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Americans like to style their nation as the land of the free. Yet the government is engaged in a war on its own people. The misnamed Drug War.

As Prof. Douglas Husak of Rutgers pointed out:

The war, after all, cannot really be a war on drugs, since drugs cannot be arrested, prosecuted, or punished. The war is against persons who use drugs. As such, the war is a civil war, fought against the 28 million Americans who use illegal drugs annually.

Arresting and jailing people because they use a substance which some people abuse is dubious enough on moral grounds. Even more it fails the test of cost-effectiveness.

As Nobel Laureate [Milton Friedman argued](#):

We need not resolve the ethical issue to agree on policy. Prohibition is an attempted cure that makes matters worse for both the addict and the rest of us.”

Banning drugs raises their price, creates enormous profits for criminal entrepreneurs, thrusts even casual users into an illegal marketplace, encourages heavy users to commit property crimes to acquire higher-priced drugs, leaves violence the only means for dealers to resolve disputes, forces government to spend lavishly on enforcement, corrupts public officials and institutions, and undermines a free society. All of these effects are evident today and are reminiscent of Prohibition (of alcohol) in the early 20<sup>th</sup> Century.

Perhaps the most obvious cost of enforcing the drug laws is financial. Government must create an expansive and expensive enforcement apparatus, including financial and military aid to other governments. At the same time, the U.S. authorities must forgo any tax revenue from a licit drug market. [According to Harvard's Jeffrey A. Miron and doctoral candidate Katherine Waldo](#)ck, in the U.S. alone “legalizing drugs would save roughly \$41.3 billion per year in government expenditure on enforcement of prohibition” and “yield tax revenue of \$46.7 billion annually.”

The Drug War also has corrupted private and public institutions wherever it has reached. Worst are bribes to police, border control officials, Drug Enforcement Agency agents, and even military personnel involved in interdiction efforts. The taint also reaches prosecutors, judges, and politicians.

The problem is serious enough in the U.S. Worse, militarized enforcement, relentlessly pushed by Washington, has helped corrupt and destabilize entire nations, such as Colombia, Afghanistan, and Mexico.

Prohibition is advanced to protect users from themselves. However, the illegal marketplace makes drug use more dangerous. According to noted economists Daniel K. Benjamin and Roger Leroy Miller, “Many of the most visible adverse effects attributed to drug use ... are due not to drug use per se, but to our current public policy toward drugs.”

Products are adulterated; users have no means of guaranteeing quality. Given the threat of discovery, dealers prefer to transport and market more potent (and thus both more concealable and valuable) drugs. As a result, the vast majority of “drug-related” deaths are “drug law-related” deaths.

Moreover, AIDS spread through the sharing of needles by IV drug users, who cannot purchase needles legally. In the same way, the drug war has helped spread hepatitis and other blood-borne diseases.

The Drug War also interferes with treatment of the sick and dying. Cannabis and other drugs can aid people suffering from a variety of maladies. Additional research would help determine how, in what form, and for what marijuana could be best used. Yet government effectively punishes vulnerable people in great pain, even agony.

The drug laws also threaten the basic liberties of all Americans, whether or not they use drugs. The erosion of basic constitutional liberties is years in the making.

As classic “self-victim” crimes with no complaining witness, drug offenses require draconian enforcement techniques: informants, surveillance, wiretaps, and raids. Television commentator John Stossel noted that the Drug War is being used to “justify the militarization of the police, the violent disregard for our civil liberties, and the overpopulation of our prisons.”

In the U.S. there are 100-plus SWAT raids every day, most for drug offenses. Innocent people are routinely harmed or killed in misdirected drug arrests and raids.

Lawyers openly speak of the “drug exception” to the Fourth Amendment’s limits on government searches. [Jack Cole, a former New Jersey policeman who co-founded Law Enforcement Against Prohibition \(LEAP\), talked](#) of “a war on constitutional rights.”

He explained: “We would illegally search people all the time, because we felt like ‘we’re fighting a war, we’re the good guys, and no matter how we get these guys, it’s worthwhile because we’re taking them off the streets and that’s our job.’ So that’s why so many get involved in not telling the truth on the stand when they’re testifying about drug cases. And you almost never find that in other cases.”

Drug prohibition also distorts law enforcement priorities. Property forfeitures have turned into big business, giving government agencies “free” money. Police departments routinely seize property without criminal convictions. In many cases the government doesn’t bother to file criminal charges. The lure of “free” cash has distorted police priorities.

Noted an amicus brief filed before the Supreme Court by the Cato Institute, Goldwater Institute, and Reason Foundation: forfeiture “provides powerful, dangerous, and unconstitutional financial incentives for law enforcement agencies and prosecutors offices to overreach.”

The Drug War has turned America into a prison state. There were 13.7 million arrests in 2009, more than 10% of which, 1.7 million, were for drug offenses. Nearly half of the latter were for marijuana. In comparison, just 590,000 people were arrested for violent crimes. Overall, 80% of drug arrests are for possession. More than half of federal prisoners are serving time for drug offenses. About 20% of state prisoners are incarcerated for drug crimes.

Lisa Trei at Stanford University observed: “In 1980, about 2 million people in the United States were under some kind of criminal justice supervision, said [Professor Lawrence] Bobo, the director of Stanford’s Center for Comparative Studies in Race and Ethnicity. By 2000, the figure had jumped to about 6 million—and the United States had become the country that incarcerated its citizens more frequently than any other major western industrialized nation. The jump is largely attributed to the government’s ongoing war on drugs.”

In short, the self-proclaimed “land of the free” is more likely than any other to throw its citizens into jail for an act of self-harm. Over the last two decades more people have gone to jail for drug offenses than for violent crimes.

Moreover, arrests and imprisonment disproportionately affect blacks, who make up only about 13% of the population but account for 34% of drug arrests and 45% of state prisoners convicted of drug offences. This exacerbates problems in a community where families are less often intact and job opportunities are less available.

Finally, the negative social impact of the drug laws includes more crime. Drugs are rarely “crimogenic.” In fact, many illicit substances, such as marijuana and heroin, encourage passivity. (In contrast, alcohol loosens inhibitions of would be perpetrators and victims alike.)

Some users steal to fund their habits, but that often reflects high prices resulting from prohibition. Most of the crimes attributed to cocaine and even crack result from forcing drugs into an illegal market.

As Prohibition spurred the growth of the traditional mob, drug prohibition has encouraged newer forms of organized crime. My Cato Institute colleagues David Boaz and Timothy Lynch observed: “Addicts commit crimes to pay for a habit that would be easily affordable if it were legal. Police sources have estimated that as much as half the property crime in some major cities is committed by drug users.”

Even worse, because drugs are illegal, participants in the drug trade cannot go to court to settle disputes. This leads to violence on the streets. Benjamin and Miller wrote: “If you want to establish an unmistakable, unbreakable link between drugs and crime, the surest way to do it is to make drugs illegal.”

The Global Commission on Drug Policy reached the same conclusion: “increased arrests and law enforcement pressures on drug markets were strongly associated with increased homicide rates and other violent crimes.” Even prohibition advocate James Q. Wilson acknowledged that “It is not clear that enforcing the laws against drug use would reduce crime. On the contrary, crime may be caused by such enforcement.”

Professor Husak estimated that such “systemic” crimes account for three-quarters of “drug-related” crime. Veritable wars over the drug trade have broken out in foreign nations, such as Mexico.

Despite all this effort, drug prohibition appears to have accomplished little. Noted Mary M. Cleveland: “Most people choose not to use illicit drugs even when they have cheap and easy access to them. Enforcement can have some effect on light users; regular and problem users will get their drugs even in prison. Drug treatment and changes in social norms have far more influence on drug use than enforcement because they affect individuals’ attitudes.”

For years drug use increased even among teens, the vast majority of whom told government researchers that it was easy to find and purchase drugs. Government figures indicate that 118 million Americans above the age of 12, or 47%, have used illegal drugs. A similar percentage of high school students have tried illegal drugs before graduation.

[Concluded Mike Trace](#), Chairman of the International Drug Policy Consortium:

Various mixtures of these strategies and tactics have been implemented around the world over the last 50 years, but there is no evidence that any national government has been able to achieve anything like the objective of a controlled and diminished drug market, let alone a drug free world.

In fact, enforcement often appears to correlate with *increased* use. Attorney and author Glenn Greenwald noted that “The prevalence rate for cocaine usage in the United States was so much higher than the other countries surveyed that the researchers formally characterized it as an ‘outlier’.”

Other countries with an emphasis on enforcement, such as Australia and Canada, also exhibit higher than average drug use. [The Economist magazine stated](#) simply that “There is no correlation between the harshness of drug laws and the incidence of drug-taking: citizens living under tough regimes (notably America but also Britain) take more drugs, not fewer.”

The terrible price of the Drug War has sparked growing interest in Latin America in real reform. Leading politicians, including former Mexican presidents Vicente Fox and Ernesto Zedillo, Brazilian president Fernando Henrique Cardoso, and Colombian president Cesar Gaviria, have begun pressing for Drug Peace.

[One could imagine](#) anything from open commercial sales, with only age-related restrictions (the cigarette model) to sales through restricted, even government, stores backed by limits on marketing and advertising (the alcohol model). Individual drugs could be treated differently, depending on assessments of harm and other factors.

The strongest individual liberty position suggests few restrictions on adult drug use. Any controls should not turn into prohibition *sub rosa* and should be carefully focused on limiting the impact of drug abuse on others.

Most obviously, sales to children should be restricted. Ironically, prohibition today endangers kids, pushing youthful experimentation into criminal black markets rather than into less harmful gray markets. In contrast, legalization for adults would allow greater emphasis on reducing leakage to minors.

Overall drug use likely would increase, but perhaps not as much as commonly assumed. Given the porous nature of drug prohibition, the most likely abusers already have access to drugs.

In their detailed book, *Drug War Heresies*, Robert MacCoun and Peter Reuter concluded that “Reductions in criminal sanctioning have little or no effect on the prevalence of drug use (i.e., the number of users)” and that “If relaxed drug laws increase the prevalence of use ..., the additional users will, on average, use less heavily and less harmfully than those who would have also used drugs under prohibition.”

In fact, America had fewer problems with cocaine and heroin when they were legal. Moreover, consumption of both alcohol and especially tobacco has fallen in recent years without a “war,” and even before politicians began dramatically hiking tobacco taxes.

Indeed, legalization would not be a step into the unknown. Great Britain, the Netherlands, and Switzerland all have allowed some drug use without criminal prosecution. (Foreign practices often are complicated: Britain, for instance, was famed for permitting regulated heroin use, but limited that option in recent years and is harsh in other ways.) Many nations, as well as a dozen U.S. states, have effectively decriminalized marijuana use.

Such systems are not without problems because drug use is not without problems. In particular, a small country, like the Netherlands, which liberalizes its laws is likely to attract users from other nations, creating difficulties unrelated to drug liberalization per se. Nevertheless, countries which have reformed and U.S. states which have decriminalized their drug laws have suffered no great increase in consumption.

For example, Portugal decriminalized use of all drugs, including cocaine and heroin, a decade ago. The measure was advanced, [wrote Glenn Greenwald](#), “as the most effective government policy for reducing addiction and its accompanying harms” by encouraging users to seek treatment.

Adult use has increased only modestly while consumption by minors actually has fallen: “None of the parade of horrors that decriminalization opponents in Portugal predicted, and that decriminalization opponents around the world typically invoke, has come to pass,” explained Greenwald. More people are in treatment, as users no longer fear criminal sanction. Drug-related HIV infections and mortality rates are down. Drug use in Portugal remains low compared to the rest of the European Union.

Drug use may not be wise — indeed, some drugs inevitably will be abused by some people. However, a free people should be allowed to make mistakes. Especially when the cost of trying to protect them from themselves is so high.

Prohibition advocates are brutally determined to impose their will on everyone else, turning the Drug War into a broad assault on a free society. Argued attorney Steven Wisotsky: “the War on Drugs actually is a war on the American people—their values, needs and choices, freely expressed in the marketplace of consumer goods.” Drug enforcement actually targets many of our most important liberties.

It is time to end the Drug War. The U.S. government should declare Drug Peace.