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January 4, 1990

Representative George W. Crockett, Jr.
from Detroit, Michigan
Congress of the United States
House of Representatives
Washington, DC

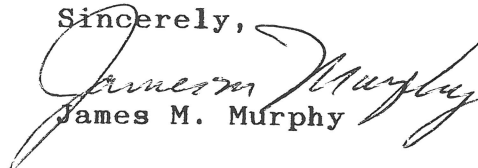
Dear Congressman Crockett,

I was glad to hear that you are publicly calling for decriminalization of drugs and thought my enclosed articles might be helpful to you in presenting your position.

There is much confusion in regard to the relationship between crime and drugs. Both are serious problems, but using the criminal justice system to try to solve the drug problem has serious drawbacks. Drug addicts are patients, not criminals. We mistreat patients to imprison them, drive them and their problems underground, and make it difficult to implement educational, psychological, medical, and religious approaches to drug addicts. Also, we overload the courts, overcrowd the prisons, and fail to halt the rising tide of victimizing crime. Stopping crime is the proper focus of the criminal justice system, and we need to revise our approach to the crime problem.

If I can be helpful to you in decriminalizing drugs, let me know.

Sincerely,


James M. Murphy

Enclosures and SASE

NEW YORK FORUM

ABOUT HEALTH

This Drug War Can't Be Won

By James M. Murphy

AS WE DID with the Vietnam War, we need to withdraw with honor from the war on drugs and orchestrate a new, nonmilitary approach to the drug problem.

The false premises of the drug war make it unwinnable. In the first place, drug traffickers are presumed to be distinguishable from users, but most drug addicts are also drug sellers. If non-addicted sellers are jailed, addicted ones will quickly take their place. In short, trafficking can't be stopped unless addicts are also imprisoned. But drug addicts are patients, not criminals. They don't deserve to be punished or imprisoned.

Another false premise of the drug war is that recreational drug use is the same as addictive use. But only certain people have addictive personalities, and they are at risk of becoming addicted to mood-changing drugs, regardless of which drugs they take. For example, many people are given morphine or Demerol — addicting drugs that are chemically the same as the hard drug heroin — to counteract pain after an operation. But in the usual therapeutic dosages they don't become addicted unless they have addictive personalities. Contrary to what many opponents of drug use want us to believe, only addictive personalities become psychologically addicted to cocaine.

A third false premise is that those who get high on one addicting chemical have the right to prohibit and punish those who get high on another addicting chemical. But only the innocent have the right to condemn the guilty.

Alcohol is addicting, and the misery, illness

and damage to Americans from alcohol is greater than that from all the illegal drugs combined. If we attempt to imprison Panama strongman Manuel Noriega for destroying American youth, we should also imprison presidents of distilleries, as well as liquor store owners and bartenders. The drug war may be characterized as a hypocritical, intergenerational and interracial war: middle-class, middle-aged, white, alcohol-using government officials and police officers attacking poorer, younger, drug-using blacks and Hispanics.

Worst of all, there is much we could be doing to help solve the drug problem that we are not doing. Those who compulsively use drugs are emotionally troubled people who seek happiness through drugs. Obviously, to treat addicts and keep children from becoming addicted, our society needs to help people overcome their troubles and to remove obstacles to their happiness.

Furthermore, since addicts seek happiness in drug-induced altered states of consciousness, we need to target drug treatment and prevention of drug addiction more precisely. We need to help

people be happy in naturally altered states of consciousness. Helping people to be happy in these states of consciousness is a relatively unrecognized and virtually unexplored area of drug prevention and treatment. Natural altered states include falling asleep, waking up, having complete sexual orgasm, meditating, dreaming, daydreaming and entering mystical and creative trance states.

Addicts become caught in a vicious cycle: They seek altered-state bliss through drugs, but because the drugs dampen some brain functions, they aren't mentally alert enough to fully appreciate their happiness at the time. And when they become sober they may not remember the pleasure they felt. Hence, addicts are deprived of the general sense of well being that is the sum of many remembered moments of clear-minded joy. And then they search for more happiness through drugs.

An accurate diagnosis of the problem is essential to an effective treatment. Before more lives are lost, more dollars spent, and more heartache created, we must revise our anti-drug strategy.

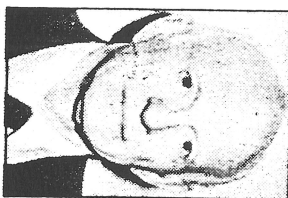
James M. Murphy, M.D., a psychiatrist, has worked in a state drug rehabilitation program and is writing a book about crime and drugs in the United States.



It's time to treat criminals like criminals

By James M. Murphy

The crime problem is being confused with the crack problem and was a problem long before the current wave of crack use. Crime and crack are two different kinds of problems. People addicted to crack, cocaine, and other illegal chemicals are patients,



James Murphy

Besides, we're overcrowding our courts and prisons with patients and interfering with stopping crime committed by criminals.

For the past 30 years the crime problem has been getting worse. What we have been doing is not effective because it has been based on the outmoded willpower theory. According to this, criminals yielded to temptations, made mistakes or were led astray by bad companions. This theory of human behavior is analogous to our placing a model A Ford engine in a space rocket and wondering why the rocket doesn't get off the ground.

They get along in society by attacking; they habitually think crime

GUEST COLUMN

The writer, a psychiatrist and former prison chaplain, lives in Carmel.

and repeatedly commit crimes. One half to two thirds of convicted criminals are recidivists — people who have previously been convicted of committing crimes.

According to FBI crime reports each U.S. citizen has about a one-in-five chance of being a victim of a serious crime this year. This means that someone who is not a victim in the next five years is luckier than most people. According to another estimate, one in five women will be raped during their lifetimes. How many assaults, robberies, and rapes must one criminal commit before we stop thinking he (most are men) made a mistake and start thinking he has crime-prone tendencies?

We all agree that convicted criminals must forfeit certain rights and freedoms enjoyed by law-abiding citizens. We send convicted criminals to jail or prison for several months or years, supposedly to teach them a lesson by punishing them or to rehabilitate them. But when we send convicted youths to jail or convicted felons to prison, we are sending them — at taxpayers' expense — to colleges

of crime. Just as surgeons get together and talk surgery, convicted criminals talk crime. What prison teaches criminals is how to commit bigger crimes without getting caught. Besides, locking men in iron cages is inhumane.

A more effective and humane solution would be to restrict criminals in their homes and communities with electrical, mechanical and chemical restraints and monitor them with hi-tech methods.

For example, the police in New York City recently confined a convicted landlord to one building by placing a radio collar on his leg. Furthermore, since privacy, anonymity and flight allow criminals to escape, their privacy and anonymity as well as mobility should be drastically reduced.

We have already caught some fugitives through "The Most Wanted" television program and the use of new techniques for aging photographs. Criminals' telephone calls could be monitored efficiently with spectrographic analysis of voices. Comprehensive identification profiles and computerized national information systems should be instituted.

Criminals' whereabouts necessary to commit acts of crime should also be monitored. Their assets above a certain amount of money and property should be seized and used for victim compensation and to fund the criminal justice system.

Criminals should be subject to search without warning, and any

weapons or instruments of crime seized. They should not be allowed to use mood-changing chemicals or alcohol if they committed their crimes while intoxicated. Of course, criminals' non-forfeited rights — such as the rights to companionship of family and friends, to education, work, sex, and recreation — must be carefully guarded.

The restrictions should be part of a behavior modification program. For violations of restrictions, criminals should receive more severe restrictions. For compliance with them and no commission of additional crimes, their restrictions should be lessened gradually, after a prolonged period of time. The few who need to be removed from society altogether should be permanently relocated to highly secured, self-supporting prison communities with no output to the world beyond.

It's time for a major renovation of our criminal justice system. It's time to stop complaining that we don't have enough money or personnel. The billions of dollars proposed for prison construction should be spent on hi-tech equipment; the one million people in anti-crime work across the country should be trained in new hi-tech, non-violent, anti-crime methods. We can no longer afford to pay for practices that have demonstrated their ineffectiveness, and we have to stop risking police lives on horse and buggy theories of crime and crime prevention.

Criminal Personality Relates to Others by Attacking and Taking

To the Editor:

Howard Fast, writing about the New York City mayoral race and the crime problem (Op-Ed, Aug. 12), successfully cuts through the habitual political baloney about using more police officers and bigger jails to solve the problem, and he correctly assesses the way imprisonment turns amateurs into professionals and fails to stop the revolving door of recidivism. But he stumbles on the question of who commits crimes and why.

Personality is a major factor in many kinds of behavior: suicidal, psychotic, addictive and criminal. If we scrutinize the life histories of people who commit and are convicted of real, or victimizing, crimes, especially the histories of recidivist criminals, we find that the criminal's personality has become organized around the principle of attacking, going against and taking from people as his (or occasionally her) way of relating to them. Early in life he

learned to take what he wanted. Once the personality is so organized, he repeatedly commits crime, and he does so compulsively.

The totality of serious crimes is committed by perhaps 2 percent to 3 percent of the population — a figure far smaller than the number of poor people in our country. Most people have organized their personalities around getting what they want by non-criminal repetitive behavior. When they wake up in the morning, they do not decide not to steal their neighbor's car today. They do not want to steal it,

and their way of relating is not to attack and take things from other people. The criminal wakes up in the morning wanting and expecting to attack, take and steal today.

The criminal, or the crime-prone personality, sees events as external forces and connections, not according to his own or another's feelings, thoughts or inner forces. He sees people as entities pushed around by forces or who push one another around, in contrast to seeing people as driven to action by their thoughts, as expressing their feelings or as internally directed.

Instead of continuing to believe that criminals experienced a lapse in their will power, made a mistake, yielded to temptation or stole simply to get food, we need to consider that their behavior is the result of their crime-prone personalities. Only by beginning with this grounding in reality can we develop effective policies for lowering the ever-rising tide of crime. My own suggestion for the next advisable step would be to focus on restricting the freedoms and mobility of convicted criminals, who are responsible for at least half of all crimes committed. And prison is the last place I'd choose to carry out this program.

JAMES M. MURPHY, M.D.
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The writer is a psychiatrist.



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