

# The Real Culprit

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On July 1, 2001, Portugal enacted a law to decriminalize all drugs. Under that law, nobody who is found possessing or using narcotics is arrested in Portugal, nor are they turned into a criminal. Indeed, neither drug use nor drug possession are considered crimes at all. Instead, those found doing it are sent to speak with a panel of drug counsellors and therapists, where they are offered treatment options.

Seven years after the law was enacted, in 2008, we traveled to Lisbon to study the effects of that law for one of the first comprehensive reports on this policy, and published the findings in a report for the Cato Institute. The results were clear and stunning: this radical change in drug laws was a fundamental and undeniable success.

While Portugal throughout the 1990s was (like most western countries) drowning in drug overdoses along with drug-related violence and diseases, the country rose to the top of the charts in virtually all categories after it stopped prosecuting drug users and treating them like criminals. This stood in stark contrast to the countries that continued to follow a harsh criminalization approach: the more they arrested addicts and waged a “War on Drugs,” the more their drug problems worsened.

With all the money that had been wasted in Portugal to prosecute and imprison drug users now freed up for treatment programs, and with the government viewed with trust rather than fear, previously hopeless addicts transformed into success stories of stability and health, and the government’s anti-drug messages were heeded. The predicted rise in drug usage rates never happened; in some key demographic categories, usage actually declined. As the 2009 study concluded: “the data show that, judged by virtually every metric, the Portuguese decriminalization framework has been a resounding success.”

Over the weekend, the New York Times’ columnist Nicholas Kristof, writing from Lisbon, re-visited this data, now even more ample and conclusive than it was back in 2009. His conclusions were even more stark than the Cato report of eight years ago: namely, Portugal has definitively won the argument about how ineffective, irrational and counter-productive is drug prohibition. The basis for this conclusion: Portugal’s clear success with decriminalization, compared to the tragic failures of countries such as the U.S. (and Brazil) which continue to treat addiction as a criminal and moral problem rather than a health problem. Kristof writes:

*After more than 15 years, it’s clear which approach worked better. The United States drug policy failed spectacularly, with about as many Americans dying last year of overdoses — around 64,000 — as were killed in the Vietnam, Afghanistan and Iraq Wars combined.*

*In contrast, Portugal may be winning the war on drugs — by ending it. Today, the Health Ministry estimates that only about 25,000 Portuguese use heroin, down from 100,000 when the policy began.*

*The number of Portuguese dying from overdoses plunged more than 85 percent before rising a bit in the aftermath of the European economic crisis of recent years. Even so, Portugal's drug mortality rate is the lowest in Western Europe — one-tenth the rate of Britain or Denmark — and about one-fiftieth the latest number for the U.S.*

Kristof succinctly identified one key reason for this success: “it’s incomparably cheaper to treat people than to jail them.” But there are other vital reasons, including the key fact that when it comes to efforts to persuade addicts to obtain counseling, “decriminalization makes all this easier, because people no longer fear arrest.”

Perhaps the most compelling evidence highlighting Portugal’s success is not the empirical data but the political reality: whereas the law was quite controversial when first enacted sixteen years ago, there are now no significant political factions agitating for its repeal and for a return to drug prohibition.

This evidence is of vital importance to the citizens of any country that continues to treat drug users and addicts as criminals. It is simply unconscionable to break up families, force children to remain apart from imprisoned parents, and turn drug addicts into unemployable felons, particularly if the data demonstrates that those policies achieve the opposite results as their claimed intent.

But moral questions aside, the drug-related violence that is now sweeping Brazil, particularly the horrific war that is engulfing the Rio de Janeiro favela of Rocinha – just a few years after it was declared “pacified” – makes these questions of particular urgency for Brazilians and citizens of any count. Brazil has witnessed repeated outbreaks of horrific violence in the favelas of its largest cities, many of which have long been ruled not by the government but by well-armed drug gangs. But this past week’s war – and that’s what it is – in Rocinha, located in the middle of Rio de Janeiro’s fashionable Zona Sul, has been particularly shocking.

Competing drug gangs have “invaded” the favela and are in open warfare for control of the drug trade, in the process forcing schools to close, residents to cower in their homes, and stores to remain shuttered. As Misha Glenny reported on Monday in The Intercept, “the immediate cause of violence is the ongoing struggle between and now within factions,” but the violence portends the high likelihood of a wider war for control of the drug trade.

In the face of drug-related violence, there is a temptation to embrace the seemingly simplest solution: an even-greater war on drugs, more drug dealers and addicts in prison, more police, more prohibition.

Those who peddle this approach want people to believe a simple-minded string of reasoning: the cause of drug-related problems, such as violence from drug gangs, is drugs. Therefore, we must eliminate drugs. Therefore, the more problems we have from drugs, the more aggressively we rid society of drugs and those who sell and use them.

But this mentality is based on an obvious, tragic fallacy: namely, that the War on Drugs, and drug criminalization, will eliminate drugs, or at least reduce its availability. Decades of failure proves this will not happen; rather, the opposite will occur. Like the U.S., Brazil has imprisoned hundreds of thousands of citizens for drug-related crimes – mostly poor and non-white – and the problem has only worsened. Any person with minimal rationality would be forced to admit this string of logic is false.

Supporting a failed policy by hoping that, one day, it will magically succeed, is the definition of irrationality. In the case of drug laws – which spawn misery and suffering – it is not only irrational but cruel.

A 2011 report from the Global Commission on Drug Policy – featuring multiple world leaders including former UN-Secretary General Kofi Annan and former Brazilian President Fernando Henrique Cardoso – examined all relevant evidence and put it simply: “The global war on drugs has failed, with devastating consequences for individuals and societies around the world.” The primary fact in this conclusion is vitally important. The key cause of all drug-related pathologies – particularly gang violence of the type now suffocating Rocinha – is not drugs themselves, but rather the policy of criminalizing drugs and the war waged in its name.

The nature of drugs – their small size, the ease of smuggling, the natural demand humans have for them – means they can never be eliminated or meaningfully reduced by force. Only changes in human behavior, which can happen only with sustained and professional treatment, can foster those improvements. The only effect of drug criminalization, beyond the massive human and financial waste of imprisoning addicts, is to empower and enrich drug gangs by ensuring that the profits from selling an illegal product remain irresistibly high.

For that reason, the most devoted opponents of drug legalization or decriminalization are drug gangs themselves. Nothing would erase the power of drug gangs – such as the ones violently battling for control of Rocinha – more quickly or severely than the elimination of drug prohibition. As adept businesspeople, drug traffickers know that very well.

In 2016, the journalist Johann Hari, author of one of the most influential books on drug addiction, wrote an article in the Huffington Post entitled: “The Only Thing Drug Gangs and Cartels Fear Is Legalization.” As he put it:

*When you criminalize a drug for which there is a large market, it doesn't disappear. The trade is simply transferred from off-licenses, pharmacists and doctors to armed criminal gangs. In order to protect their patch and their supply routes, these gangs tool up — and kill anyone who gets in their way. You can see this any day on the streets of a poor part of London or Los Angeles, where teenage gangs stab or shoot each other for control of the 3000 percent profit margins on offer.*

We have a perfect historical analogy that proves this point: alcohol prohibition in the U.S. in the 1920s. When alcohol was made illegal, it did not disappear. Control of its sale and distribution simply shifted: from the corner grocery store to violent drug gangs of the type that Al Capone became famous for ruling.

In other words, making alcohol illegal did not stop people from consuming it. What it did do, though, was empower vicious gangs of organized crime for whom the massive profits of selling illegal alcohol made them willing to do anything, or kill anyone, to protect it.

What finally eliminated those violent prohibition gangs was not the police or the imprisonment of illegal dealers or alcoholics: during prohibition, when the gangs were't bribing the police, they were killing them. What eliminated those gangs was the re-legalization of alcohol: by regulating the sale of alcohol, the end of prohibition made the gangs irrelevant, and they thus disappeared. Violent drug gangs do not fear the War on Drugs; to the contrary, as Hari notes, they crave it. It is the criminalization of drugs that makes their trade so profitable. Hari quotes a long-time drug enforcement official in the U.S. as relating: "On one undercover tape-recorded conversation, a top cartel chief, Jorge Roman, expressed his gratitude for the drug war, calling it 'a sham put on the American tax-payer' that was 'actually good for business'."

In 2015, Danielle Allen, a political theorist at Harvard University, wrote an op-ed in the Washington Post entitled "How the war on drugs creates violence." In it, she explained that one key reason to "decriminalize drugs flows from how the war on drugs drives violent crime, which in turn pushes up incarceration and generates other negative social outcomes." As she explained: "You just can't move \$100 billion worth of illegal product without a lot of assault and homicide. This should not be a hard point to see or make."

Why is Rocinha filled with guns and ruled by drug gangs that are capable of such violence? Why can an influential Brazilian politician, linked to some of the most powerful figures in the country, employ a pilot who was caught transporting millions of dollars in cocaine in a helicopter owned by the politician, with no consequences for anyone?

The answer is clear: because laws which outlaw drugs ensure that the drug trade is extremely profitable, which in turn ensures that gangs of organized criminals will arm themselves, and will kill, in order to control it. Situated in the middle of Zona Sul with easy exits, Rocinha will inevitably be a drug haven for rich tourists, middle-class professionals, and impoverished addicts. The vast sums of profits created by the War on Drugs ensure that police forces will not only be out-armed but also so corrupted that their efforts will inevitably fail.

It is now undeniably clear that it is the War on Drugs itself which is what causes – not stops – drug-related violence.

If you're horrified by the violence in Rocinha or places around the world like it, the last thing you should do is support more policies that fuel the violence: namely, criminalization and the "War on Drugs." To do so is like protesting lung cancer by encouraging people to smoke. The data is now sufficient to state confidently: those who support ongoing drug criminalization are the ones abetting this drug violence and the related problems of addiction and overdose. It may be slightly paradoxical at first glance, but the data leaves no doubt: the only way to avoid Rocinha-style violence is through full drug decriminalization. We no longer need to speculate about this. Thanks to Portugal, the results are in, and they could not be clearer.