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# Is Prohibition Working?

Drug Policy  
Forum  
of Texas



## If Not, What's Next?

5/17/2012

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## What is My Background?

- 42 Years of Criminal Justice Work
  - Military Corrections (6 yrs.)
  - State Prison Systems (6 years)
  - Criminal Justice Consultant (10 yrs.)
  - Criminal Justice Academician (20 yrs.)

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# My Purposes are to...

- Encourage Open Dialog on...
  - *How Best to Produce a Low Drug Use Society.*
- Present Information about Current Practices...
  - Effectiveness
  - Impacts
- *Introduce Alternative Ways of*
  - *Thinking About Our Responses to Drug Use*

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# The Views Expressed are Mine.

But they are shared with...

Law Enforcement Against Prohibition (LEAP)

Drug Policy Forum of Texas (DPFT)

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Drug “Abuse” is Harmful.

We Should Strive to Reduce It.

*I Do Not Support Drug Use.*

*And... I Do Not Support  
The “War on Drugs” or Prohibition Policy*

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*People have “Used” Drugs for  
Many Thousands of Years.*

*Ceremonial Use  
Recreational Use  
Instrumental Use*

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# The American Colonies and the United States

Had Over *200 Years* of Experience With  
Opium and Coca Use

*Before*

Prohibition Efforts Began in 1875.

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## Prohibition

*Is the Current & Dominant View...*

- Based on a Set of Beliefs that:
- “If We Prohibit Something it will...”
  - Reduce Drug Availability,
  - Increase Street Prices,
  - Reduce Purity and Potency,
  - Reduce Crime and Violence, and
  - Deter Future Users with Harsh Sentences.

“The War on Drugs”

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# Another View is That...

- Prohibition is Ineffective
  - Has Many Negative Impacts that are:
    - Far more Harmful than the Drugs or Drug Use.
- *Drug Use IS NOT a...*
  - *Criminal Justice Problem.*
- *Drug Use IS a...*
  - *Health & Education Problem.*
- *New Approaches:*
  - *Harm Reduction*
  - *Decriminalization*
  - *Legalization with Regulation*



### Most Users are *Hidden Users*

- Middle Class
  - *Intermittent Users*
  - *Stabilized Addicts*
- Fully Employed (77% ONDCP)
- Legally Earned Money
  - *Used to Buy Drugs*
- Only Drug-Defined Crimes.

Declare an End to the "War"

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## Some Famous "Hidden" Substance Abusers



20-25 Million "REALLY" Hidden Users  
40%+ of the Population Have Used an Illicit Drug  
at Least Once

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Historically Prohibition Policies  
Have Been *More About...*

*Power, Politics, Economic Gain  
and Business Advantage –*

*Than about the drugs.*

Dishonest, Manipulative and Often Race-Based  
Policy Making...

*Driven by Other Political Agendas*

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Before 1914 Heroin Could be  
Bought from Grocery Stores

Am. J. Ph.] 7 [December, 1901  
**BAYER Pharmaceutical Products**  
**HEROIN—HYDROCHLORIDE**  
is pre-eminently adapted for the manufacture  
of cough elixirs, cough balsams, cough drops,  
cough lozenges, and cough medicines of any  
kind. Price in 1 oz. packages, \$4.85 per  
ounce; less in larger quantities. The effi-  
cient dose being very small (1-48 to 1-24 gr.),  
it is

U.S. Government Reports

**1.3%** of the population were compulsive users  
(addicted or dependent) in  
**1914, 1970, and 2000**

*(Robinson & Scherlen, 2000, p. 94; Courtwright, 2001, p. 9; Kane, 2004, p. 45)*

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# Arguments for Prohibition

- **Protect the Public by...**
  - Disrupting Cartels & Gangs
  - Removing Dealers
  - Arresting Users
- **Reduce Crime by...**
  - Interdiction of Drugs
  - Enforcement Actions
  - Fewer Users "Hustling"
- **Reduce Drug Use by...**
  - Decreasing Availability
  - Increasing Cost of Drugs
  - Decreasing Purity
  - Using Harsher Punishments



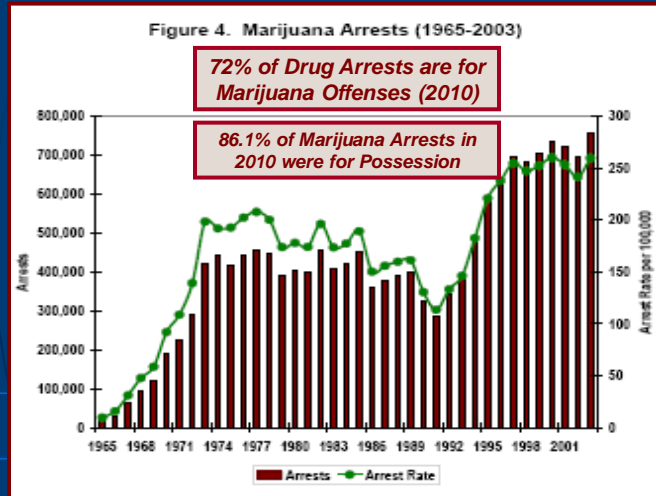
Arellano-Felix "Tijuana Cartel"

# The Evidence: Pattern of Arrests

(Sourcebook of Criminal Justice Statistics, 2003, 2005, 2007, 2009, 2011)

	1993	2004	2006	2008	2010
<b>Drug Abuse</b>	<b>710,922</b>	<b>1,745,712</b>	<b>1,889,810</b>	<b>1,702,537</b>	<b>1,638,846</b>
Murder	15,125	14,004	13,435	12,955	11,201
Forcible Rape	23,509	26,173	24,535	22,584	20,088
Robbery	96,877	109,528	125,605	129,403	112,300
Aggravated Assault	320,814	440,553	447,948	429,969	408,488
Burglary	253,751	294,591	304,801	308,479	1,271,410
Larceny-Theft	959,452	1,191,945	1,081,157	1,266,706	1,271,410
Motor Vehicle Theft	128,552	147,732	137,757	98,035	71,487
Arson	12,646	15,557	16,682	14,125	11,296

# Drug Arrests - Marijuana



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# Federal Sentencing Guidelines

**In the Balance**  
Sentences mandated by federal guidelines for drug possession with intent to distribute, in years:

DRUG	5 Grams	50 Grams	500 Grams
Powder cocaine	1 year	2	5
Methamphetamine	2	5	11
Crack cocaine	5	11	17.5

Anti Drug Abuse Act of 1986

Users:

**Middle & Upper Class**  
(Wealthier Users/Anglos)

**Working & Lower Class**  
(Poorer Users/Minorities)

- Produced sentences 3-6 times longer for Crack possession.
- Modified by *Three Recent Rulings by the U.S. Supreme Court*  
*No Longer Mandatory*  
*But, Still Yields Sentences 2-5 times longer for Crack.*

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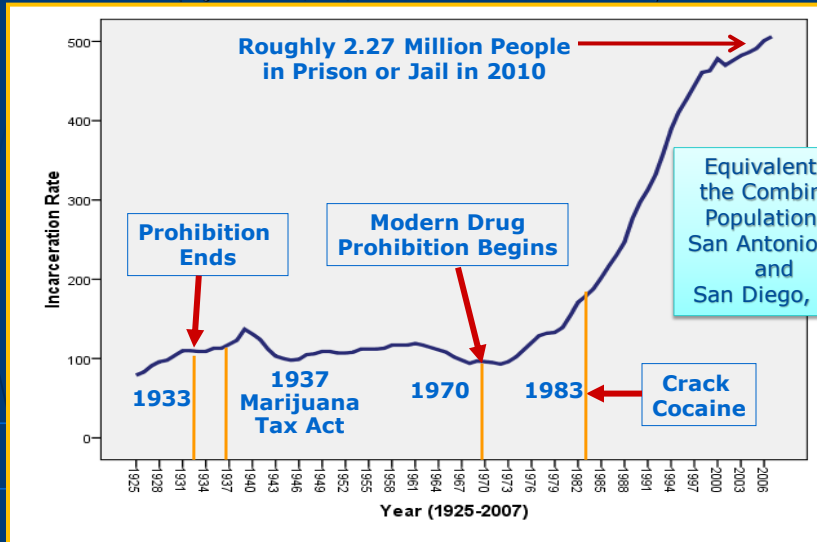
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# The Evidence: Incarceration Rates

(Maguire & Pastore, 2008, 2011 *Sourcebook of Criminal Justice Statistics*)



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# Prison Crowding



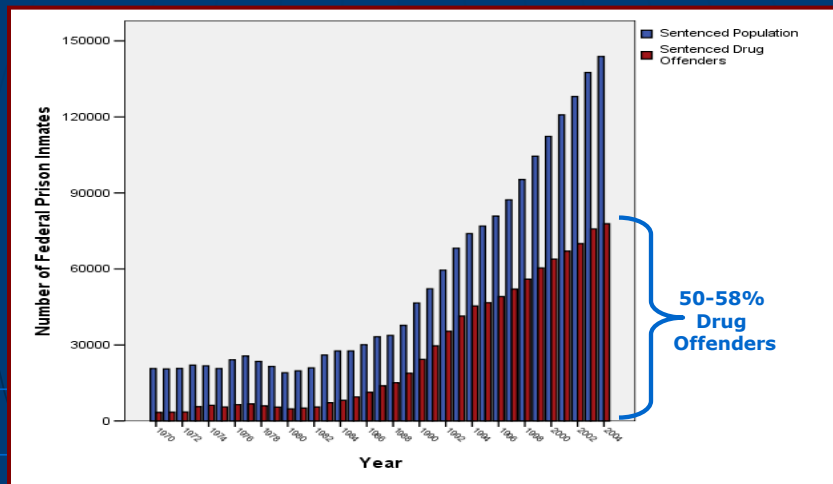
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# The Evidence: Federal Prison Inmates

(Maguire & Pastore, 2008, 2011, *Sourcebook of Criminal Justice Statistics*)



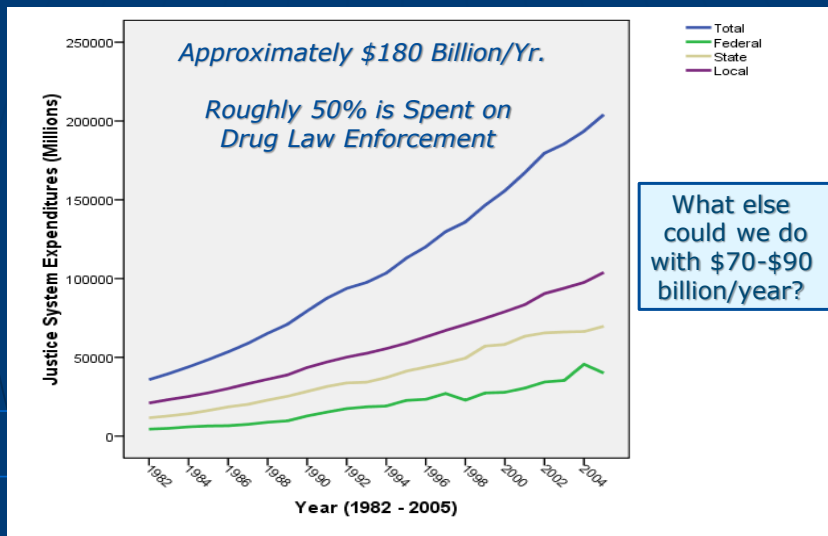
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# The Evidence: Justice System Expenditures

(Maguire & Pastore, 2008, *Sourcebook of Criminal Justice Statistics*)



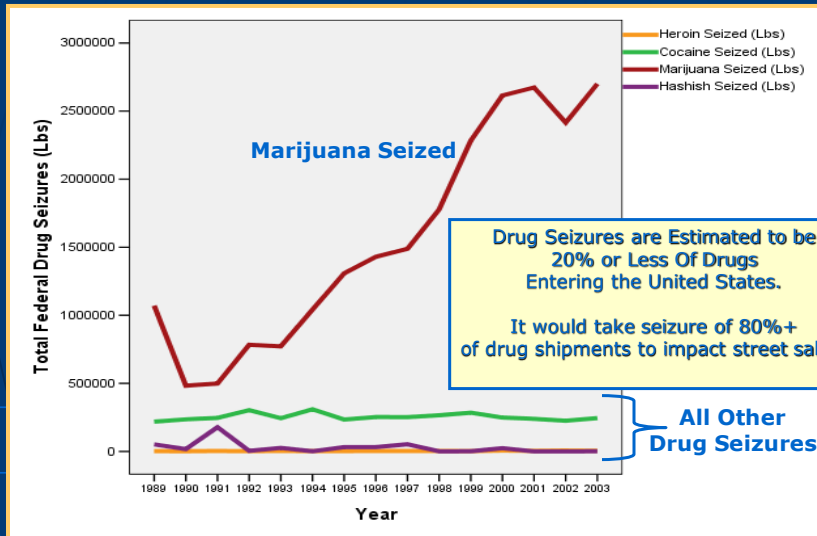
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# The Evidence: Drug Seizures

(Maguire & Pastore, 2008, *Sourcebook of Criminal Justice Statistics*)



Drug Seizures are Estimated to be 20% or Less Of Drugs Entering the United States.  
It would take seizure of 80%+ of drug shipments to impact street sales.

All Other Drug Seizures

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## 134 Tons of Marijuana Confiscated and Burned

Tijuana, MX – October 20, 2010  
(15,300 Packages)



Little, If Any, Impact on Availability.  
Street Prices have Gone Down, NOT UP.

Estimated Street Value - \$340,000,000  
(\$1288/lb)

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## “Dope Fort” Chicago Drug Bust - Press Conference 2010



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## Percent of HS Seniors Reporting Use Within the Past 12 Months

(Univ. of Michigan, Monitoring the Future, 2008, 2012, Table 2)

Type of Drug	1991	2004	2005	2006	2008	2010	2011
<b>Marijuana</b>	23.9	34.3	33.6	31.5	32.4	34.8	36.4
<b>Amphetamines</b>	8.2	10.0	8.6	8.1	6.8	7.4	8.2
<b>Cocaine</b>	3.5	5.3	5.1	5.7	4.4	2.9	2.9
<b>Crack</b>	1.5	2.3	1.9	2.1	1.6	1.4	1.0
<b>Barbiturate</b>	3.4	6.5	7.2	6.6	5.8	4.8	4.3
<b>LSD</b>	5.2	2.2	1.8	1.7	2.7	2.6	2.7
<b>Tranquilizers</b>	3.6	7.3	6.8	6.6	6.2	5.6	5.6
<b>Heroin</b>	0.4	0.9	0.8	0.8	0.7	0.9	0.8
<b>Methamphetamine</b>	1.4	3.4	2.5	2.5	1.2	1.0	1.4
<b>PCP</b>	1.4	0.7	1.3	0.7	1.1	1.0	1.3
<b>Prescription Drugs</b>	-	-	17.1	16.8	15.4	15.0	15.2

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## Cartel Leaders Captured or Killed 2009-2010



Creates  
Job Openings and Violence  
(Est. 30,000 dead in Mexico)



"El Teo" Garcia Simental  
Tijuana Cartel



"La Barbie"  
Edgar V. Villarreal  
Beltran-Leyva Cartel

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Despite 41 Years of Effort and  
Huge Costs,  
Modern Prohibition Policies...

*Fail to Achieve Objectives on All Indicators*

**Less** Drug Control  
**More** Availability  
**Higher** Potency  
**Higher** Purity  
**Lower** Prices  
**More** Crime

*And Produce Many Adverse Impacts.*

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## Some of the Adverse Impacts of Prohibition

- Black Market Systems
- Huge Profits (≈\$500 Billion/yr)
- Drug Dealers as "Role Models"
- Street Drug Sales in Poor Neighborhoods
- Infinite Replacement of Dealers
- Some Users "Hustle" to Support their Habit
- Crop Eradication (6yrs, \$4.7 Billion)
  - No Impact of Prices or Availability
- Drug Trade Violence
- Many Unintended Victims
- Traffickers & Dealers Killed by Police
- Officers Killed in the "War on Drugs"
- Unsustainable Prison Growth and Costs.
- Removal of up to 50% of Minority Males in Some Poor Neighborhoods

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## Differential Impacts by Race and Ethnicity

- Users (SAMHSA, 1999, p. 13)
  - Anglos – 72%
  - Blacks – 13.5%
- Blacks In Prison for Drug Felonies (Beck & Mumola, BJS, 1999)
  - Federal 60%

Incarceration Rates for African Americans are 5.5 Times Higher than for Blacks Under Apartheid in South Africa in 1993  
 (4682 U.S. 2005 / 851 South Africa 1993 = 5.502)

### White Citizens are Incarcerated Among Males:

- 1/106 Whites (18 and older)
  - 1/36 Hispanics (18 and older)
  - 1/15 African Americans (18 and older)
  - 1/9 African Americans (age 20-34)
- (Pew Charitable Trust, 2008)

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# And,...

## *Corruption of Justice Officials and Justice Systems.*



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## Milton Friedman, Winner of 1976 Nobel Memorial Prize for Economic Science and member of Law Enforcement Against Prohibition

- “Who would believe that a democratic government would pursue for *eight decades* a *failed policy* that produced tens of millions of victims and trillions of dollars of illicit profits for drug dealers, cost taxpayers hundreds of billions of dollars, increased crime and destroyed inner cities, fostered widespread corruption and violations of human rights – *and all with no success in achieving the stated and unattainable objective of a drug free America?*”

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# It is Time to Try Something Different.

- Harm Reduction
  - Treat Drug Use as a Health Problem
  - Goal - *Minimize Harm (EFFECTIVE)*
    - Treatment and Rehabilitation Programs.
    - Drug Maintenance for Dependent Users.
      - (See Feinstein, Richter & Foster, 2012, Journal of Adolescent Health)
- Decriminalization
  - *Partial* – Decision to Not Enforce Drug Laws
  - *Full* – Complete Repeal of Drug Laws
    - *"Legalization without Regulation"*

**Neither Approach Reduces the:**  
Black Market or its Profits  
Health Risks or Overdoses due to...  
Adulterants  
Unknown Potency

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# Legalization with Regulation

- **Government Regulated Production**
  - Price
  - Potency
  - Purity
  - Availability
- **Contract with Drug Producing Nations to *buy***
  - Opiates & Coca Products
    - Two Markets:
      - Medical
      - Recreational
- **Expansion of Affordable Drug Treatment Programs**

Fight Terrorism by Removing the Growers from the Black Market



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# Recent Support for an End to the War on Drugs

- International Red Cross (2011)
- Global Commission on Drug Policy (2011)
  - Kofi Annan, Former Sec. Gen., United Nations
  - George Shultz, Former Sec. of State, U.S.
  - Paul Volker, Former Chairman, U. S. Federal Reserve
  - Javier Solana, Former EU Head of Common Security Policy
  - Ruth Dreifuss, Former President, Switzerland
  - Ernesto Zedillo, Former Pres., Mexico
  - Cesar Gaviria, Former Pres., Colombia
  - Fernando H. Cardoso, Former Pres., Brazil
  - George Papandreou, Former Pres., Greece
  - Louise Arbour, Former UN High Commissioner for Human Rights
- NAACP – Resolution (July 27, 2011)
- U.S. Conference of Mayors (2011)

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# Legalization with Regulation

- Change Current Laws
  - Allow Adults Legal Access for:
    - Medical Use – Symptom & Pain Control
    - Recreational Use **by Adults**
      - Similar to Alcohol, Tobacco, Prescriptions
      - Free Medically Supervised Access for Destabilized Users
- Regulatory Structures
  - **ADULTS ONLY**
  - No Advertising
  - Nuisance Control
  - Laws Governing Use
  - Licensed Commercial Dealers
  - Licensed Growers & Producers
  - Taxation of all Product Transactions
  - No Diversion from the Legal System
  - **Removes Black Market Profit Motive**

Licensed Liquor Store



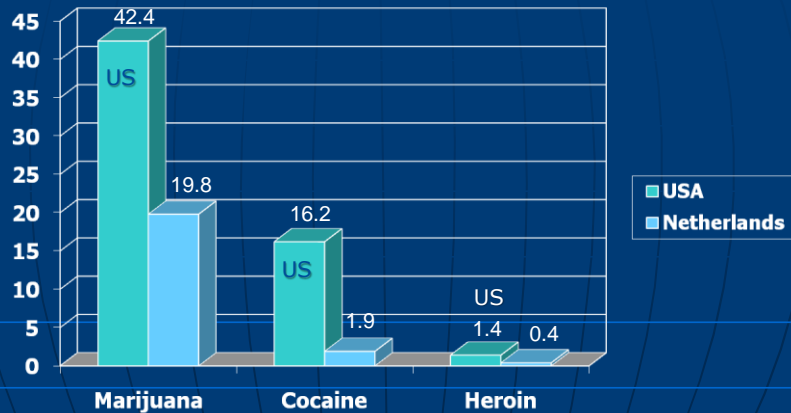
(Hanson, Venturelli & Fleckenstein, 2004, p. 184 )

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## US vs. Netherlands Percentage Who Have “Ever Used” By Drug Used (World Health Organization, 2007)

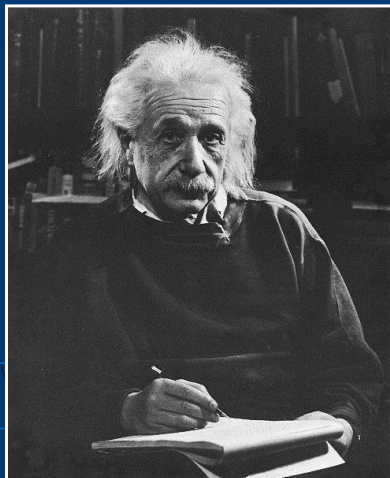


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## Albert Einstein on Alcohol Prohibition



- The prestige of government has undoubtedly been lowered considerably by the Prohibition law. For nothing is more destructive of respect for the government and the law of the land than passing laws which cannot be enforced. It is an open secret that the dangerous increase of crime in this country is closely connected with this.

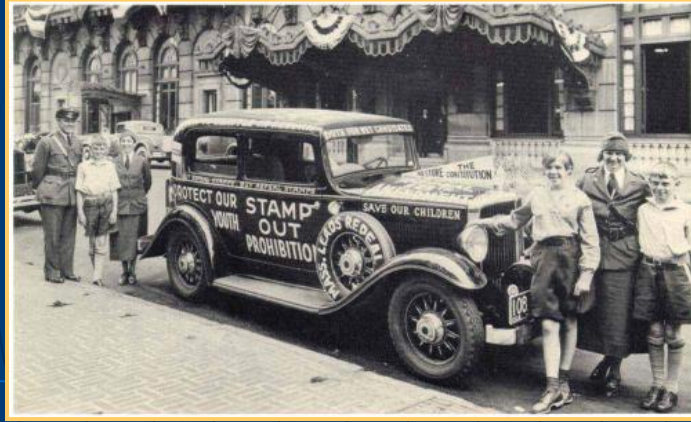
• Albert Einstein, 1921, *“My First Impressions of the USA”*

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## Eighty Years Ago, the Same Debate was Going On.



Members of the Women's Organization for National Prohibition Reform pose for a photograph in 1932 (courtesy of the Hagly Museum and Library, Wilmington, Delaware) and used by LEAP.

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## Legalization with Regulation

*The Only Policy Option that is likely to  
be Effective in:*

- Controlling Access
- Reducing Drug Use
- Reducing Social Harms
- Improving Public Safety
- Reducing Crime & Violence
- Removing Black Market Profits and Influence

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## Ask Me About LEAP and DPFT

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Forum  
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**LEAP**  
Drug Warriors  
Rethinking The  
Drug Control  
Problem

[www.dpft.org](http://www.dpft.org)

[www.leap.cc](http://www.leap.cc)

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