



Department of Justice

REMARKS

BY

DICK THORNBURGH
ATTORNEY GENERAL OF THE UNITED STATES

BEFORE THE
DRUG FREE BUSINESS INITIATIVE

SAN ANTONIO, TEXAS
WEDNESDAY, SEPTEMBER 27, 1989

I am delighted to be here in San Antonio this morning to join in support of Texans' War on Drugs. I'm reminded of another war you Texans waged, back in 1836. Out of a major battle, fought along the San Jacinto River, came a battle cry from General Sam Houston. Later, it became the Navy's motto for the fast carrier, the U.S.S. **San Jacinto**. Some of you may remember that was President Bush's old carrier, from whose flight deck he flew his torpedo bomber so heroically during the war in the Pacific. Today, the U.S.S. **San Jacinto** is one of our newest Guided Missile Cruisers, but it still carries that same motto from Sam Houston's words to his Texan troops: "Victory Is Certain!"

That Texas motto bears repeating in your fight against drugs, so long as we remember--all of us involved in this struggle--what is truly required to make victory certain. Here, there must be a difference in strategy. At San Jacinto, a single Texas charge against the troops of Santa Ana, one violent encounter, carried the day. But that is not true of the war on drugs. "America's fight against epidemic illegal drug use cannot be won on any single front alone," the President has said, "it must be waged everywhere."

That is why we have evolved a National Drug Control Strategy to integrate all the basic anti-drug initiatives and agencies, including the FBI, the DEA, and other law-enforcement agencies both within and without the Department of Justice. As a major component of the overall strategy, our criminal justice system is

mounting a concerted attack against the illicit sources and underground delivery systems and violent traffickers who bring this evil barter to our shores, and onto our streets. The disruption of those criminal conglomerates is our first objective, and the only crack that will appear in our united effort to interdict the international drug traffic will be the crack we clean off the streets.

But law enforcement--even at today's high rate of conviction--only provides essential back-up for the real struggle out there in the streets. It is tragically the same street scene, all across America, as many of our main streets turn into mean streets. Not only the inner cities of the Southwest, but your small Texas towns are also under drug siege. The crack house is not some gutted South Bronx brownstone, but a rundown paseo in San Antonio, the shabby Victorian around that Austin corner, wherever two roofless adobe walls may join in masking shadow. That is the major challenge for our criminal justice system--to reclaim these neighborhoods, your neighborhoods, rendered unsafe by drug siege. And that challenge also falls, not just on law enforcement, but upon the community at large, including the enlightened companies that many of you here today represent.

I am talking now about education, prevention, treatment, and rehabilitation. I am also talking about values. Because victory

can never be certain unless values are firm and equally certain. As I recently told a somewhat surprised audience: "If we want to lose the war on drugs, we can just leave it to law enforcement." I wasn't seeking to downgrade the valiant effort to interdict the drug traffic, nor our agents' brave record of on-going achievement. But I was trying to emphasize that we cannot enforce values, only teach them, propound them and implement them by example. Ultimately, each individual must choose between the dead-end despair of a drug-dependent lifestyle or a drug-free hope for his or her future. Each must do so on the basis of his or her own values, and that, in the end, is the only certain path to victory.

To allow for that choice, there is every reason, as another component of our strategy, to pursue any remedial course that will help people keep far away from that dreadful marketplace. And just as schools are central to drug use prevention for young people, the workplace has become the major arena in which to fight drug abuse among adults.

On the exact extent of drug abuse in the workplace, the data is still unsophisticated, but we do know, flatly, that drug abuse is extensive enough to put the average American worker in harm's way. Particularly the younger worker, age 18 to 34, twice as many of whom use illegal drugs on the job. This means that in some work environments as many as one out of five employees may

be counter-productive, vulnerable to self-injury, and dangerous to his or her fellow worker.

Drug abuse also varies among occupations, but test results from a sampling among tractor-trailer drivers should rouse sufficient alarm. In one survey, those drivers rolling down our nation's highways at high-balling speeds tested twenty percent positive for drugs: fifteen percent positive for marijuana; 12 percent positive for over-the-counter stimulants; five percent for prescription stimulants; two percent for cocaine; and less than one percent for alcohol.

Overall, the statistics may be skewed by the testing of many already suspected of drug use, but nonetheless, among a million employees tested nationwide last year, nine percent tested positive for drugs. Among 3.9 million job applicants tested, twelve percent tested positive.

I realize many of you are already aware of these disturbing labor statistics. That knowledge, after all, is what brings you here. In fact, some of you come from the 300,000 companies in America that have already set up Employee Assistance Programs to counter these adverse conditions. Originally designed to deal with alcoholism, these EAPs have lately begun to extend their counselling and treatment to deal with drug abuse.

But in your own case, not so lately. I see that Texans' War on Drugs has been on this war path since 1980, under "General" Robinson Risner, your dedicated executive director. Texas Instruments was the first among you to establish a random drug-testing program for all employees throughout Texas. ClayDesta Communication, under president David N. Jones, was one of the first corporations to put in place a comprehensive drug-free workplace policy. Southwest Airlines has done the same. I applaud your progress, and only wish I could say that we were as far along ourselves in government. But we are not, because there remains one large legal wrinkle in this matter of drug treatment for employees. Nobody ever had to test an employee for alcoholism. For drugs, you do, and after treatment, you have to keep testing.

In June, 1988, the Department of Justice was sued by a group of employees, and enjoined from implementing random testing. This does not affect the DEA or the FBI, which continue to test, but it does apply to employees within Justice. So, ironically, we find ourselves caught up in litigation over the right to test, even as we further implement our own Drug Free Workplace Program, and strongly encourage others so to do.

There is broad public support for drug-testing, but that doesn't make it any less a bone of legal contention. Some object to testing as an invasion of privacy. Others charge testing

lacks confidentiality, even accuracy. Federal guidelines from 1988 and a recent Supreme Court decision, in a case which I argued successfully for the Government, respond to these last two concerns. But we still must stand firm behind our own interest - - as employees -- in setting up careful and humane means to identify drug-users among employees, including testing when appropriate.

The Drug Free Workplace Act now requires that every federal office and government contractor strive to achieve a clean-and-sober work environment. We are determined, despite the litigation, on implementing that at the Department of Justice. We further seek to encourage the private sector to foster a drug-free work environment, as so many of you here have managed, through EAPs, with testing as an accepted procedure.

In fact, I trust the smaller entrepreneurs among you will avail yourselves of the our Demand Reduction Coordinators, either through the DEA or the FBI. The DRC's, as they are called, can conduct one-day seminars for supervisors or employees, and be very helpful to smaller businesses--those enterprises that tend to get lost in the shuffle. They shouldn't. They comprise 90 percent of American business, and employ 35 percent of all workers. But only seven percent of these smaller companies have EAPs, and only three percent do drug-testing. Then again, they may be close enough to their employees to recognize a drug

problem when they see one, but nowhere near big enough, or knowledgeable enough, to do much about it. Never mind the test, these smaller employers may ask, what's the cure?

I also want to commend you on how wisely Texans' War on Drugs has handled your need for legal advice. The firm of Fulbright and Jaworski has volunteered legal support to managers, while Terry Davis has offered legal counsel to employees and their unions, so that the testing not be seen as a draconian threat or an invasion of privacy. That is a most important development, in all its ramifications, for the protection of worker health and safety in the national workplace.

After all, the military has been testing in support of a concerted anti-drug effort since 1981. Over the past decade, drug use in the military has declined by 82 percent -- from 27% of those tested in 1981 to 4.8% last year. We should be doing as well in the workplace as we are already doing in the ranks. As singer Willie Nelson warns anybody who works as a member of his band: "If you're wired, you're fired."

Finally I would like to encourage you to direct more of your Drug-Free Business Initiatives--which have done so much for the present work environment--toward protecting the future workplace. As our National Drug Control Strategy points out, so-called casual drug use is on the wane among the affluent, but hardcore

drug abuse grows ever more intractable among the inner-city poor. Unless we can do more to stop the crack/cocaine crippling of these young people's lives, we are going to lose the workers who should be moving into those future workplaces. In the past, we have come through, and survived, the economic distress of the unemployed. But how are we, in the future, to pass through, and face, the social destitution of the unemployable?

I notice that Browning-Ferris Industries, early on, sponsored the Dream Team on its tour through Texas, in their efforts to help and inspire drug-plagued inner-city youth. But of much more immediate impact is the crack/cocaine conference that was held in Dallas, with generous support from NCNB Bank, this past week end. Over 500 attended from all around Dallas to learn what could be done to reverse the worst ravages of the drug wars, which are devastating so much of the future workforce before it can even be open to hire. Among others, the conference heard from the AA Men--the African-American Men--who physically drove the drug-dealers out of South Dallas, burned down their crack houses, and suddenly reduced the crime factor in their neighborhood by 95 percent. What's more, it didn't cost \$100 to attend the week-end conference, and to hear from Fahim Minkah, head of the AA Men. Thanks to the help of the Texans' War on Drugs, it was only seven dollars per adult, five dollars per student.

That was a Drug-Free Business Initiative with outreach into the inner city, where future employment must someday rise. Or else, defeat, not victory, is certain.

In all these efforts, our goal is clear. It is an America - and a world -- where "pot" once again means a useful cooking utensil, where "crack" is the sound of a baseball hitting a bat, where "grass" is something to mow, not to smoke, and where "heroin(e)" means a Helen Keller, a Christa McAuliffe, or a Sandra Day O'Conner.

That is a goal toward which we all can, and should, persevere.

Thank you.