

Federal marijuana prohibition act assignment

[History](#)



While some American's agree with the federal prohibition of marijuana, a larger majority of Americans think marijuana should be legalized. First, we will look at the current Federal Marijuana laws and punishments, and the fact that the Federal marijuana laws are extremely serious, and penalties for those found guilty are extremely steep. Then, we will look at reasons the Federal law causes conflict with state laws, and then we will look at why some believe marijuana should be legalized, and others do not. Under federal law, marijuana is treated the same as bath salts, meet, heroin, and cocaine.

In other words, the federal government categorized marijuana with the most dangerous of illicit drugs. These drugs are classified as a Schedule I drug, however, marijuana control is top priority of the National Drug Control Policy (Bluntness, Nielsen, 2010). Under federal law, there are two types of sentencing laws: sentencing laws, and mandatory sentencing laws. Over 1 goof marijuana carries a six to twelve month sentence. Over 2. 5 keg, with a prior conviction carries 2-3 years in Jail (Americans for Safe Access, 2014).

Mandatory minimum for possession of geek, or cultivation of 100 plants is 5 years, or 10 years tit a prior conviction. Mandatory minimum for possession of geeks, or 1000 plants is ten-years, or twenty-years with one prior conviction, and a life sentence with two prior convictions (Americans for Safe Access, 2014). Offenders could even be forced to forfeit their land, house, or bank accounts to the law enforcement agency even if the seizure is in violation of federal law. Under prohibition laws local police and the DEAD are allowed to seize property and financial assets without due process, or a trial.

There is a federalism crisis due to a conflict between the Federal Prohibition Act and the Controlled Substance Act, and the states that have legalized marijuana. Several states have legalized marijuana for both, medical and recreational purposes, which have thrown state governments into confusion because their legalization laws conflict with the Controlled Substance Act (Schwartz, 2013). Federalism doctrines most related to the federalism crisis generate opposing answers to the arrest-and-seizure question.

The Tenth Amendment anti-commandeering doctrine states federal laws are unable to compel state legislatures or law officers to arrest or charge violators of state marijuana policy. On the other hand, the Supremacy Clause imposes that all state officials are to enact, enforce state law, but not to obstruct federal law operations (Schwartz). In states that legalized marijuana, officers are expected to not arrest individuals that are following marijuana related laws, and in some cases, courts ordered marijuana seized from an individual legally entitled to possess it, to be returned.

However, such state police feared returning the marijuana, even though legally entitled to possess it, would violate prohibition of marijuana. Police are not the only State Executive Officials riddled with anxiety and uncertainty. Prosecutors as well as Bureaucratic administrators are responsible for professions involved with legalization of marijuana, lawyers and doctors, and they all face the fact that they could be charged criminally under the CSS. Courts also face issues while pondering on revoking a parolee, or probationer.

In other words, state executive officials, and state Judges, and legislators face aiding and abetting criminal prosecution (Schwartz, 2013). There are various reasons marijuana should be legalized or decentralized. For instance, prohibition causes a rise in violence, cause violence is necessary to resolve disputes. In an illegal drug trade, disputes cannot be settled via the legal or Judicial system. Historical examples provide proof of increased violence while goods were prohibited. Primarily, violence in the drug trade became apparent in 1914. 1914 was the year drugs, in the United States, were prohibited, similar to the rise of violence during the prohibition of alcohol (Minor & Siebel, 1995). The U. S. Murder rate also supports the rise in violence during prohibition. The murder rate rose when prohibition laws were first initiated, and fell when prohibition was repealed in 1934, and increased again at a dramatic rate when drug law enforcement increased. Another serious problem of prohibition is accidental poisonings and overdoses due to lack of government quality regulations (Minor & Siebel, 1995).

On the other side, it is argued that marijuana is definitely associated with criminality, violence and insanity. One fact American's fail to comprehend is that the marijuana in the U. S. Is low-grade. In India and Egypt it is reported that marijuana has a profound disturbing effect on the brain cells, and is extremely capable of inducing acts of violence, even murder. Norman Taylor, a botanist who does not support prohibition, admits continued use of a more potent form, hashish, leads a chronic user too residence off lunatic asylum.

Most studies in other countries, where the grades of marijuana are higher, show the use among the criminally insane are alarming. In Latin America, authorities say marijuana- induced crimes are induced by delusions and
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psychotic episodes resulting from marijuana intoxication (Miller, 2012).

American's who support prohibition of marijuana, and American's who do not support prohibition make valid arguments. However, the biggest factor to non-supporters is the fact that marijuana is classified as a Schedule I drug, the same as heroin, and worse than cocaine and meet.