What are the consequences for illegal possession of drugs?

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Research Paper

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Saipan is one of the islands that use and abuse illegal drugs. The two main illegal drugs that the islands people use and abuse are Methamphetamine and Marijuana. The Northern Marianas island is one of the Top 12 Cannabis smoking countries in the world with 22.2% population aging from 15 to 64 (Kelly). Being at number 2 below Palau with 24.5% and above Guam with a 18.4%. However, ever since the 1990s the abuse of Methamphetamine had increase (NMIDTA, 2003). Just what are the consequences for possession of illegal drugs? What are the laws and consequences in other places? Will Marijuana be legalized in the CNMI?

Background

Cannabis, also known as marijuana and by a variety of other names, is a plant that is used as a psychoactive drug and medicine. When we hear the word marijuana, we think about it as a drug that causes side effects and health problems like short term, red eyes, dry mouth, and anxiety. Throughout the years, they believed that the drug caused abnormal behavior, addiction, and crime became wide spread (“Consroe” 201). But scientists have discovered that the use of marijuana helps relieve pain, lowers the risk of cancer and other disease, and increase appetite with HIV/AIDS patients. It has now been medically legal in limited numbers of territories (Borgelt). Marijuana has been used as a medicine , a fiber, food, and an intoxicant for thousands of years (“Consroe”201). The top reason for the usage of marijuana pertains to relaxation and enhancement of recreational activities including dealing and coping with stress and anxiety (Hathaway). There are mainly two kinds of species of marijuana and two more unique ones. Marijuana is known by many people for its strains, differences in effects, and the growing process of a cannabis plant.

Indica or Cannabis indica is one of the marijuana species. It was first used as a medicine, pleasure, and ritual plant in india. Its use has been documented as far back as 1400 B.C.E in northern India and the Himalayas (“Cannabis indica Lamarck” 126). The range of Cannabis indica is limited to northern India, Afghanistan, Pakistan and the Himalayas. Cannabis indica usually grows to a height of about 1.2 meters. It is heavily branched, which gives is a small Christmas tree appearance (“Cannabis indica Lamarck” 127). Indicas are suitable for indoor gardens. They develop thick coats of resin that protects it against the climate and conditions (Rahn). The seeds of the plant are somewhat darker and smaller than Cannabis sativa. The main feature of this species is the shape of its leaves, which are much broader and more oval than the other species (“Cannabis indica Lamarck” 127) The effects given to the person smoking the plant will start being relaxed and calm. It reliefs muscle spasm, anxiety, pain and insomnia (Rahn).

The second is Cannabis sativa, also known as Cannabis sativa Linnaeus. The oldest archaeological evidence of the used of this type of plant points back to it being used in shamans. (“Cannabis sativa Linnaeus” 146). Sativas are tall and slim and suitable for outdoor gardens (Rahn). It has a few of branches and has the largest leaves out of the four species. Each leaf are long, lanceolate, and very slender (“Cannabis sativa Linnaeus” 147). Today, it is found almost everywhere around the world and has adapted to the different types and climate changes (“Cannabis sativa Linnaeus” 147).

Third , which is called Hybrids, are generally just a mixed of the two plants sativa and indica. It is often thought of as to balance the effects, offering a little bit of both (Rahn). Hybrids can be broken down into three categories a sativa-dominant hybrid, an indica-dominant hybrid, and 50/50 hybrids. What makes a hybrid a hybrid? “Most marijuana growers no longer use seed to grow new plants; they use cutting (clones) of female plants. A knife is used to separate the vigorous 8 to 10 cm long shoot from the mother plant. The leaves are removed and the shoot is immediately placed in a container of lukewarm water. To promote root formation hormone may be added to the water. Shoots will most readily develop roots if they are kept in a warm room (soil temperature between 21 and 24c with very high air humidity. Once the shoots have formed roots they may be planted down.” (“Cannabis x and Hybrids” 152)

Lastly, Cannabis ruderalis an odd type of cannabis plant that originated from Russia. Cannabis ruderalis was first classified in 1924 by a Russian botanist D.E. Janisschevsky (Tech). It is believed to be a descendent of indica genetics that adapted to harsh climates and short growing season of the northern region, which are native to Asia and Central/Eastern Europe (Hyde). It grows about 1 to 2.15 feet tall, has a thick and sturdy stem that support the buds are small and chunky. Its effect after being smoked is minimized to a low concentration of THC. The leaves are small and are fewer in numbers (Tech).

Methamphetamine is a significant drug that poses a threat to the CNMI. Law enforcements reported that many wholesale and retail distributers are also abusing the drug. The Community Guidance Center counsels more than 270 patients which is 58% of its caseload for Methamphetamine abuse (NMIDTA, 2003). A 1999 survey conducted by the Community Guidance Center which was formely known as the Division of Mental Health and Social services, revealed that about 5 percent of students grade 7th through 12th have tried and used methamphetamine once (NMIDTA, 2003). Methamphetamine users are prone to becoming violent when they suffer from the withdrawal symptoms which then lead to robbery in the CNMI.

The price of Methamphetamine has decreased and the purity remained the same with high levels, indicating that methamphetamine will be increasingly available. In 1999 Methamphetamine was sold for $1,000 per gram, in 2001 the price decreased to $500 to $600 per gram (NMIDTA, 2003). The retail level on the drug is often packaged in glassine bag which is also known as a plate which contains one-tenth of a gram. Through 1996 through February 2002 at total of 25 kilograms of methamphetamine was seized by the DEA (NMIDTA, 2003). Methamphetamines are smuggled from Japan, China, Taiwan, and often Philippines and Guam to the CNMI. The smuggling of methamphetamine from Japan is from members of the Inagawa-kai, a subgroup of Yamaguchi-Gumi which are the most violent subgroup of Yakuza’s (NMIDTA, 2003). They recruit couriers to smuggle methamphetamine from Asian countries like the Philippines to the CNMI. These couriers are unwitting accomplices that are offered a vacation in Saipan in return for smuggling the drugs into the CNMI. Methamphetamine are often hidden in the shafts of gold clubs, in bottles of shampoo and other items that are given to the couriers (NMIDTA, 2003). After the couriers have arrived in Saipan they usually stay in the hotel for about a week until they are contacted by the individual who will receive the package.

Marijuana in the CNMI is readily and widely used. However, according to the National Drug Intelligence Center it is difficult to quantify the scale of marijuana abuse due to the lack of drug abuse statistics and survey data in the CNMI. From 2000 to 2001 Law enforcements cause a decrease in local Cannabis cultivation (NMIDTA, 2003). Making distributers of marijuana obtain the drug from outside of the CNMI. This however, made the price of marijuana increase dramatically to $20 to $50 each, which was sold in a 1-inch square resalable bag containing small amount of marijuana. During 1997 to 1999 when marijuana was plentiful and locally produced, a joint which is 0.5 grams was sold for an average price of $2.50 (NMIDTA, 2003). Back then marijuana was packaged in sandwich bags. Tourist that buy the drug are charged at higher prices for retail quantities than locals. A wholesale level of marijuana in Saipan sells for about $1,500 per pound (NNMIDTA, 2003).

Due to the strong annihilation by Law enforcements, marijuana cultivation is limited in the CNMI and are mainly for personal use. The CNMI authorities now focus on undercover operations, controlled purchases and border interdiction (NMIDTA,2003). According to The Department of Public Safety Criminal Investigation Bureau, Marijuana is transported to the CNMI by criminal groups from the Philippines and the neighboring island of the Palau. Filipino criminals transport marijuana from cargo containers that board the Commercial Maritime Vessel. Palau criminals pay couriers to transport marijuana that are then concealed to their bodies or packed in coolers.

In 1970 the Controlled Substance Act removed the required sentence for Marijuana possession. In 1997, there was an argument about the decriminalization of marijuana by President Jimmy Carter. From the 1960’s to the 1980’s the Feds spent about $25 to $200 billion against marijuana. Beginning in 1992 rates of arrest began to rise due to the interest of marijuana among teenagers from 18 to 20 years old. While the older arrestees got less over the years.

The use of marijuana is a criminal offense under U.S. federal law. However, from a medical perspective, marijuana has been found to be beneficial in treating the symptoms of AIDS, cancer, multiple sclerosis, glaucoma, and other serious conditions (Isralowitz). In 2002, after two years of studying marijuana, the Canadian Senate Special Committee on illegal drugs reported that scientific evidence show that marijuana is substantially less harmful than alcohol (Isralowitz). Having them see that the drug should be addressed as a social and health issue.

In Japan, their law and society view illegal drug possession as an unconscionable act. Any Japanese citizens who are caught growing, selling, or using illegal drugs may find themselves in very deep trouble. It is not tolerated to both foreigners and locals. An offender that has been caught may face up to five years in prison just for the first offense. For those importing or selling marijuana shall received a punishment of up to 10 years in prison and a fine of up to 30 million yen (Hashi). This is about $267,883.50 in US dollars. A couple of years ago a Rugby player and Sumo Wrestler were found with possession of marijuana and both the athletes had their careers ended (Hashi). In other words if any Japanese citizens have been caught with illegal drugs they could be fired from their jobs, expelled from school, causing their life to flip upside down. However, marijuana is only legal for those who are cultivating that plant for research purposes (Hashi). Only researchers who have permits may be eligible to grow the plants.

According to the United Nations , Japan is the most expensive place to get high. An average price for marijuana is around $50 a gram and $75 a gram for hashish (). Marijuana in Japan was actually legal until the 1948 due to the evidence of hemp from the marijuana plant that were woven. Evidence show that marijuana had been grown as far back as 10,000 years ago (Higgins). They have not only been use for the fibers in the marijuana plant but also for ninja training. The Cannabis plants Sativa which is the tallest of the marijuana strain was made perfect for jumping over the plants as practice. Japan traditionally used the leaves as small offerings alongside shrines that will ensure a good and safe journey to passengers that come across to passing it by. Families would even leave bundles of cannabis plants at their doorway and burn them slowly to welcome back the spirits of the dead.

The House of Representatives of the NMI has approved a bill that would legalize, regulate, and tax the use of Marijuana in the U.S. Commonwealth (CBSNEWS). Saipan Tribune reported that the measure passed on Wednesday with a 10-7 vote with one abstention and two representatives that were absent. Independent Representative Stanley Torres said that “ would allow people of at least 21 years old to posses, cultivate and transport marijuana for personal use.” (CBSNEWS). This would also cause the permit of regulation and taxes of the commercial production of the sale of marijuana to peoples ages 21 years old and up. The bill would also prohibit possession of marijuana on school grounds and the use of its presence to minors.

Literature Review

In different parts of the world there are different policies and consequences for possession of illegal drugs. “In the global community, where goods are produced and distributed according to the market forces, who determines the legality or illegality of these goods? In regards to controlled substances- for example, illegal drugs such as cocaine, heroin, and hashish, and legal drugs such as tobacco and alcohol- What parameters are used in determining regulation? The fundamental question is who defines exactly what a drug is and is not? Who decides which drug should be controlled? What kinds of controls should be imposed on various types of drugs? Why do other addictive substances, equally if not more dangerous, remain outside the scope of control? Who defines the parameter of licit and illicit use. The answers to these questions will explain why some drugs are subjected to international control and others are not” (Drugs, 583).

Illegal drug use and its consequences, including crime, permeate every corner of the world. Drug use affects both the rich and the poor, educated and uneducated, and professional and blue-collar workers (Drugs, 585). The human cost of illegal drug use is well documented. Data from the National Institute on Drug Abuse suggested that many of the 56 million women of childbearing age in the United States use alcohol, cocaine, or marijuana to the detriment of their pregnancies (NIDA 1985)(Drugs, 585). Illegal drug use harms the community in several ways. Because of businesses leaving drug-infested neighborhoods. Violence in the community from rival gangs fighting for neighborhood control (Drug, 585).

First-time felony offenders are sentenced to intensive outpatient treatment. In New York, Judges use residential programs for teenager and adults convicted of second-felony drug offenses (Drug Treatment, 579). In both cases the treatment programs report on participants progress to the sentencing judge every month, and participants who fail to complete the treatment are sentenced to custodial sentences that are typically longer than they would have received absent the drug treatment intervention (Drug Treatment, 579). In 2000, California voters had voted for the approval of drug treatment over custodial sentences for drug offenders.

California is by far the best state to possess drugs in. Under the penal code, every first-time possession of illegal drug is treated to a diversion. This is a state-authorized program that is similar to probation. The offender will sign up for a treatment program, report to a probation officer, and upon completion of the whole program, it is like your arrest never happened (The Street Law Handbook, 14). Diversion usually takes anywhere from about eight months to three years. In California, no matter what drug you posses and if the offender is a first time non-violent drug offender, diversion is mandatory (The Street Law Handbook, 14). “Second-time Drug possession will get you to approximately two years and/or a one thousand dollar fine.”(The Street Law Handbook, 14).

In Los Angeles first time possession of an ounce or less is not and arrestable offense, but the offender is charged with a maximum fine of one hundred dollars. District of Columbia charges with a maximum fine of one thousand dollars and a maximum of up to 6 months in jail. Miami charges a one thousand dollar fine for 20 grams or less and a maximum of 1 year in jail. Any amount over 20 grams results in a felony conviction. Chicago fines up to a maximum of twenty five hundred and a maximum of one year in jail for 30 grams. Las Vegas charges a maximum of 600 dollars with no jail time for any amount for the first offense (The Street Law Handbook, 17, 18, 19).

The illegal status of marijuana may be attributed to for main primary reasons. 1). Certain specialist interest organization and labor unions were again the cheap immigrant workers which attributes the use of cannabis to immigrants was a productive means of keeping them out of the U.S. , 2). Pharmaceutical companies that are interested in the marketing of profitable medicines saw the multipurpose benefits of cheap marijuana as a threat to their profability, 3). The alcohol industry and government, that contains big profits as well as local, state, and federal taxes that were at stake were not interested in having any competition from marijuana, and 4). Marijuana appears to have served a powerful theme from government officials and politicians to create support of a variety of reasons, like the election to public office and the funding of governmental initiatives ranging from education to the law enforcements (Isralowitz).

The good news for all potheads or marijuana smokers is that in most cases (and in most states) they probably would not get near the maximum sentence if all they did was quietly carried a little amount of weed (The Street Law Handbook, 17). In fact, a cop might look the other way and let to offender caught with weed a warning. However, it is not the official law, it just happens sometimes. Depending on where you are, but because of legalization efforts and marijuana’s rumored medicinal properties, weed is the drug least likely to get you in big trouble (The Street Law Handbook, 17). Either way a cop still has the legal rights to arrest the offender.

Methodology

The Methodology that the student researcher had conducted were reviews of literature on both academic and non academic resources, Surveys and Interviews. However, the two methodology that did not come to a success were surveys and Interviews. The survey was based on an online survey that was open to the public. But the student researcher had no survey submissions. As for the interview, the student researcher contacted a police officer, and corrections officer and a Judge from the United States and Guam. However, when student had sent an email conducting a request for an interview there were no responses received. And as for the local police officers and judge officials on Saipan the interview was not possible due to the busy schedules that the officials had. Moreover, the student researchers research on the consequences of illegal possession of drugs is mainly based out of literature reviews from academic and non academic resources.

Abstract

An NMC student researcher of Saipan Fall 2016 conducted a research on what are the consequences for illegal possession of drugs? The student researcher will be gathering information on illegal possession of drugs on Saipan, Japan, and The United States. Indentifying the consequences for a first time offense and a second time offense. Classifying the consequences on misdemeanors and adults if they are caught with illegal possession of drugs. The amount of how much the drugs are worth for how much quantity. And the most common drugs that are being used and abused in the CNMI.

Conclusion

Based on the NMC Student of FALL 2016’s research on the consequences of illegal possession of drugs. Depending on the cop and where you are at the cop has a full right to arrest the drug offender for any amount of illegal drugs. However, a cop might leave you of with a warning but this does not happen all the time. In Japan, however if you are caught with illegal drugs like marijuana you are automatically put in jail for 5 years for the first offense with a fine of up to 3 million yen. Which is about $267,883.50 in US dollars. And as for the legalization of Marijuana here in the CNMI the bill is still yet to passed with regulation of taxes and having to be that age of 21 years old to have possession of the drug.

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