

Commentary

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Prohibition Did Not Fail: “Actually, Prohibition Was a Success” Why Restrictive Drug Policies and Public Support Are Needed

In discussions of drug policy the supporters of "reform" want to accept illegal drug use, remove the criminal justice system from drug policy, and at the end of the day "legalize" drugs, arguing that "the war on drugs has failed." They follow with the knockout punch that prohibition failed with alcohol and it has failed with the currently illegal drugs.

There is a good case to be made that the current restrictive policy which balances supply reduction (law enforcement) with demand reduction (treatment) has succeeded in containing the drug epidemic. That leaves the claim that "prohibition failed." My friend and colleague, Mark H. Moore from Harvard's Kennedy School of Government, published an important article in the New York Times two decades ago, "Actually, Prohibition Was a Success" when the "legalization" argument was, like today, a major media focus.

The bottom line: prohibition of alcohol in the 18th Amendment to the Constitution failed politically -- it is the only constitutional amendment to be repealed -- but it succeeded remarkably as a public health initiative.

In terms of drug policy, there are lessons to be learned from this experience with alcohol policy but they do not include the conclusion that legalization solves the problem. The major lesson to be learned is the importance of public support for restrictive drug policies. A fall of public support is what led to the repeal of prohibition in 1933. That is why the current media battle over drug policy is so important today.

IBH's position is that restrictive drug policies can and do work. They are both humane and cost effective. Take a look at this independent scholarly review of alcohol prohibition that published in the New York Times and ask if you really think "prohibition failed."

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Actually, Prohibition Was a Success

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History has valuable lessons to teach policy makers but it reveals its lessons only grudgingly.

Close analyses of the facts and their relevance is required lest policy makers fall victim to the persuasive power of false analogies and are misled into imprudent judgments. Just such a danger is posed by those who casually invoke the "lessons of Prohibition" to argue for the legalization of drugs.

What everyone "knows" about Prohibition is that it was a failure. It did not eliminate drinking; it did create a black market. That in turn spawned criminal syndicates and random violence. Corruption and widespread disrespect for law were incubated and, most tellingly, Prohibition was repealed only 14 years after it was enshrined in the Constitution.

The lesson drawn by commentators is that it is fruitless to allow moralists to use criminal law to control intoxicating substances. Many now say it is equally unwise to rely on the law to solve the nation's drug problem.

But the conventional view of Prohibition is not supported by the facts.

First, the regime created in 1919 by the 18th Amendment and the Volstead Act, which charged the Treasury Department with enforcement of the new restrictions, was far from all-embracing. The amendment prohibited the commercial manufacture and distribution of alcoholic beverages; it did not prohibit use, nor production for one's own consumption. Moreover, the provisions did not take effect until a year after passage - plenty of time for people to stockpile supplies.

Second, alcohol consumption declined dramatically during Prohibition. Cirrhosis death rates for men were 29.5 per 100,000 in 1911 and 10.7 in 1929. Admissions to state mental hospitals for alcoholic psychosis declined from 10.1 per 100,000 in 1919 to 4.7 in 1928.

Arrests for public drunkenness and disorderly conduct declined 50 percent between 1916 and 1922. For the population as a whole, the best estimates are that consumption of alcohol declined by 30 percent to 50 percent.

Third, violent crime did not increase dramatically during Prohibition. Homicide rates rose dramatically from 1900 to 1910 but remained roughly constant during Prohibition's 14 year rule. Organized crime may have become more visible and lurid during Prohibition, but it existed before and after.

Fourth, following the repeal of Prohibition, alcohol consumption increased. Today, alcohol is estimated to be the cause of more than 23,000 motor vehicle deaths and is implicated in more than half of the nation's 20,000 homicides. In contrast, drugs have not yet been persuasively linked to highway fatalities and are believed to account for 10 percent to 20 percent of homicides.

Prohibition did not end alcohol use. What is remarkable, however, is that a relatively narrow political movement, relying on a relatively weak set of statutes, succeeded in reducing, by one-third, the consumption of a drug that had wide historical and popular sanction.

This is not to say that society was wrong to repeal Prohibition. A democratic society may decide that recreational drinking is worth the price in traffic fatalities and other consequences. But the common claim that laws backed by morally motivated political movements cannot reduce drug use is wrong.

Not only are the facts of Prohibition misunderstood, but the lessons are misapplied to the current situation.

The U.S. is in the early to middle stages of a potentially widespread cocaine epidemic. If the line is held now, we can prevent new users and increasing casualties. So this is exactly not the time to be considering a liberalization of our laws on cocaine. We need a firm stand by society against cocaine use to extend and reinforce the messages that are being learned through painful personal experience and testimony.

The real lesson of Prohibition is that the society can, indeed, make a dent in the

consumption of drugs through laws. There is a price to be paid for such restrictions, of course. But for drugs such as heroin and cocaine, which are dangerous but currently largely unpopular, that price is small relative to the benefits.

photo of Federal agents destroying beer in 1930