

The United States federal government should legalize marihuana.

Background:

Currently, marihuana is legal in 10 states and medical marihuana is legal in 33.¹ Yet, federal law still prohibits the use and production of marihuana, which undermines the effectiveness of state efforts at legalization.² As a result, debates about the need for and the benefits and costs of marihuana legalization at a federal level are relevant and important. One importance nuance is that the topic refers to the drug as marihuana and does not use the common spelling of marijuana. This choice was made because the past laws that referenced and criminalized marihuana such as the Marihuana Tax Act of 1937 and the Controlled Substances Act used an h rather than a j. Consequently, the resolution's spelling of marihuana is most consistent with the way that past laws were worded.³

Aff arguments:

The aff can make arguments about the implications of the status quo for U.S. commitment to treaty obligations. Aff can argue that in the status quo, the U.S. claims to comply with international drug control conventions, but at the same time allows for partial legalization at the state level, which undermines America's image in the world.⁴ Additionally, the aff can argue that the criminalization of marihuana fuels mass incarceration by providing a justification to lock more people up. Also, the aff can argue that marihuana legalization has positive environmental impacts since absent the regulation that comes with legalization, illegal marihuana cultivation uses a large amount of water and taxes environmental resources.⁵ The cultivation of marihuana thus has a significant impact on American agriculture. Consequently, aff can deploy a variety of different arguments to advocate for marihuana legalization at the federal level.

Neg Arguments:

The neg can argue that decriminalization constitutes a preferable strategy to legalization. For instance, when Portugal engaged in decriminalization, it stopped arresting people with less than a 10-day supply of an illicit drug. Instead, drug offenders received a citation and had to appear before a panel to discuss treatments and other options. Thus,

¹ <https://www.businessinsider.com/legal-marijuana-states-2018-1>

² <https://www.nytimes.com/2018/01/04/us/politics/marijuana-legalization-justice-department-prosecutions.html>

³ <http://www.newser.com/story/235731/the-history-of-why-the-feds-spell-pot-marihuana.html>

⁴ Dr Rick Lines is the Chair of the International Centre on Human Rights and Drug Policy, University of Essex (comment in response to a comment to his post -“ Has the US just called for unilateral interpretation of multilateral obligations?”

<http://opiniojuris.org/2014/12/18/guest-post-us-just-called-unilateral-interpretation-multilateral-obligations/>

⁵ <https://www.cannalawblog.com/marijuana-prohibition-an-environmental-disaster/>

drugs were still illegal even if they were decriminalized.⁶ Significant literature seeks to show that decriminalization better minimizes structural violence.⁷ Additionally, the neg can argue that legalization would lead to more violence by leading to the corporatization of marihuana production. Also, the neg can generate offense about international law by arguing that the legalization at a federal level directly would undermine U.S. treaty obligations. Lastly, this topic can lead to strong debates about federalism since the neg can argue that state action with federal criminalization may constitute a preferable strategy for resolving forms of structural violence.⁸

Conclusion:

Because topics will be utilized multiple times at NPTE, topics should be prioritized that allow for a diversity of aff and neg ground over many debates. This topic allows for such debates because the question of marihuana legalization at a federal level speaks to discussions about structural violence, federalism, the environment, and international relations. Consequently, this topic does not pin down either side to a particular strategy and allows for educational debates with an equitable division of ground.

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⁶ https://news.vice.com/en_us/article/59eqqk/ungass-portugal-what-happened-after-decriminalization-drugs-weed-to-heroin

⁷ <https://www.vox.com/identities/2018/8/20/17938358/marijuana-legalization-decriminalization-states-map>

⁸ See footnote 1.

<http://opiniojuris.org/2014/12/18/guest-post-us-just-called-unilateral-interpretation-multilateral-obligations/>

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