



Seattle City Attorney

Peter S. Holmes

HB 1550 Testimony

Pete Holmes

March 16, 2011

Thank you for the opportunity to testify today. I'm Pete Holmes, Seattle's elected City Attorney, and I'm here in support of the legalization, taxation, and regulation of marijuana for adult recreational use. I also support Senator Kohl-Welles's medical marijuana reform legislation, which I hope will also be before this committee shortly. I should note that my support for ending marijuana prohibition is separate from my support for medical marijuana reform. Whatever your view on full legalization and regulation, we urgently need to reform and better regulate our existing medical marijuana system, and I strongly urge the House to pass Senator Kohl-Welles's bill.

The only clear result of marijuana prohibition has been to create a highly profitable market for the product and relinquish its control to criminals. I am here to speak unequivocally in support of ending marijuana prohibition in a rational and regulated manner, welcoming discussion in this work session about the best way to regulate the production and sale of marijuana in a post-prohibition system.

This is the House Ways & Means Committee, of course, so I want first to address the bottom line. Based upon the legislature's fiscal note, Seattle estimates that its share of revenue from the sale of cannabis as contemplated by HB 1550 will initially be at least \$500,000 to \$1,000,000 annually. Based on the fiscal note, the state's share would be much higher. The savings in our police, law, courts and jail budgets is harder to estimate, but would easily add a similar amount to the annual municipal budget right from the start. The end of our own war on cannabis will also allow us to address other public safety concerns that are not presently adequately funded.

Make no mistake, however—even without the promise of needed revenues, it still makes sense to end marijuana prohibition. It is a practical failure, and it is a misuse of both taxpayer dollars and the government's authority over the people. We long ago agreed as a society that substances should not be outlawed by the government simply because they can be harmful if misused or consumed in excess. Alcohol, food, and cars can all be extremely dangerous under certain circumstances, and cigarettes are almost always harmful in the long term. All of these things kill many people every year. But we don't try to ban any of them, because we can't, and we don't need to. Instead, we regulate their manufacture and use, we tax them, and we encourage those who choose to use them to do so in as safe a manner as possible.

You will no doubt hear the fears expressed by opponents of legalization. Both as a criminal prosecutor and as a parent of two young adults, I can fully relate to these

March 16, 2011

Page 2

concerns. But as you hear these fears expressed, please ask yourself, and ask your witness: How might that fear be rooted in prohibition itself? In other words, don't let yourself get caught up in the fear, but recognize simply that it's difficult for anyone to envision a legalization landscape for cannabis, having been driven underground by prohibition. Ask anyone to justify cannabis prohibition and they will invariably cite concerns that are a result of prohibition itself, or are indistinguishable from other substances that are not banned.

You will hear it said that cannabis is a "gateway drug"—in itself a tacit acknowledgment that it is different, less harmful than other illegal drugs. And addiction is a serious health problem in human society. We grapple as a society with tobacco and alcohol addictions, too, but no one seriously proposes banning either substance. To the extent marijuana is a "gateway" to hard drugs, it's because under prohibition you have to go to a drug dealer to buy marijuana. End prohibition and marijuana users won't ever meet the drug dealer who might also offer to sell them heroine or meth.

Marijuana is much more like alcohol than it is like hard drugs, and we should treat it as such. My focus as city attorney is to ensure that we have ways to regulate the production and distribution of any potentially harmful substance so that we limit the potential risk and harm. Outright prohibition is an extremely ineffective means of doing this. Instead, I support tightening laws against driving while stoned, preventing the sale of marijuana to minors, and ensuring that anything other than small-scale noncommercial marijuana production takes place in regulated agricultural facilities and not residential basements.

It is critical that we get these details right. Ending marijuana prohibition isn't the end of the story, but it's a very necessary step in the right direction, and the specifics of a rational, comprehensive regulatory system for marijuana are critically important. That's why I view this legislation primarily as a framework for a conversation we've been putting off for too long.

I submit that ending marijuana prohibition is perhaps the most pro-law enforcement action the Legislature can take. It will enhance the legitimacy of our laws and law enforcement. As Albert Einstein said of Prohibition in 1921, "nothing is more destructive of respect for the government and the law of the land than passing laws which cannot be enforced." Marijuana prohibition is a law that cannot be and has not been consistently enforced, and keeping it on the books diminishes the people's respect for law enforcement.

Finally, a word about the elephant in the room – federal law. As you all know, marijuana is illegal under federal law, but what the state of Washington does now can help change that. As with alcohol prohibition, collective action by the States will help us end the federal marijuana prohibition and transition to a rational and functional system for regulating and taxing marijuana. The state of Washington

March 16, 2011

Page 3

should not use the continued existence of the federal prohibition as an excuse for leaving our state prohibition system in place. At very least, we can pass a bill ending state prohibition and putting a post-prohibition regulatory framework in place, and then suspend implementation of the bill until the federal prohibition is ended or reformed. When we can show the federal government that states are prepared to implement rational alternatives to prohibition, we will be in a much stronger position to demand an end to federal prohibition.

I applaud Representative Dickerson for introducing this legislation and starting this very important conversation. I believe it is likely to lead to a successful citizens' initiative if the Legislature doesn't step up and do the right thing first. Ending marijuana prohibition and focusing on rational regulation and taxation is a pro-public safety, pro-public health, pro-limited government policy, and I urge the Legislature to move down this road. Thank you.

"The prestige of government has undoubtedly been lowered considerably by the prohibition law. For nothing is more destructive of respect for the government and the law of the land than passing laws which cannot be enforced. It is an open secret that the dangerous increase of crime in this country is closely connected with this." Albert Einstein, "My First Impression of the U.S.A.", 1921.