OUR NATION'S DRUG CRISIS AND THE PROSPECT OF DRUG LEGALIZATION

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In mid-1964, in response to the outcries of concerned parents, public officials, medical experts, religious leaders, and show business personalities, Congress passed legislation banning the sale of French fried potatoes. What had previously been a continental culinary treat had become a national health threat and socially disrupting influence due to the proliferation of drive-in and fast-food restaurants. Teenagers and children were eagerly, mindlessly sacrificing their physical well-being and complexions in exchange for their transient potato pleasures, and were leaving home to loiter at McDonald's, White Castles, and Jack's, where fries were available from the pushers at 10c a bag.

The chairman of the first President's Council on Physical Fitness, Stan Musial, captured the the nation's mood of anxiety when he said, "Somebody tell me what's going on!" Noted Newport nutritional expert, Dr. Claus von Bulow, stated "Ze French fry madness is mass suicide; our teenagers are clogging zeir arteries mit cheezy grease und replacing zeir muscles mit mashed potatoes!" Billy Graham and his twin brother, Paul Harvey, appealed over the airwaves: "We must stop this French fry depravity before our nation's youth has sunk too far to be redeemed. Our children are becoming slaves of this Spud Sickness, ruining their meals, missing mealtime prayers, abandoning their families and homework to "hang out" with strangers, and polluting the purity of their spiritual and bodily essence with potato slime."

With the advent of the French fried potato prohibition, parents, doctors, educators, and religious leaders breathed sighs of relief. However, the enormous demand for and profitability of French fries beckoned to entrepreneurs. The potato industry soon took advantage of a short-sighted loophole in the law to market Tater Tots, and restaurants flummoxed the French fry watchdogs by putting "pommes frites" on their menus. Young fry consumers found their desires met by eager black marketeers, whose American ingenuity found unexpected and amazing ways to distribute their stuff. Fryaholics, driven by their craving, bought deep fat fryers and cooked their own.

Millions of teenagers, living and eating on the wrong side of the law, lost respect for the law and authority. President Lyndon Johnson, faced with plummeting popularity, declared his "War on Fries," and law enforcement efforts and expenditures multiplied. As the nation's attention focused ever more intensely on the crisis, french fry consumption ballooned. French fry dealers, competing for territories and protective of their lucrative black-market empires, escalated violence against police and each other. Obese addicts, wallowing in despair, became the slaves of the dealers and pushers. The crisis spiraled upward, with no solution in sight.

The analogy falls short, of course. French fries aren't the same as illegal drugs.

Our nation's drug crisis isn't cute. It threatens our children in Holland and in towns across the land, and is a cancer destroying the hearts of our cities. Drug abuse leads to broken families, shattered health, lost productivity, highway and job accidents, family violence, spouse and child abuse, babies born addicted. It spawns larcenous and murderous crime, and is clogging our courts and prisons. The war to control this sickness in our society is eerily similar to the early days of the Vietnam War; while we expend ever-increasing national resources, the problem grows and worsens, with no end in sight and no rational basis for hope of winning.

The most important of the illegal drugs are cocaine, heroin, and mauijuana. In considering our present crisis, it is germaine and important to be aware also of our principal legal addictive drugs, alcohol and tobacco. These substances have widely disparate pharmacologic properties, and varied social, health, and criminal implications.

Cocaine, ingested nasally, produces a physiological and psychological "high," accompanied by increases in blood pressure and heart rate which can possibly be fatal, especially given the unpredicatable doses in black-market supplies. Cocaine use may lead to accentuation of anxiety, depression, paranoia, and violence. Cocaine is addictive. When boiled with baking soda and water, powdered cocaine becomes solid and smokable, and is known as Crack. Because it is absorbed in the lungs, crack provides a more rapid and intense experience; it is feared that crack is more addictive and more rapidly addictive than other drugs.

The abuse and use of heroin and marijuana have declined as that of cocaine has grown. Heroin, a narcotic, is injected intravenously. It depresses neurologic and respiratory function; even in moderate quantities, heroin can be lethal. Like all narcotics, heroin is addictive. Heroin's principal danger is that of infection, especially AIDS, related to intravenous injection with contaminated needles.

Twenty years ago, proponents and opponents debated the relative danger and safety of marijuana. Today much more is known about the weed. Marijuana's behavioral effects are similar to those of alcohol, reducing inhibition and depressing neurologic function, though the cumulative physical effects of long-term marijuana use are much less damaging. Chronic use may, however, lead to cancer, brain damage, and chromosomal damage.

Since the nation's attention became focused on illegal drugs and drug-related criminality in the sixties and seventies, governmental and law-enforcement efforts to "control" the drug problem have evolved and intensified. As the black market in drugs has grown in volume, drug merchants have become more sophisticated, organized, powerful, wealthy, and ruthless.

Presidents Nixon and Reagan progressively escalated efforts to rid the country of drugs, and now, under George Bush, we have again

declared War on Drugs. Total expenditures on antidrug efforts have skyrocketed by 69% since President Bush took office. Domestic law enforcement efforts have proven increasingly successful in apprehending and imprisoning rapidly growing numbers of illicit drug merchants, though there is little indication that such efforts have had any significant impact on the price, availability, or consumption of illegal drugs.

Prior to the 1989 escalation of the War on Drugs, overall drug use had declined 37% since 1985, according to a prominent National Institute on Drug Abuse federal study. At the same time, in the ghettos of America's largest cities, a violent culture related to crack cocaine, and to a lesser extent to heroin and PCP, had exploded. The statistics reflected a real decrease in usage by nonaddicts, while frequent use--addiction--remained about the same. The evidence suggests that America faces two separate problems of drug use and abuse: one is a crisis of addiction of an undereducated, unemployable, largely black inner city underclass, which exacts a massive social toll; the other is a diminishing problem of middle-class casual and recreational use, the social costs of which are comparatively small. Occasional users of powdered cocaine and marijuana sometimes harm themselves and their families -- just like alcohol drinkers -- but they do little to endanger society as a whole.

Concern over drug use, abuse, and addiction is one arm of the overall problem, the one that makes me worry for my two adolescent sons and the one that has to do with loss of human potential and lives. Regarding recreational drug use, there is much hope for continuing reduction through education. The examples of reduction in cigarette smoking (nicotine is the most addictive drug known) and in heroin, cocaine, and LSD use among casual users as risks became broadly publicized are all probably attributable to education, since other influences remained constant. The use of crack is predominantly an inner-city phenomenon, related to its being much cheaper per dose than powdered cocaine; the rest of society appears to be shying away in favor of less dangerous alternatives.

Drug addiction, however, appears to be extremely resistant to any and all preventive measures. There is strong evidence that there is a base rate of drug addiction in our society which remains rather constant despite changes in policies, laws, and enforcement. There are those among us who are physiologically or psychologically vulnerable to addiction, for whom addictive behavior or substance dependence develops. About 9 to 12 million adult Americans, less than 10% of the population, abuse illegal drugs or alcohol. The base rates of addiction among users of alcohol, cocaine, and heroin are all quite similar. When abuse of one drug, such as cocaine, rises, numbers of people addicted to other drugs, heroin in our present case, decreases. For more than ninety percent of casual drug users, addiction does not follow; taking any potentially addictive drug, however, is similar to playing Russian roulette with a ten-chamber revolver. Once addicted, addicts are resistant to the threat of arrest, the sense of logic, and the benefit of treatment; the rate of recidivism among graduates of drug treatment centers is extremely high. It is feared that crack cocaine is more highly addictive than other drugs, and thus a greater threat; in truth, nobody knows how

addictive crack is, or whether people otherwise unsusceptible to addiction might be potential crack addicts.

The second arm of our drug crisis is the mushrooming epidemic of crime associated with the drug culture. Drugs and crime are related in a number of ways. First, people under the influence of illicit drugs commit crimes. Clearly, some drugs reduce normal inhibitions, unleashing aggressive and asocial tendencies and lessening senses of responsibility. Cocaine , especially crack cocaine, has the reputation for inspiring violent behavior, as did marijuana and heroin in past years, although the evidence has yet to substantiate media depictions. No illicit drug, however, is more strongly associated with violent behavior than is alcohol; according to Justice Department statistics, 54% of all jail inmates convicted of violent crimes reported using alcohol just prior to committing their offenses.

The second connection between drugs and crime is the fact that substance abuse is much higher among criminals than among noncriminals, although this relationship is more coincidental than causal in nature. Statistics suggest that the same factors that lead individuals into lives of crime also push them in the direction of drug abuse, and that the criminal subculture and its connections with the drug trade may itself foster drug abuse.

Third, drugs are related to crime by our drug prohibition laws; anyone buying, possessing, using, selling, or producing any banned substance becomes a criminal. This fact neccessarily puts the 40+ millions of drug users in our country on the wrong side of the law and in close contact with career criminals.

Fourth, many illicit drug users commit crimes such as robbery and burglary, as well as other vice crimes such as prostitution and drug dealing, in order to "earn" enough money to purchase cocaine, heroin, and other drugs -- drugs which are expensive because they are illegal. The vast number of crimes in this category in the United States has grown as law-enforcement efforts against drug traffic have intensified, making drugs more expensive to users and drug trafficking ever more lucrative. Current methadone maintenance programs, providing an addictive opiate at little or no cost to addicts who might otherwise steal to support their habits, represent a limited form of drug legalization that has proven effective in reducing the criminal behavior and improving the lives of thousands oif addicts.

The final connection linking drugs and crime is the violent, intimidating, and corrupting behavior of the drug traffickers. Illegal markets tend to breed violence, both because they attract criminally-minded and violent individuals and because participants in the market have no recourse to the law to solve their disputes. During Prohibition, violent struggles teween bootlegging gangs and hijackings of booze-laden trucks and ships occurred frequently. Today's equivalents are the pirates of the Carribean looking to rob drug-laden vessels en route to the U.S., the machine gun battles and executions of drug gangs, and the generally high levels of violence that attend many illicit drug relationships; the victims include not just dealers but witnesses, bystanders, and law enforcement officers.

To probably all of us, it's no mystery why narcotics, cocaine, PCP, and other drugs are illegal to make, sell, buy, own , or use. In a basic, moral, sense, drug use is wrong. The use of mind-altering substances is self-degrading, and corrosively undermines values important to our nation's social structure. Drug use has the potential to destroy hope and personal potential, tear apart families, and sicken or even kill. Drug use can lead to addiction, like a hellish tide pulling you out of the real world beyond your own ability to save yourself or be reached by others. And drug use is a door to the world of criminals and crime.

These realities and fears are what give our laws outlawing drugs their foundation. The uncontrollable erosion of selfhood that drugs can produce, their mysterious hellish power, is what makes it worthwhile, even mandatory, to prohibit them. We fear and assume that, if drug prohibition laws were not in force, drugs would be more available, drugs would be more widely used, that there would be more of us addicted, and that our society would decay. The image of a drug-dominated world is chilling, horrid, apocalyptic. The fear I have for my two boys in our present drug-contaminated world would, I know, be magnified. Our drug laws are a barricade against drug use; without these laws identifying drug use as wrong and illegal, children and adults who now steer clear might be tempted to experiment.

But the truth is that our present drug-prohibition laws are, and have been for seventy years, a clear failure. Our drug control strategies have not "controlled" drugs in our society. Our War on Drugs, waged and redeclared repeatedly over the past twenty years, has been ineffective in preventing the entry of illicit drugs into our country, has been unable to limit drug use or keep drugs away from our children, and has been almost helpless to prevent the marketing and sale of illegal drugs or control the rampant crime associated with the drug black market. Drugs are easily and universally available. Our courts and prisons are clogged with drug criminals, and we lack the societal will to imprison middle- and upper-class users. The drug trade is so phenomenally profitable that dealers are unquestioningly willing to accept the risks of imprisonment or even death. Few law enforcement officials any longer contend that their efforts can do much more than they are already doing to reduce drug abuse in the United States, despite our apparently unlimited willingness to spend tax dollars in the attempt. The attempt to control drug use and eliminate related crime and other problems through the enforcement of drug prohibition seems doomed to fail.

The attempt to induce foreign countries to stop growing drug crops has met with scant success in the past and shows little indication of succeeding in the future. Coca and opium can be grown in virtually any reasonably rainy subtropical region of the world, and producers have shown dedication, ingenuity, and power in avoiding, subverting, and overcoming eradication efforts. In many South American and Asian countries which depend on illicit drug traffic as an important source of income and employment, drug chieftans and gangs are as powerful as their governments. Even if we were to prove successful in controlling drug production in an individual country, other countries would emerge as new producers, as has occurred in both

the international heroin and marijuana markets during the past two decades.

Interdiction efforts have shown little success in stemming the flow of cocaine and heroin into the United States. Cocaine and heroin can be hidden in almost anything, and are extraordinarily difficult to detect. The expenditure of millions of dollars, using space-age military technology and risking thousands of law-enforcement officers' lives, has made no significant dent in the availability of cocaine and heroin in the United States. Indeed, during the past decade, the wholesale price of cocaine has dropped 80% while its puity has quintupled. Fifteen percent of the drugs entering this country are being confiscated, but for the drug cartels, whose producion capacities stagger the imagination, a 15% loss rate is more than acceptable. Because cocaine and heroin are worth more than their weight in gold, the incentives to smuggle these drugs into the United States are so great that we can safely assume that there will never be a shortage of those willing to take the risk.

The prevalence of illicit drug use in our country has historically correlated poorly, or even <u>inversely,</u> with law enforcement efforts to arrest and punish offenders. This seeming paradox is produced by the economics of the black market in drugs. Police and government pressure on drug traffickers and users does increase the risks of the drug trade, but not enough to deter drug offenders; the profits to be made are simply too great, the chance of apprehension and punishment too low, and the demand for drugs too great to be effectively limited. In fact, the <u>greatest beneficiaries</u> of the drug laws are organized and unorganized drug traffickers. The criminalizaton of the drug market effectively imposes a de facto value-added tax on drug transactions that is enforced by the law enforcement establishment and collected by the drug traffickers. The black market prices of cocaine and heroin appear to be about 100 times greater than their pharmaceutical prices. The black market thrives on the war on drugs and benefits from any intensification of it! The publicized conviction of a dealer, while appeasing our anger, instantly creates an opportunity in the lucrative drug business, effectively hanging out a help-wanted sign saying, "Drug Dealer Wanted -- $5000 a Week to Start -- Excitng Work." Annual black market drug sales in the United States total about $80 billion. Revenues from drug trafficking in Miami are greater than those from tourism, exports, health care and all other legitimate businesses combined.

Domestic law enforcement efforts <u>have</u> proven increasingly successful in apprehending and imprisoning rapidly growing numbers of illicit drug merchants, but there is little indication that such efforts have any significant impact on the price or availability, or consumption of illicit drugs. Drug dealers have 10 times as much money as their opponents to work with. Drug enforcement suffers from all the inefficiencies of bureaucracies, while dealers are entrepreneurs, unrestrained by bureaucratic rules and procedures. The dealers, like other successful businessmen, are usually one step ahead of the competition.

Despite the intensity and breadth of past and current efforts to control the illegal drug market and limit the sale of illicit

drugs, they are available openly on the streets of our cities and are readily obtainable even in clean, robust, law-abiding towns like Holland across the country. Drugs are eveywhere, simply everywhere. In terms of availability, drugs might just as well be legal as illegal. A week ago my family and I were talking about drugs with two friends, and Mark asked my 15- and 12-year-old sons, Chris and Michael, if drugs were available to kids their age in Holland; they each answered, "Yes." Mark then asked if they knew where they each could go, today, to get illegal drugs if they chose to; they each soberly answered, "Yes."

It would seem that, if enforcement pressure in the war on drugs were turned up high enough, the risks of drug trade could possibly be made great enough to overcome the demand for and profitability of drugs. This is, in fact, the federal government's present policy, despite the failure of such methods so far. But we are already spending more than $10 billion a year in the effort, our courts are overwhelmed with drug-related cases, and our prisons are literally overfowing with incarcerated drug criminals. While we as a nation may be willing to spend unlimited amounts of tax dollars in the anti-drug crusade, it is disconcerting to think that those billions amount to a subsidy of organized crime. The volume of drug prosecutions in our courts, 40 to 50 percent of all indictiments in major cities, distracts criminal jstice officials from concentrating greater resources on violent and property crimes. Our prison system is already so overtaxed that it is often impossible to retain criminals, even violent criminals, for the entire terms of their sentences. Despite these facts, our presnt rate of apprehension and punishment of drug criminals is far inadequate to deter the drug merchants. It would require turning the United States into a police state to have a realistic chance of controlling the drug culture, and even such a dire committment might not be enough.

Our approach to drug control been a failure; it has been, and is, an extremely <u>costly</u> failure -- costly in terms of crime, disintegraton of urban culture, death and disease, billions of dollars lost to other societal programs, corruption, and, very possibly, the prevalence of dangerous drug use. It is the monumental costs of drug prohibition that, when added to the abject failure of anti-drug law enforcement, makes a strong case for some form of legalization of drugs.

"Drug-related" crime has become a familiar term, and an integral part of the drug problem we hope to remove from our society. In reality, however, the vast majority of what has been termed "drug-related" crime is <u>drug prohibition</u> -related crime. There are some crimes -- violent and irresponsible acts -- committed by drug (and alcohol) abusers which are unrelated to the illegal drug industry; sadly, this is part of our society, and all known societies, and will likely always be present no matter what prohibitive measures are taken unless substance abuse can be somehow eliminated. However, it is the <u>illegality</u> of drugs, and not the drugs themselves, that is responsible for the fearsome, society-endangering frequency of crime related to the drug scene.

It is estimated that at least 40% of all property crime in the

United States is committed by drug users so they can maintain their habits -- about 4 million crimes per year, $7.5 billion in stolen property. Drug laws greatly increase the price of illegal substances; if these drugs could be obtained legally and cheaply, the motive driving all this burglary and larceny would be reduced tremendously. In Dade County, Florida, a mere 254 young addicts accounted for 223,000 crimes in a single year -- almost 2.5 per youth per day! Multiply that by a nation and this cost of the anti-drug war becomes apparent.

Drug prohibition-related violence includes all the random shootings and murders associated with black market transactions -- rip-offs, eliminating the competition, and killing informers and suspected informers. Most law enforcement authorities agree that the dramatic increases in urban murder rates during the past few years can be explained almost entirely by the rise in drug dealer killings. The illegality of drug smuggling and drug dealing places this high-powered industry outside our world of law and order, where intimidation, violence, and disregard for life are the tools of conflict resolution. If you doubt that drug prohibition is responsible ;for this epidemic of violent crime, consider the absence of violence associated with the producion, distribution, and sale of alcohol. Such violence was ended by the repeal of Prohibition.

Our anti-drug laws criminalize users; the impact of this can only be fully appreciated by someone -- an addict or recreational user, it doesn't matter -- who becomes arrested, convicted, and jailed or imprisoned with seasoned, dangerous criminals -- a frightening and terrible injustice. The illegality of drug use forces users into contact with people of real criminal intent. For all the harm that alcohol and tobacco, our legal drugs, do, no one has to go to drug dealer types to use them.

About ninety million Americans have experimented at one time or another with illegal drugs. Perhaps the most difficult costs of drug prohibition to evaluate are those that relate to the widespread defiance of the drug possession and use laws, the cynicism that such laws generate toward other laws and the law in general, and the sense of hostility and suspicion that many otherwise law-abiding people feel toward the police.

Drug prohibition has had devastating effects on inner-city minority communities. When the huge illicit profits and violence of the illegal drug business permeate a neighborhood, it ceases to be a functioning community. The consequences range from the discouraging of legitimate businesses to disdain for education to violence that makes mail carriers and ambulance drivers afraid to enter housing complexes. People with any criminal record of drug use find legitimate employment hard to find; businesses in a drug-market neighborhood find loans hard to come by, reducing opportunities for legitimate employment. A poorly educated young person in the inner city now has three choices -- welfare, a low-wage job, or the glamorous and high-paying drug business. It's no wonder that so many ghetto youth have gone into drug dealing. How can a mother maintain parental authority over a 16-year-old son who pays the rent out of his petty cash? How can a teacher persuade students to stay in school

and study hard, when dropouts drive BMW's? The profits from drug prohibition make a mockery of the work ethic and the authority structure of normal society. Drug prohibition makes drug dealing the new American Dream.

Another cost of our laws outlawing drugs is large-scale corruption among individuals in government, the legal process, and law enforcement. Drug agents, with human problems and weaknesses, are placed in close contact with desperate people in possession of fantastic amounts of cash. Organized crime, with a stake in of much of America's illegal drug distribution, has access to elected and regulatory officials. The theme of corruption of police and public officials has become common in movies and television dramas because it exists in reality.

We have come to think of the adverse consequences of drug prohibition as problems of the drugs themselves, a crucial misunderstanding. This is largely true of the dangers of drug use, too. While heroin, cocaine, and some other illegal drugs can be deadly or health-damaging, the unregulated nature of illicit drug production and sale is responsible for many, perhaps most, of our drug-ingestion fatalities. Black market drugs are notorious for their unpredictability of dosage, and are frequently laced with unanticipated other drugs or contaminants. Today, about 25% of all AIDS cases in the United States, as well as the large majority of HIV-infected heterosexuals, children, and infants, have contracted the disease directly or indirectly from illegal intravenous drug use. In metropolitan New York, the prevalence of a seropositive test for HIV among illicit drug users is over 50%. Governments in England, Scotland, Sweden, Switzerand, Australia, the Netherlands, and elsewhere are actively attempting to limit the spread of AIDS by removing restrictions on the sale of sterile syringes and needles and instituting free syringe exchange programs; but governments in the United States have resisted these measures, arguing, despite mounting evidence to he contrary, that doing so would "encourage" or "condone" illegal drug use. If these drugs could be obtained legally, these problems of drug safety and spread of AIDS would be vastly diminished.

Our government spent ten-plus billion dollars last year in the fight to enforce our drug laws, and no limit is in sight. This yearly expenditure is a double-edged cost; the money thus spent is also <u>not</u> available to be used in more constructive ways, especially in anti-drug education and drug-addiction treatment programs. There is strong evidence indicating that drug education efforts are effective in helping people to say "No" to drugs. The program to reduce cigarette smoking is familiar, and its success is easily apparent in smoke-free restaurants and airplanes, the significant lowering of teenage smoking prevalence, and the millions of adults who have kicked the habit, despite the fact that nicotine is the most addictive drug we know. The sales of hard liquor are down, and designated drivers are becoming part of our culture. Research indicates that kids who perceive drugs as potentially harmful are less likely to use them. Historically, as the dangers of heroin and LSD use became generally known, use by the non-addictive population decreased. Yet, in our current drug war, a relative pittance is allowed for this long-range weapon against drugs; de-escalation of the law-enforcemnt phase of

the war, or regulated legalization of access to drugs, would allow funds to be used in a much more intensive and potentially successful program of drug education.

The treatment of drug addiction also deserves much greater funding. Our current system of drug and alcohol abuse treatment is woefully inadequate to take care of the numbers of addicts who need and want help; 9 of 10 addicts who bring themselves to apply for treatment are turned away because treatment programs are full. The situation is desperate, and is a terrible injustice. Funds now used for law enforcement and punishment might be diverted to treatment.

Our current system of drug prohibition, founded on a basis of morality, is subject to criticism on moral grounds. Apart from the dangers of criminalization, drugs cause little harm to people; is it justifiable to criminalize the use of such drugs, rather than simply prohibiting harmful actions such as robbery, assault, etc.? Our society relies strongly on an ethic of tolerance toward those who are different but do no harm to others. Drug offenses rarely involve a complaining witness, since the participants in an illegal drug sale are both willing. Thus, drug investigators must intrude into the innermost private lives of <u>suspected</u> drug criminals. Drug hysteria has created an atmosphere in which long-cherished rights are being discarded. School locker searches without probable cause, strip searches, roadblocks, urine-testing, preventive detention, electronic surveillance, and non-judicial seizure of property are routine weapons in the war on drugs. The enforcement of drug laws makes a mockery of an essential principle of a free society, that those who do no harm to others should not be harmed by others, and particularly not by the state. Most of the nearly 40 million Americans who illegally consume drugs each year do no direct harm to anyone else; indeed, most do relatively little harm even to themselves. Directing criminal sanctions against them and rationalizing the justice of such sanctions, violates bsic American principles.

The moral stance against our illegal drugs crumbles in the face of most Americans' tolerance for alcohol and tobacco use. This moral condemnation by the majority of Americans of some psychoactive and addicting substances and not others is little other than a fashion of indignation, an irrational prejudice. All the health costs associated with abuse of the illicit drugs together pale in comparison with those resulting from either tobacco and alcohol abuse. The number of deaths liked directly or indirectly to alcohol use is 100,000 to 200,000 per year; 18 million Americans are alcoholics or alcohol abusers. Alcohol is linked as closely to violent behavior as is any illicit drug, with the possible exception of crack cocaine. An estimated 320,000 people in the United States die prematurely each year as a consequence of smoking. In contrast, the total of all deaths related to all the illicit drugs in 1988 was less than 6,000. At the very least, we need a comprehensive approach to psychoactive substances involving much greater efforts to discourage tobacco and alcohol abuse.

A final moral defect in our present war on drugs is the injustice of its prosecution against the victimized poor of the inner-cities. Many knowledgeable observers believe that more real

progress would be made against the drug problem by addressing the social decay and hopelessness of the urban poor than by our current program of arrest and imprisonment of addicts, users, and minor drug runners. Robert Sweet, a federal trial judge and respected Republican former deputy mayor of New York City without a bleeding-heart reputation, believes our present laws violate his basic mission as a judge "to do the right thing" and erode the "moral authority of the law." He sees Congressional sentencing regulations mandating imprisonment for minor drug offenses as victimizing people who are already victims. "We're a caring nation," he says. "The law must speak to justice."

I believe that the time has arrived for our country to legalize marijuana, cocaine, narcotics, and sedative/hypnotic drugs. I would propose that these drugs, and perhaps others, be sold to any adults through government-run outlets at costs low enough to ensure strangulation of the economic basis for the illicit drug black market, that purchasers be confidentially registered to facilitate treatment access, and that some of the billions saved from what is now spent on enforcement be used to greatly expand treatment programs and fund long-term national anti-drug education. I would propose that the sale of drugs to minors remain illegal and subject to punishment.

I am convinced that we cannot effectively control the production, distribution, sale, and use of these drugs by force. Despite the committment of virtually unlimited billions of dollars and a huge part of our nation's police and legal apparatus and a generation of burning national focus against illegal drugs, they are available <u>everywhere;</u> the problem is worse than ever and escalating. It is my belief that this is no paradox, but a logical <u>consequence</u> of our national drug policy.

I am convinced that, if these drugs were made legally available at low cost, the black market in drugs would collapse, the power of the drug cartel and the drug lords would shrivel, and, without the outrageously high profitability of drugs which makes high risks worthwhile for the drug merchants, drug-traffic violence would subside. Without broad-based, widespread demand for high-priced illegal drugs, there would be no economic basis for taking the risks to illegally produce, smuggle, market, and sell them. The network of drug dealers and drug runners would disappear. Enforcement of remaining drug laws would become easier. Drug addicts would no longer be forced to be dependent on ruthless criminals, and the risk of children being approached by drug peddlers would be markedly reduced.

I share the concern that most Americans have that unrestricted access to drugs might lead to greater drug use and abuse in our society and an erosion of moral values like personal responsibility and industry. I worry about the evils of psychoactive drugs, in the same way that I worry about our nation's longstanding tolerance of our widespread alcohol abuse, our selfish and senseless continuing environmental degradation of our only world, unchecked corruption in government and business, child abuse, and other things people do to damage themselves and hurt others. Certainly, if legal access to drugs would lead to a serious increase in drug abuse, the benefits of

legalization, especially those of decreased associated crime and violence, might be outweighed.

The impact of legalization on the nature and level of consumption of currently illegal drugs is impossible to accurately predict. On the one hand, legalization implies greater availability, lower prices, and the elimination (for adults) of the deterrent power of criminal sanction. My own greatest concern with the decriminalization of drug use is the threat that legal acceptance might be followed by moral acceptance -- that today's children might grow up believing that the use of psychoactive drugs is "O.K."

I find this hard to believe. Drugs are readily available now, despite being illegal. While 40 million Americans defy the law to use drugs now, I believe that they are the same large minority who would be interested in using drugs if they would be legalized. The rest of us would remain invested in traditional values, the preference for self-control, and desire for success in work and personal relationships, and would continue to find these drugs unappealing. I believe that our children, and their children would be taught that the use of addicting psychoactive drugs is dangerous, counterproductive, and weak, lessons that are true and easy to believe. I believe hat, human nature being what it is, drug use would continue, but that most people would choose to say, "No."

It is important, in trying to assess the risks of drug legalization, to separate ourselves from hyperbole and unthinking emotionalism. The war on drugs and the crusade against drugs have led to some commonly-held perceptions of the dangers of these substances which are out of proportion with reality.

The dangers of marijuana use are strikingly less than those of alcohol; among the roughly 60 million Americans who have smoked marijuana, not one has died from an overdose. And although there are good health reasons to not smoke marijuana daily, including the risk of cancer, there still is no real evidence that occasional marijuana consumption does much harm at all.

The dangers associated with cocaine and heroin and other drugs are greater than those posed by marijuana, but not nearly so great as many people seem to think. There is overwhelming evidence that most cocaine users do not get into trouble with the drug, that the risk of cocaine addiction for those who try the drug is something between 3 and 10 percent, and that cocaine-caused deaths are rare, in contrast to the popular perception of its dangerousness. In 1986, the NIDA reported that 8.2 million 18- to 25-year-olds had tried cocaine, 5.3 million had used it within the past year, 2.5 million had used it within the past month, and 1/4 million had used it on the average weekly; from these figures, it is apparent that only 3% of those 18- to 25-year olds who had ever tried cocaine could be considered potential addicts. As discussed earlier, the principal dangers which heroin poses to the user are those of IV injection -- especially AIDS and other infections -- and addiction; the direct pharmacologic effects of narcotics are analgesia, sedation, and constipation.

It is both insightful and important to think about the illicit

drugs as we do about alcohol and tobacco. Like tobacco, some illicit drugs are highly addictive but can be consumed for years without obvious harm. Like alcohol, many of the illicit drugs can be, and are, used by most consumers in moderation, with little in the way of harmful effects, but like alcohol, they also are abused by a minority of users who beome addicted or otherwise harm themselves or others.

The lessons we have learned from our experiences with alcohol and tobacco give reassuring reason to believe that the repeal of the drug prohibition laws will not lead to marked increases in drug abuse. We have seen that restrictions and bans on advertising, as well as the promotion of negative advertising, can make a difference. Likewise, restrictions on time and place of sale, prohibitions on public consumption, mandated insurance rate adjustments, and crackdowns on driving under the influence have been effective. And, despite the fact that a relative pittance has been invested in national education campaigns about the dangers of alcohol, tobacco, and other drugs, trends suggest that such programs are effective, over the long haul, in reducing consumption of these substances. Americans are switching from hard liquor to beer and wine, from high tar and nicotine to safer cigarettes, and even from caffeinated to decaffeinated beverages.

There are strong reasons to believe that none of the currently illegal drugs would become as popular as alcohol or tobacco even if they should be legalized. Alcohol has long been the principal intoxicant in most societies, including many in which other drugs have been legally available. It quenches thirst, goes well with food, promotes appetite and sociability, and so on. Tobacco combines powerful addictive qualities with psychoactive effects which are subtle enough to not interfere with most other human activities. None of the illicit drugs share this combination of qualities, nor can any of them compete with alcohol's special place in American culture and history.

Repeatedly in our history, one drug or another -- heroin, LSD, now cocaine -- has become popular and fashionable, only to later become less popular when its unpleasant side-effects and dangers became generally known. A major feature of the human response to drug availability is the inclination to moderation.

What has been the track record of drug decriminalization in the recent past? The legalization of marijuana in the 1970's by 11 states has been follwed by decreases in consumption rates. In the Netherlands, which went even further in decriminalizing marijuana, consumption has declined significantly; in 1976, 3% of 15- and 16-year-olds and 10% of 17- and 18-year-olds used marijuana at least occasionally; by 1985, the percentages had dropped to 2% and 6%, respectively. The policy has succeeded, as the government intended, "in making drug use boring."

The legalization of our currently illegal drugs is certainly no cure for the drug problems in our society. I believe, however, that the controlled, restricted legalization of drugs which I have suggested would lead to a marked reduction of our serious problems of drug-related and drug market-related crime; would allow us to turn from the futile wasting of tremendous law-enforcement and financial

resources on drug black-market problems of our own making; and would allow us to direct needed resources to more fruitful protection of our children from drugs, long-term anti-drug (and alcohol and tobacco) education, and care of the addicts in our society. The risk of drug legalization, that the levels of drug consumption and drug addiction in our society would rise significantly, is impossible to accurately predict; but voluminous evidence and reasonable common sense lead me to believe that, contrary to the fears of the crusaders, drug legalization would not eventuate in a more drug-dependent America.

Legalization would yield its greatest benefits in the ghettos. In the drug-dominated inner city neighborhoods, the risks of legalization -- increased availability and removal of the deterrent power of illegality -- would be relatively less important than in the rest of the United States, because drug availability is already so high and the criminal sanction is so ineffective. But legalization would sever much of the drug-crime connection, seize the market from the criminals, deglorify involvement in the illicit drug business, help redirect the work ethic from illegitimate to legitimate employment opportunities, help minimize the spread of AIDS by IV drug users, and significantly improve the health, safety and well-being of those who do use nd abuse drugs.

If we were to move toward a system of legalized access to these drugs, in which adults could purchase drugs from govermnent dispensaries at low cost but drug sale to minors would remain illegal and subject to punishment, and in which the billions saved from the war on drugs could be used instead to focus on enforcing the prohibition against sale to minors, on anti-drug and alcohol education, and on caring for the victims of drug dependence, it is important to remember that these changes would not occur instantaneously. It would be impossible, as well as politically unacceptable. In reality, drug legalization would, or will, develop in steps, over a period of time. This is not only unavoidable, but probably desirable as well. There would, or will be, ample opportunity to reevaluate, and redirect drug policies that prove unwise or counterproductive.

I believe that the time has come to begin this process. Our current policy of drug prohibition is a failure, and shows no promise of success. There is no question that legalization is a proposal with risk, but it is clear that repeal of the drug prohibition laws would eliminate or greatly reduce many of the ills that people commonly identify as part and parcel of the "drug problem." It is time to move past closed-minded rhetoric and honestly evaluate the option of drug legalization.