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## One War Obama May Curtail

Posted By [Kelley B. Vlahos](#) On December 14, 2009 @ 11:00 pm In [Uncategorized](#) | [8 Comments](#)

As far as ending wars abroad is concerned, 2009 was the year of too many dashed hopes. President Barack Obama appears both master and slave of the Long War trajectory as we move into year nine of our post-9/11 war ethos.

But there's one war the president may stop – in fact, his election has motivated developments toward this end at a pace not seen in decades. We're talking about the War on Drugs, and ending it could change the lives of millions of Americans – as well as Mexicans, Colombians, and others in places that feed America's illicit drug habits.

While it might sound a little fantastic, consider this: in the last year, the White House has ordered its Justice Department [to stop prosecuting medical marijuana growers, users, and dispensaries, as long as they are operating within state law](#). That has led the 13 states with medical marijuana laws to push forward [more assertively in establishing public dispensaries](#) and encouraged legislation in other [states to relax marijuana statutes and allow medical marijuana](#).

Draconian minimum sentencing for drug arrests has [finally been reversed in New York](#), and [sentencing reform](#) has pushed ahead in other states, too. Just last week, [Congress ended a restriction on a District of Columbia](#) medical marijuana law passed by voters in 1998. Ironically, former U.S. Rep. Bob Barr (R-Ga.) helped put that restriction into place, but since then, the former federal prosecutor [has reexamined his position on marijuana](#) as a states' rights issue and has been helping to push back against further federal intrusion.

In February, Obama appointed [Gil Kerlikowske as drug czar](#). Ostensibly, he's quite the antithesis of drug czars past, since he is no ideologue. In fact, he faithfully implemented decriminalization efforts as Seattle's police chief despite his own opposition, pragmatically working with community activists to keep nonviolent drug offenders out of jail.

Allen St. Pierre, director of the National Organization for the Reform of Marijuana Laws (NORML), told Antiwar.com that his organization was invited to participate in Kerlikowske's blue ribbon panel on criminal justice policies and drugs. Talk about change: St. Pierre and Co. wouldn't have gotten past security when [Barry McCaffrey](#) (czar under Bill Clinton) and [John Walters](#) (czar under George W. Bush) were in office.

Meanwhile, former heads of state in Latin American countries are urging decriminalization, if not full legalization, as a solution to the bloody, cartel-driven drug war throughout the hemisphere. [Mexico relaxed its own criminal statutes for drugs](#) this year in an attempt to stem the violence, most of which is spurred by U.S. demand for illegal drugs.

Finally, while there is hardly widespread support for reversing criminal restrictions on drugs such as cocaine and heroin, American attitudes about marijuana have softened in ways not seen in this country since the 1960s. But even then there was a seemingly impenetrable cultural and political divide between conservative prohibitionists and socially liberal users. Today, [a clear majority of Americans](#) (representing both sides of the aisle) consider the medicinal uses of pot quite valid, and [more than ever](#), they are open to decriminalization generally (some recent polls show [over 50 percent](#) in favor).

Even the American Medical Association, which heretofore had not officially recognized the potential medical benefits of marijuana, [reconsidered its position](#) in November, actually calling on the federal government to take pot off the Drug Enforcement Agency's Schedule I (a place it dubiously shares with the most restricted drugs, including heroin and methamphetamines) and to allow for more thorough cannabis research (which isn't possible now, because the government controls all the plants that could be used for sanctioned study).

"There is no doubt that I am biased," said NORML's St. Pierre, "but it's hard to argue that there haven't been some significant changes."

"What we call the War on Drugs is really a war on cannabis users," he added. And, thanks in part to

the election of Obama, but also because of traction in local and state governments and, ironically, the "crushing economic times," that war seems to be reaching a breaking point. St. Pierre pointed to recent statistics that find that 49 percent of all drug arrests today are for marijuana. Of the 850,000 pot busts in 2008, 89 percent were for possession only.

As St. Pierre put it, "An election has happened, a different attitude and mentality has been brought to the forefront. I wouldn't be a soothsayer to predict that had [John] McCain been elected [in 2008] ... there would have been a phalanx of federal lawyers" sent to places like Rhode Island and Maine, where local laws have just been passed to make it easier for people to sell and buy medical marijuana. While pot is still illegal at the federal level, the Justice Department's recent directive takes Uncle Sam further out of the equation.

Meanwhile, California is actually grappling with the possibility of legalizing marijuana outright ([a current ballot initiative for legalization](#) is expected to reach a public referendum in 2010) and taxing marijuana revenues. While California by no means represents the whole of the country, the fact that its [Republican governor has called for an open debate on the issue](#) says how far attitudes have come since California Republican Richard Nixon first declared war on drugs in 1969 and California Republican Ronald Reagan intensified that war in the '80s.

"All these things are coming together right now, and it's kind of ironic," said St. Pierre. He pointed out that Eric Holder served as deputy attorney general in the Clinton administration, which pushed the drug war with zeal, elevating McCaffrey as a sort of anti-pot Patton who ran the [White House Office of National Drug Control Policy](#) (ONDCP) as an elaborate command center that gobbled up millions of dollars for what are now considered useless anti-drug campaigns.

"Here is a guy [Holder] who in the 1990s was going around trying to knock out all the medical marijuana laws. Mr. Holder was making those arguments – wrongly – against medical marijuana, and they lost, as you can see," said St. Pierre. Though the U.S. Supreme Court has consistently held up the right of the federal government to prosecute anti-marijuana statutes, "we have clearly won in the court of public opinion."

The ONDCP's public anti-drug campaign budget, which cost taxpayers \$1.6 billion between 1998 through 2006, was slashed on the House side of the Financial Services and General Government Appropriations for fiscal year 2010, though the final bill has been held up in conference. But there seems to be a growing recognition, [backed up by government reviews](#), that the media campaigns are, for lack of a better term, wasted on today's youth.

Meanwhile, [a May 20 memo](#) [.pdf] handed down by the Obama administration was a genuine extension of faith, if not a gift to drug war activists and federalists in general, according to St. Pierre. The memo, regarding federal assertions of preemption in state laws, was as surprising as it was welcome.

"In my lifetime, one of the major tenets of the GOP has been the idea of returning states' rights and decentralizing power out of the big, bad Beltway," he said. "Ironically ... it is something that in eight years the Bush administration had the opportunity to do but never did."

### **Putting the Toke Before the Smoke**

David Boaz, author and vice president of the Cato Institute, warns that the challenges for activists like St. Pierre are still very real, and perhaps ultimately insurmountable. Prohibitionist lawmakers and bureaucrats across the spectrum won't cave without a protracted and bloody political fight, especially when their long-held beliefs and livelihoods are truly threatened.

"I've been watching this for a long time. Getting the government to stop doing what it's been doing for 70 years is extremely difficult," said Boaz, author of *The Politics of Freedom*. State laws may evolve, but statutory changes at the federal level, which are key to ultimate decriminalization, aren't in the cards yet, especially when Republicans like Sen. Tom Coburn (R-Okla.) continue to demagogue the issue.

"The number-one risk for our kids is not obesity, it is illicit marijuana," [Coburn declared in a hearing with Holder in October](#), where he also stated that "90 percent of the people with a prescription in California [for medical marijuana] do not have a real illness, what they have is a desire to smoke marijuana."

Anti-drug money is in "every nook and cranny" of the federal budget and will inspire all forms of pushback from departments as far-ranging as Education to Justice to the Treasury, or in other words, the "drug war-industrial complex," said Boaz.

"That should be the backdrop for all the enthusiastic stories about marijuana," we're seeing in the media today, he added. That would inevitably include the argument that taxing legalized marijuana, just like alcohol, would bring boatloads of revenues into lagging state coffers. "When you make it legal, prices will naturally come down; there won't be a \$10 billion industry to tax anymore."

However, Boaz acknowledges the extraordinary shift in political and cultural attitudes about pot, suggesting that no matter how tough the battle, there is no turning back now.

Particularly, the growing chorus of mainstream domestic – and foreign – voices insisting that decriminalization is necessary for security.

*"You'd think a country built on capitalism would understand basic laws of supply and demand. Instead, a failed and irrational national policy blunders forward, costing billions, incarcerating large numbers of people, and enriching ruthless crime syndicates.*

*"The cartels are not stagnant. They are growing in power and influence. In Phoenix, Mexican cartels are blamed for a dramatic rise in kidnapping and other violence.*

*"Arizona Attorney General Terry Goddard says it may be only a matter of time before the kind of turf battles that are common in Mexico erupt along drug-transit corridors in Arizona. Goddard, who does not support legalization, says, 'I do support an intelligent dialogue [on legalization].' ...*

*"It's time to hit the bad guys where it really hurts."*

*"Take away their cash cow."*

[This was written by Linda Valdez](#), columnist for the *Arizona Republic*. Out West, even law enforcement officials – some, not all – recognize that the Drug War is a vicious drain on their resources.

"Part of me wants marijuana legalized," said Wayne Hanson, a sheriff's sergeant in Humboldt County, Calif., "because it would take away the wealth and the greed and the violence." A retired sheriff's lieutenant [interviewed recently by NPR](#) said California law enforcement helped destroy 4.5 million illegal plants last year – but that was only a tiny percentage of the existing crop. Drug cartels are [now competing directly with domestic growers](#), audaciously cultivating in our state and national parks and using illegal immigrants to do it.

This year a summit of former Latin American leaders called for drug legalization in order to stop the killing and corruption in their countries. "It will be almost impossible to solve Mexico's problems and other countries' problems without a more ample, comprehensive set of policies from the U.S. government," said former Brazilian president Fernando Henrique Cardoso.

In August, Mexico quietly acted. It passed a law decriminalizing the possession of small amounts of major drugs, including cannabis, cocaine, heroin, and ecstasy. From [Time](#):

*"Washington's silence on the issue is telling. In 2006, Mexico's Congress approved a bill with almost exactly the same provisions. However, the administration of George W. Bush immediately complained about the measure and then-president Vicente Fox refused to sign it into law. In contrast, officials of the Obama administration have been decidedly guarded in commenting on the new legislation. When asked about it in his visit to Mexico last month, drug czar Gil Kerlikowske said he would 'wait and see.' Many view such a change as evidence that Washington is finally reconsidering its confrontational war on drugs, four decades after Richard Nixon declared it. 'There is a growing opinion that the use of force has simply failed to destroy the drug trade and other measures are needed,' says Mexican political analyst José Antonio Crespo. 'It appears that the White House may be starting to adjust its approach.'"*

Conservative columnists like George Will are [starting to see the writing on the wall](#). Between the flourishing state medical marijuana laws and other efforts at the state level (there have even been "[colleges](#)" for medical marijuana established in friendly states like California and Michigan) and a cultural shift (you know there is something going on when the *Today Show* is interviewing "[Stiletto Stoners](#)"), that wall may be crumbling.

Which means at least one war may be finally coming to an end. And in an age when it is all war, all the time, these events are toast-worthy as we ring in the New Year.

"Who knew communism would end when it did?" said Boaz, who is hopeful, despite his warnings. "If the Soviet Union can fall, certainly marijuana laws can."

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