

# The American Conservative

## The Cruel Ineffectiveness of Sentencing Drug Dealers to Death

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Will the death penalty deter drug traffickers? Last week President Trump announced in New Hampshire a plan to combat the American opioid epidemic, which includes seeking the death penalty for drug traffickers “when appropriate under current law.” In line with his friend Filipino President Rodrigo Duterte, who has overseen and encouraged a veritable bloodbath of murdered drug dealers and users in his country, Trump has come to the mistaken conclusion that the problem with the drug war is that it hasn’t been fought hard enough.

Not only will the death penalty not deter drug traffickers, it could have unintended consequences as more innocent people are coerced into smuggling drugs.

That’s what seemingly happened to Lindsay Sandiford, a 61-year-old grandma from North Yorkshire, England. Sandiford is currently in prison in Indonesia, awaiting death by firing squad, because she was caught with 10 pounds of cocaine in her luggage. Sandiford, who suffers from mental health problems, has consistently claimed that traffickers threatened to harm her family if she did not agree to smuggle the drugs. After her arrest, she helped Indonesian police set up a sting to capture her contacts, but she remains on death row.

Then there’s Mary Jane Veloso, a Filipino woman caught smuggling nearly six pounds of heroin into Indonesia. She has consistently maintained that the suitcase was given to her by her god-sister and that she had no idea there were drugs in it.

Whether or not these women are guilty, there are clear perverse incentives created by the harsh drug laws that have been wielded against them. Drug traffickers, particularly those at the higher levels of the cartels, have already chosen lives of murder and violence. Given that choice, they’re not going to have a problem coercing or extorting innocent people, especially young women, into trafficking drugs.

Ultimately, it’s the combination of risk-seeking behavior and the money that can be made from drug trafficking that makes the death penalty for traffickers a particularly ineffective deterrent. It’s unlikely that a seasoned drug dealer expects to live past 40, so he probably thinks he might as well enjoy trafficking’s immense profits. Most of those profits come from bringing the drug into the United States. In the 1980s, when Pablo Escobar’s Medellín cartel controlled 80

percent of the cocaine sold in the U.S., a kilo that cost \$5,000 to produce and smuggle into the country could be sold for up to \$70,000 on the streets.

That “place premium” means so long as traffickers get their drugs into the U.S., they can easily incur large costs, including the occasional trafficker getting the death penalty. Journalist Tom Wainwright in his book *Narconomics* describes how cartels routinely have drug-smuggling airplanes make crash landings in Honduras, often a stop for drugs on the way to the U.S., that cost several hundred thousand dollars per plane. While this would be a crushing loss to a normal business, it’s a negligible amount for dealers given the payday they stand to make. “The loss of a half-million-dollar aircraft will add an extra \$1,000 to the cost of smuggling each of the 500 or so kilos that it can carry,” writes Wainwright, but since those kilos will retail for more than \$100,000, it pushes the price up by less than 1 percent.

The death penalty is supposed to raise the risk of criminal activity even higher, and in so doing deter those who don’t want to lose their lives. Instead it’s viewed by traffickers as just another cost of doing business, and, as we’ve seen, that business is remarkably immune to raised costs. If one of those raised costs is an innocent woman extorted into trafficking drugs, the drug dealer will say “so be it.” If they lose the occasional employee to the death penalty, there will always be someone else willing to step up. And as criminologist Dr. Alfred Blumstein has argued, those “replacement” drug traffickers and dealers are likely to be more violent, thus further imperiling the innocent people who are the collateral victims of the violence that comes with drug prohibition.

The death penalty doesn’t deter “normal” criminal activity either, so we shouldn’t expect it to stop drug trafficking when there’s so much money to be made. What we can expect is more innocent people caught up in the nefarious web of traffickers who, despite the U.S. having cumulatively spent more than \$1 trillion fighting the drug war, always seem to get their drugs to consumers. Trump may want to be the tough guy, but in this case tough just doesn’t work.

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