

The



# LOWDOWN

Edited by Jim Hightower and Phillip Frazer ♦ Vol.11 No.11 ♦ November 2009

"You know, it's a funny thing, every one of the bastards that are out for legalizing marijuana is Jewish. What the Christ is the matter with the Jews, Bob?...I suppose it is because most of them are psychiatrists."

—RICHARD NIXON, talking to White House Chief of Staff Bob Haldeman, 1971

*Time to stop America's preposterous war on pot*

## The "Drug War" is doing far more harm than marijuana itself ever will

**YOU MIGHT REMEMBER ROBERT MCNAMARA'S** stunning *mea culpa*, delivered a quarter century after his Vietnam War policies sent some 50,000 Americans (and even more horrendous numbers of Vietnamese) to their deaths in that disastrous war. In his 1995 memoir, the man who had been a cold, calculating secretary of defense for both Kennedy and Johnson belatedly confessed that he and other top officials had long known that the war was an unwinnable, ideologically driven mistake. "We were wrong," he wrote, almost tearfully begging in print for public forgiveness. "We were terribly wrong."

**Y**es, they were, and so are today's leaders (from the White House to nearly all local governments), who are keeping us mired in the longest, most costly, and most futile war in U.S. history: the drug war. As one adamant opponent of this ongoing madness put it, "I cannot help but wonder how many more lives, and how much more money, will be wasted before another Robert McNamara admits what is plain for all to see: the War on Drugs is a failure. Americans are paying too high a price in lives and

liberty for a failing War on Drugs, about which our leaders have lost all sense of proportion."

That was no ex-hippie stoner expressing himself through a haze of herbal smoke. It was America's "Uncle Walter," the journalistic icon Walter Cronkite, calling earlier this year for a new truthfulness and sanity in American drug policy.

The drug war is rife with major failures and absurdities, including the rise of a vast, murderous narco-state within Mexico, caused by U.S. con-



## DELL TAKES THE MONEY AND RUNS

Only five years ago, political poobahs in North Carolina were crowing, laughing, and slapping each other's backs. We won, they hooted!

Won what? The national bidding war among various states to bribe Dell, the computer giant, to build its new assembly plant on their turf. By putting up about \$318 million in tax giveaways, cash, grants, and other freebies, North Carolina "won," and in October 2006, there was a grand opening of the \$7 million Dell plant in Winston-Salem. The future was bright.

But, uh-oh, a mere four years and two days after that ribbon cutting, Dell announced last month that it was cutting out for Asia, closing the plant, discarding the 905 people who worked there, and kissing off North Carolina.

The political poobahs who so happily threw the public's money at Dell now insist that they drove a hard bargain with the slippery giant. The governor rushed out to declare that the deal included iron-clad clawback provisions. "We made it very clear to them," she said, that if they left, "every red cent of incentives money had to come back."

Some of it will, says Dell, but around \$9 million of state money spent to widen roads and upgrade interchanges is not expected to be repaid, nor worker training and hiring services that cost about \$5 million, and \$3 million in tax breaks that Dell already pocketed.

One state official claims that while their jobs are gone, workers still benefited from the training they received. Sure—as long as they're willing to move to China to get a job. Dell has now moved all computer manufacturing offshore.

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sumer demand for drugs outlawed by our government; Plan Colombia, a secretive, multibillion-dollar U.S. military operation started by Bill Clinton in 2000 to eradicate coca production in that country, which now produces 15% more coca than it did before the plan was launched; the racist and grossly unjust sentencing disparity, established by lawmakers in the 1980s, between crack-cocaine users (mostly black) and powder snorters (mostly white); and the ridiculous refusal by pious federal authorities to allow our farmers to grow hemp—a useful, profitable, sustainable, and historic crop (see *Lowdown*, May 1999).

In this issue, however, we focus on one particular piece of policy insanity that has afflicted our country for nearly 100 years and was foisted on us by political demagogues, power-hungry police agencies, fire-breathing preachers, fear-mongering media moguls, self-appointed moralists, and other forces of ignorance and arrogance. Thanks to them, America is mired in—get this—a *war on a weed*. Marijuana is the foe, and after a century of battle, the weed is winning!

### A painful price

In 1914, newspaper magnate William Randolph Hearst mounted a yellow-journalism crusade to demonize the entire genus of cannabis plants. Why? To sell newspapers, of course, but also because he was heavily invested in wood-pulp newsprint, and he wanted to shut down competition from paper made from hemp—a species of cannabis that is a distant cousin to marijuana but produces no high. Hearst simply lumped hemp and marijuana together as the devil's own product, and he was not subtle about generating public fear of all things cannabis. As reported in the August issue of *Mother Jones* magazine, Hearst's papers ran articles about "reefer-crazed blacks raping white women and playing 'voodoo satanic' jazz music."

Actually, marijuana was largely unknown in America at the time and little used, but its exotic name and

unfamiliarity made it an easy target for fearmongers. The next wave of demonization came in 1936 with the release of an exploitation film classic, *Reefer Madness*. It was originally produced by a church group to warn parents to keep their children in check, lest they smoke pot—a horror that, as the film showed, would drive kids to rape, manslaughter, insanity, and suicide.

Then Congress enthusiastically climbed aboard the anti-pot political bandwagon, passing a law that effectively banned the production, sale, and consumption of marijuana. Signed by FDR on August 2, 1937, this federal prohibition remains in effect today. Although it has been as ineffectual as Prohibition, the 1919-1933 experiment to stop people from consuming "intoxicating liquors," this ban continues, despite its staggering cost and dumfounding destructiveness. Consider a few facts about America's weed war:

- **It diverts hundreds of thousands of police agents** from serious crimes to the pursuit of harmless tokers, including agents from the local and state police, FBI, Drug Enforcement Agency, and U.S. Marshals, Secret Service, Border Patrol, Customs, and Postal Service.
- **By even the most conservative estimate**, the outlay from us taxpayers now tops \$10 billion a year in direct spending just to catch, prosecute, and incarcerate marijuana users and sellers, not counting such indirect costs as militarizing our border with Mexico in a hopeless effort to stop marijuana imports.
- **Police agents at all levels** trample our Bill of Rights in their eagerness to nab pot consumers by conducting illegal car searches, phone and email taps, garbage scrounging, and door-busting night raids.
- **Even people who are merely suspected** of marijuana violations and have had no charges filed against them can (and regularly do) have their cars, money, computers,

and other property confiscated by police. In a reversal of America's fundamental legal principles, it is up to these suspects to prove that their property is "innocent" of any crime.

- **People convicted of possessing** even one ounce of marijuana can face *mandatory* minimum sentences of a year in jail, and having even one plant in your yard is a federal felony.
- **41,000 Americans are in federal or state prisons** right now on marijuana charges, not counting people in city and county jails.
- **Police arrest someone in America** every 36 seconds on marijuana charges. A record-setting 872,720 of these arrests were made in 2007—more than for all violent crimes combined—and seven million Americans have been arrested since 1995.
- **89% of all marijuana arrests** are for simple possession of the weed, not for producing or selling it.

**Tidbit:** In September, the useful and always vigilant Sen. Russ Feingold revealed that the Justice Department was perverting a dangerous provision in the infamous Patriot Act of 2001 for use in non-terrorism cases. "Sneak-and-peek" search warrants (based on a liberty-busting provision allowing police agents to break into a home or other private facility and search the premises without the owner's knowledge) were supposed to be reserved for extraordinary investigations into suspected terrorist activity. However, Feingold found that of the Justice Department's 763 requests last year for such searches, only three involved terrorism cases—while 65% of the sneak-and-peeks were used in drug-war investigations, including pursuit of marijuana "criminals."

### How's the war going?

Hitting yourself over the head one time with a ball-peen hammer could be considered an experiment. Doing it twice, though, would be stupid. And doing it repeatedly is insane.

The war on weeds is insane, for our officials keep sacrificing tax dollars, lives, civil liberties, and their own credibility in a "terribly wrong" and losing effort. They've been whacking us for decades with ever-bigger and more-repressive prohibition hammers, but marijuana availability and use keep going up, not down.

The 2008 survey on drug use conducted by the Department of Health

## DoSomething!

For more information, check out the following websites:

Some solid organizations have been extremely effective at educating the media and general public on all aspects of marijuana reform. Here are three that provide credible information, grassroots organizing, lobbying, and legal services.

■ **Marijuana Policy Project**  
202-462-5747  
[mpp.org](http://mpp.org)

■ **Drug Policy Alliance Network**  
212-613-8020  
[drugpolicy.org](http://drugpolicy.org)

■ **National Organization for the Reform of Marijuana Laws**  
202-483-5500  
[norml.org](http://norml.org)

and Human Services (HHS) shows pot to be popular with millions of Americans. Of those surveyed, 41% admit to having partaken at some point in their lives, 10% enjoyed it in the past year, and 6% use it regularly. These numbers greatly understate the actual level of marijuana consumption, because the survey is taken by federal health agents going door-to-door for in-person interviews. In effect, they're asking, "Have you been consuming an illicit drug—an activity that violates federal law and is punishable by a long prison term?" Many choose to fib.

Well, say Washington's die-hard weed warriors, it's really about protecting America's youth, deterring them from the evils of pot. Good luck with that. Ask practically any teenager, and you'll learn that marijuana is readily available to them—in a 2005 survey, 85% of high-school seniors said it was "easy to get." Because kids don't need an ID to get an ounce of pot, it's even easier to get than alcohol, which is a regulated drug. Last year's HHS drug-use survey found that 15% of 14-to-15-year-olds have taken tokes, as have 31% of the 16-to-17-year-olds. By age 20, 45% of adolescents have tried marijuana.

**Tidbit:** After the Bush regime pushed through a \$1.4 billion anti-pot ad blitz, a study found that the campaign had backfired, *increasing* first-time pot use among 14-to-16-year-olds. The White House buried the study—and kept funding more ads.

One educational contribution made by the weed war is that it exposes the depths of nincompoopery at the highest levels of authority. The page-one quote we cite from Nixon, who first coined the phrase "war on drugs," sets the nincompoop bar awfully high, but that has not kept various officials from trying to top it.

One challenger was John "MadDog" Ashcroft, George W's

attorney general. At 6 a.m. on February 24, 2003, an array of federal agents stormed the homes of three California small-business people who owned glass-blowing firms. The charge? Conspiracy to sell drug paraphernalia. Among the products made by these artisans were glass pipes, which—gasp!—could be used for smoking pot. Three dozen glass-blowers were nabbed that day in a nationwide sweep that the feds dubbed Operation Pipe Dreams. Unbelievable, but true. In a tone straight out of *Reefer Madness*, Ashcroft himself declared that "the illegal drug paraphernalia industry has exploded" across America.

Marijuana prohibitionists have produced absurdity after absurdity, failure after failure, but none of those in charge are called to account. They've been allowed to perpetuate their policies through a combination of money, myths, and political intimidation.

#### MONEY.

Like military industrialists, the prohibitionist establishment has created a steady flow of tax dollars into every congressional district, building a local support base that is hooked on what amounts to free money. Few police chiefs, school superintendents, or city managers want to cut off their piece of the cash, even if they admit privately that years of funding have not put them anywhere close to victory. Ironically, the lack of progress is used to demand more funds.

#### MYTHS.

Over the years, the anti-reefers have cemented myths (a.k.a. lies) in the popular culture to demonize the product—including sensational claims that marijuana is more addictive than cigarettes, causes lung cancer, leads users to heroin, produces schizophrenia, and makes your teeth fall out. Such claims are ludicrous and have been soundly refuted by numer-

ous independent scientific studies, but the media rarely covers these uncolorful truths.

While marijuana cannot be said to be completely harmless—what product is?—neither is it the dangerous bugaboo it is portrayed to be. As a typical scientific study concluded in 2002, "The high use of cannabis is not associated with major health problems for the individual or society." Indeed, it poses nowhere near the health dangers of alcohol—yet no one proposes to destroy breweries or imprison people for drinking martinis.

#### INTIMIDATION.

Truth aside, prohibitionists have been able to intimidate most reform-minded politicians with the simple threat to brand them as soft on drugs. Well, gosh, say potential reformers, it's a shame that tens of thousands of Americans who've done no harm are in prison and that our public treasury and liberties are being squandered by this stupid drug war, but I don't need the grief of trying to oppose it. Thus, our country continues to have a policy that does far more harm than marijuana itself can ever do.

#### A change is coming

In May, I received an email from a 20-year-old student at the University of Michigan. He made this concise and cogent argument against marijuana prohibition: "If the government trusts society to use alcohol responsibly, it is idiotic to assume citizens are somehow incapable of responsible use of cannabis. Marijuana is not used only by hippies; it is used by doctors, writers, lawyers, musicians, college students, even presidents."

Right. And it appears that public attitudes are finally evolving from strict, authoritarian, and morally pious *Reefer Madness*-style disapproval into a rational, nondestructive, controlled acceptance that is at the

## LOOK WHO'S LOBBYING CONGRESS

The business elite of Honduras staged a coup this summer. They saw the elected president, Manuel Zelaya, getting serious about shifting power to the poor people of this Central American republic, so they deposed him at gunpoint and installed their own guy as the nation's unelected jefe.

Zelaya is now camped inside the Brazilian embassy in Tegucigalpa, while the usurpers have drawn denunciations from every other Latin American country and finger waggling from the Obama administration. So the cabal is now taking steps to repair the situation.

Are they begging forgiveness and restoring democracy? No. They've launched a lobbying campaign in our country, hoping to keep the Obama administration from helping Zelaya return to the presidency.

The coup-masters have already spent more than \$400,000 on Washington lobbyists, including Lanny Davis, a long-time confidant of Secretary of State Clinton. To cover the Republican side, the Hondurans enlisted the Cormac Group of influence peddlers, headed by John Timmons, a former aide to Sen. John McCain.

And the usurpers have rallied a small group of right-wing Republican Congress critters to run a "Save the Coup" campaign. South Carolina Senator Jim DeMint—who has declared he wants Obama to fail—flew to Honduras in October to hold hands with coup leaders and returned to tell Fox News that Honduras is America's "best friend in the hemisphere...but we are trying to strangle them [sic]."

It's not the country we're trying to strangle, but the elites who grabbed power for themselves.

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## A CORPORATE MONSTER VERSUS VERMONSTER

Where are those lawsuit-reform groups when you really need them? You know, such outfits as Citizens Against Lawsuit Abuse (CALA) that are always demanding new laws to stop people suing big corporations.

Why do they never stand up against the abuses of big corporations that sue small businesses, neighborhood groups, environmental organizations, and others?

Take Hansen Beverage, the billion-dollar California corporation that markets Monster energy drinks. Hansen's legal hounds are suing a tiny firm in Morrisville, Vermont, named Rock Art Brewery. Matt and Renee Nadeau own it and employ seven people to produce artisanal beers, including a popular one called the Vermonster. Hansen Beverage claims that this name infringes on the corporation's Monster trademark.

Never mind that the Vermonster is a beer and not an energy drink, and that we consumers are not so clueless, as Hansen's lawyers allege, that we might confuse the two brands—the beverage giant demands that the mom-and-pop company surrender the name.

The law is probably on the side of the Nadeaus—but corporate lawyers know that cases like these can go on for years at a cost that small businesses and nonprofit groups can't afford. So the corporations file suit to bully the victim into submission.

Rock Art Brewery calls this fight "Rock Art Brewery vs. Corporate America." To join the cause, go to [www.rockartbrewery.com](http://www.rockartbrewery.com). Why hasn't CALA come to the aid of the Nadeaus? Did I mention that among their major corporate sponsors are Philip Morris and Anheuser Busch?

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heart of this student's position.

Such conservative icons as Milton Friedman, William F. Buckley, Jr., and George Schultz have been unabashed advocates of rethinking pot prohibition. The mayor of New York City, the governor of California, and rising numbers of politicians between the two coasts no longer fear owning up to a pot past. Also, we've now elected three presidents in a row who were known tokers in their earlier days. (In admitting the deed, they progressed from Clinton's slippery "I didn't inhale" to Obama's candid "I inhaled. That was the point.")

Several TV shows, including the widely acclaimed "Mad Men," portray characters using marijuana as matter-of-factly as those sipping wine. One hit show, unblinkingly titled "Weeds," is about a suburban pot-dealing mom. Another indicator of marijuana's movement into the cultural mainstream is the emergence of "stilettos." Featured on the "Today Show" and in popular magazines, these are successful professional women who unapologetically prefer to wind down after work with a joint instead of a cosmopolitan.

Public-opinion polls are also reflecting this major shift in attitudes: 55% say possession of personal amounts of marijuana should not be criminal (Gallup, 2005); 78% support doctor-prescribed medical marijuana (Gallup, 2005); 51% say alcohol is more dangerous than marijuana and only 19% think the opposite (Rasmussen, August 2009); more than 75% say the drug war is a failure (Zogby, 2008); and 52% say marijuana should be legal, taxed, and regulated—while only 37% disagree (Zogby, May 2009).

As attitudes are changing, so are repressive laws. Pushed by grass-

roots activists (and basic logic), state and local governments have begun walking step by step away from the weed war. Since 1996, 13 states—from Rhode Island to Alaska—have passed laws (most by majority vote in initiative elections) to allow the growing and distribution of doctor-prescribed marijuana for medical purposes.

More recently, a move has been sweeping the country to decriminalize the mere possession of marijuana—a small fine might be issued (like a traffic ticket), but there are no criminal penalties. Pot possession is no longer criminalized in 13 states: Alaska, California, Colorado, Maine, Massachusetts, Minnesota, Mississippi (!), Nebraska, Nevada, New York, North Carolina, Ohio, and Oregon.

Other changes include initiatives passed in Albany, Denver, Missoula, Seattle, and the state of Oregon mandating that police make pot possession and public consumption one of their lowest enforcement priorities. Drug reformers are also succeeding in Louisiana, Michigan, New York, and Washington state to scale back the harsh mandatory sentences for marijuana violations.

The most recent move is for outright legalization. The concept here is straightforward: treat marijuana the same as we do booze—i.e., turn its production, sale, and consumption into activities that are legal, regulated, and taxed.

This approach is particularly attractive to cash-strapped cities and states that are continuing to lay out billions of tax dollars annually to surveil, catch, prosecute, and incarcerate marijuana cartels, street dealers, growers, and users. Under pot-reform laws, officials could take the exorbitant profit and violence out of illicit black-market weed by legaliz-

ing it and then turn it into a revenue producer by collecting taxes on it.

Marijuana is, after all, a big business. The Office of National Drug Control Policy says that Americans spend \$9 billion each year on pot coming from Mexican cartels, as much as \$10 billion on that smuggled in from Canada, and \$39 billion on that provided by (surprise!) U.S. suppliers.

**Tidbit:** It's not widely publicized by the U.S. Agriculture Department, but marijuana is America's largest cash crop—topping the value of corn and wheat combined.

A 2005 analysis by Harvard economist Jeffrey Miron found that legalization would generate \$7.7 billion a year in enforcement savings for local, state, and federal taxpayers, while producing annual tax revenues of \$6.2 billion. Numbers like these have caught the attention of such officials as California Gov. Arnold Schwarzenegger, who says legalization should be considered seriously.

With the public, the cities, and the states on the move, even Washington has had to wake up and smell the tell-tale herbal smoke of change wafting across the country. From President Obama to maverick Republican Ron Paul, there is at least talk of reform emanating from the Capital City, and that talk is likely to grow stronger as more and more officials learn that it's not just Cheech & Chong demanding change.

We'll leave the last word of this *Lowdown* issue to Rep. Barney Frank, who is sponsoring a bill to decriminalize marijuana possession: "I now think it's time for the politicians to catch up to the public. The notion that you lock people up for smoking marijuana is pretty silly."

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