



It's Time to Legalize Drugs. All of Them.

Akiva Malamet

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This year has seen a major shift in the conversation about drugs.

While the bulk of our attention has been focused on the U.S. presidential election, other events deserve notice. In Arizona, Montana, New Jersey, and South Dakota, ballot propositions to legalize the use, possession, and sale of recreational marijuana won landslide victories. Starting in 2021, Americans in Mississippi and South Dakota will have access to medicinal and recreational marijuana, respectively, via separate 2020 ballot initiatives.

Even more radically, Oregon voters decided to push back against decades of the failed war on drugs by decriminalizing use and possession of *all drugs* within state borders.

Most recently, Congress passed a bill to decriminalize cannabis on a federal level. This represents a growing sea change in Americans' attitudes towards marijuana, and perhaps drug use in general. 67% of Americans support the legalization of marijuana, while 55% now favor the decriminalization of all drugs. This shift in attitudes is both welcome and sorely needed. As the record of Portugal has shown, decriminalization is a vast improvement over aggressive prosecution. However, what is ultimately needed is full legalization. Although decriminalization removes the penalties associated with drug use, it does not change its illegal status. As such, it continues a number of the harms of prohibition.

Drug prohibition has had dire consequences both socially and economically. As critics of prohibition—including conservative icon William F. Buckley, Jr.—have pointed out for decades, banning drugs does more harm than good. Banning drugs does not eliminate their presence. Rather, it drives their provision underground, creating dangerous black markets. Because selling and buying drugs is illegal, the only people willing to supply them are those willing to break the law. This means that primary suppliers and dealers of drugs are often gangs or criminal syndicates, who have no scruples about harming others to protect their interests.

Furthermore, even ethically inclined people can become incentivized into criminality and violent situations. The illegality of drugs means that the only way to secure cooperation is through coercion and intimidation, rather than third-party mediation or courts of law. Potential safety provided by the law and open, polite society is rarely present in illegal contexts. By contrast, there is substantial evidence that legalization significantly cuts down on crime and violence.

Illegality also means that drugs have no external quality assurance. Street drugs have an unreliable range of potency, and are often of extremely high concentration to raise the likelihood of creating addicts. This has been a major contributor to deaths by overdose, as reflected in the current opioid crisis.

The prosecution of drugs has also played a major role in the crisis in American policing, in which civil liberties are routinely violated, homes are invaded, people are harassed or attacked, and many are killed without just cause. While mass incarceration is not wholly attributable to the war on drugs, it is notable that approximately 50% of federal prisoners are being held for drug crimes, as well as at least 22% of state-level inmates.

The war on drugs has devastated communities, throwing them into cycles of crime and violence. It has broken families and stripped many of key household providers, removing parents from children, as well as vice-versa. As a majority of the incarcerated are men, thousands of fathers have been thrown in jail. This has only worsened the stability of family life, an area that many anti-drug conservatives continue to highlight as issues in low income and minority communities.

The use and abuse of drugs is not straightforward. People use drugs for all kinds of reasons—for medicine, for recreation, and unfortunately, often as a means of dealing with the stress of bad social conditions and poor mental health. Medical experts such as Carl Hart and David Nutt have found that the propensity to addiction rises heavily in relation to how happy, productive, and socially engaged people are in the rest of their lives. The chemical elements that fuel dependency are real, but their power is heavily contingent upon and interwoven with the emotional role that drugs play in alleviating feelings of distress. Chemical substances affect our brains, but they do not program them. As the Cato Institute's Trevor Burrus has emphasized, drug addicts are human beings, with human struggles, not intrinsic social menaces. Drug use may or may not be a vice, but it need not be a crime.

In this light, we should see the issue of drugs not as a criminal justice issue, but as a public health and social policy one. Societal propensity for drug use is an indicator of how well we are dealing with other key problems people face in healthcare, education, employment, community ties, and other central parts of life. Tragically, instead of addressing the issues that fuel drug use, we punish users and their families by putting them in prison, often for decades.

However, the fundamental reason to legalize is not the costs of the drug war. Rather, I would argue it is because legal adults should be able to make their own choices about what goes into their bodies. In free societies, we recognize people's right to choose their employment, their education, their religion, whom they associate with, where they want to live, and so forth. This is not applied consistently. We routinely make significant, deeply important choices about what people can eat, drink, and consume. Most notably, we prohibit the use of many drugs for both recreational and medicinal use, or have erected huge barriers to their access.

This is not morally trivial. Jacob Sullum argues in "Saying Yes: In Defense of Drug Use" that using drugs is one of the most basic human rights. His argument is worth considering. But even

those who disagree with Sullum's perspective should see that the War on Drugs has produced more casualties and collateral damage than drugs themselves. It's time for another approach.