

Beyond Cannabis Legalization

By Jack A. Cole

I am honored to have been asked to write a chapter in a book together with so many fine authors -- people who have extensive knowledge about the history, pharmacology, medical uses, risks of use, and harm reduction for the users of cannabis.

Given that so many luminaries expound here on those subjects, I feel my best role is to urge readers not to limit their thoughts of drug reform solely to cannabis.

I retired as a detective lieutenant after a twenty-six -year career in the New Jersey State police, with fourteen of those years spent as an undercover narcotics officer. My experience in the police force convinced me that prohibition will never work. But when we end prohibition, we must end it for all drugs, not just for cannabis.

If the US government were to decriminalize cannabis use for all adults, permitting anyone to use it medicinally with a doctor's consent; permitting anyone to possess a specific amount of plant material and to cultivate a specific number of plants, that would be a wonderful day for many of us. However, if the government were smart enough to decriminalize or legalize cannabis today, I fear that tomorrow, the majority of reformers would quit the struggle, delaying the progress of drug policy reform by many years. That would be tragic for the many who suffer under the policy of the prohibition of other illicit drugs. Even outright legalization of cannabis would have little effect on reducing death, disease, crime, drug abuse, institutionalized racism in law enforcement, or the 69 billion tax dollars wasted each year on prosecuting the absurd policy of drug-prohibition. But a policy change that legalized and regulated all drugs would obviously also stop the prohibition of cannabis.

Deaths

Depending on the statistical sources, between twelve and eighteen-thousand people in the US die each year from ingesting one or more illegal drugs. Overdose is the main cause of death from illegal drugs, and the war on drugs has an exceptionally dismal record at preventing drug overdoses. According to DEA, in 1979 there were twenty-eight overdose deaths for every hundred thousand drug users. But by the year 2000 the rate of deaths had increased to 141 per hundred thousand. It is the prohibition of what we consider "hard drugs," heroin, cocaine, methamphetamine, etc., that causes overdose deaths. Not a single recorded death has resulted from the ingestion of cannabis.

Drug users don't die from an overdose because they shoot more and more dope in some crazy attempt to get higher and higher. They die because they don't know how much of that tiny container of powder they are purchasing is actually the drug and how much is the cutting agent. If the package contains too much drug, they're dead; it's Russian roulette without a gun.

When the government prohibits a drug, two things happen: an underground market is created that is instantly filled by criminals. To make matters worse, prohibition makes drug-production and distribution dangerous, creating an artificially-inflated value for that drug. Between the origin of production (usually in developing countries) and destination of final sale in the United States or Europe, the value of a given prohibited drug can increase by more than 17,000 percent. With that kind of obscene profit incentive, whole armies of police cannot prevent an endless influx of new entrepreneurs into the illicit drug trade. I learned very early in my career that if a uniformed police officer arrested someone for rape or robbery the incidence of rapes and robberies in the community diminished. But when I arrested a drug dealer, there was no change

in the number of drug sales. I was simply creating a job opening for hundreds of people eager to replace the person arrested. Actually, it was worse than that, I wasn't just creating a job opening—I was creating a safe job opening. If the prospective new dealer tried to take over the street corner before I arrested the old dealer the interloper would have probably been shot.

There seems to be no rhyme or reason as to which drugs are picked by any given government to be prohibited. In the middle of the 16th Century coffee was prohibited in parts of Europe and its mere possession subjected the possessor to decapitation—yet sales of coffee didn't diminish. Prohibition changes the dynamic of any industry it targets. When someone infringes on a corporation's right of distribution, its lawyers pull out their paperwork and say, "We have a contract for this territory; we'll take you to court." This is impossible under prohibition. The distributors of illegal drugs must use force to protect their turf. When someone infringes on their territory, they don't call on their lawyers; they call on their soldiers and a mini-war ensues. Last year, over 2000 people were murdered along the Mexico- US border in the turf wars of opposing drug lords.

Under prohibition, drug lords have to protect their products and their money, and they discipline both their workers and customers at gunpoint. They don't have the option of going to the police to report robberies, embezzlements, or refusals to pay for merchandise. Under prohibition, drug lords can't lobby Congress to create laws benefiting drug cartels. Instead, they tempt public officials to look the other way by offering them mind-boggling bribes.

For these reasons, the two periods in US history which have brought the highest rates of murder and corruption of public officials have been eras of drug prohibition. The first was the era of alcohol prohibition. The second is our own, with its massive prohibition of all sorts of other drugs.

Although prohibition of cannabis has similar effects to the prohibition of hard drugs, the incidence of violence in cannabis production and sales is far less than in hard drugs. Most law enforcers who lose their lives as a result of prohibition are killed by hard drug dealers.

Disease

According to the United States Center for Disease Control, 50 percent of all new cases of AIDS and hepatitis can be traced directly to the sharing of needles by intravenous drug users, a problem that never arises with cannabis use. If hard drugs were legalized and regulated, no one would have to share needles. Half of all new cases of AIDS and hepatitis from now to the end of time would simply not occur. However, cannabis legalization would have no effect on reducing the rates of these horrible diseases.

Crime

In the 37 years the war on drugs has been raging, we have made more than 38 million arrests in the United States alone for nonviolent-drug-offenses. The number of arrests has increased every year since the inception of this war. Last year there were 1.9 million arrests for nonviolent-drug-offenses, over 40 percent of which were made for “marijuana violations.” But that still leaves a million arrests made for violations of laws involving hard drugs, and that does not count all the arrests of people committing crimes to obtain money to buy those drugs. Legalizing cannabis would have no effect on reducing the rates of those crimes.

Drug abuse

Notwithstanding what US drug czar John Walters would have you believe, there is a tremendous difference between drug use and drug abuse. As far as the federal government is concerned, any use of those drugs considered illicit is drug abuse. The states know better. Alaska, California, Colorado, Hawaii, Maine, Montana, Nevada, New Mexico, Oregon, Rhode Island, Vermont, and Washington, have already legalized the medical use of cannabis, so that use cannot possibly be considered drug abuse.

There is such a thing as responsible drug use, and responsible drug use is not drug abuse. Many people use drugs excessively, but each day millions of others responsibly use alcohol, as well as cannabis and other illicit drugs. No matter what one personally thinks of him, the poster boy for responsible drug use could be Rush Limbaugh. Here was a person who through the course of two back operations was left with chronic pain—pain for which doctors were unwilling to prescribe opiates, due to their concern about the constant vigil of the DEA-watchdogs. So Limbaugh went to the streets for his drugs, wolfing down immense amounts of Oxycontin for years, while appearing on the radio for hours each day and running a multimillion-dollar business; nobody realized he was using drugs. With the exception of the legal factor, that seems like responsible drug use.

Drug abuse exists when an individual continues to use a given drug even though he or she believes the use of that drug is causing that individual problems. With a policy of legalized regulation of drugs and treatment on demand, those persons believing they suffer from drug abuse would be more likely to come forward to ask for help. Legalizing cannabis would not help most of these people, because cannabis users are less likely to get into abusive situations with their drug of choice.

Institutionalized Racism

The war on drugs, for law enforcement, has become a numbers game. Police (like anyone else) are more likely to choose simple targets of opportunity. The easiest target is always the one that is selling or using openly on the street. The poor and people of color are not only more likely to be out on the streets, but they are also more likely to be compressed into certain small geographical areas of our cities. Therefore, the poor and people of color have become the low-hanging fruit on the tree of drug offenses—ripe for picking by overworked cops.

The national household survey tells us each year who uses and who sells drugs in this country: 72% of them are white folks, only 13.5% are black. But who gets arrested and who goes to jail: 37% of all those arrested for drug violations are black and 60% of those serving time in state prison for drug violations are black. The United States is a very punitive country. We imprison our population at the rate of 737 per hundred thousand, seven times the rate of any Western European country. But when we break the US rate for imprisonment down by race and gender, the picture becomes even bleaker. The United States imprison 717 white men per hundred thousand and 4,919 black men per hundred thousand. Under the most racist regime in modern history, the apartheid government of South Africa, black men were imprisoned at the rate of only 851 per hundred thousand. Since fewer than half of the arrests for US drug offenses are for cannabis violations, legalizing and regulating cannabis would solve less than half the problem of institutionalized racism in the implementation of the drug laws.

Squandered tax money

The United States has already spent over one trillion of our tax dollars prosecuting this war on drugs, and every year we continue we flush another 69 billion dollars down the same toilet. Although the numbers of people selling and using hard drugs are far fewer than those who sell and use cannabis, much more money is spent interdicting hard drugs. I suspect that if cannabis were legalized and regulated, most of the money saved by not pursuing the users and distributors of that drug would be rolled into the prosecution of hard drugs.

Ending Drug Prohibition

Ending the prohibition of all drugs of course includes cannabis. The argument for legalized regulation of all drugs is much stronger than the argument for legalizing cannabis alone. The number of people who would be affected by legalizing cannabis is large, but far less than the number of those who would be affected by legalizing all drugs. Prohibition affects us all with its heightened incidence of death, disease, crime, addiction, and wasted tax money.

In 2002, five of us, former police officers, created an international non-profit educational organization, Law Enforcement Against Prohibition (LEAP), to give voice to law-enforcers who believe—like us—that the war on drugs is a failed policy. Worse, it is a self-perpetuating and constantly-expanding policy disaster. Today LEAP has about 10,000 members who include police, judges, prosecutors, prison wardens, and DEA and FBI agents. As law enforcers, we know that when alcohol prohibition was ended in 1933, the very next morning Al Capone and his smuggling buddies were out of business. They were no longer killing each other to control a lucrative market. They were no longer killing cops charged with fighting a useless war. They were no longer killing children in cross-fire and drive-by shootings.

When our counterparts ended alcohol prohibition they didn't say, "We're going to legalize beer and decriminalize wine but those of you who want to drink liqueur still have to go to jail." They legalized it all. That is what we must do today: legalize it all. Cannabis, ecstasy, cocaine, methamphetamine, heroin—all must be made legal and then regulated. This is the only way to reduce the obscene profit motive. Reducing the profit motive is the only way to end the horrible consequences resulting from the prohibition policy.

Regulation of those drugs will go a long way toward keeping them out of the hands of our children—children who have told us for ten years in every government survey that it is easier for them to buy illegal drugs than it is to buy beer and cigarettes. When they try to buy those legal commodities, they're asked, "Are you old enough to buy these drugs?" The only demand an illicit-drug dealer makes is: "Show me the money."

Once we have legalized and regulated drugs across the board, we can start treating drug abuse as a health problem rather than as a crime. At that point, we will actually be able to help the millions of young people whose lives we are currently crippling. Arrest and imprisonment solve nothing. They simply remove all hope for a decent future.