

WHAT PATH TO VICTORY? MICHIGAN CITY CANNABIS INITIATIVES FOR NOV. 2010?

By Chuck Ream

For Michiganders and Americans to enjoy the myriad benefits of the cannabis herb we need a regulated and taxed commercial market, along with freedom for individuals to grow for private use.

Our new Michigan Medical Marijuana Act is protecting thousands of people who have medical problems from the atrocities committed by law enforcement in the name of Marijuana prohibition. Our statewide victory was organized by our good friends at Marijuana Policy Project (MPP). MPP came to Michigan standing on solid ground prepared by a long and productive relationship with Michigan cannabis activists. Setting the stage for our recent statewide victory, five Michigan cities had already passed their own version of medical marijuana by using the citizen initiative process. We have a large, experienced, and enthusiastic group of committed activists who are ready to go to the next level.

Cannabis activists in Michigan now ponder: How can we again use section 117.25 of the Home Rule City Act to move Michigan toward allowing a taxed and regulated commercial market for cannabis and end the brutalization of consumers? Two kinds of cannabis initiatives could be successfully organized in Michigan cities.

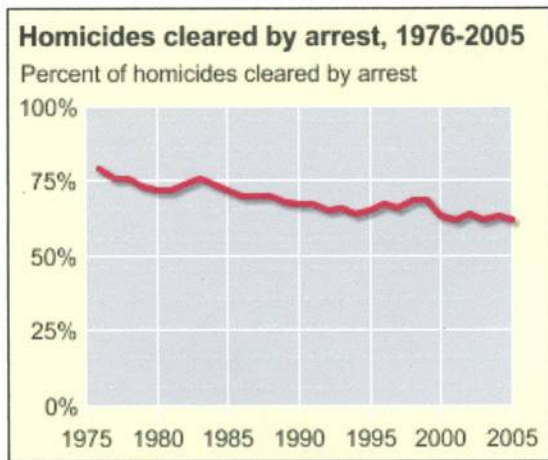
(1) Lowest Law Enforcement Priority (LLEP) initiatives have been passed in Seattle, many California cities, and in less glamorous places such as Eureka Springs, Arkansas, and Missoula, Montana. Marijuana arrests have been reduced after LLEP's are passed. Many Michigan cities are ready to pass a citizen initiated ordinance or city charter amendment which would mandate that the possession of less than 1.1 ounces of Marijuana for personal use by adults will be their lowest law enforcement priority.

In order to vote yes for a Lowest Law Enforcement Priority initiative, a voter doesn't have to have positive feelings about cannabis – or know or care anything about Marijuana. They only have to be convinced that local law enforcement dollars would be better spent on protecting their safety or finding criminals than on persecuting potheads.

The urgency of spending local law enforcement dollars wisely is illustrated by what currently happens in Michigan following a rape. If a woman wants to increase the chance that police will find and arrest the rapist she can help prepare a "rape kit" of physical evidence. This isn't especially pleasant. A forensics lab can then try to match the DNA of her assailant with that of millions of people in its database. If they find a match the rapist can often be taken off the street. Time is of the essence, since the perpetrator can rape again, or leave town. Test results can

be available in days, yet Michigan law enforcement has a backlog of many weeks or months before forensic results can be delivered. This is egregiously unacceptable; voters understand that.

Law enforcement has been continually less effective at finding real criminals since it began to focus on Drug War. Murderers, rapists and robbers are apprehended less often in 2009 than they were when Drug War began in earnest in 1971. The percentage of murders “cleared by arrest” (meaning that a perpetrator was arrested) has dropped nearly 20%, (1)



Data by Riedel, (2008) (2) “describes the decline in the percent of homicides resulting in arrests and charges from over 90% in 1960 to 61% in 2006”

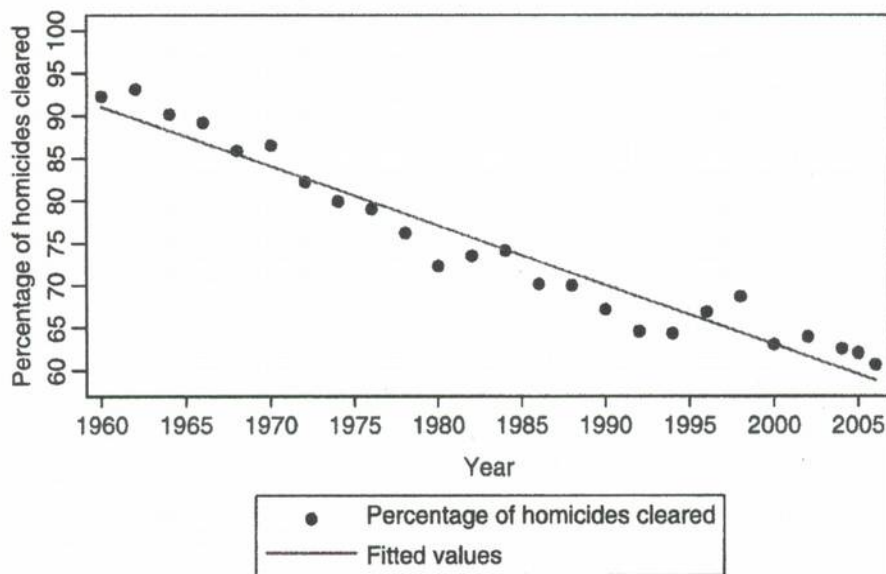
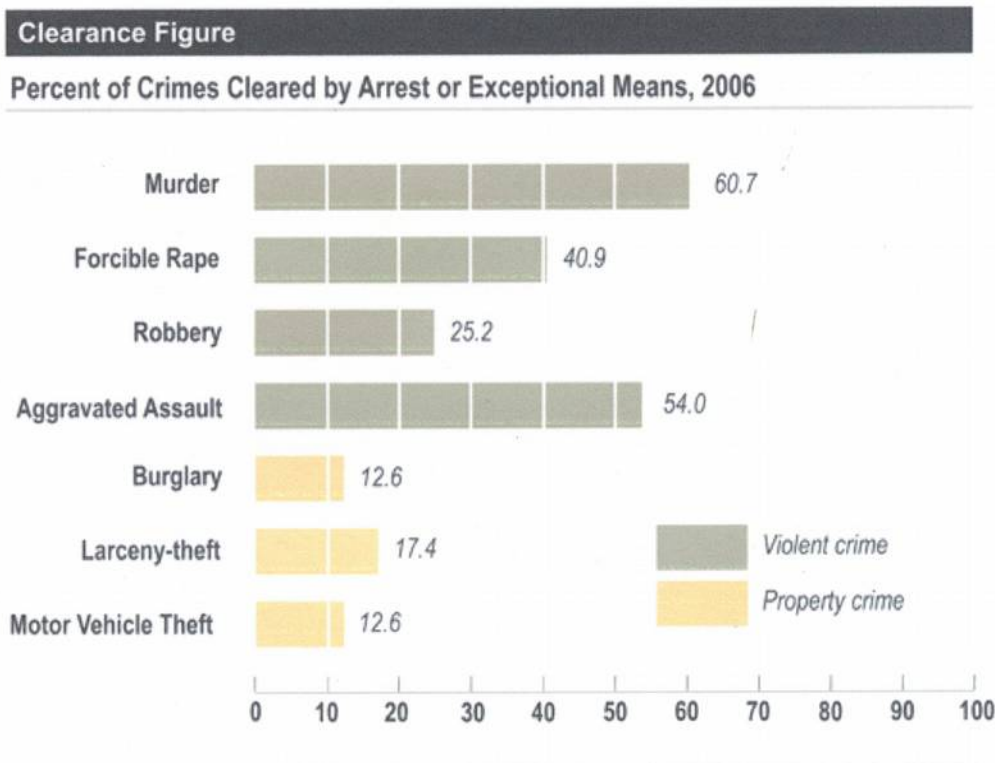


Figure 1. Percentage of US Homicides Cleared: 1960-2006.*
*Source: Annual Editions of the UCR and Sourcebook of CJ Statistics.

Police in other industrial countries are far more successful at solving homicides (Japan 95%, Australia 86%, England and Wales 81%, Canada 73%). Arrest “clearances” are the most basic performance measures of law enforcement, raising questions about the downward trajectory of law enforcement success in the USA. During the Drug War, success at solving crime has dropped quickly as arrests and spending shoot skyward.

The percentage of rapes and robberies “cleared by arrest” has declined far more than homicides. (3) Burglary and car theft appear to be low risk occupations.



Criminal justice author Scott Christianson points out that while crime in the USA has dropped the number of arrests went from 3.3 million in 1960 to 14 million in 2004. He asks

“...if reported crime has been going down and arrests have gone up, what accounts for the plummeting arrest clearance rates for murder, robbery, rape, burglary, larceny, and motor vehicle theft?”

Part of the answer must involve drug law enforcement.... Instead of arresting suspects for burglaries and other serious reported crimes, cops today spend much of their energy going after illegal drugs. Their arrest rate for drug possession (especially marijuana) has shot up more than 500 times from what it was in 1965.” (4)

It will be news to many Americans that the effectiveness of law enforcement at solving crime has taken a dive since police turned their effort to Drug War. What about the expensive SWAT and CSI teams, new federal funds, and forensics labs with DNA testing...don't they work? A top police scholar, Professor David Bailey of the State University of New York said, "I've been involved in the field for 40 years and best as I can tell, nobody has even raised this stuff. Hearing it now is like being hit by a bus". (5)

We should also consider the crime that Drug War directly causes, from turf battles between dealers, to organized crime and gruesome Mexican cartels, to robberies committed so that addicts can pay high drug prices. When police try to catch a real criminal they may run into trouble, even gunfire, and they aren't allowed to loot and plunder the automobiles, houses, bank accounts, and other property owned by that criminal. If they ferret out a pothead with a few plants they know that the person will usually be peaceful and they can pillage at will. Police may prefer to chase potheads, but wouldn't *your* family be better protected if officers were preventing crime or finding real criminals?

The best thing about LLEP's is that they are "gateway" initiatives; veritable "steppingstones" for moving public sentiment toward "tax & regulate". Once somebody votes yes on a Lowest Law Enforcement Priority initiative they have made the decision that the enforcement of Marijuana Prohibition either doesn't make sense or at least is not "cost effective". At that point it is a tiny conceptual leap to the idea that there is an easy, non threatening way to A) stop spending tax dollars on enforcement (and destroying people's lives), and B) create a growing new source of tax revenue. Four or five LLEP victories in Michigan on Nov. 2, 2010 would clearly show that the citizens of Michigan don't want their money spent on Marijuana prohibition.

(2) Medical Marijuana Distribution Ordinances: Another path toward the goal of regulating cannabis the same as alcohol is to establish high quality non-profit patient cooperatives selling the medical herb and edibles, paying taxes, and causing no problems. Our new law in Michigan is silent on the question of medical marijuana dispensaries or cooperatives; it does not allow them, neither does it disallow them. Our Michigan "Home Rule" cities have the option of establishing local ordinances to regulate medical marijuana distribution (within the parameters of the Michigan Medical Marijuana Act). It appears that we could put a proposed ordinance to regulate patient co-operatives on the ballot in various cities' using the same mechanism that we used to put Medical Marijuana on the ballot in five Michigan cities.

There would be one big difference this time. Our past local victories in Michigan have been sweet but symbolic. This time the Michigan Medical Marijuana Act provides the legal context within which new city ordinances might operate, so that co-operatives that distribute medical marijuana could actually open. However, an initiative for a city ordinance concerning medical marijuana distribution is far more complex than an LLEP initiative. Michigan activists would need either deep pockets or help from experts in California to put together distribution

ordinances for Michigan cities.

The 63% victory for Medical Marijuana in Michigan was almost two to one. It was more than a victory; it was a mandate for getting cannabis medicine, when a doctor recommends it, to people in Michigan who are sick or in pain. Medical marijuana won in every one of Michigan's 83 counties. It gathered over 3 million votes, far more than Barak Obama; more votes than any Michigan candidate or initiative has ever received! It is our duty to respond to the clear will of Michigan voters by moving ahead aggressively. We can use the results of the vote on Medical Marijuana to locate areas of strong voter support. Washtenaw County, (home of Ann Arbor, Ypsilanti, and huge medical facilities) approved "medical" by 71.5%!

The November 2, 2010 election is a stage where Michigan activists can pound a big nail into the coffin of cannabis prohibition. Activists in five cities are preparing to do a Lowest Law Enforcement Priority initiative. Folks in Ferndale, Flint, Mt. Pleasant, and Ypsilanti are ready to roll when they get proper petition language. A capable group of Kalamazoo activists has been working on their LLEP for many months. Some people in Ypsilanti and Flint (and maybe Ferndale, Royal Oak, or Detroit) would possibly like to do an initiative to allow patient cooperatives. Ann Arbor could easily pass such an initiative if we had about \$12,000. It is relatively easy to win an initiative in Detroit; it takes less than 7,000 signatures to get a new ordinance on the ballot, and Detroiters will do whatever it takes to secure new economic activity. If one of these cities learns that a citizen initiative is being planned the city government might enact enabling ordinances on its own to regulate medical marijuana distribution, so that they get to write the rules. Encouraging cities to write the rules themselves may (or may not) be easier than passing a citizen initiated ordinance.

We enjoy the epic medical marijuana victory in Michigan. Many of us can now grow and smoke when we wish, but we continue to watch our sisters and brothers be crucified for enjoying our ancient and useful plant. Marijuana arrests in the "land of the free" occur on average every 38 seconds. None of us is free until all Americans experience that extra measure of freedom which is our birthright. Those of us who carry our medical card have even more of a duty to speak out to end Prohibition. We are now "legal" and some of us can speak more freely. Others can still lose their job for speaking out.

In these hard economic times (especially in Michigan) we have momentum like never before. Now is the time for each of us to find new reserves of effort and resources. In Michigan we could do historic work to end cannabis prohibition.

Victories for cannabis in the Midwest are of extraordinary value. People on the coasts may think of the Midwest as just "flyover country". Many other Americans who don't live near the oceans feel like the two coasts could drop into the sea without affecting "Real America" very much. We need more victories in the "heartland" to prove that the victory of our cause is politically inevitable. The huge (63%) Michigan victory for Medical marijuana made it clear that at least medical access to marijuana will soon be a reality in the USA.

On Nov 2, 2010 an initiative to tax and regulate cannabis may pass in California. If we complement the Nov. 2010 victory of "tax and regulate" in California with five victories in Michigan, it will be clear that cannabis will be legally sold and taxed, first in localities that supply the enabling ordinances to regulate it and then nationwide.

We need funding; and we need excellent legal work more than funding. Seven thousand dollars has already been pledged to pay for petition signatures on LLEP campaigns. If we had solid petitions for both LLEP's and "patient cooperatives" we could win four or five LLEP's on Nov. 2, 2010. We can also win in one or more cities that will allow the distribution of medical cannabis. People who could help fund these initiatives may read this article. We will need many activists and contributions from Michigan. As Michigan goes, so goes the nation. Victories in the Midwest move our struggle into high gear, accelerating our victory. We must make the most out of the Nov. 2010 election!

If you live in one of the cities mentioned and/or want to help with Michigan citywide initiatives please contact Chuck Ream, Safer Michigan Coalition, moksha@umich.edu

- 1) U.S. Dept. of Justice, Bureau of Justice Statistics. (2005). "The percentage of homicides cleared by arrest has been declining." In *Homicide trends in the United States*.
www.ojp.usdoj.gov/bjs/
- 2) Riedel, Marc, Homicide Arrest Clearance: A Review of the Literature, *Sociology Compass* 2/4,(2008), 1145-1164
- 3) U.S. Department of Justice. *Crime in the United States*. (2006). "Clearances"
<http://www.fbi.gov/ucr/cius2006/offenses/clearances/index.html>
- 4) Christianson, S. (2006). "Questioning US arrest statistics." *Christian Science Monitor*, Commentary, January 18, 2006.
<http://www.csmonitor.com/2006/0118/p09s01-coop.html>
- 5) *ibid.*