast of characters including the right-wing antipornography zealot Charles Keating, who doggedly pursued Sturman until Keating was brought down with the rest of the “Keating Five” in the Lincoln Savings and Loan scandal of the 1980s, which left taxpayers with a \$2.6 billion tab. We meet the gentlemanly First Amendment lawyer Harold Price Fahringer, who successfully helped defended Sturman before later losing to Mayor Rudolf Giuliani during New York City’s mid-1990s XXX zoning battle at the center of the mayor’s controversial Quality of Life cam-

paign. We witness the Adam and Eve mail-order business successfully defying the Reagan Justice Department's aggressive strategy of multiple prosecutions using Comstock-era mail-order laws (p. 186–89). And feminist porn film star Nina Hartley reflects on the futile efforts to unionize the business, venting, "Solidarity? Brotherhood? Sisterhood? Ha!" As Hartley sees it, pornography is just another industry whose owners want to make money and not pay taxes (p. 181).

Ironically, this attitude was part of Sturman's downfall—although one can certainly understand his reluctance to pay taxes to the government that had repeatedly indicted him. His use of foreign bank accounts to cover profits and evade taxes led to his arrest in 1993, twenty-nine years after he first faced federal obscenity charges with *The Sex Life of a Cop*.

Sturman's arrest took place years before it became known that Enron had borrowed from the Sturman playbook by creating almost 900 overseas subsidiaries, and before we realized just how widespread the practice had become in corporate America. This, of course, is Schlosser's point. The business practices utilized in the underground economy—from creative accounting to black market labor—have very much become a part

of the mainstream. And the shifting contours of the black market and the mainstream help to illustrate how notions of freedom and moral certainty are anything but fixed (pp. 215–16). "Like yin and yang, the mainstream and underground are ultimately two sides of the same thing. To know a country you must see it whole," the author explains (p. 9). Access to the truth usually runs by way of this underground connecting the two. Traversing this terrain continues to make and break lives.

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