



When All Drugs Were Legal

by [Jacob H. Huebert](#)

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This article is excerpted from [Libertarianism Today](#), by Jacob H. Huebert.

Libertarians propose an immediate end to the drug war. This would be a dramatic course change for the United States but, as we'll see, it's really not so radical – it would just return us to the successful libertarian drug policy America had for most of its history.

For most of U.S. history, all drugs were legal.

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How legal? As libertarian writer Harry Browne [put it](#), "Few people are aware that before World War I, a 9-year-old girl could walk into a drug store and buy heroin." In fact,

before Bayer sold aspirin, it sold Heroin™ as a "sedative for coughs." (As a German company, Bayer was forced to give up the trademark after World War I under the Treaty of Versailles.) One heroin-laced cough syrup promised in its mail-order catalog: "It will suit the palate of the most exacting adult or the most capricious child." Cocaine, first manufactured by Merck, was popular, too. Parke-Davis (which is now a subsidiary of Pfizer) advertised a "cocaine kit" that it promised could "supply the place of food, make the coward brave, the silent eloquent and . . . render the sufferer insensitive to pain." Late-nineteenth century advertisements for "Cocaine Toothache Drops" promised users (including children such as those depicted in the ads) an "instantaneous cure." Another popular product, "Mrs. Winslow's Soothing Syrup," contained one grain (65 mg) of morphine per ounce, and was marketed to mothers to quiet restless infants and children. McCormick (the spice company) and others sold "paregoric," a mixture of highly concentrated alcohol with opium, as a treatment for diarrhea, coughs, and pain, with instructions on the bottle for infants, children, and adults. Another medication called laudanum was similar, but with 25 times the opium. Heroin and opium were both marketed as asthma treatments, too. And, of course, cocaine was an ingredient in Coca-Cola from 1886 until 1900.

All these products were available "over the counter." A doctor, pharmacist, or anyone else could advertise them and sell them with no prescription or other special permission. Drugs were like any other good on the market.

Marketing heroin to children? Putting coke in Coke? Many people would take all this as evidence that of course the government needed to step in and do something. But the widespread availability of these products did not cause the disaster one might expect. In hindsight, it may not seem right that people casually took narcotics or routinely gave them to their children. On the other hand, in the years before acetaminophen, ibuprofen, or even aspirin



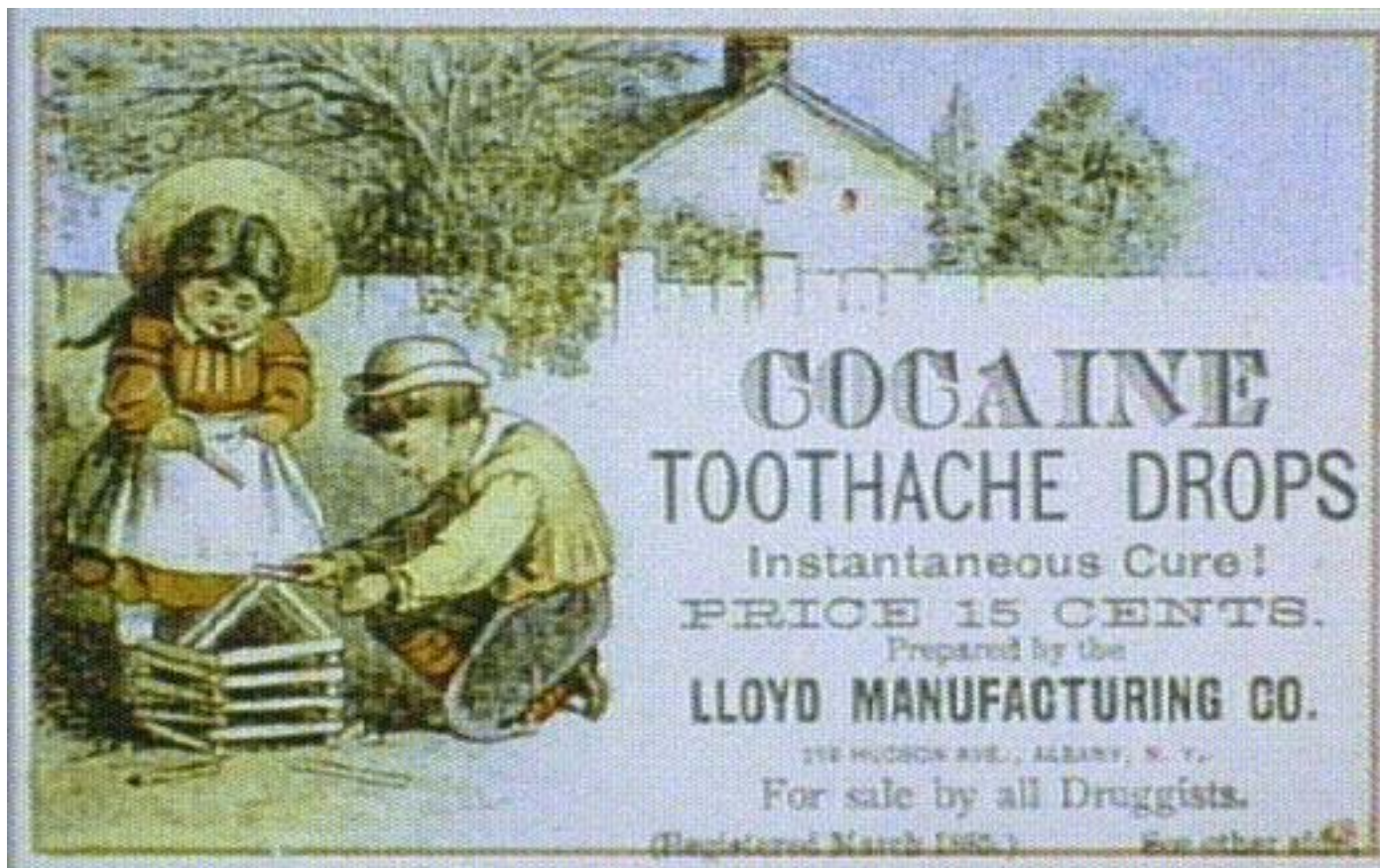
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(which was not introduced until 1898), people had few alternatives to treat pain. So as easy as it might be for us to criticize nineteenth-century Americans for using them, these drugs often really did help people and may have been their best alternative. And they were not just used by ignorant people taken in by snake-oil salesman; for example, Benjamin Franklin took laudanum to control pain from kidney stones late in his life.

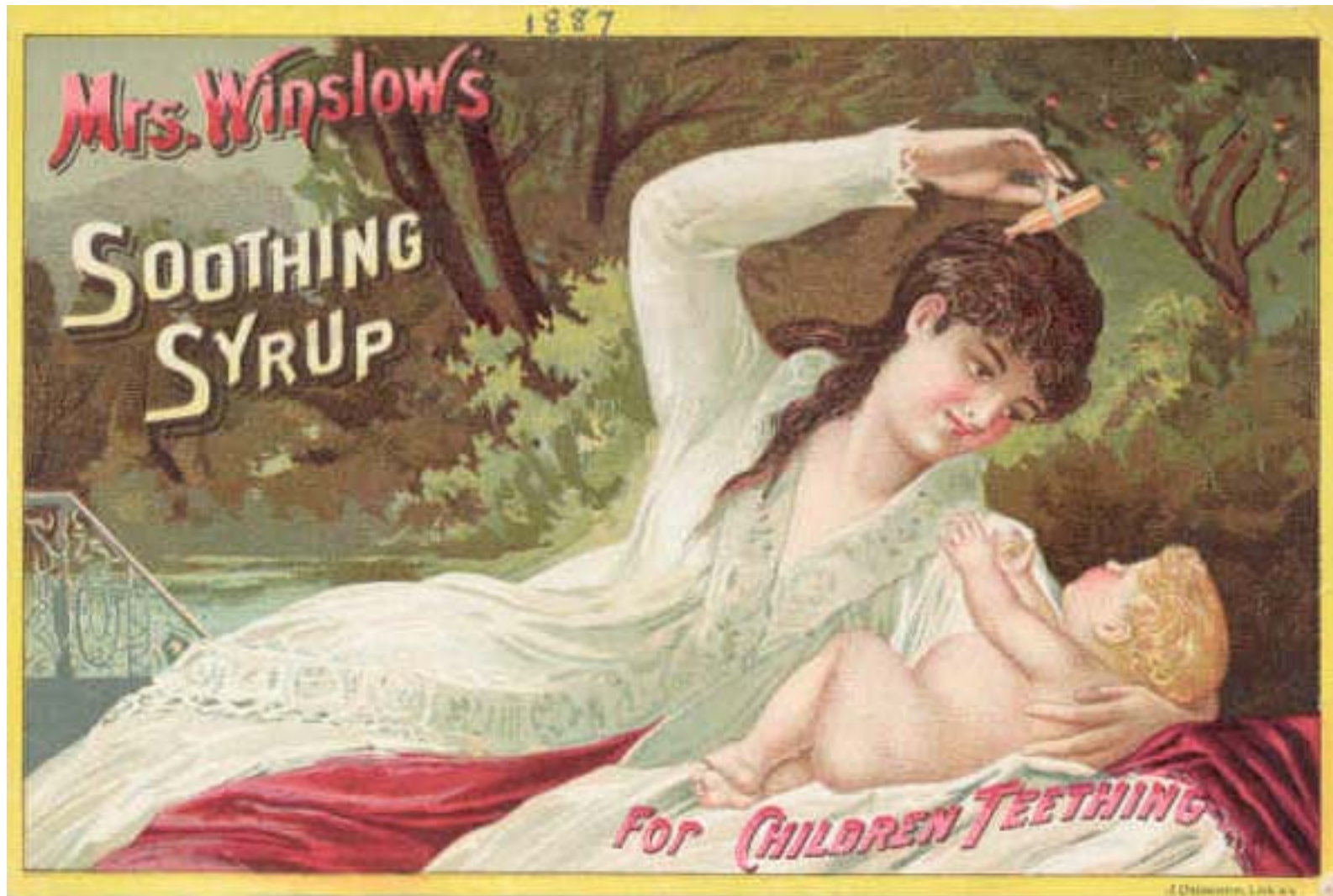
Life under legalization wasn't perfect, of course. There were addicts. But most opium addicts became addicted because someone in the medical profession got them started on it, just as doctors today inadvertently hook people on legal drugs. Some people became addicted through patent medicines they took on their own – but addicts were just a small portion of the market for these products. Many people became opium addicts essentially because of government. During the Civil War, the United States fed opium addiction as it issued some 10,000,000 opium pills and 2,841,000 ounces of opium powder to the army. As a result, drug addiction became known as the "soldier's disease." Other factors that drove people to addiction were state and local alcohol prohibition and increasing social disapproval of alcohol, which prompted people to substitute opium for liquor. In states where alcohol was prohibited, opiate use rose by 150 percent. An 1872 study by the Massachusetts State Board of Health found that the temperance movement had caused an upswing in opiate use and noted that opium could be "procured and taken without endangering the reputation for sobriety," and was seen as "more genteel" than alcohol.



Opium addiction rose in the decades after the Civil War, but soon so did education and understanding about drugs and their addictive, dangerous nature among both physicians and the public. The rise of mass media helped; for example, the Ladies' Home Journal published numerous exposes on narcotic-laced patent medications. Meanwhile, the market produced safer medicines, such as aspirin. As a result of these factors, addiction peaked near the end of the nineteenth century and then began a long decline without any need for a government "war."

And although America did have addicts in the nineteenth century (perhaps as much as 0.5 percent of the population), there are some things it notably did not have. Most important, there was virtually none of the violence, death, and crime we associate with the present-day drug problem. Most drug users were not street criminals; instead, the typical addict was, as author Mike Gray put it, "a middle-aged southern white woman strung out on laudanum." Many or most opium addicts led

more or less normal lives and managed to keep their addiction hidden.



Things were not perfect, as they never will or can be. But there was no real crisis when all drugs were legal.

Read the rest of this chapter in [Libertarianism Today](#).

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