

## **The Case for Drug Legalization by Ron Paul, MD (1988)**

Today in Washington and on the campaign trail, Republicans and Democrats, conservatives and liberals, are calling for drastic action on drugs. The Reagan administration has made these substances a special issue, of course. From Nancy Reagan and her "Just Say No" to Ed Meese and his anti- "money-laundering," officials have engineered mammoth increases in government spending for anti-drug efforts, and for spying on American citizens.

### ***The Assault on our Privacy***

Our financial privacy has been attacked with restrictions on the use of honestly earned cash, and bank surveillance that has sought to make every teller a monetary cop. In the name of fighting drugs, the central government has modernized its vast computer network and linked it with data files in states and localities, enabling the IRS, FBI and other agencies to construct dossiers on every innocent American. In the Washington, D.C., of 1988, anyone exercising the basic human right to privacy is branded a possible criminal. This kind of 1984-think, more appropriate to Soviet Russia than the U.S.A., has grown alarmingly since Reagan came into office. As human beings, we have the right to keep our personal and family finances - and other intimate matters - secret from nosey relatives. Yet the politicians, who are dangerous as well as nosey, claim the right to strip us bare. This dreadful development is foreign to our Constitution and everything America was established to defend. The politicians claim it has nothing to do with taxing and controlling us. In this, as in virtually everything else, the politicians are lying. In fact, I believe that the drug hysteria was whipped up to strengthen big government's hold over us, and to distract Americans from the crimes of Washington, and the addiction to big government that is endemic there.

### ***There is Another Way***

Instead of spending tax money and assaulting civil liberties in the name of fighting drugs - usually couched in childish military metaphors - we should consider a policy based on the American tradition of Freedom. And I know the people are ready. I'm traveling full-time now, all over the country, and wherever I go, I get the message loud and clear: Americans want a change in federal drug policy. They may wonder about the proper course. But I am convinced that here, as in all other areas of public policy, the just and efficacious solution is liberty.

### ***Drugs: Legal and Illegal***

Alcohol is a very dangerous drug. It kills 100,000 Americans every year. But it is no business of government to outlaw liquor. In a free society, adults have the right to do whatever they wish, so long as they do not aggress or commit fraud against others. Tobacco is an even more dangerous drug. It kills 350,000 Americans a year in long, lingering, painful deaths. As a physician, I urge people not to smoke. But I would not be justified in calling in the police. Adults have the right to smoke, even if it harms them. From the decades-long government propaganda barrage about illegal drugs, we could be excused for thinking that illegal drugs must be even more dangerous than alcohol and tobacco. In fact, 3,600 people die each year from drug abuse. That's less than 4% of those

doomed by alcohol, about 1% of those killed by tobacco. Yet we are taxed - and are supposed to undergo extensive other restrictions on our liberty - to support a multi-billion dollar War on Drugs, which, like all the other wars since the Revolution, benefits only the government and its allied special interests at the people's expense. Not satisfied with the present level of violence, politicians are now advocating strip-searching every American returning from a foreign country, jailing people caught using marijuana in their own homes, turning the army into a national police force, giving customs agents the power and weapons to shoot down suspected aircraft, and transforming America into a police state - all because not enough Americans will Just Say No. Politicians want to mandate random urine drug tests for all employees - public and private - in "sensitive" jobs. Leaving aside the problem of defective laboratories and tests, the high number of "false positives," and the humiliation of having to urinate in front of a bureaucrat, what about the concepts of due process or innocent until proven guilty? One of the great American legal traditions, coming to us from the common law, is probable cause. Because of the experiences our ancestors had with the British oppressors, it is not constitutional to search someone without probable cause of criminal activity. And this is a very intimate search indeed. If this sort of search is justified, why not enter homes at random to look for illegal substances (or unreported cash)? Not even the Soviets do that, yet American politicians advocate something similar with our bodies. The Reagans, emulating Stalin, have even praised the chilling example of a child informing on his parents and urged others to follow his example. The 1980's war on drugs has increased the U.S. prison population by 60%, while street crime has zoomed. Seventy percent of the people arrested for serious crimes are drug users. And all the evidence shows that they commit these crimes to support a habit made extremely expensive by government prohibition. Urban street crime, which terrorizes millions of Americans, is largely the creation of the U.S. drug laws. That alone is reason enough for legalization.

### ***Drug Prohibition in American History***

All the drugs now illegal in the United States were freely available before the passage of the Harrison Act in 1914. Until that year, patent medicines usually contained laudanum - a form of opium, which is why - at least temporarily - they were indeed "good for all ailments of man or beast." First the feds - with the help of organized medicine - restricted narcotic drugs to prescription only. Thus, physicians were still able to treat addicts. Then the feds made that illegal, drastically raising the cost of drugs, with the results we all know. Yet about the same percentage of the population abused these substances in 1888 as in 1988. In other words, some people will abuse drugs, just as some people will abuse alcohol, no matter whether they are legal or illegal. All the government can do by outlawing these items is vastly increase their cost, and vastly decrease our liberties. But this is no bad thing to the government. Government officials - from Washington grandees to the county sheriff - get rich off bribes and corruption, as during Prohibition, and the innocent pay through zooming crime and lessened freedom. That does not mean, obviously, that illegal drug use is a good thing. As a physician, a father, and a grandfather, I despise it. My wife, Carol, and I have worked for years with a volunteer organization in our home town that fights teen drug and alcohol use. But we do it through moral and medical persuasion. Government force can't solve problems like this, it can only make them worse and spread the burden to many innocent Americans.

The federal government began the modern war on drugs as part of its efforts to destroy the 1960's anti-war movement, since so many of its people used marijuana, often as an anti-Establishment statement. For the feds, this was a way to jail domestic enemies for non-political crimes. At the urging of the Nixon administration, which spied on and tax-audited so many Americans for opposing it, Congress greatly escalated the drug war in 1969. (Given all the evidence that the CIA has been involved in drug running since the 1950's, as pointed out by Jonathan Kwitny of the Wall Street Journal and others, they might not have liked the competition either!) Today, the feds spend almost \$4 billion a year through the Customs Service, the Coast Guard, the Drug Enforcement Agency, the FBI, and the IRS. State, county, and local law enforcement adds billions more. Despite all this firepower, today one in five Americans from the ages of 20-40 use illegal drugs regularly. Millions over 40 join them, and last year 824,000 Americans were arrested for it, including Elvy Musikka of Hollywood, Florida. This elderly widow was thrown into jail for possession of four marijuana plants, even though her doctor has said that without marijuana, glaucoma will destroy her eyesight. All over America, the prison population has increased 60% in the last five years, largely due to drug laws. In spite of the immense sums of money spent on the crusade, drug use has not decreased. Heroin use has stayed level, while cocaine consumption has vastly increased, with about 5 million people regularly using it. During the 1930's and 1940's, Harry Anslinger, the head of the Federal Bureau of Narcotics, whipped up the first drug fervor. Today the demon is "crack." To Anslinger, marijuana created "drug fiends," and as a result government violated civil liberties on a wide scale and imposed Draconian prison sentences for the possession of small amounts. The result was not, of course, the elimination of marijuana use, just as the earlier Prohibition failed to stop Americans from drinking alcohol. That "noble experiment" attempted by constitutional amendment and rigorous regulation to ban the sale of alcoholic beverages. The "temperance" movement called alcohol the main cause of violent crime and broken families, and called for rooting it out. The result of the war on drugs of the 1920's was disaster. Gangs of bootleggers replaced ordinary businessmen as sellers of the now forbidden substance. Notorious criminals such as Al Capone achieved their status through their control of the illegal trade in drink, just as criminals today derive much of their revenue from the market for illegal narcotics. Of course, drinking among the public did not disappear, though adulterated and poisoned alcohol led to many deaths. However unsuccessful they were at stopping drinking, government agents did succeed in suppressing civil liberties. We owe wiretapping to the Prohibition Era, and warrantless searches of private homes were common. Some federal agents, not content with what they viewed as an overly slow judicial process, destroyed supposed contraband on their own authority. And as happens today, government raids on bootleggers often resulted in shootouts with the innocent caught in the crossfire. A government policy calling for total victory, at whatever cost, over something many people wanted, meant inevitable death and destruction.

### ***Unseen Effects of Government Intervention***

Today and then, one of the unexpected results of outlawing desired substances is to increase their potency. A uniform tax on gasoline of so many cents per gallon promotes the production of higher octane gas, which sells for more and gives the consumer better performance. A uniform "tax" of the danger of going to jail imposed on

making and selling alcohol during Prohibition stimulated the production of such items as White Mule whiskey, with “twice the kick,” as well as of often dangerous substitutes such as synthetic gin made of wood or denatured alcohol. It also favored the production of whiskey itself over beer and wine. During Prohibition, distilled spirits accounted for more than 80% of the total underground sales. Before and after the criminalization of drinking, the figure was 50%. In the legal drug market, the trend is towards LOWER potency, as with low-tar, filtered cigarettes, decaffeinated coffee, and “lite” beer and wine. But with illegal drugs, as with alcohol during Prohibition, the reverse is true. Stronger cocaine, heroin, and marijuana have lead to more deaths, as have the adulterated products which kill most of the people listed dying from drug overdoses.

### ***Designer Drugs***

But what if the feds could seal the borders tight, and prevent the domestic cultivation of all illegal plants? We would see a massive increase in an already visible trend: “Designer Drugs.” These chemically engineered artificial substances are up to 6,000 times as strong as morphine, and their toxic effects are bizarre and unpredictable. They are far more dangerous than heroin or cocaine, yet the government is in effect stimulating their production by focusing on their competition. Unlike natural narcotics, a few pounds of designer drugs could supply the entire U.S. market for a year. And they can be manufactured by the same clandestine chemists who now extract morphine from opium and convert morphine to heroin.

### ***What if We Tried Legalization?***

When the American people got fed up with their rights being trampled, they organized and supported candidates who pledged to erase the Prohibition Amendment from the Constitution. When they succeeded, most states legalized the distribution and sale of liquor, and the criminal gangs dominating the trade went out of business. The repeal of a bad law accomplished what the indiscriminate use of force and tax money could never do: the end of criminal trade in liquor. It would be no different for drugs. If the use and sale of drugs were not illegal, the power of crime syndicates now controlling these substances would disappear. These organizations derive their power and influence only from the fact that their business is illegal. Though the benefits in the destruction of criminal organizations more than justify an end to government intrusion in this area, a policy of decriminalization would have many other good results. For one thing, the users of drugs who now commit violent crimes to pay for heir “fix” would have much less incentive to do so. Prices of drugs, now subject to open competition, would drop sharply. Since narcotics are “downers,” addicts would have no incentive to act any different from “Bowery” alcoholics. Instead of raving criminals, they would become street people. Even addicts would be better off. The major cause of death is not from drugs’ narcotic properties. It is from poisoned drugs and adulteration. It is impossible for the user to know how much he is taking. Illegality causes these problems - the drug user can hardly ask his pusher for lab tests. A legal market would be an entirely different affair. Just as a customer in a liquor store need not wonder if his whiskey contains poison, or what he percentage of pure alcohol is, the consumers of drugs would no longer face a danger that is 100% Made in Washington. Also, the use of contaminated needles by narcotics users has been a key factor in the spread of AIDS. Through the availability of sterile needles in

a free and open market, decriminalization would help control the spread of this disease. But if we legalized the trade in narcotics, wouldn't we have many more drug addicts than today? Wouldn't a lower price increase demand? Leaving aside the "forbidden fruit" phenomenon - the fact that many people find something more desirable precisely because it is illegal - the law of demand does not tell us how much consumption will increase with lowered prices. In fact, the data show that consumption of drugs remains fairly constant under widely varying conditions. Just as the sharply higher "price" of the escalated war on drugs has not lowered drug use during the 1980's, legalization would not increase it. Just as the availability of alcohol does not make everyone a drunkard, so the absence of criminal sanctions would not convert everyone into a drug user. Another important point: not all consumers of either alcohol or drugs use them at problem levels. Most people who use liquor are not alcoholics, and many users of drugs try them only occasionally. Most drug users are not "addicts" dependent on their daily use.

### ***What About Children?***

Would decriminalization place drugs in the hands of children? No, in fact, outlawing them has done it. Because of the severe penalties inflicted on adult drug suppliers in the 1970's, criminal syndicates now use juvenile distributors. Youngsters, even if prosecuted, are tried in special courts which cannot impose severe penalties. Thanks to the government, pushers now have every incentive to involve children in their business. Just as a free society properly has laws against selling liquor to minors, we would bar the sale of drugs to them.

### ***Law Officials Advocate Legalization (In Private)***

A few years ago, a friend was a consultant to a gubernatorial campaign. To aid the candidate in forming his anti-crime policies, my friend assembled a group of top DA's. All were glad to help, but they also unanimously agreed, - off the record, of course - that nothing significant could be done about crime until "drugs are legalized." They will never be legalized, said one famous prosecutor, because too many government officials make too much money off the drug trade: from the feds to the county sheriff: "BILLIONS of dollars." These men were also furious because of spending priorities. Every dollar spent pursuing drug dealers and users who didn't aggress against the innocent was a dollar less available going after criminals.

### ***Narco-Terrorism***

Bok Kwan Kim, a 49-year-old electrical assembly worker, lived peacefully in a tiny apartment with his wife, three daughters, and 78-year-old mother-in-law in Newark, California. Then late on the night of May 12th, nine narcotics police broke down his front door, handcuffed him and beat him until he was unconscious, handcuffed his wife and shoved her to the floor as their daughters screamed, and ransacked the apartment. Not one piece of furniture was left unbroken; every pillow or piece of upholstery was torn and emptied of its stuffing. All their dishes and porcelain were shattered. Only a picture of Jesus on the wall was left in one piece. Why? The narcotics police had gotten a false tip from an informer that Kim had a stock of amphetamines. Why the beating? The police said Kim had "resisted" the destruction of his home and few possessions. Kim is still in the hospital, and his daughters have nightmares every night. The head of the narcotics

squad apologized, but noted that “this is war.” Yes, but war on whom? We now have Republicans and Democrats passing laws - over the Pentagon’s wise opposition - to turn the military into narco- police, which arrest civilians. And if anyone’s rights are violated? The military narcotics police are to be immune from suit. Under the government’s so-called Zero Tolerance program, boats and cars are being confiscated right and left. Recently a \$3 million yacht was commandeered by the Coast Guard because a few shreds of marijuana were found in a wastebasket. The Coast Guard had boarded the vessel despite there being to probable cause of crime. The owner was not on board, and his employees were transporting the ship. Who did the marijuana belong to? It didn’t matter. A yacht - which an entrepreneur had worked all his life to own - was stolen by the U.S. Government, and will be sold at auction. What’s next? A house confiscated because someone finds pot in the garbage can? (Now that the Supreme Court says police can search your garbage without a warrant.)

### ***Mises on Drug Prohibition***

Ludwig Von Mises, the outstanding economist and champion of liberty of our time, as usual summed it all up in ‘Human Action’ ”Opium and morphine are certainly dangerous, habit-forming drugs. But once the principle is admitted that it is the duty of government to protect the individual against his own foolishness, no serious objections can be advanced against further encroachments. A good case can be made out in favor of the prohibition of alcohol and nicotine. And why limit the government’s benevolent providence to the protection of the individual’s body only? Is not the harm a man can inflict on his mind and soul even more dangerous than bodily evils? Why not prevent him from reading bad books and seeing bad plays, from looking at bad paintings and statues, and from hearing bad music? The mischief done by bad ideologies, surely, is much more pernicious, both for the individual and for the whole society, than that done by narcotic drugs... ”[N]o paternal government, whether ancient or modern, ever shrank from regimenting its subjects’ minds, beliefs, and opinions. If one abolishes man’s freedom to determine his own consumption, one takes all freedoms away.”