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Drug war needs a new direction

Has the drug war made the nation's substance-abuse problem better than five years ago? Asked by a visiting drug-policy reformer to raise hands if they thought so, a local crowd didn't move a muscle.

That's the response wherever he speaks, said California Superior Court Judge James Gray, a self-labeled conservative Republican doing battle with the drug war's most obvious follies. He finds a clear message in the silence.

For 30 years, the nation has ineptly warred against substance abuse, only to watch the problem explode. Drugs have never been cheaper, stronger or more readily available. Gray says the average teen-ager can buy a pharmacopia of illegal drugs more easily than a six-pack of beer. Missionaries have become "collateral damage" in battles fought over Peru. Colombia and Mexico writhe in the throes of what Gray calls their "drug money problem." And just when you think it can't get worse, it gets worse.

As Gray spoke in Austin to the Drug Policy Forum of Texas, the Bush administration was searching for a drug czar to replace Gen. Barry McCaffrey. The rumored choice is John Walters, a drug warrior from the previous Bush presidency.

Walters is an old-school hard-liner. He unabashedly favors military solutions over therapeutic ones, opposes aid for infection-containment measures such as needle exchanges and thinks the costly drug war has suffered from "indifference and neglect." He contends that the battle he once knew has transmogrified into "a war on punishment and prisons."

Reformers like Gray, and other who advocate digging at root causes of drug use, draw sneer from Walters. "The therapy-only lobby is alive and well and more dogmatic than ever," wrote Walters, a former deputy director of the Office of National Drug Control Policy. He now heads the Philanthropic Foundation of voluntary action against social problems.

Gray's solutions, based largely on research done in Europe and by the Rand research group, are likely to sound sensible to many and find little favor with Walters. The approach he outlined at the Hyatt Regency late last month focused on three points.

- 1) Forget "zero tolerance" and recognize that for a tiny percentage of the population, drug use will persist. Offer drug treatment to users who want it. Stress prevention. And don't use prisons (where drug use is a nagging problem) to punish addiction. The "prison industrial complex" will oppose this view, said Gray, a former prosecutor.

2) Forget the "tough-on-crime sound bites" and use the power of the purse. The federal government could withhold funds from states that fail to address drug problems. The process would resemble the "decertification" of countries that abet drug importation. Taxation, too, could be used to reduce the power of drug cartels.

3) Don't wage war on children. Make sure that from early on, children grasp the dangers of drug use, but teach them that if they're in trouble, they can count on adults to help. Don't set up a system that encourages adults to use children as couriers and sales agents or that makes drug selling the most lucrative work available for young people.

Judge James P. Gray is the author of "Why Our Drug Laws Have Failed and What We Can Do About It," from Temple University Press. Additional information on drug policy reform is available from the Drug Policy Forum of Texas in Houston (www.dpft.org) and the Stepping Stones Coalition of Austin, (512) 303-3348