

Our View: Decriminalizing some drugs not a rash proposal

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Editorials in this newspaper are sometimes accused of being Utopian or ivory-tower in nature because they push ideas critics say are unworkable in the modern world. Sometimes that charge is true, as these pages strive to hold government and individuals to principled behavior, to provide a kind of touchstone to remind people of their rights and responsibilities. One subject on which we're accused of promoting unworkable ideas is the war on drugs.

Well-meaning people charge that drug legalization, or even decriminalization, would lead to an explosion of drug use, and cost millions in lost productivity. Supporters of legalization, on the other hand, believes such a move would be a net benefit to society as users could be kept out of the criminal justice system, lessening the need for expensive prisons. The debate has been going on for years with no real answers in sight. That's no longer the case.

An interview with Glenn Greenwald in the July issue of Reason magazine reveals that such an experiment has been taking place in Portugal since 2001. Greenwald has penned a policy study for the Cato Institute, "Drug Decriminalization in Portugal: Lessons for Creating Fair and Successful Policies."

In the Reason interview, Greenwald notes Portugal's decriminalization of personal amounts of all drugs has resulted in lower rates of drug use, while saving the nation the "huge amount of money that had gone into putting its citizens in cages." Officials then used that savings to fund improved treatment programs that are more effective in helping people kick their habits.

Decriminalization, says Greenwald, turns possession of small amounts of drugs into a social issues rather than a crime problem. That removes the adversarial relationship between users and government, allowing addicts to seek treatment without fear of incarceration. That treatment is often successful, turning addicts into non-users, hence the lower rates of drug use.

Is such a thing possible in the United States? The interview's final exchange provides the answer.

"Q: What's the relevance for the United States?"

"A: We have debates all the time now about things like drug policy reform and decriminalization, and it's based purely in speculation and fear-mongering of all the horrible things that are supposedly going to happen if we loosen our drug laws. We can remove ourselves from the realm of the speculative by looking at Portugal, which actually decriminalized seven years ago, in full, [use and possession of] every drug. And see that none of that parade of horrors that's constantly warned of by decriminalization opponents actually came to fruition. Lisbon didn't turn into a drug haven for drug tourists. The explosion in drug usage rates that was predicted never materialized. In fact, the opposite happened."

If the U.S. were to take the small step of decriminalizing small amount of drugs, it wouldn't be setting the trend in the Western Hemisphere. During the media frenzy surrounding the swine flu outbreak earlier this year, Mexican lawmakers quietly passed a law decriminalizing possession of small amounts of marijuana and other drugs. The bill awaits the signature of Mexican President Felipe Calderone.

Like Portugal, Mexico intends to treat drug use outside the criminal justice system. The secretary general of Mexico's National Institute of Penal Services said it best: "The important thing is ... that consumers are not treated as criminals. It is a public health problem, not a penal problem."

Past efforts in Mexico for decriminalization have resulted in pressure from the U.S., who relies on Mexico being a key ally to help fight the drug war. That pressure has doomed those efforts, but that doesn't seem to be happening this time.

So far, the Obama administration has been publicly silent on the law, but a comment from the acting director of the Drug Enforcement Administration offers a clue to the administration's position. At an April news conference, Michele Leonhart said that legalization of drugs "would be a failed law enforcement strategy for both the U.S. and Mexico." As opposed, we suppose, to the rousing success of four decades of the war on drugs.

If U.S. officials won't budge on a policy demonstrated to not be working, the least they can do is allow our neighbors to do what they think is best for their own people.