The War on Drugs: Predicting the Status Quo

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Abstract

I regard the chances of a major breakthrough which will dramatically change the amount of drug use and abuse among the citizenry or the problems caused by it at the governmental level, as somewhat between small and non-existent.

KEYWORDS: war, drugs, problems
or not in this respect. Even if drug use increased with legalization, the Oregon and Alaska experiences with decriminalization of marijuana suggest that the increase might not be nearly as much as anticipated. And in order to undertake such a bold move, society would have to decide that the deprivation of freedom and the damage wrought by prohibition is less than the damage attendant on an increment of drug use, much as it did in the decision to repeal the Volstead Act. One way to study the issue might be to examine the effect on gambling habits of the institution of state lotteries in competition with illegal numbers games. But there is a great obstacle to even thinking about this as a serious alternative: No one in government wants to give up the symbolism of the criminal law or the commitment that has been made over the last seventy years, not only in the United States but all over the world, to treating drugs as a criminal problem. It is sometimes said that the pendulum of public attitudes swings back and forth between harshness and leniency in drug control. If there was some swing toward leniency in the early 70s, it now appears to be going the other way, as indicated by the report of the President’s Commission.

Nevertheless, there is a great deal of public ambivalence or to put it less kindly, hypocrisy, where this issue is concerned. On the one hand, it is accepted in public discourse that everything possible has to be done to prevent everyone from ever using any of the controlled substances. On the other hand, there is an informal lore of drug use which is more tolerant. At one time it looked as though the forms of public discourse and this private language were coming closer together. Now they seem to be drifting apart again. A type of pretense that we have long abandoned in the case of alcohol is still considered the respectable position where other drugs are concerned. Would a policy of legalization and taxation change these ambivalent (or hypocritical) attitudes? Unfortunately, it is hard to see how the legal change can come about until attitudes change.

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I regard the chances of a major breakthrough which will dramatically change the amount of drug use and abuse among the citizenry or the problems caused by it at the governmental level, as somewhat between small and non-existent. It seems to me that such a change can occur only in two large areas: supply or demand. I see no prospect, however, that the present ability of our government to prevent the supply of drugs will increase so dramatically as to make a major difference.

As I have written elsewhere in more detail with respect to heroin,\(^1\) insofar as the supply from abroad is concerned, this would mean preventing the cultivation and production of drugs in nations that have insufficient control of their own populations or are not kindly disposed toward the United States. Alternatively, it would mean that somehow we would vastly increase our ability to keep these substances out of the United States through interdiction at our borders. Both improvements I regard as extremely unlikely with respect to heroin and cocaine, though the second is theoretically, if not practically, solvable with respect to marijuana.

If supply is not interdicted outside the United States, the only possibility is interference within the United States. Here the problem is simply that the criminal justice system is so grossly overburdened now and for the foreseeable future that we lack the resources to do a much better job of suppressing the drug traffic than we do today. Indeed, this is even more true now than it was in the past, since our enforcement efforts have grown somewhat more sophisticated in recent years.

With respect to demand for illicit drugs, as I wrote with respect to marijuana in 1970,\(^2\) the situation is one of only slightly greater hope. Though there could be a religious or cultural change in America which would greatly lower the willingness of the population to use drugs, the chances are that in a society which has already made socially acceptable two recreational drugs of significant danger to the user, alcohol

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and tobacco, we are not likely to achieve this. Indeed, some have argued that it is basic to the nature of man to choose altered states of consciousness through drugs. Whether it is or not, I do not see in the foreseeable future the citizenry of the United States changing so drastically as to markedly lower the demand for the presently illegal drugs that plague us. Indeed, if I were to guess as to the most likely change in our drug problems, I would predict that a new synthetic drug of some kind would become popular and add to, rather than decrease, our problems.

The National Strategy — An Overview

Leon B. Kellner*

I. Introduction

Over the past two decades, the use of illegal drugs in the United States has spread at an unprecedented rate and has reached into every segment of society. Illicit drug use is, in my view, the most serious social as well as law enforcement problem facing the United States today. As the chief federal prosecutor in the Southern District of Florida, I deal on a daily basis with the impact of the illegal drug trade on the federal criminal justice system.

This paper will briefly summarize the Administration's National Strategy for Prevention of Drug Abuse and Drug Trafficking promulgated in 1984. Before I discuss the national strategy, I would like to provide some statistics illustrative of the impact that drug abuse and trafficking has had on the criminal justice system in South Florida.

South Florida's drug trade has been documented in every major publication and television network in the country. It has been featured in numerous articles and television stories. South Florida is the point of entry for more than 80 percent of the marijuana and cocaine imported into the United States from South America and the Caribbean.

In large part, as a result of this trafficking, the federal courts in South Florida are faced with a burgeoning caseload that is larger than in any district in the United States. The United States Attorney's Office for the Southern District of Florida indict more cases involving more defendants than any other district in the United States. Today, we have pending for trial more felony defendants than the Southern District of New York (New York City) and the Northern District of Illinois combined. Almost fifty percent of this extraordinary caseload is drug related. The violent nature of this problem is made apparent by the fact that this district also has the dubious distinction of having the largest number of weapons violations in the United States.

At the outset, the Administration recognized that in order to successfully contain the drug crisis, a systematic approach would have to be employed. It was simply not enough to rely on law enforcement or

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