Brian Petersen

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Decriminalize It

Marijuana: to be or not to be, that tis the question! The question surrounding marijuana and other types of cannabis plants involves its legal status in the United States; this issue has been a controversial and popular one since its federal banishment in 1937. Many argue that marijuana should remain an illicit drug while others argue that efforts should be made to decriminalize or completely legalize it. Those in support of decriminalizing marijuana and other cannabis plants claim that legalizing it would free billions of dollars now used to prosecute users, which in turn would provide several billions of dollars for the tax revenue, relieve a substantial amount of both law enforcement resources which could be used to prevent more serious crimes and prison resources, and reduce the income of current organized crimes who deal cannabis. Those in opposition of decriminalizing cannabises argue that there will be an increased usage of cannabis which will lead to increased crime and abuse of more dangerous drugs.

For the sake of common ground for the argument, defining a few terms is necessary. The first term that needs defining is decriminalization. Decriminalization is “the abolition of criminal penalties in relation to certain acts, perhaps retroactively, though perhaps regulated permits or fines might still apply” (“Webster’s Dictionary: A-Z” 580). In the case of decriminalization of cannabis, it would include efforts that would remove some of the current laws and restrictions on the usage of cannabis and marijuana. This would encompass efforts made to allow cannabis solely for medical reasons and for other non-medical uses. The second term that needs defining is legalization. Legalization is “the process of removing a legal prohibition against something which is currently not legal” (“Webster’s Dictionary: H-R” 157). This would include efforts of removing existing laws that prohibit the usage of cannabises and then not creating laws that would then further regulate the usage of cannabis plants. There is an important distinction between the decriminalization and legalization of marijuana that should be noted. The distinction is that decriminalization tries to lessen the extent of the existing penalties involved with possession of cannabises while legalization tries to remove the existing laws completely and make no further regulations. Now that this distinction has been established, a brief history seems appropriate.

Several attempts to begin the decriminalization and legalization of cannabises have been successful in the United States in the past 30 years. The decriminalization attempts include efforts to establish civil fines, drug education, and drug treatment intuitions as consequence of cannabis possession rather that incarceration and criminal charges. In other words, if someone was found possessing a small amount of cannabis, confiscation and a fine would be imposed rather that imprisonment or other more sever charges. Some states with successful decriminalization states include Oregon, Alaska, California, Colorado, Mississippi, New York, Nebraska, North Carolina, and Ohio. As for legalization efforts, in 2012 both Washington and Colorado held a general ballot that has legalized the possession of marijuana and other cannabis plants. More states and cities have progressing efforts to further along the decriminalization of marijuana. **Although many politicians and citizens claim that cannabis should be decriminalized, cannabis should remain an illicit drug because of the impact that it would have on the public.**

Those who are in support of the decriminalization of marijuana claim that if it were to be decriminalized, there would be many economic benefits; specifically a decrease in money being spent in law enforcement efforts to regulate existing marijuana laws and an increase in the tax revenue that would be made from marijuana taxes. The Endorsing Economists, a group of more than 530 distinguished economists, mostly comprised of college professors, wrote an open letter to congress and state legislatures summarizing the results that they had found in their research published in their report entitled *The Budgetary Implications of Marijuana Prohibition*. In this open letter they state:

We, the undersigned, call your attention to the attached report…  *The Budgetary Implications of Marijuana Prohibition*. The report shows that marijuana legalization – replacing prohibition with a system of taxation and regulation – would save $7.7 billion per year in state and federal expenditures on prohibition enforcement and produce tax revenues of at least $2.4 billion annually if marijuana were taxed like most consumer goods. If, however, marijuana were taxed similarly to alcohol or tobacco, it might generate as much as $6.2 billion annually.

The fact that marijuana prohibition has these budgetary impacts does not by itself mean prohibition is bad policy. Existing evidence, however, suggests prohibition has minimal benefits and may itself cause substantial harm. (An Open Letter to the President, Congress, Governors, and State Legislatures)

The Endorsing Economists make the claim in this statement that if marijuana prohibition laws were to be reformed or removed, that there would be about a $10.1 - $13.9 billion dollar increase in the federal revenue. This money comes from the current regulation expenditure and from the money the tax money that would be raised by marijuana taxes. This tax revenue increase is quite substantial for the federal government and it could do several things with this revenue increase. One thing they could do is increase the enforcement efforts and resources of other existing laws that are of more serious and violent crimes. In other words, if current law enforcement organizations were given more time and resources they would be able to better enforce the laws and prevent more serious crimes. As well, the police would be able to better enforce other laws if marijuana was decriminalized because the time they currently use to enforce marijuana laws could be used to enforce other laws. This would, in turn, create a safer society for the general populous. Another thing the federal government could do with the increased revenue is to begin paying off existing debts and, if given enough time, balance the deficit. Both of these things, better enforcement of serious crimes and a method of helping eliminate the deficit, came about by the economic benefits of the decriminalization of cannabis. In addition to an increase in federal spending money, those in support of this issue claim that there is another economic benefit.

Those in support of the decriminalization assert that the decriminalization of marijuana will reduce the income earned by organized crime. The National Drug Intelligence Center, a department of the U.S Department of Justice, stated in their 2004 annual report that “cannabis sales and trafficking support violent criminal gangs” (6). This is no surprise because marijuana is an illicit drug while also being the most abused illicit drug in the United States; as well, the only way to obtain marijuana is through illegal means. The crime organizations, primarily drug dealers and gangs, provide the marijuana that a large group of Americans already now demand. It follows the classical economic model of supply and demand. The gangs have the supply, and the citizens provide the demand. Now, Dean Becker, an advocate for this issue and representing the Law Enforcement Against Prohibition, argues that fully decriminalizing cannabis would largely decrease financial gains earned by gangs through cannabis trafficking and distribution (Becker, 2). In other words, since it is known that organized crime does receive some of their income from marijuana sales, and since they are the monopoly provider of the drug, marijuana distribution creates an unsafe environment where ever it is being dealt. Supporters claim that if it were to be fully decriminalized, marijuana could be regulated and controlled better since the government would become a provider for the demand created by the citizens. The government could then become the primary provider of the marijuana, thus receiving a majority of the sales and revenue that were once the gang’s. This would create a negative correlation among the sales of the government and gangs; meaning that while the sales of the government are increasing, the sales of the gangs would be decreasing. This would ultimately give the government control over something that use to be under the control of the crime organizations. As well, with this new control, the crime organizations would have to decrease their efforts to sell and traffic marijuana because they would not be able to compete. This would also create a safer environment for the general public that were once dangerous because of the previous presence of the crime organizations. In short, currently organized crime is the only supplier of marijuana. If the government were to decriminalize cannabis and become an alternative, legal supplier of marijuana, they would eventually drive the crime organizations out of business. Even if crime organizations were still able to make enough profit to continue to deal drugs, there are those who say that marijuana should still be decriminalized based on moral reasons.

Those who advocate the decriminalization of marijuana claim that smoking marijuana is a matter of personal choice. An online petition called “Legalizing the Dream, Making Marijuana Legal” that has over 8,700 signatures states, “Marijuana should be legalized because… the government has no right to interfere with people's personal freedom. An individual should have the right to choose to use it.” Although this source and statement was not made by a distinguished person, it does show the opinion and claim made by many who are in support of either the decriminalization or legalization of cannabis and marijuana. This assertion is generally associated with the libertarian platform, and it relies on the idea that any action that does not directly affect any other person is to be guarded as a personal freedom. So, by implication, those who claim that this is a matter of personal freedom because the negative health effects only affect those who participate in the smoking and no one else directly; and, by implication again, the right to smoke marijuana should not be restricted because those who choose to smoke marijuana are only hurting themselves. Some may rebuttal this argument by saying that the second hand smoke is a serious enough health threat because it can cause health problems. Advocates of this claim respond with the fact that tobacco and cigarettes, both legal substances, also cause second hand smoking and therefore should be made illegal for the same reasons. Although there are those that are in support of the decriminalization of cannabis, there are also those who are in opposition of it.

Those in opposition of the decriminalization of cannabis claim if it is decriminalized, an increase in marijuana usage will follow. The Drug Enforcement Administration (DEA) of the Justice Department of the United States published a pamphlet entitled “Speaking Out Against Drug Legalization.” In the pamphlet, they state that:

By 1979, after 11 states decriminalized marijuana and the Carter administration had considered federal decriminalization, marijuana use shot up among teenagers. That year, almost 51 percent of 12th graders reported they used marijuana in the last 12 months. By 1992, with tougher laws and increased attention to the risks of drug abuse, that figure had been reduced to 22 percent, a 57-percent decline. (47)

As well, the pamphlet also explains that when Alaska decriminalized cannabis in 1975, marijuana usage among the youth increased dramatically peaking at “twice the national average for their age group” (46). It also explains that this increase was the reason Alaska re-criminalized cannabis in 1990 (46). One thing that should be noted though is that marijuana usage increased significantly all across the United States in the 1970s, the same time period that Alaska decriminalized cannabis and also observed an increase in marijuana usage (Mann 34). The DEA never addresses whether or not Alaska started above the national average; this makes a difference because if Alaska had started below the national average, than the effect of decriminalization has that much more of an effect in the Alaskan example. Regardless though, in both of these examples, it was shown that the decriminalization of cannabis correlated with an increased usage or marijuana among youth; so much of an increase that in the Alaskan case, actions were taken to re-criminalize cannabis for the sake of decreasing the drug abuse by the youth. Now, an increase in the number of people who abuse marijuana would create a larger group that would become addicted and eventually tolerant to the psychological effects of marijuana. This addiction and inevitable tolerance creates the need for the addiction to be satisfied by some other substance. Those in disapproval of the decriminalization of cannabis claim that the they will quench this physiological addiction with other illicit drugs. In short, some people believe that marijuana usage will increase with the decriminalization of cannabis and that given enough time, the group using marijuana will become addicted and tolerant to its effects, after which the need of the addiction that was once satisfied by marijuana will be replaced with the use of other illicit drugs.

Those in opposition of the decriminalization of cannabis also claim that the abuse of marijuana lead to the abuse of other illicit drugs, namely heroin and cocaine. A study done by Dr. Gabriel G. Nahas of New York University in 1985 was followed by his publication of *Keep Off the Grass* in which he stated, “the biochemical changes induced by marijuana in the brain result in drug-seeking, drug taking behavior, which in many instances will lead the user to experiment with other pleasurable substances… [progressing] to cocaine, than to heroin” (23). Nahas’ study reveals what is believed to be a common correlation, that is that one who participates in marijuana smoking will lead to the usage of other illicit drugs in a progressing manner; particularly to cocaine and then later to heroin. The concern involved with this is the fact that those other illicit drugs, cocaine and heroin, can only be obtained through illegal means since the drugs themselves are illegal. The conditions and circumstances that are present when one obtains these other illicit drugs are quite dangerous and impose a threat for the safety of the local populous indirectly involved. As well, this problem combined with the previous one creates another issue. The last claim was that the decriminalization of marijuana leads to an increase in marijuana usage, especially youth; the second one is the idea that marijuana is a gateway drug to other illicit drugs. If the first claim is true and there was in increase in the number of people who abuse marijuana, logically there would then also be an increase in the use of other illicit drugs. The abuse of these other illicit drugs, namely cocaine and heroin, have their own implications and effect on the general populous. Most, if not all, of these implications risk the safety of the communities involuntarily involved because of the violent and dangerous nature of dealing and distributing both of these drugs. In short, those in opposition of the decriminalization of cannabis claim that it will lead to an increased use of marijuana subsequently followed by an increased use of other illicit drugs, thus creating an unsafe environment for the citizens of the affected communities. Along with risking the safety of the public, some claim that marijuana has adverse health effects.

Those in disagreement of the decriminalization of cannabis also assert that marijuana usage has many physical and psychological health effects. Peggy Mann, a journalist for the *Saturday Evening Post*, wrote an article entitled “Marijuana: The Myth Of Harmlessness Goes Up In Smoke” in which she states:

The psychological symptoms are often the first to manifest themselves. These include decreasing school performance; increased irritability (“stop hassling me” flared out for no justifiable reason); a general apathy; depression; drastic, inexplicable mood changes; feelings of isolation; a cutting off of communication between parent and child and a general loss of interest in everything except pot smoking and the accompanying “kiddie drug culture.”

There are two very common physical symptoms: a chronic cough – a bothersome, constant hacking – and chest pains. Says Dr. Ingrid Lantner, “I have yet to see a teen-age tobacco smoker complain of chest pains, but it's quite common among pot smokers.” (40)

This shows that there is quite a few symptoms that can result from the repeated smoking of marijuana, thus implicating that marijuana does have a substantial effect on one’s overall health. Although these are only symptoms, it may be assumed that some lasting physical or psychological changes are being that produce the observable symptoms. As well, these symptoms are a public concern because those who do begin smoking, especially young teenagers, will never be able to develop their full potential as a productive and proactive citizen of the communities they live in. The primary reason they will never be able to do so is because many of the symptoms restrict the post-education and job opportunities one will be able to receive. For example, if the claimed psychological symptoms are true, than one would exhibit a decrease in school performance. This would limit the number of colleges that they may be able to attend depending on the degree of this symptom. Likewise, if one were displaying a general apathy towards everything, the chances of them being interested in extracurricular activities would substantially decrease; participation in extracurricular activities is something many colleges look for in those student who apply for admission. Combining these two, poor school performance and no extracurricular activities, it becomes increasingly difficult for someone to be admitted into a post-secondary education, thus not being able to reach their full potential. In short, if those who do begin smoking marijuana, particularly youth, exhibit some of these symptoms, they will not be able to reach their full potential because they will not be able to receive the job opportunities and schooling they could have attained. As well, some of the physical symptoms, the cough and chest pains, are chronic symptoms and are therefore chronic pains. This creates it harder for those inflicted with these symptoms to focus and perform many of the day to day activities with the same efficiency and ease as others. Along with these types of physical and psychological health effects, marijuana usage has been found to have another health affect.

Those who oppose the decriminalization of claim that marijuana impairs one’s decision making skills and causes them to behave in more risk-taking behavior then they would otherwise, particularly when it involves decisions related with sex. Hendershot et al. performed an experiment and collected data to study the effects of marijuana on one’s risk taking behavior. They stated in their publication, “Health risks associated with marijuana use… include sexual risk behaviors. [There is also] the possibility that marijuana is an important cofactor for HIV/STD risk” (Hendershot et al. 411). The serious health risks implicated in this study are the spread of STDs, including AIDS which ultimately leads to HIV. These health risks most certainly affect others who never participated in smoking marijuana, and thus it becomes a public health issue. It simply is not right to have those who never decided to participate in marijuana smoking to be affected by it at such a large degree. In this case, the STD that one has the potential to receive because the other person decided to impair their ability of discretion advisement with marijuana smoking can be life changing. In other words, since marijuana smoking, according to this study, makes one more likely to engage in risk-taking sexual behavior, it has the potential to effect an innocent bystander. As well, this is a very serious public health concern, and as such it should be heavily considered in future decisions by lawmakers and legislatures to either decriminalize or legalize cannabis, and by effect marijuana. Marijuana smoking does not just affect the person smoking, but the other people that they may come into contact with later on.

In conclusion, there are those who both support and oppose the decriminalization and legalization of marijuana. Those who are in support of it generally claim that if it were to be decriminalized, there would be several economic benefits; those who oppose generally say that it would create many new problems for the public. In the end, many politicians and citizens do support the decriminalization of marijuana, but it should remain as an illicit drug because of the impact that it would have on the public.

More specifically, those who are in support of marijuana decriminalization claim that there would be several benefits that would result from it. The first set of benefits would be related to economics. They say that since the government would be able to sell and distribute the marijuana supplies, they would be able to tax is similarly to how they are currently taxing alcohol and tobacco. This new tax would increase the revenue received by the government, and then they would be able to use this money to enforce other laws and prevent more serious crimes. Supporters also say that when this would occur, the government beginning to sell marijuana, the revenue earned by organized crimes by selling marijuana would be substantially decreased. This would indirectly create a safer society because the crime organizations would begin to stop dealing marijuana. As well, advocates also say that marijuana smoking is a matter of individual choice, and as such the government has no right to infringe on this personal freedom.

Those in opposition claim that the decriminalization of marijuana would lead to several public concerns. They begin by claiming that marijuana usage would increase if it were legalized. This increase in the marijuana users would then create a larger group of people that would become dependent on marijuana, and given enough time they would become tolerant to its effects. To get the same type of feeling that they had once received from marijuana, they would begin using other illicit drugs, such as cocaine and heroin. Now since this larger group of people are now using cocaine and heroin, the original problem still exists; that is the fact that there are still so many people abusing illicit drugs. As well, they claim that there are several health issues related with marijuana smoking. It was found that there are several physical and psychological symptoms exhibited by those who smoking marijuana. These symptoms would limit the level education of education one would be able to receive because they would not be able to be admitted into some higher education colleges. It was also found that while one was experiencing the effects of marijuana, they were more inclined to participate in sexual acts that was likely to spread STDs; a very serious public issue.

In the end, the issue of marijuana in the United States is a very controversial topic that needs to be addressed. Legislatures, politicians, and citizens need to compromise and be willing to address the issue in an objective and understanding manner. For the future posterity and citizens of this nation, actions need to be made now that will ensure their success and their ability to live out better lives than ours.

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