

# The Highs of Getting High: A Case for the Legalization of Marijuana for the Betterment of Society

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## Abstract

The following is a proposal for a public policy that would legalize marijuana and have the drug be treated as alcohol. This is necessary because the current policy is detrimental to society and the legalization would be beneficial. The prohibition of the drug is unfounded because tobacco and alcohol, legalized substances, are more dangerous than marijuana. Also, the legislation regarding the drug was created on racist sentiments, reducing the law's credibility. The current policy also creates a dangerous black market and ineffective prison system. The legalization of cannabis would bring undeniable medical and economic benefits to society and the government. Varying degrees of marijuana legalization have proved that, if controlled, the drug is rarely damaging to a society or its population. In fact, the benefits of such legalizations seem to greatly outweigh the drawbacks, making legalization the only logical choice.

The debate over marijuana is endless. Due to historical portrayals, marijuana is still often seen as a dangerous drug. This myth, however, is outdated. In fact, marijuana is actually a useful drug that, if legalized, would bring many positive consequences to society. Marijuana should be legalized and treated like alcohol with regards to its regulation. A change in the outdated federal policy of strict prohibition would be an advancement of society and its values.

To begin with, the racial implications behind the enactment of the policy suggest that it should not have been enacted in the first place. Throughout the early 20<sup>th</sup> century, marijuana was associated with Mexican laborers in the United States. There was a strong racist sentiment towards Mexicans in America, especially in the Southwest. Consequently, elite Americans looked down upon marijuana use for its association with this particular group (Rowe 26-27). The drug was actually originally spelled “marihuana,” which is how the word appears in the 1937 Marihuana Tax Act that made marijuana illegal. The drug is now commonly referred to as “marijuana.” This happened with the help of William Randolph Hearst, a newspaper-publishing giant in the early 20<sup>th</sup> century. Hearst began calling the substance “marijuana” so it appeared foreign and became further associated with Mexicans (Gahlinger 34). Later, marijuana became associated with the jazz scene and African Americans. At this time (the 1920s and 1930s), it was considered wrong to have similar lifestyles to those of blacks, hence the shunning of marijuana (Rowe 26).

Thus, marijuana was originally banned for social reasons, not because it was seen as a dangerous drug in itself. In fact, tobacco and alcohol, two legalized substances, are far more dangerous than marijuana. First of all, marijuana is much less addictive than tobacco or alcohol. According to Paul Gahlinger, M.D., Ph.D, a professor at the University of Utah, the medical value of marijuana is significantly higher than that of tobacco and alcohol and also has a much lower risk of abuse (Gahlinger 10). Nicotine, the addictive substance in tobacco, is considered the most addictive substance ever found, even greater than illegal drugs including marijuana, heroin, and crack (192). Marijuana also has a very low potential for abuse in comparison with many other common psychoactive drugs such as cocaine or amphetamine (Mills 3). While it is debated whether marijuana is psychologically addictive, the drug does not cause a physical dependence (Gahlinger 335).

The relatively low threat of abuse undoubtedly contributes to the fact that marijuana causes significantly fewer deaths in the United States than tobacco or alcohol. Alcohol causes at least 200,000 deaths annually in the United States. Tobacco smoking causes around 430,000 deaths in the US per year and 50,000 deaths due to secondhand smoke alone. All 178 illegal drugs in the United States combined cause about 8,000 deaths yearly (Gahlinger 177, 191). While marijuana is the most commonly used illegal drug, this still results in many fewer deaths than the legalized substances.

As seen, the effects of alcohol on society have been more profound, obvious, and deleterious. Alcohol abuse is a very serious problem in the United States that is known to be a cause of dysfunctional families, violence, job loss, and accidents. The use of alcohol by an individual puts all of society at risk, rather than just the individual drinker (Rowe 134). For example, one in seven drivers is legally drunk between 1AM and 6AM on weekend mornings (Gahlinger 177).

Many Americans fear that the legalization of marijuana would create another problem like that of alcohol. But the fact is that the black market is far more dangerous than the legalization of marijuana would be. Illegal drug trade is dominated by gangs that will often go to any extent for money or drugs. Violence between gangs especially is a persistent problem. Since marijuana is the most commonly used illegal drug in the United States, the number of violent crimes are likely to decrease if marijuana is legalized (Gahlinger 319). The black market also can create more dangerous drugs. Marijuana, a relatively harmless drug, has the risk of being laced with other, more dangerous drugs. The legalization of marijuana would include the regulation of the drug and its production. This ensures purity of the drug, just as the purity of tobacco is guaranteed in cigarettes.

Additionally, criminals related to the distribution, production, and use of illegal drugs are taking over prisons. In 2002, 54.7% of all sentenced prisoners, 70,009 individuals, were drug offenders (Rowe 172). Many prisoners are incarcerated for nonviolent drug crimes and are hardly a threat to society. Since these criminals must serve a minimum sentence, perpetrators of more violent or serious crimes are often released to make room for these drug offenders. The United States spends \$67 billion per year on correctional operations alone (Krisberg 10). The legalization of marijuana would undoubtedly decrease this amount and allow some of this money to be spent on more productive projects. While the legalization of marijuana would not relieve prisons completely of drug offenders, it would account for a significant portion since marijuana is so popular. It seems that, rather than increasing the danger and the number of criminals, the legalization of marijuana would actually reduce these threats.

In addition to causing unsafe circumstances for those involved in drug trading, and unfortunate passersby, the drug prohibition can cause some to feel uneasy in their everyday work life. Under the 1988 Drug Free Workplace Act, certain individuals are subject to random drug tests based on their occupation, such as pilots, truck drivers, teachers, and athletes. This can happen without probable cause, either as purely random or as a pre-employment procedure. This violates the citizen's bodily integrity and right against unreasonable search, because it demands urine, hair, or blood testing (Gahlinger 112-115).

Explained above are arguments against the prohibition of marijuana. However, there is a strong case for its legalization. The first and most public argument is that marijuana has medical benefits. Historically, marijuana has been used therapeutically in many societies. It has been known to help patients dealing with cancer, epilepsy, multiple sclerosis, AIDS, chronic pain, migraines, and many other ailments. Women have also used the drug to control the pains of menstruation and labor (Grinspoon iv).

A typical example of how marijuana helps the sick is its effects on cancer patients going through chemotherapy. As a result of the intense process of chemotherapy, most patients vomit and lose their appetite and desire to participate in normal activities other than rest. Smoking marijuana, however, has been known to relieve these symptoms. Marijuana can help chemotherapy patients develop an appetite, keep their food down, and feel well enough to stay out of bed after treatments (Grinspoon 26-27). Marijuana has also been used to stimulate the appetite of AIDS and HIV patients, as an anti-inflammatory after surgery, and as a pain reliever for those suffering various illnesses (Grinspoon 111-112, 119).

By prohibiting doctors to prescribe marijuana, it sometimes prevents doctors from doing their job as they see fit. The role of doctors in society is to treat patients to the best of their ability. With marijuana outlawed, the functionality of this role is compromised. Since doctors are ultimately the experts in the field, it should be a strictly medical decision surrounding the prescription of marijuana; the government should follow the advice of these experts.

In fact, many doctors and nurses do support the use of marijuana for medical purposes. The American Nurses Association, for example, is one group that supports controlled use of medical marijuana. Other groups that have publicly approved the use of the drug with doctor recommendation include the Leukemia and Lymphoma Society, the American Association of Family Physicians, and the American Psychiatric Association (Mills 3). Even the American Medical Association (AMA), the country's largest organization of physicians with some 250,000 doctor members, is changing its past portrayal of marijuana. The federal government has historically classified marijuana as a Schedule I drug, considering it a dangerous drug with no medical value on the same level as LSD and heroin; the AMA has continually supported this classification. On November 10, 2009, however, the AMA officially urged the government to reclassify the drug. Although the AMA explicitly denied this as an endorsement of medical marijuana, the announcement was made to allow for research to be done on the potential of medical benefits, recognizing its potential value (Hoeffel 1).

In addition to medical benefits, the legalization of marijuana would have economic benefits. As mentioned earlier, the reapportionment of funds from prisoners to other areas is one benefit as a result of less crime. Additionally, like alcohol and tobacco, marijuana would have to be a regulated substance, requiring taxes that would benefit the government and the economy. It really would be in the best interest of a government so driven by economics to gain control over the biggest cash crop in the country (Gahlinger 319).

Marijuana prohibition is not universal. Different countries have varying laws respecting the legality of the drug. The Netherlands has been a pioneer in the most liberal of marijuana laws worldwide. The Netherlands has a policy that allows for certified coffee shops to sell up to five grams of marijuana to patrons over sixteen years old. Because the drug is available safely and legally, the price has been lowered, as well as the crime rate in relation to drugs. While the federal government in the United States strictly bans marijuana use, states have varying legislation. California's Proposition 215 of 1996 allowed for patients to possess or grow cannabis if a physician prescribed it, making California the first state to take this initiative (Gahlinger 329). Currently, fourteen states allow the use of restricted medical marijuana and many more are considering similar proposals (Barrett 1). Many people are certainly against such legislation, but few people can find evidence to support their claims that this has been dangerous or unhealthy to society.

The fact of the matter is that the benefits of creating an alternative marijuana policy highly outweigh the costs. Similarly, the costs of the current marijuana policy heavily outweigh the benefits. Jefferson M. Fish, a professor of psychology at St. John's University, studied the cost-benefit analyses of the current and alternative marijuana policies. Fish could only come up with one benefit of the current system: "Demonstration of society's disapproval for using marijuana" (Fish 94). On the other hand, Fish

determined eleven negative consequences to the current policy, including the costs of prisons, the growth of the black market, and the suffering of patients who cannot legally access marijuana. On the flipside, Fish was able to come up with four negative consequences to an alternative marijuana policy including increased unemployment for prison employees and the potential for increased lung cancer. However, Fish configured ten positive consequences to the legalization of marijuana including a decrease in crime (Fish 94-95). Fish admits that while there may be negative consequences to the legalization of marijuana, the costs of the current system combined with the benefits of legalization greatly outweigh those drawbacks.

Some would argue that complete legalization is not the answer. Perhaps decriminalization is the answer. Decriminalization, however, would only solve the problem of overcrowded prisons. There would still be a dangerous black market and patients would not get the benefits of the useful drug. Others argue that cannabis should only be allowed for medicinal purposes. This still, however, does not relieve society of the pressing concern of the black market and criminal activity. If marijuana were treated like alcohol, it would destroy the black market and provide relief to many patients, as well as stimulate the economy and increase the effectiveness of prisons. Of course, there would have to be regulations. Marijuana would be taxed by the government as any other good, and just like alcohol, there would have to be laws regarding activities while intoxicated. That being said, an overall legalization of marijuana would rid American society of many evils while demonstrating the positive effects of the responsible use of a once-banned drug.

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