Dope Laws Change

Fifth Estate Collective

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In about two-thirds of the 50 states, drug abuse laws covering the possession of marijuana have been or are in the process of being revised to ease the penalties for first offenders.

In Michigan, a bill to reduce possession of grass to a misdemeanor has been introduced by state Rep. Dale Warner (R-Eaton Rapids) and has passed the House. It awaits action in the Senate and reportedly has the approval of governor Miliken.

Since the trend toward relaxation of generally stringent state laws began about three years ago, at least 27 states have reduced the status of first-time possession from a felony to a misdemeanor and have lessened the penalties accordingly. Similar legislation is under consideration and believed likely to pass in nine others.

According to one source in the Justice Department's Bureau of Narcotics and Dangerous Drugs, the impulse toward revision springs from the nature of the marijuana "problem"—that is, the pervasiveness of marijuana use.

"It's the middle-class family that's being hit now," the source said, "and they're the ones who wield the power, they're the ones demanding changes in the law."

More than 90 per cent of all drug abuse cases are handled at the state level, where penalties for first offenders have been generally severe.

One example is Virginia, where until the law was revised this year, the minimum penalty for possessing more than about a half-teaspoonful of marijuana was 20 years in jail, the same minimum penalty set for first-degree murder.

Similar changes—making a distinction between marijuana and hard drugs such as heroin and between the possession of marijuana and its sale, and reducing sharply the first-offense penalties for possession—were recommended at the Federal level by the Nixon Administration last year. They were incorporated in a bill that passed the Senate in January without a dissenting vote and is now in the House.

A common factor in many of the state-level revisions is the clear distinction between, on the one hand, the possession and use of marijuana and, on the other, its sale.

Not infrequently, as in Illinois, the penalties for selling marijuana have been increased. The pending Illinois legislation would raise the present 10 years to life penalty for a first-offense sale to 15-years -to-life.

Attempts to reduce criminal penalties for the use of marijuana to what two New York City district attorneys called "a more realistic level" have not always succeeded. In Colorado, such an attempt has failed in the legislature for three years running.

But states as disparate in geography and character as Virginia, Wisconsin, Kansas and Maryland have enacted legislation this year changing the status of possession and personal use of marijuana from a felony to a misdemeanor; similar legislation is pending in a number of other states, including Ohio, Hawaii, New Jersey, and Florida.

A bill that would have provided for probation rather than a jail term for a first offender passed in one house of the Mississippi legislature but was defeated in the other.

The current Michigan statute calls for a ten year maximum for possession and a 20 year minimum for sales of marijuana. The repeal of these barbaric penalties would mean the release of John Sinclair and the thousands of other prisoners now in Michigan dungeons for smoking a harmless weed.



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