

Drugs Are Too Dangerous Not to Regulate—We Should Legalize Them

The nation's drug problems should be controlled through regulation and taxation

U.S. News & World Report

July 25, 2008

By Peter Moskos.

Drugs are bad. So let's legalize them.

It's not as crazy as it sounds. Legalization does not mean giving up. It means regulation and control. By contrast, criminalization means prohibition. But we can't regulate what we prohibit, and drugs are too dangerous to remain unregulated.

Let's not debate which drugs are good and which are bad. While it's heartless to keep marijuana from terminally ill cancer patients, some drugs—crack, heroin, crystal meth—are undoubtedly bad. But prohibition is the issue, and, as with alcohol, it doesn't work. Between 1920 and 1933, we banned drinking. Despite, or more likely because of, the increased risk, drinking became cool. That's what happens when you delegate drug education to moralists. And crime increased, most notoriously with gangland killings. That's what happens when you delegate drug distribution to crooks. Prohibition of alcohol ended in failure, but for other drugs it continues.

Law enforcement can't reduce supply or demand. As a Baltimore police officer, I arrested drug dealers. Others took their place. I locked them up, too. Thanks to the drug war, we imprison more people than any other country. And America still leads the world in illegal drug use. We can't arrest and jail our way to a drug-free America. People want to get high. We could lock up everybody and still have a drug problem. Prisons have drug problems.

Illegal production remains high. Since 1981, the price of cocaine has dropped nearly 80 percent. Despite the ongoing presence of U.S. and other troops, Afghanistan has been exporting record levels of opium, from which heroin is made. Poor farmers may not want to sell to criminals, but they need to feed their families, and there is no legal market for illegal drugs. Al Qaeda in Afghanistan, the FARC in Colombia, and drug gangs in Mexico all rely on drug prohibition. A legal drug trade would do more to undermine these terrorists than military action would. If we taxed drugs, profits would go to governments, which fight terrorists.

Illegal drug dealers sell to anyone. Legal ones are licensed and help keep drugs such as beer, cigarettes, and pharmaceuticals away from minors. Illegal dealers

settle disputes with guns. Legal ones solve theirs in court. Illegal dealers fear police. Legal ones fear the IRS.

Less use. Regulation can reduce drug use. In two generations, we've halved the number of cigarette smokers not through prohibition but through education, regulated selling, and taxes. And we don't jail nicotine addicts. Drug addiction won't go away, but tax revenue can help pay for treatment.

The Netherlands provides a helpful example. Drug addiction there is considered a health problem. Dutch policy aims to save lives and reduce use. It succeeds: Three times as many heroin addicts overdose in Baltimore as in all of the Netherlands. Sixteen percent of Americans try cocaine in their lifetime. In the Netherlands, the figure is less than 2 percent. The Dutch have lower rates of addiction, overdose deaths, homicides, and incarceration. Clearly, they're doing something right. Why not learn from success? The Netherlands decriminalized marijuana in 1976. Any adult can walk into a legally licensed, heavily regulated "coffee shop" and buy or consume top-quality weed without fear of arrest. Under this system, people in the Netherlands are half as likely as Americans to have ever smoked marijuana.

It's unlikely that repealing federal drug laws would result in a massive increase in drug use. People take or don't take drugs for many reasons, but apparently legality isn't high on the list. In America, drug legalization could happen slowly and, unlike federal prohibition, not be forced on any state or city. City and state governments could decide policy based on their needs.

The war on drugs is not about saving lives or stopping crime. It's about yesteryear's ideologues and future profits from prison jobs, asset forfeiture, court overtime pay, and federal largess.

We have a choice: Legalize drugs, or embark on a second century of failed prohibition. Government regulation may not sound as sexy or as macho as a "war on drugs," but it works better.

Peter Moskos of John Jay College of Criminal Justice wrote Cop in the Hood: My Year Policing Baltimore's Eastern District.