



AMERICANS FOR
LIMITED GOVERNMENT

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March 11, 2009

The Honorable Patrick J. Leahy
Chairman
United States Senate Judiciary Committee
Washington, DC 20510

CC: Ranking Member Senator Arlen Specter

Dear Chairman Leahy:

President Barack Obama today nominated Seattle Police Chief Gil Kerlikowske to head the Office of National Drug Control Policy (ONDCP). In order to assist your committee in performing its duty to fully consider this nomination, I would like to take the opportunity to raise points that I believe need answers. First and foremost, the head of the ONDCP has enormous responsibilities to guide policies and procedures in all matters with regards to illicit narcotics and other health-related issues in the United States. Mr. Kerlikowske's record, however, indicates the Seattle Police Chief is not suitable for such responsibility.

In order to ensure that Mr. Kerlikowske possesses the leadership qualities and personal integrity to serve in such position, I submit that the following questions should be fully answered by the nominee. Unless satisfactory answers are given, the nomination should be rejected. These questions are grouped below.

Drug-related Questions

The year that Mr. Kerlikowske took over as police chief, there were 332 arrests for misdemeanor marijuana possession. After six years of his leadership arrests fell to 148.

In 2003, there was a vote on Initiative 75 to make marijuana possession the lowest law enforcement priority. Mr. Kerlikowske opposed the initiative but did little to defeat it. He said that arresting people for possessing marijuana for personal use was not a priority. In this and other drug debates, Kerlikowske has had little to say.

- Why did marijuana arrests fall precipitously on his watch?

Every year tens of thousands of potheads gather in Seattle to smoke in public during "Hempfest." Hempfest organizers always praise the police for their tolerance and respect. Kerlikowske similarly has no problem with the city's methadone vans or needle exchange programs, which is one of the nation's largest needle programs.

- Why did he allow his officers to do nothing to discourage the attendees of Hempfest from smoking pot in public?

Kerlikowske allowed an officer, who has since been promoted, to establish the Get Off The Street program, or GOTS. This program aimed to help criminals by dispensing health information in an arrest-free zone. A recent analysis by the mayor's staff showed the program made little difference in the lives of those it targets.

- Why did he allow this officer to set up an "arrest-free" zone – and then promote that officer?

Leadership and Integrity Questions

In 2001, a riot broke out on Mardi Gras at Seattle's Pioneer Square. Rather than send his officers in to break up the riot, Mr. Kerlikowske ordered them to stand by. So police officers stood at the edge of the crowd while the victims pleaded for help. Scores were injured, several women were sexually assaulted, and Kris Kime died amid the violence. Kris Kime, a 20-year-old college student and construction worker, was violently attacked after attempting to aid a woman who had been knocked to the ground.

Mr. Kerlikowske, however, felt that he had made the right decision. "I think we moved in at the proper time given the size of that crowd, the mob mentality that existed and what I saw. And I take responsibility, and I stand by that decision. Every police decision, especially in this particular situation, is that we are damned if we do and damned if we don't." He added, "The criticism has been just unbelievable."

In March of 2001, the Seattle Police Officers' Guild overwhelmingly voted no confidence in Mr. Kerlikowske. In fact, 876 police officers--88% of voting union members--voted no confidence.

- How can his judgment be trusted given his poor performance during the Mardi Gras riot?
- How can his leadership be trusted given the 876 (88%) of his fellow officers who voted no confidence in Mr. Kerlikowske?

This past year, the local NAACP chapter held a press conference to discuss the increase in complaints of racial profiling they had received. A black probation officer told how she was investigated after she came to the defense of a black teen who was accused of stealing from a store that had not reported a theft. Two teens, one black and one white, reported that they had received very different treatment at the hands of police.

After Kerlikowske repeatedly refused to discipline officers and gave others only a slap on the wrist, the Seattle chapter of the NAACP finally called for his resignation in 2007. The Minority Executive Directors Coalition, a group of 80 minority community leaders, immediately echoed the resignation call.

In December of 2004, Gil Kerlikowske went shopping with his wife. He left his personal gun in his unlocked, unmarked police car, and the 9mm Glock pistol was stolen.

- How can his managerial skills be trusted given the problems – race relations, the gun incident, the no-confidence vote, etc. – with the Buffalo and Seattle police forces?

Sincerely,



William Wilson

President

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