

Mean Green Workshops Demonstration
Negative Case for
*Resolved: The abuse of illegal drugs ought
to be treated as a matter of public health,
not of criminal justice.*

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Introduction

Because law enforcement officials and the criminal justice system is an essential part of any drug policy, I oppose today's resolution.

We are asked whether a public health approach is superior to a criminal justice approach to drug policy. For such a comparison, we have to focus on the components of drug policy that are distinctly related to public health and criminal justice approaches. Both of these approaches can involve elements of prevention and treatment. What distinguishes the criminal justice approach is the use of the coercive authority of law enforcement agencies to varying degree. Sometimes this is in mandatory referrals to treatment and other times it is incarceration. I will argue that the use of coercive tools is an essential part of an effective drug policy system.

Value and Criterion

Drug policy is a part of a larger public policy system. Since the purpose of public policy is to protect the public interest, the system which best protects the public interest is the one we ought to endorse.

Jeremy Bentham stated:

The general object which all laws have, or ought to have, in common, is to augment the total happiness of the community; and therefore, in the first place, to exclude, as far as may be, every thing that tends to subtract from that happiness: in other words, to exclude mischief.

Bentham, Jeremy. 1781. *Introduction to the Principles of Morals and Legislation*.

Together, we can call the collective happiness of the community the societal welfare. I will argue that a criminal justice approach best protects societal welfare because it accounts for the addictive nature of drugs and prevents the harms of drug use to drug users and others.

Contention # 1: Drug use leads to addiction, rendering conventional solutions to public problems ineffective.

Many illegal drugs have strongly addictive qualities. An addict deeply wants to continue using a drug. The only way to overcome this desire to use the drug is through some outside party to force the addict to change behavior. Drug treatment courts are an example of how the use of coercive authority - associated with criminal justice and law enforcement perspective - is essential to overcoming the addictive nature of some drugs. This is true for two reasons. First, the coercive nature of the court system prevents addicts from simply quitting.

The US Department of Justice wrote

What makes drug treatment courts so different? Graduates are held accountable for sticking with the program. Unlike other,

purely voluntary treatment programs, the addict - who has a physical need for drugs - can't simply quit treatment whenever he or she feels like it (6).

[U.S. Department of Justice - Drug Enforcement Agency. 2003. *Speaking Out Against Drug Legalization..* Available at: www.dea.gov/demand/speakout/index.html.]

Second, the integration of law enforcement officials is key to getting people into the treatment program.

The Department of Justice continues.

Law enforcement plays an important role in the drug treatment court program. It is especially important in the beginning of the process because it often triggers treatment for people who need it. Most people do not volunteer for drug treatment. It is more often an outside motivator, like an arrest, that gets and keeps people in treatment. And it is important for judges to keep people in incarceration if treatment fails. (6).

[U.S. Department of Justice - Drug Enforcement Agency. 2003. *Speaking Out Against Drug Legalization..* Available at: www.dea.gov/demand/speakout/index.html.]

It is only with the coercive power of the criminal justice system that a drug policy system can succeed in treating drug addicts.

Contention # 2: Drug use kills.

Effective treatment of drug addicts is essential to protecting societal welfare.

First, drug treatment courts are effective in reducing the chance that an addict will return to criminal behavior. The Department of Justice continues:

Drug treatment courts are working. Researchers estimate that more than 50 percent of defendants convicted of drug possession will return to criminal behavior within two to three years. Those who graduate from drug treatment courts have far lower rates of recidivism, ranging from 2 to 20 percent. That's very impressive

when you consider that; for addicts who enter a treatment program voluntarily, 80 to 90 percent leave by the end of the first year. Among such dropouts, relapse within a year is generally the rule. (6)

[U.S. Department of Justice - Drug Enforcement Agency. 2003. *Speaking Out Against Drug Legalization..* Available at: www.dea.gov/demand/speakout/index.html.]

Second, drug use changes behavior and leads to crimes and violence. The Department of Justice further explains:

Drug use changes behavior and exacerbates criminal activity, and there is ample scientific evidence that demonstrates the links between drugs, violence, and crime. Drugs often cause people to do things they wouldn't do if they were rational and free of the influence of drugs. (16)

[U.S. Department of Justice - Drug Enforcement Agency. 2003. *Speaking Out Against Drug Legalization..* Available at: www.dea.gov/demand/speakout/index.html.]

The result has been the death of almost 53,000 people a year.

It is impossible to claim drug use is victimless crime or deny the relationship between drugs and violence, especially when looking at an Office of National Drug Control Policy (ONDCP) estimate for 1995, which estimates there were almost 53,000 drug-related deaths in that year alone, compared to 58,000 American lives lost in eight and a half years in the Vietnam War. The assertions dismissing the connection between drugs and violence by legalization proponents are simply not true. Drug use, legal or not, is not a victimless crime; it is a crime that destroys communities, families, and lives. (17)

[U.S. Department of Justice - Drug Enforcement Agency. 2003. *Speaking Out Against Drug Legalization..* Available at: www.dea.gov/demand/speakout/index.html.]

Conclusion

The choice is simple. Drug courts are more effective in reducing criminal behavior related to drugs than voluntary approaches. Our best strategy for reducing the 53,000 drug related deaths each year is to employ a significant criminal justice component in drug policy.

Unedited Quotations

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The greatest weakness in the logic of legalizers is that the violence associated with drugs is simply a product of drug trafficking. That is, if drugs were legal, then most drug crime would end. But most violent crime is committed not because people want to buy drugs, but because people are on drugs. Drug use changes behavior and exacerbates criminal activity, and there is ample scientific evidence that demonstrates the links between drugs, violence, and crime. Drugs often cause people to do things they wouldn't do if they were rational and free of the influence of drugs.

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