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Why California should just say no to Prop. 19

Taxing marijuana sales wouldn't bring in much money because homegrown is tax free, drug officials say. Besides, any revenue would be wiped out by increases in healthcare and criminal justice costs.

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This commentary was written by Gil Kerlikowske, John Walters, Barry McCaffrey, Lee Brown, Bob Martinez and William Bennett, directors of the Office of National Drug Control Policy in the administrations of Presidents Obama, George W. Bush, Bill Clinton and George H.W. Bush.

Californians will face an important decision in November when they vote on whether to legalize marijuana. Proponents of Proposition 19, the Regulate, Control and Tax Cannabis Act of 2010, rely on two main arguments: that legalizing and taxing marijuana would generate much-needed revenue, and that legalization would allow law enforcement to focus on other crimes. As experts in the field of drug policy, policing, prevention, education and treatment, we can report that neither of these claims withstand scrutiny.

No country in the world has legalized marijuana to the extent envisioned by Proposition 19, so it is impossible to predict precisely the consequences of wholesale legalization. We can say with near certainty, however, that marijuana use would increase if it were legal, because some people now abstain simply because it is illegal.

We also know that increased use brings increased social costs.

Proponents of marijuana legalization often point to Amsterdam's "coffee shop" marijuana sales, rarely mentioning that the Dutch have dramatically reduced what at one time were thousands of shops to only a few hundred — after being inundated with "drug tourists," drug-related organized crime involvement and public nuisance problems. During the period of marijuana commercialization and expansion, there was a tripling of lifetime use rates and a more than doubling of past-month use among 18- to 20-year-olds, according to independent research.

Closer to home, in a nationally representative roadside survey, the National Highway Traffic Safety Administration found that 8% of nighttime weekend drivers tested positive for marijuana. The vast majority were tested using an oral swab procedure that makes it highly unlikely that the use occurred more than four hours prior.

A 2004 meta-analysis published in the journal *Drug and Alcohol Review* of studies conducted in several localities showed that between 4% and 14% of drivers who sustained injuries or died in traffic accidents tested positive for delta-9-tetrahydrocannabinol, or THC, the active ingredient in marijuana. Because marijuana negatively affects drivers' judgment, motor skills and reaction time, it stands to reason that legalizing marijuana would lead to more accidents and fatalities involving drivers under its influence.

Regarding the supposed economic benefits of taxing marijuana, some comparison with two drugs that are already regulated and taxed — alcohol and tobacco — is worth considering. People don't typically grow their own tobacco or distill their own spirits, so consumers accept high taxes on them as retail products. Marijuana, though, is easy and cheap to cultivate, indoors or out, and Proposition 19 would allow individuals to grow as much as 25 square feet of marijuana for "personal consumption."

Why would people volunteer to pay high taxes on marijuana if it were legalized? The answer is that many would not, and the underground market, adapting to undercut any new taxes, would barely diminish at all.

The current healthcare and criminal justice costs associated with alcohol and tobacco far surpass the tax revenue they generate, and very little of the taxes collected on these substances is contributed to offsetting their substantial social and health costs. For every dollar society collects in taxes on alcohol, for example, we end up spending eight more in social costs. That is hardly a recipe for fiscal health.

A recent Rand Corp. report, "Altered State," found that it is difficult to predict estimated revenue from marijuana taxes, and that legalization would increase consumption but could also lead to widespread tax evasion and a "race to the bottom" in terms of local tax rates.

Another pro-legalization argument is that it would free up law enforcement resources to concentrate on "real" crimes. Two of us are former police chiefs, who in our combined careers protected five of America's largest cities, including New York, Houston and Seattle, and served as elected heads of the nation's largest professional police associations. We interacted with tens of thousands of officers, and it is our experience that an overwhelming majority of police professionals does not support legalizing marijuana.

Law enforcement officers do not currently focus much effort on arresting adults whose only crime is possessing small amounts of marijuana. This proposition would burden them with new and complicated enforcement duties. The proposition would require officers to enforce laws against "ingesting or smoking marijuana while minors are present." Would this apply in a private home? And is a minor "present" if they are 15 feet away, or 20? Perhaps California law enforcement officers will be required to carry tape measures next to their handcuffs.

As should be evident, despite the millions spent on marketing the idea, legalized marijuana can't solve California's budget crisis or reduce criminal justice costs. Our combined opposition to this ill-considered scheme spans four different administrations and represents the collective wisdom of a former secretary of Education, a governor, a mayor and teacher, an Army general, a drug policy researcher and two police chiefs. Our opposition to legalizing marijuana is grounded not in ideology but in facts and experience.

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