A Legal Marijuana Economy Without Puns

A review of

Too High to Fail: Cannabis and the New Green Economic Revolution
by Doug Fine
$28.00

Reviewed by
Mitchell Earleywine

Attitudes about marijuana are changing. Approximately 50 percent of folks confess to supporting the idea of a taxed and regulated market for the plant; in 1969, this number was around 12 percent. Over 70 percent of respondents support medical marijuana—a term that hadn’t even reached Gallup surveys decades ago. And these were polls conducted by phone. Who knows what people might do in the privacy of the voting booth? The mechanism behind this change is anyone’s guess. As much as I’d love to think that data are influencing attitudes, beliefs about drugs are as hard to predict as beliefs about fashion.

Doug Fine, committed journalist and narrator of Too High to Fail: Cannabis and the New Green Economic Revolution, is remarkably candid about his biases. The words “the global war on drugs has failed” (p. xxv) appear before a reader even finishes the pages with the Roman numerals. He’s not about to say that the Earth is round and then give equal time to the Flat Earth Society.
I should be equally candid about two of my own biases. First, I read this book on the plane trip to give two talks at the annual conference for the National Organization for the Reform of Marijuana Laws (NORML), which ought to say something about my opinion of the plant. NORML takes a bit of a ribbing in the book for still using the archaic word *marijuana* in its name. Prohibitionists actually coined the term *marijuana* because it was thought its pseudo-Spanish sound might help turn Americans against the plant by cashing in on xenophobia. Today’s activists have rallied around the scientific word *cannabis* instead. It’s not exactly like the predicament of the United Negro College Fund, but you get the idea. Other than that, Fine depicts NORML board members and staff in a nice light.

Second, I rarely like journalists. It’s mostly envy. Researchers devote their lives to topics, spend decades gathering data, write carefully about caveats, and are ignored by the public with wild abandon. Then some journalist spends a year or so on the subject, constructs some fun narratives, quotes an expert or three, and ends up with a book reviewed by Bill Maher in *The New York Times*. (That’s what happened with this book.)

It was with this bitter attitude that I approached *Too High to Fail*. I was eager to find a small misstatement about gateway theory, dependence, psychosis, or anything, really, and then pounce. Alas, I didn’t get the chance. Fine’s done his homework and sticks to the facts. He drops them in the middle of heartfelt stories while making a compelling economic argument for an end to prohibition. These tales focus on everyone from airplane pilots to bud trimmers, but the main narrative revolves around a single grower with a modest obsession for a single plant. The targeted grower isn’t only enthralled with cannabis in general but with a specific plant of a specific strain that he dubs “Lucille.” The plant goes through the trials and tribulations of outdoor growth as a centerpiece to a story with plenty of intriguing offshoots.

Fine grows on the reader in the process. Although the sarcasm occasionally gets a little thick, he’s genuinely witty, with an endearing voice and a gift for storytelling. He also stays far from any science other than economics—an adaptive choice that avoids difficult hairsplitting or long explanations of experimental design. He sidesteps most of the moralizing about ethical and legal quandaries by focusing on real people rather than abstract ideas.

We see the Northern California growing community with all its peccadillos. People who are in it for the money look greedy and absurd. Although he admires experienced trimmers, particularly after a stint at the job himself, they don’t get depicted with more of a beatific glow than the average picker of grapes. He shows a lot of affection for anyone who doesn’t want irresponsible loudmouths swearing around children as they spray toxins on buds. The appreciation for ecology throughout the book is admirable, though it won’t surprise those who read *Farewell, My Subaru* (Fine, 2008), where he first began his adventures with a diesel truck that runs on vegetable oil. In short, Fine shows us that the current situation could be a lot better.
One way that the current situation could be better involves the enforcement of laws. Fine lists simple facts to reveal that federal prohibition is expensive and doesn’t appear to address its stated goals about reducing drug use. The Drug Enforcement Agency employs over 9,000 people and has a budget so huge that I’ve repressed it. Lately it’s in the neighborhood of $2 billion. That’s $2,000,000,000. Marijuana arrests consistently top three-quarters of a million per year and broke 800,000 the year Fine started investigating. That’s about one every 40 seconds—enough to explain the paranoia stereotypically associated with users. But surveyed teens still report that the plant is easier to get than beer.

People of color end up busted at rates that far exceed their rates of use, bringing understandable comparisons to Jim Crow laws. Fine implies that this disparity in arrests is undermining respect for the legal system; it’s hard not to agree. With the smell of growing cannabis reaching every road Fine drives, he seems to have ample evidence that this approach is failing to have its desired effect.

Or is it? That depends on your definition of desired effect. Fine plays the favorite journalistic game of “follow the money” and applies it to asset forfeiture laws. This is a touchy topic, so I’ll tread lightly. Police have confiscated citizens’ property during everything from traffic stops to SWAT-team raids whenever they can suggest that the stuff is ill gotten. Many citizens never receive formal charges, but getting property returned requires years of Herculean effort. (Imagine accusing college students of cheating, booting them from school, and not only keeping their tuition but also grabbing their books and clothes because the alleged cheaters might have bought them with money made by selling plagiarized papers.) The value of assets forfeited to U.S. attorneys in 2010 topped $1.7 billion. Fine shows how one Northern California county kept police officers on the payroll this way.

The follow-the-money strategy continues. The land of the free locks up a higher percentage of citizens than does any other country, bringing the prison industry under Fine’s microscope, too. He doesn’t need much melodrama on this topic, just simple facts. A whopping 11 percent of California’s general fund went to prison spending; 6 percent went to higher education. Maybe the point of these laws isn’t to end marijuana abuse so much as to keep members of law enforcement and the prison industry employed.

But never mind all that. Despite California’s 1996 Proposition 215, which legalized medical cannabis, counties have no uniformity in the way that they handle the distribution of the plant. Driving a truck filled with medicine might seem perfectly legal to one prosecutor and cause for a prison term to the one in the next county. Fine dubbed this predicament “Panzer’s Paradox,” after Bill Panzer, the attorney who articulated the predicament. Students of philosophy will note that this is no paradox; it’s just a mess.

If medical marijuana states had a uniform way to let people grow the cannabis that patients need, as well as a reasonable way for them to get it, police could spend more time chasing violent criminals. Fine describes a compelling strategy, the 9.31 Program. Each grow lot would be allowed a restricted number of plants in a safe, locked, and enclosed area. Each plant would require a zip-tie that growers purchase for an impressive fee to the county,
which they attach to the main stalk. Inspections would occur as needed. This idea made so much sense that the federal government squelched it with threat of a lawsuit.

Despite the compelling case that Fine makes against the drug war, I don’t see this work swaying prohibitionists. Even those resting on the fence will frequently feel as if they’re reading a text from another culture. Similes that involve dancing Dead Heads, along with frequent references to the reggae bands of a pop culture that isn’t theirs, might turn a lot of contemplators away. Fans of repeal, however, will finish this book entertained, armed with an up-to-date economic and moral argument against prohibition as well as a renewed respect for growers and trimmers.

Reference

According to a study by economist Stephen Easton, legalizing marijuana would provide economic benefits in the form of increased government revenue. Entrepreneurs noticing the great profits to be made in the marijuana market would start their own grow operations, increasing the supply of marijuana, which would cause the street price of the drug to fall to a level much closer to the cost of production. Of course, this doesn't happen because the product is illegal; the prospect of jail time deters many entrepreneurs and the occasional drug bust ensures that the supply stays relatively low. We can consider much of this $6.90 per unit of marijuana profit a risk-premium for participating in the underground economy.