2015

War on Whom?: Medical, Racial and Fiscal Critiques on the Criminality of Marijuana

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In a 1969 message to Congress that led to the foundation of the Drug Enforcement Agency (DEA), and eventually spiraled into what we now know as the War on Drugs, President Richard Nixon declared a goal of "eradicating [a] rising sickness in our land."[1] Rather than "eradicating" problems of any kind, the War on Drugs has exploded into a costly, racist system of mass incarceration. According to Michelle Alexander, author of *The New Jim Crow*, the entire prison population of 1980 was *less* than the number of individuals currently incarcerated on drug offenses.[2] Furthermore, the War on Drugs has not followed its original trajectory of attempting to eradicate the use of highly dangerous drugs. Almost 80 percent of the increase in drug arrests over the course of the 1990s can be accounted for by arrests for possession of marijuana[3]—despite overwhelming evidence that marijuana is significantly less harmful than other drugs, and that it even may have medical benefits.[4] Medical and neuropsychological evidence proves that the War on Drugs' assault on the use and possession of marijuana is problematic for the entire American population, and evidence shows that the federal crackdown on drug use has disproportionately targeted Black Americans. Because of these problems, and the excessive financial burden associated with enforcing oppressive marijuana policies, a legalization policy would greatly benefit American society.

Marijuana's classification as a Schedule I Drug is inaccurate and problematic. The DEA defines Schedule I Drugs as "drugs with no currently accepted medical use and a high potential for abuse".[5] Evidence in neuropsychology shows that marijuana does not meet either of these criteria. In an article published by the *Mayo Clinic Proceedings*, Raphael Mechoulam of the Institute of Drug Research in Israel concludes that, despite widespread negative assumptions, marijuana is medically valuable due to its antianxiety, anti-inflammatory, and antispastic effects as well as its ability to enhance

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appetite.[6] The medical benefits of marijuana are both academically verified and widely accepted by the public, but that has not changed marijuana's legal classification as being comparable to heroin and more dangerous than cocaine.[7] As for the "high potential for abuse," rates of marijuana addiction have proven to be very low, especially when compared to other Schedule I Drugs such as heroin.[8] Marijuana's misclassification is a disservice to all Americans, but the enforcement of its criminalization has disproportionately targeted and incarcerated black Americans.

The government's assault on marijuana use incorporates tactics that target black Americans in excess. Michelle Alexander argues that police tactics and practices used in poor black neighborhoods would cause "public outrage and scandal" if experienced by middle class white communities.[9] The disparity between the racial patterns of drug use and those of drug arrests make the racist tactics of the War on Drugs difficult to refute. According to Alexander, "Although the majority of illegal drug users and dealers nationwide are white, three-fourths of all people imprisoned for drug offenses have been black or Latino."[10] The racial disparities in the use of police tactics such as New York City's infamous "stop-and-frisk" program also provide compelling evidence of the racist implementation of the War on Drugs. In her August 2013 decision that ruled NYPD's stop-and-frisk policy to be unconstitutional in that it targeted minorities at a disproportionate rate, New York City Judge Shira Scheindlin reported that of the 4.4 million times stop-and-frisk had be used from 2004-2012, 80% of those stopped were black or Hispanic.[11] These statistics show that police tactics in the War on Drugs have been far from colorblind, and these injustices have devastated many poor black communities through mass incarceration.

Black Americans who are targeted and charged for marijuana possession often find that felony convictions brand them with a stigma that prevents them from receiving an education and finding employment, thus creating a cycle of incarceration and recidivism that is nearly impossible to break. According to Marc Mauer of The Sentencing Project, 1998 changes to the Higher Education Act had this effect by making anyone convicted of drug offenses ineligible for student loans. This resulted in a loss of eligibility for over 9,000 students in the 2000-2001 academic year.[12] While these laws may seem race-blind on the surface, they only affect low-income Americans who rely on Federal loans to afford a college degree—a population group

that is disproportionately black. In an April 2003 press conference, Representative Barney Frank (D-Mass) noted, "The law is unfair and discriminatory, because it only causes difficulties for lower income students."[13] For black felons, the coupling of their criminal record and their inability to attain a higher education makes legitimate employment nearly impossible to find. According to a report published by the Russell Sage Foundation and cited by Alexander, only 40 percent of employers would be willing to fill their most recent job vacancy with an ex-offender.[14]

To worsen the situation of felons who are unable to find legal employment, they are frequently barred from public housing. Mauer explains that multiple federal laws passed in the late 1990s allow public housing agencies to discriminate against anyone convicted of drug-related crimes. This had the effect of doubling the number of individuals denied public housing due to a "criminal background, from nearly 10,000 to nearly 20,000.[15] These policies result in an epidemic of homelessness among ex-convicts who find a series of legally protected discriminatory practices blocking their access to legal income and affordable housing. According to Alexander, "Nearly a quarter of guests in homeless shelters had been incarcerated within the previous year—people who were unable to find somewhere to live after release from prison walls."[16] All of the legal restrictions and social stigmas attached to a criminal record aggregate into a vicious cycle for ex-convicts; many low-income prior offenders find that their only means of income involve a return to crime, resulting in an epidemic of recidivism among poor individuals who have been previously convicted of drug crimes. Cassia Spohn and David Holleran report that over 32 percent of drug offenders face recidivism and that it is a fate 20 percent more likely for black offenders than for their white counterparts.[17] Rather than helping individuals who are convicted of drug offenses contribute to society, legal and social barriers trap ex-convicts in a cycle of incarceration and recidivism that disproportionately ensnares black Americans, and does so at a tremendous cost to the American taxpayer.

The enforcement of oppressive marijuana laws comes at a very high cost to the United States government, in terms of funds used to fund the War on Drugs and the loss of potential revenue from the taxation of legalized marijuana. According to the Drug Policy Alliance, the government spends over $51 billion annually on the War on Drugs, and nearly half of the resulting arrests are for simple possession of marijuana.[18] Legalizing marijuana would save the government billions

of dollars in enforcement and incarceration costs.[19] Furthermore, the criminalization of marijuana squanders tremendous amounts of potential annual revenue from the taxation of the sale of marijuana. The Drug Policy Alliance estimates that California alone could raise $1.4 billion each year by regulating and taxing the sale of marijuana,[20] and Colorado is projected to collect $134 million dollars in their first fiscal year of taxing the legal sale of recreational marijuana.[21] The combination of lower costs and greater revenue would free up a tremendous amount of money for the government.

Legalizing marijuana in America would remedy many of the social ills created by the War on Drugs. Removing marijuana's inaccurate Schedule I label would allow for further research into the medical benefits of marijuana, as well as for increased access for those who use the drug for medical purposes. It would also help to weaken the cycle of incarceration, poverty, and recidivism that plagues many black communities, given the high percentage of drug arrests that are for marijuana charges. Finally, legalization would free up a great deal of revenue for the federal government. Among other things, these funds could be used to implement public health initiatives for individuals suffering from addiction to more dangerous drugs, such as heroin.[22] Revenue raised through taxation of marijuana sale could also make a tremendous impact in providing ex-convicts with funding for education and housing, allowing them to finally have a chance at stability and prosperity.

ENDNOTES

1. Richard Nixon, "Special Message to the Congress on Control of Narcotics and Dangerous Drugs" (The White House, Washington, D.C., USA, July 14, 1969), http://www.presidency.ucsb.edu/ws/?pid=2126.

2. Michelle Alexander, *The New Jim Crow*, Revised Edition (New York, N.Y., United States: The New Press, 2010). P.60.

3. *ibid.*

4. Raphael Mechoulam, "Cannabis--A Valuable Drug That Deserves Better Treatment," *Mayo Clinic Proceedings* 87, no. 2 (February 2012): 107–9, doi:10.1016/j.mayocp.2011.12.002. P.107

5. "Drug Scheduling," *United States Drug Enforcement Agency*, accessed April 28, 2014, http://www.justice.gov/dea/druginfo/ds.shtml.

6. Raphael Mechoulam, "Cannabis--A Valuable Drug That Deserves Better Treatment," *Mayo Clinic Proceedings* 87, no. 2 (February 2012): 107–9, doi:10.1016/j.mayocp.2011.12.002. P.107.

7. "Drug Scheduling," *United States Drug Enforcement Agency*

8. Julia Bellis et al., "The War on Drugs: Arguing for Public Health Initiatives through the Lens of Marijuana and Heroin" (Trinity College, Hartford, CT, April 22, 2014).

9. Michelle Alexander, P.98

10. *ibid.* PP.98-99

11. Evan Puschak, "MSNBC: Rethinking the 'War on Drugs,'" *The Bronx Defenders*, accessed April 23, 2014, http://www.bronxdefenders.org/msnbc-rethinking-the-war-on-drugs/.

12. Marc Mauer, "Invisible Punishment: Block Housing, Education, Voting," *FOCUS: Joint Center for Political and Economic Studies*, June 2003, 3–4.

13. *Ibid.*

14. Mary Patillo, David Weiman, and Bruce Western, *The Impact of Incarceration on Families and Communities* (New York, N.Y., United States: Russell Sage Foundation, 2002).

15. Marc Mauer, PP.3–4.

16. Michelle Alexander, P.147

17. Cassia Spohn and David Holleran, "The Effect of Imprisonment on Recidivism Rates of Felony Offenders: A Focus on Drug Offenders," *Criminology* 40, no. 2 (May 2002): 329–58.

18. "Drug War Statistics," *Drug Policy Alliance*, accessed April 28, 2014, http://www.drugpolicy.org/drug-war-statistics.

19. Julia Bellis et al.,

20. "Drug War Statistics," *Drug Policy Alliance*

21. Julia Bellis et al.

22. *ibid.*

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