

## RESOLUTION

**WHEREAS**, our sister city of Ciudad Juárez is being plagued by an unprecedented wave of acts of criminal violence that has not been seen in Ciudad Juárez in the past;

**WHEREAS**, the results of these acts has brought enormous pain to thousands of residents of both Ciudad Juárez and El Paso;

**WHEREAS**, the Paso del Norte bi-national community is gravely concerned by these monstrous acts;

**WHEREAS**, many of the perpetrators of these acts are closely tied to the illegal drug business;

**WHEREAS**, many other opportunistic criminals have found it timely to increase their criminal activities in the face of a chaotic situation that has overwhelmed the capacity of the local governments to cope with the violence;

**WHEREAS**, this drug war has lasted longer than last 6 wars (Iraqi Freedom, Gulf War, Vietnam War, Korean War, World War II, World War I) combined, due to the fact that the drug policies of our two nations have focused on incarceration rather than prevention and rehabilitation;

**WHEREAS**, the continued impunity of these crimes constitutes a frontal threat to the rule of law in our bi-national community; and

**WHEREAS**, we, the residents of the City of El Paso, seek to continue to strengthen our bonds with the residents of our sister city and further desire to take action to promote their well being of security and safety as well as ours.

**NOW, THEREFORE BE IT RESOLVED THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF EL PASO, TEXAS**, hereby:

1. Convey their solidarity with the people of Ciudad Juárez in the face of the multiple heinous acts of violence being committed against our bi-national community;
2. Express their sincerest condolences and deepest sympathy to the families of those who have fallen victim to this wave of violence;
3. Condemn all unlawful acts of malicious violence, persecution, intimidation, terrorization, and harassment that are being perpetrated on our bi-national community in the Region of Paso del Norte by organized and non-organized criminals;
4. Urge the federal government of the United States of America to come to the aid of our besieged sister city, by
  - a. Strongly supporting and funding the work of the El Paso Police Department and Alcohol, Tobacco and Firearms Agency in order to stem the tide of illegally acquired and exported weapons to Mexico;
  - b. Supporting the enforcement of current laws and legislation to stiffen the penalties on persons who illegally traffic weapons across our border;
  - c. Supporting the enforcement of current penalties and the legislation to stiffen the penalties on persons who illegally traffic chemical agents used in the manufacturing of illicit drugs;

- d. Strongly supporting and funding the work of the Federal Bureau of Investigation, Drug Enforcement Administration, the Internal Revenue Service and the Immigration and Customs Enforcement Agency in investigating and prosecuting aggressively all money laundering activities carried out in the United States and to collaborate with the Mexican law enforcement agencies to do the same in Mexico;
  - e. Supporting and funding the efforts of the El Paso Police Department and the El Paso County Sheriffs Office, Texas Department of Public Safety, and other law enforcement agencies in international bridge operations to detect vehicle theft, gun smuggling, money laundering and other cross-border criminal activity;
  - f. Supporting and funding greater efforts to reduce drug consumption in the United States;
  - g. Releasing the remaining funds already authorized and appropriated under the Merida Initiative; and
  - h. Ultimately, supporting legislation that examines the nation's policies on drugs with a focus on rehabilitation rather than incarceration;
  - i. Supporting an honest, open national debate on ending the prohibition on narcotics.
5. Urge the federal government of the Republic of Mexico to come to the aid of our beleaguered and besieged sister city, by
- a. Increasing federal efforts to help Ciudad Juárez and the State of Chihuahua to reduce the levels of violence;
  - b. Supporting greater efforts to reduce drug consumption in Mexico; and
  - c. Ultimately, support legislation that examines the Republic of Mexico's policies on drugs with a focus on rehabilitation rather than incarceration.

**APPROVED** this the 6th day of January 2009.

**CITY OF EL PASO**

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John F. Cook  
Mayor

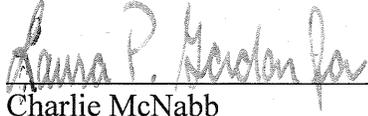
**ATTEST:**

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Richarda Duffy Momsen  
City Clerk

Doc. No.: 44888 V3 (1/5/09)  
Doc. Name: Reso-Solidarity  
Doc. Author: CMCN

**APPROVED AS TO FORM:**



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Charlie McNabb  
City Attorney

**APPROVED AS TO CONTENT:**

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Robert D. Andrade  
Executive Assistant to Mayor

**From:** Jack A. Cole [mailto:jackacole@leap.cc]  
**Sent:** Fri 1/9/2009 11:06 AM  
**To:** District #2  
**Subject:** Thank you for your courageous stand

Dear City Councilor Byrd,

My name is Jack Cole. I am the executive director of Law Enforcement Against Prohibition (LEAP). I am also a retired detective lieutenant—26 years with the New Jersey State Police—14 undercover in Narcotics. I bear witness to the abject failure of the U.S. war on drugs and to the horrors produced by its unintended consequences.

Thank you for your thoughtful and courageous, unanimously supported, resolution asking the federal government to seriously study the legalization of narcotics as a way to respond to the plague of violence that last year killed 1,600 people in Juárez.

I represent Law Enforcement Against Prohibition ([www.leap.cc](http://www.leap.cc)), a 10,000 member, educational nonprofit, created and lead by former drug-warriors who call for legalized regulation of all drugs. The police, judges, and prosecutors of LEAP don't want to see one additional drug abuser in the world but we understand this simple fact: the more dangerous the drug, the more important it is to legalize it, because nothing can be regulated and controlled when it is illegal. We want to help you.

You should not feel alone in your decision.

In November 2006, the National Hispanic Caucus of State Legislators passed a resolution condemning the failed war on drugs and calling for treatment rather than incarceration. That resolution was echoed by a similar resolution passed unanimously by the 225 Mayors attending the National Mayors Conference in June 2007. That month Newark, New Jersey's Mayor Cory Booker said the war on drugs is destroying his city and he intends to stop it if it means taking the issue to the streets and going to jail, as was done by civil rights protestors. Three campaigners for the 2008 Presidential race, former Senator Mike Gravel (D-Alaska), Representative Dennis Kucinich (D-Ohio), and Representative Ron Paul (R-Texas) have called for an end to the war on drugs; something never before done. The very conservative *The McLaughlin Group* television talk show has even broached the subject by discussing Dr. Ethan Nadelmann's article in *Foreign Policy*, "Legalize It." On October 4, 2007, San Francisco's Mayor Gavin Newsom told television reporters, "If you want to get serious, if you want to reduce crime by 70% in this country overnight, end this war on drugs. You want to get serious, seriously serious about crime and violence end this war on drugs."

**End Drug Prohibition—We Can Do It Again**

1/12/2009

On December 5, 2008 the United celebrated (yes celebrated) the 75<sup>th</sup> anniversary of the end of the terribly dysfunctional policy of our first prohibition—that of alcohol. The outcomes of that prohibition are strikingly similar to those of the new prohibition which created the war on drugs by banning the use of certain drugs:

- Alcohol prohibition created organized crime providing criminal entrepreneurs with prospects of super inflated profit motives which had never before existed.

Drug prohibition has created international cartels and funded terrorist organizations next to which smugglers like Al Capone pale by comparison.

- Alcohol prohibition led to a symbiotic relationship between law-enforcers and criminals. Harsher laws and more law-enforcers simply meant criminals could charge more for their illegal products and the subsequent expansion of their business led to the hiring of more law-enforcers, each receiving higher pay for doing more dangerous jobs.

Drug prohibition expanded membership in local and state police narcotic units by up to 700 percent in the first year causing drug prices to soar, therefore more people joined the ranks of suppliers and dealers. The outcome was supplies of drugs increased so dramatically that law-enforcers went from making individual seizures of pounds of hard drugs in 1970 to individual seizures of tons of hard drugs by 2002. DEA's budget went from \$65 million in 1972 to \$2.14 billion in 2006, an increase of 3,300 percent.

- The murder rate and corruption of public officials increased to the highest levels ever recorded up to that period of US history. But the year after alcohol prohibition ended both murder and corruption rates dropped dramatically and stayed low until implementation of the new prohibition in 1970.

The murder rate in the US under the new prohibition fluctuates greatly; much higher rates than those seen during alcohol prohibition can be found. When those skyrocketing rates do drop, it is because criminals struggling for the upper layers of the drug dealers' pyramid have come to an understanding through force of arms. What dislodges this temporary peace is law-enforcers occasional success in arresting or killing a chief gangster. Suddenly the murder rate increases as everyone below the recently created opening fights for that lucrative position. This is most obvious currently in Northern Mexico where over 5,000 people have been murdered in the last year alone as drug barons fought for supremacy.

- Alcohol use increased under prohibition (the year before it was implemented New York City had 15,000 saloons but five years into prohibition it had 32,000 speakeasies);

According to DEA at the start of the war on drugs there were 4 million

people in the US above the age of 12 who had used an illegal drug (2% of that population) but DEA tells us we now have 112 million people who have used an illegal drug (46% of the current population above the age of 12)

- Alcohol users escalated to harder drugs. A country that had used mainly beer and wine moved to hard liquor—which was easier for smugglers to transport and returned a greater profit.

Under the new prohibition a country that used almost exclusively soft drugs, marijuana and hashish upgraded to use of hard drugs such as, heroin, methamphetamine, and cocaine. This occurred for several reasons:

(1) during the four decades of the war on drugs, cannabis hallucinogens are the only drugs that have increased in price (marijuana increased by 2,600 percent, while cocaine dropped by 60 percent, and heroin dropped by 70 percent);

(2) as random testing increases everywhere, especially in our schools, people wishing to use drugs realize that smoking a joint will be detectable up to 28 days later but injecting heroin, cocaine, methamphetamine or using other hard drugs will not be detectable after a long weekend;

(3) illegal drug dealers, to whom users have to go to purchase marijuana would much rather hook users on hard drugs so they are guaranteed a life-long customer. This is why in the Netherlands, where sale of marijuana and hashish in “Brown Bars” has been decriminalized for 32 years, per capita soft drug use is half what it is in the US, but per capita hard drug use is four times greater in the US. Owners of “Brown Bars” don’t want to convert their clients to hard drug users.

- Alcohol overdoses increased. Prohibition by definition means deregulation. Unregulated “bathtub gin” was created and people drinking it went blind. Alcohol poisonings treated at hospitals increased by 600 percent under prohibition.

In 1979 heroin overdose deaths were listed by the Center for Disease Control as 28 per hundred-thousand users but by 2003 overdose deaths had increased to 141 per hundred-thousand heroin users. Just as under alcohol prohibition, people today do not die of a drug overdose because of drug pharmacology but because of the new prohibition. In an unregulated, illegal market, it is impossible to tell how much of the powder they are buying is really the drug and how much is the cutting agent. Too much drug and you’re dead!

- Alcohol prohibition became a failed policy in the eyes of the women of this country when they realized that prohibition was killing their children. Members of the Women's Organization for

National Prohibition Reform organized under the slogan, "Save our Children. Stamp out Prohibition!"

In the new prohibition, our children are being killed, caught by crossfire and drive-by shootings. According to Government research the war on drugs hasn't prevented youthful drug use, it just provides the monetary incentive for some of our youth to hook others; 900,000 of our teenagers are selling drugs to other teens—but not one is selling the legalized drugs, beer and cigarettes. Also, according to DEA, 900,000 of our teenagers have illegally carried a gun on at least one occasion. Under prohibition everybody's got a gun. How else to they protect themselves and their illegal products from robbery? How to they discipline their subordinates and customers if not at the point of a gun? They can hardly call on police for protection. They can't tell interlopers into their business turf, "I have a contract for this territory and I'm going to take you to court if you don't leave."

- Alcohol prohibition ended in 1933 at the height of the Great Depression when citizens realized they could no longer afford to continue dumping tax money into trying to end alcohol use and also realized how much money the government could obtain regulating it and applying tax revenue laws to the sale of that alcohol, which was obviously going to be sold by someone.

The Prohibition on drugs (cleverly declared a "war" by President Nixon in 1970) has failed to meet a single one of its stated goals. After four decades and a trillion tax dollars, after 39-million-arrests for nonviolent drug offenses, after quadrupling our prison population to 2.3 million, drugs today are cheaper, more widely used and more potent than they were when I began buying them as an undercover officer at the beginning of this fruitless effort. Most ominously, it is now easier for our children to buy illegal drugs than it is to buy beer or cigarettes. In this time when the US economy is tanking, when my local police force is being cut back by 9 percent because of national and state deficits, Harvard University Economist Jeffrey Miron has just published a study at [www.WeCanDoltAgain.com](http://www.WeCanDoltAgain.com), which finds that ending drug prohibition would boost America's economy by \$76.8 billion a year.

The war on drugs is a futile gesture. As a cop, I knew when I arrested a rapist or robber, the number of rapes and robberies in our communities decreased, but when I arrested any level of drug dealer (and I arrested about a thousand of them), I just created a job opportunity— quickly filled.

What do we get for our 70 billion tax dollars which we invest each year in prosecuting the drug war? A good feeling?

Our police and prison system should protect us from one another, not from our own flawed choices. Drug use, dangerous, shortsighted, and self-destructive as it is, does not necessarily make a person evil, threatening or in need of forced "treatment." The idea that we can create drug-free national borders, states or schools when we can't keep drugs out of maximum security prisons should end this

debate, but some people, especially those whose livelihoods depend on the prohibition approach, can't get enough of this "fix."

Any Prohibition on desired (and sometimes medically necessary) substances not only fails to prevent their use over time but also distorts users, making countless "criminals" out of otherwise law-abiding individuals. Police involvement actually creates the threat that is then used to justify more police involvement or forced treatment. It is a self-feeding, self-justifying circle not amenable to tinkering.

It needs to be replaced by a system of controlled regulation.

Instead of being demonized, these dangerous drugs need to be legalized so we can take control away from the sales-hungry street dealers, international cartels, and terrorists that control them. These parasitic creations of Prohibition will dry up when we end that Prohibition.

In 1994, the Swiss decided to help their young people by treating heroin addiction as a health matter rather than a crime problem. They set up a pilot program of clinics where heroin users could inject that drug up to three times a day under medical supervision—government issued and on a sliding scale but free for those with no money.

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

A policy that reduces death, disease, crime, and addiction—what could be better?

At the end of 2008 the citizens of Switzerland agreed in a referendum vote to make this a permanent policy.

Peace,  
Jack

*Jack A. Cole*

Executive Director

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"You can get over an addiction but you will never get over a conviction."