DAVID ONEK: Welcome to the Criminal Justice Conversations Podcast, a coproduction of the Berkeley Center for Criminal Justice and the Berkeley School of Journalism. I’m your host, David Onek. The podcast recorded in the Berkeley School of Journalism studios features in depth interviews with a wide range of criminal justice leaders: law enforcement officials, policy makers, advocates, service providers, academics and others. The podcast gets behind the sound bites that far too often dominate the public dialogue about criminal justice to have detailed nuanced conversations about criminal justice policy.

Today’s guest is Gil Kerlikowske, the Director of the White House Office of National Drug Control Policy, otherwise known as the “Drug Czar.” Kerlikowske has 37 years of law enforcement experience including stints as Police Chief in Seattle and Buffalo, and as Deputy Director of the COPS Office, that’s the community oriented policing services office in the Clinton administration. He was sworn in as the nation’s sixth drug czar
on May 7\textsuperscript{th} of this year, just about six months ago, and joins me in the studio today. Gil Kerlikowske, welcome to the show.

GIL KERLIKOWSKE: Good, thanks for having me David.

ONEK: I want to start with the phrase, the war on drugs. President Nixon declared a war on drugs in 1971 almost 40 years ago, and that phrase has stayed with us this entire time until now. In your very first interview after taking over as Drug Czar with the Wall Street Journal, the headline of that article was, White House Czar Calls for End to War on Drugs. And you were quoted as saying quote, regardless of how you try to explain to people that it’s a war on drugs or a war on a product, people see a war as a war on them. We’re not at war with people in this country, end quote. Why did you think it was important to take on the war on drugs as the first issue you addressed as “Drug Czar.”

KERLIKOWSKE: The war metaphor just doesn’t work because this is not just a public safety or criminal justice problem, it is also very, very much so a public health problem. And when you talk about war the only real tool that you have is the use of force. We know that in a public health problem that there can be a lot of other people and a lot of other institutions that can be brought
forward to deal with it, and so when we combine all of these efforts calling it a war makes no sense.

ONEK: You recently used similar language when you were talking to your law enforcement colleagues at the International Association of Chiefs of Police Conference, the IACP, and your quote there was, quote, it’s become increasingly that the metaphor and philosophy of the war on drugs is flawed. You also told me on the ride over to the studio this morning that you’ve met with all the former drug czars and gotten their feedback on what you’ve done so far. What has been the reception from the former drug czars, from the law enforcement community on your desire to change the language around the war on drugs.

KERLIKOWSKIE: Well it’s interesting that I haven’t heard especially from my former law enforcement colleagues anyone use the term war on drugs. It seems to be much more popular in the media, and it seems to be more popular at times with elected officials than it has been with either people in the field, or people dealing with this. Many of those colleagues that I’ve talked to as former drug czars have mentioned the importance of looking at this problem from a variety of perspectives and in a much more balanced way than trying to either end the supply or to
look wrestling our way out of the problem, and we know that that can’t be successful.

ONEK: You talked about the public health approach. Why do you think that is so important to battling our nation’s drug problems?

KERLIKOWSKE: Well first of all the Obama administration realizes and understands that addiction is a disease, and that isn’t widely known. If you would have asked me ten years ago about addiction I would have said it’s an incredible moral failure, and people should just get a backbone and straighten themselves up and find God, and get out from under this terrible problem. You don’t have to read a lot of the scientific journals and talk to a number of the researchers to clearly recognize and understand that addiction is diagnosable, it’s a chronic disease. It is treatable and in some cases of course it responds very, very effectively to treatment.

ONEK: And how have people responded to you kind of honing this message, using your bully pulpit to really get the word out there about this public health message.

KERLIKOWSKE: I think more among my law enforcement colleagues
they were already way ahead on this issue. But when I talked to
the general public they actually get it, and they get it very
quickly because I have not met anyone in this country who has
not been affected by addiction, by a drug problem, themselves, a
family member, a neighbor, a colleague at work, it just doesn’t
matter, we have all got experiences around this disease.

ONEK: And given your philosophy about the public health approach,
do you think in the future that the drug czar should perhaps be a
public health official?

KERLIKOWSKE: The position is appointed by the President and
confirmed through the Senate, and there has been a four star
General, there was one former law enforcement official back in
1992, actually Lee Brown, and I believe he got his doctorate here
at Berkeley. There have been Bill Bennett who was the Secretary
of Education, Bob Martinez was a governor of Florida and a former
mayor of Tampa. I see absolutely no reason that a public health
official could not be in this role.

ONEK: And I’d like to talk to you about your views on drugs over
the years. You started out in Florida as a cop on the street.
What were your views about drug policy then as you were beginning
your career?

KERLIKOWSKE: Well I’d gotten out of the Army. And certainly during the Vietnam days I did not go to Vietnam, but I served active duty for a couple years, and so when you look at the problems of veterans in the military and drugs. When you look at the problems in not just our urban areas but also suburban places around the country, the difficulty of drugs, you realize that you have to look at it in a much more holistic way. If you think that making an arrest back then and making a seizure and laying the drugs out on a table and doing a press conference was any type of long term answer, you pretty quickly realized whether you were a detective, an officer or the Chief of Police, that this in the long term was not a solution.

ONEK: As you moved to a city like Seattle that has more liberal, for lack of a better word, drug policies, how did your thinking change or not change during your tenure there as Chief of Police?

KERLIKOWSKE: Well I think that what really changed over those almost 10, nine years as the Chief of Police was the understanding about addiction as a disease, and realizing that public health and treatment were very important. Law enforcement has always
had a close connection to prevention. We need to use evidence-based prevention programs, but I don’t think that law enforcement has a good relationship or understanding about the importance of treatment. On the other hand I would also tell my friends in the treatment community that oftentimes they’re fairly parochial, that they don’t reach out to the law enforcement assistance and support that they could and should. This very tough economic times in this country, and of course right here in California, it really forced some collaborations that I’m not sure when public dollars were flowing would have existed to the extent that they’re starting to blossom now.

ONEK: So that’s an upside of the financial issues our country is facing now as it’s forcing people to collaborate more on these issues.

KERLIKOWSKE: It is. I mean you can’t find many upsides to this economy, but I would tell you that I think I’m hearing and seeing people working much more closely together and much more collaboratively because those resources are just so tight.

ONEK: And in terms of having the treatment community and the law enforcement community work together on this issue, obviously there
is kind of years of distrust between the two of them that needs to be broken down. What are some successful ways to get people to come to the table and break down barriers and be willing to work together towards a common goal.

KERLIKOWSKE: Well David you hit a key issue, because we’ve seen needle exchanges and methadone programs and others around the country. And we’ve seen law enforcement either involved with some of them in a way that led to arrests or led to seizures, and that broke down very quickly relationships and communication. But let me give you a good example of how things have changed and what we can see as a better idea for how they can work more closely together. That was 25 and 30 years ago when domestic violence was first being recognized and understood. Many of the advocates and supporters for the victims of domestic violence did not trust the police. There was the belief that if you were giving treatment for domestic violence to victims and shelter, that they would not trust if you were associated as an advocate with law enforcement. Today it’s almost absolutely seamless between the law enforcement community and the domestic violence providers, advocates, treatment specialists. I actually see that as a great example of what can happen when it comes to drug treatment and law enforcement.
ONEK: Let me ask you, in your six months now on the job you’ve kind of talked about how your thinking changed from the beginning of your career till Florida, till you were chief in Seattle years later. How much has your thinking about this issue changed just in the last six months with everything you’ve seen on the job.

KERLIKOWSKE: It has been as we say in Washington, D.C., drinking from the fire hose. And I’ve been to Mexico twice, I’ve been down on the southwest border three times. I just returned from Bogota. And right after the first of the year I’ll be headed to Afghanistan, Pakistan, and Russia. One of the things that Secretary Clinton has talked about is that we’re all in the lifeboat together, and the addiction population in other countries is growing. Their ability to use prevention programs, their ability to use treatment are limited compared to what we’ve been able to accomplish in the United States. You have to recognize that 85% of the drug treatment research conducted in the world is conducted in the United States. We can be a great help not just in figuring out how to reduce supply, we can be a great help in figuring out how to reduce demand.

ONEK: How open are other countries to taking in the research that
has come from the United States?

KERLIKOWSKE: Well I’m not exactly sure on the research end, but I know that when I visited Mexico, the First Lady of Mexico, Margarita Zavala has taken on this issue and I toured treatment programs with her. When I spoke with President Uribe both in the United States and then again in Bogata, he talked about a growing addiction population. And recently we’ve seen that both President Medvedev in Russia and their drug czar, Viktor Ivanov have been talking about their addict population. Lastly we know that West Africa and Europe and the UK also have growing addiction populations. I think that we are clearly reaching a point where we are more than ready to all work together to help deal with this from not just the supply side but prevention and treatment.

ONEK: And the international focus on prevention and treatment. It’s fairly unprecedented is it not to have the level of interest that you were just describing in those different countries.

KERLIKOWSKE: I think in the past the drug czar’s position when it came to international issues was much, much more heavily influenced about interdiction, stopping the things at the borders, cracking down within or helping those countries within. And
it doesn’t mean that those aren’t important today, but what it mean is that we also in reducing demand can work much more closely together, and so as the drug czar, when I visited these countries it isn’t just to see how well they’re reducing cocaine distribution or eradication, or seizing the heroin, but what type of prevention and treatment programs they have. So I think that puts a very good face on the United States.

ONEK: And it must send a real message to them that you have a limited amount of time in each of these countries, and you’re saying, part of that time I want to spend going to your treatment facilities and seeing what kind of rehabilitation programs you have.

KERLIKOWSKE: I think that’s important, and I think it’s even more so when we look at the Governor of Monterrey and the government of Mexico have just opened up and started their first drug court. And that was with the help and advice and assistance of the United States. You know there are 2300 drug courts around the United States, they’ve been around for 20 years, they’ve been subjected to rigorous evaluation. They can be quite successful and quite helpful, so helping Mexico start their first one has been a great step forward.
ONEK: That’s very exciting and I do want to circle back and talk about drug courts a little later. But now let me turn to what’s really a very hot button issue in California right now, which is the legalization and regulation of marijuana. As you know Assemblyman Tom Ammiamo has introduced a bill here in California to do just that, to legalize and regulate marijuana. Governor Arnold Schwarzenegger has said that while he does not personally support legalization he thinks that there should be a public debate on the issue. The state is facing a huge fiscal crisis and is desperate for revenue. And recent polling suggests that more people than ever are supporting legalization in that those number in the western United States are higher than for the rest of the country. You have been quoted as saying that legalization quote, is not in the President’s vocabulary, and it’s not in mine, end quote. Now obviously reasonable people can disagree on the pros and cons of legalizing marijuana, but President Obama’s governing philosophy is to be open to all ideas and consider and debate them on the merits. If you look at another war we’re involved in, the war in Afghanistan, the President has said that he wants to do a thorough review that challenges every assumption made in the war so far. And so the question is, regardless of what the ultimate outcome of the debate on legalization would be, shouldn’t we be at
least having that debate, shouldn’t that be on the table?

KERLIKOWSKE: At a national level, no. And here is the reason why. The Office of National Drug Control Policy is a branch of the White House or an arm of the President, clearly understands the discussions going on within states, medical marijuana laws that have been passed, etc. And under our federalist society these are things that should go on. I have a limited time in office, and with a limited amount of people, and in the past when medical marijuana for instance was debated within the states, two former drug czars under two different administrations flew all over the country to debate and then talk about it. I’ve made a decision not to do that, because number one, we have things that work, and we don’t talk about it. All we really say right now in the rhetoric is, drug war has failed, therefore we must legalize. Actually there is a third options, and that is that we know prevention programs that work, we know treatment programs would work, and most of the debate has been about the politics not about the science. So given the fact that I’m a single person with a life on an airplane I’ve chosen to look at what works, and to give people some hope about the programs that’ll be helpful, not to engage in endless debate about legalization.
ONEK: That’s a perfect segue into talking about what works, because I want to talk to you about the importance of research and guiding policy decisions, and what you have seen working in combating drug problems in this country. One of the first times we met was at a community policing conference in Australia several years ago, and the participants there were almost entirely criminal justice scholars, and here in the middle of them was this chief of police from Seattle in the mix who you presented a paper just like the rest of us, and clearly relished the dialogue with scholars. It’s not unheard of among police chiefs, we have a great new chief in San Francisco, George Gascón who’s from the same mold, but it is pretty rare. So I’m wondering as a practitioner why do you see so much value in working with researchers to see what the best practices are?

KERLIKOWSKE: Well I think for too long in so many law enforcement and criminal justice issues we’ve made policy decisions based upon whichever way the wind was blowing. And that inability to speak to researchers and understand their language, and frankly the inability at times of researchers to write so that practitioners and policy makers could clearly understand it has been a barrier. So we have worked very hard, a lot of my colleagues, not just me, along with a number of practitioner oriented researchers to
figure out ways to bring in the quality and the rigorousness of research along with trying to help effect a public policy. And so it doesn’t really matter whether it’s drug courts or drug policy, or other law enforcement or criminal justice entities, it makes a lot of sense for us to be joined at the hip.

ONEK: And in talking about what works, you already mentioned drug courts. What can the federal government do to encourage the spread of drug courts, but also to make sure as they’re replicated, we were talking previously about how hard it is to replicate models and make sure they’re actually sticking to the model that they’re based on, what can the federal government do to encourage that?

KERLIKOWSKE: Well you raise a good point. The Obama administration has placed additional millions of dollars in funding in the 2010 budget for drug courts. The other important part is the drug courts are run by local executive boards. The judges, district attorneys, prosecutors, treatment professionals, prevention specialists. There’s the importance of best practices that all the drug courts should operate under, but then these local boards understand the particular politics, the particular needs of their community. And they help to develop the policies
around a drug court that will be most effective within their community.

ONEK:  What else have you seen works?  What’s working in treatment generally?

KERLIKOWSKE:  Generally in treatment the myth had been, and this is important for California, that people addicted to methamphetamine couldn’t recover, that it was the most addictive drug possible, and it truly is a dangerous drug and causes a lot of awful, awful problems.  But the same treatment protocols for other addictive substances, opiates, etc., work for methamphetamine, and I’ve met dozens of people who are in recovery from methamphetamine.  So we know that treatment programs work, sometimes in-patient, sometimes other types of programs but we know they can be effective.

ONEK:  What about shutting down drug markets.  I have heard you talk, and many of us in the field are familiar with the innovative work done in High Point, North Carolina.  Could you share your views on that work and its application to the rest of the country.

KERLIKOWSKE:  Well I think High Point, which is a much smaller
community, and a little more neighborhood based is an important experiment, and I applaud them for working on that. As you know it’s being replicated right now in Providence, Rhode Island, and Seattle, Washington, much larger communities, much more complex and less neighborhood oriented. But what it does is to say that to a young person we have evidence about what you’ve done, and rather than stigmatize you with an arrest we’re going to help you find another way out. Now we have the sanction over your head about what you’ve done illegally, but we also want to see you get back into the mainstream and be successful, and we want to help you do that.

ONEK: What would say is the most important thing people should know about the drug problem in this country that they don’t already know, that isn’t getting through the media.

KERLIKOWSKE: I think what you see in the media is the drugs coming in from Mexico, the cartels, the violence, etc. What people are not recognizing are two huge significant changes. One is prescription drugs, these aren’t coming across the borders, these are coming out of our own medicine cabinets, and more people are suffering from addiction and fatal overdoses through prescription drugs than through many other substances. The other
is on drugged driving. We have had significant improvements in the amount of alcohol impaired driving over the years, but in a most recent study, the first ever done by the Department of Transportation shows that on a Friday or a Saturday night, up to 16% of the drivers, that’s about one every six cars coming at you, that person would be under the influence of a drug. Could be a legal drug, it could be an illegal drug, but I think these two issues, prescription drugs and drugged driving are not getting anywhere near the attention they should.

ONEK: And I think related to that as well, this is something we talked about last time we met, you told me I believe that overdoses are now a higher cause of death than gunshot wounds in this country, and are actually catching up to car accidents as the leading accidental cause of death in this country. I wasn’t aware of that statistic, I don’t think a lot of people are. How do we start to get the word out about that and make people realize what an issue that is becoming nationwide.

KERLIKOWSKE: Well I think that’s important. I thought that as a police chief I was knowledgeable about the data, that I kept up with the research, and to find out during my preparation for confirmation that more people were dying from a drug overdose than
from a gunshot wound was very surprising to me, and I did my own clearly unscientific survey, and found that a lot of other people particularly in our professions, research and law enforcement, did not know about that. Now just recently 16 states reported that more people were dying from drug overdoses than from car crashes. I think that we need to call attention to this, and we need to see it resonate in the communities, and we could have the same success on the drugged driving that we’ve had on alcohol impaired driving.

ONEK: Because we clearly have had success in decreasing drunk driving in this country.

KERLIKOWSKE: We have. We’ve made a lot of progress through some messages, education and enforcement.

ONEK: I want to quickly go back to the prescription drug issue that you brought up, because most people, many people when they think about the drug problem, they think about illegal recreational drugs. But it seems that more and more often it is prescription drugs that are leading to addiction and leading to overdose. I think you even sat in with a group of very young children who were talking about raiding their parents’ medical cabinets and taking these prescription drugs. How big of a
problem is the prescription drug issue versus the recreational drug issue.

KERLIKOWSKE: Well right now, I listened to a group of seventh grade girls talk about a pharm party, and I thought they were talking about what part of Nebraska were they from. And they were talking about P-H-A-R-M, and these are seventh grade girls, adorable kids talking about taking drugs out of the medicine cabinet and then getting together with their friends and using some of them. They didn’t see them as particularly dangerous because after all they’re prescriptions, they weren’t buying them out of a piece of tinfoil from behind a gas station from some guy.

ONEK: So that makes it really more dangerous because they don’t understand.

KERLIKOWSKE: So it really does. They don’t, they don’t understand, they don’t recognize it. We’re also seeing that more people involved in illegal drug use are entering that usage through the medicine cabinet rather than through other commonly seen in the past use.

ONEK: I want to quickly come back to medical marijuana for a
quick question, you mentioned it earlier. There recently was a memo as of course you know that went out from the Attorney General’s Office to the 13 states that have medical marijuana laws, saying essentially that the federal government will not prosecute people who are following state law. I was wondering, did your office have a hand in drafting that memo?

KERLIKOWSKE: We had the opportunity to look at the memo and to make suggestions to what is a very narrow directive from the Attorney General to the U.S. Attorneys in the 13 states that are dealing with these laws. U.S. Attorneys needed guidance, and what’s interesting is how the popular media has taken this to be something far more than it was. First of all I don’t think you’ll find in any of the enforcement history of the Drug Enforcement Administration that they went after medical marijuana patients. But those dispensaries and others that are clearly acting outside of state law are certainly subject to the enforcement of the federal government.

ONEK: Let me ask you a few final questions about your new position as drug czar. So on March 11th of this year you’re standing at the podium with Vice President Biden, when he announces your nomination. What was going through your mind as
you stood there?

KERLIKOWSKE: Well you know I thought about my early days as a police officer, a narcotics detective years later as a commander of a narcotics unit, and never would have ever guessed that I would have been in a position to strongly influence not only policy but law surrounding the problems of drugs. We all know people in the country that have been devastated and affected by drug use. And to have this gift from the President and the Vice President for as long as I get to hold this chair, to look at putting together policies and programs that are reasonable, that are balanced, that are holistic, that will actually make a difference is a rare opportunity.

KERLIKOWSKE: And you were Deputy Director as we previously said of the COPS Office in the Clinton administration, and was very well regarded during your stint there. Returning to Washington now with this administration, what are the biggest differences between the way you see the Obama administration operating on criminal justice issues versus the Clinton administration.

KERLIKOWSKE: Well when I came into the Clinton administration in the COPS Office, it had already been around for a few years,
and that was 1998, and so the President had put that into effect and I had been involved somewhat in the original crime bill. And so this was an administration that already had some experience and background over several years in the criminal justice arena. Coming in very, very early in the beginning of an entirely new administration means that we have communication issues to work through that we have to get to understand and appreciate each other’s diversity and our backgrounds as we work through this. I would tell you that I could not be more ecstatic about the level of thought, the concern, the hard work. When I look around at my colleagues in all of these different positions in this administration, and what they have given up or sacrificed to be a part of making this country better, I’m very heartened by that.

ONEK: It is a fantastic team that has been put together for the people who are already in place. However, there still are a lot of positions that haven’t been filled. I’m wondering how hard that is making your job given that there’s still a lot of presidential appointments that have not been nominated or going through the confirmation process.

KERLIKOWSKE: Well I think there’s a great deal of frustration with the process. The amount of vetting and the backgrounding,
it’s certainly very important but it’s very time consuming. The process of going through confirmation with the Senate can be difficult at times, and everybody wants to get going, they want to be in place. So I think the faster the positions are filled and the more people that are brought in to do the job that the American people want, the better.

ONEK: When did you first meet President Obama, and what were your initial impressions of him?

KERLIKOWSKE: The first week I was in the White House, I was invited in May to go over to a Rose Garden ceremony in which he was honoring and recognizing law enforcement officers during what’s commonly known as Police Memorial Week. That Rose Garden ceremony had not occurred in eight years and it was wonderful to see both he and the Vice President having that. And so when I was talking with him as he was shaking hands, he looked at me and he said, well you know we have to talk. And of course the next week I was in the Oval Office talking to him about this issue which he considers very important.

ONEK: So you didn’t have a prior relationship with the President prior to being appointed.
KERLIKOWSKE: No. My relationship such as it was, was really as a police chief who has never engaged in, ever been a part of politics or endorsed or been a part of any of this. So when then the Vice President’s Office called, because you know you can’t think of a piece of criminal justice legislation at the national level in the last 30 years that didn’t have either then Senator Biden’s name on it, or now his great interest as Vice President. That’s how it all came about.

ONEK: President Obama decided to downgrade the drug czar position from a cabinet level position to a non cabinet position. Have there been a practical implications to that change?

KERLIKOWSKE: None. The most interesting comment I got was from the drug czar Bill Bennett. And when he was the drug czar it was not a cabinet level position either. Every president gets to choose who’s in the cabinet, and he had been a Secretary of Education and his advice to me was, look as long you have the ear of the President and the Vice President, that’s what you need. He said, plus I was in the cabinet and he said it’s not that exclusive a club. [LAUGHTER]
ONEK: And it seems like clearly you have a longstanding relationship with the Vice President over the years, and it seems like you have an ongoing dialogue with the Vice President’s Office on these issues.

KERLIKOWSKE: Well these issues have been important to him in particular just from his many, many years in the Senate and on the Judiciary Committee, and so his knowledge is quite stunning. He knows the data, the research, the people, and the information better than I do, and it’s always a little daunting to be briefing him and realize how in depth his knowledge is.

ONEK: OK. Well Gil Kerlikowske we really appreciate you joining us. And thanks again.

KERLIKOWSKE: Good. Thank you David for having me.