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Neal Peirce / Syndicated columnist

Drug decriminalization: a sensible middle ground

America's "drug war" myth has been that anything short of severe criminal penalties leads to massive drug abuse, escalating crime and worse. But in Portugal, none of the predicted parade of horrors has occurred. Decriminalization — rather than legalization — could this be the sane middle ground we need here, too?

By [Neal Peirce](#)
 Syndicated columnist

The criminal factor is being lifted from marijuana use in California. The other 12 states where marijuana is permitted for medical use can't be far behind.

And if 13 states now, then all 50 in the next years?

That's the future some see flowing from a decision announced Feb. 25 by Attorney General Eric Holder Jr. The federal Drug Enforcement Agency, Holder announced, would stop its raids on marijuana dispensaries in states where marijuana is legal for medicinal purposes.

The order spells a refreshing respect for states' rights. In California, where hundreds of new dispensaries are springing up to meet demand, customers need only produce a physician's recommendation in order to buy marijuana. California law allows pot to be dispensed for "any illness for which marijuana provides a relief." Back pain, anxiety, sleeplessness, glaucoma — virtually any condition can now be claimed.

Perhaps no line *can* be drawn between serious conditions for which marijuana is a godsend, relieving many patients suffering excruciating pain, and simple recreational use.

And then there's the sheer numbers issue. Surveys show 100 million Americans at some point in their lives have smoked pot. It's time to ask: What's the government doing prohibiting marijuana in the first place?

In California alone, the marijuana market is already estimated to total \$14 billion a year. Legislation pending in Sacramento would regulate the trade and yield the state \$1.3 billion in revenues. In an America whose revenue-hungry state governments have already gone hog-wild legalizing another practice once thought evil — gambling — what's so different about marijuana?

And there's a parallel. At the height of the Great Depression, state governments drowning in red ink seized the opportunity to repeal prohibition of alcohol as a way to institute legal taxes and fill their empty coffers.

The myth we need to break is that the use of mind-altering drugs is really different from a whole range of activities that humans have engaged in since the dawn of time.

I'd put gambling on that list, but even more deeply entrenched are alcohol, drugs and sexual practices. All have legitimate roles; each, depending on its form and application, can be seriously abused. A mature society warns of problems but holds back on prohibition — and sensibly, because rules of total denial will be broken anyway.

What's missing on the marijuana front, suggests Eric Sterling, president of the Criminal Justice Policy Foundation, is any fair, open debate about its use. How serious is it, for example, if a high-school student gets "stoned"? Is "binge drinking" really less serious? Would a successful prevention model aim mostly at abstinence or some safer, moderate form of use?


By good fortune, a fascinating new European study has become available to us. In the late 1990s, Portugal was faced by seemingly runaway drug usage, together with record arrest levels and imprisonments. (Sound familiar?)

So the Portuguese government decided to create a high-level commission, dominated by health-care professionals, to recommend a solution. The commission's surprise recommendation: Don't officially legalize all drugs. Instead, *decriminalize* them — take away all criminal penalties.

"I think it's bizarrely underappreciated what's been done in Portugal," says analyst Glenn Greenwald, author

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of a just-published study on the Portuguese experiment for the Cato Institute, a Washington think tank.

The Portuguese parliament didn't "go soft" on drug traffickers — they're still liable to arrest and criminal prosecution. Police can still issue citations to drug users. But under the new law, in effect since 2001, the worst fate an apprehended drug user can expect is mandatory appearance before a "dissuasion commission" — which in turn is most likely to suggest a course of treatment.

The crucial advantage of decriminalization, says Greenwald, is that it removes citizens' fear of government punishment. So they feel free to seek out help for treatment or stopping drug use altogether. The money formerly spent on "putting drug users into cages," as he puts it, is going for counselors and psychologists conducting quality treatment programs.

America's "drug war" myth has been that anything short of severe criminal penalties leads to massive drug abuse, escalating crime and worse. But in Portugal, none of the predicted parade of horrors has occurred. Drug use among youth has actually declined, and surveys show use of marijuana, cocaine and dangerous substances like heroin are all well below Europe-wide averages.

Decriminalization — rather than *legalization* — could this be the sane middle ground we need?


Neal Peirce's column appears regularly on editorial pages of *The Times*. His e-mail address is nrp@citistates.com


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