

The Truth About Drugs

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Every day the calls for legalisation of some or all drugs grows louder. The Economist for example believes the benefits would be enormous: police and customs would have less to do saving £500m a year, the British prison population would be cut by 10%, it would reduce, they say, crime and violence, force drug barons out of business. If licensed sellers were taxed it would raise £1bn a year.

In many countries such as Britain it is not strictly illegal to take drugs but only to possess them or supply drugs to others. This inconsistency is at the heart of the debate over drug testing. Is it far to take action against people who are completely sober because ultra-sensitive tests show that they have used an illegal drug months ago, when an alcoholic gets away undetected simply because he has not had a drink for sixteen hours?

What sort of society do we want?

We can easily become caught up in heated arguments over the rights and wrongs of laws on Marijuana and lose sight of the bigger issues. I remember some years ago working at a hospital in the Transkei, South Africa in a Xhosa tribal area. Marijuana use in remote rural areas was widespread.

It was effectively legal in that there was no policing of the situation and there was a cultural tolerance. However the result was that many men in particular were wiped out for long periods, incapable of sustained work. Happy perhaps, but unable to contribute to the welfare of the community. What sort of society do you want?

Dangers of fatalism and pragmatism

There are dangers both in fatalism and pragmatism. Fatalism says that everyone will want to take drugs anyway, the battle is lost, just go with the flow. Pragmatism says it may not be desirable to legalise Marijuana and possibly other drugs, but it deals practically with a number of problems.

The problem of consistency

We cannot sort out a rational approach to dope until society's attitudes to alcohol and tobacco are re-examined. If tobacco was being developed today as a new consumer product, it would never be given a product licence. Knowing what we know today, tobacco companies would be hounded into the ground as immoral profiteers who deserved public damnation. The biggest weapon in the tobacco company armoury is history: the fact that millions of people have smoked as a smart way of life for over a hundred years.

Every 1950s film, every war movie from the 1940s, every authentic reconstruction of a 1930s drama requires cigarettes as props: long ones, short ones, smelly ones, mild ones, with filters, without filters or sucked on the end of long elegant holders. To renounce tobacco en masse is to spit on our past, turning our backs in contempt on an era for whom a daily courtesy was to offer a light.

If this is so for tobacco then it is a thousand times more so for alcohol. Thirty years ago teetotalism was treated as a joke by a large section of society. A sign of being a man was being able to "hold your drink", to drink heavily without losing the ability to conduct a normal conversation or be outwardly affected in any other untoward way. Today a sign of greatness in many circles is still, for men, having a head for alcohol. Attitudes have changed and saying no to alcohol is more acceptable but the cultural memory still lives, whether in the gin and tonic brigade or the beer drinkers down at the local pub.

As attitudes have begun to turn against tobacco and become more tolerant of the low or no drinker, they have warmed to legalisation of Marijuana- 35% in favour in Britain compared to 17% in 1989. But that is an average across the generations. 66% of people under 25 years old

want Marijuana legalised.

Argument of naturalness **Almost all drugs naturally occurring and so, an argument goes, people should be allowed to consume them in a process no more unnatural than drinking tea. The problem is clearly not exploration itself but the personal danger from psychological or physical dependency and other subtle changes to health, emotions and mental well being through indulgence. But is sensation seeking on its own a moral issue?**

Drugs and the law - current UK situation

Alcohol supply reduction, being legal, is somewhat easier through regulation.

- Licensing of premises to sell alcohol;
- Age restrictions on purchases
- Limited opening hours
- Heavy taxes to increase price

Research shows that price control is the most effective route. However this has greatest impact on those with low income. All control measures have become harder with European integration, allowing large volumes of low-tax imports by individuals. The real price of alcohol has fallen while consumption has soared from 5.7 litres per person a year in 1960 to 9.1 litres a year in 1992.

Legalisation by the back door

Some drugs are already effectively legalised, that's the fact in practice. Heroin addicts get replacement therapy free, plus needles and syringes while those using Marijuana are largely ignored. It's hard to reconcile the reality with some of the tough anti-drugs rhetoric of government ministers.

As we have seen, almost 90% of drug offences in the UK are for possession, and 55% of all

offenders are let off with a caution - up from only 13% in 1985. Therefore one may conclude that because of the way the practice of law has changed, over the last ten years, the personal possession of Marijuana has become accepted as within the law in many parts of the country.

The watershed came in 1991 when for the first time cautions became more common than prosecutions. There has been a nine-fold increase in cautioning in the 10 years to 1995 with a doubling of prosecutions. In 1995, 40,391 were let off with a caution for possessing Marijuana, while 24,000 were prosecuted. Of those, half were fined and less than 1,000 were sent to prison.

The proportion fined has dropped from 48% of offenders in 1985 to 22% in 1995, varying from area to area. For the commonest offence, unlawful possession, in six out of ten cases the outcome was just a caution and a quarter were fined. Import or export offences resulted in 40% going to prison. The maximum penalty for possession of Marijuana is five years in gaol, so the spectrum of response is huge.

The British Crime Survey suggested that in 1993 at least 5 million people in Britain misused a drug but only 70,000 were cautioned or sentenced - less than 2% of offenders. This means that statistics can be distorted if a new drug or behaviour pattern leads to higher detection or apprehension rates.

75% of the 7,100 prison sentences for drug offences in 1995 were for less than two years.

It could also be argued that the current inconsistencies are very unfair. Depending on who you are, where you are and who arrests you, you could be let off with a warning if you are carrying Marijuana, or land up with a criminal record.

The real caution figures are even more startling, since official records only record formal cautions. Thousands of others each year are let off with an informal caution - just a warning. This is different from a formal caution where admission of guilt leads to arrest and charges but no court case. And of course the vast majority of drugs offences are unreported because those in a position to report them were themselves involved.

The case for and against formal Legalization

My own views on the legalisation question have changed considerably in the writing of this book. I started with the view that the drugs war was all but lost, that law was a blunt instrument with which to regulate private behaviour and that in view of the numbers of users of illegal drugs, we should at least decriminalise Marijuana. Let us look one by one at the main arguments in favour or legalisation.

People say that drugs laws create greater evils than drugs themselves. They say that it would be better to put all the funds spent on policing drugs laws into education and treatment. But what would happen in a world where buying Ecstasy becomes as easy as buying a packet of cigarettes?

People say that young people are now being placed the wrong side of the law, for no good purpose. It is true that society is sending out a very stark message about right and wrong regarding drugs, but is that such a bad thing?

People say that teenagers are being exposed to dealers and the risk of being persuaded to go up the ladder towards more dangerous drugs. That is true but will always be the case so long as some drugs are legalised and others are not. Say for example that the law is relaxed on Marijuana and Ecstasy - but what about the tens of thousands using LSD, amphetamines and steroids?

People say that it would be better to have dope shops on every corner (carefully regulated of course) so that all those wanting Marijuana can get as much as they like, whenever they like. But laws strictly limiting sales to over 18s have completely failed to prevent a free flow of tobacco to almost all younger teenagers who want to smoke. The biggest suppliers are irresponsible older brothers, sisters and friends, closely followed by disreputable retail outlets.

Exactly the same pattern will develop with Marijuana or Ecstasy. Whatever is in the local corner shop will be in every local school and in every youth club. Limiting the age to over eighteen's would make the flow slightly less, but not a lot. The irresponsible 16 and 17 year olds that currently supply under-agers with tobacco would simply get their Ecstasy or Marijuana from friends a year or two older. Drugs will find their way down the age groups, with each feeling comfortable in giving supplies to the year or two below.

People say that making drugs legal will not increase demand - in fact, by taking away the forbidden element it may even reduce the elusive attraction of taking drugs. This is nonsense. We know that drug use is price sensitive: as price rises consumption falls. But the whole aim of legalisation would be to cut out the criminal dealer, which will only happen by undercutting him so much on price that he goes out of business. Charging the same as the price on the street is no good at all, and charging more would be ludicrous. The State would then be in competition with every dealer in the country or rather not able to compete at all except by selling to the few who prefer to buy from the corner shop rather than discretely from a friend. But charging less will make habits cheaper to acquire.

Some people say that lower prices will be a good thing. I disagree. They say it will mean less crime and prostitution. But the way to deal with that is to provide replacement therapy on the State for proven addicts - less easy admittedly for cocaine addicts than for those addicted to heroin. Raise tax on tobacco and on alcohol and keep drugs as expensive and unobtainable as possible.

People say that you can't go on enforcing a law that turns a majority in some age groups into criminals. But this is nonsense. After all, current laws on smoking turn every smoker under 16 into a criminal yet there are no howls of protest over that. And who says that it is a majority or even a large minority? As we have seen over and over again, an element in the pro-legalisation lobby has tirelessly seized every possible opportunity to overstate the numbers of drug users - current users, not those who tried it once.

If we look at smoking we might find that almost all adults at one time or another tried a puff of a cigarette, but that is hardly relevant when looking at the impact or regulations on smoking across a whole community. What is important is the numbers it will affect in a given month or year, and when it comes to smoking it is less than half the population, with Marijuana a fraction even of that number.

People say that international control has completely broken down. It is true that international controls are ineffective, incomplete, weak and have negligible impact on the global drug flow, but they do send out a powerful moral message that global society condemns drug trafficking. If we made global drug trafficking legal, we would create a situation where telling an audience you trade in drugs for a living is just as acceptable as saying you trade copper, cotton or sugar. Instead we have a situation where drugs traffickers are universally despised as international pariahs, objects of universal contempt. And so they should be. And that same

revulsion is reserved for everyone involved in the mega-supply chain.

Do we really want to live in a world where a local teacher can drive from London to Paris to fill up a car with £20,000 of Marijuana resin which he can then sell perfectly legitimately to an authorised retailer?

We are told that as people possessing Marijuana are rarely arrested and even less commonly prosecuted that the law has become a mockery and should be revised. What is the point of having a law which is not applied - or worse is applied in an arbitrary and unfair manner? But many laws are not applied ruthlessly. It is said sometimes that laws are made to be broken and that is true in the sense that laws are often in place to allow steps to be taken if necessary.

An example might be laws on the age of consent for sex between men and women. It is very rare for two children attempting sex together to be prosecuted if both are willing parties. It is also very unusual for - say - a sixteen year old boy to be charged for having sex with a fourteen year old girl. Yet the law has several purposes. It helps define the limits of expected behaviour, and also can be used where necessary at the discretion of the authorities to protect a child that is being taken advantage of.

People say that legalising some or all drugs will deal with corruption, reduce law and order costs, empty crowded courts, jails and prisons - and no doubt flood hospital wards, GP consulting rooms and social workers' caseloads. We know that high rates of drug-taking are linked to huge losses in productivity and other costs. One set of evils will be more than replaced with another. It is perverse to call something that is bad good, simply because calling it for what it is has become hard work.

People say that it would be excellent for the State to control and tax drug production and distribution. They say it would save lives by guaranteeing drug purity. It would save health costs, HIV infection and the rest. It is true that buying from the State will always be safer than buying from a bunch of criminals, but you can carry that argument to a nonsense position. Take a terrorist group committed to economic sabotage, blowing up empty buildings in key areas. Should the government supply fail-safe detonators to them so that they don't land up accidentally killing themselves and members of the public with premature detonations? It's the same moral issue. An undesirable act is about to be committed. The State could help reduce risks to people by supplying what is necessary, but in so doing could give a bad example, seeming to encourage deviant behaviour.

People say that State control of the drugs trade would mean billions in extra tax revenues to pay for the consequences of addiction. That may be true but why start down that route when, as we have seen, the only way you could raise those taxes would be by undercutting the current street prices, which would encourage buying from official outlets and increasing consumption. Raising money from taxing drugs would also have another effect: drug users would be comforted by the thought that far from doing others harm, their drug taxes do society good. Thus the perceived tax benefits would be a further encouragement for drug use.

The same thing has happened over the lottery. In Britain there is an epidemic of lottery addiction among teenagers, as many as 6% of whom have stolen to pay for tickets. One of the key justifications people make for the lottery is that it raises money for good causes. Some charities (especially Christian ones) have refused on principle to apply for lottery funds because they know the organisers will use the publicity of lottery grants to justify an activity to which many low income people are now addicted.

The case against legalization is powerful

So then, each of the arguments in favour is flawed, not just slightly, but seriously. Each point made by the pro-drugs lobby is based on a truth, but with no understanding of the consequences.

Drug laws help contain a huge social evil which, if they were swept away, would spread unchecked through every layer of society. The truth is that no one can possibly be certain what the effect would be but one thing is certain: it would be impossible to reverse the tide in the short to medium term by tightening laws again. Even if it turned out that legalisation created fewer problems than it might, we have no means of knowing and the stakes are too high to abandon caution.

It is sobering to look at what has happened in Amsterdam, where relaxation over the personal use of Marijuana has led to problems. Technically it is illegal to buy and sell Marijuana but official policy is one of toleration. At licensed house parties, a government-funded testing service checks the purity of Ecstasy tablets, but people are not encouraged to use the drug and the police have powers to arrest anyone carrying drugs in. The Netherlands has fewer drug-related deaths and a lower rate of experimental use among school pupils than many other European countries.

All this sounds very promising, positive steps towards formal legalisation with few social costs. But that is just the surface. Many people are beginning to question the experiment. Walking around Amsterdam recently I saw some of the most blatant drug dealing on the street, and drug taking, that I have ever witnessed in any city. Right in front of the main station for example a crowd from nowhere gathered in a few seconds around a man with a plastic bag, bustling around as eager as a flock of hungry pigeons. Within a couple of minutes they were facing walls, on the ground, sitting standing, taking what they were taking.

Amsterdam is a magnet for every man and woman in Europe that would like to be able to sit in a public café and get stoned - or more. People say that if every city was run like Amsterdam, the novelty would wear off. However unless it was the case in every city in the world we would still be likely to see drugs-related tourism. Something has gone wrong with the experiment. Indeed, it has not been repeated across the Netherlands for very good reasons. What parent of teenage children wants to live in a street where Marijuana is openly on sale?

Holland is now clamping down on marijuana growers with a new Act of Parliament. At the same time new powers have been given to town mayors to close the Marijuana coffee shops if hard drugs are sold, delivered, supplied or found on the premises.

The Swiss also made an experiment of their own. A particular park in down-town Zurich was designated a protected area where drug users could go and use drugs without arrest. This was Zurich's answer to the growing drugs menace. Don't harass, just embrace. Don't make things difficult for drug users, make them easy. Instead of hounding them from street corner to street corner, welcome them into a nice open space. No doubt some thought it would mean that scenes like that outside Amsterdam station would move off the streets altogether.

However the park quickly became famous among drug injectors across Switzerland and in other nations. It became a drug injector's paradise, a safe haven for the largest dealers. Non-users felt intimidated, afraid to enter the park or even to go near it. Eventually it all became too much for the city to cope with and the freedoms were removed.

The questions no one wants to answer

The biggest hole in the legalisation argument is law itself, which can only work with precise definitions and boundaries - but what does the pro-drug lobby say they should be. The answers are confused. Many complex legal questions arise. Here are a few examples:

- What drugs do you legalise?
- What potency levels should be permitted?
- What should be the age limits for such drugs?
- Should sales of some drugs be limited to addicts?
- Where should they be sold?
- Is mail order allowable?
- What about vending machines?
- Which drugs should be prescription only?
- Where and by whom is cultivation or home manufacture allowed?
- What about advertising?
- Restrictions on use e.g. pilots, drivers? If so, what blood levels?

- Licensing for drug pubs etc.?
- What government department should supervise?

In conclusion then, there are many reasons for decriminalising Marijuana and possibly ecstasy, but even more reasons not to. We have troubles enough dealing with a legalised tobacco industry and with widespread addiction to alcohol without adding another group of hazardous substances. We have seen that Marijuana is not an "innocent" drug, but has profound short and long term effects which are still only partly understood, while Ecstasy is also a drug which is becoming more rather than less worrying as time goes by. Both are gateway drugs which make other drug use far more likely and that is likely to continue to be the case if they were legalised.

It is illogical and irrational as well as unscientific to propose a law change for Marijuana without also including Ecstasy, which raises a further challenge. With every year the number of psycho-active drugs increases and this will continue at an accelerating rate with new generations of designer drugs. Many of these will turn out to be similar to Marijuana and Ecstasy in risk profile, so a decision to legalise Marijuana could lead to a situation where ten, fifteen, twenty or a hundred different drugs are given the green light.

And all the time the counter-trend is gathering speed with anti-tobacco campaigns and increasing concerns about the future impact of long term drug-taking on a significant proportion of the community.

The law should stay the same, but many other things must change. There are many steps that governments, organisations and individuals should take without delay. So then, what should we all do? **The Truth About Drugs - free book by Patrick Dixon, published by Hodder in 1998**

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