

of other countries) goes against death. Was there any other way to lose so many lives? The war against drugs is a war against death. Was there any other way to lose so many lives? The war against drugs is a war against death. Was there any other way to lose so many lives?

If every man has to die, it doesn't matter very much what he does. The war against drugs is a war against death. Was there any other way to lose so many lives? The war against drugs is a war against death. Was there any other way to lose so many lives?

Even the legalizers' argument that the purchase and use of drugs is as freely as Milton Friedman would say is necessary result of the free market and other official policy in our lives doesn't stand up. The contrary, if the use of stimulants were to become universal, as is by no means the case, the number of situations in which security checks upon people would be carried out, for reasons of safety, would increase. Pharmacies, banks, and other organizations—indeed, all organizations dealing with the public—might be required to check regularly and to check on the drug consumption of their employees. The general use of drugs would increase the number of innumerable agencies that would be required to interfere in our freedom from interference. The number of agencies, having increased, would be shrunk.

The present situation is not ideal; but few are the statesmen who realize that they cannot be made worse by a wrong policy decision.

The extreme intellectual opposition to the proposal to legalize

distribution and consumption of drugs, touted as the solution to so many problems at once (AIDS, crime, overcrowding in the prisons, and even the attractiveness of drugs to foolish young people) should give rise to skepticism. Social problems are not usually like that. Analogies with the Prohibition era, often drawn by those who would legalize drugs, are false and exact: it is one thing to attempt to

ban a substance that has been in customary use for centuries by at least nine-tenths of the adult population, and quite another to retain a ban on substances that are still not in customary use, in an attempt to ensure that they never do become customary. Surely we have already slid down enough slippery slopes in the last 30 years without looking for more such slopes to slide down. ■

Social Consequences of the War on Drugs

The Legacy of Failed Policy

Eric L. Jensen, Jurg Gerber and Clayton Mosher

In a previous article, we argued that the 1986 War on Drugs has resulted in some of the most extensive changes in criminal justice policy and the operations of the justice system in the United States since the due process revolution of the 1960s. This most recent in a series of drug wars in the United States has now lasted almost 20 years. Although huge amounts of economic resources, \$18.8 billion by the federal government in fiscal year 2002 alone, personnel, and massive prison construction have been hurled at the problem, the drug war has failed

to eliminate illegal drug use. In fact, the Household Survey of Drug Abuse shows that illegal drug use was declining substantially in the 6 to 7 years before the drug war was declared by President Reagan and continued this downturn for the next 6 years with fluctuations occurring since the early 1990s. Given this seemingly natural downturn—which was occurring in Canada also—the drug war seems to have had no effect on illegal drug use.

The war on drugs and its influences on the criminal justice system have received a great deal of attention

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from criminologists and other social scientists. Prison populations have exploded with persons convicted of drug offenses. Between 1980 and 2001, the number of persons in state and federal prisons for drug offenses increased by approximately 1,300%. Incarceration and prison construction have become major industries; in part replacing the old rust belt industries that were the economic backbone of America for decades. Law enforcement personnel are being redirected away from handling other types of crimes in favor of drug offenses. Criminal courts are so overloaded with drug cases that special drug courts have been created to more speedily handle the burdensome caseloads. For the first time in American history much harsher sentences are required for one form of an illegal drug (crack) than another form of the same substance (powder cocaine). Attempts have been made to criminalize the behavior of pregnant women by charging them with delivery of drugs to a minor. If these charges fail—as they most often do—child protection services have been used to remove the baby from its mother.

The drug war has also spread over into the civil arena. This pandemic spillover of state intrusion into the civil arena in the name of controlling crime represents a rapid and drastic slide down the slippery slope of reducing what heretofore were considered the due process rights of Americans. The most pervasive example of crime control absent due process is the civil forfeiture of assets in drug-related cases. Law enforcement agencies seized nearly \$7 billion in allegedly drug-related assets from

fiscal year 1985 through 1999. When law enforcement is partially financed, it becomes less accountable to the public.

Public school students are required to take drug tests in an increasing number of schools even when drugs have not been shown to be a serious problem in the school. Drug-sniffing dogs are frequently used in schools and school parking lots to uncover illegal drugs without warrants.

The U.S. drug war is becoming global. The federal government is attempting to influence the governments of other nations throughout the world to deal with drug issues as the U.S. government sees fit. This international arm twisting and cajoling interferes with the sovereignty of foreign governments.

Although criminologists are aware of this multitude of problems in the justice system outcomes associated with the War on Drugs, we must begin to consider the widespread social, economic, health, political, and human costs of the current anti-drug crusade. The objective of this article is to bring attention to these broad societal costs of the drug war. Drug policy has become a major force in the lives of millions of persons caught in the justice system; the same holds true for millions of their family members, relatives, and friends; and the city communities that suffer as a result of the policies emanating from this state-constructed moral panic.

What does the future hold for millions of young men—disproportionately African American—who come out of prison to face a new life stigmatized as ex-convicts and

1995 through 1999. When the government is partially self-funded, it becomes less accountable.

School students are required to take drug tests in an increasing number of schools even though they have not been shown to be effective in the school. Drug searches are frequently used in school parking lots to find drugs without search warrants.

The drug war is becoming a federal government initiative that influences the governance of states throughout the country with drug issues as the federal government sees fit. This intervention is a meddling and cajoling interference in the sovereignty of foreign nations.

Criminologists are studying the multitude of problematic outcomes associated with the drug war. We must now consider the widespread health, political, and economic effects of the current antidrug war. The objective of this article is to contribute to these broader issues of the drug war. Drug wars are a major force in the lives of persons caught in the drug war; the same holds true for their family members, friends; and the inner-city communities that suffer as a result of the drug war emanating from the drug war moral panic.

What the future hold for the young men—disproportionately African American—who will be in prison to face a new wave of ex-convicts and drug

addicts? Will they find living-wage jobs and form stable families or return to the destructive lifestyles of their youth? How is the legitimate political influence of African Americans being influenced by the loss of the right to vote of millions of young, Black men who are convicted felons? How have repressive policies regarding syringes led to the spread of HIV/AIDS? The prison construction boom of the 1980s and 1990s may lead to the need for continued, expanded wars on crime when the cohorts of young men are smaller in the future—capacity causes utilization. Crime control is now a basic industry in the United States. The benefits of medical cannabis use for the chronically ill may not be realized due to the active federal intervention to stop state initiatives that allow it. These are the broader issues that we will begin to draw attention to in this article.

Prison Capacity: If you Build it, They must Come

It has been argued by some criminologists that the creation of prison capacity generates the prisoners to fill this capacity; others assert that limited prison capacity acts as a constraint on prison populations. In the late 1960s, criminologists and other analysts of criminal justice system trends, perhaps deluded by the increased use of alternative sanctions such as probation, predicted a leveling-off, or even declines in the overall level of imprisonment in the United States. The President's Commission on Law Enforcement and Administration of Justice predicted that the increased use of community programs would

curtail institutional growth: "the population projection for the prison system shows the smallest aggregate increase of any of the correctional activities." In addition to the impact of alternative sanctions on prison populations, some held that judicial decisions on prison overcrowding in the 1970s, which prevented corrections officials in some states from receiving new inmates and even ordered some facilities closed, presaged a decline in the use of incarceration.

As early as 1971, however, the American Friends Service Committee argued that the result of providing new cell space was "inevitable: the coercive net of the justice system will be spread over a larger number of people, trapping them for longer periods of time." Similarly, a 1980 study sponsored by the National Institute of Justice, while indicating that the data were only "suggestive," asserted that

as a matter of history, this study has found that state prison populations were more likely to increase in years immediately following construction than at any other time, and that increases in the numbers of inmates closely approximates the change in capacity.

Between 1990 and 1999, the total number of inmates in state and federal prisons increased 75%. State prisoners increased by 71% and federal prisoners by 127%. States with the largest increases in prison populations during this time were Texas (173%), Idaho (147%), West Virginia (126%), and Hawaii (124%). California has built 21 new prisons in the last 20 years and increased its inmate population eightfold. As Schlosser has noted, the

number of drug offenders imprisoned in California in 1997 was more than twice the number imprisoned for all crimes in 1978.

During the mid-1990s, an average of three 500-bed prison facilities have opened *each week* in the United States. Christie in his provocatively titled book *Crime Control as Industry*, refers to low-level offenders as the "raw material" for prison expansion. He suggests that the prison industry needs inmates just as the paper industry needs trees—the key difference, however, is that trees may well turn out to be a finite resource.

And of course, the war on drugs has led to unprecedented racial disproportions in our prison population. Donzinger estimated that if current growth rates continue for the next 10 years, by the year 2020 more than 6 in 10 African American males between the ages of 18 and 34 will be incarcerated, with the total prison population topping 10 million. And once built at an average cost of \$100,000 per cell, these prison beds must be occupied.

Significant developments in the 1980s and into the 1990s would appear to indicate that the incredible recent growth rates in incarcerated populations will not soon abate; although the rate of growth in prison populations slowed somewhat from 1999 through 2001. Consider, in this context, the rising rates of juvenile incarceration and the continual calls for transferring more juveniles to adult court. There is also the issue of the increasing involvement of private companies in the imprisonment business; the globalization of the economy, whereby companies that are unwilling or unable to obtain cheap labor in Third World

countries are making increased use of prison labor, and the growing dependence of rural communities in securing jobs as a means of economic development. As a prison liaison group in a rural Michigan jurisdiction notes, "this is going to mean more jobs, more money to the community, there's no possible way for those who are in there to get out, so we just reap the benefit."

There is of course a very real irony in all these developments: as state governments take funds for education and social programs to expand their prison systems, cities are less able to compete in an increasingly competitive marketplace. The result will be low employment opportunities, limited, and more people will live in poverty. Such conditions are criminogenic, but instead of investing in programs to prevent criminal activity, the government spends dollars on the final result of the poverty cycle.

As Schlosser recently pointed out, there are several similarities between the emergent prison-industrial complex and the military-industrial complex that it appears to have superseded. Although crime has replaced communism as the external evil that is exploited by politicians, the most striking similarity between the two is the need to create policies that are more concerned with the economic interests of the industry than the needs of the public it allegedly serves. In addition, the policies allegedly create significant employment opportunities in communities where prisons are located, thereby tying the economic growth of literally millions of people to the growth of the crime control industry. Finally, both the military and prison industries have an internal logic.

allows them to benefit regardless of whether their policies succeed or fail. As Donzinger notes,

if we lose a war, we need more weapons to win the next one; if we win a war, we need more weapons so we can keep on winning; if crime is up, we need more prisons to lower crime, if crime is down, we need more prisons so it stays down.

The importance of labor market conditions was also emphasized by Sellin who argued that "the demands of the labor market shape(d) the penal system and determined its transformation over the years, more or less unaffected by the theories of punishment in vogue." Similarly, Rusche and Kirchheimer in their classic historical-comparative study of prisons, noted that compared to European countries, the United States was characterized by a shortage of labor in the early industrial period, with the result that convict labor needed to be productive. However, this position has been critiqued for its tendency to economic reductionism. In a recent comparative study of the influences on rates of imprisonment from 1955 to 1985, Sutton found that significant predictors of growth in prison populations in the United States were higher rates of unemployment, the right-party (Republican) domination of the cabinet, and declines in welfare spending.

Diminished Life Chances: Incarceration, Joblessness, and Weak Social Bonds

Between 1980 and 2001, the number of persons incarcerated in state prisons in the United States grew by 316%.

Furthermore, the number of incarcerated persons per 100,000 population rose from 139 in 1980 to 470 in 2001. Interestingly, "tough on crime" policies implemented during the Clinton administration resulted in the largest increases in federal and state prison populations of any president in American history.

Incarceration is concentrated among young, uneducated males; particularly African Americans. In 1999, over 44% of the number of inmates in state and federal prisons and local jails were Black, and 11% of Black males in their 20s and early 30s were either in prison or jail in 1999. In the mid-1990s, one out of every three young Black males was under some form of state supervision.

A growing proportion of prison inmates has been convicted of nonviolent drug offenses. In 1979, 6% of state prison inmates were convicted of nonviolent drug offenses, whereas in 1998 the proportion had increased to nearly 21%, nearly a fourfold increase. In 1985, before the declaration of a new war on drugs and the passage of harsh federal antidrug legislation, 34% of federal prisoners were incarcerated for drug offenses. By 1998, 58% of federal prisoners had been sentenced for drug offenses.

Furthermore, sentences for drug offenses are long in comparison to other crimes. In 2000, mean times served for selected federal offenses were as follows: drug offenses 41 months, violent crimes 54 months, fraudulent property crimes 15 months and other property crimes 19 months. Thus, average times served for drug offenses were closer to those for violent crimes than for property offenses.

It has also been found that African Americans are more likely than Whites to be in prison for drug offenses. This disproportionality of incarceration by race is exacerbated by the infamous 100:1 sentencing ratio for crack offenses. In 1996, 86% of federal convictions for crack offenses were Black whereas only 5% were White. In addition, the median sentence for Blacks convicted of a federal drug offense was 84 months—2 years longer than the average sentence for a violent crime—whereas it was 46 months for Whites. Thus, Blacks experience the brunt of these extremely harsh crack sanctions.

In sum, the end result of these changes in penalties and prosecution of drug offenses is a large number of young, Black males in prison for such offenses. Additionally, they are serving long prison terms in comparison to many other inmates. Although the effects of this change in patterns of imprisonment for the criminal justice system are intuitively obvious, we must turn our attention to the long-term effects on society, specifically the unemployment and further marginalization of these men once they are released from prison.

Research has clearly shown that the likelihood of unemployment increases as a result of incarceration. Western and Beckett found that incarceration has large negative effects on the employment of ex-prisoners, which decay 3 to 4 years after release. Changes in public policies since the Reagan Administration years have exacerbated this problem. As Petersilia has recently pointed out, "dozens of laws were passed restricting the kinds of jobs for

which ex-prisoners can be hired, the requirements for their parole rights to be terminated, restricting access to welfare benefits and public housing, disqualifying them from a host of job training programs." In addition, the ability to find and retain employment are key factors in forming bonds to the conventional society and distance from criminal behavior.

Employment, and the lack thereof, is related to marriage. Studies cited by Wilson found that 20% to 25% of the decline in marriage rates of African Americans is due to the joblessness of Black males. This is particularly problematic for young Black males. In addition, these studies were of general samples of African Americans and not specific to the low-income communities from which most ex-prisoners are sentenced. The effect of the explosion in joblessness in inner cities combined with the obstacles faced by ex-prisoners finding employment can be expected to produce larger negative outcomes in these communities.

Research by Sampson found that both the total sex ratios and employment prospects of Black men had independent effects on the structure of Black families in cities in the United States: "this race-specific interaction clearly supports Wilson's hypothesis regarding the structural sources of black family disruption." In this earlier work, Wilson proposed that the ratio of employed men to 100 women of the same age and race influenced marital stability. With the decline in the number of economically stable Black men, Black female-headed households increased.

specifically, Sampson also found strong independent effects of sex ratios and employment on family disruption among those families in poverty. That is, "the lower the sex ratio and the lower the male employment rate, the higher the rate of female-headed families with children in poverty."

Furthermore, one of the strongest predictors of urban violence is family structure. With other factors controlled, "in cities where family disruption is high the rate of violence is also high." Based on his earlier work, the author states that this causal connection appears to be based in patterns of community social ties and informal networks of social control.

The causal chain between incarceration, joblessness, and weak social bonds is therefore long and complex. As stated by Sampson and Laub,

job stability and marital attachment in adulthood were significantly related to changes in adult crime—the stronger the adult ties to work and family, the less the crime . . . We even found that strong marital attachment inhibits crime and deviance regardless of the spouse's own deviant behavior, and that job instability fosters crime regardless of heavy drinking. Moreover, social bonds to employment were directly influenced by State sanctions—incarceration as a juvenile and as an adult had negative effects on later job stability, which in turn was negatively related to continued involvement in crime over the life course.

Thus, the binge of imprisonment for drug offenses has substantial negative outcomes for society and inner-city African American communities in particular. The incarceration of large numbers of young Black men for drug offenses has created an artificially low unemployment rate in the United States in recent years.

In 2002 alone, nearly 600,000 people were released from prison. This puts hundreds of thousands of young Black men with the stigma of ex-convict back into primarily low-income urban communities each year. The obstacles they face in finding employment that provides a living wage and related marital stability should be focal points of public concern and social policy in the immediate future. As they currently exist, the punitive justice policies so popular in the United States today simply continue to fuel the social disorganization and decline of the most disadvantaged segments of our society. . . .

The War on Drugs and Disenfranchisement

One of the unanticipated consequences of the war on drugs is the disenfranchisement of a particular segment of society. Although most Americans will not be unduly disturbed by the prospect of convicted felons being unable to vote, the disproportionate impact of felony disenfranchisement on African Americans should be cause for concern.

Historically, the United States limited the right to vote to relatively few, primarily affluent White males, and excluded women, African Americans,

and the poor. One other category, convicted felons, were unable to vote as a result of the United States's adopting the European practice of declaring convicted offenders "civilly dead" on conviction. The felony disenfranchisement laws gained some additional currency after the Civil War when White Southerners sought to limit Black suffrage with the aid of supposedly race-neutral laws (e.g., grandfather clauses).

Depending on state legislation, convicted felons may not lose the right to vote; or lose it while in prison, on probation, on parole, or even *for life*. The numbers of disenfranchised people are exceptionally large, but the proportions of certain categories of people are even more disturbing:

- 3.9 million adults are currently or permanently disenfranchised as a result of a felony conviction;
- Florida and Texas have each disenfranchised more than 600,000 people;
- 73% of the disenfranchised are not in prison but are on probation, on parole, or have completed their sentences;
- In Alabama and Florida, 31% of all Black men are permanently disenfranchised;
- 13% of all adult Black men are currently disenfranchised;
- 1.4 million Black men are disenfranchised compared to 4.6 million Black men who voted in 1996. . . .

Unfortunately, if current trends continue, the situation will become worse. Mandatory minimum sentence laws, "three strikes" laws, and the war

on drugs will increase the number of disenfranchised people and, more likely, increase the racial disparity of this practice. The long-term consequence of this will be the further attenuation of African American political power. More than a decade ago, Walter D. Mignolo spoke of *The Truly Disadvantaged*. Not only is work disappearing, what political clout existed has eroded. Urban areas have traditionally been strongholds of minority politicians and politicians sympathetic to minority issues. The disenfranchisement of some of their supporters will lead to a political restructuring of the city. In turn, this will lead to even fewer programs for these populations. Instead, politicians will likely heed the calls for more "law and order" emanating from the remaining electorate. And the vicious spiral will continue.

Conclusions

Few scholars who study the war on drugs are not aware of some of the problems this war entails for the criminal justice system. In fact, many professionals in the field echo some of the concerns of academicians. Former federal drug czar Barry McCaffrey spoke of "America's internal war" when referring to the seemingly growing number of drug offenders in prisons. The irony of such a development must be overwhelming. Christie, should he be aware of McCaffrey's label.

Some positive developments are occurring at the state level, however. Since late 2000, Republican governors in at least seven states, including George Pataki in New York, Bill Johnson in New Mexico, and

will increase the number of disenfranchised people and increase the racial disparity in justice. The long-term consequences of this will be the further alienation of African American political leaders more than a decade ago. When the *Truly Disadvantaged* network disappeared, what little clout existed has eroded. These areas have traditionally been the base of minority politicians and have been sympathetic to minority rights. The disenfranchisement of voters and supporters will lead to a further alienation of the city. In turn, this will lead to even fewer programs for the poor. Instead, politicians will heed the calls for more "law and order" emanating from the remnants of the establishment. And the vicious spiral continues.

Conclusions

Researchers who study the war on drugs are not aware of some of the consequences this war entails for the criminal justice system. In fact, even researchers in the field echo some of the criticisms of academicians. Former federal drug czar Barry McCaffrey has called "America's internal gulag" referring to the seemingly ever-increasing number of drug offenders in prison. The irony of such a development should be overwhelming. Researchers should be aware of the "war on drugs" label.

Some positive developments are occurring at the state level, however. In the 2000, Republican governors won in at least seven states, including George W. Bush in New York, Gary Johnson in New Mexico, and Dick

Kempthorne in Idaho, have called for placing more drug offenders into treatment and fewer in prison—although the previous year Governor Kempthorne advocated and passed longer sentences for methamphetamine offenses. Although these developments can be viewed in a positive light, it is important not to lose sight of the opposition of many criminal justice officials in the states where these changes have been suggested and of recent developments at the federal level.

In Arizona and California, citizen initiatives have passed that provide drug treatment instead of prison for persons convicted of first- and second-time drug possession offenses when no violent crime is present. Although these laws have faced criticism by prosecutors, police, and judges who assert that the law does not give criminal justice authorities enough power to force offenders into treatment, the research shows that these laws are diverting tens of thousands of persons convicted of possession from incarceration into treatment.

In the November 2002 elections, the voters of the District of Columbia passed a measure similar to those in Arizona and California. This initiative requires that persons convicted of drug possession for a nonviolent offense receive treatment instead of incarceration. The law contains no funding for implementation of this policy, however.

Recent appointments to key positions in the federal government by President George W. Bush indicate that the war may not yet be over. Former Senator John Ashcroft, appointed U.S. Attorney General, has supported revoking the driver's

license of anyone arrested for marijuana possession, even if they were not driving at the time. He also supported evicting entire families from public housing if one of their members was suspected of using or selling drugs, even when the other family members were not involved. Ashcroft also opposes devoting funds to demand-side programs believing that a government that shifts resources to drug treatment and prevention programs instead of police and prisons "is a government that accommodates us at our lowest and least." President Bush also appointed John Walters to the position of federal drug czar, leading Smith to comment "Walters' appointment is the clearest sign yet that the Bush administration is committed to a punishment approach to the problems caused by illegal drugs." In 1996, Walters indicated that he opposed needle exchange programs on moral grounds; he also fervently opposes the decriminalization of marijuana. Walters actively campaigned against a marijuana initiative in the state of Nevada and in response to a proposal for decriminalization of marijuana in Canada, stated "If Canada wants to become the locus for that kind of activity, they're likely to pay a heavy price." As Stroup and Armentano suggest, "many of Mr. Walters more egregious claims about cannabis appear to have been lifted straight from the 1936 propaganda film [*Reefer Madness*]."

The rhetoric in recent federal documents might lead one to believe that there have been some changes, however. Witness, for example, the relative prominence that the prevention and treatment of drug abuse received in

the 2001 Annual Report of the National Drug Control Policy,

Preventing drug abuse in the first place is preferable to addressing the problem later through treatment and law enforcement. . . . There are approximately five million drug abusers who need immediate treatment and who constitute a major portion of domestic demand. . . . Accordingly, the *Strategy* focuses on treatment. Research clearly demonstrates that treatment works. . . . Providing access to treatment for America's chronic drug abusers is a worthwhile endeavor. It is both compassionate public policy and sound investment.

Unfortunately for the harm reduction effort, such rhetoric is offset by the reality of budgetary appropriations. An overview of the proportions of the budgets devoted to law enforcement and drug treatment during the decade of the 1990s indicates that there have not been major redistributions. Although there have been some increases in the percentage devoted to treatment, any declarations that the drug war is over are clearly premature.

However, it might be interesting to speculate how the end of the war on drugs would affect the consequences that we identified in this article. Although it seems highly improbable that we will witness such an event, it is theoretically possible that the war will be ended with the stroke of a few legislative, judicial, and executive pens. Even if this were

to occur, such an event would fundamentally change the adverse long-term consequences that have accumulated during the last 17 years. Only a comprehensive and vigorously enforced affirmative action-like program aimed at overcoming the negative consequences of the war would do so.

Incarceration provides an example. The mean time served for a federal drug sentence for a first offense is 41 months. Even if the war ended today, the most recently admitted convicts would remain in prison an average of well over 3 years. The only escape from this situation would be large-scale pardons for drug offenders. Obviously, this will not happen. Furthermore, the internal logic of prison expansion would also necessitate new "material" for the cell space that exists. If nothing else, states must pay off the long-term debts that have been encumbered for this unprecedented wave of prison construction. A new war on some other outlawed or yet to be outlawed, behavior would likely be the end result.

Postconviction employment would continue to be problematic for drug offenders. Given that the average time served is over 3 years and that employment difficulties are most pronounced for the first 3 to 4 years after release, employment difficulties would be with us for almost a decade after the end of the war on drugs. The problems associated with unemployment, such as mental instability and family violence, would also exist, and their effects would be passed on to yet another generation. . . . ■

III The Continuing Debate

What Is New

A number of states have passed laws making drug penalties less severe, and many states a first offense possession of a small amount of marijuana is treated as a misdemeanor with no incarceration; in addition, a number of states have passed medical marijuana laws allowing some patients legal access to marijuana to prevent nausea. The U.S. federal government, however, continues to pursue a very stern policy toward drugs: the federal Higher Education Act prohibits student loans to students convicted of any drug offense (including marijuana possession) and federal authorities vigorously pursue the prosecution of those who seek to supply and use medical marijuana.

The issue of medical marijuana has pitted several states against the federal government. Under the 1996 Federal Controlled Substances Act, no patients are allowed to use marijuana, though many patients and physicians have affirmed its value in relieving nausea and suffering (and ten states, including California, have approved the use of medical marijuana). In 2003, Ed Rosenthal—who was growing marijuana under a state contract for distribution to cancer patients—was charged with a violation of federal law, and tried in a federal court. Rosenthal was convicted; the jury, on learning all the facts of the case, appealed to the judge to reverse the verdict. The judge did not reverse the verdict, but sentenced Rosenthal to a single day in prison. Recently, the Ninth U.S. Circuit Court of Appeals ruled that medical marijuana usage is noncommercial and therefore its regulation is exclusively up to the states; the U.S. Supreme Court, in 2005, overruled the Ninth Circuit Court, concluding that Congress does have the power to regulate or forbid the growing and use of medical marijuana.

Where to Find More

Searching for Alternatives: Drug-Control Policy in the United States, edited by Melvyn B. Krauss and Edward P. Lazear (Stanford, CA: Hoover Institution Press, 1991), offers competing views on drug policies. Another good collection, arranged as opposing positions on different aspects of the drug controversy, is Rod L. Evans and Irwin M. Berent, editors, *Drug Legalization: For and Against* (La Salle, IL: Open Court, 1992). Another good collection, containing both pro and con views, is James A. Inciardi, *The Drug Legalization Debate* (Newbury Park, CA: Sage Publications, 1991). The journal *Criminal Justice Ethics* devoted its Winter/Spring 2003 issue to a symposium on Drug Legalization. Arnold Trebach and James Inciardi debate U.S. drug policy in *Legalize It? Debate on American Drug Policy* (Washington, DC: American University Press, 1993).

The Cato Institute generally supports minimizing the role of government and thus opposes government interference in the choices of adults, and so favors drug legalization. A major paper by James Ostrowski, "Thinking about Drug Legalization," argues in favor of drug legalization, and can be found