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Viewpoints: To reduce drug use, get rid of drug laws

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A broad question on drug laws may lead you to think me mad.

Votes are pending on Proposition 19, the referendum to legalize recreational marijuana use. The promise of taxation to ease budget pain beckons. The war on drugs grows more dubious; rather than eradication, each passing year brings yet another breathless bulletin about record pot busts.

Prop. 19 opponents counter with gateway warnings and tales of the reefer madness kind. All nine former heads of the Drug Enforcement Administration have come out in opposition, calling upon U.S. Attorney General Eric Holder to block the bill if approved by voters in November.

Meanwhile, flaws in Prop. 19 might give pause among even those who support legalization.

My question is more fundamental: If everyone agrees that drug use is such a bad thing, why do we need laws against taking drugs at all?

Before you recoil in horror that such a notion should even be broached, explain how lifting prohibitions will increase drug use that current laws have failed to curtail. Are you saying we don't trust parents to convey to their children that drugs are a bad idea, so let's rely on the nanny state government we always complain about to do it for us?

What, you're worried your kid will become a heroin addict? That's a parental issue, not a government one. I would think those of you most stunned by my suggestion would be among the most effective parents to reinforce the message we all know to be true: Drugs. Are. Bad. Period.

Why does something that painfully obvious need government enforcement? It's simply not a very productive use of our tax dollars, which might explain why tobacco use, long legal and regulated, has seen decades of steady decline – undoubtedly due to a rather compelling argument: Cigarettes kill you.

Decriminalizing and regularizing these illicit drugs might relieve other problems.

The pharmaceutical industry has laid off some 300,000 people in recent years as patents

expired for generic use and mergers reduced employee redundancy. Legalized drugs might enable a mild reversal. After all, Big Pharma already manufactures some of the worst drugs available, and they're legal.

Last month, a border agent got 20 years in jail on corruption charges, bribed by Mexican cartels with drug money provided largely from drug users here in the United States who bought them illegally.

Yes, a confused Rand Corp. study questions the impact Prop. 19 will have on Mexico's cartels, yet authors admit they can't prove that, relying instead on statistical data wildly at odds with federal figures.

A better question: Who benefits from drug enforcement? Pot busts accounted for more than half of all drug arrests in 2009, according to FBI data – and 88 percent were for possession. The self-interest is strong with this one, Skywalker.

In 2001, Portugal officially abolished all criminal penalties for personal possession of drugs, including marijuana, cocaine, heroin and methamphetamine – the most liberal drugs laws in Europe. Yet within five years, drug use among teenagers dropped, as did HIV infections caused by dirty needles, according to a report commissioned by the Cato Institute, a libertarian think tank.

Meanwhile, the number of people seeking treatment more than doubled. Despite apocalyptic predictions by critics, Portugal effectively neutralized what had been the country's No. 1 public health problem.

Today, nearly 40 percent of Americans over the age of 12 have used marijuana. In Portugal, it's 10 percent, the lowest rate of marijuana use in the European Union.

How can European nations with far more liberal drug laws than ours have less drug use, while despite hard-line drug policies, America has the highest rates of cocaine and marijuana use in the world? Because Mexico's on our border and not Europe's? No.

Illegal traffickers have always succeeded because drugs are illegal. Legalization would eventually end that enterprise just as ending Prohibition killed bootleggers (save the ones who went into politics). Proposition 19 is a start.

We're not naïve. A percentage of kids will become drug users, as they always have. But if we want less government in our lives and less costly yet more efficient use of its resources, there's no reason for government to involve itself in a matter that's strictly between a willing buyer and a willing seller. Use law enforcement to address criminal behavior that derives from drug use, not the drug use itself.

We're screaming about the food police and government banning the purchase of soda with food stamps. Yet if someone buys a dime bag, takes it home, smokes enough of it for cable news to actually sound intelligible – that troubles us? I don't expect my proposal to provoke much consideration. Our nation's drug policy debate is based largely on speculation and fear-mongering, not the empirical evidence demonstrated by more lenient drug policies.

If our drug laws worked, we'd have eradicated drug use long ago. Since we haven't, isn't it time to try something else?

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