

Marijuana: Science, Politics and Policy

by Lynn Zimmer, Ph.D. and
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In 1972, after reviewing the scientific evidence, President Nixon's Shafer Commission said it was "of the unanimous opinion that marihuana use is not such a grave problem that individuals who smoke marihuana, and possess it for that purpose, should be subject to criminal prosecution." Between 1969 and 1977, government-appointed commissions in Canada, England, Australia, and the Netherlands issued



reports that agreed with the Shafer Commission's conclusions. All found that marijuana's dangers had been greatly exaggerated. All urged

lawmakers to drastically reduce penalties for marijuana possession, or eliminate them altogether. . . .

THE MARIJUANA-LAW REFORM MOVEMENT

For a while in the 1970s, it looked as if marijuana decriminalization would be widely implemented in the United States. The Shafer Commission's recommendations were endorsed by many prestigious professional organizations. These included the American Bar Association, the American Medical Association, the National Conference of Commissioners on Uniform State Laws, the National Advisory Commission on Criminal Justice Standards and Goals, the American Public Health Association, the National Council of Churches, the National Education

Association, and the New York Academy of Medicine.

Across the country, government officials, lawyers, police chiefs, prosecutors, judges, physicians, newspaper editors, and other public figures repeated the Shafer Commission's arguments in support of marijuana decriminalization. . . .

Even before the Shafer Commission was appointed, Congress and most state legislatures had eliminated mandatory prison terms for marijuana offenses, following the advice of President Kennedy's Advisory Commission on Narcotics and Drug Abuse in 1963 and President Johnson's Commission on Law Enforcement and the Administration of Justice in 1967. By 1977, all but eight states had reduced marijuana possession from a felony to a misdemeanor. Ten states had eliminated criminal penalties for possessing up to one ounce of marijuana. By 1978, the marijuana-law reform movement was over. That year, Nebraska, the last state to decriminalize marijuana, made marijuana possession a "civil offense," carrying a maximum fine of \$100.

The Alfred R. Lindesmith Award for Achievement in the Field of Scholarship

Alfred R. Lindesmith was a leading pioneer of drug policy scholarship. As a young researcher and later as a distinguished professor of sociology at Indiana University, he devoted himself to a fearless pursuit of the truth about opiate addiction. As a result of his search for truth and his writings about that search, Professor Lindesmith often angered powerful national drug officials. Those officials sought to discredit his research and to have him dismissed from his university post. Alfred Lindesmith persisted in his research and writing and produced two books – *Opiate Addiction*, 1947, and *The Addict and the Law*, 1965 – and many articles. His personal courage and the quality of his published research constitute a source of rational inspiration for all those who labor in the related fields of drug policy scholarship.

2000 Awardee:

Lynn Zimmer, Ph.D., is Associate Professor of Sociology at Queens College, City University of New York. She is co-author of *Marijuana Myths, Marijuana Facts: A Review of the Scientific Evidence* (The Lindesmith Center, 1997). She is also the author of *Operation Pressure Point and the Disruption of Street-Level Drug Trafficking* (New York University School of Law, 1987) and *Women Guarding Men* (University of Chicago Press, 1986).

Past Awardees:

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THE CURRENT WAR ON MARIJUANA

During the past decade, the criminal justice campaign against marijuana has become increasingly punitive. Congress and some state legislatures recently raised penalties for marijuana offenses. Between 1991 and 1995, marijuana arrests doubled. In 1995, state and local law enforcement agencies made more than one-half million marijuana arrests, 86 percent for possession. Tens of thousands of Americans are now in jail or prison for marijuana offenses. Hundreds of thousands more are punished with fines, probation, or forfeiture of their cars, boats, homes, land, or other property. A majority of states revoke the driver's license of anyone arrested for possessing any amount of marijuana, whether or not they were driving at the time of the arrest. Although a number of states have removed criminal penalties for patients who use marijuana as a medicine, federal officials oppose these policies as undermining their dominant message: that marijuana is far too dangerous for anyone to use safely.

In 1989, the Bush Administration's National Drug Control Strategy urged families, communities, schools, and employers to join the government in detecting and punishing drug users, so that "the consequences" of using drugs would "outweigh whatever temporary benefits drugs can provide." Today, most schools have strict anti-drug policies, which allow or require administrators to expel students for using marijuana. Most large businesses impose drug tests on job applicants and/or current employees. Applicants who test positive for marijuana are denied employment, regardless

of their qualifications; employees who test positive may be fired, regardless of their work performance. Some social welfare agencies impose mandatory drug tests on clients, denying services and benefits to those who test positive. Parents monitor their children closely for signs of possible marijuana use, including searching kids' rooms and administering home drug tests. Police officers who teach drug education courses at school encourage students to report parents, siblings, and friends for smoking marijuana.

Despite all this, marijuana is as readily available as ever. Among adults, marijuana use has remained steady for years, while among adolescents, marijuana use has been rising since the early 1990s. In response to this increase, the federal government, anti-drug organizations, and the media have intensified the campaign against marijuana. The Center on Addiction and Substance Abuse (CASA), which was founded in 1993 by former Health, Education, and Welfare Secretary Joseph Califano, issues reports and press releases about marijuana's harmful effects, which are often cited uncritically by the media. In 1995, NIDA created a new Marijuana Use Prevention Initiative, to "show young children, teenagers, and their parents that marijuana use is a serious threat to the health and well-being of our youth." The same year, the Partnership for a Drug-Free America launched a "media blitz" of anti-marijuana advertisements. In 1996, the Department of Health and Human Services (HHS) introduced a Reality Check campaign "to increase awareness" that "marijuana is a drug that causes impairment

and can lead to many harms, including death." HHS secretary Donna Shalala urges all Americans to send a "clear and consistent message" that "marijuana is illegal, dangerous, unhealthy, and wrong."

GROWING CHALLENGE TO MARIJUANA PROHIBITION

While the United States government has been escalating the war on marijuana, governments in some other Western countries have been moving in the direction of marijuana decriminalization. In the Netherlands, marijuana sale and use has been de facto legal for more than twenty years. In Italy, Spain, Ireland, Switzerland, parts of Germany, and parts of Australia, there are no criminal penalties for marijuana possession and use, and the police generally ignore small-scale dealers if they conduct business in a way that does not disrupt public order. In 1994, the Australian National Task Force on Cannabis urged the government to go even further. It said, "Any social policy should be reviewed when there is reason to believe that the costs of administering it outweigh the harms reduced." It concluded that "Australia experiences more harm ... from maintaining the cannabis prohibition policy than it experiences from the use of the drug."

Richard J. Bonnie, the principal author of the 1972 Shafer Commission report, has called for a new American commission to evaluate the costs and benefits of current marijuana policy. The Clinton Administration, however, remains steadfastly opposed to even discussing alternatives to strict prohibition. The DEA, CASA, and the California Narcotics Officers' Association recently issued

reports in support of current policies, warning Americans that decriminalizing marijuana would lead to escalating rates of marijuana use.

Research indicates that neither harsh nor lenient policies have much influence on marijuana's popularity. Despite having the harshest prohibition system in the Western world, the United States has marijuana-use rates similar to or greater than most other countries. Around the world, marijuana use increased in the 1960s and 1970s, decreased in the 1980s, and has been rising in the 1990s, irrespective of marijuana policy in individual countries. In the United States, in the eleven states that decriminalized marijuana possession in the 1970s, rates of marijuana use remained similar to those in states that retained criminal sanctions.

Public support for marijuana prohibition is waning in the United States. In a recent survey, half of American adults said criminal penalties for marijuana use and possession should be eliminated. The percentage supporting marijuana's full legalization began rising in 1990, and reached 25 percent by 1995. Forty-eight percent of high school seniors agree that marijuana possession and use should not be criminal offenses, and 30 percent favor legalization. Among college freshmen, support for marijuana legalization doubled from 1990 to 1995, from 17 percent to 34 percent. With regard to marijuana's use as a medicine, two-thirds of Americans say that physicians and patients should make the decision, without fear of criminal prosecution.

Today's parents, like those of previous decades, do not want their children to use marijuana. However, they have not been convinced that

marijuana is a very dangerous substance, or that it serves as a "gateway" to other illegal drugs. In fact, they rank marijuana as less risky than most other drugs, including alcohol and tobacco. More than seventy million Americans – 35 percent of those age twenty-six and over – have now used marijuana; one-fifth still smoke marijuana, at least occasionally. Marijuana is the most widely used illicit drug in America. Indeed, it is the only illicit drug that is used widely. Its use occurs in all regions of the country, among people of all social

classes, all ethnicities, all occupations, all religions, and all political persuasions. In an important sense, marijuana use is already a "normal" part of the culture. What most makes marijuana deviant is its continued criminalization.

This article is an edited version of the conclusion to Marijuana Myths, Marijuana Facts: A Review of the Scientific Evidence. Permission to excerpt the above work granted by The Lindesmith Center, COPYRIGHT © 1997 by Lynn Zimmer and John P. Morgan. ♦

The Zinberg Treatment Award

One Person Can Make a Difference

By Rosaligia Alvarez Febles, Ph.D.

"One person can make a difference," my father always said when referring to harm reduction advocacy. He certainly has. My father, Dr. José Alvarez de Choudens, is my hero. But he is also the hero of my daughter Antares Ramos Alvarez, my mother Ligia Febles de Alvarez, brothers, relatives, friends and many citizens of Puerto Rico. My dear father had a stroke last November and is in a very critical medical condition.



Former neurosurgeon Dr. Alvarez de Choudens exemplifies the physician who strictly obeyed the Hypocratic Oath: "Above all, do no harm." Harm reduction as a public health policy resonated in his heart. Dr. Alvarez de Choudens is being awarded the prestigious 2000 Norman E. Zinberg

Award in the Field of Medicine and Treatment for his advocacy of harm reduction, especially advocating methadone maintenance and needle exchange programs in Puerto Rico. My daughter Antares Ramos Alvarez and I are privileged to accept the 2000 Norman E. Zinberg Award on behalf of my dear father, her dear grandfather. Thanks for nominating my father, Dr. Vargas Vidot! Thanks for this tribute, DPF!

Dr. Alvarez de Choudens is a