Stop the “green rush”

Progressives tend to believe legalizing pot is a good idea. Here are 7 reasons they should think twice.

By JANE WELLS | 10/14/2019 09:44 AM EDT

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Colorado’s vote in 2012 to legalize marijuana united the progressive end of the liberal spectrum with conservative libertarians. Progressives had long felt that the war on drugs was cruel and unfairly targeted minorities and, in many cases, agreed with libertarians that folks should be allowed to smoke a joint in peace without government interference.
For most of my life, I supported both these arguments. When I lived in Colorado, medical marijuana was legal, plenty of my friends had medical marijuana cards and smoked for bad backs and bum knees. It was really a nonissue.

When I set out to film a documentary on Colorado’s experience with legalization, I felt neutral about the issue. For sure, Colorado had changed — cannabis and cannabusinesses were suddenly dominating the landscape, from warnings at the car rental counter at the Denver airport to the profusion of shiny, colorful stores in my former hometown. It looked like a buzzed new world, and I wanted to document it.

But after spending 18 months shooting the film “Pot Luck: The Altered State of Colorado,” I had a change of heart. I became convinced that progressives need to rethink our support of legal pot.

What I learned is that just because prohibition failed, it does not mean legalization is succeeding. Few of the most significant benefits legalization advocates promised were materializing. The thirst for profit and the interests of powerful corporations were swiftly sidelining small-scale producers and retailers, even as we filmed. The need to provide justice to the victims of the war on drugs has been lost in the “green rush.” It was the same old story: powerful corporate interests coopt a nominally progressive social movement and warp it to their own benefit.
There’s a strong case to be made that we on the left are making a naive mistake in our headlong rush to legalize. Here are seven reasons why:

1. **Pot is increasingly dangerous because of high THC levels.**

THC is the psychoactive component of cannabis. In the 1990s, the average potency of weed at the national level was 3.8 percent THC. Due to the combination of consumer demand and advances in botany and
technology, THC potency climbed steadily higher over the past two decades. The introduction of corporate-funded science was like injecting nitrous oxide into a race car engine. By 2017, the average THC potency of the cannabis flower had reached nearly 20 percent. Today, concentrates that claim potency rates of 100 percent are marketed.

This rise in potency is alarming. The research recently published in The Lancet, the world’s most prestigious medical journal, argued that daily users of high-potency cannabis were roughly five times as likely to experience a first-episode psychosis. In Amsterdam, one of the cities included in the study, the researchers concluded that about 50 percent of first-episode psychosis disorders could be prevented if high-potency cannabis were no longer on the market.

Politicians in Colorado are aware of these kinds of findings but because of the strength of the cannabis lobby in the state, they are unable to act. Proponents of Initiative 139, a Colorado ballot measure which would have capped THC potency, withdrew the initiative because of well-funded opposition from the Marijuana Industry Group.

Some people might argue that if consumers want more potent pot and companies can supply it, we should bow to the free market. But we don’t let Coca-Cola inject cocaine into soda anymore. The new power of the cannabis lobby shouldn’t block regulation needed for consumer protection.

2. There are unforeseen legal and social side effects including drugged driving, home-grow explosions and homelessness.

Many of the law enforcement officers I interviewed for my film expressed distress at how the public fails to understand the new pressures which legalization has created. The problems extend from the high drama of organized crime to the ordinary rituals of daily life in Colorado.

Residents of the state have to contend with the lack of any proven on-the-spot DUI test for cannabis use. Police have to rely on the combination of a blood test and a holistic assessment of whether a person is currently intoxicated, which is open to a wide variety of challenges from clever defense counsels. Coloradoans also now grapple with the reality of rising cannabis-related homelessness in city centers, as well as dangerous butane oil explosions which occur as a byproduct of hash oil production.

3. Legalization doesn’t lower crime. (Some crimes diminished, but organized crime has increased.)

Less than a year after Colorado legalized cannabis, the Drug Policy Alliance was beating its chest while making bold pronouncements about how legal cannabis would mean the end of drug cartels trafficking in
weed, distinguished academics at Stanford were creating pie charts showing the destructive effects of cannabis legalization on the profit margins of organized criminals and Rolling Stone was publishing articles with headlines like “Five Reasons Cops Want to Legalize Marijuana.”

Like most promises made in the lead-up to the vote that legalized marijuana, these claims do not hold up to scrutiny. Colorado’s new cannabis status quo has plenty of space in the shadows for black-market operators who move excess product to states where the drug is still illegal for recreational purposes. Many of the entities participating in the underground marijuana economy in Colorado and other states with legal weed have ties to international crime, from the cartels harvesting thousands of cannabis plants in Colorado’s forests and mountains to the 100-plus grow houses run by a Chinese criminal enterprise in Sacramento, Calif. Across Colorado, organized crime charges have gone up in recent years.

Many people in Colorado and other states with legal weed voted for legalization due to a belief that doing so would reduce crime. With the benefit of hindsight, legalization doesn’t appear to have made our state or any other legal weed state much safer. If anything, organized crime has gained strength because of its new safe harbor in Colorado.

4. The boost to public coffers is not manifesting the promised social benefits.

In Colorado and in other states with legal recreational cannabis, legalization advocates made huge promises about surging tax revenue. In turn, Colorado voters expected that more funding would stabilize the state’s underfunded education system and social safety net. It’s taken time for promises about tax revenue to materialize, but as of June Colorado has indeed passed more than $1 billion in tax revenue from cannabis sales.

However, the actual gains to Colorado’s balance sheet from cannabis are minimal given the overall size of the annual state budget ($27 billion). The new funding hasn’t resulted in much concrete change in a state with massive funding shortfalls. While few ambitious public policy ventures are actually being realized because of cannabis taxes, Colorado’s new class of cannabusiness millionaires are perpetuating the same income inequality here which is aggravating social tensions across the United States.

Weed revenue may have spiked, but teachers in Denver were forced to strike just this February. In fall
2018, for the third time, Colorado voters rejected Amendment 73, a desperately needed measure to supply the state with $1.6 billion in additional funding for education. The state's education funding shortfall is more than all the cannabis tax revenue collected since legalization. Colorado's problems are just too big for cannabis revenue to have made a meaningful dent.

5. Minority communities disproportionately bear the downside of legalization.

The real, enduring hypocrisy embedded in the legacy of the cannabis legalization movement is how marginalized people, particularly people of color, have been affected by legalization.

A $7 billion industry has to capitalize off somebody, and the cannabis industry is profiting from the exploitation of communities of color. Marijuana dispensaries are disproportionately located in minority neighborhoods, which have not been as well organized as white neighborhoods in keeping dispensaries out. Given that dispensaries are associated with a rise in cannabis-related hospitalizations, the outsize frequency with which minority neighborhoods have to host these shops is deeply unfair.

Most egregiously, the residents of federal Section 8 housing in Colorado can be evicted and permanently barred from federal public housing if they are caught smoking marijuana – even medical marijuana – in their own homes. No single example more vividly exaggerates the inequalities of legalization than the juxtaposition of the colors and lights of the International Church of Cannabis, on the one hand, and the restrictive grimness of the Denver Housing Authority on the other.

6. Legalization has not redressed the injustices of the war on drugs.

The evils of the war on drugs were quite rightly front and center during the campaign to legalize in Colorado, as advocates made the suffering of people jailed for minor drug possessions a central argument for legalization. But that supposed fairness didn’t apply retroactively.

Legalization proponents have made scarcely any meaningful effort to expunge the convictions of those prosecuted for low-level drug crimes even after Colorado legalized pot and ended the so-called war on drugs. When I was making my film, I met numerous people of color who felt that their communities had been forgotten after legalization. Once weed was legal, rich, white Coloradoans were ready to party, and they no longer had time for victims of the war on drugs.

7. The commercial cannabis industry will not and cannot regulate itself.

Legalizing cannabis via state-level constitutional amendment, as happened in Colorado by approving Amendment 64 in November 2012, resulted in wholesale societal transformation overnight. The consequence was a huge gain in the political power of an unregulated industry. The industry's power
Stop the “green rush” means necessary regulations are blocked or logrolled.

Over the past five years, spending by the corporate cannabis lobby in Colorado has tripled. Pro-cannabis groups spent nearly $1 million on state-level lobbying in Colorado last year, while Smart Colorado, the largest voice of opposition to legalization in the state, spent only $346,121 on lobbying over the preceding five years. Even when the Colorado Legislature can overcome opposition from the cannabis lobby, it’s difficult for both Colorado legislators and bureaucrats at the Marijuana Enforcement Division to keep up with the dizzying pace of change in the cannabis industry.

Beyond the financial and lobbying power of the industry is the serious issue of legislative overload. Legislation seeking to regulate cannabis accumulates on the state docket in response to a constant stream of new problems like out-of-control home-grow operations, candied edibles identical to those marketed to children and dispensaries that attract crime and become a nuisance to entire neighborhoods. One glaring example of how Colorado has missed the boat on cannabis regulation is the aptly titled “legal looping” loophole.

Legal looping describes how customers repeatedly return to the same retailer to purchase the maximum legally permitted amount of marijuana. At the infamous Denver retailer Sweet Leaf, a group of straw buyers may have acquired as much as two tons of cannabis for illegal resale outside of Colorado. Unfortunately, the backlog of regulations weighing down the Colorado legislature means that effective enforcement is a long way away.

Progressive House member Alexandria Ocasio-Cortez (D-N.Y.) caught the nation’s attention earlier this year when she slammed the racial makeup of the cannabis industry. To her credit, AOC also focused on the need to do justice to the communities harmed by the war on drugs. Perhaps the legalization movement will also start to acknowledge the very real inequities that cannabis legalization has wrought.

But for far too long, progressives have stumbled blindly onward in a race to legalize cannabis. There’s more to this story, and it’s time we all paused the green rush to national legalization and reached consensus on what the benefits and harms truly are.

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(3) not-for-profit organization. Her film “Pot Luck: the Altered State of Colorado,” will be released in December 2019.

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