INTRODUCTION

> Penalties against possession of a drug should not be more damaging to an individual than the use of the drug itself.
>
> President Jimmy Carter
> Message to Congress,
> August 2, 1977

> Let us not forget who we are. Drug abuse is a repudiation of everything America is.
>
> President Ronald Reagan
> White House Speech,
> September 14, 1986

Recent polls suggest that most Americans regard the war on drugs in the United States as a failure. Yet this futility has not generated much momentum for alternative antidrug strategies. Policy makers also seem divided about the future direction of drug policy. Federal officials, for example, continue to pour money into fighting drugs while states are passing medical marijuana initiatives and rolling back mandatory minimum sentencing—indicating a push toward more lenient drug laws. Is it time to escalate the war on drugs and if so should the focus be on interdiction, education, or incarceration? Alternatively, should our current course be reversed toward strategies such as legalization, decriminalization, or harm reduction?

The dynamics of our drug policies are a complex puzzle to which there are no simplistic solutions. *Drug War Deadlock: The Policy Battle Continues* presents a collection of readings from scholarly journals, government reports, magazines, think tank studies, newspapers, and books in order to address the drug debate in a comprehensive manner. Each part is composed of opposing articles written by many of the foremost authorities in their fields. Moreover, supplementary

snapshots are often included to further explore the issue at hand. This approach does not attempt to tackle every issue relating to illegal drugs; rather the aim is to offer the reader a concise view of divergent viewpoints pertaining to drug policy.

Although the concern over drugs has receded somewhat from the spotlight it received in the late 1980s and early 1990s, they are still seen as a significant danger by most Americans. According to the Pew Research Center's recent survey of attitudes on illegal substances and drug policies, the public continues to rank drugs among the major problems facing both the nation and local communities. Ninety percent said drug abuse is a serious problem, with more than a quarter calling it a national crisis. Concern is particularly evident among the African American community, where 43 percent of blacks rate drug abuse as a national crisis, compared with 26 percent of whites. Regarding the drug war, more than four times as many people believe the nation is losing ground on drugs (54 percent) compared with those who say the drug war is making progress (13 percent).

It has been estimated that the U.S. government spends approximately $33 billion annually on prohibition enforcement and arrests 1.5 million people on drug-related charges. Yet it is unclear whether the battle has lowered drug use, crime, or poverty rates. Despite the United States' multibillion-dollar effort to curb the supply of illegal drugs, marijuana, cocaine, heroin, and many other drugs continue to flood America's streets. In fact, drug trafficking has become a multibillion-dollar industry—one that serves as an integral part of the world economy. Proponents of the drug war claim that the rate of use would be much higher today and would be accompanied by higher crime rates had the drug war not gone into effect thirty years ago. Others suggest that the criminalization of drugs has turned nonviolent offenders into criminals, spawned a crime wave similar to the days of prohibition, and threatened constitutional liberties.

Although drug use has swelled over the past few decades, drugs are not a new phenomenon. There is evidence that people have been

ingesting mind-altering drugs for more than 10,000 years, but only for the last few hundred years have societies attempted to control the distribution of such substances through criminal law. In the United States, discussions over the use and abuse of drugs can be traced back to the early 20th century. The contemporary debate, however, emerged in the 1980s when the government, out of frustration and anger at being unable to curb drug abuse, stepped up efforts by imposing harsh criminal penalties for possession and sale of illegal drugs.

Part one of this volume probes the history of America's drug war from both sides of the battlefield and offers the reader a basic understanding of U.S. drug policy while providing background information on current statutes and legal requirements. The legal basis for drug violations in the United States is immense yet law enforcement operates under significant constitutional restraints. This inherent tension between society's desire for security and the value we place on liberty will be explored throughout the remainder of the book.

The objective of part two is to delve into the significant divide over the moral implication of drug use in order to get at the foundation of the policy debate and identify underlying points of contention and places where empirical analysis might change one's view. People's philosophical beliefs guide their conduct and therefore play a role in their perspective on illegal drugs. Many prohibitionists, for example, assert that drugs should be banned simply because drug use is immoral. Legalizers, on the other hand, believe that drug laws are hypocritical and infringe on individual rights. These positions are not always explicit in the policy debate but they undeniably shape drug policy. Investigating questions of morals, values, and beliefs is central in any consideration of drug legalization. To determine a wise and sane drug policy we need substantial evidence, but ultimately, our decision as to what works best will likely be based on ideological inclinations. Even if we all were to agree on the facts, we wouldn't agree on weighing certain values over others.

This section also investigates such questions as whether adults

have a moral right to use drugs for recreational purposes. John Stuart Mill, one of the most influential thinkers of the 19th century, believed that people can only restrict the freedom of others in order to protect themselves, and that society can only exert power over its members against their will in order to prevent harm to others. But will the harm to others from drug legalization be greater than the harm that exists from keeping drugs illegal?

The important question of the nature and limits of power that can be legitimately exercised by society over the individual will continually be revisited throughout this primer. Part three addresses this and other questions relating to illegal drug use by profiling a few opposing perspectives from esteemed scholars, distinguished members of the media, and respected law enforcement affiliates. The primary goal of this section is to provide a peek into the contrasting sides of the drug debate.

The issue of whether or not to move toward legalizing the production, sale, and possession of illegal drugs has become a hot spot within the larger policy debate. In part four the arguments get more specific by narrowing in on three avenues for drug policy reform: legalization, decriminalization, and harm reduction. Legalization is not an all-or-nothing proposition. There are different degrees and aspects within the legalization spectrum. Many reformers are in favor of *complete legalization*, meaning that currently illegal drugs should have the same legal status as alcohol or tobacco. Others recommend *decriminalization*; usually meaning that possession (dealing is not typically included) would not be a criminal offense but might be subject to penalties like those imposed for speeding. A final solution that reformers frequently promote is *harm reduction*. Harm reduction is a broad classification of proposals that shift the focus from prohibiting the use of drugs to dealing with the problems associated with drug use. This new direction consists of a policy of preventing the potential harms related to drug use rather than focusing on preventing the drug use itself.

One area where advocates of legalization have made progress is in the use of marijuana. According to the Drug Policy Alliance, 72 percent of Americans say that for simple marijuana possession people should be fined rather than locked up. Moreover, more Americans support legalizing marijuana for medical purposes. In fact, eleven states have approved medical marijuana initiatives. Most people regard marijuana as a much less dangerous drug than cocaine or heroin—two-thirds of the public supports the use of marijuana to ease severe pain. Yet, a solid majority still opposes general legalization of marijuana.

Part five explores the debate over marijuana prohibition—a debate that has crossed partisan borders and entered mainstream politics. Those in favor of legalizing marijuana argue that billions of taxpayer dollars are wasted each year fighting a drug that millions of Americans have tried with no negative effects—taxpayer money that is responsible for people losing their jobs, property, and freedoms for simply possessing a joint or growing a few marijuana plants. On the other hand, advocates of prohibition claim that laws against marijuana are needed because marijuana itself is harmful and that it often serves as a gateway drug to even more dangerous substances. They also suggest that a government-sanctioned program to produce and distribute drugs would likely increase the supply and therefore the use of drugs, and that the black market for drugs would still exist (along with crime).

The Netherlands and other countries in Western Europe that have experimented with legalizing drugs provide insight into the debate over drug policies in the United States. Several European countries have chosen to focus their efforts on the social welfare aspect of drug use rather than the law enforcement response. The alternative measures that have gained the most momentum in Western Europe include legalization, decriminalization, and harm reduction. The results from this experimentation have been mixed. Part six

explores the pros and cons of Europe's more liberal drug policies and how they might be applied to the United States.

Closer to home, opinion polls show that the issue of drugs tends to divide Americans along political, generational, and religious lines. According to the Pew Research Center, Democrats are more likely to think of drug use as a disease rather than a crime. Republicans, on the other hand, tend to view drug abuse as a criminal behavior and not a health problem. Fifty-eight percent of those under thirty say drug use is a disease, not a crime. By comparison, just 41 percent of seniors (age 65 and older) believe drug use is a disease. There is also a significant religious divide; for example, evangelical Protestants are twice as likely to think of drug use as a criminal act than are traditional Protestants. Can the gaps between Americans over the drug war be narrowed? Although there is no panacea, the conclusion to this primer presents a few tactics for peace and a glimmer of hope for coming closer to conquering the nation's drug problem and ending the war on drugs.

An escape from the drug policy deadlock is far from obvious. The issues are complex and are filled with painful dilemmas. We are inevitably forced to accept the least bad of an array of unpleasant options. Those of us who do nothing, however, will be forced to take a stand one way or another—if we do not act, someone else will do it for us. We need to be armed with facts, a logical frame of mind, and an awareness of how these issues fit in with the big picture. Hopefully *Drug War Deadlock: The Policy Battle Continues* provides these things and enables the reader to draw his or her own conclusions concerning some of the more urgent questions of our day.

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Laura E. Huggins