

The Future of An Illusion

On the drug war, believe your own eyes

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I AM grateful for John Walters's ill-considered rejoinder to my article, mostly because it demonstrates so well the disregard for science, lack of intellectual rigor, and passion for partisan insult that characterize the drug czar and his failure of a drug-control policy. (My original article, with extensive footnotes, can be found at www.drugpolicy.org/NR.)

Let's start with Walters's paragraph on medical marijuana, which might best be summarized as "Who are you going to believe: me or your own lying eyes?" Dozens of scientific studies now confirm the medical utility of marijuana. (Interested readers can go to the National Library of Medicine site: www.ncbi.nlm.nih.gov/entrez/query.fcgi and enter the search term "therapeutic cannabis.") Thousands of doctors have recommended marijuana to tens of thousands of patients in the ten states whose laws allow such recommendations. A pharmaceutical product containing marijuana's essential ingredient, THC, is FDA-approved and widely prescribed—but scientific studies as well as thousands of doctor and patient reports indicate that most patients find it less effective than marijuana itself. In Canada, marijuana for medicinal purposes is provided by the government. And, as I noted in my original article, the same is true in this country, with a handful of patients still receiving a monthly supply of joints from the government's marijuana-production facility in Mississippi.

Marijuana remains in Schedule I for reasons that are entirely political, not scientific. In 1988, the DEA's administrative-law judge, Francis Young, recommended after extensive hearings that marijuana be placed in Schedule II, noting both its medicinal value and its relatively low potential for abuse compared with other drugs. That recommendation was rejected by the agency's director on political grounds. Consider that Schedule II, a less restrictive category, includes cocaine, amphetamine, and various opioid drugs responsible for thousands of overdose fatalities each year. No overdose fatality has ever been attributed to marijuana.

One might say that Walters's views on medical marijuana are still stuck in the Dark Ages—except that evidence keeps emerging of marijuana's having been used for medicinal purposes in the so-called Dark Ages and even earlier.

With respect to the broader issue of marijuana policy, Walters's broadside essentially amounts to a hodgepodge of

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mistakes, distortions, and crude attacks. He ignores overwhelming evidence that most people who smoke marijuana do no harm to their health. He implies that alcohol's greater popularity relative to marijuana is mostly a function of marijuana prohibition, ignoring historical and other evidence to the contrary. He slips back and forth between claims about marijuana and claims about more dangerous illicit drugs, presumably hoping to score a few cheap debating points. He analogizes simple possession of a marijuana joint to drunk driving.

"The truth is," Walters says, "there are laws against marijuana because marijuana is harmful." Consider the implications of this statement. Does he mean to imply that anything that is harmful—or as harmful as marijuana—should be prohibited? The list would be endless given the relative safety margin of marijuana compared with thousands of legal drugs, food products, sports activities, and means of transportation. His criteria for prohibition, applied more broadly, represent not a conservative vision but a potentially totalitarian one, in which the nanny state criminalizes whatever offends its tastes and prejudices.

"A case can be made," Walters says, "that marijuana does the most social harm of any illegal drug." That is an extraordinary claim. Misuse of cocaine, methamphetamine, heroin, and illegally diverted pharmaceutical drugs results in tens of thousands of deaths each year. Many people addicted to these drugs steal to support their habits and some become violent while under the influence. Hundreds of thousands have contracted HIV/AIDS, hepatitis, and other infectious diseases. Keep in mind, too, that alcohol is an illegal drug for people under the age of 21; its misuse is powerfully associated with injuries and fatalities on the roads as well as violent and reckless sexual behavior. Marijuana can be harmful in all sorts of ways, as I noted in my article, but it is absurd to equate its harms with those of other illegal drugs.

"In several states," Walters notes, "marijuana smoking exceeds tobacco smoking among young people." This may be the ultimate indictment of marijuana prohibition. Young people have better access to marijuana than anyone else, notwithstanding decades of criminal enforcement, and many are tempted by its status as a "forbidden fruit." But consumption of cigarettes, which remains legal for adults, has dropped dramatically among young people over the past few decades. If ever a case could be made for preferring a policy of honest education and high taxation over zero tolerance and criminal prohibition, this is it. (Keep in mind that criminal prohibition represents the ultimate high-tax policy, except that the bloated "prohibition tax" benefits black-market entrepreneurs rather than the public treasury.)

The real question here is not what one thinks of marijuana, or whether one wishes it could be eradicated from our society, but rather what the government should do about it. Even as Walters grossly exaggerates marijuana's harms, he ignores entirely the harms occasioned by marijuana prohibition: billions of taxpayer dollars down the drain each year; 700,000 people arrested annually; private properties confiscated; and other basic freedoms violated by government agents futilely trying to enforce paternalistic laws. Millions of Americans who don't like marijuana nonetheless support an end to mar-

ijuana prohibition for precisely these reasons. When a government prohibition proves ineffective, unreasonably costly, and substantially more harmful than the supposed evil it was intended to cure, that prohibition merits repeal—just as alcohol prohibition did 70 years ago.

Let me offer, finally, a few words regarding Walters's style of argumentation and repeated attacks on George Soros. It seems a cheap shot to target George Soros in the pages of *NATIONAL REVIEW* for supporting me and the growing drug-policy reform movement. Walters might just as well have insulted William F. Buckley Jr., Richard Brookhiser, Milton Friedman, George Shultz, Grover Norquist, Congressman Dana Rohrabacher, former New Mexico Governor Gary Johnson, and dozens of other prominent Republicans and conservatives who have criticized the war on drugs and supported alternative policies, including an end to marijuana prohibition.

The principled conservative believes in restricting the reach of government into the lives and homes of its citizens. He respects the rights of states and local communities to regulate their own affairs free from federal overreach. He rejects wasteful government expenditures. And he requires intellectual rigor in refuting the arguments of opponents and advancing his own views. It should therefore come as no surprise that so many principled conservatives oppose the war on drugs.

But there's another point worth making about George Soros. There is probably no private individual who played a greater role than George Soros in hastening the downfall of Communism in Central and Eastern Europe, and in trying to assist the subsequent transformation of those states into democratic, capitalist open societies. He has contributed close to \$2 billion over the past two decades toward this end. His commitment to this goal was motivated by many of the same principles that readers of *NATIONAL REVIEW* hold dear.

Soros saw in America's drug war many of the same political and intellectual traits that had made him hate Communism and fascism: political indoctrination substituted for education; bureaucratic apparatchiks disfiguring scientific evidence to serve the state's agenda; massive deployment of police agents and their informants in ever more intrusive ways; politicians mouthing stupid clichés without the slightest hint of embarrassment; official spokesmen responding to substantive criticisms of government policy not in kind but instead by impugning the motivations and characters of their critics; and the arrest and incarceration of millions for engaging in personal tastes and vices, as well as capitalist transactions, prohibited by the state for reasons it can no longer clearly recall.

John Walters needs to get out of his drug-war bunker and venture beyond the closed venues in which he attacks his critics without ever daring to engage us directly. The vitality of our democracy depends in part on the willingness of government officials to defend their policies in open and honest debate, but Walters has fled from one opportunity after another. If the federal government's drug policy is defensible, he should dare to defend it, and defend it honestly. And if he's unable or unwilling to defend it against informed critics, it's time for him to resign or be replaced.

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