

THE DUTCH EXAMPLE SHOWS THAT LIBERAL DRUG LAWS CAN BE BENEFICIAL

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In 1972, after an exhaustive study by a team of top experts, President Richard Nixon's hand-picked National Commission on Marijuana and Drug Abuse recommended decriminalization of marijuana. Five years later, President Jimmy Carter and many of his top cabinet officials made the same recommendation to Congress. Both the Commission and the Carter administration felt that the "cure" of imprisonment was worse than the "disease" of marijuana use. U.S. drug control officials argued strenuously that Congress should ignore such recommendations, which it did.

At about the same time, however, the Dutch government's own national commission completed its study of the risks of marijuana. The Dutch Commission also concluded that it made no sense to send people to prison for personal possession and use, so Dutch officials designed a policy that first tolerated and later regulated sales of small amounts of marijuana.

Denouncing the Dutch

Since then, U.S. drug control officials have denounced Dutch drug policy as if it were the devil himself. One former U.S. Drug Czar claimed that all the Dutch youth in Amsterdam's Vondel Park were "stoned zombies." Another said "you can't walk down the street in Amsterdam without tripping over junkies." In the Summer of 1998, however, one such denouncement turned into a small scandal. The first part of this chapter examines this incident as a window on the politics of drug policy. The second part offers a more general analysis of why U.S. drug control officials seem to be so threatened by the Dutch example.

In early July, the U.S. Drug Czar, General Barry McCaffrey, announced that he would soon go on a "fact finding tour" of the Netherlands to learn first hand about its drug policy. He quickly made it clear, however, that he would be bringing his own facts. Before he ever left home, McCaffrey denounced the Dutch approach to drugs as "an unmitigated disaster" (*CNN*, July 9, 1998). If he had let it go at that, the General might have avoided international embarrassment for himself and the Clinton administration. But he proceeded to make claims about drugs and crime in the Netherlands that were incorrect and insulting. Dutch officials and journalists immediately caught him with his evidentiary pants down and publicly rebutted his false charges.

False Claims

McCaffrey asserted that drug abuse problems in The Netherlands are "enormous" (*Associated Press*, July 13, 1998). In fact, the Dutch have no more drug problems than most neighboring countries which do not have "liberal" drug

policies. Further, by virtually all measures the Dutch have less drug use and abuse than the U.S. – from a lower rate of marijuana use among teens to a lower rate of heroin addiction among adults.

McCaffrey also claimed, to a room full of journalists, that "The murder rate in Holland is double that in the United States That's drugs." He cited these figures: 17.58 murders per 100,000 population in the Netherlands, he asserted, vs. 8.22 per 100,000 in the U.S. (*Reuters*, July 13, 1998). For decades the U.S. has had significantly higher crime rates than other industrialized democracies. This has been reported at least annually by most newspapers and news magazines in the U.S.

Whatever the reason this fact eluded General McCaffrey and his staff, it did not elude the journalists to whom he spoke. In less than 24 hours, the world's media caught and corrected McCaffrey's mistake. They showed that he had arrived at his Dutch figure by lumping homicides together with the much higher number of *attempted* homicides, and that he had *not* done the same for the U.S. figures. Thus, the Drug Czar had compared the U.S. homicide rate with the *combined* rates of homicide and attempted homicide in the Netherlands. The correct Dutch homicide rate, the international press reported, is 1.8 per 100,000, *less than one fourth the U.S. rate* (*Centraal Bureau voor de Statistiek*, July 13, 1998; *Reuters*, July 14, 1998). Even this error might have been forgotten if McCaffrey had not gone on to attribute this newfound murderous streak in the Dutch national soul to their drug policy: "That's drugs" he said, apparently unaware that there has never been any evidence that marijuana — the only drug the Dutch ever decriminalized — is a cause of murder.

Then McCaffrey's staff at the Office of National Drug Control Policy dug his agency into a deeper hole. When Dutch Embassy officials confronted Deputy Drug Czar Jim McDonough about the misleading figures, he replied: "Let's say [that's] right. What you're left with is that they [the Dutch] are a much more violent society and more inept [at murder], and that's not much to brag about" (*Washington Times*, July 15, 1998, p. A4). Here, in a stunning blend of ignorance and arrogance, Mr. McDonough compounds his failure to understand the earlier error with an ethnic slur upon the Dutch.

The Dutch Reaction

Dutch officials reacted swiftly to all of this. Joris Vos, Dutch Ambassador to the U.S., publicly released a letter he sent to McCaffrey at the White House:

"I am confounded and dismayed by your description of Dutch drug policy as an unmitigated disaster and by your suggestion that the purpose of that policy is to make it easier for young people.... Your remarks ... have no basis in the facts and figures which your office has at its disposal and which certainly do not originate only from Dutch sources.... Apart from the substance, which I cannot agree with, I must say that I find the timing of your remarks — six days before your planned visit to the Netherlands with a view to gaining first-hand knowledge about Dutch drugs policy and its results, rather astonishing...." (Reuters, July 14, 1998; *Washington Times*, July 15, 1998, p. A4).

The Foreign Ministry, Justice Ministry, and Health Ministry issued a joint diplomatic press release which can only be called wry understatement:

The impression had been gained that Mr. McCaffrey was coming to the Netherlands to familiarise himself on the spot with Dutch drugs policy. The Netherlands would not exclude the possibility that if Mr. McCaffrey familiarises himself with the results of Dutch drugs policy, he will bring his views more closely into line with the facts" (*Financial Times* [London], July 16, 1998, p. 2).

The reaction in the Dutch press ranged from a kind of humor, 'what else is new' to genuine outrage. I reviewed coverage of the controversy in five Dutch daily newspapers and on two Amsterdam TV news shows. All agreed on the basic facts. All reported that McCaffrey's claims were simply wrong. The only question seemed to be whether he had intended to be insulting. The liberal press seemed to lean a bit more toward the latter interpretation and responded with ridicule. Amsterdam's TV 5, for example, aired a pair of comedians doing brief satirical sketches mimicking a reporter interviewing the U.S. Drug Czar:

Q: "How have you liked your trip so far, General McCaffrey?"

A: "OK, but the weather has been bad; it's been rainy almost everyday."

Q: "Why do you suppose that's so, General?"

A: "Drugs."

Q: "What are your impressions of the Netherlands so far, General?"

A: "Very interesting. I look forward to going on to Holland."

Q: "But sir, Holland is the same thing as the Netherlands."

A: "What?! The same country with two names? That's drugs for you."

Even the more conservative newspapers, which are sometimes critical of one or another aspect of Dutch drug policy, took McCaffrey to task. *De Volkskrant*, for example, editorialized that the U.S. Drug Czar "had already lost his war," that his false allegations showed the "bankruptcy of prohibitionism," and that the "American crusade against drugs" had "derailed" (July 15, 1998, p. 1). The Christian Democratic paper, *Trouw*, put the story as their top headline, and quoted a police intelligence source who called the Czar's claims "abuse of statistics" (July 15, 1998, p. 1).

Why Dutch Policy Poses a Threat

The little scandal surrounding McCaffrey's mistakes lasted only a few days in the Dutch press, for they have come to expect this sort of thing from U.S. drug control officials. Dutch citizens of the right and the left, fans and critics of their drug policy, know such claims are false. So do the millions of American tourists who have traveled to The Netherlands. If, as is often said, truth is the first casualty of war, perhaps we should simply expect the same of drug wars.

But such bizarre behavior begs a broader question: Why is a liberal reform in the domestic drug policy of one of the smallest, least powerful nations on earth so threatening to one of the largest and most powerful? U.S. officials are threatened by Dutch drug policy because it cuts directly against the moral ideology underlying U.S. drug policy. And that ideology runs deep in American culture and politics. The U.S. has a history of hysteria about intoxicating substances dating back to the 19th-century Temperance crusade. For over a hundred years, Americans believed that Satan's "demon drink" was the direct cause of poverty, ill health, crime, insanity, and the demise of civilization. This fundamentalist crusade culminated with national alcohol prohibition in 1919.

Alcohol Prohibition agents immediately took over the job of creating U.S. drug policy. Without debate, they chose criminalization. A series of drug scares since then has led to the criminalization of more drugs and the imprisonment of more drug users for longer terms. What animated each

of these scares, from the crusade against alcohol on, was less public health than the politics of fear – fear of change, fear of foreigners, fear of communists, of the working class, of non-whites, of rebellious college students, and perhaps most centrally, fear of the loss of self control through drinking and drug use.

Creeping Totalitarianism

Having scapegoated drugs for so long, U.S. politicians cannot tolerate a tolerant system like the Dutch. They compete for votes on the basis of whose rhetoric is “tougher” on drugs. The Right-wing Republicans who currently control Congress call President Clinton “soft on drugs” even though more drug users have been imprisoned during his administration than under Reagan and Bush. Clinton appointed McCaffrey Drug Czar not because the General had any training or expertise on drug problems, but because he was a military man who would symbolize “toughness.”

U.S. drug policy has indeed been getting “tougher.” The Czar’s budget has increased from \$1 billion in 1980 to \$17 billion in 1998. The number of drug offenders imprisoned in the U.S. has increased 800% since 1980, mostly poor people of color. This has helped the U.S. achieve the highest imprisonment rate in the industrialized world — 550 per 100,000 population, compared to the Netherlands’ 79 per 100,000. Under the banner of the war on drugs, a kind of creeping totalitarianism tramples more human rights and civil liberties each year. Tens of millions of citizens — most of whom have never used drugs and all of whom are supposed to be presumed innocent — are subjected to supervised urine tests to get jobs and then to keep jobs. Hundreds of thousands more are searched in their homes or, on the basis of racist “trafficker profiles,” on freeways and at airports. Houses, cars, and businesses are seized by the state on the slimmest of suspicions alone. And U.S. school children have been bombarded with more antidrug propaganda than any generation in history.

A Failed War

The actual results of all this suggest why U.S. officials lash out defensively against the Dutch. After more than a decade of deepening drug war, U.S. surveys show that illicit drug use by American youth has increased almost every year since 1991. The U.S. Drug Enforcement Administration admits that hard drugs are just as available, less expensive, and more pure than ever. Hard drug abuse and addiction among the urban poor remain widespread. HIV/AIDS continues to spread most rapidly via injection drug users; meanwhile, the needle exchanges that help stem its spread in every other modern nation remain criminalized in the U.S. A growing number of judges – including several high-level federal judges appointed by Republicans — have gone so far as to refuse to apply drug laws that have grown so Draconian they breach all bounds of fairness.

Opinion polls now show a majority of Americans do

not believe the war on drugs can be won. More and more are voicing their opposition and seeking alternatives to punitive prohibition. The drug policy reform movement in the U.S. has grown larger and more diverse, attracting support from the American Medical Association, the American Bar Association, the American Public Health Association, the American Society of Criminology, and other professional groups. Not all of these groups support decriminalizing marijuana, but all of them support a shift away from drug war toward the harm-reducing public health approaches pioneered in the Netherlands.

And when such pesky heretics argue that there are alternatives to punitive prohibition, one of their key examples is Dutch drug policy. U.S. drug warriors wish the Netherlands example did not exist, but since they cannot make even small countries disappear, they are reduced to making up their own “facts” about it.

No Disaster

Dutch drug policy is also a threat to drug warriors precisely because it has *not* led to what Czar McCaffrey so confidently called an “unmitigated disaster.” Dutch society has its drug problems, of course, but no more and often less than most other modern democracies which have harsher drug laws. Indeed, a higher proportion of people have tried marijuana in the U.S. where millions have been arrested for it than in the Netherlands where citizens may buy it lawfully.

U.S. drug control ideology holds that there is no such thing as *use* of an illicit drug, only abuse. But drug use patterns in the Netherlands show that for the overwhelming majority of users, marijuana is just one more type of *genotsmiddelen* (foods, spices, and intoxicants which give pleasure to the senses) that the Dutch have been importing and culturally domesticating for centuries.

U.S. drug warriors tend to lump all illicit drugs together, as if all were equally dangerous and addictive. Dutch drug policy makes pragmatic distinctions based on relative risks. When U.S. officials are confronted by scientific evidence showing marijuana to be among the least risky drugs, they fall back on the claim that it is a “stepping stone” to hard drugs. But here, too, the evidence from Dutch surveys is heresy: despite lawful availability, the majority of Dutch people never try marijuana, and most who do try it don’t continue to use even marijuana very often, much less harder drugs.

In short, the Dutch facts destroy the Drug Czar’s core claims. Those who have built their careers in the U.S. drug control complex fear Dutch drug policy like the Catholic Church feared Galileo: they must believe the Dutch model is a disaster, for if it is not their whole cosmology shatters.

Leaders more secure about the effectiveness and fairness of their own drug policies would feel less need to slander the Dutch approach. Dutch officials do not proselytize, urging other nations to adopt their approach to drug policy, and the U.S. is obviously not obliged to adopt any part of

the Dutch model. By the same logic, the U.S. government should realize that other societies do not share its phobias and do not appreciate its tendency toward drug policy imperialism, particularly with U.S. drug abuse rates being what they are.

A Senseless Approach

We inhabit an increasingly multicultural world. A multicultural world is also a multi-lifestyle and multi-morality world. Drug policy, therefore, cannot be as simple as stretch socks – “one size fits all.” Neither European integration nor globalized markets erase differences in language, culture, behavior, or politics. Thus, a cookie cutter approach to the world’s drug problems, in which each nation’s drug policy is identical – whether punitive prohibition or any other model – makes no sense.

The Dutch have a long history of tolerance. Many of the Pilgrims who fled religious persecution in England were sheltered in the Netherlands before they came to America in the early 1600s. The Dutch were brutally conquered by the Nazis in World War II, so they know only too well what absolutist states can do to “deviants” and to individual freedom. Down through the centuries the Dutch have developed a deeply democratic culture which has nurtured non-absolutist approaches to many public problems. In the drug policy arena, they have bravely broadened the range of possibilities to examine, which is as useful for those who want to learn something as it is fearful for those who do not.

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