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## DRUG LEGALIZATION: MYTHS VS. REALITY

(Updating *Backgrounder* No. 656, "Why America is Losing the Drug War," June 9, 1988, and *Backgrounder* No. 672, "Strategy for a Drug-Free America: A Symposium," September 12, 1988.)

The case for drug legalization continues to be made by some intellectuals and politicians. For the most part, they contend that it has become futile to fight the widespread use of drugs in America, and that legal prohibitions against drug use simply have triggered a crime wave. Like the prohibition of alcohol use in the 1920s, they argue, legal penalties against drug use cannot succeed and thus should be ended.

The American people disagree with this line of reasoning, opposing drug legalization by margins of three or four to one. Indeed, a September 1989 *Washington Post* poll found 88 percent opposed to legalizing cocaine and only 10 percent in favor; the last marijuana decriminalization measure, in Oregon in 1986, lost by more than three to one. They are right to do so, because the case for drug legalization rests on myths and misconceptions. Among them:

**Myth #1: Current policies are failing to reduce drug use.**

**Fact:** Drug use fell by 37 percent between 1985 and 1988, the last year for which accurate figures are available, from 23 million regular drug users to 14 million. It is true that current policies aimed at keeping drugs out of the United States have not worked — and probably cannot be made to work. But this merely underscores the importance and effectiveness of the new emphasis on "user accountability" and reducing demand.

**Myth #2: Drugs always have been a part of American society and always will be; attempts to prohibit drug use thus are doomed to fail.**

**Fact:** Drugs have not always been part of American society. Most Americans today can remember a time when drugs were not in the workplace or discussed casually on television, and when schools were free of drugs. The explosion of drug use during the 1960s and 1970s was the result of a misguided acceptance of drugs and the *de facto* legalization policies of the time.

While alcohol prohibition ultimately failed the test of public approval, it was effective in significantly reducing consumption, which dropped by 50 percent during prohibition and rose 50 percent with its repeal. Cirrhosis deaths for men dropped from 29.5 per 100,000 in 1911 to 10.7 per 100,000 in 1929.

**Myth #3: Drug legalization would eliminate drug-related crime.**

**Fact:** Drug prohibition is related to inner city crime. But much crime associated with drugs is a function of drug use itself. For example, 32 percent of men in prison for rape admit they were using illegal drugs at the time of the crime. These are not addicts stealing to support a habit or dealers shooting each other in territorial disputes. Moreover, drug use destroys the effectiveness of

criminal penalties as a deterrent to crime; a person high on cocaine is unlikely to think much about the consequences of his actions.

**Myth #4: Current policies and proposals under discussion infringe on civil liberties.**

**Fact:** Concerns about civil liberties do and should influence policy toward drug use. But the government has a legitimate role in curbing the use and supply of poisonous substances. The notion that curbing drug use implies America is striding toward a police state is nonsense.

**Myth #5: Illegal drugs are not significantly more harmful (and may be less harmful) than legal drugs. If alcohol and tobacco are legal, marijuana and cocaine should be too.**

**Fact:** To be sure, more Americans die from alcohol and cigarettes than from illegal drugs. But that is because far more use them. About 110 million Americans use alcohol; about 60 million smoke; by contrast, 14 million use drugs. Illegal drugs, however, are much more dangerous than alcohol and tobacco. While 10 percent of alcohol users consume to excess, 50 percent of marijuana users suffer from excessive use of the drug, as do 90 percent of cocaine users, and 95 percent of those using opiates.

**Myth #6: Drug use is a “victimless crime.” Americans have a right to do what they want with their own bodies.**

**Fact:** Drug use is not victimless. Not only do individuals commit crimes under drug influence, but drug users are involved in 10 percent to 15 percent of highway fatalities, are two to three times more likely to be involved in workplace accidents (injuring others as well as themselves), and give birth to 100,000 cocaine addicted infants each year.

**Myth #7: Drug prohibition creates drug dealers, who proselytize drug use. Drug use would decline (or at least not go up) if drugs were legalized.**

**Fact:** If drug legalization works at all, it works by lowering prices – “taking the profit out of drugs” as proponents of legalization put it. Lowering the price, however, surely would lead to increased demand. After prohibition, alcohol consumption increased 50 percent. In Britain, where addicts get heroin from the government, the number of “registered” addicts has risen from 2,800 in 1980 to 80,000 today. Thus, both economic theory and actual experience strongly suggest drug legalization would increase drug use, perhaps as drastically.

**Myth #8: Current policies are too costly; money would be better spent on education, rehabilitation and economic development.**

**Fact:** The U.S. spends less than 3 cents of every federal, state, and local government dollar on criminal justice of all kinds – of which only a tiny fraction goes for drug law enforcement. Even with recent funding increases for drug enforcement, the federal government spends five times as much on agricultural subsidies, four times as much on highway and mass transit subsidies, and three times as much on foreign aid. Moreover, rehabilitation and treatment can only help those who have already fallen prey to drugs and, regrettably, the best studies indicate that only 10 percent to 30 percent of those who enter these programs are successful in kicking their habits. Thus, enforcement is essential as a means of deterring drug use before it starts.

### **Alternatives to Legalization**

It is possible to make America drug-free. Drug use already has fallen by more than a third since 1985. Drug use among 18- to 25-year-olds is down 53 percent for marijuana and 52 percent for cocaine since 1977. This is hardly the time to run up the white flag.



With the moral climate moving decisively against drug use, even talk of drug legalization is dangerous. The percentage of high school seniors who believe marijuana is hazardous to health bottomed out in 1978 (at 35 percent) and their rate of drug use peaked (at 39 percent in 1988). Today, 77 percent of high school seniors believe marijuana use is damaging to health, and only 21 percent use drugs. Proponents of legalization should ponder the message that would be sent to young Americans if prohibitions against drug use were to be withdrawn.

The drug legalization argument ultimately rests on the dual proposition that current policies have failed and that there are no alternatives to a complete surrender. But as the recent drop in drug use indicates, the claim that current policies have failed is at least open to question. More important, there are alternatives to current policies that promise to achieve a sharp reduction in drug use in America. Among the policies that need to be adopted:

**1) Give greater incentives for current and potential drug users not to use drugs.** In the military, in schools, and in the private workplace, the use of drug testing combined with “measured response” penalties (such as mandatory participation in a drug treatment program) have been effective in reducing dramatically the extent and costs of drug use. Yet such “user accountability” programs, which work by identifying drug users and imposing certain relatively mild penalties for first-time offenders, still have been applied in fewer than half the private workplaces in America and in very few schools at either the elementary and secondary or post-secondary levels. In many states, the law enforcement system itself still has not even adopted user accountability, leaving drug users free to commit their crimes without serious fear of punishment, even if they are arrested. If user accountability programs are expanded, as seems likely, drug use can be expected to decline dramatically. Senator Phil Gramm, the Texas Republican, and Representative Newt Gingrich, the Georgia Republican, have introduced legislation authorizing private employers to test for drug use in the workplace. This would override several state statutes that have sought to limit such testing.

**2) Institute long-term incarceration of career drug traffickers to reduce the availability of drugs and increase their street price.** While there can be little doubt that drugs will continue to be available in America as long as there is a demand for them, the law enforcement system today is doing far too little to make drug trafficking as a career unattractive to young Americans. The recent conviction on cocaine dealing charges of Rayful Edmond in Washington, D.C., drew wide attention simply because it was so exceptional. Most career drug dealers either escape punishment, receive light sentences, or are let out on early release or parole. The message young Americans are receiving is: “If you deal drugs, you can live a luxurious lifestyle with minimal risk of punishment.” Stronger and more certain penalties can change this equation and reduce the supply of drug dealers. This goal means more police officers, prosecutors, and courts. Even more important, it needs more prison spaces, so that the thousands of Rayful Edmonds still on the loose in America can be convicted and put behind bars.

**3) Focus on underclass neighborhoods, where the drug war still is being lost.** The suffocating liberal welfare state policies of the past 25 years have eliminated legitimate opportunity for the very Americans they were intended to help, causing many to forsake hope altogether and drift outside of mainstream society. Rather than providing a cheap “opiate for the masses,” as legalization would do, government must create an environment of hope and opportunity in which citizens can solve their problems instead of trying to escape them through drugs. Restoring order and opportunity to America’s inner cities is a daunting challenge, but the drug war will not be won until anti-poverty programs in the inner city become centered on economic opportunity and independence, not welfare and dependence on the government.



Those who argue for legalization are expressing the pessimism that has dominated American culture since Vietnam: the problem is too big, the resources too limited, and the country's resolve too weak to win the war against drugs. Yet this pessimism is based on myths and falsehoods regarding the nature of the drug problem and America's ability to deal with it. Moreover, if the pessimists win the argument over drug legalization, it may not be long before running up the white flag becomes a proposal for "dealing" with other chronic problems facing the nation, such as declining education standards and inner city poverty. If lawmakers continue to improve on current policies, however, the drug problem can be overcome, along with the sense of pessimism that spawned the ill-conceived proposal to legalize drugs.

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