

Posted 10/17/10

(MERRILY) SLIPPIN' DOWN THE SLOPE

*First out the gate with medical marijuana,
California considers legalizing its recreational use*

By Julius (Jay) Wachtel. Pitchfork in hand, [a robust, bearded man poses proudly amidst his crop](#). Close to his side, a statuesque blonde gazes into the distance. Her full lips, painted a bright cherry, frame a knowing smile.

No, they're not farmers, at least not in the conventional sense. Steve Soltis, an artist, has come to the rural Northern California paradise known as "Life is Art" to help founder Kirsha Kaechele bring in the harvest. Cannabis, that is. Marijuana. Pot. Grown for resale to medical collectives, its proceeds support several resident artists and help fund art programs in Ms. Kaechele's hometown of New Orleans.

First in the nation, California's [medical marijuana law](#), enacted in 1996, allows physicians to prescribe the drug for a wide range of illnesses, both real and, as many would argue, imagined. Here is how *Los Angeles Times* columnist Steve Lopez, who was seeking relief from back pain, [described his visit](#) to one of the Southland's numerous clinics:

Now I'm not saying it was strange for a doctor to have an office with no medical equipment in it, but I did take note of that fact. And when I described the pain, the doctor waved me off, saying he knew nothing about back problems. "I'm a gynecologist," he said, and then he wrote me a recommendation making it legal for me to buy medicinal marijuana. The fee for my visit was \$150.

Medical marijuana "clinics" started blanketing California within days of the law's passage. The state now hosts a freewheeling pot marketplace that includes a cadre of compassionate M.D.'s who happily issue marijuana cards to anyone who is twenty-one and willing to go through the motions of being "examined." Many cities are besieged by dispensaries. In 2007 Los Angeles imposed a moratorium and required that the nearly two-hundred then in existence register with authorities. That apparently didn't work so well, as [earlier this year](#) the city ordered 439 unregistered clinics to close.

To date [fourteen states and the District of Columbia](#) have legalized medical marijuana. Like measures are pending in eight states. Yet cannabis is a Schedule I controlled substance, thus illegal for any use under both [Federal law](#) and [international treaty](#). That didn't keep Attorney General Eric Holder from issuing [a densely worded memo](#) in October 2009 that essentially prohibited DEA from interfering in medical marijuana operations that were in "unambiguous compliance" with state laws. Now that a critical mass of states are in the medical pot corner the window of opportunity to challenge medical marijuana under the [Supremacy Clause](#) has effectively passed.

Inevitably, the slope has continued to slip, and once again California is leading by a head (pun not originally intended.) Next month's ballot features an initiative, [Proposition 19](#), that legalizes the recreational use of pot. Anyone 21 and older could possess and cultivate marijuana for their own

enjoyment. Commercial production and sale would be regulated and taxed, supposedly generating, according to the law's backers, "billions" in revenue. Support for the measure comes from the ubiquitous marijuana lobby, a handful of retired law enforcement executives, a former Surgeon General, and, surprisingly, the influential Service Employees International Union. Police organizations, D.A.'s, Mothers Against Drunk Driving and the Federal drug czar have lined up in opposition. (Click [here](#) for the official arguments pro and con.)

Oh, yes, [Attorney General Holder](#) is also against. In a letter directed to retired drug agents, he said that DOJ "strongly opposes" the measure, in part because it would "greatly complicate" federal drug enforcement. Given the manufacturing and distribution infrastructure that medical marijuana built while DOJ snoozed, he's already right. Meanwhile, Los Angeles County Sheriff Lee Baca has angrily vowed to ignore the proposition altogether, calling it unconstitutional and "null and void and dead on arrival." It's anticipated that the Feds will request an injunction citing the Supremacy Clause should the proposition pass.

Pot is supposedly illegal because of health concerns. For example, our [previous post](#) reported disturbing evidence about marijuana's effects on cognition. Yet as election day nears we've heard precious little from the medical community. Finally the liberally-minded *Los Angeles Times* stepped in. Two weeks after publishing a [surprising editorial](#) that harshly criticized Proposition 19 because it conflicts with Federal law and could make workplaces unsafe, it ran a piece [addressing marijuana's health hazards](#). One expert, a psychiatrist who chairs the California Society of Addiction Medicine (CASM), estimated that 17 percent of 14 and 15 year olds who take up pot will become dependent within two years. "Marijuana is not devastating in the same way that alcohol is. But to an adolescent, it can impact their life permanently. When you take a vacation from development in school for five years, you just don't get to the same endpoint that was available to you earlier in life."

But will legalization really draw more people to the drug? While advocates of marijuana say no – after all, it's already widely available – some experts estimate that breaking down legal barriers will increase the number of users by 50 percent. Last year California tax collectors put forward their own, somewhat lower estimate of [40 percent](#). Whatever the actual numbers, most CASM members agree that many of these new users will be adolescents, the group with perhaps the most to lose.

So here's a question for readers: what percentage of *parents* would want their kids to figure in the increase?