

SFGATE

Newsweek: Obama should decriminalize marijuana

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While many of President Obama's critics hope that he embraces his lame duck status early by not nominating a new Chief Justice, *Newsweek's* Ilya Shapiro actually wants Obama to do his job and declassify marijuana.

In a recent opinion piece, Shapiro, a senior fellow in constitutional studies at the Cato Institute and editor-in-chief of the *Cato Supreme Court Review*, implores Obama to wield his executive power to remove marijuana from the list of banned substances rather than legalizing it altogether.

Although federally legalizing marijuana requires an act of Congress, Obama can move it out of Schedule I of the Controlled Substances Act without going outside of his constitutional authority, as Shapiro explains in a short video.

The video also goes on to reveal the benefits on declassifying pot: Reclassifying marijuana as a Schedule III substance or lower would have significant benefits for the budding marijuana industry and individual users. For example:

- The Internal Revenue Code prohibits the deduction of business expenses that relate to Schedule I or Schedule II trafficking.
- The Gun Control Act of 1968 prevents the sale of ammunition and firearms to the unlawful users of "any controlled substance."
- A conviction for possessing a controlled substance can bar students from getting loans.
- And the rules are even stricter for public housing.

Declassifying marijuana would solve all of these problems.

But even merely reclassifying it would make it easier for legal businesses to access the full economy and reduce violent crime.

While Shapiro hopes that Obama can get the job done, *Newsweek* has also speculated how the next president can decriminalize marijuana without the help of Congress.