Introduction

Marijuana is bad. Although it does have some positive medical uses, marijuana still is extremely detrimental to our society because it is intoxicating and can be psychologically addicting. This illegal drug affects millions of Americans, both directly and indirectly. It has affected me, although how it has affected me personally has been atypical. Marijuana started affecting me in an Honors 150 class discussion on Gore Vidal’s “Drugs: Case for Legalizing Marijuana.” For fun, I argued that marijuana should be legalized on ethical grounds, because we should be allowed choice. The debate continued within room 134, Snow Hall, and the contention and intensity levels rose throughout the night. Though my anti-legalization roommates never realized it, the basis of my argument was founded entirely upon the misinterpretation of a single scripture. Knowing my argument was doomed, I checked EBSCO for articles in favor of legalizing marijuana. I knew marijuana was bad in almost every sense, and was worried studies would show that legalization would bring to pass many negative side effects. Shockingly, I discovered a significant amount of evidence pointing to legalization with regulation as a better alternative to current United States marijuana policy. After researching, I became convinced that the benefits of marijuana legalization outweigh those of current drug policy. Marijuana should be legalized because current US policy has created a black market with negative side effects worse than the problems caused by marijuana consumption. If this black market can be eliminated, marijuana’s mind inhibiting potency will decrease, national crime rates will decrease, and more efficient strategies to eliminating drug use will be developed to offset the slight increase in consumption.
Black Markets

The fault in the United States’ current drug policy lies in an analysis of the indirectly created black market. As BYU professor James R. Kearl explains, black markets exist when consumer goods are bought and sold against the law. By nature, black markets bring negative side effects, such as higher crime (Kearl 200). Examples of this effect have been observed in many instances ranging from illegal diamond trade in South Africa to human trafficking organizations throughout Europe and Asia. In many cases, such as the prohibition on slavery, the side effects of the black market are negligible when compared to the ramification of legalized trade. Though the prohibited good, or trade of it, may be quite harmful to society, in some cases, such as the prohibition of marijuana, society is actually worse off having trade banned because the negative side effects of prohibition outweigh the negative side effects of the said good. In the case of marijuana legalization, society is worse off because the negative side effects in three major categories: increased potency, increased crime, and poor prevention effectiveness.

Increased Potency

The first major negative side effect of the marijuana black market is the increasing average potency found within seized samples of marijuana. As explained by Australian researchers, Clements and Daryal, in order to avoid detection of law enforcement, marijuana suppliers have developed new growing techniques, such as indoor and hydroponic growing. These techniques have not only helped marijuana growers avoid detection, they have actually caused THC levels to increase within the plant. The higher THC levels are due to increased stimulation during specific parts of the growing cycle by artificially optimal growing environments (Clements and Daryal 7). A study conducted by the United States Office of National Drug Control Policy over the past 20 years has shown that since the late 1980’s, average THC levels found within seized marijuana samples have risen from around 4% to over 8% (ONDCP).

Because of higher THC levels present in marijuana, users have become, on average, significantly more intoxicated than users of less potent marijuana. Neural research on the effects of marijuana suggests that as blood THC levels increase, reaction times increase. At high levels of intoxication, the human brain can filtered out some information as irrelevant, and thus not function accurately. These effects occur because THC causes
the brain to have slower reaction times and easily be distracted because attention is diverted from normal thought processes to intrusive mental tangents (Ilan 7). Slower reaction times and the tendency to become easily distracted are both harmful, and potentially fatal. Though marijuana is considered less dangerous than other drugs, such as alcohol, the danger of causing a car accident while under the influence of marijuana is still extremely high (Nutt). Though it seems unnecessary, New Zealand professors, Stephanie Blows et al, conducted a study that provided conclusive evidence that marijuana use has a strong positive association with car crash probabilities. The research further concludes that as more marijuana is consumed, the likelihood of injury increases (Blows et al 6). While this appears to simply be a negative side effect of the drug, it must be noted that US marijuana policy has accentuated the problem by indirectly doubling marijuana’s potency.

When marijuana is legalized, regulations will have to remain in place for those driving under the influence, because even at low dosages, marijuana has some effect on safety while driving. Although the effect legalization will have on the number of users is yet to be discussed, the effect legalizing marijuana will have on the individual driving marijuana user will be an increase in safety for themselves, and for others. Safety will be increased because THC levels can be easily regulated, similar to nicotine levels in today’s tobacco industry. On average, users of regulated marijuana will be less than half as intoxicated as users who consume the same amount of illicit marijuana. Since intoxication levels have been associated with motor vehicle accidents, users of legitimate marijuana will be relatively safe drivers. Thus, legalizing marijuana will reduce the amount of marijuana related accidents, and be beneficial for society.

Increased Crime

Another major side effect the marijuana black market, which was created by current drug policy, has on society is increased crime rates. As described by Kearl, as more effort is spent on enforcing anti-trade laws, it becomes impossible for many potential suppliers to produce the illegal good. As the amount of suppliers decreases, the profit margin for each remaining supplier who is able to avoid the law increases significantly. Thus, it is extremely profitable for growers and dealers to sell marijuana, as long as they don’t get caught (Kearl 211). This has caused expansive organized crime to emerge, and in response, the government has allocated even
more resources to kill off suppliers. As a result, crime rings have become increasingly violent and dangerous to society.

Since marijuana suppliers have higher profits when there are fewer competitors, they not only fight against the law enforcement – they fight against each other. Suppliers fight each other for several reasons, one of which is that when one supplier is eliminated by the law enforcement, suppliers from neighboring areas all want the newly opened market. Also, high profits “… [Provide] incentives for the expansion of market areas by current sellers or for entry by new competitors, causing violence among distributors and sellers and greater economic crime” (Shepard, “Economic Model of Crime”). Evidence of this can be seen in a study conducted by L.P. Silverman and N.L Spruill that associated higher heroin prices with increased property crime (Silverman and Spruill). A study conducted by E.M. Shepard calculates that a 10% cutback in drug law enforcement would trigger a 20% reduction in the drug related death rate, mainly due to a decrease in violent crime (Shepard, “US Drug Control Policies”). Thus, if marijuana were legalized, organized crime would decrease because the largest illicit market in the world would be eliminated.

By legalizing marijuana, the government will remove the need users have to associate with the organized criminal community. Legalization will not only reduce crime by destroying the marijuana black market, it will simultaneously reduce consumption of hard drugs, such as heroin and cocaine. Opponents of marijuana legalization argue that marijuana should not be legalized, because it is a ‘gateway drug’ – users of it are more likely to progress to hard drugs. Marijuana is a ‘gateway drug’, but not in the sense these marijuana criminalization advocates imply. A study conducted by researchers at the Institute of Medicine states, “there is no conclusive evidence that the drug effects of marijuana are causally linked to the subsequent abuse of other illicit drugs” (Joy et al). On the other hand, there is conclusive evidence that proneness to deviance and illicit drug availability within a neighborhood is linked to abuse of both marijuana and hard drugs (Tarter et al). If marijuana is legalized, users will be able to purchase it through legitimate suppliers. By purchasing marijuana through pharmacies or certified dealers, users will effectively bypass their former links to drug trafficking networks. Thus, the availability of hard drugs will decrease, and subsequently, hard drug related crime rates will diminish.
Another reason the United States drug policy for marijuana has increased levels of crime is by being overzealous in enforcing marijuana possession laws. In 2002, 88% of drug arrests were for marijuana possession; this accounts for approximately 615,000 people a year going through the penal system (King 1). Due, in a large part, to the imprisonment of so many drug offenders, our prison system is filled to capacity. The large demand of prison cells by drug offenders, coupled with a shortage in supply of cells, has led to shorter sentences and less frequent imprisonment for other criminals. Since true criminals aren’t incarcerated as long as they otherwise would be, there are more people on the streets who are willing to commit crimes than there would be if marijuana possession laws were not so rigid (Shepard, “Economic Model of Crime”). If marijuana is legalized, there will be fewer true criminals on the streets, and more room to imprison them for appropriate sentences. As there are fewer criminals, with more incentive to follow the law, crime rates will decrease.

**Poor Prevention Effectiveness**

The overzealous enforcement of marijuana possession laws is also a facet of the final major flaw in current US marijuana policy – current strategies to reduce consumption are grossly inefficient and ineffective. In fact, they are so flawed that with restructuring, consumption may be decreased in response to the legalization of marijuana. At first, this seems illogical, but with an analysis of proposed changes, decreased consumption in response to legalization with regulations appears likely.

Clements and Daryal’s study on the economics of marijuana provides evidence of predicted marijuana consumption levels if marijuana were legalized, without any restrictions imposed. These numbers apply to a scenario in which marijuana prices are significantly cheaper than now, and anyone who wants to consume marijuana can consume as much as they please. According to the study, total marijuana consumption would increase by approximately 4.27%, but the increase would occur, almost exclusively, within the population of those who already consume marijuana. While there will be a 21.25% increase in consumption by current daily users, there will be a mere .19% increase in consumption by current non-users (Clements and Daryal 47). The relatively small increase in new users is likely due to the fact that the marijuana black market is so accessible; approximately 85% of high school seniors consider marijuana “easily attainable” (Johnston et al). New strategic policy has to be made to at least counteract the .19% increase in marijuana users.
Before designing new marijuana strategy, policy makers must note they will have billions of dollars of open budget space once marijuana is legalized. Not only may some of the estimated $8 billion annual enforcement budget be diverted to more important programs, an additional $4-5 billion spent annually on incarceration of minor marijuana offenders can be allocated to any programs in need (Shepard, “Economic Model of Crime”). There is also a strategy that will serve to reduce marijuana consumption and increase available resources even more – taxes. It is simple economics that taxes reduce consumption, and studies suggest imposing a simple tax alone could reduce consumption to lower than current levels (Trebach).

Furthermore, the greater the elasticity of demand for a good, the greater the tax affects the quantity produced and consumed (Kearl 187). The elasticity of demand for marijuana has been calculated at around 1.2, which qualifies as elastic (Clements and Daryal 39). Therefore, taxes will have a particularly strong effect on consumption, and will account for a significant offset of the projected increase in consumption due to legalization.

In addition to a tax, legislation regulating the use of marijuana would have to be made. To protect society from the dangers of marijuana, laws would have to be reinstated to prohibit driving while under the influence of marijuana. To cut down on consumption, legislation would have to be written to stop illegal production of marijuana, and the also the underage use of marijuana. As legitimate marijuana production would become a new industry, without roots in our society or lobbyists in Washington, legislators could easily regulate marketing and sales laws. These regulations could be written to any degree the public deems necessary, and will allow the marijuana industry to remain in check by the government.

In an article published in the National Review, John P Walters, the Director of the Office of National Drug Control Policy, asks a problematic question: what will stop marijuana users from simply growing their own marijuana in order to bypass all regulations and taxes (Walters)? At a glance, this seems like legalizations critical error, but an analysis of the situation proves otherwise. First off, Walters assumes marijuana can easily be grown. While this is true, at least pertaining to growing marijuana outdoors in soil, it takes quite a bit of effort to avoid detection by growing indoors or with hydroponics (howtogrowmarijuana.com. Second, Walters fails to compare the effects different policies have on this situation. There are three policy options to enforce a
prohibitive market: penalizing demanders, penalizing suppliers, and penalizing both. Current US marijuana policy is to penalize both suppliers and demanders. While the goals of both penalization of demanders and penalization of suppliers individually are to decrease the quantity produced and consumed, they have opposite effects on the price of the good; while penalization of suppliers increases prices, penalization of demanders decreases prices. As relatively more resources are put into penalizing suppliers from penalizing demanders, the reduced quantity stays constant, but the price of the prohibited good increases significantly (Kearl 211). Thus, as marijuana is legalized, and resources are moved from the enforcement of anti-consumption laws to the enforcement of anti-production laws, the price of homegrown marijuana will increase dramatically. The price of illicit marijuana will effectively be raised past the price of legal marijuana, and users will lose their incentive to grow their own marijuana. This change in enforcement policy will stop the potentially harmful scenario of home grown marijuana undercutting governmental regulation.

Due to taxes and the double effect from changing to a supplier oriented enforcement policy, the marijuana price increase from shifting resources into supplier penalization and the marijuana price increase from shifting resources out of demander penalization, the government will have significant amounts of new budget space. Some of this extra money can go towards proven effective drug prevention and awareness strategies, such as anti-drug advertising. Anti-drug advertisements have been proven by studies, such as the study conducted by Lauren G. Block et al, to be effective in reducing probabilities of marijuana use (Block et al). The government can also invest in other options, such as positive and enriching programs for youth in troubled areas, because a study conducted by the Center for Substance Abuse Prevention shows that “alcohol and drug use tends to be a chosen activity engaged in during unstructured and unsupervised time” (Carmona and Stewart 3). Together with regulations and a modified enforcement policy, these alternative prevention programs should be more effective than the current marijuana policy.

Conclusion

While researching, I discovered that evidence suggests legalization with regulation is a better alternative to current drug policy, because it will decrease the average potency found within marijuana, decrease crime rates, and pave the way for more efficient drug control strategies that will likely reduce marijuana consumption.
During my writing process, I discovered the importance of having an open mind. While my pro-legalization stance at first was mainly a joke, once I saw the pros and cons of legalizing marijuana compared to those of current policy, even with morals that are strongly against drug use, I became convinced that it would be beneficial to society to legalize marijuana. Before researching this issue, I would never have thought this to be true, as it seems counterintuitive, but it appears there are paradoxes even in seemingly obvious social quandaries. It hasn’t been long since I would laugh at people who were overly critical of our government, but I have come to realize our government definitely isn’t perfect. I find it sad that the ‘land of the free’ is, at least in some cases, a bigoted nation in which politicians are unable to so much as attempt to change flawed policies without committing political suicide. Unfortunately, I don’t see the war on drugs changing direction any time in the near future. I don’t plan on actively protesting for marijuana legalization, but I will vote yes for regulated legalization if it ever appears on my ballot.
Works Cited


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