



Families and Friends for Drug Law Reform (ACT) Inc

committed to preventing tragedy that arises from illicit drug use

NEWSLETTER

March 2012

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NEXT MEETING

Thursday 22 March 2012, 7.30pm

St Ninian's Uniting Church hall,
cnr Mouat and Brigalow Sts, LYNEHAM

Meetings are followed by refreshments and time for a chat.

Editorial

What can you do?

In the 17 years since the inception of FFDLR there have been some changes in drug policy - for example police no longer follow ambulances when there is a drug overdose - a recognition that it is an emergency health situation; additional funds have been provided for treatment; and some attempts have been made to monitor and implement drug strategies.

However there has also been a regression. The cannabis expiation schemes have been wound back - here in the ACT the number of plants that may be cultivated and expiated under the SCON scheme (ie a scheme where at police discretion a civil fine similar to a parking fine can be applied) has been reduced to two and no hydroponic growing is allowed. It is similar in South Australia and Western Australia has abolished its expiation scheme altogether.

Other changes under the roll-out of the model criminal code have the effect of widening the net to catch young users. For example if one person buys a few pills and shares one with a friend by law he would be considered a drug trafficker.

Users, not traffickers appear to be the main target - over 80 percent of drug arrests are of users. Sniffer drug dogs are primarily to detect users.

Our policy makers - members of parliament - have either actively contributed to this regression or have sat silently. Either way they must accept the responsibility.

While they might argue that the drug war is being won or it is under control, the evidence is otherwise. The majority in prison are there for drug related causes. Almost all drug offences attract a criminal record which affects the person's future life chances. Despite the headlines of the "biggest drug busts" the reality is that such busts only indicate that large quantities are available. For example if one uses the Australian Federal Police's own data and data from the 2009/2010 household survey, drugs seized represent less than 6 percent of the drugs that are available.

Research indicates that worldwide for cannabis, the rate of use is roughly about the same despite the laws ranging from draconian to mild, thus demonstrating a failure of legislating the prohibition of drug use.

Politicians avoid the issue of drug policy, other than for a law and order bidding auction at election time. If there was enough of a groundswell from the public then there might even be an objective debate held in our parliaments.

FFDLR is trying to get this debate happening in the ACT.

Digging into FFDLR's archive of letters published in newspapers over past and more recent years and on the web shows the views that we have to counteract. Views such as:

- ⤴ Legalise drugs, empty our prisons? Hey, here's a great idea, let's legalise paedophilia as well
- ⤴ these cretins rob, cheat and in some cases murder to feed their filthy habit
- ⤴ drugs can be kept out of prison and users rehabilitated
- ⤴ the best way for inmates to be rehabilitated is to have a total ban on drugs in the prison
- ⤴ drug users should be located on a remote island and the defence forces use it for target bombing practice
- ⤴ if heroin is given to users then chocolate should be given to chocoholics.

There are more speaking out in favour of change but there are still many who have firmly entrenched views either no change or tougher laws. Former PM Howard vetoed the heroin trial partly because of political pressure but probably mostly because he could, with no backlash.

So, how can we move this issue forward? The push must come from the people so that the politicians will feel more able to debate using research and evidence rather than false moralism. It is up to us, the readers of this newsletter and people who are directly affected or see the injustice of the current drug laws. Some action is required of all of us.

Here are some suggestions for action:

- ^ write letters to the newspapers and to web sites of newspapers rebutting wrong-headed claims
- ^ share this newsletter with others
- ^ encourage others to join FFDLR
- ^ tell your personal story
- ^ write to your local MP, or better yet meet them in person
- ^ join twitter and tweet all the influential people whom you know.
- ^ help elect to parliament those parties/persons who have a rational and evidence based drug policy.

Write and let us know what you have done - copies of letters written and published would be welcome.

Book Review - A small book about drugs

Review by Pat Varga

Lisa Pryor, an SMH columnist has written *A Small Book About Drugs* and advises readers how best to nurture a sensible debate about drug policy.

In her 155 page book, she suggests that drug users: the educated, employed and well off ones, who manage their habit, should be included in the debate on drug policy.

Their silence, she writes, has a lot to do with making mainstream politicians reluctant to show some sympathy for drug decriminalization. She says politicians know that the media will have a go at them and few people will stand in their defense.

“It is impossible for our elected leaders to canvass the range of options for drug policy, especially the less punitive options, if we don’t create a language for sensible discussion of decriminalization”, she writes.

In addition to the drug users, she wants police chiefs, judges, scientists and doctors to speak out in the debate to share their views and experience.

For readers who don’t know any drug users, or think they don’t know any drug users, this book is valuable. The author has interviewed many users. Some, who used their first illegal drug out of curiosity and maintained a habit and a job, and as one woman said: continued to pay the mortgage.

The author describes the success of decriminalization (1 July 2001) in Portugal. There was no free for all consumption (as suggested by opponents). Incarceration in prisons dropped and more care, not less, was made available for the vulnerable in society.

Perhaps what we need is for users to ‘out’ themselves as some in the gay community have done to lift a stigma that has done so much damage.

The decriminalisation (or even legalisation) of drugs

Chris Berg, The Drum, ABC, 29 Feb 2012

It doesn't take more than a moment of thought to recognise that the rulings on which drugs are legal or illegal are governed by no particular logic.

No theory from medicine or philosophy or psychology demands alcohol, tobacco and caffeine must be legal while marijuana, cocaine, and heroin must be prohibited.

We cannot rely on distinctions about relative harm. Many experts have pointed out that marijuana is on balance less dangerous than alcohol. But this legal discord isn't unusual. One British police chief controversially stated a few years ago that ecstasy is safer than aspirin.

Nor is the distinction between recreational or medicinal use any help. There are legal and illegal drugs that fall on both sides of that artificial line.

The generally accepted definition of the word "drug" offers no guide to legality either: "any substance other than food which by its chemical nature affects the structure or function of the living organism".

Whether a drug is illegal is nothing more than an accident of history. Drug laws were not written dispassionately by a panel of the best medical and ethical minds in the world. The laws bear no relation to the damage those drugs could cause or their danger to society – they were not written to minimise harm or protect health.

Quite the opposite: the current schedule of drugs in the Western world has been driven by politics, expediency, prejudice, and sometimes outright racism.

Take, for instance, the prohibition that kicked it all off – the prohibition on opium.

In 19th century Britain, opium was so common as to be part of everyday life. It was an essential ingredient in tonics and pick-me-ups. One writer claimed in the 1870s that opium use "may indeed be said to have reached the height of fashion".

Few British conceived of a drug "problem". Certainly, there were dramatic, gothic tales of addiction and vice. Thomas de Quincey's novel *Confessions of an English Opium-Eater* is the most well-known. And there were some distressing, but not representative stories of overdose. But, culturally, moderate drug use was normal.

And the medical establishment largely accepted this. When reporting on the Royal Commission on Opium in 1893, the iconic journal *Lancet* described it as a "crushing blow to the anti-opium faddists".

There was however, an "opium problem" in Australia and the United States. The difference was race. In both countries there was a significant Chinese minority who had brought their country's opium smoking habit with them. The first war on drugs was a proxy for racial politics, not public health.

"Who has not seen the slave of opium?," the Victorian minister of health asked parliament at the end of the 19th century: "a creature tottering down the street, with sunken yellow eyes, closely contracted pupils, and his skin hanging over his bones like dirty yellow paper."

The issue here, clearly, was not opium but the Chinese.

Unsurprisingly this attitude towards opium was hard to separate from the belief Chinese migrants were undercutting Australians in the employment market. The visceral hatred of opium-smoking was the manifestation of resentment about labour competition.

It was the same in the United States. As the British writer Christopher Snowden points out in his excellent new book *The Art of Suppression*, "if the government could not get rid of opium-smoking, it would get rid of opium-smokers".

The 1862 Californian law *Protect Free White Labor Against Competition with Chinese Coolie Labor and Discourage the Immigration of the Chinese into California Act* is self-explanatory.

One of the most prominent American anti-opium campaigners, Dr Harry Hubbell Kane, openly argued that those concerned about job competition should focus their animosity on Chinese drug use.

It is easy to tell a parallel history of marijuana prohibition, which was overwhelmingly used by Hispanics and African-Americans.

And in his book, Snowden details the tabloid hysteria of recent times which has led to laws against "designer" drugs – synthetic concoctions which are better described as second-rate substitutes for safer, purer, and already prohibited drugs.

Do the political origins of drug laws matter? Absolutely.

The first international treaty on drug control was signed in January 1912. The war on drugs is 100 years old this year.

This century-long war has definitively and undeniably failed. There is widespread belief in expert circles that the world needs to move towards decriminalisation (or even legalisation) if we want to minimise the harm of drug abuse.

But the biggest cultural barrier to such reform is the current status illegal drugs have. In the sort of circular reasoning that only popular discourse can manage, the prohibition of drugs is mostly justified by their pre-existing legal status. Why are certain drugs prohibited? Because they are illicit drugs.

But that status has been set by politics and moral panics, not dispassionate evidence-based risk assessments. Drug prohibition carries the legacy of the ugly politics of the past. Once we realise that, we may start to rethink the justice of a war that is, in truth, not against drugs, but against drug users.

Chris Berg is a Research Fellow with the Institute of Public Affairs. Follow him on Twitter @chrisberg.

Legalization Debate Takes Off in Latin America

Ethan Nadlemann, *Huffington Post*, 3/10/12

Edited version, for full text see:

www.huffingtonpost.com/ethan-nadlemann/legalization-debate-takes_b_1337053.html?view=print&comm_ref=false

Something incredible is happening right now in Latin America.

After decades of being brutalized by the U.S. government's failed prohibitionist drug policies, Latin American leaders, including not just distinguished former presidents but also current presidents, are saying "enough is enough." They're demanding that the range of policy options be expanded to include alternatives that help reduce the crime, violence and corruption in their own countries -- and insisting that decriminalization and legal regulation of currently illicit drug markets be considered.

Guatemala's new president, Otto Perez Molina, is providing important leadership. As a political conservative and former general, he has credibility that others lack. When he started speaking out publicly last month about the need to consider

[new drug policy options](#) including legalization, many observers thought it was just a ploy to secure greater economic and military aid from the United States. But he has demonstrated a commitment and engagement over the past month that have persuaded fellow presidents that he's serious about this. Within Guatemala, his initiative has been praised by diverse voices including prominent business leaders, Archbishop Oscar Julio Vian and the head of the International Commission against Impunity in Guatemala (CICIG), Francisco Dall'Anese.

President Perez Molina sent his vice president, Roxana Baldetti, on a tour of neighboring countries two weeks ago to seek the support of other Central American presidents for opening up a new discussion on drug policy alternatives for the region. Most said they were willing to join the discussion. Now the presidents have agreed to come to Guatemala on March 24 for a wide-ranging debate on the subject.

Colombia's President Juan Manuel Santos appears to have been galvanized by the Guatemalan president's initiative. He met yesterday with former presidents Fernando Henrique Cardoso (Brazil), Ricardo Lagos (Chile) and Felipe González (Spain) to talk about the best way to raise this issue at the Summit of the Americas meeting in Cartagena in April.

Mexican President Calderon also seems [increasingly willing](#) to engage. Having waged a multi-year battle with criminal organizations whose principal source of revenue is the illicit drug traffic to the United States, no one has greater moral authority to call for alternatives to failed prohibitionist policies. And he followed up by joining with regional leaders in late 2011 in the "Tuxtla Declaration," which stated that if the demand for illegal drugs could not be reduced, "authorities in the consuming countries ought then to explore possible alternatives to eliminate the exorbitant profits of the criminals, including regulatory or market oriented options to this end. Thus, the transit of substances that continue provoking high levels of crime and violence in Latin American and Caribbean nations will be avoided."

Calls for drug policy reform are proliferating rapidly in Mexico. Calderon's predecessor, Vicente Fox, pulls no punches in saying that legalization is the best approach. Fox's predecessor, Ernesto Zedillo, joined with former Brazilian president Cardoso and former Colombian president Cesar Gaviria in organizing first a Latin American and then a Global Commission on Drug Policy, both of which called for major reform of drug policies, including legal regulation of marijuana, and also for "breaking the taboo" on considering all drug policy options, including legal regulation.

Now business leaders in Monterrey and Mexico City, wary of the growing power of criminal organizations, are joining the debate with sophistication, resources and support for legalization in one form or another. And, from the left, Javier Sicilia, the influential poet turned social justice movement leader, is saying much the same.

It's thus no surprise that Mexican foreign secretary Patricia Espinosa announced at a meeting of the Euro-Latin American Parliamentary Assembly in late February that her government now [supported a debate](#) on legalization.

Honduran President Porfirio Lobos announced on Friday that Presidents Calderon and Santos had both been [invited to the meeting](#) in Guatemala on March 24, and were considering attending.

All this presents a dilemma for the U.S. government. When Vice President Biden [visited the region](#) last week, he made clear that the Obama administration firmly opposes legalization -- but also acknowledged, as President Obama had in early 2011, that the topic was a legitimate subject for discussion. That modest concession was important, not least in sending a clear message to other federal officials, including the drug czar, senior diplomats and Pentagon officials, that outright rejection of any discussion was no longer required.

This all represents a dramatic turn of events in the regional, and potentially, global debate about drug policy. In Latin America, current presidents are now taking the baton from ex-presidents in calling for a new drug policy debate with all options on the table. Respected intellectuals like Carlos Fuentes and Enrique Krauze in Mexico, Sergio Ramirez in Nicaragua and Mario Vargas Llosa in Peru are speaking out. So are distinguished former cabinet ministers as well as leaders in business, media and the arts.

The immediate political challenge will be to sustain this momentum in the face of vigorous behind-the-scenes efforts by the U.S. government to suppress the debate, notwithstanding public statements that they're open to it. The more substantive challenge will be to flesh out proposals for alternative strategies. Presidents Santos, Otto Perez Molina and others know full well that no nation can unilaterally legalize drugs, that any significant changes in direction must be pursued multilaterally, and that major reform of the failed global drug prohibition regime of the 20th century will take years and likely decades. Governments as well as non-governmental organizations in the region are just beginning to look seriously at alternative drug policy options, enlisting scholars and other policy experts.

Fortunately the drug war consensus within the United States is also dissolving. George Shultz, the former Secretary of State (and Treasury) and Paul Volcker are among the members of the Global Commission on Drug Policy, whose bold recommendations last June stirred debate worldwide. Former President Jimmy Carter has endorsed the Global Commission's recommendations and former President Bill Clinton has repeatedly expressed regrets for the drug war excesses he condoned when he was in the White House.

The biggest obstacle right now is the head-in-the-sand resistance within the Obama administration and Congress to any real discussion of alternative drug policy options. Censorship and self-censorship in this area within the federal

government is endemic, driven by fears that any internal policy memos, or even oral discussions, that conclude with politically inconvenient recommendations, are not just unwelcome but dangerous to one's standing and career. One result is that U.S. government officials will be increasingly handicapped in the international drug policy discussions at Cartagena and elsewhere, armed only with defenses of failed U.S. policies but bereft of any in-depth analysis of the options that other governments are putting on the table.

The worst prohibition, it must be said, is a prohibition on thinking -- and that, sadly, is what the U.S. government is guilty of today.

Public event - book launch for '[Cocaine, Death Squads, and the War on Terror](#)'

by Drs Oliver Villar and Drew Cottle

They will be joined by Melbourne-based journalist, activist and academic [Dr. Colm McNaughton](#), for a discussion and a question and answer session

Wednesday March 21, 6:30 pm (for a 7:00 pm start)

Entry and light refreshments by donation

[The New International Bookshop](#)

**Meeting-room Basement floor Trades Hall,
54 Victoria St Carlton South, Victoria 3053**

Dr. Oliver Villar is a lecturer in Politics at Charles Sturt University. Dr. Villar wrote his PhD thesis on the political economy of Colombia in the context of the cocaine drug trade and has published broadly on the Inter-American cocaine drug trade, the US War on Drugs and Terror in Colombia, and US-Colombian relations.

Dr. Drew Cottle is a senior lecturer in Politics at the University of Western Sydney. He has written extensively on international political economy and revolutionary struggles in the Third World. His book, *The Brisbane Line: A Re-Appraisal* was a study of inter-imperialist rivalry and potential collaboration in Australia prior to the Pacific War.