War on Drugs  
Opposition Brief by Drew Magness



In this brief, we’ll be turning our attention to an extremely potent application for affirmatives, Hard Drugs. Here’s the Affirmative argument, taken from [Stoa Release #13: “People v. Property,”](https://www.monumentpublishing.com/stoa-ld-release-13-people-property/) affirmative case written by Joseph Abell.

“There’s no doubt that drugs like cocaine, LSD, and heroin are detriments to society. While things like weapons can be used for good or for evil, hard narcotics serve almost no positive use for society. They destroy families, lead to violence, and in many cases, take people’s lives. And while my opponent might be quick to point out this is just a problem with freedom, we have to start with limitations on property. It’s impossible to grant people the right to own and possess hard drugs while preventing their misuse. In other words, certain narcotics are so innately dangerous that even permitting ownership will result in disastrous consequences. There’s a reason no country has seriously considered legalizing crystal meth. Nations have a basic public need for safety: and when property rights are allowed to usurp that, we start creating problems that we can’t ever solve.”

The truth is, countries that have tried decriminalizing drug use have seen enormous success. Current drug laws effectively treat addiction as a crime, which is questionably effective. Shift the burden of proof on the affirmative to show why and drug criminalization have been effective. They will find it difficult to do.

Those in favor of harsh drug laws ignore the basic rule of economics: supply and demand. If you reduce the supply of something without also reducing the demand in an equal amount, price goes up. This may lower the market for many products, but it does nothing to cause fewer drugs to be consumed. The drug market is not price-sensitive. If you’re addicted to drugs, you’ll buy drugs no matter the price. This increases profits for dealers, which makes them stronger and allows them to produce more drugs, increasing supply. The only way to solve the drug epidemic is to legalize them and decrease the persecution complex of drug users. Then you can treat drug users legally, as opposed to throwing them in jail. This can be argued to be much more effective when fighting addiction.

This will be a persuasively hard sell to the majority of judges within Stoa. In order to make your idea more palatable, use the potent persuasive technique that I've dubbed, “Logical Lampshading.”

First, check out this great blog post by Monument writer and nationally-acclaimed coach Travis Herche on the subject of lampshading.[[1]](#footnote-1) From the post:

“A lampshade is a literary device that acknowledges strangeness to reassure the audience. In the same way that a real-life lampshade diffuses the harsh glare of a bulb, a verbal lampshade diffuses the harsh glare of strange statement or contrived plot twist. In its most basic form, it means saying: “I know this sounds weird, but …”

Logical lampshading takes another step. Logically, lampshading is acknowledging strangeness and then essentially offering a logical, factual and evidence-based reason to prefer in spite of strangeness. For example, to sell the argument of drug legalization to your conservative audience, a paragraph like this would go a long way:

"Now, I know this may sound extreme and might make you feel a bit uncomfortable, but let's take a look at facts and logic. Has the Affirmative offered you facts? Has the Affirmative offered you research or case studies to show why drug prohibition is successful? They haven't. Now, this idea might not be intuitive, but let's look at actual research and actual case studies and evaluate where the facts lead us."

This sales pitch shifts the persuasive battleground to your side. An idea that was ludicrous just a few minutes ago has suddenly become the only factual and true position within the round. Logical lampshading doesn't just say, “This sounds weird but here's why it's true.” Logical lampshading says, “Yeah this may be a bit out of the box, but it's based off of facts, numbers, studies, statistics, and truth.” With effective use of this technique, selling legalization to your judge just became a lot easier.

Opposition Brief: War on Drugs

The War on Drugs Failed

Jose Luis Pardo Veiras 2016 (Journalist) “A Decade of Failure in the War on Drugs” The New York Times October 2016 <http://www.nytimes.com/2016/10/10/opinion/a-decade-of-failure-in-the-war-on-drugs.html?_r=0>

The war on drugs turned out to be a complete failure. Drugs continue to stream north to the United States, the great user, and firearms enter Mexico in return, where they kill thousands. The systematic hunting of drug traffickers has yielded a large number of detainees, even some big names like Joaquín Guzmán Loera, known as El Chapo. Jails are overflowing. But 41 percent of those jailed for drug crimes were arrested for possession of controlled substances worth less than 500 pesos (under $30). Meanwhile, there are steady flows of cocaine, human trafficking and natural resources, and extortion and poppy growing are rampant. According to United States Drug Enforcement Administration data, Mexican heroin is the most commonly used type in America, surpassing the Colombian supply. In the state of Guerrero, the top producer of Mexican heroin, 50 criminal groups vie for control of the territory.

Decriminalization works

Jose Luis Pardo Veiras 2016 (Journalist) “A Decade of Failure in the War on Drugs” The New York Times October 2016 <http://www.nytimes.com/2016/10/10/opinion/a-decade-of-failure-in-the-war-on-drugs.html?_r=0>

More than 15 years ago, Portugal decriminalized drug possession for personal use and created a system for drug treatment and social reintegration; cannabis use has leveled, the number of heroin addicts is down 70 percent, and deaths by overdoses have also been reduced. In the Netherlands, a cafeteria-style system has created a legal work force around cannabis and, in part because users are not prosecuted, that country’s jails are virtually empty. Recently, a lack of business has led to the closing of a few Dutch prisons. Drug use — of all drugs — is a health issue, not a criminal one. And it should be dealt with as such.

Legalizing drugs saves money

Jeffrey Miron and Katherine Waldock 2010 (Jeffrey Miron is director of economic studies at the Cato Institute and the director of undergraduate studies in the Department of Economics at Harvard University. His area of expertise is the economics of libertarianism, with particular emphasis on the economics of illegal drugs. - Katherine Waldock is a doctoral candidate at the Stern School of Business at New York University.) September 27th 2010 “The Budgetary Impact of Ending Drug Prohibition” <https://www.cato.org/publications/white-paper/budgetary-impact-ending-drug-prohibition>

State and federal governments in the United States face massive looming fiscal deficits. One policy change that can reduce deficits is ending the drug war. Legalization means reduced expenditure on enforcement and an increase in tax revenue from legalized sales. This report estimates that legalizing drugs would save roughly $41.3 billion per year in government expenditure on enforcement of prohibition. Of these savings, $25.7 billion would accrue to state and local governments, while $15.6 billion would accrue to the federal government. Approximately $8.7 billion of the savings would result from legalization of marijuana and $32.6 billion from legalization of other drugs.

Legalizing drugs makes billions of dollars of government revenue

Jeffrey Miron and Katherine Waldock 2010 (Jeffrey Miron is director of economic studies at the Cato Institute and the director of undergraduate studies in the Department of Economics at Harvard University. His area of expertise is the economics of libertarianism, with particular emphasis on the economics of illegal drugs. - Katherine Waldock is a doctoral candidate at the Stern School of Business at New York University.) September 27th 2010 “The Budgetary Impact of Ending Drug Prohibition” <https://www.cato.org/publications/white-paper/budgetary-impact-ending-drug-prohibition>

The report also estimates that drug legalization would yield tax revenue of $46.7 billion annually, assuming legal drugs were taxed at rates comparable to those on alcohol and tobacco. Approximately $8.7 billion of this revenue would result from legalization of marijuana and $38.0 billion from legalization of other drugs.

Drug Laws Are Unconstitutional

David Boaz of the Cato Institute 2007 (David Boaz is the executive vice president of the Cato Institute. He is the author of Libertarianism: A Primer, the editor of The Libertarian Reader and other books, and the author of the entry on libertarianism in Encyclopedia Britannica.) October 25, 2007 “Drug Legalization and the Right to Control Your Body” <https://www.cato.org/publications/commentary/drug-legalization-right-control-body>

In that light, where in the Constitution does the federal government find the power to ban or regulate drugs? In 1920, people understood this; when they wanted to ban alcohol, they passed a constitutional amendment. You can’t say much good about the prohibitionists, but at least they had enough respect for the Constitution to go through the formal amendment process. But we have never passed a constitutional amendment granting the federal government any power to ban marijuana, or cocaine or other drugs. The federal government’s contemporary prohibition policy is an illegal and unconstitutional usurpation of a power never granted to it. People have rights that governments may not violate. Thomas Jefferson defined them as the rights of life, liberty, and the pursuit of happiness. When I’m asked what libertarianism is, I often say that it is the idea that adult *individuals have the right and the responsibility to make the important decisions about their own lives.* More categorically, I would say that people have the right to live their lives in any way they choose so long as they don’t violate the equal rights of others. What right could be more basic, more inherent in human nature, than the right to choose what substances to put in one’s own body? Whether we’re talking about alcohol, tobacco, herbal cures, saturated fat, or marijuana, this is a decision that should be made by the individual, not the government. If government can tell us what we can put into our own bodies, what can it not tell us? What limits on government action are there?

Drug Restrictions create a slippery slope

Jeffrey A. Miron June 2011 (Senior Lecturer and Director of Undergraduate Studies in the Department of Economics at Harvard University, as well as a senior fellow at the Cato Institute. His field of expertise is the economics of libertarianism; he has advocated for many libertarian policies, including legalizing all drugs and allowing failing banks to go bankrupt) “Government Policy Toward Illegal Drugs: An Economist’s Perspective” <http://scholar.harvard.edu/files/miron/files/miron_government_policy_toward_illegal_drugs.pdf>

A different consideration is that choosing drug policies based on paternalism potentially starts policy generally down a slippery slope. If government decides that it knows better about individual drug use than individuals themselves, it is a small step to assume that government knows best about how much people should exercise, what foods they should eat, how much they should study, where they should go to school, what books they should read, which religion they should practice, and so on. Governments throughout history have adopted coercive policies in all these areas. Unless one is confident that government paternalism will usually be benevolent, the potential for slippery slopes should generate caution about putting government in charge of personal decisions about drug use

Prohibition does not decrease drug use

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Prohibition does not eliminate drug markets; instead, it mainly drives them underground. Prohibition may reduce the amount of drug use, but substantial drug markets remain, even under strongly enforced prohibitions (Miron 2004)[[2]](#footnote-2). Given these black markets, a range of negative side effects occur.

Drug prohibition hurts drug users

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In underground markets, participants cannot resolve their disputes using non-violent mechanisms like lawyers and advertising, so they resort to violence instead. Participants cannot lobby legislators, so corruption is more common. Income-generating crime is higher under prohibition because those drugs users who obtain income from activities like theft and prostitution face higher prices for drugs and therefore commit more crime. Quality-control is more difficult in an underground market, so accidental poisonings from impurities and accidental overdoses from overly potent drugs are more common. Drug users are worse off because they face higher prices and reduced availability, purchase drugs from underground dealers rather than legal purveyors, and face the risk of incarceration. HIV transmission is 6 more common due to prohibition because elevated drug prices encourage high bang-for-the-buck methods of administration like injection; these combine with prohibition-induced restrictions on clean needles to encourage sharing of contaminated needles.

Drug prohibition hurts the country

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Prohibitionist zeal causes limits on drug use for medicinal purposes and generates burdensome restrictions on research. U.S. attempts to impose prohibition around the world mean greater violence and corruption in supplier and transit countries like Colombia, Peru, Mexico, and Afghanistan. The desire to enforce prohibition means diminished civil liberties and racial tension because of the victimless nature of the drug transactions. And prohibition breeds disrespect for the law because no matter how vigilantly enforced, many people evade prohibition, so everyone learns that laws are for suckers.

Laissez-Faire (hands-off) is a preferred policy

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Given these negatives of prohibition, it is hard to conclude that prohibition is better than a policy of laissez-faire. Prohibition might reduce irrational or externality-generating consumption enough to justify its own costs, but the broad range of negatives make this claim at least controversial if not highly doubtful.

1. Travis Herche. “The Easiest Persuasive Technique Ever.” February 27, 2014. <http://travisherche.com/2014/02/27/the-easiest-persuasive-technique-ever/> [↑](#footnote-ref-1)
2. Miron, Jeffrey A. (2004), Drug War Crimes, Oakland: Independent Institute. [↑](#footnote-ref-2)