

## **Crusade Against Drugs Is Testing Our Sensibilities**

**Persecution: Perhaps the time has come - as some people advocate - to seriously consider relaxing drug laws.**

*The Los Angeles Times (Orange County ed.); Los Angeles, Calif.; Mar 15, 1993; p. 11*

DANIEL KLEIN

The Drug War devotes a fortune of taxes to putting the heat on drug users. But lately the Drug War itself has been feeling the heat. A barrage of research and opinion has pounded it for being the cause of increased street crime, gang activity, drug adulteration, police corruption, congested courts and overcrowded jails. Drug prohibition creates a black-market combat zone that society cannot control.

In Orange County, Judge James P. Gray and two of his bench colleagues have led public opinion in favor of relaxing drug laws. Gray's plan, a good one, would legalize marijuana, cocaine and heroin but keep them under heavy regulation. As soon as Gray openly challenged Drug War taboos, he felt the wrath of drug warrior Brad Gates, the county sheriff.

Outrage is the typical response of the moral crusader when someone openly challenges his noble mission. Now, in seeking to reaffirm its mission, Gates' department is promoting a plan to randomly test its own deputy officers for drug use. Deputy relations manager Richard Thornburgh said: "The county is committed to saying `no' to drugs and this follows that philosophy." The plan, likely to be implemented, mimics the plan adopted by the L.A. County Sheriff's Department in 1990.

In Orange County, the Orange Police Department is the only police agency that adopted a random testing plan, but it has never implemented it. Garden Grove, Santa Ana, La Palma and Tustin police are studying random testing proposals.

Random drug testing is not always objectionable. If employers feel that drug use on the job is a threat, they should be free to make testing part of the employment contract. Workers who object have the power to leave or perhaps bargain to avoid it. But when the employer is a public agency, the matter can't be viewed simply as one for private contract law and we should ask why such a policy is pursued.

One possible motivation behind the proposed drug testing is the symbolic act of reaffirming the Drug War philosophy. Another is that personal drug use is actually impairing law enforcement.

It's intriguing to think that some foot soldiers in the War on Drugs are themselves drug users. Could the same be true of others in the campaign, such as the judges or the politicians? Could it be that pharmacological self-pleasuring is not uncommon, like beer, tobacco and coffee, and really quite innocent? Could it be that we have turned what should be a private affair into an indecent and tragic crusade?

If drug use does impair job performance, whatever the job, one alternative is to punish the individual for doing a lousy job, not for using drugs. Lack of sleep is known to impair performance, yet we don't require curfews and bed checks for airline pilots or heart surgeons. Let the individual be responsible for his job performance, and let us keep his private affairs private. As iconoclast psychiatrist Thomas Szasz puts it, let us hope for a society in which "we are rewarded and punished for the behaviors we display - not for the drugs others detect in our urine."

Unless drug use is actually impairing work on the job, and I can find little evidence that it is, the drug testing plan is cause for regret. Mostly, it is a symbolic effort to reinforce the Drug War philosophy. Once the Sheriff's Department has imposed random testing on itself, it will be easier to promote

testing in other public agencies, and perhaps eventually to make it mandatory in the private sector.

Every age has its moral crusades. At the turn of the century the moral crusade was against pornography. The czar of that crusade was Anthony Comstock, who made the following boast: "In the 40 years I have been here, I have convicted persons enough to fill a passenger train of 61 coaches, 60 coaches containing six passengers each and the 61 almost full. I have destroyed 160 tons of obscene literature."

Will future citizens one day look back on drug persecution in the late 20th Century and find it as revolting as we today find this boast by Comstock?