



Marijuana and iron bars

By Mark Osler

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This could be a breakout year for the fledgling holiday held on April 20 to celebrate marijuana. What once would have been a “counter-cultural” event is now simply “cultural.” As some polls show a majority of Americans supporting the legalization of marijuana, the emergence of 4/20 day is just one sign of our strikingly new mood regarding pot.

In some places they even jumped the gun: Denver held a downtown event on the 18th and 19th billed as “the world’s largest marijuana party.” Though it is legal to use marijuana recreationally in Colorado (at least under state law), you can’t consume it in public. People didn’t seem to care much about that restriction on Saturday and Sunday in Denver.

Reading about events like Denver’s 4/20 rally must be very odd to Weldon Angelos. He is serving a 55-year term of incarceration in federal prison for a first offense involving the sale of about \$1,000 of marijuana and the possession of firearms that were neither brandished nor used. There is no parole in the federal system. Nor is there much sense in Weldon continuing to suffer a sentence driven by a social consensus that no longer exists.

Weldon sold small amounts of marijuana from his car, while possessing a gun, in Utah. Now, in the next state over (Colorado), taxpaying businesspeople with storefronts sell small amounts of marijuana (and no doubt often possess firearms, as many businesspeople do). Weldon is scheduled for release from prison when he is in his ’70s. At that same age, the Colorado marijuana retailer will be retired and living on the 401(k) funds he saved from the pot-selling business.

There are several costs to continuing to imprison Weldon Angelos and those like him. One, the simplest one, is money. Incarcerating Weldon for another 40 years will cost over a million dollars— and that is to keep in prison just one of the thousands of people like him in state and federal prisons.

Marijuana industry sees green after Colorado legalization

After 75 years of marijuana prohibition, Colorado voters amended their constitution and legalized marijuana in all forms. The results have been remarkable.

A second cost, one that is hidden to most of us, is the cost to those who care for and depend on Weldon and on Weldon himself. Because I am his pro bono lawyer for clemency, I know what those costs are. His children are young teenagers, boys who are polite and interesting, but they dearly miss their father who has been imprisoned for over a decade. As they get older, that loss will become more acute.

Finally, there is a moral cost to our nation when we strip away freedom from a citizen without serving a discernible and urgent imperative. As a freedom-loving people, we should only use that million dollars of taxpayer money to keep a Weldon Angelos confined in prison if doing so solves a problem. It does not.

Releasing the prisoners from wars that have concluded is an American tradition. After each of our wars in the past 150 years, we have regularly released the people locked up as enemy combatants, as draft evaders, or as deserters. Once the fight is over, and a resolution reached, we let them go home. It is time to do the same for a “war on drugs” that is now over (or soon will be), at least in regard to marijuana.

The emerging consensus in our nation is reflected not only in the 4/20 celebrations and the changing marijuana laws, but in the people working on behalf of Weldon. They have included Rocky Anderson, the progressive former mayor of Salt Lake City, and Erik Luna, a law professor affiliated with the Cato Institute. A [stunning short film](#) about the case was made on behalf of Generation Opportunity, a millennial group funded in part by the Koch Foundation.

State and federal governments would honor both conservative and liberal principles if they use the tools of retroactive sentencing and clemency to free marijuana prisoners like Weldon Angelos. Those actions would limit the reach of government, expand liberty, and recognize the often cruel effects of over-policing. The rewards for doing so will be quiet, but important. We will move towards reconciliation after an often-brutal war, and there is that million dollars. Most importantly, though, will be a single spare moment: when Weldon walks through a doorway and into the embrace of his family. They need that, and so do we.