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Various Clips on 1994 Crime Bill - '93 Spring to '94 Summer [Drugs] [2]

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Missing the Glory

Clinton's Opportunity on Drug Policy Seems to Fade Into Political Setback

By JOSEPH B. TREASTER

Special to The New York Times

WASHINGTON, Oct. 21 — After months of drift, this could have been a time when President Clinton basked in the glory of a national drug strategy that answered the prayers of the country's drug experts. Instead, he is being hammered from all points of the political compass.

News Analysis

A consensus appeared to be developing on Capitol Hill and elsewhere that after years of failures and frustration, it would be wise to put a lot more effort into drug rehabilitation and anti-drug education, and that is what President Clinton seemed to be promising in the strategy he issued on Wednesday. But he refused to say whether he was willing to commit money to make it happen.

As a result, suspicion was aroused that the President had no intention of dealing with drugs very differently from the way Ronald Reagan and George Bush did — by talking about the value of drug treatment but putting most of their money in law enforcement.

Theories Without Insights

There are many theories on why the President's first major drug initiative has come to look more like a political setback than a victory, although neither Mr. Clinton nor his aides are offering any insights.

One line of thinking is that the strategy, which emphasizes treatment for addicts on the streets and in prison and calls for addressing drugs as part of a wider revamping of the social landscape, accurately reflects the President's views, but that organizing his Cabinet, negotiating over the budget and dealing with foreign policy issues have kept him from getting into the details.

Mr. Clinton could have won a good deal of support by merely instructing his chief drug policy aide, Lee P. Brown, to say that although the Administration had not calculated precisely how much it planned to spend on accomplishing the new goals, there would be a substantial increase in spending on treatment and prevention.

But Mr. Brown, in interviews and before the Senate Judiciary Committee on Wednesday, was unwilling to elaborate except to say that the Administration would not be "downplaying law enforcement."

This has led some experts to conclude that the philosophy expressed in the strategy is the product of staff work and that in the end, Mr. Clinton

might not give it his full backing. Government officials say that early drafts from Mr. Brown's office emphasizing treatment and the broad social context of drug use were significantly altered by White House editors fearful of appearing soft on drug-related crime.

As evidence of what they say is a more accurate sense of Mr. Clinton's position, some experts turn to the crime bill that the Administration is trying to push through Congress.

"Essentially they're working with the Bush crime bill," said one specialist on Capitol Hill.

While Washington provides only a portion of the money used to fight drugs, Federal policy is important because it influences the approaches taken by local police departments, mental health agencies, schools and social service bureaucracies.

Clinton or Bush?

Some experts recall that during the Presidential campaign Mr. Clinton's drug plan was difficult to distinguish from Mr. Bush's, although Mr. Clinton did propose making drug rehabilitation more widely available. Some say that sameness of approach is why the President's first anti-drug budget of \$13.1 billion was so similar to the Bush budgets.

But others say that the first Clinton drug budget may not be a fair indicator of his views since it had to be submitted to Congress only weeks after he took office.

Yet others counter that it would not have taken much effort to lop several

A blueprint is offered, but not the money.

million dollars from the \$13.1 billion allocated for the Pentagon, mainly to try to intercept drug smugglers. Pentagon officials, confronted with withering testimony on the ineffectiveness of the interception programs, are contemplating trimming them by as much as \$300 million.

But it is also possible that the Bush Presidency may have taught Mr. Clinton that the drug issue is poison.

Went Against Advice

Against the advice of his advisers, Mr. Bush made drugs a major part of his Administration's oratory.

While President Bush was in office, casual drug use plunged, but heavy users continued to indulge and there was no abatement in drug-inspired violence. As re-election time approached, he could not say that he had won the war on drugs, so he began to say less and less.

Mr. Clinton did not make drugs a big part of the Presidential campaign, many experts said, because he felt vulnerable after remarking that he had tried marijuana but had not inhaled.

With casual drug use still falling, there is no clamor from the middle class, the people most likely to vote, to take on the issue. But heavy drug use is increasing among the poorest Americans, and it is these heavy users who consume 70 percent of the drugs smuggled into the country and account for most of the drug-related crime. Moreover, there are signs that high school students see drug use as less risky than they did a few years ago.

"This problem is not going away," said one Washington expert, "but it looks an awful lot like they've made a political judgment that it's not worth getting involved with."

with care staff. It's also a nightmare for the administrative record section of the inmates' medical services unit.

Dr. Erma Guider, head of medical records, said most of the records for the nearly 11,000 prisoners are processed by hand. She said she gets six to eight requests for records each day.

"It consumes a great deal of time and energy," she said.

The department bought about 100 computers, but the programs were inadequate for the job being done, Dr. Hall said.

Keeping manual records in 1985 was easier. Nine doctors cared for a smaller prison population. The primary diseases were hypertension and diabetes.

Today, there are as many as 326 full- and part-time doctors, and drug addiction and its attendant illnesses affect more than 60 percent of the prison population.

In 1985 the department spent about \$1.165 on AZT. But it estimates more than \$300,000 was spent in fiscal 1993 for the AIDS drug.

Mr. Nathanson would like to see the quantity of care kept to a minimum.

"We have to draw the line in terms of how high a level of care we can provide," he said.

"I have to make a decision about resources. Obviously I am going to prioritize those resources toward the future — our children — and toward the citizenry who haven't cracking people over the head."

What about President Clinton's health plan? Can it bring relief for the financially strapped District government?

Corrections officials and doctors say the plan doesn't even talk about the thousands of prisoners who are released into their communities each year, many of them without jobs or health benefits.

Moreover, they say, if the health insurance card that would be given to each resident were used by the District for its inmates, the Corrections Department would face the same problems as with contracting out: transportation, security and the maintenance of court-ordered health care packages.

"We have to maintain the same level as currently being provided unless [Corrections Department

chief Walter] Ridley could negotiate something less," said Dr. Hall, adding that some of the fines for failing to follow court orders go "as high as \$5,000 per day per inmate."

Using a medical emergency phone to express the urgency of resolving the problem with health care costs, Dr. Wilson said the District needs a "stat solution."

"We need to have done it today," he said. "We've had 20 years of putting it on the back burner. We don't have time to wait for someone else's solution."

Despite woes, inmate is woman with goals

By Jonetta Rose Barras
THE WASHINGTON TIMES

Rosalind Coleman-Bey was sick one morning, suffering from what she called "dealer's habit."

She needed her heroin pure, uncut.

She was so sick she couldn't inject herself with the drug. She gave her roommate, another addict, a new syringe and asked for help.

"Instead of using the new works, she [the roommate] used the one she'd just finished using on herself to inject me with," Miss Coleman-Bey said during a recent interview at the Central Treatment Facility (CTF) in Southeast. The CTF is one of nine prison facilities that constitute the D.C. Department of Corrections.

"I found out later she had AIDS. I didn't know that then, but she did," Miss Coleman-Bey said.

That was in the early 1980s. Today Miss Coleman-Bey, 42, is

celebrating seven drug-free years.

But she also has full-blown AIDS, complicated by her allergic reaction to AZT and other drugs. She has only one functioning lung and often requires oxygen treatments. A nerve disorder in her legs has forced her permanently into a wheelchair.

Miss Coleman-Bey has been at CTF for more than a year, serving out a mandatory 7-to-24-year sentence for the sale and distribution of heroin. She is one of the more than 700 inmates who have AIDS or have tested positive for the virus and who regularly use the prison system's medical services.

The city spends slightly more than \$19 million to provide comprehensive health care to the 10,800 inmates in its prisons.

None of the inmates has private health insurance, and federal law prohibits them from receiving Medicaid while in prison. That leaves the entire cost of inmates' health care to District taxpayers.

But Miss Coleman-Bey said the funding is insufficient.

"The biggest problem is not being funded properly. There are quite a few terminally ill residents, and sometimes things run out," she said.

Miss Coleman-Bey spends parts of her days in the small cubicle that is her room at the CTF, surrounded by teddy bears of varying sizes and pictures of nieces and other relatives. She doesn't have any children of her own.

She was arrested in the District back in 1985 and stayed in D.C. Jail for nearly two years before being shipped out to a federal women's prison in Kentucky. She asked to be

transferred back to the District because she wasn't receiving adequate medical help.

Miss Coleman-Bey is driven by determination. She is a woman with a mission, who late in life has finally found some peace and wants to help others.

When she isn't locked in her room on level 68 of the CTF, she is out in her wheelchair, encouraging inmates to take advantage of the testing. Assisted by Chochese Robinson, another inmate, Miss Coleman-Bey holds workshops and counseling sessions in an effort to keep residents healthy.

The District government does not mandate that inmates be tested for AIDS.

Despite the problems of funding, Miss Coleman-Bey praises the health services provided at the CTF.

"I might not even be here, if there weren't people who are genuinely concerned," she said. "What you get from people who deal with your medical issues makes all the difference in the world."

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AM-Drug Plan,530

Clinton Drug Plan Criticized In Congress

By CAROLYN SKORNECK= Associated Press Writer=

WASHINGTON (AP) Key Democratic senators questioned the Clinton administration's commitment to fighting illegal drugs Wednesday as the government's top drug policy official presented a plan that emphasizes prevention and treatment.

"I do not think they have taken this seriously enough," Sen. Joseph R. Biden Jr., D-Del., chairman of the Senate Judiciary Committee, said as the panel questioned Lee Brown, the administration's drug policy director.

Sen. Dennis DeConcini, D-Ariz., said he was "very fearful that the administration is drifting into a lack of determination in this area."

Both Biden and DeConcini suggested Congress might not extend legislation authorizing Brown's office beyond its scheduled expiration next month.

Far more blistering attacks on the Clinton administration's drug strategy came from Republicans.

Sen. Orrin Hatch, R-Utah, called the interim strategy "a placebo, a political document so general as to be unhelpful, and useful only to give the appearance of taking this issue as seriously as it should be taken."

The administration must "get real about it and stop acting like this is some sort of negligible problem," Hatch said.

There was little criticism of Brown, the drug policy director whose office was cut from more than 140 people during the Bush administration to 25 as part of President Clinton's pledge to reduce White House staffing.

"You're being hamstrung by an administration that just doesn't give a damn," Hatch told Brown.

Biden, who sponsored legislation creating the drug policy office, raised the possibility that Congress may not reauthorize the four-year-old position when the law expires next month.

DeConcini said he was "very dubious" about reauthorizing the position unless Brown were given more power.

As for the plan itself, Brown told the committee it "shifts the focus to the most challenging and difficult part of the drug problem reducing drug use and its consequences by hard-core users."

"Drug use fosters a culture that accepts violence and serious risk to oneself and others as a natural way of life," he said, adding that the plan will expand treatment capacity to provide it to those who need it, particularly those in prison.

At the same time, it would maintain law enforcement pressure to ensure that "drug offenders receive some type of sanction when they first encounter the criminal justice system," Brown said.

That may not mean jail, however. Instead, the interim strategy calls for special drug courts and alternative punishments for young nonviolent drug offenders.

The plan relies on congressional financing of 50,000 community police officers over the next few years and enactment of Clinton's health-care program to finance treatment.

The strategy calls for a "controlled shift of emphasis" away from interdiction in favor of new drug eradication efforts inside drug-producing countries.

But Brown said that "interdiction on our border will always be a part of our strategy."

While some senators praised this approach, Sen. Arlen Specter, R-Pa., said, "Interdiction is not worth the money we are spending on it."

Brown gave no estimate of the plan's cost or whether law enforcement budgets would be cut to pay for more prevention and treatment.

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Senators Say Drug Plan Needs Quick Fix or Else

By Michael Isikoff
Washington Post Staff Writer

The Clinton administration's anti-drug policies came under sharp attack from the Senate Judiciary Committee yesterday with key members warning White House drug policy director Lee P. Brown that his office may be scrapped if it is not quickly given more staff and authority.

The bipartisan criticism came as Brown presented the panel with an "interim" anti-drug strategy that he said marked a "new way of looking at America's substance abuse problem" by giving more emphasis to treatment and prevention programs.

But before he began his remarks, Sen Orrin G. Hatch (R-Utah), ranking minority member of the panel, dismissed the interim strategy as a "major disappointment" and charged the administration was "turning the clock back on drug control, slipping inexorably into the old permissiveness of the Carter era."

Citing staff cutbacks by the White House that have reduced Brown's office to 25 employees, Hatch told him: "I think it's ridiculous they've done that to you . . . You're being hamstrung by an administration that doesn't give a damn."

Committee Chairman Sen. Joseph R. Biden Jr. (D-Del.) initially praised the plan for focusing on the problems of hard-core drug addiction. But after Brown departed, Biden said: ". . . At a minimum, this administration has not paid enough attention to this problem. At a maximum, it is evidence of a continuance of a Bush strategy, which is, 'If I don't talk about it, it might go away.'"

Those comments yesterday reflected what Senate aides say has been a growing perception on Capitol Hill that President Clinton may soon become politically vulnerable on the drug issue. The new strategy was designed in part to address that, warning that the country was "still in the midst of a drug epidemic" and promising stepped up efforts for both law enforcement and treatment programs for addicts.

But Brown aides were rebuffed in recent weeks when they sought to persuade the White House to make time on Clinton's calendar to make a major public announcement of the strategy, according to administration sources. In recent days, critics have charged that the new policy lacks teeth because it neither pledges ad-

ditional funding for anti-drug programs nor recommends shifting resources among existing programs.

Brown said such recommendations were impossible before work is completed on next year's budget. When the committee asked him to prepare an interim strategy, "it was understood that we would not have the details," Brown said.

Brown also defended the effectiveness of his office, noting he had successfully worked to restore cuts in treatment programs approved earlier by the House.

Although Clinton has designated Brown a member of his Cabinet, committee members expressed doubts he has sufficient clout. Biden, legislative author of the drug office, noted its five-year statutory authority is about to run out. If the administration doesn't provide more staff and powers, "I predict to you you'll have rough sledding up here in terms of reauthorization. Let the word go forth, they better give you some teeth and some money . . ."

Sen. Dennis DeConcini (D-Ariz.) said he was also "very dubious" about reauthorization. "You're in a very difficult position, with not much authority and I consider not much support from the administration," he told Brown.

Adding to the criticism yesterday was former drug policy director William J. Bennett, who accused the administration of "doing a no-show on this issue . . . if we had come up here with a drug strategy" that didn't seek more funding, "I think you would have killed us."

Date: 10/20/93 Time: 12:54

Anti-Drug Plan Adds Prevention and Treatment to Enforcement

WASHINGTON (AP) The Clinton administration's interim drug plan targets hard-core addiction that is fueling violence throughout the nation, the top drug policy official said today.

The plan, released at a Senate Judiciary Committee hearing today, "shifts the focus to the most challenging and difficult part of the drug problem reducing drug use and its consequences by hard-core users, especially those in our inner cities, among the disadvantaged, and among the criminal justice population," Lee Brown, director of the Office of National Drug Control Policy, said in a prepared statement.

"Hard core drug use fuels the overall demand for drugs and is the primary cause for so much of the disruption we see in our social landscape today," Brown said.

He gave no estimate of how much the proposals would cost. The plan does not call for any across-the-board reductions in law enforcement efforts to pay for them.

Democrats in the past have complained that previous Republican administrations wrongly devoted 70 percent of the anti-drug budget to law enforcement and international efforts, leaving only 30 percent for reducing the demand for drugs through education and treatment.

The Clinton administration strategy relies on passage of the crime bill and its plan to fund 50,000 community police officers over the next few years, as well as the Brady Bill gun control measure, and President Clinton's health care plan, which would fund drug treatment.

The strategy would reduce interdiction efforts in favor of promoting additional crackdowns within drug-producing countries, something criticized by former drug director William Bennett, who led president Bush's war on drugs for two years.

Even the nomenclature is changing in the Clinton administration, which is rejecting the notion of a "war on drugs."

"The strategy rejects the use of 'war' analogies to discuss our nation's drug abuse policy," Brown said. "You cannot succeed in this effort by declaring 'war' on our own citizens."

Those hoping that the Clinton administration would reconsider legalizing drugs will be disappointed by the plan.

"The administration is without any reservation opposed to the legalization, decriminalization or medicalization of illegal drugs," Brown said, crediting laws against drug use for the declines in drug use that have occurred.

Rep. John Conyers, D-Mich., whose House Government Operations Committee helped create the drug policy office four years ago, praised the plan as "a step in the right direction towards reallocating the priorities to treatment and education if the funding matches the stated priorities."

It "finally targets the hard-core drug users who account for 70 percent of the drugs consumed," he said.

But Conyers criticized the plan for its continued support of efforts to prevent importation of drugs.

"The General Accounting Office testified before my committee just last week that our multibillion-dollar interdiction efforts have not led to any reduction in the estimated flow of cocaine onto American streets," he said in a statement.

Conyers said he believed the National Security Council had

reached a similar conclusion, ``yet the strategy provides for continued support of interdiction without even acknowledging such major critical evaluations.''

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Senators Hit Clinton on Drug Tactics

■ **Congress: Democrats, Republicans on Judiciary Committee charge that the White House has cut vital funds. They point to 'a lack of determination.'**

By RONALD J. OSTROW
TIMES STAFF WRITER

WASHINGTON—Democratic and Republican members of the Senate Judiciary Committee on Wednesday assailed the Clinton Administration's drug strategy, branding it a farce without funding that shows "a lack of determination."

Sens. Joseph R. Biden Jr. (D-Del.), the committee chairman, and Dennis DeConcini (D-Ariz.) warned Lee P. Brown, director of the White House Office of Drug Control Policy, that Congress could refuse to renew his office when its five-year term runs out next month unless President Clinton restores resources and strengthens its authority.

The unusual criticism came in part from members of the President's own party as Brown outlined the Administration's interim strategy for combatting illegal narcotics. The hostile reception indicated that the Administration misjudged the level of interest that remains in countering illicit drugs when it decided that it needed to submit only a broad outline of its plans.

Committee members emphasized that they found no fault with Brown, who came to the job with an extensive background as a police executive, including serving as commissioner of the police departments in New York and Houston.

Sen. Orrin G. Hatch of Utah, the committee's ranking Republican, was the harshest critic. He declared that the strategy is "a political document so general as to be unhelpful and useful only to give the appearance of taking this issue as seriously as it should be."

Looking directly at Brown, Hatch said: "I commiserate with you." He noted that the White House had "slashed the drug [control] office to the bone—from 146 positions to 25," and that the Administration had agreed to a \$231-million cut in funding for drug treatment and education.

"You're hamstrung by an Administration that doesn't give a damn," he said.

Brown responded that some \$40 million of the treatment funding had been restored, but he did not address Hatch's contention that the Administration had gone along with the cuts.

The strategy outlined by Brown shifts emphasis from casual drug users to hard-core abusers, requiring substantial increases in treatment programs.

It also moves from attempts to interdict drugs headed for the United States to supporting anti-drug programs in source and processing countries.

DeConcini said he was surprised that Brown could put together even an interim strategy "with the decimation [of the office] that's occurred. I am very fearful that the Administration is drifting into a lack of determination" in fighting drugs.

Sen. Arlen Specter (R-Pa.) said he agrees with DeConcini about the Administration's "lack of determination" but added that he would apply it to Republican and Democratic administrations.

He urged Brown to endorse a shift in spending so that enforcement and treatment efforts receive the same amount—a departure from the current allocation of two-thirds for enforcement and one-third for treatment.

Brown noted that he was not involved in drawing up the current budget and that he favors deciding strategy first and then following with a budget.

He agreed to Specter's request "to focus [on the spending question] and give the committee as early a response as you can."

Brown also said he could not answer Specter's question on the cost of providing drug treatment under the Administration's proposed health care plan.

Brown's strongest comment came when Sen. William S. Cohen (R-Me.) asked what he thought of proposals to "take the profit out of drugs" by legalizing them. "It would be a terrible, terrible, terrible mistake to legalize illegal drugs," he said. "the moral equivalent of genocide . . . the pathway to destruction of our country."

Following Brown as a witness was the first director of the drug office. William J. Bennett, who was critical of what he said is Clinton's lack of commitment to fighting drugs.

CLINTON SETS OUT TO COMBAT DRUGS BY REHABILITATION

SHIFT FROM OLD STRATEGY

New Emphasis Is on Education and Treatment, but the Plan Provides Few Specifics

By JOSEPH B. TREASTER
Special to The New York Times

WASHINGTON, Oct. 20 — President Clinton issued a national drug strategy today that echoed his campaign promises to increase drug rehabilitation but provided no details about how the plan would be paid for or carried out.

While acknowledging that the plan was short on specifics, the President's senior drug policy aide, Lee P. Brown, defended it as a blueprint of the Administration's intentions that would be refined in a new drug budget next February.

In a 31-page report that Mr. Brown released today, the Administration promised to focus on providing treatment for hard-core drug users and on dampening drug-inspired violence. The proposal suggested that rather than dealing with drugs in isolation, it would try to address them through such underlying social issues as housing, education, jobs and health care. He said the Administration also hoped to increase treatment in the nation's prisons, where 70 percent of the 1.4 million inmates have drug problems.

Shifting of Money

Mr. Brown, the former police commissioner of New York City, said the Administration intended to shift money away from heavily criticized efforts to intercept smugglers at the borders and on the seas and to increase financing for training of police and criminal justice officials in foreign countries.

But he gave no specifics. In an exchange with an increasingly testy panel of senators this morning, he refused to say whether the Administration planned to change the longstanding practice of directing 70 percent of Federal antidrug spending to law enforcement and 30 percent to treatment.

And while Mr. Brown described the strategy as a "new direction" and a departure from the heavy reliance of Republican administrations on law enforcement, he said in an interview: "We want to make clear we are not going to downplay law enforcement."

Widespread Criticism

Mr. Brown said that, as Mr. Clinton pledged in the Presidential campaign, the Administration intended to help cities put more police officers on foot patrols in what is known as community policing. In addition, he said, in an effort to restore credibility to the criminal justice system the Administration would seek ways to end the practice of punishing only the worst drug offenders, while those arrested for the first or second time on minor charges receive little or no penalty.

The Administration's plan was met with criticism today from Democrats, Republicans and drug experts who condemned the strategy as inadequate and symbolic of a general neglect of the

Clinton Planning to Combat Drugs With Strategy of Rehabilitation

Continued From Page A1

problem by the President. They pointed out that the strategy had been delivered nine months after a deadline set by Congress and said that while hard-core drug use has been increasing and young teen-agers are once again being attracted to marijuana and LSD, Mr. Clinton has rarely spoken out on the drug issue since taking office in January.

Criticism of President Clinton for failing to engage the drug issue has been growing among drug experts across the country. But the outburst today on Capitol Hill was the first from lawmakers and seemed particularly significant since it came from not only opponents of the President but also members of his own party.

"We desperately need Presidential leadership," Representative Charles E. Schumer, a Brooklyn Democrat, said at a hearing by the Senate Judiciary Committee on the drug strategy this morning.

Some drug experts interviewed today noted that despite Mr. Clinton's campaign promises, he presented a \$13.1 billion anti-drug budget in March that was nearly a carbon copy of the last one by the Bush Administration, which devoted roughly 70 percent of the money to law enforcement and the balance for rehabilitation and anti-drug education. Later, he agreed to Congressional proposals to cut \$243 million in treatment and anti-drug education funds from the budget.

Mr. Clinton did not appoint Mr. Brown as director of the White House's Office of National Drug Control Policy until late April, and Mr. Brown did not begin work until mid-June. The President elevated the drug job to Cabinet level, but as part of a plan to trim the

White House he cut the drug office staff to 25 members from 146.

President Bush made a practice of presenting his annual drug strategy at a White House ceremony and many drug experts said those events, as well as Mr. Bush's frequent condemnations of drugs, contributed significantly to the decline in casual drug use. In contrast, Mr. Clinton posed for a photograph with Mr. Brown at the White House yesterday but left the job of presenting the strategy to Mr. Brown.

Today, after members of the Senate Judiciary Committee repeatedly tried without success to get Mr. Brown to elaborate on the Administration's plan, the panel's chairman, Senator Joseph R. Biden Jr., Democrat of Delaware, said he did not think "the Administration has taken this seriously enough."

"I hope," he added, "that they are just getting to it. But I can't look the American people in the eye and say that with certainty."

Returning to another theme struck in the Clinton campaign, Mr. Brown said the Administration was firmly against legalization of drugs, a step that some advocates have said would result in regulated distribution and would eliminate gang-warfare over illicit profits.

In a debate during the campaign last year, Mr. Clinton referred to his brother, a recovering drug addict. "If drugs were legal," he said, "I don't think he would be alive today. I am adamantly opposed to legalizing drugs. He is alive today because of the criminal justice system."

During the Presidential campaign, Mr. Clinton often said, "We ought to have treatment on demand." Experts say that doing so would cost millions if not billions for the estimated four million to six million people who could benefit from treatment. Currently drug treatment center can accommodate

about 1.4 million men and women.

After unsuccessfully pressing Mr. Brown to explain whether the new strategy meant that financing for treatment would "go up or down next year and by how much," a frustrated Senator Orrin G. Hatch, Republican of Utah, said it was apparent that the new drug strategy was nothing more than a facade.

Mr. Hatch said Mr. Brown was not to blame for the new drug policy, but he said: "You are being hamstrung by an Administration that doesn't give a damn."

Mr. Brown asserted that the Administration was relying on its health care proposals to provide treatment for many drug users.

Bennett/Biden - rest of cmte agreed

treatment
commun pol

give credit for document that
Hatch/Bennett et al could
agree on

emphasize Brown access to POTUS

White House Shifts Anti-Drug Focus, but Not Funds

By Michael Isikoff
Washington Post Staff Writer

Warning that the country is "still in the midst of a drug epidemic," the White House is planning to release a new anti-drug policy that calls for expanded emphasis on treatment and prevention, while pledging no new resources to carry out the tasks.

The new anti-drug strategy, drafted by White House Drug Control Policy Director Lee P. Brown's office, has been billed by administration officials as a change in direction from the law enforcement-oriented approaches of the past two Republican administrations. It targets hard-core abusers as the "principal" focus of federal efforts and proposes moving treatment programs for addicts "to the forefront of our drug abuse policy," according to a draft copy of the statement obtained by The Washington Post.

But the new strategy does not propose shifting any funds in the federal government's \$13 billion anti-drug budget or recommend the elimination of any particular law enforcement or interdiction programs. Instead, it emphasizes already announced initiatives contained in a crime bill now before Congress. Those initiatives include a waiting period for handgun purchases, a ban on semiautomatic assault weapons and funding for new "community policing" programs that will put more officers on the streets.

Clinton administration officials acknowledged the strategy was largely rhetorical, noting that precise levels of funding for anti-drug programs will not be known until the president releases next year's budget.

But critics quickly pounced on the policy as a largely meaningless document already undermined by congressional budget cuts, accepted by administration officials, in prevention and treatment programs.

"It's shockingly vacuous," said John P. Walters, who served as deputy White House anti-drug director during the Bush administration. "There's no shift [in resources] here. It doesn't have any objectives, it doesn't have any goals. It's a waste of everybody's time."

Administration officials said yes-

terday that at the last minute the drug office included general language requested by the National Security Council proposing a shift away from drug interdiction in the transit zones of Central America and the Caribbean. As part of that shift, the strategy will emphasize U.S. support for counter-narcotics programs in the "source" countries of Latin America, focusing those efforts on what it calls "democratic institution-building of law enforcement and judicial institutions."

The policy is being released at a time when the Clinton administration is coming under increasing attack for failing to pay enough attention to the nation's drug problem. Although casual drug use among the middle class has declined

markedly, these critics note, recent government figures show that hospital emergency room visits for cocaine and heroin overdoses have reached all-time highs—one sign that hard-core addiction has failed to diminish.

The strategy, to be formally released when Brown testifies before the Senate Judiciary Committee on Wednesday, concludes that the nation's drug problem is as "daunting" as ever, noting that 1.1 million abusers are unable to receive treatment because there is no room in existing programs.

The strategy proposes to "aggressively" reduce this figure and touts the president's health care package as one means of expanding treatment services. But Ellen We-

ber, co-director of the Legal Action Center, a public interest lobbying group that focuses on drug issues, said the administration's proposal is "very troubling" and provides no coverage for long-term residential programs that hard-core addicts need most.

Brown yesterday declined to be interviewed, saying through a spokesman he wanted to wait until the strategy is formally released.

Rep. John Conyers Jr. (D-Mich.), chairman of the House Government Operations Committee, called it "a step in the right direction," but added: "The real question . . . is what the lofty goals mean in terms of anti-drug program dollars" in light of recent cuts in Brown's staff and some treatment programs.

THE WASHINGTON POST TUESDAY, OCTOBER 19, 1993

Date: 10/21/93 Time: 02:42

Key Senators Attack President's Commitment To Fighting Drug Abuse

(Washington) -- Key Senators are attacking the Clinton administration's commitment to fighting the nation's drug problem.

Senate Judiciary Committee Chairman Joseph Biden says the administration is not treating the issue ``seriously enough.'' He spoke at a hearing Wednesday after the administration unveiled its new policy to combat drug abuse.

The director of the Office of National Drug Control Policy testified that the new policy emphasizes drug prevention and treatment. Lee Brown says the administration wants to stop using phrases such as ``fighting the war on drugs.''

That drew fire from Republicans. Utah Senator Orrin Hatch claims the administration's policy is more style than substance.

A former drug policy chief under former President Bush, William Bennett, joined in the criticism. He testified that the administration is showing ``no theory, no practice'' and is basically a ``no show'' on the issue.

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n business during a riot
urbance.
ne law requires proof of
strators' intent to violate
Pugsley said that while
arge may be legally plausi-
t was precisely the issue of
t that was the weakest part of
state case against Watson and
Williams, who were acquitted on
ry charge involving specific
ent.

Federal prosecutors already
ave tacitly acknowledged the
mismatch in waging a civil rights
prosecution against Watson and
Williams.

When the two men were arrest-
ed last year, federal prosecutors
quickly filed a complaint that they
later withdrew to allow the state
case to proceed.

The federal complaint did not
allege a civil rights violation, but
rather the crime of interfering with
interstate commerce.

The statute, which prohibits the
willful disabling of drivers and
motor vehicles, was created in the
1950s, partly in response to violent
labor conflicts that targeted com-
pany vehicles.

In the Denny beating, federal
prosecutors described Williams'
and Watson's crime as having
attacked Denny when he was
"hauling a load of gravel from
Azusa to Inglewood so that it could
be mixed with other substances
from various parts of the country
and sold as concrete. . . ."

Observed Chemerinsky: "It's
kind of a stretch."

Although the interstate com-
merce law is worded broadly
enough to cover Denny's beating,
its application in this case pushes to
the edge of what it was intended to
combat, scholars say.

What ultimately will guide the

government in its decision on pros-
ecuting Watson and Williams is a
Justice Department policy drafted
more 30 years ago to restrict "du-
al" or "successive" prosecutions.

The policy states that "there
should be no federal trial for the
same act or acts unless the reasons
are compelling."

Two such reasons outlined by

the policy are if the state trial fails
to address substantial federal in-
terests, and if a federal trial would
result in an increased sentence.

Because Watson and Williams
were convicted of several
counts—a felony and five misde-
meanors—scholars say it appears
unlikely that their case meets the
requirements.

Federal Courts Are Casualties in War on Drugs

■ **Judiciary:** The bench is buried
in trials, up 197% in 10 years,
best suited for state courts.

By DON EDWARDS

Insulated from the hot winds of politics
and the hysteria of the moment, the federal
judiciary has been the guardian of our
rights for more than 200 years. Today, this
great system of justice is in trouble, and
unless corrective measures are taken by
the President and Congress, we all are
endangered.

It was the intention of the founders that
the federal courts would rule over issues of
national importance, major federal crimes
and constitutional controversies, leaving to
state judges—now numbering 29,000—the
responsibility for most criminal cases.
Sadly, in the past decade Congress has
federalized scores of state crimes, and the
added burden on the federal courts threat-
ens their viability.

Caught in the early 1980s frenzy of the
"war on drugs," Congress enacted dozens
of tough federal drug laws, each bearing a
heavy sentence with no parole. These
trials have precedence over civil cases.

The 649 federal district judges are now
fairly drowning in drug cases that should
be tried in state courts. Even if the current
110 judicial vacancies are filled, the district
courts still will be overwhelmed, and
important civil cases, where the delays
now average nine months, will languish at
the clerks' desks, with all the costs and
anguish that result when judicial consid-
eration is delayed or denied.

From 1982 to 1992, criminal drug cases in
the federal courts increased 197%, from
4,218 in 1982 to 12,512 in 1992. That's 8,294
additional drug trials. In 1992, drug cases
represented more than 26% of the criminal
cases in federal courts. Over the same
10-year period, the civil case load in-
creased by a modest 10%.

In some areas, civil cases must wait
three years for attention. It is even worse
in the West's enormous Ninth Circuit,
where Chief Judge J. Clifford Wallace in
frustration announced in May that unless
changes were made, there would be no
time to hear civil appeals. Two senior
judges from the New York district have
announced that they will no longer hear

**'Congress must act soon or the
damage to the once-great
federal judiciary system will be
irreparable.'**

drug cases. The morale of the federal
judges is suffering. Historically, they have
used their discretion in cases where both
the individual and society would benefit
from a sentence that promotes rehabilita-
tion. The mandatory minimum sentencing
laws took away that discretion and, in case
after case, the federal judge must impose a
harsh prison sentence that ignores any
mitigating circumstance.

It is distressing for a judge to find that he
or she must send to prison for years a
first-time, nonviolent offender whom the
judge considers a good prospect for reha-
bilitation if given a shorter sentence and
strict federal probation.

The judge also knows that the federal
prisons are bulging at 143% of capacity,
resulting in nearly unmanageable condi-
tions, with few programs designed to
rehabilitate the felon.

Congress must act soon or the damage to
the once-great federal judiciary system
will be irreparable. The best vehicle avail-
able may be the omnibus crime bill under
consideration by the House and Senate. An
amendment must be added that gives the
sentencing judge flexibility, at least in drug
cases, to tailor the sentence, taking into
consideration such factors as the defend-
ant's degree of participation in the crime,
as well as the prospects for rehabilitation.

Such an amendment would begin the
rescue of a system that has been for two
centuries the model for the world.

*Rep. Don Edwards (D-San Jose) is vice
chairman of the House Judiciary Committee.*

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Los Angeles Times

MONDAY

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Pentagon Plans Shift in War on Drug Traffickers

By JOSEPH B. TREASTER

The Defense Department announced a modest shift yesterday away from its ineffective and heavily criticized attempts at intercepting drugs to a greater emphasis on helping countries in Latin America attack the major drug trafficking organizations. But drug experts said the change was likely to have little effect on the flow of illegal drugs into the United States.

Brian E. Sheridan, the Deputy Assistant Secretary of Defense for Drug Enforcement Policy and Support, said the military planned to cut spending on the interception of drugs, which now accounts for 71 percent of its \$1.17 billion anti-drug budget, by 6 to 11 percentage points. It intends to increase spending on training and equipment for countries that grow, refine and export illegal drugs to 16 percent, up by 5 percentage points.

The biggest impact on the military's anti-drug programs, which have repeatedly been criticized in Congress and by independent drug experts as among the country's most expensive and least effective anti-drug efforts, is being brought about by Congress. Pentagon officials said Congress was likely to cut the overall military anti-drug budget by as much as \$250 million, or nearly double what the Pentagon had recommended after an internal review.

Some drug experts said the Pentagon shift represented little change from that of the Bush Administration and pointed out that in making the announcement today, the Clinton Administration failed to address the main issue of debate: how much of the proposed \$13.1 billion annual drug budget should be devoted to law enforcement and how much to rehabili-

tation and other health measures.

The Clinton Administration's budget allocates about 65 percent to law enforcement and 35 percent to health measures, or about the same as the last Bush budget. Members of Congress and many drug experts have been urging a substantial increase for treatment, and some have suggested a 50-50 split.

The Administration issued a national drug strategy last week that

Stress on helping Latin countries fight the trade.

emphasized health issues. But the strategy was widely criticized by Democrats as well as Republicans and independent experts for not giving any indication of how spending would be apportioned.

Drug experts questioned the fundamental direction of the Pentagon's shift, saying corruption and a lack of enthusiasm for tackling the drug problem in some Latin American countries made putting more money into them an extremely questionable enterprise. Colombia has been the most cooperative by far in helping the United States achieve its goals in Latin America, they said, and it has focused almost entirely on quelling the domestic violence of drug gangs rather than on trying to destroy their ability to produce and ship drugs.

"They're taking money out of interdiction, which is good," said Peter Reuter, the director of drug policy

research at the Rand Corporation. "But they're moving it to an area that I think is even less promising: helping governments that don't want to be helped."

Mr. Reuter characterized the Pentagon's changes as "minor programmatic changes of the kind that go on every year without pronouncement."

Futile but Morally Essential

Rensselaer Lee 3d, a consultant on international drug issues and the author of "White Labyrinth: Cocaine and Political Power," said he regarded attempts at fighting drugs abroad and at intercepting drug shipments as futile but morally essential. "We have to show that we care, that we're taking a stand," he said.

Mr. Sheridan said the assistance to Latin American countries would probably include increases in United States Army Special Forces training teams and perhaps more radar equipment to help the countries track smugglers' planes. Drug Enforcement Administration officials say the radar sites are ineffective and should be shut down.

Mr. Sheridan said the Pentagon also planned to provide more intelligence information to the Latin American governments and to step up assistance in planning anti-drug investigations and raids. He emphasized that American forces would not be accompanying Latin American police and military units on operations.

To cope with a reduced total budget of \$900 million to \$950 million, Mr. Sheridan said the Defense Department was replacing some of its larger warships — cruisers and destroyers — on patrol in the Caribbean with smaller vessels that had been used to monitor Soviet submarines.

IN OUR OPINION

DRUG WAR

No quick victory, but nation needs clear strategy

Drug czar Les Brown went up to Capitol Hill the other day and got bloodied by the Senate Judiciary Committee, whose members don't think he or his boss, Bill Clinton, are doing enough to fight the drug war.

The senators were miffed at the staff cutbacks in the drug policy office in the White House, as well as at the administration's failure to call for more federal substance abuse treatment funds.

The policy office has always been an exercise in public relations — who can remember anything that the first drug czar, William Bennett, did besides promote his own political fortunes? But the lack of support for substance abuse treatment borders on the tragic. The president is missing a beat if he does not

reverse that trend and articulate his own drug policy more clearly. But what policy?

Unhappily, there is no silver bullet with which to slay the drug demon. You have only to look at our failure to curb alcohol abuse and its accompanying ravages to understand that drug abuse also will be a chronic, persistent cancer the country must cope with for years to come.

But we can try to curb the violence linked to the drug trade, to protect neighborhoods from the corrosion induced by the local crack house, and to offer treatment to users who want to kick the habit. We're talking, of course, about gun control, about banning the possession of handguns by juveniles, about forfeiture, community policing, mentoring, anti-drug

education and jobs for urban youths.

We're also talking about Congress and state legislatures doing less posturing, about wasting fewer resources on mandatory sentences for minor drug infractions, and instead finding more funds for meaningful probation and parole programs. Yes, there's a terrible triteness and lack of

glamour to all these recommendations. That doesn't mean they wouldn't be helpful if they ever were funded adequately.

The president's health care plan, the last we heard, will include funds for substance abuse treatment. Reserving even a small chunk of the huge health care budget for such treatment will be a major advance. Meanwhile, we don't hear as much rhetoric about interdiction of drugs

from abroad or dropping paratroopers into Andean coca fields. If that means we're going to stop blaming Peru and Colombia for our own bad habits, and concentrate on reducing demand at home, that's good, too.

So the administration may have a de facto drug policy taking shape after all. If so, the president needs to articulate it more forcefully, to shape federal anti-drug efforts more clearly, and to give local communities more support and sense of direction. If Mr. Clinton has some better ideas in his back pocket, we're eager to hear those, too.

But he can't expect Mr. Brown to be an effective anti-drug crusader, in front of Congress or anywhere else, if he himself has not made the issue a priority and laid out a coherent policy to deal with it.

Brown: Be specific

Md. Is 7th In Drug War Spending

Virginia Ranks 17th In National Survey

By Paul W. Valentine
Washington Post Staff Writer

Maryland ranks seventh in the nation in per capita spending in the war on drugs, with most money going to police, courts and prisons and smaller amounts to drug treatment and education, a new survey shows.

The survey, ordered by the White House office of national drug control policy, shows that state, city and county governments in Maryland spent \$377 million 1991, or \$77.63 a person.

Virginia ranked 17th in the nation at \$47.50 a person, according to the survey, with overall expenditures of \$299 million. Figures for the District were not included.

The national average was \$63.08, according to the survey.

The survey was released yesterday as more than 50 representatives of states and big cities met in Washington to discuss strategies with the office of drug control policy, which under the Clinton administration has advocated a shift in emphasis from law enforcement to drug treatment and education.

Or as Director Lee P. Brown put it in his foreword to the survey: "We expect that the distribution of spending on drug programs, which until now has favored supply reduction, will begin to shift more to the demand reduction activities."

In Maryland, that approach is expected to meet resistance among some state legislators, who control appropriations for criminal justice agencies and favor beefed-up law enforcement measures against rising crime and violence, much of it drug-related.

On the other hand, Baltimore Mayor Kurt L. Schmoke has led the call among some drug policy leaders to consider diverting large parts of law enforcement resources to drug treatment and education.

Contending that the police war on drugs has been a failure, Schmoke has suggested that the battle be led "not by the attorney general, but by the surgeon general."

The survey shows that in Maryland, \$285 million, or 76 percent of the \$377 million in drug control expenditures in 1991, went to police, courts and prisons, while the rest, \$91 million (24 percent), was spent on hospitals, treatment and education.

This was close to the national average. All told, the survey said, states and localities spent \$15.9 billion on drug control, \$12.6 billion (79 percent) of it on police, courts and prisons, and \$3.3 billion (21 percent) on treatment and education.

Of Virginia's \$299 million total expenditures, \$209 million (70 percent) went to law enforcement and \$90 million (30 percent) to treatment and education, according to the survey. Per capita expenditures ranged from \$154.44 in Alaska to \$13.73 in South Dakota.

The survey was based on sample figures compiled by the Bureau of the Census from the 50 states, plus all 3,042 counties and most municipalities in the country.

Democrats Accused of Planning To Disrupt GOP Town Meetings

By Kevin Merida
Washington Post Staff Writer

House Republican leaders yesterday accused Democratic Party operatives of planning to disrupt a nationwide series of town hall meetings scheduled for Saturday to discuss GOP health care proposals.

The accusation is based on a memorandum obtained by Republicans in which a top Democratic Party health care coordinator urges supporters of President Clinton's plan to attend the GOP forums in "large numbers" to "counter misinformation . . . that opponents are likely to spread through these meetings."

The coordinator, Heather Booth of the Democratic National Committee's National Health Care Campaign, goes on to say in the Nov. 29 memo that the campaign will furnish Clinton supporters with buttons, signs, "a list of talking points" and questions for the GOP meetings.

The strategy was strongly condemned by Republican leaders, who called on Clinton to disavow the "dirty tricks."

In a letter faxed to the president yesterday, Minority Leader Robert H. Michel (R-Ill.), Minority Whip Newt Gingrich (R-Ga.) and Republican Conference Chairman Richard K. Armey (Tex.), said: "It is unseemly for your party to politicize these events, and to suggest that Republicans in Congress would use them to 'spread misinformation' that must then be 'corrected' by your partisans in the audience."

The letter adds: "As you know, the Republican party has never stooped to such activity in the numerous town meetings you have held on the subject, and a firm sig-

nal from you to your troops would certainly go a long way toward restoring the sense of bipartisan cooperation with which we ended the last session of Congress."

White House spokeswoman Dee Dee Myers told reporters yesterday afternoon that the memo was "not something that we have control over . . . The president hasn't seen this." She said Clinton continues to want a bipartisan debate on health care reform and added, "The president never approves of dirty tricks."

Catherine Moore, spokeswoman for the DNC, said: "We've encouraged people to participate in town hall meetings, regardless of whether Democrats or Republicans are hosting the meetings. That's what town hall meetings are for. . . . We have not encouraged anyone to shout down members of Congress or cause disturbances."

Moore said the memo was sent to 50 field organizers for the health care campaign, but added that top party officials have endorsed bipartisan cooperation on health care and are glad GOP lawmakers are holding forums.

Forty Republican House members and four senators in 23 states are scheduled to participate in the forums.

Michel, sponsor of one of three major Republican alternatives to the Clinton plan, said in a statement yesterday that the Democratic memo "throws a monkey wrench" into crafting a bipartisan approach on health care. And Gingrich said he was "appalled that so soon after working in a bipartisan spirit with President Clinton" to pass the North American Free Trade Agreement, that Democrats would organize to "disrupt" GOP town meetings.

Clinton clears pay raises for government employees

By Greg Pierce
THE WASHINGTON TIMES

Union leaders yesterday praised President Clinton for approving nationwide pay increases for federal workers, but taxpayers may not feel the same way.

Robert M. Tobias, president of the National Treasury Employees Union, said the "locality pay" increase — 4.23 percent for workers in the Washington-Baltimore area — is "recognition from the top that federal worker pay is woefully behind the private sector."

Pete Sepp, spokesman for the National Taxpayers Union, had a different view: "Certainly this cannot help contribute to deficit reduction, and it reinforces the notion that government is exempting itself from painful choices to reduce the deficit."

The increase will cost \$1.65 billion nationwide. Congress has said the money will come out of agency budgets.

The pay increases range from 3.09 percent for "the rest of the United States" to 6.52 percent for Houston. The average federal worker nationwide would receive a 3.96 percent boost. The pay raise for the Washington area ranked 10th on the list.

Mr. Clinton on Wednesday accepted the recommendations of the Federal Salary Council, an eight-member advisory committee that includes representatives of six employee groups, to raise the pay of federal workers based on individual labor markets across the country.

More than half of federal employees in this area will see higher pay starting in the new year. The rest already receive special salary rates that supersede locality pay.

The federal pay raise might give an added kick to the Washington-area economy, boosting consumer confidence at a time when the economy appears already headed for a mild upswing.

"The good part about this is the timing," said Atlee Shidler, president of the Greater Washington Research Center, which publishes a monthly

RAISING PAY

The percentage pay increases for federal workers around the nation, effective Jan. 1.

Atlanta	3.86%
Boston	5.47
Chicago	5.34
Cincinnati	4.22
Cleveland	3.34
Dallas	4.21
Dayton, Ohio	3.77
Denver	4.54
Detroit	4.84
Houston	6.52
Huntsville, Ala.	4.10
Indianapolis	3.68
Kansas City, Mo.	3.30
Los Angeles	5.69
Memphis, Tenn.	3.09
New York	5.77
Norfolk	3.28
Oklahoma City	3.34
Philadelphia	4.96
Sacramento, Calif.	3.69
St. Louis	3.09
Salt Lake City	3.09
San Antonio	3.09
San Diego	3.88
San Francisco	6.18
Seattle	3.92
Washington	4.23
Rest of United States	3.09

Source: Federal Salary Council

The Washington Times

index that tracks the local economy.

"We've had pay increases before that haven't shown up in retail sales figures," he said. But he said this windfall for federal workers may wind up in local stores — and could possibly increase Christmas sales even though the pay raise will not be in paychecks until after Jan. 1.

"Any increase like this is good for our regional economy," said Robert T. Grow, executive director of the Washington/Baltimore Regional Association. He added that the pay raise will make it easier for the federal government to retain talented workers.

Locality pay traveled a tortuous path through Washington's corridors of power. For much of the year, the president opposed it.

Mr. Clinton, in his original budget,

wanted to delay it until 1995. But Congress, under pressure from federal employee unions, overruled him, although it denied the regular, annual pay adjustment of 2.2 percent for 1994.

In a recent interview, John N. Sturdivant, president of the American Federation of Government Employees and a member of the Salary Council, said labor took the White House "to the woodshed" over its attempt to renege on a deal the unions had forged with the Republican administration of George Bush.

The Clinton administration also had objected to the Salary Council's methodology in coming up with salary increases in 27 cities and "the rest of the United States."

Robert S. Keener, president of the National Federation of Federal Employees and a member of the Salary Council, said: "At the time, we [the council] all sat and tried to figure out what their complaint was. There was no specific complaint."

Mr. Keener said General Accounting Office studies had showed "an ever-widening gap" between federal and private-sector pay, which was the rationale for the new system.

"The locality pay brings federal workers close to parity with private-sector workers for the first time in 20 years," Mr. Keener said.

The Salary Council said that, on average, federal-worker pay trails the private sector by 25.78 percent. In Washington, that figure is 27.23 percent.

However, Noel Card, spokesman for the American Legislative Exchange Council, said federal worker pay is rising faster than private sector pay, according to preliminary statistics gathered by his organization for an upcoming report.

The Salary Council's proposals, unveiled in late October, were given to the federal "pay agent" — the secretary of labor, the director of the Office of Management and Budget and the director of the Office of Personnel Management — who recommended that Mr. Clinton accept the package.

Escobar's exit means little now

By Michael Hedges
THE WASHINGTON TIMES

U.S. anti-drug officials shed no tears over the reported death of Pablo Escobar, but they were not optimistic that removing the once powerful figure would have a measurable impact on cocaine entering the United States.

"Bringing Escobar to justice has been a priority of drug law enforcement throughout the world," said Stephen Greene, acting administrator for the Drug Enforcement Administration.

"Escobar's demise will now enable the Colombian government to focus its efforts on the Cali Cartel, the world's largest drug trafficking organization. This action proves once again that powerful drug traf-

ficking lords are not invincible."

Escobar headed the Medellín Cartel, which in the late 1980s supplied an estimated 80 percent of the cocaine entering the United States. That organization had been eclipsed by the Cali group and was considered of marginal significance by the time of his death, which was reported yesterday.

"Six years ago this would have been a huge victory," said a former federal prosecutor involved in efforts to have Escobar extradited to the United States. "Others have taken his place now, but it's an important symbolic victory for the Colombian government."

Thomas Cash, special agent in charge of the Drug Enforcement Administration office in Miami and a long term nemesis of Escobar, said,

"We will not be saddened in Miami if reports of his demise are true. I just hope he doesn't reappear like Elvis."

Mr. Cash said Escobar had a 10-year reign, from 1977 to 1987, as king of international cocaine dealers. "This man was Colombia's John Dillinger. He terrorized the entire country until 1987. Since then he has been hunted and on the run," Mr. Cash said.

Mr. Cash agreed that it was not clear that the death of Escobar will have any direct impact on drugs smuggled into the United States. "I don't have a good handle on that," he said.

But the death of Escobar would still mark an important transition for the government in Colombia, for those fighting drugs in the United States and for rival cartels, he said.

Death in Colombia

End of Pablo Escobar May Slow the Violence, But Not Cocaine Trade

Focus Now Moves to Cartel
In Cali, and to the Valley
Controlling Heroin Flow

The Revenge of the Pepes

By JOSE DE CORDOBA

Staff Reporter of THE WALL STREET JOURNAL

MEDELLIN, Colombia—At the old cemetery of San Pedro, hundreds of families come every Sunday to mourn, visit and play songs for the dead young men from the no-hope barrios of this city.

The dead are laid out in flower-bedecked concrete crypts, stacked like miniature apartments, a dozen high. In recent years, two-thirds of those buried here have been young men 15 to 25 years old who died violently.

This is the legacy of Pablo Escobar, the cocaine overlord whose life came to a bloody end yesterday in a shootout with police at a house in Medellin.

If one man is to blame for the wave of violence that has plagued Colombia—especially Medellin—for a decade, that man, many here say, was Mr. Escobar.

He was the one responsible for the assassination of dozens of magistrates, high government officials and policemen. His minions set off dozens of bombs, including one that destroyed an Avianca airliner, killing all 107 on board in 1989. More than any other cocaine chieftain, Mr. Escobar set the tone for the drug-related violence that one academic study claims was responsible for 40% of Colombia's more than 28,000 killings last year.

Mr. Escobar, once worth \$2.5 billion according to Forbes magazine, had a \$6 million reward on his head when he was gunned down on the roof of a two-story house in Medellin. Dressed in blue-jeans and wearing a beard, Mr. Escobar, 44, had been a fugitive for 16 months.

Colombians hope the killing will abate, now that Mr. Escobar is gone. But no one expects the drug lord's death to have much impact on the world cocaine trade. "With the end of the Escobar problem, there is an end to terrorism, an end to the killing of policemen; but as to drug trafficking, Escobar is a small part of that big world," says the police colonel in charge of the elite troops who searched for Mr. Escobar.

The murky panorama of the drug business now is expected to become even murkier. Many analysts believe cocaine exports may even increase, given that the remaining members of the Medellin cartel will be able to turn their energies to a drug business that has grown more sophisticated. And in an ominous recent development, Colombian drug traffickers have branched out into heroin, produced locally from poppies whose cultivation has increased dramatically.



Pablo Escobar

The Focus on Cali

While Mr. Escobar spent his last year dodging government troops and vengeful former colleagues, a rival cocaine organization based in the city of Cali has quietly grabbed most of the world cocaine market from his weakened Medellin organization.

In Washington, Robert Bonner, former head of the Drug Enforcement Administration, says that the Cali cartel now accounts for as much as 80% of Colombia's cocaine exports. Another U.S. drug official calls the Cali cartel "perhaps the most sophisticated criminal organization in the world."

With Mr. Escobar's death, some Colombian officials say that the government could turn its attention to the leadership of the Cali cartel. The DEA's acting administrator, Stephen H. Greene, commended the Colombian police for its efforts to capture Escobar. "Escobar's demise will now enable the Colombian government to focus its efforts on the Cali cartel, the world's largest drug-trafficking operation," Mr. Greene said.

In fact, Cali's drug lords have no desire to confront the government, as their colleagues in Medellin have done. Earlier this year, lawyers for Cali drug traffickers contacted Gustavo de Greiff, Colombia's attorney general, with a startling offer: They were willing to dismantle their operations and square their accounts with the law. "We are realists," Mr. de Greiff says the emissaries from Cali said. "We realize that after Escobar, all of the government's forces will be directed against us."

Pushing Overseas

U.S. drug officials are skeptical, to put it mildly, that the Cali *narcotraficantes* will dismantle their drug business. "They talk from both sides of their mouth," says Tom Cash, the DEA's Miami chief. "The Cali people spend every waking hour of every waking day working to bring kilo loads to the U.S. and Europe, their largest market."

One young drug dealer who works for one of the top Cali bosses agrees with that assessment, saying, "My friends want to move their business to other countries, but they will still be in the same business." Nevertheless, many believe that Mr. Escobar's death will be a big incentive for Cali's

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Death in Colombia: Cocaine Overlord Pablo Escobar Is Gone, but the Drug Trade Continues to Flourish

Continued From First Page

narcos to work out some sort of legal amnesty with the Colombian government.

Most analysts and political insiders here question whether the Colombian government has the will to challenge the Cali cartel, whose style and modus operandi are very different from that of its Medellin counterpart. Mr. Escobar and other Medellin drug lords were, for the most part, a flamboyant and violent lot, who openly entertained political ambitions, and when these were frustrated, waged a war of car bombs and assassinations against Colombia's government and society. The Medellin cartel's "narcoterrorism," rather than drug trafficking, has understandably been the government's main concern.

In sharp contrast, Cali's drug lords are understated and sophisticated, largely preferring bribery to murder. "It's a complicated problem," says Attorney General de Greiff. "They haven't been violent. They don't have the armies of assassins" Escobar had. (That is not to say that Cali's "gentlemen capos" don't kill. They just kill less spectacularly. One exception to the rule: the 1992 New York City murder of Manuel de Dios Uanue, a crusading antidrug journalist.)

At any rate, the future seems ensured for Cali's most powerful drug lord, Gilberto Rodriguez Orejuela, nicknamed the Chessmaster, who has several indictments in the U.S. for drug trafficking. Once a pharmacist, Mr. Rodriguez Orejuela rose from car thief and kidnapper to head a vast empire that includes a chain of drugstores, the city's vastly successful soccer team and enormous real-estate holdings, sources familiar with his organization say.

"There is a reluctance to do business with somebody whose hands are full of blood, but the hands of the Rodriguez Orejuelas are clean," says a respected Colombian statesman who did not want to be named. "People won't have any problem doing business with them."

Nine years of war between the Medellin cartel and the government have bloodied both. The cartel notched one important victory when Colombia's extradition treaty with the U.S. was discarded as part of constitutional reform. And President Cesar Gaviria's government was made a laughingstock last year when Mr. Escobar fled what turned out to be a luxury jail he controlled.

Still, the principal leaders of the Medellin cartel are either dead or in prison, and the cartel's share of the cocaine market has fallen sharply. "It's a demonstration that terrorism is not good for business," says the statesman, drinking coffee in his book-lined Bogota study.

But in Cali, Colombia's third-largest city, business is booming. A part of the skyline has been turned — by drug-funded construction — into a mini-replica of Miami, complete with playful multicolored buildings and reflecting-glass shopping centers with inlaid stripes of neon lights.

In Cali, the narcos are everywhere. On

a recent night, some patronize a discotheque with movie screens featuring car-crash movies. In the lobby of the five-star Intercontinental Hotel, a drug merchant gives a warm embrace to a friend who is vacationing from Miami, where he is in charge of one of the cartel's U.S. operations.

Dealerships for expensive foreign cars, which are a common conduit for laundering drug money, are abundant in Cali. In restaurants, bodyguards on the job sip lemonade discreetly while their bosses at the next table down scotches. "Here, there are a thousand *muchachos* with a million dollars," boasts one young narco driving past a Mercedes dealership.

"They own the streets," says one leading Cali businessman. Speaking of the publicly flaunted drug affluence, a Medellin public-relations executive says he has seen it before: "Cali is where Medellin was 10 years ago."

Because the Cali drug lords have never challenged the government, most of the city's cocaine merchants live semi-openly. Sources say Mr. Rodriguez Orejuela lives behind the white walls of his compound in Ciudad Jardin, a neighborhood of mansions on the outskirts of the city where he receives, among others, Argentine soccer impresarios. Unlike Mr. Escobar, who had at least 22 separate indictments for everything from assassinating a newspaper editor to blowing up an airplane, most of Cali's drug lords have no serious charges pending against them in Colombia.

U.S. officials say — and Cali residents agree — that the power of the drug lords in the city is undisputed. A young man who works for one drug-trafficking group says a fleet of taxis provides intelligence on the movement of strangers, and local police provide security for narco gatherings. "They own Cali," says Mr. Bonner, the former DEA chief. "The question is, will they own the whole country?"

While Mr. Escobar was alive and on the run, the Cali cartel kept its mind on business, concentrating on extending its reach to rich new markets in Europe. There, a kilo of cocaine goes for as much as \$45,000, twice the wholesale price in Miami. Mr. Bonner estimates that as much as 300 tons a year — between a third and a fourth of Colombia's production — is now shipped to Europe.

Some Colombian, European and U.S. analysts and law-enforcement officials say that the Cali cartel has made informal alliances with organized crime groups in Europe and Asia. With the European crime groups, the cartel has developed smuggling routes to Western Europe through the chaotic states of the former Soviet bloc.

"There is absolutely no doubt that there is an alliance between the Sicilian Mafia and the Cali cartel," says Bruce Bagley, an expert on Colombia and drugs at the University of Miami.

One nexus in that alliance is to be found in next-door Venezuela. It has become an important transit point for drugs going to

Europe and the U.S., as well as an important money-laundering center. Last year Venezuelan police extradited to Italy three Venezuelan-Italians who were suspected of running a heroin and money-laundering empire.

Also last year, the DEA seized 14,280 kilos of cocaine shipped inside concrete posts exported from Venezuela to Florida. DEA officials indicted Mr. Rodriguez Orejuela's brother, Miguel, for the shipment. "Venezuela could supplant Colombia not only in money-laundering, but as a drug producer and exporter," says one top Colombian police official.

Perhaps the most worrisome development both for Colombian and U.S. law-enforcement authorities is Colombia's entry into poppy cultivation and opium and heroin production, led by drug traffickers with connections to the Cali cartel. In 1992, the Colombian government got a rude shock when a police report estimated that there were some 50,000 acres of poppies in cultivation in the country, or almost 90% of the estimated world crop of poppies.

"The discovery created panic in high government circles," says Juan Tokatlian, a drug-policy expert at the University of the Andes in Bogota. The reasons: A kilo of heroin sells for 10 times as much as a kilo of cocaine. The poppies were being grown in areas contested by the country's pernicious guerrilla groups, which have the same level of interest in drug trafficking that they have in Marxist ideology. And growing poppies is a tempting proposition for area farmers who have been hard hit by the fall in world prices of coffee and other crops.

Colombian authorities reacted swiftly. In 1992, police dug up or sprayed with herbicide about 32,000 acres of poppies and seized 48 kilos of heroin, up from 3,700 acres eradicated and zero heroin seized the previous year. Despite the government's swift action, a lot of the poppy cultivation has just been driven back into remote areas where it will be much more difficult to eradicate.

Much of the heroin trafficking is the work of a violent criminal group, dubbed the Northern Cauca Valley Cartel, which operates in the rich sugar-cane lands north of Cali. The group has close ties to, and sometimes works with, the Cali cartel, U.S. and Colombian officials say. Its leader, Ivan Urdinola, was captured by police in April 1992 and pleaded guilty to drug charges.

Under Colombia's liberal program of sentence reductions for narcotics offenders, Mr. Urdinola is expected to serve 5½ years in prison. His brother, Juli Favio, is regularly seen in Cali discotheques.

After Mr. Urdinola's arrest, the number of mutilated corpses floating down the muddy waters of the Cauca River — the Urdinola brothers' trademark — has fallen sharply. "We used to get a body a day last year, mostly in the afternoon," says Maria Velez, a nurse in a town in the upper Cauca

valley. "Some had their hands bound. Some were not. We would let the bodies drift downstream unless the relatives told the police to watch out for a corpse wearing such and such." This year, there have been no bodies, she says.

If Cali's growing drug influence and the new heroin trade weren't enough, Colombian officials also worry that a group known as Pepes, the Spanish acronym for People Persecuted by Pablo Escobar, could become a new, even more violent version of the Medellin cartel.

The shadow organization is made up of Mr. Escobar's former Medellin cartel colleagues, who hounded the fugitive drug lord and murdered scores of his allies. Pepes made its appearance after Mr. Escobar's underlings tortured and murdered three lieutenants from the powerful Moncada and Galeano drug clans in a dispute over money and authority. According to Mr. de Greiff, the attorney general, Mr. Escobar demanded an increase in his cut from his lieutenants' operations to \$5 million a month from \$2 million.

Pepes is believed to be made up of relatives of the murdered men allied with Mr. Rodriguez Orejuela of the Cali cartel and, according to Mr. Escobar, Colombian police officers. The group is believed to be led by Fidel Castano, an alleged right-wing drug merchant and leader of a violent paramilitary group. Mr. Castano has been sentenced to 20 years in prison in absentia for his role in numerous massacres.

Mr. de Greiff and some high-ranking military authorities believe Pepes will dissolve now that Mr. Escobar is dead. Others are not so sure. One high-ranking Colombian policeman notes that Mr. Castano, known as Rambo, is a violent man who hired British and Israeli mercenaries to train his paramilitary group.

Those paramilitary soldiers are, he says, all dressed up and looking for somewhere to go.

Escobar Killed Medel

Colombian Forces Gun Down Billionaire Drug Trafficker on Rooftop

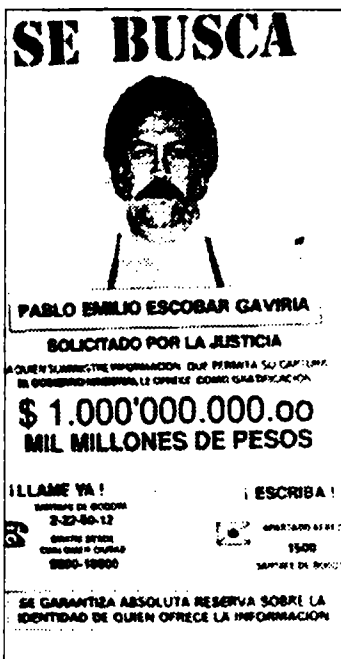
By Douglas Farah
Washington Post Foreign Service

BOGOTA, Colombia, Dec. 2—Pablo Escobar, who revolutionized cocaine trafficking and built an empire on terror and drug profits, was killed today in a shootout with police in his home town of Medellin.

Escobar, known as the "Godfather," began his criminal career as a car thief and tombstone robber, but moved on to become one of the founders of the feared Medellin cartel, which grew to control more than 80 percent of the multibillion-dollar cocaine business in the United States.

One of the world's most wanted men, Escobar was shot on a rooftop, along with a bodyguard, a Defense Ministry spokesman said. Officials said he had been hiding out in Medellin for most of the past six weeks.

Police said the billionaire was barefoot and shirtless in the chase. The Defense Ministry said a joint team of police and soldiers swept into the house, where Escobar had apparently been hiding for several weeks. Escobar and his bodyguard fired on the troops, who returned



Colombia rules out reward because government got the intelligence.

fire and killed them both, the ministry said.

Witnesses at the house where Escobar was killed said they had seen the bearded drug lord at-

tempting to flee across a roof before the police and army opened fire.

"I was working when I heard some shouting in the street, and I realized that a fat man without a shirt was walking on the roof of the house opposite," one man, who did not give his name, told the Reuters news agency. "At that moment, the man jumped toward another roof of the house and you could hear an amazing shootout."

"They offered resistance and died on the spot," Prosecutor General Gustavo de Greiff said.

De Greiff said an \$8.7 million reward offered by the United States and Colombia for Escobar's capture would not be paid, because the information that led authorities to him came from government intelligence sources.

President Cesar Gaviria said in a nationally broadcast speech that Escobar's death "is a step toward the end of drug trafficking" and shows "it is possible to defeat evil."

President Clinton sent a congratulatory telegram to Gaviria saying, "Hundreds of Colombians—brave police officers and innocent people—lost their lives as a result of

See ESCOBAR, A38, Col. 1

ESCOBAR, From A1

Escobar's terrorism. Your work honors the memory of all of these victims."

Stephen Greene, acting administrator of the Drug Enforcement Administration, said the shooting sent a message to drug traffickers. "No matter how powerful they are, no matter how much influence they say they have, no matter how much money they have, they are not immune to being pursued by legitimate governments," he said.

Police sources quoted by Reuters said telephone monitoring equipment provided by the DEA assisted in pinpointing the house where Escobar was hiding.

"On Wednesday Escobar made a call from a place in Medellin to his family in Bogota, and using an electronic system we managed to locate the place of the call," one source said. The family was in a luxury hotel in the capital, being guarded by troops, after returning from an unsuccessful attempt to take refuge in Germany.

The trafficker's mother identified his body.

Killing Escobar was a major victory for the government of Gaviria, which had been humiliated by Escobar and his ability to escape more than 1,500 men assigned to hunt him down.

Gaviria was embarrassed after he allowed officials to negotiate Escobar's surrender to the Colombian judicial system in June 1991. In exchange for Escobar's surrender, extradition was banned and he was guaranteed lenient treatment. Escobar was allowed to build his own luxury prison near the Medellin suburb of Envigado—with hot tubs—where parties with prostitutes were frequent and where he was able to direct his trafficking organization through telephone and computer hookups.

When the government finally moved to crack down, in July 1992, Escobar and his closest associates walked out of the prison. He had been on the run since, while most of his closest associates turned themselves in or were killed.

Police say Escobar and three other traffickers formed the Medellin cartel in the early 1980s. The others were Jorge Luis Ochoa, who surrendered to the government in 1991; Carlos Lehder, in prison in the United States; and Jose Gonzalo Rodriguez Gacha, killed by police in December 1989.

They built the Medellin cartel into the first organization with the capability of exporting tons of cocaine, rather than just pounds, and distributing narcotics across the United States. The organization was particularly ruthless in killing its opponents. In addition to trafficking charges, Escobar was wanted for ordering multiple homicides.

Since leaving prison, law enforcement officials said, Escobar's organization had lost much of its trafficking ability but retained some military strength.

The son of a schoolteacher and a small farmer, Escobar, who turned 44 Wednesday, revolutionized cocaine trafficking in the 1970s and 1980s, pioneering large-scale shipments first to the United States, then to Europe.

Unlike his rivals in the Cali cartel, Escobar and others in his organization craved recognition and overt political power. They also funded numerous social works around Medellin, winning the hearts of many in the poor areas who benefitted from the projects.

Escobar also demonstrated a ruthlessness in eliminating his enemies. He was wanted for masterminding the 1986 assassination of Guillermo Cano, editor of crusading anti-cartel *El Espectador* newspaper. In 1989, he allegedly ordered the murder of Sen. Luis Carlos Galan, a leading presidential candidate who favored extradition. In 1989, a car bombing and airline bombing left more than 150 people dead.

Escobar's group adopted the name "the Extraditables" because they were wanted in the United States and feared going to prison there. Their motto became "Better

a tomb in Colombia than a prison cell in the United States," and they set out to end extradition.

Escobar was first arrested in 1974, for stealing a car. He walked out shortly after, but was rearrested in 1976, when he was found driving a pickup truck with cocaine in the spare tire. Again he was in prison for less than three months, freed when his case mysteriously kept disappearing in the courts. The arresting officer was killed five years later by traffickers.

In 1982, as he was revolutionizing the drug business, he was elected to the National Congress as an alternate representative from Envigado. Not only did this put him in the corridors of power, but his legislative immunity meant he could not be arrested.

Escobar was forced to resign from politics in late 1983, when Justice Minister Rodrigo Lara Bonilla began investigating him and his organization. Lara Bonilla was assassinated in a hail of gunfire April 30, 1984, the first high-profile assassination by the Medellin cartel.

The cartel hired the best gunmen in Medellin, becoming one of the most feared organizations in the world. The Extraditables began their next offensive in August 1989, with the assassination of presidential candidate Luis Carlos Galan, a staunch supporter of extradition.

Then-President Virgilio Barco declared the all-out war on the cartel, confiscating hundreds of properties, vehicles and airplanes suspected of belonging to it, and arresting hundreds of people. The police offered a \$600,000 reward for the capture of drug kingpins.

In response, the Extraditables unleashed a wave of terrorism, setting off dozens of car bombs and offering rewards for every policeman killed in the Medellin area. More than 300 were killed.

The Associated Press reported from Medellin:

Escobar had been hunted not only by the security force but by a vigilante squad called People Persecuted By Pablo Escobar (PEPES), which killed several of his associates and threatened his family.

The vigilante squad is believed to be composed of members of the rival Cali drug cartel, disenchanted former Medellin cartel members and police avenging the deaths of officers slain by the cartel.

At one time, Escobar's drug trafficking gang was the world's biggest exporter of cocaine. But after his escape from prison, his empire was splintered by bloody internal rivalries and attacks by vigilantes and security forces.

The rival Cali cartel took over as the world's main supplier of cocaine. If Escobar's death leads to the Medellin cartel's collapse, the Cali cartel and other competitors are likely to try to pick up the Medellin business.

In Colombia, One Victory in a Long War

By JAMES BROOKE
Special to The New York Times

BOGOTÁ, Colombia, Dec. 2 — The death of Pablo Escobar Gaviria, Colombia's most notorious cocaine lord, offers the Government a symbolic victory in a war in which it is faring badly. On the propaganda front, Colombia long ago personalized the drug war against the blood-soaked Medellín traffickers by focusing on Mr. Escobar. But what the Government neglected to mention was that its highly publicized war has had very little impact on shipments to the United States.

The police pressure of recent years served largely to shift the center of Colombia's cocaine trade from Medellín to Cali, in the south. With the Medellín cartel splintered, traffickers based in Cali have grabbed 80 percent of the nation's export market.

The Government was slow to move against the Cali ring; it was not until September that a prosecutor ordered the arrest of its kingpin, Miguel Rodríguez Orejuela, on trafficking charges.

Leaky U.S. Borders

Together, Colombian cartels control 80 percent of the world's thriving cocaine trade, an industry that nets \$20 billion a year, according to officials at the United States Drug Enforcement Administration. Only a small fraction of drugs from Colombia to the United States are seized, the officials add.

The estimated \$6 billion of cocaine cash repatriated to Colombia annually cuts through all Government institutions. On Monday, for example, four personal bodyguards of the Attorney General, Gustavo de Greiff, were arrested and charged with cocaine trafficking. In October a top prosecutor in charge of drug cases, Guillermo Villa Alzate, was arrested after the police taped the prosecutor chatting on the phone with Mr. Rodríguez Orejuela.

"It is a secret for no one that 99 percent of official institutions have problems with infiltration," Carlos Gustavo Arrieta, the top prosecutor in Bogotá, said on Friday.

The Government of President César Gaviria Trujillo has been criticized for

promising leniency to Mr. Escobar, on whose orders hundreds of police officers have been killed. Mr. Escobar accepted the deal and surrendered in July 1991, entering a special prison built just for him and his henchmen.

After he escaped 13 months later, the Government endured even sharper criticism of the lax security and luxurious accommodations at the prison.

Yet the police also found frequent evidence of security lapses at the maximum-security prison in Itagüí, the jail 20 miles southwest of Medellín where Mr. Escobar's brother, Roberto, and

eight aides are being held. In searches in September, the police discovered cellular telephones, walkie-talkies and notes written to and from the fugitive drug lord.

In another case, authorities discovered in July that another trafficker, Iván Urdinola, who is being held in El Modelo prison in Bogotá, had used walkie-talkies to conduct his drug business from his cell. According to the police, relatives of Mr. Urdinola and members of his ring rented houses near the prison so they could pick up the signals.

U.N. Agency Finds No Assurance North Korea Bars Nuclear Arms

By DAVID E. SANGER

Special to The New York Times

TOKYO, Dec. 2 — The head of the International Atomic Energy Agency declared for the first time today that there was no longer any "meaningful assurance" that North Korea was using its nuclear materials solely for peaceful purposes, adding pressure on the Clinton Administration to reach a diplomatic accord with the North in the next several weeks or move to economic sanctions.

At the opening of a meeting of the agency's board of governors in Vienna, Hans Blix, the agency's director general, stopped just short of saying that the inspection process had totally broken down because of the North's refusal to allow regular inspections. But his aides made it clear that he was ready to make such a declaration by the end of the month, a step that officials in Washington and Seoul have said would mean sanctions.

Mr. Blix's comments came as the Communist Government in Pyongyang accused the Clinton Administration and the director of Central Intelligence, R. James Woolsey, of "intending to push the situation on the Korean peninsula to the brink of war." The statement, monitored in Tokyo, was apparently in response to comments Mr. Woolsey made on Tuesday that the North Korean Government might not be bluffing when it says it would go to war rather than bend to Western pressure on opening its nuclear plants.

Statements Toned Down

"Important to keep our powder dry and be prepared, and certainly the President is doing that," Mr. Woolsey said at the time. But since then, Mr. Clinton has made an effort to tone down the statements.

Officials of the International Atomic Energy Agency have said in recent days that Mr. Blix, under some pressure from Washington, Tokyo and Seoul, is postponing a formal declaration that the agency can no longer track nuclear material in North Korea. The delay is intended to give the Administration a few more weeks to seek a diplomatic solution.

"We are really walking the precipice," an agency official said today. "We want to give the political process one more chance, though."

As recently as Wednesday, North Korea's first Deputy Minister of Foreign Affairs, Kang Sok Ju, sent a message to Mr. Blix assuring him that North Korea "totally froze the movement of nuclear material" some time ago, and that "the inspection cameras and seals of the I.A.E.A. remain on the nuclear facilities of our new country."

But Mr. Blix said today that "in the absence of verification, such statements offer little assurance."

In the message, Mr. Kang offered to allow inspectors to visit North Korea for the limited purpose of installing

new batteries and film in surveillance cameras. But Mr. Blix rejected a similar proposal a month ago, saying that the inspectors must have the freedom to roam and seek evidence of diversions of material to weapons projects.

Virtually all of the cameras and other surveillance equipment installed at the nuclear site at Yongbyon, 60 miles north of the North Korean capital, have now run out of film and battery power, making it possible for North Korea to slip material past the cameras.

A senior South Korean official, speaking on condition of anonymity, acknowledged that his country was trying to lower the political heat so that North Korea did not feel trapped. "We were concerned that the North could use this debate in Washington as an excuse to end our discussions, or even to lash out," he said. "So we are trying to get some more time."

Mr. Blix has repeatedly said that inspection is a "process" that worsens gradually, the longer that inspectors are kept at bay. Today he said that the inspection system could be "fully or partially restored, if cooperation were forthcoming" from the North Koreans.

If the North is pursuing an agreement, however, it is hardly obvious in its public comments. In recent days the Pyongyang Government, in a series of statements monitored in Tokyo, has denounced the United States and warned that it was ready to face sanctions or war rather than back down to American pressure.

President Expresses Hope

Special to The New York Times

WASHINGTON, Dec. 2 — President Clinton expressed hope today that North Korea would "crawl back off this ledge they are on" in refusing to permit inspection of their nuclear installations. But he said a buildup of American military forces remained an strategy he could still employ to use to counter moves by the Communist Government.

In a series of interviews, Mr. Clinton expressed deep frustration about North Korea's intransigence. He also sought to allay concerns that the United States might be moving toward an imminent military confrontation with Pyongyang.

But with the Pentagon weighing options to strengthen United States and South Korean forces if the standoff turns more tense, Mr. Clinton told NBC News in an interview tonight that he would not exclude the possibility of dispatching American reinforcements.

"I'm doing what I can now to defuse this crisis and to give the North Koreans a way to join the community of nations and to enter a dialogue with the South," Mr. Clinton said. He said he "wouldn't rule out" sending more troops if progress is not made.

Head of Medellín Cocaine Cartel Is Killed by Troops in Colombia

Police Traced Escobar as He Plotted Kidnappings

By ROBERT D. McFADDEN

Pablo Escobar, who rose from the slums of Colombia to become one of the world's most murderous and successful cocaine traffickers, was killed in a hail of gunfire yesterday in a rooftop shootout with security forces in his hometown of Medellín, officials in Bogotá reported.

Caught in a hideout in the heart of the city that served as the base of a drug empire that reached across the Western Hemisphere and Europe in the 1980's, the 44-year-old fugitive with an \$8.7 million price on his head was surrounded by a cordon of 500 police officers and soldiers and shot to death, officials said. A bodyguard was also reported slain.

Phone Calls Are Giveaway

Authorities said Mr. Escobar and his bodyguard raced to the roof and fired at troopers who raided their two-story house in a commando-like operation, and were shot dead as they tried to escape over the rooftops. Witnesses said the raiders fired weapons into the air in jubilation and shouted, "We won!"

Officials said Mr. Escobar had been traced through telephone calls he had made in recent days while planning the kidnapping of prominent Colombians to pressure the Government into accepting his conditions for surrender: chiefly protection for his wife and children from rival drug gangs bent on revenge.

The killing of a drug lord who

amassed an illicit \$4 billion fortune and was blamed for the murder of hundreds — from presidential candidates and judges to police officers, journalists and innocent bystanders — ended a 16-month manhunt launched after his escape from prison in July 1992.

It also ended a life of crime that began with selling stolen tombstones, made him an uncrowned king with estates and airplane fleets, won him a place in the National Assembly and

Continued on Page A12, Column 1

Continued From Page A1

earned him a reputation as a killer who blew up neighborhoods, shopping centers and once a jetliner, and as a Robin Hood who built housing for the poor, paved roads, erected sports stadiums and provided jobs for thousands in his enterprises.

'The Triumph of Law'

Life on the run and the death or surrender of many of his lieutenants had severely eroded the volume of cocaine that Mr. Escobar was able to ship to the United States and Europe. But he once supplied what experts said was 80 percent of the cocaine used in the United States, and his death ended, at least symbolically, an era of terror and untold suffering in which Mr. Escobar's Medellín trafficking ring used the income of a multinational corporation to make war against a modern nation.

"It's the triumph of law over crime," Andrés Pastrana, a Colombian Senator, said of the death. "Escobar ended up being a symbol of violence and narco-terrorism. Now the country can begin to live more peacefully."

Colombia's Prosecutor General, Gustavo de Greiff, was quoted by the Reuters news agency as saying in a radio statement that the killing of Mr. Escobar was "excellent for the country, a demonstration that crime does not pay."

In Washington, Lee P. Brown, director of the Office of National Drug Control Policy, hailed the development. "Escobar was the most ruthless of the drug kingpins, and his fate should serve as an example to others who traffic in death and misery," Mr. Brown said.

But beyond its symbolism, his death was not expected to affect the flow of cocaine through North and South America or to have any effect on international efforts to stamp out traffic in a drug that continues to flood cities and to ruin the lives of millions of addicts, their families and others.

Vacuum Already Filled

In recent months, with Mr. Escobar on the run and increasingly desperate for a refuge for himself and his family, and with many of his lieutenants slain or captured and his organization in ruins, rival gangs in Cali and elsewhere in Colombia, as well as Bolivia and Peru, have taken over much of the market and its lucrative profits, and experts said they would not miss a heartbeat.

Stephen H. Green, acting administrator of the United States Drug Enforcement Administration, said in Washington that the death had ended the reign of the Medellín cartel. But he acknowledged that the Cali group and others had already filled the vacuum it left, and that the chief significance of doing away with Mr. Escobar would be to free resources for dealing with other drug traffickers.

The killing of Mr. Escobar was a major victory for an elite military and police corps known as the Search Block, a 3,000-member force, aided by United States and British communications and technology, that was set up at the time of Mr. Escobar's escape to hunt major drug traffickers in Colombia.

One American official said that the United States had not played a direct role in yesterday's events, but had regularly supplied information — from informants and electronic monitoring — on Mr. Escobar's probable whereabouts. The United States has provided \$73 million in cash and technical aid to Colombia's anti-drug efforts this year.

After Mr. Escobar's escape last year, the Central Intelligence Agency stepped up its anti-drug programs in Colombia, the Pentagon sent surveil-

lance aircraft to aid the search and the National Security Agency used electronic eavesdropping to intercept Mr. Escobar's telephone conversations, officials in Washington said yesterday.

Mr. Escobar had been hunted not only by the Government security force but also by vigilante squads known as People Persecuted by Pablo Escobar, or Pepes, which in recent months had murdered scores of his associates and turned the terrorist tables on Mr. Escobar, burning his homes and those of his family and blowing up his fleet of antique cars, including a 1933 Pontiac once owned by the Escobar idol, Al Capone.

A Life of Crime Begins

three days ago, Mr. Escobar's wife, Victoria Eugenia Henao, his 16-year-old son, Juan Pablo, and his 6-year-old daughter, Mamiela, flew to Germany seeking political asylum, but were turned away. The family returned to Bogotá and were staying in a hotel under army protection.

Shortly before Mr. Escobar was killed yesterday, President Alfredo Cristiani of El Salvador offered to give refuge to Mr. Escobar's family, but he said the offer was contingent on a formal request by Colombia's Government, which had no immediate response.

Colombia's long-hunted trafficker is finally brought to bay.

Pablo Escobar Gaviria, who turned 44 on Wednesday, was born on Dec. 1, 1949, in Rio Negro, 25 miles east of Medellín. His father was a farmer and his mother a teacher. A year later, they moved to Envigado, a rundown suburb of Medellín, where he grew up, finished high school and went to work for a smuggler of stereo equipment.

The teen-aged entrepreneur began selling tombstones he had stolen from a cemetery and sanded flat. He was first arrested in 1974 for stealing a car, but he soon learned to keep one step ahead of the police.

Behind a soft-spoken facade, he came to be known to associates and enemies as brilliant, ambitious, a quick learner with a talent for business and an unforgiving memory. By 1976, he was an established drug smuggler with a growing fleet of airplanes. Caught with 39 pounds of cocaine in a pickup truck, he walked out of jail three months later, his arrest mysteriously revoked; both officers who arrested him were later murdered.

With his pot belly and greased-down hair, he never outgrew the appearance of a thug. But he surrounded himself with luxury. In 1980, he bought a Miami Beach mansion; a year later, he paid \$8.3 million for an apartment complex in Florida and filled his Medellín condominium with paintings and Chinese porcelain.

A 7,000-acre ranch in Colombia, said to cost \$63 million, was his favorite estate. He landscaped it with artificial lakes and imported hundreds of exotic animals, including giraffes, camels, bison, llamas, a kangaroo and cockatoos. Hiding his drug dealing behind claims of legitimate business wealth and the image of a benefactor, he had his own radio show and was often accompanied by Roman Catholic priests.

He built housing projects for the

poor, soccer stadiums and roller rinks, often naming them after himself. In 1982, he won an alternate representative's seat in Colombia's Congress. Two years later, he was forced out of office when a justice minister exposed his criminal record. The minister, Rodrigo Lara Bonilla, was later slain.

Scores on the Hit List

Others believed killed by Mr. Escobar and his henchmen included Colombia's attorney general, a newspaper publisher, three presidential candidates, scores of judges and journalists and hundreds of others. A terrorist bomb believed set by his gang destroyed a Colombian jetliner in 1989, killing all 107 passengers and crew members aboard.

Meantime, Mr. Escobar's empire continued to grow. At their peak in the late 1980's, Mr. Escobar and other traffickers loosely associated in the Medellín cartel produced 60 percent of the cocaine in Colombia, which in turn supplied 80 percent of the United States market. Forbes magazine listed him among the world's richest people in 1990 and 1991.

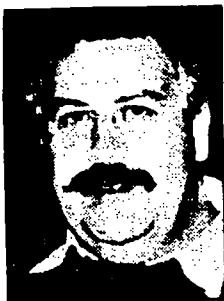
After he was indicted in the United States and his properties in Florida were confiscated, he went underground. Twice the Colombian Government rejected his offers to dismantle his cocaine empire. The war intensified after Mr. Escobar made an offer of \$4,000 for every police officer killed.

OPINIONLINE

What Colombian newspapers are saying about death of Pablo Escobar

Colombians will not miss Pablo Escobar

EL TIEMPO, Bogota, in a poll: Nearly 77% of 500 Colombians surveyed would have preferred that drug lord Pablo Escobar had surrendered rather than choose to die in a shootout with police. Forty-eight percent saw the drug lord's death as "positive," while 30% were "indifferent." Fifty-two percent said drug trafficking would continue unchanged despite Escobar's death, while 29% said it would diminish and 12% thought it would increase.



AP

ESCOBAR

EL MUNDO, Medellin, in an editorial: "The unanimity with which the Colombian people and the entire world viewed (Pablo Escobar) as the man most responsible for causing so much violence and death... justifies the reaction that at times has seemed jubilant. However, this reaction can't help but seem somewhat macabre since, after all, this is about the violent death of a human being... With great arrogance, Escobar overestimated the power given to him by his ill-earned money and underestimated the power of the state to combat and destroy his

criminal organization. Escobar also minimized the military power of the numerous enemies his ambition and megalomania helped him accumulate through the past 20 years."

EL ESPECTADOR, Bogota, in an editorial: "Fortunately the moral conscience of the honest country — the one that did not give in during this long process of siege against the values representative of a civilized society — prevailed. Colombia is still paying the enormous price of the loss of precious lives. However, the fall of Escobar, who thought himself invincible, opens for the country and the rest of humanity paths of hope toward social and moral reconstruction."

EL COLOMBIANO, Medellin, in an editorial: "Let's hope that all the efforts now be dedicated to combat the drug problem and the trafficking of narcotics with means that attack the roots of the problem and eliminate the two factors that make it possible: economic profits and consumption... The death of Escobar is not the end of organized crime nor of narcotics trafficking, which has multiple and complex ramifications not only in Colombia, but in the entire world. It would be wrong for the authorities and society to let their guard down."

QUE SANTOS CALDER, *El Tiempo*, Bogota, in a column: "The phenomenon of Pablo Escobar has probably been the most horrid chapter of Colombian history. It is an experience that we still must take time to understand and assimilate. How a criminal mind, calculating and brutal, supported by an unbelievable fortune, could defy for a decade the entire forces of the state is something that calls for reflection. With his death, a different psychological climate is already perceptible in the air. After so much humiliation and vexation, Colombia can now look at the rest of the world with the serene pride of knowing that no other country has led a fight against an international scourge that remotely equals ours. The elimination of Pablo Escobar will shut up those who from outside had converted the drug lord into a sort of superstate capable of corrupting and intimidating a whole country."

MONDAY, DECEMBER 6, 1993 • USA TODAY

Syria 'moves forward' on peace

Christopher wins pledges; talks with Israel still on hold

By Lee Michael Katz
USA TODAY

DAMASCUS, Syria — Secretary of State Warren Christopher said Sunday that Syria shows a strong desire for peace with Israel — but he was less clear about whether stalled peace talks will resume.

In a four-hour meeting with Syrian President Hafez Assad, Christopher did secure two pledges from Syria to:

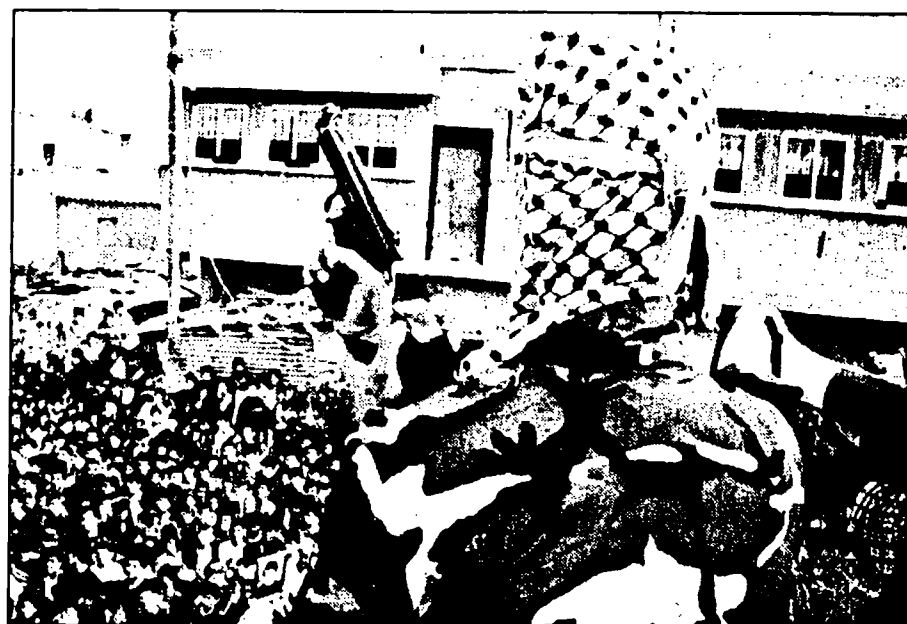
► Help determine the fate of seven Israeli soldiers missing in Lebanon.

► Grant exit permits to Syrian Jews seeking to go to Israel.

"I felt there is a strong desire on the part of President Assad to move forward with the peace process," Christopher said. "I felt the same way in meeting last night with (Israeli) Prime Minister (Yitzhak) Rabin."

Today, Christopher goes to Amman, Jordan, to meet Palestine Liberation Organization leader Yasser Arafat.

Arafat is expected to press Christopher to get involved in the Israel-PLO troop withdrawal talks.



By Nabil Juda, AP

PALESTINIAN RALLY: A Fatah Hawk, a vigilante group loyal to PLO leader Yasser Arafat, calls for freedom for all Palestinian prisoners at a rally in Khan Yunis, the Gaza Strip.

Christopher, who met Israeli officials over the weekend, described his talks with Assad as "long, detailed and quite intense." He will resume the talks here Thursday.

The key obstacle to a resumption of talks

between Syria and Israel, stalled since September, is a dispute over the Golan Heights, which Israel took from Syria during the 1967 war. Syria wants Israel to commit to withdrawing from the area.

Regarding the Israeli soldiers, Christopher called the Syrian action "an important humanitarian gesture" by Assad.

Among the MIAs is Ron Arad, a fighter shot down in 1986 and a hero in Israel. Arad's brother Chen said over the weekend he is certain Ron is alive in Lebanon. He said he was happy U.S. officials will help in the search, calling him a "prisoner of war."

As for Syrian Jews, the United States says that 850 of Syria's more than 3,750 Jews would probably take up the exit visa offer.

In other Mideast developments Sunday:

► A Palestinian killed an Israeli soldier on a bus in the first major attack in Israel since the PLO-Israeli peace accord signed in September. The attack took place when a Palestinian boarded a bus and opened fire, killing the reservist before being gunned down by troops.

► Israeli and Palestinian negotiators resumed talks in Cairo, amid growing doubts that Israel will meet the agreed timetable to begin withdrawing from the Gaza Strip and Jericho in seven days' time.

Reports from Cairo said the talks failed to resolve a dispute over security in the occupied territories, but that the two sides agreed to meet again Thursday.

► Israeli ministers warned Israelis to brace for a possible frenzy of attacks by opponents of the accord as the Dec. 13 deadline approaches for Israel to start transferring power to the PLO.

Next stop: career agent?

Acting DEA chief has eyes on top position

By Jerry Seper
THE WASHINGTON TIMES

Stephen H. Greene, acting administrator of the U.S. Drug Enforcement Administration, listens intently to questions during the two-hour interview, carefully framing his answers to capture both his beliefs about and his passion for the agency and its forerunner, where he has worked for more than 25 years.

His words are neither strident nor arrogant, but precise and to the point. He believes in the DEA and in himself.

"I am confident we are the organization that can have the most impact on drug trafficking in this country and elsewhere, and that the public shares that view," he says.

"My job is to continue to articulate the impact we are having and to assure our agents that I will do everything in my power to see that our limited resources for drug suppression are being directed to the most effective programs and agencies," he says. "I can do nothing less."

Mr. Greene doesn't sound much like a man strapped with the title of "acting administrator," someone looking over his shoulder to the Justice Department for signs of a replacement coming to take his newly assigned office.

Sure, he wants the job permanently, and several within the DEA and others at the Justice, State and Defense departments believe he should have it. But, then, he's got it, for the time being, and it's apparent the former U.S. Marine, who received a Purple Heart and Bronze Star during combat in Vietnam, is not wasting any energy worrying about the future.

This is, after all, a man who — as the DEA's country attache — was among the last U.S. personnel evacuated from Saigon after the South Vietnamese government fell to the communists in 1975.

"Certainly they know I'm interested in the job and I've been told that I am under consideration, but the decision is theirs," he said. "I have 25 years of training and expertise, and I know what the agency needs. But, in the meantime, things need to be done and I'm intent on doing them."

Mr. Greene had been a federal drug agent since 1968, when he first joined the DEA's forerunner agency, the Bureau of Narcotics and Dangerous Drugs. He has worked in field offices from the District, Baltimore and Los Angeles to Saigon, Hong Kong and Bangkok. He was named acting administrator in October, after the resignation of ex-DEA Administrator Robert C. Bonner.

At the time, he was deputy administrator. He previously served as assistant administrator for operations, where he directed the day-to-day management of the DEA's intelligence and investigative operations worldwide. He also was the agent in charge of the Los Angeles office and a senior inspector in the District.

A native of Plattsburg, N.Y., Mr. Greene, 50, has a bachelor's degree in government and political science at the University of Maryland. A graduate of DeMatha Catholic High School in Hyattsville and the son of a U.S. Immigration and Naturalization Service officer, he is considered "an agent's agent" by many of his peers.

"He came up through the ranks and has a real feel for what's happening on the street," said one DEA official who asked not to be identified. "He's seen firsthand the difficulties the agents experience on a daily basis and knows what they need to get the job done."

"There is a widespread feeling within DEA that Steve Greene wouldn't ask any of his agents to do anything he wouldn't do himself," the official said.

There also is a widespread feeling among many agents that it's time the DEA administrator was someone from within their own ranks.

As an appointee of President Bush, Mr. Bonner served from 1990 to 1993 and came from a background that included work as a lawyer, prosecutor and former federal judge in Los Angeles. His predecessor, John Lawn, was a veteran FBI agent before his transfer to the DEA as deputy administrator in 1982 and his appointment as administrator in 1985 by President Reagan.

Previously, the DEA was led by Francis M. "Bud" Mullen, a longtime FBI agent appointed by Mr. Reagan, and Peter J. Bensinger, former director of the Illinois Department of Corrections and executive director of the Chicago Crime Commission, who was named by President Carter.

Justice Department officials say no decision has been made on a permanent selection, but they unofficially confirm that Mr. Greene is under consideration. Others also are on the so-called "short list."

Officially created in 1973 by President Nixon, the DEA — with its 3,500 agents — is the lead agency in the country's drug enforcement program, both domestically and internationally. It is a role that has been challenged from time to time by other law enforcement officials, most noticeably the FBI.

Vice President Al Gore's "re-inventing government" team earlier this year proposed merging the DEA into one of the FBI's 10 divisions, a plan strongly opposed by Mr. Greene. The proposal, a part of Mr. Gore's National Performance Review, later was rejected by Attorney General Janet Reno.

The Gore plan outlined the creation of a Directorate of Central Law Enforcement, headed by the attorney general and supervised by a presidentially appointed council based at the White House. The major focus of the plan, which sparked the most controversy on Capitol Hill and elsewhere, called for the DEA-FBI merger.

"There was no question the DEA showed itself to be both productive and efficient, and there was a need to maintain the agency's integrity," Mr. Greene says. "It has earned the right to lead this battle."

The merger fight won, Mr. Greene's major concern is working to strengthen cooperative efforts between the DEA and the FBI and to further improve what he described as "an already excellent relation-

ship" with state and local law enforcement agencies across the country.

"It is incumbent on the DEA to ensure that the formal liaisons with our state and local colleagues continue," he says. "There is no way the DEA can solve the drug suppression problem without the full and complete cooperation of state and local authorities."

Mr. Greene's efforts at the state and local level coincide with those involving DEA commitments in 50 foreign countries, where agents operate under agreements signed by the United States and the host nations. He hopes to draw on an expertise gained while a deputy assistant administrator for the DEA's office of international programs.

"We have identified the cartels, know who their leaders are, and know where and how they operate," says Mr. Greene. "It should be our emphasis to help the host countries pursue these people within their own capabilities, and to offer support along the way."

"A professionalism that is pervasive throughout our agency has manifested itself in our overseas operations," he says. "And more countries are discovering it is in their best interest for political reasons to become involved."

Mr. Greene says international cooperation in suppressing drug dealers and drug operations is a top priority — one that would have a "profound impact" worldwide.

"If we lose the will of any of these countries to get involved and to take the lead, we all will be in very deep difficulty," he says. "These dealers have the wealth to buy power, influence and violence and we must be able to strike back."

His views are shared by Miss Reno, who said during the DEA's 20th anniversary celebration earlier this year that she was looking to "work with countries around the world with whom we have a partnership to renew" drug enforcement efforts "with all the vigor at our command."

That cooperation has begun to pay off, Mr. Greene says. And the record speaks for itself. Drug enforcement efforts by the DEA have been especially effective in the past few years.

In September 1992, for example, Colombia's most powerful cocaine cartel and its allies in the Italian Mafia were dealt what U.S. officials called a "crippling blow" with the arrest of 153 persons and the seizure of about \$45 million in cash.

No one claimed that the Cali cartel was out of business, but the DEA drove a deep stake through the heart of the illegal drug business by attacking its financial operations. The arrests and seizures of money and about 1,100 pounds of cocaine were part of Operation Green Ice, a two-year undercover investigation involving police in eight nations.

A key success of the operation was the arrest of seven high-level money handlers for the Cali cartel.

Seven countries — Colombia, Italy, Spain, Britain, Canada, the

Lessons of Vietnam War taken to heart

Stephen H. Greene was in his mid-20s when he first went to South Vietnam, like many other U.S. Marines who flooded that war-torn Southeast Asian country in 1966 and 1967.

The winner of a Purple Heart and a Bronze Star for bravery, he learned — also like many of his fellow Marines — what it meant to say, "When I die I'm going to heaven, because I've already been in hell."

He had no idea at the time that things could get worse.

Mr. Greene — now acting head of the U.S. Drug Enforcement Administration — returned to Vietnam in 1975 as the DEA's country attache. Then in

his early 30s, he was assigned to coordinate efforts to weed out drug dealers, some of whom were military personnel.

At that time, the war was winding down and the United States was gripped with anti-Vietnam fervor. It rang out on Main Streets across the country, on Capitol Hill and on college campuses throughout the nation. There were riots. Uprisings. Uneasy feelings. Sadness. "There was a different per-

spective on the war in 1966 and 1967 when I was first there," he said. "But that all changed. When I returned, I found there were a lot of questions and very few answers."

"People now wanted to know how we could send these young men to an immoral war and then allow them to return home as heroin addicts," he said. "There were no right answers. I had seen it from both sides, and it was deeply troubling to me."

Also deeply troubling was Mr. Greene's firsthand efforts to sort out and identify those involved in the shipment of drugs from South Vietnam to the United States — mainly by high-level Vietnamese and Chinese. Sometimes the drugs, predominantly heroin, were stuffed into body bags headed home.

"It was a very unfortunate time," said Mr. Greene, who was among the last of U.S. personnel stationed in Saigon — now Ho

Chi Minh City — to be evacuated when the country fell to the communists. "We were looking to get out of Vietnam and trying to call it 'peace with honor.'"

That's when Mr. Greene and a small cadre of his colleagues learned to reach out to one another, learned to trust themselves and their partners. It was a valuable experience, one that Mr. Greene believes has helped him throughout his 25-year ca-

reer with the DEA. It taught him, he said, about the streets and the people with whom he works.

"The single biggest thing I use in my decisions today is a profound skepticism of technology as a tool to solve drug problems," he said. "And while I don't minimize the value of high-tech solutions, it will never replace the need for good human intelligence."

"You have to be able to depend on those men and women around you, first and foremost," he said. "Everything else is just a backup."

— Jerry Seper

tel boss Pablo Escobar was fatally shot by Colombian police and soldiers, ending a 16-month manhunt for one of the world's most wanted men. Escobar was killed in Medellin, the city that served as a base for his multimillion-dollar trafficking network, after his hideout was exposed by a traced phone call.

Law enforcement officials in the United States and Colombia believe the manhunt ended successfully for the government because of the DEA's leadership in supplying technical help and its support for the Colombians in their effort to do the job themselves.

Escobar was responsible for the deaths of hundreds of people, including presidential candidates, judges, a newspaper publisher and police. He surrendered to Colombian police in 1991 after receiving assurances that he would be treated leniently and would not be extradited to the United States for trial on drug charges.

The battle, however, continues. Major DEA efforts are under way to disrupt drug operations in the United States, as well as the major source and transshipment countries of Mexico, Thailand, Burma, Pakistan, Afghanistan, India, Peru, Bolivia and Colombia.

"Certainly, the drug dealers of today are smarter than they used to be, and have learned to better insulate themselves," says Mr. Greene. "They are more sophisticated and, of course, more violent."

"But they are not out of reach," he says. "We know who they are and where they operate. I am confident we can continue to have a significant impact on the amount of drugs moving through and coming into this country. Of that, there is no doubt."

Cayman Islands and Costa Rica — cooperated with the DEA by allowing undercover operations, by raiding cartel offices and by arresting cartel underlings. More than 30 people, including reputed members of the Mafia, were arrested in Italy, where the Cali cartel has established a large money-laundering network for cash from European drug sales.

By DEA estimates, the Cali cartel makes \$200 million a month in drug profits from the United States and as much as \$50 million more from sales elsewhere. And while the DEA seizures amounted to only several days' capital intake, Greg Passic, the agency's expert on money laundering, said the arrests and seizures caused the cartel "major headaches."

Earlier this month, Medellin car-

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STEPHEN H. GREENE

Acting administrator, U.S. Drug Enforcement Administration

Born: Jan. 5, 1943, Plattsburg, N.Y.

Education: Bachelor of science, University of Maryland

Home: Annapolis

Family: Wife, M. Kathleen Carlock

Career highlights: Federal drug agent since 1968, starting with the DEA's predecessor, the Bureau of Narcotics and Dangerous Drugs. Worked in field offices in the District, Baltimore, Los Angeles, Saigon, Hong Kong and Bangkok. Served as deputy administrator and assistant administrator for operations, handling day-to-day management of the DEA's intelligence and investigative operations worldwide. Named acting administrator in October.

Military highlights: Served in the Marine Corps in South Vietnam, 1966-67. Awarded the Purple Heart and Bronze Star with a Combat V for bravery.

The Washington Times

Justices Insist Notice Be Given in Drug-Case

By LINDA GREENHOUSE

Special to The New York Times

WASHINGTON, Dec. 13 — The Supreme Court ruled today that the Government may not seize a house or other real estate that it suspects of having been used in a drug transaction without giving the owner notice and a chance to contest the seizure at a hearing.

The 5-to-4 decision, written by Justice Anthony M. Kennedy, was the latest indication of the Court's discomfort with the Government's aggressive use of its forfeiture authority.

The Court ruled that the Government deprived a convicted drug dealer of his constitutional right to due process of law by taking possession of his house in Keaau, Hawaii, while he was out of the country, without notifying him or giving him a chance to object. The seizure came more than four years after the conviction, and the homeowner, James D. Good, had already paid a fine and served a year in prison.

The decision was the third time this year that the Court has curbed the sweeping power the Government claimed for itself to seize assets of suspected drug dealers. The civil forfeiture laws apply even if the property's owner has never been convicted of a crime, as long as the Government shows probable cause to believe that the property itself was used in committing a drug felony.

Many states have similar forfeiture laws that are affected by the constitutional analysis today.

The decision applies only to real estate and not to more portable possessions. It resolved a procedural issue — whether a hearing must precede rather than follow the seizure — and not the merits of the seizure itself. In that sense, it was more limited than the Court's unanimous ruling last June that a forfeiture can be so disproportionate to the underlying crime that it violates the Eighth Amendment's prohibition against "excessive fines."

Nonetheless, Justice Kennedy's opinion repudiated the Government's constitutional arguments and, to some degree, its motivation. For example, Justice Kennedy cited a 1990 Justice Department memorandum urging Federal prosecutors to make "every effort" to increase the income from forfeitures as a reason that property owners need the protection of a hearing "to ensure the requisite neutrality that must inform all governmental decision-making."

Due Process at Issue

The Government had argued that the Fifth Amendment's guarantee of due process does not apply at all to civil forfeiture. Because forfeiture serves a "law enforcement purpose," the Government said, the only constitutional requirement was that the seizure be "reasonable" within the meaning of the Fourth Amendment. That amendment, barring unreasonable search and seizure, sets the standards for obtaining search warrants, which require no notice to the person whose property is to be searched.

But Justice Kennedy said that the broader protections of the Fifth Amendment's due process guarantee also applied, because "here the Government seized property not to preserve evidence of wrongdoing, but to assert ownership and control over the property itself."

He continued: "Individual freedom finds tangible expression in property rights. At stake in this and many other forfeiture cases are the security and privacy of the home and those who take shelter within it."

Justice Kennedy's opinion, U.S. v. Good, No. 92-1180, was joined by Justices Harry A. Blackmun, John Paul Stevens, David H. Souter and Ruth Bader Ginsburg. Chief Justice William H. Rehnquist dissented, along with Justices Sandra Day O'Connor, Antonin Scalia and Clarence Thomas.

In his dissent, Justice Thomas sounded particularly torn, saying that he approved of the majority's emphasis on private property rights and shared its concern over the breadth of the forfeiture laws.

But Mr. Good's case was not an "appropriate" one for setting new constitutional limits, Justice Thomas said, because he was persuaded that Mr. Good's rights had not been violated. He noted that Mr. Good was convicted of a

drug offense involving his house and so was on notice that the house was a likely target for forfeiture.

In his opinion, Justice Kennedy appeared to take issue with this analysis when he said that it "founders on a bedrock proposition: fair procedures are not confined to the innocent."

Mr. Good, who had 89 pounds of marijuana in his house when the police searched it in 1985, was working in Nicaragua and renting out the house when the Government seized it more than four years later. The tenants were

told to send their rent checks to the Federal marshal.

When Mr. Good learned what had happened, he challenged the forfeiture in Federal District Court in Hawaii. He lost in that court, but won in the United States Court of Appeals for the Ninth Circuit, in San Francisco. The Bush Administration appealed, and the Clinton Administration carried on with the appeal after the Supreme Court accepted the case last March.

The question of whether the due process clause applies to forfeitures had divided the lower Federal courts for several years.

The Supreme Court last discussed the due process guarantee in the forfeiture context in 1974, when it ruled that the Government could seize a yacht without giving the owner notice. Today, Justice Kennedy said that the analysis used in that decision did not apply to the seizure of a home, because while a yacht can disappear, "real property cannot abscond."

There were also these other developments at the Court today.

Veterans' Rights to Lawyers

Without comment, the Court refused to hear an appeal brought on behalf of several thousand veterans who say they were denied the right to a lawyer to handle claims growing out of their exposure to radiation during and after World War II. An 1864 law set a \$10 limit on payments by veterans to outside lawyers, a limit that effectively prevented veterans from hiring lawyers until it was repealed by Congress in 1988.

However, the repeal did not affect cases filed before 1988. The veterans, who brought their suit in 1983, argued that the limit violated their rights to due process of law and to petition the Government. The Ninth Circuit rejected their constitutional challenge. The

Property Seizures

THE NEW YORK TIMES, TUESDAY, DECEMBER 14, 1993

case was National Association of Radiation Survivors v. Brown, No. 93-438.

Financing Organ Transplants

Also without comment, the Court turned down an appeal by the State of Florida of an order to finance, under its Medicaid plan, a bowel and liver transplant for a baby boy who was born missing most of his small intestine.

As a result of the order issued last summer by the United States Court of Appeals for the 11th Circuit, in Atlanta, the boy, Lexen Pittman, is now on a waiting list for the organs at Children's Hospital in Pittsburgh. Florida argued that the Medicaid law gave it the discretion to refuse to pay for the procedure, estimated to cost between \$300,000 and \$800,000. (Agency for Health Care v. Pittman, No. 93-633.)

High Court Orders Hearings Before Drug Case Forfeiture

By Pierre Thomas
Washington Post Staff Writer

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The Supreme Court yesterday limited the use of one of the government's most potent weapons in its war against drug dealers, ruling that suspects must be given a hearing before U.S. marshals can seize their property.

In a 5 to 4 ruling, the court found that a Hawaiian drug dealer's right to due process was violated when the government seized his home without prior no-

tification—more than four years after police had found 89 pounds of marijuana there.

The decision restricts the government's authority in drug forfeiture cases by establishing an additional safeguard against mistakes and abuses by sometimes overzealous law enforcement agencies, legal experts said. It marks the second time in six months that the high court has placed constraints on the government's anti-drug campaign.

■ Supreme Court backs safeguards for pension investments. Page D1

"They are sending the Justice Department a strong message that you can't overlook the Constitution in fighting the war on drugs," said Steven Shapiro, legal director for the American Civil Liberties Union, which filed a brief in support of the property owner.

A property owner's "right to maintain control over his home and to be free from governmental interference is a private interest of historic and continuing importance

...." Justice Anthony M. Kennedy, wrote in the majority decision. "We tolerate some exceptions... but only in 'extraordinary situations where some valid governmental interest is at stake....'"

The forfeiture laws are one of the government's strongest anti-drug penalties, used in thousands of cases in recent years. "If you're trying to say that crime does not pay, forfeiture laws are a very ef-

See COURT, A10, Col. 4

COURT, From A1

fective way to send that message," said Carl Stern, Justice Department spokesman. Currently, the U.S. Marshals Service is overseeing the forfeiture of \$1.9 billion in property that could be sold to finance police activities. Although Stern said the ruling might create a new burden for the Justice Department, he said prosecutors nonetheless will pursue the forfeiture laws vigorously.

In 1985, Hawaii state police found marijuana at the home of James Daniel Good. He pleaded guilty to promoting a harmful drug, spent a year in jail, was placed on probation and thought the matter was closed. But about four years later, without giving Good a hearing, the federal government seized Good's house and began collecting rent from his tenants.

Good sued, saying the government violated his right to due process. The case pitted civil forfeiture laws allowing the government to seize gains from drug crimes against the rights of property owners, whose plights have made headlines when law enforcement mistakes were made.

Seizing property without notification and a hearing "creates an unacceptable risk of error," wrote Kennedy, who was joined in the majority decision by Justices Harry A. Blackmun, John Paul Stevens, David H. Souter and Ruth Bader Ginsburg.

"Although Congress designed the drug forfeiture statute to be a powerful instrument of the drug laws, it did not intend to deprive innocent owners of their property," Kennedy wrote, citing the guarantee of due process as outlined in the Fifth and Fourteenth Amendments.

Chief Justice William H. Rehnquist disagreed with the majority, calling the decision "ill considered and disruptive." No hearing is "required to deprive a criminal defendant of his liberty before trial," said Rehnquist in dissent. He was joined by Justices Antonin M. Scalia, Sandra Day O'Connor and Clarence Thomas.

"It would be paradoxical to hold that a criminal defendant can be detained without such a hearing based on probable cause, but that Good could 'not be temporarily deprived of property on the same basis.' The Fourth Amendment strikes a balance between an individual's security and property against 'the public interest in effecting searches and seizures.'"

The court's decision in *United States v. James Daniel Good Real Property* applies only to non-movable

property or real estate, rather than cars or boats that could be moved or destroyed. The court, in an earlier decision, said that a yacht could be seized without a prior hearing.

The government argued that real estate should be treated in the same manner as a yacht because drug related seizures automatically constitute an "extraordinary situation" that justifies postponing notice and an opportunity for a hearing, Solicitor General Drew S. Days wrote in a brief to the court.

Although some officials had worried that the prior notification might allow drug dealers to liquidate or sell their property, Justice spokesman Stern noted that prosecutors can get court orders to block such action while the matter is adjudicated.

Kentucky Attorney General Chris Gorman, one of 18 state prosecutors who supported the government, said the decision could result in a need for greater resources,

particularly legal personnel. But drug forfeiture laws are so important that there "is really no other choice" than to provide for what is needed. The Supreme Court held that court costs are likely to be minimal, because suspects already can appeal the forfeitures after they have taken place.

The civil forfeiture laws have come under fire from several groups. Civil libertarians say they are abused by prosecutors who seize first, get all the answers later. Members of Congress have proposed a number of safeguards, including that the government clearly prove that the property was the proceeds of, or used in, unlawful activity.

The Supreme Court last term ruled that such seizures are subject to the Eighth Amendment prohibition against excessive fines, and barred the government from going after huge real estate parcels for comparatively small offenses.

THE WASHINGTON POST TUESDAY, DECEMBER 14, 1993

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JOE URSCHEL

Want a war on drugs? Let's take 'em all on

Don't overlook tobacco, the product that lures 3,000 kids a day into addiction.

There is nothing like an iconoclastic view to raise howls of protest in Washington.

Thus, when Surgeon General Joycelyn Elders suggested last week that legalizing drugs might help fight crime, a slow-moving target went up on the political radar, and there was hardly a politician in Washington who didn't want to take a shot at it.

"She's morally obtuse," said William Bennett, the Bush administration drug czar. "Nutty, just plain nutty."

"The White House is giving up on the war on drugs!" squawked Sen. Don Nickles. Sensing that one of its staffers had been seriously wounded, the Clinton administration swooped in to finish her off.

"It's nothing we would ever entertain," snapped White House communications director Mark Gearan. Which in Washington speak basically translates, "Bang, bang. You're dead."

So, OK. Let's bow to the sanctimony and

inherent wisdom of official Washington. Let's really go after the drug culture. Let's round everybody up and put them in prison.

Let's start with the people who peddle a product that lures nearly 3,000 children a day into addiction. Let's show we're serious about fighting drugs by making the worst drug of all illegal.

Let's criminalize tobacco.

According to the American Cancer Society, the physical and mental processes that determine addiction to tobacco are similar to those of heroin and cocaine.

However, while the addictive qualities of cigarettes may be similar to many illegal drugs, the effects are far worse.

Cigarettes, according to former surgeon general Antonia Novello, are the only product on the market which, when used as directed, result in death and disability.

The government's own research, published in the *Journal of the American Med-*



Joe Urschel's column appears on Tuesdays and Thursdays.

ical Association, lists tobacco as the No. 1 cause of premature death in America. Tobacco causes far more deaths than illicit drug use.

In fact, tobacco causes more deaths than illicit drug use, firearms, unsafe sex and automobile accidents combined.

In 1990, about 20,000 deaths were attributed to drug abuse — or less than 1% of the total deaths that year. By contrast, an estimated 400,000 people died from tobacco-related illnesses. (Another legal drug, alcohol, contributed to the deaths of 100,000 people.)

So maybe Joycelyn should have another press conference this week and announce that far from giving up the war on drugs, she's expanding it to include cigarettes.

Of course, that might jeopardize the funding of Hillary's health plan. It would destroy large American corporations, the agricultural economies of several states and the campaign funds of many congressional members who, on average, receive over \$4,000 in contributions from tobacco interests.

Taking on a big cartel like that, I guess, is just another nutty idea. Something that we would never entertain.

OPINIONLINE

What people are saying about Joycelyn Elders and legalizing drugs



By Jeff Stahler, The Cincinnati Post, Newspaper Enterprise Association

Legalize drugs? A clear debate ✓

THE WASHINGTON TIMES in an editorial: "It's scary when the one person responsible for shaping public health policies in this country thinks we ought to consider legalizing the stupefying poison that is ripping the life from so many people."

THE COURIER-JOURNAL, Louisville, in an editorial: "When Joycelyn Elders called for further study of the idea of legalizing drugs, she was doing her job as surgeon general. It's her responsibility to think of ways to improve the nation's health. Drugs are responsible for many of this country's greatest health problems."

A. ROSENTHAL, columnist, *The New York Times*: "The way out is not perpetuation of drug abuse by legalization. From a surgeon general who does not understand that in mind and soul, we should take neither advice, judgment nor an aspirin."

THE DETROIT NEWS in an editorial: "Thanks to the need to track drug smugglers, there is not a shred of financial privacy left in the United States. ... Even home gardeners have had their doors broken down because anti-drug agents determined they were ordering 'too much' gardening equipment and must be growing marijuana. Most of the violence associated with drug use ... is related to the trafficking and sale of the drugs ... The traditional drug war has cost Americans dear in terms of blood, treasure and our traditional liberties without substantially cutting the supply of narcotics. The burden of proof ought to be on the partisans of the present policy as to why no other measures are permissible. We don't often agree with Joycelyn Elders, but in this case she is right: Legalization of at least some drugs ... ought to be a topic worthy of discussion."



ELDERS

TUESDAY, DECEMBER 14, 1993 • USA TODAY

RICHMOND (Va.) TIMES-DISPATCH in an editorial: "In effect, the surgeon general has said drugs are less dangerous than the criminal activity necessary to obtain them. Recreational drug users — the mainstay of this country's drug problem — now can feel justified in breaking the law because an unimpeachable ally says the law may be wrong. This latest dose of Dr. Elders' is particularly hard to swallow given her harsh stance against the tobacco industry. Imagine: The nation's First Doctor wants to tax cigarettes out of existence and make heroin socially acceptable."

STEPHEN CHAPMAN, columnist, the *Chicago Tribune*: "From the Oval Office down, there was broad agreement that on this subject, the only good mind is a closed mind. ... If you support our current drug policy, you are strongly advised to keep your ears and eyes tightly sealed, because opening them will only allow the invasion of unpleasant facts."

THE SUN, Baltimore, in an editorial: "The reaction to Dr. Elders' suggestion recalls the initial outrage sparked when Mayor Kurt L. Schmoke first raised similar concerns several years ago. At the time, he seemed to be committing political suicide. But he is still eager to discuss decriminalization ... and he is still a politician with a future. ... Dr. Elders made a valid point. She suggested only that other ways of attacking the drug problem are worth looking into, that we don't know enough about what works and what doesn't. She's right."

HARVEY SILVERGLATE, columnist, *The Boston Globe*: "No one can say that some combination of public education, drug treatment and addiction research would be less effective than our failed prohibition policy. We have, after all, experienced a dramatic one-third decrease in smoking rates in the past three decades without outlawing the pernicious weed. Yet the drug and law enforcement complex has beaten back all attempts to have the government so much as study the issues and has sought to marginalize those who dare to suggest a new approach."

LOS ANGELES TIMES in an editorial: "Clinton has shown an admirable willingness to consider other once-'radical' solutions to the drug abuse problem. ... He must now be careful not to overreact to the political flak from Elders' critics."

THE UNION LEADER, Manchester, N.H., in an editorial: "This woman is dangerous."

DIALOGUE

Battle Lines in the War on Drugs

Make Them Legal

By Sidney Zion

When American politicians talk about drugs they go AWOL from reality. This phenomenon has persisted for 80 years, ever since Congress prohibited the sale, distribution and possession of narcotics. No evidence dents it, nor logic; it stands against all the winds that blow.

Comes now Joycelyn Elders, Surgeon General of the United States, with a touch of reality so modest that in any other arena it would hardly rate a news story. Asked by a reporter whether crime might decline if drugs were made legal, she opined that it would, "markedly." But since she didn't know all the ramifications, she suggested that the Government study the question.

For this heresy she was pilloried, from left, right and center, by politicians, law-enforcement officials and

Joycelyn Elders has the right idea.

pundits. The White House spokeswoman, Dee Dee Myers, declared, "The President is firmly against legalizing drugs, and he is not inclined in this case to even study the issue."

Studying the issue is Bill Clinton's

Sidney Zion, a former assistant U.S. attorney, is author, most recently, of "Trust Your Mother but Cut the Cards," a book of essays.

signature — unless it's restudying the issue. But on this one all we get is no in thunder, and it is surely time to wonder just what is going on here.

The war on drugs, our euphemism for prohibition, has produced a bottomless pit of crime and corruption. Casual drug use is down in recent years. But the litany of muggings, robberies, burglaries, murders, mayhem — people locked by fear into their homes, watching TV on sets they hope will be there tomorrow — goes on and on and on. Is it any wonder that crime is America's No. 1 concern? And in America crime is practically synonymous with drugs: cops and district attorneys will tell you that up to three-quarters of violent crimes are drug-related.

But then ask them what we can do about it and you get "Just say no; never say die." They say it, and the politicians and pundits provide the rhythm section. When people like Ms. Elders (or former Secretary of State George Shultz, no bomb thrower) have the courage to suggest that legalization might be a better way, they're invariably told, "The English tried it and it didn't work."

Wrong. Legalization in the form of medicalization — doctors giving the drugs to addicts — kept England free of drug-related crime for 50 years. Then in 1971, the British signed on to our prohibition, complete with Draconian sentences for pushing and possessing. Result: Drugs have become Britain's No. 1 crime problem.

But Britain's prohibition still has an important exception: doctors can still set up programs to provide drugs to addicts. Dr. John Marks opened one in Liverpool in 1982, and the results have been extraordinary.

"The crime rate among addicts went down 96 percent," Dr. Marks told me in a telephone interview yesterday. "Even more surprising, astonishing really, is that the number of new addicts decreased geometrically. We compared our results with a nearby town that has prohibition and

their rate of new addicts was twelvefold higher than ours."

How come? "Under prohibition every addict becomes a salesman," he replied. "He has to bring in new customers so that he can earn enough money to feed his habit. But those who come to us don't need to proselytize; they get what they need for pennies."

Because the needles are clean, there have been no AIDS cases in Dr. Marks's clinic and no deaths from overdoses or polluted narcotics.

How does the law-enforcement establishment like it? Last summer, John Grieve, the chief of the National Criminal Intelligence Service, New Scotland Yard, called for a system of licensed drug dealers.

And we have the chutzpah to say, "The English tried it and it didn't work." We never say, "America tried Prohibition and it doesn't work."

AWOL from reality.

No, Fight Harder

By Joseph A. Califano Jr.

Surgeon General Joycelyn Elders's foray into the legalization of drugs reveals a stunning disregard of history, experience and human nature. President Clinton was right to cut her off at the pass.

The nation has made significant progress against illegal drugs. Campaigns like the Partnership for a Drug-Free America have helped reduce cocaine use more than 75 percent from its 1985 peak. Marijuana use is at its lowest level since 1973.

Legalization would sabotage such efforts by removing the stigma of criminality. So would having doctors

prescribe heroin and cocaine to addicts, as some suggest. Experience teaches that legalization leads to wider accessibility and addiction. We have more than 50 million nicotine addicts and 18 million alcoholics and alcohol abusers, but only two million cocaine addicts. Putting the stamp of legality on snorting cocaine and smoking crack would increase the number of addicts severalfold. Exercising their right to free speech, Madison Avenue hucksters would make it as attractive to do a few lines as to down a few beers.

This new social acceptability would mean a sharp rise in teen-age drug use. Tobacco provides a bitter lesson. While smoking declined among adults in the 1980's, it barely budged among teen-agers, seduced by the lure of Joe Camel and other sleek cigarette ads. In contrast, marijuana use by high school seniors dropped 60 percent. Such a decline would not have occurred if marijuana had been legal.

Suggestions that legalization would reduce crime are a mirage on the desolate streets of urban poverty. Shootouts among drug dealers might subside. But the shattering violence that accompanies alcohol and drug abuse would skyrocket. Three-quarters of child and spouse abuse, rapes, assaults, murders and suicides are attributable to alcohol and drug abuse; so are most car fatalities. The AIDS epidemic is due in no small measure to unsafe sex by people high on alcohol, pot or other drugs.

The flirtation with legalization is a cry of despair, born of frustration with the lack of a comprehensive anti-drug policy. We tolerate drug bazaars in Southeast Washington and Harlem that we swiftly stamp out if they appear in Georgetown or the Upper East Side. We leave the war to be fought lopsidedly by military and border personnel trying to interdict drugs and by police officers trying to contain mayhem in ghettos overrun with drugs and guns. And we have yet to commit the resources on research,

prevention and treatment that this formidable foe requires.

Arguments for legalization are notoriously short on details. Would we legalize all drugs or only some? Could they be marketed like alcohol and tobacco? How old would you have to be to get legal drugs — old enough to drive a car? Would you have to prove you are already addicted? Could drugs be sold in pharmacies? In every neighborhood?

Too many of us display a shrugging sense that it is "they" who

Legalize, and abuse will soar.

are afflicted, not "us," and that "we" can stop "them" from making "our" streets dangerous and clogging "our" courts by letting "them" stay high and happy. If drugs were legal, judges who came to the Federal bench from corporate law practices and political fund-raising would have lots of time to try high-visibility securities and antitrust cases rather than deal with the most vicious perpetrators and vulnerable victims. In short, life would be a lot easier for "us."

Legalization condemns drug addicts, and the poor young African-Americans and Latinos at highest risk of getting hooked, to a life of dependence and degradation. At its best, America strives to give all of us the chance to develop our talents. Cornering millions of people into drug addiction insults this fundamental value and demeans the dignity to which everyone is entitled.

Joseph A. Califano Jr., Secretary of Health, Education and Welfare in the Carter Administration, is president of the Center on Addiction and Substance Abuse at Columbia University.

Last Monday, the United States Supreme Court made an ill-reasoned and modest dent in the government's anti-drug arsenal. Writing for a 5-4 majority in *United States vs. James Daniel Good Real Property*, Justice Anthony Kennedy concluded that absent exigent circumstances, constitutional due process requires the government to afford a real property owner notice and a meaningful opportunity to be heard before seizing his property at the inception of a civil forfeiture case.

The *Good Real Property* ruling signals some criminal justice liberalization on the high court with the appointment of Justice Ruth Bader Ginsburg to replace Byron White. The former cast the decisive fifth vote for the majority, whereas the latter probably would have tilted the court against the due process claim.

James Daniel Good pleaded guilty to a drug offense in violation of Hawaii state law after police discovered 89 pounds of marijuana and drug paraphernalia in his home. Four years later, the United States sought civil forfeiture of Good's home in a federal district court on the ground it had been employed to facilitate commission of a federal drug offense.

At the inception of the proceeding, a federal magistrate, after hearing only from the government, found probable cause to believe the home was forfeitable. A warrant authorizing seizure of the property was issued bottomed on an affidavit reciting Good's prior drug conviction and evidence of drugs in his home.

Good protested the government's

Indentation in anti-drug arsenal

execution of the warrant. Constitutional due process, he insisted, requires notice to the owner and an opportunity to be heard before seizure of real property that the government seeks to forfeit. The Supreme Court agreed.

The Fifth Amendment, Justice Kennedy noted, prohibits any deprivation of property without due process. Ordinarily, the latter dictates notice and a hearing opportunity before any property deprivation, whether permanent or provisional. The purpose is to protect use and possession of property from arbitrary or mistaken encroachments.

Postponement of notice and hearing until after a seizure is generally tolerated only if the delay is necessary to safeguard a substantial government interest, such as preventing the destruction of property, its sale, or its further use in crime.

But all of these interests, Justice Kennedy maintained, could be vindicated without summary seizure of real property: "Sale of property can be prevented by filing a notice of lis pendens as authorized by state law when the forfeiture proceedings commence. If there is evidence, in a

particular case, that an owner is likely to destroy his property when advised of the pending action, the government may obtain an ex parte restraining order, or other appropriate relief, upon a proper showing in district court. The Government's policy of leaving occupants in possession of real property under an occupancy agreement pending the final forfeiture ruling demonstrates that there is no serious concern about destruction in the ordinary case. Finally, the government can forestall further illegal activity with search and arrest warrants obtained

in the ordinary course."

Justice Kennedy scoffed at the government burden imposed by postponing real property seizures until after an adversary hearing as trifling: "A claimant is already entitled to an adversary hearing before a final judgment of forfeiture. ... From an administrative standpoint, it makes little difference whether that hearing is held before or after the seizure. And any harm that results from delay is minimal in comparison to the injury occasioned by erroneous seizure."

Mr. Kennedy thus concluded that the government is constitutionally precluded from summary seizures of real property at the inception of civil forfeiture proceedings absent proof that less intrusive invasions would not suffice to prevent the owner from its sale, destruction, or continued unlawful use.

The *Good Real Property* decision is no anti-drug disaster. It has no application to summary seizures of personal property based on probable cause. The court further hinted at its inapplicability to criminal forfeiture proceedings triggered by conviction of a federal drug offense. And the ruling permits seizure of real property after notice and hearing. What is dismaying, nevertheless, is the woolly reasoning of Justice Kennedy that could prove more pernicious in future cases, as it has in the past regarding abortion and prayer at high school graduation ceremonies.

Justice Kennedy errantly avowed: "At stake in this and many other forfeiture cases are the security and privacy of the home and

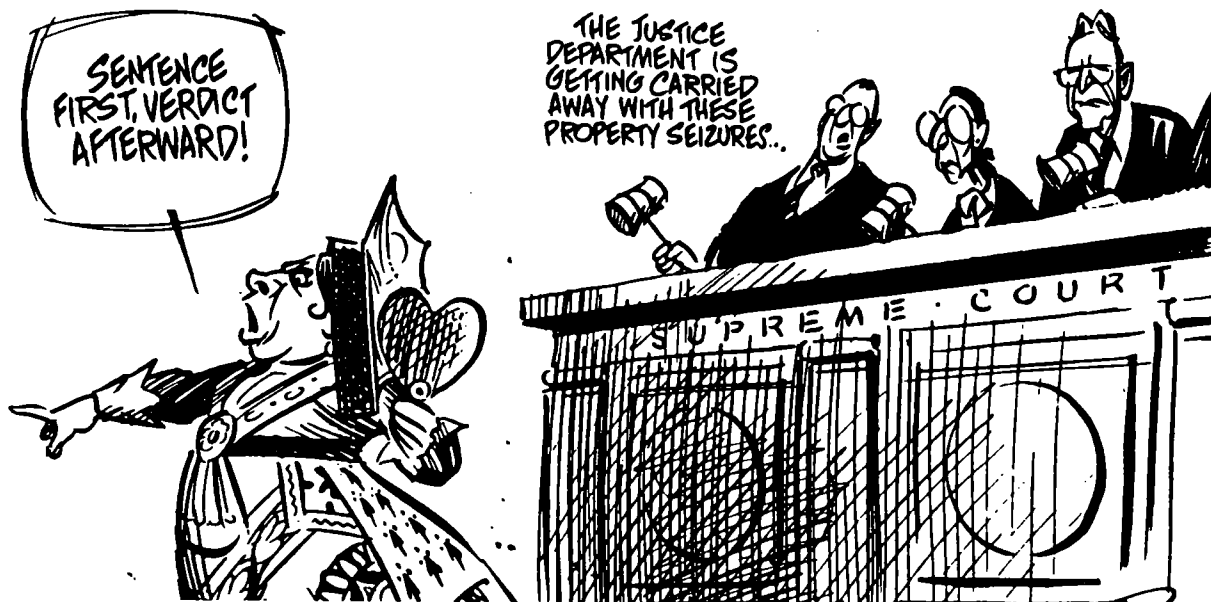
those who take shelter within it." In fact, the property seized had been rented, and, in accord with governmental policy, the tenants were permitted to remain on the premises pending a final forfeiture ruling.

Justice Kennedy lamely distinguished a parade of contrary 19th century precedents at war with his opinion by arguing a greater government urgency for revenues prior to the 1913 federal income tax amendment. But history proves the opposite. For instance, in four reasonably typical fiscal years — 1870, 1880, 1890, and 1900 — the aggregate government budget surplus approximated \$300 million, and spurred public clamor for a reduction in tariff and excise revenues. The routine Broddignagian deficits that besmirch modern budgets show that the urgency of government revenues is at its summit today, and has not plummeted since the previous century.

Finally, Justice Kennedy was undisturbed by the incongruity of the Fourth Amendment's unambiguous permission of arrests in the home based on probable cause without prior notice to the arrestee or an opportunity for hearing, and the more solicitous protection of property under *Good Real Property*. Constitutional interpretations that yield such perversities should be highly disfavored.

Justice Kennedy's misreasoning may be an unhappy presentiment of worse to come.

Bruce Fein is a lawyer and freelance writer specializing in legal issues.



Jerry V. Wilson

Our Wasteful War on Drugs

Surgeon General Joycelyn Elders kicked up quite a fuss last year with her suggestion that we study the idea of decriminalizing illicit drugs. To her credit, she hasn't backed off; last week she restated the proposal and defended it.

The surgeon general's remarks took me back to the early 1970s, when people were talking seriously about decriminalizing marijuana, and to one statement that sticks in my mind: "Personally," it went, "I don't think that marijuana is any more dangerous than my favorite psychoactive drug, the martini, but I am afraid that decriminalization would send a signal to young people that it is all right to use it."

The words are not exact, for I did not make contemporaneous notes, but that is the crux of what President Richard Nixon said to me some two decades ago, when the National Commission on Marijuana and Drug Abuse was considering recommending decriminalization of marijuana.

Here we are some 20 years later, and I wonder if anyone received that "signal" Mr. Nixon was talking about. I sometimes suspect that everyone in America has used marijuana except my wife, me and President Clinton (letting him off on the technicality that he didn't inhale). Apocryphally, marijuana is now reputed to be the second-most valuable cash crop grown in America, coming in only behind corn, which coincidentally was a primary ingredient for this nation's last noble experiment with this sort of regulation.

The issue goes beyond just marijuana, however; it involves psychoactive drugs of all kinds. The National Institute on Drug Abuse reported that 1991 data showed 75.4 million Americans age 12 and over reported use of an illicit drug at least once in their lifetime. That is more than one-third of the population.

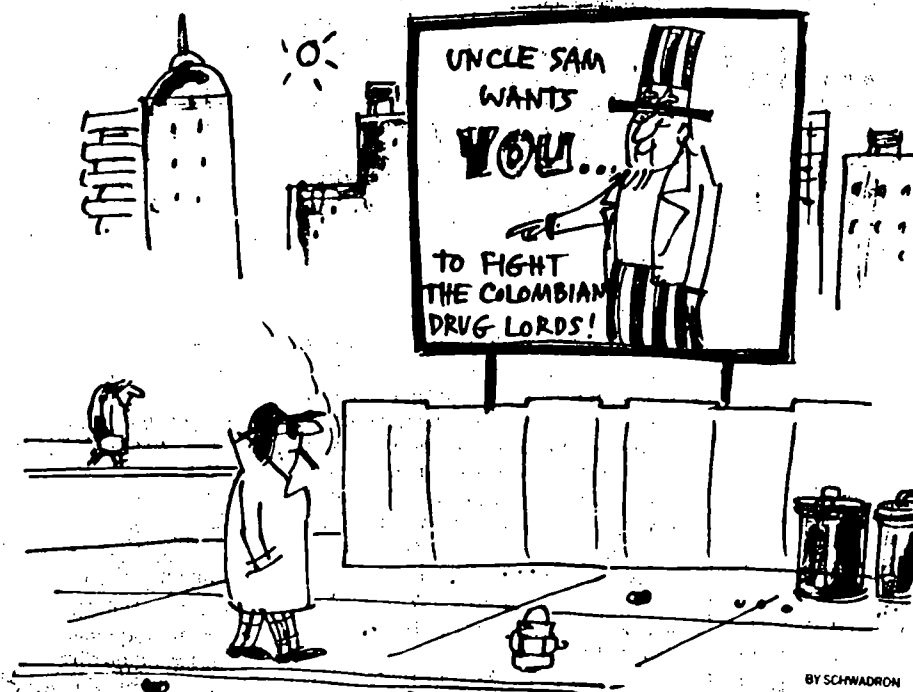
Many illicit drugs are dangerous to the health of the user; there is no question about that. Some 20,000 deaths each year are said to be related to the use of illegal drugs. But

compare that with the 400,000 deaths resulting from tobacco consumption and 100,000 from alcohol; both legal drugs. Moreover, a high proportion of the deaths attributed to illicit drugs result from factors related to illegality, such as overdoses because of lack of knowledge of dosage strength or even of what is consumed, unsanitary consumption practices and marketplace violence.

Meanwhile, in its largely unsuccessful attempts to protect drug users from their own actions, our society expends enormous resources trying to close down drug traffic. The primary result of this effort is that merchandise that is relatively cheap to produce is sold at highly inflated black market prices. A huge under-

ground, untaxed economy is created, one that distributes merchandise of dangerously questionable purity to a wide strata and segment of society, some of whose members, because of the artificially inflated price of the goods, rob, steal or participate in the distribution economy in order to obtain cash to satisfy their habits.

The Federal Bureau of Investigation has reported that almost one-third of people convicted of robbery and burglary, and more than one-quarter of people convicted of larceny, committed their crimes to get money for drugs. Moreover, 6.5 percent of the murders in the United States in 1990 occurred in narcotics-related circumstances. (In the District, it was 42 percent.)



In 1992 local and state law enforcement agencies reported nearly a million arrests for drug-abuse violations. Drug offenders make up about one-third of the felony convictions in state courts, and in 1991 accounted for 58 percent of all inmates sent to federal prisons. In a nation where three-quarters of all robberies go unsolved, and where violent offenders go free on bail awaiting trial dates on overburdened court dockets or are sent to halfway houses to alleviate crowded prison conditions, we choose to clog the system with drug offenders.

Should we decriminalize everything, including substances such as LSD and PCP? That may be the only process that would make sense, or perhaps there are alternative controls. In any event, we need to discuss explicitly why we are prohibiting any substance, and what will be the social cost of any prohibition.

Will there be no controls on drugs? One certainly would expect that there would be controls—and taxes—on newly legalized drugs. Presumably the controls would vary by the relative danger of the drug. For example, marijuana might be distributed and taxed under a system similar to tobacco. Opiates and cocaine derivatives might be distributed much like alcohol (we could simply call the retailers ABCD establishments). Perhaps some psychoactive substances would be available only at pharmacies, on prescription.

These all are issues for debate. Perhaps federal law should, as with alcohol, permit various options for selection by individual state legislatures.

I am certain that Surgeon General Elders was not suggesting, and I certainly am not, that all illicit drugs forthwith should be legalized. What is needed, however, is an open and honest discussion and examination of the issues.

The writer, former chief of police for the District, is chairman of the Crime Control Institute, a consulting firm.

BC-CLINTON DRUGS (SCHEDULED)

CLINTON VISITS PRISON TO ANNOUNCE DRUG POLICY

By Steve Holland

UPPER MARLBORO, Md, Feb 9 (Reuter) - President Clinton went to prison Wednesday to say he was shifting the focus of America's fight against drugs from interdiction to treatment.

"I have the questionable privilege of living in a family that has dealt with both alcoholism and drug abuse. I know treatment works," said Clinton, whose father was an alcoholic and whose younger half-brother, Roger Clinton, has been treated for drug abuse.

Clinton made his announcement within the razor-wire-topped walls of a prison in the suburbs east of Washington. To show his commitment to the issue, he took with him Vice President Al Gore and seven cabinet officers.

It was touted as the first time a president had visited a prison, and Clinton shook hands with a dozen prisoners wearing orange jumpsuits who were undergoing a 90-day drug abuse programme known as "The Awakening."

"To my knowledge," said warden Sam Saxton, "there has never been a president who has visited a confinement facility in these United States. I would offer, however, there are some who came mighty close." Clinton said when laughter subsided: "I was a little uncomfortable at how hard you laughed."

The president, speaking to prison officials, members of Congress and a few inmates at Prince George's County Correctional Centre, said his proposed budget for the 1995 fiscal year starting next October would devote a record \$13.2 billion toward drug control efforts.

This is \$1.1 billion, or 9 percent, more than the current budget and most of the increase -- more than \$800 million -- would be allocated toward drug abuse prevention, education and treatment services.

Clinton said his plan was "the most comprehensive anti-drug strategy ever" and that it recognises hard-core drug use and the violence surrounding it are at the heart of the country's drug crisis. There are an estimated 2.7 million hard-core drug addicts in America.

"We're letting hard-core drug users know that if you're an addict caught in the cycle of drug abuse, we can help you to get the help you need," he said. "Our goal is to get 140,000 more hard-core users into treatment in the next year."

American efforts to battle the drug epidemic have in the past centred on attempts to interdict vast tonnages of cocaine, marijuana and other illegal drugs coming in by air, land and by sea, mostly from Latin America.

Clinton said he would shift U.S. policy toward working with drug-producing countries "that have the political will to go after the kingpins" and "destroying the cartels that grow rich from supplying our people with drugs."

Interdiction efforts will continue, he said, "hopefully with better technology and smarter efforts that allow us to interdict even more drugs."

National drug control director Lee Brown said the government was not cutting funds to the interdiction effort but that changes in strategy are required because smugglers have changed from traditional methods to hiding their product on commercial airplanes and merchant ships.

To underscore the shift in focus to drug treatment, the ceremony included a testimonial from Joseph Mundo, 43, who said he has spent a total of 15 years in prison and is recovering from a devastating addiction to crack cocaine.

"I've been clean for 11 months," said Mundo, now a part-time plumber's helper. "I've lost everything and I have to start over. We addicts, inside and outside these walls, need programmes like 'The Awakening.'"

REUTER

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**** printed by:WHPR(197) on 02/09/94 at 16:08EST ****

PM Drug Strategy, 880

Clinton Unveils Anti-Drug Plan, Calls it 'Smart and Tough'

EDs: Moved nationally on some wires; includes new 3rd, 4th grafs which include Seattle connection. By CAROLYN SKORNECK= Associated Press Writer= WASHINGTON (AP) President Clinton unveiled an anti-drug plan today that puts added emphasis on treatment and prevention, calling it an approach that is "both smart and tough."

"No nation can fight crime and drugs without dealing honestly and forthrightly with the problem of drug addiction," Clinton said.

In keeping with the president's emphasis on community policing as part of the fight against crime and drugs, the White House awarded \$26 million in grants to cities around the country to help put more police on the street.

The grants will help hire or rehire 364 police officers, the White House said. Clinton was announcing the grants in a conference call with mayors from Chicago, Cleveland, Seattle and San Bernardino, Calif. The grants are the second round awarded under the Justice Department's Police Hiring Supplemental program.

The president unveiled his anti-drug strategy in an appearance at the Prince George's County Correctional Center in suburban Maryland, speaking to jail inmates and local, state and federal officials.

"I wanted to come here to illustrate that this is an issue that must be dealt with person by person, one at a time," Clinton said. "It's a very human problem." He noted that his own family has had to grapple with alcoholism and drug abuse his mother married a man who was an alcoholic; his half-brother was imprisoned for drug violations.

"What we are trying to do today is to start our government on a course that offers the promise of real results to the American people," Clinton said. "... We need an approach to both crime and drugs that is both tough and smart. We very often have one without the other and we pay the price for that."

Overall, the \$13.2 billion strategy would increase anti-drug funding by \$1 billion the first increase in anti-drug spending in two years. It also represents a departure from the drug-fighting philosophy of the Bush administration.

The plan increases spending for prevention and treatment by \$826.5 million or 18.2 percent to \$5.4 billion.

Clinton said the plan seeks to put 140,000 more hard-core drug users into drug treatment in the next year.

"Drug treatment reduces criminality, it's just that simple," said Vice President Al Gore. He added that treatment programs "are producing tremendous success in an area that used to be fraught with hopelessness and despair."

"This is a realistic, balanced approach to dealing with the drug problem," said Lee Brown, the administration's director of the drug control policy. "And despite tough fiscal times, it is backed by the funds required to put it into action. It is the most comprehensive strategy ever."

The plan immediately drew criticism from some in Congress.

Sen. Phil Gramm, R-Texas, said it would serve as "welcome mat for drug thugs."

"Not surprisingly, it reflects a fundamental view of most Democrats that when things go wrong, society is to blame and more social programs are the answer," Gramm said in a statement.

"Once it occurs, drug addiction has to be overcome one person at a time," Clinton said, referring a second time to the problems in his own family. "We're not going to make a dent in this problem except by having it happen one person at a time."

Money for drug supply reduction, which includes domestic law enforcement and international interdiction, would grow by \$217.1 million, a 2.9 percent increase to \$7.8 billion. However, interdiction funding would fall 7.3 percent.

Fifty-nine percent of the plan's spending would be for cutting drug

supplies and 41 percent on reducing demand. That moves closer to the 50-50 balance sought by critics of the 70-30 ratio that was in place at the start of the Bush administration.

Clinton said his strategy was directed at ``the most tenacious and damaging aspect of America's drug use problem chronic, hard-core drug use and the violence it spawns,'' while retaining ``an aggressive role for law enforcement.''

To put the strategy into action, Clinton will ask Congress to set aside money to put 100,000 new police officers on the streets, for safe-schools proposals and for treatment of imprisoned addicts.

Of the money set aside for reducing demand, or prevention, \$285 million is for community policing programs that involve hiring and retraining police to walk beats and work with community groups to reduce crime.

The \$285 million represents the bulk of the prevention budget's \$448.2 million increase.

Some critics said putting more officers on the streets shouldn't count as prevention.

``That's really sleight of hand,'' said conservative William Bennett, who developed President Bush's first drug control strategies.

Another \$285 million in community policing money is labeled law enforcement.

Most Americans think prevention means ``intensive education programs for their kids, from kindergarten through the 12th grade,'' said Mathea Falco, whose Drug Strategies organization advocates spending far more on demand reduction and limiting interdiction and foreign efforts.

Clinton's proposal would boost drug treatment by \$360.3 million to \$2.9 billion and hopes to treat almost 140,000 hard-core drug abusers next year. However, while it includes a \$355 million initiative to treat 74,000 such abusers, there's no price tag on its plan to treat 65,000 addicts in the criminal justice system.

The strategy also calls for:

Increasing funding for domestic anti-drug criminal justice efforts by \$235 million to \$5.9 billion.

Increase money for international operations within drug-producing and transit countries by \$76.4 million to \$427.8 million. This would support drug eradication by eliminating crops and laboratories and inducing farmers to switch to legitimate produce.

Decreasing interdiction funding by \$94.3 million to \$1.2 billion, with reductions in Customs Service and Coast Guard anti-drug roles.

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Clinton to talk tough on crime

Theme to dominate address

By Judy Keen
USA TODAY

President Clinton, mindful of polls showing growing public anxiety about violence, is putting more anti-crime rhetoric into Tuesday's State of the Union address.

Clinton spent the weekend at Maryland's Camp David, playing pinball and cross-country skiing. In his absence, abortion opponents knelt outside the White House Saturday to pray for Clinton on the 21st anniversary of the Supreme Court's *Roe vs. Wade* decision.

Clinton also worked on the speech, which he'll use to review his first year and to set 1994 legislative goals.

Clinton will ask Congress to pass a crime bill putting more police on the streets and providing more money for prisons. Aides say he'll back a "three-time-loser" proposal that would jail

three-time felons for life.

Attorney General Janet Reno said Sunday the administration wants to crack down on repeat offenders. "We've got to identify the truly bad and put them away," she said on NBC's *Meet the Press*. Reno also:

► Said Clinton will announce "shortly" a nominee for assistant attorney general for civil rights. Clinton has taken heat for leaving the post vacant since Lani Guinier's nomination was withdrawn last June.

Latest rumored nominee: Boston lawyer Deval Patrick. "I think he would" be a good nominee, Reno said.

Patrick, a Chicago native, has strong ties with the NAACP Legal Defense and Education Fund and is a close friend of Guinier. He represented Desiree Wash-



RENO: Wants to put away the 'truly bad'

ington in her rape case against boxer Mike Tyson.

► Said a report on clemency for Israeli spy Jonathan Pollard will be ready "very shortly." The opposition of Defense Secretary Les Aspin, she said, will be considered.

► Promised not to interfere with special counsel Robert Fiske's probe of the Clintons' Arkansas financial dealings: "I'm darn sure going to do everything

I can to stay out of it and make sure that he is independent."

Administration drug control director Lee Brown said on NBC Clinton will also vow to tackle crime by trying to reduce "the demand for drugs, particularly the chronic hard-core drug user."

In Tuesday's prime-time speech, Clinton will recount steps he's taken to improve the economy. In his Saturday radio address, the president said the

1995 budget he'll send Congress will include a \$180 billion deficit, down 40% from an earlier \$300 billion estimate.

The nation's economy, Clinton said Saturday in the State of the Union pre-view, has "turned the corner."

"I hope it's true," Senate Minority Leader Robert Dole, R-Kan., said on CBS's *Face the Nation*. "We haven't the impact of the largest tax inc in history, \$260 billion, which President Clinton got through the Congress, so we don't know how it's going to work."

The budget is "going to be very tight, whatever the deficit may be," he said.

Joining Clinton for the weekend at Camp David were friends from Arkansas. The president surprised two more friends, Skip Rutherford and David Ledopolous, by phoning them during their appearance on C-SPAN.

"I didn't set any Nordic records yesterday cross-country skiing but we had a wonderful time," Clinton said. "We're having an Arkansas reunion at Camp David."

'System clicking,' for quake victims

HUD chief Cisneros comforts stricken L.A.

By William M. Welch
USA TODAY

SAN FERNANDO, Calif. — HUD Secretary Henry Cisneros parted the plastic sheets, stepped into the makeshift tent and introduced himself.

"Como estan los ninos? Estan enfermos?" he asked in Spanish. "How are the children? Are they sick?"

Melida Paz, mother and grandmother of many of the giant tent's earthquake refugees, looked stunned for an instant, then stepped forward and wrapped her arms around Cisneros in a hug.

Her wordless reply on this chilly California night illustrated the power of Cisneros' presence among the thousands of people displaced from their homes after the earthquake. Most of those Cisneros met were from low-income families, some with destroyed homes, others fearful of returning to inhabitable ones.

In Washington, Cisneros' department is often a domestic-policy afterthought. His biggest issue, homelessness, falls largely on deaf ears, and his department figures to be a likely loser in budgetary wars this winter.

But in the tent barrios that have sprung up at more than 50 locations, Cisneros has become the Clinton administration's best representative. He is welcomed in the damaged neighborhoods and displays a calm command working with local officials.

Cisneros, 46, has a degree from Harvard and a doctorate from Georgetown University in public administration. Add to that a knack for working the grass roots, honed in his

eight years as mayor of San Antonio, facing real needs and angry voters.

While the Federal Emergency Management Agency and the Highway Administration have primary responsibility for providing disaster relief, Cisneros nonetheless has taken an active role:

► When local officials balked at federal plans to install military tents, showers and kitchens on open land, Cisneros won them over, dispelling local fears of long-term tent cities with promises of deadlines for finding the homeless temporary homes.

► \$100 million from a HUD discretionary fund is being used as rental assistance for 10,000 low-income families for up to 18 months. The first families moved into housing Saturday using those. By Sunday, HUD had issued vouchers to more than 1,500 families.

► He's created a system matching housing inspectors with applicants, so they can immediately verify a family's home is uninhabitable and they qualify for aid.

► He's promised an advance on community development grants, due late in 1994, to jump start renovations.

"The system is now clicking," Cisneros said. "I think we've turned the corner in terms of the early concern that somehow there was a slow start."

Frequently mentioned as a future Senate candidate in Texas, Cisneros seems genuinely to prefer dealing with housing issues.

"Something like this really drives home what it means to be the secretary of housing, for me," Cisneros says. "Everybody needs to have a place to go home to. It's easy to take

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Something like this ...
shows the universality
of housing. Everybody
needs to have a place
to go home to.”

— Henry Cisneros



By Tim Dillon, USA TODAY

A FRESH PERSPECTIVE: Housing and Urban Development Secretary Henry Cisneros stops to chat with Carlos Cruz, 7, at Valley Plaza Park.

for granted until you have ... a major urban earthquake."

While the earthquake affects everyone, the poor are hardest hit.

At this park in San Fernando, a low-income suburban community entirely surrounded by the city of Los Angeles, 500 people slept on cots in a gym and 1,700 more slept outside or huddled around fires built with scrap wood from damaged homes.

"This is unbelievable, isn't it? It's like a Palestinian camp or something," Cisneros said, looking around.

In the big tent where Melida Paz's family slept with another, her son-in-law Alfredo Arroyo invited in a third family that had no shelter — adding 16 more to the tight quarters.

"That's the best way to keep warm," Arroyo says, laughing.

Cisneros doesn't hide his concern that aid maybe moving too slowly.

"I'm worried about the children getting sick," he says. "This is not going to work when it starts to rain."

► Quake help, 7A

VIOLENCE WEEK: Portions of all NBC News programs this week will be devoted to examining violence in America, and viewer feedback is going to play a major role. Today through Friday, NBC News will raise a specific question in an effort to discuss ways to solve violent crime. Viewers can respond via a 900 number that records both answers and comments, a fax hot line, a computer billboard message center available through Internet, and an NBC address for written responses. Any proceeds from the 900 number will go to charity.

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