

ON BALANCE

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THE CRIMINAL JUSTICE POLICY FOUNDATION

1225 Eye St., NW, Suite 500
Washington, DC 20005
Tel: (202) 312-2015
Fax: (202) 842-2620
info@cjpf.org

WWW.CJPF.ORG

Pardon Me, Please

by Eric E. Sterling

In a few weeks Bill Clinton will walk out the door of the White House. He will leave behind a legacy for historians to debate. Part of his legacy will be the doubling of the number of people incarcerated in federal prisons, part of America’s climb to the summit of the world’s incarcerators. However, he still has time to shape his legacy in this regard. The sentence in the Constitution that names him commander in chief also gives him the power to reprieve federal prisoners.

This op-ed appeared in the Chicago Tribune on December 20, 2000. A similar piece, focusing on the role of federal judges in sending names to President Clinton, appeared in the San Diego Union-Tribune on December 28. On December 23, Clinton granted clemency to Kemba Smith and Dorothy Gaines.

Since Clinton entered the White House the number of federal prisoners doubled from 73,000 to 146,000, about 86,000 of whom are drug offenders. Since 1995, the Clinton administration has sent more than 100,000 drug offenders to federal prison. Twenty-eight percent of those

“Clemency” continued on Page 7)

New DARE Can Succeed If It Is Honest

by Nicholas Pastore

Reality has come unexpectedly to the big granddaddy of youth drug “prevention” programs: the Drug Abuse Resistance Education program, more familiarly known as DARE.

This op-ed appeared in the New Haven Register on March 14, 2001, and other newspapers.

You’ve heard something about DARE: This is when a local police officer comes into your elementary school child’s classroom an hour a week for 17 weeks and lectures about how bad drugs are.

DARE has the contract on drug prevention in 80 percent of the nation’s school districts. It takes in and spends more private and public dollars than any other such American organization. As far back as 1996, its estimated income was \$2,286,639, of which \$232,948 was reportedly paid to DARE’s executive director.

“DARE” continued on Page 9)

“Traffic’s” Missing 10-Point Drug Plan

by Eric E. Sterling

A similar op-ed appeared in the *Orange County Register* on Sunday, March 25, 2001.

Whether “Traffic” wins the Academy Award for Best Picture is now almost academic. In a March

14 Senate Judiciary Committee hearing on drug policy, “Traffic” played a leading role. Recent articles by former drug czar William Bennett, and by former HEW Secretary Joseph Califano, used “Traffic” to teach about drugs. In the days before the Academy Awards, ABC News *Nightline* and *The New Republic* used the movie to study drug policy. Hardly any discussion about drug policy takes place now without referring to “Traffic.”

In one key scene, the new drug czar, Judge Robert Wakefield (Michael Douglas), after inspecting the border war on drugs, is flying back to Washington. He asks top anti-drug officials for new ideas for fighting drug abuse – an embarrassed silence follows.

Surprisingly, two months after the inauguration, there is an *unembarrassed silence* from the Bush White House about the identity of the next drug czar, the last cabinet-level position unfilled.

Three-quarters of the American public say the war on drugs is being lost, according to a survey released by the Pew Research Center on March 21. The annual data released by the White House documents that failure clearly: illicit drugs are causing more deaths, illicit drug prices are lower while purity is higher, and drugs are widely available to youth.

In the climax in “Traffic” the new drug czar steps up to White House microphones to unveil a “new” 10-point anti-drug package. Knowing his daughter is a desperate addict, he is unable to utter the predictable clichés, and suddenly walks out. He realizes that every addict is someone’s kid whose life is worth saving.

We need to abandon “sacred cows” that are obstacles to an effective anti-drug effort. We need new ideas to save lives, to help keep kids from being hurt by drugs, and to reduce violence and corruption. Following is a 10-point package the new drug czar should adopt.

1. Narcan (naloxone) terminates the coma of a heroin overdose. All emergency personnel should



Photograph by Peter Steinhauer

be trained and equipped to use it. We should provide opiate users with Narcan to inject when overdoses occur. This will save thousands of lives a year.

2. Establish a “no questions asked” policy when overdosing drug users go to emergency rooms or call 911 for an ambulance. In “Traffic” we saw high school kids dump an overdosing friend in a hospital driveway to avoid police. Parents should tell their children that if something terrible is happening, to call immediately and that they will help them, not punish them.

3. Prevent overdoses and poisonings by enabling drug users to test drugs for potency and impurities. The “rave” culture tries to protect itself by testing ecstasy pills for dangerous impurities. Teach recovering addicts that they have lost their tolerance to opiates. If they relapse, their old doses may kill them.

4. To catch drug dealers who sell adulterated or counterfeit drugs, give immunity and incentives to drug users to turn them in.

5. Reduce the spread of HIV/AIDS, hepatitis, and other diseases by promoting and funding sterile syringe exchange. This common sense idea saves lives and has been supported by every research body that studied it, including President Bush’s AIDS Commission, the Centers for Disease Control, the Institute of Medicine, the American Medical Association, and others.

6. Protect travelers and motorists by assuring that pilots and vehicle operators do not fly or drive while impaired, by testing for actual impairment. Test-

ing blood or urine for past use of illegal drugs does not find impairment. After every accident, complete drug testing should be done.

7. Expand drug treatment availability and effectiveness by providing methadone, LAAM and other maintenance drugs through general practitioners, and to addicts in prisons and jails. Drug treatment health insurance should be on a parity with other coverage. Coordinate local drug treatment intake to maximize access to programs, and to match addicts to the most suitable treatment. Permit parents to keep and care for their young children while parents are in treatment.

8. Assure that anti-drug education is evaluated and effective. America's largest teenage anti-drug program has been the ineffective D.A.R.E. curriculum. Like sex education, drug education should include abstinence and reality-based, harm reduction elements, and should encourage honest dialogue with parents and teachers.

9. Focus federal criminal justice resources only on the biggest, most violent and dangerous traffickers. Only ten percent of federal drug cases have been high-level offenders. Repeal mandatory minimum sentences that give minor offenders kingpin sentences.

10. Medical patients with serious or terminal illness should never be denied the proper medication, whether opiates or marijuana.

To carry out such a lifesaving, prevention and public health oriented plan, the next drug czar should have at least one quality: a background in public health. He or she should be unafraid of entrenched drug enforcement bureaucrats and anti-drug blow-hards, and not looking for a promotion. Someone like former Surgeon General C. Everett Koop comes to mind. •

NOW AVAILABLE:

Coalition for Jubilee Clemency (CJC) Final Report and Recommendations for Action

By Chad Thevenot, CJC Coordinator

CJC generated a great deal of public support for the last-minute clemency of low-level, nonviolent drug offenders. The report outlines the successes of the campaign and the future of CJC.

For a free copy of the report, contact CJPF.

On-line at www.cjpf.org/clemency/report2000.html.

CJPF @ Work . . .

July 1, 2000 - CJPF President Eric Sterling was quoted in the *New York Times* about clogged U.S. courts along the U.S.-Mexico border. Sterling said Congress historically has been reluctant to create new judgeships.

August 1 - Eric Sterling addressed a full house at the Shadow Convention in Philadelphia during the Republican National Convention. Mr. Sterling outlined the problems facing Americans in the war on drugs. See page 5 for the text of his remarks.

September - Eric Sterling was quoted in *Essence* magazine about Dorothy Gaines. *Essence* cited CJPF's effort to free nonviolent, low-level drug offenders. In a discussion about the quality of Dorothy's defense, Mr. Sterling commented, "[Many] court-appointed attorneys hope the client pleads guilty. They are often not prepared to go to trial. They often do not know how to try a case."

October - In a *Playboy Magazine* article about the killing of Patrick Dorismond, Eric Sterling explained legislation passed while he was counsel to the House Judiciary Committee that eventually led to an "explosion" in the number of drug offenders in federal prisons.

October 4 - Eric Sterling spoke out against drug prohibition at a day-long seminar sponsored by PBS and NPR at the Georgetown University Law Center. He was featured in the two-part PBS *Frontline* broadcast, "Drug Wars," broadcast October 9 and 10.

October 14 - Eric Sterling spoke at a *Temple Civil and Political Rights Law Review* symposium titled "The War on Drugs ~ The New Jim Crow?"

November 4 - Eric Sterling presented the Champion of Justice Award on behalf of the National Association of Criminal Defense Lawyers to Ofra Bikel, producer of PBS *Frontline*'s "Snitch" and numerous other outstanding documentaries about criminal justice issues.

December 20 - *The Chicago Tribune* published an op-ed by CJPF president, Eric Sterling, reprinted on page 1.

On **December 22**, President Clinton granted clemency to Kemba Smith and Dorothy Gaines, two nonviolent, low-level drug offenders. Dorothy had been featured by CJPF's Coalition for Jubilee Clemency (CJC).

In late **December** President-elect Bush announced his nomination of John Ashcroft as Attorney General. Eric Sterling was quoted in several newspapers, including the *Los Angeles Times*, *Baltimore Sun*, *USA Today*, and the *Kansas City Star* on the effect that Ashcroft's leadership might have on the Justice Department.

January 1, 2001 - Joe Davidson of National Public Radio interviewed Eric Sterling for a commentary on the pardons and commutations granted by President Clinton before Christmas. The commentary aired on NPR's *Morning Edition*.

January 5 - Eric Sterling addressed the Annual Dinner of the Drug Policy Forum of Hawai'i regarding the strategy and politics of drug policy reform, and critiqued the performance of drug czar Barry McCaffrey on the eve of his retirement.

January 31 - Eric Sterling addressed a briefing for Congressional staff on the failings of U.S. anti-drug policy.

February 6 - Eric Sterling appeared on CNN's *Burden of Proof*. The show addressed the legal legacy of President Ronald Reagan. Sterling argued, "Sentencing guidelines have distorted the way in which criminal law gets practiced. And it has transformed it. Many attorneys left criminal law as a consequence."

February 23 - In response to the movie "Traffic," CNN's *The Point with Greta Van Susteren* aired a program about the war on drugs. Eric Sterling appeared on the program, stressing the failure of current drug policy.

February 24 - *The Washington Post* published a letter by Eric Sterling responding to a recent op-ed by former drug czar William J. Bennett. "The real lesson is to abandon the approach of zero tolerance advanced by Mr. Bennett and adopt a reality-based drug strategy. A conservative strategy of regulation of drug use, production and distribution offers the only opportunity to achieve controls over the market and the users and bring down the social costs," Sterling said. See <www.cjpf.org/pubs/bennettletter.html>

February 24 - CJPF Police Fellow Nicholas Pastore was quoted in the *Wall Street Journal* in a front page report about workplace issues. Mr. Pastore commented on the advantages of residency requirements for police officers and the need for communities to meet these requirements. "Make the effort, and if it requires some heavy lifting, you do it," Mr. Pastore said.

March 14 - Eric Sterling debated Rep. Bob Barr (R-GA) on the war on drugs. The 90-minute debate, sponsored by the *American Criminal Law Review* and moderated by National Public Radio's Juan Williams, was held at the Georgetown University Law Center. Rep. Barr argued drug policy has been successful and should be continued. Sterling argued for health-based policies and eliminating the current U.S. policy of prohibition. A videotape of the debate is available from CJPF for \$15.

March 14 - The *New Haven Register* published an op-ed by CJPF Police Fellow Nicholas Pastore, entitled *New DARE Can Succeed if it's Honest*, reprinted on page 1.

March 19 - Eric Sterling was quoted in a 3-page article in *People Magazine* about Dorothy Gaines. Dorothy was convicted of trafficking crack cocaine based on the testimony of convicted felons who received shortened sentences for cooperating with prosecuting attorneys. Sterling told *People*, "What is important to recognize in Dorothy's case is that the government had no drugs, no scales no residue, no money, no fancy clothing or cars [to present as evidence]."

March 28 - Eric Sterling debated the war on drugs before The Federalist Society of the George Washington University Law School. His opponent was Joseph Donovan, Senior Trial Attorney, U.S. Department of Justice, Criminal Division, Narcotics and Dangerous Drugs Section.

April 5 - Eric Sterling participated in "Prisoners of the Drug War: Sentencing, the Media, and President Clinton's Last-Minute Clemencies," a forum sponsored by Georgetown University's Communication, Culture and Technology program and organized by Chad Thevenot, CJPF director of communications. •

CJPF Staff

Eric Sterling, President

esterling@cjpf.org

Nicholas Pastore, Police Policy Fellow

cjpfct@snet.net

Chad Thevenot, Communications Director

chad@cjpf.org

David A. Guard, Project Manager

dguard@cjpf.org

Improving the Bottom Line

Remarks of Eric E. Sterling at the Shadow Convention, Philadelphia, PA
August 1, 2000

Ladies and Gentlemen, Distinguished Guests, Honored Colleagues, Brothers and Sisters, good afternoon. Tonight, thousands, tens of thousands of Americans and their families will hear the horrifying sound of gunfire echo in their neighborhood. Today hundreds of thousands of American kids were offered illegal and dangerous drugs. Last month, well over 1000 persons died, poisoned by black market drugs or from AIDS from sharing needles. This violence, these out-of-control drug markets, these deaths, are the bottom line of our war on drugs. This bottom line is not inevitable from the use of drugs. But as long as absolute prohibition of drug use prevails; as long as the \$40 billion market for illegal drugs in America remains uncontrolled, then these tragedies, these threats to our communities and our families are inevitable.

What America has been doing to fight drugs is a monumental failure, and the American people know that. In fact, the managers of our bipartisan prohibition drug policy are spending a fortune trying to sweep that failure under a rug. In the National Drug Control Strategy, the White House drug czar, General Barry McCaffrey, insists "National Anti-Drug Policy is Working." He may believe this, but the scorecard he shows us is as fudged as those Bill Clinton routinely offers up after eighteen holes. In the March 1999 strategy, for example, he claimed that coca production is declining. He quietly repudiated that claim five months after it was published.

McCaffrey's judgment of the bottom line is so warped that his concluding evidence that anti-drug policy is working is that the Federal government's spending on anti-drug efforts has been going up steadily. Federal anti-drug spending has grown from \$13.5 billion in FY 1996 to \$19.2 billion in FY 2001. State and local anti-drug spending is now more than \$33 billion. Think about that - over \$52 billion a year to fight drugs and it is climbing steadily.

Think about this. The government has the

audacity to claim that the problem is getting better because it is spending more of the taxpayers' money fighting the problem. If politicians said this about any other government program, they would be laughed out of office. This preposterous assertion reminds us of Harry Shearer's book about the Clinton Administration entitled, *It's the Stupidity, Stupid*.

I have been following closely, if not helping to develop, our national anti-drug strategy since 1979. For more than nine years, I was the House Judiciary Committee's counsel principally responsible for anti-drug matters. I can tell you, when it comes to Congress and the war on drugs, "it's the stupidity, stupid." But it is not only stupidity, but cruelty and racism as well.

It's time for us to call it what it is, and time for all of us genuinely concerned about the problems of drugs to join this growing movement for fundamental change.

In the 1980s, when Congress was in an anti-drug legislative frenzy, I was a principal aide in developing the Anti-Drug Abuse Acts of 1986 and 1988. Infamously, those laws created the mandatory minimum sentences

that have filled every Federal courthouse with the stench of injustice, blatant routine perjury, and rampant racial discrimination. Those laws have filled every Federal prison with drug offenders - over 85,000 today - most of them, according to the U.S. Sentencing Commission, low-level offenders, and overwhelmingly black, Latino, or Asian. When the 1986 law was written, the entire Federal prison population was less than 40,000. These numbers are an unacceptable bottom line for our drug policy.

What should be our bottom line for anti-drug policy? It's fairly simple. (1) Save lives, (2) keep the most dangerous drugs out of the hands of kids, and (3) keep as many people as healthy as possible. It's not about keeping medicine out of the hands of sick people. It's not about sending young people to prison who use drugs. It's not about denying a college education to kids who smoke pot or experiment with drugs. It is not



Eric Sterling meets with former Attorney General of Pennsylvania, Ernie Preate, at the Shadow Convention in Philadelphia.

about stopping people on the highways because they are black, or brown, or young. It's not about imprisoning drug dealers for half of their life.

The bottom line delivered by Reagan, Bush and Clinton has been a deadly disaster, and it is growing worse. Deaths from drugs have more than doubled since 1979. The number of dead has increased every year for twenty years.

Prohibition and the war on drugs are not keeping drugs out of the hands of kids. In 1998, heroin and marijuana were more available to high school seniors than at any point since 1975. Availability of heroin to high school students has increased by 62 percent since the Anti-Drug Abuse Act of 1986 was passed. Ecstasy availability has almost doubled since 1989. LSD is easily available to half our high school seniors.

Among 8th graders, past month use of marijuana, cocaine and LSD tripled from 1991 to 1997.

In the street drug markets, the purity is rising – to the highest levels recorded. High purity is sending more people to hospital emergency rooms – drug-related ER admissions in 1998 were the most recorded.

The bottom line – heroin street purity increased from less than 5 percent in 1981 to almost 25 percent in 1998. How can the White House say that “drug policy is working” when there has been a 500 percent increase in heroin purity?

There is now such an oversupply of drugs that the street prices of heroin and cocaine in our neighborhoods are near historic lows. A pure gram of cocaine was \$44 in 1998, down from \$191 in 1981. The price of heroin fell from \$1200 per gram in 1981 to \$318 per gram in 1998. Falling prices mean traffickers are finding it easier to get drugs to our streets, not harder. This is an unacceptable bottom line.

Why are drugs so widely available? The principal reason is that among the medieval qualities of our drug policy it is like alchemy. Almost 1000 years ago, alchemists tried to figure out how to turn common materials into gold. Gold – there was nothing more precious than gold. These days gold sells for about \$9 per gram wholesale, about \$9. Cocaine, at \$44 per gram is now more than four times more valuable than gold,

and that's after the price has dropped like a stone. During the Reagan war on drugs, cocaine was worth 20 times more than gold. And today, heroin, at more than \$300 per gram, is worth more than 30 times the value of gold.

Take a vegetable, process it, and you've got a product that is 30 times more valuable than gold. This is alchemy. This tells us why prohibition can't control drugs. Think of the gold rushes in California or Alaska. Men abandoned their families, quit their jobs or farms, and headed across the continent to make their fortunes. Here was the great opportunity for anybody to “strike it rich.” But the reality of the gold fields was violence, drunkenness, prostitution, lawlessness of every kind. Drug prohibition – alchemy – has created thousands of gold rushes in every corner of America. It is the great opportunity to make money for any kid who thinks he or she has nothing to lose. And prohibition has brought with it the inevitable violence, the inevitable craziness, and the inevitable corruption.

So, what is the solution? As a nation we've got to end the black magic of alchemy, that is, drug prohibition. We must mobilize to convince our

neighbors, our colleagues at work, our fellow students, and our elected representatives that we reject the war on drugs and demand a system of real control and regulation.

In the short term, treatment, not jail or prison, is the best answer for those who are addicted. There are about three million untreated hard core ad-

dicts. We must demand that the government build the capacity so that they can get treatment when they are ready, without having to go to jail. While our prison population doubled during the 1990s, the number of untreated drug addicts also grew.

If our drug policy were any other government program, there would be a clamor in both political parties for new solutions, for a positive bottom line. But the only clamor from Bush, Gore, and their parties is for more of the same – tougher laws, more police and prosecutors, more prisons, and new forms of surveillance.

Thomas Edison, while he was trying to invent the light bulb, was interviewed by a reporter without

What should be our bottom line for anti-drug policy?

- 1. Save lives*
- 2. Keep the most dangerous drugs out of the hands of kids*
- 3. Keep as many people as healthy as possible*

much vision, according to a story I've heard. "Mr. Edison, you've tried thousands of materials to find a filament for your so-called light bulb, and none of them have worked. How does it feel for you to have failed so many times?" Edison replied, "I've conducted thousands of experiments that have successfully demonstrated that none of those materials are suitable for my design of a light bulb."

Prohibition has been an experiment. Its failed to provide a suitable drug policy. Over the years, generations of officials tried to demonstrate that through prohibition we could prevent abuse, save lives, and protect children and families. The experimental data is in. We must not allow politicians to try the same failed experiments over again. Whether they call it "user accountability," or "zero tolerance," or "Plan Colombia," they won't get different results – they will replicate the failure. Now is the time for new experiments designed to control and regulate the use and sale of drugs.

Improving our drug problem bottom line involves you. You need to commit yourself to changing that bottom line – socially, politically and personally. People like us must join and support financially organizations like mine, or the Marijuana Policy Project Foundation, or Families Against Mandatory Minimums Foundation, or the Lindesmith Center/Drug Policy Foundation.

We all need to do what we can do best. We need to write letters like Tom O'Connell and his colleagues of Drug Sense in California and organize like Al Robison and his colleagues of the Drug Policy Forum of Texas. We need to commit ourselves to give speeches to civic groups, like Cliff Thornton of Efficacy in Connecticut or Peter Christ of ReconsiDer in New York. We must organize our business colleagues like Joe White of Change the Climate in Massachusetts. We must organize people in our situation, like Nora Callahan of the November Coalition in Washington. We must organize our neighbors like Lennice Wirth of Virginians Against Drug Violence. We must connect to the media like Arianna Huffington and Ethan Nadelmann and Kevin Zeese.

We must become one-issue voters. We must engage groups like the League of Women Voters and the Rotary and our local party organizations: Democratic, Republican, Green, Reform and Libertarian. We have to fire them up. We must support courageous public officials and candidates for public office, no matter what party, when they make ending prohibition part of their platform.

We must realize that this struggle is not simply

for the good of the nation, or for the good of our neighbors, or for the good of the poor and the downtrodden. Ultimately, this is a struggle about the health of our national spirit and our individual soul. We must throw off the despair, the inequality of wealth and opportunity, and the iron grip on politics of the moneyed interests that has prevented reform.

Between now and November 7, let's get out there, raise money, organize, politick, and kick some butt. And then, on November 8, let's reorganize and prepare to confront the new political reality that we have helped create. •

CLEMENCY (continued from page 1)

imprisoned, according to a 1994 Department of Justice study, are low-level drug offenders with no prior offense, no violence on their records and no involvement in sophisticated criminal activity. That is about 24,000 such prisoners today—equal to the entire federal prison population in 1980 when President Reagan was elected.

Recently, more than 650 leaders of America's clergy, gathered as the Coalition for Jubilee Clemency—bishops, church presidents, heads of congregations—wrote to President Clinton asking him to free low-level, non-violent federal drug prisoners.

Among Christians, 2000 is a Jubilee year, in which debts are forgiven and prisoners are set free. As part of the Jubilee year, Pope John Paul II has called upon governments for "a gesture of clemency" to the imprisoned.

To find some of those drug offenders who deserve to be released, Clinton should appeal to the more than 600 federal trial judges, asking each to name at least one defendant whom he or she was required by mandatory sentencing laws to sentence to a term he or she thought was unjust—the kinds of cases that the judges lost sleep over.

These low-level, non-violent drug offenders are people such as Kemba Smith, a sheltered college girl who was ensnared in a crack dealer's web of charm and abuse. She helped him buy a car, rent an apartment, hide out. She got a 24-year sentence.

Another example is Dorothy Gaines, a widow, mother of three and grandmother of two, whose boyfriend was a recovering crack addict. He relapsed, began dealing, and turned on her when caught. His fellow informants—who all got reduced sentences for

("Clemency" continued on Page 8)

Clarence Aaron: Three Life Terms on the Word of Snitches



Clarence Aaron was an exemplary student and star athlete with a bright future. In his senior year at Southern University in Baton Rouge, LA, Clarence was arrested for participating in a drug deal involving nine kilograms of cocaine. Clarence had no criminal record. His first trial ended with a hung jury. However, upon retrial, Clarence was convicted on the testimony of criminals, who, facing life sentences, testified against Clarence in exchange significant reductions in their sentences. In federal drug cases, cooperating with prosecutors is the only way to reduce a mandatory minimum sentence. Because his role in the deal was minor, Clarence had no information to offer prosecutors for a reduction of his sentence. Instead, he was falsely characterized as the orchestrator of a major drug ring. He is now serving

three consecutive life sentences in federal prison without the possibility of parole.

Clarence does not deny involvement in the deal. He admits to receiving \$1500 for introducing a friend from his hometown in Alabama to a friend he met while in college in Louisiana. However, there is little evidence that he was a drug kingpin. In 1999, Clarence was featured in the PBS *Frontline* documentary “Snitch,” about the use of informants in federal drug trials. A juror in Clarence’s case who was interviewed in “Snitch” expressed shock when he learned of Clarence’s sentence. He said Clarence was a minor offender and should have received a sentence of only a few years. Unfortunately, using mandatory minimum sentencing, prosecutors can determine the sentences in federal drug cases (by which charges they file), not the judge or jury.

Since his incarceration, Clarence has been a model prisoner. He has maintained a perfect behavior record and continually receives exceptional work evaluations.

Clarence will be featured by CJPF’s Coalition for Jubilee Clemency, in an appeal to President Bush to grant clemency to low-level, nonviolent drug offenders.

If you are interested in helping Clarence, please contact him at: Mr. Clarence Aaron, Reg. #05070-003, U.S. Penitentiary, Box PMB, 601 McDonough Blvd., Atlanta, GA 30315.

CLEMENCY (continued from page 7)

their testimony—said she once delivered three packets of crack from the ringleader to his street sellers. There was no other evidence—no money, no drugs, no drug paraphernalia, no beeper or cell phone, no controlled deliveries, no wiretaps. She got a 19-year sentence.

Congress created mandatory minimum drug sentences in 1986 during the violence and fear of the crack epidemic and when each party was using the war on drugs to fight for control of the Congress. Congress blundered by setting too low the quantities of drugs, which trigger mandatory sentences intended for high-level dealers. These laws have been applied mostly to low-level offenders and overwhelmingly to black or

Hispanic suspects. Unjustly, many federal drug prisoners are serving kingpin-level sentences, even though they were nowhere near kingpins in the drug trade. These long sentences for low-level offenders have been called “manifestly unjust” by federal judicial councils. It was to correct these types of injustices that the framers of the Constitution gave the reprieve and pardon power to the president.

Congress made a partial fix in 1994. A judge could depart from these mandatory sentences in very limited cases through a “safety valve”—but Congress did not make the law retroactive. There are more than 350 prisoners who would now be free if they had been sentenced after Sept. 13, 1994. Surely they qualify for a presidential commutation of sentence. •

DARE (continued from page 1)

In recent years, DARE has increasingly come under fire. Why? Because it doesn't work.

There is no evidence that the DARE sessions overall reduce the chances that participants will stay away from drugs and drug-related violence. In fact, disinterested, objective evaluations demonstrate DARE has not reduce drug use.

Until now, all the many criticisms of DARE simply brought little or no response. Very recently, school systems in a growing number of cities have been rejecting DARE as ineffective. The federal government has made it known that a proposal for DARE in your school funding request is no longer an automatic rubber stamp.

So last month DARE announced it was going to begin a major new project, funded by the Robert Wood Johnson Foundation, using an entirely different programming approach, aimed at middle school kids and focusing more on discussion instead of lecturing. It will be a test of both the old and new approaches with 50,000 students to see which, if either, produces measurable results.

Until now, the overall thrust of DARE has been one of uniformed police officers coming to visit kids with their version of the truth: "Do you know what drugs are? Do you know what they will do to you, even if you mess around with them just once? Do you know you must commit yourself to never trying them?" This dogmatic indoctrination of grade-school children failed.

The few case studies that showed any positive reaction found that all such influence had disappeared by the time the kids reached their early or mid-teens.

Now DARE plans to work with older children and use an honest, discussion approach presumably, along the lines of: Do you think drugs are a problem here? What do you think we can or should do? Why do you think so

many people are using drugs? Do you know how other countries have and are handling these problems? Who needs to do what here? How do you think we can learn what good and bad decisions about drugs are and how can we learn to make good ones?

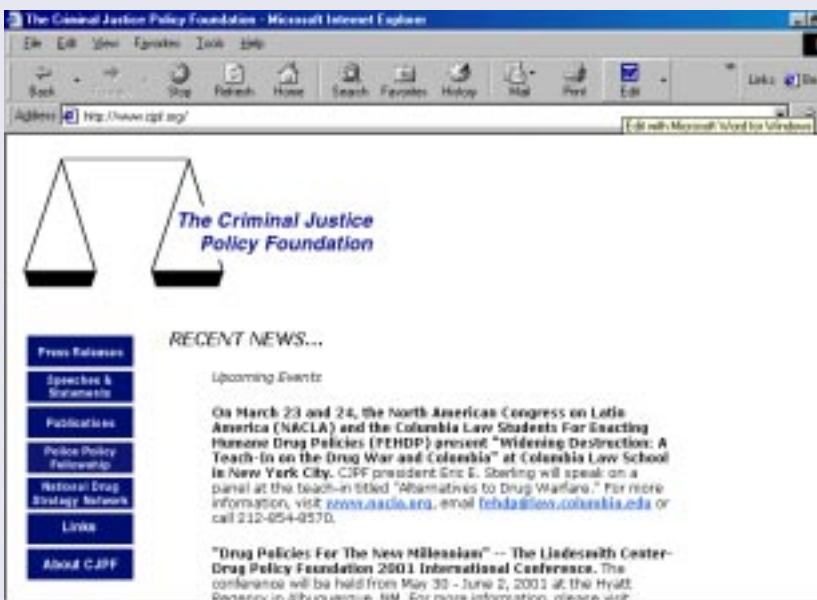
Given it's bad track record I think it's easy to underestimate a new DARE's potential. The cops involved (and there will be some 50,000 across the country this year) are mostly folks who genuinely like kids and want to help stop the terrible results of illegal drugs. If given the opportunity, responsibility and training to really engage young people on these issues, they will come up with better prevention programs as well as better youth-police relationships. But only if the approach truly is upfront and honest and delivered by credible individuals.

For the most part, these youngsters live where these officers only visit daily. The most potent weapon an officer has in this situation is a completely honest commitment to the job and task at hand.

Indeed, to quote Bill Modzeleski, director of the Safe and Drug Free Schools program of the U.S. Department of Education, "what kids want are responsible adults they can talk to, who know their names, who are trusted."

If we are in the process of replacing the old DARE and moving toward a new one, then maybe the nation is ready to deal with kids with a more honest, on-target approach to drugs. •

Visit CJPF on-line at WWW.CJPF.ORG



The screenshot shows a Microsoft Internet Explorer browser window displaying the website for The Criminal Justice Policy Foundation. The browser's address bar shows the URL <http://www.cjpf.org>. The website features a logo with a scale of justice and the text "The Criminal Justice Policy Foundation". Below the logo is a navigation menu with buttons for "Press Releases", "Speeches & Statements", "Publications", "Police Policy Fellowship", "National Drug Strategy Network", "Links", and "About CJPF". To the right of the menu is a "RECENT NEWS..." section with a sub-heading "Upcoming Events". The main content area contains two news items: one dated March 23 and 24, 2001, regarding a teach-in at Columbia Law School, and another regarding a conference at the Hyatt Regency in Albuquerque, NM, held from May 30 to June 2, 2001.

PUBLICATIONS

Friendly Fire: Rethinking the Drug War From a Quaker Perspective. By Eric E. Sterling. *The Haverford College Alumni Magazine*, Spring 2000. This lucid article powerfully outlines the need to reevaluate national drug control policy, using principles of humanity and effectiveness. Contact CJPF for a copy of *Friendly Fire* or visit <www.cjpf.org/pubs/friendlyfire.html>.



Coalition for Jubilee Clemency Final Report and Recommendations for Action. By Chad Thevenot. This report details the successes of CJC including its involvement in the last minute clemency of low-level, nonviolent drug offenders granted by President Clinton and the extensive press coverage that CJC generated for this effort. The report outlines the future of CJC, as it develops its campaign toward President Bush. For a copy, contact CJPF or visit <www.cjpf.org/clemency/report2000.html>.

Racially Disproportionate Outcomes in Processing Drug Cases. By Eric E. Sterling. An 8-page report describing the disproportionate impact of drug prosecutions on African-Americans and other racial minorities. Reports the data on the shocking racial disparity at every stage in the processing of drug cases – from arrest to incarceration. Contact CJPF for a copy or visit our Web site at <www.cjpf.org/pubs/outcomes.html>.

Colombia Anti-Drug Aid Package Briefing Paper. Updated in June 2000. By Kristy Gomes, CJPF research assistant. The short report details the U.S. anti-drug effort in Colombia and issues regarding the \$1.7 billion anti-drug aid package to Colombia, approved by Congress. Contact CJPF for a copy or visit <www.cjpf.org/pubs/ColombiaPaper.html>.

NewsBriefs – the newsletter of the National Drug Strategy Network (NDSN). From 1989 until 2000, NDSN published **NewsBriefs**, a digest of drug-related news. The archive of **NewsBriefs** stories is on-line at www.ndsn.org.

Crises of the Anti-Drug Effort, 2001. By Chad Thevenot, CJPF research manager, Diane Lucas, CJPF research assistant, and Kristy Gomes, former CJPF research assistant. This thorough report discusses problems with current drug policy and proposes reforms. It covers many issues: mandatory minimum sentencing, the prison boom, racial disparity, erosion of civil liberties, international developments, drug treatment, harm reduction, and other issues. The report will be available soon. Contact CJPF for a copy or visit <www.cjpf.org>.

The War on Drugs: Addicted to Failure – Recommendations of the Citizens' Commission on U.S. Drug Policy. The Institute for Policy Studies (IPS), Washington, DC. May 2000. CJPF president Eric E. Sterling wrote the introduction to the report. The report and other related materials are available from IPS, 733 15th Street, NW, Suite 1020. Tel: (202) 234-9382. Fax: (202) 387-7915. E-mail: <ipsps@igc.org> or <stree@igc.org>. The report is available on-line at <www.foreignpolicy-infocus.org/briefs/vol4/v4n31drug.html>.

CJPF would like to thank Leah Teuwen, a senior at George Washington University, for her help in putting together this issue of On Balance.

CALENDAR

April 25-28, 2001, Minneapolis, MN -North American Syringe Exchange Convention. Presented by the North American Syringe Exchange Network (NASEN). Hosted by Access Works/Women With a Point. Held at the Marriott City Center Hotel. Contact NASEN. Tel: (253) 272-4857. Web: <www.nasen.org>.

April 27- 28, Detroit, MI - Beyond the War on Drugs. Sponsored by the Detroit Chapter, National Lawyers Guild (NLG). Held at the Wayne State University Law School. CJPf president Eric E. Sterling is the keynote speaker for the event. Other speakers include Kevin Zeese, president of Common Sense for Drug Policy, U.S. Rep. John Conyers, Wayne County Sheriff Robert Ficano, and Judge Robert Evans. The event is free and open to the public. Contact the NLG at (313) 963-0843. Web: <www.michigannlg.org>.

May 19, 2:00 p.m., Syracuse, NY - ReconsiDer: Forum on Drug Policy Annual Meeting. Keynote address by Kevin Zeese, president of Common Sense for Drug Policy. Held at the May Memorial, 3800 East Genesee St. For more information, visit <www.reconsider.org> or e-mail <eyle@reconsider.org>.

May 20-27, Amsterdam, The Netherlands - Study Tour of Dutch Drug Policy. Organized by the White Dog Café, Philadelphia, PA, particularly for persons with a background in health and social services, legislation, activism, drug law or policy. For more information, call (215) 386-9224 or visit <www.whitedog.com>.

May 30 - June 2, 2001, Albuquerque, NM -2001 International Conference of the Lindesmith Center-Drug Policy Foundation. Plenary sessions will include a retrospective of recent reform victories; *Hallucinogens and religious Freedoms*; *Ecstasy: Science, Medicine, and Culture*; and *Republican or Democrat: Who Will Claim the Drug Reform Issues*. Special events include addresses by New Mexico Governor Gary Johnson, Salt Lake City Mayor, Rocky Anderson, Albuquerque Mayor Jim Baca, and former New Mexico Governor Toney Anaya. Contact Clovis Thorn, Conference Coordinator: Tel: (212) 548-0695. E-mail: <conference@drugpolicy.org>. Web: <www.drugpolicy.org> .

June 7-9, 2001, Nashville, TN -National Association of Sentencing Advocates 9th Annual Conference. The National Association of Sentencing Advocates (NASA) will be offering training sessions and workshops for sentencing advocates and mitigation specialists of all levels of experience. Contact NASA. Tel: (202) 628-0871. Fax: (202) 628-1091. E-mail: <nasa@sentencingproject.org> Web: <www.sentencingproject.org>.

November 10-14, Albuquerque, NM - National Conference of Correctional Health Care. Sponsored by the National Commission on Correctional Health Care (NCCHC) and The Academy of Correctional Health Professionals. Held at the Albuquerque Convention Center. Contact NCCHC, 1300 W. Belmont Avenue, Chicago, IL 60657. Tel: (773) 880-1460. Fax: (773) 880-2424. Web: <www.ncchc.org>.

December 1-4, 2002, Seattle, WA - The Fourth National Harm Reduction Conference. Sponsored by the Harm Reduction Training Institute (HRTI), a joint project of the Harm Reduction Coalition and the Lindesmith Center/Open Society Institute. Held at the Sheraton Seattle. HRTI also sponsors training and education workshops on harm reduction issues year round. To receive a quarterly brochure of classes, contact HRTI, 22 West 27th Street, 5th Floor, New York, NY 10001. Tel: (212) 683-2334. For information about the conference, contact Paula Santiago, Conference Coordinator, at santiago@harmreduction.org or (212) 231-6376 ext 15. •

INSIDE THIS ISSUE . . .

- The Academy Award-winning movie “Traffic’s” missing 10-point drug plan
- Clinton’s last-minute clemencies for low-level, nonviolent drug offenders
- CJPF president Eric Sterling’s remarks at last year’s Shadow Convention in Philadelphia

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