■ DEBATE

No Surrender

The drug war saves lives

JOHN P WALTERS

THE prospect of a drug-control policy that includes regulated legalization has enticed intelligent commentators for years, no doubt because it offers, on the surface, a simple solution to a complex problem. Reasoned debate about the real consequences usually dampens enthusiasm, leaving many erstwhile proponents feeling mugged by reality; not so Ethan Nadelmann, whose version of marijuana legalization ("An End to Marijuana Prohibition," NR, July 12) fronts for a worldwide political movement, funded by billionaire George Soros, to embed the use of all drugs as acceptable policy. Unfortunately for Nadelmann, his is not a serious argument. Nor is it attached to the facts.

To take but one example, Nadelmann's article alleges the therapeutic value of smoked marijuana by claiming: "Marijuana's medical efficacy is no longer in serious dispute." But he never substantiates this sweeping claim. In fact, smoked marijuana, a Schedule I controlled substance (Schedule I is the government's most restrictive category), has no medical value and a high risk of abuse. The Food and Drug Administration notes that marijuana has not been approved for any indication, that scientific studies do not support claims of marijuana's usefulness as a medication, and that there is a lack of accepted safety standards for the use of smoked marijuana.

The FDA has also expressed concern that marijuana use may worsen the condition of those for whom it is prescribed. Legalization advocates such as Nadelmann simply ignore these facts and continue their promotion, the outcome of which will undermine drug-prevention and treatment efforts, and put genuinely sick patients at risk.

The legalization scheme is also unworkable. A government-sanctioned program to produce, distribute, and tax an addictive intoxicant creates more problems than it solves.

First, drug use would increase. No student of supply-and-demand curves can doubt that marijuana would become cheaper, more readily available, and more widespread than it currently is when all legal risk is removed and demand is increased by marketing.

Second, legalization will not eliminate marijuana use among young people any more than legalizing alcohol eliminated underage drinking. If you think we can tax marijuana to where it costs more than the average teenager can afford, think again. Marijuana is a plant that can be readily grown by anyone. If law enforcement is unable to distinguish "legal" marijuana from illegal, growing marijuana at home becomes a low-cost (and low-risk) way to supply your neighborhood and friends. "Official marijuana" will not drive out the black market, nor will it eliminate the need for tough law enforcement. It will only make the task more difficult.

In debating legalization, the burden is to consider the costs and benefits both of keeping strict control over dangerous substances and of making them more accessible. The Soros position consistently overstates the benefits of legalizing marijuana and understates the risks. At the same time, drug promoters ignore the current benefits of criminalization while dramatically overstating the costs.

Government-sanctioned marijuana would be a bonanza for trial lawyers (the government may wake up to find that it has a liability for the stoned trucker who plows into a school bus). Health-care and employment-benefits costs will increase (there is plenty of evidence that drug-using employees are less productive, and less healthy), while more marijuana use will further burden our education system.

The truth is, there are laws against marijuana because marijuana is harmful. With every year that passes, medical research discovers greater dangers from smoking it, from links to serious mental illness to the risk of cancer, and even dangers from in utero exposure.

In fact, given the new levels of potency and the sheer prevalence of marijuana (the number of users contrasted with the number of those using cocaine or heroin), a case can be made that marijuana does the most social harm of any illegal drug. Marijuana is currently the leading cause of treatment need: Nearly two-thirds of those who meet the psychiatric criteria for needing substance-abuse treatment do so because of marijuana use. For youth, the harmful effects of marijuana use now exceed those of all other drugs combined. Remarkably, over 40 percent of youths who are current marijuana smokers meet the criteria for abuse or dependency. In several states, marijuana smoking exceeds tobacco smoking among young people, while marijuana has become more important than alcohol as a factor in treatment for teenagers.

Legalizers assert that the justice system arrests 700,000 marijuana users a year, suggesting that an oppressive system is persecuting the innocent. This charge is a fraud. Less than 1 percent of those in prison for drug violations are low-level marijuana offenders, and many of these have "pled down" to the marijuana violation in the face of other crimes. The vast majority of those in prison on drug convictions are true criminals involved in drug trafficking, repeat offenses, or violent crime.

The value of legal control is that it enables judicial discretion over offenders, diverting minor offenders who need it into treatment while retaining the authority to guard against the violent and incorrigible. Further, where the sanction and supervision of a court are present, the likelihood of recovery is greatly increased. Removing legal sanction endangers the public and fails to help the offender.

Proponents of legalization argue that because approximately half of the referrals for treatment are from the criminal-justice system, it is the law and not marijuana that is the problem. Yet nearly half of all referrals for alcohol treatment likewise derive from judicial intervention, and nobody argues that drunk drivers do not really have a substance-abuse problem, or that it

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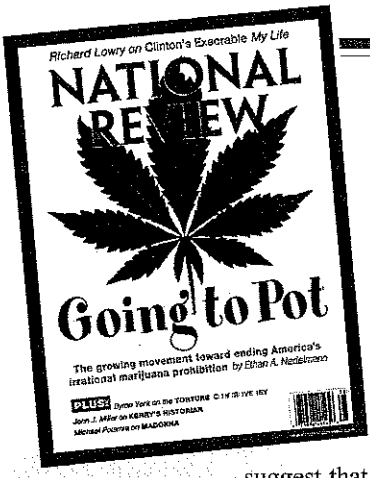

is the courts that are creating the perception of alcoholism Marijuana's role in emergency-room cases has tripled in the past decade. Yet no judge is sending people to emergency rooms. They are there because of the dangers of the drug, which have greatly increased because of soaring potency.

Legalization advocates suggest that youth will reduce their smoking because of this new potency But when tobacco companies were accused of deliberately "spiking" their product with nicotine, no one saw this as a public-health gesture intended to reduce cigarette consumption The deliberate effort to increase marijuana potency (and market it to younger initiates) should be seen for what it is—a steeply increased threat of addiction

Proponents of legalization argue that the fact that 100 million Americans admit on surveys that they have tried marijuana in their lifetime demonstrates the public's acceptance of the drug But the pertinent number tells a different story. There are approximately 15 million Americans, mostly young people, who report using marijuana on a monthly basis. That is, only about 6 percent of the population age twelve and over use marijuana on a regular basis

To grasp the impact of legal control, contrast that figure with the number of current alcohol users (approximately 120 million) Regular alcohol use is eight times that of marijuana, and a large part of the difference is a function of laws against marijuana use. Under legalization, which would decrease the cost (now a little-noticed impediment to the young) and eliminate the legal risk, it is certain that the number of users would increase Can anyone seriously argue that American democracy would be strengthened by more marijuana smoking?

The law itself is our safeguard, and it works. Far from being a hopeless battle, the drug-control tide is turning against marijuana. We have witnessed an 11 percent reduction in youth marijuana use over the last two years, while perceptions of risk have soared.

Make no mistake about what is going on here: Drug legalization is a worldwide movement, the goal of which is to make drug consumption—including heroin, cocaine, and methamphetamine—an acceptable practice Using the discourse of rights without responsibilities, the effort strives to establish an entitlement to addictive substances The impact will be devastating

Drug legalizers will not be satisfied with a limited distribution of medical marijuana, nor will they stop at legal marijuana for sale in convenience stores. Their goal is clearly identifiable: tolerated addiction. It is a travesty to suggest, as Ethan Nadelmann has done, that it is consistent with conservative principles to abandon those who could be treated for their addiction, to create a situation in which government both condones and is the agent of drug distribution, and to place in the hands of the state the power to grant or not grant access to an addictive substance. This is not a conservative vision But it is the goal of George Soros

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