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Legal scholar shares views on drug prohibition



TNJV/Purveyar, Andrew

Timothy Lynch, director of Cato's Project on Criminal Justice, believes the world needs to have a united view on drug policy.

By *Andrew Puryear*
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Lynch started off by stating that there is one thing that legislators of the past have agreed on, no matter if they supported legalization or not, and that is the world needs to have a united front against drug policy.

This was the case for many years, but that is beginning to change and certain countries are moving away from the hard-lined policies of the U.S. Countries such as Argentina, Canada, Switzerland, Mexico, Brazil and Colombia have entertained the thought of legalization or have accomplished it. Most agree that the U.S. war on drugs has been a failure. Worldwide, there is criticism on the hard-lined policies.

The Cato Institute published a study on decriminalization on drugs in Portugal. Lynch stated that most of the world thinks of the Netherlands when they think of drug freedom. But most of this is because of police turning the other cheek.

I don't think it's any one single thing that we can point to.

Timothy Lynch, director of Cato's Project on Criminal Justice

In 2001, Portugal decriminalized all drugs. It is now treated no different than a speeding ticket would be in America. The Portuguese government still focuses drug smugglers and dealers, but have relaxed laws on individual possession.

There was skepticism of course and worries that this liberalism would lead to a public health crisis and Portugal turning into a drug haven for "drug tourists." In

2009, Cato followed up with the population of Portugal to take note of any changes and the effects of the liberal legislation done eight years before. They determined there was no significant problems. There were no large drug usage spikes and no drug tourists. They took the Portuguese numbers and contrasted them with other, more hard-lined countries and found that Portugal fared well.

On a domestic level, Gil Kerlikowske, the recent Drug Czar appointed by President Barack Obama, has stated that the U.S. needs to stop the war on drugs rhetoric. This is a dramatic change in policy since the 1990s. In October 2009, the government stated they would stop Drug Enforcement Administration drug raids in California on medical marijuana charges and would stop in other states that have legalized the use for medicinal purposes.

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The medical marijuana movement (1996) in California and Arizona shows that 55-65 percent of the population agrees with the use of medical marijuana. Beyond that, 12 other states have followed in their footsteps with the latest being New Jersey. The District of Columbia will be the 15th legal jurisdiction to allow it. Since then, some states, including California, have wanted to go on to full-blown legalization of the drug and the vote will be held in November.

The main question is why now?

"I don't think it's any one single thing that we can point to. I think there are several things going on at once," Lynch said.

- Violence in Mexico - Somewhere between 10,000-20,000 have died in Mexico in just the past few years. Most of these deaths have been civilians caught in the war gang cross-fire.
- President Barack Obama and his being forthright about his past drug use
- Budgetary pressures have driven the legalization debate, especially in California. They are looking to raise state revenue and do not want to cut other programs.
- Shift among parents - lawmakers pay attention to what their parental constituents think and there has been a small shift because parents understand that drugs are not less available or less prevalent because of the war on drugs.

We spend about \$20 billion a year on the drug war policies. There is a drug arrest every 20 seconds in the U.S. We were building prisons about 1 per week in the 1990s. It took the U.S. approximately 200 years to lock up over one million people.

The drug war decreases safety and produces crime caused by rivaling gang wars over the upper-hand of a black market. This has resulted in higher murder rates and distraction of our criminal justice system. The U.S. only has so many police agents and a police unit only has so much time.

The war has also diminished civil and constitutional rights:

- Free speech has been violated, and federal persecution has been threatening doctors for talking to patients about using marijuana.
- Legal prosecutors skeptical of the war on drugs are getting fired and replaced.
- Civil asset forfeiture has been put into place by police and they, in turn, take homes, cars and boats if they believe they drugs are being traded through them.

"We are spending billions every year and we have not stopped people from wanting drugs, drugs coming into the country or keeping it away from our children," Lynch said.

Editor: *Kayla Kitts*

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