



Marijuana Prohibition Facts

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- Relatively few Americans had even heard about marijuana when it was first federally prohibited in 1937. Today, over 100 million Americans admit to having tried it, and over 16 million say they have used it in the past month.¹ A study released in December 2006 found that marijuana is now the leading cash crop in the U.S., exceeding the value of corn and wheat combined.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 over 80% consider marijuana “fairly easy” or “very easy” to obtain.³
- There have been more than 11.2 million marijuana arrests in the United States since 1995, including 858,408 in 2009 – significantly more than for all violent crimes combined. One person is arrested for marijuana every 37 seconds. About 88% of all marijuana arrests are for possession – not manufacture or distribution.⁴
- 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.⁵
- 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!⁶
- 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.⁷
- Federal government figures indicate there are more than 41,000 Americans in state or federal prison on marijuana charges right now, not including those in county jails.⁸ That’s more than the number imprisoned *on all charges combined* in eight individual European Union countries.
- A study of prisons in four midwestern states found that approximately one in ten male inmates reported that they had been raped while in prison.⁹ 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% in some institutions.¹⁰
- 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.¹¹
- According to a 2010 estimate by Harvard University economist Jeffrey Miron, replacing marijuana prohibition with a system of taxation and regulation would save around \$20.1 billion per year in reduced government spending and increased tax revenues.¹² Another researcher estimated that the revenue lost from our failure to tax the marijuana industry could be as high as \$31 billion!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 four 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 American Public Health Association, AIDS Action Council, Leukemia & Lymphoma Society, American Academy of HIV Medicine, American Nurses Association, Lymphoma Foundation of America, National Association of People With AIDS, the state medical associations of Maryland, California, 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, Michigan, 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.
- In October 2010, the Gallup Poll reported an all-time record level of support for “making marijuana legal,” 46%, — a rise of ten points since 2006.¹⁶ Other polls have shown similar levels of support.¹⁷ Support for legal access to medical marijuana has been consistently strong (e.g. 70% support according to Gallup in 2010¹⁸).
- “Decriminalization” involves the removal of jail time 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 14 states — Alaska, California, Colorado, Connecticut, Maine, Massachusetts, 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 saved an estimated \$857 million in 2006 alone.¹⁹
- 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.²⁰
- 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 both teenagers and adults is lower than in the U.S., as is use of hard drugs such as cocaine.^{3, 21, 22} 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.²³
- 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 is bad for the respiratory system. Laws that prohibit the sale or possession of paraphernalia make it difficult to obtain and use vaporizers, which are proven to reduce these risks.²⁴

- 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. According to a BBC report based on Mexican government data, since 2007, more than 34,000 people have been killed in Mexican drug cartel-related violence.²⁵
- 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.
- Because of marijuana prohibition, America's largest cash crop is grown exclusively by unregulated criminals, often in environmentally damaging locations such as national parks and wilderness areas. Such problems are virtually unknown with legal, regulated crops such as tobacco or wine grapes.

NOTES

1. U.S. Department of Health and Human Services, National Survey on Drug Use and Health, 2009, table 1.1.A.
2. Gettman, Jon, "Marijuana Production in the United States," *The Bulletin of Cannabis Reform*, No. 2, December 2006.
3. University of Michigan/National Institute on Drug Abuse, *Monitoring the Future*, December 14, 2010, figure 4.
4. Federal Bureau of Investigation, Uniform Crime Reports, *Crime in the United States*, annually.
5. For example, *Report of the Indian Hemp Drugs Commission*, 1894; The Panama Canal Zone Military Investigations, 1925; *The Marihuana 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.
6. 21USC841(b)(1)(B); 1996 *Sourcebook of Federal Sentencing Guidelines*, U.S. Sentencing Commission, 1997; p. 24.
7. 21USC860(a); report from Congressional Research Service, June 22, 1995.
8. Mumola, Christopher J. and Karberg, Jennifer C., *Drug Use and Dependence, State and Federal Prisoners*, 2004. Bureau of Justice Statistics, U.S. Department of Justice, October 2006.
9. Struckman-Johnson, Cindy, and Struckman-Johnson, David, *Sexual Coercion Rates in Seven Midwestern Prisons for Men*, *The Prison Journal*, December 2000, pp. 379-90.
10. 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.
11. U.S. Rep. Henry Hyde (R-IL), *Forfeiting Our Property Rights: Is Your Property Safe From Seizure?* Cato Institute, 1995.
12. Miron, Jeffrey L., *The Budgetary Implications of Marijuana Prohibition*, June 2005.
13. Gettman, Jon, "Lost Taxes and Other Costs of Marijuana Laws," *Bulletin of Cannabis Reform*, No. 4, October 2007.
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*, 2010.
16. Gallup poll, "New High of 46% of Americans Support Legalizing Marijuana," Oct. 28, 2010.
17. Pew Research Center, "Fewer Are Angry at Government, But Discontent Remains High," March 3, 2011 (finding 45% support for making marijuana use legal).
18. Gallup poll, "New High of 46% of Americans Support Legalizing Marijuana," Oct. 28, 2010.
19. Gettman, J. "Marijuana Arrests in the United States (2007)," *The Bulletin of Cannabis Reform*, November 2009.
20. 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.
21. Monshouwer, Karin et al., "First cannabis use: does onset shift to younger ages? Findings from the Dutch National School Survey on Substance Use," *Addiction*. 100, 963-970. 2005.
22. Degenhardt, L. et al., "Toward a Global View of Alcohol, Tobacco, Cannabis, and Cocaine Use: Findings from the WHO World Mental Health Surveys." *PLoS Medicine*. 5 (7), July 2008.
23. Swann, P., "The Real Risk of Being Killed When Driving Whilst Impaired by Cannabis," *Australian Studies of Cannabis and Accident Risk*, 2000.
24. Abrams D.I. et al, "Vaporization as a smokeless cannabis delivery system: a pilot study." *Clinical Pharmacology and Therapeutics*. 2007 Nov;82(5):572-8.
25. "Q&A: Mexico's Drug-Related Violence," BBC News online, June 14, 2011.