

To: JJB

3/9/85

From: LMG *JMG*

Re: Proposed 5 (or 9)-point attack on drugs

I recommend the following:

A. You should hold a news conference in Wayne County as soon as it can be arranged. If possible, you should be accompanied by Frank Kelley, Jerry Hough and Bob Ficano and/or John O'hare. At this time you should announce the formation of the State Police/Wayne County Drug Strike Force, which Hough tells us is already budgeted for October. At this time you should also announce your Attack on Drugs Program (detailed below).

B. Within the next two weeks you should hold a ceremony in west Michigan, honoring the State Police team which executed the Paw Paw raid, which was one of the largest, if not the largest, in history. This would call public attention to the fact that the State Police have been active and successful in combatting drugs, under your administration.

C. You should hold a news conference, probably in Lansing, with the Straits area prosecutors to announce your support for State funding of the six-county Straits Area Narcotics Enforcement (SANE) State/local multi-county strike force.

The Attack on Drugs Program

1. Attack on Crack. According to published accounts, there is wide agreement that "crack" is the most dangerous drug to hit American society in modern times. It is cheap and incredibly addictive, often causing addiction on the second dose.

You have perhaps heard of "freebase" (Richard Pryor received near-fatal burns several years ago while processing cocaine into freebase); it is cocaine which has been changed into a form that can be smoked. Taking the combusted cocaine into the lungs as smoke gets it into the bloodstream (and thus to the brain) FAST, which produces an intensely pleasurable high. Freebase was the drug of choice for the wealthy several years ago. It was difficult and expensive to manufacture.

"Crack" is the poor man's freebase. It is smokable cocaine. The main difference between crack and freebase is that crack is cheap and easy to manufacture. It is a research and development breakthrough of outlaw chemists.

The cheapness and incredible addictiveness of crack makes it a special case, justifying special measures. It is a killer and destroyer of persons of all ages, and is self-generating,

since an addict must get money for more and the easiest way to get the money is to become a distributor or manufacturer. Moreover, those who manufacture strictly for profit (i.e., non-addicts) are making large profits and must be given a strong counter-incentive.

One way to single out crack is to change the quantities which trigger the various penalties. Crack is a cocaine derivative, thus a Schedule 1 controlled substance. (Note: all drugs which are subject to abuse are classified in Michigan law under one of four Schedules. Schedule 1 drugs are illegal and very dangerous, such as heroin and cocaine and their derivatives. Schedule 2 drugs are legal prescription drugs which are particularly dangerous.) Currently the penalties for manufacture or possession with intent to deliver a Schedule 1 C.S. are:

less than 50 grams: no minimum - 20 years maximum, or fine of up to \$25,000, or both

50 to 224 grams: 10 years minimum - 20 years maximum, or probation for life

225 to 649 grams: 20 years minimum - 30 years maximum

650 grams or more: life without parole

Note that one ounce=28 grams; one pound=454 grams.

We could propose to lessen the quantities which trigger the sentences. For example:

less than 28 grams: up to 20 years

29 to 150 grams: 10 to 20 years (life probation eliminated)

151 to 224 grams: 20 to 30 years

225 grams or more: life without parole

This would serve warning on the crack dealers that we are going after them and they will be put away for a LONG time.

Note: this proposal has not yet been discussed with anyone in law enforcement.

2. Endorse H.B. 5204. This bill, sponsored by Mike Griffin, Virgil Smith and Curtis Hertell and endorsed by Frank Kelley, would:

- impose a minimum sentence of 2 years, and a maximum of twice the maximum sentence otherwise authorized by law, in cases where an adult distributes a Schedule 1 or 2 C.S. to a juvenile

- allow a prosecutor or the Attorney General to grant immunity in return for the testimony of a juvenile against an