

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.

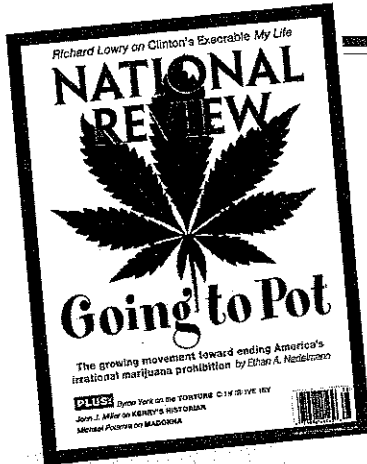
In fact, given the new levels of potency and the sheer prevalence of marijuana (the number of users contrasted with the number of those using cocaine or heroin), a case can be made that marijuana does the most social harm of any illegal drug. Marijuana is currently the leading cause of treatment need: 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.

The Future of An Illusion

On the drug war, believe your own eyes

ETHAN A. NADELMANN

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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