

**DRUG FREE AMERICA FOUNDATION, INC.'S RESPONSE TO ATTORNEY
GENERAL HOLDER'S ANNOUNCEMENT ABOUT CHANGING
MANDATORY MINIMUM GUIDELINES**

August 13, 2013

While improvements to drug policy and the criminal justice system are certainly needed, we, as a nation, need to remember that both violent crime and drug use in America have declined significantly over the past 3 decades. One must conclude then that we have obviously done some things right.

Until legalization advocates initiated well-financed campaigns to normalize and legalize drugs in the early 1990s, with an emphasis on the legalization of marijuana under the guise of medicine, we had made tremendous progress in pushing back against drugs, actually reducing overall drug use in America by greater than 50%.

Our nation's drug epidemic peaked when in 1978, according to the *Monitoring the Future* report, 10.7% of 12th graders reported smoking marijuana daily. By 1992, those rates dipped to a low of 1.9%, an astounding 80% decline. Since the launch of those pro-drug campaigns, we have slowly been slipping back to the old mindset of "Turn On, Tune In, Drop Out." In 1997, following the passage of Proposition 215 which legalized marijuana as a so-called medicine in 1996, daily use of marijuana by 12th graders jumped to 5.8% and in 2012, it rose again to 6.5%.

Attorney General Holder could do much to help us move in the direction of further reduction of drug use if he would respect the duties of his job and enforce our federal marijuana laws in Colorado and Washington where so-called recreational use of pot is now allowed. He also could take decisive action to stop the legalization of marijuana under the guise of medicine that is spreading across the country. Drug prevention and treatment groups and law enforcement officials have repeatedly and directly asked for his help on this issue now for almost a year, and he continues to ignore our pleas while lives are damaged every single day from the abuses of marijuana.

Some of AG Holder's recent comments about revamping the mandatory minimum guidelines are rather confusing because, in reality, people rarely get charged in federal court for simple possession charges (a misdemeanor). And if they do, it is usually because of other related charges like firearms, immigration, or a serious criminal history, and the drug charge has very little to do with the ultimate sentence. Less than 1% of offenders are in prison for simple possession and these have typically pled down from much more serious crimes.

Mandatory minimum guidelines were instituted as a result of a bi-partisan commission and involved both congressional and judicial input to, among other things, address inequities in sentencing and provide national uniformity. They have also been a tremendous leveraging tool to find and prosecute the "Big Fish" while allowing the small-time drug peddlers to be diverted to alternative programs.

Eliminating mandatory minimums could actually resurrect the problems that they were intended to fix in the first place. The fact that violent crime and drug use in America have been declining should seriously be considered before we reverse the directions and policies that may be contributing to these declines.

Regarding Holder's comments on rehabilitation and releases, we need a full spectrum approach that includes a working recovery system and a direct linkage to a job for those in recovery or being released. Just releasing prisoners is not going to improve anything and can be argued to be a form of political grandstanding. It may appear to reduce incarceration costs but the real costs to society will likely go up if we are releasing prisoners that are going to be back into our neighborhoods to sell drugs and commit crimes to support their habits or to compensate for their lack of real life ability and skills to cope with life on the outside.

We need more clarity from Mr. Holder about what his total plan includes. The devil is always in the details and details are rarely, if ever, contained in speeches. There is reason for all Americans to be concerned without a more in-depth policy description.

Drug Free America Foundation urges AG Holder to support drug courts and other diversion programs that hold drug users accountable while requiring them to stop using drugs, to support programs to help those incarcerated return to productive lives free of drugs, and to continue to exact swift and significant penalties upon drug traffickers that target and endanger our children. We further call upon Mr. Holder to uphold his duty to enforce federal marijuana laws in Colorado and Washington and bring our nation back into compliance with our international treaty obligations!

Contact information: Lana Beck, Communications Director
Telephone: 727-828-0211, ext 102 or 727-403-7571
Email: lbeck@dfaf.org
Website: www.dfaf.org