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Brookings Cafeteria Podcast:
A short history of marijuana
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DEWS: Welcome to the Brookings Cafeteria, a podcast about ideas and the experts who have them. I'm Fred Dews. Over the past few years, public policy toward marijuana in the United States has been changing rapidly. It is a substance that historically has been vilified and misunderstood, but is now being legalized in more states for recreational or medical purposes. To sort through the cultural and social history of marijuana and to explain how it has become a mainstream public policy issue, Senior Fellow John Hudak has written a new book published by the Brookings Institution Press, titled *Marijuana: A Short History*. In this episode of the Brookings Cafeteria, my colleague Bill Finan interviews John about the book. Also in this episode, David Wessel's economic update anticipates President Trump's first budget, and a review of what Brookings experts are saying in week two of President Trump's first 100 days. And now, here's Bill Finan with John Hudak.

FINAN: And thank you, Fred. John, good to have you here to talk about your new book with us through Brookings Press.

HUDAK: Thanks for having me.

FINAN: For you, what led you to begin research on marijuana as a public policy issue?

HUDAK: Marijuana came to me as a public policy issue fairly accidentally. I was here at Brookings working on other parts of the executive branch, looking at regulation, taxation, implementation of public policy in a variety of ways, and a colleague came to my office in 2012 and said that, you know, "a couple of states might be legalizing marijuana this year on their ballot and have you ever thought of doing research on it?" and I never really had, it hadn't crossed my line of sight much. I was aware that

Colorado and Washington had ballot initiatives but didn't really know much about them, and he said, "Well, if they legalize there's going to be a lot of work that has to be done around all of the issues that you research, just in other areas." He said, "Take a look at these initiatives, take a look at this policy, and see if you're interested in it," and so I started to look around and before I knew it I was completely hooked on this as a public policy area. It's fascinating, and the rest is history.

FINAN: That's what I was impressed about the book. What it does most is makes it a public policy issue. That doesn't mean that it drains it of all color and interest at all, because I think the book has a strong narrative and a lot of history and anecdote which makes it very readable, too. As marijuana has gone from the illicit to the licit, you making it a public policy issue in a way has made this a foundational work, *A Short History*.

HUDAK: So this is a topic that has been taboo for so long and something that a lot of people shy away from or laugh at or joke about, and this book was a real opportunity to change that. There are several books out there, frankly, that are working to change that, but one of the most interesting questions I get asked when I give talks around the country on this topic is, "Why is Brookings researching this? Why does Brookings have an interest in this?" We celebrated our 100th anniversary in October, we are as venerable of a think tank as there is. And my answer is always easy, and it is that marijuana is public policy now. It's legitimate public policy, it's serious, it matters to a lot of Americans and people around the world, and it's just as much a public policy as healthcare or defense or any of the other myriad issues that we study here at Brookings.

FINAN: And I think the book makes that clear, and there's no snickering needed to go with the book, too. Marijuana, as you point out in the book, has since time immemorial been cloaked in controversy and your book takes us on a tour of that history. The very name itself is controversial, marijuana vs. cannabis. I wasn't even aware of that debate going on. Can you talk a little bit about that?

HUDAK: To be honest I wasn't aware of how contentious of a debate it was until I started going to conferences that deal with this issue. And marijuana is a term that was brought to this country through language from Mexican immigrants and it very quickly became a means of vilifying the plants and the users of that plant by painting it as a Mexican or an immigrant-based real disease in this country, and many people in the reform community prefer to use the word cannabis because it is the scientific term, it has stripped away that racialized historical terminology that has really had some negative effects in our society.

And so, I respect people who take issue with the term, but the reality is marijuana is a mainstream term. It is something that most people use – the term, that is – and have no idea of the racialized history behind it; whereas cannabis is a much less common term. So I take time in the book to talk about this conflict, to talk about this debate, and explain to the reader why, even though many may object, I decided to name the book using the word marijuana and write fairly exclusively in the book about cannabis being the plant and marijuana being its products.

FINAN: The book seems to me to center around two themes, in a sense – the racialized history you talk about and then the political history of it too, although the two can't be necessarily pulled apart. Can you talk a little bit about the racial history?

HUDAK: The racial history is one that dates back quite some time, and after the Spanish-American war there was significant Mexican immigration into the United States and with it came all of the typical out-group vilification that happens during waves of immigration; and in fact, oddly, we're getting back to that rhetoric in our current politics which is really unfortunate. But the plant was seen as something that was infecting good – read, white – communities, and it was being brought there: first by Mexican immigrants, then it became a product of the Jazz movement which was, of course, code for African-Americans.

And this was a product that never really entered white communities but it was something for Harlem, it was something from New Orleans. It was something for what at least some people thought of bad parts of society and culture, and that continued beyond just looking at certain groups and assigning that, to rhetoric in media and from government about people committing crimes under the influence of marijuana, and those crimes were almost always perpetrated by a person of color and oftentimes the victims were white Americans. And so this became a real divisive tool: rhetorically, politically, that was steeped in an often under-discussed racist chapter of American history.

FINAN: And there's also, as I was saying, the political too, which in my mind is the criminalization which is associated with the racial history but also with the counterculture and the political upheaval of that period. Can you talk a little bit about that?

HUDAK: Absolutely. This became – this stayed a racial issue, but it really

became a political issue starting in about the 1960s. There were politics around racialization before that in the 1930s with, um, Harry Anslinger, who was effectively America's first drug cop, the first drug czar. But in the 1960s, with the counterculture movement raging on – and well, first beatniks in the 50s, hippies in the 60s – this real fear about the social fabric of America being tattered or being destroyed, politicians saw an opportunity to use drug use and particularly marijuana use to paint divisions, dividing lines, within our society.

And no one did this better than Richard Nixon in the late 1960s and early 1970s, beginning a political campaign – not an electoral campaign, necessarily – but a full-fledged political campaign around this idea of an us-versus-them mentality in which there was crime and there was drug use and there were hippies and there were minorities who were a threat. Not just people you didn't want to associate with, not just people who are committing crimes, but a true threat to the nation. And the war on drugs really emerged from this – and the war on drugs is not a misnomer. The rhetoric coming out of presidents was the same kind of rhetoric they used talking about the Soviet Union.

FINAN: Mhm.

HUDAK: The victims in this case, often times, were people of color or younger people or counterculture figures who happen to enjoy marijuana.

FINAN: And you point out that the Controlled Substances Act of 1970, which remains pivotal today, too, came out of the Nixon years as did the Drug Enforcement Agency which, as you point out, now has over 11,000 employees and a budget of nearly three billion. The other figure who comes out of your narrative is Ronald Reagan and his

wife as continuing Nixon's war on drugs, and that was the last major attempt to criminalize, I think. Is that correct?

HUDAK: Ronald Reagan was a vocal and active opponent of drugs. He saw drugs as a real, again, threat to society; as something that he could control. He certainly used it politically in the same way that Richard Nixon did, and his wife took on – Nancy Reagan, the first lady – took on this issue in a full-throated manner. And she coined the phrase “just say no” and she helped boost D.A.R.E. programs and other drug education programs – which we have scant evidence of any effectiveness over time – but she helped personalize the war on drugs and bring it into the classroom, in a way that even as far back as the Eisenhower administration, there were warnings from professionals to say talking too much about drugs in classrooms can have negative effects. And we know now that the use of propaganda about drug use, and particularly marijuana use, that does not ultimately reflect what a user's experience is like makes people tune all of that out, even good messages out, about avoiding drugs.

And so, the Reagan years were ones that brought America back to a loathing of drugs, and especially marijuana. Public support for marijuana legalization had a bit of a tick up during the Carter Administration, and it was brought back during the Reagan years to historic lows. That was not by accident; that was because of a seriously concerted effort by President Reagan and his administration to continue and ultimately expand the war on drugs.

DEWS: Now let's take a quick break to hear Wessel's economic update.

WESSEL: I'm David Wessel and this is my economic update. New presidents

usually release their proposals for the federal budget late in February in their first year, and at least in this regard President Trump is expected to do what his predecessors did. This skinny budget, so-called because it's usually a lot fewer pages than the full multi-volume budget that presidents issue later in their term, is important, particularly this year. In a budget one has to put numbers, not tweets, and a discerning reader can tell, "do the numbers add up?" Here are a few things I'll be looking for when the Trump budget arrives, with a nod to my friends at the American Action Forum who have been thinking along the same lines.

One, the economic assumptions. Every president's budget projects economic growth assuming all of his policies are implemented. Faster growth means more revenue and smaller federal deficits, so presidents love optimistic growth forecasts. Mr. Trump talked about 3.5%, even 4% economic growth on the campaign trail. A nice aspiration, but not realistic, at least in the near term. If his budget is built on more realistic assumptions, it'll be more credible.

Two, the tax cuts: how big and what sort of tax cuts. President Trump could list some vague principles, put a number down, and leave it to Congress to work out the details. Or, he could elaborate on some of the rather vague and sometimes conflicting proposals he and his team have made in public. Or, he could embrace House Republicans' tax blueprint. One really big question: whose taxes will be cut, whose raised? Will this be a great deal only for the rich?

Three, spending increases. Where does Mr. Trump want to spend more money? Defense is one likely place, but how much of an increase? And how about infrastructure? So much talk about it, there'll surely be something there, but will Mr.

Trump pursue the controversial scheme pushed by some of his campaign advisers to finance this with tax credits, or what?

Four, spending cuts. Now, just living with the ceilings that are written into law on annually appropriated non-defense spending was going to be tough for Congress. Will Mr. Trump propose even lower ceilings? What domestic spending will he target? I'll bet there'll be some cuts designed to make headlines or tweets, even if they don't involve much money. And where will he come down on spending for the Earned Income Tax Credit, Medicaid and food stamps – those low-income programs that House Republicans have so long wanted to cut but were unable to do so?

The debt. Compared to the size of the economy the federal debt is larger than almost any time in US history, and without a significant course correction the debt will continue to mount, mostly because we'll have more older people and that means spending more on Social Security and on Medicare. Other than hoping for faster economic growth, which would help, Mr. Trump seems to have little interest in doing anything to restrain these projected increases in debt. So I think the question for his first budget is whether he'll actually propose to make the debt problem worse.

DEWS: Now back to Bill Finan's discussion with John Hudak about his book, *Marijuana: A Short History*.

FINAN: What was interesting to me in reading the book is that it was also in the Reagan years that medical marijuana first made its appearance because of the AIDS crisis which began during that time. And I don't think anyone's really told that history, but the way you've intertwined it was very interesting to me – how medical marijuana help

shift this perception of marijuana from this nasty thing associated with bad people, although I guess AIDS patients were considered in that sense too.

HUDAK: The inter connection between the AIDS crisis and marijuana was something that was fairly new to me. Bruce Barcott in his book *Weed the People* does a really nice job of telling this history, but it has multiple intersections. One of the first medical marijuana bills to be proposed in Congress – not the first, but one of the consistent ones to be proposed – was by Stewart McKinney, who was a congressman from Connecticut, and he wanted marijuana to be used to treat people who had certain conditions that they wanted relief from.

What was interesting was ultimately Stewart McKinney died of AIDS. He was the first member of Congress – really the only sitting member of Congress – to die of AIDS and he did so very early on in the AIDS epidemic. His legislation, if passed, probably could have helped him because AIDS is one of those diseases that almost every state with a medical marijuana program allows it for treatment. His colleagues continued that fight for medical marijuana after his passing, and that was true in the Congress but it was also true at the state level too – the drive to legalize medical marijuana because of AIDS, and the movement's first big success grew out of the Castro district in San Francisco, a place that the AIDS epidemic was truly an epidemic in the late 1980s and early 1990s, and the grassroots efforts there around seeing individuals, particularly young men, dying every day in San Francisco of this horrible disease ultimately led to the passage of the first medical marijuana ballot initiative in California in 1996.

FINAN: And you point out in the book too that that movement grew very quickly,

too, the medical marijuana movement. What are some of the medicinal uses of marijuana?

HUDAK: This is a controversial question because many in the medical community are not convinced of the medical value of cannabis, but when you look out at states, many states are convinced of that value. People use it for pain relief, people use it to help control muscle spasticity, for instance for people with MS or Lou Gehrig's disease or spinal cord injuries that cause muscle issues or spinal cord injuries that cause chronic pain. It's used for glaucoma, for HIV/AIDS, for cancer, for people with clinical anorexia – that is, individuals who either have a disease that makes them so nauseated that they can't eat, or they take medications for a disease that causes nausea so bad that they are anorexic and they're losing weight. It is used for any number of anxiety disorders. It is prescribed for PTSD.

If you look around at the states you see different qualifying conditions – that is it a disease or condition you have to have in order to be eligible for the medical marijuana program. Some are short, some are extraordinarily long – the list – because we're learning everyday what people are saying is a therapeutic benefit, and one that has really moved reform legislation is the use of marijuana for the treatment of epilepsy.

FINAN: You also point out that in parallel there's – well, not necessarily in parallel – there's been the growth of the recreational marijuana movement too, which is where public policy really comes into play, I guess, in terms of understanding how it's grown to the states.

HUDAK: Starting in 2012, Colorado and Washington became the first states in

the US to legalize recreational marijuana. So what does that mean? That means in those states you can, with a photo ID that proves your age, go into a dispensary, which looks – they look different everywhere, to be honest, but oftentimes they look like a small pharmacy or something of the like – and you can go in and buy a certain amount of marijuana and you can use it without having a medical condition. You can't use it in public, you can't use it while you're driving, and you can't use it before you're driving either, but you can go back to your home and you can consume it. If you're a visitor to Denver or to Seattle or to other areas in the states that have legalized that have access to dispensaries, you can buy edibles and use those in a hotel room if you don't have a room or space that you can smoke in. So that means that you have full-fledged access to this product in the same way that you would alcohol or tobacco or cookies, for that matter.

FINAN: What's interesting in the book to me is your discussion of the growth of the marijuana business – the marijuana industry, I guess – and how state laws butt up against federal laws and how there are these catch-22's. Especially, the discussion of taxation was confounding to me.

HUDAK: This is an area of law that is very complex. Federal law tells us that marijuana is illegal in all circumstances. It is a schedule 1 substance, there are no exceptions to its illegality. But, state laws are reforming this and are in some cases embracing it as fully legal in a regulated system. That is something that the federal government has allowed to happen through administration memoranda and an effort to say, "as long as you are complying with certain expectations we have about a regulated market, we won't enforce federal law against you," but it still remains illegal federally

and it creates these bizarre situations, for instance, where a state or a business within a state has to pay all of the taxes that a business would normally be required to pay but they are afforded almost none of the tax benefits that a business is often afforded, like investing in itself or doing research and development. It creates a variety of challenges, for instance for medical marijuana, if you buy medical marijuana in Colorado and you travel to Florida you can't take your medicine with you. You can do that for any pharmaceutical in the United States, but you can't do it with medical marijuana. It creates these odd dynamics that make the system very difficult to function, even as the federal government OKs it to function.

FINAN: There's still a lot of policy and legal issues to be figured out. What are the prospects for further decriminalization and legalization in the country?

HUDAK: There is a real movement in this country underlying all of this, and that is a movement in public opinion. About 60% of Americans now support recreational marijuana legalization. About 80% of Americans support medical marijuana reform. And so, understanding that public opinion often drives these social movements, change is coming very quickly. It's happened so far in 25 states and the District of Columbia for medical; four states and the District of Columbia for recreational; and there will be more states to come. Soon we're going to really start to get into state legislatures considering recreational legalization as well. There are discussions in Vermont and in Rhode Island and in Connecticut to do this. The march is clearly in one direction on this issue, and that direction is toward reform.

FINAN: John, thank you for coming by today to talk about your book.

HUDAK: Thank you.

DEWS: This interview was recorded prior to the 2016 election. Here's John Hudak with an update on how marijuana ballot measures fared in November, and what future of marijuana policy could look like under the new Trump administration.

HUDAK: On Election Day 2016, voters in nine states went to the polls to vote on referenda involving recreational or medical marijuana. The recreational states were California, Arizona, Maine, Massachusetts, and Nevada. Four of those five ballot initiatives passed: California, Nevada, Massachusetts and Maine's voters all voted in favor of adult-use recreational marijuana. Arizona's ballot initiative narrowly lost, but in a twist of irony the losing side actually won a higher percentage of the vote than either of the two major-party presidential candidates did, losing by about three percent. On the medical side, Florida, Arkansas, North Dakota, and Montana all went to the polls to vote on medical marijuana.

These states were believed to be a little more contentious than the recreational states because largely they were red states, traditionally conservative states, particularly Arkansas and North Dakota. Arkansas, in fact, has a governor who's a former head of the DEA. But voters in all four of those states voted in favor of medical marijuana. This has been a real turning point for the marijuana reform movement. In many ways, November 8, 2016 was the most successful year for the marijuana reform community in its history, with eight of the nine ballot initiatives passing and even down-ballot measures and municipalities who are considering opting out of existing legal marijuana programs. Many of those initiatives failed, additional wins for the marijuana reform community. The one challenge for that community, however, was the election of Donald Trump. Trump's election was one that brought great uncertainty to the

movement and to the marijuana industry. Trump's subsequent pick of Jeff Sessions as Attorney General is something else that has the marijuana reform community asking questions about what the future will look like. So, in some ways November 8th was a sunny day for marijuana and in some ways it was a cloudy day, and as these states begin to roll out implementation and the new Trump administration begins to take hold, we'll have a better idea of what the future of marijuana policy and marijuana industry is in the United States.

DEWS: You can learn more about the book on our website at [brookings.edu/marijuana](https://www.brookings.edu/marijuana).

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DEWS: As President Donald Trump begins his administration, I'll present on a weekly basis a selection of what Brookings experts are writing and saying about the new administration's early policy choices, personnel decisions, and engagements with domestic and global events. Here's Week Two of the first one hundred days. Links to everything and even more content is available on the Brookings Now blog on our website.

First up, there's been a lot of analysis in reaction to President Trump's executive order restricting immigration from 7 majority Muslim countries. Senior Fellow Benjamin Wittes says that "the malevolence of President Trump's executive order on visas and refugees is mitigated chiefly and perhaps only by the astonishing incompetence of its drafting and construction." Associate Fellow Jessica Brandt reviews five important facets about President Trump's executive order, including that "the order is harmful to America's national security interests." Senior Fellow Suzanne Maloney writes that

“Trump’s immigration ban misjudged the American people, and it will prove a historic miscalculation for US standing in the world and influence in the Middle East.” And Senior Fellow Daniel Byman, calling the executive order “immoral and un-American,” says “it’s also likely to fail on its own terms and lead to an increase in terrorist attacks against Americans, which might ironically cause support for such policies to grow.”

On domestic and economic policy, Senior Fellow Elaine Kamarck described six areas of a government-wide reform agenda, including the budget process, federal contracting, federal regulation, and the civil service. Philip Wallach and Nicholas Zeppos of Governance Studies take stock of where the new administration and Congress are on regulatory issues, including areas of limited cooperation, of conflict, and of alliance against the administrative state. Senior Fellow William Gale says that Treasury Secretary nominee Stephen Mnuchin’s call to boost funding and resources for the IRS is right because cutting IRS funding punishes all of us, particularly the law-abiding folks who pay taxes.

On foreign policy and national security, the Metropolitan Policy program’s Amy Liu and Rachel Barker observed that President Trump’s trade stance is leading to unease among business leadership groups in metro areas around the country, including in Des Moines, San Diego, and Chicago. Senior Fellow Vanda Felbab-Brown looks at the Trump administration’s threat to cut off funding for so-called sanctuary cities and argues that pushing local police forces to check immigration papers will ultimately hurt law enforcement. Instead, the administration should focus on cooperation with local communities. Felbab-Brown also examines how President Trump’s proposed US-Mexico border wall could see costs that far outweigh its benefits. And finally, Khaled

Elgindy, a fellow with the Center for Middle East Policy, argues that moving the US Embassy in Israel from Tel Aviv to Jerusalem, an action that President Trump promised he would take while campaigning, would come at an exceptionally high cost with little or no benefit.

You can find the links to all this content and much more on the Brookings Now blog at brookings.edu/brookingsnow.

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DEWS: Hey listeners, want to ask an expert a question? You can, by sending an email to me at bcp@brookings.edu. If you attach an audio file, I'll play it on the air and I'll get an expert to answer and include it in an upcoming episode. Thanks to all of you who have sent in questions already.

And that does it for this edition of the Brookings Cafeteria, brought to you by the Brookings Podcast Network. Follow us on Twitter @policypodcasts. My thanks to audio engineer and producer Gaston Reboledo, with assistance from Mark Hoelscher.

Vanessa Sauter is the producer, Bill Finan does the book interviews, and our intern is Kelly Russo. Design and web support comes from Jessica Pavone, Eric Abalahin, and Rebecca Viser; and thanks to David Nassar and Richard Fawal for their support. You can subscribe to the Brookings Cafeteria on iTunes, and listen to it in all the usual places. Visit us online at brookings.edu. Until next time, I'm Fred Dews.

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