



ILLUSTRATION BY ADAM VIERA

use for those 21 and older would be legal across the state, and adults would be free to grow a small amount of marijuana but not sell it without a local license.

"Voters in, say, San Diego might be more willing to vote for something if they know the issue can be hashed out locally," Gutwillig said.

Oaksterdam's initiative would also keep the same laws on the books about driving under the influence of drugs or alcohol and providing drugs to minors and, probably most enticing to a cash-strapped state, provide the authority to tax marijuana in some form at all levels of government.

Another initiative, submitted in July, before Oaksterdam's, by three San Francisco lawyers, is similar. It would also restrict marijuana to those 21 and older but adds labeling requirements and would require a minimum \$50 excise tax per ounce on marijuana commercially grown and sold. Smoking while driving and driving under the influence still wouldn't be allowed, and neither would using marijuana within 500 feet of a school or youth center, unless it's in a home.

Their initiative would also make the new law retroactive, meaning it would erase marijuana-related convictions from a person's record.

A third initiative was submitted by a man named John Donahue for a group called Californians for Common Sense. Donahue didn't provide a phone number and didn't respond to interview requests sent by e-mail, though a website for the group says he's a World War II veteran who spent time in jail in the 1950s for marijuana possession.

Paul Chabot, founder of the Coalition for a Drug Free California, opposes legalization but said he has no doubt that at least one of the measures will qualify for the ballot. Still, he's not worried.

"I wouldn't be surprised, just based on how much money the pro-legalization movement puts behind these things. For them to gather the funding isn't a big deal," he said. "But it'll be defeated if we, as local moms and dads and churchgoers, can raise enough funds, not to so much counter the legalization effort but simply by doing more to educate our communities on the dangers marijuana presents. We have smart voters in California—once they have the facts before them, they'll make the right decision."

Chabot, who's also a Republican candidate for the 63rd Assembly District, in the San Bernardino area, said the public was fooled when medical-marijuana use was put to voters nearly 15 years ago and that the pro-legalization movement "stood on the backs of truly sick people" to lay the groundwork for the current ballot initiatives.

Medical marijuana use has been technically legal in California since 1996, when voters passed Proposition 215 with a 56-percent majority. By 2004, support for medical marijuana had increased, according to a study by The Field Poll that found three of four voters in favor of the law.

But because Prop. 215 didn't clearly specify how patients would get marijuana, and because the herb remains illegal under federal law, implementation of the law has been difficult, with federal drug agents and local cops raiding dispensaries and arresting their proprietors in parts of the state.

Some, but not all of that tension eased, though, when the Obama administration announced that raiding California's medical marijuana dispensaries would no longer be a drug-enforcement priority. However, San Diego County District Attorney Bonnie Dumanis organized a multi-agency raid that included the U.S. Drug Enforcement Agency on some medical-marijuana collectives, declaring that she isn't aware of any dispensaries operating within the law.

Currently, one bill is pending in Congress that would prevent federal authorities from interfering in states where marijuana for medical use is legal. Rep. Barney Frank introduced the bill last June with 29 cosponsors, and it's been sitting before the House Committee on Energy and Commerce since then.

Still, there's no telling what could happen if personal use is legalized because even if it's legal in California, it'd still be against federal law.

"I think the long-term trend is that the states are beginning to drag the federal government kicking and screaming toward more rational policies," Mirken said. "Ultimately, I think these are the sorts of reforms that tend to bubble up from the state level." **CB**

Write to editor@sdcitybeat.com.

Buds on the ballot

ARE CALIFORNIANS BURNING TO DECRIMINALIZE MARIJUANA AND RAKE IN THE TAX DOUGH?

BY JUSTIN MCLACHLAN

Three statewide ballot initiatives recently cleared for signature gathering might put a big dent in California's budget deficit by legalizing and taxing marijuana.

In legislative summaries, the Attorney General's office said the initiatives could save tens of millions of dollars "on the costs of incarcerating and supervising certain marijuana offenders" and could bring an "(u)known but potentially major" amount of tax revenue into California.

That is, of course, if any of the initiatives can make it to the ballot and then win the approval of a majority of voters.

Stephen Gutwillig, state director for the Drug Policy Alliance Network in California, whose organization advocates for drug-law reform, said he's not sure any of the proponents of the initiatives have the resources necessary to gather enough signatures to get on the ballot (nearly a half-million), let alone wage a successful statewide election campaign on a politically and socially sensitive issue.

And last few times anyone checked, Californians weren't exactly jumping at the idea of legalizing marijuana in the first place. A 2004 report by The Field Poll said voters were against the idea by a 5-3 margin, an attitude that was largely unchanged from 20 years earlier, when 63 percent opposed legalization in 1983.

Other polls show, however, that the state's ongoing budget problems might be key to swaying voters. In April 2009, 56 percent of voters said they were in favor of legalization when Field Poll researchers framed questions in terms of the impact new tax revenue from marijuana sales could have on the budget deficit. That's a big change from the 2004 poll; still, far less were in favor of marijuana legalization than the idea of increasing taxes on cigarettes and alcohol and creat-

ing a new tax on pornography.

And then there's Oakland, home of Oaksterdam University, a marijuana trade school of sorts whose founder launched one of the current ballot initiatives. This year, voters in Oakland passed a tax on medical-marijuana sales by an 80-percent majority, making it the first city in the country to do so, demonstrating that voters can be convinced.

The potential tax revenue and its appeal to voters worried about whether the state can afford to keep DMVs and state parks open isn't lost on the Marijuana Policy Project, a Washington, D.C.-based advocacy group. It produced a 30-second TV spot this summer in support of a marijuana-legalization bill introduced in the California Legislature by Assemblyman Tom Ammiano of San Francisco.

The ad features a middle-aged Sacramento-area woman who talks about the state's budget crisis, then says, "the governor and Legislature are ignoring millions of Californians who want to pay taxes. We're marijuana users."

Bruce Mirken, the Marijuana Policy Project's communications director, said the potential revenue windfall is just one factor to consider, and he thinks other shifts in California's voters might have an effect on the measures' chances of success, too.

"I think attitudes are shifting," Mirken said. "Whether they've shifted enough to pass an initiative in 2010 is an

open question."

In August, The Field Poll released its most recent California Opinion Index that said voters here continue to move to the left on social issues like gay marriage, abortion and end-of-life issues, mostly due to changing demographics. The report doesn't touch on the legalization of marijuana, either for medical or recreational use, but the same demographic changes that are leading California's voters leftward on other social issues might work in favor of legalization, too.

"There are absolutely mixed signals," Gutwillig said about voters' willingness to pass such measures. But he thinks one initiative in particular, Oaksterdam's, might be the most appealing to voters because it doesn't impose a state-wide framework for commercial sales but instead leaves those decisions up to local city and county governments. Personal

"I think attitudes are shifting. Whether they've shifted enough to pass an initiative in 2010 is an open question."

—BRUCE MIRKEN

SAN DIEGO
CITYBEAT

Will Californians warm up to legalized pot? p.10