

Common Sense for Drug Policy Legislative Group

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Ashcroft's Drug Policy Will Increase Adolescent Drug Use, Increase Incarceration, Spread Disease and Heighten Racial Enforcement Disparity

A review of Senator John Ashcroft's record on drug policy indicates that he has a one-dimensional approach to drug control – the increased use of law enforcement – this ideology puts him out of the mainstream of current drug policy. He has spoken out for reducing funding for prevention and treatment in order to increase funding for interdiction and law enforcement.

He takes these positions without regard to the facts. Indeed, another common thread in Senator Ashcroft's approach to drug control is a refusal to look at the facts; instead he religiously advocates law enforcement no matter what the facts demonstrate. In two critical areas, racial disparity in drug enforcement and prevention of HIV/AIDS, Senator Ashcroft advocated not doing the research to understand whether there is a problem and if so, how to deal with it.

Senator Ashcroft favors blindly pursuing a drug policy that is a historic, and expensive, failure – a policy that does great damage to individuals, families and communities. This closed-minded approach does not show the type of thinking that is appropriate for an Attorney General.

Favors Cutting Education and Prevention to Expand Funding for Interdiction: In a debate on CNN on July 9, 1998 Senator Ashcroft advocated cutting the budget for prevention and putting it into interdiction. He said: "if you were to take the money that's been allocated or is projected for this you could double the amount of interdiction that we're doing along the border, double the amount of drug effort by the INS." The federal drug control budget is already out of balance in this regard – favoring interdiction and law enforcement by two to one over prevention, education, treatment and research. Rather than correcting this imbalance Senator Ashcroft favors building on it. Cutting the prevention budget is likely to result in an increase an adolescent drug abuse – the issue that has been the primary concern of most Americans.

Favors Cutting Treatment Funds to Support Law Enforcement: Senator Achcroft told a conservative think tank in 1997 "a government which takes the resources that we would devote toward the interdiction of drugs and converts them to treatment resources, and instead of saying 'just say no' says 'just say maybe' or 'just don't inhale' . . . is a government that accommodates us at our lowest and least." (Anthony Lewis, "Out of Sight," *New York Times*, January 6, 2001.) In fact, research by the RAND Corporation indicates that the most cost-effective way to reduce cocaine consumption and the cocaine market is by increasing funding for drug treatment programs. RAND found that treatment is ten times more cost effective than interdiction in reducing the use of cocaine in the United States; (Rydell, C.P. & Everingham, S.S., *Controlling Cocaine*, Prepared for the Office of National Drug Control Policy and the United States Army, Santa Monica, CA: Drug Policy Research Center, RAND Corporation, 1994). Despite this research, and despite the already out-of-balance spending on law enforcement, Senator Ashcroft favors spending less on treatment in order to fund law enforcement further.

Supports Legislation that Would Decimate the Fourth Amendment: The Fourth Amendment has been greatly weakened by the war on drugs. Still, Senator Ashcroft sponsored legislation that would have undermined it further. In S. 486, The Methamphetamine Anti-Proliferation Act,

which was written by Senator Ashcroft, police, would have been granted the authority to conduct secret warrantless searches. The bill would have empowered Federal, State and local law enforcement agencies, to enter private property – e.g., homes, businesses, automobiles – to conduct criminal searches without a warrant and without any legal obligation to inform the private property owner that a search and seizure was conducted until months later, if at all.

Opposes Taking Action to Prevent Racially Unfair Drug Enforcement: Senator Ashcroft prevented consideration of legislation that would provide data on racial profiling in drug enforcement. This research would have told policy makers the extent of the problem of racial profiling and would have been a first step in correcting this injustice. Senator Ashcroft said he would support S-821, “The Traffic Stops Statistics Study Act,” yet when the amendments he requested were made Senator Ashcroft refused to allow the bill out of the Constitution Subcommittee which he chairs. Racial profiling is the first step in a drug law enforcement chain that has led to a disproportionate number of African-Americans and Latinos being prosecuted and sentenced for drug offenses. Criminal justice analysts from across the political spectrum have come to recognize that mandatory minimum sentences fill our jails without reducing crime, are racially disparate and incarcerate large numbers of low-level drug possessors while allowing big-time dealers off relatively scot-free. No senator is more supportive of mandatory minimum drug sentencing than Senator Ashcroft. He introduced or cosponsored half dozen bills that included new or expanded mandatory minimum sentences. (See, S. 2390, S.899 and S. 5.) In fact, it is difficult to find a bill in the Senate, which introduces new mandatory minimum sentence that was not co-sponsored by Senator Ashcroft.

Opposes Policies that Prevent AIDS: Senator Ashcroft has refused to acknowledge the science that proves that needle exchange would cut the spread of HIV/AIDS by up to 50 percent, not increase drug use and increase use of drug treatment services by drug abusers. Senator Ashcroft even attempted to stop local leaders in Washington, D.C. from funding needle exchange in their community with their own tax dollars. Further, Senator Ashcroft has opposed research into needle exchange saying it would send the wrong message to our youth. His antipathy to AIDS prevention is consistent with his views on AIDS generally. Senator Ashcroft voted to cut funding to community health centers that provide HIV/AIDS services. (Roll Call Vote #333, July 27, 1995, Ryan White Reauthorization bill.) Senator Ashcroft has favored a moralistic approach that flies in the face of the evidence over a pragmatic approach that could stem the flow of a deadly epidemic.

The attorney general is charged with enforcing civil rights laws and protecting the Constitution of the United States. Senator Ashcroft’s positions, his comments, and the groups with which he chooses to associate himself raise clear questions about whether or not he should be overseeing the US Department of Justice. It is important for all Americans to have faith in law enforcement for, when they don’t have trust, the system breaks down. Justice is not a place for a rigid ideologue; it is a place for someone who wants to make government work particularly when it comes to policies like drug control where traditional approaches have failed.

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