

## Illicit Drugs

Libertarians have consistently argued that individuals should be free to consume mind altering substances such as heroin, cocaine, marijuana, alcohol, and tobacco, given that others are not harmed. When we examine spillover harms that are allegedly caused by the consumption of these products they cannot stand muster. Further, even if some spillovers occur, anti-consumption policies are not warranted because their implementation, it has been shown, invariably imposes even greater costs than their use. Yet prohibitionist policies persist because they promote the interests of several powerful political groups.

Drug war advocates contend that drug cravings cause people to steal; thus, they argue, controlling drug markets will have the effect of reducing both drug consumption and property crime. However, substantial evidence shows that property crime is not caused by drug use. Surveys of jail inmates indicate that almost half of regular hard-drug users were employed full time before their drug offense was committed and only twenty-nine percent reported having had any illegal income, much of which originated as earnings from consensual crimes like prostitution and drug sales. More than half the jail inmates that admitted regular drug use also said that their first arrest for a non-drug offense occurred an average of two years before their first drug use. Similarly, a study of prison inmates found that approximately half who had ever used a major drug, and roughly three-fifths of regular users, did not consume drugs until after their first arrest for some non-drug crime.

Notwithstanding this, drug enforcement is in fact directly linked to property crime. Police resources are scarce so increased efforts against drugs translates into less effort against other crimes. In Florida, for instance, an estimated ten percent increase in property crimes in the period 1984 to 1989 was due to reallocating police effort to drug control. Overcrowding of prisons and early release of convicted criminals also resulted from the drug war during this period. Grim consequences abound as violent criminals were released to do more violence.

Prohibitionists also argue that drugs cause violence, but research suggests that the causal link is between the criminalization of drugs and violence. Black markets generate violence because participants must enforce contracts using threats and physical harm rather than the court system. And drug market participants carrying drugs or cash are relatively attractive robbery targets who are not likely to report the crime. Other factors are at work too. Increasing drug enforcement disrupts local drug markets causing dealers to seek other markets where violent confrontations with other dealers, one of the standard methods of competition in illicit markets, can erupt. Consider Quebec's experience when it increased cigarettes taxes in excess of 60 per cent. This increase probably caused a minor reduction in cigarette consumption but also encouraged many smokers to break the law. Soon after the cigarette tax was raised, roughly half the cigarettes sold Quebec were purchased on the black market, which in turn made smuggling so lucrative that the involvement of organized crime increased dramatically. Armed gangs of smugglers competed for shares of the market. Quebec's citizens recognized the futility of this war against tobacco and cigarette taxes were eventually reduced,. The events in Quebec followed same pattern that had prevailed with alcohol prohibition in the 1920

The drug war has made Americans more vulnerable to attacks by police. Police corruption is an inevitable consequence of such markets, where so much wealth is at stake, In addition courts, under intense prodding from drug enforcement officials, have relaxed search and seizure standards to facilitate the "war" on drugs. Similar reasons lie behind legislation that has undermined property rights by encouraging "civil" confiscations which do not require proof of guilt. The 1984 federal Crime Bill contains a section on asset forfeitures that allows local police to keep assets seized during drug investigations conducted with the cooperation of federal agencies, in contrast to many state laws directing such assets into general or special funds. The Department of Justice has gone even further, "adopting" seizures even if a federal agency was not involved in a drug raid and passing the seized assets back to the local agency, less a "handling charge." This has had a dramatic impact on how police allocate their efforts. Civil seizures (many apparently from innocent citizens), as well as drug arrests and convictions have

risen sharply in light of these policies. A state law allowing police to keep seizures has also led to an increase in drug arrest rates by at least eighteen percent, thus providing strong support for the hypothesis that the upsurge in drug enforcement after 1984 is a direct consequence of the federal seizure legislation

For drug prohibition to prove a success, the laws of economics would have to be repealed. Large-scale interdiction of marijuana during the early 1980s had the predictable effect of pushing the price up. Since the law of demand dictates that consumers will buy less when price rises it follows that they are more likely to turn to substitutes. One study found that young users drank more beer when the price of marijuana rose, which, in turn, led to more traffic fatalities. And another reported a precipitous increase in crystal methamphetamine use after a crop destruction program decimated Hawaii's marijuana supply. Similarly, states that had decriminalized marijuana during the 1970s had fewer hospital emergencies involving "hard" drugs. Sellers, looking for an alternative product to sell at the low-priced end of the drug market during the early 1980s, also turned to more easily concealed cocaine and introduced crack, adopting a technology in use in the Bahamas. Yet a further study shows that—when interdiction efforts are successful—marijuana farmers have developed increasingly potent varieties in an effort to pack a greater punch in a smaller package that can be more easily hidden. Attempts to thwart the drug trade are no match for entrepreneurial creativity. **Furthermore, the relatively high price of drugs because of their illegality generates a huge profit margin for those willing to take the risk. This profit potential is particularly attractive to drug users, youth with few legitimate alternatives, and low-income agricultural producers around the world. Drug prohibition has perverted the incentives of large segments of the population, creating a virtually unlimited entry into the drug market. Arrests and convictions of drug dealers, smugglers and producers simply lead to additional entry.**

**So why do prohibitionist efforts continue?** A number of self-interested political motivations have been identified. The demands of the American Pharmaceutical Association for limits on drug distribution has been a potent factor in keeping the war on drugs alive, as has the

desire by some groups to control racial minorities, who employ illicit drugs in greater degrees than does the population at large. Law enforcement bureaucrats have also been a major source of demand for criminalization. These interest groups have interacted with others, among them temperance groups, to strengthen drug prohibition legislation. The 1984 asset seizure legislation was a product of agitation by law enforcement officials and others whose professional interests lay in keeping drugs illegal.

Bureaucrats advocate directly controlling "a source of blame," that is, the drugs themselves, for crime for at least two reasons, despite the history of failure surrounding this policy. First, since opposition to these prohibitive policies always exists, when drug enforcement officials fail in their attempts to curtail drug use, opponents can be blamed for limiting expenditures to combat the problem. Second, since the results of current drug policy depend in large measure on the efforts of a number of groups and bureaus and the range of possible control methods is very large, when the method selected fails bureaucrats can argue that: (1) they advocated a different method of control, and/or (2) others (e.g., witnesses, judges, legislators who approve budgets, other law enforcement agencies) failed to do their part. Under prohibition, police incentives may be even more "perverted," however. When police focus on drug control, arrests and drug seizures rise, marking their effectiveness, while reported property and violent crime rates simultaneously increase, thus suggesting that there exists a greater need for even more police services.

The official publication of both true and false information, or "selective distortion," plays a significant role in all bureaucratic policy advocacy. This has especially been the case with respect to the government's drug policy, inasmuch as law enforcement has been the major source of anti-drug propaganda. Indeed, given the continued advocacy of prohibition by police and in light of consequences of the drug war, police interests, not the "public interest," seems to be at the root of the drug war. Thus, whether considered from the perspective of liberty or efficiency, prohibitionist policies cannot be justified. **While legalization would lower the price of drugs, and therefore cause an increase in consumption, all else equal, the drugs being consumed would be**

less dangerous and less potent. In addition, the alleged spillover consequences of increased consumption, such as increased crime, are actually the result of criminalization, not drug use itself.

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**[The author should probably just state that, yes, drug legalization would likely lead to more people using drugs, because legalization would likely reduce the prices of drugs. But an increased number of drug users wouldn't necessarily lead to more crime, because drug-related crime is, in the main, caused by the drug war itself.]**

**Also, it might be useful to mention how the drug war has created a perverse set of incentives for inner-city youths: it has made dealing drugs one of the most lucrative jobs in poor areas of the country, and thus made "honest work" increasingly unattractive to young black kids. Steelman, July 17, 2000.]**

**Surely federal agency should read local agency – NO: FEDERAL IS CORRECT; THE STATEMENT IS THAT THE DOJ RECOGNIZES THE SEIZURE AND GIVES IT TO THE LOCAL AGENCY EVEN IF NO FEDERAL AGENCY IS ACTUALLY COOPERATING, DESPITE WHAT THE LAW SAYS.**