

It's Time to Legalize Drugs

By Peter Moskos and Stanford "Neill" Franklin

The Washington Post

Monday, August 17, 2009

Undercover Baltimore police officer Dante Arthur was doing what he does well, arresting drug dealers, when he approached a group in January. What he didn't know was that one of suspects knew from a previous arrest that Arthur was police. Arthur was shot twice in the face. In the gunfight that ensued, Arthur's partner returned fire and shot one of the suspects, three of whom were later arrested.

In many ways, Dante Arthur was lucky. He lived. Nationwide, a police officer dies on duty nearly every other day. Too often a flag-draped casket is followed by miles of flashing red and blue lights. Even more officers are shot and wounded, too many fighting the war on drugs. The prohibition on drugs leads to unregulated, and often violent, public drug dealing. Perhaps counterintuitively, better police training and bigger guns are not the answer.

When it makes sense to deal drugs in public, a neighborhood becomes home to drug violence. For a low-level drug dealer, working the street means more money and fewer economic risks. If police come, and they will, some young kid will be left holding the bag while the dealer walks around the block. But if the dealer sells inside, one raid, by either police or robbers, can put him out of business for good. Only those virtually immune from arrests (much less imprisonment) -- college students, the wealthy and those who never buy or sell from strangers -- can deal indoors.

Six years ago one of us wrote a column on this page, "Victims of the War on Drugs." It discussed violence, poor community relations, overly aggressive policing and riots. It failed to mention one important harm: the drug war's clear and present danger toward men and women in blue.

Drug users generally aren't violent. Most simply want to be left alone to enjoy their high. It's the corner slinger who terrifies neighbors and invites rivals to attack. Public drug dealing creates an environment where disputes about money or respect are settled with guns.

In high-crime areas, police spend much of their time answering drug-related calls for service, clearing dealers off corners, responding to shootings and homicides, and making lots of drug-related arrests.

One of us (Franklin) was the commanding officer at the police academy when Arthur (as well as Moskos) graduated. We all learned similar lessons. Police officers are taught about the evils of the drug trade and given the knowledge and tools to inflict as much damage as possible upon the people who constitute the drug community. Policymakers tell us to fight this unwinnable war.

Only after years of witnessing the ineffectiveness of drug policies -- and the disproportionate impact the drug war has on young black men -- have we and other police officers begun to question the system.

Cities and states license beer and tobacco sellers to control where, when and to whom drugs are sold. Ending Prohibition saved lives because it took gangsters out of the game. Regulated alcohol doesn't work perfectly, but it works well enough. Prescription drugs are regulated, and while there is a huge problem with abuse, at least a system of distribution involving doctors and pharmacists works without violence and high-volume incarceration. Regulating drugs would work similarly: not a cure-all, but a vast improvement on the status quo.

Legalization would not create a drug free-for-all. In fact, regulation reins in the mess we already have. If prohibition decreased drug use and drug arrests acted as a deterrent, America would not lead the world in illegal drug use and incarceration for drug crimes.

Drug manufacturing and distribution is too dangerous to remain in the hands of unregulated criminals. Drug distribution needs to be the combined responsibility of doctors, the government, and a legal and regulated free market. This simple step would quickly eliminate the greatest threat of violence: street-corner drug dealing.

We simply urge the federal government to retreat. Let cities and states (and, while we're at it, other countries) decide their own drug policies. Many would continue prohibition, but some would try something new. California and its medical marijuana dispensaries provide a good working example, warts and all, that legalized drug distribution does not cause the sky to fall.

Having fought the war on drugs, we know that ending the drug war is the right thing to do -- for all of us, especially taxpayers. While the financial benefits of drug legalization are not our main concern, they are substantial. In a July referendum, Oakland, Calif., voted to tax drug sales by a 4-to-1 margin. Harvard economist Jeffrey Miron estimates that ending the drug war would save \$44 billion annually, with taxes bringing in an additional \$33 billion.

Without the drug war, America's most decimated neighborhoods would have a chance to recover. Working people could sit on stoops, misguided youths wouldn't look up to criminals as role models, our overflowing prisons could hold real criminals, and -- most important to us -- more police officers wouldn't have to die.

Peter Moskos is a professor at John Jay College of Criminal Justice and the author of "Cop in the Hood." Neill Franklin is a 32-year law enforcement veteran. Both served as Baltimore City police officers and are members of Law Enforcement Against Prohibition.