



LIFE

AFTER

LEGIONAIRE

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SCENES FROM A POST WAR AMERICA

By Richard J. Dennis

What will life be like after drugs are legalized? No one knows for sure. Drug warriors are quick to exploit people's fears of the unknown, spreading visions of doom. Many reasonable people also seem to have dire expectations. But, in truth, we have more to fear from what we know about prohibition than from what we don't know about legalization.

In the vignettes that follow, I have envisioned a post-legalization America where the policy questions associated with distribution have been answered somewhat differently from state to state. By and large, the states in which these tales take place have settled on a legal model similar to the one applied to alcohol. The focus of these stories, however, is not on the precise content of a legalization policy but on how an America with legalized drugs would look and feel.

While a product of my imagination, these accounts are based on current facts, figures, and analysis. I have tried to be conservative in describing the benefits of legalization and realistic in acknowledging both its costs and the problems it would not solve. Accordingly, I have projected some things that aren't necessarily desirable but are nonetheless likely to be part of any compromise to legalize drugs.

The College Student

The phone call comes one Monday morning as Betty Simpson is having coffee with her neighbor. Her 21-year-old son, Brian, a junior at State University, has been caught using cocaine in his dormitory. A few years ago, the call would have come from the police or a prosecutor's office instead of a university official. But since the state has legalized drug use and sales, Brian's transgression is no longer a criminal matter.

Betty and her husband, Bob, had mixed emotions about drug legalization. They had both used marijuana while in college but had no interest in experimenting with harder drugs. The Simpsons were incensed, however, by increasingly harsh drug laws that resulted in thousands of college kids serving time in prison. After a neighbor's son received a 10-year sentence for possessing two ounces of cocaine, Betty joined a group called Families Against Mandatory



Minimums. FAMM and similar lobbying groups were the driving force behind legalization.

For the Simpsons, as for most other middle-class Americans, life after legalization doesn't look much different from life before it. "About the only difference is that I'm no longer afraid of my mother being bopped on the head for drug money or that my children will be sent to prison for a youthful indiscretion," Betty recently told a television reporter interviewing parents who were active in the anti-drug-war movement.

Shortly after legalization, Betty and Bob attended a party at which marijuana was circulated. They tried it and found it stronger than the pot they had smoked 20 years earlier. They decided that their college days were irretrievably behind them, along with the attraction of marijuana. Anyway, using pot at home was out of the question. They didn't want to set an example for Brian, whom Betty suspected of using pot in high school. They knew that State University maintained strict rules against drug use or sales by any person on its campus and warned Brian of the consequences before his first semester.

So when the call comes from the university, Betty Simpson is disappointed in her son—but greatly relieved at the same time. The university administrator informs her that Brian will be suspended for the current semester and placed on probation for the rest of his academic career. Only a few years ago, a student in Brian's position would have faced the prospect of a prison sentence.

Contrary to fears, the state's adoption of drug legalization—allowed under a federal law—was followed by a crackdown on the public consumption of all drugs, including tobacco and alcohol. State law now imposes a fine for a first offense and jail time for repeat offenders. Paralleling these laws, the university has banned drug consumption, including the smoking of tobacco, on its property. Many students have complained about the tougher regulations, remembering the alcohol-fueled parties that were a staple of campus life. Of course, students who live off campus may use alcohol, tobacco, and formerly illicit drugs, provided they do so out of public view.

Legalization has brought other noticeable changes to the campus. A drug-education course has replaced a year of physical education as a requirement for graduation. And millions of dollars in federal funds have been channeled to the university for research into recreational drugs, including alternatives without harmful side effects. Such a program was unthinkable during prohibition, when few drug researchers could obtain funding or university approval. In fact, State University recently received worldwide attention when one of its professors announced that she was within two years of developing a nonaddictive substitute for heroin.

Legalization also has spurred a couple of campus controversies. A major tobacco company, now marketing marijuana, attempted to sponsor a professional tennis tournament at the campus athletic facility. But opposition from the governor and university president forced the "Reefer Thins" tournament into a nearby private club. Television stations have refused to air the tournament for fear of violating anti-advertising laws. And

former drug czar William Bennett was admonished by the university for smoking tobacco in public. Bennett lit up while speaking on campus about his new national crusade against "antifamily" programming on cable television.

The Welfare Mother

On their way home from school, Benjy Jordan and his friend Bobby play a game of tag. The fourth-graders frolic on the barren, grassless square in the center of their public housing complex. A few years ago, their game might have been interrupted by the gunfire of drug-dealing gangs engaged in deadly turf battles. But legalization has removed the source of those disputes and the profits that financed the high-powered arsenals.

The end of the drug war brought a marked change in Benjy, who avoided other children during the years before legalization. After a classmate was killed by a gang member's stray bullet, Benjy adopted a hermit's existence and avoided any contact with outsiders. "They just try to get you in one gang or another," Benjy explained to his worried mother. Now that gang violence has dissipated in the projects, Benjy has emerged from his shell and plays with his classmates again.

Legalization has provided Benjy and his family with another reason to celebrate. His older brother, Duane, recently returned home from prison, where he was serving a 10-year sentence for cocaine dealing. As part of the state's legalization law, those imprisoned for drug use were immediately freed, and those convicted of drug dealing had their sentences cut in half.

Duane sold drugs from the age of 12, becoming the primary breadwinner for his extended family. With her husband gone and four children to feed and clothe, Bernice Jordan accepted the money that he regularly brought home. "Duane knew I didn't approve of where it came from," she says. "But I either took the money or watched my family go cold and hungry."

The release of Duane and other drug offenders has solved a 20-year overcrowding crisis at the state prison. It brought the end to a federal consent decree that necessitated a periodic, mass release of inmates. Now plenty of cells are available for those accused of violent crimes. Consequently, inner-city neighborhoods have been freed from the most feared and brutal criminals. The county sheriff, who strongly opposed legalization on the grounds that it sent the wrong signal, now admits that protecting the public has become easier.

Despite the end of his imprisonment, Duane's prospects are bleak. While the demise of the drug wars has returned relative peace to the neighborhood, it has also removed a primary source of employment. Unemployment in the projects, already high, has increased another 20 percent. The situation is aggravated by returning ex-offenders like Duane, who have little hope for meaningful employment. And with the cessation of drug-related mayhem, police and public attention, once riveted on the troubled inner cities, has moved elsewhere.

"I'm grateful that I no longer have to fear for my children's lives each day, but I still fear for their futures," says Bernice

Jordan. "Ever since they legalized drugs, it seems like nobody pays us attention. The drugs and guns are pretty much gone, and we can finally live in peace. I don't have to fear going shopping or letting the children play outside. But the schools are still bad, there are no jobs, and there's more young people than ever hanging around with nothing to do. I hate to say it, but without the shootings and arrests going on, it's become easier for everyone to ignore us."

The Judge

Legalization saved Judge Anthony Dawson's career by ending a battle with his conscience. The drug war's mandatory minimum sentences had pushed Dawson to the brink of resignation. He found it repugnant to sentence promising college students to years in prison for possession with intent to distribute. The assassination of his friend, legalization advocate Judge David Salzborg, by the Cali cartel had enraged him. He knew legalizers were the cartels' worst enemies, and he wanted to disempower the thugs who murdered his colleague. But as an elected judge, Dawson was reluctant to speak out, fearing the response of voters easily inflamed against "soft-on-crime" judges. So he kept silent while meting out robotic justice based on statute rather than judgment.

As an African-American, Dawson was also deeply troubled by the disproportionate impact of the drug war on blacks and Hispanics. It pained him that 85 percent of the defendants appearing in his courtroom were minorities, many of whom didn't speak English. Most received only perfunctory representation from the hopelessly overburdened public defender's office. As a result, there was enormous pressure to plea-bargain drug cases—including those in which defendants maintained their innocence.

To alleviate overcrowding at the county jail, Dawson issued orders that were routinely ignored for years. And when, in desperation, he assessed daily fines against the county, he was criticized for dunning taxpayers on behalf of criminals. The public didn't seem to care that people were forced to live like animals, in flagrant violation of constitutional protections. Dawson felt that he was presiding over the degradation of the legal system that had inspired him, a child of the ghetto, to dream of being a lawyer.

As an attorney, Dawson was known for his expertise in civil procedure and, as a judge, he preferred ruling on civil cases. But years went by without a single civil case coming before him; criminal cases, mostly involving drugs, had crowded them off the docket.

Most of all, Dawson hated the drug war's toll on his family life. He was tired of presiding over the special drug court held at night to deal with the burgeoning backlog of petty drug cases. He resented that this duty forced him to

miss many family dinners and the chance to converse with his daughter, who was in law school.

And although he never told his family, Dawson genuinely feared for his life. More than once, he was threatened by gang members he had sentenced. He dutifully reported the threats and was assigned extra protection. But whole arsenals had been introduced as evidence in his courtroom. He knew that a sheriff's sidearm was no match for a drug-dealer's Uzi.

Legalization has brought a sea change to Dawson's courtroom. The stream of drug cases is now a trickle, and civil cases have returned to his docket. The judge's deliberation and discretion have replaced the dispensing of automatic justice. Defendants in his courtroom more closely reflect the general population. The judge is once again able to speak out on pressing legal issues. He no longer fears for his life when leaving for the courthouse every morning. And he and his daughter regularly discuss legal theory over the dinner table.

The Gang Leader

For LaBradford "Brick" House, one of America's most notorious drug lords, legalization has been a nightmare. Once able to mobilize thousands of street-gang members equipped with high-powered weapons, House's criminal empire is in disarray. He has been reduced to fighting two-bit mobsters for a piece of the drastically reduced action.

House saw it coming. He knew that drug prohibition was his best friend. It had turned his Los Riders from a band of juvenile delinquents into a wealthy criminal enterprise. House tried to prevent drug prohibition's repeal by forming the Young Grass Roots Independent Voters, a political organization providing campaign manpower and plenty of "street money." House planned to run his own candidate for Congress. But before he could, legalization was adopted—largely in response to violent, drug-dealing street gangs like his.

House considered unleashing a reign of terror against the legal drug stores and their patrons. But he quickly realized that there were too many legitimate outlets for that strategy to succeed. Like the gangsters after Prohibition, Los Riders couldn't compete in a legal market.

With an immediate 90-percent drop in illicit drug revenues, House's drug-dealing army was hit with mass desertions. Only a small fraction of his lieutenants had managed to build up any wealth. Most of them were happy to "go legit." But the majority of House's dealers lived hand-to-mouth. Legalization eliminated their only source of income. Now these once-formidable gang members are pan-handling on the streets.

And the supply of replacements is no longer inexhaustible. Previously, a dozen eager initiates were available to replace each dealer

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killed or imprisoned. Now, with vast sums of money removed from the business, drug dealing is a tawdry little enterprise. A few dealers attempt to survive by buying legal drugs and selling them to children. But the cessation of the wider drug war has enabled law enforcement to concentrate its efforts. Sentences for sales to children have doubled. And those convicted of possession and minor dealing have been largely released from prison, leaving plenty of empty cells for dealers to children to serve out lengthy sentences.

House realizes that his empire's only chance for survival is obtaining control of those activities that remain illegal, such as prostitution, extortion, and running numbers. While far less lucrative than the drug trade was, these fringe activities are now the only game in town. Los Riders have begun a bloody war with the local mob for control of a diminished black market. "Brick" House remains a criminal, but his glory days are over.

The Police Officer

Sergeant Pat O'Hare initially opposed drug legalization, which has brought great changes to his job as a police officer. The son of a cop, he was an enthusiastic soldier in the war on drugs until his father became one of its innocent victims. Bill O'Hare, a 20-year veteran of the force, was killed by a shotgun blast during his seventh raid on the same crack house. Afterward, the younger O'Hare began to question his late father's sacrifice in a vain effort to protect people from themselves. So although he opposed legalization, O'Hare was secretly relieved when he was no longer required to make street drug busts. Even more relieved were O'Hare's wife and two children, who had feared for his life with every assignment.

Since legalization, O'Hare has been working undercover as an administrator in a local high school. This reassignment is part of a massive shift in police manpower to fight the sale of newly legal drugs to children. O'Hare's recent arrest of two gang members dealing drugs inside the school filled him with pride and satisfaction. For the first time in years, he felt he was fulfilling his real mission. It sure beat the days and nights he had spent busting pathetic cokeheads in grungy bars and restrooms.

O'Hare was always a clean cop, as was his father before him, but he abided by the force's code of silence, and it bothered him to realize that his former partner was on the take. How else to explain the remodeled basement and the recent family trip to Disney World? O'Hare certainly couldn't afford those luxuries on his modest police salary. Since legalization, corruption on the force has decreased markedly. That makes O'Hare feel better whenever he passes the glass case at police headquarters containing the shields of officers killed in the line of duty, including his father.

Thousands of officers like O'Hare have discovered that legalization makes their jobs safer and more rewarding. Consequently, police unions, which generally opposed legalization, have become vigorous opponents of recriminalization. The nation's law-enforcement community witnessed first-

hand the drug war's toll on America's police and public. And it has witnessed how legalization has cleared the nation's jails of millions of nonviolent drug offenders, providing ample room for thieves and violent criminals who used to be back on the streets shortly after arrest. Officers like O'Hare want no part of unwinnable wars.

The Addict

As he walks slowly from the funeral service for his 40-year-old son, Jack Cooper is convinced that drug legalization is to blame. His son, George, never would have had access to cocaine if a drug store hadn't opened near his suburban home. Technically, cocaine hadn't killed George. The medical examiner ruled that he died from loss of blood after falling and hitting his head on a glass table. But there was no doubt that the copious amount of cocaine in his system had contributed to the accident.

George's parents are enraged at the government for making this tragedy possible. The Coopers have read that drug legalization led to a 25-percent increase in use and created thousands of new addicts. Drug-related deaths have actually declined, due to a 90 percent drop in drug-related crime and fewer deaths from adulterated drugs and unintentional overdoses. Still, the increase in use was accompanied by an increase in deaths due to drug-related accidents and chronic health effects.

After the funeral, George's widow, Diane, presents them with a cassette she found among her husband's belongings. That night, Jack and Lilly Cooper listen tearfully as their frantic and distraught son confesses to his cocaine addiction:

"I know I'm committing suicide on the installment plan. Legalization has made the temptation too easy for me. I want to be a better husband and father, but I'm drawn to this stuff like a moth to a flame. I hate myself for my weakness, and I don't blame anyone else. I know I'm fully responsible for my actions and their consequences. It's not the government's fault for making drugs legal, or the drug store's fault for selling them to me. It's my fault for not being able to resist, despite the toll it's taking on my friends and family. I guess I didn't learn a thing from the stories about Grandpa."

Listening to the tape, Jack Cooper is mentally transported to his own father's funeral. James Cooper died in his 40s from cirrhosis of the liver. Jack remembered his own pain at the death of his father and his subsequent, lifelong hatred of strong drink. But he was old enough to recall the disaster of Prohibition, with its gangsterism and all the deaths from bootleg liquor.

Despite his grief, Jack Cooper has to admit that legalization has brought benefits: fewer drug-related crimes, more resources for the treatment of addicts, and more money for drug-education programs—like the one helping his grandson avoid George's fate. So when a Bennett for President staffer calls to ask the Coopers to appear in a campaign commercial condemning legalization, Jack Cooper declines: "My son's death is a matter for our family to deal with. There's really nothing the government can do about it."

The Priest

No one was a more intrepid drug warrior than Father John Flagg, pastor of an inner-city church. He picketed local stores that sold drug paraphernalia. He defaced inner-city billboards advertising cigarettes and liquor. He even journeyed out of state to confront tobacco industry executives. Flagg was on a holy mission to save the lives and morals of his parishioners. When drugs were legalized, he was so angry that he took a three-year sabbatical in Eastern Europe. He recently returned to his parish, intending to resume his antidrug crusade. But what a difference a few years—and legalization—have made.

The paraphernalia he once protested now is sold openly, since drug use by adults is permitted. But volunteers from the church train a video camera on the store all day to ensure that no paraphernalia is sold to children. The dealers and junkies who once congregated near the church have disappeared. During confessions, Flagg hears far fewer stories about children caught up in drug dealing. Now that drug companies can market directly to adults, children are no longer used as intermediaries—a perverse practice that arose because they were exempt from the severe penalties aimed at drug dealers. The parish school is benefiting from an influx of federal antidrug money. And legalization has halted the violent turf wars and drive-by shootings that formerly terrorized the neighborhood.

Nationally, the end of drug prohibition has resulted in an increase in use—much of it at the expense of alcohol consumption. But the increase is concentrated primarily in the suburbs, where residents can legally purchase drugs previously available only in the inner cities. In poor urban neighborhoods, drugs are no more readily available now than before (less so for children). And because kids are rarely involved in the drug trade, that route to drug use has been largely blocked.

When Flagg preached a sermon calling for recriminalizing drugs, many parishioners openly disagreed with him. The church deacon told him: “You really don’t give our community enough credit. All your preaching about how the liquor billboards and drug legalization will result in a mad rush to do drugs....What makes you think we aren’t capable of making our own decisions?”

The Yuppies


Thanks to legalization, Josh and Stacy Hurwitz no longer fear criminal prosecution for a lifestyle they share with millions of Americans. Josh and Stacy met in the mid-’70s at the University of Wisconsin, where both indulged heavily in recreational drug use. Like many of their high school and college friends, the Hurwitzes continued their private use of marijuana when they married, bought a house, and started a family.

But the intensifying drug war made it increasingly dangerous for the Hurwitzes to smoke pot. They knew that this private behavior, subject to a simple fine during their college days, could now land them in prison. They knew that their jobs would be jeopardized by a drug conviction. And they worried about their neighbors’ reaction should their pot use become public knowledge.

For these reasons, the Hurwitzes decided that buying pot from dealers was too dangerous. So for years they grew their personal supply. They dedicated a corner of their basement to this pursuit, camouflaging three pot plants among ferns and tomato plants. This assured them a steady supply of paraquat-free marijuana. The strain of pot they grew was much more powerful than what they had smoked in college. Consequently, they smoked less of it to achieve the same effect. This reduced both the number of plants they required and the threat that smoking any substance posed to their health. (Neither smoked tobacco.)

Through the years only a few college friends with whom they still occasionally indulged were aware of the source of their marijuana supply. Only once had Josh and Stacy revealed their secret to someone they hadn’t known for years. Stacy learned that a neighbor’s husband had developed glaucoma and feared the loss of his sight. After speaking with Josh, Stacy discreetly informed the neighbor that smoking marijuana might help her husband’s condition and that she and Josh could help to supply him. In the following months, the grateful neighbors regularly received a gift they might otherwise have been unable to obtain—especially after the Food and Drug Administration ended its “medical marijuana” program.

Because of their experience with pot, Josh and Stacy favored legalization. They knew, firsthand, that marijuana was a relatively benign drug. And although they didn’t use cocaine, they had tried it in college. That experience didn’t jibe with the overwrought TV commercials implying that occasional coke use inevitably leads to addiction and death.

Legalization hasn’t changed the Hurwitzes’ lifestyle or the amount of pot they smoke. But it has ended their fear that recreational pot use will land them in prison. They continue to smoke alone or with old college friends, while keeping their pot use a secret from neighbors and employers. They are careful not to smoke in front of their two children, who are receiving drug education in school. In spite of this, their 7-year-old son recently found them smoking when he got up from bed in the middle of the night and disapproved strongly. Josh jokes with his friends that little Nathan now poses a greater threat to their habit than the drug czar or the DEA ever did. 

Richard J. Dennis is chairman of the Drug Policy Foundation’s Board of Advisers and a trustee of the Reason Foundation.

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SEMATECH

MICHELON