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## **Conservatives, Guns, and Drugs**

**by Sheldon Richman**

Conservatives are generally good at arguing against gun control. Besides the constitutional case — that the Second Amendment protects an individual right keep and bear arms — they are also well versed in the “pragmatic” arguments.

For example, they say that gun laws will not be respected by people intent on committing crimes of violence because it is unlikely that a person who has no moral scruples against committing murder, assault, or robbery would shrink at running afoul of mere gun laws.

The 20,000 firearms restrictions now on the books have not prevented gun violence, including horrific shootings by teenagers. On the contrary: to the extent that gun laws impede law-abiding citizens from obtaining and carrying firearms, those laws encourage gun violence.

Conservatives also justifiably raise the specter of the black market when gun controllers propose making it tougher, if not impossible, to buy guns legally. With at least 65 million handguns in private hands currently, black-market thugs would have no difficulty finding a supply.

Moreover, an essentially open society with long borders and coastlines could not prevent the smuggling of firearms. Guns also can be made in clandestine domestic factories if necessary. If the demand is there the supply will follow. Since guns are the tools of the criminal trade, the demand will be there.

Gun restrictions (or prohibition) combined with the black market in guns for outlaws result in the endangerment of law-abiding citizens, who are rendered defenseless by law in the face of well-armed criminals. Thus gun control not only is futile; it also makes things many times worse.

The corollary is that gun ownership by law-abiding people makes things better. That is the upshot of the work of John Lott, who has shown that states which recognize a citizen’s right to carry concealed handguns have seen their crime rates go down.

Conservatives understand all this — which makes it puzzling that they favor laws against the manufacture, sale, and use of narcotics and other illegal drugs. If the connection between the two is not obvious, read on.

The pragmatic arguments against gun control and drug control are similar. Not much argument is required to show the futility of drug control. The war on drugs has been fought for decades. Yet

today drugs are more plentiful, more potent, and cheaper than ever. New drugs are developed all the time. The authorities can't keep drugs out of prisons — which fact alone should end all argument.

What we observe in the illegal gun trade we also observe in the illegal drug trade: when human beings demand something, entrepreneurial ingenuity is summoned forth to satisfy that demand and to reap profits that reflect the risk.

No matter what the drug warriors do, the flow of drugs continues essentially unabated. When the heat gets too great on one foreign or domestic source, another emerges to take its place. Regardless of what one thinks of the product, the market for drugs works just as it does for other goods and services. Attempts to rid society of drugs are hopeless.

There is one key difference between a legal and an illegal market. In the latter a premium is placed on skill at employing violence. In a black market, normal security and dispute-resolution procedures are unavailable. So “justice” is procured more directly. This offers an advantage to people proficient in the use of physical force. The drug trade is violent not because of drugs, but because of the war against drugs. If drugs are outlawed, only outlaws will sell drugs. And outlaws tend to be not only skilled but also uninhibited in the use of force.

Why don't most conservatives apply the same logic to drugs that they use for guns? It can't be because there is no amendment in the U.S. Constitution that specifies a right to ingest the substance of one's choice. For one thing, there is an impeccable constitutional case against national drug prohibition, one which an older generation of conservatives understood better. That case begins by noting that, as the Constitution is constructed, the federal government may exercise only the powers expressly delegated in Article I, Section 8.

If the Constitution is silent on a matter, that matter is left to the states or to the people, according to the Tenth Amendment. One does not look first at the Bill of Rights to determine whether individuals should be free from federal restraint. One looks at the enumerated powers. If a claimed power is not there, the feds are sidelined.

Is Congress given the power to forbid the sale and ingestion of drugs? No one has been able to point to the relevant clause. Some might invoke the General Welfare and Commerce Clauses, but conservatives have been properly wary of how the “living Constitution” crowd has stretched those clauses beyond recognition. Besides, neither clause would support a war on drugs.

As Madison said, making the General Welfare Clause into a grant of plenary power would fly in the face of enumerated powers and thus transmogrify the Constitution into something it was never meant to be.

And the Commerce Clause was intended merely to create a free-trade zone in the United States. The Left has used that clause to smuggle all kinds of illicit powers into the central government's hands, including gun, anti-discrimination, and sexual-violence laws. The Right would use it for its own pet projects.

When the idea of alcohol prohibition got up enough steam to prevail, its proponents obtained a constitutional amendment, conceding that the Constitution did not empower the central government to outlaw consumer products. Why is no amendment thought necessary for drug prohibition? Are we all “living constitution” advocates now?

If conservatives don't have a constitutional case for drug prohibition, they may think they have a cultural case. In their view, drugs are part of a left-wing package deal they want no part of.

While some anti-war student activists in the 1960s celebrated drug use (hard Left elements opposed legalization), the conservative view is an association by nonessentials. Drug use has nothing to do with ideology.

Moreover, the issue is really not drug use, but government power. To defend the freedom to use drugs is not to advocate the use of drugs. Conservatives seem to understand that for tobacco. Why the lapse when it comes to drugs?

They may respond that someone who wrecks his life using drugs harms not only himself but his family and others. But that is also true of someone who wrecks his life with alcohol or gambling.

Yet most conservatives do not seek a new prohibition of alcohol or gambling. Not everyone who uses, say, marijuana, wrecks his life or hurts other people. By what right does the state intervene before an actual crime of force is committed?

Guns can harm innocent people, but conservatives properly demand that government not interfere with any gun owner unless he has actually committed a crime.

Conservatives apparently see no great harm in the drug war. Leave aside the little matter of official corruption and its corrosive effect on the rule of law. Forget its routine assault on our right to be secure in our homes. (Pre-dawn raids by militarized law-enforcement officers did not begin with Elián Gonzalez.) Never mind the violations of our financial privacy to combat the drug kingpins' money laundering.

We may also ignore the foreign intervention the U.S. government commits in combating the drug trade; it has escalated its participation in the decades-long civil war in Colombia in the name of stopping drugs at their source. ("Colombia is the heart of the drug war, and we'd better get on with it," said the late Republican Sen. Paul Coverdell of Georgia. "If we lose in Colombia, then we lose everywhere." Where have we heard that before?)

The conservatives are wrong. The war on drugs wreaks great harm on us. And among those harms is the war on guns. Guns are integral to the black market in drugs, overshadowing the common, but largely unseen, use of guns to defend innocent life.

According to a 1998 Canadian Department of Justice [study](#), which examined the literature on the connection between drugs and guns in the United States and elsewhere, "There is clear and substantial evidence that firearms are an essential tool for regulating the illegal trade in drugs, including protecting shipments of drugs, enforcing debts, resolving disputes, eliminating competition, killing or injuring informants and defending against enforcement personnel."

The study pointed out that since drug dealers can't call the police and tend to avoid banks and other legitimate security measures, they are tempting targets for thieves. They compensate by being heavily armed.

The study quoted Steven Duke and Albert Gross's book *America's Longest War*:

“As drug proceeds mushroomed during the seventies and early eighties, midlevel drug distributors were able to buy not only rifles and handguns, but automatic weapons, bazookas, grenades, even rockets.... To counteract such offensive and defensive power, other more powerful weaponry is marketed, and so on up the spiral. Virtually everyone who deals in drugs or drug money has at least a handgun. Stash houses and laboratories are arsenals”

Drug-law critic Ethan Nadelmann is also quoted:

“Most law enforcement officials agree that the dramatic increases in urban murder rates during the past few years can be explained almost entirely by the rise in drug-related killings.”

In the last several years the anti-gun movement has gotten a boost from the specter of well-armed youth gangs fighting with each other and police and committing drive-by shootings. Those gangs are deeply involved in the drug trade, and their black-market revenues have financed massive arsenals that rival those of the local police.

Guns are the gangs’ means of resolving disputes between competitors and between buyers and sellers. “Gang activity and violence, which have increased greatly over the past decade, have been directly associated with drug sales,” wrote Barry Stimmel in 1996 (quoted in the Canadian study).

This is the source of the alarm about guns and “children,” in which category the gun controllers misleadingly include adolescents and young adults up to 19 years old.

According to the National Center for Health Statistics, in 1997, 85 percent of the 4,200 intentional (including suicide) and accidental gun deaths of “children” actually involved victims 15 to 19 years old, many of whom were inner-city gang members.

The U.S. Justice Departments acknowledges that the problem of gun violence and youth is mostly an inner-city problem, which means a black-market drug phenomenon (“Promising Strategies to Reduce Gun Violence,” Department of Justice monograph, February 1999).

Violent resolution of drug disputes can also set a tone for the wider community where affluent gang members with fancy cars and flashy firearms are objects of admiration and role models for fatherless boys.

The willingness to use a gun to settle scores and gain respect can become part of a subculture’s way of life. The six-year-old boy who shot a schoolmate to death with a stolen handgun lived in his uncle’s crack house.

There is no question that drug-related gun violence has scared people. Some have armed themselves in self-defense, although government has made this more difficult.

But many others — after being bombarded with countless images of criminal gun use on television and no images of the defensive use of guns — have been softened up for the anti-gun movement’s demagogic appeals.

Well-meaning or not, anti-gun activists, rather than rethinking the drug war, have instead offered this simple-minded palliative: end gun violence by passing more laws against gun possession.

The advice is ironic: if the laws against drug trading and possession have not made drugs disappear, why should we expect gun laws to make guns disappear?

The greater irony is that to the extent that conservatives have encouraged the government in the war on drugs, they have unwittingly helped advance the war on guns. Their enthusiasm for anti-drug laws contributes to the conditions that make some people eager to accept anti-gun laws.

Decriminalizing the use of and trade in drugs would take the drug industry away from the most violent elements of society and place them in the open marketplace, where civil dispute resolution would replace gunfights. It would also deprive thugs of a superlucrative occupation.

That combination would be a blow to the anti-gun lobby. The absence of routine gun violence by reviled drug sellers would deprive the lobby of some of its most potent propaganda. Then Second Amendment champions could begin to rehabilitate firearms as a reasonable tool of self-defense.

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