



## **INSTITUTE FOR LIBERAL STUDIES HOSTS DRUG POLICY LECTURE**

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On Thursday, January 23, the McGill Political Science Students' Association (PSSA) partnered with the Ottawa-based Institute for Liberal Studies to host a lecture regarding drug policy. The think tank invited research fellow Trevor Burrus of the American Cato Institute, a Libertarian group, to deliver the talk.

### **Origins of Prohibition**

Burrus addressed why certain mind-altering substances, such as alcohol, nicotine, and caffeine, are socially acceptable and legal, while others are prohibited, despite being arguably less harmful to public health. Burrus asked, "Why do alcohol addicts get treatment while heroin addicts get prison?"

Burrus posited the idea that drug prohibition begins with dehumanization, saying, "Treating drug addicts not as human beings is the only way you can justify putting them in cages." This othering process becomes accelerated when the dominant majority perceives a substance to be linked to a particular social group, commonly on grounds of either race or class, according to Burrus.

He then outlined the racially-charged history of drug prohibition. Originally, white majorities in Canada and the United States banned cannabis, opium, and other drugs, which had previously been legally used in pharmaceuticals but were associated with minority groups. Following Canadian Confederation in 1871, demand for labor fueled by railroad expansion led to mass immigration of Chinese people to British Columbia. Canadian xenophobia led to a slew of legislation targeting perceived Chinese customs and influences. This included first a ban on opium, followed by a ban on Chinese immigration. Canada proceeded to prohibit the use of morphine and cocaine in 1911, and then cannabis in 1923. Prior to these bans, cannabis and opioids had been a common ingredient legal pharmaceuticals such as laudanum, or other tinctures.

### **Costs of Prohibition**

Many harm reduction advocates have argued that a total ban on mind-altering substances will simply create a black market for the product, thus criminalizing users and leading to worse public health outcomes than when users can purchase substances within a legal market. This argument hinges on the “Iron Law of Prohibition,” which posits that as enforcement of prohibition becomes more intense, the potency of substances increases. This is due to the need to conceal illicit activities by moving small amounts of highly potent substance, cutting that substance, and then distributing it to the market.

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Taking this stance, Burrus argued that prohibition and resulting black markets increase violence and organized crime, as criminal elements are the only groups willing to supply the illegal market.

Harm reduction advocates, such as Burrus, highlight racial and class disparities in the criminal justice systems of Canada and the United States, where racial minorities are overrepresented in prisons and often incarcerated on drug charges. Burrus also argued that prohibition allows government agents to selectively enforce laws, leading to biased policing and biased outcomes. “I get mad about the drug war because it’s based on classism,” he exclaimed.

### **The Problem of Criminalization**

Burrus pointed out that one problem with criminalizing drugs is that, “if you take drugs you are both the victim and perpetrator.” This leads to policing where, particularly in the United States, law enforcement will seek out users, often in users’ own homes.

According to Burrus, this heavy-handed policing sometimes leads to miscarriages of justice, where law enforcement mistakenly detains or raids innocent people. Burrus pointed out that this issue is less prominent in Canada compared to the United States, because Canadian police are typically less militant. In the United States, an increase in federal subsidies and military surpluses have led to expansion of military-style policing: often, police receive the same equipment as soldiers deployed to Iraq, but, paradoxically, with less training and differing rules of engagement.

### **A Libertarian Solution**

There are various schools of Libertarian thought, but most Libertarians generally believe in minimal government and maximum individual liberty. For his part, Burrus advocates for complete legalization of all drugs, as opposed to decriminalization. He argues that drug use is a personal choice and while it ultimately carries risk of harm, it is made much riskier due to governmental prohibition: “This is your choice...not being able to buy the drug is a cost [in itself], just like banning hang-gliding.”

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Furthermore, Burrus pointed out that decriminalization would not solve the Iron Law of Prohibition, as suppliers would still be under threat of government interference, while users would benefit. “Decriminalization doesn’t solve the heroin problem...[as there is still a supplier] preference for high potency.” Nor does Burrus believe that it is right to punish the majority of users for a small subset of problem users’ consumption habits: “We don’t have to punish the 80% for what the 20% are using,” he insisted.

Burrus ultimately concluded with the recommendation that full legalization be granted for all mind-altering substances on the private market, while arguing against taxes on those substances, claiming that consumption taxes tend to be regressive.

### **Shifts in Canadian Drug Policy**

Throughout Canada and in Montreal, there has been a recent emphasis on harm reduction rather than aggressive enforcement, as policymakers and governmental institutions tend towards redirecting substance abusers to medical resources. Certain harm reduction policies include safe injection sites and needle exchanges (intended to prevent overdoses and blood-borne disease), drug testing kits (intended to prevent substance lacing), and the selling of Naloxone (to prevent opioid overdose). Globally, the pendulum may now be swinging away from prohibition and towards legalization, with several OECD countries like Uruguay, Canada, and Portugal ending prohibition of “softer” drugs such as cannabis.

The McGill administration has followed suit with other Montreal and Quebec Universities, updating its policy on the use of marijuana. The new policy reflects the increase of Quebec legal age to purchase marijuana. As of January 1, 2020, the age to purchase and consume marijuana increased from 18 to 21 years. Furthermore, Quebec has forbidden cannabis smoking in public places, despite criticism from Montreal Mayor, Valerie Plante. McGill has banned the consumption of cannabis on university property, giving limited exceptions to medical users (you can read the full policy here).