

MARIJUANA DECRIMINALIZATION TALKING POINTS

TALKING POINT #1: Decriminalizing marijuana frees up police resources to deal with more serious crimes.



60,000 individuals are behind bars for marijuana offenses at a cost to taxpayers of \$1.2 billion per year.

REFERENCE: *Marijuana Arrests and Incarceration in the United States*. 1999. The Federation of American Scientists' Drug Policy Analysis Bulletin.

Taxpayers annually spend between \$7.5 billion and \$10 billion arresting and prosecuting individuals for marijuana violations. Almost 90 percent of these arrests are for marijuana possession only.

REFERENCE: NORML. 1997. *Still Crazy After All These Years: Marijuana Prohibition 1937-1997: A report prepared by the National Organization for the Reform of Marijuana Laws (NORML) on the occasion of the Sixtieth anniversary of the adoption of the Marijuana Tax Act of 1937*. Washington, DC; Federal Bureau of Investigation's combined Uniform Crime Reports: Crime in the United States (1990-2000): Table: Arrest for Drug Abuse Violations. U.S. Department of Justice: Washington, DC.

The state of California saved nearly \$1 billion dollars from 1976 to 1985 by decriminalizing the personal possession of one ounce of marijuana, according to a study of the state justice department budget.

REFERENCE: M. Aldrich and T. Mikuriya. 1988. *Savings in California marijuana law enforcement costs attributable to the Moscone Act of 1976*. *Journal of Psychoactive Drugs* 20: 75-81.

New Mexico's 2001 state-commissioned Drug Policy Advisory Group determined that marijuana decriminalization "will result in greater availability of resources to respond to more serious crimes without any increased risks to public safety."

REFERENCE: New Mexico Governor's Drug Policy Advisory Group. 2001. *Report and Recommendations to the Governor's Office*. State Capitol: Santa Fe.

Marijuana arrests have more than doubled since 1991, while adult use of the drug has remained stable. During this same period, the number of arrests for cocaine and heroin fell by approximately 33 percent.

REFERENCE: Bureau of Justice Statistics. 2000. *Drugs and Crime Facts*. Table: Number of Arrests by Drug Type, 1982-99. U.S. Department of Justice: Washington, DC; U.S. Department of Health and Human Services. 1996. *National Household Survey on Drug Abuse: Main Findings (1990- 1999)*. DHHS Printing Office: Rockville, MD.

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Police arrest more Americans per year on marijuana charges than the total number of arrestees for all violent crimes combined, including murder, rape, robbery and aggravated assault.

REFERENCE: Federal Bureau of Investigation. 2001. *Uniform Crime Report: Crime in the United States, 2000*. Table 29: Total estimated arrests in the United States, 2000. U.S. Department of Justice: Washington, DC.

Marijuana violations constitute the fifth most common criminal offense in the United States.

REFERENCE: Bureau of Justice Statistics. 2000. *Drugs and Crime Facts*. Table: Estimated totals of top 7 arrest offenses, United States, 1999. U.S. Department of Justice: Washington, DC.

More than 734,000 individuals were arrested on marijuana charges in 2000. Eighty-eight percent of those arrested were charged with marijuana possession only.

REFERENCE: Federal Bureau of Investigation. 2001. *Uniform Crime Report Crime in the United States, 2000*. Table: Arrest for Drug Abuse Violations. U.S. Department of Justice: Washington, DC.

Almost 5 million Americans have been arrested for marijuana since 1992. That's more than the entire populations of Alaska, Delaware, Montana, North Dakota, South Dakota, Vermont, Washington DC and Wyoming combined.

REFERENCE: Federal Bureau of Investigation. *Uniform Crime Reports: Crime in the United States (1993-2000)*. Table: Arrest for Drug Abuse Violations. U.S. Department of Justice: Washington, DC.

TALKING POINT #2: Far more harm is caused by the criminal prohibition of marijuana than by the use of marijuana itself.

According to editors of the prestigious Lancet British medical journal: "The smoking of cannabis, even long-term, is not harmful to health. ... It would be reasonable to judge cannabis as less of a threat ... than alcohol or tobacco."

REFERENCE: Deglamorising Cannabis. 1995. *The Lancet* 346: 1241. Editorial. November 14, 1998. *The Lancet*.

According to a 1999 federally commissioned report by the National Academy of Sciences Institute of Medicine (IOM), "Except for the harms associated with smoking, the adverse effects of marijuana use are within the range tolerated for other medications."

REFERENCE: National Academy of Sciences, Institute of Medicine (IOM). 1999. *Marijuana and Medicine: Assessing the Science Base*. National Academy Press: Washington, DC, 5.

The National Academy of Sciences further found, "There is no conclusive evidence that the drug effects of marijuana are causally linked to the subsequent abuse of other illicit drugs."

REFERENCE: National Academy of Sciences, Institute of Medicine (IOM). 1999. *Marijuana and Medicine: Assessing the Science Base*. National Academy Press: Washington, DC, 6.

More than 76 million Americans have admittedly tried marijuana. The overwhelming majority of these users did not go on to become regular marijuana users, try other illicit drugs, or suffer any deleterious effects to their health.

REFERENCE: Combined data from the U.S. Department of Health and Human Services. 1996. *National Household Survey on Drug Abuse: Main Findings 1994*. Rockville, MD and 1995. *National Household Survey on Drug Abuse: Population Estimates 1994*; Deglamorising Cannabis. 1995. *The Lancet* 346: 1241. Sydney Morning Herald, February 18, 1997.

According to the U.S. Department of Health and Human Services, 35 percent of adults admit to having tried marijuana. Of these, only 5 percent have used marijuana in the past year, and only 3 percent have used marijuana in the past month.

REFERENCE: U.S. Department of Health and Human Services. 2000. *National Household Survey on Drug Abuse*. Table G.9. Percentages Reporting Lifetime, Past Year, and Past Month Use of Illicit Drugs Among Persons Aged 26 or Older: 1999. DHHS Printing Office: Rockville, MD.

According to former U.S. President Jimmy Carter: "Penalties against drug use should not be more damaging to an individual than the use of the drug itself. Nowhere is this more clear than in the laws against the possession of marijuana in private for personal use."

REFERENCE: President Jimmy Carter: Message to Congress, August 2, 1977.

Convicted marijuana offenders are denied federal financial student aid, welfare and food stamps, and may be removed from public housing. Other non-drug violations do not carry such penalties. In many states, convicted marijuana offenders are automatically stripped of their driving privileges, even if the offense is not driving related.

REFERENCE: Section 483, Subsection F of the *Higher Education Act of 1998*; Amendment 4935 to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; U.S. Bureau of Justice Statistics. 1992. *Drugs, Crime, and the Justice System*. U.S. Department of Justice: Washington DC; NORML's State Guide to Marijuana Penalties.

Under federal law, possessing a single marijuana cigarette or less is punishable by up to one year in prison and a \$10,000 fine, the same penalty as possession of small amounts of heroin, cocaine or crack.

REFERENCE: J. Morgan and L. Zimmer. 1997. *Marijuana Myths, Marijuana Facts: A Review of the Scientific Evidence*. The Lindesmith Center: New York, 42.

In several states, marijuana offenders may receive maximum sentences of life in prison.

REFERENCE: NORML's State Guide to Marijuana Penalties.

A recent national study found that blacks are arrested for marijuana offenses at higher rates than whites in 90 percent of 700 U.S. counties investigated. In 64 percent of these counties, the black arrest rate for marijuana violations was more than twice the arrest rate for whites.

REFERENCE: J. Gettman. 2000. *United States Marijuana Arrests, Part Two: Racial Differences in Drug Arrests*. The NORML Foundation: Washington, DC.

TALKING POINT #3: Decriminalization does not lead to greater marijuana use.

Government studies conclude that marijuana decriminalization has had virtually no effect on either marijuana use or beliefs and related attitudes about marijuana among American young people in those states that have enacted such a policy.

REFERENCE: L. Johnson et al. 1981. *Marijuana Decriminalization: The Impact on Youth 1975-1980*. Monitoring the Future, Occasional Paper Series: Paper No. 13. Institute for Social Research, University of Michigan.

Citizens who live under decriminalization laws consume marijuana at rates less than or comparable to those who live in regions where the possession of marijuana remains a criminal offense.

REFERENCE: E. Single et al. 2000. The Impact of Cannabis Decriminalization in Australia and the United States. *Journal of Public Health Policy* 21: 157-186.

There is no evidence that marijuana decriminalization affects either the choice or frequency of use of drugs, either legal (such as alcohol) or illegal (such as marijuana and cocaine).

REFERENCE: C. Thies and C. Register. 1993. *Decriminalization of marijuana and demand for alcohol, marijuana and cocaine*. The Social Sciences Journal 30: 385-399.

States and regions that have maintained the strictest criminal penalties for marijuana possession have experienced the largest proportionate increase in use.

REFERENCE: Connecticut Law Review Commission. 1997. *Drug Policy in Connecticut and Strategy Options: Report to the Judiciary Committee of the Connecticut Assembly*. State Capitol: Hartford.

Rates of hard drug use (illicit drugs other than marijuana) among emergency room patients are substantially higher in states that have not decriminalized marijuana use. Experts speculate that this is because the lack of decriminalization may encourage the greater use of drugs that are even more dangerous than marijuana.

REFERENCE: K. Model. 1993. The effect of marijuana decriminalization on hospital emergency room episodes: 1975-1978. *Journal of the American Statistical Association* 88: 737-747 as cited by the National Academy of Sciences, Institute of Medicine. *Marijuana and Medicine: Assessing the Science Base*, 103.

TALKING POINT #4: Criminal laws prohibiting marijuana possession do not deter marijuana use.

Marijuana use remains consistent despite a high level of enforcement, and there is no detectable relationship between changes in enforcement and levels of marijuana use over time.

REFERENCE: J. Morgan and L. Zimmer. 1997. *Marijuana Myths, Marijuana Facts: A Review of the Scientific Evidence*. The Lindesmith Center: New York, 46.

Marijuana users believe that their behavior will go undetected; thus fear of arrest is usually not a factor in people's decisions whether or not to use it.

REFERENCE: Canadian Centre on Substance Abuse National Working Group on Addictions. 1998. *Cannabis Control in Canada: Options Regarding Possession*. Ottawa.

Marijuana laws have no "specific" deterrent impact on drug taking behavior. Studies show that marijuana offenders continue to use marijuana after their conviction at rates equal to those prior to their arrest. No relation between the actual or perceived severity of their previous sentence and subsequent use has been found.

REFERENCE: P. Erickson. 1980. *Cannabis Criminals: The Social Effects of Punishment on Drug Users*. Addiction Research Foundation: Toronto.

In surveys, most individuals cite health concerns and family responsibilities rather than legal concerns as their primary reasons for ceasing (or never initiating) marijuana use.

REFERENCE: National Academy of Sciences, Institute of Medicine (IOM). 1982. *Marijuana and Health*. National Academy Press: Washington, DC.

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A California police officer's study concluded, "The reduction in penalties for possession of marijuana for personal use does not appear to [be] a factor in people's decision to use or not use the drug."

REFERENCE: California State Office of Narcotics and Drug Abuse. 1977. *A First Report on the Impact of California's New Marijuana Law*. State Capitol: Sacramento.