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Why the Drug War is Unstoppable

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Abstract

The purpose of this symposium is to search for a breakthrough in drug policy, or, to put it more simply, to stop the War on Drugs.

KEYWORDS: drug, war, unstoppable

Why the Drug War is Unstoppable

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The purpose of this symposium is to search for a breakthrough in drug policy, or, to put it more simply, to stop the War on Drugs. Given the present imbalance of power between those who want to continue to wage this war and those who do not, it is, in my opinion, unstoppable in the foreseeable future.

Historians have always understood that certain social problems are, in a fundamental sense, created by the societies in which they arise and exist; that is to say, they are not discovered, but invented. Modern sociologists have re-articulated this insight, observing that the construction of such problems typically follows several stages: 1) emergence—through agitation by interest groups; 2) legitimation—through an agreed-upon explanation of the problem; 3) development of an official solution—through an ideologically sanctioned program, such as the War on Poverty or the War on Drugs; and 4) implementation of the solution—through legislation, government funding, and imposition of appropriate social controls. Clearly, this scheme applies to our so-called drug problem.

Supposedly, the great moral contest of our age is the struggle between open and closed societies, the market economy and socialism, capitalism and communism. Actually, that struggle conceals an even greater contest—a struggle waged by politicians and their intellectual lackeys, both East and West, against free will and personal responsibility. Whether couched in the imagery of historical or biological determinism, whether seen as Marxist or behavioral “science,” the real message is the same: the individual is not responsible for his behavior; he is a victim who must be saved—from himself—by a protective, therapeutic state.

The simple fact is that so long as they remain in the laboratory or on the shelf—that is, anywhere outside the human body—drugs are merely inert substances. Heroin, cocaine, and marijuana pose no problems for those who do not take them, and unlike the currently fashionable psychiatric drugs, no one is forced to take them. Surely, the

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gun lobby's slogan "Guns don't kill, people kill," applies to psychoactive drugs as well. Since illicit drugs are not dangerous to those who do not deliberately choose to use them, it is a grave abuse of language to call them "dangerous drugs."

From the traditional point of view of the theory of public goods, drug controls constitute a veritable caricature of a legitimate State service—that is, of a service individuals cannot provide for themselves and hence need society, or the State, to provide for them. If a person does not want to smoke tobacco or marijuana, he does not have to; if a person does not want to inject himself with heroin, he can refrain from doing so. Surely, it is ridiculous to regard the State as providing us with a "service" when it defines the use of certain chemicals as both crimes and diseases, subject to penal sanctions and involuntary psychiatric "treatments." When the American capitalistic State deprives us of the choice among drugs, it acts exactly as the Soviet State acts when it deprives Russians from the choice among consumer goods, with this important difference: The Russians do not get punished or "treated" if they make their own bluejeans, rendered deliberately unavailable through State-approved channels.

Given all this, one might think that Conservatives—supposed defenders of the free market and the rule of law, not to mention common sense—would unite in declaring that drug-taking is a matter of self-discipline; in other words, that, in principle, using illicit drugs is no different from smoking, drinking, or overeating and is hence not a legitimate arena for government meddling. Has this happened? No. Conservative administrations, such as those of Nixon and Reagan, have waged the War on Drugs just as enthusiastically as have Liberal administrations, such as those of Johnson or Carter. I take it for granted that since the Liberal looks to the State to improve the human condition, he can always be counted on to wage wars with therapeutic objectives—be it on poverty, racism, drugs, or war itself. However, the Conservative should appreciate that, if individual freedom and responsibility are to be preserved, important areas of life must be out of the reach of the coercive apparatus of the State. Hence, if he too, joins the War on Drugs, who is left to oppose it? A handful of classical liberals and libertarians—not nearly enough to make a difference.

Illustrative of the Conservative capitulation to the ideology of anti-druggism is an otherwise superb essay by Joseph Sobran, a nationally syndicated Conservative columnist. Written for the Thirtieth Anniversary Issue of *National Review*, this essay—titled "Pensees: Notes for the Reactionary of Tomorrow"—offers an important example of the

selective conservatism of today's Conservative: Sobran systematically closes his eyes to the significance—both practical and symbolic—of the War on Drugs.

He begins by noting that “malcontents [his sobriquet for Liberal] always seem to want to ‘eliminate’ something—poverty, racism, war . . .” Illegal drugs (as well as pornography and promiscuity) are conspicuous by their absence from this list and from the entire essay. Sobran cogently emphasizes that “A political and legal system has to be based on the moral habits of its citizens,” and that “those laws are best that don't require a huge apparatus of surveillance and enforcement”—sentences that veritably cry out for a rejection of the War on Drugs. Instead, all we get is an irrelevant reference to Prohibition.

Apropos of abortion and religion, Sobran caustically comments on the Liberal's selective support of the right to choose, but seems oblivious of the Conservative's similar indulgence in this habit. “It is instructive to notice,” he writes, “when the liberal resorts to the rhetoric of ‘choice’ and when he abruptly drops it.” Poor people should have a choice about aborting their fetuses but not about where to send their children to school: Liberal hypocrisy, all right. But it is Conservative hypocrisy to wax indignant about modern socialism illustrating “Burke's dictum that ‘criminal means, once tolerated, are soon preferred’,” without mentioning the criminal means entailed in the apparatus of drug enforcement.

Next, Sobran ridicules an activist Supreme Court for “discovering,” two hundred years after the Framers wrote it, that the Constitution of the United States contains a right to abortion, and yet remains silent on the even more obvious issues of drugs—namely, that there is nothing in the Constitution to legitimately empower the federal government to regulate what substances we may ingest, inhale, or inject into ourselves.

Enough said. Surely, I need not dwell here on the countless victims of the War on Drugs: the persecuted “drug addicts,” “drug abusers,” and “drug pushers;” the corrupted and killed drug enforcement agents; the ordinary men and women robbed and murdered by individuals whose incentive for a criminal career is directly attributable to the lack of a free market in drugs; the children seduced into a fascination with “drugs” by the glamor of the illicit and by the defiance of the law by the glamorous; the nation as a whole, undermined in its elementary duty to instill self-control in its citizens.

My argument is simple: the American War on Drugs is a war on scapegoats, similar to the War on Witches waged in the Late Middle

Ages, or the war on Jews waged in Europe only a few years ago. Although not everyone may wholeheartedly support the aims of such epic struggles, few people—especially in politics, law, science, or the academy—are willing to stand up and publicly denounce the values ostensibly legitimating the struggle, and fewer still are willing to risk refusing to participate in it. German intellectuals and scientists had cravenly capitulated to the anti-Semitic rhetoric and programs of the Nazis. And so have American intellectuals and scientists to the anti-drug rhetoric and programs of the warriors against chemical dependency. How many participants in this very conference have received government funds linked to this crusade? Who has had the courage of his convictions to refrain from feeding at the lavish trough that the drug warriors have laid before the medical and psychiatric establishment?

The Soviets, to quote Sobran once more, "try to impose their [economic and social] fantasies by force and terror, and their real achievement is to be found not in their population centers but at their borders, which are armed to kill anyone who tries to flee. Communism can claim the distinction of driving people by the millions to want to escape the homeland of all their ancestors." I agree. And I do not, for a minute, believe or contend that the U.S.S.R. and the U.S. are similar powers or represent symmetrical ideologies. But I would be less than appreciative or loving of my adopted homeland if I refrained from observing that Americans can now claim the distinction of spending billions of dollars on armed personnel of all kinds to ferret out, harass, imprison, and kill those engaged in providing drugs desired by the American consumer; and billions more on physicians and their paramedical stooges—armed with powers provided by the State and with drugs provided by pharmaceutical companies—to chemically control and subdue those who rebel against the prevailing chemical mores. Moreover, the doctors and the State do all this—*horrible dictu*—in the name of treatment, health, and a War on Drugs.

I do not see how anything short of a principled rejection, by the intellectual and moral leaders of this country, of the entire ideology and program legitimizing the War on Drugs could even begin to bring the drug warriors to the negotiating table.