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How Ending the War on Drugs Could Curb Gun Violence

By: Emily Crockett – February 4, 2013

On the same day that the Senate Judiciary Committee heard testimony on assault rifles, background checks, and gun rights, 15-year-old Hadiya Pendleton was shot to death on the South Side of Chicago. No one outside her neighborhood would have heard of Hadiya if she weren't exceptional: an honors student, a majorette who marched in President Obama's inaugural parade. But the cause of her death—reportedly gang violence, striking someone too young to die—is unexceptional.

When we talk about gun violence, we talk about mental health and high-capacity magazines because we want to stop the rare but attention-grabbing mass shootings in middle-class suburbs. We talk less about the gun violence that claims young people in our impoverished inner cities as a matter of routine.

But we need to be talking about the kind of commonplace brutality most of us could never imagine, and about the drug prohibition that feeds it. We need to ask ourselves: Could ending the war on drugs be one of our best weapons in preventing gun violence?

Jim Gierach, a former Chicago-area prosecutor, notes that 80 percent of homicides in Chicago are gang-related. “And what’s the business of gangs? Obviously, drugs,” he told Campus Progress in an interview. “We can change drug policy. ... It’s the way to reduce violence that’s easy, the one that’s obvious.”

It's Black Markets 101, experts said: Drug prohibition breeds gun violence. A prohibited substance, especially an addictive one, can yield tremendous profits for organizations that can afford the many costs associated with smuggling. By definition, you can't get legal protections to sell an illegal product. And when high profits are at stake and the courts are out of the picture, justice is often administered through violence.

“Black market trading routes are somewhat equal-opportunity,” said Trevor Burrus, a research fellow with the Cato Institute. “A black market route for drugs can become a black market route for guns. It’s difficult to quantify, but unquestionably a huge factor.”

Studies show that the black market for alcohol during Prohibition led to increased homicides [PDF]—despite the fact that alcohol consumption, which is correlated with murder, went down. Homicides dropped by about half not long after Prohibition's repeal, but thanks largely to the war on drugs, the late 20th century saw another spike [PDF] in the murder rate.

Four decades and and \$1.5 trillion later, the United States' war on drugs has not only failed to reduce illegal drug abuse, it has failed to ensure the safety of our major cities and our young people.

Criminologist Alfred Blumstein of Carnegie Mellon University wrote in a 2011 report [PDF] that more punitive sentences for drug offenders came into fashion in the 1980s and 1990s, when the crack violence epidemic raged and politicians feared being called “soft on crime.” But as career criminals went off to serve long sentences, younger replacements stepped up—young enough to have much poorer impulse control with the

guns they carried for protection from robbers. The number of gun homicides perpetrated by teens and youth under the age of 24 quickly skyrocketed.

“If we arm kids because they’re in the drug business, we arm them for every purpose,” Gierach said. An argument or a score-settling that should mean a black eye could mean a bullet instead.

The drug war is full of paradoxes. More intense law enforcement activity often leads to higher drug gang violence [PDF]. Countries with more punitive illegal drug policies [PDF], namely the United States, have much higher levels of drug use than more permissive countries.

But one of the worst consequences of drug prohibition is no paradox: The more young people of color who enter the criminal justice system because of drug charges, the more who are likely to stay there.

The “land of the free” is now the home of the world’s largest prison population, and the war on drugs is partly to blame. Incarceration rates, after staying fairly stable for 50 years, increased exponentially starting in 1980. Nonviolent drug offenders are jailed at 10 times the rate they were 30 years ago, yet other types of crime haven’t seen nearly as dramatic a jump.

High-crime neighborhoods, which are disproportionately black and Latino, tend to get more police attention in general, and so it may come as no surprise that black Americans are wildly overrepresented in both drug arrests and incarcerations. But when police wage a war of choice by sweeping up as many drug offenders as they can find while patrolling for violence, they needlessly upend too many lives.

“Clearly, drug prohibition has led to the extraordinary number of black and Latino youth being arrested in New York City as a result of ‘stop and frisk,’” said Aaron Houston, executive director of Students for a Sensible Drug Policy. NYPD officers frequently stop young men of color to check for weapons and, finding none, perform searches for drugs that can allegedly border on sexual assault.

While most of the staggering 1.2 million yearly arrests for drug possession, especially marijuana, won’t result in a jail sentence, a drug arrest can still ruin a life.

According to a report [PDF] by the Drug Policy Alliance, many young offenders will pay the fine on a summons, without realizing they are pleading guilty and establishing a criminal record. Worse, they might forget about a court date and end up with an arrest warrant. Then when it comes time to apply for a job or an apartment, that prior drug conviction pops up, and suddenly they’re out of options. That’s when the cycle of unemployment and poverty begins anew, and the drug trade starts looking like the best game in town.

Many drug policy experts see drug abuse, or the violence it connects to, as a pathogen.

“Addiction is contagious,” said Jeffrey Dhywood, a drug policy researcher and activist. “If you look at hard drugs, people who initiate new users are the abusers and addicts.” Offer free access in a controlled clinical setting for problem users, he argues, and you can rob drug kingpins of key revenue while ensuring that fewer people sell to their friends to subsidize their own habit.

It might seem unthinkable to consider lifting penalties on harder drugs like cocaine and heroin, which cause significant black market violence—yet that is exactly what some suggest. The Transform Drug Policy Foundation released a detailed report with recommendations for different levels of legalization, from a tobacco-like market for

marijuana to strictly controlled clinical settings for the most problematic cocaine and heroin users.

"If the claim is that there are changes in drug policy that would do more good than any plausible changes in gun policy, I'm sure that's right," said Mark Kleiman, a professor of public policy at the University of California–Los Angeles.

But Kleiman, who is highly skeptical of legalizing hard drugs, prefers a sort of punitive vaccination—like the HOPE program, which has cut drug abuse by giving addicts a swift, certain, but short prison sentence of a few days if they fail a drug test.

“ 'Stop the drug war' could mean changing drug policies to focus enforcement on violence, reduce the number of prisoners, and use the probation and parole system to squeeze drug abuse by requiring drug testing," Kleiman told Campus Progress. “But nobody who says ‘Let’s end the drug war’ means that.”

Certainly any path to greater drug legalization in this country would not be an easy one, even with recent marijuana policy shifts in Colorado and Washington.

The worst infection of drug-related violence, of course, is in Latin American countries like Mexico, where cartels openly slaughter people by the thousands. Violence in the United States overall has decreased since the 1990s, which Harvard economist Jeffrey Miron attributes in part to reduced drug war enforcement here—but violence in Mexico has exploded since former president Felipe Calderon declared a war on drugs in 2006. And according to government estimates, the cartels derive up to 60 percent of their revenue from exporting marijuana to the U.S.

The Obama administration is less than receptive to legalizing marijuana, even though doing so would likely deal a significant financial blow to cartels and street gangs. But Guatemalan President Otto Perez Molina and other Latin American leaders, including Mexican president Pena Nieto, are steadily urging the U.S. to consider drug legalization. Many of these leaders even appeared in a prominent anti-prohibition documentary, narrated by Morgan Freeman and featuring former Presidents Bill Clinton and Jimmy Carter.

For now, the conversation about gun violence is likely to remain focused primarily on guns. But momentum is building among world leaders, criminologists, and young people who insist that starting a real conversation about drug prohibition and its consequences can't wait.