



# Families and Friends for Drug Law Reform (ACT) Inc.

*committed to preventing tragedy that arises from illicit drug use*

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**NEWSLETTER**

**August, 2002**

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## Next Meeting

**Thursday, August 22nd**

**at St Ninians Uniting Church,  
Cnr Brigalow and Mouat Streets,  
Lyneham  
7.30pm**

### ***Families and Friends for Drug Law Reform members are invited to:***

Meeting of Australian Parliamentary Group for Drug Law Reform

Where: Room 1R1, Parliament House, Canberra  
When: 11.00 am to 12:30 pm, Monday 19 August 2002  
This will be a general meeting open to interested public and parliamentarians and we would like to see as many as possible FFDLR members attending. It should be a very informative meeting.

Please email or ring to book in so that we can have your name at the security desk in the foyer and so that you can be issued with a pass – [mcconnell@ffdlr.org.au](mailto:mcconnell@ffdlr.org.au)/6254 2961.

Welcome and introductions by Kerrie Tucker  
Opening Address Justice Ken Crispin (ACT Supreme Court)

Speakers:

- Robert Ali, chair of the National Expert Advisory Committee on Illicit Drugs
- Dr Alex Wodak, President of the Australian Drug Law Reform Foundation and the International Harm Reduction Association
- Brian McConnell from Families and Friends for Drug Law Reform

### ***Editorial***

This month there is a mix of good news and bad. The bad news comes from Australia with the dismantling of the National Crime Authority and replacing it with the Australian Crime Commission (see our media release below), and from Afghanistan where according to the BBC Radio 4 the spring harvest has resulted in a bumper crop and less than 10% of it has been eradicated. Although Australia's heroin does not come from that area the increased production will add further to the returning supplies of heroin to this country.

The good news comes from the ACT and from overseas. The ACT has issued a draft Health Plan for community consultation. This plan comes from a two day summit organised by the ACT Government. Included in the draft is a section on Dealing with alcohol and other drug misuse" which advises that the ACT Government will continue to lobby the Commonwealth Government to support a heroin trial and will monitor the Sydney injecting room trial to inform an ACT decision. The draft can be found at [www.health.act.gov.au/publications/actionplan](http://www.health.act.gov.au/publications/actionplan).

Overseas, Canada and Switzerland are considering decriminalising cannabis. Ueli Locher, deputy director of the Swiss Federal Office for Public Health in reply to INCB criticism said: "We have to adapt to the changes in our society. We know more about how harmful -- or harmless - - cannabis is. We cannot continue to treat it like heroin and cocaine."

There is also some movement from the media in the USA where the American Broadcasting Corporation has broadcast a report by John Stossel saying that the drug war has failed. This has certainly opened debate and a major letter writing campaign to the US' ABC by both sides.

And still in the USA some reality is creeping into prevention education campaigns. Three anti-drug programs, the DARE program, "Here's Looking at You 2000" and "McGruff's Drug Prevention and Child Protection" have recently been evaluated and have been found to be ineffective or have not been sufficiently tested. This criticism has prompted DARE America to re-evaluate its program.

### ***Media release***

FFDLR issued the following media release on Saturday 10 August.

#### **NCA INDEPENDENCE GONE: NATIONAL CRIME AUTHORITY BROUGHT TO HEEL**

Yesterday's bargain between the States and Commonwealth deprives the Parliaments and people of Australia of an independent voice that will report uncomfortable facts and fight crime without fear or favour.

"The agreement to replace the National Crime Authority with an Australian Crime Commission is a victory of political malice over the national interest," said Bill Bush, Vice-President of Families and Friends for Drug Law Reform.

"There is no other explanation," he said, "for the Commonwealth's push to abolish a perfectly good federal organisation that Australia needs more than ever."

The NCA was established in 1984 as a standing Royal Commission with the statutory independence and tight governance that is essential to get at the truth and fight ever more sophisticated and well-resourced crime. It was a de-

liberate decision to give the NCA its structure because a series of Royal Commissions had revealed that the influence of organised crime had penetrated police forces and politics.

"The assertion of Mr Ellison, the federal Justice Minister, that the new body would be more 'streamlined' stretches credibility to breaking point," Mr Bush said. "A body controlled by a board of all Police Commissioners and three or four other agency heads is crime fighting by committee. Organised crime bosses will be celebrating."

"Mr Ellison should well know that past attempts to get law enforcement agencies to determine priorities and coordinate resources have come to little because of turf squabbles. This problem will now infect the operation of the new Commission."

Consistent with its statutory mandate to report on criminal activity and recommend reforms, Mr Garry Crook, the Chair of the NCA, last August reported that the illicit drug trade was "continuing to flourish", that law enforcement agencies were seizing only a small percentage of drugs, that the battle could not "be won by law enforcement alone or in partnership with the health sector." The scale of the problem, he said, demanded the "highest attention of government and the community". Indeed the NCA has been saying to anyone who will listen that there is an urgent need for "a co-ordinated and holistic approach".

The new administrative structure will ensure that politically unpalatable assessments such as this will not emerge from the new Commission.

"It is a great loss for Australians," Mr Bush continued, "that the States have taken the bait offered by the Commonwealth of shared control of the new body while believing they achieved victory because they succeeded in increasing federal funding for it."

10 August 2002

## **Blame Canada - Northern Neighbor's Pot Policy Irks U.S. Drug Warriors**

Pacific News Service, H. G. Levine, Jul 25, 2002

[http://news.pacificnews.org/news/view\\_article.html?article\\_id=754](http://news.pacificnews.org/news/view_article.html?article_id=754)

A specter is haunting U.S. drug warriors -- the specter of marijuana decriminalization ... in Canada.

U.S. lawmakers discovered with alcohol in the 1920s that it's difficult to run a successful prohibitionist regime when a neighboring country has more tolerant policies. Now it's the same neighbor and a different drug.

Canada's National Post has quoted Asa Hutchinson, head of the U.S. Drug Enforcement Administration (DEA), saying that recent and proposed cannabis policy reforms in Canada and Britain could undermine support for the "war on drugs" within the United States.

"We (in the U.S.) have great respect for Canada and Britain," Hutchinson said, "and if they start shifting policies with regards to marijuana, it simply increases the rumblings in this country that we ought to re-examine our policy. It is a distraction from a firm policy on drug use."

With classic understatement, the DEA chief noted that decriminalizing marijuana possession in Canada would "complicate things somewhat for the U.S." It certainly would, as two striking precedents show.

First there is the case of the Netherlands, which for more than two decades has "complicated things" for drug warriors in Europe. A generation of Europeans has seen Hol-

land's regulated system of cannabis cafes succeed as a workable, reasonable alternative to punitive and ineffective anti-drug policies. Many tourists have visited Dutch border towns and cities to use cannabis and sometimes to bring it home.

The DEA chief used the Dutch experience to evoke the specter of a Netherlands-like Canada attracting marijuana tourists. "If you have lax marijuana policies right across the border, where possession of marijuana is not considered criminal conduct, that invites U.S. citizens into Canada for marijuana use, and that will increase the likelihood that both U.S. citizens and Canadian citizens will bring back the Canadian marijuana across the border for distribution and sale."

A second worrisome precedent dates back to the 1920s, when Canada ended its own failed alcohol prohibition before the United States repealed the 18th Amendment in 1933. At that time, Canada was a major source for the banned drug. Many U.S. tourists also used their cars, trucks or boats to smuggle small quantities of alcohol.

Just as important, regulated alcohol policies in Canada (and England) also served as easy-to-witness examples of workable alternatives to the expensive, punitive and impossible crusade for an "alcohol-free society." There is no doubt that Canada's successful example was extremely important in shifting opinion about alcohol policy in the United States.

Today, Canada, Britain and other countries will likely play the same example-setting role for the United States.

A growing number of mainstream Canadian officials, politicians, organizations, and publications have already proposed reducing or eliminating criminal penalties for cannabis use. A year ago, the Toronto Globe urged the country to "decriminalize all -- yes, all -- personal drug use, henceforth to be regarded primarily as a health issue rather than as a crime."

Recently, Canadian Minister of Justice Martin Cauchon said that his country is seriously considering eliminating criminal penalties for possessing marijuana. Cauchon is waiting for the recommendations of a legislative committee that is expected to recommend relaxing current laws. "We're not talking about making it legal," Cauchon said, "we're talking about the possibility of moving ahead with what we call 'decriminalization.'"

Moving ahead on decriminalization will take time. Canada will not soon become the Netherlands of North America, nor Vancouver its Amsterdam. Marijuana production and sale is still illegal everywhere in the world, and even in the Netherlands most cannabis use is indoors, private and discrete. Finally, the United States, which currently arrests more than 700,000 people a year for cannabis, shows no sign of letting up.

But the United States is ever more alone on its punitive drug-war path. Many democratic countries have informally or officially decriminalized cannabis possession and use and others are moving in that direction. Most important, this is occurring in the culturally linked, English-speaking countries of Great Britain, Australia, New Zealand and Canada.

Canada is already a cannabis-exporting nation and, as in Europe, indoor cultivation is booming. Canada's main customer is the United States. As was true for alcohol in

the 1920s, this cannot be stopped. There can never be enough police to do the job.

By responsibly going ahead with marijuana decriminalization --- by doing what is best for its own citizens -- Canada is again likely to lead the way for the United States. As it did 70 years ago, Canada can again help the U.S. see its own better drug policy future.

*Harry G. Levine is a professor of sociology at Queens College, City University of New York. His book with Craig Reinerman, "Crack in America: Demon Drugs and Social Justice," was published by the University of California Press.*

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*Our thanks for permission to reprint articles from the Drug Reform Coordination Network and its Media Awareness Project (MAP). The link address is [www.drcnet.org](http://www.drcnet.org).*

*Articles of a purely educational nature appear courtesy of the DRCNet Foundation..*

## **Just Say No: Government's War on Drugs Fails**

By John Stossel, American Broadcasting Corporation

July 30 — Have you ever used illegal drugs? The government says a third of Americans have at some point — and about 5 percent use them regularly.

The number may be higher, because how many people honestly answer the question, "Have you used an illicit drug in the past month?"

What should America do about this? So far, our approach has been to go to war — a war that police departments fight every day. A war that U.S. politicians tackle in a different way than their European counterparts. And a war that is not going away.

Asa Hutchinson, President Bush's choice to run the Drug Enforcement Administration, travels the world telling Americans that we're winning the drug war. "Overall drug use in the United States has been reduced by 50 percent over the last 20 years," he says.

But it's questionable whether the fall is attributable to the government's policies, or whether it was just people getting smarter after the binges of the 1970s. In the last 10 years drug use hasn't dropped — despite federal spending on the drug war rising 50 percent. And despite all the seizures, drugs are still as available as they ever were.

Hutchinson agrees that there are problems with the government's efforts. "We have flat-lined. I believe we lost our focus to a certain extent," he says. "I don't believe that we had the same type of energy devoted to it as we have in certain times in the past."

Detroit Police Chief Jerry Oliver is not convinced that expending more energy — and making more drug arrests — will help America win the crusade. "We will never arrest our way out of this problem," he says. "All you have to do is go to almost any corner in any city. It will tell you that. ... Clearly, we're losing the war on drugs in this country [and] it's insanity to keep doing the same thing over and over again."

### **Seduced by Money**

We know the terrible things drugs can do. We've seen the despair, the sunken face of the junkie. No wonder those in

government say that we have to fight drugs. And polls show most Americans agree. Drug use should be illegal. Or as former "drug czar" Bill Bennett put it: "It's a matter of right and wrong."

But when "right and wrong" conflict with supply and demand, nasty things happen. The government declaring drugs illegal doesn't mean people can't get them, it just means they get them on the black market, where they pay much more for them.

"The only reason that coke is worth that much money is that it's illegal," argues Father Joseph Kane, a priest in a drug-ravaged Bronx neighborhood in New York City. "Pure cocaine is three times the cost of gold. Now if that's the case, how are you gonna stop people from selling cocaine?"

Kane has come to believe that while drug abuse is bad, drug prohibition is worse — because the black market does horrible things to his community. "There's so much money in it, it's staggering," he says.

Orange County, Calif., Superior Court Judge James Gray agrees with Kane. He spent years locking drug dealers up, but concluded it's pointless, because drug prohibition makes the drugs so absurdly valuable. "We are recruiting children in the Bronx, in the barrios, and all over the nation, because of drug money," he says.

Besides luring kids into the underworld, drug money is also corrupting law enforcement officers, he argues.

Cops are seduced by drug money. They have been for years. "With all the money, with all the cash, it's easy for [dealers] to purchase police officers, to purchase prosecutors, to purchase judges," says Oliver, the Detroit police chief.

The worst unintended consequence of the drug war is drug crime. Films like *Reefer Madness* told us that people take drugs and just go crazy. But, in reality people rarely go crazy or become violent because they're high.

The violence happens because dealers arm themselves and have shootouts over turf. Most of the drug-related violence comes from the fact that it's illegal, argues Kane. Violence also happens because addicts steal to pay the high prices for drugs.

### **An Alternative to Prohibition**

There's no question that drugs often wreck lives. But the drug war wrecks lives too, creates crime and costs billions of dollars.

Is there an alternative? Much of Europe now says there is.

In Amsterdam, using marijuana is legal. Holland now has hundreds of "coffee shops" where marijuana is officially tolerated. Clients pick up small amounts of marijuana the same way they would pick up a bottle of wine at the store.

The police regulate marijuana sales — shops may sell no more than about five joints worth per person, they're not allowed to sell to minors, and no hard drugs are allowed.

What has been the result of legalizing marijuana? Is everyone getting stoned? No. In America today 38 percent of adolescents have smoked pot — in Holland, it's only 20 percent.

What Amsterdam police did was take the glamour out of drug use, explains Judge Gray. The Dutch minister of health has said, "We've succeeded in making pot boring."

The DEA has said legalizing cannabis and hash in the Netherlands was a failure — an unmitigated disaster. Not so, say people in Amsterdam. And Rotterdam Police Superintendent Jur Verbeek says selling the drug in coffee shops may deter young, curious people who will try marijuana one way or another, from further experimentation with harder drugs.

"When there are no coffee shops, they will go to the illegal houses, where the dealer says, 'OK, you want to have marijuana. Good. But we have cocaine as well. And we have heroin for you,'" Verbeek argues.

### **Don't Ask, Don't Tell**

Still, in America, there's little interest in legalizing any drug. President Bush says "drug use threatens everything." And officials talk about fighting a stronger war. Some say it shouldn't be even talked about.

In 1991, Joycelyn Elders, who would become President Clinton's surgeon general, dared to suggest legalization might reduce crime. Critics almost immediately called for her resignation. "How can you ever fix anything if you can't even talk about it?" Elders says.

What the Dutch are doing makes sense to Gray. "They're addressing it as managers," he says. "We address it as moralizers. We address it as a character issue, and if you fail that test, we put you in prison."

Experiments with being more permissive of drugs have spread beyond the Netherlands. Today, police in most of Europe ignore marijuana use. Spain, Italy and Luxembourg have decriminalized most drug use.

That's not to say that all the experiments succeed everywhere. Switzerland once tried what became known as Needle Park, a place where anyone could use any drug. It attracted crime because it became a magnet for junkies from all over Europe.

Critics say the Netherlands has become an island of drug use. But while illegal selling still happens, the use of drugs in the Netherlands and all Europe is still far lower than in the United States, and European countries are proposing even more liberalization.

American politicians have shown little interest in that.

"We in America should have a different approach," explains Hutchinson. "You do not win in these efforts by giving in."

### **Hopeless Fight?**

Still, how many wars can America fight? Now that we're at war against terrorism, can we also afford to fight a drug war against millions of our own people? Is it wise to fight on two fronts?

The last time America engaged in a war of this length was Vietnam, and then, too, government put a positive spin on success of the war.

But today more people have doubts. Judge Gray questions the government's ability to protect us from ourselves. "It makes as much sense to me to put actor Robert Downey Jr. in jail for his drug abuse as it would have Betty Ford in jail for her alcohol abuse. It's really no different."

Gray advocates holding people accountable for what they do — not for what they put into their bodies.

Why not sell drugs like we do alcohol, he says, though maybe with more restrictions. "Let's make it available to adults. Brown packaging, no glamour, take the illegal

money out of it and then furnish it, holding people accountable for what they do," he suggests. "These drugs are too dangerous not to control."

Legal drugs — that's a frightening thought. Maybe more people would try them.

Gray says even if they did, that would do less harm than the war we've been fighting for the past 30 years.

"What we're doing now has failed. In fact it's hopeless," he argues. "This is a failed system that we simply must change."

## **Drug Abuse Committee Reconvenes**

The House of Representatives Standing Committee on Family and Community Affairs has been reconvened to resume its inquiry into substance abuse in Australian communities.

The committee will hold a seminar on 15 and 16 August 2002 to collect information that will assist members in coming to conclusions and recommendations in their final report.

Supplementary submissions have also been invited and Families and Friends for Drug Law Reform has put one forward (a copy will be on our website shortly). That submission makes the following additional recommendations:

### **Recommendation 21:**

That without delay the Federal Government facilitate a scientific trial of prescription heroin among severely dependent drug users for whom existing treatments are inadequate.

### **Recommendation 22:**

That the Government estimate annually the amount of illicit drugs consumed in Australia.

### **Recommendation 23:**

That the Government establish a judicial inquiry into the most likely causes of the heroin drought.

### **Recommendation 24:**

The Australian Government adopt drug policies that, consistent with minimising the harm to drug users, secure a demonstrable reduction in availability of dangerous drugs on the black market.

### **Recommendation 25:**

The Government retain the National Crime Authority and secure its independence and enhance its capacity to investigate organised crime.

### **Recommendation 26:**

The Government adjust its drug policies to be consistent with its policies that address other serious social problems in the community like mental illness and suicide which have a close association with substance abuse.