

## The U.S. War on Drugs – Unacceptable Collateral Damage?

By John Dendahl, President  
The Rocky Mountain Foundation

Item: A medical marijuana dispensary in South Lake Tahoe, California was raided recently by agents from the U.S. Drug Enforcement Agency and local and other federal authorities. Another day, another reminder that federalism is all but dead.

I'll leave the facts behind this particular raid for courts to decide, but I'm skeptical. I am reminded of U.S. Supreme Court Justice Clarence Thomas's stellar dissent from a six-to-three decision in June 2005 in another California medical marijuana case, *Gonzales v. Raich*. In that case, marijuana was grown for their own use by seriously ill persons. It was never bought nor sold, and it was never carried across a state line. Nevertheless, it was found to be banned by federal law under a bizarre construction of the "commerce" and "necessary and proper" clauses of the U.S. Constitution.

Further, it made no difference that the citizens of California had decided in a referendum to permit medical use of marijuana.

Concluding his 18-page dissent, J. Thomas said, "The [Court] majority prevents States like California from devising drug policies that they have concluded provide much-needed respite to the seriously ill. The majority's rush to embrace federal power 'is especially unfortunate given the importance of showing respect for the sovereign States that comprise our Union.' Our federalist system, properly understood, allows California and a growing number of other States to decide for themselves how to safeguard the health and welfare of their citizens." (Citation omitted.)

Hastening the end of federalism is just one pernicious result – collateral damage – from America's so-called War on Drugs. Just like Prohibition (of alcohol) 90 years ago, criminal profits have led to widespread corruption in our own country. (How, for instance, does one think a typical imprisoned criminal can get any drug he wants just about any time he wants it? Answer: bought guards.)

Drug-using Americans' money in the hands of narco-traffickers has created damage immediately south of our southern border that goes far beyond tragic; it's terrifying. Former U.S. House Speaker Newt Gingrich put it this way: "We have to rethink our entire strategy for working with Mexico. The war that's under way in Mexico is an enormous national security threat to the U.S. If we allow the drug dealers to win we will have a nightmare on our southern border and no amount of fence and no amount of national security would compensate for the collapse of Mexico."

Many illicit drugs are bad stuff. But suppression of liberty is bad stuff, too. Alcohol Prohibition was doomed from the get-go because too many Americans wouldn't lay off booze. It has been clear for a long time that, to the extent it relies on prohibition, the Drug War is a failure for the same reason. It's a failure writ many tens of times larger than alcohol Prohibition.

I once lost the chairmanship of the Republican Party of New Mexico because some in that party deemed impermissible having the open and serious debate about drug policy that the Republican governor and I advocated. Decriminalization or legalization was simply off the table, as if (alcohol) Prohibition and its repeal had never happened. Some minor law changes designed for the governor by a task force that included a prominent federal judge and several others from law enforcement sent the state's senior U.S. senator and some other party big-wigs into a conniption.

The ensuing hypocrisy was breathtaking. For example, the state's two Republican U.S. representatives issued a statement saying, "While we agree that Mr. Dendahl has done good work for our party and has been a warrior for many of the party's principles, he simply has broken faith with the party in this matter ..." But when U.S. Sen. James Jeffords (R-Vt.) switched parties less than three months later and handed control of the U.S. Senate to the Democrats, one of those same two GOP congressmen unctuously opined, "He made a decision of conscience and you have to respect that. The party is big enough to reflect different views."

Well, maybe not. But it had better learn to be.

*John Dendahl is a retired businessman living in Littleton, Colorado. He is president of The Rocky Mountain Foundation ([www.therockymountainfoundation.org](http://www.therockymountainfoundation.org)), a not-for-profit institute organized for the purpose of conducting research and education on public policies and trends affecting citizens' freedom, security and prosperity.*