

# The Plot To Legalize Heroin

If the legislation now pending in the Ohio state legislature for an experimental program of heroin maintenance for the state's prisoner-addicts becomes law, the "British system" of legalized heroin addiction could quickly be adopted in all of the United States.

The Carter Administration is now bitterly split over the national drug policy and the Ohio situation — a major test case — is likely to bring those differences more out into the open. On the one hand, heroin maintenance has been roundly condemned by National Institute for Drug Abuse chief Robert Dupont as contributing to a general environment of drug proliferation. However, Dupont's position is being undermined by a coalition inside and outside the Carter Administration headed by Presidential drug adviser Dr. Peter Bourne. The drug advocates see the passage of the Ohio bill as the key "foot-in-the-door" for widespread adoption of policies which will lead to vastly increased, government-controlled drug use. These forces see a heavily drugged U.S. population as an integral part of social policies like the Humphrey-Hawkins bill and other plans for low-skilled, "labor-intensive" jobs creation.

## *Bourne and Trebach*

The nomination of Dr. Bourne as the director of the office of Drug Abuse Policy (ODAP) in February 1977, followed by his confirmation after much emotional debate last April constituted the single most important gain in implementing these proliferation policies. With Bourne on the White House staff, a series of initiatives were launched to relax U.S. laws restricting the use and production of narcotic drugs. While the challenge to heroin laws was being supervised by Bourne, the specific task of doing the political legwork was assumed by American University law professor Arnold Trebach.

Bourne and Trebach have had significant problems, with what Bourne has termed "old-fashioned moral hang-ups" about narcotics. Therefore, this coalition around Bourne and Trebach has fashioned a strategy to destroy the three crucial bottlenecks to heroin legalization without locking horns with the public. First, the laws against dispensing controlled substances are attacked. Legalizing the use of heroin to maintain methadone, heroin, and other drug-addicted patients will actually heighten the demand for heroin.

Second, they intend to reclassify heroin from a dangerous substance to a "medicine." A step was taken this month by New York State Assemblyman Hevesi (D-Queens) who with State Senator Edward Gold introduced legislation to legalize marijuana for treatment of glaucoma and the ill-effects of cancer chemotherapy and heroin as a pain killer for the terminally ill. Heroin, once legally manufactured in one state will become readily

accessible through leakage and pharmaceutical over-production, thus creating an uncontrolled supply. Third, Bourne and Trebach aim to break down the psychological barriers to heroin use by decriminalizing the addict, creating carefully contrived arguments that center around "one's right to privacy," and by circulating dubious "scientific" opinions that heroin is "harmless." The organization funding and coordinating such cases is NORML (National Organization for the Reform of Marijuana Laws).

## *The Pain Killer Argument*

A professor of International Law at the American University in Washington, D.C., Trebach is the head of an organization founded in April, 1977 to reschedule heroin as a prescription drug called the Committee on Intractable Pain (CIP). Trebach launched the operation with a formal request to the U.S. Attorney General to "reschedule" heroin (i.e., out of its "dangerous" category) coinciding with Bourne's installation as head

## Bourne vs. DuPont

In an article in the Jan. 1977 issue of *Drug Review* titled "Leadership and Drug Abuse," Bourne described the state-by-state strategy:

One feels that federal drug officials are waiting for someone to tell them what to do. The possibility of heroin maintenance or even heroin decriminalization is now being talked about actively again, but not in the government . . . The decriminalization of marijuana is now publically supported by most federal officials, but apparently only because it is an approach that has . . . been made a reality in a half-dozen states.

of the office of Drug Abuse Policy. Trebach has, for the past four summers, conducted a seminar in England on the British approach to heroin maintenance, entitled the "Fifth Institute on Drugs, Crime and Justice in England." Using the influence gained through the CIA and the seminar, Trebach has organized high-level support, interest, and grants for his "medical re-scheduling" plan.

His important contacts include Patricia Wald, Assistant Attorney General of the United States Department of Justice (which is ultimately responsible for the rescheduling of heroin, who is the founder of the Drug Abuse Council, DAC, which has been the key think-

## Under H.B. 709 . . .

A target population will be selected from Ohio's addict population to be treated at prisons, outpatient facilities, and hospitals. After a two-year period, all records of the patients and their response to treatment would become the property of an advisory committee. An advisory committee would be created 30 days after the bill is enacted and would include representatives of the medical, psychiatric, professional, legal, and therapeutic community. At the end of two years, the advisory committee would submit recommendations to the state legislature on the program's functioning, and extension.

tank for drafting position papers for all drug-oriented research. Wald also holds the crucial Justice Department position of legislative liaison, and has significantly aided Trebach within the Department.

Trebach spoke at a NIDA (National Institute for Drug Abuse) conference this month. Immediately afterwards NIDA awarded the Sloan-Kettering Institute in New York City \$1.9 million in research grants to clear up "public misconceptions about heroin use."

Trebach has gained credibility with some law enforcement officials who would otherwise be opposed to all forms of drug-proliferation through his active collaboration with Wesley Pomeroy, former Assistant Director of the federal Law Enforcement Assistance Administration. Pomeroy, also a member of ODAP under Bourne, is now actively organizing support for heroin maintenance.

### *Pot Lobby Pushes Heroin*

NORML's role is to psychologically condition the population by fostering an atmosphere of permissiveness for drug abuse. This is in part made possible through funding by the Playboy Foundation and the High Times Corporation, publishers of the drug and pornography magazine *High Times*. Proving the old adage that "marijuana smoking leads to heroin use," the pot-lobbying NORML has been crucial in breaking public resistance to hard drug use by organizing campaigns for the decriminalization of "recreational" drugs in 40 states over the past two years.

NORML bases their work on the same arguments now used on those spreading heroin legalization. The rationale runs something like this — "We already have a marijuana culture so let's deal with it on a rational basis and pass liberal laws. Heroin, marijuana, and cocaine are simply bug-a-boos to people . . . twenty-five years

ago people had hangups about alcohol and tobacco. . . ."

In the wake of the 1975-1976 defeat of heroin legislation in Michigan and California, Bourne with Trebach and NORML reorganized their conspiracy around relaxing governmental bans on drug use and production. In a letter to the Department of Health, Education and Welfare, in the spring of 1977 Bourne instructed the agency as well as NIDA to set new standards for their use, "judging heroin and other narcotics purely on a scientific basis." Since then Maryland, New York and New Mexico have been hit with legislation to legitimize both heroin and marijuana for medical use.

### *Ohio — First Legal Fix?*

The Ohio bill No. 709 which, if passed would be the first heroin maintenance program in the United States, went through the Ohio assembly under a virtual cloak of secrecy — there was neither debate nor press coverage of its July 26 passage. The blackout of the measure continued until Republican State Senator Malone notified U.S. Labor Party candidate for Governor Alan Friedman of the bill's existence.

In the past two months, the Labor Party has organized a state-wide coalition of conservatives, civil rights groups, the Nation of Islam and drug-free treatment organizations to oppose the legislation. On Feb. 28 Monsignor O'Brien, President of the Therapeutic Communities of America, a coalition of drug-free treatment centers, testified against the legislation before the Senate Judiciary Committee. The bill was subsequently voted up by the committee with the 6-2 vote being distributed along strictly partisan lines — Democrats supporting the measure and Republicans rejecting it.

Bourne shared in drafting the Ohio legislation with Richard Wolfe, the Ohio Chairman of NORML. Wolfe also holds staff positions with the Commission on Drug Abuse, Ohio Department of Mental Health and numerous other health organizations. He addressed NORML's national conference in Washington D.C. in November "on broadening applications of marijuana decriminalization," and prior to drafting the bill met with Bourne's legal counsel.

Wolfe was also instrumental in helping State Representative Robert Orlett, the bill's sponsor, to recruit Richard Hatcher, mayor of Gary, Indiana to visit Ohio to defend heroin maintenance, utilizing the report Patricia Wald's DAC had written for the National League of Cities.

Trebach is also aiding the Ohio effort via his student Ronald Suci. Suci collaborated with Orlett and Wolfe in Columbus, and now works on that city's Drug Task Force. Suci, a graduate from Trebach's Institute, collaborates with Doctors Paris and Blackwell, two Dayton psychiatrists who have studied British heroin maintenance programs extensively.

—Karen Steiner