

Our Drug Laws Have Failed

By James P. Gray, U.S. Superior Court Judge, In Police News, Spring '94

What we are doing is not working. We have focused our attention, effort and resources upon intercepting heroin, cocaine and marijuana, and incarcerating those who sell and use them. We have been increasingly successful in seizing ever larger quantities of these drugs, convicting greater numbers of defendants who are involved with them and sentencing those defendants to ever longer terms in our jails and prisons. Nevertheless, the magnitude of the problem created by making these drugs illegal continues to grow. The only practical resolution available to us is to revise our laws so that the use by adults of heroin, cocaine and marijuana, and the purchase by adults of these drugs generically at licensed commercial pharmacies is legal.

Although under this proposal the purchase and use by adults of heroin, cocaine and marijuana from the pharmacies would be legal, the sale, transfer or furnishing by anyone of any quantity of these drugs to minors would be severely punished. Also, present laws concerning public drunkenness, driving a motor vehicle while under the influence, etc., would not be changed, and the unlicensed sale of these drugs would remain a violation of the law. The price of the drugs at the pharmacies would be set at an amount that would be continually adjusted so as to undercut the sales price of any illegal sale "on the street." This would do away with the financial incentive to sell them illegally.

Without a doubt, some people will continue to buy and abuse these drugs under this proposal. However, since there would be no incentive to "push" these drugs, they would never be advertised or "on sale", and free samples would never be given to anyone, including non-users in order to get them "hooked", etc., the usage should not be above the present rate, and probably, after a possible initial surge, would be materially reduced.

All of the other results under this plan would be positive. Crime would be materially reduced. For example, there is no violence now in the manufacture, distribution and purchase of alcohol. Also, for those who would continue to burglarize in support of their drug habit, they would do so less often because of the reduced price. Since part of the sales price at the pharmacies would be a tax, resources for the education about and treatment of drug abuse would be substantially increased. Police and society's other pressing needs. No new taxes would be needed for jail or courthouse construction. Lower income areas would be reclaimed from the drug sellers. Monies obtained by juvenile gangs and other organized crime would be decreased. Violence and corruption in our country and abroad would be significantly decreased. Overdoses and other medical problems from the usage of these drugs would be reduced because the Food and Drug Administration would ensure that the strengths of these drugs would be accurately set forth on the labels. Drug treatment would be encouraged because of warning labels outside, and literature inside the packages, including toll-free numbers to call for more information. Clean needles would reduce the spread of AIDS.

Many good, honest and intelligent people may disagree with this proposal on moral and/or other reasonable grounds. In addition, other people who have vested interests in the present system may also oppose this plan. However, in my opinion, the choice we have now is further to escalate our efforts and the spending of our limited resources in a losing or lost "war on drugs," or to face the reality that is upon us and legalize these drugs under a plan of regulated distribution such as this one. The sooner we make the change, the sooner we can stop the bleeding.

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