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Should Marijuana be Legalized?

An Ethical Analysis of Marijuana and Institutional Corruption in the United States

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Introduction

The Issue

"The single biggest discrepancy between the law in books – the profession's ethics codes – and the law in action. The ethics codes are almost entirely *individualist* in their focus" (Luban, *Legal Ethics and Human Dignity*, 237). If laws are individualist in their focus, then what happens when an entire institution is concerned?

It is difficult, clearly, for even the most rigorous law to dictate ethical decision-making. Often, either law or ethics seems to take precedence over the other, when in reality, only one of the two is malleable. Ethics are largely consistent, where as laws should be catered to fit ethical standards, such that people may more easily obey the law. However, as David Luban notes, ethics codes are often at the mercy of institutions, when they are designed only for individuals. What, then, is the case when those posed with an ethical question are the lawmaking and law-enforcement institutions themselves?

A push for marijuana legalization is sweeping the nation, though it faces strong opposition. Those opposed argue that legalizing marijuana would, in a gross oversimplification, undermine health, promote delinquency, and compromise safety. However, upon further examination, many organizations within the US government appear to be promoting profound institutional corruption by supporting marijuana's federal illegality.

Key Definitions

In order to begin discussion on the issue, a few key terms and concepts need to be clearly defined, so as to avoid any confusion with alternate definitions. These definitions are all within the context of the argument, though that is not to say that they are not more widely applicable.

Claiming certain parts of the federal government demonstrate institutional corruption does not condemn the federal government as a whole. Rather, within the context of marijuana legislation, specific federal organizations display institutional corruption, though this in no way mandates that the government as a whole does so too.

Integrity is a key term that requires a comprehensive definition in order to remove ambiguity from the following argument. Traditionally, integrity has had a definition that follows the words of Barbara Killinger: "Integrity is a personal choice, an uncompromising and predictably consistent commitment to honour moral, ethical, spiritual, and artistic values and principles" (Killinger). Integrity implies a consistency between the intention or mission of a person/institution and the consequent action

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of the person/institution. While Killinger's definition hits upon an important point, it is not holistic enough, due to the inherent disputability in the words "moral" and "ethical." To compensate, borrowing from Stephen Carter, integrity also includes determination of right and wrong followed by action on this determination (Carter, 7). The determination of right and wrong involves taking an action after deliberation on the situation using an ethical decision making process, in which different types of ethics should be considered. Furthermore, it is not true that an agent (person/institution) must "[say] openly that [he/she] is acting on [his/her] understanding of right from wrong" (Carter, 7), though it is important for the agent to understand its own action and why it was taken. Additionally, integrity implies a commitment to the action aspect, as Carter later states of corruption that "we seem not to believe in the integrity of our commitments" (Carter, 12). In order to avoid corruption, which is the opposite of integrity, people and institutions must follow through on their commitments. To recap, integrity involves determining right from wrong, acting on this determination with a consistency between mission and action, and fully committing to this action, all the while understanding why said action was taken.

To define institutional corruption, the previous definition of integrity is important. Again, in borrowing from Stephen Carter, corruption is the opposite of integrity (Carter, 12). Therefore, institutional corruption is the undermining of an institution's integrity; whether it be from internal or external influences is irrelevant, as any decision ultimately rests in the hands of the institution, and therefore, so too does responsibility for the consequences of the decision. Thus, the first half of Lawrence Lessig's definition of institutional corruption is correct: "The first element is bad governance, which means simply that our government doesn't track the expressed will of the people" (Lessig, 8). By extension, it seems that bad governance also encompasses a government or institution that fails to do its stated *duty* by not acting in accordance with its constitution or mission. Lessig claims the second element of institutional corruption is "lost trust" (Lessig, 9). While lost trust can be a marker of institutional corruption, it is not a necessity. People may easily believe in a corrupt government without knowing the government is corrupt or they may lose trust in a government, even if it is not corrupt. Therefore, Lessig puts a degree of responsibility on the people, which is problematic, as the people cannot be responsible for the corruption of an institution of which they are not even a part. While democratic peoples hold responsibility for the efficacy of the government, the government has its own secrets people may not know, as demonstrated with the recent Edward Snowden case. Essentially, institutional corruption is the undermining of an institution's integrity, which causes the institution to less effectively do its job, and

may be accompanied by a change in trust. Undermining of the institution's integrity would involve the institution not acting in accordance with its mission, leading to an ethically *wrong* action, as per the definition of integrity above.

Additionally, institutions can themselves have integrity. The argument can be made that individuals comprise an institution, and the integrity of the institution is only the sum of the individual's integrities within the institution. Whether or not such a claim is true, the fact remains that the institution would have integrity, whether it be inherent to the institution itself or the sum of individual's integrities. Regardless, an institution can take action, and therefore invokes consequences on other people/institutions, thus conferring some kind of accountability to the institution itself. One of the components of this accountability is integrity.

Additionally, the difference between legal and illegal drugs should be defined. <u>Illegal drugs</u> include drugs that are illegal, according to the federal government. These drugs may sometimes be administered in a medical context, though such occurrences are rare and strictly controlled. Such drugs are not typically available at request of prescription, over the counter, or legally for recreational use. Because the focus of the argument is the federal government's policy on marijuana, it is prudent to set the basis of comparison with drugs that the federal government considers equally dangerous. The DEA classifies marijuana as a Schedule I drug. Therefore, marijuana falls under a class of drugs that have "no currently accepted medical use and a high potential for abuse. Schedule I drugs are the most dangerous of all the drug schedules with potentially severe psychological or physical dependence" ("Drug Scheduling"). Schedule I drugs that will serve as the 'illegal drug' basis of comparison against marijuana include heroin and MDMA (ecstasy), as they are both recreationally used, like marijuana.

<u>Legal drugs</u> include drugs that are legal either for over the counter purchase or for legal recreational use. Some of these drugs have medical uses, though this is not a defining characteristic of legal drugs. Examples of such drugs are different cold/cough medicines, antihistamines, acetaminophen, ibuprofen, nicotine (cigarettes) and ethanol (alcohol), among a large host of other drugs. It seems prudent to examine different legal drugs depending on the context. For example, alcohol and nicotine are linked to crime, where as antihistamines are not. On the other hand, alcohol and nicotine have no accepted medicinal or health benefits, where as antihistamines do. Therefore, with legal drugs, the context is important when determining which drug to examine as a basis for comparison.

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Thesis

      Some branches of the United States Federal Government demonstrate institutional corruption in their handlings of marijuana legislation. The Constitution of the United States, plus a few other laws of governance, such as the UN Universal Declaration of Human Rights, defines the mission of the U.S. Government as a whole. Therefore, if the government, or any branch of the government were to act in discordance with the Constitution, the government, or government branch, would be demonstrating institutional corruption. Consequently, the actions of the legislative branch and organizations such as the DEA and NIDA are at odds with the U.S. Constitution, specifically the section in the preamble that ordains the government should "insure domestic Tranquility, provide for the common defense, [and] promote the general Welfare" ("Constitution of the United States").

Note: For the purposes of this argument, the government's mission (Constitution and other laws) are synonymous with duty.

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<u>**The Facts**</u>

Overview

Before the ethics of marijuana can be addressed, the ethical reasoning for the legality/illegality of some drugs should be discussed, as a baseline to compare marijuana against. Drug use and legality bring up a number of ethical issues including the concepts of crime and safety, health, and effects on others.

Crime and Safety

Crime and safety are relevant ethical issues, as the Constitutional mission assures that the federal government will "insure domestic tranquility" and "provide for the common defense." This section will include facts about crime, arrests, incarceration, and public safety.

Crime

The relation between drugs and crime is a complex one. Marijuana accounts for the most drug-related arrests, at 48.3% ("Persons Arrested"). However, 87.8% of these arrests are for possession only, which is significantly higher than the 82.5% of drug possession arrests for all drugs ("Persons Arrested"). Considering possession as unhazardous to public safety, then the overwhelming majority of marijuana arrests are for crimes that do not even endanger safety leaving other more dangerous drug crimes like sale and manufacture less frequently punished. Now that one marijuana arrest occurs every 42 seconds in America (Ferner), yearly arrests for marijuana possession now exceed violent crime arrests by 24%, or 128,328 arrests (Sattler). Such statistics would be permissible were marijuana linked to crime in a causal fashion. However, to date, there have been no studies showing such a relationship. In fact, many studies have shown correlational relationships, but "evidence from the ADAM sample of arrestees suggests that the positive association identified between marijuana use and violent crime is not causal in nature" (Pacula, and Kilmer).

Conversely, the US National Institute on Drug Abuse claims that heroin users were six times as likely to commit a crime when they were using versus when they were not (Ball, Rosen, Flueck, and Nurco). Again, correlation does not prove causation, so the study continued to explain how "addiction was the principal force that increased criminality" (Ball, Rosen, Flueck, and Nurco). Even users of the 'feel good' drug, ecstasy, are implicated in higher crime rates, as "ecstasy use is positively related to drug market participation and arrest for drug-related crimes" (Hendrickson, and Gerstein 1557-1575). Moreover, the link between alcohol and violence is well documented. Though alcohol-related violence has declined over the past decade, it was still a factor in as many as 37% of violent crimes from 1997 to

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2008 ("Alcohol And Crime: Data From 2002 To 2008"). 18.5% of federal prisoners even *admitted* to alcohol use at the time of the crime ("Alcohol And Crime: Data From 2002 To 2008"). However, in recent times, violent crimes are not the hot topic in alcohol related crime. Instead, driving under the influence has become a hotbed issue, in an ever-increasing automobile society. In fact, intoxicated driving accounts for nearly 30 deaths in the United States everyday ("Impaired Driving: Get the Facts"), suggesting even alcohol is more dangerous to public safety than marijuana.

Aside from purely domestic interests, it is worth noting that the office of former Mexican President Felipe Calderon published a recent estimate suggesting that 57,449 lives have been claimed in the drug war, as of late 2012 ("Fox News Latino"). Granted, the U.S. government does not have an obligation to foreign lives, according to the Constitution, though the drug war is a source of gang and cartel violence.

Note: Most legal drugs are available in drugstores and pharmacies and are used to treat things like headaches, colds, and allergies. It is important to recognize that most legal drugs, alcohol excepted, are not associated with crime and safety whatsoever.

Racism

Though Schedule I drugs are linked to increased crime and decreased safety, the government does make an effort to curtail these effects through arresting and prosecuting drug dealers, possessors, and users. In fact, the DEA made 30,476 arrests last year alone ("Statistics & Facts"). While such efforts seem ethically sound at first glance, upon further examination, it appears that there are inherent ethical flaws in drug arrest and prosecution procedures, namely racial preference. According to ongoing data compilation by the Human Rights Watch, over the past three decades, there has been a 4.1 ratio in preference of arresting blacks over whites for drugs, when usage statistics are equalized ("Decades of Disparity Drug Arrests and Race in the United States"). As with other illegal drugs, marijuana arrests are subject to racial disparities. In keeping with the average, blacks are roughly four times as likely to be arrested for marijuana possession as whites are, though usage rates are essentially equal (Matthews), proving the racial bias manifests itself with marijuana arrests.

As to the race issue, there are really no documented sources of racial bias when it comes to legal drugs, namely because the drugs are legal, and therefore not open to arrest. Alcohol follows suit with other legal drugs, in that, there is no clearly demonstrated preference for arresting blacks over whites.

Prison Overcrowding

Many drug arrestees are incarcerated, an operation designed to keep dangerous criminals off the streets and rehabilitate those who may be released in the future ("Drugs and Crime Facts"). Aside from the fact that many of these arrestees may be undeserving of imprisonment, as they were arrested for possession only, they are also put into already overcrowded prisons. A five-year study, published by the U.S. Government Accountability Office, revealed that 48% of inmates housed in federal prisons were sentenced for drug crimes, which is a contributor to the 39% overpopulation of U.S. prisons ("Growing Inmate Crowding Negatively Affects Inmates, Staff, and Infrastructure"). According to a Huffington Post article, prison overcrowding "puts inmates and guards in danger and holds back efforts to rehabilitate convicts" (McLaughlin). Evidently, imprisoning people in already overcrowded prisons for often undeserving crimes endangers guards and inmates alike.

Conclusion

While most Schedule I drugs are illegal because of certain dangers to public safety, as outlined with the crime statistics, marijuana does not pose the same risks. However, marijuana 'criminals' are victim to the same racial prejudices and prison overcrowding (to be discussed later) as are those involved with other, more dangerous drugs. As a result, many undeserving people involved with marijuana are cast in the same boat as more dangerous criminals who deal with more dangerous drugs.

Health

Health is important to discuss, as the Constitution states that the government should "promote the general welfare." In this section, statistics on physical detriments, medicinal benefits, and gateway drugs will be discussed.

Physical Detriments

Again, marijuana is a complex drug to analyze from a health perspective. The effects of the drug largely depend on how it is ingested. When it is smoked, marijuana actually produces three times as much tar as tobacco, as well as more carcinogens (Doheny). However, due to many new methods of marijuana use, such as oral, tincture, and vapor, this concern can largely be circumvented. As to the effects of marijuana itself, "it has been difficult to demonstrate physical dependence" (Abood, and Martin 201-206). Additionally, the effects of marijuana at the time of use include short-term memory impairment, increased heart rate, and increased appetite (Zuurman, Ippel, and van Gerven 5-21), though there are no proven major harms.

In comparison, again using heroin and ecstasy as models, it is plain to see why these drugs are classified as they are. According to the National Institute on Drug Abuse, immediately after use, heroin gives the user a rush of pleasure, followed by hours of drowsiness, slowed breathing, and impaired mental function ("Heroin: Abuse and Addiction"). Essentially, the drug mimics morphine. When used in an unsupervised context, it is especially dangerous, not only because of the short-term effects, but the long-term ones, as well. For example, "heroin also produces profound degrees of tolerance and physical dependence, which are also powerful motivating factors for compulsive use and abuse" ("Heroin: Abuse and Addiction"). It should be noted that physical dependence is not always severe, as physical dependence on drugs like caffeine are common and trivially detrimental, in comparison. Heroin dependence, however, confers a whole host of medical issues, including damage to blood vessels, bacterial blood infections, infections of soft-tissue, lung complications, and organ necrosis ("Heroin: Abuse and Addiction"). Clearly, heroin is illegal, at least in part, due to the extreme health detriments.

While the effects of heroin are severe, the effects of ecstasy should not be overlooked either. Ecstasy leads to a "high" 45 minutes after use, followed by anxiety, sweating and/or chills, faintness, dizziness, muscle tension, nausea, increased heart rate, and increased blood pressure, among other effects ("Drug Facts: MDMA (Ecstasy or Molly)"). In the long term, MDMA can cause memory loss, brain tissue damage, and addiction ("Drug Facts: MDMA (Ecstasy or Molly)"). However, the most severe effects of ecstasy come at the time of use, as it can cause severe dehydration or hypothermia, which can lead to heart and kidney problem, seizures, or death ("Drug Facts: MDMA (Ecstasy or Molly)").

On the other hand, legal drugs have a varying range of effects on health, due to the varying nature of the category. To begin with, the health effects of alcohol and tobacco should be addressed, as they differ from most other legal drugs. Naturally, the detrimental effects of alcohol include heart problems, liver failure, pancreatitis, lowered immune system, and increased risk for certain types of cancers ("Alcohol's Effects on the Body"). Like alcohol, the effects of nicotine are dangerous. Because nicotine use is almost always through cigarette use, the effects go hand-in-hand. Smoking cigarettes is associated with increased risk for coronary heart disease, stroke, numerous cancers, birth defects, sexual dysfunction, and dependence ("Smoking & Tobacco Use"). It is estimated that cigarette smoking annually accounts for 443,000 deaths, or one in five deaths, in the United States ("Smoking & Tobacco Use"), whether it be from effects on smokers themselves or effects of secondhand smoke. Overall, alcohol and cigarettes seem to wreak havoc on human health, though such effects are *not the norm* for legal drugs.

All told, the detrimental effects of marijuana pale in comparison to those of other illegal drugs and even two legal ones.

Medicinal Benefits

What sets marijuana apart from other illegal drugs is its medical potential. Cannabinoids, such as marijuana, have "antispastic, analgesic, antiemetic, neuroprotective, and anti-inflammatory actions, and are effective against certain psychiatric diseases" (Grotenhermen, and Müller-Vahl 495-501). In fact, these effects have been documented in states where medical marijuana is legal. Dr. Sanjay Gupta cites the case of a Colorado woman who went from having 300 seizures a week to having 2 or 3 a month, due solely to the use of medicinal marijuana, in place of seven other drugs which had all failed (Gupta). All told, the fact of the matter is that the medicinal benefits of marijuana are well documented, unlike the other drugs in Schedule I.

As to legal drugs, it is again imperative to note that alcohol and cigarettes are not fair representatives of the category, and are, in fact, exceptions. The majority of legal drugs are legal mostly because of health benefits. Aspirin, ibuprofen, and acetaminophen all have documented analgesic and anti-inflammatory effects ("Ask Alice"). All three have minor and rare side effects, the most major being aspirin's linkage to blood thinning and ibuprofen's to kidney damage ("Ask Alice"). However, such side effects are extremely rare. Cough medicines, such as dextromethorphan suppress coughs with few side effects ("Cold, Flu, & Cough Health Center"). Antihistamines relieve allergy symptoms. Drugs with harsher side effects are carefully regulated, and normally available only through prescription, which would mean they do not fit the 'legal' drug classification described in this paper. As such, it seems many drugs are legal for medical reasons, barring the two exceptions alcohol and nicotine (cigarettes).

Gateway Effect

Furthermore, a common misconception exists that marijuana is a gateway drug. According to the New York Academy of Medicine, "the use of marihuana does not lead to morphine or heroin or cocaine addiction and no effort is made to create a market for these narcotics by stimulating the practice of marihuana smoking" ("The LaGuardia Report - Sociological Study"). The New York Academy of Medicine is not alone in its findings, as many other sources have documented the same conclusion, namely that "marijuana use has no causal influence over hard drug initiation" (Morral, McCaffrey, and Paddock). Therefore, the argument that marijuana should remain highly controlled due to its 'gateway effect' is outdated and flawed in its premise, as recent research suggests no such consequence.

Conclusion

All told, the health effects of the model Schedule I drugs, heroin and ecstasy, are reason alone for the drugs to be illegal. However, marijuana does not have the same health effects, and as such, should not fall under the 'illegal' category. Though there are a few side effects to marijuana, as there are with any drug, there are also proven medical benefits, which seem to suggest marijuana fits a legal drug classification more than it does an illegal categorization.

Other Considerations

Federal vs. State Rights

Of course, the counter-argument exists that the federal government gives individual states the rights to outlaw or legalize marijuana, and in doing so removes any blame from itself. However, by adding fifty state governments to the decision making process, the federal government is essentially relieving itself of responsibility, while putting responsibility on the fifty other governments. This phenomenon is known in psychology as <u>diffusion of responsibility</u>. Though diffusion of responsibility typically applies to people and not institutions, the concept remains the same: one party is avoiding responsibility for the consequences of inaction. Diffusion of responsibility is an issue, in that it becomes very possible that no action is taken, and therefore a problematic situation remains unresolved. In the case of marijuana, diffusion of responsibility causes the government to fail in its duties to protect and serve the interests of its constituents. Granted, the federal government cannot claim power over all facets of legislation so as not to impinge upon states' rights. However, the federal government *does* determine the scheduling and initial legality of all drugs, which therefore means it should be held responsible for the results of such determinations.

Economy

Another important consideration in the context of marijuana ethics is the economic impacts of prohibition. According to 300 reputable economists, the government would save around "$13.7 billion a year on prohibition enforcement costs and tax revenue by legalizing marijuana" (Bradford). Additionally, $1 billion would be saved on marijuana-related incarceration costs, annually (Bradford). Furthermore, taxpayers would save $41.8 billion annually (Bradford). All told, according to economist Stephen Easton, legal marijuana has the potential to be an industry worth from anywhere between $45 billion and $100 billion annually.

Current Experiments

It is also worth noting that a few states have legalized marijuana for medical use, with Colorado and Washington going as far as legalizing it for recreational use. Because California legalized medical marijuana in 1996, long before any other state, it serves as a good model for evidence of the long-term effects of such legislation. It seems drug use, rather than increasing, as predicted, has remained the same because "marijuana has become an alcohol substitute for younger people" (Nagourney, and Rick Lyman), which is a positive effect, due to the above outlined health risks and the fact that "driving after smoking marijuana is less dangerous than after drinking alcohol" (Nagourney, and Rick Lyman). Furthermore, concerns about increases in crime after legalization and taxation have been debunked, as it "has not pushed consumers to drug dealers…presumably that is because it is so easy to get reliable and high-quality marijuana legally" (Nagourney, and Rick Lyman) and because "cities have competing dispensaries, prices have tended to decrease or at least keep price with street prices" (Nagourney, and Rick Lyman). There are really no statistics available on the effects in Washington and Colorado after legalization for recreational use, as the changes are so recent. Though legalization was approved last year, the laws were not finished until almost a year later (Gray), and have finally been implemented as recently as last month (Ferner). All told, it seems that, using California as a model, the legalization of marijuana has the same effects as promised: increased safety, due to less drunk driving, decreased crime, due to less drug dealing, and better health, due to a healthier alternative to alcohol.

Alcohol Prohibition

The final important consideration about marijuana legalization is the effects of alcohol prohibition. It is difficult to find specific or reliable statistics on alcohol prohibition, as it began in 1919 and ended in 1933, though it still serves as a reasonable model for marijuana, as both alcohol and marijuana are used in similar contexts. Rather than discouraging alcohol use, prohibition invoked a number of unintended consequences. According to Ken Burns and Lynn Novick, the expected growth in clothing, household goods, other merrymaking activities, and food and drink never happened. Instead, many of these markets suffered. Furthermore, state governments that relied on liquor taxes to balance their budgets suddenly had to increase income tax to compensate. One of the more serious consequences was the boom in illegal alcohol, which people would make at home, causing a serious decrease in quality. In fact, this lower quality alcohol lead to 1,000 deaths a year along with even more serious alcohol abuse ("Prohibition"). The most notable consequence, however, was the criminal impact. 'Dirty' alcohol

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money lead to corruption of law enforcement at the local and federal level. Later, the increase in

criminals lead to an overburden of the justice system, a situation which spawned plea bargains.

Essentially, alcohol prohibition may be comparable to marijuana prohibition. By legalizing marijuana,

the reverse effects of alcohol prohibition may be seen. Though such hypotheses are only speculation, they

are worth noting.

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The Ethics

Given the facts of the marijuana debate, legalization of marijuana seems logical from a safety and health perspective. Legalization should, presumably, lead to a decrease in gang violence in relation to marijuana, a lower amount of racially biased drug arrests, less incarceration of undeserving individuals, a better health alternative to many drugs (especially alcohol), and added medical benefits. Furthermore, the economic benefits and possibly the reverse of alcohol prohibition effects could occur. In California, many of these possibilities have become realities.

However, logic does not always dictate ethics and neither does the law support them. Therefore, an ethical analysis of the facts remains in order to determine whether marijuana should be legalized. Again, this decision will be made using the ethical decision making framework, which employs Aristotelian virtue, relationship, duty, and consequence ethics. However, in this case, duty ethics will be included in every section, in lieu of having its own devoted section, because every section will compare the government's actions against its mission (duties), which inherently addresses duty ethics. The concepts of integrity and institutional corruption will serve to focus the argument. As a reminder, the argument is that the institution, comprised of certain relevant parts of the U.S. Government, demonstrates institutional corruption by maintaining marijuana as a strictly illegal Schedule I substance.

The stakeholders in this situation are the institution and the American public. Though the stakeholders are a little non-specific, in the context of the argument, this will make sense.
Note: Virtue, duty, and consequence ethics are largely suggestions of what 'ought' to be. While such approaches may seem idealistic and unrealistic, they are frameworks for what to strive for. Therefore, they are simply a means of determining what course of action 'ought' to be taken, though alone do not address how to do so. When taken together and coupled with other viewpoints, these approaches present a clearer picture for what course of action to take.

Virtue

Truthfulness

From a virtue standpoint, a number of issues arise. The institution, as discussed before, can possess integrity. By extension, the institution can also possess other virtues, as it can take action and cause effects, and should therefore not be above speculation. First off, it is important to realize that the government is largely in control of the public's information on marijuana. Marijuana was originally classified as a Schedule I substance because of a lack of information (Gupta). However, in recent times,

as outlined above, research has proven the true health effects of marijuana, suggesting that it should not be put in a category of drugs "with no currently accepted medical use and a high potential for abuse" ("Drug Scheduling"). In fact, the DEA does its best to cover up such evidence, as they make no mention of any positive effects of marijuana ("Drugs of Abuse").

It seems the DEA demonstrates a deficiency in truthfulness. Though not explicitly described as a virtue, truthfulness can be considered one, as Aristotle writes a virtue must be a feeling, capacity, or disposition (Aristotle, 29). Truthfulness is a "goodness" capacity of "moral character" (Aristotle, 30), and as such, is a virtue. The DEA demonstrates the deficiency of truthfulness, in dishonesty, by refusing to acknowledge facts about marijuana. Another such organization is the NIDA (National Institute on Drug Abuse). The government mandates that any approval for funding or research on marijuana must first pass through the NIDA (Gupta). However, the name of the organization itself exposes the issue here. The NIDA is devoted to study drug *abuse*, not benefit. As such, the majority of such proposals are likely shut down, again leading to a cover-up of information (Gupta), thus violating their mission in accordance of Article 19 of the UN Universal Declaration of Human Rights ("The Universal Declaration of Human Rights"). In doing so, people are intentionally mislead, thus directly violating the trust that democratic people put in their government.

As a result, people are beginning to lose trust in the government, especially government organizations like the DEA. Therefore, this deficiency in truthfulness demonstrates institutional corruption, because as a result of this shaken trust, people have begun harshly criticizing the actions of drug-related government agencies, as can be seen from comments on many relevant online articles.

Bravery and Modesty

Once the dishonesty of the government appears, a few related virtues concurrently come into focus. In the case of Paul Grüninger, a Swiss police commander, the Swiss government stripped him of his title, rank, and job for aiding Jewish refugees, against the will of the law. The consequence: Grüninger became a pariah. It was not until almost 60 years later the Swiss government admitted its mistake and exonerated Grüninger of his crimes, post-mortem (Press). Recent actions in the American government seem reminiscent of the Swiss Government's transgression. The American government branches that so clearly seem 'wrong' in their convictions, not only refuse to concede, but refuse to even compromise.

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For example, in a House Judiciary testimony, chief administrator of the DEA, Michele Leonhart refused to even answer the questions of Democratic Colorado Representative Jared Polis. When asked, "is crack worse for a person than marijuana?" Leonhart responded "I believe all illegal drugs are bad" (Wing). Rather than answering the question, she simply refused to acknowledge it, in a clear display of what Aristotle would deem cowardice. She proceeded to dodge the same line of questioning 11 times. It seems the government demonstrates a combination of cowardice and pride, the deficiency of bravery and excess of modesty, respectively, both of which Aristotle clearly defines as virtues, because it cannot simply admit a mistake, let alone claim responsibility and work to correct it. The response to Leonhart's testimony, again, was disproval, proved by comments on the article, such as "this brings serious ethical questions" and "Ms. Leonhart…is not fit for the job she has" (Wing).

Again, by shaking the trust of the people, the DEA undermines its own integrity, while again failing to uphold Article 19. Furthermore, there is no consistency between Leonhart's actions, in ordering numerous raids on marijuana operations, but not on drugs, which she seems to consider equally "bad" (Wing). Though trustworthiness, bravery, and modesty are all lacking in government agencies like the DEA, they are not the most important virtuous oversights.

Compassion

There is a fundamental lack of compassion in these government agencies, a virtue deficiency known as mercilessness. Students convicted of marijuana crimes, as per the Higher Education Act, immediately lose federal financial aid, which seems contradictory to the legislation's intention (Placeck). Such legislation favors students of higher socioeconomic standing, as they may have other payment options, as opposed to underprivileged students, who do not. As a result, some students have to drop out of school due to a drug conviction, which only further encourages drug use (Placeck). According to the Placeck, "nearly 200,000 students have lost their financial aid under the HEA penalty, which doesn't revoke aid for higher crimes such as rape, murder or robbery" (Placeck). It seems the government legislature considers marijuana use more dangerous than rape or murder.

Socioeconomic preference aside, many marijuana arrests and convictions are for possession only, as detailed above. The arrestees are then put in prisons and jails that they do not deserve to be in, and may be abused in (Frieden). Furthermore, as described above, prison overcrowding increases the likelihood of abuse, and compromises the rehabilitation aspect of incarceration. Therefore, those who actually need help are not getting it, marijuana and non-marijuana criminals alike.

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However, most disturbing is that fact that, marijuana, which sometimes has profound demonstrated medical successes, as described in the case of the Colorado woman with seizures, is strictly illegal and described as having "no currently accepted medical use." By refusing marijuana treatment to patients who could seriously benefit from it is merciless. Such action essentially suggests that the government would rather let a woman have seizures 300 times a week than help her, simply in the name of its own agenda. Furthermore, by refusing to compromise, the government may be "stuck in 'the habit of committing sin'" (Carter, 22) and thus, stuck in the habit of compromising integrity. A government which states in its mission that it will "promote the general welfare," in compromising the health of students, arrestees and prisoners, and medical patients is compromising its mission. Essentially, the mercilessness of the government exhibits its institutional corruption.

Relationship

The relationship ethics aspect of the situation can be as complex or simple as required by the argument. For this argument, it will be simple, because the scope of this paper does not encompass the vast and varying ranges of relationships within the government, within the general public, and in between the two.

Families

Many marijuana-related relationships exist within families. For example, "many women are coerced into the drug trade by a boyfriend or a husband, often play only a small role, but then receive the same harsh prison terms" (Fieser). The fact of the matter is that drug arrests tear families apart, as "1.6 million children have a father in prison and 200,000 have a mother in prison" (Fieser). Doing so fosters more distrust in the government. Whether the arrestees are deserving or not, the government overlooks the fact that some people are pulled into drugs as a result of their family or social situation. Additionally, The government also overlooks the effect on children, who have no say in the matter. Doing so again shows mercilessness, which as before, is demonstrative of institutional corruption.

Government Organizations

Though many relevant relationships within the general public are affected, there are also important relationships to be examined within the government. For example, President Obama pledged to stop raiding medical marijuana dispensaries that were following the law in states where medical marijuana is legal. However, Michele Leonhart has ramped up the number of raids, even after Obama's

inauguration (Grim). The conflicting words and actions within the government may be indicative of internal duress. The government's internal distrust along with public dissatisfaction may be as a result of the dishonesty outlined earlier. Regardless, conflicting directives within the government demonstrate institutional corruption, in that they compromise the efficacy of the government itself, while simultaneously taking a 'wrong' action.

Note: As outlined in the virtues section, the relationship between government agencies and the public has suffered due to dishonesty, as well.

Consequence

The consequence (utilitarian) ethics approach is vitally important to understanding the institutional corruption of certain U.S. Government branches. The details of these consequences were detailed in the fact section, though the link to institutional corruption requires some explanation. In this case, utility will follow John Stuart Mill's definition of the "Greatest Happiness Principle, [which] holds that actions are right in proportion as they tend to promote happiness" (Mill, 40). Essentially, utilitarianism is the idea that actions are right if they contribute to the happiness or wellbeing of all others. Therefore, this section will argue point-by-point based on the question: does it make people happy or contribute to their wellbeing?

Before beginning this section, the argument that Mill makes, where lying is okay to save people from "great and unmerited evil" (Mill, 43) must be addressed. In keeping with Mill's philosophy, arguing that the previously demonstrated government dishonesty is okay is a fallacious position. As validated by the facts presented, marijuana is not a great risk to health when ingested. From a safety standpoint, it seems if marijuana were legalized, public safety would increase as crime decreased. All told, there is no evident risk of "great and unmerited evil," and therefore, no reason for dishonesty.

Crime and Safety

The criminality associated with illegal drugs was the first issue addressed. The consequences of marijuana remaining an illegal drug dictate that there is still associated gang and cartel/drug war violence and arrests. If legalizing marijuana were to remove these effects, then it would be in the best interest of the public, as it would contribute to the government "[insuring] domestic tranquility" and "[providing] for the common defense." However, the prohibition of marijuana leaves the opposite in effect, thus showing the government is coming up short in keeping to its mission. Using the prohibition of alcohol and the

medical industry in California as models, legalization would remove many of the crime aspects of marijuana prohibition and therefore contribute to the public's wellbeing.

Racism is a simpler issue to address, assuming racism is unethical. Any assumption to the contrary is debunked simply by reminding the reader that nearly all biological traits are present throughout all races, making people of different races essentially biologically equal, on average. If different races are biologically equal and all human, then they deserve the same human rights. Again, in regards to marijuana, drug arrests have a racial bias. By legalizing the drug, drug arrests are removed, essentially removing the potential for racial preference. As long as marijuana is illegal, from a racial perspective, the government is failing and promoting a 'wrong' course of action, which is a breach of institutional integrity. Again, elimination of racism, at least in part, would make the black community happy and provide for their wellbeing, thus expanding the wellbeing of the public as a whole.

Preventing the incarceration of undeserving arrestees through legalization would also promote wellbeing of the general public, in that, those in prisons and jails could receive the rehabilitation they need, while undeserving people are not wrongly punished. However, the legal policies being what they are right now, "domestic tranquility" is not insured, as improper arresting and prosecuting techniques remain in place.

The issues associated with prison overcrowding go hand in hand with preventing unneeded incarcerations. Granted, there are other factors in prison overcrowding, though there is no denying that keeping undeserving individuals out of prisons would effectually free up space in prisons. Nonetheless, the case for prison overcrowding is the same as the one for preventing undeserved incarcerations.

Health

From the health perspective, the consequences initially appear a little more complex. Because marijuana produces carcinogens and smoke, it may not be promoting the public's wellbeing. However, such an argument has little validity, as legalization would not increase these effects, as shown through the California case. Now the issue is a little simpler. The medical uses allowed by legalization far outweigh keeping the law status quo. By not allowing these medical benefits to people who need them, the government is again failing in its mission to "promote the general welfare." If these benefits *were* to be allowed to people, it would promote happiness and wellbeing by allowing people better health.

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Other Considerations

Safety and health aside, the economic impacts of marijuana law are worth considering. By saving taxpayers billions per year, it is almost certain that marijuana legalization would promote general happiness. Furthermore, making taxpayers pay for other people's incarcerations is unfair, given that many of them could be avoided through legalization.

Additional Thoughts

Choice

There are a few more ethical points worth considering in order to reach a conclusive verdict. First is the idea that people should have choice. Especially in a democratic system, patients should have access to the type of healthcare that they want to have. For most other medications, patients can choose which brand they want or if they want anything to begin with. Additionally, it comes down to the patients' discretions on whether they put substances into their bodies, for medical use or otherwise. That being said, if a doctor prescribes medicine a patient does not want, there is a very real possibility the patient does not take it. Were the patient better able to choose his/her healthcare, then he/she may be more likely to follow up on the treatment. In that mode of thinking, the government, by not providing a desirable option for treatment, is impeding the "general welfare": yet another example of institutional corruption.

Self-harm

Furthermore, there is the concept of self-harm to consider. From a Kantian duty-based approach, it would be difficult to justify action that could directly lead to anyone's death, as it is probably not something that "should be a universal law" (Kant, 34). While there may be a few health trade-offs from smoking marijuana, the benefits hold more weight. Using utility as a basis, marijuana is used recreationally for people to relax or have fun, with few detrimental side effects to the user or others. Therefore, marijuana use is justifiable, as it promotes happiness. Even from a duty-based outlook, the medicinal benefits of marijuana suggest legalizing it would help treat people as ends, in bettering their health, as opposed to a means for political debate. Essentially, self-harm is of little consequence, as there are a few side effects to smoking marijuana that are hardly worse than smoking cigarettes. However, such an argument can largely be avoided by noting the fact that marijuana does not need to be smoked to be ingested, and if required, could be used in other, essentially harmless ways.

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Bias

There also exists a bias factor in the government's handling of marijuana law. Sanjay Gupta

himself admits that he lumped anyone in favor of legalization in with "high-visibility malingerers, just

looking to get high" (Gupta). Such thinking demonstrates in-group favoritism, which confers serious

disadvantages to the out-group (Banaji, Bazerman, and Chugh, 6), however convincing their case may be.

Biases like this are ethically problematic, as the in-group favors its own view, though its view may be

flawed or weaker than the view of an out-group. Although this bias is difficult to prove, it clearly exists

to some extent, as demonstrated by Dr. Gupta's statement, which therefore suggests that there is room to

eliminate ethically impermissible biases. In doing so, the views of relevant leaders may change, causing

them to think differently than they do now.

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Conclusion

Leadership

Of course, when dealing with government problems, the concept of leadership is important.

However, this being an ethical issue, ethical leadership becomes increasingly important. According to R.

Edward Freeman and Lisa Stewart, "ethical leaders embody the purpose, vision, and values of the

organization and of the constituents" (Freeman and Stewart, 3). The evidence presented being what it is,

there is little proof that relevant government leaders, most notably DEA chief administrator Michele

Leonhart, are embodying the "purpose" or "vision" of the federal government. The government's purpose

and vision is explicitly outlined in the Constitution, though it seems clear that the promises of "welfare,"

"domestic tranquility," and "defense" have been overlooked in marijuana law. Neither is any relevant

government leader working to "create an open, two-way conversation" (Freeman and Stewart, 3), as

embodied by Leonhart's question avoidance.

Granted, "correct political action must sometimes conflict with profound moral norms" (Coady,

1), though that is only in the name of averting catastrophe. However, even a 'dirty hands' justification is

inapplicable, as there is no "catastrophe" (Coady, 2) to be averted in prohibiting marijuana just as there is

no "great and unmerited evil" (Mill, 43). In fact, the gross ethical oversights outlined above may suggest

that the catastrophe at work right now is marijuana prohibition, which may be averted through

legalization.

Naturally, the marijuana situation affects people in leadership positions more than it does the

average citizen. In order for reform to occur, politicians need to vote it into law. However, in doing so,

some politicians may be compromising the platforms they were elected on and risking their chances of

reelection. While it is true leaders may need to make sacrifices here, they are, after all, public servants.

They are in leadership positions to represent the will of the people. As such, they need to represent the

growing support for marijuana legalization, as 52% of Americans now support legalization ("Center for

the People & the Press"). Though some leaders may need to make sacrifices in the times ahead, they are

necessary sacrifices, as "ethical leaders understand their place within the larger network of

constituents…it is not about the leader as an individual, it is about something bigger – the goals and

dreams of the organization" (Freeman and Stewart, 4).

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So What?

  Granted, good legislation takes time to pass, though the exigency has never been greater. After years of deliberation, it is finally time for change. Factually, marijuana fits more of a legal drug classification than it does illegal. It may just be rescheduled, similar to prescription drugs like Adderall and Ritalin.

  Taking an ethical approach, if nothing else, demonstrates that marijuana's prohibition is ethically irresponsible and demonstrative of institutional corruption. To eliminate this corruption, legalization seems to be the answer. A good first step may be to legalize marijuana for medicinal purposes *only*, until more data is available on the results in Colorado and Washington, both of which have legalized marijuana for recreational use.

  There is no denying the issue is complicated, though an examination of the facts and ethics creates a clearer picture of the 'right' course of action. What, then, is the final answer to the question "should marijuana be legalized?" In a word:

YES.

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