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A Letter to My Friend Who Supports the Drug War

by James R. Muhm

My friend, we've been discussing this war on drugs for quite a while, and whether or not it is doing anything to reduce drug use. We both agree that most drugs, particularly "hard" drugs, have a harmful and debilitating effect on most persons who use them. And yet, is the metaphorical war on drugs doing what it is supposed to do? Let's see.

First of all we must ask, has the war on drugs reduced the amount of drugs available in our country? The answer, emphatically, is no. More illegal drugs are now available on the street, in higher grade and at a cheaper price, than at any time since drugs were first banned in 1914. There is no sign that drug use among the population is lessening. Instead, it seems that anyone who wants to use illegal drugs will get them, whether other illegal acts must be used to get the money to pay for them or not.

Are not the penalties for illegal drug use severe enough? Well, our prisons are bursting at the seams with persons arrested for possession of drugs, while there is less and less room for violent criminals who truly are a threat to others in our community. So-called early release of criminals of all sorts is a routine practice to free up prison space for new offenders.

You have made the point that drug use must be outlawed because it imposes costs on society in taking care of drug users. That's right, to some extent it does. But abuse of alcohol, excessive smoking, motorcycle riding, unhealthful eating, and other forms of higher-risk conduct also impose costs on society. How far should we go in proscribing these risky behaviors, things that we think are dumb, but that only marginally affect others? And, to put it in perspective, the social costs of illegal drug use don't even come close to those costs incurred by cigarette smoking.

While it's true that there is a cost to society imposed by illegal drug use, the costs of trying to prohibit it are dramatically more burdensome. The highly visible crimes of theft, assault, and robbery committed by users desperate for a fix constitute one dreadful cost. It's the very illegality of drugs that impels users to go to desperate lengths to somehow get the money necessary to fill their need. We don't see alcoholics holding up convenience stores in order to get money for

booze. In other words, it seems to be not the use of drugs, but the attempts to prohibit drug use, that leads to crime.

Other costs to society imposed by the war on drugs are seen in the way in which we now accept reduced limits on our freedoms. Consider forfeiture laws, those laws enacted to punish users and dealers by allowing law-enforcement agencies to seize assets to further fight the war on drugs. Using these laws, police agencies and prosecutors can claim cash, houses, automobiles, and other assets that are in any way used in violation of drug laws, even if that property was used without the knowledge or consent of the owner. Such power sometimes leads law enforcement to a great temptation to skirt the technicalities of the law in order to seize assets, not to be used as evidence in a court trial, but simply to make use of them. The agencies can do this because they have only to “believe the assets were used in a drug transaction.” No criminal charges need ever be filed against the person whose property was seized, and the burden of proof then is on the owner of the seized property to have it returned. In the process, law-enforcement and judicial resources are diverted away from truly serious and threatening crimes, so they can be used to interfere with those who are determined to abuse, not others, but only themselves.

It is important to remember that the laws of supply and demand apply to illegal drugs as much as to any other commodity. Consider what happens when a drug dealer is arrested and convicted, thus taking him out of business. The immediate effect, if he is the kind of major dealer that we want removed, is that the street price of his product suddenly increases because the supply is reduced. The prospect of increased profit then induces new dealers to immediately attempt to fill the still-existing need of users by replacing the lost supply. That’s the way the free market works for every commodity. How can it be otherwise for drugs? Has the arrest of the dealer done anything to reduce the long-term availability of drugs? Of course not. Not only is the supply interrupted only temporarily, but a new dealer has been induced to enter the disgusting trade.

Then there are the unconventional substances that seem to fall under the purview of drug laws. Recent immigrants from Somalia and Ethiopia have grown up in a culture that accepts the chewing of khat, mildly stimulating leaves of an indigenous bush, which drug authorities have declared illegal in the United States. Drug agents in Colorado recently arrested an immigrant who was chewing khat in his own living room with friends, imprisoned him, and threatened him with deportation. To the chewer, he was simply engaging in a normal social activity, analogous to having a beer with friends in his own home. Even more bizarrely, newspapers report that police have asked immigrant taxi drivers to open their mouths in order to see what they are chewing. How much privacy should we give up in order to discourage others from using drugs?

The futility of the drug war

You have expressed your fears that drug use would increase if drugs were legalized. Can it be claimed that anyone who wants to use drugs now is unable to get them? In fact, drug use may

decrease if drugs were legalized because the element of rebellion and excitement in doing something taboo would be removed. An educational program can be expected to further keep young people from starting the addictive habit. After all, it is now known that cigarette use is diminishing among young people without a metaphorical “war on tobacco.”

Could it be that the war on drugs is creating more users than it discourages? Maybe so, as the extreme profits available to those dealing in illegal drugs provide a great incentive for them to recruit new users who then can be supplied by the dealer. Do you see pushers of cigarettes and alcohol hanging around the junior and senior high schools trying to recruit new users? Of course not, because there is no profit to a dealer in doing so. Only the illegality of drugs drives up its price enough to cause a pusher or dealer to make the effort to recruit new users.

And, finally, we should consider whether it is ethical or right for some citizens, e.g., those of us opposed to the use of recreational drugs, to use the force of government to impose our ideas of proper deportment on others. Society rebels at the idea of using force, Taliban-style, to enforce “approved” lifestyles on others in most circumstances; why not when a person chooses to get high on drugs? Granted, legalizing drugs would not solve all of the problems associated with drug abuse, but it would solve the problems arising from the illegality of drugs. The tremendous costs to society in trying to prohibit drug use are counterproductive. The misguided war on drugs criminalizes personal behavior that does not threaten others, creates an incentive for truly criminal acts by drug users desperate for a fix, wastes public treasure, and, most obviously, is not achieving its desired ends.

Let’s stop this futile and eternal war on drugs and let the government get back to its true function — protecting us from those who would do us harm.

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