

Enforcing the Marijuana Laws in America?

When the majority says marijuana should not be a crime, the law loses its legitimacy

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It is hard to imagine that Eric Holder's [letter](#) threatening to "vigorously enforce" federal law if California votes for legalization of marijuana is serious. It seems timed to manipulate voters in California, but in this year when political elites are hated it is likely to backfire and lead Californians to vote to end the failed marijuana war.

During one of the greatest failed experiments in American history, alcohol prohibition, a turning point was when New York told the federal government it would no longer enforce laws against alcohol. That left it to the federal government to enforce the law. Already "the feds" as they were derogatorily known were hated in rural areas where alcohol was often produced and the feds came in and disrupted their commerce. Then, the biggest urban area refused to enforce the law. The result, alcohol prohibition ended a few years later.

Attorney General Eric [Holder last week promised](#) "We will vigorously enforce the [Controlled Substances Act] against those individuals and organizations that possess, manufacture or distribute marijuana for recreational use, even if such activities are permitted under state law." Does he mean that the federal government will start enforcing laws against possession of marijuana? Or, be looking in people's homes to see if they are growing or using marijuana? That they will be searching people's backyards for their marijuana victory garden?

It is hard to believe that in a nation where half the murders go unsolved that the Department of Justice would make marijuana a priority after the people voted for legalization. It is hard to believe that an attorney general who decided not to [enforce laws against torturers](#) and lawyers who enabled torture would instead prosecute people for marijuana offenses. This is the same attorney general who is doing nothing while the greatest [democracy crime](#) since Watergate is going on - hundreds of millions in anonymous donations to non-profit front group who are trying to influence campaigns in violation of election and tax laws.

The police and the courts depend on the cooperation of communities to keep order. If a majority of Californians vote for legalization of adult use and cultivation of marijuana what kind of legitimacy do the laws against marijuana have? Already, large numbers distrust law enforcement, the feds will have no legitimacy if they are enforcing a law the majority opposes.

I realize that Holder has the responsibility of enforcing federal law. But, continuing on autopilot with aggressive marijuana law enforcement is a disservice, indeed an injustice.

Passage of Prop. 19 is an opportunity to begin a national discussion of how to better control marijuana. Prohibition has been a failure, the marijuana war has been expensive and damaging; there are better ways.

Proposition 19 is an opportunity for the lead law enforcement officer to help the country change direction to a more just and fair society. As long ago as 1972 a federal commission appointed by President Nixon, the [National Commission on Marijuana and Drug Abuse](#), recommended decriminalization of marijuana. And, this was restated in 1982 by a commission of the National Academy of Science in their report "[An Analysis of Marijuana Policy](#)" which urged consideration of legalization. The experts have said throughout the time of the marijuana war that it was the wrong approach, now the voters are showing they agree. This is an opportunity for leadership from the attorney general, leadership to a non-criminal approach to marijuana.

The U.S. criminal justice system is already seen by many as a system of injustice. Why? Because the United States with 5% of the world's population has [25% of the world's prisoners](#). [One in 31 Americans](#) is either behind bars, on probation or on parole, for African Americans it is one in 11 adults. This mass "criminal" population in "the land of the free" shows something is terribly wrong. What drives a system that results in 7 million Americans behind bars, on probation or parole? No doubt, one of the driving forces is the war on drugs, and marijuana is the driving force of the drug war with a marijuana arrest every 38 seconds, 840,000 annually.

Hopefully, Attorney General Holder will re-think his plan to escalate federal enforcement if a majority votes for ending criminal laws against marijuana. He should instead lead the nation to laws that are consistent with the essence of justice, i.e. being righteous and fair. Is it righteous or fair to enforce laws that the majority says should no longer exist?

Attorney General Holder – America needs real justice leadership. We need a leader who will help the country face up to its mass incarceration problem and its misuse of law enforcement to incarcerate people who grow a plant or smoke an herb. Mr. Attorney General you can do better than just saying – we're going to ignore the people and keep arresting people for something they think should no longer be illegal.

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