

Final Report



Citizens' Assembly for Critical Thinking About the United States

Should We Change the Marijuana Laws?

Eastern Kentucky University Spring, 2012

Members of CACTUS, divided into three subcommittees,
participated in the writing of this report.



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FOREWORD

This was our first experiment with a partial semester CACUS in which the Assembly had two weekly meetings for two hours and forty-five minutes each for eight weeks rather than meeting once a week for fifteen weeks. It met in the second half of the semester. This meant that the reading and lecture schedule was very compacted and students had to move quickly to absorb large amounts of often complex material and that they were engaging in the all-important deliberation phase and trying to write and compile this report while facing the end-of-semester pressures in their other courses. On the other hand, students seemed to bond more quickly than in previous years. This may have been because of a shared personal interest in the topic among some students but also, perhaps, because seeing each other twice in a week made friendships develop more quickly.

As a partial semester course in the second half of a semester, this CACTUS offered other challenges. A few students signed up because they had to drop something else and needed to hang on to their financial aid. Some discovered that a partial semester course really did mean moving twice as fast, and had to struggle to keep up with the pace. The students who were with us throughout the Assembly were delightful, hard-working, critical and creative thinkers who interacted with us and with each other with civility, good will, and a sense of humor. They were respectful of our guest presenters and the speakers at our public hearings while not being afraid to ask probing questions. And once again, they surprised us! We had been somewhat hesitant to tackle the marijuana issue lest we end up with a group whose minds were made up and who showed no interest in becoming informed. Happily, this was not the case and the end result proved it. Rather than rushing to recommend wide-open legalization of pot, they thoughtfully chose to recommend a nuanced legalization of industrial hemp and medical marijuana, but only if backed by sufficient research, and to leave recreational marijuana alone. This decision was partially based on the recognition that politics is indeed “the art of the possible” (a valuable lesson in itself) but also because of increased awareness of the problems that may be caused by habitual use.

The partial semester format also presented special challenges for this Final Report. A primary objective of the Final Report is that it will be, as much as possible, an expression of the decisions and reasoning of the student members of the Assembly, generated by their working committees, and written in their own words. Because the end of the semester came twice as fast as it normally would in a full semester Assembly, the process of integrating and editing the report had to be completed in a more impacted time frame, with less opportunity for us to interact with the students and review issues of English usage. Issues of linguistic usage are particularly pressing when a group includes students ranging up and down class levels at a regional comprehensive university from lower-division students still taking their general education courses to upper division students taking electives. Because of the time pressure, getting the various parts of the report put together and edited fell largely to the leadership. We have tried to combine the parts of the report in a logical and orderly framework that would capture the meaning and intent of the Assembly, making factual and grammatical corrections that seemed minimally essential to accurately communicating the students’ meaning, while maintaining as much

as possible the students' original ideas and expression. Where it seemed particularly needed, we have inserted a few explanatory notes.

Many people helped make this CACTUS possible. First, Cody Buell, our Graduate Assistant, was invaluable in adding his high energy and work ethic, his sense of organization, his loyalty, and his enthusiasm for CACTUS. Dean Sara Zeigler of University Programs helped us with some financial support after our original QEP grant expired. Equally appreciated have been her words of support for CACTUS. Members of the Department of Government were willing to brave the probing questions of students and speak at our public hearings about marijuana—a topic most faculty in other fields seemed loath to address. Laura Melius, Director of Career Services, gets kudos once again as the only member of the administration to speak at the public hearings. She also provided an equally valuable service by speaking to CACTUS at one of their first meetings about the value employers place on this sort of exercise. And our industrious administrative assistants, Brenda Meyring and Teresa Howard, helped in countless ways.

And a special word of thanks must be extended to the guest presenters identified in the report -- faculty members from Eastern Kentucky University and University of Kentucky who volunteered their time and professional expertise to provide detailed and specialized knowledge on technical issues related to marijuana policy and substance abuse. Their contributions ensured that the members of the Assembly could be well informed about the subtleties and complexities of the questions they considered, and we are deeply grateful to them.

Dr. Jane Rainey and Dr. Glenn Rainey
Professors of Political Science and CACTUS Co-Directors

Introduction

During the Spring Semester of 2012, a CACTUS Assembly was held to discuss whether or not there should or should not be a reform of current marijuana laws. Such a controversial topic as marijuana reform was chosen from a list of different hot social and political topics through discussions with faculty and a vote in selected ECU classes. This Assembly was based on a Canadian Assembly, held to decide whether or not they should enact a new form of electing their legislature. Assemblies such as these were found to be useful tools for formulating policy, resulting in citizens becoming involved and informed.

Every meeting the Assembly started with the National Anthem. The Anthem represented a transition from students to citizens. Such a process, as well as the actual Assembly, separated it from previous classes the members had taken. The Assembly members, because of this transition, felt like citizens as opposed to just students. Due to the nature of the class, the citizens realized that they can communicate and bounce around ideas because we were crafting a new referendum question; it was not as if we were learning a topic to take a test, but it was learning a topic to decide something that could turn out to be a legitimate referendum. During our CACTUS Assembly, we found that individuals acquired a certain passion for our task and the process we used to get to our final decision. Our Assembly also followed a format similar to the Canadian Assembly, such as large group discussions, and for specific topics we broke into smaller groups to learn and discuss topics in more detail.

We decided various topics in small groups and brought these ideas to the large Assembly. This is where we took a vote by raised hands on which topics we wanted to put in the actual referendum question. Deliberating in such a manner helped bring a

variety of topics up; it also made Assembly members think of the pros and cons of their various ideas. Our ideas and ways to go about communicating were helped by the Noel Studio for Academic Creativity. They gave us ideas and resources to properly participate outside of our Assembly. Another way we went about formulating our referendum question was by holding a public hearing phase where various professors and students gave us their ideas. The public hearings also allowed for us to have a question and answer phase to further talk about and probe these ideas to help us further understand them.

CACTUS Demographic Information

Eleven students out of a total of twenty-nine in the Assembly completed the demographic survey. The results will be summarized here. A full detailed list of the survey results can be found in the Appendix 2 at the end of this report.

The citizens of the Assembly come from several different states and various Kentucky counties. The median age of a CACTUS member is 22.9 years old. The class is divided into a majority of 72% males and 18% females. The majority of the students are Caucasian (9 members) with two people being African American. The class level was split with 72% of the Assembly being seniors, 9% juniors, and 19% sophomores with no freshmen. Assembly members come from many different majors that are summarized in Appendix 2. Several of the Assembly members held full time or part time jobs, 36% are currently employed and 63% are currently not employed. The Assembly members were made up of several different political parties that included Libertarian, Republican and Democrat. Ninety percent of CACTUS members know someone who uses marijuana regularly. Twenty seven percent have had a family member that has been convicted of marijuana possession, and eighty one percent know someone who has been convicted of

marijuana possession. One member had a family member who uses marijuana for medical purposes. In the survey fifty-four percent of CACTUS members said before they were a part of CACTUS that the laws need to be changed to allow for medical and industrial marijuana and forty five percent supported complete legalization.

Facilitators

Dr. Jane Rainey is the CACTUS Project Director and Assembly Chair. She grew up in Atlanta and attended college in Baltimore and graduate school at Emory University in Atlanta. The courses that she teaches are Russian politics, Canadian politics, comparative politics, and politics and religion in the United States. She has also served on faculty committees and on Faculty Senate. Together, with her husband, Dr. Glenn, she has studied and written papers on both of Canada's Citizens' Assemblies. Dr. Jane is also an organist and choir director at the Episcopal Church of Our Saviour in Richmond, Kentucky. She enjoys gardening, cooking, traveling, and listening to classical music. She also likes to clog. Along with Dr. Glenn, she is part of a dance group in Wilmore and enjoys dancing to everything from Appalachian fiddle music to bluegrass to pop music.

Dr. Glenn Rainey is the Co-director of CACTUS. He teaches political science and public administration. His research and teaching interests include human resource management, organizational theory and behavior, and undergraduate courses in American Government, public administration, and human resources policy and administration. Dr. Glenn had a very important role in CACTUS. He guided our discussions on American politics and helped show us the different policy avenues we could take. Both Dr. Glenn and Dr. Jane stayed up-to-date on the issue, including policy changes, research, and social opinions.

Cody Buell is the CACTUS Graduate Assistant and one of the facilitators for CACTUS. He completed undergraduate studies at Centre College in Danville where he got a major

in government with a minor in environmental studies. He is currently pursuing double master's degrees here at ECU in public administration and public health. He plans to pursue a career as an environmental lobbyist. He is a huge animal rights promoter and defender. He lives in Paint Lick where he enjoys fishing, trail riding and spending time with his English bull terrier, Cleatus.

Amberle Copley participated in CACTUS last year and returned this year as a facilitator. She is from Dacula, GA. She is a Political Science major and this is her third year at ECU. She is a Justice on Student Court and is on the judicial committee. She is a tutor for S.W.A.T. After graduation she plans to attend George Mason Law School and eventually work as a public defender in the Washington D.C. area.

Learning Phase

Introduction

Marijuana is a topic surrounded by controversy. During the short history of marijuana laws, marijuana activists argue on constitutional and human rights, while moralists, supporting prohibition, feel the pleasures of marijuana have not been earned and legalization sends the wrong message to citizens. Our Citizens' Assembly, as an exercise in deliberative democracy, had to come up with a fair decision to be considered into law. In the earliest phase of our Assembly, we wanted to seek out knowledge to understand the controversy encompassing marijuana. We learned the history of cannabis, its uses and misuses, prohibitionists' thoughts, activists' thoughts, the impact on thought and memory through laboratory studies, subjective effects encountered, pharmacology of cannabis, possible health effects, social problems, treatment for marijuana problems, needs for medical marijuana, and the laws and policies currently in place. We reviewed this information through documentaries, guest speakers, articles, handouts, lectures, and three analytical books on the subject matter. The Learning Phase of CACTUS shows how we came to a unanimous decision and the groundwork that led us there.

One problem in sorting out fact from fiction about marijuana is that the "facts" keep changing into fictions. In the 1930's, a "fact" everyone knew (or thought they did) was that pot was the feared "assassin of youth," a one-way ticket to a life of crime, psychosis, and despondency. By the '60s, that "information" had morphed into a brand-new, mirror-image "element," and we learned that today many American have tried it and a much smaller number smoke it regularly. Marijuana's effect on society is that marijuana acts as a scapegoat for many of society's problems. Marijuana is blamed today for being

a gateway drug; this means that consumption of marijuana will lead to use of narcotic drugs. This claim has never been proven; the only grounds for it is that marijuana is a more widespread and more sampled drug.

Key Readings

The most influential book for the Assembly's comprehension of the matter was *Understanding Marijuana: A New Look at the Scientific Evidence*, written by Mitch Earleywine, which was published in 2002 by Oxford University Press, Inc. Earleywine provided a large scale review of information on the topic, which he researched, adding credible references while bringing together a well-rounded view on the topic. He stated both sides of the argument, wanting to keep it simple, while providing research without a personal preference, also, pointing out "some things are neither good nor evil." (Earleywine, xii). The other two books we read were pro and con books with readings on both sides of the issue. (See Appendix 4.)

We learned from our reading in Earleywine that the first recorded use of marijuana was in 8000 B.C. when Taiwanese artist used fibers from the stem to decorate clay pots, and that the Chinese used marijuana to make paper as early as 100 B.C. Also, the Vikings used hemp to make rope. The oil from the hemp seed, also, appears in modern shampoos, soaps, and salves. The first recorded use of marijuana for medicinal purposes appeared in 2737 B.C., when the Chinese Emperor Shen Neng prescribed it for ailments. Ancient Chinese archers also used hemp to make bow strings. In 1533 King Henry VIII of England decreed that every farmer should raise some hemp. Those who refused paid a fine. By the early 1600s, most of England's hemp was imported from

Russia because farmers refused to grow it. In America Jamestown colonies started growing the plant around 1616 but eventually devoted larger plots to tobacco. The 1764 edition of the *New England Dispensary* recommended hemp roots to treat inflamed skin. In the 1794 *Edinburgh New Dispensary*, marijuana oil was prescribed for many problems including, incontinence, coughs and venereal disease. (See Earleywine, Chapter 1.)

In the modern period many Americans have tried the drug at least once and a smaller number smoke it regularly. (Earleywine, p. 30). Also it is impossible to estimate how many users are not documented; therefore the outcome is inconclusive in the studies of the population as a whole. In 1972, a petition was submitted to reschedule¹ marijuana as one of the safest drugs available so the Drug Enforcement Agency (DEA) could no longer stand in the way of those who would benefit medically. However, the DEA refused to reschedule marijuana. The U.S. Court of Appeals upheld this decision. (Merino, pp.106-107.)

“Moralists” who support prohibition appreciate these policies, and feel the decrease in drug use is worth the cost of increased law enforcements. “Activists” promote government programs that would license people using marijuana, which limited amounts available for purchase at one time. This would bring in tax revenue. It would also keep users away from other drugs sold on the streets.

¹ Co-directors’ Note: “Reschedule” in this context refers to the “Controlled Substance Schedules” administered by the U.S. Drug Enforcement Administration (DEA), which are linked to international conventions on substance abuse. Schedule I basically includes drugs that DEA considers “the most dangerous drugs,” having “no currently accepted medical use and high potential for abuse” (<http://www.justice.gov/dea/druginfo/ds.shtml>). It includes heroine and LSD, and marijuana. The schedules may be found at: http://www.deadiversion.usdoj.gov/21cfr/cfr/1308/1308_11.htm.

Law and Policy

Marijuana laws have a brief history in the United States, surrounded by considerable controversy. There have been recent efforts to decriminalize marijuana, causing debates. Some people feel the existing punishment is inappropriate because marijuana hasn't been proven to have major consequences when used. Prohibitionists however want to maintain the laws currently in place in hopes of a drug-free America. Many people hope to go further than decriminalization to a legal status. They feel this would eliminate the underground market surrounding cannabis. Activists feel if the laws were to be changed taxpayers would save money and reduce violations of civil rights.

Prohibition-Driven Information

Many of the readings from which we gathered information had an obvious prohibition tone to their writing. We learned that one of the many justifications for cannabis to remain illegal is that it causes serious addiction and dependency. Some sources even state higher rates of schizophrenia, "The most comprehensive study.....found that cannabis doubled the risk of developing schizophrenia" (Gillard, 96). Another main point for prohibitionists in our society is the "gateway drug" idea that marijuana is the route to getting hooked on other drugs. Many point to the fact that in studies it is often the case that people who use, or have used, marijuana also use harder drugs such as heroin or cocaine. But most do not. The case is more likely to be that most

people that do the harder drugs have also used marijuana in the past, which does not mean that one leads to the other.

Marijuana impairs the mind and causes a slower reaction time and other problems that could be associated with car collisions. When mentioning marijuana prohibitionists, the name Harry Anslinger always comes up. Anslinger is the man that started the push toward making cannabis illegal; however, less recognizable are the pharmaceutical companies and paper companies or textile producers that want marijuana to be illegal. Can you imagine if Tylenol, Aleve, Advil, or Excedrin were no longer the top pain relief products or creams? Well those companies don't want it either, so the biggest prohibitionists in our country may be some of the people who stand to lose something from the legalization of industrial hemp and medical marijuana.

Activist-Driven Information

Medical marijuana is being looked at for people with illness and disease. People who are against medical use claim that there are plenty of other drugs in the world that can be used for their diseases. Researchers are trying to show that marijuana is a better use as a drug because it has little or no side effects unlike other medical drugs. Through the little research they have done, they have found that there is evidence of medical marijuana improving illnesses at hand, but only for certain things. Medical researchers have limited evidence that marijuana works with Huntington's and Parkinson's disease, as well as potential evidence of efficacy for anxiety, arthritis, dystonia, insomnia, microbes, seizures, Tourette's, and tumors. Also, medical marijuana has been found to be effective for treating appetite loss, nausea and vomiting, pain, spasticity, and weight loss.

Medical use has spanned over a time of 4500 years. The hardest thing to control is how it affects people. Every person reacts differently to marijuana; therefore, it might work for some people and not others. As for marijuana being legal, it first has to be lowered from a schedule 1 category to be considered for further research.

So far, in 2012 there were 14 states that accepted marijuana for medical use, under close supervision, but many other states are considering changing their laws. So far, the research that has been conducted has produced positive results, but because of the scheduling, further research is nearly impossible. Multiple people have recorded that medical marijuana has helped and improved their situation more so than leading drugs that have been researched and approved. For now, doctors know the small benefits that marijuana can help with such as nausea and weight loss. They believe, with further research, that marijuana could be used for Alzheimer's and Parkinson's diseases, but research is frowned upon² at this time. Researchers have produced some significant data embracing the use for medical marijuana. However, until the schedule is lowered and research is continued, the true use of medical marijuana, along with what its full potential is, will never be fully established.

One of the useful sources of information while trying to understand the circumstances that surround the marijuana atmosphere here in the United States is sections eleven, twelve, and thirteen in *Marijuana at Issue*, edited by Arthur Gillard and published by Greenhaven Press. In Section Eleven, we hear from Gary Cartwright. His first sentence really sets the tone for the entire section. "Because politicians refuse to

² Co-Directors' Note: this phrase encapsulates the presumed effects of the extensive Federal licensing and approval requirements for formal laboratory research on marijuana.)

recognize that the war on drugs has been lost, they consistently block practical legislation that would reduce drug related harm.” (Gillard, p. 87) This section states simply that while we tried to wage a war on drugs (wrong or right) it has failed and we now must face the same truth we faced at the end of Prohibition.

He speaks about how our government is still smelling reefer madness and is unable to see the truth in such things as medical marijuana. He mentions that in 2005 two Texas bills were suggested and “dead on arrival” (meaning that the bill was just left to rot in the committees). The consequences of implementing these pieces of legislation were small to nonexistent. One reduced the penalty for possession of small amounts of marijuana. He also goes on to speak about the amount of money that the United States spends on laws for simple possession. The most striking piece of information given was a story of Chris Cain a 36 year old quadriplegic who was arrested and thrown in jail for simple possession and was given no medication for his condition. Accompanied with this anecdotal evidence is the quote “Marijuana has been used medically for hundreds of years and was prescribed by doctors in the United States until the thirties.” (p. 90)

Another point in this section is that the public is being misled, from the beginning of “Reefer Madness” the public has been a willing media for the personal ambition for politicians, especially Harry Anslinger, who was a very ambitious federal narcotics commissioner who basically saw a chance and made claims of violence and insanity. Contradiction has plagued the history of this issue for years. One such contradiction is the Comprehensive Drug Abuse Prevention and Control Act, which said cannabis had no medical value and shoved cannabis into a group with the likes of cocaine and opium. And yet the Drug Enforcement Administration’s chief law judge declared that “marijuana in

its natural form, is one of the safest therapeutically active substances known to man”
(quoted in Gillard, p. 90)

Conservative support of the legalization of marijuana is another point to be made. Many conservative Republicans just want an end to the policy disaster that has been the war on drugs. And the last point is personal responsibility. Meaning that if cannabis was made legal would its use go up? Yes, but it could be brought back down by anti-smoking ads just like tobacco and also the user primarily only hurts himself or herself. The best part of personal responsibility is that if legalized then marijuana will lose its popularity on the black market or dealers won't sell it anymore because the price would drop, meaning it would primarily be in the hands of dispensaries and buyers will need to be of age or licensed to purchase the product.

Part twelve of Gillard was written by Ross Clark. His part is mostly opinion but has some facts buried in it. One such nugget is the statement that the most comprehensive study found that cannabis doubled the risk of schizophrenia. He states in relation to marijuana and its users, “Making ‘victims’ out of people who are authors of their own downfall seems to me merely to encourage young attention seekers into taking drugs.” His statements are educational because they do show the other side of Cartwright's statements and add balance.

Principal Speakers

We had two public speakers whose main purpose was to supplement information that might give us insight to parts of this issue. Robert Walker of the University of Kentucky was to give a presentation on neuroscience and how marijuana affects the brain. However he was unable to attend, so Theodore Godlawski of the University of

Kentucky took his place.³ Godlawski presented Walker's detailed powerpoint and filled in information on the spot. Together they provided information about the neurons in the brain and how they work, grow, and receive pleasure, and their many other functions. We learned about the different parts of the brain and their function, and ended with the effects of marijuana on the human brain. During his presentation, we learned numerous facts about the brain. We learned about neurons, axons, dendrites, and many other components of the body. He first told us about the brain, telling us it is two percent of total body mass but uses thirty percent of all calories consumed. He also stated that the brain has 100 billion neurons. Most adults have as many neurons as half, or a third, of all the stars in the sky. One neuron may have as many as 6,000 to 10,000 connections, or an estimated 100 to 500 trillion possible total synapse connections. Not only are there neurons, but there are various glial cells that connect them. There are ten glial cells for every neuron. With all of this activity, you can see why the brain consumes so many calories to function properly. This brain fires within a millionth of a second, telling every part of our body what to do, and storing knowledge and experiences daily. He told us that for these reasons, addiction starts from a fairly early age. This addiction records in the brain in two ways; one is in tolerance. Tolerance is something that grows with use of any drug, and makes you able to consume more of the drug and be less affected by it. Having a tolerance is the reason why addicts buy more and more of the drug to get the same high they did when they started. Also, this is the reason why addicts are used to quitting for periods of time to lower their tolerance, than start using again. Second is the craving

³ Co-Directors' Note: Robert Walker is a member of the Research Faculty of the Center on Drug and Alcohol Research in the College of Medicine at the University of Kentucky. Theodore Godlawski is an Associate Clinical Professor in the College of Social Work at the University of Kentucky.

effect. An addict becomes accustomed to functioning on the drug, and feels that they are not the same person without it. These ideas cause them to crave the drug continuously. Feelings such as these rarely go away within a certain time frame. Such a strong effect on the brain is the reason why addiction is difficult to cope with. It may take a large amount of dedication to overcome addiction. Also, traumatic experiences contribute to addiction. He said a great majority of all individuals with substance abuse issues have had very traumatic experiences early in life

The speaker also ranked what he thought were the most dangerously addictive substances that are commonly abused. In his layout, he listed dependence risk for marijuana as lower than tobacco, heroin, or alcohol. Also in Walker's PowerPoint, showing his best guess about the most harmful substances, Walker's ratings put marijuana as the lowest on the scale while the highest was hallucinogens and the next highest was alcohol. Tobacco, stimulants, obesity, opiates, and tranquilizers also ranked higher than marijuana. He told us of Indian society that has used marijuana for years and frowns upon alcohol because of its harmful effects.

Dr. Chuck Fields, our second guest speaker, is a professor in the Department of Criminal Justice and Police Studies at ECU. Dr. Fields is the editor of *The Dialogue* and the *American Journal of Criminal Justice*. He has authored and/or edited seven books and monographs, including *Controversial Issues in Corrections*, *Comparative Perspectives on the Cultures and Strategies in Europe and the United States*, and *Modern Police Organizations*. Dr. Fields has been published in a number of journals, including *The Prison Journal*, *Journal of Criminal Justice*, *Journal of Criminal Law and Criminology*, *Quarterly Journal of Ideology* and *Economic Business Review*. In addition to researching

comparative state laws, Dr. Fields takes a group of graduate students to the Police College of Finland and the Finnish Prison Personnel Training Center, where he lectures twice a year. He is also involved in developing graduate student trips to Cuba and Moscow. He gave a presentation to our Assembly on the effects of marijuana on the corrections system and the social problems and benefits of marijuana, titled “Prisons, Politics & ‘Pot’: Reflections on the War On Drugs”. His presentation gave an in depth look at statistics and data on the correctional aspects of marijuana law enforcement. He gave us good information, about marijuana’s history in the law, starting with the 1906 Pure Food and Drug Act through 2011. One of the most interesting facts was that about half of the war on drugs is on marijuana possession and growth. Also he showed us how arrests for marijuana possession have grown in the last 45 years. This presentation showed that while marijuana is not harmless, it has been cracked down on since the ‘sixties while the six-fold increase in prisoners with possession charges can be explained by policy and law changes.⁴

⁴ Co-Directors’ Note: More specifically, Professor Fields presented data indicating that Marijuana possession was found to be the most frequent among eight different causes of charges (forty-four per cent) stemming from the “War on Drugs,” and cited a finding from the Sentencing Project of the Bureau of Justice Statistics which indicated that increased drug-related incarceration rates primarily reflected changes in sentencing policies rather than crime rates. Source: “Prisons, Politics & ‘Pot’: Reflections on the War on Drugs,” Professor Chuck Fields, College of Justice & Safety, Eastern Kentucky University, Powerpoint presentation, Richmond, Kentucky, April 4, 2012.

Public Hearings Phase

Zac Caldwell, a student, was the first public speaker. He stated that marijuana was made illegal because of race, and culturally America was not suited for the use of marijuana, Caldwell said. He said the predominant users of marijuana had been African American musicians. His position on legalizing marijuana reflected an angle of concern for the growers and how the economy will handle a change in growing medical and industrial marijuana and hemp. Caldwell showed concern for farmers and other dependents that may miss out on a big opportunity. He stated that if it were legal to grow medicinal marijuana and industrial hemp, the market would be taken over by large corporations that would keep all the shares. The panel questioned Caldwell on his theory that farmers simply would not receive the fair payment necessary, but it was pointed out by the panel that tobacco and hemp have been Kentucky's number one cash crop and that although there could be an economic imbalance, it surely wouldn't hurt to capitalize on a native resource with claims of medicinal benefits but also a strong history of cultural growth through hemp. Caldwell also stated he would like to see more lenience for possession in personal amounts. He felt that this would clear out jails and focus police and criminal efforts on more daunting crimes.

Another public speaker\ was Dr. Steve Barracca, Professor of Political Science at EKV. Barracca's focus was on legislating morality. He made a good point about marijuana being a vice, such as alcohol, and its use could be abused as such. But he also pointed out that marijuana doesn't necessarily cause violence and the criminal acts associated with marijuana usually involve a possession charge. He noted how many marijuana convicts were sitting in jail or prison with murderers, rapists, and thieves.

Decriminalization has always been a hot topic of why it should be legalized. If the smoking of an organic plant doesn't cause violent acts against another person than why can't an individual choose or not choose to smoke marijuana? Dr. Barracca also pointed out how alcohol and cigarettes are also known to cause health problems, but he stated again how all three, alcohol, tobacco, and marijuana are vices and can be abused. Perhaps there needs to be more public discussion on this matter. Several statements made by Dr. Barracca were obviously well thought of and experienced question and answers. He had spent some time in Mexico doing research and he told the Assembly and the public about the serious problems being faced along the US/Mexican border. He went on to talk about how Mexico would like the United States to legalize drugs because all the drugs are being sent up through Mexico to the United States and being funded by drug cartels that have weapons from the United States. So this problem is not just a national problem, it is affecting other countries. If there is not an agreement by the people and the Government, then black markets and underground criminals will be prevalent wherever supply and demand is the strongest. We know this from prohibition of alcohol and from criminals who still smuggled in liquor. The process is nearly the same. If people want marijuana, they will find a way to obtain it. And in effect the government is failing to enforce their own law and they are also losing out on possible new revenue for the states and the nation and perhaps in world organized crime.

Dr. Leanne Beaty was another public speaker the Assembly heard. She is a professor at Eastern Kentucky University, and she spoke from personal experience, rather than from an expert opinion. Dr. Beaty lived in Alaska during the 1970's. Dr. Beaty said Alaska was booming with jobs, revenue, and people to support a fairly stable economy

for the Alaskan frontier. While Alaska was fairly financially stable at the time, she said that possession of small amounts of marijuana was legalized for a time in her area and smoking was quite prevalent among younger people. She stated that there was an increase of teen marijuana smoking in Alaska from 1975-1995. Looking at this statistic, one would think that, since marijuana was legal in this part of Alaska that this was the cause in the rise of marijuana smokers. However, as Dr. Beaty pointed out, the increase in smokers was not caused by legalization, but rather by the booming economy which took place during the pipeline and industrial growth. This valid point, made by Dr. Beaty, allotted a thought of how the legal process works. Not only can a statistic be represented in many ways, but it can also cause a person to lean one way or another on the issue of marijuana. Dr. Beaty did say, from her own personal experience in Alaska during the 70's, that marijuana was kept from users who were under age, and it was kept in the home. Having such acceptable laws, like alcohol and tobacco, seem reasonable, given the rumors of medicinal and industrial aspects of cannabis. Dr. Beaty's talk was enjoyable to hear. She provided relief in calling marijuana "grass", and she provided a first-hand experience in a place like Alaska which had also legalized medicinal marijuana. Also, she showed that the economy and social aspects can be acceptable when it is allowed.

One of the speakers during the public hearings was Dr. William Hatcher. He is an assistant professor at ECU. He believes marijuana reform would take a federal law to change any movement toward the legalization of marijuana. However, he believes states should be allowed to choose whether they wanted it legal in their own state. Hatcher also believed it could be an option as a painkiller for medicinal uses. He gave a personal story about a few members of his family who had medical problems and dealt with their health

problems by using prescription drugs. In effect, he is now dealing with several members of his family that are addicted to prescription pain killers. He said he would like to see marijuana legalized for medicinal use, because he believes that a natural organic compound would be a much better solution than synthetic drugs that are known to be addictive, whereas, marijuana has not been proven to be addictive or non-addictive. Hatcher also thinks if marijuana were legalized, then it should be taxed and used, just like opioids are for medical use, but wanted us to be aware that there is a strong addiction to opioids.

Glenn Green, a student, spoke at our public hearings meeting; he advocated safety with drug use on the highway. Mr. Green has been a commercial truck driver. He was one of the first speakers who presented publicly at our Assembly who was not an Assembly member, and his passion for his cause was evident. He spent most of his career driving between the U.S. and Canada. He had a prohibitionist approach, because he has witnessed how marijuana impairs the mind and caused some truly bad automobile collisions.

Another speaker was Dr. Anne Cizmar. She is an Assistant Professor at ECU. She felt that marijuana would be a good economic supporter and perhaps reduce crime rates and reduce prison populations. She stated a very interesting idea. She felt that marijuana should be legalized in a few localized areas for experimentation. By that, she explained, certain populated cities, like New Orleans or Las Vegas, could allow marijuana to be legalized all around, medical, industrial and recreation. Her thoughts were, since these cities are already known to be “wild” they could handle the possible changes better than, say, a small town in Kentucky. She has a good point about the larger adaptations of a city

compared to a small town. However, as Assembly members pointed out, this would be an unfair right to all citizens of the United States. It is a fact that the current marijuana law prohibits any use of cannabis in the U.S., and by allowing only a certain selection of the population, and not the other, would be against the Constitution for equal rights and the experiment could be skewed in many directions. We all enjoyed Dr. Cizmar's great ideas, and she kept the thoughts turning as to why marijuana is illegal and how it relates to politics, economy, individuals, and many other relative topics.

Professor Tom Parker was one of the last public speakers. He presented the Assembly with a good starting question, "Who will make the money off of marijuana?" The question sparked intuitive thought amongst the Assembly. Professor Parker made an excellent point. This possible resource could be the downfall of many companies that would prefer to keep marijuana illegal. The reason being, cannabis has been known to be used for medicine, recreation, and, also, for industry. In fact, as Parker brought up, hemp was one of the greatest economic builders throughout the United States growth to power. The Assembly, along with the aid of Parker, concluded that beer companies have a high stake in keeping marijuana illegal because of marijuana's possible social and recreational aspects. Pharmaceutical companies may also bid against legalizing marijuana because it is natural, and easy to grow and produce. Also, paper, plastic, food, fuel, industrial resource developers, as well as others, may oppose cannabis greatly because of its wide use and ease of growing. So to sum up Parker's concerns, we asked him who he thought would make the money off of marijuana. He enveloped the same position as discussed earlier in the hearings-- that hemp or medical marijuana could end a lot of problems and perhaps be a solution to many of our nation's problems.

Our last speaker, Career Services Director Laura Melius, pointed out that alcohol is much harder to get than marijuana for teens, because alcohol is legal, regulated and dispensed by licensing and regulations. Therefore, by having an I.D, to obtain this socially accepted object, is putting the responsibility of adults not sell to minors because of being prosecuted for selling alcohol to a minor. She also pointed out after the end of prohibition of alcohol, the criminal and organized crime dropped significantly and the economy grew as a result of allowing an accepted social law that allowed people to drink alcohol responsibly. Melius also said a large number of employers do drug testing. Her main concerns were that too much law enforcement time was being spent on controlling marijuana and that policies must be consistent. The Assembly agreed with Melius on this statement, because marijuana stays in your body for twenty to thirty days, and alcohol is about two to three days. Also, if we only test marijuana users, how can we detect alcoholics and abusers of prescribed drugs?

In the Assembly almost everyone had a story to tell about marijuana. However, nearly all of them were anecdotal points that had no background or clause to stand on. Common sense seemed to be the best supporter for legalizing or not legalizing marijuana.

Deliberation Phase

One of the important pieces of information that was divulged was the many facets of deliberative democracy. It was obtained through the Civic Practices Network (CPN) organization and its “Civic Dictionary”. (www.CPN.org). Deliberative democracy is simply the use of groups of people who are committed to listen and understand both sides of the argument and make the decision best for the public. Often it is referred to as the open discovery process instead a debate between foes. “Deliberative democracy does not assume that citizens have a fixed ordering of preferences when they enter the public sphere.” That is a direct quote from the “Civic Dictionary.”

A growing number of Americans distrust the establishment and become more and more cynical, which is probably a good reason why ‘we the people’ feel that majority should rule as a way to lower corruption. A good description for the people looked for on a deliberative panel is “a responsible citizen voice capable of appreciating complexity, recognizing the legitimate interests of other groups (including traditional adversaries)...and appreciating the need for difficult trade offs.”

(<http://www.cpn.org/tools/dictionary/deliberate.html>) It is also important that no analysts believe that deliberative democracy should replace representative democracy, just supplement it.

On April 11, 2012, the Assembly formally began the deliberation phase. At this time, we discussed the possible changes that could be implemented to reform current marijuana laws. At this point, all members of the Assembly favored proposals supporting changes in the current laws, although the options of retaining the status quo or toughening existing laws remained options. It was left up to the Assembly to decide the

following: what the changes to existing laws would be, how the changes should be initiated, and which departments of government would be responsible for implementing and enforcing the new laws.

The first objective of the Assembly was to attempt to figure out what issues people already shared similar beliefs about. In order to do this quickly and efficiently, we utilized a process called story-boarding. Each person was given six stickers and asked to divide them among a series of different approaches that could be taken, relating to how the laws should be changed, implemented, and enforced. Some of the various options were:

- ⤴ Should control be left to the states or entrusted to the federal government?
- ⤴ Should marijuana be allowed for industrial, medicinal, or recreational use?
- ⤴ Should the policy be enacted by presidential mandate or passed via congressional bill?
- ⤴ What agency should be responsible for defining the difference between hemp and medical marijuana, the DEA or the FDA?

These questions, in addition to dozens of others, were listed. Once all had placed their stickers, it was possible to tally the vote, and narrow our focus. From this point onward the Assembly divided into small groups; this allowed the Assembly to brainstorm together while also being able to pursue different ways of bringing change to marijuana laws. After these discussions were made in the smaller setting, the Assembly would reconvene to discuss topics that were discussed during small groups. We would then analyze the various strengths and weaknesses of each group's decisions.

There were three initial governmental policies that were considered. One of these

left the choice of whether or not to legalize marijuana completely up to the states. This proposal had some support, but was eventually eliminated from consideration. Another policy that was discussed was a federal law that would not leave any discretion up to the states. The upside of this policy was interstate commerce would not be an issue, since the law would be applied in the same manner in each state. The Assembly eventually ruled out this option, however, because it felt it would diminish public support of the overall effort.

Eventually, a consensus was reached by settling on an umbrella policy, which would strike an ideal compromise. This policy would allow individual states to decide how they would regulate marijuana under a set of broad federal guidelines. The Assembly reasoned that this would make interstate commerce less difficult, protect the people from unreasonable prosecution, and still leave the states with some degree of control, thus increasing public support for the law.

We also needed to decide how the law would be implemented should it pass. One proposal was that the policy would be initiated by the president putting forth an executive order (later changed to a directive issued to the Attorney General calling for reclassification). The second proposal suggested a national law enacted through Congress that would use incentives to regulate marijuana.

The Assembly also had to determine if marijuana should be legal for industrial, medicinal, or recreational use. This seemed to be the issue with the strongest split in opinions among the Assembly. Our Assembly's mandate was one that we wanted to be able to be present to the President as well as the legislature, and have them consider it a legitimate proposal for their consideration. Thus, the Assembly, after considering all

possibilities, chose to only consider a new policy for medicinal marijuana and hemp. Eventually, through the course of much deliberation in both small and large groups it was decided that marijuana should only be legal for industrial and medicinal applications. The reason that recreational use was excluded was primarily because the Assembly felt that a provision for recreational use of marijuana in the law would significantly diminish public support.

The final decision for the CACTUS Assembly was decided after narrowing the Assembly's options down through a series of group discussions and votes. It combined aspects from both of the remaining models into one uniform model that better represented the opinions of the Assembly as a whole. We started by breaking this recommendation into two phases. The first phase was to ask the President to direct the Attorney General to define the difference between hemp and marijuana and also to call for a directive to see if medical marijuana has true medical purposes. Once hemp can be defined, and shown to be different from marijuana, and medical marijuana can be found to have true medicinal purposes, we recommended that our second phase go into effect.

During the second phase, Congress would use the new data to make a law that makes marijuana a legal prescription drug, recognized by all. Also, it will make hemp an industrial product that can be produced in any state that wants to allow it, separating it by defining hemp and marijuana as two different strains of the plant. This was our last decision, and we feel that it will have the possibility of being backed by the President, as well as passed in Congress.

The final decision between keeping the status quo, or adopting the law the Assembly had drafted was voted on April 25th of 2012. It was decided by a unanimous

vote of 17-0 to propose a change of marijuana laws. A summary of our final proposal was compiled and written by Dr. Glenn Rainey, using the proposals and ideas set forth by members of the Assembly. The Assembly reviewed and made some modifications to the proposal prior to agreeing on the final version set forth below in Appendix I

In the end, after the Assembly took a vote, we held a campus-wide vote, mentioning our Assembly results in the referendum question. Although this concluded our semester, we had to have some fun, so we did the CACTUS dance at the end of the semester, this being the final send-off.

Appendix 1 - CACTUS Mandate 2012

1. The 2012 Citizens' Assembly for Critical Thinking about the United States (CACTUS) must study proposals for changing the marijuana/cannabis laws (potentially including the recreational use, industrial hemp, and synthetic marijuana), identify and analyze the perceived problems leading to these proposals as well as arguments in support of the current laws, and decide if changes are warranted and if so, what the changes should be, at what level or levels of government they should be implemented, and whether other provisions should be mandated as a part of changing these laws.
2. In carrying out this mandate, the Assembly must:
 - a. First, become well informed as to the current laws and policies and proposed alternatives and their rationales;
 - b. Second, consult with other citizens in the Eastern Kentucky University community of students, faculty, and staff, as well as interested members of the broader community, and provide them the opportunity to make submissions to CACTUS in writing and/or orally at public hearings;
 - c. Third, develop at least two alternative solutions to the perceived problem, and then debate and decide between them;
 - d. Fourth, re-examine the current policy and then debate and decide between it and the chosen alternative.
3. If the Assembly recommends adoption of a change in the current policy governing marijuana/cannabis laws, the new law must be described clearly and in detail in the final report and if a law or laws or a Constitutional amendment would be required at the state or federal level, proposed language for these must be included.
4. If the Assembly recommends keeping the current policy and laws governing it, the final report must explain the reasons for judging this policy to be preferable to the alternative model most favored by the Assembly.
5. The decision described in section 1 must
 - a. Be limited to the determination of the appropriate marijuana/cannabis laws and any qualifying factors and
 - b. Take into account the potential effect on the Constitution, the federal division of powers, and the role and cost of law enforcement, and be

consistent with the basic principles of representative democracy.

6. Issues that arise in deliberations or public hearings that are beyond the scope of the mandate (for example, other drugs) but the Assembly believes it to be relevant to the process may be addressed in the final report.
7. Whether or not the Assembly chooses to replace or alter the current laws and policies, they must produce a clearly-worded referendum question to this effect to be voted on by the university community and a clearly-worded explanation to be posted with the referendum question.
8. The Assembly must make its decision and approve a referendum question no later than April 25, 2012, and must complete and approve its final report no later than May 2, 2012. (In the event of unforeseen obstacles to this timetable, the Assembly Co-Chairs have the power to alter the schedule but all decisions MUST be made no later than May 2.)
9. The Referendum question must be posted no later than April 26, 2012, and voting will continue through noon on May 2, 2012. The decision of the voters shall be announced at the last meeting of the Assembly on May 2, 2012. (In the event of insufficient time for a reasonable voter response, the Assembly Co-Chairs have the power to alter the referendum schedule.)

Appendix 2 – CACTUS STATISTICS⁵

- Median Age – 22.9

- Gender
 - 8 - Males
 - 2 - Females

- Current City
 - 8 - Richmond KY
 - 1 – Somerset KY

- Race
 - 2 - African American
 - 9 – Caucasian

- Marital Status
 - 1 – Married
 - 10 – Single

- Class Standing
 - 8 – Senior
 - 1 – Junior
 - 2 – Sophomore

- Majors
 - Political Science
 - Geography

⁵ Co-Directors' Note: As conducted and reported by the class.

- Economics
- Health Science
- Construction Management
- Pre-Med
- Criminal justice
- Wellness Management
- Physical Fitness
- Religion
 - West African Voodoo
 - 2 – Agnostic
 - 4 – Christian
 - Spiritual
- Currently Employed
 - 4 – Yes
 - 7 – No
- Opinion of marijuana laws before CACTUS
 - 5 – Laws need to be changed for complete legalization
 - 6 – Laws need to be changed to allow medical and industrial marijuana.
- Party Affiliation
 - 2 – Libertarian
 - 3 – Republican
 - 3 – Democrat
- Have known anyone who uses marijuana regularly.
 - 10 – Yes
 - 1 – No
- Have a family member convicted of marijuana possession
 - 3 – Yes

- 8 – No
- Known anyone convicted of marijuana possession
 - 9 – Yes
 - 2 – No
- Have immediate family who uses marijuana for medical purposes
 - 1 – Yes
 - 10 – No

Appendix 3 - CACTUS RECOMMENDATION

A Recommendation for Measures to Legalize the Use of Cannabis as an Agricultural and Commercial Commodity and for Medical Applications*

Citizens Assembly for Critical Thinking about the United States

April, 2012

The Assembly recommends that policies affecting the production and use of cannabis in the United States be revised in two stages:

Stage 1:

The president should issue a directive to the Attorney General, and to such other executive departments and officers as may be appropriate and necessary, to identify or develop practical standards and methods that may be used to differentiate between industrial hemp, defined as cannabis with low THC content and little utility as a drug-producing plant, and other forms of cannabis that may be practically used to produce plant material with concentrated and readily available psychoactive drug content.

The Presidential directive should further instruct the Food and Drug Administration, and such other executive departments and officers as may be appropriate and necessary, to conduct objective, controlled studies for the specific purpose of identifying any medical or health benefits that may be obtained from the ingestion of marijuana, defined as products containing high-THC content cannabis, including studies on the effects of different levels of dosage or ingestion of this product on human psychological and physical functions. The design and execution of these studies should begin immediately and should be required to produce usable findings within two (2)

years. The standards for safety and dependence applied to human use in these studies should be no more rigorous or restrictive than standards already applied in the approval of other prescription pharmaceutical products. The duration of the studies should be no longer than is necessary to reach reasonable and defensible conclusions, identifying some but not necessarily all feasible medical applications.

Upon conclusion of studies that identify feasible medical applications, the Attorney General will be directed to undertake a review of the classification of cannabis or marijuana as a Schedule 1 Drug under the Controlled Substances Act and to actively seek justification to move cannabis as a drug producing medium from Schedule 1 to a lower Schedule, or to remove it entirely from the schedules defined under the Act.

Stage 2:

A law or laws should be passed to accomplish the following purposes:

Part A – Industrial Hemp Production.

1. The standards and methods used to distinguish industrial hemp from drug-producing varieties of cannabis will be codified in law together with provisions for revising and updating them as necessary.
2. Legal standards, prohibitive taxes, and licensure requirements that prevent the use of industrial hemp as an agricultural and commercial product should be eliminated.
3. Development of such Federal regulation and licensure requirements as may be necessary on the production of the industrial hemp as a common agricultural commodity should be assigned to the Department of Agriculture.
4. Federal regulations should allow anyone to grow industrial hemp as long as they

- intend to produce it as a commercial material rather than for use as a drug.
5. Each state shall have the authority under the law to approve or disapprove production of industrial hemp within its own borders.
 6. If a state approves production of industrial hemp, it must abide by the Federal standards for agricultural production of hemp, but may impose additional or more rigorous standards above and beyond the Federal standards.

Part B – Medical Marijuana

1. Assuming that effective health or medical applications of marijuana are demonstrated by the studies described above, the Food and Drug Administration will be responsible for licensing production and use of marijuana as a drug, but will be directed by law to seek, identify, and approve reasonably safe and effective medical applications of marijuana.
2. Regulations, licensure and approval to grow and process medical marijuana as a commercial pharmaceutical product shall be the responsibility of the Department of Health and Human Services and the Department of Agriculture, or such other Departments or Agencies as the Congress may deem appropriate.
3. Each state may establish for itself the laws and regulations under which individuals may, with a prescription or certificate of need issued by a licensed physician, grow limited amounts of high-THC cannabis for treatment of a personal medical condition.
4. Federal laws and regulations intended to control abuse of marijuana as a drug shall not be interpreted or applied to override or restrict the production and use of medical marijuana and industrial hemp as intended in this law.

Appendix 4: 2012 Referendum Question and Results

CACTUS recommends, by a vote of seventeen to zero, that production of cannabis as an agricultural commodity and use of marijuana as a licensed medical drug be legalized in the United States. The Recommendation is to be implemented in two stages: (1) issuance of a Presidential directive requiring research on pharmaceutical benefits and distinction between industrial and high-THC varieties of the plant; (2) passage of a law establishing administrative means to oversee production and marketing of industrial hemp and medical marijuana, with state options for approving or regulating certain aspects of use.

MAJOR REASONS DISCUSSED IN THE ASSEMBLY FOR MAKING THIS RECOMMENDATION:

- The marijuana, or cannabis plant has many ancient and modern uses for medicine, food, oil, fiber, and paper.
- As a pest-resistant and easily grown industrial crop ("hemp") it is environmentally friendly and could reduce demands for other scarce resources such as timber products.
- Commercial production and non-recreational uses of cannabis would have potentially far-reaching economic benefits, including new markets for farmers and more revenue for government.
- Classification of marijuana as a Schedule 1 (highly restricted) drug under the Controlled Substances Act is inappropriate because it is much less addictive than other major contraband drugs such as heroin and cocaine, and because it has demonstrated benefits as a medicine, such as stimulating appetite in cancer patients and relieving neuropathic pain.
- Fatally overdosing on high-THC or drug marijuana is essentially impossible; using industrial hemp as a source of the illegal psychoactive or drug compounds is also essentially impossible.
- Reducing illegal demand for drug marijuana would reduce support for drug cartels and the number of people imprisoned for minor drug offenses.
- Medical marijuana might reasonably be expected to be relatively cheap.
- Legalizing recreational use is not recommended, in part because it would be highly controversial and reduce public support for change.

Marijuana Legalization Referendum:

_____ I SUPPORT the CACTUS recommendation to legalize industrial and medical uses of marijuana.

_____ I OPPOSE the CACTUS recommendation to legalize industrial and medical uses of marijuana.

Referendum Results:

604 votes were cast.

519 supported the CACTUS position;

85 opposed the CACTUS position.

Appendix 4: Readings

Earleywine, Mitch. *Understanding Marijuana: A New Look at the Scientific Evidence*, Oxford University Press, 2002.

Gillard, Arthur, ed. *At Issue: Marijuana*. Greenhaven Press, 2009.

Merino, Noel, ed. *Current Controversies: Medical Marijuana*, Greenhaven Press, 2011.
