

IBH Perspective: The following unpublished letter to the editor is authored by Jonathan Caulkins, PhD and Kevin A. Sabet, PhD in response to *The Lancet's* recent essay by Wood, et al. entitled, "The war on drugs: A devastating public-policy disaster." Caulkins & Sabet weigh in, sharing their knowledge of drug policy and its ties to the US criminal justice system. President Obama's new administration, with new Director of the Office of National Drug Control Policy Gil Kerlikowske at the helm, are taking the "mend it, don't end it" approach to drug prohibition as Caulkins & Sabet suggest.

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Recent events at the United Nations Commission on Narcotic Drugs offered an opportunity for many drug policy groups, including Wood et al.'s (2009) recent article in the *Lancet*, to espouse the superiority of certain favored policy recommendations as scientifically established. The reality is that our ability as scientists to predict how policy changes will affect drug markets, drug use, and related problems is quite limited. Furthermore, most policy alternatives generate incommensurable outcomes (e.g., more dependence but less crime), and judging whether those trade-offs are favorable or not in the aggregate inevitably involves value judgments, not just dispassionate science (MacCoun & Reuter, 2001; Reuter & Caulkins, 1997).

In reviewing the case for the "failure" of the UN's drug prohibition framework, many of these groups reiterate some of the classic logic errors of the drug reform movement.

Yes, racially disproportionate imprisonment of drug law violators in the US is a serious problem that contributes to racial tension (Sabet, 2005), but comparing it to drug use rates is a red herring since even in the US we do not put many people in prison just for using drugs. Caulkins and Sevigny (2005) find that most of those imprisoned for drug possession convictions readily admit to involvement in distribution. Indeed, the imprisonment risk just for drug use is rather low. For the "expensive drugs" (cocaine, heroin, and methamphetamine), it is about one-and-a-half days in prison per year of use. For marijuana it is about one hour in prison per year of use if all incarceration for polydrug use involving marijuana is attributed entirely to marijuana, and only 30 minutes if it is attributed to the other drug. Though many of the several hundred thousands of people per year who are *arrested* for simple possession were only users, they are rarely imprisoned unless there is some other offense involved.

Likewise, it is disingenuous to say data suggest an association between prohibition and much of anything because essentially all countries prohibit all of the major illegal drugs that are serious problems in the US and have done so for many years. In contrast, there is considerable variation around the world, among and within US states, and over time in the manner in which the prohibition is implemented. So a plausibly correct statement is that there is association or correlation between the manner of implementing prohibition and certain outcomes.

Hence, the conclusions one might draw from the evidence must necessarily pertain to the greater or lesser effectiveness of different manners of implementing a prohibition, not to whether prohibition *itself* has been observed to be a better or worse policy than some alternative.

Even when uttered by a scientist, it is not science to say "The preponderance of evidence" shows that the UN framework has been ineffective and caused harms. With the actions of a global body we have a data set of one -- just one earth. Furthermore, it has been more than 20 years since there has been any important variation in the UN framework, and much more than that since there has been substantial difference.

The reality is that no one knows the counter-factual; no one knows how drug problems and associated issues would have played out under a substantially different UN scheme. We agree it is entirely plausible that other frameworks might have performed better or different. But scientists should not confuse informed opinion and expert judgment with evidence that meets the usual scientific standards. We scientists do a disservice to our profession and to the policy areas we seek to inform when we blur the distinction.

Bill Clinton's famous line with respect to welfare was "Mend it don't end it." We personally prefer a "mend it don't end it" approach to prohibition. Some people may prefer to end prohibition. That is fine. Different people are entitled to different opinions. But we should all understand that such positions are just opinions, perhaps well informed opinions, but opinions nonetheless, not scientific findings.

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