

MARIJUANA PROHIBITION FACTS

2005

- ▶ Very few Americans had even heard about marijuana when it was first federally prohibited in 1937. Today, between 95 and 100 million Americans admit to having tried it. ^{1,2}
- ▶ According to government-funded researchers, high school seniors consistently report that marijuana is easily available, despite decades of a nationwide drug war. With little variation, every year about 85% consider marijuana “fairly easy” or “very easy” to obtain. ³ Data from the U.S. Centers for Disease Control and Prevention show that more U.S. high school students currently smoke marijuana, which is completely unregulated, than smoke cigarettes, which are sold by regulated businesses. ⁴
- ▶ There have been over seven million marijuana arrests in the United States since 1993, including 755,186 arrests in 2003—an all-time record. One person is arrested for marijuana every 42 seconds. About 88% of all marijuana arrests are for possession—not manufacture or distribution. ⁵
- ▶ Every comprehensive, objective government commission that has examined the marijuana phenomenon throughout the past 100 years has recommended that adults should not be criminalized for using marijuana. ⁶
- ▶ Cultivation of even one marijuana plant is a federal felony.
- ▶ Lengthy mandatory minimum sentences apply to myriad offenses. For example, a person must serve a five-year mandatory minimum sentence if federally convicted of cultivating 100 marijuana plants—including seedlings or bug-infested, sickly plants. This is longer than the average sentences for auto theft and manslaughter!⁷
- ▶ A one-year minimum prison sentence is mandated for “distributing” or “manufacturing” controlled substances within 1,000 feet of any school, university, or playground. Most areas in a city fall within these “drug-free zones.” An adult who lives three blocks from a university is subject to a one-year mandatory minimum sentence for selling an ounce of marijuana to another adult—or even growing one marijuana plant in his or her basement. ⁸
- ▶ Approximately 77,000 marijuana offenders are in prison or jail right now. ⁹
- ▶ A recent study of prisons in four Midwestern states found that approximately one in ten male inmates reported that that they had been raped while in prison. ¹⁰ Rates of rape and sexual assault against women prisoners, who are most likely to be abused by male staff members, have been reported to be as high as 27 percent in some institutions. ¹¹
- ▶ Civil forfeiture laws allow police to seize the money and property of suspected marijuana offenders—charges need not even be filed. The claim is against the property, not the defendant. The owner must then prove that the property is “innocent.” Enforcement abuses stemming from forfeiture laws abound. ¹²
- ▶ MPP estimates that the war on marijuana consumers costs taxpayers nearly \$12 billion annually. ¹³
- ▶ Many patients and their doctors find marijuana a useful medicine as part of the treatment for AIDS, cancer, glaucoma, multiple sclerosis, and other ailments. Yet the federal government allows only seven patients in the United States to use marijuana as a medicine, through a program now closed to new applicants. Federal laws treat all other patients currently using medical marijuana as criminals. Doctors are presently allowed to prescribe cocaine and morphine—but not marijuana. ^{14,15}
- ▶ Organizations that have endorsed medical access to marijuana include: the AIDS Action Council, American Academy of Family Physicians, American Public Health Association, American Academy of HIV Medicine, American Nurses Association, Lymphoma Foundation of America, National Association of People With AIDS, the *New England Journal of Medicine*, the state medical associations of New York, California, Florida and Rhode Island, and many others.
- ▶ A few of the many editorial boards that have endorsed medical access to marijuana include: *Boston Globe*, *Chicago Tribune*, *Miami Herald*, *New York Times*, *Orange County Register*, *USA Today*, *Baltimore’s Sun*, and *The Los Angeles Times*.
- ▶ Since 1996, a majority of voters in Alaska, Arizona, California, Colorado, the District of Columbia, Maine, Montana, Nevada, Oregon, and Washington state have voted in favor of ballot initiatives to remove criminal penalties for seriously ill people who grow or possess medical marijuana.
- ▶ Seventy-two percent of Americans believe that marijuana users should not be jailed. Eighty percent support legal access to medical marijuana for seriously ill adults. ²
- ▶ “Decriminalization” involves the removal of criminal penalties for possession of marijuana for personal use. Small fines may be issued (somewhat similarly to traffic tickets), but there is typically no arrest, incarceration, or criminal record. Marijuana is presently decriminalized in 11 states—California, Colorado, Maine, Minnesota, Mississippi, Nebraska, Nevada, New York, North Carolina, Ohio, and Oregon. In these states, cultivation and distribution remain criminal offenses.



▶ Decriminalization saves a tremendous amount in enforcement costs. California saves \$100 million per year.¹⁶

▶ A 2001 National Research Council study sponsored by the U.S. government found “little apparent relationship between the severity of sanctions prescribed for drug use and prevalence or frequency of use, and ... perceived legal risk explains very little in the variance of individual drug use.” The primary evidence cited came from comparisons between states that have and have not decriminalized marijuana.¹⁷

▶ In the Netherlands, where adult possession and purchase of small amounts of marijuana are allowed under a regulated system, the rate of marijuana use by teenagers is far lower than in the U.S.^{3,18} Under a regulated system, licensed merchants have an incentive to check ID and avoid selling to minors. Such a system also separates marijuana from the trade in hard drugs such as cocaine and heroin.

▶ “Zero tolerance” policies against “drugged driving” can result in “DUI” convictions of drivers who are not intoxicated at all. Trace amounts of THC metabolites—detected by commonly used tests—can linger in blood and urine for weeks after any psychoactive effects have worn off. This is equivalent to convicting someone of “drunk driving” weeks after he or she drank one beer.¹⁹

▶ The arbitrary criminalization of tens of millions of Americans who consume marijuana results in a large-scale lack of respect for the law and the entire criminal justice system.

▶ Marijuana prohibition subjects users to added health hazards:

- Adulterants, contaminants, and impurities—Marijuana purchased through criminal markets is not subject to the same quality control standards as are legal consumer goods. Illicit marijuana may be adulterated with much more damaging substances; contaminated with pesticides, herbicides, or fertilizers; and/or infected with molds, fungi, or bacteria.

- Inhalation of hot smoke—One well-established hazard of marijuana consumption is the fact that smoke from burning plant material is bad for the respiratory system. Laws that prohibit the sale or possession of paraphernalia make it difficult to obtain and use devices such as vaporizers, which can reduce these risks.²⁰

▶ Because vigorous enforcement of the marijuana laws forces the toughest, most dangerous criminals to take over marijuana trafficking, prohibition links marijuana sales to violence, predatory crime, and terrorism.

▶ Prohibition invites corruption within the criminal justice system by giving officials easy, tempting opportunities to accept bribes, steal and sell marijuana, and plant evidence on innocent people.

▶ Because marijuana is typically used in private, trampling the Bill of Rights is a routine part of marijuana law enforcement—e.g., use of drug dogs, urine tests, phone taps, government informants, curbside garbage searches, military helicopters, and infrared heat detectors. ■

NOTES

1. Substance Abuse and Mental Health Administration, U.S. Department of Health and Human Services, *National Survey on Drug Use and Health*, 2003, Table G.1.
2. Time/CNN poll of adults, *Time*, Nov. 4, 2002. Forty-seven percent said they had tried marijuana at least once.
3. Johnston, Lloyd D., O'Malley, Patrick M., Bachman, Jerald G., and Schulenberg, John E., *Monitoring the Future, National Results on Adolescent Drug Abuse: Overview of Key Findings, 2003*, National Institute on Drug Abuse, U.S. Department of Health and Human Services, 2004.
4. Centers for Disease Control and Prevention, *Youth Risk Behavior Surveillance -- United States, 2003*, May 21, 2004, MMWR 2004:3(No. SS-2), tables 20 and 28.
5. Federal Bureau of Investigation, Uniform Crime Reports, *Crime in the United States*, annually.
6. For example, *Report of the Indian Hemp Drugs Commission*, 1894; *The Panama Canal Zone Military Investigations*, 1925; *The Marijuana Problem in the City of New York* (LaGuardia Committee Report), 1944; *Marihuana: A Signal of Misunderstanding* (Nixon-Shafer Report), 1972; *An Analysis of Marijuana Policy* (National Academy of Sciences), 1982; *Cannabis, Our Position for a Canadian Public Policy* (Report of the Senate Special Committee on Illegal Drugs), 2002, and others.
7. 21USC841(b)(1)(B); *1996 Sourcebook of Federal Sentencing Guidelines*, U.S. Sentencing Commission, 1997; p. 24.
8. 21USC860(a); report from Congressional Research Service, June 22, 1995.
9. Estimated by MPP, based on *Prisoners in 2001*, Bureau of Justice Statistics, U.S. Department of Justice; *Prison and Jail Inmates at Midyear 2001*, Bureau of Justice Statistics, U.S. Department of Justice; *Profile of Jail Inmates, 1996*, Bureau of Justice Statistics, U.S. Department of Justice; *Substance Abuse and Treatment, State and Federal Prisoners*, 1997, Bureau of Justice Statistics.
10. Struckman-Johnson, Cindy, and Struckman-Johnson, David, *Sexual Coercion Rates in Seven Midwestern Prisons for Men*, *The Prison Journal*, December 2000, pp. 379-90.
11. Struckman-Johnson, Cindy, and Struckman-Johnson, David, “Summary of Sexual Coercion Data,” for the conference “Not Part of the Penalty: Ending Prisoner Rape,” Oct. 19, 2001.
12. U.S. Rep. Henry Hyde (R-IL), *Forfeiting Our Property Rights: Is Your Property Safe From Seizure?* Cato Institute, 1995.
13. In 2002, the federal government spent \$18.8 billion on the “drug war.” Approximately 53% (\$9.964 billion) was spent on enforcement, court, and prison expenses, with the rest used for treatment and education (*National Drug Control Strategy*, Office of National Drug Control Policy, 2002). In 1991—the most recent year for which data are available—state and local governments spent a total of nearly \$16 billion, of which about 80% was used for enforcement, court, and prison costs (*National Drug Control Strategy*, Office of National Drug Control Policy, 1994). State and local spending is estimated to have increased to \$20 billion annually in 2002 (“Drug War Retreat? The Pentagon’s Double-Edged Plan to Scale Back,” *Daytona Beach News-Journal*, Nov. 9, 2002).

Hence, the total annual criminal justice system expenditure for federal, state, and local governments is \$25.964 billion (\$9.964 billion + \$16 billion [80%]).

While this total annual expenditure is not broken down by specific drugs, marijuana crimes account for 45% of all drug arrests (Federal Bureau of Investigation, *Crime in the United States*, 2003). Assuming that expense and arrest percentages roughly match, the war on marijuana consumers costs taxpayers \$11.68 billion annually.
14. Grinspoon, Lester, M.D., and Bakalar B., J.D., “Marijuana as Medicine: A Plea for Reconsideration,” *Journal of the American Medical Association*, June 21, 1995.
15. Marijuana Policy Project, *Medical Marijuana Briefing Paper*, 2004.
16. Aldrich, Michael, Ph.D., and Mikuriya, Tod, M.D., “Savings in California Marijuana Law Enforcement Costs Attributable to the Moscone Act of 1976—A Summary,” *Journal of Psychoactive Drugs*, Vol. 20(1), Jan.-March 1988; pp. 75-81.
17. National Research Council, *Informing America’s Policy on Illegal Drugs: What We Don’t Know Keeps Hurting Us*, National Academy Press, 2001; pp. 192-93.
18. Abraham, Manja D., Kaal, Hendrien L., and Cohen, Peter D.A., *Licit and illicit drug use in the Netherlands 2001*. Amsterdam: CEDRO/Mets en Schilt, 2002.
19. Swann, P., “The Real Risk of Being Killed When Driving Whilst Impaired by Cannabis,” *Australian Studies of Cannabis and Accident Risk*, 2000.
20. Mirken, Bruce, “Vaporizers for Medical Marijuana,” *AIDS Treatment News*, Issue #327, September 17, 1999.