

Thurmond Institute Lectures

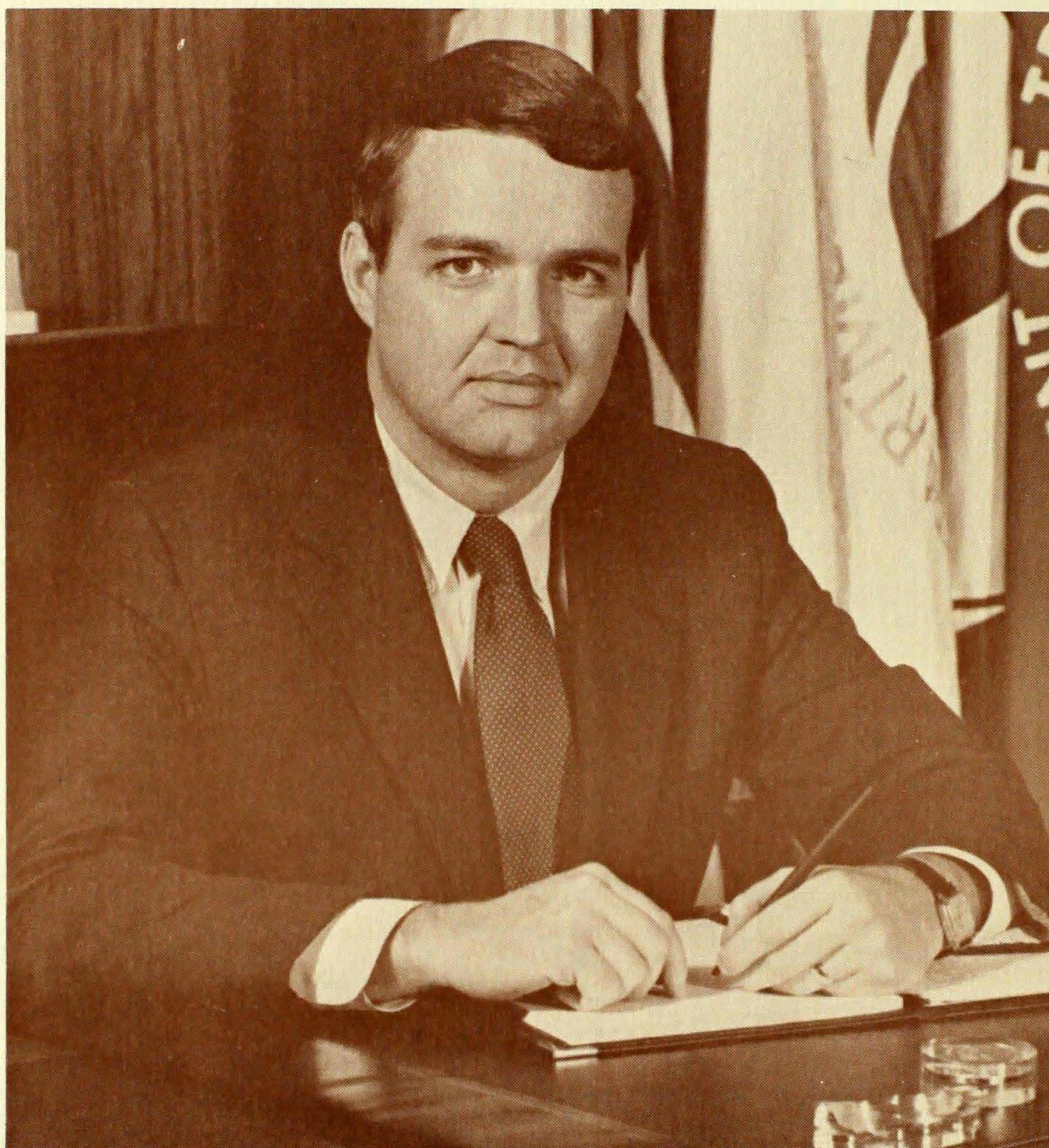
The Reagan Administration's Policy on Drug Law Enforcement

By

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THE
STROM THURMOND
INSTITUTE





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Jim Burnley was sworn in December 3, 1987 as the ninth Secretary of Transportation. As the equivalent of the chief executive officer of a 100,000-employee organization, he bears responsibility for a 1989 budget of \$26 billion and national policy direction for air, land, and sea transportation.

Mr. Burnley was Deputy Secretary from November 22, 1983 until assuming his current position. Prior to that, he served as DOT's General Counsel.

Since becoming Secretary, Mr. Burnley has placed particular emphasis on programs to eliminate drug use in our transportation system and strengthen the efforts of the Coast Guard to catch drug smugglers. He has also ordered fundamental reforms at the Federal Aviation Administration, tougher aviation security measures and stronger truck safety regulations. Last spring, he led the unprece-

ded safety fitness review of Eastern and Continental Airlines. He has also continued to press for privatization of some traditional government functions, such as commercial space launches, while fighting to preserve and extend economic deregulation in transportation. Mr. Burnley has pressed Congress to increase funding for more air traffic controllers and new air traffic control equipment, as well as increased resources for the Coast Guard. He has urged that these expenditures be offset by cuts in various transportation subsidy programs.

Mr. Burnley came to the Department in early 1983 from the position of Associate Deputy Attorney General. Prior to joining the Department of Justice in 1982, he served the Reagan Administration as Director of the Volunteers in Service to America (VISTA) program.

Mr. Burnley was a partner in a law firm in Greensboro, North Carolina, before joining the Reagan Administration in 1981.

He is a magna cum laude graduate of Yale University and holds a J.D. degree from Harvard Law School.

He is married to the former Jane Nady. They have a son, Jay, and a daughter, Anne.

Mr. Burnley is a native of High Point, North Carolina.

Preface

Drug abuse is one of the most serious problems ever to face American society. Few other problems have proven to be as severe or far-reaching in their effects. Illegal drug use and the trafficking in illicit substances threaten fundamental values of the family, our institutions of democratic government, our public welfare and safety as a whole, and the very lives of our people.

We in the higher education community are acutely aware of our responsibility to assist in drug education efforts, in order to help the young people in our care make the correct decisions about drug use in their personal lives. Our campuses can also be the forum for sharing new ideas on drug abuse prevention.

It is not a question of the evil. The ill effects of drug abuse are widely known and the consequences deeply disturbing. The larger question is how to stop drug abuse, how to reach those already afflicted and treat them, how to educate our citizens about the magnitude of the problem, and how to stem the flow of drugs both within our society and from without. It is also a question of stopping the violence associated with the growing traffic in drugs—violence which has turned many of our communities into battle grounds and innocent bystanders into victims of murder, robbery and intimidation.

On Thursday, October 27, 1988, Secretary of Transportation James Burnley visited the campus of Clemson University to address this subject under sponsorship of the Strom Thurmond Institute. Charged as he is with responsibility for national policy in air, land, and sea transportation, Secretary Burnley has a great stake in efforts to eliminate drug abuse in our transportation system itself and plays a major role in efforts to halt drug use and drug smuggling.

Since becoming Secretary of Transportation, Mr. Burnley has placed the drug problem high on his agenda and sought to strengthen efforts to eliminate drug abuse in our transportation system as well as to interdict drug traffic within the United States and the smuggling of drugs into the United States. He addressed these initiatives in his remarks to an audience of students, faculty and staff members, and others during his visit to Clemson University.

I commend Secretary Burnley's remarks to those who seek a better understanding of government initiatives in this area, and we thank him for sharing his unique insights with us on this occasion.

Max Lennon
President
Clemson University

The Reagan Administration's Policy on Drug Law Enforcement

The election is not quite a fortnight away, and we are hearing more and more about the national drug problem. Some of it has rightly been dismissed as merely election-year rhetoric. However, this issue is far too grave to be treated as a political football. I would like to lay out some facts about the drug problem, and what my Department is doing to combat it.

The distortion of values wrought upon our society by illegal drugs is deeply disturbing. For example, elementary school children in Washington this past summer could be found playing a game called "Hustler." The object of the game is to successfully complete fake drug deals, using play money, pebbles for crack, pencil shavings for marijuana, and ground-up chalk for cocaine. A city recreation Department counselor told *The Washington Post*: "They do everything the way they've seen it—with the runners, the lookouts, the users, the jumpout squads, everybody." What is most foreboding is that the special police anti-drug jumpout squads are the bad guys in the game.

These kids are not just playing a game—they are rehearsing what all too often becomes real-life. In the neighborhoods where "Hustler" is played, drug dealers—often only teenagers themselves—enjoy a perverse, misbegotten celebrity. It is the drug dealers who drive the fancy cars and carry big rolls of cash, while those who toil at honest jobs struggle to make ends meet.

Young people in our most distressed neighborhoods are drawn by the easy money, and often die for their misdirected ambition. Just last month, I read about 11-year-old Enoch Thomas, who was shot point-blank in the head when a drug deal went bad. Young Enoch, it seems, had been working in New Orleans as a crack runner and lookout since the age of nine. In his last drug deal, he lost his shipment somewhere along the way. His bosses executed him and left him in a clear plastic bag two blocks from his home. Drug-related crimes of this sort are on the rise in virtually every major city.

One factor certainly contributing to this upside-down value system is that some highly visible role models for these kids are drug users, and when caught using drugs seldom suffer any serious consequences. In recent weeks, the National Football League has suspended 18 players for drug use. Many of these players are back on the playing field after 30-day suspensions; if caught again, some of them will be barred from the NFL for life. But this is a threat of dubious deterrent force, since after one year they may reapply for the right to play. Other professional leagues have similarly lax drug policies.

Handing out veritable slaps-on-the-wrist for drug use sends the wrong message to America's young people. These 30-day suspensions tell them, "Don't worry about using drugs. Nothing will happen to you. Laugh it off." The gruesome reality is that drug use causes people to lose their jobs, their families, and sometimes their lives. Just two weeks ago, Dave Croudip of the Atlanta Falcons died of an apparent cocaine overdose. The NFL and other sports organizations can no longer duck their responsibility to their athletes and to the American people.

The policy for athletes should be straightforward. If you are using drugs and come forward to enter rehabilitation, fine, the leagues will be there to help. But if you use drugs and get caught, you're out permanently. No 30-day suspension with pay, no coming back for reinstatement next year.

The demand for drugs, partly fueled—intentionally or not—by celebrity users, has sometimes surrealistic effects on society. For example, West Virginia's leading cash crop for 1987 was marijuana, with an estimated value in excess of \$800 million. The same is said to be true in a number of other states, including California. In comparison, West Virginia's leading legal cash crop for 1987 was hay, valued at approximately \$58 million.

There are between 5 and 6 million cocaine users in this country, and 18 million marijuana users. These people have made the United States a leader in an area in which all of us would like to take last place: We import more illegal drugs than any country in the world. The only way to permanently stamp out the drug menace in this country is to relentlessly attack both drug-buyers and drug-sellers, using every legal means at our disposal.

Unfortunately, Washington has not always demonstrated serious concern about the drug problem. In fact, Jimmy Carter eliminated the White House Drug Abuse Policy Office. The Reagan-Bush Administration was the first to make the fight against drug abuse a national priority. Back in 1982, President Reagan set up the South Florida Task Force and asked Vice President Bush to head it. Hundreds of additional drug agents, along with extra judges and prosecutors, were sent to Florida—the trans-shipment point for more than 80 percent of the cocaine that enters this country. More Coast Guard cutters were deployed, and the other military services provided surveillance assistance for the first time. This constituted an all-out mobilization of available forces, and the result was record drug seizures. Major crime in South Florida dropped nearly 20 percent during the first year of task force operation.

In 1984, when the "Comprehensive Crime Control Act" was passed, more than \$44 million in drug-related assets were seized; by last year that figure had risen to more than \$500 million. Since 1981, the federal anti-drug law enforcement budget has tripled; since 1979,

federal drug convictions have doubled and prison sentences are 40 percent longer. In 1983, the National Narcotics Border Interdiction System, an inter-agency working group, was formed to combat smuggling. Since then, annual cocaine seizures have increased twenty-fold. Last year, federal agents seized 113,500 pounds of cocaine, 722 pounds of heroin, and an estimated 3.2 million pounds of marijuana.

Earlier this year, we began enforcing a "zero tolerance" policy toward drug abuse. For the Coast Guard, which is part of my Department, zero tolerance means that simple possession of any measurable quantity of drugs within our territorial lands or waters may result in confiscation of the vessel where illegal substances are found. Vessels will also be seized outside our waters when an intent to either introduce the illegal substance into the United States, or export it, can be shown. From the beginning of this year through the end of September, the Coast Guard seized a total of 114 vessels for drug violations and made 61 arrests for possession of personal quantities of illegal drugs. During the same period, the Coast Guard participated in seizures of 438,000 pounds of marijuana; 32,000 pounds of cocaine; and 86,000 pounds of hashish. These seizures involved drugs with a total street value in excess of \$2.2 billion. The seizures would have been far higher had Congress not cut the President's budget request for 1988 by \$72 million. That very short-sighted action forced a reduction in law enforcement patrols of more than 50 percent. Although the President and I promptly asked for congressional approval to transfer funds to the Coast Guard from other accounts, it took Congress six months to take that simple action.

Under the zero tolerance policy, the men and women of the Coast Guard are no longer expected to "look the other way" when they find illegal narcotics on board a vessel. In a sense, all we are doing with zero tolerance is enforcing existing law. But we are also doing something much more important. We are recognizing that enforcement of our laws against drug use is essential if we are going to reduce the market for the dealers and smugglers. We are saying to well-to-do suburbanites, who often buy drugs from dealers in inner-city neighborhoods where our school children now play "Hustler," that they may no longer use those drugs with impunity on their boats.

The American Civil Liberties Union and other opponents of tough drug law enforcement complain that confiscation of property is too much punishment for the crime of possessing minor amounts of drugs. But punishment must be sufficient to deter wrongdoing. It is unlikely that many people would risk their \$100,000 boat for the sake of smoking \$20-worth of marijuana. We know from reports from the field that zero tolerance is in fact deterring drug use.

On the state and local level, law enforcement officials have

become increasingly intolerant of drug use, and have found tough, innovative ways to discourage it. In Delaware, for example, motorists stopped by state police for traffic violations on Interstate 95 are frequently searched. If drugs are found, the suspect's cash and/or his car may be seized. The cars are either converted for undercover police use or sold at auction, with the proceeds going toward the purchase of other police vehicles.

Last May, Tampa Mayor Sandy Freeman initiated "Operation Crackdown." Enlisting the help of volunteer demolition crews, in just four days they razed 54 abandoned houses suspected of being havens for crack dealers. All drugs and drug paraphernalia were confiscated and burned.

Drug use is not a victimless crime. Innocent people are frequently caught in the drug-culture cross fire. Some of you may recall the January 1987 Conrail-Amtrak crash in Chase, Maryland, where a Conrail engineer under the influence of drugs rolled through several warning signals and collided with an Amtrak passenger train, killing 16 people and injuring another 178. Since January 1987, there have been 59 major rail accidents in which one or more key employees tested positive for illegal drug use. And there is ample evidence of drug use in other transportation industries as well.

Drug use is just as much a social ill for transportation as it is for society-at-large. Thus, I have proposed mandatory drug testing rules for key personnel throughout the transportation industry. We are now in the process of finalizing these rules, which require pre-employment, periodic, random, post-accident, and reasonable cause testing for employees in defined safety and security-related positions at all of the nations air carriers and at other commercial aviation operations, as well as the trucking, rail, pipeline, shipping, and mass transportation industries.

The purpose of random drug testing is two-fold. First and foremost, we want to identify drug users and remove them from jobs where they pose a threat to others. Secondly, we know that the war on drugs cannot be won by simply throwing drug dealers in jail; we have to make it clear that illegal drug use is unacceptable, and that there will be immediate consequences for those who choose this reckless form of so-called recreation.

We have had a civilian-employee drug testing program at the Department of Transportation for a year. All employees in safety or security-related positions, myself included, are subject to the same standard. We know that random testing works. The Coast Guard began random testing five years ago, and the percentage of those testing positive dropped from 10.3 percent when the program began in 1983 to 2.9 percent last year.

We are seeing significant progress on other aspects of the drug problem, as well. First Lady Nancy Reagan's "Just Say No" cam-

paing is having a positive impact on millions of schoolchildren, with tangible results. Recent polls have shown that drug use among young people is dropping off. For instance, since 1980, there has been a steady decline in the percentage of high school seniors using marijuana and hashish; and for the past three years, cocaine use among high school seniors has also been decreasing. A different study found that the biggest increase in anti-drug attitudes is found among college students, the same group that led the shift toward pro-drug attitudes in the 1960s. We have clearly come a long way since the time when drug use was glorified in songs like "Lucy in the Sky with Diamonds."

Yet, there are those who still say we cannot win this fight against the world's druglords, and therefore we should just throw up our hands and legalize drugs. That, they say, would open the drug trade to free market forces, reducing the price of narcotics, and therefore reducing the incentive to commit crimes to finance drug purchases. Proponents of legalization claim that the societal benefit of reduced crime outweighs the damage that would be done by more widespread drug abuse. I was shocked to see Mrs. Kitty Dukakis quoted in the San Diego newspaper last May urging consideration of legalization. Her husband told the Baltimore Sun last November, "I've never used drugs, but I certainly understand why some people try it."

What the legalization pushers fail to mention is that as a result we could wind up with something like 50 million cocaine users and 10 million addicts of various other drugs. One might as well advocate Russian Roulette as a harmless party game. The best counter-argument I have heard comes from DEA Chief Jack Lawn: "Drugs aren't bad because they're illegal; they're illegal because they're bad."

I think everyone here knows there is no glory in the drug culture. We have got to educate our young people and rehabilitate those who seek help. But there can be no compromise in punishing drug users as well as drug dealers. If the penalties are great enough, more young people will never smoke that first joint or buy that first vial of crack. That alone may be worth the effort.

The federal government cannot solve this problem by itself. Ridding our society of illegal drugs will require a coordinated, determined effort by people at all levels of government, leaders in private industry, and by those who act as role models for millions of Americans. This is much more than a series of cases against individual pushers and users. It is about preserving for our people an uncorrupted environment in which to raise their families, safe neighborhoods where kids can play baseball instead of "Hustler" and where their parents may go about their daily business undisturbed by crime. Abraham Lincoln said of an earlier blight upon our society, "A

house divided against itself cannot stand." So too with the drug problem. Partisan squabbling only gives the drug pushers an advantage. But if we stand together against drugs, and if we are willing to sustain our efforts to enforce laws against use as well as dealing, we can make real progress in our efforts to control this menace to our people.

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