Problem

The recent announcement that the Department of Justice will not actively seek to prosecute marijuana cases in Colorado and Washington—the two states that have legalized pot's recreational use—at this time provides another example of the dynamics between the federal and state levels of government. Traditionally, prohibition policy—such as alcohol and more recently marijuana—has required the federal government to rely on the states to enforce its policies (Caulkins et al. 184). Alcohol prohibition saw the states lack of capacity to adequately enforce federal law, even when they wished to cooperate (Okrent 261). Similarly, marijuana prohibition has created several issues between federal-state relations; these include whether state employees would be vulnerable to federal prosecutors for enforcing state law and if federal agents would tolerate large-scale commercial growing even if regulated by the states (Caulkins et al. 185-191). As it still reserves the right to take on state-regulated legalization of marijuana, it is unlikely the federal government will change its policy overnight, which ultimately denies the states the right to choose for themselves. In addition, despite the lack of political feasibility for federal legalization, enforcement of current federal policy on marijuana is no longer supported by a majority of Americans and has become too costly to maintain by the states alone.

Marijuana has been a part of the greater American culture since the birth of the nation. Production of hemp was encouraged by several colonial governments for the manufacturing of rope, sails, and clothing; it was even allowed to be exchanged as legal tender in Pennsylvania, Maryland, and Virginia ("Marijuana Timeline"). Physicians recognized the medical use marijuana had as early as 1840, and it was legally sold in pharmacies until 1942. Problems with prohibition came after the Mexican Revolution of 1910 introduced the recreational use for marijuana. Stories of pot use became associated with terrible crimes, which were inexorably linked to "racially inferior" or lower class communities (Gerber 2). This prejudice against immigration only increased during the

Depression, leading to 29 states outlawing marijuana by 1931 ("Marijuana Timeline"). This type of racial prejudice with respect to marijuana continued long into the mid-1900s, which led to problems of social inequity in terms of arrests among minorities that is seen still today (Caulkins et al. 43).

Marijuana prohibition gained substantial momentum after Harry J. Anslinger was instituted as head of the Federal Bureau of Narcotics. This key moment in history marked the beginning of several law enforcement issues and bad policy decisions. Anslinger first pressured state governments to accept responsibility for control of the problem by adopting the Uniform State Narcotics Drug Act ("Marijuana Timeline"). This not only has led to the federal government relying on states to enforce its marijuana policies today, but to uneven policies from state to state instituted across the nation (Caulkins et al. 190). Set on his crusade against pot, Anslinger used an effective propaganda campaign against the "evil weed." This played a major factor in Congress passing the Marijuana Tax Act in 1937, which effectively criminalized marijuana (Gerber 9). Similarly, about twenty years prior, Wayne B. Wheeler of the Anti-Saloon League effectively shaped public opinion on "liquor evil," which led to the passage of the Eighteenth Amendment (Okrent 93). Anslinger, like Wheeler, used his skills of political manipulation to overcome his opposition. He even successfully refuted a 1944 report by the New York Academy of Medicine that declared marijuana did not induce violence, insanity, or sex crimes, nor did it lead to addiction or other drug use; this was done by demonizing the researchers themselves (Gerber 13).

Problems with marijuana prohibition in recent history stem from the "War on Drugs" that began in the 1970s. With the passage of the Controlled Substances Act in 1970, marijuana became classified as a Schedule I drug, which placed it in the same category with more dangerous drugs such as cocaine and heroine (Gerber 20). Similar to the New York Academy's report, the Shafer Commission—appointed by President Richard Nixon—determined that the personal use of marijuana should be decriminalized. Nixon rejected the recommendation on similar moral grounds like