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# OPINION

## Political Side Effects of Tolerating Legal Pot

### Ticking time bomb on the GOP's doorstep

BY SANHO TREE

Attorney General Eric Holder's recent announcement that the federal government wouldn't challenge Colorado and Washington state's ability to implement a legal regulatory system for adult recreational marijuana use marked a tremendous political victory for reform if not a definitive legal victory.

Technically, pot remains illegal across the nation. But Holder went as far as he could under our system of checks and balances.

While the Executive Branch can't negate the laws made by Congress, the Justice Department found a way to "deprioritize" some of them.

Holder told our 93 U.S. Attor-



neys — who have traditionally enjoyed a wide degree of latitude and deference in deciding how to uphold federal law in their districts — to exercise prosecutorial discretion. They were told to make marijuana enforcement a low priority when those cases don't violate an eight-point checklist for more serious federal enforcement priorities.

In other words, the authorities don't have to crack down on marijuana transactions in states where they are legal unless someone is doing something like selling to minors or running a drug cartel.

While Holder can urge U.S. attorneys to focus on more serious cases, he can't legally order them to do so. That renders his guidance essentially voluntary. Prosecutors can theoretically enforce any federal law on the books despite what individual states decide.

The handful of prosecutors who have waged a campaign against medical marijuana in Cali-

formia and other western states may continue to legally enforce existing laws if they choose to do so. The political implications, however, are tremendous both at home and abroad.

By tolerating legalization in Colorado and Washington, the federal government is at odds with the UN treaties governing the international drug war. Since the United States used to be the drug war's chief global advocate, this retreat on marijuana legalization sends a powerful message to the rest of the world.

Many Latin American and European nations have long wanted to overhaul their drug laws but had been afraid of running afoul of the UN's drug conventions and perhaps triggering U.S. reprisals. Now they have much more political space to consider alternative policies. That could make a difference in Uruguay, which is on the brink of legalizing recreational marijuana.

Holder has essentially placed a ticking time bomb on the

GOP's doorstep that could detonate during the 2016 presidential elections. Because federal law remains unchanged, the next administration can reverse his guidance on a whim and resume the war on pot.

All Republican candidates will be asked during the primaries where they stand on this key issue and any answer they can give will infuriate at least one of the GOP's powerful factions. A nascent civil war is brewing between the social conservative and the libertarian wings of the party.

Neither faction is known for compromising so this question can become a powerfully divisive wedge issue that could accelerate and exacerbate the GOP's civil war. Whichever side wins, it will send the nominee into the 2016 election bleeding from the fight.

While it's unlikely that 2016 politics figured into Holder's decision, this issue isn't going away. More than half of the

nation's population lives in jurisdictions where marijuana is legal for medical use.

The GOP could avoid this showdown by working with Democrats to change the federal law before the primary season, although committing an act of bipartisanship could be seen as betrayal by the far right.

The GOP is stranded in a very dangerous minefield on reproductive rights, immigration, LGBT rights, and its marijuana policy. The older voters who tended to support the culture wars are aging out and younger voters tend to find those old wedge issues irrelevant, if not offensive.

Regardless of how this plays out with the U.S. Attorneys, the political implications of Holder's guidance could shape the next presidential election and help unleash a period of drug policy "glasnost" around the world.

Sanho Tree directs the Drug Policy project at the Institute for Policy Studies.

## In Forgiving His Enemies, He Achieved True Greatness

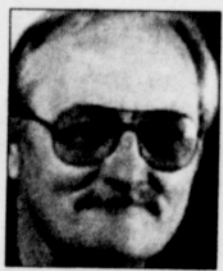
### Nelson Mandela's distinction

BY DONALD KAUL

The year 2000 marked not merely the end of a century but the end of a millennium, a thousand years of history. The media's desire to fill empty space with naming "the Person of the Millennium" became all the rage.

George Will, the unfailingly smug conservative columnist, made Thomas Jefferson his top dog of the last millennium. According to Will, Jefferson was our version of a Renaissance man, renowned as a scientist, architect, writer, politician, and political thinker. It was he, as much as anyone, who articulated the ideals of his country, awakening minds throughout the world to the possibilities of freedom and equality.

Jefferson's halo has lost a little



of its glitter in the succeeding years, what with the Sally Hemmings story and all. Even back then, I didn't consider it a good choice. I said (silently) "Gee George, you'd think with 1,000 years to choose from you could have picked someone who didn't own slaves."

Besides, if America had a Renaissance man in the colonial era, it was surely Benjamin Franklin. The best-selling author and hugely popular philosopher was one of the colonies' most successful businessmen, an accomplished diplomat, a skillful politician, and, to top it all, a self-made man. Plus he had a wonderful sense of humor, a vice of which Jefferson was innocent.

I was about to nominate Franklin as my Man of the Millennium, when I learned that he too owned a slave. It was nothing on scale of plantation-owning Jefferson. But Franklin had an African-American manservant whom he "owned."

And, when you think about it, he never did have much to say about slavery, for or against. That

was a deal-breaker for me. Who then?

I finally came up with Martin Luther, the father of the Reformation, who broke with the corrupt Catholic church of the time and began the process of letting light flood into the intellectual life of Western civilization. It floods yet.

*Mandela's greatness lay not merely in his ability to stand up to the cruel forces of apartheid in South Africa and prevail. It was the much more rare ability, once he had taken power, to forgive his enemies.*

Then someone pointed out that I had chosen one of history's great anti-Semites as my person of the millennium. His vicious diatribes against Jews formed the template that Hitler was later to trace in his "final solution" to the "Jewish problem."

Finally, more in desperation than inspiration, I chose Nelson

Mandela, the former South African leader and revolutionary. Today, as the 95-year-old appears to be nearing the end of his life, it still doesn't seem a bad choice.

Allowing for the fact that the very concept of a person of the millennium is silly — 1,000 years is just too long a time-frame to

enemies.

In the early years of his struggles against the racist South African government, which included 27 years in prison, he was not the universally respected figure he was to become. Margaret Thatcher, for one, considered him to be a Communist terrorist. And indeed, Mandela made no secret of his Marxist leanings or his feelings that the banks and gold mines of his country should be nationalized.

He was closer in thinking to Fidel Castro than Ronald Reagan.

But when he became president of his country, he realized that retributive policies were a dead end, so he didn't nationalize the mines or banks. Mandela took no revenge on his enemies. He instead worked with them on issues like land reform, poverty, and health.

If that isn't unique in the annals of the past 1,000 years, it's at least exceedingly rare. And for that Mandela deserves whatever honor we can give him.

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pick a single figure, however heroic, above all the rest — he can certainly be counted among the great national leaders of history.

Mandela's greatness lay not merely in his ability to stand up to the cruel forces of apartheid in South Africa and prevail. It was the much more rare ability, once he had taken power, to forgive his