Episode 307-The War on Drugs: Born 100 Years Ago
Guest: Mark Thornton
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WOODS: I had to have you on because the whole country, naturally, is commemorating the 100th anniversary of the Harrison Narcotics Act today. Well, maybe not, and if they are commemorating it, they should be in mourning because of what this set in motion. The drug war as we know it goes back to Richard Nixon, but it doesn't start there. It doesn't come out of nowhere. It has precursors, and in your article up at the Mises Institute today—we'll link to it in the show notes at TomWoods.com/307—you are talking about precisely one of these precursor events. Tell us about the Harrison Narcotics Act.

THORNTON: Well, Tom, it is a tragic anniversary, but the War on Drugs was really born 100 years ago today when the U.S. Congress passed the Harrison Narcotics Act, and that set in motion a century of suffering here in the United States. Basically, the U.S. wanted to get into world diplomatic affairs, and so it organized the opium conference a few years prior to the Harrison Narcotics Act. It wanted to be a big player and thought that the opium trade would be a way of doing it in suppressing the opium trade. And then, of course, there was a lot of bigoted, racist hysteria going on in the United States in the Progressive movement, and those forces all combined to the writing and passage of the Harrison Narcotics Act of 1914.

It started out innocently enough as a tax and register and regulate piece of legislation where Congress would require that the Treasury Department tax any opium products, required that opium be listed in ingredients of various products, and registration of prescribers and users and dealers in any kind of opiate, or narcotic, as well as cocaine. However, that quickly devolved into more or less outright prohibition, because the bureaucrats at the Treasury Department deemed that basically doctors who prescribed narcotics and opium and cocaine to addicts, it was an illegal medical practice. For the first time Treasury bureaucrats got into the business of determining what was proper medical practice, and so that just started establishing black markets in these products and people being arrested, doctors being intimated, treatment plant facilities being shut down, and then, of course, that continues to spiral throughout the 20th century until we get to the declaration of an outright war by President Richard Nixon.

WOODS: So you're saying that this is an example, as if we needed another one, of a piece of legislation that seems minor, seems hardly worth worrying about, but that can set in motion a series of events that culminate in something that, well, really nobody of good sense wants.

THORNTON: That's absolutely true. I mean, it seems public-spirited. It seems reasonable and all of that, but of course, behind the scenes there's some really ulterior motives here on the part of diplomats and politicians and racists and bigots that set forth the forces to bring out the legislation, and when you look at the legislation, it seems reasonable: a small tax, regulations, registration, all of that—like gun registration. But it quickly got out of control, and it quickly set in motion some really nasty effects, and of course, every time the nasty effects reached the surface, the bureaucracy and the political forces only say, well, let's ratchet up the penalties, let's get more police involved, let's raise the jail terms—things of that nature.

And, of course, it's only a few years later that we get alcohol prohibition, and then in 1937 they did the same thing with marijuana, cannabis, which was used in a variety of products in the American economy, and hemp was used in a variety of products in the American economy, but some Mexicans were smoking some weed, some jazz musicians were smoking weed, and so we had to suppress that, and initially, it was only a tax of the Marijuana Tax Act of 1937, but of course, it gets incorporated into prohibition, and ultimately becomes a class I drug in 1970—the comprehensive Drug Control Act—a class I drug. So they said it is as dangerous as heroin, which is, of course, preposterous, and not only that, it also made hemp illegal, and hemp is just something you use to make paper or textiles or even oil or animal feed. It's also medicinal. And yet, they prohibited it. So it's just outrageous pieces of legislation that no one really noticed at the time, but of course today it's killing thousands and thousands of people. It's ruining thousands and thousands of families. It's incredibly expensive for the government, the taxpayers, and the economy as a whole because we've got like a million people in prison that the American taxpayer is supporting to the tune of over $50,000 a year. So it's just outrageous.

WOODS: Mark, when you say that there are these vested interests, there are these interests that you wouldn't think of when you think about the drug war, the other side of that coin is that the drug war, in what we might call its extremely early stages, the ones you're talking about in this article, was not motivated by the concerns of health professionals. That's what I think most people assume: that health professionals banded together and said it would be better for Americans if we banned or controlled or taxed these various products. What you are saying is that that is not the case at all, that it was largely the types of prejudices that you're talking about, various sorts of hysteria—none of it was really founded in science at any level.

THORNTON: That's right. It wasn't a call of the medical profession. It wasn't the call of the legal profession. It wasn't scientists who were up in arms about this. As a matter of fact, the American Medical Association—I know for a fact, I read the testimony: during the hearings on

the Marijuana Tax Act, the representative from the American Medical Association testified against this legislation and said, no, you should leave cannabis alone. It's used to make horse liniment and a variety of proper medical uses. My father was a pharmacist, and we had a lot of antique pharmaceutical supplies, and there was these two big jars, and one was labeled *Cannabis indica*, and the other was labeled *Cannabis sativa*. So there were two variations on what we call marijuana today that were used in a variety of preparations so that the pharmacist had to take that basic product and add things to it to make a variety of perfectly legitimate medical solutions for people and as well as animals, and so it wasn't scientific at all. It was all politics and it was all bigotry and racism, basically, that were driving these. And yellow journalism, of course, too: they were saying things during marijuana legislation in the Harrison about Chinese immigrants doing devious things under the influence of opium, or African-American men being impervious to bullets and raping white women, and just outrageous claims in support of these really irrational, illogical pieces of legislation.

WOODS: One of the arguments they did make, though, apparently fairly early on, is an argument that we hear very regularly today when the subject turns to marijuana. When it turns to marijuana, people have to face the fact that this does not appear to be an especially dangerous drug, to put it mildly. I mean, sure, there are health effects, but it's not going to kill you instantly. People aren't dying of overdoses of marijuana or any such thing as that. So you have to come up with some other rationale for prohibiting it, and these days it's not fashionable to say, well, the Mexicans are getting all hopped up on it. You can't talk that way anymore, so you've got to come up with some other explanation, and the explanation is that it's a gateway drug. That sure, you may start with something as relatively mild as marijuana, but eventually you're going to need a fix that's greater than that, that packs a greater punch, and before you know it, you're going to have a heroin needle hanging out your arm, and you're going to be living on the street. That's the argument that we hear a lot today, and apparently it was being heard long ago as well. You have a response to that that is in some ways different from the typical response because it's based on your own research that you did for your book *The Economics of Prohibition*. What's your take on that gateway drug claim?

THORNTON: It's interesting, Tom, when I was at the Oxford Union debates—

WOODS: I was going to ask you about that, too. Yeah, yeah, let's talk about that. Go ahead.

THORNTON: I heard that exact argument by a British drug law enforcement bureaucrat. He said that if allowed marijuana to be illegal, pretty soon the entire population or nearly the entire population would be addicted to heroin. I mean, that gateway theory is alive and well. They started out—in order to get the Marijuana Tax Act passed, you got to remember that hardly anybody smoked marijuana in the United States, or it wasn't really used at all for intoxication purposes. So what they were saying was that marijuana would kill you, number one, which of

course it can't. Marijuana leads to insanity, which of course, it doesn't, and that marijuana leads to violent activity and sexual abandonment, which of course, it doesn't, and so at one hearing in Congress, some scientists got up and said none of those things are true. In fact, some of them it's exactly the opposite. It doesn't make you violent. It makes you non-violent. So the drug czar of the time, Harry Anslinger, got up and on the spot invented the gateway theory. He said that marijuana might not kill you, but it does cause people to eventually adopt harder drugs, and so if you smoke marijuana, eventually you'll be addicted to heroin, and of course, that theory has ultimately been proven to be incorrect in every aspect. There's no physiological reason why that would take place.

So scientists, medical people have researched this issue and found it to be completely untrue. My research—what I did when I was working on my dissertation and *The Economics of Prohibition*, and I've written it several times, I've gotten a lot of mileage out of this, is it's really that drug law enforcement itself, by creating a risk for smugglers and dealers, makes them want to have a smaller drug that's easier to conceal, and so the more drug enforcement there is, the more penalties, the longer the prison terms, the more these smugglers and dealers want a smaller, more compact product. So as we went through time, as we went through the '70s, I looked at the data, and the more that we spent on the drug war, the more potent marijuana became. It was at the beginning of my study like a half of a percent. Twelve years later at the end of my study it was over 4%. And today it's close to 10%. So the drug was has done nothing but make drugs more potent and more dangerous, and of course, not only does that drug become more potent, but dealers and smugglers want to switch from big, bulky marijuana shipments to small, compact shipments of pure cocaine and pure heroin. And that's exactly what we've seen over time is that marijuana has been largely displaced, and harder drugs such as cocaine, crack, methamphetamines, and heroin have come to dominate the marketplace.

WOODS: Mark, I think the last time we had you on you were on the verge of appearing in those Oxford Union debates, and now it's taken place. So I would like you to share with us a little bit of your impressions of that event and what kinds of arguments are being made in favor of continuing the drug war in the year 2014. First of all, what exactly was the proposition that was being debated? And then secondly, what were the main arguments that your opponents were bringing up?

THORNTON: Well, the proposition was should this house—the house was the Oxford Union and the people in the Oxford Union—oppose the War on Drugs. So my side was in the affirmative that the members of the Oxford Union should oppose the War on Drugs. And we had two teams. My team was supporting that motion, and then there was another team that opposed that motion. You know, frankly, there were times when the audience started laughing at the other side's arguments, and they had a journalist, a political leader on their side, they had a

British bureaucrat in drug law enforcement, and they had a specialist in drug treatment and drug addiction treatment, and as well as a student representative, and the drug treatment person—her only argument was that drugs were bad. She even said that when she was young that she was hooked on marijuana and drugs so much that she wanted to have a marijuana leaf tattooed on her hand but the tattoo artist wouldn't do it because she wasn't 18. Well, of course, when a tattoo artist isn't willing to, in a legal setting, tattoo a minor, what makes you think Walmart and CVS and Walgreens are going to sell cocaine and heroin to minors? Well, they are not.

So her argument was stupid, and of course, we all agree that drugs can be dangerous. And then the British drug law enforcement bureaucrat, he's the one that said that if we allowed people to smoke marijuana, eventually most of the population would end up addicted to heroin, which is just the gateway theory. Then the conservative politician journalist, her argument was that there's no such thing as the War on Drugs. We were basically letting people do whatever they want, which of course, the audience got a good kick out of that as well.

So the arguments really weren't there, and I thought our side did incredibly well in presenting the case against the War on Drugs, and the audience seemed to be with us and seems to be against us, Tom, but the interesting thing is that the back section of the Oxford Student Union where they hold the debates, after our student got up and made the motion against the War on Drugs, all the students in the back of the Oxford Union Debate Hall got up, and then they walked out the nay door. The voting on the debate takes place by walking out the nay door or the yea door, and as a result of all those students walking out the nay door, we actually lost the debate by one vote, so politics and ballot stuffing are alive and well at the Oxford Union. And, of course, Oxford is the political hotbed of England and Great Britain. It's literature, drama, law, and politics. It's not Cambridge, where they concentrate on science and physics and astronomy and those sorts of things. It's the softer side of British academia, and it's where all of the politicians, the politicos of England come from. So, yeah, politics was alive and well even there.

WOODS: Mark, I'm not sure if I'm imagining this or remembering it incorrectly, but is there some policy there that there are no recordings of these events?

THORNTON: No, that's another anomaly. Typically, they are recorded: audio, video, lots of pictures being taken. Some of them have actually been shown on television over there. But for some reason or other, this particular debate was the only big debate of the year where it wasn't recorded audio or video. The photographs, which they usually put up a couple hundred photographs of these events on their Facebook page. Surprisingly it took them about five months to put the photographs up, and they only put up 30. So you can go to the Facebook page of the Oxford Union and dial down to the war on debate issue, and you'll see a few

photographs of there's, I think, three or four of me. And they did capture my opening joke. When I was told I needed a joke, and—

WOODS: This is a devastating joke. Let me warn people, okay? This joke is not for any delicate flowers in the audience. Go ahead.

THORNTON: Well, it was great. I got a humongous response to the joke in terms of the audience laughing, and I don't know if you want me to repeat it.

WOODS: Yeah, how could we build it up and not deliver it, right? Yes, I do.

THORNTON: It's in the article on the mises.org site, but I got up there, and I was the first real person to get up beside the students, and I said, "Mr. Chairman, I want to thank you for the opportunity to debate the War on Drugs in this forum. Mr. Chairman, as you probably know, the War on Drugs was not a response to calls from experts, it was not in response to recommendations from the medical community, or even the law enforcement community. Mr. Chairman, the War on Drugs was started by the agitation of racists, bigots, religious fanatics, believers in eugenics, extremist politicians, and power-hungry diplomats. In other words, Mr. Chairman, the average, ordinary American."

WOODS: Oh, that's killer, Mark. That's hard. That's hard even for me to hear. But certainly that is suited to get a rise out of that audience, and it succeeded, apparently. Well, I'm glad that you were there representing us as part of that. I wish we had that footage. It recalls an episode of my own that I think I'll relate to the folks once I let you run, but it's one of these things where you almost wonder if maybe they wanted the debate to turn out a different way. Or they wanted it—even though the voting went against you ever so slightly, I have a funny feeling the arguments were clearly in your favor. So this is all speculation, right? We can't know why they played down this debate.

THORNTON: Yeah, it's a real mystery. I must say it was a magical experience not just in Oxford, but in London, and the people that I met in touring Oxford and seeing a city that is over 1,000 years old, but some of the schools within Oxford University are like 700 or 800 years old, and if it wasn't for the automobiles and the bicycles, you would think you were in some kind of Harry Potter movie.