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MARIJUANA - Removal of Penalty for Personal Use

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The concepts advocated here are not new. They have been adopted by other states, including New York and Oregon.

Some facts:

1. California law is unduly permissive. Many states never have adopted the "redeeming social importance test." Others have abolished it. No majority opinion of the United States Supreme Court requires it.
2. None of the movies listed by opponents would be banned, nor would "Playboy" or Michelangelo's "David". What is banned is the obscene exhibition of human genitals, sexual conduct and excretion.
3. Broad defenses within the measure protect works of art and other matter which is not obscene. Opponents conveniently overlooked these. As it concerns adults,

the measure is directed at hardcore pornography, nothing more.

Opponents' argument should be rejected just as the conclusions of the President's Commission on Pornography were rejected by conscientious scholars, Congress and the President himself, because of its utter disregard for the facts.

We urge a YES vote. We must protect ourselves against the commercialization of degenerate sex. This proposition may be our last chance.

JOHN L. HARMER
State Senator, 21st District
WOODRUFF J. DEEM
District Attorney,
Ventura County
HOMER E. YOUNG
Pornography Specialist
Federal Bureau of Investigation,
Retired (1955-1972)

MARIJUANA. Initiative. Removes state penalties for personal use.

Proposes a statute which would provide that no person eighteen years or older shall be punished criminally or denied any right or privilege because of his planting, cultivating, harvesting, drying, processing, otherwise preparing, transporting, possessing or using marijuana. Does not repeal existing, or limit future, legislation prohibiting persons under the influence of marijuana from engaging in conduct that endangers others. Financial impact: None.

19

YES

NO

(For Full Text of Measure, See Page 27, Part II)

General Analysis by the Legislative Counsel

A "Yes" vote on this initiative statute is a vote to revise present California law relative to marijuana to provide that no person in the State of California 18 years of age or older shall be punished in any way for growing, processing, transporting, or possessing marijuana for personal use, or for using it.

A "No" vote is a vote to reject this revision.

For further details, see below.

Detailed Analysis by the Legislative Counsel

State law now makes possession of marijuana punishable as either a misdemeanor or a felony for a first offense and as a felony for a second or subsequent offense. The planting, cultivating, harvesting, drying, or processing of marijuana or any part thereof is punishable as a felony; and the transporting, offering to transport, or attempting to transport marijuana is punishable as a felony.

This measure would provide that no person in this state who is 18 years of age or older shall be punished criminally, or be denied any right or privilege, by reason of such person's planting, cultivating, harvesting, drying, processing, otherwise preparing, transporting, or possessing marijuana for personal use, or by reason of that use.

The measure would provide that it would not be construed as repealing existing legis-

(Continued in column 2)

Cost Analysis by the Legislative Analyst

This measure repeals for persons 18 years of age or older all criminal sanctions for the planting, cultivating, harvesting, drying, processing, otherwise preparing, transporting or possessing marijuana for the purpose of personal use or by reason of that use.

This measure would not result in increased state or local costs. It should result in a reduction in cost of state and local law enforcement and judicial activities relating to the personal possession and use of marijuana. However, such cost reductions will probably not be large enough to be readily identifiable and result in a decrease in state and local expenditures. Rather, they will be shifted to other law enforcement and judicial activities.

(Continued from column 1)

lation, or limiting the enactment of future legislation, that prohibits persons under the influence of marijuana from engaging in conduct that endangers others. An example of such legislation is present Section 23105 of the Vehicle Code, which prohibits the operation of a vehicle on a highway while under the influence of any drug.

Any change in California law made by the measure would not affect criminal penalties prescribed by the federal "Controlled Substances Act" with respect to the planting, cultivating, harvesting, drying, processing, or otherwise preparing, transporting, or possessing marijuana for personal use.

Argument in Favor of Proposition 19

This proposition removes criminal penalties for the adult personal use, possession and cultivation of marijuana. It DOES NOT LEGALIZE sale or encourage the use of marijuana. The proposition recognizes the responsibility of government to maintain criminal penalties for activity under the influence of marijuana which may endanger others. It permits cultivation to provide a legitimate source for personal use so that people need not purchase marijuana illegally.

After the most complete study ever made of social and medical evidence concerning marijuana, decriminalization has been recommended by President Nixon's Commission on Marijuana, as well as by the Los Angeles County Grand Jury, the National Institute of Mental Health, and the American Medical Association Drug Committee.

These conservative authorities all agree that marijuana is not addictive, does not lead to other drugs, does not damage the body, does not produce mental illness, crime or violence, and has no lethal dose. While no drug—including aspirin, alcohol and tobacco—is harmless, the vast majority of people who use marijuana do so without harm to themselves or society.

The central public policy question is what to do with people—our sons and daughters—who engage in personal behavior that some may consider undesirable? What approach is likely to change their behavior without destroying them in the name of saving them? Decriminalization is the answer.

A YES vote on Proposition 19 will save California taxpayers hundreds of millions of dollars each year currently wasted on the needless arrest, prosecution, and jailing of otherwise innocent and law-abiding citizens. The present laws divert police and prosecutors from action against serious crimes, overcrowd our courts and jails, and undermine respect for law and order.

Distortion of the dangers of marijuana leads young people to disbelieve the truth about heroin, amphetamines, and other dangerous drugs. A rational stand on marijuana is necessary to curb drug abuse and help restore the credibility to our drug education programs.

Marijuana is not as harmful as our two most popular drugs—alcohol and tobacco—and there is no justification for making criminals out of people who use any of these. The present laws are expensive, destructive, and unsuccessful: soft on drugs and hard on people.

It's time to return to traditional American values and stop making criminals of normal people for personal behavior. Merely reduce penalties to a misdemeanor is no solution. That still leaves thousands of Californians faced with arrest records and harsh fines or

jail terms without reduction in enforcement costs or decrease in drug abuse.

Proposition 19 is the only alternative to legalization, or to the present system which is plagued by corruption, hypocrisy, destruction of hundreds of thousands of innocent lives, and the waste of human and financial resources.

Help restore respect for the law, the police, and most of all, for the American ideal of the right of all citizens to be free from unwarranted governmental interference in their personal lives. Please vote YES on Proposition 19 to decriminalize marijuana use by those over 18.

JOEL FORT, M.D.

Public Health Specialist and Criminologist; former Consultant on Drug Abuse for the World Health Organization

MARY JANE FERNANDEZ
Educator

GORDON S. BROWNELL, J. D.
Former Member of White House Staff (1969-1970)

Rebuttal to Argument in Favor of Proposition 19

Legalization of anything encourages its use. Penalty always acts as a deterrent to any human action. We are a law-abiding people. Laws now serve as a successful deterrent to drug abuse by many of our young. If we remove these laws, we are giving public approval to drug abuse. Some governments carry death penalties for trafficking in marijuana—the majority carry stiff penalties up to life imprisonment (where the sentence means exactly that). The World Health Organization states there is no justification for marijuana use. A study of 5,000 heroin addicts showed that 95% of them started on drugs with marijuana. Other studies show the same.

Never before has a governmental agency proposed legalization of a drug prior to the time its effects were known. Marijuana is an unpredictable drug. Backyard legalization for everyone would compound the unpredictability.

Marijuana's harmful effects are being glossed over. John Ingersoll, Director, U. S. Department of Justice, Bureau of Narcotics and Dangerous Drugs, states: "Expert medical opinion recognizes marijuana as a substance . . . that has not been proved harmless by scientific research . . . There are persistent, documented reports of its dangers . . . I believe people have a right to know more about those effects before government condones its use."

We must not throw open the door legally to allow social disintegration through legal drug abuse.

I repeat: A study of 5,000 heroin addicts showed that 95% started drug abuse with marijuana.

Vote NO on Proposition 19.

H. L. RICHARDSON
State Senator, 19th District
DR. HARDEN JONES, Ph.D.
Professor of Medical Physics and
Physiology; Asst. Director of
Donner Laboratory,
U. C. Berkeley

Argument Against Proposition 19

The active drug content in marijuana is tetrahydrocannabinol or THC. This chemical was isolated in the 1940's and very little research has been done on it. THC is a psychotomimetic drug (or a psychosis mimicker) which appears to directly affect the central nervous system. One obvious and dangerous aspect of THC's effect is progressive loss of inhibitions; distortion of judgment; distortion of space and time relationships; and abnormal alteration of all the senses.

Marijuana is remarkably unpredictable because no quality controls or standards are maintained, and this would be particularly true if anyone could grow, process and use their own. Marijuana reaction is also dependent on the mood of the user, compounding its unpredictable nature.

The hallmark of marijuana use is flight from reality and its assassination of ambition. One of America's strengths is its ability to solve its own problems. We must meet the challenges of today with all facilities unimpaired by the crippling effects of drug abuse.

Dr. Constandinos Miras, from the University of Athens, who has studied marijuana habitues for more than 20 years, said: "I can recognize a chronic marijuana user from afar by the way he walks, talks and acts. You begin to see the personality changes that typify the long-time user—the slowed speech, the lethargy, the lowered inhibitions, the loss of morality."

The often used argument that marijuana is no more harmful than tobacco and alcohol shows monumental unawareness of the unpredictability of the drug, or intellectual dishonesty. The chemistry of alcohol and tobacco is readily understood and its effects generally are predictable.

The statement that marijuana is not physically addicting is misleading. It can hook the chronic user with the same psychological bonds caused by other dangerous drugs, psychological dependence lasting long after the user has "kicked the habit."

Even one marijuana trip is dangerous because marijuana is the vehicle for crossing the psychological barrier to drug abuse. Liberalization of laws on marijuana would be the green light for even more drug abuse,

compounding a problem already raging out of hand.

No civilized nation on the face of the globe permits the sale and use of marijuana by law. In India where marijuana was formerly broadly used with no legal restriction whatsoever, it was discovered that the drug was draining the moral fiber of the population. India is now ending the sale and use of cannabinol drugs. Nigeria has gone full circle from open legalization to the death penalty for sale and use of marijuana because the drug caused incredible social and political strife in Nigerian society and it was feared that the drug would abort her national growth.

Proposition 19 would open the door to every possible act of conduct endangering others. Law enforcement would be taxed beyond limits to cope with the problems created by the passage of this measure. With any person legally capable of cultivating his own "weed" patch, it would be impossible to enforce existing legislation.

I cannot too strongly urge your "NO" vote on Proposition 19.

H. L. RICHARDSON
State Senator, 19th District
DR. HARDEN JONES, Ph.D.
Professor of Medical Physics and
Physiology; Asst. Director of Donner
Laboratory, U.C. Berkeley

Rebuttal to Argument Against Proposition 19

Enormous research has been done on marijuana beginning in 1893. Most recently it has been exhaustively studied by President Nixon's Commission on Marijuana and similar national commissions in Canada and England. All found marijuana not guilty and have recommended decriminalization.

Politicians are experts primarily on getting elected, not on drugs or morality. The total failure of our present criminal approach reflects this.

Marijuana is not a psychotomimetic. Like alcohol and sedatives, marijuana affects the nervous system, but does not cause a total loss of inhibitions. The predictable effects of alcohol and tobacco include one million deaths a year in America. No deaths have been reported from marijuana use.

Psychological dependence can occur with caffeine, marijuana or television, but abuse only exists if there is measurable damage to health or functioning.

Dr. Fort has personally studied drug use in India, Nigeria, and Greece. Millions of people there use marijuana, as they do here, despite its illegality and with no evidence of social or health damage. Reputable drug experts in these countries agree. Dr. Miras' study specifically refuted by President Nixon's Commission which found that "the Greek sub-

jects did not evidence any deterioration of mental or social functioning which could be attributed solely to marijuana use."

Marijuana users in America include middle-aged legislators, housewives, businessmen and policemen. These people are not criminals and the law should recognize that reality.

Help yourself, help police, and reduce drug abuse. VOTE YES.

JOEL FORT, M.D.
Public Health Specialist and Criminologist; former Consultant on Drug Abuse for the World Health Organization

MARY JANE FERNANDEZ
Educator

GORDON S. BROWNELL, J.D.
Former Member of White House Staff (1969-1970)

20	<p>COASTAL ZONE CONSERVATION ACT. Initiative. Creates State Coastal Zone Conservation Commission and six regional commissions. Sets criteria for and requires submission of plan to Legislature for preservation, protection, restoration and enhancement of environment and ecology of coastal zone, as defined. Establishes permit area within coastal zone as the area between the seaward limits of state jurisdiction and 1000 yards landward from the mean high tide line, subject to specified exceptions. Prohibits any development within permit area without permit by state or regional commission. Prescribes standards for issuance or denial of permits. Act terminates after 1976. This measure appropriates five million dollars (\$5,000,000) for the period 1973 to 1976. Financial impact: Cost to state of \$1,250,000 per year plus undeterminable local government administrative costs.</p>	YES	
		NO	

(For Full Text of Measure, See Page 27, Part II)

General Analysis by the Legislative Counsel

A "Yes" vote on this initiative statute is a vote to create the California Coastal Zone Conservation Commission and six regional commissions; to regulate, through permits issued by the regional commissions, development within a portion of the coastal zone (as defined); and to provide for the submission of a California Coastal Zone Conservation Plan to the Legislature for its adoption and implementation. The statute would terminate on the 91st day after final adjournment of the 1976 Regular Session of the Legislature.

A "No" vote is a vote against adopting the measure.

For further details, see below.

Detailed Analysis by the Legislative Counsel

This initiative statute would enact the "California Coastal Zone Conservation Act of 1972." The principal provisions of the act would:

1. Create the California Coastal Zone Conservation Commission and six regional commissions. The regional commissions would be composed of members of the boards of supervisors, city councilmen, and members of regional agencies, plus an equal number of knowledgeable members of the public. The state commission would consist of a representative from each of the regional commissions, plus an equal number of knowledgeable members of the public.

2. Require the state commission to submit to the Legislature, by December 1, 1975, a California Coastal Zone Conservation Plan based on studies of all factors that signifi-

(Continued on page 52, column 1)

Cost Analysis by the Legislative Analyst

This initiative declares that the California coastline is a distinct and valuable resource and it is state policy to preserve, protect and, where possible, restore the natural and scenic resources of the coastal zone for present and succeeding generations. The coastal zone generally includes the land and water area extending seaward about three miles and inland to the highest elevation of the nearest coastal range. In Los Angeles, Orange and San Diego Counties the inland boundary can be no more than five miles.

The initiative would create one state and six regional commissions to:

1. Study the coastal zone and its resources,
2. Prepare a state plan for its orderly, long-range conservation and management, and
3. Regulate development by a permit system while the plan is being prepared.

The commissions begin February 1973. They must adopt the plan by December 1975 and terminate after adjournment of the 1976 Legislature which presumably would establish a permanent commission based on the plan. Commission membership would be balanced between local government officials and state appointed members.

The initiative requires the commission to study a broad range of subjects pertaining to the coastal zone. The final plan must include recommendations on:

1. Ecological planning principles and assumptions for determining suitability and extent of development.
2. Land use.

(Continued on page 52, column 2)

313.55. In any action brought pursuant to the provisions of this chapter, the district attorney is not required to file any bond before the issuance of an injunction order provided for by this chapter, is not liable for costs, and is not liable for damages sustained by reason of the injunction order in cases where judgment is rendered in favor of the person, firm, or corporation sought to be enjoined.

313.56. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

<p>19</p> <p>MARIJUANA. Initiative. Removes state penalties for personal use. Proposes a statute which would provide that no person eighteen years or older shall be punished criminally or denied any right or privilege because of his planting, cultivating, harvesting, drying, processing, otherwise preparing, transporting, possessing or using marijuana. Does not repeal existing, or limit future, legislation prohibiting persons under the influence of marijuana from engaging in conduct that endangers others. Financial impact: None.</p>	YES	
	NO	

(This Initiative Measure proposes to add a section to the Health and Safety Code. It does not amend any existing law. Therefore, its provisions are printed in **BOLD-FACE TYPE** to indicate that they are **NEW**.)

PROPOSED SECTION 11530.2, HEALTH AND SAFETY CODE.

SECTION 11530.2

(1) No person in the State of California 18 years of age or older shall be punished criminally, or be denied any right or privi-

lege, by reason of such person's planting, cultivating, harvesting, drying, processing, otherwise preparing, transporting, or possessing marijuana for personal use, or by reason of that use.

(2) This provision shall in no way be construed to repeal existing legislation, or limit the enactment of future legislation, prohibiting persons under the influence of marijuana from engaging in conduct that endangers others.

<p>20</p> <p>COASTAL ZONE CONSERVATION ACT. Initiative. Creates State Coastal Zone Conservation Commission and six regional commissions. Sets criteria for and requires submission of plan to Legislature for preservation, protection, restoration and enhancement of environment and ecology of coastal zone, as defined. Establishes permit area within coastal zone as the area between the seaward limits of state jurisdiction and 1000 yards landward from the mean high tide line, subject to specified exceptions. Prohibits any development within permit area without permit by state or regional commission. Prescribes standards for issuance or denial of permits. Act terminates after 1976. This measure appropriates five million dollars (\$5,000,000) for the period 1973 to 1976. Financial impact: Cost to state of \$1,250,000 per year plus undeterminable local government administrative costs.</p>	YES	
	NO	

(This Initiative Measure proposes to add and repeal a division of the Public Resources Code and add and repeal a section of the Business and Professions Code. It does not amend any existing law; therefore, its provisions are printed in **BOLD-FACE TYPE** to indicate that they are **NEW**.)

PROPOSED LAW

Section 1. Division 18 (commencing with Section 27000) is added to the Public Resources Code, to read:

DIVISION 18. CALIFORNIA COASTAL ZONE CONSERVATION COMMISSION
CHAPTER 1. GENERAL PROVISIONS AND FINDINGS AND DECLARATIONS OF POLICY

27000. This division may be cited as the California Coastal Zone Conservation Act of 1972.

27001. The people of the State of California hereby find and declare that the California coastal zone is a distinct and valuable natural resource belonging to all the people and existing as a delicately balanced ecosystem; that the permanent protection of the remaining natural and scenic resources of the coastal zone is a paramount concern to present and future residents of the state and nation; that in order to promote the public safety, health, and welfare, and to protect public and private property, wildlife, marine fisheries, and other ocean resources, and the natural environment, it is necessary to pre-