

Ally

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**NO MORE
DRUG WAR**

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Happy Birthday, Drug War

A Time for Reflection – and Action

Ethan Nadelmann, Executive Director

Some anniversaries provide an occasion for celebration, others a time for reflection, still others a time for action. This June marks forty years since President Nixon declared a “war on drugs,” identifying drug abuse as “public enemy No. 1.” As far as I know, no celebrations are planned. What’s needed, indeed essential, are reflection – and action.

It’s hard to believe that Americans have spent roughly a trillion dollars on this forty-year war. Hard to believe that tens of millions have been arrested, and many millions locked up in jails and prisons, for committing nonviolent acts that were not even crimes a century ago. And hard to believe that hundreds of thousands of Americans have been allowed to die – of overdoses, AIDS, hepatitis and other diseases – because the drug war blocked and even prohibited treating addiction to certain drugs as a health problem rather than a criminal one.

Republican and Democratic governors confronting massive state budget deficits are now endorsing alternatives to incarceration for nonviolent drug law offenders that they would have rejected out of hand just a few years ago. It would be a tragedy, however, if these modest but important steps result in nothing more than a kinder, gentler drug war.

What’s really needed is the sort of reckoning that identifies as the problem not just drug addiction but prohibition as

Above: DPA Executive Director Ethan Nadelmann, New Jim Crow author Michele Alexander, and Reverend William Howard, pictured at DPA’s New Directions conference in Newark, New Jersey.

well – and that aims to reduce the role of criminalization and the criminal justice system in drug control to the maximum extent possible while enhancing public safety and health.

What better way to mark the 40th anniversary of the war on drugs than by breaking the taboos that have precluded frank assessment of the costs and failures of drug prohibition as well as its varied alternatives.

The Drug Policy Alliance and our allies in this rapidly growing movement intend to break that tradition of denial – by transforming this anniversary into a year of action. Our objective is ambitious – to attain the critical mass at which the momentum for reform exceeds the powerful inertia that has sustained punitive prohibitionist policies for all too long.

Forty years after President Nixon declared his war on drugs, we’re seizing upon this anniversary to prompt both reflection and action. And we’re asking you – indeed everyone who harbors reservations about the war on drugs – to join us.



**A Drug
Policy
Alliance
release.**

What Would You Do With \$75 Million?

DPA Campaign Prompts Public Debate on NYC Marijuana Arrest Crusade

It's a shame that New York Mayor Michael Bloomberg's proposed budget cuts don't include wasteful law enforcement practices.

The arrest statistics say it all. Just 34,000 people were arrested for marijuana possession from 1981 to 1995 – but in the last 15 years 540,000 people (!) were arrested for marijuana possession. More than 50,000 people were arrested for marijuana possession in 2010 alone, far exceeding the *total* arrests from 1981-1995.

The New York Police Department has provided no evidence that these massive numbers of arrests have done anything to reduce crime or to improve public safety and quality of life. There is also no evidence whatsoever that more people are smoking marijuana today than in the 1980s.

A new DPA report released in March – among the first of its kind to quantify the costs of low-level marijuana possession arrests – finds that arrests for marijuana possession cost New York City taxpayers approximately \$75 million each year. A single arrest for marijuana possession, including all police and court expenses, costs from \$1,000 to \$2,000 or more, conservatively estimated.

DPA released the report at a City Hall press conference with three City Council members, allied organizations, and New Yorkers who have been arrested for marijuana possession. In a statement released with the report, more than 30 NYC-based organizations identified how they think the Bloomberg administration should spend \$75 million.

Getting arrested for marijuana is no small matter – not least because it creates a permanent criminal record that can easily be found on the Internet by employers, landlords, schools, credit agencies,

licensing boards and banks. More than 70 percent of the people arrested for marijuana possession are young people aged 16-29. The vast majority of them are black and Latino, even though studies show that young whites use marijuana at higher rates.

What's also remarkable about these arrests is that many of them are the result of illegal searches by the NYPD, as part of its controversial stop-and-frisk practices.

Marijuana was decriminalized in New York State in 1977 – and that law is still on the books. Smoking marijuana in public or having marijuana visible in public, however, remains a crime.

Most people arrested for marijuana possession are *not* smoking in public, but simply have a small amount in their pocket, purse or bag. Often when police stop and question a person, they say "empty your pockets" or "open your bag." Many people comply, even though they're not legally required to do so. If a person pulls marijuana from their pocket or bag, it is then "open to public view." The police then arrest the person.

It is beyond hypocritical for Mayor Bloomberg – who once said he smoked marijuana and enjoyed it – to waste so much money and to harm so many people's lives.

To learn more, check out:
www.drugpolicy.org/nyc-arrests



Drug Courts Are Not the Answer

DPA Report Calls for a Health-Based Approach to Drug Use

Many, all the way up to the Obama administration, consider the continued proliferation of drug courts to be a viable solution to the problem of mass arrests and incarceration of people who use drugs. But as the drug courts bandwagon grows, think twice before you jump on. DPA's new report, *Drug Courts Are Not the Answer: Toward a Health-Centered Approach to Drug Use* is making waves by calling into question this flawed approach.

DPA held two Capitol Hill briefings in Washington, D.C., last March to coincide with the release of the report. We were joined by the Justice Policy Institute and the National Association of Criminal Defense Lawyers, two groups who have also released reports critical of drug courts.

Drug courts emerged in the late 1980s as one of the only politically feasible alternatives to the harsh prison sentences enacted by legislators during the drug war hysteria of those days.

But an alternative that looked good back then demands critical re-assessment now – especially as budget deficits and public opinion increasingly demand more effective and less expensive solutions.

Our efforts are stirring up debates in state capitols and criminal justice circles around the country. Within 24 hours of the report's release, the National

Association of Drug Court Professionals (NADCP) – a group dedicated to promoting and fundraising for drug courts – responded harshly, with attacks that ignored the substance of the report and instead attacked the messenger. The NADCP held their own Capitol Hill briefing two weeks after ours, where they flew in spokespeople from around the country – including, of all people, Martin Sheen, father of Charlie – to tout the benefits of drug courts.

The truth is that drug courts often fail to reduce time spent behind bars, save money, or improve public safety. Many drug courts cherry-pick participants expected to do well, including those with only petty drug law violations (like marijuana possession) who are not facing substantial time behind bars and who don't really need drug treatment. Meanwhile, people struggling with significant drug-related problems may end up worse off in drug court than if they had received services outside the criminal justice system, been left alone, or even been conventionally sentenced. All told, drug courts confuse punishment with treatment and perpetuate a criminal justice response to what is fundamentally an issue of health.

The fact that 1.4 million Americans are arrested every year for drug possession is a problem that will not be solved by drug courts. More than twenty years after the creation of the nation's first drug court, much better policy options are now being implemented to address addiction and drug use – and to fix the problems of mass drug arrests and incarceration.

Read the report:
www.drugpolicy.org/drugcourts

Drug Courts Are Not the Answer: Toward a Health-Centered Approach to Drug Use



Drug courts confuse punishment with treatment and perpetuate a criminal justice response to what is fundamentally an issue of health.

An Extraordinary Moment of Opportunity

By George Soros, DPA Board Member

If there is one principle that has guided both my work in the financial markets and my efforts to promote the ideal known as the “open society,” it is the fact of human fallibility. It was an idea I first encountered studying philosophy at the London School of Economics: We can prove what is *not* true, but we cannot say conclusively what *is* true.

Hence the necessity of the open society – one in which any proposition can be freely and peacefully discussed, challenged and debated.

Perhaps to some students this idea of human fallibility was a philosophical abstraction. But having escaped both the Nazi and communist occupations of Hungary, I saw its implications immediately: Any regime that claims to possess the absolute, unchallengeable truth is making an empirically false claim – and can only sustain it by shutting down dissent.

I have devoted my life since then to helping build open societies and overcome closed ones. Today, I am engaged in that fight right here in the U.S.

Here in our own country, nothing so resembles the closed society than the tragic failure known as the war on drugs. The war on drugs has all the characteristics of a closed society: The absolute powers claimed by the authorities, the attempt to silence critics rather than engage them, and, of course, the human costs that inevitably result— our failure to deal with addiction, the violent crime our drug policies have spawned, and more.

DPA has played a crucial role in passing medical marijuana laws in most of the 15 states where medical marijuana is now legal. They led the way in reforming New York State’s draconian Rockefeller Drug Laws. In California, they spearheaded Proposition 36, the single biggest piece of sentencing reform in the U.S. since the repeal of alcohol Prohibition, which has diverted more than

300,000 people who were arrested for possessing a small amount of drugs from prison.

But the backbone of this movement is the support of Americans just like you who are unwilling to pay ever higher costs – measured in our taxes as well as our liberty – for what every serious person knows, and what many politicians privately admit, is an abject failure.

DPA and supporters like you are answering with the values of an open society – a courageous willingness to state the facts, challenge the conventional wisdom and ask the hard questions ... and a steadfast confidence that doing so will expose the ideology of the drug war as the failure that it is.

This is – or can be – a historic moment, but only if you and I seize it by speaking out and pushing for change.

Do You Know Your Drug War History?

1875 The San Francisco Board of Supervisors passes what may be the nation’s first anti-drug ordinance, by making it a misdemeanor offense to own or patronize an opium den. The law targets Chinese immigrants and is motivated by the anti-Chinese sentiment that swept across California at the time.

1914 The Harrison Narcotics Tax Act, the first federal legislation in the U.S. to restrict access to medicines like morphine and cocaine, is passed.

1919 Congress passes the National Prohibition Act, prohibiting the sale, manufacture, and transportation of alcohol.

1930 The Federal Bureau of Narcotics is created. Its commissioner, Harry J. Anslinger, claims that marijuana causes murder and lunacy, and leads a public campaign against the drug throughout his tenure from 1930 -1962.

1933 Alcohol Prohibition is repealed.

1937 The Marijuana Tax Act makes possession or transfer of marijuana illegal in the U.S. under federal law.

1950s - 1960s

Psychedelic drugs such as LSD and psilocybin are considered promising treatments for a range of psychological and psychiatric conditions. But as they become symbols of youthful rebellion and social upheaval, the government halts scientific research to evaluate their safety and efficacy.

1971 President Richard Nixon declares a “war on drugs.” He dramatically increases the size and presence of federal drug control agencies and pushes through measures such as mandatory sentencing and no-knock warrants.

1972 A bipartisan commission appointed by President Nixon unanimously recommends decriminalizing the possession of marijuana for personal use.

Civil Liberties and the War on Drugs

By Ira Glasser, DPA Board President

As head of the American Civil Liberties Union for 23 years, and now at DPA, I have devoted my professional life to protecting individual rights. And if I have learned one lesson over many decades, it is this: The greatest danger to civil liberties is war and the fears that government encourages to justify it.

War is the excuse politicians use to suppress liberty in the name of emergency. Those “emergencies” have historically been exaggerated, rights have been widely violated, and people have been unjustly imprisoned. War licenses government abuses that would be intolerable under any other circumstances.

The absurdities – and the tragedies – of the war on drugs continue to mount. The CIA and the military became involved in drug interdiction overseas, corrupting our foreign policies. Meanwhile, here at home we’ve seen a dangerous trend – a militarization of the drug war that is terrorizing our communities.

For their part, the courts – which ought to be the guardians of our liberties – have instead repeatedly carved out what the late Justice Thurgood Marshall derided as “the drug exception to the Constitution.” The drug war is also the leading cause of the evisceration of the Fourth Amendment’s protection against unreasonable searches and seizures, rights that sparked the American Revolution and became enshrined in the Constitution.

But nowhere is the impact of the war on drugs more evident than in the grim count of Americans confined behind bars. In 2009, 1.66 million people were arrested in the U.S. for drug law violations. More than four out of five of these arrests were for mere possession.

Consider this: In 1980, there were 50,000 people behind bars in the U.S. for nonviolent drug law offenses. There are now half a million.

The heavy hand of government’s police power used in this way would be bad enough if it were targeted against all of us. But the racially disproportionate enforcement of drug laws has made them the most devastating engine of racial subjugation since Jim Crow.

And for all this – for the billions we’ve spent, the millions we’ve jailed, the countless liberties we’ve eroded – what exactly has the war on drugs accomplished? I’d like to be able to tell you nothing – but the undeniable fact is that it’s made the situation much worse.

This war has destroyed enough liberties and claimed enough lives. It’s time to end it – and to do so in pursuit of the social justice to which activists just like you have brought America ever closer over the generations. You have done it before. Now we need you to do it again.

No struggle for individual rights and justice has ever been won without people like you. And many struggles have been won when people like you joined and came together and said “No More!”

1973 The draconian Rockefeller Drug Laws pass in New York State, setting the standard for harsh mandatory minimum sentences for drug law violations.

1973-1977 Eleven states decriminalize marijuana possession.

1981 Ronald Reagan is inaugurated as President, marking the start of a long period of skyrocketing rates of arrest and incarceration.

1983 Los Angeles Police Chief Daryl Gates, who once said that “casual drug users should be taken out and shot,” creates the DARE drug education program, which is quickly adopted nationwide despite the lack of evidence about its effectiveness.

1995 President Bill Clinton rejects a U.S. Sentencing Commission recommendation to eliminate the disparity between crack and powder cocaine sentences.

1996 California becomes the first state to legalize medical marijuana. Over the next decade and a half, fifteen states and the District of Columbia follow suit.

1997 More than 400,000 people are behind bars for drug law violations, up from just 50,000 in 1980.

2006 More than 26,000 people die of accidental drug overdose in the U.S.

2008 Over 40,000 people are arrested in New York City for small amounts of marijuana, despite the fact that marijuana possession has been decriminalized in New York State since 1977.

2009 New York’s draconian Rockefeller Drug Laws are rolled back.

2010 California’s Proposition 19, a ballot measure to tax and regulate marijuana, makes history by winning over 46 percent of the vote.

2010 Roughly 1.7 million people are arrested for a drug law violation – four out of five of these arrests are for mere possession. Overall, more than half a million people are behind bars for a drug law violation.

New Directions for New Jersey



New Directions Conference Brings Together Policymakers, Religious Leaders, Drug Policy Scholars, and DPA Members and Supporters

Drug policy may be a national problem – but the practical solutions and political will for reform emerge from people and organizations working at the city and state levels.

That's why DPA has developed a strategic initiative, called New Directions, to move the debate forward, using daylong community gatherings as organizing tools. New Directions is about connecting the dots between seemingly disparate elements of the drug policy reform movement. Our aim is to facilitate an evolution in thinking about drug policy – and to foster new collaborative relationships across fields that can help bring about local reforms.

Following up on the success of New Directions in New York City, Los Angeles, and Washington, D.C., DPA co-hosted with Bethany Baptist Church a remarkable gathering of roughly 200 attendees in Newark, New Jersey in March.

The Newark conference was designed to get people thinking in new ways about solutions to the city's and state's persistent drug problems, especially high levels of violence. Reverend William Howard, the highly respected and politically connected minister who leads Bethany, had reached out to DPA seeking help in stimulating new ideas and dialogues in Newark.

The result of our partnership was an event at which DPA brought in leading drug policy scholars and activists from around the country and abroad. Bethany brought in key local policymakers, including the police chief of Newark and the attorney general of New Jersey – who not only spoke but also stayed and listened for much of the day. The day's discussions covered everything from racial justice and sentencing reform to marijuana legalization and the negative consequences of criminalization.

Above, left: Stephanie Bush-Baskette, JD, PhD, former NJ State Commissioner of Community Affairs and Majority Whip in the NJ Assembly, and current director of the Center for Metropolitan Studies at Rutgers University.

Above: Garry McCarthy, former Deputy Commissioner for the New York Police Department and current Director of Police for the City of Newark.

It's essential that we do all we can right now to build momentum for reform. People and organizations are listening for fresh ideas about how to move past the drug war, and those on the front lines must be prepared to respond. New Directions is an integral part of our strategy to build the future of drug policy – so, keep an eye out for a gathering in your area soon!

Shattering the Tough-on-Crime Myth

DPA Report Adds Support for Growing National Trend toward Drug Policy Reform

When asked to rate the seriousness of 108 offenses found in New Jersey's criminal code, respondents rated almost 90 percent of the offenses as *less serious*, and therefore deserving of *less serious* punishment, than mandated by the state's sentencing laws.

For instance, the penalty under New Jersey law for growing 15 marijuana plants can bring a maximum sentence of 20 years behind bars, but New Jersey residents rated the offense at a level of seriousness mandating no more than one and a half years.

These were the findings of a report released by DPA in April that is getting attention around the state and across the country.

The report, *Crime and Punishment in New Jersey: The Criminal Code and Public Opinion on Sentencing*, was produced by University of Pennsylvania Law School Professor Paul H. Robinson and the University of Pennsylvania Criminal Law Research Group. Robinson is one of the world's leading criminal law scholars, a former federal prosecutor and former counsel for the U.S. Senate Subcommittee on Criminal Laws and Procedures.

Advocates say the report is sending a jolt through criminal justice circles and adding force to an emerging national debate. For years, evidence has shown that the public strongly supports alternatives to incarceration and increased judicial discretion in sentencing. But a growing body of evidence indicates public support for a more comprehensive rethinking of criminal penalties.

Recent polling by DPA in California showed similar results. Nearly three-quarters (72 percent) of those surveyed favored reducing the penalties for simple drug possession. This included strong majorities of Democrats (79 percent), independents (72 percent), and Republicans (66 percent).

Both Republican and Democratic legislators in states such as California, Florida, Kentucky, North Carolina and Texas are grappling with huge budget shortfalls and are being forced to recognize that the prison spending sprees of the past are no longer sustainable. In these states and many others, policymakers are greeting DPA's findings with enthusiasm.

The full report is available at:
www.drugpolicy.org/njcrime

Nightmare in New Mexico

Suzanna Martinez Thinks It's Still 1987

New Mexico's new governor, Suzanna Martinez, is a disaster – a throwback to the drug warriors who got us into this mess in the first place. What's different this time is that people are fighting back.

Martinez ran for office on a campaign platform that included dismantling the state's popular and effective medical marijuana program. This emboldened a freshmen legislator to introduce a bill to repeal the state's medical marijuana program – a move that would have deprived thousands of seriously ill patients of their medicine. DPA's New Mexico office mobilized to block this heartless legislation, alerting medical marijuana supporters to the threat and urging them to contact the legislature.

After a huge response from New Mexico residents, the legislator withdrew the repeal bill. DPA worked incredibly hard from 2001 to 2007 to legalize medical marijuana in New Mexico – and we will not stand by when the program is attacked.

DPA has also been working in New Mexico for almost a decade to pass legislation requiring treatment instead of incarceration for people arrested for drug possession. Although such legislation passed the House and Senate with bipartisan support – and with the support of 71 percent of New Mexicans – with the stroke of a pen, Governor Suzanna Martinez vetoed it, painting a bleak future for New Mexico's families facing drug law violations.

Thousands of New Mexicans called and emailed the Governor, telling their stories and asking her to treat addiction as a health issue, not a criminal one.

"I know what it means to have an incarcerated parent. I know how it feels to have a parent that is sick and only gets time in jail instead of treatment," stated Avicra Luckey, a family member impacted by substance use. "Governor Martinez could have, and should have signed this bill to help families like mine."

In 2007 alone, New Mexico spent \$22 million to incarcerate people for nonviolent drug possession – and that doesn't even include other drug law violations such as drug dealing, manufacturing or trafficking.

In the past decade, New Mexico has made more strides than any other state in reducing drug misuse, overdose and addiction through a health-oriented framework. But, with Martinez now in office, we need your support more than ever so the state continues to be a model for drug policy reform.

Since We Last Spoke

- Colorado is at the forefront of efforts both to legalize marijuana and to reform drug policies more broadly. In May, DPA expanded its state-based advocacy by appointing Art Way as Drug Policy Manager in Colorado. Way brings substantial public policy and criminal justice reform experience to this new position at DPA. Building on recent statewide reforms, DPA's priorities are to minimize the role of the criminal justice system in addressing drug-related issues, to increase statewide support for health-centered drug policies such as expanded access to sterile syringes, and to help create the climate for a successful voter initiative to legalize marijuana in Colorado as soon as 2012.
- DPA has confirmed that Denver will be the host city for the 2013 International Drug Policy Reform Conference – so mark your calendars and be in Denver on October 23-26, 2013!
- Have you taken a look at DPA's website – www.drugpolicy.org – recently? Not only does it have a new look and feel, but it's also re-structured to provide easy-to-access information and action opportunities on a wide range of issues. Take it for a spin and let us know what you think!



- DPA's ongoing series of art auctions – known as re:FORM – made its Los Angeles debut in February. More than 70 artists donated artwork for the benefit, including Frank Gehry, Alexandra Grant, Steve Roden and Ed Ruscha. Filmmaker Gus Van Sant, pictured above with DPA Managing Director of Public Policy Jill Harris, served as co-chair alongside DPA board member and CODEPINK co-founder Jodie Evans.

re form

International Drug Policy Reform Conference

November 2-5, 2011
Los Angeles, CA

www.reformconference.org

If you're working to bring about drug policies based on science, compassion, health and human rights, you can't afford to miss this extraordinary gathering!

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