

# Legalize Those Drugs We Can't Control

By ERNEST VAN DEN HAAG

This week more than 2,200 federal, state and local law-enforcement officers launched a massive series of raids in an effort to eradicate domestically cultivated marijuana. Attorney General Edwin Meese flew to the scene of raids in Arkansas to dramatize the Reagan administration's commitment to the project. But notwithstanding this display of resolve, U.S. drug-enforcement policies are likely to be a continuing failure. Although I am a strong political conservative, I now believe that the costs of our fruitless struggle against illegal drugs are not worth the modest benefits likely to be achieved. However distasteful the prospect, the adult legalization of those illicit drugs we are unable to control effectively would be a wiser policy.

A glance back into American history is instructive. Because of the notoriously harmful effects that alcohol can have, its sale was prohibited in 1919. A large industry soon grew up to provide it. Drinks remained easily available. Since the industry providing them was illegal, it required organizations outside the law to enforce contracts and collect debts. This led to the growth of major criminal entities that used the unlawful money earned to bribe and corrupt law-enforcement agencies. Prohibition ended by significantly debasing the political life of the nation, and there is no evidence it reduced alcoholism.

When the public finally realized that prohibition could not be enforced, the law was repealed in 1933. From this one may

infer a general principle. In a democracy one can regulate, but one cannot effectively prohibit, sumptuary activities desired by a substantial segment of the population. Unenforceable attempts to prohibit certain substances will cause more harm than good.

Prohibition could not delegitimize a long tradition of social drinking, and moderate drinkers felt that they should not be deprived because others drank more than they should. However, drug taking is hardly ever justified as a legitimate or moderate social pleasure. People feel that drugs always lead to addiction, so there is far more support for prohibiting drugs than there was for prohibiting alcohol.

But does the prohibition of addictive drugs prevent enough harm to justify the cost? We have too many alcoholics, but there is no evidence that the rate of alcoholism has risen because of the repeal of Prohibition. Granted, then, that drugs have harmful effects, would legalization lead to worse effects than the legalization of alcohol? Perhaps, but it does not seem so.

Taking drugs does not necessarily addict you. In practice, drugs were cheap and freely available to U.S. soldiers in Vietnam. Except for those engaged in combat, a small minority at any time, our soldiers were thoroughly bored. They found themselves in a foreign land, with little to do, without family and friends, and in the midst of a population whose language and customs they did not understand. Most of them used alcohol as well as some drugs.

Some used drugs regularly. But only a few became addicted to them. And most of these addicts stopped with little difficulty after returning to the U.S.

Drugs also are easily available in many of the countries from which we import them. Yet the populations of these countries have not become addicted because addiction is self-limiting. If the substances are readily available, a certain proportion of the population becomes addicted; most people do not.

There are several ways of legalizing drugs. In Britain drugs are legally available from designated clinics for certified addicts. We have done something of the sort with methadone. It has not worked all that well. If prescriptions are necessary for heroin or cocaine an illegal market is likely, and it exists in Britain. To avoid it drugs must be made as legal as alcohol is. Legalization only for certified addicts would not solve the problem.

Drugs now are quite readily available. Still, once legalized, they would become cheaper and more accessible to people who previously had not tried them, because of the high price or the legal risk. Does the likely rise of addiction warrant the continuation of prohibition? Or would it be minor? Any projection is highly speculative—just as any projection of a rise of alcoholism after repeal would have been. Yet a significant rise in drug addiction seems unlikely. After all, heroin users, though often poor, manage to come up with the price (often by committing crimes). And the

user, as distinguished from the dealer, currently runs a very low legal risk.

The current prohibition of the importation and sale of drugs has three major drawbacks.

- Attempts to enforce prohibitions are very costly (federal law enforcement alone cost \$1.22 billion in fiscal 1985) and constantly increasing.

- Prohibitions are ineffective. It is generally estimated that no more than 10% of all the drugs imported are actually confiscated. Increased efforts are likely to be only marginally effective. Thus, our present policy mainly raises the price of drugs. This might as well be done by appropriate taxation. Some of the revenue could then be used for anti-drug education.

- The outlawing of drugs has produced major criminal activity, beyond the sale and importation of drugs themselves, involving frequent murders and major corruption. Even draconian penalties will not avail; people are willing to risk death for the immense profits that can be made owing to the prohibition.

Legalization of marijuana, cocaine and heroin—the major drugs against which the government is now engaged in a Sisyphean struggle—does not imply that other drugs have to be legalized. Libertarian ideologues argue for making all drugs of all kinds freely available without requiring prescriptions. This is not my argument. I would continue to require prescriptions for drugs such as barbiturates that have a potential for abuse or are dangerous in inexperienced hands—as long as they can be controlled effectively. My argument for the legalization of marijuana, cocaine and heroin rests on the fact that their prohibition can no more be effective than the prohibition of alcohol.

THE WALL STREET JOURNAL THURSDAY, AUGUST 8, 1985

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