

SEMCO lawyer defends get-tough stance

By Janice Brunson
staff writer

As prosecutor for a crack narcotics team aimed at drug conspiracy, Eric Kaiser's message is clear. Anyone apprehended in connection with drugs will be prosecuted, regardless of the degree of culpability. In other words, "the smallest player" is fair game.

"The cocaine problem exists because of people at the top, as well as people at the bottom, the retailer and the consumer. Who is most important? I don't know but, person-

ally, I don't really see either one as more or less important.

"If someone breaks the law, it's our job to prosecute," Kaiser said.

A former Macomb County prosecutor, Kaiser works with the Southeast Michigan Conspiracy Organization (SEMCO), created in January 1988 by the state Office of Criminal Justice and which is based at an undisclosed location in Livonia. By focusing on conspiracy, drug users are liable to prosecution for "historical" crimes, drug deals conducted prior to the arrest of a key defendant.

Such was the case of 22 suburbanites

fingered by Arthur Abrams, a drug informer now in state prison for three to 20 years. He also faces new conspiracy distribution charges that carry a 20 year mandatory sentence.

"DEGREE OF INVOLVEMENT and provability," Kaiser said, is why the 22 were targeted for indictment on cocaine conspiracy, described by Kaiser as two people agreeing to an illegal act with cocaine. All but one have pleaded guilty to reduced charges in Oakland County Circuit Court. All but two were placed on probation.

There is a "50 percent chance" another 15 will be charged, people who formerly pur-

chased cocaine from Abrams. An indictment is also pending against one of six witnesses against the original 22. The remaining five have been charged in federal court.

As to charges that SEMCO officers may have used deceptive measures in gathering evidence against the 22, Kaiser said, "I'd call it good police work. The most compelling evidence is personal statements." Officers visited many of the defendants at home and obtained statements of drug use.

To date, 55 people have been indicted on Abrams' testimony, including 33 who were convicted in federal court on more serious charges. Federal authorities also seized

property, including homes of two suburban users.

"HOPEFULLY, SUCH seizures will discourage drug use," Kaiser said. "Cocaine is a social thing. All users distribute in some way, either selling to friends and making a little profit or sharing with mates, card-playing chums or your bridge club." Distribution meets federal seizure criteria.

In 1988, SEMCO made 55 arrests, including 34 ranked as Class 1 which are more serious crimes based on type and amounts of drugs involved. In 1989, there were 101 arrests, including 41 Class 1.

Drug convictions a publicity ploy, defendants say

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"There is now an unusual amount of resources, money and manpower, for fighting drugs, the government wants to stem the flow of drugs by letting users know they are going to be prosecuted and professionals were involved. They are not entitled to a break," said Birmingham lawyer Daniel Blank.

AMONG THOSE charged are one lawyer from Southfield and another from Livonia, a Farmington Hills certified public accountant and a college professor from Canton Township. Each could face his professional license.

The indictments stem from testimony by Arthur Abrams, formerly of Farmington Hills, who agreed to

cooperate with police after he was arrested on cocaine charges in December 1987.

"The message is loud and clear. Users are being prosecuted in a fashion that says they are just as responsible for drug importing as drug importers," said Wayne County lawyer James C. Thomas, whose client, a Bloomfield Hills podiatrist, now works as a caterer.

Each defendant shares a similar story to that of a 30-year-old salesman, formerly of Rochester Hills. In early 1987 the salesman bought cocaine from Abrams.

In October 1988, he was visited by officers from the Livonia-based Southeast Michigan Conspiracy Organization, an 11-county police anti-drug force of 18 officers.

The officers said the earlier conversation with Abrams was tape recorded.

"IF I COOPERATED, they told me I'd probably never hear from them again. Pretty naive, huh?" the salesman said.

This past November, he and 21 others were arraigned in Farmington's 47th District Court on cocaine conspiracy. The salesman pleaded guilty to cocaine possession last month in Oakland County Circuit Court. He had been charged with buying 18 grams of cocaine. He be-

lieves he actually bought less than 10 grams.

Because he bought so much cocaine, he was denied first-offender status and sentenced to two years probation, 100 hours community service and fined \$600. He is now receiving substance abuse counseling.

Two of the original 22 have been sentenced to jail. One is a Redford Township man with a marijuana conviction eight years earlier. The other is a Wayne County woman who helped package drugs for Abrams.

The salesman is luckier than most. He remains employed, and his property has not been seized under federal drug forfeiture laws. Oakland County Circuit Judge Steven Andrews, who is hearing the cases, said because charges stem from

more than two years ago and defendants have been drug-free for periods of up to four years each, the cases are different.

"THIS IS AN extreme application of the law," said Southfield attorney James Burdick. Burdick's client, a West Bloomfield man, is fighting to keep his house, which was seized under federal law.

"When Congress passed this law, it was intended for drug dealers and traffickers, not for people who have made a mistake in using drugs, even if technically the law allows for it.

"In this case, the punishment far exceeds the crime," Burdick said. Abrams' phone calls to former buyers raises concerns, the lawyer said. "They preyed on friendship and, while the police have a legal

right to use deception, the question is whether it's moral."

Blank speculates that "once all the resources were committed to this particular case, the decision was made to go all the way in prosecuting it."

Earlier testimony by Abrams resulted in federal convictions of 33 others, including two sentenced to mandatory life.

"What bothers me," said one of the indicted suburbanites, "is drugs was a chapter long closed in my life. It never occurred to me (prosecution) could or would ever happen."

Andrews said: "It's terrible tragedy. People need to be extremely careful in personal conduct. We never know when our actions will come back to haunt us."

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