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THE WHITE HOUSE

WASHINGTON

July 23, 1986

MEMORANDUM FOR THE DOMESTIC POLICY COUNCIL

FROM:

RALPH C. BLEDSOE *Ralph C. Bledsoe*
Executive Secretary

SUBJECT:

Background Materials on Drug Abuse Policy

Enclosed are two documents to serve as background materials for the July 24, 1986 discussion on Drug Abuse Policy. The first is a copy of the National Strategy for Prevention of Drug Abuse and Drug Trafficking, prepared in 1984. This describes the strategy developed in 1981 by the President.

The second document is a typed Summary of the National Strategy.

An additional discussion paper will be handed out at the meeting, focusing on a more immediate issue.

**PRESIDENT REAGAN'S NATIONAL STRATEGY
FOR PREVENTION OF DRUG ABUSE AND DRUG TRAFFICKING**

SUMMARY

The National Strategy for Prevention of Drug Abuse and Drug Trafficking is a comprehensive, long-term approach to eliminate drug abuse and its effects in the United States. The President's five-point program includes:

- Drug abuse prevention,
- Drug law enforcement,
- International cooperation,
- Medical detoxification and treatment, and
- Research.

The Strategy goes beyond the Federal responsibilities and establishes a "national" strategy, recognizing that real success is achieved when those people most affected by drug and alcohol abuse are directly involved in solving their own problems.

The responsibility for the successful implementation of the Strategy to eliminate drug abuse is shared by government and the private sector. The National Strategy calls upon Federal government officials to take the following actions:

- To encourage and support the actions of parents and other concerned citizens in combating drug abuse in their homes, neighborhoods, schools, businesses and communities;
- To pursue those anti-drug activities which lie beyond the jurisdictions and capabilities of the individual states, including primary responsibility for enforcing Federal laws, for international cooperation and for certain research activities;
- To ensure that Federal drug programs effectively meet the specific needs which exist within communities throughout the United States, with priorities established on a local or regional basis; and
- To continue improvements in the use of Federal resources, with an emphasis on coordination and cooperation among officials at all levels of government and use of government resources as a catalyst for grassroots action.

In addition, the Strategy calls on each American to learn what needs to be done to eliminate drug abuse and to get involved in doing it. All individuals; all business, civic and social organizations; all levels of government and all agencies, departments and activities within each level of government are called upon to lead, direct, sponsor and support efforts to eliminate drug abuse in families, businesses and communities.

DRUG ABUSE PREVENTION

Drug abuse prevention -- through awareness, education and action -- is fundamental to long-term success in stopping drug abuse and drug-related crime in our society. Priority must be given to motivating our young children, before they become involved with drugs, to never use drugs, including alcohol; and we must also convince current users to stop drug use.

The drug abuse prevention strategy continues the partnership between government and the private sector to bring the full range of this country's resources to bear on reducing existing drug and alcohol abuse and ultimately to provide a drug-free environment for all Americans, especially our young people. The National Strategy calls for the following action by responsible Federal government officials, recognizing that success will not be achieved without the direct involvement and support of state and local government officials and the private sector:

- To provide all possible encouragement and support to a vigorous national drug abuse prevention and education effort;
- To ensure that accurate and credible information about drug and alcohol abuse is made widely and readily available to individuals and groups through nationwide public awareness campaigns, publications and technical assistance;
- To encourage and support prevention programs for young children which teach positive behavior, such as constructive handling of feelings and responsibilities;
- To support prevention activities which stimulate the participation of volunteers and the private sector;
- To encourage and assist the continued involvement in drug abuse prevention and education by private business, which has a unique capability to communicate accurate information about drug abuse in a credible way to large segments of the population;
- To integrate drug abuse education into the school system, and encourage its integration into private school programs, with emphasis on the destructive effects of drug use, including alcohol, on excellence in education, health and overall well-being;
- To encourage and assist adults in meeting their responsibility of providing youth with positive leadership and a sound role model;

- To discourage activities which deliberately promote drug use, such as the commercial exploitation of drugs of abuse and the associated "drug culture;" the artificial glamorization of mind-altering and mood-changing drugs, including alcohol; and the sensationalized reporting by the mass media of drug and alcohol use by contemporary sports and entertainment figures;
- To discourage use of terms which foster misconceptions and hinder understanding of the nature of drug problems, including "recreational use" of drugs, "responsible use" of drugs and alcohol, "substance abuse," "decriminalization," "getting high," and defining drugs as "hard" or "soft;"
- To encourage and support a nationwide, comprehensive, community-based effort to eliminate drunk driving;
- To provide strong support for efforts to stop alcohol use by school-age children by increasing the awareness of the significant hazards posed to children by alcohol and by increasing the involvement of adults in reducing these risks;
- To reduce the practice of encouraging drinking among youth as a marketing technique by increasing public awareness and visibility, including identification of the sponsors and holding them responsible;
- To encourage the alcoholic beverage produces and distributors to police their own industry in developing and marketing their products;
- To encourage all states to establish 21 as the minimum age at which individuals may purchase, possess or consume alcoholic beverages; and
- To encourage and assist the continued involvement by physicians, pharmacists and other health care professionals in finding ways to reduce the dangers of misuse of prescription drugs, in making people more aware of the risks involved in combining alcohol with prescription drugs, and in making full use of available information on drug abuse research, treatment and prevention.

DRUG LAW ENFORCEMENT

Vigorous drug law enforcement reduces the availability of illicit drugs in the United States, deters drug-related crime and creates an environment favorable to reducing the production and abuse of illicit drugs. The Strategy continues the goal of bringing to bear the full range of Federal, state and local government resources on stopping the drugs, wherever they are grown, processed, transported and used, and apprehending and prosecuting those responsible for transporting and distributing illicit drugs, as well as the financiers and organizers.

The National Strategy calls upon each involved Federal official to work toward achieving the following objectives:

- Continued expansion of the involvement of every Federal enforcement agency which has any capability for contributing to the fight against drug abuse;
- Continued improvements in cooperation between law enforcement officials and prosecutors at all levels of government to achieve prompt and certain justice in prosecuting drug traffickers, seizing their assets, and destroying their criminal organizations; and
- Continued innovation in expanding the use and enhancing the effectiveness of all available government resources and jurisdictions in investigating and prosecuting illegal drug activities, deterring crime and preventing drug abuse.

Fundamental to the overall Strategy is the investigation and prosecution of drug traffickers and the destruction of their criminal organizations.

- The Strategy calls for Federal, state and local law enforcement officers and prosecutors to pursue aggressive investigation and prosecution of the full range of criminal activities associated with drug trafficking organizations.
- The Drug Enforcement Administration, the Federal Bureau of Investigation, the Internal Revenue Service, other Federal investigative agencies, and the U.S. Attorneys will continue to ensure the investigation and prosecution of high level drug traffickers and the destruction of their criminal organizations through all possible means, including Federal action, intergovernmental action, or assisting action by state, local and foreign officials.
- The Drug Enforcement Administration and the Federal Bureau of Investigation, with involvement by other appropriate Federal agencies and state and local law enforcement officials, will continue to place emphasis on criminal

investigation of health care professionals who are trafficking in drugs.

- A high priority is established for pursuing the financial aspects of drug trafficking, including use of criminal and civil forfeiture laws, currency laws, tax laws and international agreements against tax evasion and money laundering.
- State and local governments are encouraged to adopt and use powerful criminal and civil forfeiture laws to combat organized crime and the drug traffic. States are also encouraged to use the money derived from asset forfeiture to construct and operate prisons to handle the increase in prisoner population.

The border program emphasizes major cooperative interdiction efforts which utilize all available resources, including enhanced intelligence and military support, to detect and intercept illicit drugs before they are smuggled into the United States. In addition to continued improvements in the coordination of the massive effort, which is the responsibility of the National Narcotics Border Interdiction System (NNBIS), the Strategy calls for the following actions by Federal agencies to improve the existing border program.

- The U.S. Customs Service will continue to improve detection of illegal drug shipments in legitimate cargo;
- The Drug Enforcement Administration, Federal Aviation Administration and U.S. Customs Service should work together, with the support of other agencies as necessary, to implement added deterrents to smuggling by general aviation aircraft, including stronger penalties for violators.
- The Department of State, the Immigration and Naturalization Service, and the Customs Service will enhance the screening process of foreign visitors to the United States to preclude those with prior drug smuggling involvement from entering the country. This includes denying entry visas to any foreign national who has a drug violation or is involved in drug trafficking.
- The Drug Enforcement Administration will work with other appropriate Federal agencies and with state, local and foreign government law enforcement officials to ensure use of all potential sources of interdiction intelligence, both in foreign countries and within the United States.

- NNBS and all involved Federal departments and agencies will work to improve the detection capability throughout our border areas against attempted intrusions by air, land and sea.
- NNBS will work with the Drug Enforcement Administration to develop and implement an expanded coordinating role for the El Paso Intelligence Center (EPIC).
- In addition to border operations, the Strategy calls for Federal agencies to work with state and local officials whenever possible to assist them in developing innovative programs to detect and intercept illicit drug shipments in transit within the United States.

The National Strategy calls for elimination of the production of illicit drugs in the United States.

- The Drug Enforcement Administration, with the assistance of other appropriate government agencies, will continue to improve the national cannabis (marijuana) eradication program through training, technical assistance and intelligence support.
- The Strategy calls for concerned private citizens to report the location of suspected marijuana production to their local law enforcement agency.
- The Strategy also calls for strong penalties for those who are producing or selling marijuana.
- The Drug Enforcement Administration will encourage and coordinate increased Federal, state and local law enforcement action against clandestine laboratories, including sharing information and technical assistance, as well as continued cooperation in the investigation and prosecution of major violators.

As lead agency, the Drug Enforcement Administration is required provide central leadership, management and coordination in the following areas which are essential to strong drug law enforcement and other efforts to reduce the availability of drugs.

- Federal, state and local agencies must continue to work together, and with the international, pharmaceutical and health care communities, to reduce the diversion of pharmaceutical drugs from legitimate uses into the illicit drug traffic and the illegal manufacture and distribution of such substances.

- Continued refinement must be made in the intelligence necessary to support investigative and interdiction priorities, diplomatic initiatives and international drug control programs, policy formulation, management and the development of future national strategies against drug abuse and drug trafficking.
- The Drug Enforcement Administration will develop objective statistical means for central reporting of the accomplishments of the Federal government in drug law enforcement and prosecution, including establishing a central system for maintenance and timely dissemination of statistics regarding drug seizures by Federal agencies.

The Strategy calls for swift and just punishment of individuals involved in drug trafficking and related criminal activities.

- Prosecutors at all levels of government are encouraged to aggressively prosecute drug criminals and to present drug cases in the Federal, state or local judicial system best suited to provide swift and certain justice.
- The full support of our citizens and the cooperation of the Congress in reforming our criminal justice laws will greatly enhance the effectiveness of drug law enforcement.
- Judges, probation officers and parole boards are encouraged to give full recognition to the seriousness of drug offenses. Judges are encouraged to provide for strict sentencing, including just punishment for first offenders in drug trafficking cases.

The Strategy calls for full involvement by all levels of law enforcement in contributing to drug abuse awareness and prevention and in encouraging and facilitating the involvement of private citizens in supporting strong law enforcement, including the reporting of illegal drug production, sales or use to their local law enforcement agency and supporting just punishment of drug criminals.

INTERNATIONAL COOPERATION

Drug abuse is an international problem requiring international cooperation to reduce the availability of illicit drugs in the United States by eliminating illegal drugs as close to their source as possible. The Strategy for international cooperation continues a multi-faceted approach directed at the cultivation, production and distribution of licit and illicit drugs; the flow of profits associated with illicit drugs; and the effects of the drug trade and drug abuse on other countries as well as the United States.

Strong diplomatic initiatives by the President, the Vice President, the Secretary of State, other Cabinet officers, Ambassadors, and by the senior officers of Federal departments and agencies are fundamental to raising international awareness of the illicit drug problem and encouraging increased action by affected governments -- producer nations, transit nations and consumer nations. Diplomatic initiatives are directed toward the following objectives:

- To improve and strengthen the relationships between the United States and the primary drug producing and transit countries; and
- To spur mutual concern and shared responsibility that will provide long-term improvement, both in the availability of a wider range of resources from a greater number of donor nations and in diplomatic initiatives which promote the political will necessary to control drugs.

The United States will continue to take the following actions to encourage and assist governments of producer countries to undertake crop control programs as the most effective means of curbing production:

- Pursuing diplomatic means to heighten the awareness of the governments of producer countries of not only the international effects of their country's drug cultivation and production, but also the internal effects on their own people;
- Encouraging the governments of producer countries to demonstrate their commitment to crop control through scheduled reduction in cultivation and production; and
- Encouraging and supporting foreign government programs to control drug production through bans on illicit cultivation and containing licit production to remain within legitimate needs, reinforced where appropriate by destruction of illicit crops including eradication by chemical spraying and other means.

The Strategy includes development assistance, when necessary, to produce alternative sources of income for the farmers and also increase a host government's ability to institute measures against illicit drugs.

- To ensure the effectiveness of development assistance, U.S. decisions on foreign aid and other matters, such as refinancing of debt, should be tied, where necessary and appropriate, to the willingness of the recipient country to execute a vigorous enforcement program against narcotics traffickers, including the people associated with producing, transporting or profiting from illegal drugs.
- The United States will encourage other developed nations to support international narcotics control programs, financially and with other resources, including developmental assistance linked with crop control and cooperative law enforcement efforts.
- The United States will encourage international organizations and development banks to link their assistance with narcotics control objectives, where appropriate.

The Strategy encourages concurrent, strong criminal legislation and aggressive drug law enforcement by the host government in all source and transit countries. To ensure strong drug law enforcement on an international basis, the United States will pursue the following activities:

- The United States will encourage and support the interdiction of illicit drugs at every opportunity, within the source countries, in transit countries along the trafficking routes and at any border crossing while being transported.
- U.S. investigative agencies will continue a high level of cooperation with foreign drug control agencies including multinational investigations and prosecutions of drug criminals, and the collection and sharing of intelligence on illicit drug production and trafficking.
- The United States will provide assistance to host government law enforcement agencies in the form of equipment, training and technical services, when necessary, appropriate and tied to a demonstrated commitment to drug law enforcement by the host government.
- U.S. law enforcement agencies will continue to be actively involved in and support international and regional organizations concerned with drug law enforcement.

- The United States will encourage governments to give illegal financial activities associated with drug trafficking a high level of attention and a priority for cooperative action by law enforcement agencies and by the regulators of the banking industry, nationally and internationally.
- The United States will promote the establishment of innovative mutual assistance treaties with foreign governments, directed at facilitating judicial actions against the drug trade, seizing assets derived from drug trafficking, eliminating banking procedures which hide illicit drug transactions, and extradition and other legal arrangements.

The United States will continue to work with other nations and with the international community to curtail the diversion of pharmaceuticals and chemicals from legitimate international commerce.

The United States will continue to take the following actions to reduce the international demand for illicit drugs, thereby reinforcing long-range efforts to eliminate the production of illicit drugs:

- Encourage the governments of producing and transiting countries to recognize that their populations can also be victims of drug abuse, and thereby enlisting their cooperation in international drug control;
- Encourage recognition of the social and economic effects of the immense sums of illegal money that challenge the legitimate economies of some nations;
- Foster an increased awareness on the part of other industrialized nations and their governments of their domestic drug abuse problems, both to stimulate internal prevention efforts and to encourage their participation in international drug control efforts;
- Provide technical assistance in planning and developing demand reduction programs; and
- Achieve active participation in demand reduction by international organizations and non-government groups, where appropriate.

In support of the international program, the United States must fulfill the same treaty obligations which the U.S. Government urges other nations to meet. This will be accomplished by controlling production and trafficking of illicit substances within U.S. borders. The Strategy calls upon all citizens and government officials to support this important objective.

MEDICAL DETOXIFICATION AND TREATMENT

Medical detoxification and treatment is essential if millions of Americans are to overcome the physical, psychological and social problems of drug abuse.

Federal agencies should encourage and assist all efforts to achieve more effective use of the existing national treatment system, including development of treatment programs which are more responsive to local priorities and the specific needs of a varied user population.

The Federal government will continue to place a high priority on providing information and guidance for drug abuse treatment based on the results of biomedical, clinical and epidemiological research, including the dissemination of research findings and general information to health professionals and their educators and to the general public.

The Federal government will continue to actively seek less expensive, more effective treatment alternatives and make these alternatives available to the national treatment system.

The Federal government will continue to support treatment and prevention activities through the block grant program, along with programs in the Bureau of Prisons and Social Security Administration, and through continued provision of services in the military establishment and the Veterans Administration. The U.S. Parole Commission will continue to provide drug and alcohol treatment through the U.S. Probation System, including early detection of abuse and provision for a quick return to custody if an individual poses a danger to the community.

The Strategy encourages states to support programs directed at youngsters who have just started using drugs and alcohol and who have not yet established a total lifestyle around drug use.

The Strategy calls for each local community to support treatment facilities and approaches appropriate to the special needs of the local community, including responding to immediate and acute medical treatment and of longer-term support in a non-drug environment.

The Strategy continues to call for the integration of drug and alcohol abuse treatment into general health care.

The Strategy encourages treatment facilities to promote drug-free treatment programs whenever possible.

The Strategy continues to call for efforts to educate health care professionals about drug and alcohol problems.

The Strategy calls for the National Institute of Mental Health and mental health specialists to seek active involvement in alcohol and drug issues, recognizing that alcohol and drugs are reported to be the number one and number two causes of mental health problems. NIMH should also sponsor research to study mechanisms by which alcohol and drug abuse create mental health problems.

A high priority must be given to the development and implementation of programs and procedures to identify, remove and treat individuals who are in jobs where their drug abuse endangers the public safety.

The Strategy sets a high priority for the establishment and operation of employee assistance programs in both the private and public sectors to save lives and reduce the health and economic costs of alcohol and drug-related problems.

The Strategy encourages private industry, religious groups, private organizations and state agencies to work together to support treatment programs.

The Strategy encourages the expansion of alcohol and drug abuse treatment services throughout the private sector, including the expansion of third-party payments for the treatment of alcoholism and drug abuse.

The Strategy emphasizes the need for state and private treatment programs to ensure that youthful drug and alcohol abusers are receiving appropriate treatment services.

RESEARCH

Research, carefully planned and widely undertaken, can reinforce all efforts to prevent, treat and control drug problem by expanding our knowledge concerning drug abuse.

The Strategy supports the development of new knowledge about drug use patterns, risk factors and the long-term effects of drugs, including interdisciplinary research integrating data from the criminal justice system, social sciences, biochemistry, etc. The Strategy calls for a balanced program between basic and applied research.

The Strategy objectives for research emphasize producing accurate and clearly written information about drugs and alcohol and making this information widely available in an understandable form for use in education and prevention efforts.

The Alcohol, Drug Abuse and Mental Health Administration (ADAMHA) will continue to support longitudinal and other epidemiological research to expand knowledge of alcohol and drug use patterns, risk factors and the long-term health effects of alcohol and drug abuse.

ADAMHA, with input from other involved agencies, will critically review each component of the epidemiology program to maintain the quality and credibility of the methods and findings and to determine if there are more efficient and economical approaches which would increase their utility.

Other national epidemiological data systems operated by various government agencies will be used to augment the information needed for answering questions about alcohol and drug abuse whenever appropriate.

The Strategy calls for the development of an effective system to monitor the composition, potency and probable source of illicit drugs. The Department of Justice has responsibility for the project.

ADAMHA will continue its efforts at the Federal level to gain new knowledge of the basic mechanisms underlying drug and alcohol abuse and to develop new biomedical behavioral and pharmacological methodologies for the prevention, diagnosis and treatment of drug and alcohol abuse. Specific research activities in support of the Strategy include:

- Investigating the biological interactions between the combination of alcohol and marijuana, between alcohol and other drugs, and in the development of alcoholism;

- Continuing the study of brain receptor mechanisms such as those identified for naturally occurring opiate-like peptides and those associated with reward sensations related to cocaine and heroin;
- Investigating the effects of alcohol consumption on neurotransmitters and their receptors;
- Continuing to investigate the basic biological and behavioral processes affected by alcohol, marijuana, cocaine, heroin and other psychoactive drugs;
- Studying the efficacy and cost effectiveness of different drug and alcohol abuse treatment approaches;
- Studying the adverse medical consequences of alcohol abuse and alcoholism and the genetic factors that may help explain why individuals seem to differ in their vulnerabilities to the medical problems associated with alcohol and drug consumption;
- Continuing efforts to determine the abuse and addiction potential of drugs;
- Developing testing methods which will identify persons under the influence of various drugs with at least the same degree of accuracy as present methods of testing to identify persons under the influence of alcohol;
- Developing techniques for effectively preventing alcohol-related and drug-related problems within various age groups; and
- Continuing to examine the biological and behavioral factors which may predispose some individuals to drug and alcohol addiction and tend to make others resistant.

One of the highest priorities for research efforts is the development of agonist/antagonist or antagonist drugs which reduce patient treatment costs and improve the success of rehabilitation efforts.

ADAMHA will enhance the effectiveness of scientists and research projects by regularly reviewing, aggregating and assessing new information and knowledge and by ensuring that the results are widely available within the research community.

The National Institute on Drug Abuse will be responsible for the development and general availability of comprehensive annotated bibliographic sources designed to provide practitioners, researchers and the general public with readily available subject-indexed information on principal drugs of abuse.

The Strategy encourages the pharmaceutical community, colleges, universities and professional health care organizations to undertake extensive drug research, including increased research on orphan drugs.

The Strategy supports the expansion of research directed at basic knowledge and the associated applications of the findings in drug and alcohol abuse prevention, treatment and rehabilitation. A high priority will be assigned to basic work on the interrelationships between marijuana and alcohol and between alcohol and other drugs.

The Strategy also supports the recognition by the mental health community of the destructive role that drug and alcohol abuse play in mental health and calls for full recognition of the interrelationship and increasingly close cooperation between the three related Federal health institutes, particularly in the area of research.

Copies of the complete National Strategy for Prevention of Drug Abuse and Drug Trafficking, published in 1984, may be obtained from the White House Drug Abuse Policy Office -- (202) 456-6554

Drugs.

THE WHITE HOUSE

WASHINGTON

June 30, 1986

MEMORANDUM TO: DONALD T. REGAN
✓ DENNIS THOMAS
BOB TUTTLE
JACK COURTEMANCHE

FROM: PETER ROUSSEL 

This follows up on the attached.

Obviously events of the past few weeks have thrust this issue -- drugs, youth, college -- into the national forefront to stay. Thus, I would re-emphasize some aspects of the attached suggestion:

- (1) In establishing such a commission, this presents an opportunity for the President, in the final years of his presidency, to make a significant impact on the American scene in terms of the battle against drugs and the battle for youth/the educational system.
- (2) This transcends partisan politics. It's an American issue.
- (3) It's a chance for him to leave an indelible mark on the domestic side.
- (4) It is also a major opportunity to focus on the key issues of: youth, drugs, education.
- (5) It is a chance to provide leadership on the domestic issues which now dominate the headlines and which cry out for leadership of the sort the President could provide through such a commission with a defined goal as he did in the case of NASA.

THE WHITE HOUSE

WASHINGTON

June 24, 1986

MEMORANDUM TO:

DONALD T. REGAN
DENNIS THOMAS
JACK COURTEMANCHE

FROM:

PETER ROUSSEI 

With all the increasing and massive focus by the news media on the drug issue, as related to amateur and professional sports, and, concurrently, the desire of the President and Mrs. Reagan to speak out on this issue, I offer this suggestion:

Why not give consideration to the creation of a special White House Commission -- high calibre, blue ribbon, mandated with a deadline (as in the Rogers Commission) to take the initiative in lending a true national effort to review the problem and make specific recommendations on how college and professional sports can go about curbing this illness that now infects sports.

I would think that such governing bodies as the NCAA and the Commissioner's offices of the various professional sports -- major league baseball, NFL, etc., would welcome such an initiative to help their own efforts as well as increasing public awareness that the White House had taken a serious lead role in this campaign.

Consideration could be given to tapping appropriate athletes, coaches and prominent citizens for service. The key, however, would be to emphasize that this would be a working commission, not just a cosmetic entity, and with the intention that their findings/recommendations will be seriously reviewed/considered by all bodies involved.

Finally, its creation and purpose could be perhaps jointly announced by the President and Mrs. Reagan -- as a joint effort -- emphasizing her deep and continuing interest in this crusade in general -- and reaffirming his deep concern for this problem, and, as it applies in this case, most specifically to that most devoutly-followed of institutions -- the American sports scene.

CLOSE HOLD

THE WHITE HOUSE

WASHINGTON

July 9, 1986

MEMORANDUM FOR THE CHIEF OF STAFF

FROM: JOHN A. SVAHN *JAS*

We have developed the attached outline for a six-point high visibility Drug Initiative for the President.

After three Planning Group meetings on this subject there is now a general consensus that this is a good issue for the President to address; the timing is right. This six-point program is comprehensive and the next logical step in our fight against drug abuse.

We all agree that the President should begin the effort with a major speech outlining the problem; our past accomplishments and our new thrust. The Planning Group feels that this should be done as soon as possible, even as early as July 21. Bill Henkel suggested an East Room event with Congressional leaders, appropriate celebrities, professional sports figures, some CEO's committed to the issue, etc. This has not been done before and we all liked the idea.

A major caveat: Peter Wallison has indicated that there may be significant legal questions involved in some specific elements of this campaign. They will each need to be addressed before specific action steps can be spelled out. i.e., it's one thing to call for a drug-free workplace and another to say you want to test federal employees. We are working with Peter on an expedited basis to resolve the issues.

We have also developed and reviewed with the Planning Group a list of possible events to be done over the next two months in support of the initiative. These are attached. If you approve the program (subject to resolving the legal issues with Peter) we will work to fit the appropriate events into the President's schedule.

- _____ Approve, subject to Counsel's comments
- _____ Let's discuss
- _____ Disapprove

The President's Address to the Nation

East Room

Theme

Proud of Americans. Angry at those who are harming nation-
illegal drugs can destroy our national security, public safety,
neighborhoods, families and individuals. It is not a victimless
crime. We need action and commitment from government at all
levels and from private citizens -- business and labor, students
and teachers, parents and volunteers.

Outline

A. Accomplishments over past five years

- o Military
- o Awareness
- o High School use

B. Current Problems

C. New Initiatives

1. DRUG-FREE WORKPLACE

Clean up Federal workplace, start by screening all new employees and testing those in national security, safety, and law enforcement positions. Establish mechanism to give priority to government contractors with active policy of drug-free workplace. Ask private sector to pursue drug-free workplace.

2. DRUG-FREE SCHOOLS

Secretary of Education will determine what methods have been effective to rid schools of drugs and will communicate these to other school administrators. Will withhold Federal dollars from those not working toward drug-free school.

3. DRUG TREATMENT

Will make treatment mandatory for intravenous (IV) drug users, the main conduit for AIDS to general population. Will ask Congress for budget to meet treatment needs. Also, will issue E.O. outlining role of HHS Secretary for coordination and expeditious action concerning drug abuse health policy matters.

4. INTERNATIONAL

Will recall U.S. Ambassadors to drug producing countries for briefing and consultation regarding needs. Ask Secretary of Defense to make appropriate resources available for better interdiction and for destruction of illegal refineries.

5. LAW ENFORCEMENT

Direct Attorney General to intensify efforts in cooperation with Mexico and other nations to stop drugs and money laundering and to prepare any needed legislation to support effort. Ask VP to intensify efforts on SW border to stop cocaine and other drugs.

6. PUBLIC AWARENESS AND PREVENTION

Ask all to join in Mrs. Reagan's drug abuse awareness and prevention campaign. Redouble efforts in all media to stop illegal drugs, make unacceptable to use illegal drugs in our society. Misinformation surrounding cocaine, truth.

GOAL: 70% REDUCTION IN DRUG USE WITHIN THREE YEARS.

PROPOSED DRUG ABUSE EVENTS

Major National Events

- RR nationally-televised address in East Room.
Purpose: To take full leadership role, heighten national awareness of the multi-faceted drug abuse issue, communicate progress made and outline new offensive against drug abuse.
- RR Signing Ceremony - possible Executive Orders
(1) directing the Secretary of Education to withhold Federal funding from any educational institution which does not have a policy of no drug use; (2) requiring all DOD contractors to have a drug-free workplace; and (3) requiring Federal Government to adopt (a) preemployment screening for all positions and (b) screening of employees in positions affecting public safety or national security.
Purpose: To ensure the public trust by taking those actions which are the most difficult and the most effective in eliminating drug abuse.
- RR/NR Presentation Ceremony for Certificates of Achievement to six individual and corporate achievers.
Purpose: To highlight accomplishments of established national program against drug abuse and present model for upcoming initiatives.

Specialty Events

- RR/NR briefing for Chief Executive Officers of multi-national corporations. Event would be a dialogue on the subject of drug abuse in the workplace.
Purpose: To highlight priority of drug abuse prevention programs in the workplace, demonstrate support for established programs and encourage other corporations to establish programs of their own.
- RR/NR visit to a plant which has a drug-free environment.
Purpose: To focus on ability of management and labor to work together to eliminate drug abuse in the workplace.

- RR/NR visit to a school which has implemented an effective anti-drug program. Addresses student body, tours town, etc.
Purpose: To focus on ability of community to rid schools of drugs and the relationship of a drug-free school with the quality of education.
- RR/NR meeting with Congressional leaders. Event would be a "listening" session among conservative and liberal drug program spokesmen in Congress.
Purpose: To reaffirm the President's leadership on the issue, demonstrate a listening posture and break ground for new Administration initiatives.

Call to Action

- RR call on union and management to eliminate drug abuse in their ranks and to set an effective policy to deal with the drug users and their health needs.
Purpose: To build a consensus among labor and management for eliminating drug abuse in the workplace.
Possible Labor Day speech.
- RR call on media and private sector to seek every opportunity to assist Mrs. Reagan in publicizing the negative aspects of drug abuse and the positive aspects of saying no to drugs.
Purpose: To expand national prevention/education program and ensure that accurate information is presented in a credible way to all citizens.
- RR/NR Message to School Principals to coincide with Department of Education program kick-off and release of "Schools Without Drugs."
Purpose: To give high priority and visibility to leadership role of school principals in eliminating drug abuse in the schools.
- RR/NR Message to teachers to coincide with release of IBM-sponsored comic books.
Purpose: To emphasize important role of teachers in drug abuse prevention among children.

- RR/NR briefing to commissioners of major sports organizations calling on them as role models for Nation's youth to support drug abuse awareness programs and to be drug free.

Purpose: To recall 1982 RR/NR meeting with representatives of professional sports associations and direct current visibility of the problem of drugs and sports to a call for action in all segments of society.

Enforcement

- RR message to all mayors calling for commitment of at least 10 percent of local police resources specifically to stopping the supply as close to the user as possible by arresting all known drug dealers and making public the names of dealers and users. Presidential call to all judges to hold these drug dealers for a minimum of seven days as a threat to the community.

Purpose: To disrupt the drug traffic as close to the user as possible; to hold drug dealers responsible for their criminal activity which can include murder, attempted murder and assault.

- RR call on all levels of government to aggressively enforce laws and regulations prohibiting possession, use, sale or transfer of any illicit drug in any public building. Direct immediate dismissal of any employee of the Federal government committing this criminal offense.

Purpose: To disrupt the drug traffic as close to the user as possible; to hold individuals involved in drug offenses responsible for their criminal activity.

Press Events

- RR/NR informal chat with selected editorial writers.
- RR Op-ed for Wall Street Journal: the national cost of drug abuse.
- RR/NR exclusive interview with appropriate weekly news magazine.
- RR/NR Parade Magazine article.
- Regional press luncheon.

- Weekly briefing of regional press.
- Establish media action committee.

Legislative Events

- RR call on all states asking them to pass the model paraphernalia law within two years and asking Congress to remove 25 percent of the ADM block grant money from any state which does not comply with such requirement and make it illegal to manufacture or possess drug paraphernalia.
- Legislative package to Congress requesting rescheduling of butyl nitrite, and legislation requiring all IV drug users to enter treatment.

Government Events

- RR Signing Ceremony for Executive Order altering current policy board chaired by the Attorney General to include drug abuse health issues or creating Cabinet-level drug abuse health policy board.

Purpose: To enhance Cabinet-level drug abuse policy participation on the health side.

- RR directive to Secretary of HHS to develop ways to provide funding assistance to states which implement programs (a) making treatment mandatory for IV drug users, (b) meeting the treatment needs of indigent people, and (c) identifying other drug users and forcing them into treatment.
- Briefing for Cabinet on drug abuse issues and programs.
- Briefing for White House Senior Staff concerning drug abuse issues and programs.
- RR/NR address to national meeting of drug abuse health care professionals.
- Distribution of materials to U.S. Attorneys, calling on each to promulgate the drug abuse issue and strategy in the local media and with community groups.

International Events

- RR/NR discussion with other leaders.
- NR host briefing of the wives of foreign ambassadors assigned in Washington.

- Recall of U.S. Ambassadors for White House Briefing on drug abuse.
- Cabinet/Senior Staff briefing of Foreign Press.

Cabinet/Senior Staff Events

- Briefing for national press with Regan, Weinberger, Meese, Bowen, Brock, Dole, Bennett, Turner on appropriate aspects of drug abuse problem and what must be done to solve it.
- Shultz major domestic address on international impact of drug abuse.
- Meese and appropriate Department of Justice officials visibility for domestic eradication program and other enforcement initiatives.
- Weinberger address on DOD initiatives to end drug abuse in the military and by the civilian workforce.
- Bowen major addresses on the drug abuse issue.
- Brock as spokesman on drug abuse in workplace.
- Bennett major addresses on drug abuse in the schools and spearhead major Department of Education initiative.

Ongoing Events

- White House briefings for select business leaders, consumer groups, labor organizations, educational associations, etc.
- Fact sheets/speech inserts for surrogates. Mailings of supportive editorials and other advocacy materials.

SCHEDULE OF POSSIBLE DRUG ABUSE EVENT OPPORTUNITIES

<u>DATE</u>	<u>EVENT</u>	<u>LOCATION</u>
7/8-11/86	North American Christian Convention	Indiana
7/11-18/86	Association of Trial Lawyers of America	New York, NY
7/14-19/86	National Law Enforcement Explorer Conference	Seattle, WA
7/15/86	RR Address to Republican Fundraiser	Washington, DC
7/15/86	Fourth National Conference of Hospital-Medical Public Policy Issues	Washington, DC
7/16/86	Texans War on Drugs	Texas
7/18/86	NR meets with sports commissioners. (T)	Washington, DC
7/27-31/86	Youth to Youth National Conference	Ohio
8/3-6/86	First National Conference on Alcohol and Drug Abuse Prevention, "Sharing Knowledge for Action"	Washington, DC
8/22-26/86	American Psychological Association	Washington, DC
8/14/86	Congressional Picnic	Washington, DC
8/16-9/7/86	RR to Ranch/Congress recess	National
8/17-21/86	White House Conference On Small Business	Washington, DC
8/24-26/86	National Governors Conference	Hilton Head, NC
8/26-30/86	Toastmasters, International	Nevada
9/1/86	Labor Day & Beginning School Year	Nat'l Holiday
9/8/86	RR/Congress return	Washington, DC
9/11-13/86	Radio-Television News Directors Association	Texas

<u>DATE</u>	<u>EVENT</u>	<u>LOCATION</u>
ca. 9/15/86	Department of Education program kick-off and release of "Schools Without Drugs."	National
9/18/86	Capital Cities/ABC Conference: "Drugs in the U.S.A."	New York, NY
9/18-21/86	Concerned Women for America	Washington, DC
9/23-26/86	National Conference of Editorial Writers	South Carolina
9/29-10/2/86	American Academy of Family Physicians	Washington, DC
10/4/86	Congress recess/Campaign	National
10/22-26/86	American Business Women's Association	Kansas
11/23-24/86	Tennessee Statewide Law Enforcement Coordinating Committee (LECC) meeting on drug education and enforcement	Nashville, TN
11/2-6/86	American Pharmaceutical Association	Louisiana
11/2-6/86	National Association of Convenience Stores	Louisiana
11/4/86	Election Day	National
11/6-11/86	National Association of Realtors	New York, NY
11/16-19/86	American Heart Association	California
11/12-15/86	Society of Professional Journalists (Sigma Delta Chi)	Georgia
11/16-19/86	Southern Newspaper Publishers Association	Florida
11/17-19/86	TV Bureau of Advertising	California

Perennials

National Chamber of Commerce
National Press Club

THE WHITE HOUSE
WASHINGTON

July 15, 1986

You might want to look at this memo prior to the 2:00 DPC meeting on the drug initiative.

The memo has been distributed only to the following:

Regan
Thomas
Kington
Svahn
Turner
Chew

PJWallison

THE WHITE HOUSE

WASHINGTON

July 15, 1986

MEMORANDUM FOR PETER J. WALLISON

FROM: ROBERT M. KRUGER *RMK*

SUBJECT: National Initiative on Drug Abuse

This memorandum preliminarily identifies legal issues implicated by the various proposals for a national initiative on drug abuse outlined in two memoranda dated July 8, 1986 (copies attached).

1. DRUG-FREE WORKPLACE

- o Testing Federal Employees. Programs to screen and test government employees in positions involving national security, public safety and law enforcement are being implemented or are already in place as follows:

- Department of Defense
 - Military Services (All Personnel)
 - Civilian Employees (Army and Some Navy Employees in Certain Critical Positions)
- Department of Justice
 - Drug Enforcement Administration (New Agents)
 - Federal Bureau of Investigation (New Agents)
 - Immigration and Naturalization Service (New Border Patrol Agents)
 - Bureau of Prisons (Applicants for Law Enforcement Positions; Employees under Suspicion)
- Department of Transportation
 - Coast Guard (All Personnel)
 - FAA (Air Traffic Controllers)
- Department of Treasury
 - U.S. Customs Service

Each program is tailored to meet the particular needs and composition of the agency involved. Generally, they involve the administration of a preliminary unanalysis to detect the presence of certain controlled substances. A positive indication does not become the basis for a personnel action unless drug use is admitted or corroborated. Positive specimens, however, undergo confirming tests, the results of which may result in a referral for counseling or treatment or, in inappropriate circumstances, discharge or demotion.

New employees are usually tested before appointment or selection. Other typical testing occasions include: (1) periodically, after selection or appointment, on the basis of neutral criteria, (2) when there is probable cause to believe that an employee is under the influence of a controlled substance while on duty, (3) in an examination following a mishap or safety investigation or (4) as part of a regularly scheduled medical examination.

o Legal Challenges

Fourth Amendment. Serious legal questions confront drug testing programs for federal employees. Several of these questions are currently being litigated. Constitutional challenges based on the Fourth Amendment's prohibition against unreasonable searches and seizures are of foremost concern (the courts have consistently held that requiring a person to provide a sample of his urine is a constitutionally protected seizure). Generally, absent certain exceptions, warrantless searches are per se unreasonable. Testing programs triggered by suspicion that an employee is presently under the influence of drugs have been upheld by the courts. More expansive programs require a showing that the public interest in testing supercedes the intrusiveness of the testing to the individual.

The testing programs listed above arguably involve public interest factors sufficient to meet this test. In permitting urinalysis testing of military personnel, for example, the courts have emphasized low expectations of privacy in the military, the importance of military preparedness and documented drug abuse problems in the armed services. The other agencies listed above can cite similar justifications for testing. Law enforcement personnel are charged with enforcing the United States drug laws and are easy targets for blackmail and corruption. Serious public safety concerns surround law enforcement personnel who carry firearms and other government workers engaged in hazardous activities.

Absent a reasonable suspicion of drug abuse or a compelling security justification, required urinalysis testing may not withstand constitutional challenge. In this regard, courts usually give greater weight to legislative expressions of state interest than to executive pronouncements (thereby placing Congressionally-enacted programs on a stronger Fourth Amendment footing). Where a federal employee consents to urinalysis testing, the voluntariness of that consent may become an issue. If employment is conditioned on the the relinquishment of constitutionally-protected rights, it is unlikely that the consent will be viewed as

voluntary. Applicants, as opposed to incumbent employees, are less well-situated to challenge a consent requirement, due both to their lack of a vested employment interest and the inherently reasonability of job entrance examinations.

Fifth Amendment. Constitutional issues also arise under the due process clause of the Fifth Amendment. These include the opportunity to dispute the results of drug tests, the need for corroborating evidence of malperformance, the reliability of the chain of custody governing specimens and the confidentiality of test results.

Federal Statutes. The Rehabilitation Act of 1973 may provide legal recourse for employees subjected to drug testing. Some alcohol or drug abusers may fit within the definition of handicapped individuals and thus receive protections under the Act from certain adverse actions (i.e. be entitled to an offer or opportunity of rehabilitation). The Act also prohibits the federal government from denying or depriving federal civilian employment "solely" on the basis of prior drug use. 42 U.S.C. 290ee-1.

A number of other federal statutes may serve as a basis for legal challenge to drug testing programs. In a suit against the Department of Defense's civilian drug testing program the National Federation of Federal Employees has alleged violations of inter alia, the Administrative Procedure Act and numerous provisions of the Civil Service Reform Act. The Civil Service statutes have been interpreted as requiring that there be a nexus between the use of drugs by a government employee and his or her performance on the job.

Whatever incompatibility these laws present could be dealt with, at least in part, through legislation clarifying the relationship of drug testing laws to other federal statutes.

Federal Labor-Management Issues. Where tested employees are represented by a union, testing programs may be challenged as terms or conditions of employment subject to labor-management negotiations or, where unilaterally implemented, as unfair labor practices.

Bivens-Type Actions. The Supreme Court has recognized a private cause of action for damages against federal agents who, acting under color of authority, engage in unconstitutional conduct. Individuals ordering or supervising drug testing may be subject to such suits.

o Private Sector Employers and Government Contractors.

Increasing numbers of companies have adopted strategies to attack the problem of chemical abuse (according to a survey 30 percent of the Fortune 500 companies now screen employees or job applicants.) Partly because of the divergent laws, regulations and collective bargaining agreements to which private sector employers are subject, these programs vary widely.

While not strictly subject to constitutionally standards governing privacy and due process, private employers may encounter state constitutional or statutory privacy provisions, common law protection against the tort of invasion of privacy and common law protection against libel and slander. Accordingly, national employers must sometimes devise different programs for different jurisdictions in which they operate. It may not be possible for all private sector employers to meet a single definition of a drug-free workplace without risking state court litigation and in some jurisdictions substantial tort liability. Work rules, including drug testing programs, for unionized employees are usually the subject of company-specific collective bargaining agreements.

Unless federal preemption of these various state laws is contemplated, recognition of a drug-free workplace may have to be a relative concept measured in terms of efforts made and goals achieved rather than an absolute imperative.

One problem with imposing requirements on federal contractors is that such a program could subject otherwise private conduct to some of the aforementioned constitutional challenges (i.e. create an element of state action). It may be difficult to view compliance with such requirements as voluntary without appearing to be inconsistent with the Administration's position on the regulations issued by the Labor Department which implement the Executive Order on affirmative action. In that case, the Administration presumably views implementation of affirmative action programs as a form of state action subject to constitutional challenge.

2. DRUG-FREE SCHOOLS

Withholding federal dollars from schools not working toward drug-free environments may not be possible without legislation. The specific grant awards, contracts and regulations which govern the flow of funds from various departments and agencies to colleges and universities establish eligibility requirements and limit the use to which such funds can be put. Generally,

however, compliance with federal law is not a term or condition of a governmental award (Civil rights statutes constitute one exception).

3. DRUG TREATMENT

Mandatory (i.e., involuntary) treatment for intravenous drug users would raise many of the same constitutional issues discussed above even if applied only to individuals convicted of crimes. However, courts regularly make successful completion of a drug treatment program a condition for bail or release or an alternative to incarceration. The Administration may want to urge wider use of this option or militate for improvements in and increased funding for existing treatment programs, many of which are presently viewed as inadequate by law enforcement personnel.

4. INTERNATIONAL

The so-called Posse Comitatus statute prohibits use of any part of the Army or the Air Force to execute the laws of the United States except in cases and circumstances expressly authorized by the Constitution or Act of Congress. In recent years, Congress has enacted broad exceptions to this prohibition, making available to civilian law enforcement officials (1) information collected during the course of military operations, (2) military equipment and facilities, (3) training and advice by members of the armed services and, (4) under certain conditions, military personnel to operate and maintain military equipment. In appropriate circumstances, military personnel may operate equipment outside the United States for use as base of operations by Federal law enforcement officials to enforce the Controlled Substances Act and the Controlled Substances Import and Export Act and to transport law enforcement officials in connection with such operations. Congress has also recently reaffirmed, however, that military personnel may not participate in an interdiction of a vessel or aircraft, a search and seizure, arrest or other similar activity unless such participation is expressly authorized by law. If consultation with the Secretary of Defense regarding specific initiatives indicates that existing constraints do not provide sufficient latitude, new legislation may be necessary.

5. LAW ENFORCEMENT

Proposals directed at toughening law enforcement and criminal penalties for drug abuse (e.g. calling upon judges to hold drug dealers for a minimum of seven days as a threat to the community) raise issues under constitutional and statutory provisions concerning presentment (the right to be arraigned before a magistrate), bail, and the right to a speedy trial.

While the President may urge the U.S. Sentencing Commission to recommend tougher sentences for drug offenders, he probably would want to avoid particular statements which are inconsistent with sentencing recommendations derived from prior initiatives sponsored by the Administration. Moreover, the appearance of interference in matters that are constitutionally within the province of the judicial branch counsels care in articulating the Administration's position. In calling for the arrest of all known drug dealers, the President would not want to suggest that local law enforcement agencies (1) should take any action in contravention of Fourth and Fifth Amendment rights or (2) do not at present arrest individuals whom they reasonably suspect to be dealing in illicit drugs. Such initiatives are probably better phrased in terms of devoting more resources to the fight against drugs.