

The War on Drugs: Youth Culture in the Crossfire

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Issue

Since its inception, one of the primary motivations behind America's War on Drugs has been the concern for the welfare and social development of children. Policymakers have rightly argued that laws should be crafted to protect young people from the dangers of drugs. This makes good sense given that young people are vulnerable to becoming victims of addiction, the violence associated with the black market drug trade, and exploitation as sales agents for drug traffickers.

In recent years, however, the policy debate has left young people themselves in the crossfire and too often assigned blame for the drug problem to youth culture itself. Youth frequently find themselves the targets of raids at social gatherings and entertainment events and are treated as though they are under perpetual suspicion for committing drug crimes.

The RAVE Act

The law popularly known as the RAVE Act¹ was originally introduced in the 107th Congress² and quickly became highly controversial amid concerns that it could be used to imprison innocent business owners and disproportionately target enforcement on certain populations. In fact, two of the bill's four original co-sponsors removed their names from the bill. Though the bill never came to the floor in the 107th Congress and never had a hearing or vote in the 108th, the RAVE Act became law in 2003 after Senator Joseph Biden (D-DE) attached it in conference³ to an unrelated bill aimed at the prevention of child abductions. Now buried in the AMBER Alert Act,⁴ the RAVE Act amends the federal "crack house" statute to facilitate the prosecution of business owners for the drug crimes of their customers while on the premises.

The Ecstasy Awareness Act

The Ecstasy Awareness Act⁵ is a bill which, if enacted, would greatly expand the application of the RAVE Act. The bill would make it a criminal offense to *profit* from "a rave or similar electronic dance event, knowing or having reason to know that the unlawful use or distribution of a controlled substance occurs" at the event. Violations would carry fines up to \$2 million or 20 years in prison.

The broad nature of the language could mean, for example, that the owners of a bottled water company or a copy shop could be criminally liable if they knew that their products might be used in connection with a dance party where even one person uses drugs. The enormous burden on business owners to investigate where and how their products might be used in violation of this law could grind their business to a halt. Furthermore, depending on how distant one carries the interpretation of "profit from," nearly every business could "have reason to know" that they could profit in some way from an electronic dance event where drugs are used. Indeed, the federal government itself receives tax dollars from commerce associated with such events.

¹ Originally an acronym for Reducing Americans' Vulnerability to Ecstasy Act, now formally titled the Illicit Drug Anti-Proliferation Act of 2003

² [S. 2633](#), and in the 108th Congress as S. 226

³ [H. Rept. 106-66](#)

⁴ Section 608 of [S. 151](#), [Public Law 108-21](#)

⁵ [H.R. 2962](#)

“Youth Culture in the Crossfire” (continued)

The CLEAN-UP Act

The CLEAN-UP⁶ Act is, with the exception of one section, a potentially valuable and needed piece of legislation. Most of the bill is concerned with training law enforcement personnel to safely dismantle methamphetamine laboratories without accidentally causing environmental disasters. Section 305, however, would expand the scope of the RAVE Act, but in a different way than the Ecstasy Awareness Act.

While the Ecstasy Awareness Act would apply to those who profit from “a rave or similar electronic dance event,” section 305 of the CLEAN-UP Act would apply to those who promote “any rave, dance, music, *or other entertainment event*” (emphasis added). Though the CLEAN-UP language is more limited in the sense that it only applies to those who promote such events (and not anyone who profits from them like the Ecstasy Awareness Act), it is much broader in the kinds of events it would apply to. Not only would electronic dance events be subject to this law, but *any* entertainment event – including night clubs, concerts, sporting events, and plays – could be a potential target for the enforcement of this law.

Side-by-side comparison of “RAVE” laws

	RAVE Act	Ecstasy Awareness Act	CLEAN-UP Act
Legislative status	4/30/03: President signed S. 151 into law. Public Law 108-21 , section 608	7/25/03: H.R. 2962 introduced in House and referred to the Committees on Energy and Commerce, the Judiciary, and Education and the Workforce.	2/13/03: H.R. 834 introduced in House and referred to the Committees on Energy and Commerce, Agriculture, Resources, Transportation and Infrastructure, Education and the Workforce, and the Judiciary.
Penalties	Fine of up to \$500,000 (\$2 million for an organization) and/or 20 years imprisonment, plus civil fines of up to \$250,000 or “twice the gross receipts derived from each violation attributable to the person.”	Fine of up to \$500,000 (\$2 million for an organization) and/or up to 20 years imprisonment.	Fine of up to \$250,000 (or \$500,000 for an organization) ⁷ and/or up to 9 years imprisonment.
For whom?	Anyone who “... manage[s] or control[s] ...”	“Whoever profits monetarily...”	“Whoever, for a commercial purpose, knowingly promotes ...”
Where?	“... any place ...”	“...from a rave or similar electronic dance event ...”	“...any rave, dance, music, or other entertainment event ...”
For what?	“... for the purpose of unlawfully manufacturing, storing, distributing, or using a controlled substance.”	“...knowing, or having reason to know that the unlawful use or distribution of a controlled substance occurs...”	“...where the promoter knows or reasonably ought to know that a controlled substance will be used or distributed...”

⁶ [H.R. 834](#), the Clean, Learn, Educate, Abolish, Neutralize, and Undermine Production (CLEAN-UP) of Methamphetamines Act

⁷ Fines pursuant to 18 U.S.C. See [section 3571](#).

“Youth Culture in the Crossfire” (continued)

Problems with “RAVE” laws

The RAVE Act and its proposed sequels contain serious flaws in their substance and in their vague language, leading to a number of unintended consequences. The following are just a few of the problems common to all three.

Their language is too broad.

While the RAVE laws have the purported goal of protecting children from those who may encourage them to abuse drugs, the laws’ mile-wide language steam-rolls over groups and events which have nothing to do with such activity. Instead of narrowly-tailored language protecting children from exploitation, the RAVE laws apply to almost anyone tangentially associated with an event where drugs even *might* be used. Even businesses and event planners which take affirmative steps to prevent drugs from being used at their venues could be prosecuted if even one person who attends the event possesses an illegal drug. And, especially in large venues like sporting events and concerts, business owners – it could be argued – know that more than likely there is at least one person in attendance who could have entered with an illegal substance despite their best prevention efforts.

They can be used to unfairly target specific groups.

Because their language is so broad, law enforcement and prosecutors cannot possibly pursue every potential violator of the RAVE laws. The endless sea of enforcement opportunities may result in officers targeting groups that they may personally dislike or about which they have a baseless “hunch” of some wrongdoing. Gay bars, hip-hop clubs, and specific bands and political events can be singled out for enforcement, while country clubs and art galleries could go on knowing full well that drug use at their events would never put them at risk of RAVE law enforcement. Ultimately, business owners catering to those with less political leverage – young people, minorities, and those of a lower socio-economic status – will be most affected by these laws.

They can be used to prosecute innocent business owners.

Most business owners discourage violations of the law on the premises because they know that a customer’s scuffle with authorities is bad for business. Consequently, night clubs and concerts frequently search attendees for weapons and contraband before entry. Despite their best prevention efforts, however, they know that such efforts are not 100% effective and that there is always a risk that someone may bring inside something they shouldn’t. Unfortunately, the RAVE laws leave no room even for violations that business owners have taken steps to prevent.

Perhaps even more unjust is the liability of business owners who have almost no connection to an event where drugs are found. The RAVE laws’ broad, ambiguous language makes it possible for nearly any business that has some commercial interaction with an offending event to go down in financial ruin and have its owners subject to criminal prosecution.

The punishment doesn’t fit the crime.

Most rapists and murderers don’t spend 20 years in prison after their convictions⁸. It simply doesn’t make sense to throw business owners in jail and/or shut down their businesses with exorbitant fines for the legal violations of their customers. The United States was founded on the values of personal responsibility; punishing one person for the crimes of another is truly un-American.

⁸ Lawrence A. Greenfield, “Prison Sentences and Time Served for Violence,” U.S. Department of Justice, Bureau of Justice Statistics (1995). Available online at <http://www.ojp.usdoj.gov/bjs/pub/pdf/psatsfv.pdf>