



## ***Smoke and mirrors?***

*Public officials have competing arguments over legalized pot*

***By Peter Jones***

Arapahoe County Sheriff Grayson Robinson and former U.S. Rep. Tom Tancredo are longtime acquaintances who are unafraid of speaking their minds, but that is where their similarity ends when it comes to legalizing marijuana.

The two south metro Republicans disagree sharply on Amendment 64, the statewide ballot issue that would allow marijuana use for adults 21 and older. The revision to the state Constitution would also create a system for the commercial cultivation and sale of marijuana and ask the state legislature to enact an accompanying excise tax to support public education.

Although marijuana would be legal at the state level if 64 passes, the plant's use, possession and sale would remain unlawful under superseding federal law.

While Robinson, the county's top law enforcement official, strongly opposes the initiative, Tancredo, a former representative from the 6<sup>th</sup> Congressional District, adamantly supports it.

The controversial ex-congressman considers marijuana legalization to be firmly rooted in his conservative principles.

“These kinds of prohibitions really are the ultimate manifestation of the nanny state,” he said. “It seems bizarre that anybody on my side would not see that. What I tell my conservative friends is, look who’s on your side. Look to the left and you’re going to see the nanny-staters. Look to your right and you’re going to see the drug cartels.”

Tancredo, best known for his strident views on illegal immigration, suggests marijuana legalization would cut into the profits of the Mexican drug sellers whose products find their way into Colorado. But Robinson, who has led multi-jurisdictional anti-drug efforts in metro Denver, thinks Tancredo’s argument strains credibility.

“His comment is a good soundbite and a good bumper sticker, but I think it goes deeper than the nanny state, and it certainly goes deeper than supporting the drug cartels,” the sheriff said. “Legalization makes marijuana much more readily available to the young people in our community. This measure will just aggravate the problem that we already have around alcohol by adding marijuana to the mix.”

### **The criminal element**

Although Amendment 64 prohibits those younger than 21 from buying or possessing marijuana, Robinson, whose office conducts regular stings targeting under-aged sales at liquor stores, says abuse of the proposed system would be inevitable and would have a sustained negative impact on Colorado’s youth.

“We’ve all seen the science and the research related to the impacts of the use of marijuana by young people on brain development,” he said. “If we send a message that marijuana is acceptable once you reach that magic age of 21, that creates a mystique about it for those under 21.”

Tancredo, who is quick to say he has never used marijuana, believes Amendment 64 would more likely have the opposite effect. He argues that if Colorado’s marijuana sales were conducted aboveboard, the criminal element would find it more profitable to move into states with no legal access.

“I am quite aware that my grandchildren can get marijuana easier than they can get liquor at their school,” Tancredo said. “Why is that you never see anybody sitting around an elementary school saying, ‘Here, little girl, do you want to buy a beer?’”

While Robinson concedes that some illegal drug sellers would be put out of business under Amendment 64, he says so would other economic opportunities in Colorado if the state developed a national reputation for legalized marijuana.

According to 64's opponents, such notoriety—or infamy—would dissuade new businesses and families from locating in Colorado and may discourage parents from sending their children to the state's colleges and universities.

“Colorado would be known as the marijuana state, rather than the state where we have good employees,” Robinson said.

Tancredo does not buy the anti-business argument.

“Look at Steve Jobs and all these people who started these massive high-tech companies who all said they smoked dope,” the former congressman said. “These things are really red herrings. People will come to Colorado or leave Colorado because of the environment, not the smell of marijuana in the air.”

The potential economic impacts of Amendment 64 do not end with the business community. Robinson also questions the constitutionality of the initiative, which states, “The Colorado General Assembly *shall* enact an excise tax” on marijuana sales if Amendment 64 passes.

Proponents have argued that stipulation would result in as much as \$40 million in revenue every year for the state's public-school construction fund.

“Frankly, that's a pipe dream and I don't necessarily mean that to be a play on words,” Robinson said. “No amendment can tell a legislator how they will vote. The chance of this legislature enacting an excise tax is pretty remote from what I'm hearing.”

Tancredo says he is not particularly interested in that aspect of the issue anyway.

“The tax implications are the least of my reasons for being supportive,” he said.

### **Conflict with federal law**

What may be even less certain is how Washington, D.C. would respond to Colorado's system facilitating marijuana use and sales. Even if Amendment 64 passes, the plant would remain illegal under superseding federal law, effectively creating a

system of contradictory public policy.

Despite having previously indicated that action against the state's medical-marijuana patients and dispensaries would be a low priority, the U.S. Justice Department has already forced closure of such dispensaries that operated within 1,000 feet of schools.

Last year, the federal government reaffirmed marijuana as a Schedule 1 drug, deeming it lacking in "accepted medical use" and having a "high potential for abuse."

Robinson thinks if marijuana proponents want to make a serious change to the nation's or Colorado's drug policies, they will need to take it up with Congress.

"I don't think this is an area where we can have a patchwork of states, but I do think it will be changed [federally] someday," the sheriff said.

While Tancredo has long voiced support for reform in drug policy, he did not propose legalization while representing what was then the Republican-safe 6th Congressional District. He did, however, consistently support an annual effort to prevent federal dollars from being used to enforce drug laws, an amendment to a justice-appropriations bill that failed every year.

The former politician concedes that cowardice is the reason for such stasis in Congress, thus prompting imperfect efforts at the state level in the face of chronic inaction by federal lawmakers.

"[Gov. John] Hickenlooper would take me up on [my marijuana record]," Tancredo said of his admittedly quixotic run for governor in 2010. "He's a guy who made his living selling booze to people, but he knew it was a political weak spot. I'm comfortable sitting with William F. Buckley, Sarah Palin, Glenn Beck and Pat Robertson [on supporting legalization]."

Unlike Tancredo, Robinson is not buying the often-cited victimless-crime argument when it comes to marijuana and he thinks Tancredo's philosophical gamesmanship only goes so far in the real world.

"Frankly, we don't spend a lot of time, energy or money on the individual user," the sheriff said of his own department's drug enforcement. "But if that person has committed a crime to get

that marijuana, then it changes the perspective I have. How about the person that buys it shares it with three other people and all of them are under the age of 21?”

While some other states have decriminalized small amounts of marijuana, Colorado would be the first to institute such a broad system for legalization and taxation.

Election Day is Nov. 6.