



Marijuana Push Spurs Congress to Weigh Legalizing

Legalizing

By: Michael C. Bender - November 01, 2013

Alliance, say the effects of pot are less harmful than alcohol or tobacco, the U.S. government maintains that marijuana can lead to serious mental-health issues. Photographer: Andrew Hetherington/Redux

A proposal backed by most District of Columbia council members to decriminalize small amounts of pot may spur federal lawmakers to consider marijuana regulation for the first time since two states legalized recreational sales.

Congress has the power to block legislation approved by the Washington council. U.S. lawmakers can also stop local initiatives in the nation's capital through the federal budget, which authorizes the city's spending, as they did to stall the use of medical marijuana there for a decade.

The push to loosen local pot penalties, which few expect Congress to block, would set up what supporters say is the next step: legalizing recreational use. Growing support for legal pot and the billions in tax revenue and prison savings the change may bring has convinced some that Congress will ease laws.

"This is where you're going to see federal movement coming in the next year or two," said Erik Altieri, a spokesman for the Washington-based National Organization for the Reform of Marijuana Laws, which was founded in 1970.

Groups such as Norml and the DC Cannabis Campaign are considering a ballot initiative next year to legalize pot sales in the district. If approved, it would force Congress to consider an issue the federal government has mostly left to states. The hands-off approach has created a patchwork of laws ranging from Missouri, where possession of 35 grams, about 1.25 ounces, can mean seven years in prison, to Colorado and Washington state, which legalized recreational sales last year.

Gaining Support

For the first time, a majority of Americans now favor legalization, according to a Gallup Poll last week showing that support has increased 10 percentage points in one year.

Seventy-six percent of doctors worldwide favor using pot for medicinal purposes, according to a May poll published by the New England Journal of Medicine. Forty-eight percent of U.S. adults reported using it, according to a Pew Research Center survey.

While advocates, including the Washington-based Drug Policy Alliance, say the effects of pot are less harmful than alcohol or tobacco, the U.S. government maintains that marijuana can lead to serious mental-health issues.

“Legalization of marijuana, no matter how it begins, will come at the expense of our children and public safety,” said an April report from the U.S. Drug Enforcement Administration. “It will create dependency and treatment issues, and open the door to use of other drugs, impaired health, delinquent behavior and drugged drivers.”

Drug Arrests

Sale or possession of marijuana accounted for 48 percent of the 1.55 million drug arrests in the U.S. in 2012, Federal Bureau of Investigation data show. While drug busts have dropped, those for marijuana have risen by 18 percent since 2001, according a June report from the American Civil Liberties Union.

At the same time, racial disparities have increased, according to the report. In the U.S., pot use among whites and blacks is about the same, yet blacks are arrested for possession almost four times as often. In Washington, blacks accounted for 91 percent of marijuana arrests in 2010, even though they account for about half of the population of 632,000.

“We’re saving thousands of black boys and a few girls from having a criminal record for small amounts of marijuana, and that’s important because most employers won’t consider you if they see an arrest record,” said council member Marion Barry, referring to the proposal.

Prison Sentence

Barry is no stranger to drug laws. He was sentenced to six months in prison in 1990 for possession of crack cocaine while he was mayor. He said that experience hasn’t informed his support for the pot proposal.

Barry wouldn’t say whether he supported legalization. Asked whether that was the next step in D.C., he said, “Yes.”

Estimates on a potential national marijuana market vary from \$10 billion to \$120 billion a year, with \$35 billion to \$45 billion being likely, according to data compiled by Bloomberg. Tax collections from such sales could reach as much as \$20 billion, according to a March report by Brad Barker, a Bloomberg Industries analyst, who cited projections by the Cato Institute, a nonprofit research group, and the Congressional Research Service.

When voters in Washington and Colorado legalized pot a year ago, they forced the federal government’s hand. In an Aug. 29 memo, U.S. Deputy Attorney General James Cole said the Justice Department wouldn’t intervene in the states’ pot regulations, so long as they prevented out-of-state distribution, access to minors, impaired driving and kept revenue from going to gangs and cartels.

In Congress, Senate Judiciary Committee Chairman Patrick Leahy, a Vermont Democrat, said in an Aug. 26 statement that “these state laws should be respected.”

The Tea Party movement that helped restore Republican control in the House in 2010 included a wave of libertarian lawmakers who are more receptive to loosening marijuana regulation.

A House bill from California Republican Dana Rohrabacher to give state marijuana laws priority over the U.S. Controlled Substances Act has 20 co-sponsors, ranging from Arizona Democrat Raul Grijalva, among the most liberal members of Congress, to Justin Amash of Michigan and Steve Stockman of Texas, both Republicans aligned with the Tea Party movement.

Kentucky Grass

A triumvirate of Kentucky Republicans is backing proposals to allow farming of hemp, which U.S. law classifies the same as marijuana even though it has a non-intoxicating amount of THC, the psychoactive ingredient in the cannabis plant.

In the Senate, the measure has support from Minority Leader Mitch McConnell and Senator Rand Paul, a potential Republican presidential candidate in 2016. A third Kentucky lawmaker, Representative Thomas Massie, has 48 co-sponsors for the same bill in the House.

“We’re seeing Congress move this way,” Norml’s Altieri said. “It’s hard to see them really rolling back.”

Rohrabacher said he doesn’t expect his bill to pass until the Republican Party nominates a presidential candidate who supports marijuana legislation. The limited-government Tea Party movement increases the chances, he said.

“It all depends on whether or not, with this Tea Party group, we end up with a Republican that has courage enough to be more libertarian on the marijuana issue,” Rohrabacher said.

Parking Ticket

The District of Columbia proposal to decriminalize possession of less than one ounce of marijuana has support from 10 of 12 local lawmakers and may get final approval in January, said council member Tommy Wells, who is sponsoring the measure.

Wells’s plan would mean fines of \$100 for small amounts of pot, instead of a maximum six months in prison. Wells said in an interview that he’ll probably change his bill at a December hearing to reduce the fine to \$25 -- the same as the punishment for parking at an expired meter.

Sixteen states have decriminalized first-time possession of small amounts of marijuana, according to Norml.

Once it passes the council and gets a signature from Mayor Vincent Gray, who supports it, Congress has 60 days to object with a disapproval resolution. Congress hasn’t used that method since 1991, when lawmakers overturned a proposal to exceed a 110-foot height limit for downtown buildings.

When voters in the nation's capital were among the first in the U.S. to legalize medicinal marijuana in 1998, Congress prevented the district from spending money on the program for a decade with a budget rider.

There are now three dispensaries and three cultivation centers in the district, said Najma Roberts, a D.C. health department spokeswoman.

Both Wells and council member David Grosso said they'd back legalization in Washington, a question that two-thirds of district votes said they'd support, according to an April poll by Public Policy Polling. Neither Wells nor Grosso would venture a guess as to how Congress might respond.

"That fight would have national repercussions," Rohrabacher said.