



Written by [Alex Newman](#) on November 7, 2012

## Two States Defy Feds With Full Marijuana Legalization

Colorado and Washington became the first two states to [nullify unconstitutional federal drug statutes](#) by legalizing marijuana for recreational use, with voters backing Amendment 64 and Initiative 502 — but rejecting a similar proposal in Oregon. The two victories for legalization advocates, however, have set the stage for a potential showdown with the Obama administration of historic importance.



In Colorado, about 55 percent of voters supported Amendment 64, which changes the state constitution to treat cannabis — already legal for medicinal purposes in the state — similar to alcohol and tobacco. Sales of marijuana will be regulated and taxed, with the increased revenue going to the state's general fund and toward building government schools. Local authorities, however, still have power to restrict or prohibit sales within their jurisdictions.

“Over the past eight years in Colorado, we have argued that it is irrational to punish adults for choosing to use a product that is far less harmful than alcohol,” said co-director Mason Tvert with the pro-Amendment 64 Campaign To Regulate Marijuana Like Alcohol. “Today, the voters agreed. Colorado will no longer have laws that steer people toward using alcohol, and adults will be free to use marijuana instead if that is what they prefer. And we will be better off as a society because of it.”

Initiative 502 in Washington State, meanwhile, was approved by around 55 percent of the electorate as well, legalizing the strictly regulated sale and consumption of marijuana for adults over the age of 21. The measure was tied to a new policy on “drugged driving,” setting tight limits on the cannabis content allowed in drivers' systems.

“I'm going to go ahead and give my victory speech right now. After this I can go sit down and stop shaking,” [said](#) I-502 campaign manager Alison Holcomb. “Today the state of Washington looked at 75 years of national marijuana prohibition and said it is time for a new approach.”

Separately, Massachusetts became the 18th state to nullify federal marijuana statutes by legalizing cannabis for medical purposes. Voters overwhelmingly supported the measure with 63 percent in favor, joining states across the country and Washington, D.C., in defying the feds as part of an effort to allow sick patients to legally consume the controversial plant as medicine. In Arkansas, voters rejected a similar proposal.

Analysts say the victories for nullification at the polls had much to do with the [heavy support](#) from certain [law enforcement groups](#) and [medical experts](#), as well as recent moves by prominent [conservative leaders](#) to rally behind legalization. [Polls show](#) that since at least last year, most Americans now support legalizing marijuana despite fierce opposition from the drug-war “industry” and federal officials.

However, the federal government and its legions of drug warriors are not ready to give up the fight just yet. The Obama administration, which remained largely silent about the legalization initiatives throughout the campaign, has waged a [ruthless crackdown on medical marijuana](#) even more vigorous



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than under the George W. Bush administration. And Department of Justice officials have [hinted subtly](#) that they may seek to quash the nullification victories in Colorado and Washington.

Before the vote, a coalition of former White House drug czars and DEA chiefs complained that Obama, who has admitted to consuming illegal drugs, had not vowed to unconstitutionally attempt to coerce state governments into continuing prohibition. Among other points, the anti-legalization team warned that ending the costly war on marijuana would allegedly [violate United Nations drug treaties](#).

The drug warriors also claimed that legalizing cannabis could even [trigger](#) a “constitutional showdown.” However, they were apparently unaware that the [U.S. Constitution does not delegate any power over drug policy to the federal government](#) — that is why alcohol prohibition required a [constitutional amendment](#).

Legal experts and pro-legalization activists believe voters in Washington and Colorado are standing on firm ground in their nullification efforts. With the wide array of law enforcement officials that lined up to support the measure, including U.S. Attorney John McKay in Seattle under former President George W. Bush, advocates are convinced that the measures will survive any potential assaults on state sovereignty by the federal government.

“Our nation was founded upon the idea that states would be free to determine their own policies on matters not delegated to the federal government,” Colorado legalization campaign co-director Tvert [told](#) the *Huffington Post*, noting that many of the opponents had made their living based on the unconstitutional prohibition policy. “We hope the Obama administration respects these state-based policy debates.”

Colorado Gov. John Hickenlooper, a Democrat who opposed total legalization, also recognized the potential for a showdown with the federal government. However, he still vowed to uphold the will of the people while reminding voters that there could possibly be a drawn out battle before their wishes are fully implemented.

“The voters have spoken and we have to respect their will,” the governor explained after the preliminary results were announced. “This will be a complicated process, but we intend to follow through. That said, federal law still says marijuana is an illegal drug, so don’t break out the Cheetos or Goldfish too quickly.”

Supporters of the [U.S. Constitution](#), state sovereignty, and the Tenth Amendment celebrated the victory as yet another win for the [growing nullification movement](#), which aims to restrict the federal government to its proper functions by nullifying unconstitutional statutes at the state level. However, across the board, proponents of legalization also emphasized that advocating an end to prohibition and unconstitutional federal policies should not be seen as an endorsement of marijuana use.

There were also critics who had other concerns. Numerous hard-core libertarians, for example, warned that the new regulatory and taxation regime over marijuana being erected in both Colorado and Washington State might be even more burdensome than the problems inherent in black markets. The plant could even end up being more expensive.

Some anti-marijuana activists worried that drug use among youth, which is already widespread, could increase. Others expressed concerns about how the measures will increase the cost and power of an already big state government, too.

“The initiative here in Washington, while good on the state sovereignty point, is bad in that it massively



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expands the size and scope of government paid for by a tax increase,” liberty-minded Republican state Rep. Matthew Shea, who won re-election with more than 56 percent support, told *The New American* in an e-mail.

Overall, though, the effects of the two measures will reverberate across the nation and probably even around the world. More than a few analysts celebrated the victories as the beginning of the end for the increasingly unpopular policy of prohibition, which has devoured over a trillion U.S. taxpayer dollars and countless lives around the world while enriching drug cartels and doing virtually nothing to reduce drug use.

“These victories likely represent the beginning of the end of marijuana prohibition in this country and many others as well,” wrote Executive Director Ethan Nadelmann with the Drug Policy Alliance in a [column](#) for *USA Today*. “Just as the repeal of alcohol Prohibition began in the late 1920s with individual states repealing their own prohibition laws, and ultimately culminated with repeal of federal Prohibition, so Washington and Colorado have initiated a political process that will resonate nationally.”

Whether the federal government tries to step in and quash the will of voters or not, analysts say it is only a matter of time before the drug war eventually comes to an end — especially considering the dire financial condition of the debt-laden U.S. government. In the meantime, though, Obama has vowed to continue [waging and expanding the war around the world](#) as part of his [unconstitutional foreign policy of lawless interventionism](#). Of that, Americans can certainly expect at least four more years.

*Photo: Green leaf of marijuana in hand via Shutterstock*

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