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# Drug War Anniversary a Time for Reflection and Action

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Some anniversaries provide an occasion for celebration, others a time for reflection, still others a time for action. This June will mark forty years since President Nixon declared a "war on drugs," identifying drug abuse as "public enemy No. 1." As far as I know, no celebrations are planned. What's needed, indeed essential, are reflection -- and action.

It's hard to believe that Americans have spent roughly a trillion dollars (give or take a few hundred million) on this forty-year war. Hard to believe that tens of millions have been arrested, and many millions locked up in jails and prisons, for committing nonviolent acts that were not even crimes a century ago. Hard to believe that the number of people incarcerated on drug charges increased more than ten times even as the country's population grew by only half. Hard to believe that millions of Americans have been deprived of the right to vote not because they killed a fellow citizen or betrayed their country but simply because they bought, sold, produced or simply possessed a psychoactive plant or chemical. And hard to believe that hundreds of thousands of Americans have been allowed to die -- of overdoses, AIDS, hepatitis and other diseases -- because the drug war blocked and even prohibited treating addiction to certain drugs as a health problem rather than a criminal one.

Reflect we must on not just the consequences of this war at home but abroad as well. The prohibition-related crime, violence and corruption in Mexico today resemble Chicago during alcohol Prohibition -- times fifty. Parts of Central America are even more out of control, and many Caribbean nations can only hope that they are not next. The illegal opium and heroin markets in Afghanistan reportedly account for one-third to half of the country's GDP. In Africa, prohibitionist profiteering, trafficking and corruption are spreading rapidly. As for South America and Asia, just pick a moment and a country -- and the stories are much the same, from Colombia, Peru, Paraguay and Brazil to Pakistan, Laos, Burma and Thailand.

Wars can be costly -- in money, rights and lives -- but still necessary to defend national sovereignty and core values. It's impossible to make that case on behalf of the war on drugs. Marijuana, cocaine and heroin are effectively cheaper today than they were at the start of the war forty years ago, and just as available now as then to anyone who really wants them. Marijuana, which accounts for half of all drug arrests in the United States, has never killed anyone. Heroin is basically indistinguishable from hydromorphone (aka Dilaudid), a pain medication prescribed by physicians that hundreds of thousands of Americans have consumed safely. The vast majority of people who have used cocaine did not become addicts. Each of these drugs is less dangerous than government propaganda claims but sufficiently dangerous that they merit intelligent regulations rather than blanket prohibitions.

If the demand for any of these drugs were two, five or ten times what they are today, the supply would be there. That's what markets do. And who benefits from persisting with doomed supply

control strategies notwithstanding their evident costs and failures? Basically two sets of interests: those producers and sellers of illicit drugs who earn far more than they would if their product were legally regulated rather than prohibited; and law enforcers for whom the expansion of prohibitionist policies translates into jobs, money and the political power to defend their self-interests.

Republican and Democratic governors confronting massive state budget deficits are now endorsing alternatives to incarceration for nonviolent drug law offenders that they would have rejected out of hand just a few years ago. It would be a tragedy, however, if these modest but important steps result in nothing more than a kinder, gentler drug war. What's really needed is the sort of reckoning that identifies as the problem not just drug addiction but prohibition as well - and that aims to reduce the role of criminalization and the criminal justice system in drug control to the maximum extent possible while enhancing public safety and health.

What better way to mark the 40th anniversary of the war on drugs than by breaking the taboos that have precluded frank assessment of the costs and failures of drug prohibition as well as its varied alternatives. Barely a single hearing, audit or analysis undertaken and commissioned by the government over the past forty years has dared to engage in this sort of assessment. The same cannot be said of the wars in Iraq or Afghanistan or almost any other domain of public policy. The war on drugs persists in good part because those who hold the purse strings focus their critical attentions only on the implementation of the strategy rather than the strategy itself.

The Drug Policy Alliance and our allies in this rapidly growing movement intend to break that tradition of denial -- by transforming this anniversary into a year of action. Our objective is ambitious -- to attain the critical mass at which the momentum for reform exceeds the powerful inertia that has sustained punitive prohibitionist policies for all too long. This requires working with legislators who dare to raise the important questions, and organizing public forums and online communities where citizens can take action, and enlisting unprecedented numbers of powerful and distinguished individuals to voice their dissent publicly, and organizing in cities and states to instigate new dialogues and directions in local policies.

Count on five themes to emerge over and over during this anniversary year.

1. Marijuana legalization is no longer a question of whether but when and how. Gallup's polling found that 36% of Americans in 2005 favored legalizing marijuana use while 60% were opposed. By late 2010, support had risen to 46% while opposition had dropped to 50%. A majority of citizens in a growing number of states now say that legally regulating marijuana makes more sense than persisting with prohibition. We know what we need to do: work with local and national allies to draft and win marijuana legalization ballot initiatives in California, Colorado and other states; assist federal and state legislators in introducing bills to decriminalize and regulate marijuana; ally with local activists to pressure police and prosecutors to de-prioritize marijuana arrests; AND assist and embolden prominent individuals in government, business, media, academia, entertainment and other walks of life to publicly endorse an end to marijuana prohibition.

2. Over-incarceration is the problem, not the solution. Ranking first in the world in both absolute and per capita incarceration is a shameful distinction that the United States should hasten to shed. The best way to address the problem of over-incarceration is to reduce the number of people incarcerated for non-violent drug law violations -- by decriminalizing and ultimately legalizing marijuana; by providing alternatives to incarceration for those who pose no threat outside prison walls; by reducing mandatory minimum and other harsh sentences; by addressing addiction and other drug misuse outside the criminal justice system rather than within it; and by insisting that no one be incarcerated simply for possessing a psychoactive substance, absent harm to others. All this

requires both legislative and administrative action by government, but systemic reform will only happen if the objective of reducing over-incarceration is broadly embraced as a moral necessity.

3. The war on drugs is "the new Jim Crow." The magnitude of racial disproportionality in the enforcement of drug laws in the United States (and many other countries) is grotesque, with African Americans dramatically more likely to be arrested, prosecuted and incarcerated than other Americans engaged in the same violations of drug laws. Concerns over racial justice helped motivate Congress to reform the notorious crack/powder mandatory minimum drug laws last year but much more needs to be done. Nothing is more important at this point than the willingness and ability of African American leaders to prioritize the need for fundamental reform of drug policies. This is no easy task given the disproportionate extent and impact of drug addiction in poor African American families and communities. But it is essential, if only because no one else can speak and act with the moral authority required to transcend both deep seated fears and powerful vested interests.

4. Politics must no longer be allowed to trump science - and compassion, common sense and fiscal prudence - in dealing with illegal drugs. Overwhelming evidence points to the greater effectiveness and lower cost of dealing with addiction and other drug misuse as matters of health rather than criminal justice. That's why DPA is stepping up our efforts to transform how drug problems are discussed and dealt with in local communities. "Think global but act local" applies to drug policy as much as any other domain of public policy. Of course it would be better if a president appointed someone other than a police chief, military general or professional moralist as drug czar. But what really matters is shifting the locus of authority in city and state drug policies from criminal justice to health and other authorities. And equally important is ensuring that new dialogues about drug policy are informed by scientific evidence as well as best practices from around the country and abroad. One of our specialties at DPA is getting people to think and act outside the box about drugs and drug policies.

5. Legalization has to be on the table. Not because it is necessarily the best solution. Not because it is the obvious alternative to the evident failures of drug prohibition. But for three important reasons: first, because it is the best way to reduce dramatically the crime, violence, corruption and other extraordinary costs and harmful consequences of prohibition; second, because there are as many options -- indeed more -- for legally regulating drugs as there are options for prohibiting them; and third, because putting legalization on the table involves asking fundamental questions about why drug prohibitions first emerged, and whether they were or are truly essential to protect human societies from their own vulnerabilities. Insisting that legalization be on the table -- in legislative hearings, public forums and internal government discussions -- is not the same as advocating that all drugs be treated the same as alcohol and tobacco. It is, rather, a demand that prohibitionist precepts and policies be treated not as gospel but as political choices that merit critical assessment, including objective comparison with non-prohibitionist approaches.

So that's the plan. Forty years after President Nixon declared his war on drugs, we're seizing upon this anniversary to prompt both reflection and action. And we're asking all our allies -- indeed everyone who harbors reservations about the war on drugs -- to join us in this enterprise.

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