

# Los Angeles Times

## Legalize Drugs or Expect More Mass Graves

■ **Narcotics:** Our current policy makes violence the only means of doing business.

By ERIC E. STERLING

Mass graves in Ciudad Juarez, Mexico, which may be filled with as many as 100 victims of the Juarez drug cartel, are very shocking, but not surprising. Even if these suspected graves are not found, the credibility of this scale of violence and corruption—in which the Mexican military and police may be involved—suggests some important lessons.

Violence is inevitable in a prohibited business such as the drug trade. In legal businesses, no matter how profitable or large, even the most bitter disputes can be resolved nonviolently. When a business is outlawed, conflicts cannot be resolved in the courts.

A customer fails to pay on time, but a drug dealer can't sue to collect a debt. When promised goods aren't delivered, a drug buyer can't sue a drug dealer for breach of contract. When a trusted employee goes to work for the competition, the employer can't enforce a covenant not to compete.

Consider a basic business requirement: security for inventory, receipts and employees against potential thieves. Cocaine is worth about eight times the value of gold and is sold only for cash. Traffickers obviously need protection, but they can't hire Wells Fargo or off-duty police officers (that is, honest ones) to protect their places of business. The best hires they can make for protection are people who have a reputation for killing; second best are those prepared to kill.

Drug violence can only be curtailed if the drug trade is regulated. The drug trade can be taken away from the criminal cartels by changing the law. The cartels cannot be stopped by more force or violence—that is, more law enforcement.

President Clinton said Nov. 30 that this violence is one of the consequences of "a lot of success a few years ago in taking down a number of Colombian drug cartels." A lot of success? Simply eliminating

drug organizations opens the market to new organizations to meet the demand and to make the profits. Our strategy has been as effective as a royal edict commanding the tide not to rise.

The president urges that we "work with the Mexican authorities to try to combat" drug dealing cartels. Who can we work with? Not long ago, a new Mexican drug czar, Gen. Jose de Jesus Gutierrez Rebollo, was arrested for being an employee of the Juarez cartel. When he was appointed, U.S. drug czar Gen. Barry R. McCaffrey called Gutierrez Rebollo "an honest man . . . a guy of absolute unquestioned integrity." McCaffrey, of course, was trying not to imply what is true, that the military and law enforcement establishments in Mexico are riddled with corruption. Drug corruption accusations have surrounded the offices of the attorney general, state governors and even the president of Mexico.

Clinton says the latest suspected killings mean we have to do more to "protect our border." Yet our current strategy is what makes our border less safe. We put U.S. Marines on the border to "protect it," but in May 1997, a Marine corporal shot an 18-year-old goat herder within

sight of his home in Redford, Texas.

The traffickers are evil and dangerous, but they are not irrational. They have heard that the U.S. has declared war on them. The U.S. government has imprisoned 80,000 people for drug offenses. In U.S. prisons are 20,000 Mexicans, mostly for drug or immigration crimes, and 4,300 Colombians. The states have jailed tens of thousands more. How should we expect the traffickers to respond? It is rational (and completely immoral) that Mexican drug cartels kill persons whom they suspect are U.S. government informants.

Mass graves are merely a new twist to an old story. Following our current anti-drug strategy will not end the violence, it won't end the drug trade, and it won't solve the drug abuse problem. Bringing the drug trade under the controls of regulation, licensing and taxation will shrink violence and criminal profits and lead to more effective drug abuse control.

*Eric E. Sterling, president of the non-profit Criminal Justice Policy Foundation in Washington, was counsel to the House Judiciary Committee, principally responsible for anti-drug legislation, from 1979 to 1989.*

