



# Let states enact their own marijuana policies

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 By **Paul Armentano**, Special to CNN


**Editor's note:** Paul Armentano is the deputy director of [NORML](#), the National Organization for the Reform of Marijuana Laws, and is the co-author of the book "Marijuana Is Safer: So Why Are We Driving People to Drink?" (2009, Chelsea Green).

## STORY HIGHLIGHTS

- Paul Armentano refutes Bill Bennett's suggestion that bill an effort to legalize pot
- Armentano: Measure would give states the right to enact their own policy on pot
- The states should be able to regulate marijuana just as they do alcohol, he writes
- Federal criminalization has failed, he says. Time to take market out of hands of criminals

(CNN) -- It is hardly surprising that former drug czar William Bennett would, in his [CNN.com op-ed](#), oppose any changes to America's criminalization of marijuana. But it is surprising that he would lump Barney Frank and Ron Paul's proposal to allow states the opportunity to enact their own marijuana policy with the effort to legalize drugs.

Let's be clear: [HR 2306](#), the Ending Federal Marijuana Prohibition Act of 2011, proposed by Reps. Barney Frank and Ron Paul, does not "legalize drugs" or even so much as legalize marijuana. Rather, this legislation removes the power to prosecute minor marijuana offenders from the federal government and relinquishes this authority to state and local jurisdictions. In other words, HR 2306 is just the sort of rebuke to the "nanny state" that conservatives like Bennett otherwise support.

[Barney Frank and Ron Paul: Get feds out of pot regulation](#)

The House bill mimics changes enacted by Congress to repeal the federal prohibition of alcohol. Passage of this measure would remove the existing conflict between federal law and the laws of [those 16 states](#) that already allow for the limited use of marijuana under a physician's supervision.

It would also permit states that wish to fully legalize (for adults) and regulate the responsible use, possession, production and intrastate distribution of marijuana to be free to do so without federal interference. In recent years, several states, including California and Massachusetts, have considered taking such actions either legislatively or by ballot initiative. It is likely that several additional states will be considering this option in 2012, including Colorado and Washington. The residents and lawmakers of these states should be free to explore these alternate policies, including medicalization, decriminalization and legalization, without running afoul of the federal law or the whims of the Department of Justice.

Of course, just as many states continued to criminalize the sale and consumption of alcohol after the federal government's lifting of alcohol prohibition, many states, if not most, might continue to maintain criminal sanctions on the use of marijuana.

But there is no justification for the federal government to compel them to do so. Just as state and local governments are free to enact their own policies about the sale and use of alcohol -- a mind-altering, potentially toxic substance that harms the user more than marijuana -- they should be free to adopt marijuana policies that best reflect the wishes and mores of their citizens. Does Bill Bennett believe that state and local governments cannot be trusted with making such decisions on their own?

Speaking during an online town hall in January, President Obama acknowledged the subject of legalizing and regulating marijuana was a "legitimate topic for debate," even as he expressed his opposition. Yet Texas Rep. Lamar Smith, chairman of the House Judiciary Committee, recently boasted that he would not even consider

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scheduling HR 2306 for a public hearing.

There might be another reason people like Smith and Bennett will go to such lengths to try to stifle public discussion of the matter. To do so would be to shine light on the fact that the federal criminalization of marijuana has failed to reduce the public's demand for cannabis, and it has imposed enormous fiscal and human costs upon the American people.

Further, this policy promotes disrespect for the law and reinforces ethnic and generational divides between the public and law enforcement. Annual data published in the FBI's Uniform Crime Report, and [compiled by NORML](#), finds that police have made more than 20 million arrests for marijuana violations since 1970, nearly 90% of them for marijuana possession offenses only.

It is time to stop ceding control of the marijuana market to unregulated, criminal entrepreneurs and allow states the authority to enact common sense regulations that seek to govern the adult use of marijuana in a fashion similar to alcohol.

In Bennett's own words, "We have an illegal drug abuse epidemic in this country." How is such a conclusion anything but a scathing indictment of the present policy? After 70 years of failure it is time for an alternative approach. The "Ending Federal Marijuana Prohibition Act of 2011" is an ideal first step.

*The opinions expressed in this commentary are solely those of Paul Armentano.*

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