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# Gene Healy: Time to wind down the war on drugs

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It's hard out here for a libertarian in the Age of Obama. From bailout mania to the drive to nationalize health care, those of who want less federal involvement in American life have plenty to be depressed about.

Is there any area in which it's not too audacious to hope for less intrusive government?

Yes, thankfully: Today, more and more Americans are open to winding down our destructive war on drugs.

In October, Gallup recorded its highest-ever level of public support for marijuana legalization, with 44 percent of Americans in favor. There's "a generational rift" on the issue, Gallup reports: A majority of voters under 50 back legalization.

This Election Day, Maine joined a growing number of states that have legalized medical marijuana dispensaries. Meanwhile, California Gov. Arnold Schwarzenegger has called for a "robust debate" on the issue, and activists are on pace to put a marijuana decriminalization initiative in front of the state's voters.

In Congress, unlikely allies Ron Paul, R-Texas, and Barney Frank, D-Mass., recently introduced a bill to decriminalize possession of small amounts of marijuana. Most encouraging, Sen. Jim Webb, D-Va., has called attention to the scandalous fact that the United States has more people in jail per capita than any other nation in the world, in large part because of the drug war.

At the state level, nearly 60 percent of those serving time for drugs have "no history of violence or significant selling activity," Webb notes.

The United States has 5 percent of the world's population, and nearly a quarter of the world's prisoners -- more per capita than authoritarian regimes like Iran, China and Russia. We probably shouldn't take official Chinese prison stats at face value, but is there really good reason for the United States to imprison people at six times the rate Canada does?

As Webb puts it, "Either we are home to the most evil people on Earth," or we're doing something wrong.

Webb's National Criminal Justice Commission Act would set up a bipartisan commission to, among other things, "restructure the approach to criminalization of, and incarceration as a result of the possession or use of illegal drugs."

"Distrust of government's interference in people's lives" is supposed to be a key GOP principle, according to the 2008 party platform. But too many Republicans abandon it when it comes to the drug war.

After Webb introduced his bill, Sen. Charles Grassley, R-Iowa, pushed an amendment that would prohibit the commission from recommending or even studying drug decriminalization. "I filed this amendment in an effort to start a debate on this important issue," Grassley later explained. If you say so, senator.

And when Obama's Justice Department announced it would no longer prosecute medical marijuana users in states that have legalized the practice, Rep. Lamar Smith, R-Texas, complained that the administration was "tacitly condoning the use of marijuana in the United States."

Maybe so. But so what?

Pot is less harmful than alcohol, as shown by government-commissioned studies, including a 1999 report by the Institute for Medicine and the 1972 Shafer Commission, set up by the Nixon administration, which ignored its recommendation that marijuana be decriminalized.

Any number of prominent pols have inhaled, including our last three presidents, and conservatives Newt Gingrich, Clarence Thomas, and presidential hopeful Sarah Palin. (Isn't pot supposed to squelch ambition?) Yet we still arrest more than 700,000 people a year for marijuana possession.

Our prohibitionist policies have filled America's jails to bursting, and made our streets less safe by funneling some \$40 billion a year to organized crime. Drug warriors fear that decriminalization would make these problems worse. But recent evidence from Portugal refutes them.

In 2001, Portugal became the first -- and so far, only -- Western democracy to decriminalize possession of small amounts of all drugs, including cocaine and heroin. The results of that experiment are now in.

In a recent study for the Cato Institute, Glenn Greenwald reports that decriminalization has "had no adverse effect on drug usage rates in Portugal," drug-related pathologies "have decreased dramatically," and there's little public support for recriminalization.

It may be some years yet before American public opinion is ready to follow Portugal's lead, but the prospects for reform are better than they've been in decades.

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