

Eachus: Legalization of gay marriage, pot on different trajectories

By Ron Eachus May. 06

Passage of initiatives in Colorado and Washington to legalize and regulate commercial cultivation and sale of marijuana have prompted the question of whether making pot legal will find itself on the same evolutionary path to acceptance as has gay marriage.

Last year three states — Maine, Maryland and Washington — approved same-sex marriage. They were the first to do it through the ballot box. Ten states and the District of Columbia have now made same-sex marriage legal.

The surge in nationwide public support prompted conservative talk show host Rush Limbaugh to proclaim that, regardless of whatever the Supreme Court rules, gay marriage is “inevitable.”

By addressing the question of whether gay marriage and legalizing marijuana are on parallel paths I don't mean to imply that they are on par with each other, so comments about how dare I equate the two can be spared. One is a constitutional issue of equality and undue discrimination. Legalization of marijuana is not.

Care needs to be taken as well to not overstate the level of acceptance of either. Though polls show increasing public support for both, the number of states that have adopted either same-sex marriage or reform of marijuana laws is still in the minority.

But for a political observer/analyst, the comparisons of changing political winds are intriguing and hard to ignore.

One senior fellow at the conservative, free market-oriented CATO Institute called the Washington and Colorado votes the most important votes on election day. It could just be CATO trying to downplay Obama's victory, but it has been a strong supporter of ending what it regards as an expensive and ineffective war on drugs and ending government interference in private activities that don't harm others.

As is happening with same-sex marriage, polls indicate evolving attitudes toward legalization of marijuana. A Gallup Poll last December found 48 percent supportive and 50 percent opposed. But 64 percent were against the federal government enforcing anti-marijuana laws in states where marijuana use is legal.

When Gallup first asked the question in 1969, only 12 percent supported legalization.

A Pew Research Center poll in March found 52 percent in favor of legalization.

Pew says support for legalization has risen 11 points since 2010. Significantly, the poll revealed that nearly half of respondents said they'd tried marijuana and 65 percent of those born since 1980 supported legalization.

I suspect one reason for the increased public support is that, as with same-sex marriage, the logic of the opposition is beginning to fall apart. It is becoming harder to explain why marijuana should be treated differently than alcohol and tobacco, both of which are more addictive.

With so many using or having tried marijuana, the theory of pot use as a gateway to other “hard” drugs such as heroin begins to crumble. In fact, many in law enforcement might argue that keeping marijuana in the black market is the real gateway to crime because it puts seekers of supply into contact with unsavory dealers of other drugs. And throwing people in jail for use only puts them in touch with more hardened criminal elements.

Objections on moral grounds are quickly overwhelmed by pointing out how willing states have been to turn to gambling as a source of revenue and economic development.

The biggest boost for legalization in the future may indeed come from perceived fiscal benefits of regulating marijuana production and sales. States can see savings in law enforcement and corrections budgets and added tax revenues for drug treatment or schools.

The issue has reached the mainstream public debate. It will continue to be advanced in other states. Colorado's and Washington's experiences will be instructive. And the younger population that overwhelmingly supports legalization will gradually become a larger part of the electorate.

But moving marijuana into what Oregon Rep. Earl Blumenauer, D-Portland, who has introduced bills to tax and regulate it like alcohol and tobacco, calls “a normal business environment” has a ways to go.

Oregon was a leader in decriminalizing marijuana in 1972 and in adopting medical marijuana in 1998. Yet last election an Oregon version of a ballot measure to legalize and regulate marijuana failed.

Don't expect Limbaugh to declare legalization of marijuana inevitable any time soon.

Ron Eachus of Salem is a former legislator and a former chairman of the Oregon Public Utility Commission. His column appears on Tuesdays. Send email to re4869@comcast.net.