

Commentary

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What's Wrong with Legalizing Illegal Drugs?

The Economist in its March 7-13, 2009 cover story, "How to Stop the Drug Wars," has escalated 20 years of increasing support for legalizing illegal drugs by calling this the "least bad solution." Its position on this topic has evolved to the point that it now disputes two popular pro-legalization myths:

- 1) *The Economist* acknowledges that harm reduction – steps like giving clean needles to intravenous drug users, decriminalization of marijuana and medical marijuana – does not reduce drug trafficking because it does not reduce financial incentives for the illegal drug market. In fact, because these steps make it easier, cheaper and safer to use illegal drugs, they build illegal drug markets.
- 2) *The Economist* states that outright drug legalization would increase the use of currently illegal drugs.

Though greatly understated, there are important admissions.

"Prohibition has failed," opens the lead article, one of a collection of reports in this issue. The facts are otherwise. On the contrary, restrictive drug policies are working reasonably well. In the US, illegal drug use has been cut from 14% of Americans aged 12 and older in 1979 to 8% in 2007. Far from a failure this is a result that any public health program can envy. *The Economist's* broadside coincides with the 100th anniversary of the 1909 Shanghai treaty, the first international effort to curb opium traffic. The Shanghai treaty saved China, the Philippines and other Asian countries from what had become a devastating opium epidemic, a fact *The Economist* leaves unstated.

The analogy to legal gambling is instructive. Today no one talks about curbing illegal gambling as a goal of legal gambling because the data is clear: legal gambling builds the business of illegal gambling. The same would be true for the legal availability of formerly illegal drugs. By making drugs legal there would be a large increase in illegal drug use (as there has been in illegal gambling). The illegal drug suppliers would thrive by selling more potent products outside of the taxation and restrictions that all governments would place on a regulated and legal drug supply.

In the past, proposals to legalize drugs have suffered from the same pitfall into which the current series of articles in *The Economist* finds itself. Virtually the entire content is devoted to the costs of keeping drugs illegal. For example *The Economist's* headline story, "Prohibition has failed" is followed by page after page of horror stories about drug trafficking. All of the legalization proposals neglect to deliver a comprehensive plan for what to legalize (all drugs? all doses? all routes of administration?). The legalization devil is in the never-described details. The reason a fleshed-out proposal to legalize all drugs is not to be found in this or any other publication is that it cannot be done. Any realistic proposal

for legalization would be so frightening and so obviously destructive that it would be a political non-starter, or so limited that it would be irrelevant to the goal of eliminating illegal drug trafficking.

To fairly evaluate the current restrictive international drug laws we need a realistic assessment of the risks of making drugs of abuse more easily available. As a group these drugs pose far greater risks than alcohol or tobacco because they are so much more powerfully reinforcing. If the US were to legalize the drugs that are now illegal, the number of users would increase for each drug to numbers similar to alcohol and tobacco. Today in the US there are 127 million current users of alcohol but only 20 million current users of all illegal drugs combined. That contrast is the result of the effect of restrictive drug policies, not the relative attractiveness of the drugs. Think for a minute about what this country might be like with 50 million marijuana smokers, 50 million methamphetamine users, and/or 50 million cocaine users. The list of candidate drugs is as long as the potential costs are horrific. Then think of this fact: today the total social costs of alcohol and tobacco are each greater than the social costs of all the currently illegal drugs combined. Does the way we treat these legal drugs offer an attractive model for any, let alone all, illegal drugs?

The canary in the coal mine for drug legalization is found in the current explosive growth of the abuse of prescribed opiates. In the US deaths from prescription opiates now exceed the deaths from heroin and cocaine combined. Additionally, every year since 2005 more Americans have started using these drugs without having their own valid prescription than have begun using marijuana. Within the rapidly growing prescription drug problem there is little or no illegal trafficking and yet the health consequences are tragic. This experience shows that it is the use of drugs that creates most of the costs of the drug problem and not as *The Economist* and other critics of restrictive drug policies would have us believe, that the costs are a consequence of drug “prohibition,” including illegal drug trafficking,

The great danger in today’s drug policy debate is not that the world will legalize all of the currently illegal drugs as *The Economist* encourages. It is that the determined and well-financed efforts to remove restrictive drug policies will sideline the important policy role of the criminal justice system, and that government’s will provide drugs as well as drug-using paraphernalia to drug users. Such “harm reduction” policies, which to its credit *The Economist* dismisses, are the real drug policy threat because they substantially worsen the drug problems of the world by increasing illegal drug use.

New drug policies must be smarter and more effective in reducing illegal drug use. Curbing the demand for illegal drugs must be their central goal. New and better policies can greatly improve current performance of drug abuse prevention which, far from failing, has protected millions of people from the devastating effects of wider use of the drugs that are illegal today.

The Institute for Behavior and Health, Inc. (www.ibhinc.org) is dedicated to identifying, promoting and evaluating new ideas to reduce illegal drug use. Legalization of currently illegal drugs is not on our list of promising new ideas because legalization of these drugs is neither new nor promising.

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