How to Get Politicians to Admit in Public That the Drug War Has Been a Complete Failure

Sanho Tree [1] 8 July 2010
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June 26th was the UN’s World Anti-Drug Day. China usually celebrates the day with mass executions and officials in other countries will trot out the usual speeches about the need to continue the war on drugs with ever greater determination. Yet despite a chorus of legal, military, law enforcement and public health voices calling for fundamental reform of our drug policies, their voices have largely fallen on deaf ears when it comes to elected officials. We do not need yet another blue ribbon commission or academic study to tell us our current policies are not working. So why does this zombie drug war continue to march on and what can be done to stop it?

Those who have worked on this issue know one of the most cynical secrets in Washington: many elected officials (if not an outright majority) are willing to acknowledge the fundamental failure of the drug war in private, but continue to vote in favor of it when the yeas and nays are called. Drug policy reform fails to get traction with elected officials because it is the quintessential "third-rail" political issue -- it's a subject to avoid unless one is declaring support for the status quo. As Jean-Claude Juncker, Prime Minister of Luxembourg, said, “We all know what to do, but we don’t know how to get re-elected once we have done it.” Although Juncker was referring to economic liberalization, the quote is even more applicable to the war on drugs.

The disconnect between private and public views of elected officials has to do with the difficulty in explaining why “get tough” measures sound attractive to voters but are often counterproductive. Politicians must hope the voters will have some basic understanding of the economics of drug prohibition and how escalating the drug war only makes the drugs more valuable, thus attracting even more participants into the drug economy. But that can be tough when political challengers can run negative smear ads relatively cheaply and repeatedly to decimate their opponent’s poll numbers. Very few politicians are able to convey successfully such a paradigm shift in a soundbite. After all, if drugs are bad, why not wage a war against them?

Politicians are loath to go on record voting against drug war measures. Since Congress installed an electronic voting system in 1973, the number of recorded votes has soared because it became so much easier. The reason so many votes are on record (as opposed to a voice vote or simple head count) is not so average citizens can hold their representatives accountable for their votes. After all, the overwhelming majority of voters have never looked up their representative’s voting record. Those recorded votes are for the benefit of the political parties so that they can put their adversary’s votes on record to spotlight at a future time—usually during election season (e.g., “He voted for war funding before he voted against it”). So voicing support for drug policy reform is somewhat analogous to placing a loaded pistol on the table and praying your political challenger will not shoot you in the face with it. On-the-record votes also let lobbyists and pressure groups know they’ve bought their money’s worth of loyalty.

In recent years, campaign strategists like Karl Rove have taken traditional wedge issues and refined
them into what he calls “anger points”— issues that have complex and often counterintuitive solutions, but are extremely easy to take out of context and twist into an effective attack ad.

The degeneration of our political discourse and campaign tactics has made reforming the drug war synonymous with political suicide. So how can politicians who care about getting re-elected make fundamental reforms without being electrocuted by the third rail? Just as the much-needed reforms of U.S. drug policy are counter-intuitive (where being tough is often the opposite of being effective), so too is the way out of this political stalemate. In order to get a more responsible legislature, it may be better to have less accountability—at least temporarily.

By utilizing a non-binding, anonymous straw poll, elected officials can express their true leanings without feeling the political backlash from myriad sources. While such a measure would have to be used as a “non-binding procedural aid” (the Constitution requires a recorded vote if one-fifth of the quorum requests it), an anonymous straw poll can produce surprising results and offer political cover during the debate over the real vote. Oscar Wilde once said that if you give a man a mask, he will tell you the truth. This temporary “veil of conscience” would allow members of Congress to express their true sentiments without crossing their party leadership, political donors, lobbyists and even their own electorate. For one brief moment, politicians can vote for the nonpartisan common good as they truly perceive it.

If the straw poll results show there is considerable dissension regarding a third-rail issue, then members who wish to vote against it can argue they represent the true majority of Congress. To be blunt, many of our elected leaders are essentially herd animals. When they detect significant movement, they often follow because there is political safety in numbers. In this way, anonymous straw polls potentially can become the catalyst for a stampede. It is a way to manufacture a tipping point that may already exist, but in nascent form.

In theory, this could be used for nefarious purposes. But if one party wanted to conspire to sway the vote, how could the party leadership enforce voting discipline with a secret ballot? Moreover, how can a loyal party partisan game the system to take credit when they can’t prove which way he voted? The concept is not unlike a traditional firing squad where one shooter is randomly given a rifle with a blank cartridge so the group can sleep with an easier conscience – at least in theory. In anonymity, honesty can emerge long enough for elected officials to realize they are in fact in a “closeted” majority.

This exercise in distributed responsibility could provide the solution for Congress to address other polarizing issues such as economic restructuring due to climate change, national health care or authorizations for war. It can also be used to quickly dispense with election-year gimmicks (silly season, as candidate Obama called it) such as anti-flag burning amendments.

Every politician understands what is in his or her short-term interest. They know what the party leadership wants, what their campaign contributors want, and what lobbyists want. At what point does the long-term interest of the nation as a whole come into play? Who represents the interests of future generations? Today, our future is determined by cowardly politicians who can only think as far as the next election. Our economy is guided by short-sighted corporations that only care about hitting their quarterly numbers, lest their stock nosedives and they get taken over by a rival corporation.

An anonymous straw poll can create a temporary firewall separating politics from policies—or what Scott McClellan, George W. Bush’s former White House press secretary, called “the permanent campaign.” Indeed, this may be the only viable way to undo the polarizing legacy of Karl Rove. With so many crises to address and such powerful interests opposing reforms, Washington cannot afford to play partisan games and conduct business as usual. Those who were elected based on a pledge of a “different kind of politics” in a year of “change” should consider this method of cutting the Gordian knot and breaking the logjam in Washington.

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