February 19, 2020   Bob L. Corkins
Re: Support of HB 2686   Chief LA Lobbyist

The Liberty Alliance is a private membership association dedicated to advancing libertarian principles in the Kansas legislative process. All funding for Liberty Alliance comes from a publicly open membership in which each person pays the same, flat, very modest, annual fee.

The members of our association want me to ask you again and again, in one context or another as public policy issues continually percolate, to consider how significantly you're willing to value freedom – everybody's freedom. As new laws proliferate, government grows and taxes rise, the consistent consequence is less and less liberty for citizens.

At issue today in HB 2686 is whether the simple possession of a vegetable, and some of its derivative forms, will continue to authorize government to punish anyone as a felon in this state. The Liberty Alliance supports the decriminalization of marijuana as proposed in this bill and urges its enactment.

Many people have historically assumed – incorrectly – that libertarians are pro-choice on everything. Essentially, they think that a libertarian believes that everyone should be able to do whatever he or she wants, including the deception and corruption of youth who haven't reached the age of majority. That is not libertarianism; that is hedonistic anarchy.

At the core of libertarian thought is the Non-Aggression Principle. While the roots of this principle have been explicitly expressed for many centuries in multiple religious faiths, by ethicists, theologians and political scientists, one contemporary libertarian author has summed it up this way:

> *Libertarianism is a political philosophy. It [is] concerned solely with the proper use of force. Its core premise is that it should be illegal to threaten or initiate violence against a person or his property without his permission; force is justified only in defense or retaliation.*

A very important caveat to this legitimate use of force is that it must be proportional to the threat posed. For example, there is no justification for using lethal force against an unarmed pedestrian who mistakenly wanders onto your yard. Fraud and deception are types of illicit force that also justify legal intervention. You can easily see how these thoughts can – and should – be applied to criminal justice reform.

So much of what we people do is exercise programmed judgment. We constantly make decisions about the character, abilities, propensities and merit of others. Perhaps it's mostly a self-defense mechanism;

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we stay alert throughout each day to potential threats and assess each possible threat in an inherently subjective manner. Obviously, that subjectivity spills into our politics and into our man-made laws.

In the case of marijuana use, such subjective fear has taken the form of a multi-generational blanket prohibition of a plant. How many other things could you name that are banned by law <u>regardless of how they are used</u>? We don't even do that, thankfully, for intrinsically lethal firearms.

Although today's proposal does not fully legalize cannabis, it decriminalizes its possession to a level that much more closely matches the threat posed. That is, if you even choose to consider it a "threat", as opposed to a risk or a vice.

Is the threat that of a ruinous addictive drug? A prominent study published by the Journal of the American Medical Association in 2015 quantifies the rate of marijuana "use disorders" as appearing in 30% of persons who use marijuana. This study covered American consumption from 2001 through 2013, it defined "use disorder" as including both "abuse and dependency", and it found this rate to stay quite consistent despite rapidly growing U.S. consumption during the period. Putting this study in context, a reviewing Doctor elaborated that:

> Between 10 to 30% of regular users will develop dependency. Only about 9% will have a serious addiction… Compared to other substances, marijuana is not very addicting. It is estimated that 32% of tobacco users will become addicted, 23% of heroin users, 17% of cocaine users, and 15% of alcohol users. Cocaine and heroin are more physically harmful and nicotine is much more addictive. It is much harder to quit smoking cigarettes than it is to quit smoking pot.

Is the threat that of a "gateway" drug that moves its users toward harder, more serious drugs? To begin with, this fear assumes that Kansas criminalization and prohibition actually prevent people from obtaining marijuana. It also assumes, with no medical proof, that cannabis is a causal factor for worse future abuses. The psychiatric term used for this type of effect is "cross-sensitization". However, no degree of cross-sensitization is unique to marijuana.   Alcohol and nicotine also prime the brain for a heightened response to other drugs. Still other factors are not biological, such as a person's social environment, which is to say that <u>poverty</u> may be the true "gateway". And yet another hypothesis –the present state of research on this is nothing but guesswork – is that people who are more vulnerable to drug-taking are simply more likely to start with readily available substances such as tobacco, alcohol, or marijuana, and that their subsequent social interactions with others who use drugs increases their chances of trying other drugs

Is there a threat that by decriminalizing cannabis, we create more crime, more accidents, and more burden upon law enforcement officers? Because of the widespread national legalization of marijuana, this is a topic for which you will hear an avalanche of studies from both sides. What you'll find common to all the studies, though, is that <u>they show correlations, not causation</u>. Some display that marijuana was legalized and car accidents increased/decreased, or burglaries increased/decreased, and even that teen marijuana use decreased.   Given the extremely short notice for today's hearing, I couldn't assemble them for you.

What I can do, however, is share the most compelling correlation studies that I've found from very reputable sources.

Published on July 2018 in Police Quarterly is the study, "Marijuana Legalization and Crime Clearance Rates: Testing Proponent Assertions in Colorado and Washington State", that was produced by ten professors at the Department of Criminal Justice and Criminology, Washington State University. It's synopsis is:

> While our research does not model changes on crime, our results suggest that, just as marijuana legalization proponents argued, the legalization of marijuana influenced police outcomes, which in the context of this article is modeled as improvements in clearance rates. Specifically, clearance rates grew more in Colorado than in the rest of the country for all crime types except aggravated assault and motor vehicle theft and similarly rose more in Washington than in the rest of the country for violent crimes and burglary. There were no crime types in either state for which legalization appeared to have a negative impact on clearance rates. In addition to these inferential results, the time-series plots are also remarkably dramatic, showing clear visual evidence of both an immediate jump in clearance rates and a later upward trend."
> https://journals.sagepub.com/doi/10.1177/1098611118786255

For lawmaking officials such as today's committee, this particular data about clearance rates, *i.e.*, the rate at which opened investigations are solved and closed, should be very, very meaningful and revealing.   Put succinctly, this highly detailed research concluded that:

> At the most basic level, it could be surmised that police agencies are allocating their resources to other crimes, and those crimes are being cleared at higher levels because they no longer dedicate time to minor marijuana offenses.

Finally, published in the Economic Quarterly, an international journal now in its 130th year of publication, is a study by the Norwegian School of Economics in partnership with the Pennsylvania State University Department of Sociology and Criminology, entitled ""Is Legal Pot Crippling Mexican Drug Trafficking Organisations? The Effect of Medical Marijuana Laws on US Crime". Its highlights include:

> … marijuana legalization has led to a decrease in violent crime in U.S. states that border Mexico. We show that the introduction of medical marijuana laws (MMLs) leads to a decrease in violent crime in states that border Mexico. The reduction in crime is strongest for counties close to the border (less than 350 kilometres) and for crimes that relate to drug trafficking. In addition, we find that MMLs in inland states lead to a reduction in crime in the nearest border state.

I realize that HB 2686 is not proposing legal medical marijuana for Kansas. That's another bill for another week yet this legislative session. However, the thrust of this study still very effectively displays how undue fear, prohibition, and a high degree of criminalization and enforcement efforts have fueled – and even likely created – the black market that is the real source of our social problem.

Not every sin should be criminalized, and we're not here to delve into spiritual questions about all that may constitute "sin" that the state should do anything and everything in its power to discourage. It's like the joke about the guy who kept banging his head against the wall. When someone stopped to ask him why, he answered "Because it feels so good when I quit." Please vote to enact HB 2686.

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