

The administration's 'War on Drugs': only a 'containment' operation?

by Leo F. Scanlon

The Bush administration launched its version of a War on Drugs with a headline-grabbing, multi-agency press conference chaired by Office of National Drug Control Policy head William J. Bennett, Jack Kemp of the Department of Housing and Urban Development (HUD), and Attorney General Richard Thornburgh. The troika used the April 10 event to unveil a program aimed at breaking the back of the drug traffic in the nation's capital. The plan is expected to be the template for a wide array of programs aimed at providing visible federal support to city and state governments which are rapidly being swamped by the nation's horrific drug plague.

Like other programs established by these technicians during the Reagan years, this one relies heavily on reorganizing existing federal programs and capabilities and focusing them on a problem which has great symbolic significance. Experts believe that the current flood of drugs into the city, cocaine and crack primarily, represents a deliberate effort to "Colombianize" the capital, establishing zones of lawlessness which threaten the stability of the city. Any measurable success in this area will give a much needed boost to an administration which is perceived as directionless on domestic policy.

But the reality of the proposal delivers a bit less than it promises. The Bennett plan contains little new funding outside of that authorized by the last Congress, and what money is allocated is kept in the hands of federal agencies, and out of the control of city officials. Bennett was able to draw attention away from this obvious shortcoming by using the press conference to take some swipes at D.C.'s increasingly unpopular mayor, Marion Barry, and thereby ignite a feud which has overshadowed the mayor's own proposals, which center on the need to rebuild the city police force, devastated by years of budget austerity.

Ominously, Attorney General Thornburgh described the federal role as limited to "containing" the drug problem, a strategy far short of the commitment to victory which the American people desire and expect. Having now taken the reins, the Bush administration is going to have to "put up or shut up" on the issue, for the popular rage now directed at hapless local officials will next be directed at the federal

agencies if they also fail.

The Office of National Drug Control Policy is planning a national anti-drug program which will be submitted to Congress in five months, and it is using the crisis in the capital to test various mechanisms for employing federal agents and prosecutors to assist local efforts to attack the drug-trafficking infrastructure. In Washington, this translates into the immediate construction of new prison space and reorganization of the notorious city-run facilities within the District and at nearby Lorton, Virginia. To this end, the Department of Defense has been drafted to provide 10 lawyers and 5 analysts to help locate a site for a new detention facility.

Intelligence coordination

According to Bennett's office (but not the Pentagon) these analysts will then be detailed to a unified intelligence office which will coordinate information gathered by a joint task force composed of 10 federal law enforcement agencies (Customs, DEA, U.S. marshals, etc.) the Metropolitan Police Department, and police departments from Virginia and Maryland. While this looks formidable on paper, it is the case that all of these agencies operate within the District on a daily basis, and do coordinate among themselves on many issues already, so the addition is one of focus of activity, not new manpower as such.

The FBI will make its facilities available for sophisticated forensic examinations of firearms and other evidence developed in drug-related murder investigations. While this may be a useful technical capability, it will not remedy the collapse of the homicide squad of the Metropolitan Police Department, which occurred under the present administration.

It is undetermined what role the National Guard will have to play, as the proposal made by the District under provisions of the Omnibus Anti-Drug Act of 1988 are being reviewed at this time. Local police sources dismiss out of hand the value of the Guard in an urban setting. They point out that there is little value in the transport capabilities possessed by the Guard, no value in equipment such as night vision devices (useless in a lighted urban area), and a negative value to untrained, unarmed troops standing around on street corners in the ghet-

to. Military spokesmen share this assessment, and prefer to utilize Guard assets in rural areas, where military operations can be conducted against large-scale smuggling and processing networks.

By far the most controversial proposal in the plan is the role of the Department of Housing and Urban Development (HUD), which has proposed to ease the regulations governing eviction procedures from federal housing in order to facilitate the rapid removal of drug dens from public housing projects. Civil libertarians have pointed out that overzealous use of this power, and the potential of “guilt by association” punishments directed at innocent family members of drug users, open the door for sweeping violations of due process, which could become the substance of fundamental constitutional challenges to the plan.

Kemp’s proposal additionally provides for federal assistance to city administrators and police to clean up the public housing projects, conduct painting and maintenance which has been long overdue, erect security fencing and provide police and guard services, and otherwise do the things which should have been done over the last 10 years. No one has explained why it takes a national emergency to undertake these obvious corrective measures.

Despite the concerns over the potential abuses inherent in Kemp’s proposal, many elements of his proposal are very popular among residents of the housing projects, who live in conditions which rival the infamous “opium dens” of the 19th century. Crack dealers routinely operate by addicting a welfare mother, moving into her apartment, setting up a “crack house” (which is a combination of a drug shooting gallery and a brothel), and then threatening to harm her children to guarantee continued collaboration. Neighborhood children are recruited as surveillants and informants, and the den soon dominates an entire building. Neighbors who oppose the operation, or inform to the police, are assassinated in broad daylight. The common areas and parks become open-air drug markets established to service addicts and users from other areas. The normal citizen, helpless in the face of this terror, is desperate for any presence of law enforcement.

In theory, the new measures allow police to move in on the dealers, drive them out of the tenements, treat the addicts, and prevent the establishment of deep-rooted neighborhood drug gangs. In reality, the treatment programs are meager, depending on already existing funds, the prison space planned for the users and dealers is still minimal, and the ultimate solution depends on reestablishing effective police patrol in these neighborhoods—which the federal plan is not designed to address.

The home rule controversy

Secretary Bennett emphasized that his plan is not designed to attack the basis of “home rule” of the District, and is designed to supplement the efforts of local officials to strengthen law enforcement capabilities. If that is so, and the

federal operations are seen as secondary to the measures to restore the local police forces, there is merit to the effort, if not to all of its components.

Nonetheless, Bennett’s plan was issued in the shadow of a proposal by the staff of Rep. Stan Parris (R-Va.), issued on April 5, which calls for the creation of a presidentially appointed public safety director, who would administer the police, ambulance, fire, and health services of the city, under congressional supervision. This proposal produced screams and howls that this would overturn the home rule charter by which the city is presently governed. In fact, such a proposal is probably quite legal under the home rule charter, which mandates a similar office to control the federal district (area of principal government buildings) in just such a manner. This brings up the question of what exactly is “home rule”?

According to Article 1 Section 8 of the U.S. Constitution, the Congress has full authority over federal lands, and in particular the area established as the nation’s capital. Until 1961, with the passage of the 23rd Amendment, the residents of the District did not vote—it was generally considered a privilege to live in the District as a political ward of the Congress, and by extension, of the nation.

During the 1970s, environmentalists and “reformers,” led by the *Washington Post*, began to attack the development of roads, highways, and the continuous expansion of L’Enfant’s original plan for the capital, which was characteristic of city planning under congressional control. The easiest way to do this was to build a movement to put the planning and budgetary functions of the city under control of an elected council, which would become dependent on and eventually strangled by real estate speculators and bond salesmen from the commercial banks—just like every other major city.

In 1973, Richard Nixon signed the bill which would establish the creation of such an elected government. Section 601 of the Home Rule Act states: “Notwithstanding any other provision of this Act, the Congress of the United States reserves the right, any time, to exercise its constitutional authority as legislature for the District by enacting legislation for the District on any subject. . . .” And while the budget of the government, is, and will be, under the control of the Congress until the Constitution itself is altered, the revenue authority has in part shifted to the elected council, which has succeeded in making the District into a “real” city, with one of the highest rates of per capita indebtedness of any city in the nation.

If city officials demand funds for effective local police capabilities, and give police the latitude to enforce order on the drug-controlled streets, the need for federal intervention will be minimized, and police-state measures (as were characteristic of the Nixon administration “War on Crime” conducted in the District) will be muted. What will then come right upfront is the underlying poverty which is wracking the city—and the Bush administration will not be able to blame that on anyone else.