

Marijuana Legalization

Individual Rights Must Be Protected

By Roy Minet (Rev. 02/03/19)

The February 2, 2019, issue of LNP carried three columns, an editorial and two op-eds, which focused on the currently hot issue of marijuana legalization. It was deeply troubling that, in all those words, not even once was the most important consideration – the one which should flat-out decide the issue – ever mentioned.

Eugene DePasquale, who is at least two or three notches above the average Pennsylvania Auditor General, spends the first half of his column correctly pointing out some of the very real problems caused by arresting people and jailing them for such victimless “crimes” as possession of even a small amount of marijuana. In order to have an actual crime, there must be a victim, someone who has been materially harmed (other than the perpetrator).

In addition to the things mentioned by DePasquale, it should also be noted that a criminal record just about dooms the chances for an addicted person to ever recover. LNP recently reported a new program which is the result of some “thinking outside the box” by Christopher Dreisbach, Chief Executive Officer of Blueprints for Addiction Recovery. His professionals will work with local police to intervene at the critical point immediately prior to arrest for such victimless offenses. If the prospective criminal immediately enters treatment, a record can be avoided and chances for a full recovery are drastically improved.

Unfortunately, the Democrat blood coursing through DePasquale’s veins takes over for the last half of his column. He spends that space licking his chops over the additional wealth the state could confiscate by taxing legalized marijuana. Pennsylvania does not need more revenue, it needs to reduce spending.

A second op-ed column by State Senator Scott Martin concludes that the risks of legalization outweigh the benefits. This conclusion is no surprise as the column cites no benefits. Additional tax revenue seems to have been a benefit that Martin had in mind, but he converts that into a risk too: “There is also a very real concern that the new tax riches promised by marijuana advocates may never materialize.”

The most significant risk cited by Martin is the growing body of evidence linking marijuana use and serious mental illness, including schizophrenia. There may still be some remaining question as to which is the cause and which is the effect, but it is looking like there are definite health risks to marijuana usage. One might very well anticipate that inhaling combustion products is not healthy. The risk seems to be about on the same level as using tobacco products, maybe a little more risk than alcoholic beverages (both of which are legal, of course).

The accompanying editorial doesn’t add much to the argument. It does point out that making marijuana illegal has not worked very well since large numbers of people still use it anyway. It also

cites an F & M poll (presumably of local or Pennsylvania people) which shows quite a dramatic trend. In 2006, 22% of those polled favored legalization, but by 2017, 59% favored legalization.

We appear to have stumbled upon an extremely powerful and (almost) fundamental argument in favor of legalization that nobody specifically mentioned. Citizens want it. That being the case, why aren't our lawmakers falling all over each other to get it done? If we truly have representative government, the desires of constituents should prevail, not the personal opinions of our representatives. Evidently, we are not citizens; we are just subjects of our government which better knows what's good for us.

And now we have finally gotten to the really fundamental issue. Does any government even have the power to prohibit anyone's use of marijuana?

The only legitimate purpose of government is to protect and secure every individual's rights to life, liberty and property (and to provide an extremely limited number of truly public goods, like roads). It is specifically not the responsibility of government to protect people from themselves. Each individual must be free to pursue happiness in any way they wish, as long as they do not infringe upon any other individual's equal right to do the same. This must include the freedom to take risks. Risks might include anything from crossing the street to climbing a mountain to using marijuana.

The US Constitution strictly limits the things government can do, but governments have significantly blown past these limits. Drug prohibition is one example. Fortunately, The Bill of Rights (thought by many to be unnecessary when ratified) enumerates some of the rights guaranteed to citizens. For good measure, the Ninth Amendment adds, "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people." Using marijuana is one of the many un-enumerated rights protected by the Ninth Amendment. We do not need an oppressive nanny state to tell us whom we can or can't marry, what restrooms to use, what risks we may take or what substances we may consume.

(Published, *LNP*, 02/20/19)