By Tom Gorman

THE ARGUMENTS AGAINST LEGALIZING DRUGS
LEGALIZATION AND CRIME

Legalization of drugs will not reduce crime. Alcohol is legal and its use is pervasive in
our society. More violent crime, especially domestic violence, is committed under the
influence of alcohol than drugs. Much drug related crime is committed because drug
use changed the behavior of offenders and enabled them to act violently. Legalizing
drugs will not stop this behavior change from occurring in people who use drugs.

Although legalizing will cut crimes having to do with the sale of some drugs, it will result
in an increase of violent crime. For example, the Attorney General of Pennsylvania
reported that in Philadelphia, over 50 percent of the child abuse fatalities involved
parents who used cocaine. (1) Cheap legal cocaine would result in more children dying.
The use of "crack" has resulted in an unprecedented increase in violent crime. The
violent and irrational behavior of drug users increases where drugs are cheap or easily
available.

Our concern with drug-related crime should not overshadow the complex problems of
drug use. We still do not understand exactly why people experiment with drugs and
then become dependent on them. Our study of brain chemistry raises more questions
than answers regarding the immediate and long-term effects of drugs on the brain.
Without knowing more about the effects of drugs, legalization is a gamble. A gamble
that could encourage drug use and a new crime wave. (2)

Legalization will encourage drug use, especially among young people. Great Britain
legalized heroin so users could register and obtain heroin at local pharmacies. This
resulted in a dramatic increase in heroin use. The number of heroin users doubled and
illegal heroin importation increased threefold. Scotland Yard had to increase its
narcotics squad by over 100 percent because heroin users only went out on the streets
and bought more potent heroin illegally to supplement the heroin they could buy
legally. (3)

A drug that is legal for adults cannot be kept from children. Drug use among children
would increase if drugs were made available at a lower price and the penalties for use
were removed. In a 1986 New Jersey survey, 70 percent of the drug free students said
that fear of getting into legal trouble kept them from using drugs. (4) To quote Leroy
Zimmerman the former Attorney General of Pennsylvania, "Among high-school seniors,
over six times more students have drunk alcohol, which is legal for adults, than have
tried cocaine, which is illegal for everyone. Moreover, cocaine and most other illicit drug
use has started to decline among high school students, while alcohol use has remained
relatively stable. This would be the worst time in history to legalize drugs." (5)
Penalties against drug use have prevented and delayed millions of people from using alcohol and other drugs. People have a natural respect for the law, especially children and adolescents. According to the 1987 National High School Senior Survey, half of these students never used marijuana, 85 percent never used cocaine, and 99 percent never used heroin. Compare this with the same students who have never used tobacco (33 percent) and alcohol (8 percent). Although illegal for minors, alcohol and tobacco are more acceptable drugs to use, and they are inexpensive and easy to obtain. It is clear that social tolerance and availability do contribute to an increase in drug use.

Our society must also consider the dangerously addictive nature of drugs. Only 10 percent of those who drink alcohol have problems; however, 75 percent of crack users become addicted.

THE ADVOCATES OF LEGALIZATION CLAIM: "WE LIVE WITH CIGARETTES AND ALCOHOL; WE CAN LIVE WITH DRUGS."

"In reality, illegal drugs are at least as harmful, if not more harmful, than alcohol and tobacco. Illegal drugs kill fewer people only because fewer people use them. Keeping them illegal holds use down: 18 million marijuana users compared to 116 million alcohol users; 6 million cocaine users compared to 60 million tobacco users."

"The single greatest difference between legal and illegal drugs is that illegal drugs generate no profits to spend on advertising and marketing. Once a democratic society legalizes drugs, the forces of free trade and free speech will take over. Cocaine, marijuana, heroin, PCP, LSD and other currently illegal drugs will be mass-marketed as alcohol and tobacco are mass marketed today. Far more people will use newly legalized drugs and far more people will die."

"Alcohol is the leading cause of death among young people in the United States, deaths which occur in alcohol-related homicides, suicides, and accidents (by no means all of which occur in cars). Alcohol kills a total of 100,000 people annually, while tobacco kills between 350,000 and 500,000 more people each year, according to various estimates. These numbers are almost too large to comprehend."

THE ADVOCATES FOR LEGALIZATION CLAIM: "TAXES FROM LEGAL DRUGS CAN BE USED FOR EDUCATION AND TREATMENT."

"This sounds like a good idea. It is such a good idea, in fact, that we should study our alcohol and tobacco model to determine how many tax revenues from it are used for education and treatment. The answer is none. In fact, the last time Congress increased alcohol and tobacco taxes was in the 1950's. (author's note: although this may be true on the federal level, some states do tax alcohol and use some of the funds for treatment. New Jersey is an example, however, the tax does not provide adequate funding for the treatment needed.)"
"Some of the profits society's two legal drugs generate are used to support highly effective lobbying efforts to defeat legislation that might affect them negatively, as well as to prevent any increase in federal excise taxes on their products and the tobacco industry's claim that there is still no conclusive proof that smoking causes cancer."

THE ADVOCATES OF LEGALIZATION CLAIM: "LEGALIZATION WILL TAKE THE PROFITS OUT OF DRUGS"

"Legalization will not eliminate profits. It will simply shift them out of the pockets of traffickers and into the hands of legitimate businesses. Drugs will be driven off the streets of America straight into the shops and stores of America. Is that what we really want?"

THE ADVOCATES OF LEGALIZATION CLAIM: "WE HAVE ALWAYS BEEN A DRUG USING SOCIETY"

"This is simply not true. As recently as 1962, less than TWO PERCENT of the entire U.S. population had ANY experience with illicit drug use. Our current drug epidemic has taken place in just 26 years."

THE ADVOCATES OF LEGALIZATION CLAIM: "LEGALIZATION WILL END CRIME."

"Again, legalization proponents tell only half the story. Legalization most likely will end crimes associated with drug dealing and trafficking. But it will increase crimes committed by people under the influence of drugs, as more and more people use them. Overt crimes such as drug-related violence, murder, wife-beating, child abuse, sexual assault, driving while intoxicated, etc., will rise. And the emotional wreckage produced among children of drug abusers will equal and probably exceed that produced among children of alcoholics."

THE ADVOCATES OF LEGALIZATION CLAIM: "DECRIMINALIZATION WON'T INCREASE USE."

"This is also untrue, and we have a model to study. It is a model that legalization proponents ignore, never refer to and pretend doesn't exist. Between 1972 and 1978, eleven states in this country decriminalized marijuana. Advocates who lobbied states in behalf of decriminalization insisted then that decriminalization would not increase use. But it did. During the decrim years, marijuana use rose 125 percent among high school seniors, 200 percent among older adults, and 240 percent among teenagers. Interestingly, marijuana use in this country peaked one year after the eleventh and final state decriminalized."
THE ADVOCATES OF LEGALIZATION CLAIM: "DRUG ABUSE IS NOW WORSE THAN IT'S EVER BEEN."

"This is not true either. With only a few exceptions, drug abuse among all age groups has actually levelled off or begun to decline. The most dramatic examples of this can be found among high-school seniors among whom daily marijuana use has been driven down from 11 percent in 1978 to 3 percent last year. The number of seniors who perceive marijuana as harmful increased during this same time from 35 percent in 1978 to an astounding 74 percent in 1987."

The advocates of legalization suggest that drugs could be legally distributed as we distribute alcohol. Are they seriously considering PCP, cocaine, and heroin? Who would be responsible for distribution of legalized drugs? The government? Private industry? What about addicts? Do they get maintenance doses or enough to get high? How do you allow for experimentation? Would there be age limits or other restrictions? Would we get the supply from foreign sources, or do we establish domestic drug production mechanisms? Would there be restrictions for "public safety occupations," such as pilots, bus and train operators, surgeons, nuclear plant workers, etc.? It is difficult to envision a legal distribution system that would accommodate the kinds of powerful and addictive drugs that are most appealing and abused.

THE ALCOHOL/TOBACCO ARGUMENT

It is precisely because alcohol and tobacco are legal that they are the most widely used and culturally entrenched drugs. There is no reason to give legal sanction to an additional major public health and social problem. For example, the Research Triangle Institute study showed the costs of alcohol abuse for 1983 was $117 billion a year. For drugs it was $60 billion a year.(9)

The Prohibition Experience

More than half a century after repeal of Prohibition, alcoholism is crippling and killing on a scale more vast than ever. While the profit may have been taken out of providing alcohol, the demand has risen. Alcohol-related hospitalizations declined sharply in the early 1920's. Following legalization of alcohol in 1933, the costs became clear--alcohol-related disease hospital admissions increased soon thereafter.(10)

HISTORICAL PERSPECTIVES

When drugs such as heroin, cocaine, and marijuana were legally available early in this century, it was the alarming spread of addiction that gave rise to legal controls.(12)
We have current experience with legal drug distribution systems. In the 1970’s, we provided free methadone through clinics. The systems did not work. A black market in methadone evolved. The methadone, while addressing the maintenance dose, did not satisfy the need to get high, many on methadone continued to abuse heroin and other drugs.

We currently have a government-regulated and controlled system of dispensing pharmaceutical drugs. The diversion of licit drugs is a problem of serious proportion. Just under one-half of all drug-related emergency room episodes are attributed to legal drugs. The Drug Enforcement Administration, as well as the states, continue to make a substantial monetary and manpower commitment to containing the problem of legal drugs. This commitment would have to be increased many-fold if other drugs were legalized.

LEGALIZATION WILL NOT SAVE THE GOVERNMENT MONEY

The legalization theory holds that government (Federal, state, local) will save billions annually in drug enforcement and related court and prison expenses. In theory, these funds could then be redirected to drug abuse treatment programs.

However, the increased health/social expenditures related to the expanded level of drug use following from legalization would be more than the amounts saved from the law enforcement/criminal justice accounts. Second, relative to other government expenditures, the current criminal justice system expense is small, less than 3 percent. In contrast, national defense/international relations uses over 18 percent, education 13 percent, and interest on the debt, almost 11 percent.\(^\text{(13)}\)

Legalization is not really an alternative when we consider the facts. It is understandable when people are confronted with a problem that requires years of effort they may consider an easier, softer way. Legalization, however, is a harder and more dangerous way than our current course. Legalization will increase our troubles and not end them.

FOOTNOTES


3. Peter A. Bensinger, Drug Abuse Update (Families in Action, Atlanta, GA, September, 1988) p. 14


5. Ibid.


8. "Issues and Comments to Respond to Legalization of Illegal Drugs" (Office of Congressional and Public Affairs, Drug Enforcement Administration, Washington, DC, 1988)

9. Ibid.


11. "Issues and Comments to Respond to Legalization of Drugs"

12. Ibid.

13. Ibid.