

The Fraudulent Criminalization of Marijuana in America

By [William John Cox](#)

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For almost 40 years, the United States has waged a war on its own citizens who have used marijuana as a part of a drug culture originally encouraged by the government. The war was commenced despite the government's own findings that marijuana posed less of a risk to American society than alcohol, and that the greatest harm that would result from criminalization would be the injury caused to those arrested for possession and use. The harm caused by the war extends beyond its 15 million prisoners; its cost has exceeded a trillion dollars, and it has benefitted only those who profit from the illegal cultivation and sale of marijuana.

Government Responsibility for the Drug Culture

Drug use became endemic among U.S. troops serving in Vietnam with [more than 80% getting stoned](#) on marijuana and lysergic acid diethylamide (LSD). Many of the secrets are still hidden; however, we now have some information about the extent of the government's responsibility for the development of the drug culture in the military and in communities across America. These are the highlights:

- Although the U.S. was a signatory to the Geneva Convention protocols banning the use of chemical weapons, [the U.S. Army engaged in extensive testing](#) of marijuana and its active ingredient, tetrahydrocannabinol (THC) as an incapacitating agent in warfare. A secret research program tested these substances, including highly-concentrated derivatives, on thousands of American GIs without their informed consent.
- The CIA engaged in a [ten-year secret program](#) to identify and test drugs for use as truth serums during interrogations and as incapacitating agents. Operation Midnight Climax secretly tested LSD on the unwitting patrons of a CIA-financed whorehouse.
- The U.S. Army envisioned "driving people crazy for a few hours" by spiking a city's water supply and [developed a super hallucinogen](#) known as quinuclidinyl benzilate (BZ), which was tested on thousands of soldiers.

Known as "agent buzz," [the Army produced more than 100,000 pounds of the chemical](#) in a facility specifically designed for its incorporation into conventional bombs. Allegations in foreign publications that BZ was deployed against North Vietnam troops have never been confirmed, and all files on the subject remain top secret. However, it is known that the government considered using it for the control of domestic riots.

- To facilitate its alliance with the intelligence agencies of Thailand and Nationalist China, the CIA supported the transportation and refining of opium into heroin in Southeast Asia, including the opening of a cluster of heroin laboratories in the Golden Triangle in 1968-1969.

The CIA remained silent as its allies, including officers of the Hmong irregular army, [routinely supplied heroin to American troops](#) in Vietnam, resulting in the addiction rates as high as 34%. In a secret report in – 1972, the CIA Inspector General said: “The past involvement of many of these officers in drugs is well-known.”

– During classified testimony before a House committee in 1999, CIA Inspector General Britt Snider admitted that the [CIA allowed its Nicaraguan Contra allies to smuggle huge quantities of cocaine into the United States](#) during the 1980’s, which was refined into “crack” for sale by street gangs. The House report found that “CIA employees did nothing to verify or disprove drug trafficking information, even when they had the opportunity to do so. In some of these, receipt of a drug allegation appeared to provoke no specific response, and business went on as usual.”

The National Commission on Marijuana and Drug Abuse

In 1971, President Nixon appointed Governor Raymond P. Shafer of Pennsylvania to chair a national commission to “report on the effects of marijuana and other drugs and recommend appropriate drug policies. Governor Shafer was a former prosecutor, who was known as a “law and order” governor.

[The “Shafer” Commission conducted the most extensive and comprehensive examination of marijuana ever performed by the US government.](#) More than 50 projects were funded, “ranging from a study of the effects of marihuana on man to a field survey of enforcement of the marihuana laws in six metropolitan jurisdictions . . .”

“Through formal and informal hearings, recorded in thousands of pages of transcripts, we solicited all points of view, including those of public officials, community leaders, professional experts and students. We commissioned a nationwide survey of public beliefs, information and experience . . . In addition, we conducted separate surveys of opinion among district attorneys, judges, probation officers, clinicians, university health officials and free clinic personnel.”

Among the Commissions findings were:

- “No significant physical, biochemical, or mental abnormalities could be attributed solely to their marihuana smoking.”
- “No verification is found of a causal relationship between marihuana use and subsequent heroin use.”
- “In sum, the weight of the evidence is that marihuana does not cause violent or aggressive behavior; if anything marihuana serves to inhibit the expression of such behavior.”
- “Neither the marihuana user nor the drug itself can be said to constitute a danger to public safety.”
- “Marihuana’s relative potential for harm to the vast majority of individual users and its actual impact on society does not justify a social policy designed to seek out and firmly punish those who use it.”

The Commission concluded that “society should seek to discourage use, while concentrating its attention on the prevention and treatment of heavy and very heavy use. The Commission feels that the criminalization of possession of marihuana for personal [use] is socially self-defeating as a means of achieving this objective . . . Considering the range of social concerns in contemporary America, marihuana does not, in our considered judgment, rank

very high. We would deemphasize marijuana as a problem.”

[President Nixon called Governor Shafer on the carpet](#) and pressured him to change the Commission’s conclusion saying, “You see, the thing that is so terribly important here is that it not appear that the Commission’s frankly just a bunch of do-gooders.” Governor Shafer declined to change his conclusions, and Nixon declined to appoint him to a pending federal judgeship.

The War on Drugs

[White House tapes reveal](#) that Nixon’s opinions about marijuana were based on his personal prejudices rather than the evidence. He can be heard to make statements such as: “That’s a funny thing, every one of the bastards that are out for legalizing marijuana is Jewish. What the Christ is the matter with the Jews, Bob, what is the matter with them? I suppose it’s because most of them are psychiatrists . . . By God, we are going to hit the marijuana thing, and I want to hit it right square in the puss . . . “

When Nixon was talking with Art Linkletter about “radical demonstrators,” he said “They’re all on drugs.” On another occasion, Nixon compared marijuana to alcohol use saying that marijuana users smoke it to “get high,” while “a person drinks to have fun.”

Wanting to be strong, “like the Russians,” and to “scare” marijuana users, Nixon ordered his administration to come down hard on users and to target them as enemies in his “war on drugs.”

The war on marijuana and the false myths associated with its usage have been continued by every president since Nixon. Since 1973, 15 million people, mostly young people who were committing no other crime, have been arrested for marijuana. In just the last ten years, [6.5 million Americans have been arrested on marijuana charges](#). Of the 829,625 people who were arrested in 2006, 738,915 of them were in simple possession.

[Attorney General Eric H. Holder, Jr. announced](#) in March 2009 that the administration would discontinue raids on the distributors of medical marijuana, including California - which was the first state to legalize marijuana sales upon a doctor’s recommendation.

Although President Obama backed off on arresting medical marijuana users, his [2010 National Drug Control Strategy](#) continues the hard line: “Keeping drugs illegal reduces their availability and lessens willingness to use them. That is why this Administration firmly opposes the legalization of marijuana or any other illicit drug.” Contrary to the findings of the Shafer Commission, the only existing comprehensive government study on the subject, Obama goes on to say, “Diagnostic, laboratory, clinical and epidemiological studies clearly indicate that marijuana use is associated with dependence, respiratory and mental illness, poor motor performance, and cognitive impairment, among other negative effects, and legalization would only exacerbate these problems.”

[Fourteen states and the District of Columbia have now followed California](#) in passing laws permitting the use of marijuana for medical purposes; however, no state, thus far, has decriminalized personal possession for recreational use or personal enjoyment.

After spending a trillion dollars in the battle, the war on marijuana has been a complete failure. Although a marijuana user is arrested every 38 seconds, [one hundred million people, or about one third of all Americans acknowledge they have used marijuana](#), and 15 million “criminals” used it in the last month.

The only victors in the war on drugs have been the criminals who have profited from illegal sales. There is an estimated \$15 billion in illegal cannabis transactions each year just in California. These transactions are not taxed or regulated.

The [cultivation of marijuana in Mexico soared 35%](#) last year to production levels greater than any time in the last 20 years. According to the White House Office of National Drug Control Policy, in 2006 [more than 60% of the revenue generated by Mexican drug cartels came from cannabis sales in the U.S.](#)

Nixon's war has been expensive; it has been a failure; and it has caused great damage to the fabric of America society. The harm has been particularly felt by its young people who suffer up to 80% of the marijuana arrests and who are disproportionately African American and Latino.

California's Initiative to Decriminalize Marijuana Possession

The penalty upon conviction for possession and use of less than an ounce of marijuana in California is now restricted to a maximum of a \$100 fine. If California voters approve Proposition 19 on their November ballot, such possession by a person over the age of 21 will no longer be a crime under California law.

Just as California and New York ended criminal sanctions against the possession and sale of alcohol before prohibition was repealed, California voters again have the chance to remedy the evils caused by almost 40 years of a war without foundation or cause.

The initiative: "Changes California Law to Legalize Marijuana and Allow It to Be Regulated and Taxed." It includes the following provisions:

- Allows people 21 years or older to possess, cultivate, or transport marijuana for personal use.
- Permits local governments to regulate and tax commercial production and sale of marijuana to people 21 years or older.
- Prohibits people from possession marijuana on school grounds, using it in public, smoking it while minors are present, or providing it to anyone under 21 years old, and Maintains current prohibitions against driving while impaired.

The California Legislative Analyst and the Director of Finance estimate there will be savings of up to several tens of millions of dollars annually to state and local governments on the costs of incarcerating and supervising certain marijuana offenders. In addition, there are unknown, but potentially major tax, fee, and benefit assessment revenues to state and local government related to the production and sale of marijuana products.

Conclusion

In 1972, during the same year of the Shafer Commission, I was a sergeant of police in Los Angeles and had just completed a two-year assignment to write and obtain approval of the Department's Policy Manual, which defined the principles and philosophy of policing in the city. I was also attending law school and I was "loaned" to the staff of the Police Task Force of President Nixon's National Advisory Commission on Criminal Justice Standards and Goals, where I was privileged to draft the introductory chapters defining the role of the police in America.

Following graduation the next year and passing the state bar examination, I moved to Washington, D.C. to work for the Justice Department's Law Enforcement Assistance Administration to implement national criminal justice standards and goals. As a result of these initiatives, the quality of policing in America has been vastly improved over the years, and today, law enforcement is a profession which I am proud to have been a part of.

Several times I had to fight for my life while enforcing the law, and three of my law enforcement friends were murdered in the line of duty. I am not naive. I have walked through too much blood and have seen too much pain and suffering during my career. Everything I have learned during almost 50 years in the justice system compels a conclusion that the criminalization of marijuana was a fraud on the American people from the very inception of the war on drugs.

I am not alone in this conclusion, which has been joined by a large number of active and retired law enforcement officials and judges in the United States and other countries. Every voter has a duty to honestly consider the issues presented by Proposition 19 and vote as though one of his or her children, a niece or nephew, or a friend's child will be caught experimenting with marijuana in the future. How will you want the matter handled? By creating a criminal, or by using the occasion as an educational opportunity?

We hopefully remember the danger to society caused by the prohibition of alcohol and we have seen how education and reasonable regulation has substantially reduced the use of tobacco in our society.

Let us rely on the true facts, our experience, our best judgement, and our consciences, instead of our prejudices or the misleading myths that continue to be perpetuated by our government. Let us bring an end to the fraudulent war on marijuana.

William John Cox is a retired prosecutor and public interest lawyer, author and political activist. His efforts to promote a peaceful political evolution can be found at VotersEvolt.com, his writings are collected at WilliamJohnCox.com and he can be contacted at u2cox@msn.com.

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