

Capitalism, Taxes, Morals, Social Programs, Medicine, Law Enforcement, Personal Choice - Illegal Drugs where conservatives sometimes collide

A Conservative Dilemma: Illegal Drugs

By *Dr. Tony Magana* Friday, May 15, 2009

Different persuasions of conservatism have opposed each other on the appropriate solution to illegal drugs but now circumstances should warrant a closer look at the libertarian point of view. The current drug policy of the United States is a two front assault: Try to limit the supply of drugs abroad and try to limit their consumption at home. Unfortunately there continues to be a dismal failure in achieving either objective.

The United Nations World Drug Report of 2008 noted that consistently 5% of the world's population uses illegal drugs at least once a year. About 1% of the population has an addiction problem which disrupts all aspects of their lives. Although drug seizures and enforcement have consistently increased around the globe there has been no real decrease in illegal drug use or trafficking despite worldwide attempts at enforcement.

The main suppliers of drugs are Afghanistan which produces 82% of the world's poppy supply. Each year Afghanistan sets new records with ever increasing crop yields. The 2007 harvest was worth over \$4 billion. The triad of Columbia, Peru, and Bolivia produce most of the coca for cocaine. The actual acreage used for growing coca has actually been on a steady increase.

The National Drug Threats Assessment 2009 by the National Drug Intelligence Center reports that Mexican drug cartels are the greatest drug trafficking threat to the United States. Approximately 90% of all cocaine consumed in the United States travels through Mexico. The country is also a source of heroin, meth-amphetamines and marijuana. "They have established varied transportation routes, advanced communication capabilities, and strong affiliations with gangs in the United States."

Billions of American dollars and European Euros are filling the coffers of terrorists in Afghanistan, Columbia, Peru, Bolivia, and Mexico as rewards for their patronage of the drug trade. Sales of cocaine to the United States net these producers more than \$ 50 billion each year. In these countries peasant farmers find the only way they can survive economically is to work with the drug system because there are no real alternatives.

In the United States jails and prisons are filled with more than 1 million prisoners who have committed drug related offenses at a time when government costs to house them can be ill afforded. The drug trade in the United States is worth billions of dollars of unreported income that goes untaxed but requires billions in

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costs of law enforcement, judicial proceedings, and incarceration for those few that are caught. Although many say the greatest transfer of wealth in history has been American payments for foreign oil, certainly payments to the drug lords of the world may well eventually overtake oil.

The "Law and Order" conservative movement of Richard Nixon and the more recent "Neoconservative movement" have rightly aligned the illegal drug problem with the terrorist problem of government disruption. Following the traditionalist model of conservatism articulated best by Russell Kirk they have made the fight against drugs as a part of a larger culture war. They point to statistics that show illicit drug users were also about 16 times more likely than nonusers to report being arrested and booked for larceny or theft; more than 14 times more likely to be arrested and booked for such offenses as driving under the influence, drunkenness, or liquor law violations; and more than 9 times more likely to be arrested and booked on an assault charge.

Libertarian conservatism espoused primarily by the late William F. Buckley and most recently by Congressman Ron Paul (R-TX) has advocated that prohibitions be lifted from illegal drugs. Noted experts at the conservative think tank, Heritage Foundation, and the libertarian think tank, CATO Institute, have argued that an ideal drug policy would apply the same rules to illegal drugs that currently apply to alcohol and cigarettes. Minors would not be allowed to use drugs. Vehicular offenses committed under the influence could be similarly prosecuted. Abuse that harms others would legislate as a crime just as for alcohol and cigarettes.

Jacob Sullum writing for the Heritage Foundation pointed out that opiate use at the beginning of the twentieth century when it was legal did not result in widespread addiction beyond 1% of the population. The Constitution mandates that people be given the right to make bad choices and prevents the government from interfering in the affairs of individuals so long as they are not interfering with the rights of others. This philosophy, argue libertarians, implies that illegal drugs should be dealt with in exactly the same manner as alcohol and tobacco.

Some Christian conservatives quote the biblical story where Christ casts off the need to follow the old covenant of strict dietary laws saying that it is not what you put in your mouth that makes you a sinner but what comes out as an indication that taking an illegal drug by itself should not be considered immoral. On the hand abusing it would be the same as the sin of gluttony. Both former President Bush and President Obama have admitted using cocaine in their youth. Many have argued that it is not morally indistinguishable to differentiate using illegal drugs moderately from the use of alcohol or cigarettes. This does not mean Americans cannot teach their children that using drugs is wrong just as they may do now about using alcohol or tobacco.

President Obama and Attorney General Holder both have a history of favoring treatment over criminal prosecution for illegal drug users. Already, General Holder has issued orders to stop raiding so-called medical marijuana clubs in California. In addition, both had said that the use of gang affiliation as a tool to prosecute black defendants with the charge of conspiracy is unjustly prejudicial. This will no doubt make it harder to prosecute street pushers in America's inner cities.

Legalization of drugs will potentially bring in millions of tax dollars and free up law enforcement to do other things. The societal problems of abuse of substances will still be with us whether they are legal or not. The most destabilizing entities in Afghanistan and Latin America would have their major source of revenue cut off because legal domestic sources of drugs would evolve. Advocates for legalization say that the results of excessive drug use would be dealt with in the way that excessive use of alcohol and smoking is approached. Tax revenue from drug purchases could bring new funds for treatment.

The prohibition movement against alcohol saw the rise of criminal empires such as the famous syndicate of Al Capone in Chicago. Citizen use of illegal alcohol was never stopped by legislation or enforcement. In the end, it was only tracking down the money and making him accountable for unpaid income tax that got Mr. Capone.

Unfortunately, the drug problem in the United States today deals with producers that unlike Mr. Capone are located primarily outside the country. Repeated attempts by our national and international law enforcement authorities to get at the money have foundered. The growing drug profits of these foreign drug lords are funding the Taliban, Al Qaeda, and revolutionaries in Latin America. The amount of illegal drug money flowing into these countries makes it all but impossible to foment democracy and legal economic growth in these regions. In reality the only way to cut off that funding may be to allow legal regulated production of drugs in the United States.

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