

California marijuana measure splitting California

SAN FRANCISCO - California has a long history of defying conventional wisdom on the issue of marijuana, including its embrace of the drug in the 1960s and its landmark medical pot law 14 years ago. So it may not be all that surprising that a November ballot measure to legalize the drug has created some odd alliances and scenarios.

Pot growers have opposed it. Some police have favored it. Polls show the public is deeply divided. Only politicians have lined up as expected: Nearly all major party candidates oppose the measure. And hanging over the whole debate is the fact that marijuana remains illegal under federal law.

As the Nov. 2 election nears, Proposition 19 has become about much more than the pros and cons of the drug itself. The campaigns have framed the vote as a referendum on everything from jobs and taxes to crime and the environment.

The measure gained ground in a Field Poll released Sunday, pulling ahead 49 percent to 42 percent among likely voters. The poll also found that Californians have become steadily more permissive toward the drug since pollsters began quizzing state residents about their attitudes 40 years ago.

Proponents say the measure is a way for the struggling state and its cities to raise badly needed funds. A legal pot industry, they say, would create jobs while undercutting violent criminals who profit off the illegal trade in the drug.

"I think it's a golden opportunity for California voters to strike a real blow against the (Mexican) drug cartels and drug gangs," said Joseph McNamara, who served as San Jose's police chief for about 15 years. "That would be a greater blow than we ever struck during my 35 years in law enforcement."

Supporters, including a group of former and current law enforcement officials, have called attention to the failure of the so-called "War on Drugs" to put a dent in pot production in California, and they say police need to pursue more dangerous crimes.

To pull ahead, opponents will have to convince voters that legalized marijuana will create a greater public safety threat than keeping it illegal.

"If the price drops, more people are going to buy it. Low-income people are going to buy marijuana instead of buying food, which happens with substance abusers," said Pleasant Hill police Chief Pete Dunbar, who also speaks for the California Police Chiefs' Association, one of many law enforcement groups against the measure.

As a result, he said, legalizing marijuana would only encourage the cycle of theft and violence

driven by people who need money to buy drugs. They argue that the wording of the proposed law would compromise public safety by gutting restrictions on driving and going to work while high.

The state district attorneys' group has come out publicly against Proposition 19, as have many county governments, the editorial boards of the state's biggest newspapers and Gov. Arnold Schwarzenegger, who said the law would make California a "laughingstock."

Under the proposed law, adults 21 and older could possess up to an ounce of marijuana for personal use and grow gardens up to 25 square feet.

The proposal would allow cities and governments to decide for themselves whether to tax and allow pot sales. Opponents say a vague, disorganized patchwork of regulations would ensue and lead to chaos for police and courts.

There's also the prospect of legal chaos, given the fact that pot will remain illegal under federal law regardless of what happens. Every former Drug Enforcement Administration boss is asking President Barack Obama to sue California if the measure passes on the grounds that federal law trumps state law - the same argument the administration used in suing Arizona over its immigration law.

Proposition 19 is the brainchild of Richard Lee, an Oakland medical marijuana entrepreneur who spent more than \$1 million to get the measure on the ballot. Also the founder of a trade school for aspiring marijuana growers and retailers, Lee has pushed legal marijuana as a boon to the state's economy and an important source of tax revenue to help close the state's massive budget deficit. The Service Employees International Union, the state's biggest union, has endorsed the measure as an economic booster.

But analysts have said the economic consequences of a legalized pot trade are difficult to predict. The state Board of Equalization last year said a marijuana legalization measure proposed in the state legislature could have brought California up to \$1.4 billion in tax revenue. On Friday, the agency said Proposition 19, which leaves marijuana taxing decisions to local governments, contained too many unknowns for its analysts to estimate how much the measure might generate.