

The case for narcotics legalization criminology essay

[Law](#), [Criminology](#)



The 'War on Drugs' nominally began with Richard Nixon declaring " drug abuse public enemy number one" (Palm Beach Post, A1). Legislation governing drugs in the United States has a long and checkered history. Opium was the first drug legally prohibited in 1909 by the Smoking Opium Exclusion Act. Full prohibition of Marijuana was achieved in the 1930s, though restrictions on use and sales began on a state level in the 1860s. Prohibition was a failed movement to criminalize alcohol 'highlighted' in its success by the eighteenth amendment in 1919. It gave us Al Capone, and modern organized crime (FBI). Today, of the first world countries the US some of the harshest drug laws on record. We punish use, we punish use of tools to use, we punish use of money to acquire, we punish distribution, we punish association, and more. The 'War on Drugs' isn't without its casualties, like any war. Our economy suffers under the weight of jailed offenders and marginalized classes of people made felons, while organized crime continues with gang violence and cartels in Mexico, Colombia, and more. Drug control laws are invasive prohibitions created by the government acting as a moral authority instead of a steward of it's people. Drug control laws are ineffective in their aims, outright create and benefit criminal activity, and harm society at large both nationally and globally. They should be repealed. To understand the flaws inherent in drug control laws, you must first look at the reasoning for them. The argument for drug control laws begins with arguments to protect and promote families. Temperance movements began in the US as early at the seventeenth century, and the argument for the family is exemplified by Justice Harlan in 1887 in the case *Mugler vs. Kansas*: "... public health, the public morals, and the public safety, may be

endangered by the general use of intoxicating drinks, ... idleness, disorder, pauperism and crime existing in the country, are, in some degree... traceable to this evil", which is an argument extended today to all illegal drugs. This argument is multifaceted in that it implies drug control laws curb crime- today it's said that drugs are a financing instrument for organized crime, whether that organization is a street gang or American Mafia. They serve as a tool to preemptively arrest soon to be offenders. Lastly drug laws 'protect society', as it's widespread 'wisdom' that drug laws keep society from degenerating into an unproductive orgy of debauchery, smokey haze, and civilization collapse. The argument goes to say that drug control laws keep mothers, daughters, fathers, and sons from becoming virtual non-citizens, as they withdraw from society and family in drug induced comas. In point of fact, drug laws actually accomplish the opposite of their aims. Drug laws nominally protect families by discouraging use. Drug laws create a divide in families, as teenagers drink underage, smoke marijuana, or experiment with harder drugs in a fearful silence of their parents or societies reprisal, all in the name of expected and necessary teenage rebellion. Then, drug laws create criminals out of them, endangering families and the futures of all. "

On September 30, 2010, federal prisons held 190, 641 inmates. Of these, 97, 472 were serving time for drug offenses... state prisons held 1, 365, 800 inmates. Of these, 242, 900 were serving time for drug offenses" (Guerino, Paul, Harrison, Paige M., Sabol, William J.) With recidivism rates over forty percent, and prisons described more as criminal training facilities rather than rehabilitation facilities, it's easy to see that marginalizing our drug using population is creating a problem. We've engendered a distrust of authority in

our drug using population and exposing them to a more insidious criminal element engenders more, and worse, not victimless crime. All the while we name them felons, reducing their job pool and eliminating their chances in more respected jobs like academia, science, or business. And as drug laws not only attempt to protect families and curb crimes, they attempt to curb crime by attacking criminal financing. However, if we were trying to reduce criminal financing, why then do analysts say " In the United States, wholesale illicit drug sale earnings estimates range from \$13. 6 to \$48. 4 billion annually" (Ibid)? If the US wholesale drug trade were a nation, it's GDP would place it in the top hundred of the world- and it's growing. Wouldn't it be better then to allow the free market to take that business out of their hands, instead of creating a ubiquitous black market, one that's " using the proceeds 'to facilitate terror operations'" (Esposito, Ryan)? " Forty two percent of Americans have smoked pot" (Lynch). If nigh half of our population has bought it, half of our population can buy it. Drug laws aren't restricting availability- drug laws aren't protecting society, or curbing crime. If the goal is protecting society, other countries taking approaches of legalization and decriminalization have shown success in that goal. The Netherlands are unfairly notorious for their 'coffee' shops and drug culture. Drug tourism is considered a source of revenue, and yet in nigh every measure of drug use as a problem for society, they exceed the United States. Specifically for two thousand and one: " lifetime prevalence of marijuana use (ages 12+): 36. 9% US (US Department of Health and Human Services) 17. 0% Netherlands (Trimbos Institute); lifetime prevalence of heroin use: 1. 4% US (US Department of Health and Human Services) 0. 4%

Netherlands (Trimbos Institute)" (drugwarsfacts). Meanwhile in 1999 only 15.6% of the Netherlands population has ever used marijuana, 2.1% cocaine, and 0.3% heroin versus 40.4% marijuana (University of Amsterdam), "14.4% cocaine, and 1.6% heroin in the US in 2002 (SAMHSA). Portugal has abolished all criminal penalties for possession- marijuana, methamphetamine, heroin, etc., and this was accomplished in 2001. TIME magazine reports that: Proportionally, more Americans have used cocaine than Portuguese have used marijuana. The Cato paper reports that between 2001 and 2006 in Portugal, rates of lifetime use of any illegal drug among seventh through ninth graders fell from 14.1% to 10.6%; drug use in older teens also declined. Lifetime heroin use among 16-to-18-year-olds fell from 2.5% to 1.8% (although there was a slight increase in marijuana use in that age group)... In addition, the number of people on methadone and buprenorphine treatment for drug addiction rose to 14,877 from 6,040, after decriminalization, and money saved on enforcement allowed for increased funding of drug-free treatment as well. Addicts sought treatment. Lifetime usage rates almost wholly fell. And still, despite handing out free passes for legal usage, their drug 'problem' became less of a problem, and pales in comparison to that of the United States. Drug legalization stands to actively benefit the United States. It'd heal our troubled legal system, provide additional taxation and employment, and furthering medicinal practice. Our jails and legal system are overburdened as we've had a "500% increase in incarceration over the last thirty years" (The Sentencing Project). Police and courts would be freed to pursue more violent offenders, as "... legalizing marijuana would save \$7.7 billion per year in government

expenditure on enforcement of prohibition" (Miron). Furthermore, there'd be an income of "\$6. 2 billion annually if marijuana were taxed at rates comparable to those on alcohol and tobacco" (Miron). That money would be taken directly out of the hands of the criminal element, and business would flourish increasing jobs and employment. Medicinal usage would benefit uniquely- Portugal show's us that legalization would result in a surge of rehabilitory treatment, while many drugs show promise in the medical field that's stunted by current legislation. Marijuana has shown promise in treating chronic pain, but formal studies are stunted due to it's classification as an illegal narcotic. MDMA has shown promise for treatment in depression, but once again it's classification as an illegal narcotic has stunted studies. Morphine was popularized as a painkiller in part because of the efficacy of heroin- but it's only accepted medically because it was grandfathered in before prohibition movements got a hold on legislation. There are legitimate uses today besides recreational use. Drug laws hinder the amount of research, make illegitimize valid research, and even turn those seeking relief and treatment into criminals. Overall, the first steps for legalization of marijuana have been laid in the United States. We have eighteen states that have legalized medicinal marijuana, and two states that have voted in favor of full legalization (St. Pierre). The first steps for full narcotics legalization have been laid throughout the world. I in no way argue that drugs are not dangerous- but at what cost comes enforcement? Jimmy Carter once said " Penalties against possession of a drug should not be more damaging to an individual than the use of the drug itself; and where they are, they should be changed" (Carter). Wouldn't use of the drug itself be punishment enough-

and if it weren't detrimental, why is it illegal? Drug laws should be repealed. Society stands to benefit from it, as nations present to us case studies that laxer drug laws actually impede prevalent usage. Crime would be reduced, and jobs would flourish as business replaces black market. The economy would benefit from tax revenue, and police could focus on more serious crime with more time and money saved. Medicine would change, and perhaps even be revolutionized. The tolls of the drug war are high. We jail off significant portions of our population, branding them for life not only as users and junkies, but " felons"- all for a choice that may have never been a problem for society at all. The question is, can we have adult conversations about legalization? Or will we persist in the errors of times past, because we took an approach and it failed, and we blind ourselves to that fact (McMillen).