Marijuana Prohibition is a Catastrophe: The Solution is Legal Regulation and Control

What is Marijuana?
The marijuana plant has a long history of medical, religious and industrial uses dating back thousands of years. Few Americans had even heard of marijuana when it was first federally prohibited in 1937. Today, it is the most widely used illegal drug in the U.S. and the world. More than 100 million Americans — about 42 percent of American adults — admit to having tried it, and over 15 million have used it in the past month.1 The value of marijuana produced in the U.S. is estimated to be over $35 billion, making it the nation’s largest cash crop and exceeding the value of corn and wheat combined.2 Since 1996, sixteen states have passed laws permitting the medical use of marijuana.

The Costs and Consequences of Prohibition

Wasted Law Enforcement Resources. In 2010, there were 853,838 marijuana arrests in the U.S. — one every 37 seconds, comprising more than half of all drug arrests. Almost 90 percent of these arrests were for simple possession, not sale or manufacture. There are more arrests for marijuana possession each year than for all violent crimes combined.3

Wasted Lives. In addition to arrest and incarceration, people with marijuana convictions suffer from excessively harsh collateral consequences: loss of property, employment, child custody, and access to public assistance such as food stamps, housing and financial aid for college.

Violence. Virtually all “marijuana-related violence” is a direct result of prohibition, which keeps responsible, regulated businesses out of the market. Since illegal businesses have no legitimate means to settle disputes, violence inevitably results — just as it did during alcohol Prohibition.

Wasted Money. Marijuana prohibition imposes the onerous financial and administrative burden of enforcement and incarceration primarily on cash-strapped state and local governments — on top of the additional costs created by prohibition’s counterproductive effects on public safety and health. Legally regulating marijuana would save $7.7 billion in government expenditures on prohibition enforcement -- $2.4 billion at the federal level and $5.3 billion at the state and local levels. Revenue from taxation of marijuana sales could range from an estimated $2.4 billion per year if marijuana were taxed like ordinary consumer goods to $6.2 billion if it were taxed like alcohol or tobacco.4

Unjust Racial Disparities. According to government data, white people reportedly consume and sell marijuana at the same rates as African-Americans. Yet, African-Americans are twice as likely to be arrested for marijuana possession. Likewise, African-Americans are twice as likely to be arrested for selling marijuana compared to whites.5

In California, African Americans make up less than 7 percent of the state population but represent 22 percent of people arrested for all marijuana offenses and 33 percent of all marijuana felony arrests in 2008.6

In New York City, from 1980 to 2008 African Americans and Hispanics represented 85 percent of low level marijuana defendants, although they represent only half of the city’s population. African Americans were four times as likely as whites to receive jail time for possession of marijuana and Hispanics were three times as likely.7
What Does Regulation Mean?
Legal regulation is not a step into the unknown – we have centuries of experience in legally regulating thousands of different drugs. Legal regulation means commonsense controls – marijuana wouldn’t be treated like Coca-Cola, available to anyone of any age, anywhere, at any time. Under many regulatory proposals, it would be taxed and regulated in a manner similar to alcoholic beverages.

Improving Health and Public Safety
Marijuana prohibition persists, in large part, because of out-dated, hyperbolic “Reefer Madness” claims about health impacts. The truth is that marijuana is considerably less dangerous than either alcohol or cigarettes. It’s far less addictive, and typically consumed in much smaller amounts. It lacks alcohol’s powerful association with violence, accidents and reckless sexual behavior. And it’s impossible to die of a marijuana overdose. Taken medicinally, marijuana is effective at addressing a wide variety of symptoms, including nausea, vomiting, and wasting diseases.

"Marijuana, in its natural form, is one of the safest therapeutically active substances known to man."
- Drug Enforcement Administration Chief Administrative Law Judge Francis L. Young, 1988

Support for Regulation is Surging
Lawmakers in numerous states have introduced bills to fix backwards marijuana policies, and there is more public support for reform than ever before. With new polls showing half the country in favor of taxing and regulating marijuana, there is currently an unprecedented opportunity to push for change.

Do you think the use of marijuana should be made legal or not?
• No, illegal
• Yes, legal

Source: Gallup

1 Substance Abuse and Mental Health Services Administration, U.S. Department of Health and Human Services, National Survey on Drug Use and Health, 2008, Table G.1 and G.5.


6 Center on Juvenile and Criminal Justice; Criminal Justice Statistics Center, Crime in California, CA Dept. of Justice, 1954-2008.

