

CONCLUSION

In their criticism of the criminal justice system, marijuana legalizers claim that thousands of people are imprisoned for marijuana “possession,” or, as they sometimes phrase it, “for marijuana.” The implication is that these inmates are otherwise law-abiding individuals arrested for nothing more than smoking a joint. Their crime, goes the argument, was simply having in their possession a little bit of dope.

Those protesting this “injustice” typically make their case by lumping together all marijuana defendants regardless of the quantities involved and the nature or seriousness of the conviction. And yet in doing so, they blur the critical distinction between “simple possession”—a low-level criminal offense—and “simply possessing,” a vague, all-encompassing term that can mean *any* possession, including felony amounts. They also overlook the fact that many of those technically serving time for marijuana possession were actually sent to prison on much more serious charges.

Claims about disproportionately harsh sentences for those who violate marijuana laws divert attention from the key point, which is this: The overwhelming majority of people incarcerated for marijuana offenses are not occasional, casual, or first-time users. Rather, they are criminals who have been found guilty of trafficking, growing, manufacturing, selling, or distributing the drug, or who were convicted of multiple offenses that happened to include a marijuana charge. Seldom does anyone in this country go to prison for nothing more than smoking pot.

