



Legalization Debate Turns to Other Drugs

Feisty exchanges in New York last night reflect a country wondering more than ever about radical drug-law change.

By Will Godfrey 11/15/12

Legalization is in the air right now, and an unusually constructive debate was waged in Manhattan last night on whether the US should end its prohibition on all currently illegal drugs. Hosted by the Intelligence Squared foundation, to be broadcast on NPR and Channel 13, it featured what debater Nick Gillespie (editor-in-chief at Reason.com, for the motion) characterized as four sometime participants in the drug war: a soldier (Paul Butler, law professor at Georgetown University and former federal prosecutor, also for legalization); a general (Asa Hutchinson, former DEA administrator and Congressman, against); a medic (Theodore Dalrymple, former prison doctor and psychiatrist, against); and a "conscientious objector" (Gillespie himself).

Butler kicked off with a passionate plea to end America's mass incarceration, in which he used to collaborate. Noting that "No country has ever found a way to stop people using drugs," he drew attention to the grotesque racial disparities in drug-law enforcement in a country where black people use drugs no more than white people, but are far likelier to be imprisoned for it. Doubting that Hutchinson would call the cops if he caught his own daughter using cocaine, Butler concluded that "What is good enough for our children and friends is also good enough for African Americans." Hutchinson admitted that many changes are needed in the way US drug laws are enforced, but said that this doesn't mean the drug laws themselves should disappear. Stating that a \$2.5 trillion total drug-war expenditure has helped to halve illegal drug use in the last 30 years, he argued, "The idea that prohibition isn't working may appeal to the popular culture, but does not pass muster on closer examination."

Gillespie made the libertarian case for "pharmacological freedom": granting adults the right to decide what they put into their own bodies. "If we don't have the right to change our minds [by using drugs]," he asked, "then what rights do we really have that are worth a damn?" A drug user who no longer boozes ("because I'm a bad drinker: I tried and tried, but..."), he raised laughs with his sense of the ludicrous—at one point imagining "fair-trade methamphetamine." But he predicted that full legalization would change little, except to jail fewer people, give us "a couple more options" in our bathroom cabinets, and "Monday mornings would be a lot easier to face." Dalrymple responded by focusing on the harm drugs can do—noting the huge addiction and overdose toll of opioid painkillers in the US, "all created perfectly legally." Citing examples like buprenorphine use in France, he argued that making drugs legal increases their availability, and that "Supply can produce a large and disastrous demand." He

conceded Butler and Gillespie's point that most people who take drugs don't become addicted, adding, "but then 99% of drunk drivers get home perfectly safely—I know, because I've done it myself."

Audience votes were recorded before and after the debate, with a swing towards legalization seeing Butler and Gillespie declared the winners. But it felt more like a beginning than an end. With marijuana now legal in Colorado and Washington, America's drug-legalization debate is going to expand both in geography and scope. It will rarely remain this civil.