



## Legalizing marijuana might have negligible impact on border security

*Supporters of legal marijuana say it would help ease problems with drug smuggling at the southern border, but experts say drug cartels would probably just switch to other products.*

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Ann Lee is a lifelong Republican who's lived in Texas most of her 86 years. She's anti-abortion, supports small government and voted for Donald Trump.

Lee says she never smoked pot, even when she was younger. But she heads up a coalition of Republicans who support legalizing marijuana.

"I just don't like smoking. Period," said Lee, founder and executive director of Republicans Against Marijuana Prohibition. "I smoked tobacco when I was in college, but I stopped thanks to my beloved mother."

Lee is part of a growing coalition of Texans, Republicans and Democrats alike, who would like to see Texas turn green. According to a [2015 poll](#), almost 75 percent of Texans support marijuana's legalization or decriminalization.

"It is simply not conservative to support prohibition," Lee said.

Eight states and Washington, D.C., have legalized marijuana for recreational use, and 28 have legalized it for medical purposes, making weed licit in more than half of the country. Many states joined in during the November general election when recreational marijuana measures passed in four of five states where they were on the ballot, including California and Nevada.

While there have been some pushes in recent years for decriminalization and legalization in Texas, none have come to fruition. Like most of the south, Texas only allows limited legal use of oils containing CBD, a non-euphoric component of marijuana for medical purposes — specifically, certain Texas patients can be prescribed cannabis oil to help with epilepsy.

But the notion of legalizing the drug takes on special resonance in the state through which passes much of the marijuana smuggled illegally over the southern border. Texas spends hundreds of millions of dollars sending state troopers and equipment to the border — in part to catch drug smugglers — raising the question of whether it wouldn't make more sense to just make pot legal.

To the west, the other states straddling the southwest border have legalized either medical marijuana (New Mexico and Arizona) or recreational pot (California). As legal, domestically produced weed starts filling a share of the market, less appears to be arriving from Mexico.

Between fiscal year 2009 and August of fiscal year 2016, the number of pounds of marijuana seized by the border patrol dropped by more than half, suggesting that cartels are trafficking less marijuana than in years past.

But while they're dropping, pot seizures remain significantly larger than those of any other drug, according to the border patrol's fiscal year 2015 statistics. Nathan Jones, a nonresident scholar in drug policy and Mexico studies at Rice University's Baker Institute, said this might be in part because marijuana is simply easier to detect.

“Big, bulky, smelly. The dogs find it easy,” Jones said.

That's not to say Americans still aren't buying weed from Mexico. The [CIA World Factbook](#) notes that the United States is the world's largest consumer of Mexican marijuana. A 2015 U.S. Drug Enforcement Administration report also notes that Mexican cartels are working to produce higher-quality marijuana to better compete with higher-quality U.S.-grown marijuana.

A 2012 report by the Mexican Institute of Competitiveness predicted that legalization across the United States would cut Mexican cartel profits by about 30 percent, though Jones speculates the impact would be less now due to diminishing wholesale prices and increased competition against the U.S. market.

But lower pot profits wouldn't put drug cartels out of business, suggested Katharine Neill, a postdoctoral fellow in Drug Policy at the Baker Institute, because cartels along the border have diversified in recent years.

“A lot of [the cartels] are looking not only at other kinds of drugs like heroin and meth ... but also at, you know, human trafficking and other kinds of things,” Neill said. “The diversification of a lot of the cartels means ending marijuana prohibition doesn't necessarily take as big of a chunk out of their profits as people might have said several years ago.”

William Kelly, a professor at the University of Texas in the sociology department who specializes in criminal justice and criminology, said that loss of inventory is built into the cartels' business model, allowing them to adjust to legalization.

“It looks impressive when we have the DEA, the ATF and the FBI down at the border having a big press conference with stacks and stacks of drugs, weapons and millions of dollars,” Kelly said. “You're thinking, ‘Wow, this thing is over.’ Until you realize this is like an hours' worth of work by the cartels. This is nothing.”

While marijuana seizures along the border were dropping between 2009 and 2016, the volume of heroin nabbed by agents almost tripled. Between 2011 and 2015, the amount of methamphetamine seized more than tripled by weight.

Border interdiction isn't the only costly component of enforcing marijuana laws. Millions more are spent catching, prosecuting and punishing pot dealers and users.

Camille Ponder experienced this firsthand when she was 21 years old.

After being caught with a fourth of an ounce of weed in Sherman and spending a night in jail, Ponder, now 31, was sent to court and ultimately received three days in jail, a \$1,000 fine and a Class A Misdemeanor for possession.

Because of the charge, Ponder — who described herself as the kind of person who's "never been to the principal's office," let alone in trouble with the law, aside from this one instance — has been terminated from an administrative assistant job and kicked out of a teaching program.

"It was having a huge impact on my life, just this one little mess up," said Ponder, who now lives in Austin doing medical claim audits. "That's where I'm kind of like, 'I wasn't doing anything to hurt anyone.' It was personal use."

In 2015, there were 61,748 marijuana possession in Texas, an approximately 12 percent increase from 2000, according to Texas Department of Public Safety data. Beyond marijuana, there were more than 117,000 arrests for drug possession — 14 percent of all apprehensions.

Nationwide, there were 1,488,707 drug abuse arrests, according to FBI data. Of those, about 643,121 were for marijuana-related offenses, 574,641 of which were possession.

It's difficult to estimate exactly how much marijuana arrests cost law enforcement, but some have tried to predict the expenditures.

A 2010 study from the Cato Institute looking at 2008 dollars found that the outlawing of marijuana cost the United States \$5.4 billion and Texas about \$330 million. Meanwhile, The National Organization for the Reform of Marijuana Laws' Texas branch estimates each marijuana arrest cost taxpayers around \$10,000.

As of late August, there were almost 8,000 people in Texas prisons and jails whose only offense was drug possession, including for marijuana, according to the Texas Department of Criminal Justice. The Legislative Budget Board calculates that in fiscal year 2014, each person in state prisons cost \$54.89 per offender per day, compared to \$47.30 per offender per day in state jails.

"It does eat up a good chunk of our resources, especially in Texas," Neill said. "Here in Harris County, I think we spend more money on it than anywhere else in the state. So that is a big issue."

However, some believe the enforcement cost estimates and reported numbers of people arrested are overblown.

“It’s actually a very, very small number of people who are in jail or in state prisons for ever having used marijuana, and it wasn’t marijuana that caused their problem,” said David Murray, a drug policy expert at the Hudson Institute, a conservative think tank based in Washington, D.C. “Usually, they pled down from other crimes that they finally accepted the marijuana charge, so it’s not really indicative of law enforcement going after users. Users really aren’t penalized all that much.”

Texas lawmakers did little in the way of marijuana reform during the 2015 session, though they did pass a bill allowing those who suffer from epilepsy to use cannabis oil to treat their seizures. Even when he signed it, though, Gov. Greg Abbott emphasized he’s not on board with marijuana legalization.

"I remain convinced that Texas should not legalize marijuana, nor should Texas open the door for conventional marijuana to be used for medicinal purposes," Abbott said before in June before signing the bill. "As governor, I will not allow it; SB 339 does not open the door to marijuana in Texas."

January marks the start of a new legislative session, and already there are efforts in the works to decriminalize marijuana and legalize medical marijuana in the state.

As of early December, nine bills had been pre-filed for the 2017 session related to marijuana policy, ranging from a separate court system for first-time offenders to reduced penalties for marijuana possession. Six marijuana bills were filed on the first day alone.

Rep. Joe Moody, D-El Paso, is one of the lawmakers working for decriminalization. Ahead of this session, he filed a decriminalization bill similar to one that failed to pass the previous session. If approved, it would replace criminal penalties for possession of up to an ounce of marijuana, like the charge Ponder received, with a civil fine of up to \$250.

“If you want to have an impact on the drug trade, the best and most efficient way to do that is to go into the resale market and take the black market out for the most part,” Moody said. “This bill is a smaller scope and it’s not really aimed at solving that particular issue. I think if people are really wanting to address that in a real way, and I’d support any measure like that as well, I think