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# LAW ENFORCEMENT AGAINST PROHIBITION

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May 7, 2008

**Reference:** The joint public hearing on the Rockefeller Drug Laws, conducted by the Assembly Committees on Codes, Judiciary, Correction, Health, Alcoholism and Drug Abuse, and Social Services

My name is Jack Cole. I am the executive director of Law Enforcement Against Prohibition, a 10,000 member educational organization with 2,531 members in New York State.

LEAP was created to give voice to law-enforcers who believe the U.S. war on drugs has failed and who wish to support alternative policies that will reduce the incidence of death, disease, crime, and addiction, without destroying generations of our young by arrest and imprisonment.

I am also a retired detective lieutenant—26 years with the New Jersey State Police and 14 in their Narcotic Bureau, mostly undercover. I bear witness to the abject failure of the U.S. war on drugs and to the horrors produced by its unintended consequences.

The Rockefeller Drug Laws are among the harshest of these policies, which along with the 3-strikes-you're-out laws have quadrupled our prison population and made building prisons the fastest growing industry in the United States. The U.S. imprisons 1,009 people per 100,000 adult populations; far more per capita than any nation in the world.

The main reason for this massive increase is the War on Drugs. In 1970 federal nonviolent drug offense prisons numbered 3,384, while those serving time for violent and other crimes numbered 17,302. As the years past the violent criminal prisoners increased by 294 percent, while the nonviolent drug offenders increased by 2,558 percent.

The drug War has arguably been the single most devastating, dysfunctional social policy since slavery.

According to the Federal Household Survey 72 percent of all drug users and dealers in the U.S. are white. Only 13 percent are Black.

But who gets arrested and who goes to prison?

- Thirty-seven percent of those arrested for drug violations are Black.
- Sixty percent of those in state prisons for drug felonies are black and 81 percent of those charged with federal drug violations are Blacks.
- Blacks serve an average sentence of six years for the same drug violations for which whites serve an average of four years.
- Of defendants convicted of drug violations, only 33 percent of whites received a prison sentence while 51 percent of Blacks received prison sentences.

- In New York State prisons, nine-in-ten of the 19,000 people serving mandatory-minimum sentences for drug offenses are Black or Brown.
- The FBI has even taken notice of this, in an annual Uniform Crime Report they asserted a young couple giving birth to a Black male baby has an expectancy of one-in-three—that child will serve time in prison
- Disenfranchisement: Because so many states say no one convicted of a felony can vote, and because nearly all drug violations are now felonies, and because we imprison seven times as many black men per capita as white men for drug felonies—14 percent of the total voting population of black men in the U.S. have lost their right to vote—In Texas and Florida 31 percent of black men have lost their voting rights.
- The U.S. imprisons 717 white men per hundred-thousand population.
- Under the most racist regime in modern history, in 1993, under South Africa's Apartheid Law, they imprisoned 851 black men per hundred-thousand population.
- In 2004, under the United States' Drug Prohibition Law, we imprisoned black men at the rate of 4,419 per hundred-thousand population.

But the War on Drugs is a self-perpetuating, constantly enlarging, policy disaster. The more we imprison the more we guarantee the next generation of addicted children. And the racism of drug war's implementation is only one of the many good reasons that it should end.

Other reason are:

- The war on drugs has absorbed well over \$1 trillion dollars in the 38 years of this failed war.
- The war on drugs has led to more than 39 million arrests for nonviolent drug offenses.
- The war on drugs has increased the number of federal nonviolent drug violation prisoners by 2,600%, while increasing violent crime prisoners by only 300%.
- The war on drugs has increased the number of those over the age of 12 who have used an illegal drug from 4 million in 1965 (2% of that population) to 112 million today (46% of this population).
- The war on drugs has made drugs cheaper, more potent, and far easier for our children to access than when I started buying those drugs undercover in 1970.

The fact that drugs are illegal and therefore dangerous to distribute is exactly what makes them so profitable and profitability is what makes them so available. This is a fundamental flaw of the War on Drugs.

If our goal is to keep drugs out of the hands of children, we must remove the profit motive. Prohibition creates a free-for-all in which the power to control the drug trade is placed in the hands of criminals. Rather than stamping out drug dealers, the War on Drugs creates job opportunities for the 900,000 teenagers in the US who sell them. For every dealer put in prison, there are ten waiting to take his place.

If we create policies that remove the obscenely inflated values of these drugs we can reduce death, disease, crime, and addiction.

How do we do that? We end drug prohibition just as we ended alcohol prohibition in 1933. The day after we ended that terrible law Al Capone and his smuggling buddies were off our streets.

They were no longer killing each other to control that lucrative market, no longer killing police charged with fighting that useless war, no longer killing our children caught in crossfire and drive-by shootings.

Just as people died from ingesting unregulated "bathtub gin" under alcohol prohibition, people die from today's prohibition because in an illegal-unregulated market it is impossible to tell how much of that small package of powder they buy is the drug and how much is the cutting agent. Too much drug and you are dead.

The US might instead emulate the Swiss people who in 1994 decided to help their young people by treating heroin addiction as a health problem rather than a crime problem. They set up clinics where heroin users could inject that drug up to three times a day—government issued and free—under medical supervision.

The amazing outcomes of that policy were reported in a ten-year study published by the British medical journal, *Lancet*: not a single overdose death; per capita rates of AIDS & Hepatitis dropped to lowest in Europe; crime was cut by 60%; and projected cases of new heroin users in Zurich declined by 82%.

If we could reduce death, disease, crime and addiction by legalized regulation of drugs why have we been fighting this war?

I know you can't end the war on drugs but you can reduce some of the horrible unintended consequences of this war.

End the mandatory-minimum prison sentences given to those found guilty of illegal drug offenses.

Use the money you will save to create drug treatment, drug education, and other programs that give people hope for the future. If they have hope for their futures, people will not need to use drugs.

Sincerely,

A handwritten signature in cursive script that reads "Jack A. Cole".

Jack A. Cole  
Executive Director



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## Crimes and Imprisonment per capita

