

Elders is right

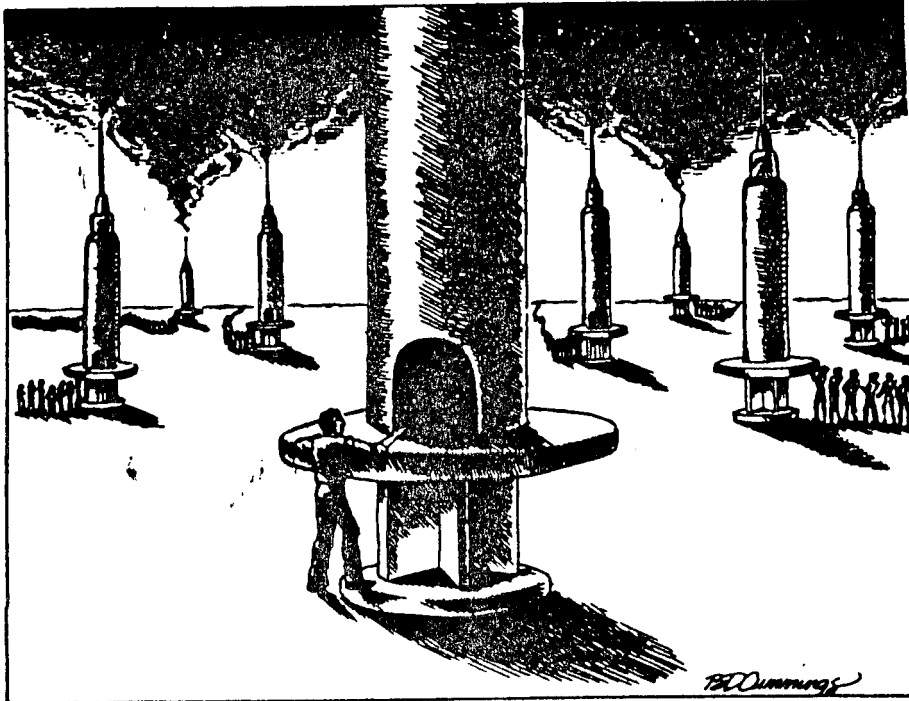
HARVEY SILVERGLATE

When he left the presidency on Jan. 17, 1961, Dwight Eisenhower surprised the nation with his farewell address, in which he alerted his fellow citizens to the "total influence - economic, political, even spiritual" of military-industrial power. "In the councils of government," the old soldier warned from an insider's vantage point, "we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex." It was essential, he warned, that "security and liberty may prosper together." He went on to call for "disarmament with mutual honor and confidence."

Now a federal official has had the courage to issue a similar (albeit more subdued) challenge to the drug and law enforcement complex, which has grown steadily in power and influence since 1914, when the government imposed criminal controls on the possession and distribution of certain mind-altering drugs. It is precisely because of that complex, around which an entire drug control industry has developed, that no such official has had the guts to play Jeremiah the Prophet - until, that is, Surgeon General Joycelyn Elders had the nerve to drop a bomb this week at the National Press Club.

In answer to a reporter's question whether drug legalization might cut down on violence, she made a modest proposal - not that drugs be legalized but only that "we need to do some studies" (although she offered her own sense "that we would markedly reduce our crime rate if drugs were legalized").

The resulting backlash was as vehement as it was predictable. People from across the political spectrum howled with indignation that an administration official would dare to utter the word legalization. Members of Congress from both parties castigated Elders, with Republicans hailing the president as well and calling for Elders' dismissal. Pres-



ident Clinton, fearful of being labeled soft on crime, made it clear not only that Elders was talking only for herself but that she would be reprimanded. It seemed that even for an avowed policy wonk like Clinton, drug prohibition was one policy that this administration had no desire to look at afresh. Indeed, Elders had anticipated precisely this response: "There are a lot of things that are sensitive subjects, and just because they're sensitive subjects does not mean that we should ignore them when they are destroying the very fabric of our country." This will, however, almost certainly be the last word that we'll hear from Elders on this subject, assuming that she is able to hold onto her job.

In recent years, a relatively small but steadily growing number of respected people have pointed out that our drug prohibition policies have not only failed to stem drug use and trafficking but have had disastrous consequences in virtually all areas of American life and that decriminalization, or perhaps legalization, should be studied. No one can say that some combination of public education, drug treatment, and addiction re-

search would be less effective than our failed prohibition policy. We have, after all, experienced a dramatic one-third decrease in smoking rates in the past three decades without outlawing the pernicious weed.

Yet the drug and law enforcement complex has beaten back all attempts to have the government so much as study the issue and has sought to marginalize those who dare to suggest a new approach. Consider the large number of people who make their livings, and who find their roles in society and hence much of their sense of self-worth, waging the war against drugs. Consider the police, prosecutors, judges, lawyers, legislators, prison guards, military personnel and others involved in conducting this multibillion-dollar assault against drugs. Consider, too, what all these people would do if legalization is tried and - as its proponents predict - the huge illicit drug economy shrinks, the prison population is lowered by half or more, street violence is drastically curtailed, the drug-related crime rate drops, court backlogs disappear and treatment of addicts is left to physicians. Such a move would benefit civil liberties as well, because in the stampede to wipe out drug traffick-

ing and use, a variety of rights have been trampled on.

Globe staff member Randolph Ryan reported on these pages four years ago that the Boston Bar Association's report on recommendations for improving Boston's criminal justice system dared not mention decriminalization or legalization of drugs. Authors of the report confidentially acknowledged that decriminalization was a strategy that had to be considered but that if their report mentioned it, "we knew we wouldn't be taken seriously" and the governor would not read it.

It is time to stop setting policy on the basis of the intense pressure exerted by the very groups who benefit from the ever-increasing resources devoted to the wrongheaded and failed policy of attempting to prohibit an international market where additional government pressure results only in the trade becoming more profitable and violent. Drug traffickers would surely be as adamantly opposed to any change in the current approach as would any law enforcement group. This should tell us something.

Harvey Silverglate is a criminal defense and civil liberties lawyer.

An endless battle

ALAN LUPO

On what would be Pablo Escobar's last night on earth, Barnstable police arrested a Hyannis man and charged him with distributing crack cocaine.

The next day, when Escobar, the Medellin drug kingpin was shot to death in a firefight with cops in that Colombian city, a federal grand jury indicted Los Angeles Ram cornerback Darryl Henley and a former cheerleader on charges of cocaine possession and conspiring to operate a drug network stretching to Atlanta and Memphis.

That same day, Sheriff Harry Lee of Louisiana's Jefferson Parish said that most of the 61 alleged drug dealers arrested in a two-day roundup would be back on the streets within days because of jail overcrowding.

That same day, police in Austin, Texas, completed a three-month undercover investigation that resulted in the arrest of 102 alleged street-level drug dealers.

That night, Boston detectives, watching "a location of high drug activity" in Dorchester, arrested a Dorchester guy who allegedly had a rock of cocaine in his mouth and another in his jacket pocket.

That night, Revere and State Police, running an undercover operation in that city's Shirley Avenue neighborhood, arrested nine persons of varying ethnic backgrounds and charged them with distributing crack cocaine and conspiracy to distribute.

The day after Pablo Escobar died with two 9-millimeter pistols in his hands, the same day that many Medellin citizens went into mourning for their hero, the same day that many other Colombians gave thanks for what they hoped was an end to narco-terrorism, a 12-year-old Haverhill boy was charged with possession of cocaine.

The day after Escobar died on a rooftop, the day after he chose to shoot it out because he had no other means of escape, the Worcester Telegram & Gazette editorialized, "Few problems pose a greater threat to the quality of life in this city than the lethal combination of illegal drugs and firearms."

So it does not end with the bad

guy dying dramatically in some life-imitating-movie drama. It goes on, as does the traffic in illegal firearms, as did the flow of booze during Prohibition. It goes on because people demand such stuff.

Unless and until the demand is wiped out or substantially diminished, the drug trade will continue unabated. Long before Escobar was killed, a rival organization - some say organizations - in Cali had captured perhaps as much as 80 percent of the cocaine shipped from Colombia to the United States.

The Cali operators are supposed to be smart. Unlike the Medellin crowd, they do not have a reputation for assassinating judges, politicians, journalists and police. But should misfortune befall the Cali bunch, some other outfit in Colombia, or perhaps Brazil or Peru or elsewhere in Latin America, will pick up the ball - uh, leaf.

And, for some reason, should a combination of moral fervor and international law enforcement overwhelm in Latin America man's basic desire to make a living in any way possible, there is always Pakistan.

And Afghanistan. And Lebanon. And the Golden Triangle in Southeast Asia.

During Prohibition in America, there were some extraordinary gun battles similar to what took place in Medellin when Escobar ran out of options on Dec. 2. But whenever a beer baron bought it, the booze kept flowing.

Both Colombian and US authorities, exuberant over what appears to be the last gasps of the Medellin cartel, deliver pronouncements on how crime doesn't pay in the end.

Most of us believe it because most of us aren't criminals. But the criminals don't believe they're criminals. They're just businessmen, some of them say. Like Al Capone, they just provide a service. A service to the sick and to the suckers.

So tonight the cops must keep watch on Geneva Avenue in Dorchester and Shirley Avenue in Revere. They must be on the alert in Jefferson Parish, La. and Austin, Texas. Because in all these places, there are guys and women willing to take chances for a bundle of money, guys and women who think they're smarter and luckier than Pablo Escobar.

Alan Lupo is a Globe columnist.