

Effective Arguments for Advocates of Taxing and Regulating Marijuana

Advocates of taxing and regulating marijuana are often confronted with challenging questions and arguments — in media interviews, debates, correspondence with government officials, and other venues. This document contains the most common and challenging arguments and questions that MPP has encountered in our years of advocating taxing and regulating marijuana — and the responses we have found to work most effectively. These responses have been developed over many years, through our own experience and taking into account public opinion research, advice from colleagues, publications from reformers and prohibitionists, and advice from our scientific advisors.

Suggestions for future editions are encouraged.

THE OVERARCHING ARGUMENT

Marijuana prohibition hasn't worked. Nearly 100 million Americans have used marijuana, and nearly 15 million use it at least monthly. For three decades running, about 85% of high school seniors have told government survey administrators that marijuana is "easy to get."¹

What prohibition *has* done is guarantee that society has no control over marijuana. Producers and sellers are unlicensed and completely unregulated. Unlike licensed businesses that sell liquor or tobacco, marijuana sellers operate virtually anywhere and have no incentive not to sell to children or teens. Prohibition guarantees that marijuana will not be inspected for purity or labeled for potency. And it ensures that the only people selling marijuana will be criminals.

MPP believes that marijuana should be regulated by commonsense controls that require producers, merchants, and users to act responsibly — in contrast to the lack of control that prohibition has brought us.

CHALLENGE #1:

Why don't you just say "legalization"? That's what you mean, isn't it?

RESPONSE: The word "legalization" is so vague as to be nearly meaningless. Morphine, vodka, and Coca-Cola are all legal but are treated very differently. We don't want marijuana treated like Coca-Cola, available to anyone of any age, anywhere, at any time. We think it should be regulated and taxed in a manner similar to alcoholic beverages, so we say exactly what we mean. We want solid, commonsense controls.

CHALLENGE #2:

We have enough problems with alcohol and tobacco already. Why compound our problems by adding another drug?

RESPONSE: Marijuana use is already prevalent. Nearly 100 million Americans admit having used marijuana, and nearly 15 million use it at least monthly, according to the U.S. government.² By most measures, marijuana use is as common or more common today than when President Richard Nixon declared the "war on drugs" in 1970. The question isn't whether there will be marijuana use, but how to handle marijuana so as to minimize



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harm — not just to marijuana users but to all of society. Our current laws don't control marijuana, but they do guarantee that 100% of the profits from marijuana sales go to criminals and gangs.

CHALLENGE #3:

But won't making marijuana legally available mean that even more people will use it, including kids?

RESPONSE A: People who want to use marijuana are already using it, and there are few adults who would start using marijuana if it were regulated. As for teens, regulation would reduce teen access to marijuana by taking it off the streets and putting it in the hands of licensed businesses — which would lose their licenses if they sold to kids. In the Netherlands, where marijuana is sold in regulated establishments to adults who must show proof of age, only 9% of secondary school students use marijuana.³ In the U.S., recent government estimates have ranged as high as 20.2%.⁴

RESPONSE B: Licensed merchants (like those who sell liquor and tobacco) have an incentive not to sell to kids: If they're caught, they can be fined or have their licenses revoked. Right now, marijuana dealers — who are completely unlicensed and unregulated — have no incentive not to sell to kids. Walk into nearly any store that sells cigarettes, and you'll see a big red and yellow sign saying, "Under 18, No Tobacco: We Card." Have you ever seen a drug dealer with a "We Card" sign?

CHALLENGE #4:

You can't regulate a weed that anyone can grow. People will grow their own, and the illicit market will continue.

RESPONSE: Tobacco is also easy to grow, yet almost no one does it. The same goes for many other herbs, fruits, and vegetables in common use. Americans could grow their own tomatoes, basil, or lettuce, but most people prefer to buy them. History has shown that when a legal market is permitted, the illicit trade virtually disappears, no matter what the product.

CHALLENGE #5:

Won't this mean more people driving high and more DUI tragedies?

RESPONSE: Because prohibition has failed, people who want to use marijuana are already using it, and there is no reason to believe that regulating marijuana would make those people more likely to drive under the influence.

We are completely opposed to anyone who drives while intoxicated, and we believe they should be severely punished if they do. By freeing up law enforcement resources now wasted arresting and prosecuting adults who are using marijuana responsibly in their own homes, marijuana regulation will allow police to pursue real crimes, including keeping intoxicated drivers off the roadways.

CHALLENGE #6:

Marijuana is a gateway drug that leads to hard drug use, so taxing and regulating marijuana would create more junkies and meth addicts.

RESPONSE A: The gateway theory is a myth made up by prohibitionists to justify making something illegal that is less harmful than alcohol. According to a recent RAND Corporation study commissioned by the British Parliament, "The gateway theory has little evidence to support it, despite copious research."⁵ According to the Institute of Medicine (in a report commissioned by the White House Office of National Drug Control Policy), "There is no evidence that marijuana serves as a stepping stone [to other drugs] on the basis of its particular physiological effect."⁶

RESPONSE B: Prohibitionists love to confuse correlation with causation in order to muddy the issue. It's not surprising that most hard drug users have used marijuana. People who are inclined to try drugs start with those that are the most common — usually tobacco, alcohol, and marijuana. But the vast majority of marijuana users do not move on to use hard drugs. Nearly 100 million Americans have tried marijuana, and almost 15 million use it monthly, yet only 3.5 million have ever tried heroin, and only 136,000 use it monthly.⁷ Do the math: Of those who try marijuana, less than one percent — 0.17% — become regular heroin users! Not much of a gateway, huh?

RESPONSE C: Research shows that the actual “gateway” is the illegal drug market. The World Health Organization noted that any gateway effect associated with marijuana use may actually be due to marijuana prohibition because “exposure to other drugs when purchasing cannabis on the black-market increases the opportunity to use other illicit drugs.”⁸ A study comparing experienced marijuana users in Amsterdam, where adults can purchase small amounts of marijuana from regulated businesses, with similarly experienced marijuana users in San Francisco, where non-medical possession and sale of marijuana remains completely illegal, bolstered this hypothesis: The San Francisco marijuana users were twice as likely to use crack cocaine as their Dutch counterparts, more than twice as likely to use amphetamines, and five times as likely to be current users of opiates.⁹ If anything, regulating marijuana will reduce hard drug use.

CHALLENGE #7: Marijuana use is immoral.

RESPONSE A: Americans differ about the morality of many things, including the use of alcohol or marijuana. Since laws can't solve all those disagreements, they should be focused on minimizing harm. Our current marijuana laws cause much more harm than they prevent. From a public health perspective, jail or prison is astronomically more hazardous to a person's health than using marijuana. Prison rape and violence are huge problems in our correctional system. [See **Challenge #10**, Response B, for broader societal harms caused by prohibition.]

RESPONSE B: Lots of people consider it immoral to drink alcohol. But the prohibition of alcoholic beverages in the 1920s was a disaster: Drinking was reduced for a while but quickly bounced back. Alcohol potency increased as a direct result of Prohibition (high-potency contraband is preferable for smugglers because it commands a higher price and takes less space to store, making it easier to hide). In the absence of regulation, deaths from tainted booze quadrupled. And Prohibition gave birth to organized crime and mass gang violence on a level America had never seen before. Marijuana prohibition is producing the same effects today.

CHALLENGE #8: Regulating marijuana would say that society approves of marijuana use. That's the wrong message to send, especially to kids.

RESPONSE A: Does requiring cars to have seat belts and airbags send a message that society encourages reckless driving? The message that marijuana regulation would send is that marijuana is for adults and must be handled responsibly. That is exactly the message we should be sending.

RESPONSE B: What message are our laws sending now? A drug that is much more toxic and addictive than marijuana — alcohol — is both legal and promoted with saturation advertising, while mere possession of a less harmful substance is criminalized. Our current laws steer people toward a drug that is much more likely to hurt them. Is that the message we should send?

CHALLENGE #9:

How can you say that our laws don't work when marijuana use has gone down in recent years? We shouldn't surrender when we're finally making progress.

RESPONSE: The use of marijuana and other drugs varies up and down for all sorts of reasons. Government officials tout recent declines that are small by historical standards, and the long-term trends show definitively that America's war on marijuana is a complete failure:

- More young people are trying marijuana for the first time now than in 1970, and the number of new users remains close to record levels.¹⁰
- In 2005, 85.6% of high school seniors told government survey administrators that marijuana is "easy to get." That figure remains virtually unchanged since 1975, and has never dropped below 82.7% in three decades of surveys!¹¹
- In 2004 (the latest figures available as of this writing), the number of Americans trying marijuana for the first time actually exceeded the number trying cigarettes for the first time,¹² while the total number of Americans who have used marijuana — just under 100 million — is at an all-time record level.¹³
- According to the U.S. Justice Department, despite record levels of arrests and seizures, "marijuana availability is high and stable or increasing slightly."¹⁴

If this is success, what does failure look like?

CHALLENGE #10:

Hardly anyone goes to jail for marijuana possession, so it's no big deal. If the law keeps even a few people from trying marijuana, that's worth doing.

RESPONSE A: Even conservative estimates indicate that tens of thousands of Americans are in jail on marijuana charges at any given moment. In 2007, marijuana arrests hit an all-time record of nearly 873,000 — or one marijuana arrest every 36 seconds. That's 873,000 lives turned upside-down, families torn apart, careers and education disrupted. And 89% of these arrests are for simple possession — not sale or manufacture.¹⁵ That's more arrests for marijuana possession than for all violent crimes combined. For a drug that's much less dangerous than tobacco and alcohol, this simply makes no sense.

RESPONSE B: While prohibition has done little to stop marijuana use, it causes harm in many other ways. Prohibition guarantees that society has no control whatsoever over marijuana: Producers and sellers are unlicensed and completely unregulated. Unlike licensed businesses that sell liquor or tobacco, marijuana sellers operate virtually anywhere and have no incentive not to sell to children. Prohibition guarantees that marijuana will not be inspected for purity or labeled for potency. Because of prohibition, marijuana producers aren't subject to environmental and labor and safety standards, but instead often operate in risky and environmentally damaging circumstances — even in national parks and wilderness areas.

CHALLENGE # 11:

Legalizing marijuana will lead to more crime.

RESPONSE: Regulating marijuana will reduce crime, not increase it. Research shows unmistakably that marijuana — unlike alcohol — is almost never the cause of aggression or violence.¹⁶ Marijuana is no more addictive than coffee, which is why neither marijuana users nor coffee drinkers steal to support their use. In fact, virtually all the crime associated with marijuana is a direct result of prohibition. Prohibition keeps responsible, regulated businesses out of the market and gives criminals and gangs an exclusive franchise. Because illegal businesses have no legitimate means to settle disputes, violence inevitably results — just as it did during the prohibition of alcohol in the 1920s.

CHALLENGE #12:

If our state permits the sale of marijuana, the federal government will just come in and shut the system down — and maybe cut off all our federal funding.

RESPONSE A: The same arguments were raised in 1996, when states first began passing medical marijuana laws — and a decade later, these threats haven't materialized. Even in California, where a handful of DEA raids have occurred, at least 200 medical marijuana dispensaries are operating openly around the state right now.

RESPONSE B: States are the laboratories of democracy, and this is the proper role for our state to be playing. Change often comes from the state and local levels, with the federal government eventually following. If federal marijuana laws are bad — and they are — the only way they will change is for states to show there's a better way. We have to start somewhere, and the state and local levels are the logical place.

CHALLENGE #13:

International drug control treaties prevent the U.S. or any country from permitting marijuana use.

RESPONSE: To the contrary, these treaties allow considerable flexibility. The Netherlands, for example, is a signatory to these treaties and has a quasi-legal system of marijuana regulation in place right now. And the U.S. has always been the driving force behind international drug control treaties, and we can renegotiate them anytime we want.

CHALLENGE #14:

Regulating marijuana is just the first step toward legalizing all drugs!

RESPONSE: Nonsense. We can have different policies for marijuana and cocaine and heroin, just as we now have different policies for alcohol, tobacco, and marijuana. Drugs aren't all alike, and our laws don't have to be alike either. We can choose what works best in each situation.

CHALLENGE #15:

Marijuana is addictive. The number of people seeking treatment for marijuana abuse or dependence has skyrocketed in the last decade, and more teens enter treatment for marijuana than for all other illicit drugs combined.

RESPONSE A: What they aren't telling you is that 57% of those people in marijuana treatment didn't "seek" treatment — they were arrested and offered treatment instead of jail. The government's own figures show that the huge rise in marijuana arrests accounts for virtually the entire increase in marijuana treatment admissions.¹⁷ The government arrests people for using marijuana, forces them into treatment, and then uses those treatment admissions as "proof" that marijuana is addictive. The real scandal here is that thousands of needed treatment slots are being wasted on casual marijuana users whose only "drug problem" was that they got caught.

RESPONSE B: In fact, dependence on marijuana is both rare and mild. In a report commissioned by the White House, the Institute of Medicine concluded, "Compared to most other drugs ... dependence among marijuana users is relatively rare ... [A]lthough few marijuana users develop dependence, some do. But they appear to be less likely to do so than users of other drugs (including alcohol and nicotine), and marijuana dependence appears to be less severe than dependence on other drugs." The IOM reported that while 32% of tobacco users and 15% of alcohol users become dependent, only 9% of marijuana users ever become dependent.¹⁸

CHALLENGE #16:

Marijuana smoke is bad for the lungs: It contains four times as much cancer-causing tar as a regular cigarette.

RESPONSE A: Marijuana smokers do not have an increased risk of lung cancer or other smoking-related cancers. According to the Institute of Medicine's 1999 report, *Marijuana and Medicine: Assessing the Science Base*, "There is no conclusive evidence that marijuana causes cancer in humans, including cancers usually related to tobacco use."¹⁹ A recent UCLA study reaffirmed that finding.²⁰ In fact, extensive scientific evidence shows that cannabinoids actually block tumor growth!²¹ It is certainly true that smoke of any kind is irritating to the lungs and airways, and heavy marijuana smoking may lead to an increased risk of bronchitis, but simple devices called vaporizers eliminate many of these risks.

But the real question this: Is the best way to deal with the relatively modest health risks of marijuana to arrest and jail those who use it? If we're going to jail people for using anything that might harm them, should we jail those who enjoy martinis, cigarettes, or fast food?

RESPONSE B: Smoking marijuana has not been shown to cause lung cancer [see response A], but our experience with tobacco has shown that regulation and education are far more effective than prohibition at reducing the health risks of smoking. Since 1965, the rate of cigarette smoking has seen an almost uninterrupted decline, dropping by more than 50% overall and reaching an all-time low nearly every year.²² In contrast, government surveys show that marijuana use has varied up and down, and the rate of current marijuana use has been higher for the last several years than it was at any time during the 1990s.²³

CHALLENGE #17:

Marijuana makes users lazy and stupid — the “amotivational syndrome.”

RESPONSE: This is a myth that has been repeatedly debunked by experts. For example, the Institute of Medicine found that “no convincing data demonstrate a causal relationship between marijuana smoking and these behavioral characteristics.”²⁴ An Australian government review, put together by several of the world's leading experts, concluded, “There is no compelling evidence for an amotivational syndrome among chronic cannabis users.”²⁵ Some studies of college students have found that marijuana smokers actually earn higher grades than non-users.²⁶

CHALLENGE #18:

You're claiming that marijuana is harmless, but the truth is that it's dangerous and harmful!

RESPONSE A: No drug is harmless, including marijuana, and we've never said it is. But it's also true that independent scientific and government reviews have concluded that the health risks of marijuana are much lower than those of alcohol and tobacco, and that those risks don't justify arresting and jailing responsible, adult marijuana users. For example:

- In a 2002 report, the British government's official scientific advisory body on drug policy, the Advisory Council on the Misuse of Drugs, stated, “The high use of cannabis is not associated with major health problems for the individual or society.”²⁷ A later report by the same group of scientists ranked the harmfulness of 20 different illegal and legal drugs and concluded that alcohol and tobacco are significantly more harmful than marijuana.²⁸
- A 2002 report by the Canadian Senate declared, “In effect, the main social costs of cannabis are a result of public policy choices, primarily its continued criminalization ... As far as cannabis is concerned, only behaviour causing demonstrable harm to others should be prohibited: illegal trafficking, selling to minors and impaired driving.”²⁹

- *The Lancet*, one of the world's most prestigious medical journals, has stated, “[O]n the medical evidence available, moderate indulgence in cannabis has little ill-effect on health, and ... decisions to ban or to legalise cannabis should be based on other considerations.”³⁰

RESPONSE B: Use Response B to **Challenge #10**.

RESPONSE C: Use Response B to **Challenge #15**.

CHALLENGE #19: Marijuana causes mental illness. Studies show that marijuana users have higher rates of depression, anxiety, and schizophrenia.

RESPONSE A: Again, opponents are confusing correlation with causation. People with depression and anxiety use marijuana at higher rates because marijuana sometimes relieves these symptoms and actually shows great promise as a treatment for bipolar disorder.³¹ And some research has found lower rates of depression in marijuana users than in non-users.³² The British government's scientific advisors on drug policy reviewed the evidence on this question in late 2005 and concluded that the data do not demonstrate that marijuana causes depression, anxiety, or bipolar disorder.³³

RESPONSE B: The relationship between marijuana and schizophrenia is a lot like sugar and diabetes. Both illnesses are primarily genetic in origin. Sugar can set off a diabetic attack in vulnerable individuals, and marijuana can set off or worsen a psychotic reaction in schizophrenics or in people with a genetic predisposition to schizophrenia. That's not the same thing as causing the illness in the first place. There are some people who shouldn't use marijuana, just like there are some people who should avoid sugar, but no one would dream of banning sugar because it's bad for diabetics.

RESPONSE C: If marijuana causes psychosis, rates of psychosis should rise if marijuana use goes up, but that hasn't happened. Marijuana use skyrocketed in the 1960s and 1970s, but there was no significant increase in rates of psychosis.³⁴

CHALLENGE #20:

Marijuana is no longer the mild “soft drug” that it was in the 1960s and 1970s. Today's marijuana is 10 to 20 times more potent — so strong that it's now a hard drug.

RESPONSE A: This is plain nonsense. The actual increase in potency has been much, much less than this. Even the White House has backtracked on its exaggerated potency claims,³⁵ and a European Union study called the potency of U.S. marijuana “low by European standards.”³⁶ Most importantly, THC is essentially nontoxic, and no research has shown that higher THC levels cause greater levels of addiction or health problems.³⁷ Higher-THC marijuana can actually be beneficial for users who smoke: They need to smoke less to achieve the desired effect and therefore take in less of the irritants in smoke. [For a more detailed analysis, see MPP's briefing paper, “Marijuana Potency and Risk: Separating Truth From Fiction.”]

RESPONSE B: If you're concerned about potency, then you should support regulation. Producers of wine, beer, and liquor are required to list the alcohol content on the label, so consumers know what they're getting. Under prohibition, the marijuana market is completely unregulated, and consumers have no way of knowing the potency of the product. Under regulation, marijuana producers could be required to label their products just like alcoholic beverage producers must do now.

RESPONSE C: Prohibition encourages increased potency: Higher-potency contraband not only commands a higher price, but it also takes up less space and is thus easier to hide from authorities. That's why the potency of alcoholic beverages increased dramatically during the prohibition of alcohol in the 1920s.³⁸ So, again, if you're concerned about potency, you should favor regulation.

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