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The Drug War's Immorality and Abject Failure **by Anthony Gregory**

If the idea is to create a drug-free America, then we can safely say that after hundreds of billions of dollars spent, millions of arrests, and decades of escalating police and military efforts, the war on drugs is a complete failure.

The reason is clear if you think about it. The attempt to use government force and central planning — violence and socialism, essentially — to effectively mold society by preventing people on an individual basis from growing, producing, transferring, and ingesting drugs of their choice, is a ridiculous fantasy and always has been. There will forever be ways to circumvent the law. There will never be the resources to put an end to the lawbreaking.

Proponents of continuing the war on drugs will sometimes concede its futility, but then compare their crusade to other law-enforcement endeavors with which nearly no one disagrees. They argue that even if it is impossible for the government to stop all murders, it doesn't follow that murder should be legal, and the same is true with drugs.

But comparing drug use to murder is unrealistic. The vast majority of people would agree that even if drug use is immoral in some sense, it is not immoral in the same way as murder. What many might not realize, having not been exposed to libertarian ethics, is the nature of the distinction — drug use, in and of itself, is a victimless act, whereas murder, like rape, kidnapping, assault, theft, and trespassing, is a rights violation.

People have a right to life, liberty, and property, and to pursue happiness within the limits emerging from other people's equal rights to life, liberty, and property. If not for this, theft would not be a crime. Neither would murder nor assault. When a person is murdered, his right to life has been violated. When a person is kidnapped, his right to liberty has been infringed. When a person is robbed, his right to property has been trampled.

These criminal acts enjoy their infamy and they universally evoke emotions of anger and resentment because of the very essence of human nature and what it means to be human. Drug use, unlike any of these real crimes, does not involve a trespass against anyone's right to life, liberty, or property. On the contrary, people have a right to peacefully use drugs, and to provide

drugs to those who want to obtain them by means of an honest market transaction. You may not approve of their choices, but to interfere coercively with them is itself a violent attack on their rightful liberty.

While most people may not fully understand the moral difference between a victimless vice and a bona fide, criminal rights- violation, they do sense it on some level. The drug war is consequently riddled with difficulties that are not common in efforts to prosecute violent criminals. For one thing, a violent crime leaves behind a victim and that victim's friends and family, whereas drug use does not involve a victim who will willingly come forward and report the offense to authorities. Furthermore, most people don't want murderers in their neighborhoods; they will probably call the police if they witness a violent attack in progress; they will cooperate with the state to lock up actual menaces to society. But few people feel the same way about drug use. Even if they see it as an ethical failing or potential social problem — even if they don't consciously believe that drugs should be legal — they simply don't intuitively conceive of drug use as the same kind of delinquency as an act that inflicts violence on people or violates property rights.

This is why the government has begun to bribe people to turn in drug users, why politicians have begun considering ways to criminalize the mere association with drug users or speech about drugs, and why for years DARE encouraged schoolchildren to report their parents to the authorities if they saw them smoking marijuana. It is becoming just like the days of the Soviet Union, when economic crimes, thought crimes, crimes of dissidence, and other offenses against the state were combated by crackdowns that relied on snitches and thrived on a climate of fear and distrust. With the drug war, just as in the case of the Soviet Union, despite all the terror and agitation produced by the state, there will never be enough resources and prisons to enforce policies so contrary to human nature.

The drug-war scourge

Perhaps as both a result and a cause of Americans' not seeing drug use in the same way they see crimes against person and property, tens of millions of Americans have tried illegal drugs at some time in their lives. Drug warriors need to confront this reality. Tens of millions of Americans, even if they don't use drugs now, are likely to have some sympathy for the drug offender that they don't have for the murderer or thief. While most Americans might think it would be good in theory, albeit highly improbable in the real world, to put all murderers behind bars, very few Americans would want to imprison every single person who has committed a drug crime. This is sensible, since doing so would be impossible. Even imprisoning a third of the drug offenders would be economically unfeasible. There are just too many such people. Even if you could catch them all, it would bankrupt the country to prosecute and jail them with anything resembling due process. Thus we see draconian punishments and unconstitutional law-

enforcement practices employed in an effort to deter most drug users by making an example of the small minority who are caught and jailed.

This highlights a practical difference between drug users and murderers. Most of us want to see all the murderers punished. But it would destroy America to see even a substantial fraction of the drug users punished. In fact, the mere attempt to cleanse society of drugs by force has already wreaked irreparable damage on America.

The drug war is a scourge on the inner cities, where drug profits lure youth away from taking lower-paying, legal jobs; where shootouts between drug gangs have caused spikes in the homicide and violent-crime rates, just as alcohol prohibition-related violence had; where police are distracted from pursuing violent and property criminals so they can instead fulfill drug-arrest quotas and bust small-time users and dealers. The drug war is a catastrophe for justice and the rule of law, as it has lowered the standard of evidence, shredded the Fourth Amendment's protections against unreasonable searches and seizures, and cruelly imposes prison sentences for marijuana dealers and cocaine users that are longer than what rapists and other violent assailants receive. The drug war is a plague on foreign relations, as the U.S. government bullies other nations into maintaining aggressive policies against drugs and drops poisonous chemicals on foreign crops in misguided and totally failed efforts to stem the importation of contraband. The drug war is a disaster for civil society, as it has transferred personal responsibility and community concerns to the police, to the legislators, to bureaucrats in Washington, and even to the military.

Drug use and responsibility

The explanation for all this disaster lies in that ethical distinction between a personal activity that is, in itself, victimless and, on the other hand, a violent abrogation of another person's rights. And although most people may not fully understand that that's why a drug user next door is not the same kind of criminal as a burglar next door, it helps to explain why the drug war has not worked and will never work.

Some people argue that, regardless of its myriad troubles, the drug war must persist because people are less responsible if they abuse drugs. But this could also be true if they watch too much TV, or gamble, or sleep around, or get into a bad relationship, or eat too much sugar or not enough vegetables. People can also have serious problems with legal drugs. All of these behaviors and habits can affect a person negatively, as well as the people around him. Nevertheless, it would make no moral or practical sense to arrest and jail people to make them act more responsibly in these respects. Trusting Washington, D.C., to oversee personal relationships and diets would be a recipe for hypocrisy, tragedy, and tyranny. A civil society does not use force to punish people for their personal indiscretions or unpopular lifestyles, nor does it erect national bureaucracies and militarized police agencies to address issues properly addressed at the personal, family, and community level.

It is often argued that drug use must be combated because it contributes to criminal activity. Much of this is a result of the drug war, which causes drug prices to balloon, sometimes hundreds or thousands of times over, and so leads desperate addicts to steal. A lot of the crime is caused by turf wars over drug territory. Not nearly as much street crime is associated with the alcohol market now as when it was underground. But perhaps it is true that some drugs can make some people more likely to commit crimes. It still doesn't follow that outlawing those drugs is the answer. Alcohol is in fact the leading drug associated with homicides. Making it illegal would not reduce violent crime; it would only bring back Al Capone — or, more precisely, introduce the Crips and Bloods to the liquor business. Ultimately, the principal reason that much of the drug scene is saturated by criminality is that it has been forced into the black market.

In any event, if a drug user commits a crime against person or property, he should be dealt with for that crime. It is unnecessary and in fact counterproductive and unjust to preemptively attack drug users on the basis that they might be criminals. The overwhelming majority of drug users are nonviolent, generally law-abiding people. A significant portion of the prison system is filled with such people. Police and criminal-justice resources would be better directed against actual criminals — whether or not they use drugs.

Destroying rights

Indeed, if a person is respecting people's property rights and is peacefully using drugs, he is not a threat to anyone's liberty. He is within his rights. To use force against him is a violation of his rights. Just as kidnapping a peaceful drug user would be properly considered a grave crime, lessened none by his status as a user, it is a crime against morality for the state to do the same and call it "incarceration." The drug war is not only failed, it is terribly immoral and criminal.

Only by stripping nonviolent drug users of their human rights can the government wage its drug war, and only by dehumanizing them can the state rationalize violating their rights. But it is the dehumanization of such a group, and not the group itself, that poses the greatest danger to civil society, liberty, and morality.

When the human rights to life, liberty, and property are subjected to systematic abuse, social chaos follows. The Soviet system fell because it stood in direct contradiction to these rights. Totalitarianism collapses under the weight of its own incompatibility with human nature.

The drug war has subjected Americans, and foreigners as well, to a systematic abuse of their rights. Drug users are deprived of their rights to ingest what they wish, and, in many cases, are deprived of their liberty for years, never to get it back fully even after they're released. Non-drug users are spied on and searched in outrageous ways, all to stamp out drugs. People in need of medical marijuana suffer severely because their human right to self-medicate has been violated.

Americans don't like being abused. They don't like having their rights infringed. And so they disobey unjust laws, find ways around them, don't report their neighbors who use marijuana,

and refuse to take the drug war seriously. Just like those socialists who concocted the most elaborate of five-year plans, the drug-war planners have neglected to take into account the factor of human nature. And actually, free will, human nature, and the natural order of liberty cannot be fully accounted for in any governmental central plan. Socialism has failed in country after country because it has never recognized that centralized, coercive control of the economy is simply incompatible with the way people operate, function, and act in relation with one another. The immorality of communism — of forcibly depriving people of all their property rights — is tied inextricably to its implausibility in practice.

Drug-war failure

The drug war is very similar. No matter how much of a utopia one may think would result if drugs were eliminated, it's not going to happen, and certainly not by using government force. The laws of economics, the principles of supply, demand, and human action that undermine socialist systems, also undermine the war on drugs. Millions want to use drugs and no government program will stop them all, or even most, as long as they are willing to pay and a supplier is willing to sell. The more the state ratchets up the drug war, the higher the profits at stake, and the more innovative and determined the dealers become. Meanwhile, because of the inevitably failed drug war, America becomes more like a prison every day.

One of the worst arguments for maintaining the drug war is that even if the program cannot work, making drugs legal sends the wrong message to children. But why is this? Should politicians, who are known to frequently mislead the public, be the moral guides for children? Shouldn't this be up to parents, clergy, community leaders, and perhaps role models in sports, movies, and entertainment? These people should surely be relied on before the state is, when it comes to leading by example. After all, when they fail at teaching values to children, it doesn't matter how upright the legislators are. And when they succeed, it doesn't matter how unscrupulously the politicians behave.

What kind of message does it send children, anyway, to continue the horrific drug war — to continue putting young people in prison where they are torn from the productive economy for years; where they are caged with violent criminals at a per-prisoner cost of tens of thousands a year to taxpayers; where many are abused and raped and become hardened criminals, made much more dangerous to others and society than when they were first convicted — all because they were caught doing something peaceful that tens of millions of Americans, including at least one U.S. president, have done? What kind of message does it send to children to say that it is wrong to physically attack others who haven't hurt you and don't threaten you, but that it is okay for the government to do the same to drug users? What kind of conflicted message do children get in a world where millions of drug users live productive, relatively normal lives and manage to avoid punishment, and yet the ones who get caught are punished more severely than burglars and

rapists? How can a child learn about property rights and the founding principles of America and yet be taught that his home or vehicle can be searched one day, as long as some police officer thinks he might have drugs? And what kind of message does it send to say that a failing policy that has wrecked the lives of millions of good people must be continued, despite being a moral monstrosity and practical disaster, all to send “the right message” to children?

Although it is a politically incorrect point, we must recognize that people have a right to put what they want into their bodies, and no one has a right to forcibly stop them. Not only does this truth flow axiomatically from any proper understanding of the human rights to life, liberty, and property; it offers the best explanation of why the drug war has been such an abject failure. Something as abjectly immoral, as contrary to human nature as the drug war cannot bring about happiness or order or civilization or progress. It can, however, effectively destroy lives and turn the country into a much worse place to live.

Americans may not think they’re ready to end the drug war, but the immoral crusade is doomed to fail. The sooner we recognize this, the sooner we can begin the process of restoring the precious American freedoms that have been eroded in this very evil war.

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