<https://web.stanford.edu/class/e297c/poverty_prejudice/paradox/htele.html>

America is at war.  We have been fighting drug abuse for almost a century.  Four Presidents have personally waged war on drugs.  Unfortunately, it is a war that we are losing.  Drug abusers continue to fill our courts, hospitals, and prisons.  The drug trade causes violent crime that ravages our neighborhoods.  Children of drug abusers are neglected, abused, and even abandoned.  The only beneficiaries of this war are organized crime members and drug dealers.

The United States has focused its efforts on the criminalization of drug use.  The government has, to no avail, spent countless billions of dollars in efforts to eradicate the supply of drugs.  Efforts of interdiction and law enforcement have not been met with decreases in the availability of drugs in America.  Apart from being highly costly, drug law enforcement has been counterproductive.  Current drug laws need to be relaxed.  The United States needs to shift spending from law enforcement and penalization to education, treatment, and prevention.

History of U S Drug Policy

            Drugs first surfaced in the United States in the 1800’s.  Opium became very popular after the American Civil War.  Cocaine followed in the 1880’s.  Coca was popularly used in health drinks and remedies.  Morphine was discovered in 1906 and used for medicinal purposes.  Heroin was used to treat respiratory illness, cocaine was used in Coca-Cola, and morphine was regularly prescribed by doctors as a pain reliever.

            The turn of the century witnessed a heightened awareness that psychotropic drugs have a great potential for causing addiction.  The abuse of opium and cocaine at the end of the 19th century reached epidemic proportions.  Local governments began prohibiting opium dens and opium importation.  In 1906 the Pure Food and Drug Act required all physicians to accurately label their medicines.  Drugs were no longer seen as harmless remedies for aches and pains.

            The Harrison Narcotics Act, passed in 1914, was the United States’ first federal drug policy.  The act restricted the manufacture and sale of marijuana, cocaine, heroin, and morphine.  The act was aggressively enforced.  Physicians, who were prescribing drugs to addicts on “maintenance” programs were harshly punished.  Between 1915 and 1938, more than 5,000 physicians were convicted and fined or jailed (Trebach, 1982, p. 125.)  In 1919, The Supreme Court ruled against the maintenance of addicts as a legitimate form of treatment in Webb et al. v. United States.  America’s first federal drug policy targeted physicians and pharmacists.

            In 1930, the Treasury Department created the Federal Bureau of Narcotics.  Harry J. Anslinger headed the agency until 1962 and molded America’s drug policy.  Under his tenure, drugs were increasingly criminalized.  The Boggs Act of 1951 drastically increased the penalties for marijuana use.  The Narcotics Control Act of 1956 created “the most punitive and repressive anti-narcotics legislation ever adopted by Congress.  All discretion to suspend sentences or permit probation was eliminated.  Parole was allowed only for first offenders convicted of possession, and the death penalty could be invoked for anyone who sold heroin to a minor (McWilliams, 1990, p.116).”  Anslinger was critical of judges for being too easy on drug dealers and called for longer minimum sentences.  He established a punitive drug policy with a focus on drug law enforcement.

            The Federal Bureau of Narcotics also used propaganda as a preventative measure.  They created myths and horror stories about drugs.  Marijuana was blamed for bizarre cases of insanity, murder, and sex crimes.  Anslinger said that marijuana caused some people to “fly into a delirious rage and many commit violent crimes (McWilliams, 1990, P. 70).”  It is puzzling that Anslinger and the FBN fabricated such tales, while there existed less dramatic, but true horror stories connected to drug abuse.  The propaganda of the 1940’s and 1950’s was often so far fetched that people simply didn’t believe the government’s warnings about drugs.

            The 1960’s gave birth to a rebellious movement that popularized drug use.  The counterculture made marijuana fashionable on college campuses.  Other “hippies” sought to expand their minds with the use of hallucinogens like LSD.  Many soldiers returned from the Vietnam War with marijuana and heroin habits.  In short, the demand for drugs in America skyrocketed in the 1960’s.

The Johnson Administration, in reaction to a sharp rise in drug abuse, passed the Narcotics Addict Rehabilitation Act of 1966.  The act specified that “narcotic addiction” was a mental illness.  The law recognized that the disease concept of alcoholism also applied to drug addiction.  Drug use, however, was still considered a crime.  The act did not have a major impact because the small amount of funding that was appropriated for treatment couldn’t meet the increasing demand for drugs in the late 1960’s and early 1970’s.  The act did pave the road for federal expenditures on drug abuse treatment.

The Modern Drug War

In 1971 President Richard Nixon declared war on drugs.  He proclaimed, “America’s public enemy number one in the United States is drug abuse.  In order to fight and defeat this enemy, it is necessary to wage a new, all-out offensive(Sharp, 1994, p.1).”  Nixon fought drug abuse on both the supply and demand fronts.  Nixon’s drug policies reflect both the temperance view and disease view of addiction.

Nixon initiated the first significant federal funding of treatment programs in.  In 1971, the government funded the then experimental and enormously controversial methadone maintenance program.  In June 1971, Nixon addressed Congress and declared, “as long as there is a demand, there will be those willing to take the risks of meeting the demand (Sharp, 1994, p.27).”  In this statement he publicly proclaimed that all efforts of interdiction and eradication are destined to fail.

Unfortunately, Nixon failed to listen to his own advice.  Nixon launched a massive interdiction effort in Mexico.  The Drug Enforcement Agency was created in 1973.  They initiated Operation Intercept, which pressured Mexico to regulate its marijuana growers.  The U S government spent hundreds of millions of dollars closing up the border.  Trade between Mexico and the U S came to a virtual standstill.  Mass amounts of Mexican crops headed for the U S rotted, while waiting in line at the border.  In the end, Nixon achieved his goal of curtailing the supply of Mexican marijuana in America.  Columbia, however, was quick to replace Mexico as America’s marijuana supplier.

            The interdiction of Mexican marijuana was the government’s first lesson in the “iron law of drug economics (Rosenberger, 1996, p.22).”  Every effort the U S government has made at interdiction since Operation Intercept has at most resulted in a reorganization of the international drug trade.  Heavily monitored drug routes have been rerouted. Drugs enter the United States through land, sea, and air.  Closing our borders to drug smugglers is an impossibility as long as the demand exists.

In 1977 President Carter called for the decriminalization of marijuana.  In a speech to Congress he said, “penalties against possession of the drug should not be more damaging than the drug itself (Rosenberger, 1996, p25).”  Although Carter endorsed lenient laws towards marijuana use, he was against legalization.  Carter’s drug policy was focused on the supply front, with most funding going to interdiction and eradication programs.

Marijuana decriminalization did not fail, but failed to be realized.  Carter’s presidency witnessed a sharp increase in cocaine use.  From 1978 to 1984, cocaine consumption in America increased from between 19 and 25 tons to between 71 and 137 tons.  The demand for cocaine increased as much as 700 percent in just six years (Collett, 1989, p. 35).  Marijuana was widely connected to cocaine as a feeder drug.  Thus, the federal and state governments moved away from marijuana decriminalization.

            In 1981, President Reagan gave a speech mirroring Nixon’s admission that fighting the supply side of the drug war was a losing proposition.  He said, “It’s far more effective if you take the customers away than if you try to take the drugs away from those who want to be customers.”  Reagan, like Nixon did not heed is own advice. The average annual amount of funding for eradication and interdiction programs increased from an annual average of $437 million during Carter’s presidency to $1.4 billion during Reagan’s first term.  The funding for programs of education, prevention, and rehabilitation were cut from an annual average of $386 million to $362 million (Rosenberger, 1996, p. 26).

            Reagan’s demand side initiatives focused on “getting tough” on drugs.  The program became known as the “zero tolerance” program, where punitive measures against users were emphasized.  The 1986 Anti-Drug Abuse gave the drug user full accountability.  Drug users were to be prosecuted for possession and accordingly penalized. Although some block grants were given for drug treatment, the rehabilitative efforts were insufficient to meet the overwhelming amount of drug abuse.  Reagan’s demand side drug policy largely reflects the colonial, or moralist view of addiction.

            Despite headlining innovative drug policies, Clinton has largely continued the Republican’s supply sided drug policy.  In the 1995 budget, Clinton earmarked an extra $1 billion for both the demand and supply fronts of the government’s drug policy.  Clinton attracted the media’s attention when he doubled the spending for rehabilitation and prevention programs.  However, more substantial increases were made for eradication programs and law enforcement.  The 1995 budget included $13.2 billion for drug policy. $7.8 billion was spent on supply sided efforts, while only $5.4 billion was spent on education, prevention, and rehabilitation.  Although Clinton did increase the percentage spent on the demand front of the drug war, his policy clearly reflects supply sided tactics (Rosenberger, 1996, p. 51).

            It is important to note that Congress has a significant influence on shaping America’s drug policy.  The Republican 104th Congress successfully killed many of Clinton’s attempts to spend more on the demand side.  Even the Democratic 103rd Congress of the early 1990’s fought shifting the drug policy towards prevention and rehabilitation. Both Democratic and Republic Congresses overwhelmingly favored continuing with supply sided efforts.

            Although Clinton didn’t significantly change the direction of U S drug policy he presented some innovative proposals.  Clinton encouraged Community Action Programs and grass roots organizations to participate in the demand side of the drug war.  However, of the $1 billion given to the Community Empowerment Program only $50 million was allocated to drug education, prevention, and treatment (Rosenberger, 1996, p. 63).  Thus, the potential of the programs was never realized.

The Drug Debate

            The proponents of drug policy can’t be classified as Liberal, Conservative, Left, Right, Democratic, or Republican.  Many Liberals and Democrats, such as the 103rd Congress favor drug criminalization and supply sided efforts, while some Conservatives, such as Milton Friedman and William Buckley favor drug legalization.  There are, however, three prevailing views on addiction in America, which have derived from America’s views of alcoholism.

The Colonial or Moralist view considers the drug user to be sinful and morally defective.  The drug itself is not the problem.  The moralist’s drug policy entails punitive measures for users.  Drug use is a crime.  Reagan’s “zero tolerance” policy on drug use is an excellent example of a moralist drug policy.

Second, the Temperance view considers the drug itself, as an addictive substance and the cause of addiction.  The supply of drugs is a public hazard.  According to the temperance view, drug policy should focus on drug smugglers and drug dealers as the root of drug addiction.  U S drug policy has largely been influenced by the temperance view of addiction.

Third, the disease concept views addiction as being a treatable disease.  Neither the drug user, nor the drug supplier is responsible drug addiction.  The disease concept calls for a drug policy that focuses on drug treatment and rehabilitation.  Clinton, for example embraced the disease concept and increased funding for treatment programs.

There has been continuous and widespread debate about drug policy since Nixon waged America’s first war on drugs.  Remarkably, the issues have changed very little.  In fact,  U S drug policy hasn’t had many significant changes over the last 30 years.  The U S has long endorsed a supply sided drug policy.  Most of the funding has gone to interdiction and eradication efforts.  These measures have failed and continue to fail.  The United States needs to significantly shift its funding towards education, prevention, and treatment.  Thus, America needs to decriminalize drug use.

            Firstly, decriminalization does not imply drug legalization.  Drug trafficking and drug dealing need to remain criminal activities.  Punitive drug laws on drug users need to be relaxed.  Of the 750,000 drug law offenses in 1995, 75% of them were merely for use (Nadelmann, 1991, p. 20).  Habitual drug use offenders, who are usually addicts face heavy fines and long prison sentences.  Drug law enforcement and incarceration are extremely costly and counterproductive.  Addicts have the potential to be treated.  The appropriate response is rehabilitation.

              The National Institute on Drug Abuse estimated that in 1993 as many as 2.5 million drug-users could have benefited from treatment.  Only about 1.4 million users were treated in 1993.  Almost half of the nation’s addicts were ignored.  The government spent only $2.5 billion on treatment programs compared to $7.8 billion on drug law enforcement.  The government needs to shift its funding from costly, unproductive drug eradication programs to meet treatment demands.

            Decriminalization does not imply opening up our borders to drug suppliers and tolerating violent drug syndicates.  The supply side of the drug war should be reduced, not ignored.  Violent drug gangs and large-scale drug suppliers should be targeted instead of the drug user and the small time dealer.  Although spending less on interdiction will inevitably make it easier to smuggle drugs into the U S, there is no evidence that the demand for drugs will significantly rise.

            There have been some victories in the drug war.  Every addict who through federally funded treatment programs and rehabilitation becomes sober is a victory.  The benefits are endless.  Addicts, who treat their disease often reenter society and become productive workers.  Recovering addicts are able to parent their children and are positive and powerful examples in their community.

            In order to decriminalize drugs, society has to abandon the puritanical idea that drug users are morally defective.  The government, which has already publicly acknowledged the disease concept of addiction, needs to focus its drug policies on the demand side.  The U S government can only relieve drug abuse by treating our addicts through rehabilitation and preventing the use of drugs through education.

**Chapter 2:**

**The War on Drugs:  Is it a War Worth Fighting?**

            The United  States has been engaged in a “war” for nearly 25 years. A war in which there is a great deal of confusion as to why we are engaged in it, and if we are in the war for the right reasons. The resolution of the war is curtailed by varying opinions and subjective statistical proof. The war which has been a continuing struggle, is the “war on drugs”  At the heart of this war is a fundamental question:  Is this a battle the United States can win?  It is likely everyone will agree drugs are harmful, they have serious medical side-effects. Drugs are addictive; can ruin a family, a job, a life.  I agree that drugs have very negative side effects, but is the solution to fight a very costly and ineffective battle to eradicate drugs entirely?  Is this even a possibility?  I am not so sure, and this paper will show that the war on drugs has likely caused much more harm than good.  Further, it will explain why not all drugs are the same, explore some options, and look at the future of the United States, and of the world

            We spend $50 billion per year trying to eradicate drugs from this country. According to DEA estimates we capture less than 10 percent of all illicit drugs. In this regard, I have a two part question 1) How much do you think it will cost to stop the other ninety percent?  Too much.  2) Does $50 billion a year for a 90% failure rate seem like a good investment to you?  I am sure the answer is no.  Has the cost of the War on Drugs in terms of billions of dollars, blighted lives, jammed prisons, intensified racism, needless deaths, loss of freedom etc., produced any significant change in drug availability or perceived patterns of drug use?  Unfortunately not.  Abraham Lincoln said "Prohibition goes beyond the bounds of reason in that it attempts to control a man's appetite by legislation and make crime out of things that are not crimes."  It is estimated that 45 million U.S. citizens have tried an illicit drug at least once. How many of the 45 million drug users do you feel we must incarcerate in order to win the war on drugs?  Why does the FDA stand up for the right of adults to smoke tobacco, which is highly addictive and causes over 400,000 deaths per year, while decreeing that adults have no right to smoke marijuana, which is non-addictive and kills no one? Alcohol costs thousands of lives, and alcoholism is an accredited disease, but anyone age 21 or older can go to the liquor store and buy alcohol.  Drug use is an acknowledged fact of life in every prison in the country. If we can't stop prisoner use of drugs, how can we rationally expect to stop average free citizens from using them?  Despite signatures from 85 prominent groups and individuals, why has the Hoover Resolution (a call for an independent panel to revue existing drug policies) not been considered, accepted, or initiated? What lessons from alcohol prohibition lead you to believe that the current drug war will end in victory? At a time when working people are being asked to tighten our belts in order to help balance the budget, how do you justify increasing the funding to the drug law enforcement bureaucracy? Explain why supporting a failed policy of drug law enforcement has a greater priority than student loans or drug education programs.  There are so many questions, with so few answers.  Now we must consider the solutions.  First one must understand what we are dealing with.

            Certain drugs are much more serious than others.  LSD was originally produced as an elephant tranquilizer and can obviously cause very violent and serious effects. There have been incidents of people, high on LSD, ripping their hands out of hand-cuffs, by breaking every bone in their hands.  The scary things is these people didn’t even feel it.  Cocaine and crack are much more prevalent, very addictive, and can kill you the very first time you try them.  Many will remember the great promise of basketball player Len Bias, whose life was taken after one night of experimentation with Cocaine.  Heroine use is very addictive, leaves its users feeling and looking empty, and the spread of AIDS is proliferated by the sharing of needles for this drug.  So all these drugs can be lumped into the “very serious/addictive” category, with obvious varying extremes. Should Marijuana fit into this category?  A scientific study funded by the White House says no.  The study showed, “Marijuana’s active ingredients seem to have many medical benefits including pain relief, control of nausea and vomiting, and appetite stimulation”  (Rolling Stone, pg.32). The study also rejected the notion that marijuana is a “gateway drug.” Many experts believed that using Marijuana is a stepping stone and once people can’t get a high from pot, they will move on to more serious drugs.  The study gave no proof that this gateway phenomenon existed, and seemed to point in the direction of at least reconsidering our current position on Marijuana.  It is clear to me that Marijuana does not belong in the same category as the other drugs, and the proposition of legalization should be seriously considered.

What do we have to enjoy from legalizing Marijuana, and possibly other drugs, or at least regulating there use?  Consider the experiences of Holland--a country where drugs fall under the jurisdiction of health agencies, not law enforcement, which has seen a decline in chronic use of hard drugs and casual use of soft drugs since decriminalization.  If illegal drugs are so obviously harmful to people's health, why is it necessary to put so many American adults in prison to prevent them from using these drugs?  If people want to take drugs, people are going to find a way to get drugs.  The problem is the war on drugs is not attacking the right people.  The people being hurt are the recreational users who get busted for having $50 worth of pot or cocaine in their pockets.  These people aren’t drug dealers, they aren’t gang-bangers, they are people with families, that use drugs, and are put away for decades.  Consider some simple figures:  “The number of federal prisoners who are drug offenders is 55, 624, 50% of  whom are non-violent first time offenders.  59% of federal prisoners are incarcerated for drug chargers, compared to only 2.5% incarcerated for violent crimes.  717, 720 Americans were arrested in 1997 for murder, rape, robbery, and aggravated assault (combined), while 695,200 were arrested for marijuana offenses alone” (Playboy, pg.  47).  I feel the last figures are the most telling.  It just seems like the purpose of the war on drugs has been lost, and as a result of the powers that be not accepting an alternative, other battles are being lost as well. Jimmy Carter once said, “Penalties against possession of a drug should not be more damaging to an individual than the use of the drug itself”  (Playboy, pg. 47).  Currently this is not the case, and this is just another example of a need for change.

Another major problem with our current situation is money.  Not only is it expensive to prosecute drug offenders, it is expensive to detain them.  Currently, more money is being put into building prisons than into building schools.  In 1998, 16 billion dollars were spent in federal funding for the war on drugs.  That is an astronomical number, and it seems as if the results don’t go along with the effort.  If all this time and money is being spent on education, and prevention, and treatment, and the numbers continue to rise, then an alternative must be sought.  As immoral and ridiculous as legalization may seem to some, all the facts seem to show that it, at the very least, deserves consideration. Without a solution to the current situation, the U.S. will remain in a vicious circle with no hope of coming out of it.

Where do we go from here?  Clearly major steps need to be taken.  I believe the first step is an admission by the administration that our current system doesn’t work. The next step must be to find out what the opinion is on the streets and in the schools.  Do the education and awareness efforts work?  What makes someone decide to try drugs?  What is the biggest influence on the child?  Maybe by taking note of what other countries have done, for example Holland which was mentioned earlier, the U.S. can get ideas for some sort of compromise.  It seems to me that the U.S. is set in its ways that drugs will not be tolerated and that this is a battle we must win.  What must be realized is that changing our policies is not an admission of defeat.  This shouldn’t be a matter of egos or overly conservative opinions.  The bottom line is that drug use needs to be reduced, the murders must be brought down, and the number of people incarcerated must be decreased.

The modern drug war began in the 1960s, and for thirty five years it has failed to produce and real success. Which is better for America during the next 35 years, prohibition with the continuing costs and ineffectiveness, or reform policies that approach the problem from a different angle.  Instead of spending so much money on imprisoning drug offenders and preaching why drugs are bad, why not spend the money on schools, and school programs?  The idea is to keep kids from using drugs, and this will in turn reduce the numbers of adults that use drugs.  The same goal is present in alcohol and cigarettes, and it is handled much differently.  Why not treat at least Marijuana just like cigarettes and alcohol.  Don’t make it illegal, just take steps to discourage people from using it.    Education is a must, but prosecuting small time offenders is pointless. The facts just don’t do much to support the war on drugs.  Consider some facts and costs that this country has undertaken as a result of attempting to make drug use illegal.

I will end this report with some outlined problems with keeping drugs illegal.  There is a need for change, and this must be realized soon:

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| The war on drugs has failed. By making drugs illegal, this country has:  1) Put half a million people in prison : $10 Billion a year  2) Spent billions annually for expanded law enforcement  3) Fomented violence and death (in gang turf wars, overdoses from uncontrolled drug potency & shared needles/AIDS)  4) Eroded civil rights (property can be confiscated from you BEFORE you are found guilty; search and wiretap authority has expanded.)  5) Enriched criminal organizations.  The street price of a single ounce of pure cocaine is several thousands of dollars, yet the cost to produce the drug is less than $20. The difference is the amount we are willing to pay to criminals for the privilege of keeping the drug illegal. Not only that, but such a high markup is strong incentive for people to enter into the sales and trafficking of these drugs. The stiff penalties we assess against drug dealers only makes the price higher and the criminals more desperate to escape capture, more determined to protect their market from encroachment. If drugs were legalized, the price would drop by to a tiny fraction of their current street values and the incentive to push drugs would vanish.  Recall that during prohibition, bootleggers and police used to shoot it out over black market 'shine. Illegal speakeasies did a booming trade, the profits of which went to organized crime. With the end of prohibition, alcohol has been taxed and provides a revenue stream to the State. Would drug use go up? Maybe. But it might well go down, since there would be no profit in getting new users to try drugs.  Protecting drug users against themselves costs the rest of us too much: in dollars, in safety and in freedom. |  |
| The Final thought is simply this:  The drug war is not working, and if alternatives are not considered now, a solution may never be possible. |  |