

Marijuana Prohibition Has Not Curtailed Marijuana Use by Adolescents

Scientific data from government-funded research demonstrate that the prohibition of marijuana has not curtailed adolescent marijuana use. Annual surveys since 1975 have consistently found that about 85% of the nation's high school seniors consider marijuana easy to obtain.* Another study found that the removal of criminal penalties for marijuana possession in several states "has had virtually no effect either on the marijuana use or on related attitudes" among young people.**

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**National Survey Results on Drug Use from the Monitoring the Future Study, 1975-1995*, L. Johnston, J. Bachman, and P. O'Malley; U.S. Department of Health and Human Services, National Institute on Drug Abuse; Washington, D.C.: USGPO, 1996.

**"Marijuana Decriminalization: The Impact on Youth, 1975-1980," *Monitoring the Future Occasional Paper 13*, L. Johnston, J. Bachman, and P. O'Malley; Ann Arbor, MI: Institute for Social Research, 1981; Pp. 27-29.

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Introduction

Marijuana prohibition may be defined as the set of laws that establish criminal penalties for all marijuana offenses, including possession and cultivation for personal use. Efforts to change these laws — even if only to remove the prohibition against medical use — have invariably been met with the argument that the prohibition of marijuana is necessary to curtail adolescent drug abuse.

This report shows that the prohibition of marijuana in the United States has not curtailed adolescent marijuana use.

The Marijuana Policy Project Foundation was unable to find any scientific evidence demonstrating that marijuana prohibition results in decreased use or that removing criminal penalties would result in increased use of marijuana by adolescents.

I. Criminal Laws Have Not Curtailed Adolescent Marijuana Use

A. Penalty Differences Between the States

By 1979, eleven states containing 32.6% of the U.S. population¹ had “decriminalized” marijuana, i.e., a jail sentence was no longer a penalty option for somebody apprehended with a small quantity of marijuana.² Offenders

in these states typically are not arrested: They are given a written citation at the site of the offense, similar to a traffic ticket, and they are required to pay a small civil fine.

The federally funded researchers who have been studying high school students’ drug use and attitudes since the mid-1970s examined the effects of criminal penalties on marijuana use and attitudes during the time period of 1975-1980. Reported usage rates (lifetime, annual, monthly, and daily) among high school seniors in the decriminalized states were compared to the rates in the rest of the states, where criminal penalties remained in effect. The researchers concluded that “decriminalization has had virtually no effect either on the marijuana use or on related attitudes and beliefs about marijuana use among American young people in this age group.”³

The MPP Foundation is not aware of any other such studies.

B. Quasi-Legalization in Holland Compared to Marijuana Prohibition in the United States

Since 1976, the cultivation, sale, and possession of small amounts of marijuana has been officially tolerated by the government of The Netherlands. While technically illegal, a policy of prosecutorial discretion has permitted

¹Estimates of the Population of States, as of July 1, 1996; Population Division, U.S. Bureau of the Census, Washington, D.C.

²Those 11 states were Alaska, California, Colorado, Maine, Minnesota, Mississippi, Nebraska, New York, North Carolina, Ohio, and Oregon. In 1990, a voter initiative repealed decriminalization in Alaska, but police continue to overlook the use and possession of small amounts of marijuana. In 1997, the Oregon legislature repealed decriminalization in Oregon, but a voter referendum filed a few months later blocks the implementation of the new penalty increases; Oregonians will vote on that referendum in November 1998.

³“Marijuana Decriminalization: The Impact on Youth, 1975-1980,” *Monitoring the Future Occasional Paper 13*, L. Johnston, J. Bachman, and P. O’Malley; Ann Arbor, MI: Institute for Social Research, 1981; Pp. 27-29.

more than 1,000 retail marijuana businesses (“coffee shops”) to operate with impunity. The anti-marijuana laws are only enforced against those creating a nuisance or flaunting the prosecutors’ quantity limits.

City University of New York professors Lynn Zimmer, Ph.D., and John P. Morgan, M.D., have compared reported usage rates among young people in the United States to the usage rates in The Netherlands, as summarized in the table to the right.⁴

C. Decriminalization in Australian Territories Did Not Increase Use

Two of Australia’s eight territories — South Australia and Australian Capital Territory — removed criminal penalties in 1987 and 1992, respectively, for possessing small amounts of marijuana for personal use. Offenders face only a small

The Percentage of People Who Have Ever Used Marijuana Is Lower in The Netherlands Than in the United States

	United States	The Netherlands
Total Population	31.1 ^a	28.5 ^b
Young Adults	47.3 ^c	45.5 ^d
Older Teens	38.2 ^e	29.5 ^f
Younger Teens	13.5 ^g	7.2 ^h

^aU.S. population, age 12 and over (*National Household Survey on Drug Abuse: Population Estimates 1994*).

^bAmsterdam residents, age 12 and over (Sandwijk, J.P. et al., *Licit and Illicit Drug Use in Amsterdam II*, 1994).

^cAges 18-34 (see note *a* above).

^dAges 20-34 (see note *b* above).

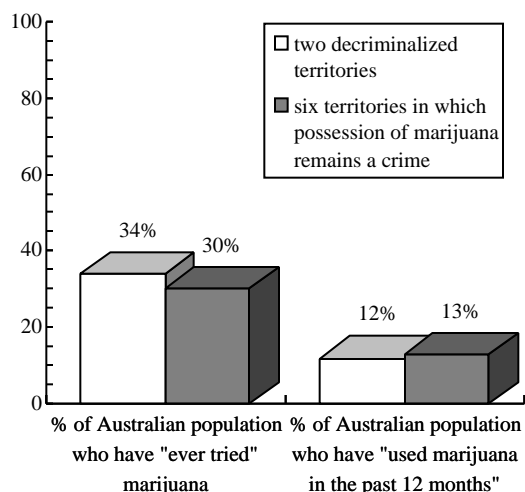
^eTwelfth graders, average of 1992, 1993, and 1994 data (*The Monitoring the Future Study, 1975-1994*).

^fAges 16-19, average of data from 1994 Amsterdam survey (see note *b* above) and 1992 national school-based survey (De Zwart, W.M. et al., *Key Data: Smoking, Drinking, Drug Use and Gambling Among Pupils Aged 10 Years and Older*, Netherlands Institute on Alcohol and Drugs).

^gEighth graders, average of 1992, 1993, and 1994 data (see note *e* above).

^hAges 12-15, average of 1994 Amsterdam data (see note *b* above) and 1992 national data (see note *f* above).

Decriminalization Has Not Increased Marijuana Usage Rates in Australia



fine or a “caution.” An Australian government-funded survey published in 1996 found no substantial difference in reported usage rates, as shown in the graph to the left.

The report did not include age breakdowns. However, because there was essentially no difference in consumption patterns in the population at large (which includes people age 14 and older), there was likely no substantial difference in adolescent usage rates either.⁵

⁴*Marijuana Myths, Marijuana Facts: A Review of the Scientific Evidence*, L. Zimmer & J. Morgan; New York: The Lindesmith Center, 1997, p. 51.

⁵*National Drug Strategy Household Survey Report: 1995*, National Drug Strategy; Canberra, ACT: Australia Government Publishing Service; 1996.

D. No Evidence That Removing Criminal Penalties Would Increase Use

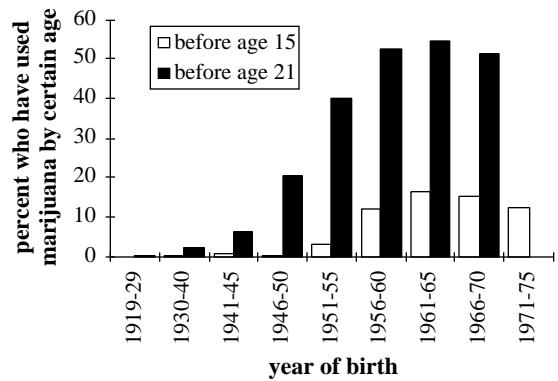
Supporters of prohibition often respond to all of the aforementioned evidence by arguing that there are studies indicating that the absence of criminal penalties does, in fact, promote adolescent marijuana use. The MPP Foundation is unaware of any such studies. In a public forum, the author of this report asked the primary researcher of the study cited in Section I.A — Lloyd Johnston, Ph.D. — if there had ever been another study that compared marijuana usage rates in the decriminalized states to rates in the other states in the U.S. This leading federally funded researcher said that there had not.⁶

E. Neither Prohibition Nor Increased Penalties Have Decreased Marijuana Use Over Time

1. Adolescent Marijuana Use Has Skyrocketed Since Marijuana Prohibition — One-third of those born between 1919 and 1929 turned 15 prior to the federal prohibition of marijuana, which was established by the Marijuana Tax Act in 1937. Because a statistically insignificant proportion of the people in this age group used marijuana by age 15 — the federal government estimates “0.0%” — it is safe to say that usage rates among 15-year-olds were nonexistent both immediately before and after prohibition.⁷

The percentage of those born between 1919 and 1929 who report having tried marijuana before age 21 was only 0.4%. This

Adolescent Marijuana Use Has Increased Since Marijuana Prohibition Was Enacted in the U.S. in 1937



number has been increasing throughout the century: The rate for those born between 1966 and 1970 was 51.4%.

Usage rates for young people peaked in 1979 — many decades after the passage of prohibition.

Although there are too many variables to permit the inference that prohibition actually caused this tremendous increase in usage rates, prohibition has unquestionably failed to prevent adolescent marijuana use.

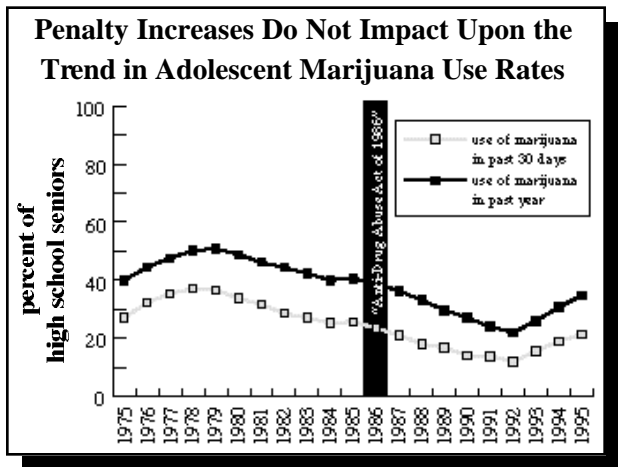
2. Increases in Severity of Marijuana Penalties Did Not Affect Adolescent Usage Rates in the 1980s — Admitted use of marijuana by adolescents peaked in the late 1970s. A common assumption is that the intensified “drug war” of the 1980s caused the decline in usage rates. In fact, marijuana penalty increases (including lengthy mandatory minimum prison sentences) were not enacted until 1986.⁸ The following graph illustrates how

⁶Personal communication with Lloyd Johnston, Ph.D., at the National Institute on Drug Abuse’s National Conference on Marijuana Use: Prevention, Treatment, and Research (July 19, 1995).

⁷*Trends in the Incidence of Drug Use in the United States, 1919-1992*, R. Johnson, et al.; Substance Abuse and Mental Health Services Administration Office of Applied Studies; Rockville, MD: U.S. Department of Health and Human Services (HHS), 1996, p. 83.

⁸“The Development of the Federal Sentencing Guideline for Drug Trafficking Offenses,” R. Scotkin; *Criminal Law Bulletin*, 1990; reprinted in United States Sentencing Commission Reprint Series, Volume I; Washington, D.C.: USGPO, June 1992; Pp. 255-256.

usage rates declined during the 1980s. Note that marijuana usage rates declined steadily at the same rate both before and after the penalty increase.⁹ Additionally, usage rates have increased during the 1990s, yet the harsher penalties have remained in place all the while.



In sum, just as removing or decreasing criminal penalties does not appear to increase marijuana use, adding or increasing penalties does not appear to decrease use.

II. Why Prohibition Does Not Curtail Adolescent Marijuana Use: An Examination of the Underlying Assumptions

It may seem hard to believe that criminal prohibition does not prevent use, since there is such a widespread assumption that it does. Therefore, let us examine the possible mechanisms through which marijuana prohibition could curtail use.

A. Availability

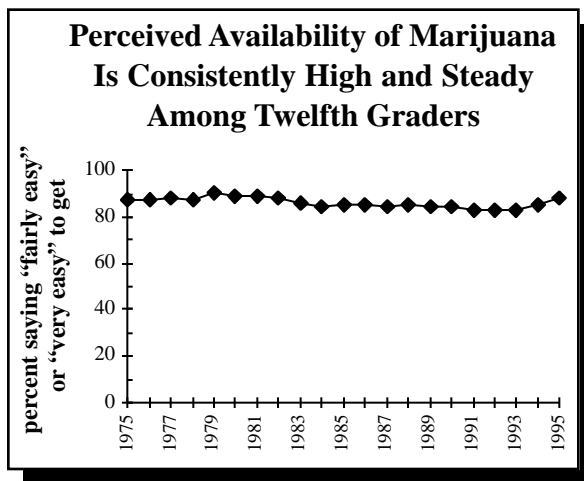
One common assumption is that marijuana prohibition reduces the availability

of marijuana to adolescents. That assumption is false: Prohibition has not made a dent in availability.

1. According to the federally funded Monitoring the Future survey, the perceived availability of marijuana among high school seniors has remained high and steady despite decades of a nationwide drug war.

Every year, about 85% of the nation's high school seniors report that marijuana is "fairly easy" or "very easy" to obtain.¹⁰

During this time period, the severity of the penalties and the number of arrests have fluctuated considerably. Yet marijuana has consistently remained easy to obtain for most American high school seniors.

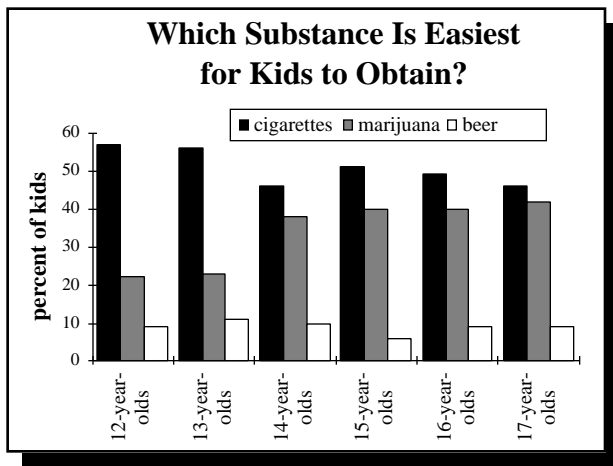


2. The Center on Addiction and Substance Abuse (CASA), a prohibitionist research and advocacy group in New York, found that teenagers consider marijuana even easier to obtain than beer, as the following graph illustrates.¹¹

⁹National Survey Results on Drug Use from the Monitoring the Future Study, 1975-1995, L. Johnston, J. Bachman, and P. O'Malley; HHS, National Institute on Drug Abuse; Washington, D.C.: USGPO, 1996 (Table 12, p. 88 and Table13, p. 89).

¹⁰Ibid note 9 (Table 30, p. 270).

¹¹National Survey of American Attitudes on Substance Abuse II: Teens and Their Parents, Luntz Research Companies for the National Center on Addiction and Substance Abuse (CASA); New York: CASA at Columbia University, 1996.



In this same survey, 68% of the 17-year-olds reported that they can “buy marijuana within a day,” and 62% have “friends who use marijuana.”

B. Deterrence

Another common assumption is that the laws deter marijuana use. But there is evidence that marijuana prohibition does not deter use, as very few people who do not use marijuana base their decision on a fear of being caught.

1. A 1993 report reprinted by the RAND Corporation notes that in several public opinion surveys, “non-users have been much more likely to mention ‘not interested’ than ‘fear of legal reprisals’ as the primary reason why they did not use marijuana.”¹²

2. By way of analogy, a 1997 survey of parents by the Hazelden Foundation, a drug treatment organization, found that only 7% of parents consider the statement “Underage drinking is illegal” to be most effective at

keeping kids from drinking. More than 75% considered warnings about accidents and health hazards to be most effective.¹³ If laws against underage drinking are not very effective deterrents, it seems reasonable that laws against marijuana use are not effective deterrents, either.

C. Social Disapproval

While some people find it important to be viewed as law-abiding citizens and will avoid using marijuana because it is illegal, this use-limiting factor for some teens may be counterbalanced by the “forbidden fruit” effect for others. (See Section III.A below.)

In sum, prohibition seems to have a very slight, if any, effect on preventing some people from using marijuana. However, the small effect that may exist is counterbalanced by prohibition’s numerous counterproductive effects on drug abuse prevention, as detailed below.

III. How Marijuana Prohibition May Actually Contribute to Adolescent Marijuana Use

A. “Forbidden Fruit” Effect

A 1996 *Washington Post* article, “Marijuana Users’ Air of Defiance,” quoted several local students’ opinions that marijuana is “cool” and that pot smokers get “respect.”¹⁴ A National Council on Crime and Delinquency publication notes that children “are sometimes attracted to drugs because they are illegal.”¹⁵

¹²“Drugs and the Law: A Psychological Analysis of Drug Prohibition,” *Psychological Bulletin*, 113(3), R. MacCoun; 1993; Pp. 497-512; reprinted in the RAND Reprint Series (#209).

¹³“Hazelden Youth and Addiction Survey Results,” Hazelden Foundation; Center City, MN: Hazelden, June 1997.

¹⁴“Marijuana Users’ Air of Defiance,” *The Washington Post*, R. O’Harrow, Jr., & E. Wee; August 3, 1996; Pp.A1, A12, A14.

¹⁵“Kids, Drugs, and Drug Education: A Harm Reduction Approach,” M. Rosenbaum; San Francisco: The National Council on Crime and Delinquency, August 1996.

Best-selling natural health author Andrew Weil, M.D., wrote in 1993, “Because drugs are so surrounded by taboos, they invite rebellious behavior. ... Unfortunately, our society’s attempt to control drug-taking by making some substances illegal plays into the hands of rebellious children.”¹⁶

The Netherlands Institute of Mental Health and Addiction explains that in order to prevent alcohol and drug abuse, these substances must be “stripped of their taboo image and of the sensational and emotional tone of voice that did in fact act as an attraction.”¹⁷

B. Effective Education Thwarted

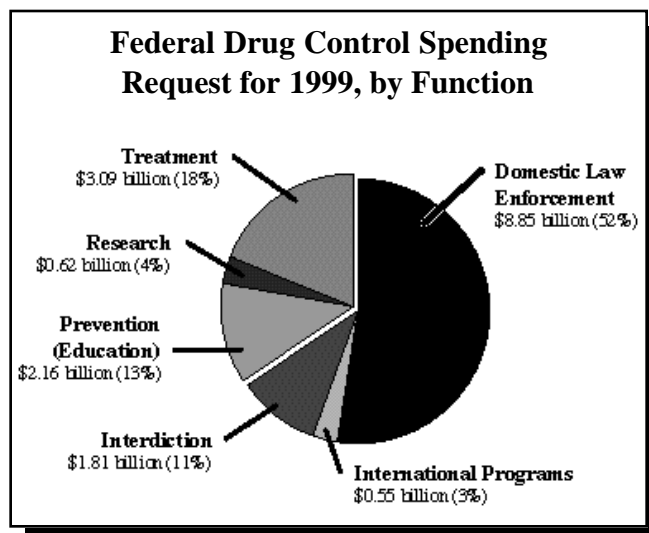
Another reason marijuana prohibition may increase use is that effective education is thwarted, as described below.

1. Funding Priorities Twisted —

Prohibition is, by its very nature, a criminal justice system enterprise. Enforcing laws against millions of Americans requires an enormous amount of spending, which cuts into the percentage of the drug budget that might otherwise be available for drug education programs.

The federal government fairly consistently spends about 10% of its drug control budget on prevention/education and more than 50% on domestic law enforcement, as the following pie-chart illustrates.¹⁸

State and local efforts are also heavily oriented toward enforcement. In 1991 — the



most recent year for which data could be found — state and local governments spent about 80% of their budgets on enforcement, court, and prison costs.¹⁹ Indeed, the number of arrests has been increasing in recent years, with a record-breaking 641,642 state and local marijuana arrests — 85.2% for simple possession — in the United States in 1996.²⁰ This new escalation did not prevent reported adolescent marijuana use from increasing.

2. Ineffective Programs Favored —

Simply increasing the amount of money spent on prevention programs would not, by itself, reduce adolescent marijuana use if the money was not spent wisely. Unfortunately, several studies have shown the government’s favored program, Drug Abuse Resistance Education (D.A.R.E.), to be ineffective.

A government-funded Research Triangle Institute study found that D.A.R.E. students were no less likely to use drugs than students

¹⁶From *Chocolate to Morphine: Everything You Need to Know About Mind-Altering Drugs* (Revised and Updated), A. Weil & W. Rosen; Boston: Houghton Mifflin, 1993.

¹⁷“Education and Prevention Policy Alcohol and Drug Fact Sheet,” Netherlands Institute of Mental Health and Addiction; Utrecht, Netherlands: Trimbos-instituut; 1996.

¹⁸1998 *National Drug Control Strategy*, Office of National Drug Control Policy; Washington, D.C., 1998.

¹⁹1994 *National Drug Control Strategy*; Office of National Drug Control Policy; Washington, D.C., 1994.

²⁰*Crime in the United States: 1996*, FBI Uniform Crime Reports; Washington, D.C.: USGPO, 1997; Pp. 213-214.

not involved in the program. The authors concluded, “D.A.R.E. could be taking the place of other, more beneficial drug use curricula that adolescents could be receiving.”²¹

California state-funded researchers conducted a statewide evaluation of the California Drug, Alcohol, and Tobacco Education (DATE) program from 1991-1994. DATE includes programs such as D.A.R.E. and Red Ribbon Weeks. The surveys found that 40% of the students surveyed in California were “not at all” influenced by these programs, with only 15% influenced “a lot” or “completely.” Nearly 70% described a “neutral to negative affect [feelings] toward educators.”²²

Nevertheless, the D.A.R.E. program continues to receive about \$600 million a year from federal, state, and local governments.²³ The reason seems to be that D.A.R.E. is a “feel-good” program for drug war supporters and for parents who want to believe that something is being done to educate their kids about drugs. Founded by former Los Angeles police chief Daryl Gates, D.A.R.E. involves the use of uniformed police officers teaching kids about a public health issue. This is rarely questioned, as it would be if police were teaching kids about sex, hygiene, or dental care. But it is part and parcel of a prohibition system to have the enforcers so intimately involved in every facet of drug control.

3. Credibility Is Hurt When Students Perceive Hypocrisy and Ulterior Motives —

Regardless of who is teaching drug education, the educators start with two strikes against them. First, as a journal article reprinted by RAND notes, “Many critics have claimed that ... the licit status of alcohol and tobacco makes our current regime hypocritical. [S]uch perceptions, to the extent that they are shared by the general public, actually undermine the effectiveness of drug laws.”²⁴

Second, prevention programs are less likely to influence adolescents when they believe that the programs are primarily prohibitionist propaganda. Many students who participated in focus groups for the aforementioned California DATE study expressed this belief, e.g., “They lie to you so you won’t do it [drugs]” and “I don’t think the schools are for like helping [sic], it’s just for getting the bad kids out [of school].”²⁵

IV. How Marijuana Prohibition Contributes to Adolescents’ Use of Hard Drugs

Even more disturbing than marijuana prohibition’s effects on marijuana use is that marijuana prohibition actually may increase the likelihood that adolescents will use hard drugs.

A. Dutch Youth Less Likely to Try Cocaine

As previously mentioned, marijuana is legally tolerated in Holland. In 1994, only

²¹“How Effective is Drug Abuse Resistance Education?: A Meta-Analysis of Project D.A.R.E. Outcome Evaluations,” *American Journal of Public Health*, 84(9), S. Ennett *et al.*; September 1994; Pp. 1394-1401.

²²“Students and Substances: Social Power in Drug Education,” *Educational Evaluation and Policy Analysis*, 19(1), J. Brown, M. D’Emidio-Caston, and J. Pollard; Spring 1997; Pp. 65-82.

²³“Don’t You D.A.R.E.,” *The New Republic*, Stephen Glass; March 3, 1997; p. 19.

²⁴Ibid note 12.

²⁵Ibid note 22.

0.3% of 12- to 17-year-olds in Amsterdam had ever tried cocaine. The rate among American 12- to 17-year-olds was 1.7% — more than 5 times as prevalent.²⁶

B. Marijuana Prohibition Creates Mixed Drug Markets

Alcohol users in the United States generally do not need to come into contact with people who are using or selling other illegal substances.

In Holland, the marijuana market is regulated and therefore separated from the market of hard drugs such as cocaine and heroin.

A publication by the National Institute on Drug Abuse in the U.S. implies that mixed markets are responsible for the gateway effect: “Using marijuana puts children and teens in contact with people who are users and sellers of other drugs. So there is more of a chance for a marijuana user to be exposed to and urged to try more drugs.”²⁷

C. Diminished Credibility

Policies and education programs that exaggerate the dangers of marijuana damage the credibility of the warnings against using more dangerous substances.

Advocates of prohibition are now on a campaign to convince the public that

marijuana is a hard drug, not much different from cocaine or heroin. For example, Joseph Califano, president of CASA, asserted that people should be “calling marijuana what it is: a hard drug. ... ”²⁸

What would happen if adolescent marijuana users started to consider themselves to be “hard drug” users? Would such a perception increase or decrease the chances that they would use other hard drugs? With heroin usage rates already rising among young people, wouldn’t it be smarter to draw a strong distinction between marijuana and truly hard drugs?

V. Conclusions

- ◆ Existing scientific evidence indicates that the prohibition of marijuana does not curtail adolescent marijuana use.
- ◆ The prohibition of marijuana has not decreased availability or served as an effective deterrent.
- ◆ Marijuana prohibition may actually increase adolescent marijuana use.
- ◆ Marijuana prohibition may increase the likelihood that marijuana users will use hard drugs.
- ◆ Existing evidence indicates that removing criminal penalties for the personal use and acquisition of marijuana would not lead to an increase in use among adolescents.

²⁶*Licit and Illicit Drug Use in Amsterdam II*, J. Sandwijk, et al.; Amsterdam, Netherlands: University of Amsterdam, 1995; and *Preliminary Estimates from the 1995 National Household Survey on Drug Abuse*, Advance Report Number 18, Substance Abuse and Mental Health Services Administration; Washington, D.C.: U.S. Department of Health and Human Services, 1996; p. 92; both reports cited in *Marijuana Myths, Marijuana Facts: A Review of the Scientific Evidence*, L. Zimmer & J. Morgan; New York: The Lindesmith Center, 1997.

²⁷“Marijuana: Facts Parents Need to Know,” National Institute on Drug Abuse; Washington, D.C.: USGPO, 1995.

²⁸“Marijuana: It’s a Hard Drug,” *The Washington Post*, J. Califano; Washington, D.C., September 30, 1997; p. A21.

This report was commissioned by Steven C. Markoff, a Santa Monica, California, businessman interested in U.S. drug policy.

This report is one of a series that looks at various facts related to our nation's drug policy.

Reports include:

- #1 *"State-by-State Medicinal Marijuana Laws"*
- #2 *"Addictiveness of Marijuana vs. Five Commonly Used Drugs"*
- #3 *"Marijuana's Contribution to Preventable Deaths in the United States in 1990"*
- #4 *"Some of the Drugs America Takes"*
- #5 *"Marijuana Prohibition Has Not Curtailed Marijuana Use by Adolescents"*

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