

Capital Gazette

Prohibition not the answer to drug, other complex issues

Jessie Dunleavy

September 4, 2022

We mustn't underestimate the importance of a legislator, a representative of "we the people," whose obligation is to shape laws and protect our liberty.

Devising solutions to perplexing problems isn't easy — seeking factual information, understanding nuances and the impact on people's lives, and weighing alternatives. But this doesn't happen when mechanical thinking — a bias for the familiar — eclipses openness to ideas. Efficient but mostly ineffective, this fallback mirrors Maslow's Hammer: "If the only tool you have is a hammer, you see every problem as a nail."

Indiscriminate use of a blunt instrument to forge policy plays out in response to the overdose crisis: Prohibition. Talk about a hammer! And efficiency — "Just Say No!" We may profess to have grown beyond this dated refrain, but our modus operandi, measured in mindset and dollars, says otherwise. We outlaw drugs and enlist law enforcement to crack down on supply, a steadfast commitment unencumbered by the fact that it never diminished demand, addictions, or deaths.

Equally superfluous are the consequences of prohibition: organized crime and increasingly deadly substances smuggled in smaller packages to avoid detection. These pitfalls of what's called the "Iron Law of Prohibition" — the harder the enforcement, the harder the drugs — are long-substantiated by the nation's addiction specialists and leading health organizations. Jeffrey Singer — a surgeon and senior fellow at the CATO Institute — writes prolifically about the ill-conceived drug war, ending his commentary, "Drug Prohibition Is to Blame for Opioid Crisis," "It's time to stop calling it an 'opioid crisis.' The real killer is prohibition."

Leo Beletsky, a professor of law and sciences at Northeastern University, studies the impact of laws on public health. The conclusion of his abstract, "Today's Fentanyl Crisis: Prohibition's Iron Law, Revisited," warns: "Alcohol prohibition, while well-intentioned, was undertaken without sufficient consideration of potential unintended consequences, with disastrous results. Under Prohibition, the current approach to illicit opioids is likewise doomed to failure [and] intensive supply suppression efforts that brought us fentanyl will continue to push the market toward deadlier alternatives."

"We need to accept that cutting the supply leads to substitution," writes neuroscience journalist Maia Szalavitz in her latest book, "Undoing Drugs." Elaborating on the misguided

prohibitionist policies that underpin rising overdose fatalities, Szalavitz drives home the imperative to help people: “At a bare minimum, policies to change risky behavior cannot be more harmful than the behavior they seek to alter.”

Born of entrenched thinking and sustained by burgeoning resources, prohibition and its tentacles, will be hard to dismantle. The Biden administration’s inclusion of harm reduction in drug policies represents a breakthrough but implementing programs — already limited by the meager allocation of less than .1% of the national drug control budget — has faced pushback, thwarting intended support for lifesaving programs. Biden’s drug czar, Dr. Rahul Gupta, is the first to advocate initiatives like safe consumption sites. Despite having saved countless lives in peer countries, such programs are met with resistance by the predominance of lawmakers who favor punishment over health care, whose hammers beat the drum of prohibition at the expense of the truth.

Prohibition extends beyond illicit drugs, as seen in the FDA ban on Juul vaping — issued in June and reversed in July pending further analysis. The passion for protecting youth from their vulnerability to poor decisions is understandable, but prohibition can be counterproductive, especially if it defies logic. Furthermore, vaping is an effective harm reduction tool for countless adults who couldn’t otherwise beat addiction to the far deadlier cigarettes. Also questionable is the focus on a company that provides smokers a safer alternative, and that teenagers have moved beyond, as they tend to do, reporting Puff Bar as the new favorite.

This fixation on sweeping control, coupled with the threat of prosecution, is growing. There may be a flicker of hope for salvaging a degree of former freedom, but the Supreme Court reversal of *Roe v. Wade* has given way to jurisdictions where the zeal to “prohibit” abortion — in all situations no matter the circumstances — aims to criminalize people for deeply personal decisions. Again, the gavel strikes without consideration for the disastrous consequences.

It’s troubling that enforcement of laws that “prohibit” individual behaviors will fall to our criminal justice system. The cries for ample resources to mitigate the harms of violent crime beg the question: Why add to the roster of “criminals” — particularly in a country that holds the world record for mass incarceration?

Yet the fervor continues, evidenced by the banning of books as well as thought-provoking discourse in our schools— throwing a rock in the path of developing in our youngsters the skills most essential for informed citizenship, and those needed for future policymakers to ensure our rights.