Governance Studies at BROOKINGS

May 2013

The New Politics of Marijuana Legalization:
Why Opinion is Changing

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I. INTRODUCTION

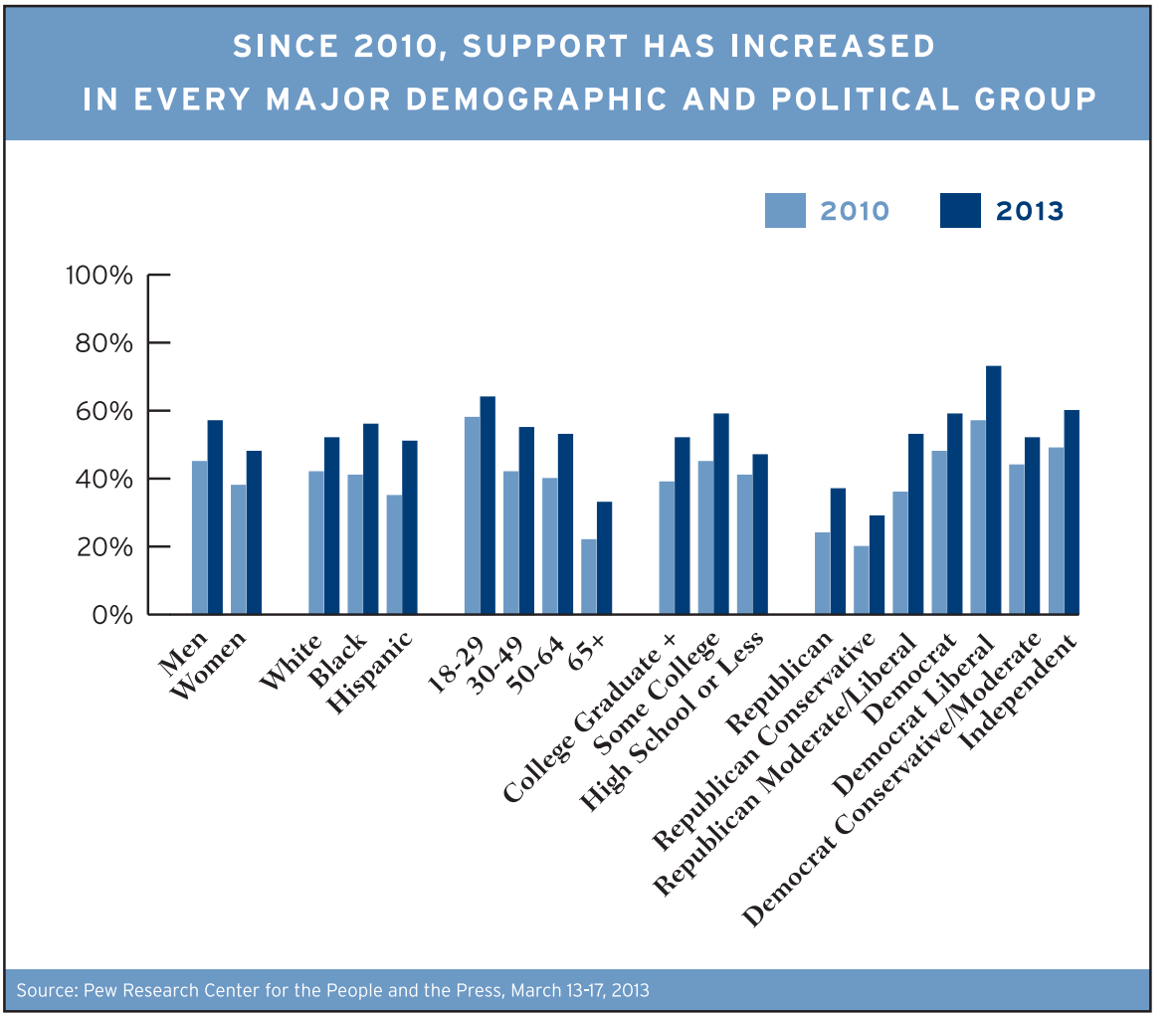
A DRAMATIC CHANGE IN SENTIMENT

Over less than a decade, public opinion has shifted dramatically toward support for the legalization of marijuana. For many years, opinion on the issue was quite stable, but the turn of the millennium unsettled this long-standing consensus: sentiment in favor of legalization has increased by 20 points in just over a decade. The proportion of Americans who view marijuana use as immoral has fallen from 50 percent to 32 percent in just seven years. A recent national survey showed a narrow national majority in favor of legalization, and its supporters translated this sentiment into ballot initiative victories in Colorado and Washington State in 2012.

Some of the change is likely to be durable. The 4-to-1 edge that opponents of legalization enjoyed twenty years ago has almost certainly vanished permanently. Momentum is on the side of those favoring legalization. Support for legalization is especially strong among the young, while the only age group staunchly opposed consists of those 65 years old and over. Unless the younger generation substantially alters its views as it ages, generational change alone is likely to keep support well above the levels of the relatively recent past, even if enthusiasm for legalization wanes.

One possible explanation for the shift is a sharp decline over the past generation in the proportion of Americans who see marijuana as a "gateway" to harder drugs. That decline has been steepest among those who have never tried marijuana. In addition, some surveys have found that a slim majority now believes that alcohol is more harmful than marijuana to both individuals and society. The implicit syllogism: if we long ago ceased regarding alcohol use as morally wrong, why should we continue to think this way about marijuana use?

The temptation is to conclude that the trend in favor of marijuana legalization is inexorable, similar to the flow of opinion in favor of same-sex marriage. In the case of gay marriage, generational differences are so strong and support among young Americans for gay marriage is so high that a durable, long-term majority in favor of such unions seems inevitable.



But while it is true that the country is unlikely to return to overwhelming opposition to legalization, it is much less clear that opinion on marijuana will follow the exact trajectory of opinion on gay marriage. Not all hot-button social issues are created equal. On abortion, for example, generational trends indicate continuing division: young adults are not significantly more pro-choice than their parents and grandparents. While the country is likely to arrive at a consensus on gay marriage, the same cannot be said of abortion.

Which trajectory, that of gay marriage or abortion (if either), is more likely to augur the path that opinion on marijuana may take? Will the country see the emergence of a broad pro-legalization consensus, or rather of a durably divisive cultural disagreement? With an eye to those questions, this paper seeks to explain the forces behind the move toward legalization, and their limits. Our findings include:

- In a number of respects, the structure of public opinion regarding marijuana legalization is distinctive, at least in today's political context. Among today's divisive issues, support for marijuana legalization is unusual in cutting across party lines. Generally, broad shifts in cultural attitudes—notably the rise of the 1960s and 1970s counterculture, and then the backlash against it in the 1980s—can trump the influence of party. Gender plays a role, but not necessarily the role one might expect: women are to the "right" of men, more likely to oppose legalization. Becoming parents appeared to have moved baby boomers toward a more conservative stance on legalization, but more recent findings suggest that parenthood may not be as strong a factor in determining one's position as previously thought. However, married parents are more likely to oppose legalization than unmarried parents.

- Attitudes toward legalization are marked by ambivalence, especially on the conservative side. Many of those who favor legalization do so despite believing that marijuana is harmful or reporting that they feel uncomfortable with its use. Among conservatives, many who believe marijuana should be illegal nonetheless support states' right to legalize it and take a dim view of government's ability to enforce a ban.

- Support for legalization, though growing markedly, is not as intense as opposition, and is likely to remain relatively shallow so long as marijuana itself is not seen as a positive good. Whether opinion swings toward more robust support for legalization will depend heavily on the perceived success of the state legalization experiments now under way—which will hinge in part on the federal response to those experiments.

- That said, demographic change and widespread public experience using marijuana imply that opposition to legalization will never again return to the levels seen in the 1980s. The strong consensus that formed the foundation for many of today's stringent marijuana laws has crumbled.

The authors would like to thank the Pew Research Center for the People and the Press for providing us with substantial detail from Pew's March 13-17, 2013, survey on attitudes toward marijuana, and Michael Dimock, director of the center, for answering so many of our questions. As readers will no doubt have already noticed, we rely heavily on the Pew study in our analysis. We also wish to thank Anna Greenberg and her colleagues at Greenberg Quinlan Rosner Research for sharing many insights from the company's extensive research on behalf of groups supporting the legalization of marijuana. We are grateful that Anna's analysis and her insights are never clouded by the leanings of her clients—which is as things should be in survey research.

II. A STUDY IN AMBIVALENCE

Because of the generational differences in attitudes toward marijuana, as we've seen, opinion on legalization would at first glance seem likely to follow the path of attitudes toward gay marriage. But there are several uncertainties. There is evidence suggesting that, as young adults move into marriage and child-rearing, their support for legalization wanes. Between 1970 and 1990, sentiment in favor of legalization among baby boomers fell by more than half and did not regain its previous peak until 2010. If millennials were to undergo a similar process as they entered parenthood (or if there were large changes in the American cultural landscape), the current momentum toward legalization could abate.

Moreover, compared with attitudes toward same-sex marriage, support for marijuana legalization is much less driven by moral conviction and much more by the belief that it is not a moral issue at all (see Appendix, Chart 4). A significant minority favor legalization, not because they think that smoking marijuana is an affirmative good, but because they doubt the ability of law to enforce a prohibition against it. Similar doubts, backed by a decade of experience, led to the collapse of support for the 18th amendment and the end of Prohibition in the early 1930s. It's also important to note that many Americans continue to believe that smoking marijuana is harmful to those who use it. Although a majority believe that alcohol is more harmful to individuals and to society than is marijuana, alcohol continues to enjoy much broader social acceptance.

Sociologists have long argued that direct contact with individuals and practices subject to social disapproval can dissolve or at least dilute negative sentiment. That is certainly true for homosexual conduct and same-sex married couples. Surveys have consistently shown that those who have a friend or relative who is gay or lesbian are far more sympathetic to gay rights than are those who do not. Similar factors do not have the same impact on attitudes toward marijuana: individuals with a family member who smokes are no more likely to favor legalization than are those without such a relative, although having a family member who uses marijuana for medical as opposed to recreational purposes does dispose individuals to favor legalization. Moreover, Pew finds that 51 percent of Americans report that they would "feel uncomfortable" in the presence of individuals using marijuana.

On the other hand—and importantly—whether someone has *personally* used marijuana is very important in shaping attitudes. Forty-eight percent of Americans say they have tried marijuana, up 10 points since 2003. Among those who have used marijuana, 70 percent support legalization; among those who have not, only 35 percent do. Those who once smoked marijuana but gave it up more than ten years ago are much less likely to favor legalization than are more recent users.

Despite last year's legalization victories in Colorado and Washington, the battles of recent years suggest that, on the whole, there is more intensity among those who oppose legaliza-

tion and more ambivalence among those who favor it. For example, a survey conducted during the battle over California's Proposition 19 that would have legalized marijuana use found that 39 percent of the state's voters were strongly opposed to legalization while only 34 percent strongly favored it. The rest of the voters held their views less intensely. Similarly, the survey found that 41 percent of voters said they were "definitely" opposed to legalization, while only 27 percent were "definitely" in favor.

There are other ambivalences in public attitudes toward marijuana, notably a substantial difference between attitudes toward legalization for recreational purposes and attitudes toward medical marijuana. For example, the Pew survey that found a 52-to-45 percent majority in favor of overall legalization also found a much larger majority, 77-to-16 percent, saying that marijuana had legitimate medical uses. Other surveys suggest that decriminalization tends to enjoy more support than outright legalization.

In light of the shifts in opinion we have documented, supporters of legalization were clearly shrewd in focusing the earliest legalization campaigns on efforts to allow the use of marijuana for medical purposes. More than three quarters of Americans—including 72 percent of Republicans and 60 percent of seniors—believe that marijuana has legitimate medical uses. It is at least a plausible hypothesis that changing public sentiment on medical marijuana helped transform attitudes on marijuana altogether.

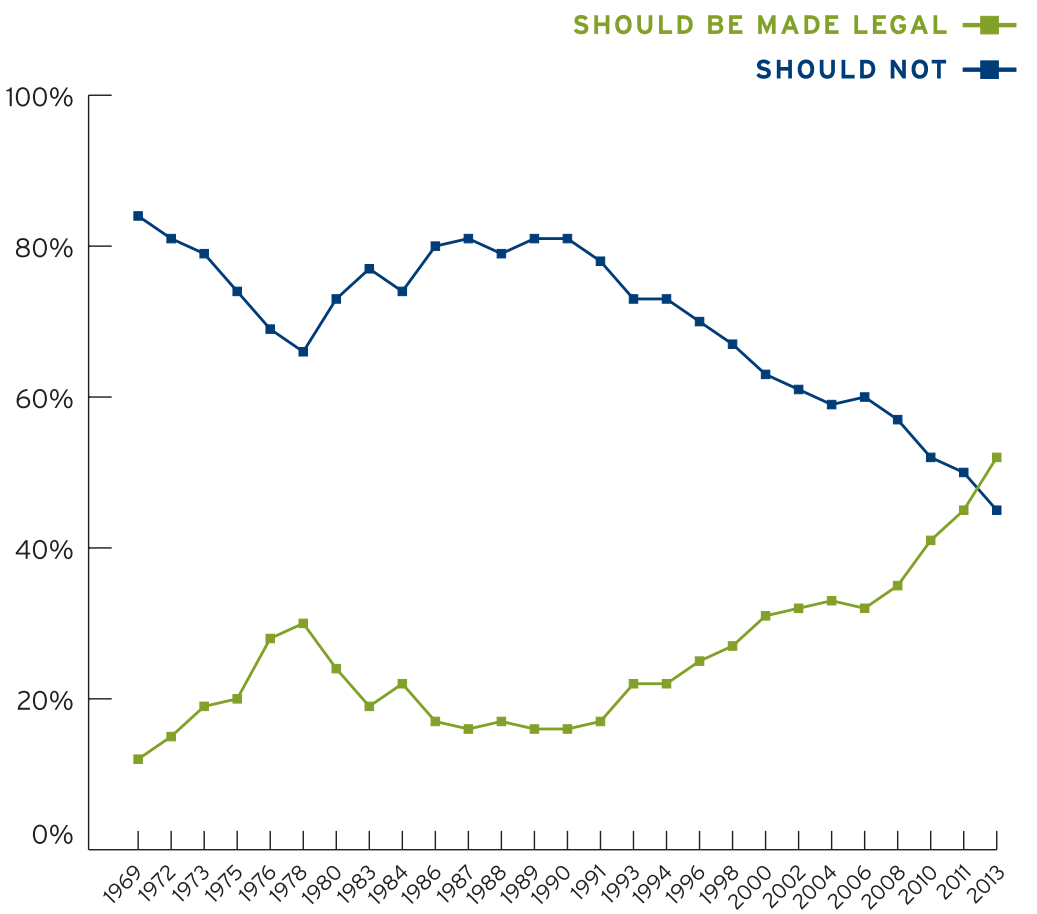
III. MARIJUANA AS MAP OF CULTURAL CHANGE

It is striking that shifts over time in attitudes toward the legalization of marijuana allow for a surprisingly precise reconstruction of four decades of American cultural history.

When survey research on the subject began in the late 1960s, hardly anyone favored legalization. Over the next decade, as the counterculture spread, support roughly doubled. But beginning in the late 1970s, a conservative reaction to the rebellion against tradition set in. Support fell steadily, bottoming out at the end of the Reagan Administration in the late 1980s, not far above where it had begun twenty years earlier.

And then, in 1993—the year Bill Clinton assumed the presidency—Americans once again began to consider the prospect of legalization in a more favorable light. Support rose gradually in the 1990s, more or less plateaued during the years of George W. Bush's presidency, and then surged at an unprecedented pace. Between the last year of the Bush administration and the beginning of Barack Obama's second term, support for legalization rose from 35 percent to 52 percent. It is striking that among the age cohorts that now make up the population, only the "Silent Generation" continues to be firm in its opposition to marijuana. This generation preceded the baby boomers, came to maturity in the 1950s, and was largely immune to the effects of the counterculture of the 1960s.

SUPPORT FOR LEGALIZING MARIJUANA HAS SURGED NEARLY 20 POINTS IN LESS THAN A DECADE – 11 POINTS IN THE PAST THREE YEARS ALONE – AND NOW CONSTITUTES A NARROW MAJORITY OF AMERICANS



Sources: Pew, 2010-2013; General Social Survey, 1973-2008; Gallup, 1969-1972

IV. AN EXCEPTION TO PARTISAN POLARIZATION

In an era when the attitudes of so many Americans on so many issues are driven by party preferences and ideological leanings, marijuana legalization is a partial exception, displaying a significant degree of ideological and partisan crossover.

It's not surprising that conservatives are more likely than liberals to oppose legalization, or that Democrats are more likely than Republicans to favor it. But as Appendix Chart 1 shows, there are rather large minorities within each partisan and ideological camp who break with their side's dominant view. Thus do 37 percent of both conservatives and Republicans favor legalization. Thus do 39 percent of Democrats and 25 percent of liberals oppose it. The per-

centage of both conservatives and Republicans who favor legalization has risen significantly in recent years. The relatively small partisan gap in comparison with other issues may be partly explained by the fact that Republicans are nearly as likely as Democrats to say they have used marijuana: 43 percent of Republicans reported past use, as did 47 percent of Democrats. Reported use among whites and blacks is identical (50 percent) but much lower among Hispanics (34 percent).

And there is agreement across partisan and ideological lines that, to use the language of Pew's survey question, "government efforts to enforce marijuana laws cost more than they are worth." As Appendix Chart 3 shows, this view is held by 72 percent of all Americans, including 78 percent of independents, 71 percent of Democrats, and 67 percent of Republicans. Sixty-five percent of conservatives believe this, as do 76 percent of moderates, and 79 percent of liberals.

It is also striking that even among *opponents* of legalization, there is substantial skepticism about the value of enforcing laws against marijuana, and also significant support for giving states that legalize it leeway to carry out their experiments. Conservatives are, among the ideological groups, the strongest opponents of legalization. Yet their traditional sympathy for states' rights and their skepticism about government efficacy weakens their support for strong enforcement of anti-marijuana laws. As the federal government calibrates its response to legalization efforts in the states, these ambivalent attitudes could prove to be important.

Indeed, states' rights views among Republicans and conservatives appear to take precedence over their attitudes toward marijuana legalization. Asked by Pew if the federal government "should or should not enforce federal marijuana laws" in states that "have decided to allow marijuana use," 57 percent of Republicans and 52 percent of conservatives said the federal government should *not* enforce its own prohibitions. The gap among Republicans between the proportion supporting legalization and the proportion who nonetheless want the federal government to stand down in the face of state legalization decisions is 20 percentage points; for conservatives, the figure is 15 percentage points.

Democrats, independents, moderates, and liberals all also say the federal government should stand down. But, interestingly, the proportion of Democrats who oppose legalization (39 percent) is close to the proportion who favor enforcing federal anti-marijuana laws (35 percent). The two numbers are similar for liberals (25 percent opposing legalization, 26 percent in favor of enforcing federal laws). What might be seen as the "states' rights gap" on enforcing marijuana laws exists for Republicans and conservatives, but not for liberals and Democrats—although it's important to underscore that substantial majorities of both of the latter groups favor legalization and oppose enforcing federal laws on marijuana in states that have made it legal. The existence of this substantial "states' rights gap" suggests that conservatives' expressed preference for state over federal decision-making is not, at least on this issue, mere rhetoric.

V. DEMOGRAPHICS: RELIGION AND ETHNICITY, MARRIAGE AND PARENTHOOD

Where the marijuana issue does closely resemble classic social issues is in the gap between religious Americans, particularly religious conservatives, and others. Among the religious groups, only two show clear opposition to the legalization of marijuana, white evangelical Protestants (59 percent opposed) and Hispanic Catholics (55 percent opposed). The Pew survey did not include a sufficient number of Hispanic evangelicals for analysis, though the findings for white evangelicals and Hispanic Catholics suggest that they, too, would be opposed. Other groups were closely split: white mainline Protestants and white Catholics divide almost evenly, while African-American Protestants tilt slightly toward legalization, 53 percent to 46 percent. In keeping with the patterns on other social issues, the religiously unaffiliated were overwhelmingly in favor of legalization, by a margin of 76 percent to 20 percent.

An even stronger pattern emerges based on attendance at religious services. Among those who attend once a week or more, 63 percent oppose legalization. Among those who attend occasionally, only 38 percent are opposed; and among those who say they seldom or never attend religious services, only 30 percent are opposed to legalization.

For white evangelicals in particular, marijuana use is plainly a moral issue. Where 32 percent overall say that smoking marijuana is morally wrong, 55 percent of white evangelicals believe this. Once again, the other two groups that stand out in seeing marijuana use as morally wrong are weekly-plus attenders at religious services (49 percent) and Hispanic Catholics (47 percent).

Other demographic factors such as race, income, education, and geography have at most modest effects on attitudes toward marijuana. Support for legalization has increased at every education level, although the gains have been smallest among Americans with a high school education or less.

While marital status is correlated with some attitudes toward marijuana (unmarried people are significantly more favorable toward legalization than are married people, which also reflects the larger age gap in attitudes), the evidence concerning the effects of *parental* status is mixed. While some surveys have found parents more opposed to legalization than non-parents, the Pew study, somewhat surprisingly, finds views of the two groups to be identical; each gives 52 percent support to legalization. Interestingly, married parents oppose legalization by a 52-to-45 percent margin, while unmarried parents favor legalization, 66 percent to 32 percent.

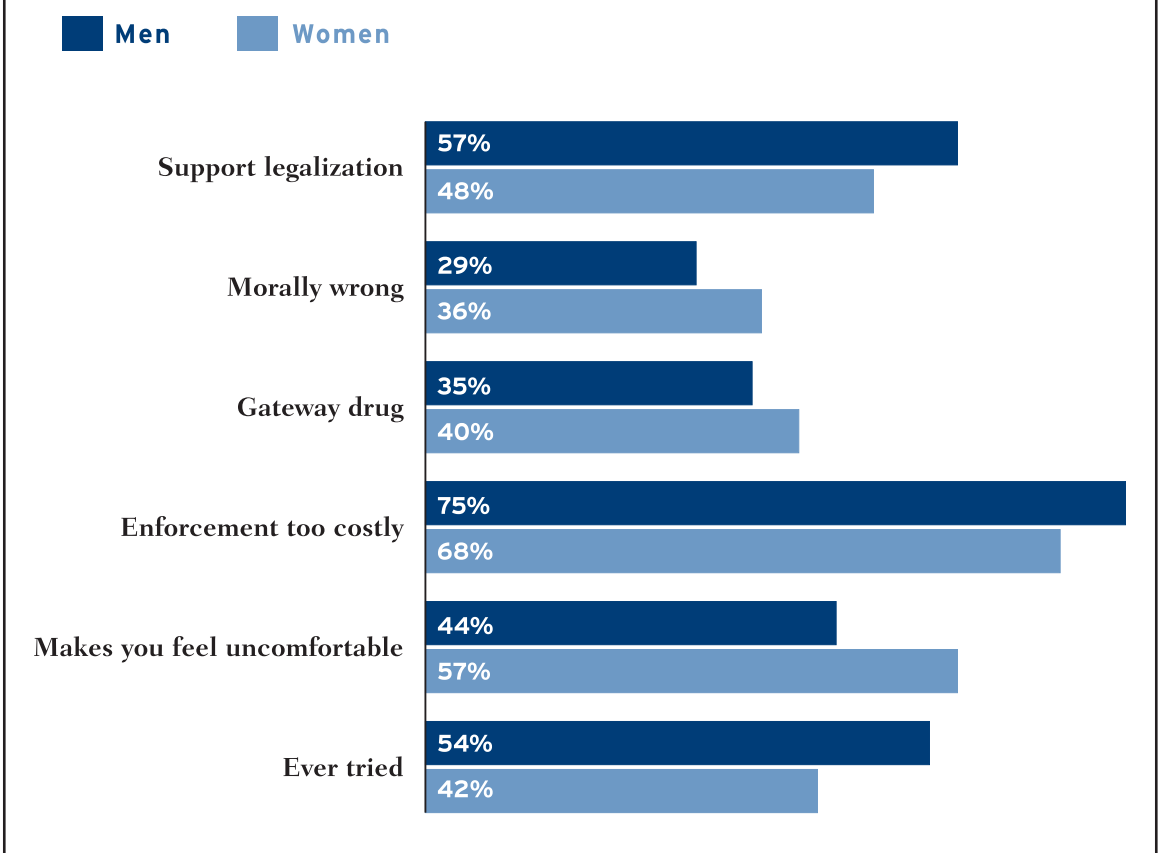
VI. THE BIG AGE GAP AND AN IMPORTANT GENDER GAP

As we said at the outset, one of the most important variables determining attitudes toward legalization is age—but the age relationship does not follow a straight line. Opinion is divided

into three age clusters. Americans under 30 are the most strongly supportive of legalization: 64 percent in favor, according to the Pew survey, and 34 percent opposed. Views in the oldest age cohort are, very nearly, exactly reversed: among those over 65, 64 percent oppose legalization, while 33 percent favor it. The middle-aged are more closely split, but have moved toward support for legalization. Among those aged 30 to 49, 55 percent support legalization, while 42 percent are opposed. Those 50 to 64 years old split 53-to-44 percent in favor of legalization.

Individuals between 30 and 64 are about as likely to have used marijuana (51 percent of the 30 to 49 year-olds, and 54 percent of 50 to 64 year-olds) as are 18 to 29 year-olds (56 percent). Among Americans 65 and older, on the other hand, reported use is much lower: only 22 percent of seniors said they had used marijuana. These findings strengthen the hypothesis that opposition to legalization is unlikely again to reach the levels of the 1980s or the pre-1960s. Marijuana use has become too widespread.

THERE ARE SUBSTANTIAL DIFFERENCES BETWEEN MEN AND WOMEN



Source: Pew Research Center for the People and the Press, March 13-17, 2013

If opinion on marijuana does not fall neatly along partisan and ideological lines, it also defies another recent trend: that on the whole, women are more inclined than men to support positions associated with the Democratic Party. On marijuana, the views of women are closer to those of Republicans. While men favor legalization by 57 percent to 40 percent, women are closely split: 48 percent support legalization, 49 percent oppose it. This finding is closely related to another: while 54 percent of men in the Pew survey report having used marijuana, only 42 percent of women do. Men are more likely than women to see the use of marijuana as morally acceptable, less likely to view it as a gateway to hard drugs, more likely to favor its legalization, and more likely to believe that the enforcement of anti-marijuana laws is not worth the cost. The interaction of age and gender makes senior women one of the most anti-marijuana groups in the population.

California's Proposition 19, the 2010 legalization measure, drew support from 48 percent of men but only 43 percent of women, according to the media exit poll. Among unmarried women, typically a strongly Democratic group, 60 percent opposed legalization.

Nonetheless, younger women are less opposed to legalization than older women, and those who do oppose legalization appear to be open to persuasion. On some measures, moreover, women and men are quite close in their views. In the Pew survey, for example, women (at 59 percent) were nearly as likely as men (61 percent) to say that the federal government should not enforce anti-marijuana laws in states where it is legalized.

VII. MARIJUANA'S POLITICAL FUTURE

Such ambivalence will play a central role in determining the outcome of future legalization battles. The fact that opponents of legalization still seem to feel more strongly about their views than proponents suggests that legalization's supporters need to win a much larger proportion of those whose views are equivocal than do their opponents. Advocates of legalization still have to overcome a basic attitude: that marijuana use itself is not seen as a positive good. This might seem obvious, but it is a central aspect of the structure of public opinion on the question.

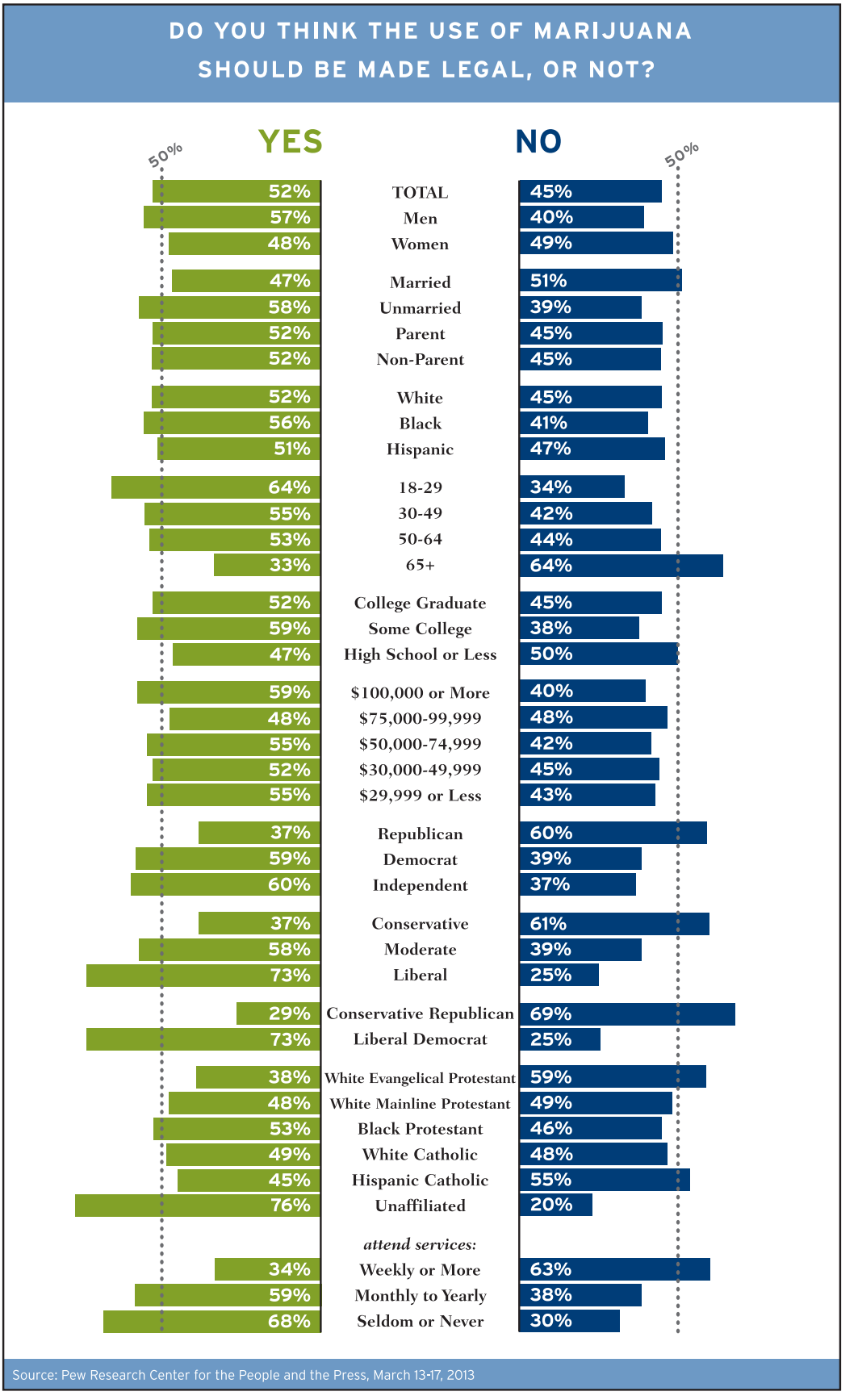
Those who end up supporting legalization on ballot measures often do so despite their doubts about marijuana. They come to support making its use legal for a variety of secondary reasons: that enforcement of marijuana laws constitutes a waste of public resources; that taxing legalized marijuana might provide a new source of public revenue; that enforcement of existing laws is spotty and unfair. Over the long run, the attitudes of Americans with ambivalent views on the question will be shaped by whether the various experiments with legalization, decriminalization, and the use of marijuana for medical purposes are deemed successes or failures.

Here again, the lesson of Prohibition is helpful, though in the opposite direction. Prohibition lost public support because of its unintended consequences. The question this time will be whether legalization of marijuana achieves the ends that those who support it promise without an undue number of unanticipated negative side-effects.

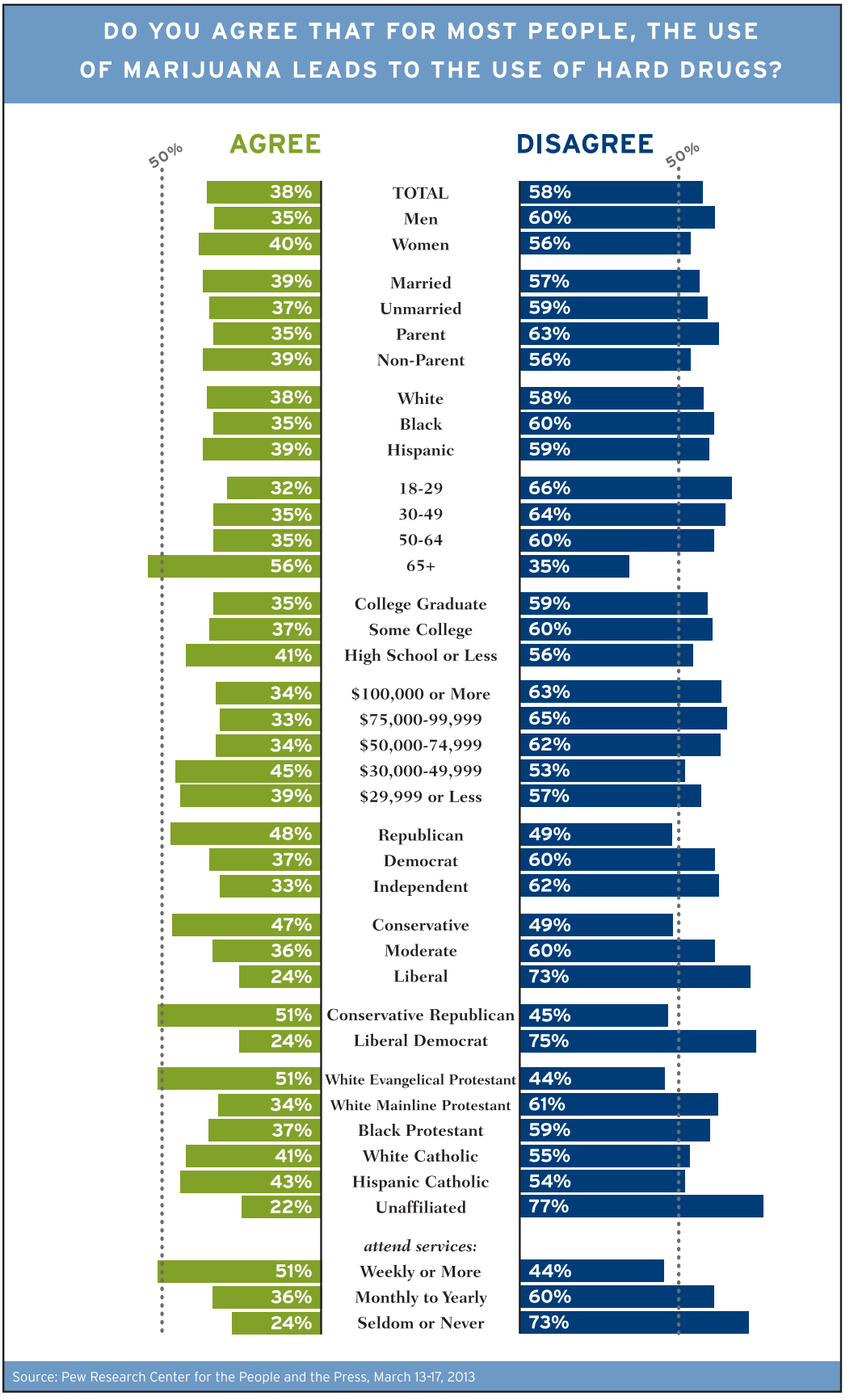
The kinds of regulatory regimes states establish will be an important part of the story. How the federal government deals with states that have legalized marijuana will also play a major role in whether these state experiments are seen as successes or failures.[1] This, in turn, will determine whether the strong support for legalization among younger Americans endures and creates a new majority on behalf of a cause once supported by only a few.

1. See Stuart Taylor Jr., *Marijuana Policy and Presidential Leadership: How to Avoid a Federal-State Train Wreck*. Brookings Institution, April 11, 2013. Available at http://www.brookings.edu/research/papers/2013/04/11-marijuana-policy-taylor

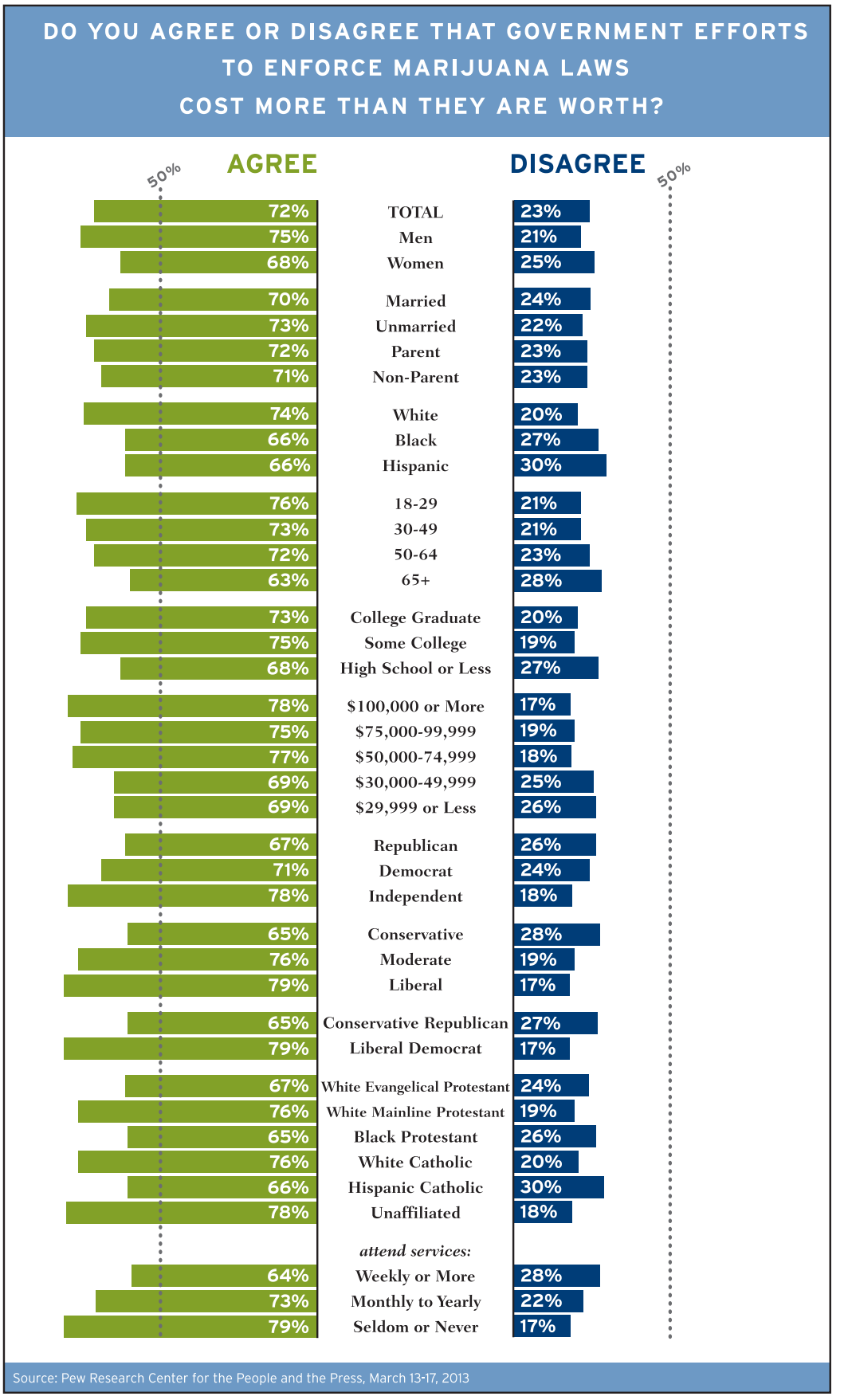
APPENDIX - CHART 1



APPENDIX - CHART 2

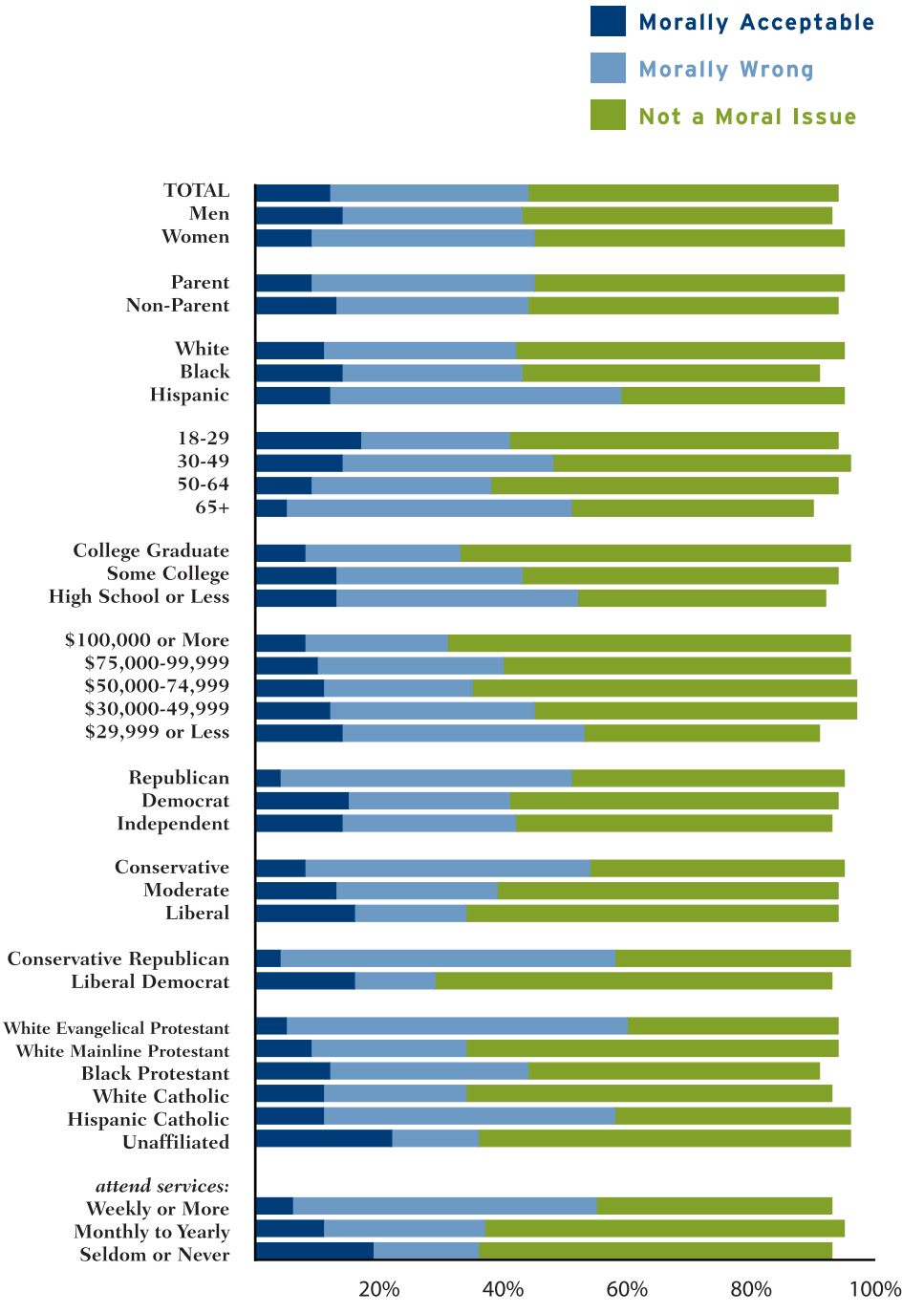


APPENDIX - CHART 3



APPENDIX - CHART 4

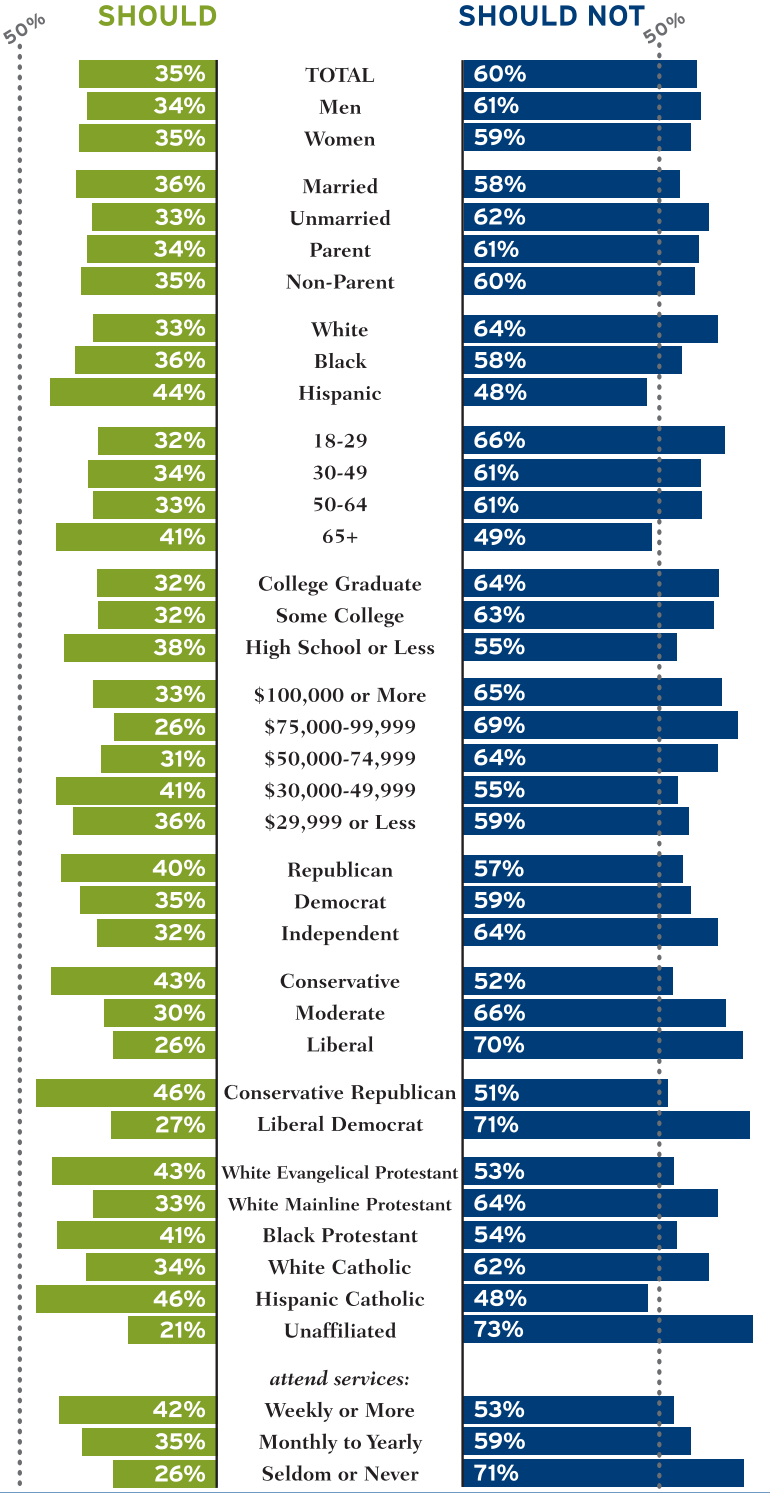
DO YOU PERSONALLY BELIEVE THAT SMOKING MARIJUANA IS MORALLY ACCEPTABLE, MORALLY WRONG, OR IS IT NOT A MORAL ISSUE?



Source: Pew Research Center for the People and the Press, March 13-17, 2013

APPENDIX - CHART 5

SOME STATES HAVE DECIDED TO ALLOW MARIJUANA USE, BUT IT IS STILL PROHIBITED UNDER FEDERAL LAW. DO YOU THINK THE FEDERAL GOVERNMENT SHOULD OR SHOULD NOT ENFORCE FEDERAL MARIJUANA LAWS IN THESE STATES?



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