

Reefer madness

Marijuana is harmless and should be legalized



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In 1937 our government made my drug of choice illegal. I prefer marijuana over alcohol or any other recreational drug.

Every year, millions of Americans are destroying their lives, families, marriages, relationships, jobs and their very lives by consuming billions of dollars worth of a far more dangerous drug.

Alcohol. Why is alcohol legal and marijuana illegal?

When I meet people for the first time, and they learn I'm a law student, they often ask if I have political aspirations. Many in law school do.

I have to tell them I probably couldn't stand the public scrutiny that goes with running for office. I tell them I have a few too many skeletons in the closet.

That's right. I inhaled. (For shame!)

I found the high to be euphoric, with no ill effects. It wasn't a "gateway" drug for me either, leading me to use harder drugs.

The real shame is that I can't partake of some good sinsemilla without worrying about Johnny Law, or worse yet, the bar association.

A conviction could cause me to be denied permission to take the bar exam next year.

If you drink, though, you don't have to worry about tossing your empties into the garbage. But if you like to smoke a little dope now and then, tossing your seeds and stems into the garbage could cause you serious problems.

The police can rummage through your garbage anytime they like. That's because you have no reasonable expectation of privacy when it comes to your garbage. It makes no difference if your garbage cans are on your property or out in the alley, either.

So they can look through your garbage, and if they find seeds or stems, they can get a warrant to search your residence. The seeds or stems they find in your garbage give them the probable cause they need for the search.

In other words, the police are able to trample all over your rights under the Fourth Amendment.

The Marijuana Policy Project estimates that the war on marijuana costs taxpayers \$7 billion annually. But decriminalization in California saves about \$100 million per year.

Marijuana has been decriminalized in nine states, including Nebraska. That doesn't mean it's legal. It's just not criminal. In Nebraska, any person knowingly or intentionally possessing marijuana

weighing one ounce or less shall, for the first offense, be guilty of an infraction, receive a citation, be fined \$100 and be assigned to attend a course if the judge determines that attending such a course is in the best interest of the individual defendant. Neb. Rev. Stat. 28-416.

The other states that have decriminalized marijuana are California, Colorado, Maine, Minnesota, Mississippi, New York, North Carolina and Ohio.

Oregon used to be among them, but it recently re-criminalized marijuana when Oregon Gov. John A. Kitzhaber signed into law H.B. 3643 earlier this year. This made marijuana possession of less than an ounce a misdemeanor punishable by up to 30 days in jail and a \$1,000 fine, plus a six-month driver's license suspension for those who fail to complete a drug treatment program.

Oregon residents unhappy with the new law prevented it from taking effect by forming the "Citizens for Sensible Law Enforcement" and gathering enough signatures to get the issue on the ballot this November.

Oregon voters will decide if they support the legislature's move to increase marijuana penalties. If the majority votes yes, then the legislature's 1997 law will immediately go into effect; if the majority votes no, then the legislature's law will be nullified.

There is no doubt in my mind that alcohol is a far more dangerous drug than marijuana. The ability to safely operate a motor vehicle under the influence of alcohol is a prime example.

It's illegal to operate a motor vehicle in this state under the influence of alcohol or drugs. The State Patrol trains its officers to be able to recognize drug-impaired drivers. If you fail their field tests, they can require you to submit to chemical testing for the presence of marijuana or other drugs.

Presumably, you can be found guilty of driving under the influence if your chemical test is positive for marijuana. Your license can't be administratively revoked for a

positive drug test, though. That's not one of the issues in an administrative license revocation hearing for driving under the influence of alcohol or refusing a chemical test for its presence.

But because you still have to deal with the criminal charge, I have to question the accuracy of any chemical test for marijuana that purports to be able to say, with any degree of certainty, that anyone was operating a motor vehicle at a given moment under the influence of marijuana.

I also question the wisdom of making it a crime to drive under the influence of marijuana. So what if I drive a little slower?

But no one can dispute the fact that drinking and driving don't mix.

Alcohol inflicts a great many ills upon society. Alcoholism is rampant. Millions of people have lost their lives at the hands of drunken drivers.

Unless you drink and drive, you don't have to worry about Johnny Law.

Isn't there something odd about a law that makes a virtually harmless drug illegal? And a law that makes an extremely dangerous drug legal?

My experience with marijuana goes back to 1973 or so. I don't recall exactly when the first time I tried it was, but I know I was 13 or 14.

I have, without success, tried to understand why it should be illegal ever since.

There were a number of studies on marijuana that the government ignored in deciding to criminalize it and in maintaining its prohibition.

Every one of these comprehensive, objective government commissions has recommended against criminalization.

As college students or faculty and staff members who may smoke a little reefer on occasion, you may be interested in knowing that a one-year minimum prison sentence is mandated for "distributing" or "manufacturing" controlled substances within 1,000 feet of any school, university or playground.

Most areas in a city fall within these "drug-free zones." An adult who lives within this distance from a university is subject to a one-year mandatory minimum

for selling an ounce of marijuana to another adult — or even growing one marijuana plant in his or her basement.

Someone has to sell it in order for you to buy it, right?

So, at least for now, or until I

move to Amsterdam, Netherlands, or somewhere like that, I'll have to live without it. That's the real shame.



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