

Ecstasy in our Civil Liberties

Written by Andrew Patterson
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Andrew Patterson has two Masters degrees, one of which is a Master of Ethics and Legal Studies, for which he wrote a dissertation aimed at establishing the moral neutrality of prostitution. Andrew joined the ASP before the federal election in 2010, finally finding a political party which matched his social views.

1989: “A drug is neither moral or immoral – it’s a chemical compound. The compound itself is not a menace to society until a human being treats it as if consumption bestowed a temporary licence to act like an asshole.” – Frank Zappa, American rock legend and civil libertarian.

2011: Hold those front pages – the husband of a NSW Cabinet Minister has been arrested for alleged possession of one ecstasy tablet. Yes, you read that right, just ONE, bought for \$20 in inner Sydney last Friday. And what a ball-tearer of a party that was going to be, with just ONE ekky! Can’t believe I missed it - obviously too busy at my place on the red wine. (Coincidentally, also a drug, albeit legal, but more of that shortly, and the cask also cost me \$20). Can’t contemplate the said husband was remotely likely to “act like an asshole” either. And on one ekky? Please! If Frank Zappa was still with us we would be deafened by his derisory laughter.

Yes, the news that Matthew Chesher, husband of NSW Education Minister Verity Firth, and also a government bureaucrat himself, had been caught up in a police drug operation is surely the apocalyptic stuff that will have Hollywood banging on our door for exclusive movie rights. Forget climate change and the awful floods here in Australia and in Brazil; forget North Korea, its nukes, and its Stalinist treatment of its population; forget the daily tragedies in the sad quagmire of the Middle East; forget all manner of truly appalling human suffering across the

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globe. It's ONE ekky that we want to hear about! And the party that we all missed, of course – Matthew getting wasted on ONE ekky and telling tantalising tales, no doubt salacious in the extreme, about the Roads Minister for whom he works – truly riveting stuff! Again, incredibly mortified that I missed it. Note to self – lay off the cab sav if classic parties are not to be missed.

Just what the hell are we doing in our so called “civilized and democratic” society?

The NSW Premier, Kristina Keneally, was quick to make all sorts of comments in support of her Minister, describing the said Minister's husband's conduct as “self-indulgent”. Mmmm, somewhat like the red wine I'm sipping as I write this - I'm a big fan of self-indulgence! She also said that her “heart goes out” to her Minister. Other language used about the incident in the media frenzy included “disappointed”, “devastated”, and “tawdry episodes”.

Well, frankly, my heart goes out to Matthew Chesher, not the damned Minister. The guy bought one, yes ONE, ecstasy tablet and now his life is in tatters. I couldn't care less for the Minister's political woes out of this. Matthew Chesher has lost his government job and he now faces the prospect of a criminal conviction for drug possession. Try getting a visa to travel to the USA after that! Guess there will also be some tense domestic issues in dealing with Verity as well. All in all, he is going to pay an enormous price for one ecstasy tablet. And why?

Because we, as a society, are mired in the mindset of prohibition. To digress for a moment, the blistering irony here is that the head of the NSW Education Department, who answers to Minister Verity Firth, served several years in prison for a criminal conviction connected to heroin importation. But her husband loses his job for possessing ONE ekky tablet! Something about parallel worlds...and something about the smell of burning hypocrites...

But back to prohibition. Our entire drug regime stems from the prohibitionist movement started in America by the religious right-wing. History has shown exactly what the prohibition of alcohol, starting in 1919, achieved – the rise of the Mafia and organized crime. And, more importantly, it did NOT stop people drinking alcohol. Here in Australia, whilst we didn't prohibit alcohol entirely, the “six o'clock swill” which existed in most States bears testament to the abject failure to restrict drinking habits through the law.

Now with illicit drugs the effects of prohibition are also equally clear, if we want to acknowledge them. The Australian Sex Party does in its policies, but we are the only ones in the political arena clamouring for common sense here.

Does prohibition of drugs work? No, no, and no!!! Drugs are freely available across our society, despite the laws against them. The fact that a Cabinet Minister's husband knew how to (allegedly) buy an illicit drug is crystal-clear evidence of how mainstream the “drug problem” has

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become. (As an aside, I recommend reading *High Society* by Ben Elton - brilliant).

All around the world, all we have achieved by drug prohibition, exactly as the US did in the 1920s with alcohol, is to create a massive crime problem and imbed systemic corruption in our law enforcement agencies. Thanks to prohibition we have legions of drug addicts who have had to resort to committing crimes in order to fund their drug habits, made vastly expensive by the illegal nature of the substances involved. Then we have the drug barons with their armed and violent entourages – try taking a holiday in Mexico! And, finally, we have armies of corrupt law enforcement officials, growing wealthy through the artificial opportunities created by our prohibitionist legal frameworks, including here in Australia. Lose, lose and lose!

Even the Americans, the source of the prohibitionist urge all those decades ago, now acknowledge its futility. President Barack Obama finally admitted the “war on drugs” has been an “utter failure”. Not that they have changed their laws yet, but we can live in hope. Despite aggressive prohibition in the US, they have the highest rates of cocaine and marijuana consumption in the world. No wonder Obama has conceded defeat in this campaign.

Meanwhile, some of the Europeans have been experimenting with some truly progressive social policy, and winning the “war on drugs”, much as I hate that phrase. (Incidentally, the loathsome expression came some 40 years ago from American President Richard Nixon, that shining paragon of integrity and social compassion).

Portugal, the most progressive of all countries in this debate, decriminalized all drugs for personal use ten years ago in 2001. The results – drug use among teens has declined, rates of HIV infection through sharing needles have been reduced, drug-related deaths have dropped, and the number of people seeking help for drug addiction issues has increased – pretty heartening stuff. Even the Swiss, those most conservative of recluses, have also successfully trialled a free-heroin program with similarly successful results.

So, contrary to all those doomsayers telling us that liberalizing our drug laws will lead to some sort of hedonistic chemical-fuelled orgy of social collapse, the evidence available clearly indicates what our (and I mean those of us with progressive spirits) common sense tells us. That is, drug consumption, at worst, is a health issue, not a crime. Most of us like, on occasion at least, to indulge in some chemical escape. We legalize alcohol and tobacco, and yet criminalize everything else. As a former police officer I know all too well that the most harmful drug, by far, is alcohol. Not only is alcohol legal, as it should be I have to say, but it is openly advertised, and in fact completely glamorized. Where are the drug prohibitionists here? Out the back having a quiet tipple of sherry, no doubt!

Let's get real here. Let's keep the criminal law for actual criminal activity, not individual citizens indulging in chemical ingestion without any harm to anyone else. The difference between alcohol and tobacco, and all the other drugs, is a completely social and legal construct. Prior to around the 1920s, opiate drugs were openly available and consumed in Western society. Then the moralists arrived, and the party was over, as always! In some parts of the world, the

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prohibition came even later. Those who have read Graham Greene's *The Quiet American* will no doubt have marvelled at his description of the open use of opium, quite legally, in French Indochina in the 1950s. Opium aside, and as an aside, the novel is also a wonderfully crafted exposé of right-wing dogma and hypocrisy – another recommendation! And if you read his journalistic pieces from the same period, you discover he actually experienced all that opium personally.

Let's decriminalize the personal use and possession of drugs now!

Let's provide people health support, if they need it.

Let's stop wasting billions of dollars on the futile enforcement of drug laws.

Let's use those billions to better our society – health, education, and transport.

Let's stop pretending, as a society, that we are actually achieving anything with our current laws. A whole lot of misery is the only end product.

Those citizens who can manage their recreational drug use should be left alone by the State. Those who can't manage their drug use, and who need help, belong in hospitals and clinics, not in police stations, criminal courts and prisons.

Back to the future...

1859: "The only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not sufficient warrant." - John Stuart Mill, over 150 years ago, and as incisive as always.

So, one ekky, no harm to another, no place for the criminal law. Let's grow up, please!