

FIGHT BACK

A Solution Between Prohibition and Legalization

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“ The effort expended by the bureaucracy in defending any error is in direct proportion to the size of the error.” - John Nies

As we approach the new millennium, the now 30 year, trillion dollar war on drugs, despite overwhelming evidence of its failure—from treatment on demand and interdiction programs to its street law enforcement and billion dollar ad campaigns— still grinds onward with even bigger budgets, wreaking even more havoc on our Constitution and filling our jails with more people than populate some entire countries. To say the least, it’s time to try something new. If there is such a thing as the fruits of a 35 year career as an international federal narcotic officer, trial consultant and expert witness, then they are found in a program which I developed called The Fight Back Community-Police Anti Drug Partnership.

Someone once said that all new ideas begin as heresy. However, Fight Back, when first presented in a book published in 1991, was well received. The plan was reviewed by the Swedish Carnegie Institute as "the only drug plan ever to come out of America that made any sense." It was recommended reading for communities with drug problems by the Clinton Drug Policy Office in 1993. In fact , it showed promise of solving much of our nation’s drug problems, sharply reducing police corruption and brutality as well as greatly increasing police-community harmony. So why, in eight years, has this promising program not even been given a trial run?

Understanding the Fight Back system, how the idea was conceived and the nature of the obstacles placed in the path of even a modest trial run, casts a revealing light on the real reasons why this failed drug war still continues in full force.

To fully understand the evolution of Fight Back, it is important to understand both my personal and professional stake in our national drug problem. In the mid 1980's when the idea first came to me, I had already compiled more than twenty years as a federal narcotic agent. In that time I was directly credited with more than 3,000 arrests and the seizure of several tons of illegal drugs. As a supervisory agent I had overseen at least four times those numbers. I had accomplished all of our nations ultimate drug war goals, in that I had engineered the highest level sting operations which successfully penetrated the major drug producing cartels in the world. Yet as all of us who took part in these operations observed, all that we had done at the cost of our lives and families had no effect whatsoever on the streets of the nation we had taken an oath to serve and protect.

A series of deep cover cases in the 1980's had placed me, posing undercover as a top level Mafia don, face to face with the very people controlling a major part of all the raw cocaine produced at that time, *La Mafia Cruzeña* —the Bolivian cocaine cartel—the suppliers of all the materials the Colombian Cartels converted to cocaine. I learned that not only did they have no fear of our war on drugs, they counted on it to increase market price and to weed out the smaller, inefficient drug dealers. They found US interdiction efforts laughable. The only US action they feared was an effective demand reduction program. On one undercover tape-recorded conversation, a top cartel chief, Jorge Roman, expressed his gratitude for the drug war, calling it “a sham put on for the American taxpayer” that was actually “good for business.”

Even more dismaying was when I reported Roman's statements to the DEA officer in command of Operation Snowcap— the paramilitary operations begun in South America which Attorney General Edwin Meece had promised would reduce the flow of cocaine to America by sixty

percent in three years— he sided with the drug trafficker stating, “We know [the military operations] don’t work, but we sold the plan up and down the Potomac...[Snowcap] is going to succeed, one way or the other, or DEA goes down the tubes.”

My involvement with family drug problems, if anything, was even more intense than my career exposure. After twenty years on the front lines of the drug war, I was reassigned to New York City as the supervisor of a street enforcement group, as a result of a compassionate transfer granted me by DEA due to my 15 year old daughter’s cocaine addiction. My brother David, a heroin addict for 19 years and graduate of six government funded treatment-on-demand programs had already committed suicide in Miami, leaving a note stating “I am sorry...I can’t stand the drugs any longer.”

Terrified that my daughter might go the same way as my brother I was determined to do whatever it took to save her. And now there was a new worry. My son Keith Richard Levine had just become a New York City police officer and on his very first night of duty had, in a drug related incident, come chillingly close to death. A few years later my boy’s luck would run out— he was killed in the line of duty by a lifelong drug addict who, like my brother, had been vetted through numerous treatment-on-demand programs. The man, free on parole, had been convicted of two homicides prior to killing my son.

And it wasn’t just my family. During my career I had watched our federal drug war budget go from tens of millions to tens of billions, yet the problem throughout the US was worse than ever. I was coming to the end of my career and I was plagued with the notion that it had all been for nothing. With all the expertise I had acquired, could I not at least find a viable solution before I retired?

The 92nd Street Drug War Blitz—A Typical Failure

If I had to pick the specific moment when the Fight Back program began to take shape, it was probably on a warm spring evening on the Upper West Side of Manhattan. I sat in a black Mercedes sedan, seized

months earlier from a drug dealer, with the engine running to keep the A/C going and the salsa music pulsing low and steady.

When the guy with the baseball cap knocked on the passenger side window I jumped, startled. I'd been watching the street corner behind me, 92nd Street and Amsterdam Avenue, through my rearview, thinking about the battle that was about to take place there. Months earlier, in drug related incidents, two young cops had been killed on the same night only a few blocks away. One was killed while making an undercover street buy of cocaine, just as I was about to do. My UC buy was to be the opening salvo of a high intensity drug enforcement operation begun by the 92nd Street Block Association, a politically active, multi-racial organization of middle to upper income professionals.

As one of the association's leaders whom I will call "Vernon" described, the intersection, the very heart of their community, was taken over by drug dealers as soon as the sun went down. Area residents became frightened, cowering victims in high rise caves, fearful of even going to the local stores for milk. Years of conventional police action had accomplished nothing. Vernon had contacted Congressman Charles Rangel. The group paid more than its share of drug war taxes, couldn't anything be done?

Congressman Rangel responded by applying political pressure and demanding action from DEA. That's where I came in. I was placed in charge of a 25 man task force of DEA agents and city detectives. My orders: "Clean up that damned corner, once and for all."

We were able to identify more than 100 probable street dealers within 50 feet of the intersection, servicing an endless flow of customers from dusk till dawn. My agents also learned that during the past several years the local police had made hundreds of dealer arrests on the intersection, yet our eyes didn't lie: business could not have been better.

Rudolph Giuliani, the then US Attorney, assigned one of his assistants to oversee the operation. It was easily decided that the arrests of the dealers would have to be done on the basis of simple observations of what appeared to be illegal drug sales—Probable Cause. We did not have

the manpower to use the traditional investigative measures of undercover buys backed up by surveillance and field investigation which would have made a successful prosecution in court more likely. In order to target that many potential dealers for arrest, adhering to constitutional and legal safeguards insuring due process, would have required hundreds of man hours to arrest a single dealer and thousands to convict him. I would have needed 1,000 officers to police that one single corner and there were only 250 DEA agents stationed in New York at the time.

This was a typical example of what every professional narcotic officer learns during his or her career but is reluctant say in public: there is a simple numeric equation that shows clearly that enforcing criminal laws against dealers has about as much chance of making any impact on the drug problem as breaking the sound barrier with your Honda Civic.

Here's the equation: Number of Potential Drug Dealers - *plus* - World's Potential Source Countries - *divided by* - Number of Narcotic Officers & Available Budget - *multiplied by* - Constitutional Legal Process to Arrest and/or Seize - *equals*: Total Absurdity of US Drug War Policy.

But the prosecutor did insist that the first arrest of the operation be made in the conventional way—an undercover buy/bust—for a good legal reason. A new federal law had just been passed making the sale of drugs within 1,000 feet of a school a “super felony” with a minimum mandatory sentence. This was to be its first prosecution in Manhattan. Giuliani, wanting to make certain that he had a winner and that a message be sent to other dealers, ordered that the undercover agent making the first buy be able to testify that the dealer knew, beyond a reasonable doubt, that he was selling drugs near a school.

Since I was fluent in Spanish—most of the dealers were Dominicans— I decided to do make the buy myself to try and get an idea of how the dealers thought about the new law. And what better way to prove that the dealer was aware that he was selling dope near a school than to do the transaction parked directly under one of the new signs screaming: DRUG FREE, SCHOOL ZONE.

“You got the money?” he says getting into my car, showing me a package of white powder. He’s a good looking young Dominican kid, early twenties, alert eyes darting all over the street catching every movement.

I read him as typical of the wave young Dominican “Illegals” coming to New York City to make their fortune selling cocaine and returning to their country where they buy homes and businesses, marry their childhood sweethearts and become honored men. The hypocrisy of our drug war— our covert support of drug dealing political allies and our elected leaders violating the same laws for which our citizens are serving jail time— has made coming to America and getting rich in the drug market, in the view of Third World youth, an almost mythical rite of passage. An honorable adventure.

The bag of dope is in his left hand extended toward me, his right hand is out of sight. He’s waiting for the money and he doesn’t have much patience. Without a word I point to the DRUG FREE SCHOOL ZONE sign, right above the windshield.

The guy laughs and waves his finger at me, “Hey, that don’t mean you get the coke for free.” I laugh too, hand him the money and hit my blinkers— the signal for his arrest. He’s counting money and doesn’t see the guys closing in with guns in their hands.

Sometimes people laugh when I tell the story, but there’s nothing funny about it. The law meant less than nothing to the dealer. If the history of the drug war has shown us anything, it is that no matter how Draconian the law, drug dealers are not impressed. They have proven themselves, time and again, willing to risk jail and even death for the money. And as every dealer knows, if he is arrested there are hundreds right behind him ready to take his place. The money is just too good. And like the human wave attacks during the Korean war, their sheer numbers, in spite of all laws, have long overtaxed our resources.

It took a squad of 10 men the rest of the night to process the prisoner, run down some leads, write reports, store evidence, seize and inventory his car, question and release for lack of evidence two people who had accompanied him and store him in a cell at the MCC. By the

following morning we had expended approximately 220 total man hours on the case and much of the administrative work including case reports were still to be done.. The dooper was free on bail before we could get home to sleep and has never been seen since. He's joined the huge and growing legion of drug war fugitives that, if all were caught, would now require a prison the size of Rhode Island to house.

Drug Possession Arrests—A Misunderstood Statistic — a False Conclusion

One of the most important lessons to be learned from the 92nd Street Operation came during the dealer arrest stage. Within two weeks my task force had made close to 80 dealer arrests, most of which were made on the basis of observations alone. This meant that proving sale of drugs in court was virtually impossible. A lawyer from 1-800 AMBULANCE CHASER could get an innocent verdict and we all knew it. Thus most of the arrested dealers were only charged with Possession.

Of the 10,000 plus narcotic investigations that I have been associated with during my career, 99 percent targeted dealers—not buyers. However, most arrested dealers were either charged with, or plea bargained for a Possession violation because it is simply a legal expedient that saves time and court costs.

Now the reason I mention this important fact is that I have heard many experts state that since the highest percentage of jailed drug cases results from Possession arrests, the US drug war is therefore a “war on drug users.” The reason drug war bureaucrats and politicians usually don't even respond to this accusation is that it could not be further from the truth, yet the notion persists. Many of the drug war bureaucrats are actually happy to hear the false claim repeated over and over in media, because it acts to discredit much of the otherwise credible drug war opposition and to maintain the status quo. In fact, an interesting statistic proves my point: according to DEA 85 percent of drug consumers are white. My personal experience indicates that figure to be closer to 90 percent. If the drug war was truly being waged against consumers, these

statistics would be reflected in jail populations, but as we all know—they are not.

Some experts also continue to misunderstand the racially unbalanced jail populations of those incarcerated for drug violations, making a blanket claim that the drug war somehow targets minorities instead of whites. While recognizing that unfortunately racism does exist in law enforcement as it does in much of today's society, those of us on the inside of narcotic enforcement know that this is not the predominant reason for the disparity in jail population. Rather, it is more directly connected to our philosophy of focusing the majority of our law enforcement efforts on arresting suppliers and dealers, the majority of whom happen to be minorities for a combination of economic, linguistic and cultural reasons combined with ill advised immigration policies.

The 92nd street campaign turned out to be typical of street narcotic enforcement in urban America. For a couple of days we succeeded in sharply reducing the appearance of a drug market, mainly because the police activity frightened off the buyers; however, within a week of our departure "Vernon" called me with bad news. The drug dealers, in many cases the same people whom we had arrested were on the street selling again. It was as if we had never even been there. The father of two preteen daughters was at his wits end. "If all those cops and agents couldn't get this one corner clean, what is the purpose of this whole damned drug war?" he asked. "You're a DEA agent, can you explain it to me?"

I was as desperate for an answer as he was.

The Drug War Is An Obvious Failure, So Why Does it Continue?

I began to do something I had never done before in my career: examine the mechanics of our war on drugs and the motivation of those pursuing it, including my own. I used classic investigative reasoning, asking the question: Who benefits most from a continued war on drugs?

I found a quote by Brooks Atkinson that seemed to resonate: "Bureaucracies are designed to perform public business. But as soon as a

bureaucracy is established, it develops an autonomous spiritual life and comes to regard the public as its enemy.”

The trillion dollar war on drugs then included 53 federal, military, law enforcement and covert agencies, the Partnership for a Drug Free America and all its branches, treatment-on-demand programs —just for starters. This wasn’t even counting state agencies that came under separate budgets like New York State which, under Governor Cuomo’s watch at the time, had its own drug war budget of one billion dollars. It brought to mind how DEA agents would joke whenever mainstream media would headline some new statistic showing that we were winning: “Please! Not yet,” someone would cry. “I’ve got a mortgage to pay.” One DEA Administrator in response to media trumpeted claims, used to address audiences of agents with “I guess we’ve ‘turned the corner’ again.” Some agent would always respond: “Yeah, we’ve squared the block.”

The point is that none of these bureaucracies even consider the possibility of successfully completing their goals. On the contrary they all vie with each other for bigger cases, headlines and media exposure which translate down to a bigger cut of the budget, more money, more authority and more power. The notion of really winning a drug war is so far out of the question that anyone who even mentions it is considered some kind of a nut. Perhaps there are some individuals who sincerely wish for that victory to come, but nobody really believes it’s possible. And to say publicly what is secretly felt by every insider— that if the federal war on drugs were disbanded tomorrow it would make little difference on any street in America—is like invoking the Anti-Christ. It is a threat to the existence of the bureaucracy, to countless careers, benefits, money and security.

Mainstream Media:A Key Beneficiary of the Drug War.

The Fourth Estate, the national news media, which our founding fathers referred to as absolutely necessary to safeguard our Democracy must shoulder their share of the responsibility. The majority of us cannot accept that the drug war a complete failure mainly because

mainstream media has done such a powerful job of selling it to us for decades and continues to do so.

The manipulation of media by bureaucrats to sell a failed, inept government policy is nothing new. For example, it is now evident that, through much of the build up of the Vietnam war, mainstream media, with just a few exceptions, dutifully headlined the false intelligence estimates, battle statistics and body counts announced by our political and military leaders, without a minimal amount of investigation. This false information blitz kept us bleeding, dying and paying for a promised victory that never came. The media then painted all those insiders who tried to tell the truth with the pejorative “whistleblower,” or worse, as anti-American. For too many years it convinced a majority of us, including me, at the time a young federal agent working undercover in Southeast Asia, to pay no attention to mounting evidence of the lies of our military and political leaders appearing in alternative media. If it’s not in the *New York Times* it can’t be true, can it?

Ironically, the drug war is now running an exact parallel to our Vietnam experience. In fact our military involvement in places like Bolivia, Colombia and Peru, under the banner of War on Drugs, continues to be increasingly funded and expanded to the point that some members of Congress have recently described them as leading us into “another Vietnam-type debacle.” Yet mainstream media continues to respond to the manipulation of bureaucrats by ignoring this frightening forecast.

Throughout my career I have observed and, regrettably, took part in what can only be described as the ongoing unhealthy alliance between drug war and mainstream media bureaucracies. While stationed in New York City, for example, all the major networks and newspapers would call the DEA Special Agent in Charge when, due to a slow news week, they *needed* a drug story for ratings or to sell newspapers. The SAC was eager to comply because the request was always beneficial to the agency’s image and budget, not to mention his own career. Dramatic raids in media, like the best in Madison Avenue advertising, sell the drug war.

My unit, a very active street enforcement group, was often called on to plan drug raids for mainstream media cameras. Often, this would entail the disruption of undeveloped investigations to meet a media deadline and, at times, the use of dangerous and unprofessional tactics for dramatic effect, as happened with ATF's infamous Waco raid.

Of course, a kind of "don't ask" policy was in effect wherein the journalists involved would never ask an embarrassing question of the agency. But one must consider that they had to be hopelessly naive to accept at face value that DEA, FBI, ATF or any of the other drug war bureaucracies they approached for a story, just happened to have a dramatic, action-filled case ready to be filmed in time for their deadline.

If a particular journalist dared to question the veracity of what was happening, the next time he came to the agency for a story he'd run into a brick wall. He was getting nothing. Thus if a network or newspaper journalist wants continued access to any federal agency, they had better be friendly.

An example of this on an international scale came during the heat of the 1992 Presidential campaign. "Operation Green Ice" was called the biggest international money-laundering case in history, by every major media outlet in America. While it was being featured on everything from *Larry King Live* to *Geraldo*, I was getting angry calls from Customs and DEA agents who actually participated in the case.

The frustrated and enraged federal agents, who knew I would protect their identities, told me that the case was a fraud. The White House, through the Justice Department, had ordered Customs and DEA to come up with a series of major international arrests to "prove" that the Administration was making drug war "gains." Thus, many agents were ordered to prematurely shut down major money-laundering investigations so that their individual cases could be falsely included in a world-wide, headline grabbing roundup called "Operation Green Ice." It would be described by American politicians through an ever compliant media as "the best example of international cooperation" in the drug war, when, in fact, according to my sources, it was nothing more than a hodgepodge of

hastily drawn indictments and unrelated arrest warrants linked together in an international drug conspiracy that never existed.

Ironically, I had just been invited to make a presentation in Paris by the French Government sponsored Geopolitical Drug Watch. Phillippe Bordes, a French journalist, approached me. He wanted to talk about, of all things, “Operation Green Ice.” What did I think of it? He told me that French police had refused to take part in it, calling it an “obvious fraud.” French law enforcement officials warned that if the American Justice Department persisted in trying to include them, they would blow the whistle on them in the French media.

Media Drug Money?

Perhaps the worst example of this mutual vested interest in a continued drug war between the bureaucracies and mainstream media happened in November 1998, when President Clinton and Newt Gingrich raised each other’s bipartisan hands in “victory” and awarded an unprecedented \$2 billion to mainstream media for yet another anti-drug ad campaign, making the Partnership for a Drug Free America the biggest advertiser on Madison Avenue.

In my book *Fight Back*, published in 1991, I had detailed research indicating that these same types of ads were not only ineffective but that there was much evidence indicating that they were counter-productive, and, further, that this sentiment was echoed by many educators across the land. *Brand Week*, the leading advertising trade magazine in a scathing commentary against this costly ad campaign, called it “suspect.” Yet mainstream media had no comment. A cynical ex federal agent might conclude: Why would they comment when they are the recipients?

I was seated at a movie theater recently when one of these expensively produced, anti-drug ads was shown before the feature presentation—a Disney Studios release. It featured the story of a young black boy named “Kevin” who was forced to run home over back yard fences to escape the drug dealers, whom the narrator said, “would not take ‘no’ for an answer.” The trouble with this message is that, as every kid knows, and as a Reagan Administration survey proved, virtually 100

percent of kids get their first hard drug experience *free* from their friends—it's called peer pressure.

Teenagers in the theater snickered at the million dollar plus ad. What the kids know apparently a lot better than the Partnership for a Drug Free America who produced it, is that drug dealers don't come looking for customers, it is the other way around. And, as the article in *Brand Week* pointed out, Disney Studios was the recipient of the first \$60 million of taxpayer funded ad money.

In the August 29th edition of the *New York Times*, for example, there was a full page, \$50,000 ad, again, sponsored by the Partnership for a Drug Free America, called "How to Plan a Funeral For Your 12 Year Old Son" that almost drove *me* to drugs. The offensive ad ended with "If you don't want to learn about funerals learn about sniffing," as if anyone really believed that this keep a single kid off drugs. What really hurts is that there are effective and severely underfunded community groups that are successfully saving lives who could have used this \$50,000 to fund their activities for many years.

The real irony about this \$2 billion anti-drug media blitz came when I received a phone call from a frustrated DEA agent who still believed that stopping supply was the solution. Beside himself, he told me that according to DEA's own statistics, the money could have been used to purchase every single coca leaf grown in South America for that year, and some.

Unfortunately it was no surprise to me that *USA Today*, in its August 16, 1999 edition, published front page headlines trumpeting a statistical decrease in the use of drugs as "turning the corner," —an indication that the \$2 billion ad campaign was money well spent. How could this be honest reporting when they failed to mention that precisely this same statistical victory claim had been repeated periodically for three decades? In fact, if they checked their own archives they would find that Drug Czar William Bennett retired in "victory" eight years ago on the wings of just such a claim.

Recently, as happens often, a mainstream media journalist contacted me for a comment on a breaking story about the Mexican Drug war. Apparently he had uncovered even more evidence of Mexican government drug corruption constituting, as he said, “a serious threat to America.”

He had no comment when I pointed out that our Congress had just granted Mexico “cooperating nation” status in the drug war. I told him that if he looked back over the past twenty-five years in the archives of his own newspaper, he would find the same pro forma, Mexican Drug War story printed almost bimonthly, the only thing that changed were the names of the various Mexican Dr. Evils, amounts and dates. The syntax, adjectives and text were the same. He was writing a fill-in-the-blanks drug story. He didn’t need an opinion, just a Xerox machine.

Incredible as it seems, I have documented the same formula drug stories printed across American newspaper headlines dating back eighty years. What mainstream media does not seem to realize, or does not want to realize, is that while the repetitious drug war “victory” headlines may sell newspapers and get ratings points, it also sells a deadly and wasteful drug war to a too gullible American public. If the Fourth Estate won’t tell America that it’s drug war is broken beyond all repair, who will?

But the really big question that remains is: If by some miracle we can get the nation to agree that the war on drugs is a failure—do we have a viable alternative solution to our drug problem?

Legalization, a Solution?

As most of us with first-hand experience with hard drugs believe, blanket legalization is more a threat to our nation than a solution. Especially to those of us who have loved ones at risk of addiction. Certain soft drugs may be legalized with a downside no worse than alcohol, but I am convinced that the hard stuff like crack, coke, heroin, angel dust, methamphetamine, LSD, ecstasy and dozens of others, simply cannot be legalized in a sane society.

A poll taken by the Bush Administration indicated that more than ninety percent of those children who grow up in ghettos and whom,

through some miracle of will power, resist peer pressure and never take hard drugs, gave as their first reason for resisting, that drugs are *illegal*. Tell the father of one of these young heroes that you want to make hard drugs legal and watch out you don't get punched in the face.

Hard drugs, in my long experience, are relentlessly addictive and life-destroying, while alcohol, as damaging as it is in a small percentage of its buyers, is a long accepted rite of passage that is in most cases survivable. And while Peter Bourne, President Carter's Drug Advisor was proclaiming cocaine "the most benign of the illegal drugs," Michael Baden, New York City's Medical Examiner was pointing out before an audience of DEA agents and New York City Detectives, that "Cocaine, 80 percent of our hard-core drug problem, is a poison that kills directly by attacking every vital organ of the body." Only street-wise narcotic officers heard Dr. Baden's words, while the world media trumpeted the false proclamation of the White House drug expert.

Not only is there no real comparison between hard drugs and alcohol but the majority of our society does not want hard drugs legalized and have said so loud and clear in every poll—for good reason.

What happened in Russian society during the past decade seems to emphasize the point. Before Glasnost, when the use of hard drugs was a serious criminal offense, Russia maintained a hard-core addict population of less than 110,000. As a result of Glasnost the use of drugs was decriminalized. It is expected now that by the year 2,000 Russia will have more than 7 million hard-core addicts.

Even the experts who call for blanket legalization, do not have convincing answers for obvious questions such as: How would you handle the sale and/or distribution of drugs like crack now estimated to be responsible for 60 percent of all crime? Angel dust? Heroin? LSD? Who would be allowed to sell and/or distribute hard drugs and to whom? How would prices be regulated? What about advertising campaigns? Would there be an age cut off? And if there is an age cut off, who would enforce those laws and how? If we gave away drugs like crack, cocaine and heroin free of charge, would the addicts then stop committing crimes to support

themselves? What could a strung out crack addict who needs to toot up every 15 minutes do for a living? What do we do with the projected increase in crack babies? Is it not proven that some of these drugs, like crack, are in themselves violence inducing? Since we know that cocaine is a poison in itself, how do we handle the massive increase in medical costs? What about tobacco style law suits against the manufacturers of hard drugs?

The usual answers show that not much thought had been given toward the reality of what would actually happen in our society. Most experts seem to support legalization in its abstract. The fact is, blanket legalization creates as many problems as it solves.

And the latest paradox I have noticed is that many of the same people calling for the legalization of hard drugs are now calling for the prohibition of tobacco. Go figure.

What about Treatment as Solution?

There are two kinds of treatment—Treatment on Demand and Mandatory Treatment. Virtually all funding goes toward Treatment on Demand. I have never seen the question of the efficacy of Treatment on Demand answered more directly and with more impact than in a *Washington Post* article entitled “Treatment on Demand: The Mythology” by Richard Moran, a professor of Sociology and Criminology at Mount Holyoke College.

Professor Moran pointed out that in spite of their already being 1.4 million, taxpayer-paid, Treatment-on-Demand slots available for hard-core addicts, the Clinton Administration was about to spend \$335 million to create an additional 140,000 slots, and that all of it was doomed to fail since the whole theory of “Treatment-on-Demand” is based on three unproved and highly doubtful assumptions:

“Assumption 1: That heavy drug buyers want to be treated. Unfortunately this assumption goes against the weight of evidence. Despite the constant increase of “Treatment on Demand” programs, the number of hard-core addicts, 2.7 million, has remained constant for 15

years. A national Institute of Drug Abuse study on the spread of HIV found that almost half of all drug addicts who had been on hard drugs for more than fifteen years had never been on any treatment whatsoever, not even detoxification. For them the dreadful reality is that drug addiction is a way of life that no political rhetoric, pleading or ad campaign will ever change.

“Assumption 2: That drug treatment is not available. The 1.4 million slots already available, using the average residential program length of nine months would indicate that all known addicts could undergo treatment within an 18 month period. Professor Moran pointed out that there were long waiting lists “here and there, and needs and available programs do not always coincide. Nonetheless, most programs still operate below capacity. An addict who requests treatment is often on as many as 10 waiting lists, thus creating the mistaken impression that drug addicts are clamoring to get into current treatment programs.

“The truth is that many addicts...have been in and out of treatment all their lives. In a Western Massachusetts drug detoxification clinic, for example, the average addict has been treated more than 200 times.” My own brother had been through at least six treatment programs.

“Assumption 3: Treatment is effective in eliminating long-term drug use. As professor Moran concluded, the statistics show that hard-core addiction is “all but impossible to treat, and certainly not on an ‘on-demand’ basis. Indeed research from the National Institute of Drug Abuse Study suggests that hard-core drug addiction runs its course in about 15 years, whether or not treatment is provided. Without adequate knowledge of how to treat heavy drug buyers, adding more treatment slots will turn out to be a colossal waste of time and money.”

Given that Treatment on Demand programs are a statistically proven failure, it is sobering to note that whole massive treatment bureaucracies and industries, depending on a steady flow of addicts for their income, have now proliferated throughout the US. The last I heard, for example, was that the director of Phoenix House, one of the largest, non-profit, Treatment on Demand programs in the US, himself an ex

addict, was earning a salary in the high six figures. It should therefore be no surprise to anyone that when I began my research on the Fight Back program and interviewed a woman answering a cocaine hotline, she confided that she had been told by her supervisors that every incoming call is a potential \$17,000.

Are There Solutions That We Have Not Tried Yet?

I found the first clue leading me toward the Fight Back solution in a statement made in 1975 by Congressman Charles Rangel on the floor of Congress: “...when the People’s Republic of China eradicated...[its drug addiction problem]...the United States took no notice of that significant fact. This was a reflection of our foreign policy of pretending that they did not even exist...”

Those words started me on an incredible journey of discovery that continues to this day. I like most Americans believed that China solved its massive drug problem by executing all the people who wouldn’t quit. In fact, that is what I still hear experts telling Americans to this day. Yet, when I researched the facts I was astounded to find out that this too, like the arrest and treatment statistics, could not have been farther from the truth.

Chinese Cure

As I eventually detailed in my book *Fight Back*, I learned that at the end of World War II, China had a staggering 70 million heroin and opium addicts. In 1949 when Mao Tse-Tung’s army conquered mainland China, he made his first priority the suppression of *drug addiction*— not a war against drug supply or dealers.

All hard-core addicts were required to undergo mandatory treatment, or be forcibly interned in a treatment center until cured. The program was accompanied by an anti drug *consumer* propaganda program. The consumer was depicted as the real enemy of Chinese society, the culprit who fueled the drug economy without whom there would be no supply problem. An enemy yes, but a redeemable one who could only reinvent himself by rehabilitation. In other words Chinese

society was going to save and redeem the addicts whether they liked it or not.

The result of the program was that by spring of 1951, less than two years after its inception, the New China News Agency was able to announce that China's drug problem of 70 million addicts was "fundamentally eradicated." Compare this with the 2.7 million estimated hard-core addicts we now have, buying an estimated 80 percent of hard drugs. Were there any executions? Yes, during the three years of anti narcotics campaigning there were a total of 27 executions of dealers—clearly not the reason for their success.

Japanese Cure

The Japanese drug problem was at its height in 1963 when they decided to follow the Chinese approach and passed a drug law that included mandatory commitment of drug buyers to mental hospitals. This was accompanied by a Chinese-style propaganda campaign vilifying drug users as the destroyers of a safe sane society, making it the duty of each community to aid in the identification and rehabilitation of its own users. In less than three years the Japanese were as victorious as the Chinese. In a study of Japan's success, Masamutsu Nagahama, chief of the Narcotics Section, Ministry of Health and Welfare said, "In conclusion, we think we can state that the drug problem is under control thanks to the strong line taken to eradicate *addiction*. "

My first thought after reading the Chinese and Japanese solutions was that, if we had had an Americanized version of what these two ancient cultures did instead of our war on drugs, my brother and son would be alive today, as would the millions who have already perished during this longest war in American history.

Implications of Chinese and Japanese Solutions in America

Having grown up in the South Bronx in the fifties, it occurred to me that the image of the heroin addict during those innocent years in the US was quite similar to the socially unacceptable image projected by both the Chinese and Japanese during their successful cures. A fifties American

addict was a lowlife and a felon, something despicable that lay in your hallway urinating on himself. An image that was very affective in keeping city kids off drugs. Not very PC was it? I know, I was one of those kids. It was certainly a far cry from the image of today's addict which includes super models, athletes and movie stars who do Partnership for a Drug Free America "say no" television ads between arrests and visits to the Betty Ford Clinic.

As the sixties rolled in, the image of the addict began to change. The learned among us suddenly understood how unhappiness or a dysfunctional family life could lead a poor hapless person to lose his will to say "No" and become a victim of drugs. My baby brother fell for the hype at age 15 and paid for it with 19 years of heroin addiction and ultimately suicide.

I've rarely heard an addict explain why he started on hard drugs, without reciting, parrot-like, all the psychological and socioeconomic reasons heard on national television and radio shows. It was either the Medellin Cartel, Manny Noriega, their poor economic condition, their too affluent economic condition, corrupt police, or their father's fault. And if you don't believe them, just read the news.

The image sold us of today's addict, a victim of drugs, a person of no willpower who if confronted with the presence of drugs *must* take them, is as damaging to the addict himself as it is to his community. Has the Medellin Cartel really victimized us as New York's Mayor Edward Koch once indicated in national headlines when he actually called for the retaliatory bombing of Colombia, or are our drug related problems really the fault of a flawed policy that tells us it is our government's responsibility to stop the flow of drugs or else we become hapless victims?

According to most psychologists—the "stop the drugs" philosophy could not be more damaging to those at risk. It is called enabling. The message we should be giving our children is that no matter how many illegal drugs are available, they have the will to refuse. It is a choice. By placing personal responsibility back on the users, our society is primed for a new solution to this deadly problem.

The Idea of Fight Back is Born

Drugs are a business like any other. The American way in business competition is to focus on demand. Supply follows demand, not vice versa as our bureaucrats would have us believe. Discourage buyers and the dealers go out of business.

Throughout my career I had observed that wherever there was an obvious police presence, no matter how bad the community, drug buyers would vanish like smoke on a windy day. If the police presence was maintained long enough, dealers would shut down and move on. Suppliers and dealers, on the other hand, protected by high priced lawyers and enticed by huge and growing profits, were impossible to frighten away. If we in America could find a way to focus all our enforcement and rehabilitation resources on the buyer in an American style cure, I believed the battle would be won as quickly as happened in both Japan and China.

I found evidence all over the country, of individual communities whose aggressively vocal and visible presence on the street going after “johns” to combat prostitution was 100 percent effective, why not drugs too? I looked further and actually did find communities who, without funding or police support, were effective in stopping drug trafficking by frightening away the buyers.

Buyers, 85% of whom are so-called casual users with jobs, homes and families to protect, are frightened by almost anything. If they spot a police car, a camera, someone who even looks like a cop, an angry citizen staring at them, they would move on. Hard-core buyers, most of whom live from fix to fix, are terrified of losing their drugs to police seizures. Many are fugitives and repeat offenders from numerous drug related crimes and live in fear of being identified.

If an area was considered “hot” by the buyer—watched by the police—drug business would die instantly. I therefore began the Fight Back plan by listing various step-by-step tactics that citizens, working in

partnership with police, might use to create a zone that is hostile for drug buyers.

Sure, they would move elsewhere, but it would disrupt the business entirely, which always acts to lessen all drug related crime. What would happen if the national focus of all those billions of dollars were on illegal drug buyers? There would be no “elsewhere.”

Targeting Buyers and The Constitution

Among the early, unfounded fears expressed about the Fight Back program was that it might be unconstitutional. On the contrary, among the plan’s primary intentions was the rescuing of our already drug-war shredded constitutional protections against illegal search and seizure, violations of privacy without due process, the taking of citizens’ lives by police in violation of the rules of engagement and punishment that is disproportionate to the crime committed.

A poll taken during the Bush administration indicating that sixty percent of Americans were willing to give up rights under the Constitution to win our supply side drug war, gave government a mandate to take those rights. As a federal narcotic agent and now a defense consultant and expert witness, I am a first hand witness to the myriad of constitutional abuses committed in the name of the drug war.

Another concern expressed was that it seemed unfair to target the “little guy”; that is the drug consumer. My answer to this is that if you had seen the amount of damage done to communities where I lived and worked by those dollars deposited there by the “little guy” you might think differently. Their dollars buy the bullets that kill kids only feet from where they satisfy their need for illegal drugs. As painful as it is for those of us who have loved ones who are drug buyers, we must recognize that it is their dollars that fuel the entire world drug economy. A high percentage of all crime, including the majority of national homicides, are drug related.

Would we fill the jails with consumers?

Absolutely not. “Targeting Buyers” means dissuading the majority of them from buying illegal drugs by any legal means, with jail as a last resort. Jail terms for most buyers, with the exception of violent criminals, is neither desirable nor necessary. In fact, if we changed our focus from supply to illegal drug buyers, there would instantly be a drastic reduction in jail populations.

The reduced market would mean that far few dealers would be arrested. And most illegal drug buyers would not have to be processed through the courts at all. A non violent buyer can be handled non-criminally—a large fine and/or seizure of his vehicle. Violent and/or armed offenders caught with drugs—like the man who killed three people including my son—would be prosecuted for possession and placed in jail where they cannot continue to damage those innocents around them. Hard-core addicts with long arrest records for non-violent crimes in support of their habit, will be offered mandatory treatment in lieu of jail; that is they will be given the opportunity to get off hard drugs, or, face jail for the crime they had committed. And they might even learn a productive trade in the process. We could save their lives whether they liked it or not.

The 109th Street Experiment

As a DEA supervisory agent assigned to New York City, I was in a perfect position to isolate one of the worst, drug infested streets in our nation and run a field test to ascertain whether simply changing the enforcement focus from dealers to buyers would work as effectively as I had theorized. In March of 1989, two years before my retirement, a typical *New York Times* drug war article aimed me at Fight Back’s first field test.

The article called the area of 109th Street between Amsterdam and Columbus Avenue the worst drug dealing block in the city, complete with murderous drug gangs and multiple crack houses. Thousands of dealer arrests had been made in the area over a several year period yet the drug business had never been healthier.

With a 12 to 15 man squad, I planned to target the area's buyers exclusively and for the time being, to leave the dealers alone. I knew I didn't have a chance approaching US Attorney, Rudolph Giuliani for authorization for the operation. At the time, the smallest seizure case the federal court would accept was one kilo of cocaine—typical of our get the dealer policy.

Instead I contacted Manhattan Special Prosecutor Sterling Johnson, who has since been named a federal judge. His first thought was that I wanted to arrest drug consumers and prosecute them in the already clogged Manhattan Criminal Court system. I explained that my intention was merely to frighten the buyers with an arrest but not follow through with a prosecution unless the person detained was a violent criminal. I wanted to see what effect simply frightening the buyer would have on this worst of all drug dealing blocks in Manhattan. Prosecutor Johnson authorized the operation.

For the next several weeks my squad set up an ambush of drug buyers at the most active dealing location on the block, a two-sided basement. Every night a line of cars double-parked in front of the location backed up at times half way down the block, with customers running in and out making buys of cocaine, crack and heroin. As buyers would drive off, we performed a classic "angeling off" operation. We followed them a distance away from the dealer, pulled them over, searched their cars and arrested them.

Most turned out to be white professionals—teachers, lawyers, salesmen, stock brokers, etc.— from outside the community as far away as Massachusetts. Most were completely bowled over by the experience of the arrest, pleading for a second chance, terrified of being exposed. All signed statements identifying the dealers in the basement. Most were eventually released with the warning that, from then on, all buyers coming onto that block would be arrested. My hope was that they would pass the word on to others. The few exceptions who were jailed were hard-core addicts with long criminal records some of whom were armed fugitives. What was apparent was that if the vast majority of these buyers had

thought that there was even a possibility of arrest or identification they never would have been out there buying illegal drugs in the first place.

For the next several days we continued “angeling off” buyers, identifying more dealers, collecting more statements and descriptions, spreading the words that buyers were being targeted. The operation continued from March 23 - March 30, 1989, during which time *all* drug business in the neighborhood—about two square blocks—was reduced to a trickle. It was an unusual scene for us. Dealers, for the first time, came out of the basement and stood right in front of us peering up and down the streets wondering what could have possibly happened to their customers.

On the night of March 30, armed with search and arrest warrants for the dealers we raided the basement and found it completely abandoned. Of course they had probably moved their operation to another location with less “heat,” but what if this were a national policy, instead of the “stop drugs and dealers” policy that had failed for three decades? Surprisingly it was well over a year before the drug business began trickling back into the neighborhood, at nowhere near the prior levels, since buyers were still largely frightened. I was certain that if we had been able to keep the “heat” on the buyers using a trained citizens’ group, the neighborhood would have remained drug free.

Thus, I began writing *Fight Back*, the detailed, step-by-step fight plan for communities and police to maintain a permanent street pressure on demand. Of course nothing could be guaranteed, but, living in a nation where the drug economy was causing war-like casualties on our streets and where everything else seemed doomed to failure, it certainly seemed worth a try.

Fight Back Plan of Action (short outline version):

- 1. Education of Community and Police to the realities of supply and demand in the drug business, to counter three decades of media and bureaucracy selling of a supply-side drug war as the “Holy Grail.” This should include a community media campaign.**

2. Community members are trained by police to identify drug dealing locations in their midst and, remaining in radio contact with police, become a visible deterrent to drug consumers entering their community.

3. Buyers of illegal drugs would be warned by signs and large placards that it is *they* who are targeted. They would be reminded that it is their money that attracts dealers and buys the bullets that kill the children in the community; that if they did not heed the warning, they will be arrested for possession of drugs by police, now secretly surveilling their market place and that it is they who will end up testifying against the dealer who sells them drugs.

4. Community members will be trained in other visible deterrent methods, such as bullhorns, spotlights, video-cameras, etc., and other techniques as listed in *Fight Back*— same types of methods now being used effectively by communities against prostitution “johns”—to create a “circle of fear” that will, as experience has proven, frighten away most drug buyers.

5. Plainclothes police, with community participation as spotters, begin on a selective basis to actually confront buyers, seizing drugs and ticketing those with no record of violence for future court appearances and fines. A very few actions like this will be necessary to give “teeth” to the community presence deterrent effect.

6. Community courts and prosecutors will work with the *Fight Back* program. The projections indicate that such a program will lessen court loads substantially. Community members will be encouraged to be present at all proceedings that affect community safety.

7. Mandatory treatment centers will be set up as an alternative to jail sentences for non-violent, crime-committing hard-core addicts where vocational training and education would be provided. The addict will be allowed to plead guilty to the crime and released into treatment with the understanding that if he returns to hard drugs, he will finish his full sentence.

8. Politically, the community would only vote for those politicians supporting a Fight Back type program.

9. Neighboring communities will join together in the program, policing each other's neighborhoods, in many cases crossing racial lines and knocking down old barriers of misunderstanding.

10. Police-Community partnership will be set up in such a way as to make police corruption and brutality all but impossible. Police will work the community as partners, not an invading force, as is typical today.

Greenville Mississippi

In 1992, a short time after *Fight Back* was published, Sergeant Kirby Slaton of the Greenville Mississippi Police Department contacted me. Greenville, a small city on the banks of the Mississippi River, had the third highest crime rate in the South and most of it was drug related. Businesses were closing down and moving elsewhere. More and more citizens were buying and carrying guns to protect their homes and families. Sergeant Slaton and his new chief of police, desperate for a solution, wanted to give Fight Back a try. Would I be willing to come down and help start the program?

A couple of weeks later I was in Greenville speaking to various groups of local citizens. They loved the idea, wanted to get started as soon as possible. I next spoke at all the inner city high schools, the epicenter of the problem, telling the kids that from that moment on they could look forward to their community video-taping them as they bought illegal drugs. I warned that the police would be setting traps to catch drug buyers and that by spending their money buying dope, they were paying for the very bullets that killed their little brothers and sisters.

The first reports from street informants indicated that the threat alone had made the buyers paranoid, seeing people behind every window video-taping them. The drug business had all but disappeared from the streets.

When Sergeant Slaton took me to the airport a week later, I thought this was the beginning of a change in drug war focus that would finally make an impact. Citizens were volunteering in droves and the police were

gearing up to train them as their partners. A community Fight Back video was made and distributed. The effects were already seen on every corner in Greenville.

Weeks later I was shocked to hear that Sergeant Slaton was about to resign. The Justice Department was pressuring Greenville to end or alter the Fight Back program to be more “get the dealer” oriented. The community’s “interference” had interrupted “important” federal investigations of dealers. By the citizen volunteers interrupting the dealers’ business on the streets, the feds couldn’t get enough Probable Cause to arrest them. The police finally surrendered to federal and political pressure to change Fight Back to a “drop a dime on the dealer” type program. The Fight Back citizens group was now like any other citizens group in the country. Their energy and focus was again aimed at reporting dealers to the police and having no effect whatsoever on the drug business in their midst.

Another citizens group that started a Fight Back style program in Natchez, Mississippi suffered a similar fate. One in Sacramento was met with outright antagonism by police and federal officials. It became clear that a Fight Back type program was threatening to the myriad of bureaucracies that depended on their funding for a continued, no-change war on dealers and supply. It seemed that the Fight Back program was doomed to disappear—it was simply too effective.

Cape Cod Experiment

In January, 1992, a month after my son, NYPD Sergeant Keith Richard Levine became the third man in New York City to be killed by a crack addict during the commission of a robbery, I was contacted by Sheriff Jack Demillo of Cape Cod. the sheriff, a Vietnam veteran and clinical psychologist, had studied the program and was enthusiastic about its new, common sense approach. He wanted to hire me as his Drug Information Bureau Director, in an effort to begin the program under his jurisdiction. I would later be referred to by the Massachusetts press as Cape Cod’s “Drug Czar.”

My job was similar to that of all the federal drug czars in that it gave me no police powers. The Fight Back Program required a full partnership between police and community to succeed. After a year of solid effort I was unable to get any police cooperation whatsoever. In fact, DEA agents who were aware of the program, confided to me that pressure was being brought to bear on police *not* to cooperate. Just as happened in Greenville, local police were told by the Justice Department and state police, that the citizens' involvement would "interfere" with drug dealer investigations. Ironic, but true. Fight Back, if it worked, would so damage the dealers' business that the feds and locals could not arrest them for drug dealing, they would simply close down.

I was successful in getting wide-spread involvement of the community, building an organization that was ready to go into action, training many of the members myself, designing a visible logo, T-shirts, hats, setting up a headquarters with telecommunications and faxes enabling instant communications with local police, yet not a single police agency would work with the citizens.

I also tried in every way to obtain the local Partnership for a Drug Free America's support to at least get a trial run of this promising program. They had the political and police connections necessary to bring it together. I was totally unsuccessful. Then in ironic twist of fate, I was accidentally put on the distribution list for one of the Partnership's in-house memos reporting on the minutes of a meeting as follows: "Meeting began with a discussion of the Fight Back Program. Both pro and con thoughts were expressed including that 'If Fight Back is successful, it could take the wind out of the sails of the Partnership.'" Their real concern was the same as that of all the other drug war funded bureaucracies: that the Fight Back program might put them out of business.

Of course I never did get their support and soon resigned from my position. My unfortunate experience with the Fight Back Program has not changed to date. It seems that it threatens too many vested interests, from law enforcement bureaucracies and federally funded rehabilitation

programs to covert agencies and drug education programs, for it ever to get a fair trial.

It is too easy for our bureaucrats and media to refuse to look at the methodology behind China's unparalleled and rapid success in ending a drug addiction problem many times worse than ours. But it must be mentioned here that one of the greatest influences on American war strategy was the Chinese military strategist , Sun Tzu, whose *The Art of War* , written an estimated 3500 years ago, is still studied at West Point. As Sun Tzu pointed out: "there has never been a protracted war from which a country has benefited."

Perhaps our nation has finally suffered enough under the yoke of its longest, costliest and deadliest war in history, and is ready with the coming millennium to try a new idea. Call Fight Back heresy if you wish, but it can only do better than the current failed war on drugs.