

# Question 2 backers say a little pot no big deal

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October 13, 2008 6:00 AM

BOSTON — Massachusetts would join 11 other states in decriminalizing the possession of up to an ounce of marijuana, making it akin to a traffic ticket, if voters pass Question 2 on Election Day.

The ballot question is being fought by law enforcement officials, who say it will lead to more drug use by young people. But proponents say the state's marijuana laws are a waste of police resources and overly punitive to offenders.

Under current state law, possession of marijuana is a criminal offense subject to six months in jail and a \$500 fine.

The ballot question would make possession of one ounce or less of marijuana a civil violation, subject to a ticket and a civil fine of \$100.

Besides paying the fine, offenders under the age of 18 would be required to attend a drug awareness program, including 10 hours of community service. Their parents or legal guardians would be notified. The offenders or their parents would face a fine of up to \$1,000 if they fail to complete the drug awareness program.

The group behind the ballot question, the Committee for Sensible Marijuana Policy, says it does not support or condone marijuana use. Many of their supporters — including some former police officers — oppose the legalization of marijuana.

"We're keeping marijuana illegal," said Whitney Taylor, a spokeswoman for the pro-Question 2 committee, noting that possession still would be against the law. "We are just changing how we are penalizing people."

Ms. Taylor says research shows decriminalization would do away with 7,500 annual arrests for marijuana possession and save about \$30 million a year in the cost of arrests and processing. She said it also would end the creation of CORI reports for offenders, which can serve as a barrier to housing, employment and student loans.

The group also cites studies that find no correlation between decriminalization and drug use.

Question 2 is opposed by Gov. Deval Patrick, Attorney General Martha Coakley, church groups and the state's district attorneys and sheriffs. They cite studies that say the opposite about the effects of marijuana.

Bristol County Sheriff Thomas M. Hodgson said virtually all of the inmates in his jail who have drug problems started with marijuana.

"It sends a bad, bad message to our children," he said after a recent Statehouse rally opposing the question. "Kids look to us to measure our concern and what we think is right and wrong. If we're suggesting that it's OK to use marijuana, then why not anything else?"

Barnstable County Sheriff James Cummings calls Question 2 "a terrible idea for a lot of reasons." Besides other arguments against it, Mr. Cummings said, it robs young people of time that could be spent improving their lives.

Cape and Islands District Attorney Michael O'Keefe disputed that Question 2 would save \$30 million. He said proponents' arguments that decriminalization would not increase drug abuse are "utter nonsense."

"People who work in the community picking up the pieces of broken lives from drug abuse are dead set against this," said Mr. O'Keefe, president of the Massachusetts District Attorneys Association and the lead spokesman for the opposition effort. "They ask the question very eloquently. How is this going to help a kid stay in school? Play a sport? Get a good job in the future? It doesn't help. It's harmful."

The district attorneys association says one ounce of marijuana has a street value of \$600 and can result in 56 individual sales.

Under current law, first-time offenders have their cases dismissed and sealed if they don't get in trouble for six months. A CORI report is created upon arraignment. However, most employers and landlords aren't allowed to see sealed records. Only police, the courts and select agencies, like the Department of Social Services and the Division of Youth Services can see a record that has been sealed.

Ms. Taylor said CORI reports on first-time offenders have been released to landlords and employers anyway, including notations that their record is sealed. She said offenders end up "punished for the rest of their lives."

She said Question 2 would be tougher than the current law on first-time, youthful offenders by requiring them to take a drug awareness program and complete community service.

Question 2 would not allow a citation for marijuana possession to be grounds for denial of financial aid, a driver's license, public housing and other government benefits.

The district attorneys have raised about \$30,000 to oppose the question, mostly from their own campaign accounts. Supporters of Question 2 have raised nearly \$684,626, including \$400,000 from billionaire activist George Soros, of New York City. That has led to accusations that Question 2 is an out-of-state effort being imposed on Massachusetts.

Ms. Taylor said decriminalization of marijuana had broad support within Massachusetts, but the committee needed financial help to gather signatures to be placed on the ballot.

Eleven states, most of them in the 1970s, decriminalized possession of around an ounce of marijuana or drastically reduced criminal penalties for first-time offenders. They include California, Colorado, Maine, Minnesota, Mississippi, Nebraska, Nevada, New York, North Carolina, Ohio and Oregon.

"The fact is that 11 other states have passed similar laws, and the sky did not fall as our opponents are saying," Ms. Taylor said.

Three of those states — Colorado, Maine and Oregon — ranked among the top 10 states in the percentage of people 12 or older who used marijuana in the past year, according to a 2005-2006 National Survey on Drug Use and Health.

However, Mr. O'Keefe counters that of the 12 states that have separately legalized marijuana for medicinal purposes, eight rank among the top 10 states for recent marijuana usage, according the same survey.

"This is simply bad public policy for kids," Mr. O'Keefe said.