

Maine PRISONER ADVOCACY Coalition



Peter M. Lehman, PhD

20 Lawrence Ave.
Thomaston, Maine 04861
(207) 542-1496
Peter@GrowInME.com

Testimony in support of LD 1975 to the Committee on Health and Human Services January 17, 2024

Senator Baldacci, Representative Meyer, and distinguished members of the Committee.

My name is Peter Lehman and I live in Thomaston. I am a formerly incarcerated citizen and a person in long-term recovery.* I am testifying on behalf of the Maine Prisoner Advocacy Coalition whose goal is to promote restorative practices in order to increase public safety and the health of our community. We enthusiastically endorse this bill.

Almost all of the negative and tragic results of drug use are a result of criminalization.

When we criminalize drugs:

- Drug users are labeled criminals making it less likely they will seek help or treatment and more likely they will get sick or die.
- Prices go up and competition in the black market among distributors and marketers increases and violence increases.¹
- Prices of drugs go up and drug users commit crimes to support use their use.
- Quality and purity of drugs go down and overdose/poisonings go up.
- Predictability of potency goes down so overdoses increase.

¹ See for example discussions of black markets economics <https://www.investopedia.com/articles/personal-finance/080116/economics-illicit-drug-trafficking.asp>

* In the interest of honesty and disclosure, a personal background statement is available on request.

- Penalties create mass incarceration so we spend more and more of our budgets, literally wasting trillions of dollars on locking people up without any impact on use.
- Forfeiture laws create an incentive for increased attention to policing drugs.
- Drug enforcement takes an ever-increasing portion of our budgets, literally wasting trillions of dollars without any impact on use.
- Drug laws are used to target people of color, especially Black people, who are more likely to be punished for using drugs than white people.
- Drug marketers and users become scapegoats for various social ills which diverts our attention from the root sources of these ills and drains our financial capacity to address them.
- And others you can think of.

With these and other outcomes, it seems strange that we have kept doing this for so long. Barely 100 years ago, these substances were legal. For example, cocaine in Coca-Cola was widely used without any comment or adverse consequences.

For a while we experimented with criminalizing alcohol, generally a MUCH more dangerous drug physiologically. And all these same consequences ensued. So we decriminalized alcohol.

We also experimented with criminalizing marijuana and created the same consequences. We have recently begun ending that experiment by decriminalizing marijuana.

Whether or not you think the current laws are wonderful and necessary, we have to wonder why their strong persistence despite increased costs and demonstrated failure to reduce use or save lives.

One way to think about the persistence of these laws is to **follow the money**.

We know that the drive to create many of these drug laws, and strengthen them, has been connected to law enforcement agencies. We know, for instance, that Harry Anslinger, in an effort to

promote and expand his Bureau of Narcotics, led the campaign to criminalize marijuana.²

We know that the source of many refinements of drug laws, such as the steady reduction of the amounts required to assume trafficking has been led by law enforcement and prosecutors seeking to make it easier to convict people to beef up their resumes and fill up our prisons.

We know that large corporations who manufacture drugs that have been diverted to street use have seen huge profits from their quasi-legal business.

And other large corporations, involved in various ways, have made substantial political contributions to support and expand our current criminalization.³

We know that political groups have prospered by sowing fear and misinformation about drugs and drug users.

Forfeiture laws connected to our drug laws have been a bonanza for law enforcement netting agencies billions of dollars over the years—all an incentive for maintaining and even expanding criminalization. Even in Maine, this amounts to millions of dollars.⁴

These agencies are hardly a neutral resource in evaluating proposals to decriminalize. Decriminalization is a threat to their budgets, their jobs and perhaps their very existence.

² [Brecher, 1988](#). Along the same lines, Gabriel Kolko, in *Triumph of Conservative*, argues that progressive era food and drug laws including the Harrison Act in 1914, promoted commercial interests, in this case the emerging medical profession in limiting distribution of opiate to physicians licensed (by the AMA) to prescribe drugs. Following its passage, coupled with scares about Orientals in the West and Blacks in the South, this morphed into a moral and legal crusade.

³ This makes sense, at least from an economic perspective, because the only net winners in an anti-competitive or monopolistic market are those who have the privilege of producing the anti-competitive good. Illegal drugs receive an incredible markup compared to legal goods precisely because they are illegal. The London School of Economics estimates that cocaine and heroin receive a markup of nearly 1,300% and 2,300%, respectively, when exported. This compares to a 69% markup for coffee or 5% markup for silver. ([ibid.](#))

⁴ <https://www.aclu.org/press-releases/maine-law-enforcement-flouting-property-seizure-laws-according-new-report>

I don't intend to go further and pretend to produce an exhaustive research paper for you. I just wanted to give you enough to raise questions about our supposedly hallowed tradition of criminalizing these substances.

It's **not that old** a tradition. And it is **demonstrably corrupt** in its origins and ineffective along with its tragic consequences.

We urge you to support this important legislation with a resounding and unanimous Ought To Pass.

The only weakness of this legislation is that it doesn't go far enough. We need to focus on public health rather than criminalizing substance use.

Thank you for your attention and support.

I would be happy to answer any questions you may have.