

# Marijuana vote has allies on both sides

By John Laidler, Globe Correspondent | September 25, 2008

Georgetown lawyer Steven Epstein supports the November state ballot question on decriminalizing possession of small amounts of marijuana, seeing use of the drug as a matter of personal liberty.

"We formed the government to protect the individual in the exercise of their rights, amongst which is life, liberty, and the pursuit of happiness," Epstein said, adding that people should be free to exercise those rights as long as they do not harm others.

But Chelsea Police Chief Brian Kyes strongly opposes the ballot proposal, viewing it as a step backward in the fight against drug abuse.

"It definitely sends the wrong message to kids," he said.

"By decriminalizing this offense right now and making it basically the equivalent of a traffic violation, you are sending the message that it's OK, that it's not so bad."

As the decriminalization measure, Ballot Question 2, begins to stir debate around the state, voices on both sides are being sounded in this region.

The measure would replace the state's criminal penalties for possession of an ounce or less of marijuana with civil penalties enforced through citations.

Offenders would be subject to forfeiture of the drug and a \$100 fine - for those under 18, the \$100 fine would be contingent on their completing within a year a drug awareness program with a community service component. Otherwise, the fine could increase to as high as \$1,000.

The offense would not be listed on the individual's Criminal Record Information System (CORI) record.

"People should vote yes on Question Two because it's a simple, commonplace reform based on successful laws from 11 other states," said Whitney A. Taylor, campaign manager for the Committee for Sensible Marijuana Policy, the ballot group advocating a "yes" vote.

"We waste \$30 million a year in police resources enforcing the current marijuana possession laws."

Taylor said her committee neither promotes nor condones marijuana use. Endorsers of the question range from the American Civil Liberties Union to lawyers, professors, police officers, and marijuana legal reform groups.

"Marijuana remains illegal under Question 2," she said, arguing that the measure actually provides for more certain consequences for offenders under age 18.

While first-time offenders are rarely sentenced to jail, Taylor said inclusion of their arrest on their CORI report can "create huge barriers to getting a job, finding housing, and getting school loans."

Epstein, who as a lawyer has represented many clients charged with marijuana possession, said offenders are "labeled criminals for doing something that over half of us have done at least once in our lifetimes," a label that "follows you around" because of the CORI listing. He also said that enforcement of the existing law is arbitrary.

A founder and spokesman for Massachusetts Cannabis Reform Coalition, Epstein noted that advisory

questions calling for decriminalizing marijuana have passed in all 31 legislative districts where they have been on the ballot.

But Middlesex District Attorney Gerard Leone said the ballot measure "derails all the good and hard work we've done on behalf of kids and communities. . . . All the question does is provide another mind-altering substance on the menu of options for our kids to use. . . . It's a virtual certainty that if Question 2 passes, there will be an increase in marijuana use and it will happen amongst our kids."

Leone and his fellow district attorneys are members of the Coalition for Safe Streets, a group opposing the question that also includes police chiefs, local officials, and clergy members.

"We know it's a gateway drug, and we know kids who use marijuana use it in combination with alcohol or other drugs, and step up to other, more potent drugs," Leone said.

"We also know the strain of marijuana on the streets is now nine or 10 times more potent than it was a decade ago."

Essex lawyer Jonathan W. Blodgett agreed that Question 2 "absolutely sends the wrong message, particularly to young people."

"The question people have to ask is, who benefits from decriminalization. Do we really want kids smoking marijuana? . . . We are all promoting healthy choices in our lives today. This is just a major step back," said Blodgett.

"If this passes, we will see more car accidents and more industrial accidents because people will have absolutely no incentive not to smoke marijuana."

Blodgett also said the measure will not reduce police and court costs, noting that in most cases, marijuana possession charges are brought together with more serious offenses.

Also opposed to the ballot question is Amy Harris, clinical director of Chelsea ASAP, an outpatient substance abuse clinic in Chelsea, and coordinator of the Chelsea Mobilization for Change, a coalition that works on substance abuse prevention.

Harris said decriminalization would lead to greater availability of marijuana in the form of "blunts, the cigar-sized marijuana cigarettes now prevalent among young people.

She said such heavy consumption of the drug puts youth at risk for cancer and psychological damage. Decriminalization would also have the effect of "sanctioning the drug so youths can emulate what the adults are doing," she said.

But Ann Allen, a medical technician from Salem, supports Question 2, calling the proposal "long overdue."

"It's just very logical," she said, noting that it would eliminate the CORI records that now burden offenders, and save money for taxpayers.

Allen said she was introduced to the cause of easing marijuana laws when a friend with cancer - who has since died - had to risk legal sanctions to obtain marijuana to relieve chemotherapy symptoms.

"She felt uncomfortable doing it illegally, like every other person I know that has smoked marijuana as a responsible adult," she said. ■

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