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Is West Virginia Going to Pot?

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Some say the Mountain State needs to legalize marijuana, but others fear taking the plunge.

By Michael Hupp

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The country remains in economic instability -- to the point some would say it is literally "going to pot."

Traditional forms of revenue from manufacturing and other economic sectors are down in West Virginia and throughout the country. Many states are finding themselves in the red. Jobs are scarce.

As the country continues to struggle with a \$1 trillion budget deficit, other options are being explored to generate revenue. And those options include the legalization of marijuana for recreational use. California voters in November will decide whether to support Proposition 19, a state rule that would make recreational use of marijuana legal so the state can tax and regulate the drug as it does alcohol and tobacco.

Federal authorities have vowed to enforce federal laws, regardless of whether California voters decide to legalize marijuana within the state's borders. Proponents claim the passage of the proposition could pump an estimated \$8 billion dollars into the Golden State's struggling economy.

According to a recent Cato Institute study conducted by Jeffrey A. Miron and Katherine Waldock titled "Making an Economic Case for Legalizing Drugs," the nation as a whole could save about \$8.6 billion in law enforcement efforts by decriminalizing marijuana.

With potential savings in the billions and the ability to generate more, why are more states such as West Virginia not pursuing legalizing marijuana for taxation and regulation -- especially when it is the Mountain State's No. 1, albeit illegal, cash crop?

Law Enforcement Not Convinced

Eric Sterling, former assistant council to the U.S. House of Representatives Judiciary Committee and Crime Policy Subcommittee and current president of the Criminal Justice Policy Foundation, said the U.S. spends on average \$15 billion a year fighting drugs, including marijuana.

He said the revenue generated from ending the War on Drugs would help take a chunk out of the budget deficit. He believes all drugs, including marijuana, should be decriminalized



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"We are not saving lives. The quality of drugs has gone up, while prices have dropped. It is like cell phones, televisions and computers. As time goes on, products have bettered in quality and have become cheaper. We are not winning," Sterling said.

West Virginia State Police Sgt. M.T. Smith, who works with the state's Bureau of Criminal Investigations and heads the marijuana eradication program, does not agree. He said drugs such as marijuana are more dangerous than ever. He said strains of marijuana are more potent.

"Pot is a different animal, and it's hard to say without a crystal ball what the results would be" if it were decriminalized, Smith said.

Smith pointed to prescription drugs as a legal drug that is still abused. He said too many people have misconceptions that marijuana is not dangerous. He said violence still can be associated with marijuana, and its users can become addicted.

"The misconception is we arrest people for smoking pot and crowding jails. No, we arrest people who are distributing 50 pounds of pot and are carrying a handgun," Smith said.

Jim Rubenstein, commissioner of the West Virginia Division of Corrections, said he agrees with Smith that prisons are not crowded with people who are smoking pot.

"People that end up in jail because of marijuana are here because of a more serious felony associated with the pot charge, whether it be gun possession, some kind of violence or other drugs," Rubenstein said.

Smith said violence is associated with marijuana because of the drug trade. He said people steal it while it is growing, and violence erupts when a dealer shorts a buyer or vice versa.

"We even had an incident of a civilian helicopter spraying power lines (that was) shot at by a grower," Smith said.

Smith said he just is not convinced legalization is the route to go.

"There will always be issues even if legalized. Next thing you know, it will be like cigarettes. People will be battling about where you can smoke it," Smith said.

You Reap What You Sow

Allen St. Pierre, executive director of the National Organization for the Reform of Marijuana Laws, or NORML, said it is time for lawmakers to recognize the financial benefits of decriminalizing marijuana and

regulating it as they do tobacco and alcohol.

"There are unsafe substances in alcohol, caffeine and tobacco, but they are legal," St. Pierre said. "They are products that are harmful to the user only if the user over indulges, yet they are still legal."

He said the illegality in alcohol and tobacco comes when it is misused, such as when it falls into the hands of children. St. Pierre said children have easy access to marijuana and all drugs because it is unregulated. He said regulation helps prevent children from having an open market for alcohol and tobacco.

St. Pierre also said legalized marijuana faces the same social scrutiny as alcohol. He cited as examples working while intoxicated, driving while intoxicated or overuse.

"There will always be those that go over the line, but that is why we have laws and regulations," St. Pierre said.

St. Pierre said the financial benefits from legalization have the potential to be great as well. He said it only costs pennies per pound to produce outdoor grown pot and \$1 per gram for marijuana grown indoors.

"Think of the money from state-imposed sin taxes and regular sales taxes that could be made. Cigarettes are massed produced and barely have a small profit margin," St. Pierre said.

Expenses and Revenues

St. Pierre said states could benefit financially through legalization in two ways: by taxing the product and then reaping the revenues from the new taxes and by eliminating the cost of enforcement. According to the Cato Institute study by Miron and Waldock, West Virginia spends nearly \$95 million in drug enforcement annually and would bring in \$93 million in revenue from drug legalization.

"Those are numbers a small state like West Virginia cannot ignore," Sterling said. "States have to ask themselves what the cost spent in fighting drugs is compared to what we are getting in return."

Smith disagreed with those figures.

He said the value placed on plants that are confiscated by law enforcement officials are rough estimates only. That's because many plants are confiscated and destroyed early in the growth stage. He said when law enforcement is coming up with an estimated street value, officers have to price every plant as a fully matured female plant that produces buds for street sale.

"Not every plant, even when not eradicated, reaches that potential. So we just throw a street value on it based up maturation," Smith said.

St. Pierre said concrete data on the revenue from legalization does exist. He said California's figures are based on the amount of marijuana already being taxed in California by the state's tax department.






"The nation will see the benefits financially based upon what California does. One in eight Americans lives in California, and if you removed California's economy from the rest of the country it would be the sixth largest world economy (about the size of France's economy). So those figures are concrete," St. Pierre said.

He said it will take another state besides California, such as New York, Ohio, Illinois, Texas or Florida, to open the federal government's eyes to legalizing and taxing marijuana.

"When a state like one of those realizes the financial benefits, then smaller more conservative states like West Virginia will come on board. Public support continues to grow 20 percent every 10 years.

"By 2020, public support will be a supermajority of 65 percent. That is hard to ignore," St. Pierre said.

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