

# Two sides of one leaf

## Pot laws need drastic revision

By Steve Epstein

Special to the Star

Opponents of Question 2 suffer from “reefer madness.”

This illness causes its victims to lose touch with reality. Sufferers engage in fanciful speculation, false logic, misrepresentation and outright lying. It causes them to defend current law by pointing to individuals, who in the words of William F. Buckley Jr., “having taken marijuana, moved on to severe mental disorder.”

But that argument, to quote myself, is on the order of saying that every rapist began by masturbating. General rules based on individual victims are unwise. And although there is a perfectly respectable case against using marijuana, the penalties imposed on those who reject that case, or who give way to weakness of resolution, are very difficult to defend.

Question 2 does not legalize marijuana, just as the decriminalization of speeding did not legalize speeding. The only radical aspect is that, if approved, District Attorneys will lose the power to prosecute persons of all ages for possessing marijuana. They will retain the power to prosecute dealers, growers, and those who operate motor vehicles under its influence. Of course, they will never admit that it is about power, they thunder it is about the children.

What about the children? Children should not ingest it. As summarized on the ballot, in the Voters Guide mailed to all voters and available on line at [www.mass.gov/sec/ele](http://www.mass.gov/sec/ele), it treats persons under the age of 18 caught in possession very much like the District Attorneys’ “diversion programs,” which force young offenders into “drug treatment” ... Treatment most captured juveniles do not need ... Treatment often paid by insurance, including Mass Health.

Furthermore, G.L. c. 119, s. 21 - 51F (Protection and Care of Children) remains available, so that children under age 17 who persistently refuse to obey, get the counseling services they need, to hopefully become responsible citizens.

According to Federal data, Massachusetts leads the nation with the greatest percentage of persons over 18 who used marijuana in their lives (more than 50); use marijuana each year (about 14) and each month (about 10). We are experienced with marijuana. The vast majority never use other drugs, except alcohol. In Massachusetts, marijuana use by adults is normal.

This explains the success of non-binding ballot questions calling for reform of the marijuana laws that have appeared in representative and senate districts between 2000 and 2006, including Winchester in 2000.

It explains the results of a 7News/Suffolk

University Political Research Center poll released in August that found, “72 percent favored the proposed law, which would replace the criminal penalties for possession of up to one ounce of marijuana to a civil penalty of forfeiture of the marijuana and a fine of \$100.”

A more recent poll by the Western New England College Polling Institute, taken after the DAs began to thunder, found 62 percent of those polled support “the state decriminalizing possession of an ounce or less of marijuana.”

Like earth-centered astronomy, the “common sense” of opponents is divorced from reality. Scientific studies confirm our experience. These studies fail to establish marijuana consumption as a cause of cancer or other disease, including psychological illness, nor as a significant contributor to motor vehicle and workplace accidents. Of course, one should not go to work or drive under its influence.

Passage of similar legislation elsewhere has not led to increased marijuana use. A U.S. government-commissioned study concluded that “decriminalization has had virtually no effect either on the marijuana use or on related attitudes and beliefs about marijuana use among American young people.”

A 2008 state-sponsored report on implementation of Seattle’s 2003 voter-approved ordinance making investigation and prosecution of minor marijuana offenders the city’s “lowest law enforcement priority” found “no evident increase in marijuana use among youth and young adults; no evident increase in crime; and no adverse impact on public health.”

The report also found that “there is some evidence of arguably positive effects [including] fewer adults experiencing the consequences of involvement in the criminal justice system due to their personal use of marijuana.”

Unlike the official sponsors, I believe the very best way to control juvenile marijuana use is regulating and taxing marijuana, as we do tobacco, beer, wine and hard cider. Of course, whether legal or decriminalized, honest talk about marijuana provides the best way to get children to defer marijuana use to adulthood, after all, look what education alone has done when it comes to the scientifically proven risks of tobacco use.

**Editor’s Note:** Georgetown criminal defense attorney Steven S. Epstein is a father of one young adult and two teenagers, husband of a Licensed Social Worker and Drug and Alcohol Counselor. He has been out in front on the fight to reform marijuana laws as one of the founders of the Massachusetts Cannabis Reform Coalition, since 1989.

## Decriminalization will harm kids

By District Attorney Gerry Leone and Rev. Jeffrey Brown

Special to the Star

For the first time in years we have some good news on drugs: Marijuana use among Massachusetts teens has declined significantly since 2001.

It’s good news because kids who smoke marijuana are more likely to do poorly in school and engage in violence. It’s good news because drivers who’ve smoked pot are 10 times more likely to be injured, or injure others, in car crashes. It’s good news because marijuana is more carcinogenic than tobacco and young people who smoke pot are much more likely to then use other illegal drugs.

Unfortunately, there is a radical effort underway to undo this progress. Question 2 on November’s ballot will decriminalize marijuana use and turn possession of an ounce or less of marijuana into a fine similar to a traffic violation. For kids under 21, the penalties will be reduced well below penalties for alcohol possession.

In the weeks ahead, out-of-state proponents of Question 2 will spend a lot of money to support their false claims and misplaced agenda. But at its core, this is an issue of simple common sense — and common sense will lead you to vote against this dangerous proposal.

Common sense tells us that if we decriminalize marijuana, removing the significant deterrent effects and increasing its accessibility, then we will see an increase in its use.

A vote for Question 2 will begin a slippery slope resulting in several negative consequences. It will result in increased addiction, to marijuana and other drugs, as we know that pot is a powerful gateway drug. It will result in increased related crimes, and additional taxpayer costs to combat them, as we know that drugs are the root of much of the violence that erodes our communities. And it will result in increased instances of impaired driving, and the tragic deaths that result from it.

This measure also will result in other unaddressed problems. For instance, there are no regulatory reviews in place to assure that these newly decriminalized drugs are safe, and we know that marijuana is now exponentially more potent than a decade ago. More disturbingly, it does not address the fact that if young people want to buy pot, they will still need to buy it from illegal drug dealers. We cannot think of many

more dangerous, combustible situations than that.

In short, if this initiative passes, it is a virtual certainty to lead to more drug abuse by our young people, more lives lost, and more crime in our communities. There is no benefit of this measure that outweighs these great costs.

The proponents of Question 2 have two central arguments. First, that existing laws unfairly punish those caught with an ounce or less of marijuana. That is simply untrue. In fact, current law mandates that first time marijuana users receive no more than probation and have their record wiped clean if there are no further violations. Jail is not an option. Want further proof? In Suffolk and Middlesex Counties last year, there were exactly zero defendants sentenced to jail for first-time marijuana use alone.

Their second claim is that enforcement of marijuana laws leads to expensive police costs. That is also false. A survey of our busiest courts revealed that marijuana prosecutions account for only a tiny fraction of cases, and many of those also involved other violent crimes that so frequently accompany drug abuse. To claim that officers are out trolling the streets for marijuana users, at great cost to taxpayers, is simply not reality.

And despite their best efforts to paint an ounce of marijuana as innocuous, the fact is that one ounce of marijuana is worth about \$600 and represents about 60 individual sales.

In communities throughout Massachusetts, law enforcement and neighborhood and faith-based organizations work together to improve public safety. Question 2 is a misguided approach that threatens to derail much of that important work.

We cannot afford to take a step back in our efforts to combat drug addiction and reduce violence in our communities. We cannot afford to empower drug dealers and allow more tragic deaths due to impaired driving. And we absolutely cannot afford to send mixed messages to our kids about the seriousness and dangers of drug abuse.

For the benefit of our children and our communities, we urge you to vote no on Question 2.

**Editor’s Note:** Gerry Leone is the District Attorney of Middlesex County, and Rev. Jeffrey Brown is co-founder of Boston Ten Point Coalition.

**EDITOR’S NOTE:** The summary wording on ballot Question 2 is as follows: “A YES VOTE would replace the criminal penalties for possession of one ounce or less of marijuana with a new system of civil penalties. A NO VOTE would make no change in state criminal laws concerning possession of marijuana.”