

Rising Scourge of Drug Epidemic Can't Be Stopped Through Incarceration Alone

by Conrad Black



The only substantial policy area where I part company with the Trump administration is in the harsh sentencing for all offenders. The drug trade and the activities of gangs, especially gangs that originated in Latin America, are generally invoked as the reason for this stance.

No informed person could dispute the gravity of the drug problem in the U.S. But there is plenty of room for debate about the best way to deal with it, as well as about other aspects of the U.S. justice system.

Deaths in the United States from drugs have risen since 2000

from 17,000 to almost 65,000, a 300 percent increase in 15 years. Over the same period, deaths from guns and in automobile accidents fluctuated fairly narrowly, but ended about where they began the period, at 30,000 for cars and 40,000 for guns, a respectable performance given the increase in population, and in the number of guns and automobiles.

The pattern of drug-death increases is even more disturbing than its stark increase. All principal drug categories have risen substantially; cocaine is the only one that has not risen consistently, as it grew from 4,000 in 2000 to over 8000 in 2006, dipped back to 5,000 in 2010, and has now risen to almost 11,000. Methamphetamine came from zero to almost 8,000, and fentanyl has had a terrifying increase from zero to over 20,000. Painkillers have risen these 16 years as a cause of death from 3,000 to over 14,000 and heroin from 2,000 to nearly 16,000.

So there are really five separate epidemics racing upwards together: fentanyl, heroin, painkillers, cocaine, and methamphetamines. Of these, criminal importation of drugs only accounts chiefly for heroin and cocaine. The rest can be produced in the U.S., often by addicts themselves, and, of course, painkillers are prescribed, and should be the easiest to reduce, by cautioning the medical profession and capping dosages. What is not going to work is simply throwing the book at anyone caught at any point in the production or distribution process, which is the announced Trump-Sessions approach.

The War on Drugs was declared by President Nixon in 1971, though the accompanying legislation was not much of a change from what had been in place federally since 1914. It became tangled up in legal controversies involving militant African-Americans, anti-war protesters, and other forms of social agitation, none of which the Nixon administration found very congenial.

As a war, the whole effort has been a disaster: extensive assistance to Colombia and Mexico in fighting paramilitary and guerrilla civil wars with drug producers and dealers, an inadequate effort to protect the borders of the U.S. from drug-smuggling, vast dragnets through poorer areas of America, especially where African- and Latin Americans are concentrated, with no comprehensive plan to attack consumption in wealthier areas, such as university campuses or the recreational facilities of the middle and wealthier classes.

A very large number of disadvantaged families, very few with two parents, can't get by without a little drug-dealing, and all a junkie has to do is identify his source for another street-corner pusher to be sent away at great expense to the taxpayer. The seller is not reformed in prison, nor does it take more than a day to replace him in the distribution network.

Between 1980 and 2010, the number of incarcerated Americans rose from 500,000 to 2.5 million. This increase has disproportionately impacted the African-American community, where about one-third of the male population is now incarcerated at some point, mainly under drug laws. Imprisonment has quintupled approximately as drug deaths have tripled.

The mass imprisonments, along with draconian sentencing, (mandatory minimums, three strikes and out, and so forth), have been a catastrophe. The United States has six to 12 times as many incarcerated people per capita as other prosperous democracies, such as Australia, Canada, France, Germany, Japan, and the United Kingdom, which together have 95 percent of U.S GDP and about 115 percent of its population, and a much lower crime rate.

American prosecutors win at least part of 99 percent of their

indictments, 97 percent of those without trial. So oppressive and unjust is the plea bargain system that it enables prosecutors to extort incriminating evidence with no practical assurance of its credibility – from witnesses threatened with prosecution for non-cooperation and given immunity against charges for perjury. This isn't the rule of law; it is a "prosecutocracy" and a carceral state.

Imprisonment is not the best way to deal with nonviolent offenders. But in terms of the drug problem, it would be better to legalize all drugs, require treatment (if necessary, coercively) for hard drug addicts, put the gangs and gangsters out of business as was done in the alcohol business after Prohibition, save 60 billion dollars in prison expenses, and devote a third of it to drug rehabilitation efforts. In this area, unfortunately, President Donald Trump is not going to succeed with his announced policy.

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