

# Arguments against pot go up in smoke

The year is 1933. Organized crime rules Chicago. Congress is about to repeal Prohibition by sending the 21st Amendment to the states. Suddenly, the nation's top alcohol policy official makes an appearance. He urges America not to repeal Prohibition, because organized crime makes money from bootlegging.

Where would America be if we had listened to such stupidity?

And yet, just last week, we heard the nation's drug czar make exactly the same argument against the repeal of marijuana prohibition. Has he no sense of history? Or does he just think we don't?

John Walters, the director of National Drug Control Policy, came to town to speak against Amendment 44. This amendment is Colorado's very modest, reasonable and appropriate attempt to start thinking outside the box of our horribly broken drug policy. It would legalize adult possession of an ounce of marijuana or less. Every Colorado voter should support it.

Maybe you vote based on principles. For you, figuring out what's right and wrong is most important; policy is secondary. In that case, you should support Amendment 44. It's not right to tell your neighbors what they can and can't do in the privacy of their home. End of story.

Maybe you're a voter who thinks about the Constitution. Virtually every tough Fourth Amendment court case is about drugs. Strengthening prohibition weakens the Fourth Amendment, but strengthening the Fourth Amendment makes prohibition harder. If you think the Fourth Amendment means what it says, support Amendment 44. (And if you don't know what the Fourth Amendment says, stop reading me and go read James Madison. Right now!)

Maybe you consider yourself a conservative. Does marijuana regulation really belong in Washington? The idea of federalism, leaving important issues to the states, is a vital part of America. This used to be a bedrock idea among conservatives. The president has publicly claimed respect for it.

Back in 1933, Prohibition was repealed not through legalizing alcohol, but letting states set their own policy. Different states tried different laws. Some counties have rivers of booze, others are completely dry. Good thing too. That's how it should be in a country with 50 "laboratories for democra-



OPINION

**BARRY FAGIN**

Contributing columnist

cy."

Marijuana should be handled in exactly the same way. A senior federal official such as Walters shouldn't be meddling in a state initiative any more than Mayor Lionel Rivera should be negotiating with China. If you're a "states rights" conservative, vote for Amendment 44.

Maybe you're a "pragmacrat." You vote Democratic most of the time because you think they're right on the issues and aren't constrained by a fixed ideology. But ideology is exactly what the present

drug war is all about. Pragmatic drug policy is better, because it isn't interested in sending a message or in turning someone's theology into law. Its goal is simple harm reduction. Pragmatic Democrats should vote for Amendment 44.

But I've saved the most important group for last. You're the toughest sell of all. You might support a small experiment in progressive drug policy. You're just too embarrassed to talk about it.

You've got a good job, you go to PTA meetings, you're a Scout troop leader, you serve in the military, you're active in your local religious organization, you're a devoted spouse and parent, you do a good job at raising a family and you're a productive member of society. Well, darn it, so am I. Five out of eight, anyway.

People like us just don't talk about legalizing pot. Even though we live a drug-free life, we worry we'll sound like a bunch of deadbeats and stoners. So if people ask us about Amendment 44, what we truly feel doesn't matter. Most of us will "just say no."

Fight it. Don't give in to social pressure. Conservative commentator William Buckley, former Secretary of State George Schultz, and former New Mexico Governor Gary Johnson have all "come out" against the war on drugs. You can too.

You can be a productive, worthwhile citizen and still not support busting your neighbors for an ounce of pot. You might just be a thoughtful, freedom-loving American who's willing to support their right to do things you don't approve of.

That's what opponents of Amendment 44 will never understand. Until they do, they're smokin' dope.

Fagin, of Colorado Springs, is a senior fellow at the Independence Institute. His column appears on alternate Thursdays. Readers may e-mail him at [barry@faginfamily.net](mailto:barry@faginfamily.net).