Should We Legalize Essay, Research Paper

Should America Legalize

The Federal Government, while trying to protect us from our human nature, developed harsh anti-drug policies with the hope of eradicating drugs. These policies seemed simple enough: imposition of penalties on those who use substances illegally, iterception of drugs coming from other countries while ending all drug cultivation in the States, and prevention of foreign governments from growing these substances. The idea of the Drug Prohibition surely made sense: lower demand of drugs by law enforcement, and reduce supply through domestic and international means. Unfortunately, the Drug Prohibition led to heavy costs, both financially and otherwise, while being ineffective, if not, at times, counterproductive. Today, people can see the unforeseen costs of the “Drug Prohibition,” and we should consider these costs before expanding the “War on Drugs.”

First, among the costs of the “War on Drugs,” the most obvious is monetary cost. The direct cost of purchasing drugs for private use is $100 billion a year. The federal government spends at least $10 billion a year on drug enforcement programs and spends many billions more on drug-related crimes and punishment. The estimated cost to the United States for the “War on Drugs” is $200 billion a year or an outstanding $770 per person per year, and that figure does not include the money spent by state and local government in this “war” (Evans and Berent, eds. xvii).

The second cost of this “war” is opportunity costs. America has two resources which are limited prison cells and law enforcement. When more drug crimes take up law enforcement’s time and when more drug criminals take up cells, less ability to fight other crime exists. In 1994, law enforcement arrested some 750,000 people on drug charges, and of those 750,000, 600,000 were charged merely with possession. Sixty percent of the prison population are drug offenders (Wink). The police must work to find these 35 million “criminals,” thereby exhausting their resources. In major urban centers, the number of drug offenses brought to trial are outstanding. In Washington in 1994, 52% of all indictments were drug related as opposed to 13% in 1981 (Evans and Berent, eds. 21). All aspects of our legal system are being exhausted on drugs when it could be used more effectively on other felonies or focused on preventing children from buying drugs.

Another two legal aspects of Drug Prohibition are interesting since they show how the “Prohibition” is not only ineffective, but also counterproductive. The first of which is the fact that the illegality of drugs leads to huge profits for drug dealers and traffickers. Ironically, the Drug Prohibition benefits most the drug traffickers and dealers as prices are pushed well above cost (Evans and Berent, eds. 22). The second aspect of the “Drug Prohibition” that undermines law enforcement is the need for drug users to commit personal property crimes. One-third of the people arrested for burglary and robbery said that they stole only to support their habit, and about 75% of personal property crimes were committed by drug abusers. Studies also suggest that these people, when placed on outpatient drug therapy or sold drugs at a lower price commit much less crime (Duke). Even the DEA admits that, “Drug use was common among inmates serving time for robbery, burglary, and drug offenses” (”Crime, Violence”).

Drug Prohibition has been very costly, detrimental to our relations with other countries, and harmful to users and society alike. All this while trying to battle an enemy who is not as dangerous as it is currently believed by most of the American public. The unpleasantries of the history of Drug Prohibition also show us how the public has been mislead through Prohibition. Many of these disagreeable acts were not circumstances of Drug Prohibition, rather goals of it, whether it was understood or not.

The United States’ image in Latin America has been precarious nearly from its birth. The image of the American intent on dominating the New World plays in the minds of our neighbors. Recently, though, the situation is interesting since the countries involved are growing less and less complacent to deal with the losses of sovereignty that they are incurring. Drug Prohibition not only plays out on the American stage, but is a focal point of US relations with the countries of Latin America. So, as each of these countries has to pay the costs of Yankee Imperialism, the tension between neighbors is increasing.

The first of the tensions comes from Colombia. Unfortunately, our crusade against drugs has given start to the famous cartels of South America and, especially, those of Colombia. Many wonder if people are justified in putting pressure on these countries just to slow the drug trade. The deaths of thousands of innocent Colombians were the result of our actions in these countries (Evans and Berent, eds. 58). The growth of the cartels, especially the Cali cartel, has led to political corruption in that country. “The President [Ernesto Samper] was said to have taken money from drug traffickers so that the government would stop other groups from exporting cocaine. Because of the problems South American countries have faced because of Drug Prohibition, Colombia’s Nobel Prize winning author Gabriel Garc?a M?rquez has written a manifesto declaring the drug war as “useless” (15).

Action abroad by the United States has also led to an increase in subversive organizations worldwide. Civil war is currently being threatened in Bolivia by a coca-growing union. The group, which feels that the Bolivian government has been too open to challenges in sovereignty, is fighting “Yankee Imperialism” and control by the DEA of a coca-growing region (Epstein 1). In Colombia and Peru, groups like the communist Fuerzas Armadas Revolucionarias de Colombia (Revolutionary Armed Forces of Colombia) and Sendero Luminoso (Shining Path), both Communist groups, that survive on drug money lead such acts as kidnapping foreign visitors, leading bombings on American businesses in the country, and attempting to destroy institutions of governments friendly to the United States (Spiegel 480). This subversion of government can even reach our beauracracy as the CIA is rumored to have allowed the Nicaraguan Contras to sell drugs in the US to fund their revolution against the Sandinistas (”CIA” 20).

Therefore, in South America, our persistence on Drug Prohibition has not only been unable to prevent the further imports of drugs, but also could lead to the installation of Communist regimes in the area. Since the other costs of Drug Prohibition has its base domestically, the conversation will turn to rights and liberties which help to explain why the drug war is not American and why it might not be effective. This requires a discussion on the role of government.

The ultimate end of government is to protect our rights. We have entered a social contract with our governments that we will give our obedience and taxes in return for protection of our rights. The United Nations classifies these rights in three “generations”: civil, socioeconomic, and solidarity rights (Peterson). Shielding our people from the dangers of a threatening world, therefore, seems to be an appropriate use of the state’s power under socioeconomic rights. The danger in thinking in this manner is that it overlooks the individual’s contributions to the nation. These contributions, either positive or negative, are generally difficult to regulate by broad legislation. At times, legislation can be counterproductive, trying zealously to protect one right by violating many others.

In the former USSR people saw what can happen when government begins to enforce positive liberty. Positive liberty is different from what one usually think of as liberty, which is negative liberty. A negative liberty is one like the First Amendment which keeps the government from doing something, namely limiting your rights to speech and religion. A positive liberty is one which forces the government to provide some service to its citizens. An example of a positive liberty is the government’s responsibility to protect our inalienable rights. The danger with expanding positive liberties is that it gives government a more active role in People’s rights. For that reason most would believe that government should not give itself too many positive liberties as did the Soviet Union (Peterson). Drug Prohibition is an example of a positive liberty because it gives the government the go ahead to do what it must to give us a drug-free America. However, the questionshould be asked: is it worth keeping Drug Prohibition as a positive liberty when it infringes upon both our negative and positive liberties, not the least of which are life and liberty? U. S. District Judge William W. Schwarzer helped explain this when he said ending drug use is useless “if in the process we lose our soul” (Trebach and Inciardi 29). Today he might say “since” instead of “if” since the injustice and the cost on society of Prohibition is already well ingrained into our society.

There could be two possible explanations for Drug Prohibition: protecting people from harming themselves, or wanting people to avoid drugs because extensive drug use harms society. Proponents of Drug Prohibition think one or both of these reasons is adequate for continuing Prohibition. The first is based on the people’s right to life, and the second is based on the right for pursuit of happiness. However, there are fallacies in both statements, as will be shown.

Before one can admit that our reasoning for Drug Prohibition is wrong, people must find a better alternative. The solution proposed in this essay is one of establishing free markets both internationally and domestically. The proponents of drug decriminalization have basic assumptions about what would result from a free market. For now, the focuswill be on what proponents of drug legalization think the implications of a free drug market would be for the individual users. These assumptions are that illegal drugs are not as dangerous as legal drugs and that the decriminalization of drugs will not greatly increase the number of drug addicts.

First, most illegal drugs are not as dangerous as believed, and those that are truly dangerous will be avoided. This is essential to the argument for decriminalization since people do not wish to have a large number of people die from a policy. However, if compared to the number of people who die annually from “appropriate” drugs to that of the number of people who die annually from illicit drugs, it would be inconsistent to think of the illicit drugs as dangerous. For example, 60 million Americans have tried marijuana and not one of these 60 million have died of an overdose. If this is compared to the 10,000 people who die annually from overdosing on alcohol, one can assume that marijuana is much less dangerous than alcohol. Also, many drugs have minor side-effects when compared to acceptable drugs. One example, heroin, is highly addictive, but when used in a clean environment with clean needles, its worst side effect is constipation (Evans and Berent, eds. 24). Overall, while 35 million people use drugs each year in the United States, only 6,000 to 30,000 ever die of drug use; therefore, there is little reason to consider illicit drugs as a great danger to the individual, considering our opinions of alcohol and tobacco (Wink).

Another assumption of drug decriminalization is that there will not be a large increase in the number of people who abuse drugs. If many people were likely to become addicts, there would be good reason not to go through with drug decriminalization. While both decriminalizationists and prohibitionists agree that the legalization of drugs will lead to more people using drugs, decriminalizationists believe that there would not be a large increase in drug abuse. This belief stems from a study of the difference between the drug use and abuse between poor urbans and well-offs. The study states that the percentage of poor urbans using drugs is much higher than the percentage of well-offs who used drugs. To believe that increased use leads to increase abuse, the percentage of poor, urban addicts should be higher than the percentage of well-off addicts. The result, however, was contrary to this belief, since the percentages of addicts in both groups was almost equal. What this implies is that an increase in users does not translate to an increase in addicts (Evans and Berent, eds. 239).

Thomas J. Gorman, Deputy Chief of the California Attorney General’s Bureau of Narcotic Enforcement, in his report “The Myths of Drug Legalization” uses outlandish statistics from “experts” to scare the reader into believing that legalization “could lead to the downfall of the United States as we know it.” He uses Dr. H. Kelbrs assertion that legalization could lead to a fivefold increase in drug use (?Myths’). Comparing this type of increase in drug use and the idea that 35 million people now use drugs, the conclusion would be that 165 million people would be drug users in the United States. Considering the United States has only 200 million people over age 12, believing that such a high number of people would use drugs is were legal 50 million people (1/4 the over 12 population) would use marijuana regularly and that 60 million (nearly 1/3 the over twelve population) would use cocaine regularly (?Myths’). These statistics are scary, but they are just not possible. They are not possible because they would imply that one out of every three people over age 12 walking down the street would become “regular cocaine states, without explanation, that 70-75% of illicit drug users become addicted (?Myths’). Only three percent of the users of cocaine that currently has 12.2 million users annually, use cocaine once a week, and only 3.7% of users said that they tried to quit, but couldn’t. If the assumption is that all 200 million Americans over 12 in the United States would use cocaine if it were legal, then approximately 7.4 million people could not quit if they wanted to (Berent and Evans, eds. 24).

Many Prohibitionists point to experiments on rats which imply that many rats, when allowed access to cocaine, would prefer to use the cocaine over eating. The problem with the experiment, however, was that the rats were left isolated in cages. A similar experiment in which they placed rats in more social environments found that rats consumed 16 times less cocaine than the solitary rats. Also, the rats wouldn’t use the cocaine at all until the scientists made it very sweet with sugar, a taste rats cannot resist (Trebach and Inciardi 37-38). Also, Prohibitionists argue that before drugs were criminalized that 4.59 per 1,000 US citizens were addicts. This implies two things: that when addiction was worst in the United States 99.6 percent of the people were not addicted to a drug, and that if a return to these rates of addictions if drug Prohibition were repealed, then about one million people would be addicted, a clear contradiction to the claim that 70-75% of drug users become addicted (Trebach and Inciardi 49).

Prohibition does not prevent a large number of people from harming themselves, but while not helping users, the health of these individuals is put in jeopardy. First, the illegalities of drugs make the drugs themselves more unsafe. For example, marijuana is laced with unsafe fertilizers. Also, when cocaine and heroin users receive an unexpected potent dose, they may kill themselves when the same amount of a regulated dose would have given the desired effect (Evans and Berent, eds. 22). Another outcome of prohibition on the individual could also be considered a concern of society since the spread of AIDS affects both groups. The transfer of AIDS through needles needed most commonly during the use of heroin has become the most common manner in which the disease currently spreads. The treatment and prevention of the people who get AIDS from heroin use cannot be effective so long as users are being persecuted by law enforcement (Trebach and Inciardi 35-36).

The implications of these two beliefs of proponents of decriminalization are imperative to defense of the individual. “Defense of the individual” means the protection of users and abusers from themselves. If drugs are not as dangerous as currently legal drugs, addiction does not significantly increase and the health of the users suffers, then proponents of Drug Prohibition have no grounds on which to say that legalization would lead to millions of deaths and addictions inflicted on drug users by themselves. The United States needs to reconsider its view of drugs as leading to the unavoidable downfall of the individual and instead as the choice of people with social problems to avoid them.

In contrast with the defense of the individual, how Drug Prohibition does not protect society, but instead harms it will complete the chain of fallacies that plague proponents’ arguments. To protect society, it should be that its citizens should somehow be better off. This is not true as the most expensive cost of the “Drug Prohibition” is the personal cost carried by the citizens. In the cities, these costs are manifested in murders over “turf” or “business,” fear of walking the streets, robberies, and mothers leaving children to pursue their expensive addictions (Wink). Proponents of “Drug Prohibition” must ask themselves this question: “Would you be willing to sacrifice your son (daughter, best friend) to keep drug users from hurting themselves?” The reason I would have them to think of this is that their children are not the ones dying on the street from a drive-by-shooting. A famous economist Milton Friedman once said of the Drug Prohibition, “While both groups of victims are to be pitied, the innocent victims surely have a far better claim to our sympathy than the self-chosen victims” (Evans and Berent, eds. 58). By examining the world around them opponents of Drug Prohibition believe legalization will lead to less crime and violent behavior, less racism, and the end of the infringement of certain rights.

It is clear that Prohibition has a hand in each of these societal problems. Crime would be greatly decreased which repeatedly appears high on surveys as the biggest problem America faces, if legalization were to happen. Much of the concern about drugs and crime is that the use of drugs somehow causes crime. These studies are usually faulted by the attempt to label a cause on correlative data. While it is true that people who commit crimes often use drugs as well, it cannot be said that the use of drugs causes the crime. Instead, many experts claim that much of what is labeled “drug-related” crime is instead due to criminality.

This criminality of drugs is a causal factor in crime because of the high costs to consumers and high profits for suppliers. The market prices for marijuana, cocaine, and heroin are about 100 times what the price would be in a free market. This means crime results from consumers trying to fund their artificially-expensive habit and suppliers trying to protect their extremely high profits. Drug users committed about 75% of robberies, thefts, and burglaries. These ?criminals’ do not commit as many crimes when drugs are available to them at lower prices. On the other hand, one in four murders and assaults involve suppliers protecting turf, settling disputes, or stealing drugs (Duke). PCP, one of the most feared drugs, does not incite aggressiveness or violent behavior, as previously believed (Miller 57). Dr. Lawrence Kolb, assistant surgeon general of the United States in the 1920s said after a study of 225 addicted prisoners, “No opiate ever directly influenced addicts to commit crime. “Violent crime by drug users is rare. A low percentage (7.5%) of homicides involving drugs were classified in a way that implied that the drugs had driven the user to murder. The other 92.5% of violent crime by drug users could be expected to disappear once drugs were legalized and the cases involved in the 7.5% would be expected to become more common as drug use increased (Trebach and Inciardi 120). Nevertheless, for there to be an equivalent number of drug-related homicides, the number of people driven by drugs to commit murder would have to increase by tenfold. One example is New York City, where about of six of 414 studied murders were caused by drug use (Miller 58).

Two social problems people tie together are crime and racism. Therefore, Drug Prohibition must play a role in racism since it plays a key role in crime. Researchers can show that the more efficient the “War on Drugs” gets, the more racism that incurs. Black males 15- 24 had a homicide rate nine times higher than white males in the same group. This high rate of black-on-black crime has two unfortunate results: first, the black victims, of course, and second, the fear of blacks by many whites. A racist person would point to this large discrepancy between black and white homicide rates as some sort of an inferiority (Trebach and Inciardi 34). The sad reality is that Prohibition has created much of this discrepancy. The analogy between selling drugs and stealing diamonds shows why this difference might exist. If the death penalty were applied to people who stole diamonds, it would discourage people from stealing diamonds since the value of the diamonds did not increase. However, if the death penalty were applied to drug dealers, there would still be an incentive to sell drugs since the ability to receive profit from dealing drugs would increase. The difference would then be that the people who had very little to lose have even more incentive to deal drugs. These people who have little to lose are disproportionally blacks or Hispanics. These forces drive many people into the most despised positions of society (Trebach and Inciardi 35).

Also, the drug laws in the past have been and continue to be tools of racism. In 1930, before the government had implemented many of the tools of Drug Prohibition, a Colorado newspaper editor wrote, “I wish I could show you what a small marihuana cigaret [sic] can do to one of our degenerate Spanish-speaking residents.” However, more of the resentment of Mexicans seemed to be because Mexican labor was willing to work for lower wages thereby producing fear in Anglos over their pocketbooks. The only tool they could use to keep Mexican labor out of the market was the drug laws (Miller 98-99). During the 1950s, many places had laws against addiction. Due to the nature of addiction, police could and did use this as an excuse to harass African-Americans and Hispanics (Miller 101). This similarly happened to the Chinese and opium, a drug previously used by many Anglos (Miller 104). One could see how this could transfer into today as many minorities complain about selective prosecution, which is understandable considering the racial undertones of the original Drug Prohibition.

Since the inner cities receive a far greater share of the crime and racism involved with Drug Prohibition, it is much more difficult for a rural citizen to understand what these regulations do to the cities, but one aspect of the Drug Prohibition that does harm to all of us by violating our civil liberties. A government which calls 35 million of its citizens criminals for actions which are within the scope of civil liberties is, thereby, violating civil liberties. Government is supposed to allow us to do what the people wish if they do not interfere with others (Evans and Berent, eds. 58). With drugs, many proponents of drug decriminalization claim that few users when allowed to use drugs in a free market would harm anyone. The government has also gone beyond this violation of civil liberties into the violating the democratic process by silencing discussion of the issue. No commission has ever been held on the issue. Since the government does not investigate the issue, this suggests that the government wishes to remain unaware of the issue (Evans and Berent, eds. 202). Also, many pieces of legislation such as H.R. 135 are very undemocratic. The bill asks that “no department or agency of the United States Government shall conduct or finance, in whole or in part, any study or research involving the legalization of drugs” (H.R. 135). This kind of legislation banning research of the issue is, at least, scary. If the fact that enforcement breeds poor international relations, undue cost on public health, crime, and racism is bad, the fact that the government is infringing our rights every day because of Drug Prohibition is atrocious and threatens our freedom. Drug users are not the only ones crying out for their rights in this war. Even Supreme Court Justice Thurgood Marshall called many polices “the drug exception to the Constitution.” For example, one drug policy is that customs officials can detain people for no less than 24 hours and not release them until they agree to defecate in the examiners presence, they allow the feces to be examinated, and no traces of drug appear. These searches can be done without reason to believe guilt even without any evidence at all (Trebach and Inciardi 26).

Enforcing Drug Prohibition requires invasions into the home since drug use is generally something done in the home (Trebach and Inciardi 26). In another case in Illinois, a couple was going on vacation to Florida. An informant told the police department that they were going to Florida to buy drugs. The problem was that this was not the usual informant that the police picks up from time to time. This informant was totally anonymous, even unknown to the detectives. The conviction was upheld though most the evidence sprouted from the anonymous, invisible informant associated with the Soviet Union (Trebach and Inciardi 28-29). Finally, the act of forfeiture is extremely heinous. If, for example, two kids were smoking marijuana on your property, the police could take all your property. Even if no charges are brought up against you, you must go to court and prove your complete innocence (not just reasonable doubt) to reclaim your property from the government. Half of all people who forfeit their property never get charged (Trebach and Inciardi 32).

How Drug Prohibition has not been beneficial to society now having been demonstrated completes the long string of problems that have stemmed from Drug Prohibition in the realms of international relations and public health show where the costs appeared without any consideration having been given to benefits. In contrast, when the benefits were considered, as was the case on the issues concerning the drug user and society, the benefits did not pan out or were not as important in the first place as the costs that have resulted have been.

Clearly, Drug Prohibition harms international relations. However, one may not be so willing to accept that it has the profound effects on public health and societal problems. Looking back upon Alcohol Prohibition, alcohol was considered as the worst evil, as drugs are now. In both cases, the fear about the denigration of society was not well founded. The health of the users suffered as they would drink stronger and stronger alcohol as to keep the volume transported. Also, the unregulated contraband was more dangerous than it would have been. Alcohol Prohibition also created crime as Drug Prohibition does as people can see in the appearance of the mafias like Al Capone which turned Chicago into a city troubled with crime. The same cries for protection of rights were being heard as the FBI was seen invading our rights.

Our history demonstrates the evils of prohibition. One should wonder why people would be willing to fight the righteous fight again when it is neither righteous nor possible. Also, public opinion is peculiar given some facts. First, Alcohol Prohibition was dissolved by popular opinion because of crime, yet people continue to support Drug Prohibition although it creates similar crime. Secondly, the continued support of politicians who support Prohibition even though not one has given a creative solution, or at least, one that has not been tried before. Finally, it is strange that people cannot see through the problems associated with drugs and not see they are due to Prohibition and not use itself. If the drugs were sold at what would be the market price, the people who steal and rob would not have any reason to steal, or at least would have to steal less often to support their now cheaper habit. The people who have become the “evil welfare mothers” who waste all their government money on drugs instead of caring for their children could not squander all their precious money on drugs because they would be so cheap their would be no reason to. All of these terrible problems if not created by Prohibition, were greatly intensified by Prohibition. The end of drug laws would mark a never before seen improvement in the lives of every citizen. It is unfortunat thatour politicians, and even ourselves are too stubborn to even consider it.

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