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Battling Drugs: Is the War Working: Comment

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SYMPOSIUM

Battling Drugs: Is the War Working?

A symposium on the impact of the war on drugs on the courts, the workplace, the treatment of addiction, and the development of Latin America, held at the University of North Carolina at Chapel Hill on March 19-21, 1990

Is Legalization the Answer?

Three speeches presented at the University of North Carolina at Chapel Hill on March 20, 1990

Ethan Nadelmann:

Drug legalization is a controversial and emotional issue. The first thing I must therefore ask is that you try as best as you can to put aside your preconceptions and moral views about this issue and ask yourself one simple question: Does what I'm saying make sense—common sense? Just try to begin with that question.

Quite frankly, “legalization” is a terrible word. I never call my articles “drug legalization” or “legalize drugs.” Other people call them that for me. Legalization usually suggests something that is good. For example, “legalizing” political parties in Eastern and Central Europe is a wonderful thing. Legalizing drugs is not a wonderful thing. Legalization does not mean “drugs are wonderful,” “drugs are great,” “abuse drugs,” or “use drugs.”

Legalization is, rather, an alternative solution to the drug problem—one that means many different things to many different people. To some, legalization just means taking the crime out of the drug business, which to some extent it would. To some people it means taking the money out of the drug business. Depending on how it is done, it could do that as well. To many, legalization is an analytical framework—one that says, “Let’s examine our current prohibition

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The comments in this speech are developed in greater detail in three articles by the author: Drug Prohibition in the United States: Costs, Consequences and Alternatives, 245 SCIENCE 939 (1989); The Case for Legalization, 92 PUB. INTEREST 3 (1988); and U.S. Drug Policy: A Bad Export, 70 FOREIGN POL’Y 83 (1988).
policy and look at its costs and its benefits. Let's examine other drug prohibition policies to determine their costs and benefits, and then let's look at a whole variety of legalization policies (because there is no one way to approach it) and consider their respective costs and benefits. Then let's decide on the policy that is best."

For many people, "legalize drugs" is also a rallying cry in much the same way that "repeal prohibition" was a rallying cry sixty years ago—one that brought people together from across the country and across the political spectrum. It brought people together with very different reasons for supporting repeal of prohibition and with very different notions about alternatives to prohibition. That is what is interesting about today's drug legalization issue. One day my allies are William Buckley, Milton Friedman, George Schultz, and the editorial boards of half the conservative newspapers and magazines in Europe, including *The Economist*, and the next day my ally is the head of the American Civil Liberties Union, or the Democratic mayors of some American cities, or members of various liberal organizations. In between are a great variety of people from all walks of life, including police, judges, criminal defense lawyers, drug treatment advocates, and drug prevention advocates, as well as millions of ordinary citizens with no professional connection to the drug issue.

Most importantly, drug legalization means that we should stop treating the drug problem primarily as a criminal justice problem and treat it instead primarily as a public health issue. The Mayor of Baltimore, Kurt Schmoke, put it very well when he said that if we are going to have a war against drugs, it should not be headed by the Attorney General; it should be headed by the Surgeon General. That is what I mean by drug legalization.

More broadly, when I'm talking about legalization, I am in fact talking about making many illicit drugs legally available to adults in this country—but not as easily available as cigarettes or even alcohol. I am also talking about a convergence in our substance abuse policy. I hope I don't get in trouble for saying this in North Carolina, but I think we should be a little tougher on alcohol and a lot tougher on tobacco. I think we could tax them a little more, regulate them a little more, ban cigarette-vending machines, and advertise against tobacco and alcohol a little more—but we don't need to criminalize them. At the same time, we should be tough in the same ways on the drugs that are now illegal, but we should limit the criminal sanction to prohibiting sales to children and enforcing the more limited government regulations.

Legalization also means a diversion of our resources. It means taking the money that we are now throwing down the drain on interdiction and enforcement and putting it where it can really make a difference. To some extent, our money should go toward treatment.
Treatment is no panacea, but it does help some people and it does make people less likely to die and less likely to go out and hurt other people. More importantly, our money should go toward drug prevention. I'm not talking about a kindergarten through twelfth-grade drug education, but about non-drug-specific drug prevention programs. I'm talking about investing in pre- and post-natal care, in “Head Start” inner city school programs—inventing in those inner-city neighborhoods in a positive sense. These are the best methods of preventing drug abuse. Not only are they more humane, but they are also more cost effective, dollar-for-dollar, at producing non-drug-abusing citizens than putting that same money in prisons or doing nothing at all.

Now, why should we even discuss legalization? There are three reasons. The first is that, in terms of the criminal justice approach to the drug problem, everything we have done in the past, everything we are doing now, and everything we are talking about doing in the future is largely doomed to failure. The failure of the criminal justice approach has nothing to do with corruption in Latin America, or turf wars between U.S. law enforcement agencies, or whether or not we have a drug czar. What it has to do with is the nature of the market, the nature of the commodity, and how lucrative the whole thing is. Secondly, and more importantly, we need to recognize that most of what we identify as “the drug problem” is in fact the result of drug prohibition. This was the sort of realization that most Americans came to sixty years ago in analyzing the relationship between the alcohol problem and alcohol prohibition. They confronted increasingly powerful organized criminals, rising levels of violence, bootleggers taking over neighborhoods, overcrowded prisons and court dockets, kids looking to bootleggers as role models, and tens of thousands of people dead, poisoned, or blinded from bad bootleg liquor—liquor that was more dangerous because it was illegal. Today’s drug problem is virtually identical. Finally, we need to consider legalization because it just might be a better approach than the current one. Indeed, we may have much less to fear from turning our backs on drug prohibition than most people assume.

Let’s take a quick look at the first problem with drug prohibition—its inherent limits. Some law enforcement officials—and far more politicians—still insist that we can keep drugs out of this country. All of the evidence shows that they are wrong. Military involvement and aid as a solution is ludicrous and a waste of billions of dollars. Economic assistance may be based on good intentions, and it may be useful for other reasons, but there is no reason to believe it can affect the drug problem in the United States. Remember, these drugs come from almost everywhere and can be grown almost anywhere. Opium, marijuana, and even coca can be grown in far more
areas than where they are now being grown. Even where specific enforcement efforts succeed, the overall impact on the United States is negated by the "push down/pop up" effect. For example, you push down on heroin coming out of Turkey and it pops up in Mexico. You push down there, and it pops up in Southeast Asia. Push down there, it pops up in Southwest Asia. We've now pushed down so many places, it's popped up everywhere. The United States is now a multisource heroin importer. The same effect has occurred with marijuana. You push down on it in Mexico, it pops up in Jamaica. You push down there, it pops up in Colombia, and so on. We haven't really pushed down yet on coca, but rest assured that when we do, it will pop up some place else.

The peasants growing and harvesting these drugs earn good money. They don't see the drug problem the way we do. To them it is a good living. In many areas it is a crop that is as native to them as tobacco is in this part of the world. Coca goes back thousands of years in Latin America and opium thousands of years in some parts of Asia. Moreover, many of these societies have never had problems with these drugs. When Americans say drugs are immoral and drug use is wrong, these peasants say, "Don't you tell me what my moral obligations are. You know what my moral obligation is? It's not to keep some stupid gringo from shoving some white powder up his nose or sticking a needle into his arm. No, that's not my moral obligation. My moral obligation is to do the best I can for myself, my family, and my community. If that means dealing in this drug, then so be it. After all, am I really that different from your tobacco farmer? Am I really that different?" They don't see drug use as a moral issue no matter what the international conventions say.

Interdiction by the Coast Guard and the military doesn't make any difference either. Trying to find the five to twenty tons of heroin and one hundred to two hundred tons of cocaine amidst the billions of tons of goods and tens of millions of people coming into this country each year makes looking for a needle in a haystack seem like child's play by comparison. Drugs come in every which way—by large planes, small planes, large boats, small boats, and over land borders with Mexico and Canada. These drugs come in packages, in flowers, in chocolates, in sculptures, in parts of cars—you name it. It is impossible to find these drugs. Interdiction does not make any difference with respect to heroin or cocaine.

Interdiction has, however, managed to keep some marijuana from entering the country, with the result that marijuana is generally less available and more expensive than it was ten years ago. There have been two other consequences as well. I heard about the first from a top official in the Coast Guard's drug interdiction program. He said: "As we've been increasingly successful in keeping marijuana
from entering the country, the drug traffickers seem to be switching to cocaine.” What else would one expect? During prohibition, bootleggers switched from beer to hard liquor because liquor was more compact. In Asia, when opium monopolies were eliminated, drug dealers switched to heroin because it was ten times more compact and didn’t smell. What was the second consequence of our marijuana interdiction success? The United States has emerged as perhaps the number one producer of marijuana in the world. Marijuana is now reported to be the number one, two, or three cash crop in Hawaii, California, Kentucky, Tennessee, and maybe even North Carolina. Some people believe the United States now produces the best marijuana in the world. Indeed, some people believe that if the value of the dollar declines any further, the United States will become a major exporter of marijuana.

Will enforcing our laws against the big drug traffickers here make a difference? No, because every time you arrest number one, number two is going to step into his shoes. Every time you arrest number two, number three is going to step into his shoes. Where do the police get the information to arrest number one? They get it from number two, because he wants to be number one. Similarly, would extradition of the top Colombian drug traffickers make a difference? No. You get numero uno, numero dos steps in, then numero tres. It would not make a difference. There may be other good reasons to extradite or prosecute the major drug traffickers, but we should not kid ourselves into believing that this would have any impact on the availability of illegal drugs in the United States.

Would drug testing make a difference? If you told college students they could not graduate unless they passed a daily urine test for illicit drugs, it might decrease further the declining number of students who use drugs. In fact, let me suggest to you an alternative approach to the drug problem which will probably be technologically possible in ten years. We could set up a nationally computerized system containing everybody’s name, social security number, fingerprints, eye prints, and other unique, personal characteristics. Everybody would have an outlet in their house or in their dorm room. Every morning, by law, you would have to go up to that machine and insert a piece of hair or a urine sample for a drug test. If you fail, you would get an electrical shock. If you fail a second time, you get a bigger shock. And so on. I think this would go a long way toward eliminating the illicit drug use problem in this country. But do I think we should solve the problem this way? The answer is no. Why? Because I have concerns about things like privacy and individual freedom. Moreover, where would it stop? Would alcohol and tobacco be next? How about fried foods, since, after all, they shorten your life span, too?
Now let's take an even quicker look at the second problem with drug prohibition—its costs and negative consequences. Forty percent of the people in federal prisons are there on drug charges, and fifty percent of the felony indictments in Washington, D.C., are on drug charges. One million people are imprisoned in America today. This is double what the prison population was ten years ago and almost triple what it was fifteen years ago. Can the criminal justice approach to the drug problem really claim to be effective when doubling and tripling the total prison population—and increasing by far greater proportions the numbers of drug offenders—has done absolutely nothing to reduce the number of crack babies or the number of people who are dying with drug-related AIDS—the two most severe effects of illicit drug abuse in this country? What is the point of continuing a drug prohibition policy that effectively subsidizes organized crime to the tune of ten, twenty, or fifty billion dollars a year? What is the point of generating violence in our cities where drug dealers are shooting not just one another but cops, witnesses, and innocent bystanders, including children? What is the point of transforming drug dealers into role models for kids in the inner cities because they have the bucks, they have the women, and they have the fast cars? Can we conclude that drug prohibition is really keeping drugs out of the hands of people who want them? Not so far as I can see. However, is it fair to say that drug prohibition is generating tremendous levels of violence in Colombia and in America? Yes, it is.

Legalization is so often characterized as a way to take the crime out of the illegal drug business that people forget an equally important reason for legalization: health and safety. Just as alcohol was more dangerous when it was illegal, drugs are more dangerous because they are illegal. Fewer people might use drugs when they are illegal, but the drugs being used are more dangerous. Heroin normally does not kill you or destroy your internal organs, but dirty heroin can kill you. If you take it with a dirty needle you can get hepatitis or AIDS. You can “overdose” by injecting what you expect is 4% heroin, but is really 40%, or not even heroin, but some amphetamine or synthetic opiate instead. Just imagine if every time you drank a glass of wine, you did not know if it was 8% alcohol or 80% alcohol, or if it was methyl alcohol or ethyl alcohol. Imagine if every time you took an aspirin, you did not know if it was 5mg or 500mg. Life would be a little more interesting, but also more dangerous. Fewer people might drink wine and use aspirin, but more of those who did would get sick and maybe die. This is what is happening to illicit drug users. In short, nothing resembling an underground Food and Drug Administration has emerged to regulate the quality of illicit drugs on the streets. The result is that drugs are far more dangerous than they otherwise would be.
My final point is that drug legalization as an alternative approach to this nation's drug problems really boils down to a moral argument. I essentially believe that legalization is the moral approach to the drug problem, and that criminalization and prohibition are the immoral approaches. To begin with, it is impossible to make a legitimate moral distinction between alcohol and tobacco and the drugs that are now illegal. Ninety years ago, cigarettes were illegal in twelve states and alcohol was illegal in many places. Marijuana, however, was legal, and cocaine was legal, as were heroin, opium, and morphine—except for Chinese people in California. In many parts of Europe three hundred years ago, one could receive the death penalty for possession of tobacco. Today, these drug-related moralities seem strange and alien to us, just as today's moral judgements about drugs may seem strange to our children and grandchildren.

Even more important is my concern about the way we enforce our drug laws. Electronic surveillance, informants, wiretapping, and undercover operations are all methods that we need to use, but their use should be kept to a minimum. Instead, our war on drugs has caused a proliferation of these tactics. At the same time, we now see children turning in their parents to the police when they find marijuana in their house, and parents turning in their children, as well—not to a guidance counselor, but to the police.

This issue boils down to one basic principle—one that politicians rarely talk about anymore, but that still rings true for most Americans. It is that those people who do no harm to others should not be harmed by others, and especially not by the state. The vast majority of the sixty to seventy million Americans who have violated the drug laws in recent years have done no harm to anybody else. The policy of zero tolerance for drugs and drug users is, from my perspective, morally wrong. As far as I am concerned, those people who use illicit drugs and do not hurt anyone are not the state's concern. If you use illicit drugs and you end up hurting yourself, then you deserve our help, not our jails. Finally, if you do hurt other people, whether you are under the influence of drugs or not, then you should be punished. That is what our criminal justice system should be about. It seems to me that this moral argument makes a lot more sense than the one you hear from politicians today.

Lee I. Dogoloff:

I would like to ask you to think about this issue along with me. Not in the sense of quick phrases and cute scenarios, but based on what we really know about legalization, what the evidence is. It seems to me that what we're talking about here is public policy. Pub-
lic policy should follow science, and it should follow knowledge, and it should follow our experience, not emotion or expedienc.

All of us would love to find a way for the drug abuse problem in our society to go away. We all recognize its terrible consequences. But it seems to me that quick fixes just won't work. The legalization issue has really been around for a long time. Twenty years ago, when people were talking about legalization, it was really out of ignorance. They were saying, "Well, these drugs aren't particularly harmful and they won't do very much damage, so why don't we just legalize them?"

Today, legalization has become an issue, due to a sense of frustration, because people know only too well the terrible consequences of drug use. They're frustrated; they want a quick fix. I think certain policies do need to be changed, but we also have to understand this issue.

We must first understand what the principles of psychoactive drugs are. These are drugs that by their very nature act on the pleasure centers of the brain. They are pleasurable. People who experience pleasure from drugs want to repeat that pleasurable experience. That causes people to want to do it over and over again, leading to dependence. To assume that you can make drugs readily available and yet confine their consequences to a small portion of the population defies the very nature of the way these drugs act.

Drugs are illegal because they are bad and because they are destructive and not the other way around. When a drug acts on the brain and on the body, the drug doesn't know its legal status. For example, in 1987, one half of all child abuse fatalities in Philadelphia involved cocaine-using parents. In New York City, 73% of children's deaths from neglect and abuse are linked to drugs. Almost 15% of all babies born in San Francisco General Hospital have cocaine in their systems. A ConRail engineer's drug use resulted in the loss of 16 lives and over $75 billion in damage claims. One third of all patients treated at the Maryland Shock Trauma Center for serious accidents used marijuana just prior to their accidents. One quarter of all New York drivers involved in fatal accidents had recently used cocaine. These are the consequences of drug use. It doesn't make any difference whether these drugs are legal or illegal. This is what they do.

We should learn from experience rather than just proceed with risky and uncertain options and promises. One example from which we can learn is the British experience. Some people say that legalization really worked and that when the British legalized heroin everything was fine. Well, first of all, they never legalized heroin; and second of all, when they tried to make it legally available through
physicians, it quickly got out of control. So British legalization never did work.

The same is true with the Iranian experience. Iran tried to make opium available to registered opium addicts through pharmacy distribution. When I was there working with the Iranian government, there was heroin trouble because of all the spillover from the legitimate market. Their problem was every bit as bad as, if not worse than, ours.

Our Vietnam experience demonstrates what happens when drugs are cheap and available. Twenty percent of our GIs became addicted to opium during the height of the Vietnam conflict. There was great concern that when they came back to the United States they would maintain that addiction. Fortunately, that did not happen. Only 2% continued their addictions when they returned to the United States. Why? Because it was a lot less available, because there were legal sanctions against its use, and because they had to get into a kind of a subculture that they didn't want to be involved with in order to get heroin. The moral: Legal sanctions work.

Italy provides a current example of what legalization does. It recently decriminalized possession of small amounts of heroin for personal use. Thanks to that policy, Italy now has a raging, mostly middle class heroin problem with the highest heroin overdose rates in all of Europe. Do we have to repeat that? Can't we learn?

Alaska has the most liberal laws in this country relative to marijuana possession. When they screened people to work on the Valdez oil spill, 25% of the applicants couldn't be hired because they showed up positive. That is at least double, maybe triple, what you would find in other places in this country with pre-employment drug screening. Availability encourages use; legal sanctions do in fact modify behavior.

You have heard a little bit about Prohibition today. Let me tell you the facts about Prohibition. While it's true it was a public policy failure, it was a public health success. We should learn from it. During Prohibition, deaths from cirrhosis of the liver fell from almost 30% per 100,000 to 10% per 100,000. Admissions to state mental hospitals for alcohol psychosis fell from 10% in 1919 to 3.7% in 1922.

There were problems associated with Prohibition, but there are lessons to be learned from it. One of the lessons is that when you decrease the availability of a drug, like alcohol, and increase legal sanctions, you do, in fact, decrease consumption and the negative consequences associated with consumption.

Another thing we learned from Prohibition is that you can't go back. What I mean by that is that once you take a drug and make it legal, like alcohol, you can't turn around and make it illegal. Some
say, "Let's try to make cocaine and marijuana legal, see if it works, and if it doesn't work we can go back." That won't work; we've learned that.

Basically, there is relatively little support in America for this notion of legalization. The vast majority of Americans, and all the public opinion polls, say that we do not favor it. Sure some people are frustrated with the system, but they are not willing to send up the white flag and throw in the towel.

You have heard an economic argument that reduced law enforcement costs will result from legalization. Well, I'm not sure that's really true. The black market for drugs will not completely disappear. Let's look at what legal drugs cost us. Alcohol abuse costs 89 billion dollars a year. Then there is the argument that legalization will generate tax revenues. Well, you know what the tax revenues are for alcohol that offset that 89 billion dollar cost? Ten billion dollars. Not a great way to balance the federal budget.

Three hundred fifty Americans die every day from illnesses associated with alcohol, and 1,000 die prematurely from illnesses associated with tobacco use. We already have two deadly legal drugs. We can see what happens when they are readily available and socially sanctioned.

Some argue that law enforcement savings should be invested in education and treatment. We need to fund enforcement, education and treatment—all three. Law enforcement and the legal sanctions themselves do, in fact, reduce initial drug use. We do not have to throw out the baby with the dirty bath water.

There are some common sense arguments against legalization, too. There is a relationship between availability and use. If you increase the availability of the drug, you will increase its use. If you increase its use, you will increase the problems associated with its use. That is certainly proven by our current experience with cocaine. The availability has increased, and the problems have increased. In the past five years the number of hospital emergencies associated with the use of cocaine have increased 421%. The number of cocaine related deaths increased 153% from 1984 to 1988. Freebasing of cocaine, with which more serious consequences are associated, has become much more common. We already know what happens when you make a drug cheaper and more available.

Then there is the issue of message confusion. How do you convince people of the negative effects of using drugs like cocaine and marijuana and at the same time have the government involved in a distribution system? How do you square that away? The one necessary prerequisite for the social acceptance of any drug and its widespread use is the perception of safety. If the general public does not perceive the drug as safe, they will not use it. But if the government
gets involved in distributing it, how do we teach our children not to use it? How do we teach our children not to use it when we change our policy and make it available? We have a tough enough time with alcohol. We are a lot more successful in preventing illegal drug use among children than we are with alcohol, a legal drug.

There is also an ethical issue. I think there is an ethical problem with the governmental involvement in the sale and distribution of things that are clearly harmful. We do have a lot of other social problems, but I submit that drug abuse negatively impacts virtually all of our other social problems. Teenage pregnancy, low education scores, unemployment, infant mortality, child abuse and neglect, all of these problems are only made worse by drug abuse in our society. How do you teach a child to learn when he is loaded? I don't know how you do that. You first have to get the child sober before the child can learn. Each of these problems is exacerbated by drugs in our society.

The entire argument for legalization, it seems to me, breaks down when you begin to question how it would work. Who would dispense the drugs? Would all drugs be covered? Would we, for example, distribute crack to anyone who wanted it in New York City? Would we also do it in Cheyenne, Wyoming? This is a matter of national policy. At what age would it be legal for people to purchase these drugs? Would pregnant women be able to use them? Would people be able to drive after using drugs? How would drug use and distribution be monitored? Would we still have laws against sales to people who are under age? Would we still have to enforce laws against black marketing of drugs?

We have a hard enough time dealing with drug abuse today, when the drugs are illegal. The illegality prevents a lot of people from using them. If you ever have any question about that, think about it when you are driving down the highway and then you see that police car coming your way. If you ever ride in a police car, amazingly, you will see all the noses of cars in the oncoming traffic tipped down. That is because people respond to the threat of legal consequences. What a law does is embody and codify our social order and our social mores. Our social mores are against the use of drugs.

In summary, it seems to me that we cannot solve a problem just by redefining it. I agree that the policy of the 1980s has been misdirected. I agree that we have put too much emphasis on border interdiction and trying to keep drugs out of the country. We have talked in terms of demand reduction and treatment and prevention. But at the same time, the spending has been primarily on enforcement. That is changing. There is now a 100% increase in the budget for drug treatment in this country. We are doing more and
more with the prevention of drug use every day. We need to—absolutely. But if you increase the availability of drugs, if you think the problem is costly now, you ain't seen nothing yet. It will be expensive to treat the additional casualties.

I am a clinician, and I treat youngsters and adults and families who have this problem. I see this on a daily basis. When you see on a day-to-day basis how tough it is to recover, and the heartache and the lifelong problems that these drugs cause, you realize that legalization is not the answer. It is not the answer to tell people that it is okay to use drugs because the government is now involved in distribution.

It is very important that we continue our current policy of combining enforcement, treatment, and prevention. People say we're not winning this one, but there are a lot of bright hopes out there. High school surveys say that kids who stay in high school use a lot less drugs than they did ten years ago. For example, drug use by high school seniors in virtually every major category has declined every year since 1979. In 1979 half of the seniors reported some use of marijuana during the prior year. By 1988 the number was down to one-third. Daily marijuana use had fallen even more, from 11% in 1979 to 2.7% in 1988. That does not say to me that nothing is working. That says to me that people who stay in school have gotten the message. That says to me that people can respond to an education message. There are real changes occurring in our society. Attitudes are hardening; use patterns are changing. I am not naive enough to say that we have solved this problem; we haven't by a long shot. What we are finding is that the people who continue to use drugs are getting into more trouble with them than ever before, but fewer and fewer Americans are using drugs. It would be insane, it seems to me, to turn around and turn our policy upside down.

Statistics clearly demonstrate that what we are doing is working. We are not going to solve the problem today or tomorrow. One of the things that we as Americans have a hard time with is waiting for things to unravel over the long term. We want instant gratification. That is what the drug issue is all about. I submit that with everything positive that is happening in the world, now is not the time to give up.

Lacy Thornburg:

I disagree, of course, that legalization of drugs is what we should be doing. It's a simple idea, but it's a dangerous one, and it's plain wrong. I do not expect to come across as being objective on this particular subject, but I saw first-hand for seventeen years, as a Supe-
ior Court judge, some of the things that result from drug abuse and drug use.

I know that it doesn't happen every time, and thank God that it doesn't, but in the five years that I have been your Attorney General I have seen a lot of bad things happen as a result of drug abuse. Statistics from a variety of studies consistently show that drugs are involved, either directly or indirectly, in 70% of the major crimes that are committed in this country. That's what a major study in New York shows, that's what one in Washington, D.C. shows, and that's what a variety of them in other cities around the country show. What has been done in this state tends to support that figure. It varies from city to city, but my point is that drug use can be dangerous. As your Attorney General, it is my responsibility to respond to the drug legalization idea. So I want to do my best.

I noticed Professor Nadelmann seemed to be bothered with the term "legalization." It would bother me too if I were trying to support legalization of drugs, because when you say that you are going to legalize, at some point some lines will have to be drawn. At some point you are going to have to say that a person is too young to be exposed to the free purchase of some of these drugs. Lines will also have to be drawn that say what drugs will be legalized and to what extent.

I do not know how many, if any, of you have ever had any personal experience with family members and others who have been caught in a web that involved heroin, LSD, cocaine, the new ice, or whatever, but if you have, you know first-hand that it is dangerous.

Even the proponents of legalization admit that drug use will increase if it is made readily available to the general population. They concede that, because it is now illegal in this state, some people aren't going to use it because they don't want to violate the law. A New Jersey study found that 70% of the drug-free students surveyed said the fear of "getting in trouble with the law" prevented their use of drugs. So, it does make a difference whether or not drug laws are on the books.

You have been told that alcohol, tobacco, and coffee are dangerous. All of that is true, but I have been out of law school now for thirty years, and I have yet to hear of a robbery, murder, rape, burglary, or whatever that happened from abuse of nicotine or caffeine. It just has not happened.

Is the criminal law effective? I think so, and I also think that we should continue prohibiting the use of dangerous drugs. We owe it to ourselves to be constantly looking at how we can best control problem areas. As pointed out, however, when you take away these prohibitions, then use increases and a variety of illnesses and other results increase. It would be a very major error to send the message
to youngsters all across this state and nation that "it's okay now for you to say 'yes.'" I think the law means "no," and should continue to mean "no."

Is it expensive to enforce these laws? Certainly it is expensive to have good law enforcement. Certainly it is expensive to have courts and it is expensive to have prisons. It is also expensive to have crime. It is expensive to have treatment. It is expensive to have education. It is also expensive to business and industry. If you sit down with business and industrial leaders, none of them will say that they want their work forces using illegal drugs, whether it is coke, heroin, or just plain marijuana, because it simply is not going to increase their alertness. They know what the cost is to them. If it were otherwise, we would suggest that before you get on a plane, you would want to be sure that your pilot had taken a couple puffs from a joint so he'd be on top of things; an engineer who was running the train certainly ought to have at least one snort of coke to get him ready; a gun-toting law enforcement officer, if you legalize, certainly wouldn't be told not to be using drugs while he is about his business. It just doesn't make sense to me.

It didn't work in England, it's not working in Amsterdam, and it didn't work in China. It's hard to imagine what would happen in the United States if we tried controlled distribution of coke, crack, LSD, methamphetamines, and all the rest. To even suppose that the black market would change is just plain taking a simple look at a complex problem. Everywhere it's happened, it's become worse instead of better, because a drug user is never satisfied with the amount that he is being given; there's going to be a backstreet market for them. It doesn't matter whether it's backstreet or main street, when you purchase and use drugs there will be a significant effect on your mind and body. You lose judgment, you lose inhibition, you get irrational, you break laws, and you kill people. That happens regardless of where you get the drugs.

What groups are we going to let purchase it? Where are we going to set the age limits and all the rest? What quantities? This is just the wrong time to start talking about legalization. We are beginning to make some progress in the area. We are beginning because the people in this state and nation are beginning to say no. It would be wrong for us at this time to show that we are becoming more tolerant.

A variety of studies that have been quoted show that the use of drugs are definitely involved in, or certainly the increase problems in, the areas of teenage pregnancy, high school dropouts, unemployment, infant mortality, family dysfunction, and teen suicides; drug use compounds these problems.

I do not believe the pro-legalization forces are motivated by any
sinister side, but they are probably more frustrated with the difficulty and the perceived slowness in solving the problem. However, they are no more frustrated than am I and the rest of us who work on it every day. It is a serious problem that we need to solve, but I do not see a quick fix to it. Drug availability, drug consumption, and drug-related violence increases even though we do have some stronger and tougher drug laws. Yet we are beginning to see it turn around some. The most effective means, and this comes from experience in other countries, of solving a drug epidemic is to use a variety of strong law enforcement, interdiction programs, public education, and treatment. That is what we are doing here in North Carolina. With the combined forces of law enforcement, education, and treatment we will have to gain ground. I understand being impatient, but what has been developing over a long number of years cannot be solved overnight. It has been growing for the number of years that I have seen it, but I do not think legalizing drugs is the answer.

To suggest that illegal drug use is a victimless crime misses the point. What it does is create more victims. The answer to the drug problem is not cheap or quick or easy. Long term effort, long term commitment by society, and a consistent government policy are going to be required. Anti-drug laws will make a difference. Looking for a quick fix is an exercise in futility when you need to be using common sense and resolve. I do not think we can surrender. We have to continue enforcing the laws and devoting the necessary resources to getting the job done. A lot of Americans have been affected by problems associated with drug use, but none have been affected as much or to the extent that our young people have. It is a sad situation when you see a baby that has just been born to a cocaine addicted mother, or you see a teenager whose mind has been fried with an overdose of LSD and paid the real penalty. This baby had no opportunity to decide whether drugs were going to be used. These children that lack families, the children that are poor, and the children with limited opportunities are the ones right here in North Carolina and around the nation that suffer disproportionately as a result of drug abuse. The kids are not to blame, they simply have inherited the problem.

Responsibility and self-control are going to be necessary for all of us working together, wherever we fit within society, in trying to get this drug problem solved. That is the way it is going to be solved—by a concerted effort. We have to set limits and place standards. Quite honestly, I think we are our brother’s keeper. All of us have to do our part. Legalizing drugs is simply not the answer.
U.S. Demand and Latin American Society

A speech presented on March 19, 1990, at the University of North Carolina at Chapel Hill

Maria Jimena Duzan:

If victories were to be measured by the blood that has been shed in battle, Colombia would have won the drug war a long time ago. The drug trafficking network that now dominates Colombia is engaged in much more than hand-to-hand combat. It is attempting to seize control of the democratic institutions of a country that was once proud of being the oldest democracy in Latin America.

Brazil, Peru, and Bolivia also have problems with drug dealers, cocaine production and shipment, and corruption that have dramatically eroded their governmental and political institutions. Nevertheless, the drug bosses have sought to consolidate their monopoly of power in Colombia, not in Peru, Bolivia, or Brazil.

Colombia was chosen because of its strategic geographic location. A front and back door between continents, this country of thirty million has a seacoast on both the Atlantic and Pacific oceans. More important than geographic considerations is the easy assimilation of the narcs into Colombian society. The drug bosses and their money were initially well-received by the Colombians. The country's business sector, landowners, and poor people saw sudden wealth and lavish lifestyles where once there had been hopelessness.

Like all the world, Colombians accepted the drug bosses without considering the consequences. Thus, Pablo Escobar was elected to Congress in 1982, although his involvement in the cocaine trade was well-known; Carlos Lehder organized a political movement to lobby for what has become the rallying cry of the drug set: no extradition to the United States. 1

The state only reacted when the drug bosses tried to seize by force what they had corrupted from within. These attempts occurred at different moments in the battle. Probably the first and most important was the assassination, in 1985, of Justice Minister Rodrigo Lara Bonilla.

It was already too late for the state to act. By that time, the drug bosses were prosperous farmers who had the support of other landowners. They were businessmen generating employment in areas where mere subsistence had always been the rule. One cabinet member referred to them as "illustrious entrepeneurs." They were even partners in joint economic ventures with the government itself.

1 [Ironically, Lehder was eventually extradited to the United States to be held in a Florida jail.—Ed.]
Now the drug bosses have a political project. In certain regions, and with the help of certain landowners and middle ranking officers of the army, they have sponsored private armies and have created narco-paramilitary squads. The goal of these squads is to protect the country from the threat of guerrillas and communism. Unfortunately, what started as self-defense has ended in a bloody war that is endangering the most precious right in our democracy: tolerance for others' opinions.

Economists estimate that, over the last decade, Colombia has received 3.5 billion dollars per year in direct benefits from the drug trade. The drug dealers behave like good patriots in spending the revenues obtained from their drug business. At least half of the yearly profits from their drug businesses are invested in Colombia. This money amounts to seven percent of Colombia's GDP. Salomón Kalmanovitz, a prominent Colombian economist, says that revenues from drug smuggling now represents sixty percent of the nation's wealth—an estimated 120 billion dollars.

The penetration of the drug cartels in Colombia seems irreversible. During the last five years, the cocaine mafia has bought so much land, particularly in those regions where there is discontent among the peasantry and a strong presence of guerrillas, that Colombia has suffered what could be called a "narco-land reform." Today the drug apparatchiks own about 2.5 million acres of land. Ironically, despite the violent and bloody enforcement practices of the drug mafia, this acquisition of land has brought a boom to agricultural regions which once knew only stagnant depression.

The drug mafia is everywhere in Colombia. It has penetrated the financial sector; it owns banks and has invested in a web of international ventures; it has a stake in major coal and emerald mining operations, all legally awarded by the government. The drug empire also includes radio and television stations, hotel chains, drug stores and legal pharmaceutical labs. More notably, the drug bosses control two of the most popular sports in Colombia: soccer and boxing.

Drug traffickers own twelve of the sixteen Colombian professional soccer teams. They hold the contracts of top players like Rene Higuita, the goalkeeper of the Colombian National Team. In a recent interview in the Italian newspaper, Corriere della Sera, Higuita said that Pablo Escobar is not a bad guy—what happens is that nobody understands him because he likes to help the poor.

The drug mafia's involvement in sports is a more complicated issue since Colombian soccer has become internationally competitive during the last two years. Colombians are proud of their soccer team, yet the blood has begun to flow. In late 1989, a soccer referee was murdered after protests about a game he officiated between two
mafia-owned teams. Public outrage caused the soccer authorities to cancel the coming year's national tournament.

The dramatic decomposition of Colombian society is a consequence of drug smuggling. In terms of social strata, the middle class feels the most pressure. From above, the middle class is attacked and corrupted by the drug bosses' wealth, while from below, they are victims of the violence of the mafia's poor foot-soldiers. Judges, police, and army—all middle class—are tempted by drug wealth and, thus, are fertile grounds for corruption. In an interview months before he was killed in a shootout, Jose Gonzalo Rodriguez, perhaps the most powerful Colombian kingpin, laughed as he said that the government gives the army medals; the mafia gives them money.

For Colombians, the drug war has become an ambiguous fight. On one hand, the government declares a war against narco-terrorism. On the other hand, the government accepts drug money to help Colombia's faltering economy.

Meanwhile, the repressive U.S. drug policies in the Andean countries do not address the real problems in Colombia. The drug war has been increasingly militarized; the armies of Colombia, Bolivia, Peru, and the United States are engaged. The drug problem is no longer regarded as a police matter. What has happened to our civil rights? Must this war be fought without any regard for human rights? Is this repressive approach preserving the last of Colombian democracy? Has this type of policy been able to control the drug business? After ten years of law enforcement and repressive policies in Colombia, the drug business not only has managed to survive, but it has successfully increased its profits. In fact, Forbes magazine considers Pablo Escobar to be one of the ten wealthiest men in the world.

For now, Colombia alone must resolve its problems and conflicts. Until the state offers new social, economic, and political alternatives to the Colombian people, the social illness caused by the drug trade will continue to flourish. Even if the drug boom decreases, Colombia must still deal with the consequences of its penetration.

Colombia needs a land reform promoted and organized by the state, not imposed by the will of drug bosses or the fists of guerrillas. To make this happen, Colombia needs structural changes and new political parties. Short-term solutions and repressive policies that weaken our democracy cannot win this war. If the world does not understand that this is an international problem, then General Maza, the courageous Chief of Colombian Secret Police, may succeed in stopping Pablo Escobar, but dozens of other Escobars will be ready to replace him.