

# Heated battle breaks out in Germany over drug legalization

by Frank Muehler

In the wake of the German Constitutional Court's controversial decision that the possession of small quantities of hashish is not a punishable offense, precisely what *EIR* has warned against is now occurring: The moment you begin to let the legalization of so-called "soft" drugs in through the back door of the justice system, all restrictions are lifted step by step, until you arrive at the legalization of "hard" drugs as well.

This is the currently operating scenario, and the perfidious juridical hypocrisy with which the German Social Democratic Party (SPD) is pushing forward on this, gives grounds for concern.

The justice minister of the state of North Rhine-Westphalia, Krumsiek, for example, said on May 19 in reference to the Constitutional Court's latest decision: "North Rhine-Westphalia is fulfilling the Constitutional Court's requirements, and is issuing new guidelines for the attorney general and the police. [The guidelines] contain no legalization of soft or hard drugs." That is simply untrue: It is indeed legalization, when the precise amount of drugs that is not punishable is specified. According to the new preliminary guidelines for the state, the threshold is 10 grams for hashish and marijuana, 0.5 grams for heroin, cocaine, and amphetamines, and three units for morphine and LSD, which is considered to be a day's dose.

It is a poor excuse indeed, when it now turns out that this practice is already the rule in the other SPD-ruled states of Schleswig-Holstein, Hamburg, and Hesse. Apparently, the SPD has been covertly promoting drug legalization for some time now.

Faced with growing criticism from within his own ranks against the new guidelines, Krumsiek took refuge in juridical hair-splitting. He claimed that he had not really changed the legal status of drugs, since the Constitutional Court's decision also applies to heroin and cocaine and the law makes no mention of particular drugs.

## Drugs and the Stasi

The North Rhine-Westphalian SPD's fight to legalize hard drugs has not always been entirely above-board, as is shown by the case of Dr. Wilhelm Vollman, a delegate in the state parliament. Last Sept. 16, his parliamentary immunity

from prosecution was lifted after he came under suspicion of having engaged in espionage activities on behalf of the Communist East German secret police, the Stasi. In his capacity as chairman of the Cologne Drug Aid, and as drug policy spokesman for the SPD state parliamentary group, Vollman had been pushing for years for step-by-step legalization of heroin. Whenever he was opposed in this by organizations such as the Anti-Drug Coalition or the Association for Understanding the Human Psyche, he weighed in with ugly smears taken from the Stasi's rumor stockpot. Perhaps his mask will fall further still, when he is forced to testify about many of his otherwise completely incomprehensible actions.

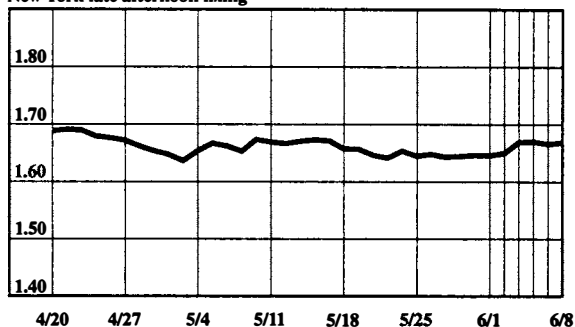
At any rate, the new "preliminary" guidelines have had one beneficial effect: All the secret advocates of drug legalization are now venturing into the public with their proposals. And that makes the conflict more clear-cut. Hans Lisken, for example, the chief of police in Düsseldorf, made the following revealing comment in the May 19 issue of the daily newspaper *Tageszeitung*: "We hardly need to change our current practice here in North Rhine-Westphalia. This isn't about dropping all prosecution of illegal trade in mind-altering substances, but rather it's about decriminalizing the end-user, insofar as we can countenance that. For if I want to effectively combat the illegal drug trade, then I must make the drug addicts into my own allies: They must no longer be in the desperate situation of having to turn to an illegal dealer. But if I offer the individual addict a therapeutic location where he can legally get access to these substances, then he is no longer dependent upon the drug trade—which in turn will leave the illegal market generally high and dry. Medical doctors have their own particular ideas about how drug dependency begins, and you can't just give dogmatic, legalistic answers to questions of natural science. Penal law will not solve any of our society's problems."

Setting aside the question of what kind of "therapy" he is talking about, where one can "legally get access to these substances," Lisken ought to be reminded that the state government has so far said nothing about creating new opportunities to get therapy, and that the available facilities are far from adequate to handle a strategy of "therapy instead of punishment." He should also be asked who or what has been

# Currency Rates

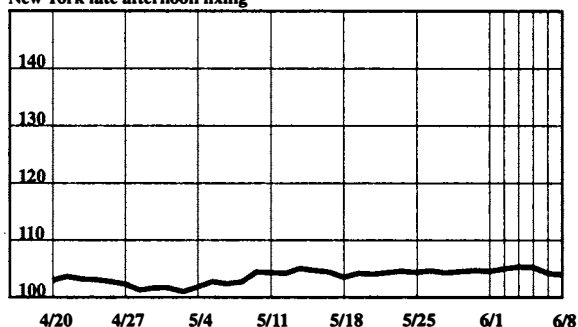
## The dollar in deutschemarks

New York late afternoon fixing



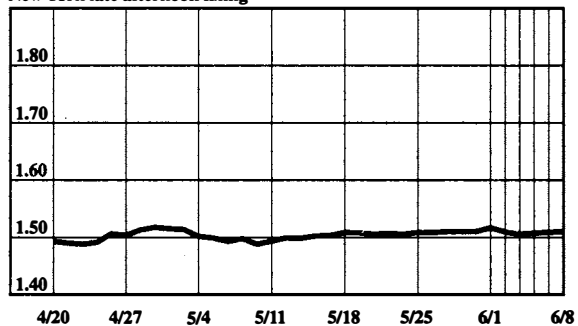
## The dollar in yen

New York late afternoon fixing



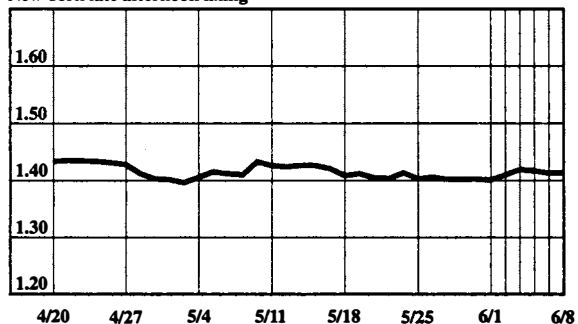
## The British pound in dollars

New York late afternoon fixing



## The dollar in Swiss francs

New York late afternoon fixing



preventing him up to now from proceeding in a big way against the illegal drug trade. It certainly wasn't the law on the books.

On the Westdeutsche Rundfunk radio station, Erwin Scholz, head of the Ahlen Drug Consultation Center and chairman of the Federal Association for Accepting Treatment of Drug Addiction and a Human Drug Policy, characterized the new guidelines as a small step in the right direction. The justice ministers of Hesse and Berlin also lined up on Krumsiek's side, and the Bremen social welfare authorities saw an affinity with Krumsiek's line of thought. SPD federal parliamentary representative Singer has already announced that following this summer's federal elections, there will be a careful relaxation of drug policy in the direction of the North Rhine-Westphalia guidelines. It is indicative that it is only after the elections that the SPD intends to come out with its true policy; some party officials apparently suspect that they will not be able to win votes with this kind of program.

### 'Repressive' policy a success

Krumsiek's initiative is particularly incomprehensible in view of a report issued by two state representatives following a visit to Stockholm, Sweden. According to the daily paper *Die Welt* on May 3, Wolfgang Kuschke (SPD) and Hermann-Josef Arentz of the Christian Democratic Union, who are their respective parties' drug abuse experts, said they had been impressed by Sweden's successful "repressive" anti-drug policy. Arentz reported that as a result of Sweden's liberal drug policy during the 1960s and 1970s, the number of drug addicts had doubled there. But since the late 1980s, Sweden has drastically changed course, and has made not only the possession, but also the consumption of mind-altering drugs, including hashish, punishable by fines and jail terms. The Swedish judicial system also was given the power to force every drug-dependent individual to remain for up to six months in a therapeutic institution. Since then, the statistics have been going downward. In 1967, some 17% of all teenage girls and 23% of all boys polled admitted that they had taken drugs, whereas by 1992, the figures had sunk to only 3-5%.

Kuschke also spoke out against a proposal by state social welfare minister Müntefering, according to which legal "fix"-studios would be established for everyone's use; this, he said, is tantamount to starting an ad campaign to promote consumption of hard drugs. Kuschke added that the Dutch had made many mistakes, such as when they permitted such establishments, called coffee shops, in which heroin often is also on sale.

But all is not lost, despite the negative developments portended by Krumsiek's guidelines. The fatal consequences of a policy of drug legalization must and can still be exposed, citing the examples of England, the Netherlands, and Sweden. The current election campaigns in Germany provide an opportunity to do this, and the battle can still be won.