



Law Enforcement News

Vol. XV, No. 299

A publication of John Jay College of Criminal Justice/CUNY September 30, 1989

Sterling:

Harm management, not drug-free nation, should become USA's anti-drug objective

By Eric E. Sterling

What is our national drug-policy goal? How many think "a drug-free America" is our national goal? It sounds good, doesn't it? It's a great slogan, but the problem is, slogans don't work as goals.

The most important thing about a goal is that you can achieve it. It's an objective that enables you to measure your performance.

There will always be drugs. We can't make drugs disappear. We cannot create a worldwide amnesia and forget that there are drugs. People use drugs because drugs work — and lots of people like the way they work. Rabbis, priests and ministers have been trying to eliminate sin for over 5,000 years, and haven't succeeded. We are no more likely to eliminate drugs from our society.

In carrying out policy, managers cannot afford to be misled by election-oriented slogans that propose unachievable goals. If we are going to accomplish anything about drugs, we must be clear about what our goal is going to be.

Let me propose the following goal: to reduce the harm to individuals, and to society, from the fact that there are people who use drugs. In other words, given the real world, how can we reduce the harms? Because we can quantify the harms, we can use this approach to set specific objectives for minimizing harm.

Instead of thinking in terms of drug legalization, which conjures images of Spuds McKenzie advertising cocaine on television and crack vending machines in hotel lobbies, let's think in terms of drug-problem management or drug-harm management.

Let me list a dozen of the harms we want to reduce:

- ¶ Drugs being sold to children;
- ¶ Children selling drugs;
- ¶ The killing of children and others in the drug marketplace, either deliberately, or accidentally by a stray shot;
- ¶ Kids going to hospitals or to morgues with overdoses;
- ¶ Kids being abandoned or abused by their parents because their parents are using drugs;
- ¶ Kids being harmed before birth by their mothers' abuse of drugs;
- ¶ Kids engaging in crime to get the money to buy drugs.

That's seven very serious, distinct problems dealing just with children. Of course, there are other harms too.

¶ Scarcé capital leaves our communities and goes overseas to make the drug lords rich.

¶ AIDS is being spread by the sharing of needles and the prostitution involved in getting money to buy drugs.

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¶ We are losing our civil liberties. As the police get permission to get tough on inner-city drug traffic, they indiscriminately stop and search people just walking down the street. Losing our constitutional rights is a very real harm. Our parents and ancestors fought and died to preserve those rights, and we should not be willing to see them given up.

¶ Everybody's insurance premiums are higher because drug-related theft is responsible for extensive insurance claims.

¶ The medical care system that serves all of us is being overwhelmed by drug violence and drug-related disease.

Under the approach of managing harm reduction, we look at each harm to see what contributes to the harm and what steps might reduce its harmfulness. For each of these 12 harms, we will find at least one common element. It is the prohibition against any legal manufacture.

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sale or use of these drugs that aggravates all of these terrible harms. This is a system that we created, and we can change it if we want to make our anti-drug policies more effective in reducing harm.

Let me switch focus to an overview of our national drug strategy and why it won't work. The Federal Government has set forth five elements of a "war on drugs" strategy to achieve a drug-free America. The first element is to eradicate the drug crops grown in the source countries. The second is to interdict the sup-

ply lines of drugs as they are being shipped into the country. The third is to investigate, prosecute and incarcerate the traffickers. The fourth is to seize the traffickers' assets. And the fifth is to reduce the demand for drugs by establishing intolerance to those who use illegal drugs, and by providing for treatment and prevention.

After having carefully studied this strategy over the past nine years while working for the Federal Government, I don't think any of these elements of this strategy will work to eliminate the problems surrounding illegal drug trafficking.

To examine the effectiveness of the eradication of drug crops in the source countries, I have traveled to Mexico, Peru, Bolivia, Jamaica and Colombia with the House Select Committee on Narcotics. There is no way that we can prevent these crops from being grown. The peasants can get more money for these crops than for any other crop they can cultivate. You can't beat that incentive.

To send U.S. troops to South America will give Communist insurgents an enormous propaganda advantage, it will destabilize friendly governments and the democratic process, and it will mimic the Vietnam debacle: the commencement of a war without an achievable strategy, without a clear enemy, without an opportunity to win.

The interdiction of the drug supply line is impossible. Every day almost one million people cross the borders to enter this country — 356 million people last year. Some 662,000 aircraft landed, and 218,000 vessels arrived last year from overseas. More than 3 billion pounds of cargo from airplanes and more than 1 trillion pounds of shipborne cargo were unloaded from overseas in 1988. Only an infinitesimal amount of that can be inspected.

Now consider that we import something like 200 metric tons of cocaine, and 8 tons of heroin — that's less than a half-million pounds compared to billions upon billions of pounds of legitimate cargo. Even bulky marijuana imports are less than 6.4 million pounds per year. Drugs are easily hidden in legitimate cargo. We will never be able to seize a significant percentage of the drugs that are coming in, even if we use the Army, Navy, Air Force and Marines.

You also have to look at the economics. The drugs become valuable once they are smuggled into the U.S. Take a metric tons of cocaine, for example. Let's say we seize that ton in Miami. It would be worth \$35 million wholesale if it got to New York City, and perhaps \$200 million or more when broken up into retail units. So the Government holds a press conference and announces that cocaine with a value of \$200 million has been seized.

But the cost of that ton of cocaine in Colombia was only \$2 million to \$4 million. That's all it costs the trafficker. If the Government seizes five one-ton shipments, that costs the smuggler a total of \$10 million to \$20 million in losses. However, when the smuggler gets the sixth shipment in, he will gross \$35 million, leaving him with a profit of between \$10 million and \$25 million before expenses.

This example assumes a seizure rate of better than 80 percent against all smuggling attempts. But right now the estimates are that only 10 percent to 20 percent of the drugs headed for the U.S. are seized. What interdiction actually does is encourage drug traffickers to raise their prices and make more profit.

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Element number three is to incarcerate the traffickers. Already 40 percent of all the prisoners in all of the Federal prisons are drug traffickers. Projections of the Federal prison population are that it may reach more than 100,000 in the next 10 years, more than twice its current population — and most of them would be drug importers and sellers.

A school dropout in Washington can make \$1,000 per week selling drugs on the street. There is no way that we can arrest all the traffickers. The money is too good.

I was called in January by a bright, college-educated, 22-year-old from the Baltimore suburbs. He had been arrested in Fort Lauderdale, Fla., carrying two kilos of cocaine. He thought he could make an easy \$20,000 on a quick trip from Florida to Baltimore. He couldn't cut a deal. No deal was possible under the Florida statute he was charged with violating. He got the mandatory prison term in the Florida penitentiary — 15 years with a toilet bowl next to his pillow.

He told me he didn't realize the penalties. If an educated guy like him didn't know the penalties, then of what deterrent effect are they? If 15-year, mandatory prison sentences are not deterring people who are literate, who read the newspapers, who watch television, who have got something to lose, then they aren't deterring anybody. They certainly aren't going to deter someone who feels he has nothing to lose.

Element number four is to seize the traffickers' assets. DEA seized about \$660 million in traffickers' assets last year and may seize about \$1 billion worth this year. That's far more than that agency's budget, and DEA is very proud of these seizures. These sound like very impressive numbers until you look beyond

them. DEA also estimates that the traffickers' profits were at least \$100 billion last year. That's a seizure rate of less than 1 percent of the profits — a smaller bite than sales tax. For the traffickers, that's pocket change. Seizing the traffickers' assets is not going to take the profit out of the illegal drug business.

Element number five is reducing demand for drugs. Everyone agrees that this is the long-term solution. Unfortunately, the Congress and the legislatures don't pay for it because it's not "tough" enough. And since it is a long-term solution, it's not "sexy." The one element of the strategy that might work is the one that is unfunded and politically unattractive.

The latest twist on demand reduction is to convert it into a law enforcement program called user accountability. In 1986, Congress provided mandatory minimum penalties for the simple possession of small amounts of drugs. In 1988, Congress provided for \$10,000 civil penalties for possession of small amounts of drugs, and directed the Attorney General to study alternatives to the criminal justice system. The Justice Department is touting the efforts of Phoenix Police Chief Reuben Ortega, who has the cooperation of prosecutors and judges to jail all drug possessors. While it is too early to report on this effort, my hypothesis is that after all of the hullabaloo, they will not arrest enough people to make the threat of arrest credible.

The Government's five-part strategy to combat drug trafficking, I think, is doomed to fail. What can we expect the drug problem to look like 5 or 10 years from now if we keep on doing what we have been doing? I am certain that it will look much worse than it does today. In 1982,

when George Bush was the "drug czar," did we think that we would have the crack crisis and soaring crime rates we now have? Hardly. The anti-drug warriors promised us progress and delivered catastrophe.

Who has a scenario that describes how the current drug policy is going to work at a price we can afford? No one, not drug czar William Bennett, not Attorney General Thornburgh, not DEA head John Lawn nor FBI Director William Sessions. And not President Bush.

It's time to fundamentally rethink our basic strategy for dealing with the problems of illegal drug trafficking and drug abuse with a clear goal in mind — to minimize the harms. We need to approach this issue as managers, not moralists. Can we improve lives, and make our country safer in the face of a reality that there are between 27 million and 36 million drug users living in our neighborhoods, going to our schools, and working in our plants and offices?

The challenge is to figure out the policies that will actually reduce harms from drug use, that will make lives better, not worse; policies that will stop drug-market murders and take \$100 billion out of the hands of organized crime.