

## Political winds shift in favor of legalized pot

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(Paul Chinn / The Chronicle)

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Richard Lee, director of Oaksterdam University, monitors the growth of a marijuana crop at the school's indoor growing lab in Oakland.

Marijuana has been a part of the American cultural landscape for nearly a century, tried by millions - including, apparently, the last three presidents and the current California governor.

So why has it taken so long to arrive at a political moment of truth - a full national debate about the legalization, taxation and regulation of cannabis?

Experts say an unprecedented confluence of factors might finally be driving a change on a topic once seen as politically too hot to handle.

Among them: the recession-fueled need for more public revenue, increased calls to redirect scarce law enforcement, court and prison resources, and a growing desire to declaw powerful and violent Mexican drug cartels. Also in the mix is a public opinion shift driven by a generation of Baby Boomers, combined with some new high-profile calls for legislation - including some well-known conservative voices joining with liberals.

Leading conservatives like former Secretary of State George Shultz and the late economist Milton Friedman years ago called for legalization and a change in the strategy in the war on drugs. This year mainstream pundits like Fox News' Glenn Beck and CNN's Jack Cafferty have publicly questioned the billions spent each year fighting the endless war against drugs and to suggest it now makes more financial and social sense to tax and regulate marijuana.



(Paul Chinn / The Chronicle)

A budding Mazar Sharif variety of marijuana plant thrives at Oaksterdam University's indoor growing lab in Oakland.

"It's a combination of all these things coming together at once and producing that 'aha' moment," said Bruce Mirken, spokesman for the Marijuana Policy Project, who for years has monitored the wavering political winds on the subject. He says so much has changed in recent months that "for the first time in my adult lifetime, it looks possible."

"If you'd asked me 10 years ago - or three years ago - I would have said it will be a long, slow slog," he said. "And now, it looks like it might happen faster than any of us believed."

President Obama recently took a prime-time news conference question on marijuana legalization - and laughingly sidestepped the question. But among the very serious items driving the public debate is California Assemblyman Tom Ammiano's bill to tax and regulate the drug - an idea that polls suggest is no longer out of the mainstream.

The findings of a February Rasmussen poll showed 40 percent of Americans support legalizing the drug, with 46 percent opposed and 14 percent unsure.

54% in state favor legalization

A new California poll by Oakland EMC Research specifically tracked state voters' attitudes on marijuana use, taxation and legalization.

Alex Evans, president and founder of EMC, said his firm has done the same study for years for Oaksterdam University, an Oakland medical marijuana dispensary and education group, but 2009 marks the first time the poll showed that a clear majority of state voters, 54 percent, say the drug should be legalized, compared with 39 percent opposed. (The poll of 551 likely voters was taken March 16-21 and has a

margin of error of 4.2 percentage points.)

"Part of the explanation is people's good feelings about medical marijuana," he said. "It's demonstrated that it can work. People are growing in confidence that we can continue to make it more legal."

The shift appears to be driven by aging Baby Boomers' "own personal experience with cannabis," he said, especially their growing belief that "there's not much difference between that and alcohol ... it is leading them to support more of a tax-and-regulate attitude."

Some see pot as gateway drug

Opponents of legalization have long expressed concerns, saying that making marijuana legal will compound substance abuse problems, that it is a gateway drug that leads to use of harder drugs and that legalization would send the wrong message to children.

But Democratic state Sen. Mark Leno of San Francisco, who supports Ammiano's effort, says that in a state racked by a \$42 billion deficit - where marijuana is also now ranked as the largest cash crop - it is "completely reasonable and sensible" to take another look.

"To continue to outlaw it and not tax it is really to keep one's head in the sand, as if we can pretend and it will go away," he said. "Minimally, I'm hoping we take a look at the billions of dollars we've spent on the war on drugs: Have we gotten our money's worth?"

Already, some localities are exploring that issue - and whether they can get their money's worth from rethinking cannabis legislation.

Marijuana as industry

Voters in Oakland, a city crippled by a \$65 million deficit, could soon decide whether to approve a hike in the business tax of as much as 10 times the current rate for medical marijuana dispensaries, an idea advanced by City Councilwoman Rebecca Kaplan.

She co-authored the voter-approved Measure Z, which makes cannabis the lowest law enforcement priority in the city and mandates that Oakland tax and regulate the drug as soon as possible under state law.

Richard Lee, the director of Oakland University, said the keen interest in possible new revenue from cannabis sales was underscored when he was recently asked to testify to Oakland officials on the matter "in front of the finance committee ... not health and safety."

Lee said his own thriving multi-faceted enterprise, a national spearhead in what is increasingly being called the "cannabis industry," dramatizes exactly the potential for those revenues.

Oaksterdam operates four medical marijuana dispensaries and a score of busy related downtown businesses - including an Amsterdam-style coffee shop, an educational facility offering popular 13-week marijuana cultivation courses, a bike rental shop, a gift shop, a glass blowing facility for making pipes, a marijuana nursery and a media company that produces publications like West Coast Cannabis magazine. Business is booming.

'We have to prove ourselves'

Still, politicians on both sides of the aisle have been wary of aligning themselves with marijuana advocates, and "we have to prove ourselves," Lee said .

But it appears the movement's advocates have learned some political lessons since the '70s, when the Woodstock generation thrived.

In the 21st century, Lee said, the message of the marijuana movement is "about less government ... and more jobs, taxes and tourism."

Marijuana use - facts and figures

Some of the studies and statistics being cited in the discussion on taxing and regulating marijuana:

-- A recent World Health Organization study found that 42.4 percent of Americans have tried marijuana. That is the highest percentage of any country surveyed and compares to a 20 percent rate in the Netherlands, where the drug is legal.

-- A National Survey on Drug Use and Health suggested California may be producing a whopping 38 percent of the marijuana grown in the United States. The study suggests there are an estimated 3.3 million cannabis users here, representing about 13 percent of the nation's marijuana users.

-- California's state-funded Campaign Against Marijuana Planting seized nearly 1.7 million plants in 2006 with an estimated street value of more than \$6.7 billion, according to the Los Angeles Times. Studies have ranked the state as the national leader in both outdoor and indoor marijuana production, with an estimated 4.2 million indoor plants valued at nearly \$1.5 billion, the paper reported.

-- National statistics show 872,000 arrests last year related to marijuana, 775,000 of them for possession, not sale or manufacturing - sparking some critics to suggest that the resources of the criminal justice system, including the crowded state prisons and courts, might be better used elsewhere.

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