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Part I

In 2014, a food truck selling edibles infused with marijuana was legally pulling into parking lots in Colorado (Strauss, 2014). This would have been unimaginable 20 years ago, but many states presently seem to be heading in that direction. Many states have legalized the use of medical marijuana while a few states have completely decriminalized the use of marijuana. This decriminalization of marijuana and other drugs is a hotly debated topic on both a state and federal level. That debate revolves around certain issues that decriminalization presents, but has also seen the birth of certain commonplaces.

A frequently debated issue when arguing for or against the decriminalization of recreational drugs is what, if any, effect on crime rates it will have. Drugs are linked to crime. In 2002, over 50% of convicted male and female prisoners incarcerated at the time reported having been under the influence of marijuana, cocaine or crack or heroin or opiates at the time of their offense (Drug Use and Crime, 2004). If drug use goes up, even slightly, due to decriminalization and that percentage stays constant, the number of people committing crimes while under the influence of drugs would increase. Decriminalization advocates argue, though, that since using drugs will no longer be criminal, decriminalization cannot logically directly contribute to crime rates going up. Also, a study from the University of Alberta, Canada, found that the majority of cannabis users who use it recreationally experience enhanced relaxation because of the therapeutic of the active chemicals in marijuana (Armentano, 2014), so

proponents of decriminalization can reasonably argue that increasing the number of therapeutically relaxed people in the population will not translate into an increase in crime.

While there are different claims backed by valid resources about whether or not crime rates will go up or down because of decriminalization, there is agreement that, were it to become a legal status quo, the drug war could focus on distributors instead of users.

Whether or not incarceration rates themselves will go up or down as a direct result of the decriminalization of recreational drugs is also debated. The decriminalization of drugs will not put money in people's hands to purchase those drugs. In 2004, 17% of all state prisoners and 18% of all federal prisoners reported that they had committed their crimes so that they could obtain money for drugs (Drug Use and Crime, 2004). The increased number of drug users that might result from decriminalization would mean an increase in the number of people who *need* money for drugs and might commit crimes to get that money. The United States does have the highest incarceration rate in the world (Conyers, 2013). In 1997, over 100,000 people were in state or federal prison for drug possession charges alone (Caulkins, 2005). That number of people would not have been in prison had possession not been criminal, so there would be over 100,000 less people in the country's jails. If all of those people, including the people who would be newly incarcerated, are not incarcerated, that would be a significant reduction to incarceration costs taxpayers are right now paying.

The rise or fall of incarceration rates that would occur because of decriminalization is debated, but incarceration statistics leave no room for debate about the fact that a greater number of minorities are imprisoned for drug use than whites.

If purchase of recreational drugs is not a crime for which a person can be arrested, more people might purchase and use those drugs. Between 1999 and 2000 alone, use of MDMA (Ecstasy), an illegal recreational drug, grew 58% in the United States. If that was its increase in use with the reins of criminal law on it, its use might be expected to grow at an increased rate without the law to hamper it (Sayva, 2001). Government data shows that low-income populations are more likely to use drugs (Wofford, 2014). If decriminalization occurs, use in those populations, at least, might buy more drugs if the risk of civil penalties did not exist. Of course, if Portugal is used as a template for decriminalization, statistics show that since decriminalization occurred in 2001, overall drug use in the country has decreased (Bajekal, 2015). In the Netherlands where Dutch law permits marijuana coffee shops, marijuana use per capita is much lower than in the U.S. (Bajekal, 2015). Within the U.S.'s borders predictors of drug use after decriminalization lean toward an increase because of no fear of civil penalties while international examples show a decrease in use.

Dangers to public safety are another issue in the arguments for and against decriminalization. Crime is a threat to public safety. In 2004, nearly 60% of all federal and state prisoners reported having been under the influence of drugs when committing their crimes (Bureau of Justice Statistics, 2004). If there is a direct relationship between drug use and crime, then the possible decrease in drug use due to decriminalization as evidenced by Portugal supports the idea that crime rates would go down which would positively affect public safety. Of course, that claim hinges on the theory that drug use will go down because of decriminalization. The counter claim that drug use will go up because of decriminalization also exists. In 2002 approximately one quarter of convicted property and drug offenders in state

jails stated that they had committed their crimes to obtain money for drugs (Bureau of Justice Statistics, 2004). If more people are using drugs, more people need money for drugs and might commit crime, compromise public safety, to get that money.

Along with public safety, how decriminalization will affect public health is another issue. There are studies that have shown that marijuana use does kill and shrink brain cells (Wofford, 2014). One claim is that, if marijuana is decriminalized, more youth will use it, and more youth will suffer shrunken and deceased brain cells negatively affecting their mental health. Another claim is that, if recreational drugs are decriminalized, local governments might set up safe rooms for the safe use of injectable drugs. The needle exchange and other risk minimization advantages of safe rooms in Australia has reduced mortality and other health risks that illicit drug users experience (Clarke, 2001). Were safe rooms to be established in the U.S., the reduction of health risks associated with dirty needles and other unsafe practices associated with drug use would positively affect public health.

Since economics are a major issue to most topics in this capitalist country, how decriminalization would affect the economy is a debated issue related to decriminalization. State and local economies could theoretically profit from fines collected from drug users rather than spend money incarcerating them. In April of 2005, when Pittsburg was debating decriminalization, possession of 25 grams or less of marijuana would have resulted in a 25 dollar fine while being caught using marijuana would have resulted in a 100 dollar fine (Bauder, 2016). Local governments would have the option of using the income from fines such as those for drug education and treatment. Opponents claim that the black market would profit from decriminalization. Some decriminalization opponents believe that those who sell illegally are

solely concerned with profit. Those sellers might try cheaper and more dangerous production methods that would undercut the prices of legally sold drugs.

States might make money from fines after decriminalization, and cartels might find a way to continue to profit after decriminalization. These claims are debated, but there is no debate that the two costs will increase. The amount of money that states will put into drug education will increase as will the amount of money that state spends on drug rehabilitation services that people will go to instead of jail.

The effect of decriminalization on drug producers and distributors, cartels, is also a debated issue. One claim is that if drugs are decriminalized but not legalized, cartels would continue to be the powerful force they are and make even more money than they already do. In Mexico, decriminalization seemed to assure an increase in profits for the cartels (Sweet, 2009). Education might counter that, though. When decriminalization went into effect in MD, a condition was that 3rd time drug offenders be mandated to drug education treatment (Pratt, 2014). The hope is that education will help people to stop doing drugs and, in the long run, take customers away from the cartels shrinking their profits and power.

Would decriminalization of recreational drugs for adults be good for the economy, our society and the individual? A shared agreement is that implementing laws and policies for decriminalization would be complicated. That is one of only a few shared agreements, though. Mostly, there seems to be multiple hotly debated and potentially decisive issues. Perhaps, in a hundred years, historian will be amused that we spent so much time debating this issue, but, right now, it is and will be a major discussion in our country for at least a few years to come.

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Part II

Even though I am the son of a man who spent a career in the Coast Guard keeping drugs from making their way to the coast of Florida and into the circulatory system of the nation, I enjoy listening to Sublime and smoking out (“I smoke two joints”). Of course, my initial instinct was to be for the decriminalization of drugs. Somewhere along the way, though, my mind began to change. The pro-decriminalization literature I read said all the things I expected. I read the well bandied ideas that marijuana is not addictive, that it is no more harmful than alcohol, and that it is not a gateway to harder drugs. Also, there were bountiful articles about how swimmingly drug decriminalization has gone over in some other countries. There were no surprises in this part of my research. New knowledge was revealed to me only when I dug deep into the anti-decriminalization arguments. Because of this new knowledge, I now believe that decriminalization will lead to the increased use of drugs.

Decriminalization of drugs is sought because, right now, in most states and on a federal level, use of recreational drugs (with the exception of alcohol and tobacco) is criminal, illegal. Decriminalization advocates are asking aloud if the social and financial costs to society and the individual of the drug war is worth the benefits of prohibitive drug policy (Bretteville-Jensen, 2006). They seem to think that drug use is simply not so terrible, so people going to prison for it is harsh to the individual and expensive to both individual and society. If recreational drugs are as harmless as decriminalization advocates purport them to be, why are they illegal in the first place? In 1973, after recreational drug use and abuse had emerged noticeably in society in the 1960’s, Anthony Culyer made a list of arguments for prohibiting drug use, and on this list was the argument that drug use is contagious, so potential new users should be protected from

exposure to existing users (Bretteville-Jensen, 2006). If the aim is to guard non-users from exposure to users, one of the ways that can be done is to limit the number of users. A limiting factor to the number of users right now is the cost of recreational drugs.

Cost is dealers trying to make a profit in this capitalist nation, this market economy. More profit is realized by selling more product. Right now, relative to the recreational drugs alcohol tobacco, drug dealers are not able to sell huge quantities of product, make as much profit as they might like. Their limited sales can be attributed to the high cost of their product which is made high by the risk factors drug dealers and users deal with (Bretteville-Jensen, 2006). Were some of those risk factors to be negated, dealers could lower their prices. Decriminalization would negate some of those risk factors (Merino, 2015). Speaking in terms of marijuana, easing of laws has resulted in pot shops springing up throughout San Diego. Some neighborhoods have one. Some neighborhoods have several. This competition has resulted in a lowering of prices. In Washington, since legalization of the sale of marijuana, the price of a gram of marijuana has fallen from 25 dollars to 9 dollars, and that price is still falling (Drum, 2016). Price/consumption studies focusing on drug users show that that heavy users increase consumption in response to lower prices (Bretteville-Jensen, 2006). A study in Norway showed that from 1993 to 2002, decreases in heroin prices inversely affected monthly consumption which itself nearly tripled (Bretteville-Jensen, 2006). Looking at alcohol, studies have shown that heavy drinkers are directly price responsive (Bretteville-Jensen, 2006). There is ample evidence that decriminalization will cause cheaper prices which will cause heavy drug users, at least, to use more drugs.

Lower prices might also stimulate the gateway effect. A drug is a gateway drug if it serves as the portal through which other, sometimes harder, drugs are sought, found and experimented with. If this gateway theory is correct, decriminalizing “soft” drugs could cause an increase in the use of, or at least the experimentation with, harder drugs (Bretteville-Jensen, 2006). Cheaper drugs will increase the availability of drugs and might induce non-users to pick up the habit if high cost had previously been the only thing preventing formation of the habit (Bretteville-Jensen, 2006). In addition to lower prices creating increased availability, there might be other factors to marijuana acting as a gateway drug. Pleasant experiences with cannabis might weaken one’s fear of the effects of drugs as well as create a search for a stronger, more intense, experience (Bretteville-Jensen, 2006). Lower prices for “softer” drugs like marijuana would increase the likelihood of users moving on to, or at least experimenting with “harder” drugs.

Besides price, another thing keeping drug use down right now is the negative social stigma that is attached to it. Drug addiction is a disease (Mineta, 2016). That is a widely accepted fact. Most people do not want to be labeled as a carrier of that disease. A disease that almost everybody has, on the other hand, might not seem so bad. If “all the kids are doing it” as well as a good number of the grown-ups, the social stigma attached to drug use might become significantly less negative. A Dutch experiment with legal marijuana “coffee shops” did make the social stigma of marijuana use less negative, and marijuana use among 18-20 year old’s more than doubled (Mineta, 2016). Here in America, alcohol and tobacco are great examples of what can happen when negative social stigma is removed. The legalization, albeit regulated, of alcohol and tobacco has clearly resulted in increased societal acceptance of those

two recreational drugs (Mineta, 2016). Alcohol and tobacco are so frequently used and abused, in fact, that they cause hundreds of thousands more death per year than all illegal drugs combined (Mineta, 2016). With the negative social stigma gone, people might see drugs as less of a threat. An increase in the number of drug users might result in a greater number of dysfunctional addicts (Inciardi, 1996). In a 2006 issue of the New England Journal of Medicine, it was shown that misconceptions about the actual harmful nature of drugs can contribute to their increased use and increased abuse (Mineta, 2016).

If the decrease negative social stigma of drugs leads to increased use that could also give credence to the idea that a “soft” drug like marijuana could be a gateway to harder drugs. Again using alcohol as an example, when someone develops a tolerance for low potency beer (I know from my life as a sailor with many other sailors in many bars in many foreign ports), they often move on to beer with a higher alcohol content or simply grab a bottle of hard liquor. Even if tolerance is not an issue, speed of effect often is. A marijuana user may not have the patience to wait for the high of smoking a bowl, so she or he might reach for something harder because she or he does not feel the societal pressure of negative social stigma.

Possibly, the primary defense this society has between itself and rampant drug use and abuse is the many legal penalties for using drugs right now. Though there are now several states that have decriminalized marijuana, users of more potent drugs like cocaine, heroin and crystal meth are still subject to harsh criminal penalties. These penalties make things difficult for dealers. The typical drug dealer is not a Harvard Business school graduate. Fear of prison is a part of why a lower caliber of businessman deals drugs. Their sales methods are incompetent compared to what business giants like Phillip Morris or RJ Reynolds would bring to the table if

drugs were decriminalized and eventually legalized creating a truly open market (Drum, 2014). Fear of prison and the destruction of one's personal and professional life that can be the result of drug charges is, for some individuals, one of the primary things that dissuade experimentation with and use of drugs. Threat of prison for new users is not the only effect of drugs being criminalized, though. Legal penalties for drug use, or, at least, the perceived threat of legal penalties, often serves as impetus for abusers and/or addicts to look for help with their drug use that they might not otherwise seek (Mineta, 2016). A few people can find help in the fancy and very expensive facilities with glistening pools we see on T.V. Many more people turn to local and state-run drug treatment facilities. They sometimes seek these facilities out on their own accord. Other times, though, they are referred to them as part of a court order. 1/3rd of all drug treatment referrals in the U.S. are from the criminal justice system (Mineta, 2016). The criminal laws currently associated with drug possession act as a motivation to seek treatment and a deterrent to even beginning drug use in the first place.

Another advantage of criminal laws associated with use and possession of drugs is that they too help to prevent "soft" drugs from being gateways to harder drugs. A legal drug is often cheap and just as often easy to obtain (Mineta, 2016). Without the threat of legal ramifications in place, a marijuana user might find it less threatening to move on from marijuana to something harder and, potentially, more destructive.

The research quoted here is not the only research. There is just as much research that would counter any ideas or statistics thus far presented. Without decriminalization, prisons will likely remain overflowing draining state and federal coffers. Harsh criminal penalties will continue to shatter the lives of people who break laws. Drug use may very well continue to be

shrouded in negative social stigma. Perhaps, if drugs were decriminalized, there would actually only be the tiniest handful of people that try them. Maybe, out of 100 people, only four or five will try drugs if they are decriminalized. Out of those few, maybe only three will move on to harder drugs. Of that three, maybe only two will become impossibly addicted to drugs. Finally, maybe only one out of 100 will have her or his life destroyed and/or suffer death as a consequence of that addiction. Those are possible numbers, but they are not just numbers. They are human lives. If drugs are decriminalized, drug use will go up. If even one human life is lost because of that increase, that one death that could have been prevented by simply not decriminalizing drugs.

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